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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

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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

(2) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Warwick Raymond Parer, resigned.

(3) Chosen by the Parliament of Queensland to fill a casual vacancy vice John Woodley, resigned.

(4) Chosen by the Parliament of South Australia to fill a casual vacancy vice John Andrew Quirke, resigned.

(5) Appointed by the Governor of Tasmania to fill a casual vacancy vice Hon. Brian Francis Gibson AM, resigned.

(6) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.

(7) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.

**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

Clerk of the Senate—H. Evans

Clerk of the House of Representatives—I.C. Harris

Secretary, Department of Parliamentary Services—H.R. Penfold QC
HOWARD MINISTRY

Prime Minister
Minister for Transport and Regional Services and
Deputy Prime Minister
Treasurer
Minister for Trade
Minister for Defence and Leader of the Govern-
ment in the Senate
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the
House
Attorney-General
Minister for Finance and Administration, Deputy
Leader of the Government in the Senate and
Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry
Minister for Immigration and Multicultural and
Indigenous Affairs and Minister Assisting the
Prime Minister for Indigenous Affairs
Minister for Education, Science and Training
Minister for Family and Community Services and
Minister Assisting the Prime Minister for
Women’s Issues
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Rela-
tions and Minister Assisting the Prime Minister
for the Public Service
Minister for Communications, Information Tech-
nology and the Arts
Minister for the Environment and Heritage

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

(The above ministers constitute the cabinet)
Minister for Justice and Customs and Manager of Government Business in the Senate
Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation
Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport
Senator the Hon. Charles Roderick Kemp
Minister for Human Services
The Hon. Joseph Benedict Hockey MP
Minister for Citizenship and Multicultural Affairs 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
SHADOW MINISTRY

Leader of the Opposition                The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Deputy Leader of the Opposition in the Senate and Minister for Education, Training, Science and Shadow Minister for Social Security
Leader of the Opposition in the Senate and
Deputy Leader of the Opposition in the Senate and
Shadow Minister for Communications and Information Technology
Shadow Minister for Health and Manager of Opposition Business in the House
Shadow Treasurer
Shadow Minister for Industry, Infrastructure and Industrial Relations
Shadow Minister for Foreign Affairs and International Security
Shadow Minister for Defence and Homeland Security
Shadow Minister for Trade
Shadow Minister for Primary Industries, Resources and Tourism
Shadow Minister for Environment and Heritage and Deputy Manager of Opposition Business in the House
Shadow Minister for Public Administration and Open Government, Shadow Minister for Indigenous Affairs and Reconciliation and Shadow Minister for the Arts
Shadow Minister for Regional Development and Roads and Shadow Minister for Housing and Urban Development
Shadow Minister for Finance and Superannuation
Shadow Minister for Work, Family and Community, Shadow Minister for Youth and Early Childhood Education and Shadow Minister Assisting the Leader on the Status of Women
Shadow Minister for Employment and Workplace Participation and Shadow Minister for Corporate Governance and Responsibility

(The above are shadow cabinet ministers)
SHADOW MINISTRY—continued

Shadow Minister for Immigration
Laurence Donald Thomas Ferguson MP

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

Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Banking and Financial Services
Joel Andrew Fitzgibbon MP

Shadow Attorney-General
Nicola Louise Roxon MP

Shadow Minister for Regional Services, Local Government and Territories
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs
Senator Kate Alexandra Lundy

Shadow Minister for Defence Planning, Procurement and Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations
The Hon. Archibald Ronald Bevis MP

Shadow Minister for Sport and Recreation
Alan Peter Griffin MP

Shadow Minister for Veterans’ Affairs
Senator Thomas Mark Bishop

Shadow Minister for Small Business
Tony Burke MP

Shadow Minister for Ageing, Disabilities and Carers
Senator Jan Elizabeth McLucas

Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate
Senator Joseph William Ludwig

Shadow Minister for Pacific Islands
Robert Charles Grant Sercombe MP

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

Shadow Parliamentary Secretary for Defence
The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Infrastructure
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Health
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Regional Development (House)
Catherine Fiona King MP

Shadow Parliamentary Secretary for Regional Development (Senate)
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 p.m. and read prayers.

TELECOMMUNICATIONS (CONSUMER PROTECTION AND SERVICE STANDARDS) AMENDMENT (NATIONAL RELAY SERVICE) BILL 2005

First Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.31 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 ELLISON (Western Australia—Minister for Justice and Customs) (12.31 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—

The Telecommunications (Consumer Protection and Service Standards) Amendment (National Relay Service) Bill 2005 amends Part 3 of the Telecommunications (Consumer Protection and Service Standards) Act 1999, which establishes the National Relay Service (the NRS). The NRS provides people who are deaf, or have a hearing and/or speech impairment, with access to a standard telephone service, using operators who relay text messages to other telephone users. The NRS operates 24 hours a day, every day of the year, and includes a text based emergency service. It is funded by a levy on eligible telecommunications carriers. The legislation requires the NRS to be provided by a person under a contract with the Commonwealth.

The bill contains amendments to allow the Commonwealth the flexibility to contract with more than one person to provide the NRS. Under the current legislation, the Commonwealth can only contract with one person under a single contract to provide all aspects of the NRS. The amendments would allow the Commonwealth to consider the option of contracting with more than one provider to supply different components of the NRS, if that were deemed to be a more efficient and effective service model. The ability to contract with more than one provider would also enable a staged transition between service providers, in the event of a new provider winning a tender for provision of the NRS. This would minimise risks to the reliability and continuity of service for users of the NRS during the transition from one provider to another.

Senator CONROY (Victoria) (12.32 p.m.)—The Labor Party supports the Telecommunications (Consumer Protection and Service Standards) Amendment (National Relay Service) Bill 2005. The National Relay Service is provided within a statutory framework set out under part 3 of the Telecommunications (Consumer Protection and Service Standards) Act 1999. The primary object of the NRS is to provide deaf and hearing and/or speech impaired Australians with access to a standard telephone service. The NRS plays an important role in ensuring that hearing and speech impaired Australians are given communications services of an equivalent functionality to the rest of the population. In this context, the NRS requirements of the Australian telecommunications regulatory regime are a valuable community service.

The NRS allows hearing and speech impaired Australians to communicate via either text or voice communications by employing relay officers to translate calls from one medium to another. This service is confidential and cost free and is provided 24 hours a day, 365 days a year. It is, as such, a service of some significance and—as was pointed out
in debate in the other place—since 1995, when the NRS was introduced, more than four million calls have been relayed through the service. While it is not perfect, it is a community service of which Australians ought to be proud.

Under the Telecommunications (Consumer Protection and Service Standards) Act 1999, telecommunications carriers fund the operation of the NRS through the payment of a quarterly levy. This levy functions in much the same way as the universal service obligation levy and is calculated according to the carrier’s share of total telecommunications carrier revenue. The current provider of the NRS is Australian Communication Exchange Ltd, a not-for-profit organisation which has been the provider since the inception of the service. While not without the occasional hiccup, on the whole the service provided by ACE during this time has been outstanding. Indeed, we have not heard any substantive complaints as to the operation of the NRS or any calls for urgent reform.

However, as this government is now learning, you cannot rest on your laurels—or the laurels of those who have come before you. In order for the NRS to remain the high-quality, cost-effective service that it has been in the past it is necessary to closely monitor the performance of the current system and be open to improvements where they can be made. The bill before the Senate is one such improvement. It provides for a small amendment to the legislative framework for the NRS that will give the Commonwealth more flexibility with regard to the administration of the National Relay Service. Currently, the Telecommunications (Consumer Protection and Service Standards) Act 1999 provides that the NRS must be supplied by a single provider under a single contract with the Commonwealth. This bill alters this situation by amending the definitions of ‘NRS contract’ and ‘NRS provider’ contained in the act and makes consequential amendments to the act to allow multiple providers to supply the service. The effect of the amendments is to allow the disaggregation of the NRS into separate components that can be provided by separate providers under separate contracts with the Commonwealth.

This increased flexibility provides a number of benefits. Allowing the Commonwealth to contract out separate components of the NRS to separate providers allows the Commonwealth to engage in selective sourcing or best-of-breed contract disaggregation. Under a best-of-breed approach, the Commonwealth could break up its NRS procurement into components and acquire services for each component from specialised providers. Allowing specialisation of this nature is thought to improve service quality and also to reduce costs by introducing new competitive influences into the tender process. The arguments for selective sourcing of the NRS seem to be very strong.

The technical core relay service aspect of the NRS is a very different service to the community outreach education and support services aspect of the NRS. One can certainly imagine a situation in which separate, specialised suppliers would be able to provide these services more efficiently than a single supplier. Permitting the acquisition of components of the NRS like this by separate providers, where the Commonwealth has determined through the tender process that the NRS is best provided by multiple providers, is only common sense. We in the Labor Party hope that the change may go some way to addressing some of the delivery issues that have been raised in relation to the outreach program in the past.

A further benefit of the change may be to allow the Commonwealth to obtain NRS services more efficiently. In recent years there have been rapid changes in the infor-
formation and communications technology markets and the way that these services are provided. Many niche operators specialising in only segments of the ICT market have emerged. This amendment allows the Commonwealth to utilise the services of these niche players and engage in the selective sourcing I mentioned earlier to obtain components of the NRS. The competitive effect of these niche operators may enable the Commonwealth to obtain a less costly NRS solution. It may also reduce the prices offered by comprehensive service providers for the NRS.

While a single head contractor is able to subcontract elements of the NRS to multiple suppliers under the legislation in its present form, this situation is not ideal. Accountability of contractors to the Commonwealth would be significantly increased by allowing the Commonwealth to contract directly with each supplier. The Commonwealth will be in a better position to ensure compliance with contractual service standards if it has a direct relationship with all suppliers.

This legislation has the further benefit of removing a current defect in the NRS scheme that prohibits a staged transition from one service provider to another. Because the current legislation allows for only one NRS provider, the Commonwealth would be forced to make a ‘clean break’ change in a situation in which it decided to change suppliers. The Commonwealth would not be able to pursue a staged transition during which an incumbent supplier incrementally handed over responsibility for the service to the new supplier. This amendment will allow the Commonwealth to employ the services of a new supplier without risking service levels as a result.

Again I say that this bill is not a reflection on the current provider: by all accounts, the service provided by the current provider has been good. However, regardless of the quality of service provided by the current provider, the provider should not obtain unnecessary legislative protection from the threat of new tenders. The current legislative environment grants the current provider a small legislative advantage over new tenders and this will inevitably reduce competitive pressures on the current provider to provide the highest quality service.

Debate in the other place recognised that, in addition to the benefits I have outlined, the amendments should not result in any reduction of service levels. The current legislation and the NRS contract require NRS providers to develop service standards as part of an NRS plan. These standards must address the number of calls to the NRS that do not get through; the call answer time of the service; the number of complaints about the service; the number of calls to Emergency 106 that do not get through; and the call answer time of the 106 text emergency service. Even if there are multiple suppliers of the NRS, it will still be possible to financially penalise providers for failing to meet non-emergency service standards. We hope that the Commonwealth will adopt this practice. We also expect the Commonwealth to ensure that standards for continuity of service are included in NRS contracts if multiple service providers are engaged to provide the NRS. However, we expect that, regardless of contractual requirements, the competitive effects of allowing specialised suppliers to provide components of the service will improve the quality of the NRS without the need for Commonwealth intervention.

This bill does not involve a substantial change to the administration of the NRS. Instead it is a small and straightforward amendment to the scheme that should improve the efficiency and the quality of service of the NRS. The bill will have no effect on the Commonwealth’s existing contractual
arrangements with the current provider of the NRS, ACE. The Labor Party’s support for this bill is no reflection on the level of service provided by ACE as a full service provider of the NRS. We would not be at all surprised if ACE were to win the next tender for the NRS as a comprehensive supplier. The purpose of this bill is merely to keep ACE honest and to ensure that the NRS continues to be provided by the best and most efficient provider or providers in the market. The Labor Party support the continued operation of the NRS and we support this legislation as a measure designed to improve its operation.

Senator EGGLESTON (Western Australia) (12.40 p.m.)—The purpose of the Telecommunications (Consumer Protection and Service Standards) Amendment (National Relay Service) Bill 2005 is to amend the Telecommunications Act 1999 so that the Commonwealth can contract with more than one person or organisation to deliver the National Relay Service, otherwise known as the NRS. The amendments will allow the Commonwealth to consider the option of contracting with more than one provider to supply different components of the NRS if that is deemed to be a more efficient and effective service model. The explanatory memorandum to this bill sets out three key objectives of the bill. They are to:

• provide greater flexibility and choice for Government to have a range of options available for delivery of the NRS in the most efficient and effective way;
• promote tender by allowing more flexible market testing in future NRS tender processes, if considered appropriate, to ensure that the price for providing the NRS is competitive and provides ‘value for money’ for the Commonwealth; and
• better support continuity and accountability of all elements of the NRS, so that consumers from the deaf, hearing and speech impaired communities continue to receive a high quality and reliable service.

I understand that the Labor Party and the Democrats will support this bill. The National Relay Service provides a vitally important confidential and free service for Australians who are deaf or who have a hearing or speech impediment. It commenced operation on 30 May 1995 and allows the deaf, speech impaired and hearing impaired to contact anyone on the telephone network through the National Relay Service. It also allows anyone in the community to communicate with them using the standard telephone service. A relay officer assists with calls. Conversations can be typed or read entirely by a teleprinter or on a computer with a modem. In other cases, the relay officer will read the conversation aloud. The NRS operates 24 hours a day every day of the year and includes a text based emergency service. It is funded by a levy on eligible telecommunications carriers. In 2003-04, the total cost of providing the NRS was $15.7 million, including GST.

For the information of the Senate, the NRS provides the following relay services: text to text, voice to text, text to voice and voice carryover. This latter service primarily enables users with a hearing impairment but not a speech impairment to read a hearing person’s words on a text based device and use natural speech to respond. Another aspect of this service is voice carryover to voice carryover, or VCO to VCO, which enables two users with hearing but not speech impairment to use speech and read the responses on a text based device. Hearing carryover, or HCO, is a service which enables users with a speech impairment to listen to another person on the telephone and type their responses on a text based communications device such as a TTY or a computer with modem.
The text emergency service is obviously a service which operates in emergencies. It enables users of text based communications devices to contact the emergency services, usually reached through the 000 telephone number. The NRS relays such calls directly to the police, fire or ambulance service and maintains a separate infrastructure and staff to provide priority access for such calls. The call number for this service is 106. The speech-to-speech relay service enables a person with a speech impairment to have a two-way conversation on the telephone. The relay operator listens to the call and, if necessary, repeats the parts of the message that have not been understood.

According to the Deafness Forum of Australia:

Studies have estimated that the prevalence of hearing impairment in the Australian population aged 15 years and over is 22%. That means, the number of “adult” people in Australia with a hearing impairment can be estimated at 3.25 million. When you add the number of children under 15 years with a hearing impairment, it is clear that hearing/deafness disability is the most common disability in the Australian population.

According to the Australian Association of the Deaf Inc.:

Deaf people with a severe to profound hearing loss cannot use the voice telephone network and rely heavily on the text based services. The TTY is the main communication device for deaf people to make telephone calls to family, friends and conduct day-to-day business. In communication with TTY distribution sources, we believe there are currently over 15,000+ TTYs in Australia.

The legislation requires the NRS to be provided by a person under a contract with the Commonwealth. The National Relay Service commenced operations way back on 30 May 1995, and it certainly has been a great success story. The current NRS provider, the Australian Communication Exchange, operates two call centres—one in Brisbane and one in Melbourne—to deliver the NRS Australia wide. Both of these call centres have dedicated text emergency call points. The NRS operates 24 hours a day every day of the year, thus it is always available for hearing impaired people to use. In 2003-04, the NRS relayed 3,780,741 call minutes. In 2003-04, 627,275 calls were made to the NRS. In 2003-04, 670,684 outbound calls were made from the NRS.

Just to go on with these statistics, in 2003-04 there was an increase of 1.7 per cent in successful outbound calls from the NRS. In 2003-04, there was a 10 per cent increase in total call minutes relayed by the NRS. The average duration of an outbound call in 2003-04 was 5.6 minutes. Sixty-two per cent of calls to the NRS in 2003-04 were from teletypewriters, and 90 per cent of outbound calls from the NRS were voice calls. I am sure you will agree that those figures are very impressive. The current NRS provider is the Australian Communication Exchange Ltd, or ACE for short, which is a not-for-profit association. I think ACE deserves to be congratulated for the exceptionally high and successful level of service it is providing to the hearing impaired population of Australia. It is a record that ACE has every reason to be proud of. According to ACE, since 1 December 2000 a world-first text based emergency call service, using the dedicated short dial number 106, has been offered as part of the NRS. ACE says that this service:

... provides people with a hearing or speech impairment and consumers who are Deaf with a service having the full functionality of the Telstra 000 emergency service yet it is accessible by TTY, modem, VCO and HCO.

That is another example of the success of the services provided by ACE. The changes proposed by this bill will allow the NRS to be delivered in the most efficient and cost-effective way. The explanatory memorandum notes:
The ability to contract with more than one provider would allow the Commonwealth to test the market in future NRS tender processes and determine whether service quality, accountability and value for money would be improved by contracting separately for different elements of the NRS. In addition, the ability to contract with more than one provider would enable a staged transition between service providers, in the event of a new provider winning a tender. This would minimise risks about reliability and continuity of service for the NRS during any transition period.

The explanatory memorandum also notes:

The last tender process for the NRS contract was conducted in 1997-1998. Since then, there have been significant developments in the telecommunications industry and call centre technology. Testing the changing market is an important element in future NRS tender processes.

ACE’s current contract, which expires on 30 June 2006, will not be affected, and ACE will be treated in the same manner as any other potential bidder for the provision of the NRS. When this new contract is offered, relevant stakeholders will be consulted about the future model of the NRS. The explanatory memorandum notes:

Any consideration of options for the best service delivery model for the NRS in future would be made in the context of views and advice from stakeholders, and expert advice on relevant technical issues.

The government is seeking to ensure that this marvellous service is maintained to hearing impaired members of the Australian community and, by offering the contract out to tender, it is seeking to have more cost-effectiveness introduced and perhaps in some ways a better service provided, depending on what is proposed by the various people who respond to the contract tender. I commend this bill to the Senate.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.56 p.m.)—I thank my colleagues for their contributions to the debate on the Telecommunications (Consumer Protection and Service Standards) Amendment (National Relay Service) Bill 2005 and I thank Senator Eggleston for outlining in some considerable detail the policy objectives and content of this bill. I am grateful for the support of all senators for what is a straightforward but very important amendment. The National Relay Service, the NRS, is a telephone relay service which provides people who are deaf or who have a hearing and/or a speech impairment with access to a standard telephone service and to a text based emergency service. The service operates 24 hours a day every day of the year and is funded through a levy on eligible telecommunications carriers. The NRS is important for providing these groups of people who do have significant disabilities with access to the hearing world and also, conversely, the means for all Australians to contact by phone people who are deaf or who have a hearing or speech impairment.

Part 3 of the Telecommunications (Consumer Protection and Service Standards) Act 1999 currently requires that the NRS be provided by a person under a contract with the Commonwealth. So the bill introduces amendments allowing the Commonwealth greater flexibility in the model for delivering a more efficient and more effective NRS—that is, by providing for at least the option of contracting with more than one provider to supply different parts of the operation of the NRS. This option is also important to enable a staged transition between service providers, should that become necessary, in the event of a new provider winning a tender for the provision of the NRS. A staged approach would certainly mitigate risks to the reliability and continuity of service for users during the transition from the outgoing to an incoming provider. However, the amendments do not affect the contractual arrangements with the current NRS provider to provide the ser-
vice nor do they change the funding and levy mechanisms for the NRS. There is also no intention to provide more than one NRS. The objective is to provide, as I said, a more efficient and effective service so that the deaf, hearing and speech impaired communities continue to receive a high-quality and reliable service. I commend the bill.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

DEFENCE AMENDMENT BILL 2005

First Reading

Bill received from the House of Representatives.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.59 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 COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (12.59 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—

The Coalition government is committed to developing a more combat focussed, better equipped, and more mobile and operationally ready Australian Defence Force. There is a clear public and government expectation that the Australian Defence Force should be drug free. Misuse of drugs poses a significant risk to the operational effectiveness of the Australian Defence Force because of the potential consequences if, for example, a Defence Force member under the influence of drugs were to be in a safety or operationally critical area. Involvement with drugs has the potential to reduce performance, impair health and increase security risks. It also has adverse consequences for morale, discipline and public confidence in the Australian Defence Force.

The creation of a strong and effective drug testing regime for Australian Defence Force members will act as a strong deterrent to prohibited substance use or misuse of prescription drugs. In order to meet this challenge, the Government considers that change is needed to extend the scope of the current legislative drug testing regime for the Australian Defence Force.

The original purpose of Part VIIIIA of the Defence Act 1903, the principal Act relating to the administration of the Australian Defence Force, was to allow urinalysis testing of Australian Defence Force members in a limited range of circumstances. These provisions were developed in the early 1990’s at a time when drug testing was in its infancy. They reflect a conservative approach that is now seen to be overly prescriptive and inflexible. In particular, Part VIIIIA currently only permits members on combat or combat related duties to be tested and testing is confined to particular narcotic substances. It does not allow testing for steroids, benzodiazepines and other non-narcotic drugs. Further, where members test positive, only limited administrative action can be taken.

These limitations under the legislative drug testing regime were a major reason why a command initiated program of drug testing was implemented. This program was used for drug testing until September last year, when a Defence Force Magistrate finding was made that there is no scope for such testing outside Part VIIIIA of the Defence Act. The command initiated program has therefore been temporarily suspended whilst changes to Part VIIIIA have been pursued to ensure that the legislation better reflects Defence Force policy regarding drug use.

The purpose of this Bill is therefore to amend Part VIIIIA of the Defence Act, to provide a more comprehensive prohibited substance testing regime. I turn now to the key features of the Bill.
The proposed amendments to Part VIIIA of the Defence Act will expand the range of drugs that may be tested for beyond narcotic substances. Testing will now also include steroids and other prohibited substances as determined by the Chief of the Defence Force, including the group commonly called ‘party drugs’.

These amendments will broaden the circumstances when testing of Defence Force members could be required beyond those circumstances where members are on combat and combat related duties to include all members of the Australian Defence Force and defence civilians who accompany members overseas (but only where those defence civilians have consented to being subject to military discipline).

The Bill makes provision for testing by means other than urinalysis and will allow new tests to be incorporated into the testing regime by means of a determination by the Chief of the Defence Force as these tests are developed and gain Australian accreditation. It will also enable details of the drug testing regime to be set out in Defence Instructions issued under section 9A of the Defence Act to provide for flexibility in the testing regime’s administration and enable it to keep pace with modern developments in drugs and drug testing.

The amendments will clarify the power to take action to terminate or discharge a member of the Australian Defence Force or take other administrative action where a member returns a confirmed positive test result. These changes do not affect the requirement to ensure that tests be conducted in circumstances affording reasonable privacy to the person being tested, nor do they abrogate the opportunity for a person to show cause where that person has returned a confirmed positive test result.

This Bill further makes provision for incorporation into Defence Instructions of any instrument in force from time to time and allows the power to issue Defence Instructions to be delegated. Finally, the Bill allows functions under Part VIIIA relating to the testing for prohibited substances to be delegated to senior officers of the Australian Defence Force.

Drug testing is a sensitive and topical issue. These amendments to Part VIIIA of the Defence Act aim to deter the illegal use or misuse of prohibited substances. The amendments are an indication of this Government’s commitment to the safety of our Defence members and ensuring that Australia has a Defence Force that is both efficient and operationally effective in its capacity to defend Australia and its national interests. They are part of a larger strategy to address these issues. For example, the ‘ADF Alcohol, Tobacco and Other Drugs Service’ provides education, training, resources and advice to Defence Force members and commanders regarding issues relating to alcohol, tobacco and other drug awareness. This service was introduced in May 2002 as part of the ‘ADF Mental Health Strategy’. Australian Defence Force members are provided with annual information sessions regarding both alcohol and drug policy and testing programs. These sessions support the information sessions provided during initial training of all new recruits.

The success of this strategy is evident from the relatively low use of prohibited drugs found under the suspended command initiated drug testing program. This success is compared against the statistics available relating to the use of prohibited drugs in the general population. From February to September last year, 7637 members were tested, and only 110 of those tested returned confirmed positive test results. This represents only 1.44% of those members tested. In comparison, a Commonwealth Department of Health and Ageing survey (2000) reported that 23% of Australians over 14 years of age had used prohibited drugs in the preceding 12 months.

I conclude by saying that there are currently 52 000 permanent members in the Australian Defence Force and 20 000 Reserve members, some of whom are deployed from the Solomon Islands to Iraq and many deployed to places in between. These members serve with professionalism and courage. The measures in this Bill will assist our Defence Force members in furthering their high standards and professionalism.

Senator MARK BISHOP (Western Australia) (12.59 p.m.)—The Defence Amendment Bill 2005 enacts the drug-testing regime for the defence forces promised by the Howard government nearly 2 ½ years ago. At
the outset, we say it is about time. This bill will amend part VIIIA of the Defence Act to provide a more comprehensive prohibited substance testing regime. It will ensure that all members of the ADF can be drug tested at any time. This includes members of the Reserve and defence civilians who accompany the ADF on operations and are therefore subject to ADF discipline. The bill also details powers of discharge for any member of the ADF who tests positive to a prohibited substance. The Chief of the Defence Force can also make a disallowable determination to introduce new testing regimes. The nature of prohibited substances, such as steroids, party drugs and others, will be determined by the Chief of the Defence Force. As I said, it is about time.

In September 2002 the then Minister for Veterans’ Affairs promised to introduce regulations for random drug testing of all ADF personnel. That, of course, did not happen until the current time. Instead, a drug-testing regime was introduced under the ADF command structure. That is not, we make the point, what the minister at the time promised. It has also proved to be ineffective. A magistrate dismissed a drugs charge against an officer on the basis that the ADF’s testing was unlawful—that is, it was done without power. This represents a fair degree of maladministration by the Howard government. Yet, uncharacteristically for this government, they have not denied this particular piece of maladministration.

In December last year, the Minister for Defence, Senator Hill, confirmed that the government had bungled. However, Senator Hill did revert to government type when he went on to say:

It is true that Defence decided to bring in this system through command rather than through legislative prescription.

We make the point that this is classic Howard government disinformation. The Howard government failed to do what it said it would do. The government was then confronted with a problem solely of its own making. So Senator Hill took the standard line of defence for any minister in the Howard government: he blamed his department. He blamed service men and women and diligent serving Commonwealth officers. This is further proof that currently there is little or no accountability by anybody with ministerial responsibility. It is just more of the Howard government’s ‘kids overboard’ form.

We are used to mean and tricky acts from the Howard government, but I cannot remember the last time I saw a minister—or a Prime Minister, for that matter—so eager to have their photo taken with our service men and women. Nor can I recall ministers being so eager to shift to those service men and women the blame for their own government’s inaction. The Minister for Veterans’ Affairs, in her second reading speech in the other place, said of this bill:

The Defence Amendment Bill 2005 is an important part of the coalition government’s commitment to a more operationally ready Australian Defence Force and to ensuring that the ADF is drug free. That is what the Australian people expect …

Mrs Kelly, the minister, is correct—the Australian people do expect an operationally ready Defence Force. That is why the Australian people looked on with amazement at this government’s recent hurried deployment of extra troops to Iraq.

Senator Hill admits that not all the Australian light armoured vehicles, the ASLAVs, accompanying the Iraqi task force will be fitted with the Kongsberg remote weapons station. The shadow minister for defence, Mr McClelland, has pointed out that without them the ASLAVs are at a distinct disadvantage in a fire fight. There is concern that this
will heighten the risk to the ADF personnel who will serve in and rely upon these vehicles. In relation to the ASLAVs’ protective armour system, there is expert debate as to the relative protection provided by spall linings or spall curtains, but the minister is not concerned. According to the minister, all the vehicles will have either spall linings or spall curtains. Comparing the two systems, the minister said, only on 2 March:

The curtains I gather have a little more inconvenience but in terms of protection it’s the equivalent.

So the minister ‘gathers’. He is about to deploy Australian men and women to a theatre of war, yet it appears he has not actively sought to satisfy himself that these personnel will have the best available protection.

Labor understands the need for and needs of a strong and ready defence force. The current leader of the federal Labor Party clearly demonstrated this in his time as defence minister. Our men and women in the field operate heavy and dangerous armour and aircraft and use live rounds and ordnance. This must be absolutely clear if we are to avoid the types of friendly fire incidents which so plague some of our allies.

Happily, it is not just the Australian Labor Party who want to keep the Australian Defence Force drug free. Nor is it just we who understand the potential danger ADF personnel under the influence of drugs pose to themselves and their colleagues. There is a deeply embedded culture amongst our service personnel—a culture of honour and duty. That culture has no place for drug use in the ADF. Whilst drug testing is a valid part of an antidrug regime, it must be coupled with a strong antidrug culture. Encouraging a drug-free culture will help retain the current situation, where testing shows that only a very small percentage of ADF personnel use illicit drugs. Tolerance of anything else will ultimately weaken the efforts of the ADF in its battle against drugs.

Labor supports these efforts to keep the ADF drug free. We also wish to ensure that the testing regime enacted by this bill will provide natural justice to those tested and accused. My colleague in the other place Mr Arch Bevis MP, the shadow minister for defence planning, procurement and personnel, has been diligent in reviewing this bill. He has also sought a number of clarifications from the minister. A key concern is the situation of reservists, who usually have a civilian employer as well as the ADF. It would be an unacceptable case of double jeopardy if a military drug test resulted in action taken against them by the ADF and again by a civilian employer. I understand Mr Bevis has been advised that the information collected under the legislation is protected from disclosure to third parties under the Privacy Act 1988. We note that disclosing test results to a civilian employer of a reserve member would be very unlikely to come within any of the exemption provisions in the Privacy Act. The bill proposes no changes to the current privacy requirements. We note also there have been no identified problems with the current situation relating to the protection of personal information.

Mr Bevis, on behalf of the Labor Party, was also concerned that proposed section 109(2) of this bill means that the Defence instructions provide that ‘substantial’ rather than ‘strict’ compliance with the instructions is sufficient. In the interests of security of samples given by ADP personnel, Mr Bevis queried this with the minister, Mrs Kelly. Her reply indicated that ‘substantial’ compliance reflects the modern approach to achieving appropriate levels of compliance based on a decision—presumably a High Court decision—of Justice Kirby. The minister, Mrs Kelly, further wrote:
This provision does not represent a change of policy. Current section 97 of the Defence Act 1903 has a similar provision which states that regulations prescribing the procedures in relation to dealing with samples may provide that particular procedures need not be strictly complied with except those procedures for ensuring that a sample is not interfered with by unauthorised persons.

The minister went on to say:

It should be noted that under new subsection 109(2) the strict compliance requirement is wider because it also requires strict compliance with containment and identification of samples. The provision is modelled on the Australian Federal Police legislation.

Labor thanks the minister and is satisfied with this explanation. I am advised that Mr Bevis was also concerned that there are acceptable rules covering the privacy of those tested. He noted that the bill does not contain any penalties for unauthorised disclosure of information relating to the testing of the results. Again, this was taken up with the minister, Mrs Kelly. The minister’s reply indicated that the Defence Force Discipline Act 1982, the Public Service Act 1999, the Privacy Act 1988 and the Crimes Act 1914 contain the relevant penalties relating to unauthorised disclosure of drug-testing information. I indicate for the record that Labor is satisfied with this response.

We understand that, where a positive test is returned, the person involved will have the opportunity to have a second contemporaneous sample sent to an accredited laboratory of his or her choice. We also understand that the intention is for this procedure to be defined within the Defence instructions. On 3 March 2005, the opposition shadow minister, Mr Bevis, wrote to Mrs Kelly, the minister, seeking clarification on this issue. He wrote:

... the procedural rights of those who return a positive test to have a second sample sent to an accredited laboratory of their choice do not have legislative support.
a judgment at this time on whether that balance of rights will be properly in place.

The issue of workplace drug testing has been the subject of growing debate in the community in a range of different contexts recently. Drug testing is just one of a number of new technologies and practices which is being progressively introduced across different workplaces—different types for different areas, depending on the nature of the work and the need. That brings with it implications for privacy and for the rights and personal dignity of the people who work there. Whilst defence personnel perform a unique and special role, that should not be used as an excuse to ignore the rights and the interests of those people. Employees are increasingly subject to different types of workplace monitoring through the use of computers, optical and telecommunications equipment. Some of this extends further than just monitoring the activity of employees while they are at work. Employees, and sometimes job applicants, are increasingly subject to various forms of psychological and physical testing, including genetic testing, personality testing and drug testing.

In some Australian states, workplace drug testing is already carried out on roads and railways, by some airlines and by mining companies. The debate about the drug testing of professional sports players in some of the football codes has been the subject of differing views, particularly given that the substances tested for include substances that are not performance enhancing and that do not add any risk to the workplace—and, indeed, when testing is done outside of the season. In some of the instances I have outlined the balance regarding people’s basic rights and freedoms has not been achieved. But the special and unique circumstances of Defence Force personnel, including reservists, mean that the particular situation has to be taken into account.

This bill does not introduce a new concept of drug testing to the ADF. Prior to amendments in 1999, all of the armed services carried out some form of drug testing under the provisions of the Defence Force Discipline Act. Over the ensuing years, proposals for the introduction of more widespread drug testing have been considered. Back in 1999 the legislation established a urinalysis drug-testing scheme aimed at helping to ensure that members of the Defence Force would continue to discharge their duties in a safe, efficient and effective manner. As Senator Bishop said, the government’s failure to introduce regulations to ensure the legality of the testing regime compromised those efforts. I would argue that it potentially compromised the safety of personnel. Certainly, it made it more difficult for senior officers trying to address drug taking in the ADF. The Department of Defence opted instead to use the command structure to introduce drug testing, with doubts—and those doubts were upheld—as to whether that was sustainable at law. That wrong-headed approach is the reason that I have extra concerns about the inability of the parliament to adequately scrutinise or disallow some of the future determinations that will be empowered under this bill if it becomes law. Any amendment to the regime being proposed here should be given full consideration, particularly given what Senator Bishop I think rightly labelled ‘maladministration’ in this area in the past.

There are significant privacy issues surrounding workplace drug testing and significant issues of natural justice. We do need to try to ensure that they are included and given full consideration, and that a balance in their operation is struck. The taking of biological samples for drug testing is potentially intrusive of physical privacy as well as information privacy interests because it involves the collection of personal information about the person being tested. The extent to which in-
formation privacy is affected by the ADF drug-testing program will depend, among other things, on how the personal information is collected, what information is collected, how it is used and to whom it is disclosed.

Drug-testing processes across workplaces and law enforcement agencies continue to suffer from problems relating to the accuracy and relevance of test results. We would all be aware of disputes in the sporting arena in particular—and it is not only there; it is in other workplace arenas—about the accuracy and validity of various tests that are done. We are talking about people's livelihoods and careers. I acknowledge there should be a balance between livelihoods and the safety of people's workmates as well as people they come into contact with. Nonetheless, it is important to ensure, as much as is possible, basic natural justice and due process.

A quite appropriate justification advanced in support of an increased regime of drug testing is that it can improve workplace safety by identifying employees who need to be given assistance to overcome particular drug problems or other health issues or, if necessary, who should be removed from the workplace. Employees who use prohibited substances are considered to represent a greater safety risk than other employees. Employers are obliged to ensure the health, safety and welfare of all of their employees. It is important, though, that testing for drugs is not considered solely with an 'identify and punish' mentality.

Obviously, the Defence Force has particular issues in relation to discipline. I do not seek to ignore those. Nonetheless, I think it is in the interests of the broader community, the Defence Force more widely and the individual to take these situations on a case-by-case basis to ensure that there is not just an instant dismissal and zero-tolerance approach every time a positive test is provided. A lot of resources and time are put into training people in the Defence Force. If a heavy-handed, unrealistic or unreasonable approach is taken then a lot of those resources can be wasted unnecessarily. People might be dismissed when quite possibly another approach, with appropriate remedial action, could have enabled them to remain in the Defence Force. This legislation does not require immediate, instant dismissal on all occasions and I am not trying to suggest that it does. I am simply trying to urge the department and relevant military officers to recognise the value of a balanced approach in dealing with people who test positive for particular substances.

This bill extends the testing regime beyond urine analysis to an analysis of other body samples, including blood, breath, hair and saliva. Much of the future testing process is now to be specified in Defence instructions. They will specify who can be required to undergo testing, which laboratories are accredited, how prohibited substances tests are to be conducted, what the permitted level of prohibited substances is, procedures for the handling and analysis of samples and the confidentiality of test results. These are all critical issues for the rights of an individual. The fate of that individual potentially rests very squarely on how these are carried out. I think it therefore follows that they should be subjected to proper parliamentary scrutiny. I am certainly concerned that that is not the case here. Many aspects of Defence instructions will not be subject to future disallowance by the parliament although, obviously, Senate estimates committees and other committees can still inquire about the carrying out of this prohibited substances testing regime.

To ensure maximum scrutiny, particularly given this history of poor administration, we should have a requirement that Defence in-
structions are disallowable instruments and are more properly scrutinised by the parliament. I do not think it is satisfactory that the government and departments avoid using provisions under which their decisions will be subject to that level of scrutiny, given how important they are, given the history in relation to this area and, indeed, given the wide range of differing community views around what is a difficult and contentious issue. When we pass legislation that provides for legislative instruments that give quite significant legal power to Commonwealth officers, in this case Defence Force officers, to carry out actions under that legislation, and there is an expectation of those circumstances arising contemplated by the enabling act, then in developing the finer detailed procedures for implementing that act there is an argument that there should be a proper legislative instrument made for scrutiny by the Senate. As I understand it, there are currently 42 sets of Commonwealth regulations which impact on the activities of the Australian Defence Force. I believe that one more which also requires parliamentary scrutiny over issues impacting on service personnel would not be particularly difficult.

Senator Bishop has outlined some of the concerns raised about privacy and the protection of, particularly, reservists and other defence civilians and defence personnel that come under this law, ensuring that the results of any samples or, indeed, any information from those samples are not provided to a third party. He indicated some assurances that had been put on the record from the government in relation to that. That is certainly welcome. I believe it would be a help to ensure that there are penalties detailed in the existing act, rather than having to rely on potential breaches of a range of other acts that Senator Bishop outlined.

I would like to flag a couple of other concerns that perhaps the minister—or whoever on behalf of the government ends up speaking on this—could detail in his closing remarks. Apart from the issues of ensuring that there are proper penalties for unauthorised disclosures, the issue of the right for independent testing of samples for a person who returns a positive test is also important. Senator Bishop referred to this as well and, as I understood, he received an assurance from the government that a person would be able to get a sample tested a second time at an accredited facility of their choice and that would be detailed in the instructions. Again, I make the point that those instructions would not be disallowable in any sense. We only have the guarantee of a government minister saying that they will appear in future instructions and, frankly, I would also certainly prefer that that right, which is not there currently, was present in the act. An amendment to that effect would be appropriate, rather than just relying on a ministerial assurance. Without wishing to sound too cynical, I have had too much experience of ministerial assurances in the chamber and in writing that have not been followed through. I would prefer to be safe wherever possible, given that it would not be that difficult to put a line in the legislation ensuring that a person has a right to a second testing. I think that right should be put in there, and that testing should be as independent as possible. We would all be aware of the controversy over the accuracy of testing for prohibited substances and, certainly when it is something that a person’s livelihood could hang on, it is appropriate that we be as sure as possible to avoid any legal complications. We also want to ensure that people can be as sure as possible that the results are accurate.

My understanding is that the potential via this legislation will be that it can extend beyond narcotics to other prohibited substances, and those substances can be determined at a future time by the Chief of the
Defence Force. That determination, as I understand it, would be a disallowable instrument but I simply say that to make the point that we are not necessarily solely talking about narcotics. There can be a wide range of other substances that the Chief of the Defence Force believes, for whatever reason, should be prohibited or should be able to be tested for. That power, for that to be determined in the future, is important.

One thing I seek some indication from the government on is that, as I understand it from the Bills Digest, under the act as it exists at the moment, if a person receives a positive test, they must be notified in writing and have 28 days to submit reasons why they should not be terminated or discharged. If they do not submit a statement of reasons within that period, they are likely to be terminated or discharged. Under the existing act if a person complains to the Defence Force Ombudsman that 28 days or show cause period is suspended. As I understand it, according to the Bills Digest, in the new bill here, under section 100, that does not apply—that the period of time continues on, even if a person has put in a complaint about the testing to the Defence Force Ombudsman. I would like some indication from the government of why that is the case and how that might impact on people. Certainly, if you have a complaint before the ombudsman about any aspects of the testing, it would be better for that to be resolved before somebody is required to put in their statement of reasons.

Overall, the Democrats recognise the desperate need for greater legal certainty about the drug-testing regime for people in the Defence Force. We certainly support mechanisms that improve the safety of people in the Defence Force by ensuring that all personnel are, as much as possible, not subject to prohibited substances. We must make sure that the balance is right and that the desire for ensuring a drug-free Defence Force does not occur at the expense of people’s basic rights, freedoms and natural justice. Because, in the end, if that occurs that would be counterproductive for the Defence Force and for the wider community. We need to ensure that we continue to attract people to the defence forces. We need to ensure that people, once they are trained and there, do have access to basic justice and fairness and are not unnecessarily removed from the defence forces. It is in the area of balance that we certainly still have some concerns that I have outlined here today.

Senator FERGUSON (South Australia) (1.31 p.m.)—I rise to speak on the Defence Amendment Bill 2005, which was introduced into and passed by the House of Representatives in February this year. I have listened intently to Senator Bartlett for the last 20 minutes and, in that 20 minutes of rambling, I still do not know whether he supports the bill. At least when Senator Bishop spoke earlier—apart from a couple of cheap shots, which I would not want to elaborate on too much—he said that the bill had the support of the opposition, and I was very pleased to hear that. Senator Bartlett raised the issue of privacy, and I will speak more about that later. But, as a general rule, I would have thought that the only people who have anything to fear from drug testing, or expanded drug testing, not just in the defence forces but anywhere in the community are those who are breaking the law or using prohibited substances. That is one of the reasons for the introduction of the bill.

Senator Bartlett emphasised the fact that there should be more parliamentary scrutiny of certain issues and the opportunity for disallowable regulations. Having just been through a week of estimates, I do not know where there is more parliamentary scrutiny than in the estimates process, where officers of the department are able to be questioned...
at length. There is far more than you would ever get in this chamber when you are debating a disallowable regulation. There could never be any more intense scrutiny of any operation or any activity of our defence forces than that which applies to the estimates process. It is one that we are all in support of. It means that we have a very transparent process. People are there to answer questions, and those who are interested and those who have a particular concern about what might be going on in the defence forces have an opportunity to ask questions directed to the officers concerned and to the minister. I have never yet seen a disallowance motion in this chamber which is treated with the intense scrutiny that the estimates process allows opposition, government and crossbench members to carry out.

The Australian Defence Force has a policy of zero tolerance of the abuse or misuse of drugs. It is a policy that is strongly supported by both the Australian government and the Australian community. The misuse of drugs can have a serious effect on the operational effectiveness of the ADF, through reduced performance, impairment of health and increased security risks. Public confidence in the ADF is of vital importance, and the reporting of the incidence of drug abuse has the ability to seriously undermine public confidence as well as the confidence of those people serving in the armed forces in relation to the people who are serving with them and around them.

The creation of an effective prohibited substance-testing regime is intended to act as a strong deterrent to drug misuse, whether through the use of prohibited substances or the misuse of prescription or over-the-counter medications. This bill will amend part VIII A of the Defence Act 1903 to provide a more comprehensive regime for the drug testing of members of the Australian defence forces. The principal purpose of this bill is to expand the range of drugs that may be tested for, beyond those narcotic substances currently provided for under part VIII A, and to broaden the circumstances when testing could be required, beyond those relating to ADF members undertaking combat and combat related duties. It will make provision for testing by means other than by urinalysis, as new tests and new drugs are developed. It will clarify the power to terminate employment after return of a confirmed positive test result. It will clarify the power to take other administrative action, to enable details of the drug-testing regime to be set out in defence instructions, issued under section IXA of the act. It will allow for flexibility in the regime’s administration and enable it to keep pace with modern developments in drugs and drug-testing techniques.

The amendments will extend the scope of part VIII A of the Defence Act from its current limited application. The drug-testing provisions of part VIII A were developed in the early 1990s. Since that time, drug-testing technology has developed and improved substantially. We note the substantial improvements in techniques that have taken place in the past years, particularly in relation to sports drug testing. There is a continual improvement in the ability to test for drugs, and it is only right and proper that we should continue to move with the times and use these modern techniques. The existing provisions do not meet the needs of the ADF. The existing section in the act allows for testing only through urinalysis. The current provisions allow testing of only members on combat or combat related duties and are confined to testing for narcotic substances.

The amendments in the Defence Amendment Bill 2005 will allow all members of the ADF to be tested at any time. This includes members of the Reserve on duty and defence civilians who are contractors accompanying the ADF on operations and who have agreed
to be subject to Defence Force discipline. That is an important addition to this bill and to the current testing regime that is in place, because all of the people whom I have mentioned are people whose jobs and operations affect all of the people who are working around them. So I think it is a very important addition to the drug-testing regime that is currently in place.

This bill is part of the government’s commitment to ensure that the Australian Defence Force is drug free and operationally ready. We have the highest respect for Defence Force personnel. I noticed, and I cannot help mentioning, that Senator Bishop in his earlier remarks mentioned that he had never seen a Prime Minister or ministers who were so keen to have their photographs taken with the Australian defence forces. Senator Bishop, that is because on this side of the chamber we are intensely proud of the Australian defence forces. Anybody would want to be seen with the Australian defence forces because of the pride that we on this side of the chamber have in them and the fact that throughout the rest of the world they have earned a reputation that is second to none.

Who would not want to be associated with the Australian defence forces? Senator Bishop, I can only suggest that perhaps your former leader and some other members of your party do not have quite the same pride and tend to want a couple of bob each way. They say, ‘We support the defence forces, but we are critical of the government’s decision.’ ‘We support the defence forces—but,’ We hear these ‘buts’ all the time. I can tell you that on this side of the chamber we are tremendously proud of our defence forces. My colleague Senator Sandy Macdonald and I, and any senator on this side of the chamber, would be delighted to have our photos taken at any time with any member of our defence forces because we hold them in such high regard. They are held in high regard not only here but also abroad. Inappropriate behaviour by individuals within the Defence Force can tarnish this reputation. This amendment will act as a deterrent to those individuals who might be so careless as to tarnish the reputation of their colleagues in the defence forces.

I stress that prohibited drug use is very low amongst ADF members. In 2004 some 7,637 ADF personnel were tested for prohibited drug use, with only 110 members testing positive to drugs. If you compared that statistic with the use of prohibited drugs amongst the general Australian population, you would find it is absolutely minimal. It is a very sad state of affairs that prohibited drugs are used so much in the community. I think the defence forces can be proud of the encouragement they give to their own people and the responsibility that they feel for their fellow servicemen, such that out of 7,637 ADF personnel only 110 members tested positive to drugs. I think it is a statistic they can be very proud of but one that we would like to make even smaller or eliminate.

To further confirm those statistics, a survey undertaken by the Commonwealth Department of Health and Aged Care in 2000 reported that 23 per cent of Australians over the age of 14 had used prohibited drugs in the preceding 12 months. Almost one in four Australians aged over 14 had used prohibited drugs in the preceding 12 months. It is a very sad statistic. Unfortunately, that is something that pervades our community right now, whereas in the ADF there was such a small percentage of people who tested positive. The ADF’s policy of zero tolerance of the inappropriate use of drugs has been fully supported by the government.

The principle of privacy was raised during the second reading debate on the bill in the House of Representatives. We are aware of the concerns raised by the Privacy Act and of
the rights of people to privacy. The Privacy Act principles will cover dealing with the test results and will place appropriate limits on the ability to disclose information to third parties. I understand, and I think Senator Bishop confirmed, that the opposition have been briefed on this issue. The privacy principles require Defence to ensure that the collection of any personal information, including test results, does not unreasonably intrude upon the personal affairs of the person being tested. That is a very generalised phrase, but I think that ‘does not unreasonably intrude’ is a very good way of describing it. It would also place appropriate limits on the ability to use or disclose the test results. I think that has put at rest the minds of people who were concerned about privacy issues, but we still need to keep in mind the fact that we are desperately trying to make sure that people who use prohibited drugs within the armed forces are found and are dealt with.

I would like to emphasise again that the Australian government and the Australian community have an enormously high regard for our defence forces. This bill can only improve their reputation. This bill will act as a strong deterrent to individuals in the ADF who seek to misuse drugs and subsequently threaten to tarnish the reputation of the Australian defence forces. The community has a high expectation of Australian Defence Force behaviour, and this bill will ensure that the ADF continues to meet these expectations through continuing high standards and professionalism.

It is an important bill because it enlarges the scope to test for the use of prohibited drugs. I do not think there is a person in this chamber who would want to say anything that would oppose the extension of this testing of prohibited drugs, because it is important, as we have all stated many times, for the defence forces and those working with Defence Force personnel to be at the highest level of readiness, and the use of prohibited drugs can only diminish their ability to serve this country. We want to make sure that this bill is passed so that we can continue to hold the defence forces in the high regard in which we have always held them and so that members of the community can be confident that the use and misuse of prohibited drugs is restricted to the very minimum. I commend the bill to the Senate.

Senator SANDY MACDONALD (New South Wales) (1.44 p.m.)—Like Senator Ferguson, I rise to support the Defence Amendment Bill 2005, which will amend the Defence Act to provide a more comprehensive regime for drug testing members of the Australian Defence Force. It will overcome a number of limitations that currently exist and is considered essential to the operational effectiveness of the ADF. The opposition supports this legislation, and I listened with interest to what Senator Bishop had to say. I agree with Senator Ferguson: I thought Senator Bishop was a little churlish in his comments about members of this government and the Prime Minister. Senator Bishop, that particular page of your speech may be amended. Perhaps a little word to your speech writer might be appropriate under the circumstances, because I know that you take your responsibilities very seriously and that you like to be photographed with our ADF personnel at any opportunity that arises. There are a number of people in the ADF who regard you with some affection as an authority, especially the veteran community, so I am generous to you and I expect you to be generous back.

I pick up on one of the things that Senator Ferguson said. He said that he was unsure as to whether Senator Bartlett and the Democrats were going to support this legislation. I understand, from what I heard from Senator Bartlett’s contribution, that the Democrats will be supporting this legislation.
Senator Ferguson—Well, some of them.

Senator SANDY MACDONALD—They may have some amendments, Senator Ferguson. I thought that you would like to know that before you leave the chamber. The principal purpose of this bill is to expand the range of drugs that may be tested for, far beyond the narcotic substances currently provided for under the legislation. It will broaden the circumstances where testing could be required, beyond those related to combat and combat related duties—that makes sense. It makes provision for the testing by means other than urine testing, as new tests and new drugs are developed—that also makes sense; it is commonsense. It will clarify the power to terminate employment after the return of a confirmed positive test result and clarify the power to take other administrative action and will enable details of the drug-testing regime to be set out in defence instructions issued under the act, to apply flexibility in the regimes of administration and enable it to keep pace with modern developments in drugs and drug testing.

As Senator Ferguson made clear, there is a very determined public and government expectation that the Australian Defence Force should be combat focused, well equipped and ready to meet any operational need that may eventuate at very short notice. We have only had to observe what that requirement is with the response to the Bali bombing, the problems in the Solomon Islands just 24 hours prior to Christmas, and the Boxing Day tsunami. There is not time to do anything but respond, and respond in the most effective way, and of course the ADF have done that. They have also had more longer term activities in East Timor, Iraq and the countries affected by the recent natural disasters, which have clearly shown that the ADF is a very effective and efficient force that has won respect amongst not only those of us who have perhaps had the opportunity to observe the ADF in action but all their fellow Australians. When the opportunity arises to hear what our allies and others think of the ADF, an extremely high view is taken of the Australian Defence Force wherever they may operate.

We currently have about 2,500 personnel deployed in operations around the globe. A group of 450 Darwin soldiers will make up the Al Muthanna task force, which will be deployed in southern Iraq to provide support to the operation of the Japanese Iraq reconstruction support group as they undertake essential humanitarian, engineering and rebuilding tasks. The task force will also provide training to the Al Muthanna provincial security force. I cannot think of any better occupation for Australian troops in Iraq and perhaps anywhere in the world than to be protecting a very strong strategic ally, namely Japan, which is doing essential humanitarian work in Iraq. Protecting those essential humanitarian workers and troops is probably the most important role that Australian troops could possibly play. I thoroughly support the government’s decision to do that. It was a very difficult decision, but it is a response that recognises our continuing commitment to the rebuilding of Iraq and acknowledges the extremely important relationship that Australia has with Japan, which is Australia’s most important trade partner. Without that trade relationship, built over the last 40 or so years, many Australians would not have a job and we certainly would not have the standard of living that we currently enjoy.

The other point about the deployment is that the Iraqi military forces must step up to the plate themselves, but they can step up to the plate and take responsibility for Iraq only if they are appropriately trained. It is a pleasure to see that Australian troops will be taking on that role in Iraq. The army training teams have done it in the past in other places,

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and they are doing it already in Iraq. To take on the responsibility to train local Iraqis in the Al Muthanna region in southern Iraq is again a very worthwhile task.

The most recent deployment of Australian troops has been to assist the humanitarian efforts in rebuilding areas affected by the Boxing Day tsunami. Operation Sumatra Assist has seen around 1,000 ADF personnel deployed to the Indonesian region, with equipment such as Hercules aircraft, Iroquois helicopters and the HMAS *Kanimbla* also being utilised. ADF medics, engineers and logistics personnel are all playing an important part in helping to rebuild these areas tragically devastated by the tsunami. The task in which the ADF personnel are involved is almost complete. They have done a fantastic job, as always. Part of the professionalism that is required and expected of these personnel is that they should not be subjected to drug and alcohol abuse, and that is the whole basis of why this legislation is being introduced.

I might take the opportunity, as many arguments have been examined as to why the legislation is essential, to discuss further a couple of other operations around the globe where Australians are operational—in the Pacific and the Middle East. Operation Anode continues in the Solomon Islands, with 114 ADF personnel and 94 Australian Federal Police officers providing assistance to the Solomon Islands police force. We saw the response of the ADF some time before Christmas and 18 hours after the brutal murder of one of our Australian Federal Police members in the Solomons. We had a company of infantrymen from Townsville who were on the ground and very effectively doing the job that was expected of them. Also we have 920 personnel already deployed in Iraq, with Operation Catalyst, which includes a number of responsibilities such as responsibility for maritime interceptions, military support and protection of Australian officials, which is so essential for us to help in the rebuilding of Iraq.

Personnel are also deployed across the Middle East as part of Operation Slipper and the coalition against terrorism. In Afghanistan we have a small role to play in terms of troops of the ground but the P3C Orions and Hercules aircraft also operate in support of the continuation of the war against terror in Afghanistan. There are also 100 ADF personnel serving in East Timor under Operation Spire, whose primary role is a support company comprising an engineering troop support section and a maintenance section. There are probably at least another 100 Australian personnel serving around the globe in the command headquarters operation in Tampa, Florida, and with a number of UN deployments in the Middle East and elsewhere. It is a very big effort. As I said, there is a very clear public understanding and commitment that these ADF personnel are drug free and are going to behave in a way that is not subject to the pressures and uncertainties that drug abuse obviously brings.

It is essential that the image of the Australian Defence Force is maintained and not tarnished by the acts of individuals. Accordingly, members must maintain personal standards that are clearly above those of the general community. This includes not using prohibited substances. Obviously the use of prohibited substances has an adverse consequence for morale, discipline and public confidence in the Australian Defence Force and poses a significant risk to the operational effectiveness of the ADF through a potential reduction of performance, the impairment of health and, of course, an increased security risk.

The creation of an effective prohibited substance regime for Australian Defence Force members is intended to act as a strong
deterrent to prohibit substance use, including the misuse of prescription drugs. It is a much wider regime now. The changes will allow much greater flexibility and a much more appropriate response to the misuse of all drugs, including the misuse of prescription drugs. In order to meet this challenge, change is needed to extend the scope of the current drug-testing regime for the ADF.

The ADF has probably always been conscious of drug and alcohol abuse. The Australian Defence Force alcohol, tobacco and other drug service provides education, training, resources and advice to ADF members and commanders regarding issues relating to alcohol, tobacco and prohibited substance use. This service was introduced in May 2002 as part of the Australian Defence Force mental health strategy. Australian Defence Force members receive annual information sessions regarding alcohol and drug policy and testing programs which support the information sessions provided during initial training.

The Australian Defence Force has a relatively low usage of prohibited drugs at this time, as was indicated by the results of the currently suspended command initiated random drug-testing program, in comparison with the use of prohibited drugs in the general population. Senator Ferguson said that from February to September last year 7,637 ADF members were tested and only 110 of those tested returned a positive test result, which represents only 1.44 per cent of members tested. That is a very low level of positive results. It goes without saying that ADF members understand the very unique and important position and role that they have and that they do not go around abusing the opportunities that might make other members of the population more susceptible and less responsible. In comparison, a Commonwealth Department of Health and Aged Care survey in 2000 reported that 23 per cent of Australians over 14 years of age had used prohibited drugs in the preceding 12 months. Prohibited substance testing will continue once the bill is passed and the defence instruction is finalised and the testing teams are updated or fully trained as required.

I would like to take the opportunity, in line with the opposition and, looking through the smoke of Senator Bartlett’s contribution, the support of the Democrats as well, to support the bill. It took a little time to work out whether Senator Bartlett supported the legislation but I am pleased that the Democrats do support it. I have pleasure in supporting this comprehensive regime for the testing of prohibited drugs in the Australian Defence Force.

Debate interrupted.

SENATOR BRIAN HARRADINE

The PRESIDENT (2.00 p.m.)—Before I call on questions without notice, I want to record that the current father of the Senate, Senator Brian Harradine, is not with us this week because he is indisposed. On behalf of all senators, I have sent a message to Mrs Marian Harradine passing on our best wishes for Senator Harradine’s speedy recovery.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Defence: Equipment

Senator MARK BISHOP (2.00 p.m.)—My question is to the Minister for Defence, Senator Hill. In relation to the government’s further deployment of an additional 450 troops to Iraq, can the minister confirm that the planned refit of the contingent’s armoured vehicles has now been rescheduled and that the ASLAVs will be shipped without full refit to be refurbished in the Middle East instead? Can the minister also confirm that, while some vehicles will be fitted with full internal armoured linings, others will have only protective curtains? In the light of the
very unstable security environment throughout Iraq, why aren’t these 450 Australian troops being provided with every possible safety measure?

Senator HILL—We strongly hold the view that it is important that when you deploy Australian forces you deploy them as well trained as possible and with the best possible equipment. It has been our practice to adhere to that and it continues to be our practice. We take advice from the Chief of the Defence Force as to what equipment meets that criterion. The honourable senator, in his question, is referring to the ASLAVs, the Australian light armoured vehicles, and he would know that in their deployment in Iraq they have proven to be particularly effective—so much so that many of our coalition colleagues wish that they had vehicles with the same qualities.

This latest deployment will also be taking ASLAVs to Iraq. I am advised that it is the intention that before deployment into Iraq all of the vehicles will be fitted with either a spall lining or a spall curtain. I am advised by Defence that in terms of the safety of the troops there is no significant difference between the two. One was specifically designed for these vehicles; the other was not specifically designed for these vehicles. But, in terms of protecting the troops inside the vehicle, I am told they have equal quality. This is a relatively recent innovation and has been added as a further protective measure after the acquisition of the latest LAV 3, which is very capable.

In addition, these vehicles are going to be fitted with a form of bar armour, which we also have not fitted in the past. The Americans have fitted a similar type of armour to their larger Stryker vehicle. There has been a debate within the ADF and within DSTO as to the desirability of bar armour because it does add further weight and some would argue has some small detrimental effect in terms of manoeuvrability. But the position has been settled that on balance it would be better to fit this form of armour as added protection against rocket propelled grenades. That will also be fitted before the vehicles enter Iraq. So not only do we have a very capable vehicle that has been proven within the area of operations—a new vehicle, in fact—but we are also continuing to upgrade it to ensure that we provide for our forces the best possible equipment and the best possible protection.

Senator MARK BISHOP—Mr President, I ask a supplementary question. This arises out of the minister’s response. Can the minister confirm that the delay in fitting the ASLAVs with enhanced armour protection is a direct result of the slippage in the contract for the M113 armoured personnel carriers, a contract signed by the minister in 2002? Isn’t this another example of Defence’s poor financial and project controls having a significant effect on the operational capacity of front-line troops and in this case a significant bearing on the safety of troops in the field?

Senator HILL—No, that is not my understanding. The spall curtains are those that were to be fitted to the M113, so if they have not been fitted that is fortuitous. But the issue is the question of availability of spall lining. Fortunately, we have the choice. We can utilise both options in this regard: the lining when it is available or the curtains as they are available. As I said, I am advised that in either instance the protection that is offered is a similar protection and will further enhance what is already a very safe and proven vehicle.

Economy: Resources Sector

Senator FERRIS (2.06 p.m.)—My question is to the Minister representing the Minister for Industry, Tourism and Resources, Senator Minchin. Will the minister update
the Senate on the outlook for Australia’s resources sector? Can he advise whether there are any threats to the industry on the horizon?

Senator MINCHIN—I thank Senator Ferris for that timely question. These are in fact very good times for Australia’s resources sector. Very strong demand for our resources in energy from China in particular is fuelling a surge in Australia’s energy and mineral exports. Only last week, ABARE predicted that the total value of Australia’s mineral and energy exports will reach $82.6 billion next financial year, an increase of 22 per cent on this year, and it will be the highest ever recorded in Australia’s history.

Last week we saw further evidence of the strength of the resources sector with the opening of the $1½ billion Comalco alumina refinery in Gladstone. The Gladstone refinery was made possible only as a direct result of the federal government’s $137 million interest-free loan, which we provided as a strategic investment incentive. Under our agreement with Comalco, over $100 million of that contribution was used specifically for the construction of multi-user infrastructure in the Gladstone region. I point out that this is the same investment incentive program that the ALP has pledged to abolish if it is ever elected. I also point out to the Senate that the ALP have promised to abolish Invest Australia, which was instrumental in securing this project for Australia against very stiff international competition—particularly from Malaysia. This Gladstone refinery, with a 1½ million tonne capacity initially, will ensure we maintain our place as the world’s leading supplier of smelter-grade alumina and it will generate an additional $500 million per annum in export income for Australia.

I was also asked by Senator Ferris what problems the resources sector might be facing. I think it is evident to all that pressure on existing infrastructure could limit our potential export volumes. From our point of view as a federal government, we are committed to playing our part. I think that is evidenced through programs like AusLink, where we are investing over $12½ billion in improving Australia’s road and rail infrastructure. It was not until the advent of our government that the Adelaide to Darwin railway was built, despite all the promises from Labor that they never delivered on.

But in Australia, as we all know, it is the state governments that are primarily responsible for infrastructure of this kind. It is the states, under our Federation, that are responsible—and, frankly, they have dropped the ball, despite the fact that they are the major beneficiaries of booming exports in mineral and energy industries. In fact, this financial year Queensland was going to get about $800 million in royalties from resource exports. But the states appear to be unwilling to make the requisite investments in our export infrastructure. I point out to the Senate that Australian general government capital investment has remained at around half a per cent of GDP over the last 40 years—it has been steady—while state and local government capital investment has halved over the last 10 years; it has fallen from three per cent of GDP to an average of 1¾ per cent of GDP since our government came to office. Clearly, the states are happy to accept the windfall from the GST and from royalties that are flowing their way from land tax et cetera, but they are simply not investing sufficiently in ensuring future growth.

Economy: Infrastructure Development

Senator SHERRY (2.10 p.m.)—My question is to Senator Minchin, representing the Treasurer. Is the minister aware that the Reserve Bank media release on 2 March 2005, explaining its decision to increase interest rates, stated:
Over recent months, it has become increasingly clear that remaining spare capacity in the labour and goods markets is becoming rather limited. This is now starting to result in stronger inflationary pressures.

Isn’t it the case that, as early as May 2001, the Reserve Bank of Australia was talking of capacity constraints in the national economy? Why has the government done little since 2001 to respond to the Reserve Bank’s warnings on capacity constraints and the risk they pose to inflation?

Senator MINCHIN—I think one of the best decisions this government made was to take the Reserve Bank out of the pocket of former Prime Minister Paul Keating and to establish its independence and allow it to have carriage of monetary policy. The success of that decision is reflected in the fact that we have had very low inflation compared to our predecessors and, of course, much lower interest rates than our predecessors had. These are two of the great successes of our government: low inflation and relatively low interest rates.

I think what the Reserve Bank was doing last week was indicating, as I described on Lateline, that a light touch on the brakes by a quarter of a per cent movement in rates was sensible in the light of the potential for emerging inflationary pressures and its responsibility to keep inflation between two and three per cent. It quite properly did point to the fact that, after 14 years now of economic growth and sustained growth much higher than in the OECD as a whole, we are reaching limits in terms of Australia’s capacity in a few areas. Therefore, as I say, a light touch on the brakes will ensure that the strength of the Australian economy is not such that it will spill over to inflationary pressures.

The question of whether one should have foreseen the sorts of capacity constraints that the Reserve Bank points to is something that all governments in Australia—and the private sector itself—have to reflect upon. Senator Sherry is right to point out that the Reserve Bank has been indicating that this as an issue. As I said in my previous answer, it is the states, under our Federation and our Constitution, who have primary responsibility for the majority of Australia’s infrastructure. To the extent that we are involved in infrastructure, we support the states in their responsibility in relation to roads and we have taken some responsibility in relation to rail. But we do not own any ports. The states are responsible for ports; they are responsible for energy, water, gas, electricity et cetera—and these are the areas that are in need of reform. To the extent that we have attempted to ensure the reform necessary to give the flexibility of the Australian economy to meet the demands upon it, we have been opposed by those opposite.

Senator Sherry would have a lot more credibility to make this case, if it were not for the fact that for the last nine years the Labor Party have opposed every attempt we have made to reform the Australian economy, whether it has been in industrial relations, ensuring a return to surpluses or constraining the growth of government expenditure in key areas. In every area you can think of—including tax reform—the Labor Party have opposed us. They have opposed every attempt we have made to ensure that the Australian economy is sufficiently flexible to meet potential constraints upon growth and development. While this is an issue that all Australians must focus upon, the opposition has absolutely no credibility in raising it.

Senator SHERRY—Mr President, I ask a supplementary question. After 10 years, blame someone else for your problems! Isn’t it also the case that the Reserve Bank has mentioned capacity constraints on 10 separate occasions since May 2001? Can the min-
ister advise why it has taken the Howard government until the February 2005 RBA statement—four years later—to finally take any notice of the nation’s looming infrastructure crisis?

Senator MINCHIN—This government can do only what the Senate allows us to do. Fortunately, from 1 July we will have a majority, but for the last nine years we have had a Senate led by this lot who oppose everything we attempt to do. On the other hand, we have attempted—

Opposition senators interjecting—

Senator MINCHIN—Despite the objections of the mob opposite, we have substantially increased our investment in road and rail, as I said in my answer to which they were not listening. Through AusLink we have invested $12½ billion in road and rail infrastructure in response to the very things that the Reserve Bank has been saying for the last few years. We have responded to them with substantial investments in infrastructure.

Telecommunications: Internet Services

Senator BOSWELL (2.15 p.m.)—My question is to Senator Helen Coonan, the Minister for Communications, Information Technology and the Arts. Will the minister please advise the Senate how the Howard government is connecting rural and regional Australia to high-speed internet services? Could the minister inform us whether she is aware of any alternative policies?

Senator COONAN—I thank Senator Boswell for the question. As Senator Boswell would know, because he accompanied me, last week I was out in far western Queensland, on one of the listening visits that I have been undertaking throughout regional Australia, looking at how services are connected in rural and regional Australia. One of the things that does come up time and time again is the way technology can simply transform the way in which people live, work and do business, particularly in rural and regional Australia. It gives them options that they otherwise simply would not have to stay in these communities, to run businesses, to educate their children and to get decent health care. That is why in July 2002 the government announced that Queensland would receive $8 million from the Australian government’s $50 million National Communications Fund.

This money was provided to jointly fund the roll-out of a broadband network to 70 regional communities to help 70,000 Queensland residents, including more than 17,000 students in rural and remote Queensland, access broadband. To illustrate just how important this network is to rural Queensland communities, it will deliver sophisticated telehealth services to up to 30 hospitals and seven community health centres; it will deliver high-speed broadband to 83 primary and secondary schools, serving 11,400 students; and 13 TAFE colleges serving 6,000 students will also have access to video streaming and video on demand.

Sadly, in a story that is becoming only too familiar, the Queensland government has simply failed to do its share to invest in this vital infrastructure. More than 2½ years after the announcement of the project, the Queensland government, which has been managing this project, has still got a very long way to go. It was only in October last year, more than 2½ years after the project was announced, that the Queensland government actually issued a tender for the majority of the network, and we are still awaiting the outcome of this tender.

This is deeply disappointing for the people who will depend on this critical infrastructure. As you could appreciate, Mr President, I am very keen to work with the Queensland government, but I certainly do expect them
to keep their side of the bargain. Premier Beattie has completely failed these communities by failing to do his part to roll out this very important infrastructure. This is not only unforgivable but inexcusable at a time when the states, and Queensland more than most, are awash with GST revenue. The GST benefit for Queensland alone in 2004-05 is expected to be in the order of $760 million.

Honourable senators interjecting—

Senator COONAN—$760 million! It is about time state governments took more than the money and actually stepped up to the plate and took a bit of responsibility to deliver services to the communities they were elected to serve. It is simply not good enough for them to sit back, rake in the revenue and claim credit for a sound budget but then throw up their hands and blame the federal government because they are not prepared to deliver. The people of Queensland deserve better, and Labor senators from Queensland sitting opposite should, instead of interrupting this important information for people out there listening, go to Mr Beattie and insist that he do his part and deliver on his side of the bargain.

Senator BOSWELL—Mr President, I ask a supplementary question. I did ask if the minister was aware of any alternative policies, and the minister did not address that.

Senator COONAN—I thank Senator Boswell for reminding me about the alternative policies. The reason I did not address them was that there are none. The Labor Party made no commitment whatsoever to rural and regional Australia in the last election—absolutely no commitment whatsoever. There is an absolute dearth of policy. The only time Labor senators go out of their comfortable electorate offices is to catch a plane to go overseas. We know that the Labor Party have no commitment to rural and regional Australia, and they have simply never advanced any policy position whatsoever to deliver broadband at affordable prices to rural and regional Australia and have never made any commitment whatsoever to provide an incentive program to get telecommunication providers to roll out services on broadband.

Opposition senators interjecting—

Senator COONAN—The Labor Party unfortunately shout and scream because they are ashamed that they have so failed the people of Australia that they have no other policies. (Time expired)

Economy: Infrastructure Development

Senator GEORGE CAMPBELL (2.21 p.m.)—My question is to Senator Nick Minchin, the Minister representing the Treasurer. Can the minister confirm for the Senate that state and local government investment totalled $22.5 billion in 2003-04, an increase of $5 billion, or 36 per cent, representing 78 per cent of public sector investment? Is the minister also aware that over that same period investment by the Howard federal government fell by seven per cent to just $6.2 billion, or just 22 per cent of public sector investment? Given that the Howard government’s failure to invest in infrastructure has directly contributed to capacity constraints and inflationary pressures, why has the federal government failed to do its fair share of public sector investment?

Senator MINCHIN—I remind the senator of my answer to a question from Senator Ferris in which I pointed out that capital investment by the federal government has been remarkably steady for 40 years and throughout our period of government while, since we have come to office—

Senator George Campbell—It’s gone down.
Senator MINCHIN—state government capital investment—and these are ABS figures; you can go and check them yourself—has effectively halved, from about three per cent of GDP to 1¼ per cent of GDP. The fact is that the federal government have enormous fiscal responsibilities. We are responsible for defending the nation, and the states do not spend a penny on defence. We have to spend a lot of money on defence. They have very little responsibility in relation to social welfare. We are the ones responsible essentially for the welfare of Australians through the pension and social security. We have enormous responsibilities fiscally placed upon us by the Constitution and by the development of federal government responsibilities.

The one principal area of responsibility which the states have retained is for the nation’s infrastructure. They are responsible for our ports, our energy—our power and gas—and our water. These are the states’ responsibilities. What has been happening under a sequence of Labor governments around the country is that they have been featherbedding the union mates of the Labor Party, the public sector unions who come running to the Labor Party saying, ‘Give us more money for our wages.’ They have been, therefore, sacrificing appropriate levels of investment in the future because they want to please their mates in the union movement while they are in government.

The states dropped the ball, as I said before, on their responsibilities for investment in the nation’s infrastructure. Even worse, they are refusing to get out of the way, particularly in Queensland and New South Wales in the energy sector. They ought to get out of the business of owning and operating their infrastructure. We saw in Queensland the scandal of them not properly reinvesting in the energy infrastructure they own. Instead, they are dividend stripping for their own purposes. They ought to get out of that business entirely and hand it over to the private sector, who will properly invest for the nation’s future.

The government does not resile from the view that the states have dropped the ball when it comes to their responsibility for infrastructure. We have a whole range of other responsibilities in relation to the nation’s expenditure—to wit, social security, health, education and defence. These are not particularly responsibilities which the states have. We are meeting our responsibilities and we call on the states to meet theirs.

Senator GEORGE CAMPBELL—Mr President, I ask a supplementary question. Is the minister aware that the OECD survey of the Australian economy singled out the Howard government for particular criticism for its failure to address Australia’s infrastructure needs, stating:

Areas where reforms are yet to be completed include infrastructure services ... the federal government in particular should make stronger efforts ...

How does the government respond to the OECD’s assessment of the Commonwealth’s particular responsibility for underinvestment in infrastructure?

Senator MINCHIN—I point out to the senator that the OECD in its report was full of praise for the Australian economy and the enormous reforms which we have made to this economy. It praises the economy as probably one of the best-performing OECD economies. So you do not have any case to put in relation to the OECD. The OECD report is glowing in its praise of Australia. Where it says we need to reform it focuses in particular on things like the disability support pension—where we are blocked by the Labor Party. It focuses in particular on industrial relations reform, which is so needed in
this country and which this Labor Party has opposed for the last nine years.

Workplace Relations: Policy

Senator MURRAY (2.27 p.m.)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Abetz. Is the minister aware that the Workplace Relations Act requires the commission to ensure a safety net of fair minimum wages and conditions of employment, having regard to both living standards and the desirability of high employment? Does the minister accept that living standards and employment have been rising, meaning the commission has been doing its job? Is the government concerned that any further minimum wage granted will continue to result in a low benefit to employees because of the withdrawal of welfare benefits and increased income tax? Why doesn’t the government do the obvious—raise the tax-free threshold considerably to deliver significant real disposable income increases to employees at no additional cost to business?

Senator ABETZ—Senator Murray in his question has combined two portfolios and at the tail end of his question asked me about dealing with the tax-free threshold. I will pass on that aspect of the question, as I believe that that more appropriately fits into the jurisdiction of one of my ministerial colleagues. But, in relation to the safety net that does in fact fall into the portfolio area that I represent, I make the point that Australian workers on the federal minimum wage already earn the highest level of wages relative to average wages and in terms of purchasing power of all OECD countries. I think that is a very important statistic and consideration that we ought to keep in mind.

Senator Sherry—Is that a bad thing?

Senator ABETZ—Senator Sherry foolishly interjects and asks whether that is a bad thing. Of course it is not, because under the Howard government Australian workers are now receiving the highest wages ever at a time of high employment, at a time of low inflation and at the time of the lowest rate of industrial disputation ever in Australia’s history since records were first kept in I think about 1910. This is a very exciting statistic, and one that we are very proud of.

We believe the $26.60 wage increase that the ACTU are seeking would fuel wage pressures and seriously jeopardise the jobs of low-wage earners and reduce employment opportunities for the unemployed and low skilled. So it is a question of balancing it and getting it right. The important thing is that the Labor Party shadow in this area, who has in fact not asked any questions about this matter, is willing to acknowledge that we have the highest wage average in terms of purchasing power of any OECD country. When confronted with that statistic, acknowledged by the Labor Party, I would think that the argument being asserted by the ACTU for a substantial rise in the safety net wage does weaken somewhat. Their argument is not as strong as it otherwise might be. I am not sure that I can usefully add anything else to the matters raised by Senator Murray, but if there are any supplementary matters of course I would be willing to answer them.

Senator MURRAY—Mr President, I ask a supplementary question. Minister, is the government looking at ending the commission’s independent role in minimum wage setting? If it is, does it want to do so to ensure that it delivers lower wages for poorer Australians than they would get through the commission? Why is the government attacking wage increases for the poor and low paid but giving tax cuts and tax concessions to better-off and wealthy Australians?
Senator ABETZ—I know that Senator Murray, in his heart of hearts, knows that what he asserted in his question is not correct. It is part of the political debate that goes on, where people seek to dress things up as being a bit more than they really are. We as a government have been very fair and, as Senator Murray would know, the first round of tax cuts were in fact given to those on lower incomes. The latest tax cuts were for those in the higher income brackets, who had been denied tax cuts for a considerable period of time.

Might I add that those tax cuts were supported in this place by the Australian Labor Party. In balancing up the ledger for the higher income earners, I do not think it is fair to say that we are seeking to give tax cuts to the better-off within the community and ignoring the low-income earners. In fact, the low-income earners got the first tax cuts, and we as a government have always been very conscious of low-income earners. (Time expired)

Economy: Interest Rates

Senator SHERRY (2.32 p.m.)—My question is to Senator Minchin, the Minister representing the Treasurer. Does the minister stand by his recent comment following the Reserve Bank’s decision to increase interest rates that ‘I think their judgment on the state of the economy is very good and that their decision to raise interest rates is pretty sensible.’ Wasn’t the minister just endorsing the interest rate rise?

Senator MINCHIN—Mr President, as I said before, we have quite properly granted the Reserve Bank full independence to conduct monetary policy and to ensure that inflation remains in the band of two to three per cent. We have had very good performance from the Reserve Bank over the course of our government in terms of maintaining low inflation and, as I said, relatively low interest rates. Indeed, we went for a long period—15 months or so—without any interest rate movement at all. But it is the responsibility of the Reserve Bank to make what we all hope will always be minor adjustments to interest rates to ensure that inflation is kept low.

We do have great faith in the Reserve Bank to conduct that policy appropriately and sensibly, and I think their record speaks for itself. So when asked, as I was, what my view was of their reading of the economy, I said that I thought they had got it pretty right. They do have a different job to the ABS. The ABS was just measuring what happened between September and December. The Reserve Bank must look down the track and focus upon what they see as potential inflationary pressures emerging and act in such a way as to minimise the likelihood of those pressures being realised.

If you look through the national accounts and other data which the bank rely on I think that their, in a sense, precautionary and very small move in interest rates—a quarter of one per cent—does make sense in the light of their responsibility to keep inflation low. I say that particularly in relation to the fact that, if you look in detail at the national accounts, they do show that private business investment is strong. Gross national expenditure is very strong, so there is still considerable demand in the economy. In other words, the economy is still fundamentally strong.

I think that is what the Reserve Bank are recognising. They are saying that, given the strength of the economy, which they recognise, there is always the potential for some inflationary pressures to emerge as you start to reach capacity constraints, which inevitably you must at some point when you have such a strong economy. Given their charter, I think it must therefore be said, objectively, that they have acted appropriately. We would
all hope that this adjustment will have, in the bank’s view, the desired effect and that no further adjustment upwards will be required.

Senator SHERRY—Mr President, I ask a supplementary question. Is the minister aware that the Prime Minister, the Deputy Prime Minister and the Treasurer have said there was no need for a rate rise? He has again confirmed today that the Reserve Bank got it pretty right. It was a sensible decision. It made commonsense. How does he justify his statements against the statements of the Prime Minister, the Deputy Prime Minister and the Treasurer, who do not agree with him?

Senator MINCHIN—Mr President, I think Senator Sherry is guilty of verballing the Prime Minister, the Deputy Prime Minister and the Treasurer. I think it is verballing them to say that they said, ‘There is no need for a rate rise.’ I think they have all made it clear that the Reserve Bank has an independent responsibility for the setting of monetary policy and that, inevitably in a democracy like ours, there are a variety of views as to whether the Reserve Bank is reading the economy right and, therefore, whether it should or should not have increased interest rates by a quarter of one per cent. That is all that I think the Prime Minister, Deputy Prime Minister and Treasurer have done.

To the extent that they expressed disappointment from the point of view of those who are paying interest rates, that is reasonable, proper and appropriate. We would all prefer that households and businesses did not have to pay higher interest rates, but in the interests of the national economy and of preserving our very strong record on inflation, I think we must give the benefit of the doubt to the Reserve Bank to conduct monetary policy properly.

Queensland: Information Commissioner

Senator HARRIS (2.36 p.m.)—My question is to the Minister representing the Attorney-General. Is the minister aware of the editorial in the Courier-Mail criticising the appointment of Cathi Taylor as the new Information Commissioner? Is the minister aware that, as reported in today’s editorial in the Courier-Mail, on the first day of office Ms Taylor removed Queensland’s most experienced freedom of information officer, Greg Sorensen—an officer perceived as independent and fearless? Mr Sorensen, one of the architects of Queensland FOI law, now reverts to being the deputy ombudsman. Last year Mr Sorensen and a former Information Commissioner, Mr David Bevan, embarrassed the Premier by releasing secret details of tax funded handouts to the Berri company. Minister, considering the importance of the FOI process, are the actions of the Queensland government appropriate?

Senator ELLISON—Senator Harris asks if I am aware of this issue. I am, and I am aware of the Courier-Mail editorial today, which certainly expresses some concern in relation to the appointment of Ms Taylor. It is a matter for the Queensland state government. I would suggest that Senator Harris take up the matter with the Premier of that state if he wishes to pursue the matter. Certainly the Commonwealth has a strong commitment to openness and accountability in relation to its own freedom of information regime. At the federal level we can boast that 94 per cent of all FOI requests are granted, in full or in part. I am aware of the issue Senator Harris raises. His question reflects the concerns which were expressed in the editorial of the Courier-Mail. But it is a matter for the state government in Queensland.

Senator HARRIS—Mr President, I ask a supplementary question. Is the minister aware that the same article reports that Ms
Taylor should be distanced from FOI applications concerning the Queensland education department, as her husband is the director-general? Is the minister aware that her leading referee, who also sat on the selection committee, Mr Leo Keliher, is also the Director-General of the Environmental Protection Agency? This raises the question of whether there is a perception of bias in handling any FOIs relating to those areas. Does the minister believe that this type of appointment detracts from the status of the office and undermines the public’s confidence in governments that use such appointments to deprive the public of access to information that they have a genuine right to receive?

The PRESIDENT—Order! Senator, that is a very long supplementary question, and I have doubts whether the minister would wish to answer it. I ask the minister: do you wish to give further information on this matter?

Senator ELLISON—I am asked whether I am aware of the concerns expressed. Yes, I am aware of those concerns which have been expressed in the Courier-Mail. I reiterate my earlier comments. This is a matter for the Queensland government, and Senator Harris should pursue this matter with the Premier of that state. Of course, with freedom of information, it is important that you have an open and accountable process. I can speak for the Commonwealth process, which we say is a robust one.

Immigration

Senator WONG (2.40 p.m.)—My question is to Senator Vanstone, the Minister for Immigration, Multicultural and Indigenous Affairs and the Minister representing the Minister for Education, Science and Training. I refer the minister to her remarks on the Sunday program yesterday, where she stated: … immigration’s perhaps a shorter-term solution than more people through training, because training does take time.

Minister, isn’t this simply an admission that the government’s plan for increased migration is nothing more than a short-term, band-aid approach? Can the minister explain to the young people in regions such as the Central Highlands-Wimmera—which includes Ballarat, which has a youth unemployment rate of nearly 30 per cent—why the government is going for this short-term fix of bringing in foreign skills instead of investing in training and skills development for young Australians?

Senator VANSTONE—I thank the senator for the question. Senator, if there are young people who are looking for jobs, I am sure the Department of Employment and Workplace Relations or any employment service provider can help them. What comes to mind is the shortage of Australians who are prepared to pick fruit, which is a serious problem for the horticultural industry and one which I am sure Senator Wong would not want to diminish by regarding my comment as being flippant.

As to my remarks yesterday, it is obvious, and does not need a rocket scientist to work out, that training does take longer and that an immigration system can be used to bring in people in the shorter term. I do not agree with what Senator Wong says follows from that. She can put all sorts in interpolations on it, as she chooses. It is a simple statement of fact. But on the issue of immigration being used for assistance with short-term problems, I draw the senator’s attention to the 457 visas—the temporary work visas. The previous leader, for whom she voted, did not like these. He said that they were taking away jobs from Australians. I presume that is the senator’s policy. Nonetheless, these visas are used by industry widely to cater to short-term problems that they have. For example, if you were building some sort of plant that required very specific expertise but you did not need that expertise beyond the building
of the plant, you would use one of these visas to bring in people for a temporary period. The banks, for example, have used these visas to bring in high level executives who want to work in Australia in particular areas for a particular period of time and then go.

The immigration system we have is regarded by many in the world as second to none. It caters for skilled immigration on a permanent basis. It caters for skilled immigration where it is sponsored by the states. If there is a particular problem in one area of a state, the state has the capacity to address that. It caters for family reunion. As the senator well knows, it has a refugee and humanitarian element, where 13,000 people a year are brought in primarily from off-shore—those most in need. It has temporary arrangements for people to fill short-term gaps. In addition to that, there is the working holiday-maker program, which obviously provides short-term labour in a whole variety of areas. The point of the interview was to convey that there is a whole-of-government approach here. You use training to provide for skills within Australia, but you do not shut the door on immigration and not provide skills through that means when it is available to you to do so.

**Senator Wong**—I ask a supplementary question, Mr President. Can the minister confirm that, if the Howard government had matched state and territory rates of increase in investment in skills and training, this would have resulted in an extra $833 million going into vocational education and training? Isn’t it the case that, over the period of this government, some 270,000 Australians, mainly young people, have been turned away from TAFE because of this government’s chronic failure to invest in skills and training?

**Senator Vanstone**—I was tempted to decline to answer the question because, as Senator Wong knows, if she wants to ask a question specifically focused on—

**Senator Chris Evans**—You are the directing minister—that is your problem, isn’t it!

**Senator Vanstone**—It could be. Fortunately—

**Senator Chris Evans**—That is your problem—you are actually the directing minister!

**The President**—Senator Evans, this is Senator Wong’s question. You are not helping the chamber and you are not helping me. Come to order!

**Senator Vanstone**—Thank you, Mr President. I happen to have had the opportunity to be the employment and education minister. I will take the opportunity to send you a very detailed brief on the failure of the previous Labor government to provide real apprenticeships. There was a decline in apprenticeships and training under the previous Labor government. You turned your back on the kids that needed trades training and put all your time and effort into kids that were going to university. You turned your back on Australians who really needed your help. (Time expired)

**Family and Community Services:**

**Supported Accommodation Assistance Program**

**Senator Knowles** (2.46 p.m.)—My question is to the Minister for Family and Community Services, Senator Patterson. Would the minister please update the Senate on the status of the new five-year Supported Accommodation Assistance Program with the states and territories? Is the minister aware of any misleading statements that have been made in relation to the Australian government’s offer?

**Senator Patterson**—I thank Senator Knowles for her question and I thank her for the opportunity to correct the misinformation
and myths that are being perpetrated regarding SAAP. The Australian government will be maintaining its funding commitment to SAAP over the next five years to assist the states and territories to meet their responsibilities in addressing homelessness. In fact, the Australian government has offered $175 million more in overall funding for the next five years of the program as part of the $931 million package. Of this, $75 million, which was a one-off GST compensation, will be converted to base funding for the next agreement.

Homelessness is basically the priority of the state and territory governments and it is their responsibility. The Australian government has consistently put more funding towards SAAP than the states have. For example, in Victoria the government is currently putting less than 40 per cent of the funding towards SAAP and the Commonwealth is contributing about 60 per cent. The situation is worse in South Australia—the South Australian government is putting less than 38 per cent of the funding towards SAAP. Another state recently wrote to me asking me to roll over the uncommitted funds from the year 2000. What we have is a state with uncommitted funds going back to 2000 whingeing about homelessness in their state! They have failed to spend the money they had in 2000.

The Australian government is now asking the states and territories to stop shirking their financial commitment and shoulder more of their responsibility for this important program for homeless people. We have asked them to contribute the same amount as the Australian government—that is, on a fifty-fifty basis. We are aware that the states are in a position to take on more responsibility for crisis accommodation for homeless people and to contribute 50 per cent for SAAP 5. The states and territories are now receiving record GST windfalls—much more than was originally expected. They are receiving a boon from stamp duty and also from gambling taxes.

I have recently seen claims by the state and territory ministers that the Australian government is cutting its funding towards SAAP. Again I say—and I will repeat it very clearly—we are not cutting our funding to the SAAP agreement. We are increasing it by around $175 million. Our offer is contingent upon the states and territories matching the Australian government’s funding contribution. As part of the Australian government’s total offer, we have also included an amount of $106.7 million, which will be invested in easing unmet demand and improving the delivery of SAAP. This contribution will develop initiatives to improve SAAP. These initiatives were indicated through the review of the SAAP program and are in three key strategic priority areas: precrisis intervention; improving linkages with other services, especially for women and families; and better postcrisis transition support. I have already been in discussion with one minister in particular who was interested in undertaking some innovative programs within one state on that program.

In addition to our SAAP funding, the Australian government also funds the states around $202.6 million over five years to deliver a crisis accommodation program as part of the Commonwealth-State Housing Agreement. This program has traditionally funded the construction, acquisition or maintenance of buildings for Supported Accommodation Assistance Program funded services. The Australian government also has several additional programs targeted at homelessness which the states do not match. That is not to mention the $2 billion per annum in rent assistance, which assists approximately one million families each year. I am meeting with state and territory ministers this week to discuss the next SAAP agreement. I would expect the states to acknowl-
edge that an equal contribution to SAAP 5 is a very realistic expectation and one they can now definitely afford. I ask them to desist from putting around the myth that we are not increasing support of SAAP. (Time expired)

Veterans’ Affairs: Anzac Cove

Senator MARK BISHOP (2.51 p.m.)—My question is to Senator Hill, the Minister representing the Minister for Veterans’ Affairs in this place. Has the minister’s attention been drawn to reports of damage being caused by roadworks to the beach at Anzac Cove in Turkey at the site of the Australian landing on 25 April 1915? If so, can the minister advise the Senate of the true nature of the damage being done to the beach, what approaches have been made to the Turkish government and what remedial action will be taken to ensure that this very important site is protected? Can the minister also advise the Senate of the veracity of reports that skeletal remains have been uncovered during this work and whether there is any possibility that such remains might be Australian? What action has been taken to ensure that any such remains are recovered, identified and buried with the dignity they deserve?

Senator HILL—I have been provided with some information on this matter. The Turkish government have over the decades taken very good care of Anzac Cove and the national park in which it is situated, and the Australian government wants to place on record its appreciation of their interest in preserving the military heritage of the peninsula. Over the past several years there has been erosion of both the beach and the road above the cove, resulting in hazardous coach access for visitors.

Australia’s Ambassador to Turkey has had very positive meetings with Turkish government officials about the work at Anzac Cove. As a result of these meetings, further discussions are planned to consider options for reinforcement and stabilisation of the road past Anzac Cove. The road requires urgent reinforcing in advance of the 90th anniversary of the Gallipoli landings for safety reasons. Turkish authorities responsible for the work are well aware of the historical and environmental significance of the site. The work is expected to be completed by Anzac Day but, in any event, will not impact on traffic plans for the dawn service. The Director of the Office of Australian War Graves, Air Vice Marshal Beck, returned recently from Gallipoli and reported some delay to roadworks due to weather. He will be visiting Turkey again later this month in connection with Anzac Day services and will report further on the work’s progression on his return.

I will have to seek advice on the part of the question that referred to the finding of skeletal remains. Whilst I, like others, no doubt, have been watching the television reports on these roads and have been concerned about damage that might be caused, from my own personal experience of having been lucky enough to attend Gallipoli celebrations on two separate occasions, I can say that the Turkish government and people take their responsibilities seriously in relation to lives that were lost not only of their own people but also of others. It is very important to work with them cooperatively in what they are seeking to do, which is not only to continue to provide such an environment for the remains of those who have died but also to meet their responsibilities of allowing visits in a safe environment, particularly, in this instance, by Australians.

Senator MARK BISHOP—Mr President, I ask a supplementary question arising from the minister’s response. Will the government heed the view of the RSL that work ought to be suspended, pending a closer examination? If the government does not have regard to that view, why is that not the case?
Senator HILL—I do not quite appreciate the point. Is your question in relation to any remains that are found?

Senator Mark Bishop—The road repairs and the remains.

Senator HILL—Obviously, you have to treat remains with respect, and I am told that it is not uncommon for remains to be found as a result of erosion in the area, let alone necessary roadworks. There are established procedures for notifying the authorities and for dealing with remains under the terms of the Commonwealth war graves agreement. Therefore, if remains are found they would be reburied in appropriate circumstances. I think the RSL understands, with a very large number of Australians expected to visit on the 90th anniversary, the difficulty of coach transport. This is a difficult dilemma for the Turkish government, which they are seeking to address. (Time expired)

Iraq

Senator BARTLETT (2.56 p.m.)—My question without notice is to the Minister for Defence. Is the minister aware of reports that nine US military police officers who had served in southern Iraq have tested positive for depleted uranium contamination after they returned from that region? Is it the case that the new deployment of 450 Australian troops will be in areas that have been used as a dump for material destroyed by depleted uranium-tipped shells? What assurances have been sought or what action has been taken by the Department of Defence to ensure Australian troops are not exposed to radioactive contamination or depleted uranium in the areas that they will be deployed to?

Senator HILL—I do not specifically know of the US case, but I know that there has been evidence of depleted uranium having been used in that region, particularly at the time of the 1991 war. I am advised by the Chief of the Defence Force that surveys will be conducted, taking into account known information as to where contaminated areas are likely to be, to ensure that we make operational decisions that are consistent with the health of our deployed personnel.

Senator BARTLETT—Mr President, I ask a supplementary question. Can the minister indicate whether all Australian troops will be tested for radioactive contamination upon their return from this latest service?

Senator HILL—I will have to take advice on that particular question.

Iraq

Senator HOGG (2.58 p.m.)—My question is to Senator Hill, the Minister for Defence and the Minister representing the Prime Minister. Does the minister recall the Flood report’s criticisms of intelligence agencies for failing to provide complete advice before Australian troops were committed to the invasion of Iraq and, in particular, the strategic cost implications for Australia of contributing to military action against Iraq, the likely strategic cost and the impact of military action on the safety of Australia and Australians? How does the government justify a last-minute decision committing 450 Australians to replace a much more heavily armed 1,460-strong Dutch contingent, without undertaking an adequate security analysis? Hasn’t the government repeated the mistakes identified in the Flood report?

Senator HILL—It is difficult to know which way the Labor Party are coming from in this matter, because one minute they are saying that this has been a secret plan, conceived months ago and debated for a long period and deliberately kept from the Australian public and then, when that argument does not wash water, the next argument is that this is a plan that has been hastily conceived and that sufficient consideration has not been given to such matters as intelligence. I can say that the Australian govern-
ment did take advice from its intelligence agencies before cabinet made its decision on deployment. Of course, Australian intelligence advice is always taken into account by the National Security Committee of cabinet and ultimately, through it, by cabinet itself.

Senator HOGG—Mr President, I ask a supplementary question. Does the minister recall the Prime Minister’s own acknowledgement to the ABC’s Lateline on 23 February this year when he said:

… right up until the end, I wasn’t persuaded that we should make this additional contribution.

If this was such a last-minute decision, as the Prime Minister claims, then how was there, possibly, sufficient time to undertake proper security and intelligence assessments? In the light of this prime ministerial admission, I again ask: hasn’t the government just repeated the mistakes identified in the Flood report?

Senator HILL—No, it has not, because advice is sought—and in this instance the debate is about intelligence advice together with advice from a range of other persons on operational issues, including advice from the CDF—and all of that advice is taken into account in making a final decision. The Prime Minister, as he indicated, said a final decision was made and he would not be convinced until the decision was made. In other words, Senator Hogg seems to be endorsing the approach of the Prime Minister, which is to be cautious in these matters, to get all necessary advice before making the decision and to consider that advice carefully before making that decision. Exactly what Senator Hogg is seeking occurred in this instance, and he should be applauding the Prime Minister for his management of this particular matter. Mr President, I ask that further questions be placed on the Notice Paper.
they have found it very convenient to do two other things. Firstly, they ignore any bad economic data—and there have been some bad economic data over a long period. The current account deficit and household and personal savings have not been good areas of economic performance under this government. If they do not want to ignore the bad economic data, they adopt a second strategy: if there is bad economic data, you blame someone else. So they take the credit for good economic data and blame someone else for the bad economic data—the blame game; blame someone else.

This blame has been ratcheted up in recent times. In the past we have had drought blamed for poor economic circumstances, we have had the SARS disease, we have had the Asian economic crisis and now we see a new range of individual organisations responsible for bad economic data. The states have been blamed, the Public Service has been blamed, Labor has been blamed—now the Senate is being blamed. All the time, the government cannot front up when there is some bad news. After 10 years, you would think they would take a little bit of responsibility and at least front up and honestly admit, ‘We could’ve done better in this particular area.’ But, no, we get the blame game all the time. Good economic news, take the credit; bad economic news, everyone is to blame but the Liberal government! We are seeing more and more of that as we are given bad news on economic data and fundamental issues about the Australian economy.

I mentioned that household savings in Australia—together with the United States—is almost the lowest, if not the lowest, of any advanced economy in the world. Our current account deficit, which is the deficit of imports over exports, now stands at 7.1 per cent of gross domestic product. Not only is that a record current account deficit for Australia but, again, it is the highest—even signifi-
cantly higher than the United States—current account deficit amongst the 15 advanced economies. That is adding to the national debt of this country.

There was an interest rate rise last week. This government has continually talked about interest rates. At the last election it said—or certainly implied—that interest rates would not go up under a re-elected Liberal government. What happened? Interest rates went up by one-quarter of a per cent last week. We have the highest interest rates in the advanced economic world. (Time expired)

Senator SANTORO (Queensland) (3.07 p.m.)—It is obvious from the nature of the questions asked by honourable senators opposite that they have come into this place yet again without a plan and without a clue as to how to keep the Howard-Costello government accountable. We have just heard a speech that basically said nothing. I suggest to Senator Sherry and to others on his side of the Senate that they are simply asking the wrong questions. They should be asking what the independent umpire, the OECD, in its 2004 economic survey has concluded about the performance of the Australian economy under the Howard-Costello government. They should also be asking: what has this government done in relation to the fundamental prerequisites for sustaining the record economic growth and achievement that Australia has been experiencing under this government?

I know that Senator Johnston, who is to follow me, will talk about record low interest rates, record low levels of unemployment, record employment growth and record labour force participation rates under the Howard-Costello government. But let me quote the independent umpire. It is okay for people like me on this side of the Senate to come in and say, ‘Look, we’re doing fantastically
It is not surprising that some people listening to that would discount what is said as self-praise, although I would suggest to honourable senators opposite that self-praise is well and truly merited in this case.

Here are some of the key points that the independent umpire, the OECD, made in its 2004 survey of the Australian economy. It provided a strong endorsement of the government’s management and Australia’s economic performance. The OECD survey noted that ‘in the last decade of the 20th century, Australia became a model for other OECD countries’ in relation to structural reform and its adoption of medium-term macro-economic frameworks. It also noted that the government has made ‘commendable progress’ towards reforming the tax system and comments on the ‘remarkable progress’ Australia has made in strengthening competition. So there you have it: an independent umpire, not members of the government, giving us a big tick.

Look at what the government has done to put in place strong economic measures and strong infrastructure measures to sustain that growth. That has given us, as I said, record low unemployment rates, record employment creation, record low interest rates and a record participation rate, which means that a lot of job seekers have great confidence in the Australian economy and want to participate in the activity that is occurring in the economy of Australia. What else has the government done in order to sustain this level of economic activity? Look at infrastructure. Whether it is hard infrastructure, such as road infrastructure spending, or whether it is social infrastructure, such as that which we put into schools, universities, science and higher education, there is a significant commitment by the government to long-term sustainable progress.

Have a look at AusLink. We launched a white paper, then we committed over a five-year period $12.5 billion, from 2004-05 to 2008-09. That is record infrastructure spending and commitment. Look at the revitalisation of the national rail network. In 2004 the wholly government owned national rail track manager, the Australian Rail Track Corporation, assumed control of the New South Wales interstate and Hunter Valley tracks and now provides a single access regime from Perth to the Queensland border. That was an investment of $1.8 billion.

Look at enhanced transport security. The government has provided $35 million to support the security measures which make our infrastructure safe. Look at the natural disaster mitigation and relief measures that have been implemented so that we can get businesses, and particularly rural businesses, over the hump. Again, there have been massive amounts of expenditure; $89.4 million has been earmarked for 2004-05. Financial assistance to local government is $1.5 billion in untied grants to local councils to provide infrastructure and services to their communities. I could keep going, but time is going to beat me.

The government are committed to infrastructure expenditure and continuing sound economic management to enhance the achievements that we are already able to talk about. We do not do it in a skiting, insincere way but in a way that is demonstrable not just in this place but in the electorate. That is the major reason why, I suggest to honourable senators opposite, the government were so handsomely returned at the last election. Those opposite need to be asking relevant questions, which will get truthful answers. On this side of the chamber we are always truthful. (Time expired)

Senator GEORGE CAMPBELL (New South Wales) (3.12 p.m.)—I also seek to take
note of answers given to questions from the opposition in relation to the Australian economy. I make the point that what is remarkable about the government is that from 1996 they have perfected the art of doublespeak: saying one thing and meaning something totally different. Now they have started perfecting the art of the blame game. They took a number of questions from the opposition today in relation to the Australian economy. In not one answer did they even remotely accept that after 10 years somehow or other they might be responsible for problems in the Australian economy. If there is a positive they are quick to point out that they are running the economy. If it is a negative they are quick to point out what happened 15, 20 or 30 years ago. But nothing that they could have done or would have since 1996 could have impacted upon the economy!

Let me make three brief points in relation to that. The reality is that the facade is starting to crack. We have seen interest rates rise. We have seen the Reserve Bank put up interest rates. Why? Because of concerns about the implications for the Australian economy of the overheating of the labour market and the potential for wages to increase rapidly. We have seen our current account deficit blow out to 7.1 per cent of GDP—the worst record in the nation’s history. We have seen foreign debt reach a staggering $421 billion—triple what it was under Labor in 1996.

We all know what the Treasurer, Peter Costello, said in 1995 about the debt truck, about foreign debt, and the implications that would have for interest rates. Why? Because of concerns about the implications for the Australian economy of the overheating of the labour market and the potential for wages to increase rapidly. We have seen our current account deficit blow out to 7.1 per cent of GDP—the worst record in the nation’s history. We have seen foreign debt reach a staggering $421 billion—triple what it was under Labor in 1996.

We all know what the Treasurer, Peter Costello, said in 1995 about the debt truck, about foreign debt, and the implications that would have for interest rates. We all know what the then Leader of the Opposition, the current Prime Minister, John Howard, said in 1995 about our foreign debt. Those on the other side of the chamber have conveniently forgotten. If those two men were honest and judged themselves by their performance and what they said about others in 1995, Peter Costello would not be worried about going to the Lodge, because he would be going back to the unemployed ranks, and our Prime Minister would be joining him, because, based on their own measure of success and failure in 1995, they have both failed miserably.

The worst performance of all by this government has been in the skills area. Since 1996, when this government came to power, there has been an evident decline in the number of young people under training in the traditional trades area. There has been a significant decline over the past three or four years, but that decline has been evident since 1996. What has this government done about it? Absolutely nothing. It cut funding to TAFE in three years—I think it was in 1997, 1999 and 2001—yet the Prime Minister had the cheek to go on the Sunday program yesterday and say that young people ought to go into the technical stream. They cannot get into the technical stream, because there are not enough places for those young people because the government will not put the funding in.

I chaired the Senate Employment, Workplace Relations and Education References Committee, which reported to the Senate on skills shortages two years ago. The report made three points, covered some 50 recommendations about identifying where the shortages were and covered our VET network and the role of industry in meeting those skills shortages. That report was tabled 18 months ago, and the Minister for Education, Science and Training is yet to respond to those 50 recommendations. What has he done? He has sat on his hands and done nothing, because he has no idea of how to deal with the skills issue and he has no idea of how to deal with young people. Why do you think there are problems in Macquarie Fields? Why do you think there are problems in our outer suburbs? Because young people cannot get into decent training and decent
employment in order to get jobs so that they can create a decent future for their families. (Time expired)

Senator JOHNSTON (Western Australia) (3.17 p.m.)—We really need some form of award for the opposition, given their misconstruction of the facts. The only time you see the faintest flicker of life or enthusiasm on the other side of this chamber is when the opposition suspect there is a bit of a free kick in some bad news. Let me remind the chamber and, indeed, all of those good people out there who are listening; this is good news for Australia. Senator George Campbell would be pleased to know that in Western Australia the current rate of unemployment is 4.6 per cent—the lowest it has been in 35 years. Everybody has a good job. We have the highest rate of average weekly earnings.

Let me suggest to the opposition that there is more good news than that: we have an economy that is the envy of the OECD and the Western world. Here is the adjudication. The OECD 2004 economic survey of Australia said that ‘in the last decade of the 20th century, Australia has become a model for other OECD countries’. It noted that the government has made commendable progress towards reforming the tax system and commented on the remarkable progress Australia has made in strengthening competition. That is all in the face of the following adversities: we have had an Asian economic meltdown, where we have seen the stock market in Singapore, Bangkok and Hong Kong go through the floor; we have seen SARS devastate our tourist industry; we have seen avian influenza, or the bird flu, cause massive problems in economic growth in China; we have seen historically high oil prices; and we have seen a crippling drought across the whole nation. I want to draw this point to the learned senator’s attention: interest rates throughout that drought were about 5½ to 6½ per cent, and, let me tell you, it was a lot easier then for those farmers and primary producers than it was when Labor were last in power, when they were paying 20 per cent and 30 per cent to stay alive.

We inherited a $90 billion black hole from the previous Beazley government. Our reforms and our economic approach have had the Labor Party in this chamber standing on the hose, seeking to make cheap political points at every turn of the corner. Let me tell you what they have stopped us from doing. We wanted to exempt small business from unfair dismissal laws, but do you think that was an acceptable approach to the opposition? No—they stopped that; they ganged up on the government with the Democrats and the Greens and opposed that reform. We wanted to streamline the processing of Australian workplace agreements. Do you think the opposition wanted to do that? No—they wanted to defend the CFMEU running riot on building sites throughout the country. But, let me say to every Australian’s satisfaction, come 30 June things will get better on that front.

When we introduced legislation for secret ballots in the taking of industrial action, the Labor Party, in line with their accord and their obedience to their union masters, stopped that legislation. We wanted to reform welfare to tighten the rules governing access to disability support pensions, and again the Labor Party stood on the hose. We wanted to change media ownership laws to refine and reform media ownership and the operation of media in Australia, and the opposition opposed that. We wanted to sell Telstra, and of course they opposed that. All of these reforms have been opposed by the opposition in a most politically greedy and desperate fashion, in the vain hope of seeking to establish some form of goodwill with the Australian people. Of course, we know how much goodwill they established at the last federal election: they went absolutely backwards.
Notwithstanding the opposition’s obfuscation, obstruction and stand-on-the-hose mentality in this place, the government have given Australians substantial tax relief by raising the threshold for the 30c tax rate from $20,000 to $21,600. *(Time expired)*

**Senator WEBBER** (Western Australia) (3.22 p.m.)—I must say that it has been quite a remarkable performance by those opposite. So far, in discussing the downturn in the Australian economy, the government have managed to blame the Asian economic crisis, SARS, bird flu, the Senate and a government that lost power some 13 years ago. What we are really witnessing is a government that has been in power for 13 long years and that cannot accept responsibility for its own inaction.

**Senator Murray**—It is nine years, not 13 years.

**Senator WEBBER**—Yes, indeed, Senator Murray. This government has been more than happy to claim all the good economic news since its election in 1996 but now we are seeing the result of its inactivity. At last that is coming through. We have an economy that the Prime Minister recently claimed is a victim of its own success. It is not a victim of its own success; it is actually a victim of this government’s sloth and plain old-fashioned idleness—the do-nothing approach while things are good. This government has been idle while the economy has leapt ahead—there is no doubt about that. There have been signs for a long time, yet the government has chosen the easy way out. It has sat and watched the economy grow and then taken all the extra tax revenue that has come along and frittered it away on buying its way back into office time and again. Last year we saw a classic example.

Now we face, amongst other things, a skills crisis. There is a lack of skilled people—a lack of tradespeople. This crisis has not sprung up overnight, as Senator George Campbell has said. It takes years and years for shortages like that to develop. Trade unions and business have been warning for years that a skills crisis was coming, and this government has done almost nothing. In fact it has probably done worse than nothing; since 1997 it has actually turned away over 400,000 people from vocational training or university studies. That is one hell of a record to be proud of. This government’s New Apprenticeships system has not delivered tradespeople in the areas where they are now required. The government’s offer of toolboxes and technical colleges is a case of saying something and offering Australians something way too late. It is clear that the act of announcing something does not actually address the long-term problem. From what we hear in Perth, it may take years before these new technical colleges are built and operating. How is building a technical college that may be ready in five years going to help us now?

Then there is the notion that we can source our labour offshore. Whether that is through guest worker programs, increases in skill migration or the now infamous class 457 visa process, it again smacks of desperation. Surely all those experts that we have at the departments of immigration and employment should have recognised the warning signs of the impending skills shortage through the sheer number of class 457 visa applications over the last few years and through the increases in job vacancies that were unfilled, especially in the trades. The government has been blind to these problems because it is committed to implementing its Job Network and workplace agreements policies while the main game was about the lack of new tradespeople—the game it chose to ignore. At a certain level, Australian business is also to blame for not training new apprentices but who can blame it—another
element of the blame game—when the government’s assistance package for apprentices does not compare to the easy and cheaper option of sourcing labour from overseas?

In my time in this place I have dealt with a number of class 457 visa applications. They deal with new categories of labour shortage, and I am sure that Senator George Campbell is aware of them: the fertiliser engineers—the fertiliser plant manufacturers. To the lay person out there, they are actually good old-fashioned workers, but companies on the Kwinana strip and companies in the north-west of Western Australia apply for category 457 visas in these specialised labour areas so that they can import cheap labour from overseas rather than commit to the long-term training and development of Australian labour.

There are many other class 457 visa applicants who come to Western Australia on the promise of working on resource projects in the north-west of my home state. It is not hard to see why qualified tradespeople in other countries would want to work on our resource projects where wages are high.

(Time expired)

Question agreed to.

**Workplace Relations: Policy**

**Senator MURRAY (Western Australia)**

(3.27 p.m.)—I move:

That the Senate take note of the answer given by the Special Minister of State (Senator Abetz) to a question without notice asked by Senator Murray today relating to industrial relations and the minimum wage.

Sometimes when I despair about the quality of one journalist’s writing I am reminded of the quality of another journalist’s writing. I draw the Senate’s attention to Ross Gittins’s article in the *Sydney Morning Herald* on 14 February 2005, headed ‘Porkies used to support industrial relations “reform”’. It is a really good piece. Then I had a look at the editorial in the *Australian* today. As usual, someone did not have the courage to put their name to it. It was a thoughtful article, but at the bottom it said:

With the minor parties who espouse higher tax and more welfare soon to lose the balance of power in the Senate, the political roadblock to such change is gone.

What arrant nonsense. What sort of ding-a-ling pays absolutely no attention to all the press releases, opinion pieces and speeches that people put out and then purports to write an editorial with those remarks?

Turning to the question that I put today concerning the minimum wage, the Democrats are sympathetic to the argument that the safety net raises the costs of a wide range of wage related expenses for employers, including overtime payments, workers compensation, leave loadings, penalty rates and superannuation. Evidence suggests that this can have adverse effects on employers, either resulting in increased costs to consumers or adversely affecting hiring and investment decisions.

The Democrats understand that, while the capacity to pay could be more easily absorbed by large business, it is predominantly small and medium sized businesses that rely upon awards and the safety net and are therefore potentially more adversely affected by increased wage costs arising from the minimum wage case. The difficulty with living wage increases is that they increase gross wages and add-on costs, and with every living wage increase an employer is faced with additional superannuation contributions and so on. The employee, on the other hand, does not obtain any immediate benefit from the employer’s on-costs. Instead, they are hit with additional taxes and with the withdrawal of welfare benefits. Safety net wage increases represent an often poor real outcome for low-income households.
What we need is a system that increases the real disposable income of low-income employees. There is an urgent and large need for a system that delivers significant real disposable income increases for the lower paid to encourage a move from welfare to work, to deliver social equity and to give working people a chance to get off the floor and aspire to upward mobility for their families. If as a society we decide that a bare minimum existence costs $12,500, for example, why on earth do we tax income over $6,000? We need to increase the tax-free threshold to what is presently affordable—to at least $10,000—then to the $12,500 minimum subsistence level and later to $20,000. You would then deliver real disposable income increases to low-income earners without the on-costs to business.

While some academics have debated the various merits of increasing thresholds, the government has been content to allow very high effective tax rates to apply to low-income earners moving off welfare and yet has remained sympathetic to the interests of those on over $60,000, who have a marginal tax rate of 48.5 per cent, if you include Medicare. As ACOSS pointed out, the average tax rate for someone earning $60,000 and upwards is about 26 per cent. By contrast, a low-wage earner on $20,000 has an average tax rate of 12 per cent. If you triple your income, your average tax rate only doubles. That serves to show how highly low-income earners are taxed. The benefit of raising a tax-free threshold is that it runs through all tax levels.

The tax and welfare system is heavily unbalanced. It is too heavy on lower income Australians and lighter on higher income Australians, particularly when you take into account the effect of the tax concessions which we see in the tax expenditure statement. It seems that, while the government attempts to cut tax for high-income earners by reducing capital gains tax and the superannuation charge and by using private health insurance rebates, it ignores one of the most important issues, which is allowing the living standards of our poor to rise. Mr Costello seems to have three aims: to attack the independent commission’s professionalism and judgment so that he can replace it with a more pliant body, to cover up his negligence and that of his government on low-income earners’ tax rates and to lead the charge for lower wages for the poor. (Time expired)

Question agreed to.

CONDOLENCES
Mr Peter Nicholson Duckett White, MC

The PRESIDENT (3.33 p.m.)—It is with deep regret that I inform the Senate of the death on 13 February 2005 of Peter Nicholson Duckett White, MC, a former member of the House of Representatives for the division of McPherson, Queensland, from 1981 to 1990. I make the short observation that Peter White was one of the most honourable men to have served in our national parliament. I was privileged to count him as a friend and colleague.

NOTICES
Presentation

Senator Heffernan to move on the next day of sitting:
That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 9 March 2005, from 10.30 am to 11.30 am, to take evidence for the committee’s inquiry under standing order 25(2)(b) into the implementation of a recommendation in its report concerning the Australian meat quota consultative structure.

Senator Allison to move on the next day of sitting:
That the following matters be referred to the Foreign Affairs, Defence and Trade References
Committee for inquiry and report by 21 June 2005:

(a) whether any Australian personnel (including employees, contractors and consultants) were present, or had duties which included being present, during any interrogations or interviews (however defined) of persons detained in relation to the war in Iraq, and in particular those persons suspected of having knowledge of Iraq’s weapons of mass destruction;

(b) whether any knowledge of, or concerns regarding, the treatment of those Iraqi detainees was provided to Australian Government departments, agencies and ministers, and what actions resulted from the provision of this information;

(c) whether the Iraq Survey Group (ISG) were able to report frankly and fearlessly on what they had found, or whether attempts were made to censor or otherwise distort their findings; and

(d) whether any Australian personnel provided information or concerns to any part of the Australian Government relating to concerns about the functions or reports of the ISG, and what actions resulted from the provision of this information.

Senator Chapman to move on the next day of sitting:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 15 March 2005, from 5 pm, to take evidence for the committee’s inquiry into the statutory oversight of the operations of ASIC.

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

That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than the conclusion of question time on 17 March 2005, the following documents:

(a) any instructions given by the Minister for Health and Ageing to the Department of Health and Ageing to prepare advice regarding the abortion issue within the past 12 months; and

(b) any responses from the Department of Health and Ageing received by the Minister in relation to those instructions within the past 12 months.

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

That the Senate—

(a) notes that:

(i) 8 March is International Women’s Day,

(ii) the Women’s Rights Action Network Australia recently gave Australian governments a D-minus for their handling of women’s human rights,

(iii) the Government intends to discontinue funding to the Partnerships Against Domestic Violence program, including the Australian Domestic and Family ViolenceClearinghouse, after 30 June 2005,

(iv) the Government is likely to halve funding in the 2005-06 financial year to the National Initiative to Combat Sexual Assault program, which may result in the Australian Centre for the Study of Sexual Assault being forced to close after 30 June 2005,

(v) according to forward estimates contained in the 2004-05 Budget, the Government plans to spend just $3.4 million in the 2005-06 financial year on women’s programs, compared to an estimated $11.6 million in the 2004-05 financial year and $25 million in the 2003-04 financial year,

(vi) Australia remains one of only two Organisation for Economic Co-operation and Development (OECD) countries without a national scheme of paid maternity leave, and two-thirds of working women (mostly those in lower paid positions) do not have access to paid leave on the birth of a child,

(vii) Australia continues to have one of the lowest female workforce participation rates in the OECD,
(viii) women’s full-time, ordinary time earnings are still only 85 per cent of men’s while women’s total earnings, including part-time and casual employees, are only 66 per cent of men’s, and these rates have changed little since the Howard Government was first elected in 1996, and
(ix) women hold only 10.2 per cent of executive management positions and only 3.2 per cent of the top executive positions in Australia, and women who are in senior management positions are paid around 90 per cent of their male counterparts; and
(b) calls on the Government to do more for women and, in particular, to continue to fund the Australian Domestic and Family Violence Clearinghouse and the Australian Centre for the Study of Sexual Assault after 30 June 2005.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) congratulates the Minister Assisting the Prime Minister for Women’s Issues on reaffirming at the United Nations, during the week beginning 27 February 2005, the Government’s ongoing commitment to the Beijing Declaration and Platform for Action and its refusal to agree to proposals from the United States of America that would have explicitly omitted women’s right to safe and legal abortion;
(b) affirms reproductive health rights as fundamental human rights; and
(c) calls on the governments of other states and the Northern Territory to follow the Australian Capital Territory’s lead in removing pregnancy termination from the criminal code.

The President to move on the next day of sitting:
That the following bill be introduced: a Bill for an Act to amend the Parliamentary Service Act 1999, and for related purposes. Parliamentary Service Amendment Bill 2005.

Senator Ridgeway to move on the next day of sitting:
That the Senate—
(a) congratulates the organisers of the Inner Sydney ‘Blackout Violence’ campaign against family violence and sexual assault against women in Aboriginal communities for receiving the 2004 Violence Against Women Prevention Award at New South Wales (NSW) Parliament on 25 November 2004 for ‘outstanding contribution to the prevention and reduction of violence against women in NSW’, earned through their sustained campaign which was launched in September 2004 with Aboriginal footballers wearing purple armbands at the NSW Aboriginal Rugby League Knockout;
(b) notes that:
(i) the ‘Blackout Violence’ campaign is a local community initiative which has been successful through the hard work of Dixie Gordon, Redfern Legal Centre, Rob Welsh, Metropolitan Aboriginal Land Council and the Inner City Domestic Violence Action Group, and that they are still working to keep up the momentum of the struggle against all forms of violence against women and children in Aboriginal communities, and
(ii) numerous communities in Western Australia, Victoria and Queensland have been inspired by the ‘Blackout Violence’ campaign and have requested the assistance of the NSW organisers to apply the campaign as a national model to counter family violence;
(c) encourages the NSW Government and the Department of Aboriginal Affairs to favourably and expeditiously approve the application for funding to formally draft the ‘Blackout Violence’ model for use by other Indigenous communities; and
(d) calls on the Commonwealth Government to work with the NSW Government and in partnership with Indigenous communities and community organisations, to ensure
that such community initiatives are recognised and appropriately resourced in the Governments’ Indigenous Affairs policies and programs.

**Senator Ridgeway** to move on the next day of sitting:
That the Senate—
(a) congratulates the 2005 Community Development Employment Projects/Indigenous Employment Centres (CDEP/IEC) Award winners:
Employment and Training Award: Bungala Aboriginal Corporation, Port Augusta
Community and Cultural Benefit Award: Broome Aboriginal Media Association
Business Development Award: Wunan Foundation, Kununurra
IEC Outstanding Achievement Award: Western Queensland Regional CDEP, Mount Isa
CDEP Outstanding Individual Achievement Award (Female): Linda Williams, Angurugu CDEP, Groote Eylandt
CDEP Outstanding Individual Achievement Award (Male): Jay Daley, Ngunnawal Aboriginal Corporation, Canberra
IEC Outstanding Individual Achievement Award (Female): Libby Morgan, Cairns Regional CDEP
IEC Outstanding Individual Achievement Award (Male): James Davies, Bungala Aboriginal Corporation, Port Augusta;
(b) recognises that unemployment is an inter-generational problem in most Indigenous communities and that CDEP projects play a key role in restoring pride in Indigenous communities and individuals as they see the tangible results and benefits of their work;
(c) notes that the Government is currently restructuring CDEP and expresses its concern that the important community development functions of CDEP will be discarded when the program is subsumed into the Job Network; and
(d) calls on the Government to guarantee that in its restructure of CDEP:
(i) community and cultural development CDEP activities will not be downgraded,
(ii) both CDEP positions and funding are increased,
(iii) communities will still be able to set their own goals for their CDEP, and
(iv) the role of CDEP in any future shared responsibility agreements is clarified.

**Senator Nettle** to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 12 November 2004 in relation to ACPE Limited], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

**Senator Nettle** to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 15 November 2004 in relation to Adelaide College of Divinity Incorporated], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

**Senator Nettle** to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 27 August 2004 in relation to the Australian College of Applied Psychology Pty Ltd], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

**Senator Nettle** to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 12 November 2004 in relation to the Australian College of Theology Council Incorporated], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

**Senator Nettle** to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 12 November 2004 in relation to the Australian Institute of Public Safety Pty Ltd], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 12 November 2004 in relation to the Australian International Hotel School], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 9 November 2004 in relation to the Australian Lutheran College], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 27 August 2004 in relation to Avondale College Limited], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 27 August 2004 in relation to the Christian Heritage College], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 9 November 2004 in relation to Harvest Bible College Inc.], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 27 September 2004 in relation to Holmes Commercial Colleges (Melbourne) Ltd], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 1 December 2004 in relation to KvB Visual Concepts Pty Ltd], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 29 October 2004 in relation to the Marcus Oldham College], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 12 November 2004 in relation to Melbourne Institute of Business and Technology Pty Ltd], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 1 November 2004 in relation to Monash International Pty Ltd], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 6 September 2004 in relation to Moore Theological College Council], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

Senator Nettle to move 11 sitting days hence:

That the Approval and Notice of Approval [dated 15 November 2004 in relation to Oceanic Polytechnic Institute of Education Pty Ltd], made under section 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 12 November 2004 in relation to Queensland Institute of Business and Technology Pty Ltd], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 12 November 2004 in relation to the South Australian Institute of Business and Technology Pty Ltd], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 26 November 2004 in relation to the Sydney College of Divinity Ltd], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 6 September 2004 in relation to Tabor College (Victoria) Inc.], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 12 November 2004 in relation to the South Australian Institute of Business and Technology Pty Ltd], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 27 August 2004 in relation to Tabor College Incorporated], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 6 September 2004 in relation to Tabor College (NSW) Inc.], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 27 August 2004 in relation to the National Institute of Dramatic Art], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Nettle to move 11 sitting days hence:
That the Approval and Notice of Approval [dated 11 November 2004 in relation to the Wesley Institute], made under section 16-50(1) of the Higher Education Support Act 2003, be disallowed.

Senator Brown to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) on 4 February 2005 Tasmania’s Resource Management and Planning Appeal Tribunal found that there is a prima facie case of environmental harm, including landslips and pollution and diminution of domestic water supplies, if logging proceeds at South Sisters near St Mary’s,

(ii) the tribunal nevertheless denied the resident’s request for a temporary order to halt the logging because the residents are unable to give an undertaking to pay ‘many tens of thousands of dollars’ to Forestry Tasmania if their case failed, and
(iii) a full hearing of the matter is set down for 6 to 9 June 2005; and
(b) calls on the Minister for the Environment and Heritage to use his good offices to delay logging of this contentious coupe of forests until the full hearing before the tribunal has occurred and a finding issued.

Senator FERRIS (South Australia) (3.35 p.m.)—At the request of Senator Tchen, Chair of the Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today Senator Tchen shall move:

No. 1—That Amendment No. 1 to the Transitional Arrangements for Students Guidelines, pursuant to items 4 and 8 of Schedule 1 of the Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003, be disallowed.

No. 2—That Administration Guidelines, made under section 238-10 of the Higher Education Support Act 2003, be disallowed.


No. 4—That Other Grants Guidelines, made under section 238-10 of the Higher Education Support Act 2003, be disallowed.

Senator FERRIS—I seek leave to incorporate in Hansard a short summary of the matters raised by the committee.

Leave granted.

The summary read as follows—

Amendment No. 1 to the Transitional Arrangements for Students Guidelines

This Amendment excludes students who commenced their qualifying or preliminary course of study before 1997 from paragraph 2.5.1(b) of the Transitional Arrangements for Students Guidelines. The Committee has written to the minister seeking clarification on the commencement date for this Amendment.

Administration Guidelines

These Guidelines revise the Administration Guidelines by including new provisions concerning the reporting obligations of higher education providers and the requirements for provision of Commonwealth Assistance Notices to students.

According to the Explanatory Statement, these Guidelines purport to revoke and replace the previous Administration Guidelines that commenced on 30 June 2004. However, neither the making statement that accompanies these Guidelines, nor the Guidelines themselves, expressly revoke the previous Guidelines.

OS-Help Guidelines

These Guidelines specify procedures to be followed by higher education providers in the selection of students for the receipt of OS-HELP assistance and in the administration of such assistance, and specify the method for determining the number of students who may be selected for such assistance.

Clause 3.5.15 of these Guidelines requires a higher education provider to advise the Department of Education, Science and Training if the provider knows or has reason to believe that a student in receipt of OS-Help assistance has provided false or misleading information to the provider in their application for assistance. The Clause states that the provider should not discuss the matter with the student unless advised to the contrary by the Department. Neither the Clause nor the Explanatory Statement gives information about the reason for this prohibition on contact with the student. It is not clear at what stage the student will be made aware of the provider’s suspicions. Further, it is not clear whether a provider is at liberty to make inquiries of the student in order to confirm whether an initial suspicion is something that should be notified to the Department.

Other Grants Guidelines

These Guidelines specify the requirements for certain grants specified in subsection 41-10(1) of the Act.

Subclause 6.45.1 provides that the Department is bound by the Information Privacy Principles set out in section 14 of the Privacy Act 1988. Subclause 6.45.2 states that the only personal information collected by the Department ‘relates to’ the name, work telephone, fax and email details of the contact officer of the higher education pro-
vider. It is not clear whether the words ‘relates to’ imply that personal information other than actual names, telephone/fax numbers and emails will be collected. The impression that other information may be collected is reinforced by subclause 6.45.3, which describes procedures that seem to contemplate a much larger collection of personal information.

Chapter 9 of the Guidelines deals with Grants to Foster Collaboration and Reform in Higher Education. Subclause 9.15.5 provides that 20% of the allocation in each year may be reserved for consideration of proposals that are outside the competitive funding rounds. These proposals must be consistent with objectives of the programme, and they must strategically address programme priorities. Presumably the objectives are those set out in clause 9.5, but it is not clear where the programme priorities are specified.

Clause 9.25 states that application forms and information are available on the Department’s website. It might assist users of these Guidelines if this clause included a cross-reference to the website address.

Chapter 11 of the Guidelines deals with Grants to Enhance the Quality of Australia’s Higher Education Sector. Clause 11.2 lists four bodies corporate that are eligible for grants. Subclause 11.2.10 specifies an amount of grant to the Carrick Institute for 2005 and 2006. No amounts are specified for the other three eligible bodies.

Senator Faulkner to move on the next day of sitting:

That the Senate notes that:

(a) 8 March 2005 is the 30th anniversary of the United Nations officially celebrating International Women’s Day;

(b) 8 March 2005 is also the 30th anniversary of Mr Gough Whitlam becoming the first Australian Prime Minister to launch International Women’s Day, which had first been celebrated by Australian women in 1928; and

(c) the Whitlam Government, as well as becoming the first Australian Government to officially support International Women’s Day, took a number of steps to end discrimination against women in Australian society, including re-opening the equal pay case, mandating equal opportunities for women in federal government employment and appointing women to judicial and administrative positions.

COMMITTEES

Economics Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.36 p.m.)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the time for the presentation of the report of the committee on the provisions of the Tax Laws Amendment (2004 Measures No. 7) Bill 2005 be extended to 9 March 2005.

Question agreed to.

Employment, Workplace Relations and Education Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.37 p.m.)—by leave—At the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Tierney, I move:

That the time for the presentation of the report of the committee on the provisions of the Workplace Relations Amendment (Right of Entry) Bill 2004 be extended to 14 March 2005.

Question agreed to.

Legal and Constitutional Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.37 p.m.)—by leave—At the request of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I move:


Question agreed to.
LEAVE OF ABSENCE

Senator FERRIS (South Australia) (3.38 p.m.)—by leave—At the request of Senator Harradine, I move:

That leave of absence be granted to Senator Harradine for the period 7 March to 10 March 2005, on account of ill health.

Question agreed to.

Senator FERRIS (South Australia) (3.38 p.m.)—by leave—At the request of Senator Ian Macdonald, I move:

That leave of absence be granted to Senator Ian Macdonald for the period 8 March to 14 March 2005, on account of government business overseas.

Question agreed to.

Senator GEORGE CAMPBELL (New South Wales) (3.39 p.m.)—by leave—At the request of Senator Hutchins, I move:

That leave of absence be granted to Senator Hutchins for the period 7 March to 17 March 2005, on account of ill health.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway) for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee, postponed till 9 March 2005.

58TH ANNIVERSARY OF UNION DAY IN BURMA

Senator NETTLE (New South Wales) (3.40 p.m.)—I move:

That the Senate—

(a) notes:

(i) 12 February marked the 58th anniversary of Union Day in Burma which marks the agreement among various nationalities to live together as a union with a guarantee of equality and the right to self-determination,

(ii) that the Committee Representing the People’s Parliament (CRPP) is opposed to the National Convention organised by the Burmese ruling junta, the State Peace and Development Council (SPDC), on 17 February because it lacks the legitimacy and participation of the democratically-elected representatives of the people and major political parties such as the National League for Democracy and ethnic parties,

(iii) United States Secretary of State Condoleezza Rice’s speech naming Burma as one of the ‘outposts of tyranny’ along with Zimbabwe, and

(iv) that 18 members of the Parliament-elect are still in detention under severe conditions;

(b) continues to support the CRPP as the legitimate body working towards the emergence of a parliament of elected representatives according to the 1990 election;

(c) believes that genuine national reconciliation can be achieved through a dialogue between the National League for Democracy, ethnic nationalities and the SPDC; and

(d) calls on the Government to urge the Burmese junta to free Daw Aung San Suu Kyi, U Tin Oo and all political prisoners unconditionally.

Question agreed to.

COMMITTEES

Legal and Constitutional References Committee

Reference

Senator NETTLE (New South Wales) (3.40 p.m.)—I move:

That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 15 June 2005:
The detention of Ms Cornelia Rau, with particular reference to:

(a) the circumstances, actions and procedures which resulted in Ms Rau being detained;
(b) how Ms Rau remained unidentified during the period in question;
(c) the adequacy of mental health services provided to Ms Rau and other detainees;
(d) the conditions in Australian immigration detention centres and whether they are having a harmful effect on the mental health of detainees;
(e) the adequacy of legal assistance provided to Ms Rau and other detainees;
(f) the actions of relevant ministers; and
(g) any related matters.

Question put.

The Senate divided. [3.45 p.m.]

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

Ayes……………. 2
Noes……………. 46

Majority………. 44

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

NOES


* denotes teller

Question negatived.

NOTICES

Postponement

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.49 p.m.)—by leave—I amend business of the Senate notice of motion No. 2 as follows:

(1) That a select committee, to be known as the Select Committee on Mental Health, be appointed to inquire into and report by 6 October 2005 on the provision of mental health services in Australia, with particular reference to:

(a) the extent to which the National Mental Health Strategy, the resources committed to it and the division of responsibility for policy and funding between all levels of government have achieved its aims and objectives, and the barriers to progress;

(b) the adequacy of various modes of care for people with a mental illness, in particular, prevention, early intervention, acute care, community care, after hours crisis services and respite care;

(c) opportunities for improving co-ordination and delivery of funding and services at all levels of government to ensure appropriate and comprehensive care is provided throughout the episode of care;

(d) the appropriate role of the private and non-government sectors;

(e) the extent to which unmet need in supported accommodation, employment, family and social support services, is a barrier to better mental health outcomes;

(f) the special needs of groups such as children, adolescents, the aged, Indigenous Australians, the socially and geo-
graphically isolated and of people with complex and co-morbid conditions and drug and alcohol dependence;

(g) the role and adequacy of training and support for primary carers in the treatment, recovery and support of people with a mental illness;

(h) the role of primary health care in promotion, prevention, early detection and chronic care management;

(i) opportunities for reducing the effects of iatrogenesis and promoting recovery-focused care through consumer involvement, peer support and education of the mental health workforce, and for services to be consumer-operated;

(j) the overrepresentation of people with a mental illness in the criminal justice system and in detention, the extent to which these environments give rise to mental illness, the adequacy of legislation and processes in protecting their human rights and the use of diversion programs for such people;

(k) the practice of detention and seclusion within mental health facilities and the extent to which it is compatible with human rights instruments, humane treatment and care standards, and proven practice in promoting engagement and minimizing treatment refusal and coercion;

(l) the adequacy of education in de-stigmatising mental illness and disorders and in providing support service information to people affected by mental illness and their families and carers;

(m) the proficiency and accountability of agencies, such as housing, employment, law enforcement and general health services, in dealing appropriately with people affected by mental illness;

(n) the current state of mental health research, the adequacy of its funding and the extent to which best practice is disseminated;

(o) the adequacy of data collection, outcome measures and quality control for monitoring and evaluating mental health services at all levels of government and opportunities to link funding with compliance with national standards; and

(p) the potential for new modes of delivery of mental health care, including e-technology.

(2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by the Leader of the Australian Democrats.

(3) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.

(4) In the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate.

(5) That the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.

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

(7) That the quorum of the committee be 3 members.

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

(9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken, and such interim recommendations as it may deem fit.
(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(11) That the quorum of a subcommittee be 2 members.

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

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

I seek leave to postpone the notice of motion till the next day of sitting.

Leave granted.

**Senator ALLISON**—I move:

That the notice of motion be postponed till the next day of sitting.

Question agreed to.

**MINISTERIAL STATEMENTS**

**Iraq**

**Senator HILL** (South Australia—Minister for Defence) (3.50 p.m.)—I seek leave to make a statement relating to the Australian task group deployment in Iraq.

Leave granted.

**Senator HILL**—The Senate will be aware that on 22 February the Prime Minister announced the government’s decision to send an Australian task group to Iraq.

This task group will go to Al Muthanna province in southern Iraq. It will work closely with the Japanese Iraq Reconstruction Support Group, which is making a valuable humanitarian contribution to the rebuilding process in the province. It will also work with British forces, who maintain operational control of southern Iraq.

The Australian task group will have two roles.

First, it will provide a secure environment for the Japanese Iraq Reconstruction Support Group which is currently building roads and schools, ensuring clean water supply, and delivering incidental health services.

Second, the task group will be involved in the further training of the Iraqi security forces. That training is essential if Iraqis are to assume responsibility for their own security.

This deployment was a difficult decision, taken by the government after careful consideration of Australia’s interests and our global and regional responsibilities.

It is a sign of Australia’s commitment to the people of Iraq in their struggle for a better future. It is also a sign of the importance the government places on working with Japan—a close friend and regional partner—on global security issues.

Iraq today is at a critical juncture; the Prime Minister has referred to it as a ‘tilting point’—one where the balance between success and failure turns on a test of wills.

Terrorists and insurgents have set themselves the goal of thwarting the emergence of a secure and democratic Iraq. The international community must deny them this objective.

Australia shares an obligation and an opportunity to help build a secure and democratic Iraq—an opportunity given new force by the magnificent expression of Iraqi democracy that we all witnessed at the end of January.

A failure of will now would be an abrogation of our nation’s interests and values. It would see Australia shun our closest friends, reward our avowed enemies and turn away from a courageous people who have chosen the path of our deepest convictions.
The deployment

The task group will total approximately 450 personnel—the bulk drawn from the Darwin based 1st Brigade. It will include some 40 ASLAV armoured vehicles.

The period from the Prime Minister’s announcement of the task group through to deployment will be about 10 weeks.

The task group will add to approximately 920 ADF personnel that are currently deployed to the Middle East area of operations. At present, some 50 to 70 Australian personnel are engaged in training Iraqi security forces north of Baghdad. This contingent will be rolled into the Al Muthanna Task Group when their current assignment is completed.

The task group will operate under the national command of Australia’s joint task force in the Middle East area of operations, while being under operational control of the UK multi-national division in southern Iraq. ADF units and personnel deployed in Iraq remain under Australian national command and in all their operations will abide by Australian law.

The precise length of the deployment will be determined by circumstances as they emerge, bearing in mind that the central goal of the coalition in Iraq is to ensure the earliest practicable transfer of internal and external security to the Iraqis themselves.

Initially, the task group deployment will be for a period of 12 months, based on two rotations of six months each. If the Japanese presence were to end prior to the conclusion of the initial 12-month deployment, the government would review the operation.

The interim Iraqi government warmly welcomes and endorses the Australian task group deployment. The continued presence of our forces in Iraq will be conditional on the continuing support of the incoming Iraqi transitional government.

The new circumstances

While the Prime Minister has stated consistently that we keep the level and composition of our forces in Iraq under review, he has not sought to disguise the fact that this deployment represents a change in the government’s previously stated position that we did not plan any major increase in our commitment.

This change reflects the convergence of new circumstances on the ground.

As the Prime Minister has said before, from time to time since the end of combat operations, there have been informal requests from the Americans and the British for a greater Australian presence in Iraq.

So far as the decision he announced on 22 February is concerned, the trigger for discussions within the coalition involving Australia was the final confirmation by the Dutch in mid-November 2004 of their decision not to renew their deployment to Iraq.

For the past two years the Dutch have maintained some 1,400 troops in Al Muthanna province providing security for the Japanese forces. Under Japan’s constitution, that country’s military can only operate in a non-combat zone, can only be involved in humanitarian and reconstruction activities, and the use of force by the Japanese is limited to self-defence only.

Unless additional security could be provided to replace the Dutch, there was a real possibility the Japanese could no longer remain in Iraq. This would have been a serious blow to the coalition’s reconstruction effort and to the broader credibility of the coalition in Iraq.

The Senate, of course, will be aware of the very heavy burden being carried in Iraq by the United States and British forces.
Japan’s presence in Iraq as part of the coalition is very important, both in substance and through its symbolism. Japan is a significant Asian power, a great Pacific democracy and a global economic power. Its presence in Iraq indicates the broad range of nations working to assist that country to consolidate a democratic future.

The other factor weighing heavily on the Australian government’s decision making was the success of the Iraqi national elections—an outcome far more inspiring and impressive than anybody was entitled to expect.

Nothing better illustrates what is at stake in Iraq than the memorable images of brave Iraqi men and women holding aloft their ink-stained fingers to record their first ever act of democratic freedom.

We should not underestimate the positive force that this—the first genuine experiment in Arab democracy—can have in bringing a more hopeful future to the Middle East.

Indeed, recent months have seen a number of very positive developments in that troubled region. As well as the success of the Iraqi elections, we have seen new steps towards peace between Israel and the Palestinians. We have seen moves towards multi-candidate presidential elections in Egypt and greater democracy at a municipal level in Saudi Arabia. And just last week, there was a dramatic expression of people power in Lebanon which has led to an announcement of a phased Syrian withdrawal from that country.

The importance to all these events of the ousting of Saddam Hussein—opening the way to democracy in Iraq—should not be underestimated. It may yet prove a historic turning point for the Middle East—one that could profoundly alter the outlook for freedom and democracy in that part of the world.

For the benefit of the Senate, I want to put on record the key exchanges between the Australian, British and Japanese governments leading up to the Prime Minister’s announcement of the task group.

Confirmation in mid-November 2004 of the Dutch government’s decision not to renew their Iraq deployment led to discussions between coalition partners on the need to maintain an appropriate security force in Al Muthanna province.

UK Defence Secretary, Mr Geoffrey Hoon, conveyed to me by letter on 20 January 2005 a request for an Australian contribution in the province.

UK Foreign Secretary, Mr Jack Straw, wrote to Mr Downer on 4 February 2005 requesting Australian support.

The National Security Committee of Cabinet met on 16 February 2005 and considered the matter very carefully—on the basis of advice from the Chief of the Defence Force and assessments from relevant intelligence agencies.

The Prime Minister of Japan, Mr Koizumi, telephoned the Prime Minister on 18 February and requested Australia’s contribution.

The British Prime Minister, Mr Tony Blair, telephoned the Prime Minister in Auckland on 21 February to reinforce the requests that had previously been conveyed by Mr Straw to Mr Downer and Mr Hoon to me.

I want to repeat—this deployment to Iraq was not an easy decision for the government. I know it will be unpopular with a good number of Australians. But a government—acting in the national interest—must have a capacity to respond to new circumstances as they arise.
Security situation in Al Muthanna province

The military deployment does involve the risk of casualties. The security situation in this part of Iraq, however, is different from that in other areas such as the Sunni Triangle.

Al Muthanna province has a small population and, relatively speaking, has been free of violence. Nevertheless, Iraq remains a dangerous place and the ADF constantly reviews the threat environment and adjusts its force protection measures accordingly.

The government has ensured that the ADF personnel are well trained and have the right type of equipment for their mission.

All 40 ASLAVs will be fitted with enhanced protective measures to ensure multiple layers of protection for each vehicle. In some cases, enhanced protection will be fitted on arrival in theatre prior to operations commencing. We will not discuss the exact and full details of enhancements to individual vehicles for operational security reasons.

There has been some commentary relating to the fact that the size of the Australian task group is substantially less than the Dutch contingent it is replacing.

This largely reflects the different tasks of the two forces. Whereas the Dutch contingent assumed broad security responsibilities, the Australian task group will have a narrower mission working in collaboration with British forces that will have overall responsibility for the security of the province. The size of the task group also reflects an updated assessment of the enhanced capabilities of Iraqi security forces.

In the end, the figure of 450 personnel reflected the advice provided to cabinet by the Australian Defence Force, following consultations with military officials from Britain, Japan and the United States.

Our responsibilities in the region

This latest commitment to Iraq will not affect Australia’s ability to support current operations or to respond to other national and regional tasks.

Our forces will continue to discharge their other responsibilities to their normal high standard—whether in the Solomon Islands, in East Timor or continuing their important humanitarian work in Operation Sumatra Assist. The ADF is prepared, equipped and structured to face all these challenges.

In a world more interconnected than ever before, Australia must maintain a global perspective on the security threats we face in the 21st century. Australia’s capacity to hold such a perspective—necessarily influenced by regional interests and responsibilities—is a measure of our strategic maturity as a nation.

In closing, I wish to pay tribute to the men and women of the Australian Defence Force. Under tough conditions, they are performing magnificent work to secure their country and to extend the reach of peace and freedom.

This deployment is consistent with Australia’s strategic interests and with the best traditions of our forces. I know that the thoughts and prayers of all Australians will be with them when they embark on their mission.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (4.02 p.m.)—I seek leave to move a motion in relation to the statement.

Leave granted.

Senator CHRIS EVANS—I move:

That the Senate take note of the statement.

Today’s statement by the Prime Minister in the House of Representatives and by the Minister for Defence in the Senate regarding the additional deployment of some 400 troops and equipment to Iraq is much more
than a change in position, as described by the minister. It is a major foreign policy deception by the Howard government. It was only last April—27 April 2004, to be precise—that the Prime Minister, Mr Howard, declared on the John Laws radio program:

I can definitely say we won’t be adding hundreds, I can definitely say that we’re not going to have a capacity to put more regular soldiers on the ground, we just don’t have that and I’ve made that clear to the Americans and the British all along, it goes back to the beginning of last year.

This was a clear, unambiguous statement that defined the limits of our military capacity to undertake further deployments to Iraq. It was an expression of finality, which denoted in unmistakable terms that Australia had done enough. It was also a political statement designed to close down the domestic debate before a federal election, no matter what changes there were in strategic circumstances.

Labor does not support the deployment of these additional troops. Our argument is not with the troops; they have our absolute support and commitment. We wish our troops safe return and hope their mission goes well. We will do our level best as an opposition to make sure they want for nothing. Having said that, we now face the situation where 450 ADF personnel are replacing a 1,600-strong Dutch force.

Labor’s primary concern whenever Australian troops are deployed overseas is, first and foremost, the safety of our troops. The safety of our troops should be the end product of careful and deliberate planning—planning which encompasses the input of intelligence assessments on the situation in Iraq, particularly covering the area into which our troops are to be deployed; planning which guarantees that our troops are properly trained and prepared for the military tasks that they will undertake; and longer term planning which ensures that our troops have the best equipment that the nation can provide.

In all these aspects this deployment is too hasty and made on the run by the Howard government. They describe it as ‘a change of policy’, made supposedly on the basis of a request from the government of Japan—the origin of which remains to be explained—despite having known of the long-anticipated Dutch withdrawal since mid-2004 and despite having declined a United Nations request for additional military support during 2004 and having been dishonest about the details of that request.

The Australian government had been under pressure from the Americans for a long period of time, but the Prime Minister had made our position clear. Now, he has committed more Australian lives to risk. There is no evidence that any serious intelligence assessments were carried out before cabinet made this decision. A force deployed in this kind of environment needs tanks; it needs armoured fighting vehicles and artillery; and it needs helicopter fire support. That is what the Dutch had in this part of Iraq. They had six Apache attack helicopters which could provide timely responses for combat operations. When our forces were last engaged in this sort of work—in Vietnam—they had overwhelming fire support.

Where are the government’s reasons for approving the deployment of 450 Australians to replace 1,600 Dutch combat troops? We know from leaks from Defence headquarters that the deployment of just 450 was the smallest option that was proposed. We know that our defence chiefs believed that 450 was far below what is needed and offered four more alternatives—

**Senator McGauran**—The British are doing chopper surveillance.

**Senator CHRIS EVANS**—Senator, you might be happy with the British troops pro-
viding security for ours. We have always adopted the policy that we ought to provide our own security. That is what General Cosgrove said was the ADF’s motivation in all previous deployments. But if that is another change of policy I am interested to hear it. What we have is 450 troops replacing 1,600.

Senator McGauran—I am quite satisfied.

Senator CHRIS EVANS—You are quite satisfied that the troops are safe? I hope you are right. I would like to know what intelligence you received before you came to that conclusion. On our part, we are concerned. Ill-informed contributions from you, Senator McGauran, are not a replacement for good, sound policy. The government had a position. It has changed its position and there has been no adequate explanation of it.

We know that defence chiefs believed that 450 is far below what is needed and offered four more alternatives, all including much larger force levels and combat power. Cabinet ignored these four and chose the minimum option. Even the 44 ASLAVs, the light armoured vehicles that will support the troops, will not be fitted with full internal armoured linings. The spall linings provide the most effective protection. Initially we were told that up to 20 of the vehicles would only be fitted with internal curtains—a second-best solution to the lack of long-term planning in vehicle preparation. Today’s statement by the minister and the Prime Minister seeks to hide behind operational security reasons in not providing detail on the ASLAV enhancements. The minister gave quite a different answer again in Senate question time today. It is not at all clear to me or the Australian public whether the ASLAVs have been fitted with adequate protection or whether in fact some will be sub-standard and will increase the risk to Australian troops.

We should not be surprised about this. What we do know is that the Defence 2003-04 annual report reported that the 1st Brigade, where the bulk of the troops and equipment are to be drawn from, is suffering from significant inadequacies with regard to personnel shortages, insufficient equipment, ammunition shortages and training deficiencies. This is a report from the government’s own department. We in the opposition want nothing more than the safe return of our troops to Australia, and we hold the Howard government accountable for the effectiveness with which they pursue the safety of our troops. That is one of the reasons that we question the longer term motives of the Prime Minister, who has refused to declare his exit strategy.

Where is government policy going in Iraq? We hear that there has been a change in policy in making this deployment. If the Sunni and Shia populations of Iraq come to an accommodation then we may be fortunate. But if they do not, what then? Effectively, the Australians are protecting the Japanese and the British are protecting the Australians. If the Ukrainians or the Poles, for instance, withdraw their troops, will Australia be asked to contribute to their replacement? Will we be required to commit even more troops? If the British are forced to replace the Ukrainians and the Poles and cannot provide as much protection for the Australian forces, will the government reinforce the new Australian contingent with the protection they need? These are the unanswered questions that permeate this ministerial statement. This government is silent on the future, and the lack of a clear, unambiguous exit strategy has warped the Howard government’s policies and made planning on the run the norm. When will this government

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give a definitive assurance as to when our forces will come home? Why won’t it?

The opposition do not support this deployment. It is a wrong decision, taken without reference to Australia’s primary strategic needs. There is a direct reversal of everything that the Prime Minister has said about our involvement in Iraq for the last two years. Our priorities do not lie in Iraq; our priorities lie here in our region. But with this deployment we risk becoming even more deeply involved in an area outside our strategic priorities. Our efforts should be concentrated here. This deployment policy is wrong, and the Labor Party stand against it. We hope, though, that our troops return safe and that they find the situation in Iraq does not put them at any unnecessary risk. But, as I say, this change in policy by the government needs much more explanation. We need much more reassurance about what we are getting into in terms of this commitment.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (4.11 p.m.)—The Democrats want to put on the record our strong opposition to the government sending 450 personnel to Iraq, bringing the number there to 1,370. These troops are to provide what is called a secure environment for the Japanese Iraq Reconstruction Support Group. They are to replace 1,400 Dutch troops, as I understand it. It is not altogether clear why the Dutch have pulled out their troops but it is more than likely that, like Australia, the vast majority of their population did not support the involvement in the attack on Iraq in the first place.

The Democrats, as everyone would know, were strongly opposed to Australia’s involvement in the attack on Iraq. Whilst we hope Iraq becomes a stable, more prosperous and democratic country, the odds that this will be the case are shaky, to say the least. The attack was illegal. It was justified on the basis that Iraq had weapons of mass destruction that were a direct threat to Australia, which was neither true at the time of the decision nor at the end of the exhaustive search for them. Regime change was said by our Prime Minister to be a second-order reason for attacking Iraq. The Prime Minister also said at the National Press Club just before the war that Saddam Hussein could stay on in power, provided he got rid of his weapons of mass destruction.

Whilst opposing the war, the Democrats were prepared to say that, having joined in the destruction of much of Iraq’s infrastructure, we should pull our weight in repairing the damage. But we waited in vain for the government to tell us just what our role was in rebuilding the country and re-establishing security, and just how long this would take. What exactly is the job we have undertaken and when will we know it is finished? So it is against this backdrop of uncertainty and the seriously contradictory justifications for sending in troops in the first place that we should now consider this latest decision by the government. If, as the government has said, our troops are needed to support the recent election in Iraq, how does this sit with assurances by the coalition of the willing prior to the attack that our soldiers would be welcomed with open arms? How does this sit with the fact that most candidates and the United Iraqi Alliance, which secured the largest single block of votes in the 30 January election, won their votes on the basis, presumably, of their campaign of ending the US led occupation? I understand that the alliance has since called for a timetable for the withdrawal of the United States, UK and Australian troops in Iraq. I would ask the minister whether it is the case that the coalition of the willing has rejected that proposal and even refused to meet with the alliance about developing such a plan.
We would like to know from the minister whether or not the incoming government was consulted about the decision, or didn’t the US government even bother briefing us on the matter? Is it yet another case of blindly following the United States and of risking the lives of our troops in what is effectively still a war zone?

Days before the election, there was an attack on an Australian light armoured vehicle and the Australian embassy was fired upon. Australian troops are not safe in Iraq. There are, on average, 60 attacks by insurgents every day, up from 25 in 2004. Iraqi intelligence estimates are that there are 40,000 hard-core insurgents and 200,000 part-time fighters in Iraq. Yet, the government claims in this statement that the election was successful beyond expectations. I would hate to think how many of our troops would be needed had it been a failure.

The attack on Iraq was also said to be an attack on terrorists but, last month, the head of the CIA told a US Senate committee:

Islamic extremists are exploiting the Iraqi conflict to recruit new anti-US jihadists ... who will leave Iraq experienced in and focused on acts of urban terrorism. They represent a potential pool of contacts to build transnational terrorist cells, groups, and networks in Saudi Arabia, Jordan and other countries.

He went on to say:

The Iraq conflict, while not a cause of extremism, has become a cause for extremists.

Abu Musab al-Zarqawi, a Jordanian terrorist who has joined al-Qaeda since the invasion, hopes to establish a safe haven in Iraq, according to the CIA, from which he could operate against Western nations and moderate Muslim governments. The committee was told:

Our—meaning the United States—policies in the Middle East fuel Islamic resentment.

And it may only be a matter of time before al-Qaeda or another group attempts to use chemical, biological and nuclear weapons. Intensive military raids over Iraq have killed several thousand suspected insurgents and put 8,000 in detention but have made almost no impact on the 30 or so most wanted insurgents, according to US military officers. Syria is said to be a base for financing and supplying the insurgents, which no doubt accounts for the latest moves by the US against Syria in Lebanon.

As I said, the Democrats supported Australian troops staying in Iraq until the election but, six weeks on, we think it is time that they were returned, unless the Prime Minister can persuade Australians that there is a plan—an exit strategy—that they are welcomed by the transitional government and that they are not in danger. We are told that this will be an initial deployment of 12 months but that the precise length of that deployment will be determined by circumstances as they emerge. What circumstances?

We accept that the deployment of our troops in southern Iraq is less dangerous than in the northern Sunni-dominated triangle but the fact that they are needed there at all in a part of Iraq where there is supposed to be support for democracy I think speaks volumes for the high-risk strategy of bringing about democracy by violent means.

The government says it was a difficult decision, citing the importance of working with Japan on global security issues. It sounds to me as if, like the original tack, this has much more to do with alliances than a decision that is in Australia’s overall interests. It is a double standard for the government on the one hand to ignore its commitments and obligations to one set of neighbours, such as East Timor, while on the other hand to put ahead of those its neighbourly obligations to Japan.
Certainly, we acknowledge that we have long-term obligations to help rebuild Iraq, but sending additional soldiers in is not the way to do it, in our view. Rebuilding does not equate to increasing our military involvement.

The Democrats insist that the government should be planning to bring troops home, not increasing our commitment. As I said, there seems to be no withdrawal plan, just escalating costs. The cost of our invasion of Iraq is enormously expensive. At a time when the Australian government is planning to claw back millions of dollars from disabled Australians, it is now seeking to justifiy the blown-out cost of the war at more than $1.2 billion by conservative estimates. This latest commitment could see the costs reaching $2 billion in a year or so. We have maintained several hundred personnel in the region, with another 450 Australian men and women to be deployed in weeks, at a further cost of $300 million a year. The cost to Iraq has been incalculable in dollar terms, with estimates of in excess of 100,000 civilian dead as a result of the war.

Tomorrow is International Women’s Day. A recent Amnesty report entitled Iraq: decades of suffering, now women deserve better suggests that women are no better off now in terms of safety than under Saddam Hussein, with increased murders and sexual abuse, including by US forces. According to the report, the lawlessness and increased killings, abductions and rapes have restricted women’s freedom of movement. This includes women being subjected to sexual threats. There are also reports that some detained women have been sexually abused and possibly raped.

The Democrats support Amnesty International’s call on the Iraqi authorities and newly elected members of the national assembly to enshrine the rights of women in the new constitution. Australia has a long-term obligation to provide aid and assistance in the rebuilding of Iraq, but repair and rebuilding must be done with aid, not tanks and guns pointed at Iraqi citizens. We believe the bulk of Australian troops should now be withdrawn, with the exception of essential personnel for protecting Australian diplomatic staff. This would largely involve withdrawing the Australian ship from the gulf and bringing home Australian personnel training the Iraqi army. It certainly does not involve sending additional troops to southern Iraq.

The minister today called the invasion of Iraq ‘a first genuine experiment in Arab democracy’. If this is an experiment then, in terms of the loss of lives and devastation, it is a failed experiment and one which should not be compounded. The Democrats have put forward legislation to take the power to go to war out of the hands of the cabinet and place it with both houses of parliament. The war in Iraq is clear evidence that parliamentary consent should be needed before Australian troops are sent to overseas conflicts. Will the next experiment be a war on Iran? Just how many experiments on other sovereign nations should we be joint participants in? This is a case of an experiment gone wrong. Recent comments on Iran by the United States Secretary of State, Condoleezza Rice, should concern all Australians who do not want this nation to again take part in a pre-emptive strike and get involved in yet another drawn-out, destructive conflict.

War should not be the prerogative of the Prime Minister. Our Prime Minister should not have the power to send our troops to war without the support of the UN, the Australian parliament or the Australian people—and without the Governor-General needing to authorise that decision. If war is an experiment then the Prime Minister is the mad scientist. The Howard government was the first
in our history to go to war without the support of the parliament and today seeks to justify further military aggression by committing more young Australians.

The Senate voted against going to war in Iraq even as the bombs began to fall on Baghdad but had no power to prevent it. Democrat legislation would ensure that that did not happen again. Our position is clear: the executive should not be able to involve Australian troops in overseas conflict if they have not been able to successfully make their case, at least to the parliament. That is the position the Democrats have held and proposed for some 25 years.

The ongoing violence in Iraq proves, I think, that regime change through invasion has too high a cost. The minister cannot say today that the government is acting in the national interest in committing more Australian troops to Iraq. Australian people have the right, through their elected representatives, to participate in issues of national interest, but the government continues to deny Australians that right, even as it blithely acknowledges that its actions are unpopular.

Iraq is in crisis; there is no question about that. A survey of health conditions in Iraq has found huge increases in deaths and mental and physical illness from all causes as a result of the conflict. In a recent report of a survey of health in Iraq, the Medical Association for Prevention of War estimated that 100,000 civilians have died as a result of the invasion and the continuing conflict. The risk of violent death in the 18 months after the invasion was 58 times higher than in the 15 months before it, while the risk of death from all causes was 2.5 times higher.

A report in recent months by Iraq’s health ministry and the UN Development Program found that the rate of malnutrition amongst children under five has almost doubled in the last two years, with 7.7 per cent acutely malnourished. As one of the nations who initiated this war Australia has a legal and ethical obligation to ensure that the health system and situation faced by the local people is improved. The Democrats call on the government to acknowledge the crisis and immediately inject additional funding into overseas aid. Our obligation is to health restoration programs in Iraq, as well as to health and education, not to more troops.

The government’s commitment of Australian troops to the southern province has significant repercussions for the safety of those troops and that of Iraqi civilians, because of its disregard for the use of depleted uranium ammunition in this area. Despite the minister’s assertion today that this province has seen a low level of violence, this does not equate to a safe level of DU in the area. Reports suggest that depleted uranium munition was routinely employed in encounters with armoured enemy vehicles, including in urban environments, and airborne ordnance has been fired less discriminately.

It is a fact that DU ammunition has been widely used during Operation Iraqi Freedom and it has been used in southern Iraq. This region is no exception: the usage of DU ammunition in and around the capital of the province, As Samawah, has been confirmed by US troops and embedded journalists. A report last year by Dr Asaf Durakovic, one of the world’s leading experts on depleted uranium, has confirmed that nine US military police officers tested positive for depleted uranium contamination after their return from service in Samawah in Iraq. Samawah, which has been used as a dump for material destroyed by DU-tipped shells, is radioactive. Since the US government has so far not disclosed exact numbers, it remains as yet unknown just how much DU has been used in the war, and surveys will not reveal this.
The British government has been a bit more forthcoming, admitting that British Challenger tanks expended 1.9 tons of DU. Reports predict that 100 to 200 tons of DU may have been released during combat, with much centred in and around urban areas. This increases the potential for civilian exposure to DU, as well as exposure for Australians now destined for the area. Indeed, all over Iraq, the remains of spent DU shells and DU contaminated debris have been found littering the streets in urban areas. Some wrecked vehicles have been towed away, and the most obvious contaminated sites are marked; however, most locations have not even been identified, let alone cleaned, even though there is wide consensus that DU contamination is a potential health hazard.

There is no clear answer on the amount of depleted uranium in the area to which our troops are being sent. Until this is known and addressed, we say Australian service men and women should not be subjected to the risk of contamination. My colleague Senator Bartlett asked the minister today what precautions would be taken to prevent the exposure of this additional contingent to DU. The response—that surveys will be conducted—is, we think, manifestly inadequate. The Democrats do not find it acceptable for the Australian government to subject Australian service men and women to these risks.

The minister’s statement today does not justify Australia’s increased commitment to Iraq, it does not provide aid to the Iraqi civilians who have suffered terribly as a consequence of modern warfare and it does nothing to alleviate the fear of pre-emptive strikes against other nations. We do not wish ill on our troops—in fact, we hope that they return to this country safely—but we do not think the government is being responsible in sending them there in the first place.

**Senator McGauran** (Victoria) (4.28 p.m.)—I rise to support the Leader of the Government in the Senate, Senator Hill, and the Prime Minister in their statement today relating to Australia’s deployment of an extra 450 troops to Iraq. As it was outlined, the troops will be going to southern Iraq—relatively speaking, a safer zone than around Baghdad, of course, or in the Sunni triangle. Their task is twofold. Firstly, they will provide a secure environment for the Japanese Iraq Reconstruction Support Group, which is currently undertaking the building of roads and schools, and the provision of clean water supplies and health services. That is critical to Australia’s decision to deploy these extra troops: to give protection and support to not only the Japanese, who are close and long-time allies of Australia—60 years to be exact—but also the work they are carrying out.

Secondly, the task force will be involved in further training of the Iraqi security forces. Again, a key point as to why we made this most difficult decision is that those 450 troops will in some part be training Iraqi security forces. As the Chief of the Defence Force said, we aim for this deployment to terminate within 12 months because the Iraqi security forces will be trained up to take over, and therein lies the mission. This is, as Senator Hill rightly outlined, a sign that Australia is committed to the people of Iraq, who have just come through a most difficult election period. They have come through it with courage, determination and an absolute thirst for democracy. The fact that they had to get their hands dipped in purple, as we all saw on television screens, the fact that they had to carry that purple finger around for days after the election under the threat of death from the insurgents—terrorists, Islamic militants—and yet eight million people went to the polls, means we owe a commitment to those eight million people who have a thirst for democracy. Therein lies the government’s
reason for making this most difficult decision.

These decisions are of the gravest kind a government can make, but they are studied. They are emotional decisions, but rest assured they are studied decisions—the process undertaken to reach the conclusion that we are sending these troops vouches for this. As was stated by the Prime Minister in the other place and by the Leader of the Government in the Senate, the first request came from the UK defence minister to our Minister for Foreign Affairs on 20 January 2005. Then a second request, probably more formal, came from the UK foreign minister, Jack Straw, to our foreign minister, Mr Downer, on 4 February 2005. Naturally, that request was considered by the Australian cabinet’s National Security Committee, made up of the Prime Minister, the Deputy Prime Minister and the Minister for Defence, Senator Hill, who made the statement here today. It was carefully considered, with all the advice and relevant intelligence from the Defence Force. Even with those deliberations, it was still necessary, I believe, for the Prime Minister of Japan to telephone our Prime Minister on 18 February and request Australia’s contribution, adding greater gravity to the need in Iraq. And then the British Prime Minister, a very close ally to Australia, rang our Prime Minister, adding to the gravity and seriousness of the need for Australia to finish the job, to see it through and to send extra troops to protect the good work that the Japanese workers are undertaking. That was the process.

This was no rushed decision. The Leader of the Opposition would have us believe that this was a rush of blood to the head of the Prime Minister. In fact, the Leader of the Opposition has been contradictory in his attack. He is simply using this quite serious decision to his political advantage. He is all over the shop. He began by saying that this was always in the mind of the government before the election: we were just waiting for the election to come and go, and then we would make this decision. That is absolutely untrue. Nor was it a rush of blood to the head or a quick decision, as the process highlights. It is a decision we had to make. It is one we had to seriously consider, and we have done so. We have done it for the reasons outlined and, in particular, to reassure the Iraqi people that they do have a better future ahead of them, that the gameness and gutsiness of some eight million of them to come out and vote under the serious threat of death—not idle, as we all know—will be backed up by Australia and by the coalition that is now in Iraq.

It seems that every speaker so far in this debate today—and I have no hope to think that Senator Brown, who will speak after me, will change the idea or policy they all have—is against this deployment. And they have all thus far begrudgingly accepted the fact that the election was a success—in fact, I am not even sure Senator Allison believes that, but it was a great success. But if it is not good enough for them to make their own judgments and they rely so much on the United Nations, then they ought to look to the United Nations for their next step and their next policy. Quite frankly, the United Nations support the training of Iraqi security forces and troops. And why wouldn’t you support the training of Iraqi security forces so that one day they can run their own country? This is a mandate that the United Nations support.

Moreover, from June last year, resolution 1546 gave the coalition operations in Iraq unquestioned international legitimacy and obliged member states to do all in their power to aid the country’s post-Saddam reconstruction. And what do we hear from the other side? Those parties are out of step with the international community; they are out of
step with the United Nations. We have reached a stage where they have to decide, ‘Do they support the reconstruction of Iraq or not?’ instead of bogging down the debate in the same old, tired mantra that they chant. They are still arguing the point of whether we should have been in there or not. That is a failed argument, and it is a very dangerous one at this point of time. Not even the United Nations—not Russia, not China—would support that point of view now. In fact, the international community are now arguing: ‘Finish the job, and we will give you that support.’ But we are not hearing that from the Labor Party, we have not heard it from the Democrats and of course we will not hear it from Senator Brown.

The coalition of the willing will stay and support the Iraqi people, and we will do that by protecting the Japanese workers in southern Iraq. We got the powerful message of the 8.5 million Iraqis who went to vote. We were told by all the doomsayers, particularly from the other side, that the turnout would be a disaster. The turnout rounded up to around 60 per cent—a marvellous turnout, a gutsy turnout. They are crying out for democracy. For us to pick up now and leave would cause chaos. For us not to give added support when asked would not be helping them to the extent that we should. Already we see the winds of change in the Middle East, as the other speakers from this side of the parliament have rightly outlined. They have rightly outlined the change we have seen on our televisions. Just of late, in Lebanon, the people have taken to the streets. (Time expired)

Senator BROWN (Tasmania) (4.38 p.m.)—Until the end of February Senator McGauran opposed the deployment of hundreds more Australian troops to Iraq. He did that because the Prime Minister of this country, John Howard, had made a commitment to the electorates of this country in November last year that there would not be a large deployment of hundreds more troops to Iraq. The Prime Minister did that to gain electoral favour with the Australian people because he correctly read the mood of this country against a further large deployment of Australian troops, good and true, to Iraq for political purposes.

So what happened at the end of February? After quite a deal of lobbying from the British government and the US government, the Australian government changed its mind—to wit, the Prime Minister changed his mind. It is now on the record, although the Prime Minister’s statement today does not repeat it, that the Dutch had flagged their intention to remove their 1,400 troops from al-Samawah in the middle of last year. The Prime Minister knew this at election time. What is more, there was quite a lot of discussion amongst the coalition forces as to how they would be replaced to protect the 600 Japanese personnel, noncombatants, who were in the province of Al Muthanna, the capital of which is al-Samawah.

The Prime Minister knew all that in November but was not putting his hand up in the run to the election—at least he was not going to tell the Australian people about that. But his politics then came into play. He received a call from the Prime Minister of Japan, Mr Junichiro Koizumi, on 18 February asking him to deploy these 450 troops. Let us put this into perspective. Two days prior to that call, the Kyoto protocol was ratified globally with enormous celebration and coverage in Japan. There was major convention coverage in Kyoto city itself—I was there. There was a mood of condemnation of the Bush administration and the Howard government. The two recalcitrants from around the world will not do their duty to coming generations and join the international effort, represented in the Kyoto protocol, to turn around the coming scourge and the present
scourge—it is manifest already—of global warming.

Prime Minister Howard’s government was in great disfavour in Japan. But in Japan there is massive publicity about the oncoming world expo. Australia has a $40 million pavilion. What is more, Prime Minister Howard is very intent on a free trade agreement with a reluctant Koizumi administration in Tokyo. Prime Minister Koizumi told Mr Howard he would be delighted if the 450 troops were provided. Let me shorthand what has happened: Prime Minister Howard decided that he would put at risk 450 Australian Defence Force personnel and send them to Iraq at the request of the Japanese government in return for getting red carpet treatment when he visits Tokyo in April. This is the Prime Minister, in his hubris, with a political intent of moving to a free trade agreement, deploying these Australian troops not for all the purposes that we have heard here but to score himself points in Tokyo in April in pursuit of this free trade agreement.

So the Australian troops are having their lives, their safety, their good office, put at risk for a political purpose which the Prime Minister has not had the gumption and courage to state clearly to the Australian people. That is what is happening here, and it is deplorable. Let me state something very clearly: this parliament, as with the original deployment, has not been consulted. The responsibility for this decision is Prime Minister Howard’s. The safety and wellbeing of these 450 excellent Australians is his responsibility alone. If there are deaths, if there is injury, if there is a terrible consequence from this deployment, that is on the head of this Prime Minister. It is his decision. It is made for the wrong reasons—he takes responsibility.

Senator Allison referred to the potential for contamination with depleted uranium in Al Muthanna province. Before we move to that, I want to dispel one myth which has again been put forward by Senator Hill in here today. It is very notable that he changed one part of the Prime Minister’s speech in the House of Representatives. On page 7 of the speech we see the Prime Minister saying:

Al Muthanna province has a small population and, relatively speaking, has seen a low level of violence.

Senator Hill read that as:

Al Muthanna province has a small population and, relatively speaking, has been free of violence.

That is simply not true. Insurgents have exploded devices in Al Muthanna province. Indeed, a key reason for the Dutch withdrawal is the death of two of their personnel in this province—one as a result of an exploding grenade; the other as a result of a vehicle being blown up. So, when the Minister for Defence comes into the Senate and says, ‘This place has been free of violence,’ it is simply not true. It is a risky place, and it is not the isolated place the government would have it. In fact, it is on the main road between Al-Basra and Baghdad. The capital is the site of a crossing of the Euphrates river, where there was a pitched battle between the original invasion of Iraq and the death of 112 civilians in that city, in a battle that took a week to finally repress in the early days of this invasion. It is not the safe zone that the Prime Minister and, in particular, the Minister for Defence would have us believe.

On the matter of depleted uranium, it is estimated—and I am more conservative than Senator Allison here—that some 59 tonnes of depleted uranium have been exploded or utilised in weaponry that has been fired by the British and US defence forces since arrival in this country. There have been casualties as a result of that amongst the American
forces. We know that the danger from depleted uranium is highest when the weapons are fired and the radioactive gases are given off. There has been great concern in this province with both the Japanese and the Dutch forces. The Dutch forces were originally put in a former US military camp and moved very rapidly due to radiation contamination. The Japanese forces have noted the radiation and each member of the Japanese forces wears a radiation dosimeter to register the level of radiation in the province.

I ask the minister, here and now: will Australian Defence Force personnel each be supplied with a radiation dosimeter to make sure they are not exposed to unnatural radiation as part of their deployment to this province? It is known that there are contaminated sites. They are not properly fenced off. Kids are playing in the region and there are extraordinarily high health risks involved. I ask the minister, who is in the Senate now, to report back to the Senate, as matter of urgency, on the situation regarding depleted radiation contamination in the area to which our Australian troops are going and the precautions which are being taken to make absolutely sure that there will not be health consequences for Australian Defence Force personnel going to Iraq so that the Prime Minister will have a better reception in Tokyo come April.

The Australian Greens have enormous admiration for the Australian Defence Force personnel who are involved. We believe their good office and their intention to defend our country as needed is being abused by the Prime Minister for a political purpose which does not warrant their deployment in Iraq. But, that said, we are with them all the way. Godspeed. May they come back to this country safe and sound. The Prime Minister bears an enormous responsibility for the safety and wellbeing of each one of these sterling Australian citizens.

Question agreed to.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Watson)—Pursuant to standing order 166, I present documents listed on today’s Order of Business at items 11(a) to (c) which were presented to 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.

The list read as follows—

(a) Government documents

(1) Corrigenda to Industry, Research and Development Board annual report 2003-04 (received on 21 February 2005)

(2) Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2004 (received on 23 February 2005)

(3) Pooled Development Funds Registration Board—Annual report 2003-2004 (received on 24 February 2005)

(4) Tasmanian Regional Forest Agreement (received on 1 March 2005)

(5) Regional Forest Agreement for the South-West Forest Region of Western Australia (received on 1 March 2005)

(6) East Gippsland Regional Forest Agreement (received on 1 March 2005)

(7) North East Regional Forest Agreement (received on 1 March 2005)

(8) Central Highlands Regional Forest Agreement (received on 1 March 2005)

(9) Regional Forest Agreement for the Eden Region of New South Wales (received on 1 March 2005)

(10) Regional Forest Agreement for the Eden Region of New South Wales—Annual report 1 July 2000—30 June 2001 (received on 1 March 2005)

(11) Regional Forest Agreement for the Eden Region of New South Wales—Annual
(12) Regional Forest Agreement for North East New South Wales—Annual report 1 July 2000—30 June 2001 (received on 1 March 2005)

(13) Regional Forest Agreement for the North East Region of New South Wales—Annual report 1 July 2001—30 June 2002 (received on 1 March 2005)

(14) Regional Forest Agreement for the Southern Region of New South Wales—Annual report 24 April 2001—30 June 2002 (received on 1 March 2005)

(b) Reports of the Auditor-General


Report No. 30 of 2004-2005—Performance Audit: Regulation of Commonwealth radiation and nuclear activities (received on 1 March 2005)

(c) Statements of compliance with Senate orders

Parliament—Telstra senior officers (pursuant to order of the Senate agreed on 5 August 2004 upon adoption of a recommendation in the Committee of Privileges’ 119th report) (received on 11 February 2005)

Relating to lists of contracts:

Department of Family and Community Services Social Security Appeals Tribunal
Department of the Environment and Heritage Australian Antarctic Division Bureau of Meteorology
Office of the Renewable Energy Regulator Department of Agriculture, Fisheries and Forestry Dairy Adjustment Authority
Department of Industry, Tourism and Resources (received on 23 February 2005)
Department of Finance and Administration
Australian Electoral Commission
Commonwealth Grants Commission
CSS Board PSS Board ComSuper (received on 24 February 2005)
Department of Communications, Information Technology and the Arts National Archives of Australia
Australian National Audit Office
Department of the Prime Minister and Cabinet
Office of the Commonwealth Ombudsman
Office of National Assessments
Office of the Secretary to the Governor-General
Australian Public Service Commissioner
Veterans’ Affairs portfolio
Attorney-General’s portfolio (received on 25 February 2005)
Department of Education, Science and Training Australian Research Council (received on 28 February 2005)
Department of Employment and Workplace Relations
Australian Industrial Registry
Equal Opportunity for Women in the Workplace Agency
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority) (received on 1 March 2005)
Treasury portfolio (received on 4 March 2005)

Regional Forest Agreements

Senator BROWN (Tasmania) (4.51 p.m.)—by leave—I move:
That the Senate take note of the documents.

The government is tabling the regional forest agreements for Tasmania, Victoria and New South Wales. You will be aware, Mr Acting Deputy President, that these agreements were, in the main, signed back in the 1990s. I ask the government why on earth it is tabling them at least five years later. Notwithstanding the administrative reasons the government may come forward with, it is very important that this opportunity be taken to comment on events occurring in Tasmania as I speak.

On Friday, the Tasmanian Resource Management and Planning Tribunal found that the residents of South Sister, near St Marys, who are concerned about imminent logging of a coupe of natural forest upstream and uphill from them, had a prima facie case against that logging. The case that they put forward, which was backed by well-qualified experts, was that there was a potential for land slippage following logging; a potential for contamination of on-surface and below-ground water; and a very real potential—as a consequence of logging and fast-growing plantations afterwards—of loss of water supply to the local residents. We are talking here about potential contamination and loss of domestic water supply to residents in the immediate vicinity and in the town of St Marys downstream near the east coast of Tasmania. The prima facie case has been found by the tribunal, and the logging should not proceed until the matters raised have been worked out and the potential dangers and losses to the community have been found to not exist—or the logging should be permanently stopped.

The tribunal ruled that, because these residents could not raise the tens of thousands of dollars that were required to give an assurance to Forestry Tasmania, the logging should proceed and could proceed. Here we have the extraordinary situation where, on scientific grounds, a prima facie case against logging has been raised before the tribunal in Tasmania, but it failed because the residents are not rich. If ever there was an abrogation of duty of the authorities to ensure that everybody is equal before the law, this is it. I might add that the Tasmanian audit authority, the forest authority which has to audit the potential logging for environmental consequences and to make sure that these consequences will be minimised so that ecological sustainability will be in place, had not picked up the dangers of this logging which the experts before the tribunal were able to attest to. In other words, the forest review board failed in its duty to adequately examine the potential—despite months, if not years, of campaigning by local residents.

I have written today to the Minister for the Environment and Heritage, Senator Ian Campbell, to ask him to immediately use his good offices to intervene to see not only that justice is done but also that commonsense prevails. Whatever side we may be on in this issue, the fact is that a prima facie case has been found that there are very considerable risks of environmental detriments in the logging of this coupe proceeding. It is no great matter for Forestry Tasmania to divert this logging elsewhere for the next nine weeks until the tribunal has heard the full case and can make its ruling. So it should be no great matter for the minister for the environment, Senator Ian Campbell, to use his good offices to effect such a change. It would be bloody-minded, to say the least, for Forestry Tasmania, backed by Gunns Ltd, to move in on this small community and log this particular coupe—against the finding of the tribunal that there is a prima facie case that there would be environmental damage done by that action.

I want to say to the government that the whole of the Tasmanian Regional Forest
Agreement is under test in this case. There cannot be reasoned support for an agreement which is said to be for ecologically sustainable logging if a tribunal finds that there is a prima facie case that that is not going to happen, if the Commonwealth stands aside while the whole tenet of the regional forest agreement is breached, and if the logging proceeds before the tribunal comes up in June. I appeal to the minister—and I note the former Minister for the Environment and Heritage, Senator Hill, is at the table—and this government to listen to what these ordinary residents, who include farmers and tourist operators, are saying: their businesses, their domestic water supply and their neighbourhood amenity are threatened by this logging activity. An independent tribunal, officially established under Tasmanian law, has found that they have a prima facie case.

It is incumbent on this government and this Prime Minister, who signed the regional forest agreement back in November 1997, to ensure that the promise of that agreement—a prime ministerial promise—is carried into effect. You cannot have that if this government washes its hands and stands aside and says, ‘We know there is a prima facie case for environmental damage and that economic harm to local residents has been established, but we will do nothing to uphold the abiding spirit, as stated by the Prime Minister, of the regional forest agreement that this would not and could not happen.’

On another matter related to the regional forest agreements, logging has doubled in rate and extent since the prime ministerial signature in 1997. This year, 150,000 log trucks will go to the woodchip mills of Tasmania and through there to the pulp mills and paper mills of Japan. I was in Japan recently and I can report back that in the main, except for people who have been to Tasmania and who are involved in this, the people of Japan have no idea of the logging, felling, burning and poisoning regimes of Forestry Tasmania and Gunns Ltd in the island state of Tasmania, and they are horrified by what they see when they are shown what takes place.

This government should take a raincheck here; it should think again. The Prime Minister has promised to protect 176,000 hectares of Tasmania’s forests—in the main, public forests. He could show a good intent by putting just this one coupe at South Sister on the list of 176,000 hectares as yet undetermined. It will be at most a few hundred hectares. Premier Lennon from Tasmania came to Canberra last week to discuss with the Prime Minister the stalemate in negotiations as to which forests should be protected. (Time expired)

Senator RIDGEWAY (New South Wales) (5.01 p.m.)—I also wish to speak to government documents 4 to 14 concerning the regional forest agreements. I was surprised to receive the notice of tabling of these regional forest agreements. It has been almost five years since they were tabled in the House of Representatives and it really indicates the priority of this government in dealing with what is a most important issue right across the country. Essentially what we have is four slim annual reports dated 2001 and 2002 covering New South Wales, Victoria, Western Australia and Tasmania. The considerable time lapse between the date of the reports and the tabling of the reports is of great concern, especially when this is a contentious issue and one that I believe all Australians are certainly interested in, and one that came up during the recent federal election campaign. I hope it is not indicative of the attention to detail that the government is exercising in the management of Australia’s forests and forest reserves. However, there are many senators who may agree with me that the long delay in bringing these documents before the chamber does highlight
how dated they now appear and again raises the question of the need to revisit these agreements.

There are many examples of rhetoric included in these documents which, with the test of time, appear to be just words. Take, for example, the regional forest agreement for the south-west forest region of Western Australia. In that particular case it says that the parties agree that ecologically sustainable forest management is an objective which requires a 'long-term commitment to continuous improvement'. Time and time again the Howard government has refused to revisit the RFA process despite its agreement that continuous improvement is an essential component and despite hollow election promises to deliver forest protection which would fall outside the scope of the existing RFAs, especially in Tasmania.

It goes on, ‘The key elements for achieving ecologically sustainable forest management include the establishment of a comprehensive, adequate and representative reserves system.’ When we consider this in the context of the agreement, which is reflected in all Australia’s RFAs, and that the federal government’s national reserves system future directions statement has yet to be released, we have to ask the government: where is the future directions statement? Is that something that is going to take five years to appear before this chamber? We have to ask why it has been delayed for so long, because the government must be aware that only 67 per cent of Australia’s regional ecosystems are represented in national parks and formal reserves and that over 3,000 of our regional ecosystems were recognised as under threat by the Australian biodiversity audit completed as part of the National Land and Water Resources Audit.

In those parks and reserves that do exist, managers struggle to address threats to biodiversity, including weed invasion, due to a lack of funding. If we take as an example a decrease in funding commitments from federal and state governments through the National Reserve System program, I believe it is worthy of noting what has been happening in federal funding since 2001. Back then the program was a paltry $23.6 million. However, by 2003 that amount was halved to $13.5 million and in the first nine months of 2004 the amount of federal funding for the national reserves system was just over $2 million, a figure which I suggest would be easily outstripped by the travelling expenses accumulated by cabinet over the same amount of time.

The Democrats can only hope that this figure will be substantially revised in the coming budget. There is an opportunity for the government. We would recommend that at the very least $130 million be budgeted specifically for expanding and managing the national reserves system over the new term of parliament. The Prime Minister’s Science, Engineering and Innovation Council also stated in their report Setting biodiversity priorities that consolidating Australia’s national reserves system is one of the most cost-effective investments that governments can make to secure the nation’s biodiversity. That council also suggested an investment in our reserves system of $40 million a year until 2010, noting that this would potentially save 14,700 native species and result in collateral benefits in excess of $2,000 million.

As the chair of the Senate inquiry that looked at Australia’s plantation forests, I have seen first hand how divisive this issue is in the community. There is no doubt that forestry continues to cut into Australia’s remaining old-growth forests. Similarly, there is little doubt expansion of plantation forestry has taken up valuable cropping and grazing land, and it does divert water resources over a wide area of many important
catchments. Considering these regional forest agreements were designed to put to rest these concerns, the Senate Rural and Regional Affairs and Transport References Committee made a number of recommendations. I take the opportunity to reiterate a couple of the committee’s key recommendations in the hope that they will be taken on board in the shortest possible time frame, not five years down the track.

The committee recommended that the 2020 Vision document, which attempts to set out a viable future for Australia’s plantation industry be amended by deleting all references to trebling the acreage by 2020 or plantation acreage of three million hectares. I believe it is essential that this should be replaced with targets that manage the acreage of plantation forests at a sustainable level, and I believe this reduction of plantation acreage must also be reflected throughout all of Australia’s RFAs.

The committee also recommended that the Commonwealth urgently funds the conduct of a water audit to assess the impact of plantation forests on both water quantity and quality, and that water impacts must be properly dealt with, again, in the context of the RFAs. The inquiry also recommended the government undertake a thorough assessment of the effectiveness of the codes of practice governing the forestry industry. However, it has taken some five years for these reports to be tabled in this chamber, and I suspect robust assessment and enforcement of codes of practice may be a long time coming.

Most importantly, the Australian Democrats will continue to call for a judicial review of forest activities in Tasmania. Recent developments, including legal spats between forestry company Gunns and environmentalists, and the long-expired promise from the Prime Minister to protect an additional 170,000 hectares of Tasmania’s forests, make such an inquiry all the more important. We have to ask: where is the coalition’s old-growth forest protection plan for Tasmania? Why has that been delayed? Perhaps the most important question in this context is: how does the Prime Minister intend to reflect his promises in the Tasmanian RFA that already exists between the Commonwealth of Australia and the state of Tasmania unless he agrees it is necessary to review the agreement as it currently stands?

Finally, I point out that the RFAs themselves seek to ensure environmental assessment and threatened species management are properly addressed. Some five years on—it has taken the government that long—we are all left wondering whether that has been achieved. I dare say it has not been achieved at all. Considering that the agreements relate to outdated environmental laws, it means that there is little protection or benefit for our most precious wildlife. The Democrats call for appropriate assessment of forestry activities under federal environmental laws and for the amendment of all RFAs to reflect the existence of the Commonwealth’s Environment Protection and Biodiversity Conservation Act, especially at this late stage. This is the very least that we can do. But, most of all, if there are going to be these unscrupulous operators out there, we ought to ensure that the environmental standards that we apply right across the board also apply to loggers. If we are talking about equal treatment, then we should not be looking at anything less. The fact that the opportunity to speak about it has arrived five years too late means we ought to step forward and ensure that the RFAs and the Prime Minister revisit the issue and bring Tasmania into line with the mainland states. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Access to Submissions

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Pursuant to standing order 37(3), I report to the Senate that, under paragraph (a) of that provision, the President has granted to Mr David Erdos, a doctoral candidate of Princeton University, access to submissions received by the Standing Committee on Legal and Constitutional Affairs in relation to its inquiry into a bill of rights for Australia in 1985 and not formally published by the committee. The submissions appear to have been treated by the committee as public documents and were listed in the committee’s report, but the committee did not formally record a resolution publishing them.

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Marshall)—I present responses from Indonesia’s Ambassador to Australia, Imron Cotan, and the High Commissioner of India, Mr PP Shukla, to a resolution of the Senate of 8 February 2005 concerning the tsunami disaster.

Auditor-General’s Reports

Report No. 27 of 2004-05

The ACTING DEPUTY PRESIDENT (Senator Marshall)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 27 2004-05: Performance audit: management of the conversion to digital broadcasting: Australian Broadcasting Corporation and Special Broadcasting Service Corporation.

BUDGET

Consideration by Legislation Committees

Additional Information

Senator FERRIS (South Australia) (5.13 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.

COMMITTEES

Community Affairs References Committee

Report

Senator DENMAN (Tasmania) (5.13 p.m.)—On behalf of the Chair of the Community Affairs References Committee, Senator Marshall, I present a report on matters referred to the Community Affairs References Committee during the previous parliament.

Ordered that the report be adopted.

ASIO, ASIS and DSD Committee

Report

Senator FERRIS (South Australia) (5.13 p.m.)—On behalf of Senator Ferguson, the Chair of the Parliamentary Joint Committee on ASIO, ASIS and DSD, I present the report of the committee entitled Review of the listing of six terrorist organisations. I seek leave to move a motion in relation to the report and to incorporate my tabling statement in Hansard.

Leave granted.

Senator FERRIS—I move:

That the Senate take note of the report.

The statement read as follows—

I present the second report of the Parliamentary Joint Committee on ASIO, ASIS and DSD under section 102A of the Criminal Code Act 1995. Last June, the Committee presented its first report under this act, the Review of the listing of the Palestinian Islamic Jihad. In this report the Committee has reviewed the re-listing of six organisations previously listed as terrorist organisations under part 5.3 of the Criminal Code as amended by the Security Legislation Amendment (Terrorism) Act 2002. Under that legislation, 13 groups were listed. All had previously been listed by the United Nations Security Council.

In its first report, the Committee established procedures for reviewing terrorist listings. These procedures included following normal parliamen-
tary practices in the Committee’s reviews of the listings—advertising the inquiry, seeking submissions and holding hearings, albeit in-camera. This procedure has been followed in this review. The Committee received a number of submissions from members of the public to this inquiry and it is grateful for these contributions to its deliberations.

In addition, so that its review would be both meaningful and expeditious, the Committee requested that the Government accompany its notification of a regulation with additional explanatory information, including:

- details of the required consultation between the Government and the States and Territories on the regulation;
- details on the consultations with the Department of Foreign Affairs on any foreign policy implications in relation to the listings; and
- details of the procedures followed in the making of the regulations.

The Committee was disappointed that the information supplied to it did not contain more substantial details of the consultations held between the Commonwealth and the States and Territories. The time frame set for this process was so short that it rendered it almost impossible for the States and Territories to make any response, as is their right.

In their submission, the Attorney-General’s Department informed the Committee of dates when they had consulted with the Department of Foreign Affairs, but supplied no details of the department’s view. The Department of Foreign Affairs itself appeared at the private hearing, but gave no assessment on the specific listings either at the hearing or in the subsequent answers to questions on notice. In future, it would be valuable for the Committee to receive these details at the time it receives the submissions on the listings from the Attorney-General.

The Committee is grateful for the additional comments on ASIO’s evaluation processes. That is a valuable addition to its understanding of the methods by which ASIO selects organisations for listing. It is, however, not clear whether an organisation to be listed has to meet all of the criteria or just one of them. Judging by the information supplied on the individual listings, it must be just one of them. If this is the case, then some of the criteria in ASIO’s list of factors for consideration are too broad making the others in the list meaningless.

Nevertheless, the Committee is pleased to see the inclusion of Australian links in the factors ASIO considers in evaluating organisations for listing. However, the Committee would like to see this applied consistently. In this review, it was clear that the actual Australian links to some of the organisations were very tenuous or non-existent.

The Committee wishes to reiterate that it is important to include an organisation’s links to Australia and Australians, because, despite the lack of a legislative requirement for this, the listing will have little practical effect without it. Successful application of these powers under the geographical extraterritoriality provisions of the Criminal Code appears to be an unlikely prospect. Prosecution of Australians, or foreigners acting in Australia, has a greater prospect of success. Therefore, emphasis on listing terrorist organisations which Australians support through financial contributions, or by providing personnel, makes sense in the fight against international terrorism. As well, listing those organisations that have a presence and operatives in Australia, where there is an immediacy of threat to the Australian community, also makes sense.

The Committee is also pleased to note that engagement in a peace process would be considered as a reason not to list an organisation. This makes some sense of what seemed to be inconsistencies in the application of the provisions; that some organisations, with a presence in Australia and listed by the UN as terrorist organisations, had not been proscribed by this country, while others with no connection to Australia had been.

In reviews to date, the information, both on the processing of the regulations and on the listed entities themselves, could be deemed to be inadequate for the Committee to judge the case for proscription with confidence. It is of some concern to the Committee that there still does not appear to be clarity, coherence and consistency in the process.
In this review, there continued to be much debate between the Committee and government officials on these selection processes. It is hoped that this will be a continuing and constructive dialogue. Finally, however, taking all the abovementioned issues into consideration, the Committee does not recommend to the Parliament that any of these regulations be disallowed.

I recommend the report to the Senate.

Question agreed to.

Foreign Affairs, Defence and Trade Committee: Joint Report

Senator FERRIS (South Australia) (5.14 p.m.)—At the request of Senator Ferguson, Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade entitled Expanding Australia’s trade and investment relations with the Gulf States, and I seek leave to move a motion in relation to the report.

Leave granted.

Senator FERRIS—I move:

That the Senate take note of the report.

Question agreed to.

Treaties Committee Report

Senator STEPHENS (New South Wales) (5.14 p.m.)—On behalf of the Joint Standing Committee on Treaties, I present the 63rd report of the committee, entitled Treaties tabled on 7 December 2004, and seek leave to move a motion in relation to the report.

Leave granted.

Senator STEPHENS—I move:

That the Senate take note of the report.

Report 63, Treaties tabled on 7 December 2004, contains the findings of the inquiry conducted by the Joint Standing Committee on Treaties into nine treaty actions tabled in the parliament on 7 December 2004 relating to the matters identified in the title of the report. Report 63 includes a treaty with France concerning maritime areas in the Southern Ocean, the Australia-Thailand free trade agreement, an air services agreement with the United Arab Emirates, an agreement concerning police and assistance to Nauru, an agreement on mutual acceptance of oenological practices, amendments to the constitution of the Asia-Pacific telecommunity, an optional protocol concerning the involvement of children in armed conflict, a WIPO copyright treaty and a WIPO performances and phonograms treaty.

The treaty with France concerning maritime areas in the Southern Ocean will create a framework to enhance cooperative surveillance of fishing vessels and encourage scientific research on marine living resources in the area of cooperation in the Southern Ocean. Both Australia and France have an interest in cooperating in this area. Illegal fishing in the Southern Ocean, particularly of the patagonian toothfish, has increased in the last decade.

The committee also supports the Australia-Thailand Free Trade Agreement, which will liberalise and facilitate trade and investment between Australia and Thailand. The agreement includes provisions concerning the protection of intellectual property, customs procedures, electronic commerce, competition policy and government procurement. The committee notes that the Australia-Thailand Free Trade Agreement entered into force on 1 January 2005 and that its provisions are already in effect.

The air services agreement with the United Arab Emirates provides a legal framework for the designated airlines from Australia and the United Arab Emirates to operate scheduled routes between the two countries. This will facilitate trade and tour-
ism through freight and passenger transportation. Emirates, Gulf Air and the Australian carriers have been operating under aviation agreements of less than treaty status since December 1995, and the air services agreement provides much broader coverage.

Among the proposed treaty actions tabled on 7 December was the agreement concerning police and other assistance to Nauru. This agreement enables Australia to deploy police and other personnel to Nauru to work in partnership with the government of Nauru to address core issues in the areas of governance, law and order, justice and financial management. DFAT, in evidence to the committee, stated:

Nauru’s governance problems are so serious that Nauru could have been said to be on the verge of state failure.

This agreement is similar to agreements with the Solomon Islands and Papua New Guinea.

The committee also supports the agreement on mutual acceptance of oenological practices, which facilitates trade in wine among the state parties to the agreement. The parties to this agreement are the New World wine countries, including Argentina, Australia, Canada, Chile, New Zealand and the United States of America. This agreement is expected to benefit the Australian wine industry by giving greater security of access for Australian exporters to overseas wine markets. Different winemaking practices cannot be used as a barrier to trade under this agreement.

The treaty action concerning amendments to the constitution of the Asia-Pacific telecommunity will assist the Asia-Pacific telecommunity to become a stronger, more effective and influential regional telecommunications body.

The committee also supports the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The recruitment and use of children in armed conflict continues to be a problem for the international community. The United Nations Children’s Fund estimates that 300,000 children are involved in 30 conflicts worldwide. The optional protocol is intended to establish minimum safeguards to prevent the involvement of children in armed conflict. Australia is in compliance with the optional protocol as the minimum voluntary age of recruitment is 17. However, the committee did make some recommendations—for example, that the defence instruction be available on the website, that recruitment be genuinely voluntary and fully informed and that parents give informed consent in the light of a submission by HREOC to the committee.

Lastly, the World Intellectual Property Organisation—the WIPO—copyright treaty and the World Intellectual Property Organisation performances and phonograms treaty both serve to expand the rights of copyright owners in works, film and sound recordings and of performers in the online environment. These treaties improve international copyright standards to meet the challenges posed by digital technology. In conclusion, it is the view of the committee that it is in the interests of Australia for all of the treaties considered in report 63 to be ratified and the committee has made its recommendations accordingly. I commend the report to the Senate.

Question agreed to.

Legal and Constitutional References Committee

The ACTING DEPUTY PRESIDENT (Senator Marshall)—The President has received a letter from a party leader seeking a variation to the membership of a committee.
Senator HILL (South Australia—Minister for Defence) (5.22 p.m.)—by leave—I move:

That Senator Mason replace Senator Scullion on the Legal and Constitutional References Committee for the committee’s inquiry into the effectiveness and appropriateness of the Privacy Act 1988 on 21 and 22 April 2005, and 19 and 20 May 2005.

Question agreed to.

ASSENT

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

A New Tax System (Goods and Services Tax Imposition (Recipients)—Customs) Act 2005 (Act No. 1, 2005)
Water Efficiency Labelling and Standards Act 2005 (Act No. 4, 2005).
Australian Passports Act 2005 (Act No. 5, 2005)
Australian Passports (Application Fees) Act 2005 (Act No. 6, 2005)
Private Health Insurance Incentives Amendment Act 2005 (Act No. 9, 2005)
Authorised Deposit-taking Institutions Supervisory Levy Imposition Amendment Act 2005 (Act No. 12, 2005)
Authorised Non-operating Holding Companies Supervisory Levy Imposition Amendment Act 2005 (Act No. 13, 2005)
General Insurance Supervisory Levy Imposition Amendment Act 2005 (Act No. 15, 2005)
Life Insurance Supervisory Levy Imposition Amendment Act 2005 (Act No. 16, 2005)
Retirement Savings Account Providers Supervisory Levy Imposition Amendment Act 2005 (Act No. 17, 2005)
Superannuation Supervisory Levy Imposition Amendment Act 2005 (Act No. 18, 2005).

AGED CARE AMENDMENT (TRANSITION CARE AND ASSETS TESTING) BILL 2005

NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) AMENDMENT (APPLICATION) BILL 2005

NAVIGATION AMENDMENT BILL 2004

TAX LAWS AMENDMENT (2004 MEASURES No. 6) BILL 2004

First Reading

Bills received from the House of Representatives.

Senator HILL (South Australia—Minister for Defence) (5.23 p.m.)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Second Reading

Senator HILL (South Australia—Minister for Defence) (5.23 p.m.)—I move:
That these bills be now read a second time.

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

The speeches read as follows—

AGED CARE AMENDMENT (TRANSITION CARE AND ASSETS TESTING) BILL 2005

Since coming to office in 1996, the Coalition Government has worked consistently to ensure that older Australians needing long-term care have access to a high quality and affordable aged care system capable of meeting their needs and preferences. The substantial reforms the Government introduced in the Aged Care Act 1997 (the Act) were necessary, wide-ranging and effective, especially in improving the quality of care and accommodation in Government subsidised aged care homes.

While the individual needs of older Australians remain our priority, the Coalition Government recognises that with the ageing of Australia's population it is necessary that we put in place policies now to ensure the future sustainability of the aged care sector. In relation to residential aged care, the Government commissioned the eminent economist, Professor Warren Hogan to undertake the Review of Pricing Arrangements in Residential Aged Care (the Hogan Review).

In response to the recommendations of the Hogan Review, and to continue its commitment to the provision of quality aged care, the Government is providing $2.2 billion through its Investing in Australia's Aged Care: More Places, Better Care 2004-05 Budget package. This package will bring the Government’s total investment in the care of older Australians to $30 billion over the next four years; $6.7 billion in 2004-05 rising to $8.2 billion in 2007-08, resulting in a total of $67 billion between 1996 and 2008.

To implement certain measures in the Investing in Australia's Aged Care: More Places, Better Care package, amendment of the Aged Care Act 1997 is required.

This bill amends the Act, first to support the implementation of the Transition Care Program and secondly to allow the transfer of assets testing to Centrelink and the Department of Veterans' Affairs.

In the 2004-05 Federal Budget, the Coalition Government announced the establishment of a national Transition Care Program, comprising 2,000 transition care places, to assist older people, after a hospital stay, who require more time and support in a non-hospital environment to complete their restorative process, optimise their functional capacity and consider their longer term care arrangements.

The aims of the Transition Care Program include ensuring that older Australians receive appropriate care in appropriate settings. The program is designed to better integrate hospital and aged care services across the whole health sector.

The Transition Care Program will ease pressures on health services for older Australians by providing greater access to a full range of aged care services in hospital, residential and community care. Through this program, the Australian Government is ensuring that more older people leaving hospital receive additional rehabilitation support, building on existing services.

This bill includes amendments which provide leave arrangements to allow existing recipients of residential care services to receive transition care following an acute episode requiring hospitalisation and prior to returning to their aged care home. This will be achieved by creating a new category of leave from residential care for the purpose of receiving 'flexible care'. A subsequent amendment to the Residential Care Subsidy Principles will specify Transition Care as a form of ‘flexible care’ for which leave from residential care is available.

The Coalition Government intends to provide funding for up to 12 weeks transition care and the opportunity to extend the 12 weeks, to 18 weeks, when a person’s clinical care needs require this. The Australian Government will also continue to pay the approved provider of the residential aged care service the subsidy for the care recipient
while they are in Transition Care. This enables the approved provider to keep the place available for the care recipient when he or she is ready to return. Consistent with the existing provision for hospital leave, the subsidy will reduce after 30 days.

In the 2004-05 Federal Budget, the Coalition Government also announced the transfer of assets testing for residents and potential residents of aged care facilities from approved providers to Centrelink and the Department of Veterans’ Affairs. By removing the necessity for approved providers to undertake assets assessments, approved providers will be relieved of the administrative burden of conducting assessments and will be able to spend more time caring for residents. In addition, approved providers will have greater certainty as to their income due to the experience of Centrelink and the Department of Veterans’ Affairs to conduct accurate and consistent assessments.

In most instances, this assessment will be undertaken prior to entry into a residential aged care facility. This will enable residents and prospective residents to better place to make decisions about their care needs because they will have greater certainty about their financial situation and status prior to entry. It will also help to reduce the level of paperwork and administration required by the government of aged care providers and free up more time for nursing and other staff to spend caring for older Australians.

The amendments to the Act enable assessment of assets to be carried out by Centrelink and the Department of Veterans’ Affairs and ensure the new arrangements work smoothly, by extending the period in which a provider must enter into an agreement with a resident from 7 to 21 days. This is so there is no barrier to providers accepting residents at short notice where the new assessment process of assets has not had time to be completed.

The Coalition Government is delivering on measures in the Investing in Australia’s Aged Care: More Places, Better Care package including:

- the conditional adjustment payment that will increase residential care subsidies by seven per cent over four years;
- the payment of a one-off capital payment of $3,500 per resident for fire and safety compliance;
- increasing the viability supplement paid to rural and remote providers;
- increasing workforce training places;
- establishing the Commonwealth Carelink Services Directory website which provides information about aged care homes to assist older Australians, their families and carers to make informed choices about their aged care needs.

This bill delivers two more measures in the Investing in Australia’s Aged Care: More Places, Better Care package. This demonstrates the Coalition Government’s strong commitment to ensuring a robust and viable aged care sector into the future providing high quality and affordable care to older Australians.

NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) AMENDMENT (APPLICATION) BILL 2005

This bill amends the National Security Information (Criminal Proceedings) Act 2004. It seeks to clarify how the Act applies to certain federal criminal proceedings.

In particular, the bill reinforces the application of the Act to proceedings that commenced prior to 11 January 2005, that is, the day on which the main provisions of the Act commenced.

This amendment will ensure that the Act can be applied to a number of terrorism-related proceedings that are currently underway, once the prosecutor gives the requisite notice to the court and defendant.

It was not intended that, simply because a person had been charged and a bail hearing had occurred before the commencement of the Act on 11 January 2005, the Act could not be applied to the committal or trial of the person some months or years later.

However, this amendment will not give the Act any retrospective effect.
Rather, it simply ensures that the Act can apply to the future stages of a proceeding that began before 11 January 2005. It will not affect anything that occurred before the notice was given.

The bill also seeks to clarify how the Act applies to any proceeding (including a proceeding which began after the Act commenced) in which the prosecutor gives the requisite notice to the court and defendant after the proceeding commenced. This amendment restates the intent of the Act to require a prosecutor to give the requisite notice only once, after which time, the Act will apply to all subsequent parts of the proceeding. It will not be necessary for the prosecutor to give notice in each subsequent part of the proceeding.

Without these two clarifications, it is possible that the Act may be subject to misinterpretation. In turn, this may jeopardise the underlying intent of the Act—to facilitate the prosecution of an offence without risk to national security or a defendant’s right to a fair trial.

For this reason, I commend this bill.

NAVIGATION AMENDMENT BILL 2004

This bill amends the Navigation Act 1912, the principal Commonwealth Act relating to the safety of ships.

The bill will:

- remove the requirement for assessors of nautical experience to advise the Court in a prosecution for a breach of regulations relating to the prevention of collisions and the display on ships of lights and signals;
- clarify that a breach of regulations relating to prevention of collisions and the display on ships of lights and signals may be prosecuted on indictment; and
- revise certain penalties in the Navigation Act which relate to navigation near ice and the rendering of assistance following an accident at sea or where persons are in distress at sea.

When proceedings are being heard for an offence against regulations relating to the prevention of collisions and the use of lights and signals on ships, the Navigation Act currently requires a Court to be assisted by “not less than 2 assessors of nautical experience appointed under Part IX” of the Navigation Act.

Part IX was repealed in 1989 and so there is no mechanism for the appointment of nautical assessors. The bill will rectify this anomaly.

The bill will also make it clear that an offence against the regulations which prescribe measures to be observed for the prevention of collisions and the provision and use on ships of lights and signals is an indictable offence.

Currently, the maximum penalty for an offence against the regulations for an individual is a fine of $10,000 and a term of imprisonment of 2 years. In accordance with the Crimes Act 1914, it would appear that this is an indictable offence.

However, in an unreported Victorian County Court ruling in November 2003, the Court found that offences against the regulations can only be prosecuted summarily.

The bill will remove the possibility of confusion.

The Navigation Act requires each person in charge of a ship involved in a collision with another ship to:

- render practicable and necessary assistance to the other ship;
- stay by the other ship until there is no need for further assistance; and
- give information about the ship to the master or person in charge of the other ship.

The maximum penalty for breach of this requirement is currently a fine not exceeding $20,000 or imprisonment for a period not exceeding 10 years, or both. The bill will provide that the maximum penalty is expressed simply as imprisonment for 10 years.

The Navigation Act requires the master of a ship to cause his ship to assist persons on or from a ship or aircraft who are in distress.

The maximum penalty for breach of this requirement is currently a fine not exceeding $10,000 or imprisonment for a period not exceeding 4 years, or both. The bill will provide that the maximum penalty is expressed simply as imprisonment for 4 years.
The Navigation Act provides that the master of a ship or aircraft in distress may requisition the most suitable ships which answer his or her calls for assistance. The master of a requisitioned ship must proceed to the assistance of the persons in distress.

The maximum penalty for breach of this requirement is currently a fine not exceeding $20,000 or imprisonment for a period not exceeding 10 years, or both. The bill will provide that the maximum penalty is expressed simply as imprisonment for 10 years.

The Navigation Act requires a master to keep a record of any information received about a ship or aircraft in distress at sea and, if the master does not proceed to the assistance of persons from that ship or aircraft, the reasons for not proceeding.

The bill will increase the maximum penalty for breach of this requirement from $2,000 to 50 penalty units.

Each of the above penalty provisions which will be expressed only as a term of imprisonment may, in accordance with a formula in the Crimes Act 1914, be converted into an additional fine for an individual and into a fine only for a body corporate. For an individual, a term of imprisonment for one year means that there is the possibility of an additional fine of $6,600. For a body corporate, a penalty expressed as a term of imprisonment for one year converts to a fine of $33,000.

**TAX LAWS AMENDMENT (2004 MEASURES No. 6) BILL 2004**

This bill makes amendments to the tax laws to implement a range of changes and improvements to Australia’s taxation system. Most of these amendments lapsed when Parliament was prorogued, but the Government is moving to bring them back as soon as possible, to try to give more certainty to taxpayers waiting for these changes.

Firstly, the Government is continuing with its roll-out of consolidations.

These measures give greater flexibility and certainty to consolidation membership and loss rules. The bill clarifies the consolidation cost setting rules with respect to finance leases, certain types of mining expenditure, and low-value and software development pools. It also reduces compliance costs by relaxing the notice requirements under the inter-entity loss multiplication rules in some circumstances and allowing more flexibility in relation to some previously irrevocable elections. Generally, these amendments take effect from the 1 July 2002, which is the commencement date of the consolidation regime.

Secondly, this bill ensures that copyright collecting societies are not taxed on income they collect on behalf of members.

Broadly, the bill will ensure that copyright collecting societies will be exempt from income tax on copyright income collected and held on behalf of members, before it is distributed. At the same time, the law will further be amended to ensure that the income which is exempt at the society level is included in the assessable income of the members once it is received.

The third measure ensures continues the implementation of the simplified imputation system. It covers anti-avoidance rules in relation to exempt entities that are eligible for a refund of imputation credits; and consequential amendments to replace references to the previous imputation system with references to the new system and to update the terminology for the new system.

Schedule 4 to this bill adds several institutions and funds to the list of specifically-listed deductible gift recipients in the income tax law, including certain fire and emergency services bodies. It also creates a new general category of deductible gift recipient for government schools that provide special education for students with a permanent disability.

The fifth measure will extend the existing transitional rules in the debt/equity rules for at-call loans to 30 June 2005. This will mean that an at-call loan made to a company by a related party before 30 June 2005 (typically a loan by a small business owner to the business) will be treated as being on revenue account. The measure will give businesses more time to assess existing loans and adjust their arrangements if need be.

Schedule 6 extends the water facilities and landcare tax concessions, currently available to primary producers and some rural businesses, to irrigators and rural water providers. As a result of
these amendments, irrigators will be able to claim deductions for capital expenditure on water facilities over three years, and rural water providers will be eligible for immediate deductions on landcare operations. The measure will assist irrigators to renew water supply infrastructure and enhance the efficiency of water delivery to primary producers and other users.

The next measure broadens the fringe benefits tax exemption for the costs associated with the purchase of a dwelling by an employee as a result of relocation for work purposes. Currently, the exemption is only available if, within the two year time limit, and after the employee sells his or her old dwelling, the employee buys a new dwelling and the employer pays the incidental purchase costs. The exemption will be extended to cases where the new house is bought before the old one is sold.

Schedule 8 to this bill amends the capital gains tax law so that an administrator of a company, as well as a liquidator, can declare shares and other equity interests in a company to be worthless for capital gains tax purposes. The declaration permits taxpayers who hold those shares or other equity interests to claim a capital loss.

The next measure amends the goods and services tax law, to remove an anomaly that allows supplies of certain services relating to residential property in Australia to be GST-free if the owner is not in Australia at the time of the supply, when the same supply would be taxable if the owner was in Australia. The measure gives the same GST treatment to both residents and non-residents for these property-related services.

Schedule 10 amends the first child tax offset, or Baby Bonus, in relation to adoptive parents, to ensure that, in line with the Government’s original intention, adoptive parents are not disadvantaged with respect to the Baby Bonus. The amendments will allow adoptive parents, once they become legally responsible for a child, to lodge a retrospective claim for the Baby Bonus to cover the period between commencing care of the child and being given legal responsibility for that child.

This bill will also amend the income tax law to alleviate the unintended tax consequences that arise when a life insurance company transfers some or all of its life insurance business to another life insurance company. The amendments respond to concerns raised by the life insurance industry and will ensure that taxation issues are not a barrier to transfers of life insurance business between life insurance companies.

In addition, there will be technical correction in the commencement provision applying to the franking deficit tax offset provisions for life insurance companies.

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

I commend this bill.

Debate (on motion by Senator Hill) adjourned.

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

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

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004
AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2004
TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) AMENDMENT BILL 2004
TELECOMMUNICATIONS (NUMBERING CHARGES) AMENDMENT BILL 2004
Television Licence Fees Amendment Bill 2004
Datacasting Charge (Imposition) Amendment Bill 2004
Radiocommunications (Receiver Licence Tax) Amendment Bill 2004
I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The speeches read as follows—

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004

The Australian Communications and Media Authority Bill 2004 establishes a new regulatory authority for communications, the Australian Communications and Media Authority (the ACMA). The ACMA replaces the Australian Broadcasting Authority (the ABA) and the Australian Communications Authority (the ACA).

The formation of the ACMA is a response to convergence within the communications industry. Digital technologies are reshaping traditional telecommunications and broadcasting industry sectors by allowing new types of devices and services, which in turn create new market opportunities. Businesses are being forced to respond by restructuring the ways they do business, their offerings to their customers, and their relationships with other businesses. Consumers have significantly different expectations about the types of services available, their costs and availability than they did a decade ago.

New regulatory structures are required to deal with these changes. It is becoming increasingly difficult for two separate regulators, one of which is primarily focused on infrastructure and carriage issues, and the other focused chiefly on content issues, to provide a holistic response to convergence. The establishment of the ACMA will enable a coordinated regulatory response to converging technologies and services. The new authority will be better placed to take a strategic view of wider convergence issues.

Benefits to industry will include a reduction in duplication in the compliance process with improvements in the coordination of regulatory functions. A single authority will be better placed to coordinate telecommunications and broadcasting issues in international fora such as the International Telecommunications Union. In addition, a single authority will have the potential to manage resources to enable a timely response to periods of high demand for spectrum planning, and
create enhanced opportunities to attract and retain staff and to broaden staff expertise.

The bill establishes the ACMA, and specifies its functions. These functions will essentially be the functions currently undertaken by the ABA and ACA.

The ACMA’s telecommunications functions will include the regulation of telecommunications in accordance with the Telecommunications Act 1997 and the Telecommunications (Consumer Protection and Service Standards) Act 1999. It will also undertake other functions as specified in other legislation, such as the regulation of spam, carrier licence charges, numbering charges, and functions specified under Part XIC of the Trade Practices Act 1974.

The ACMA’s spectrum management functions will include the management of the radiofrequency spectrum in accordance with the Radiocommunications Act 1992, and to undertake other functions such as those provided for in legislation relating to radiocommunications licence fees and taxes.

The ACMA will also have broadcasting, content and datacasting functions. These will include the regulation of broadcasting services, Internet content and datacasting services in accordance with the Broadcasting Services Act 1992. The ACMA’s other broadcasting and related functions include those provided for in legislation relating to the Australian Broadcasting Corporation and the Special Broadcasting Service, interactive gambling, and the collection of radio, television and other licence fees.

The ACMA will also have additional functions which do not fall within the above three categories, including functions relating to electronic addressing.

The Minister will be able to direct the ACMA, in writing, in relation to the performance of its functions and the exercise of its powers. However, consistent with the existing directions power applying to the ABA, a direction that relates to the ACMA’s broadcasting, datacasting or content functions and the powers relating to those functions may only be general in nature.

The ACMA will comprise a full time Chair, a full time Deputy Chair, and from 1 to 7 other members who can be either full or part time. Members are to be appointed by the Governor-General. Each term of membership is to be up to 5 years. Members may be reappointed, provided the total term of membership does not exceed 10 years.

The bill also allows the Minister to appoint associate members to undertake specified matters such as inquiries, investigations and hearings.

The ACMA will be a body corporate, which may sue and be sued in its own name. The ACMA will have powers to do all things necessary or convenient for or in connection with the performance of its functions but it will not have the power to acquire, hold or dispose of real or personal property, and it will not be able to enter into contracts.

In the interests of sound financial accountability and in recognition that the ACMA will be a publicly funded body which collects taxes on behalf of the Commonwealth, the members and staff of the ACMA will be a prescribed agency for the purposes of the Financial Management and Accountability Act 1997 and the Chair of the ACMA will be Chief Executive of the agency for the purposes of that Act. The Chair of the ACMA, and members and staff acting under delegations from the Chair, will be able to enter into contracts on behalf of the Commonwealth (for example, a consultancy contract).

The staff of the ACMA will be engaged under the Public Service Act 1999, and the Chair will be the Head of the statutory agency under that Act.

The ACMA will be able to hold such meetings as are necessary for the efficient performance of its functions. A quorum will be a majority of the members.

The ACMA will also be able to establish Divisions. It must determine the matters that a Division may deal with and will have power to delegate any of its functions to a Division. The ACMA, or a Division of the ACMA, may also delegate some of its functions to a member, an associate member, member of ACMA’s staff or certain other persons. However, the ACMA or a Division cannot delegate powers to make, vary or revoke legislative instruments or powers to do certain things under the Broadcasting Services Act 1992 such as the power to impose conditions on certain broadcasting licences.
The ACMA will be required to prepare a corporate plan at least once a year and provide it to the Minister. The ACMA will also be required to prepare an annual report for each financial year.

The ACMA will be able to establish advisory committees to assist in the performance of any of its functions. The bill also continues in existence the Consumer Consultative Forum established under the Australian Communications Authority Act 1997.

The establishment of the ACMA will help Australia remain at the forefront of communications regulation. A single regulator will be best placed to provide for the needs of industry and consumers given the rapid evolution of technologies in the communications sector.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2004

The Australian Communications and Media Authority (Consequential and Transitional Provisions) Bill 2004 contains transitional provisions and consequential amendments related to the establishment of the Australian Communications and Media Authority (ACMA) by the Australian Communications and Media Authority Bill 2004 (‘the ACMA Bill’).

The bill deals with the consequences of the proposed merger of the Australian Communications Authority (ACA) and the Australian Broadcasting Authority (ABA) to form the ACMA.

Schedules 1 and 2 to the bill make a number of consequential amendments to Commonwealth Acts. Among other things, these amendments provide for the repeal of the Australian Communications Authority Act 1997, which establishes the ACA, and provisions in the Broadcasting Services Act 1992 which establish the ABA. They remove provisions dealing with the interaction between the ACA and the ABA that are no longer required as a consequence of the merger of those bodies. They also change references in Commonwealth legislation to the ABA and the ACA to references to the ACMA.

Schedule 3 to the bill will amend references to the ABA and the ACA in provisions of the Postal Industry Ombudsman Bill 2004 that is expected to be re-introduced into the Parliament at or around the same time as the ACMA Bill, in the event that those provisions are passed by the Parliament, and the Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No 2) 2004 which will commence on 1 March 2005. In addition, Schedule 3 will amend current references to the ACA and the ABA in the Ombudsman Act 1976 which would not be amended by the Postal Industry Ombudsman Bill.

Schedule 4 to the bill contains transitional provisions, including provisions dealing with the transfer of assets and liabilities of the ACA and the ABA to the Commonwealth, given that the members, associate members and staff of the ACMA will be a prescribed agency for the purposes of the Financial Management and Accountability Act 1997. Schedule 4 to the bill also provides for the continuing operation of ACA and ABA instruments after the commencement of the bill.

TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) AMENDMENT BILL 2004

The Telecommunications (Carrier Licence Charges) Amendment Bill 2004, which accompanies the Australian Communications and Media Authority Bill 2004, makes amendments to the Telecommunications (Carrier Licence Charges) Act 1997 to replace existing references in that Act to the Australian Communications Authority or ACA with references to the Australian Communications and Media Authority or ACMA.

The bill also contains transitional provisions to provide for the continuing effect of determinations made by the ACA under the Act prior to the establishment of the Australian Communications and Media Authority. The bill also contains provisions to provide that a reference to the ACMA’s costs for a financial year include a reference to the ACA’s costs for that financial year and repeals Part 4 of the Act which is spent.

TELECOMMUNICATIONS (NUMBERING CHARGES) AMENDMENT BILL 2004

The Telecommunications (Numbering Charges) Amendment Bill 2004, which accompanies the
Australian Communications and Media Authority Bill 2004, makes amendments to the Telecommunications (Numbering Charges) Act 1997 to replace existing references in that Act to the Australian Communications Authority or ACA with references to the Australian Communications and Media Authority or ACMA.

The bill also contains transitional provisions to provide for the continuing effect of transfer notices given to the ACA, and determinations made by the ACA, under the Act prior to the establishment of the Australian Communications and Media Authority.

TELEVISION LICENCE FEES AMENDMENT BILL 2004

The Television Licence Fees Amendment Bill 2004, which accompanies the Australian Communications and Media Authority Bill 2004, makes amendments to the Television Licence Fees Act 1964 to replace existing references in that Act to the Australian Broadcasting Authority or ABA with references to the Australian Communications and Media Authority or ACMA.

The bill also contains transitional provisions to provide for the continuing effect of directions about gross earnings in relation to commercial television licences, which is relevant in calculating the licence fees payable under the Act, made by the ABA under the Act prior to the establishment of the Australian Communications and Media Authority.

DATACASTING CHARGE (IMPOSITION) AMENDMENT BILL 2004

The Datacasting Charge (Imposition) Amendment Bill 2004, which accompanies the Australian Communications and Media Authority Bill 2004, makes amendments to the Datacasting Charge (Imposition) Act 1998 to replace existing references in that Act to the Australian Communications Authority or ACA with references to the Australian Communications and Media Authority or ACMA.

The bill also amends notes consequential upon the ACMA Bill, and contains transitional provisions to provide for the continuing effect of determinations made by the ACA under the Act prior to the establishment of the Australian Communications and Media Authority.

RADIOCOMMUNICATIONS (RECEIVER LICENCE TAX) AMENDMENT BILL 2004

The Radiocommunications (Receiver Licence Tax) Amendment Bill 2004, which accompanies the Australian Communications and Media Authority Bill 2004, makes amendments to the Radiocommunications (Receiver Licence Tax) Act 1983 to replace existing references in that Act to the Australian Communications Authority or ACA with references to the Australian Communications and Media Authority or ACMA.

The bill also contains transitional provisions to provide for the continuing effect of any existing election notices given to the ACA by a holder of a receiver licence electing to pay tax on each anniversary of the day the licence came into force, and determinations made by the ACA under the Act prior to the establishment of the Australian Communications and Media Authority.

RADIOCOMMUNICATIONS (SPECTRUM LICENCE TAX) AMENDMENT BILL 2004

The Radiocommunications (Spectrum Licence Tax) Amendment Bill 2004, which accompanies the Australian Communications and Media Authority Bill 2004, makes amendments to the Radiocommunications (Spectrum Licence Tax) Act 1997 to replace existing references in that Act to the Australian Communications Authority or ACA with references to the Australian Communications and Media Authority or ACMA.

The bill also amends notes consequential upon the ACMA Bill, and contains transitional provisions to provide for the continuing effect of determinations made by the ACA under the Act prior to the establishment of the Australian Communications and Media Authority.

RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2004

The Radiocommunications (Transmitter Licence Tax) Amendment Bill 2004, which accompanies the Australian Communications and Media Authority Bill 2004, makes amendments to the Radiocommunications (Transmitter Licence Tax) Act 1997 to replace existing references in that Act to the Australian Communications Authority or ACA with references to the Australian Communications and Media Authority or ACMA.

The bill also amends notes consequential upon the ACMA Bill, and contains transitional provisions to provide for the continuing effect of determinations made by the ACA under the Act prior to the establishment of the Australian Communications and Media Authority.
authority Bill 2004, makes amendments to the Radiocommunications (Transmitter Licence Tax) Act 1983 to replace existing references in that Act to the Australian Communications Authority or ACA with references to the Australian Communications and Media Authority or ACMA.

The bill also contains transitional provisions to provide for the continuing effect of: any existing election notices given to the ACA by a holder of a transmitter licence electing to pay tax on each anniversary of the day the licence came into force; any existing approved forms of the ACA; and determinations made by the ACA under the Act prior to the establishment of the Australian Communications and Media Authority.

RADIO LICENCE FEES AMENDMENT BILL 2004

The Radio Licence Fees Amendment Bill 2004, which accompanies the Australian Communications and Media Authority Bill 2004, makes amendments to the Radio Licence Fees Act 1964 to replace existing references in that Act to the Australian Broadcasting Authority or ABA with references to the Australian Communications and Media Authority or ACMA.

The bill also contains transitional provisions to provide for the continuing effect of directions about gross earnings of a commercial radio broadcasting licensee, which is relevant in calculating the licences fees under the Act, made by the ABA under the Act prior to the establishment of the Australian Communications and Media Authority.

BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

On 7 April this year the Government announced changes to the anti-siphoning provisions of the Broadcasting Services Act 1992.

With these changes, the Government reaffirmed its commitment to the anti-siphoning scheme.

The scheme continues to protect the access of Australian viewers to events of national importance and cultural significance by giving priority to free-to-air television broadcasters in acquiring the broadcast rights to those events.

This remains an important policy objective for the Government.

With fewer than one in four households having access to subscription television at this time, the rationale for the anti-siphoning scheme remains valid.

However, after extensive consultation, the Government determined that the anti-siphoning scheme did need updating to better reflect the attitudes of Australians and the commercial realities of the sporting and broadcasting sectors.

The Government has therefore developed a new anti-siphoning list which will protect listed events which take place between 1 January 2006 and 31 December 2010.

On 11 May 2004, I signed the Broadcasting Services (Events) Notice (No. 1) 2004, which gave effect to these changes.

The Government’s package of reforms to the anti-siphoning scheme also included a decision to extend the automatic de-listing period from six to 12 weeks.

This requires a legislative amendment to the Broadcasting Services Act 1992.

And this Bill seeks to give effect to that decision.

Automatic de-listing of an event currently occurs six weeks prior to the start of the event.

The responsible Minister can stop the automatic delisting if, in the view of the Minister, the free-to-air broadcasters have not had a reasonable opportunity to acquire the relevant rights.

This Bill amends the Broadcasting Services Act 1992 to extend the automatic de-listing period from 1008 hours (or six weeks) prior to the start of an event, to 2016 hours (or 12 weeks) prior to its start.

This amendment will improve the efficiency of the operation of the de-listing provisions of the anti-siphoning scheme to the benefit of sporting bodies and viewers, by allowing subscription television operators a reasonable opportunity to acquire those rights not taken up by the free-to-air broadcasters, arrange coverage and market the programs to viewers.

This change, together with the removal of some events from the anti-siphoning list, will provide subscription television broadcasters with access
to the broadcast rights for an increased range of sports, to the benefit of both sporting bodies and viewers.

The Bill also contains a transitional rule which applies to events that start between six and 12 weeks after commencement of the Bill.

The effect of this rule is that events of this kind are de-listed upon commencement of the Bill.

This provision aims to provide certainty to sporting bodies and broadcasters in relation to events that are on the anti-siphoning list and that start during the first 12 weeks after the Bill’s commencement.

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NEW INTERNATIONAL TAX ARRANGEMENTS (MANAGED FUNDS AND OTHER MEASURES) BILL 2004

The bill I am introducing today further modernises Australia’s international tax regime, as part of the government’s ongoing review of international tax arrangements. It builds on legislation directed at the superannuation and funds management industries, which passed Parliament last week. It also follows legislation for a participation exemption and important reforms to Australia’s tax treaty policies reflected in the new tax treaty with the United Kingdom signed in August 2003.

This bill focuses on making the Australian managed fund industry more attractive to foreign clients. Australia has a significant managed funds industry facilitated by strong economic performance, a highly educated workforce, low-cost infrastructure, advanced regulatory systems, and sophisticated financial markets.

Schedules 1 and 2 make changes designed to reduce taxation impediments to further growth in this area. These changes will allow Australian managed funds to become more internationally competitive, increasing their attractiveness to non-residents.

Under current capital gains tax arrangements, non-residents investing in assets through an Australian managed fund may be taxed more heavily than if they invested directly in those assets or through a foreign fund. Measures in Schedule 1 will eliminate these distortions. Complementing this, measures in both Schedules 1 and 2 will reduce taxation of foreign source conduit income earned by non-residents via interposed Australian managed funds.

Schedule 1 makes three key changes to the income tax law.

It amends the law to disregard a capital gain or capital loss made by a foreign resident from disposing of its interest in an Australian fixed trust if the underlying assets of the trust are not Australian assets. A second amendment will disregard a capital gain made by a foreign resident in respect of the taxpayer’s interest in a fixed trust, if the gain ultimately relates to an asset of the trust which is not an Australian asset. In both cases, had the underlying asset been directly held by the foreign investor, Australian capital gains tax would not apply.

Reflecting the conduit principle of international taxation, foreign source income flowing through an Australian trust to non-residents is not taxed in Australia. However, under current arrangements when a trust interest is sold, previously distributed foreign source income is, on a delayed basis, subject to Australian capital gains taxation. On the other hand, non-residents investing directly, or through an offshore managed fund, do not pay Australian capital gains tax in respect of the foreign source income. A third amendment will eliminate this distortion.

Schedule 2 amends the rules for determining the source of income derived by certain residents of treaty partner countries. The interaction of treaty source rules and other treaty rules relating to non-resident beneficiaries of income derived by business trusts operating in Australia has implications for the managed funds industry. This interaction may result in foreign source passive income derived by those foreign beneficiaries through an Australian trust being treated as sourced in Australia and therefore taxed in Australia.

For example, if a New Zealand resident invests in an Australian managed fund investing offshore, this interaction inappropriately exposes the New Zealand beneficiary to Australian tax on conduit income. The amendments ensure the domestic source rules rather than treaty source rules (which have a wider potential reach) apply in this case. The effect of this amendment would be to relieve the conduit income from Australian taxation.
The amendments will align the tax treatment of foreign residents investing through managed funds that derive income from sources outside Australia with the tax treatment that would apply if those foreign residents made such investments directly.

Schedule 3 implements three measures fine tuning interest withholding tax arrangements, consistently with other recent developments in the tax law. These changes will allow Australian businesses generally to take advantage of global opportunities to lower their cost of debt and to facilitate efficient business structures.

The first measure broadens the range of financial instruments eligible for interest withholding tax exemption by adding ‘debt interests’. The second treats payments of a non-capital nature made on certain Upper Tier 2 hybrid capital instruments issued by banks, as interest for interest withholding tax purposes. Finally, the bill facilitates the transfer of additional assets and debts from Australian subsidiaries of foreign banks to their Australian branches without losing interest withholding tax exemptions.

The size of Australia’s funds management pool and its prospects for continued growth, are drawing global firms to establish operations in Australia. The resultant clustering of activity and the concentration of expertise has created a robust domestic industry. This infrastructure provides a framework for Australia to become the funds management hub for the Asia-Pacific region and these reforms will remove impediments to achieving that goal.

I note the strong business support for the bill. The business community has played a valuable and constructive role in helping develop the proposed legislation. This bill again demonstrates that the Government has listened and been responsive to industry calls for specific tax reforms to remove distortions from the tax system and allow Australian businesses to grow.

The future of the Australian economy is fundamentally linked to global prosperity and to Australians being a part of that prosperity. This bill is an important part of modernising Australia’s international tax system, to make the most of Australia’s potential to market financial products to foreign investors.

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

TAX LAWS AMENDMENT (2004 MEASURES No. 7) BILL 2005

This bill makes amendments to the taxation laws to implement a range of changes and improvements to Australia’s taxation system.

This Government announced in its Promoting an Enterprise Culture election statement on 26 September, that it would provide further assistance and encouragement to small businesses, particularly those that set up and operate from home.

The first two measures in this bill are part of this initiative.

Firstly, the Government is introducing a tax offset for entrepreneurs, which is targeted at very small, micro and home-based businesses that are in the simplified tax system.

Broadly, the provisions introduce a 25 per cent entrepreneurs’ tax offset. The full 25 per cent will apply on the income tax liability attributable to business income for small businesses in the simplified tax system that have an annual turnover of $50,000 or less. This tax offset will then phase out for annual turnover between $50,001 and $75,000.

Secondly, this bill removes the current requirement for small businesses to use the ‘STS accounting method’ in order to be eligible to enter the simplified tax system. The new provisions will enable businesses to utilise the most appropriate method of determining taxable income for them and still qualify for the Simplified Tax System. Removing the requirement to use the STS accounting method will extend the concession to a broader range of small businesses.

Schedule 3 allows tax concessions currently available to employee share scheme holders to extend beyond a corporate restructure in certain instances. This further supports the development of the employee share scheme and further aligns employer and employee interests. These amendments will allow taxpayers who have deferred their income tax liability on a discount received on shares or rights acquired under an employee share plan to realise these benefits.

I commend this bill.
share scheme, to roll-over a taxing point that would otherwise occur because of a corporate restructure.

Schedule 4 doubles the current fringe benefits tax exemption thresholds for long service award benefits. The exemption thresholds will be increased from $500 to $1,000 for 15 years of service and from $50 to $100 for each additional year of service.

The fifth measure introduces a taxation incentive designed to encourage petroleum exploration in Australia’s remote offshore areas, announced by the Treasurer and Minister for Industry, Tourism and Resources on 11 May 2004. This measure is designed to increase the probability of a new petroleum province being discovered. An incentive is needed because Australia’s frontier areas are under-explored due to the relatively high risk and cost associated with exploration in these areas.

After listening to the concerns of business, the Government, in Schedule 6, is implementing further refinements to the consolidation regime. The refinements provide greater flexibility and certainty to certain aspects of the consolidation regime. This bill clarifies the operation of the consolidation cost setting rules with respect to undistributed profits and liabilities on exit. The refinements also ensure that the consolidation rules apply appropriately with respect to bad debts, general insurance companies and life insurance companies. These amendments take effect from 1 July 2002, which is the commencement date of the consolidation regime.

Schedule 7 ensures that all roll-over relief available for partnerships under the uniform capital allowances regime, is also available in relation to depreciating assets allocated to simplified tax system pools.

Schedule 8 provides greater flexibility, reduced compliance costs and ongoing certainty surrounding family trust elections and interposed entity elections. This will be achieved by allowing entities to make either of these elections at any time in relation to an income year.

Schedule 9 contains amendments to ease compliance costs for small business in relation to non-commercial loans from private companies. The amendments will extend the time a shareholder has to repay a loan from a private company or to put such a loan on a commercial footing. Following these amendments, if a shareholder repays such a loan or puts it on a commercial footing before the ‘lodgement day’ the loan will not be a deemed dividend. This bill also corrects a technical deficiency in the tax law to ensure that the rules in relation to loans from trustees apply as intended.

Schedule 10 to this bill makes a number of technical corrections and amendments to several taxation laws. These corrections and amendments fix errors such as duplicated definitions, asterisks missing from defined terms, incorrect numbering and referencing and outdated guide material. While not implementing any new policy, these corrections and amendments are an important part of the Government’s commitment to improving the taxation laws.

Schedule 11 amends the refundable film tax offset provisions to allow unused provisional “Division 10BA” certificates to be revoked.

This amendment will ensure that certain film projects can revoke their provisional 10BA certificates, as long as the certificate has not been used to already gain a tax deduction. The intent is to allow these projects to then apply for the refundable film tax offset.

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

TAX LAWS AMENDMENT (2005 MEASURES No. 1) BILL 2005

This bill makes amendments to various taxation laws to implement a range of changes and improvements to Australia’s taxation system.

Firstly, as announced in the 2004-05 Budget, this Government is amending the Fringe Benefits Tax Assessment Act 1986 to improve access to certain fringe benefits tax exemptions for small business. Schedule 1 will extend the FBT exemption for employer-provided remote area housing, by removing the requirement for businesses to establish that such housing benefits are customary in a particular industry. The amendments will also broaden the FBT exemption for work-related
items to include personal digital assistants and portable printers designed for use with portable computers. In addition, the existing FBT exemptions for relocation costs will be extended to include the engagement of a relocation consultant to assist in the relocation of employees.

Secondly, the bill sets effective life caps for the decline in value of buses, light commercial vehicles, trucks and truck trailers. These statutory caps represent the maximum period over which deductions for the decline in value of these assets can be taken. This will allow taxpayers the option of either continuing to self assess the effective life appropriate to their circumstances, or utilising the effective life caps as determined by this measure. These amendments enable transport operators to maintain a younger, safer fleet and assist the industry to manage the nation’s growing freight task.

Schedule 3 amends the A New Tax System (Goods and Services Tax Act) 1999. The amendments ensure that the goods and services tax will apply where a non-resident enterprise supplies from overseas a right or option to goods, services or other things that are for consumption in Australia. The amendments reflect the broad policy intent of the GST legislation to tax private consumption of most goods, services and other things in Australia. This measure will help ensure that there is competitive neutrality between similar supplies made by offshore and by Australian-based businesses and will ensure these latter businesses are not disadvantaged. The amendments will apply from the date this bill is introduced into Parliament, reflecting that this is an integrity measure addressing an unintended consequence in the GST law.

Finally, this bill introduces the new mature age worker tax offset. The new tax offset will reward and encourage mature age workers who choose to stay in the workforce. This is part of the Government’s strategy to deal with the demographic challenge posed by the ageing of our population. It recognises that improving the labour force participation of mature age workers will improve productivity, thereby assisting in securing Australia’s future economic strength. It also demonstrates the Government’s commitment to and appreciation of older workers. This measure will provide a maximum annual tax offset of $500 on the income tax liability of workers aged 55 years and over.

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

I commend this bill.

Debate (on motion by Senator Hill) adjourned.

Ordered that the following bills be listed on the Notice Paper as one order of the day:

- Australian Communications and Media Authority Bill 2004;
- Australian Communications and Media Authority (Consequential and Transitional Provisions) Bill 2004;
- Telecommunications (Carrier Licence Charges) Amendment Bill 2004;
- Telecommunications (Numbering Charges) Amendment Bill 2004;
- Television Licence Fees Amendment Bill 2004;
- Datacasting Charge (Imposition) Amendment Bill 2004;
- Radiocommunications (Receiver Licence Tax) Amendment Bill 2004;
- Radiocommunications (Spectrum Licence Tax) Amendment Bill 2004;
- Radiocommunications (Transmitter Licence Tax) Amendment Bill 2004; and
- Radio Licence Fees Amendment Bill 2004

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

- Broadcasting Services Amendment (Anti-Siphoning) Bill 2004;
- New International Tax Arrangements (Managed Funds and Other Measures) Bill 2004;
- Tax Laws Amendment (2004 Measures No. 7) Bill 2005; and
- Tax Laws Amendment (2005 Measures No. 1) Bill 2005
NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2005

First Reading

Bill received from the House of Representatives.

Senator HILL (South Australia—Minister for Defence) (5.27 p.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator HILL (South Australia—Minister for Defence) (5.27 p.m.)—I table a revised explanatory memorandum relating to the bill and 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—

NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2005

This bill amends the National Health Act 1953 (the Act) to require registered health benefit organisations (health funds), to provide cover, under their applicable benefits arrangements (hospital cover) for no gap and gap permitted prostheses provided as part of an episode of hospital treatment involving a professional service for which a Medicare benefit is payable.

Specifically, the bill does the following.

The bill amends the Act to allow the Minister to determine in writing:

- no gap prostheses—prostheses that are to be covered by health funds with no gap payable, at the benefit amount listed for each no gap prosthesis; and
- gap permitted prostheses—prostheses that are to be covered by health funds, but a gap may be payable by the health fund contributor, and the minimum and maximum benefit amount listed for each gap permitted prosthesis.

When making a no gap or gap permitted prosthesis determination, the Minister may take into account advice from experts in the field of prostheses and in the health insurance industry.

The bill requires health funds to provide contributors no gap cover for prostheses in relation to every in-hospital procedure for which a Medicare benefit is payable. The benefit that the health fund must pay is the no gap benefit amount listed in the no gap prostheses determination. The contributor should have no out of pocket costs for the no gap prosthesis.

The bill also requires health funds to provide contributors cover for gap permitted prostheses. The same requirements as for no gap prostheses will apply to health funds, except that health funds must not pay benefit for a gap permitted prosthesis at less than the minimum benefit amount. In addition, health funds must not pay benefit above the maximum benefit amount for a gap permitted prosthesis. A gap permitted prosthesis is likely to leave a contributor with a ‘gap’ or out of pocket expense, but the gap should not be more than the difference between the minimum and maximum benefit amount for the gap permitted prosthesis.

The aim of the bill is to enhance the value of private health insurance and increase choice for consumers. Health funds currently meet 100 per cent of the cost of all surgically implanted prostheses and other medical devices listed on the Prostheses Schedule issued under the Act. Under these arrangements, the cost to funds of prostheses and medical devices has been growing at an unsustainable rate over the last decade and is recognised by funds as a significant driver of premium growth. Feedback from industry is that the current arrangements are also administratively cumbersome. The new arrangements are intended to allow consumers access to prostheses with no out of pocket costs or to choose from a range of more expensive prostheses if they are willing to pay an out of pocket cost.

Health funds will still have the ability to choose to provide, under their applicable benefits arrangements, cover for prostheses which are not listed on a no gap or gap permitted prostheses determination, for example, more expensive pros-
theses relating to MBS procedures, and prostheses not related to MBS procedures.

This initiative does not affect the ability of health funds to provide cover for prostheses under their tables of ancillary health benefits (ancillary cover).

Contributors to health funds will still have the ability to choose to pay lower premiums for lesser benefits. Health funds will not be required to pay the benefit amount for a no gap prosthesis, or the minimum benefit amount for a gap permitted prosthesis, where a member has made an election not to be covered for the procedure. For example, a health fund may still offer, for a lower premium, and a contributor may still choose, a hospital cover policy which does not cover cardiac surgery. In such a case, the health fund will not be obliged to pay benefit for cardiac surgery, including any prostheses provided as part of the cardiac surgery.

Finally, the bill inserts a new section to ensure that a contributor to a health fund will receive the same cover for a no gap or a gap permitted prosthesis, when the hospital or day hospital facility where they receive treatment has a hospital purchaser-provider agreement with the contributor’s health fund.

I acknowledge the contribution of all stakeholders who have contributed to the development of the new arrangements for the coverage of prostheses for consumers with private health insurance.

Debate (on motion by Senator Hill) adjourned.

BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2005

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Bankruptcy and Family Law Legislation Amendment Bill 2005, informing the Senate that the House has agreed to the bill with an amendment and requesting the concurrence of the Senate in the amendment made by the House.

Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Message received from the House of Representatives returning the following bill without amendment:

Disability Discrimination Amendment (Education Standards) Bill 2004 [2005]

COMMITTEES

Membership

Message received from the House of Representatives notifying the Senate of the appointment of various members to the Parliamentary Joint Committee on ASIO, ASIS and DSD.

BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

Report of Environment, Communications, Information Technology and the Arts Legislation Committee

Senator FERRIS (South Australia) (5.29 p.m.)—At the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee, Senator Eggleston, I present the report of the committee on the provisions of the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004, together with the Hansard record of proceedings, and documents presented to the committee.

Ordered that the report be printed.

DEFENCE AMENDMENT BILL 2005

Second Reading

Debate resumed.

Senator CROSSIN (Northern Territory) (5.30 p.m.)—Mr Acting Deputy President, they say good things come to those who wait long enough. I rise to provide some contribution—
Senator Hill—We nearly closed the debate before question time.

Senator CROSSIN—I understand that, Senator Hill, but having such a significant and fantastic representation of the Defence Force in the Northern Territory, how could I let this opportunity to say something about it go by? The Defence Amendment Bill 2005 deals with the regime for the testing of drugs and other prohibited substances in the Australian Defence Force. It also applies to those people who serve in the reserves and to defence civilians. This bill is designed to clarify and strengthen the drug-testing procedures within the defence forces. The objective is a drug-free Defence Force. Let me clearly say at the outset that that is also a position that the Labor Party takes: we want a Defence Force that is drug free, but we want a Defence Force that has fairness in its procedures for dealing with people who may be suspected of using drugs.

This bill is intended to provide benefits for the health and safety of the individual and other service personnel, improved performance and greater operational effectiveness. In particular, I want to summarise what this legislation is meant to do. It is meant to expand the range of drugs tested beyond those narcotic substances currently provided to include other prohibited substances. It will authorise the Chief of the Defence Force by legislative instrument to determine that a substance is a prohibited substance. It will broaden testing beyond ADF members undertaking combat-related duties to all defence members and defence civilians. Defence civilians constitute a small group accompanying a part of the ADF on deployment who have consented to subjecting themselves to Defence Force discipline, in particular the reservists. It will allow the Chief of the Defence Force, or an officer delegated by him—or her as the case may be, one day in the future—to make provisions for testing by means other than urinalysis as new tests and new drugs are developed. The bill will clarify the power to terminate employment after the return of a confirmed positive test result and clarify the power to take other administrative action. It will enable details of the drug-testing regime to be set out in Defence instructions.

Let me say, though, that this bill is nearly 2½ years too late. We welcome this bill and we are certainly going to support it, but you have to ask yourself why it has taken this government so long to take action on this particular aspect relating to our Defence Force. We know that on 17 September 2002 the assistant defence minister at the time, Danna Vale, promised to introduce regulations for random drug testing of defence personnel. That was more than two years ago. The regulations had not appeared during that time. Of course, it was only the trigger that occurred last year that forced this government to take any action in respect of this matter.

In fact, a question that I asked the Minister for Defence, Senator Hill, in this chamber on 7 December last year might just have twigged and prompted this government to do something about it. That question related to whether or not it was true that a Defence Force magistrate, hearing an appeal from an ADF member regarding the issue of drug testing, had no option other than to rule in favour of the officer because the government had not made the regulations to legally authorise officers to collect urine samples for drug-testing purposes. To this day, as I said back then, this government has done nothing about that. As I said, the magistrate at that time was forced to rule in favour of the officer. A drug charge against the officer was dismissed because the magistrate had no option. There was no legal avenue for the magistrate to rule otherwise. That is because this...
area had been neglected by this government. Senator Hill’s response to me was as follows: Apart from that, yes, a magistrate did dismiss a case. The magistrate found that the method adopted to require the taking of these tests was, and I am paraphrasing, ‘inconsistent with part VIIIA’, I think, ‘of the Defence Act’.

Then the blame, once again, was placed on the defence department. This is not a government that would say: ‘We’re at fault. I am at fault as a minister for not picking this up, for not getting my parliamentary secretary to say to me, “Wait a second, there was a problem about this a couple of years ago.” What’ve we done? We’ve done nothing. Now we have to have a ruling from a magistrate that makes us look silly because it brings to light the fact that we haven’t done anything about this for two years.’ We then have this flurry of activity and finally legislation. At the time, the minister’s answer was: It is true that Defence decided to bring in this system through command rather than through legislative prescription.

Someone must have authorised Defence to do that. Obviously, bringing this system into place through command, rather than through a legislative process, was not strong enough and did not give the Defence Force magistrate the powers he needed at the time to uphold the ruling against the officer. We have a system of always shifting blame from this government—not a responsibility whereby the minister fairly says, ‘Well, that was totally my responsibility and I should have done something about it beforehand, but I didn’t.’ They have to shift the blame to the Defence Force. Again, back then advice was sought on what this government ought to do and finally, of course, we see this legislation come into play.

Senator Hill, at the time, also said to me in his response: ... it is not related to the issue of regulations under the Defence Act, because there are significant shortcomings within that provision that would have limited the capacity to test for the drugs in question. The military has chosen to proceed through command.

The military must have surely done it with the knowledge of this government and this minister. If it was inadequate at the time, someone should have said to the military, ‘No, that is not the strongest course of action you can take. The better course of action and the stronger course of action would be to ensure that this process is held in a legislative instrument.’

In introducing this speech into parliament, the Minister for Veterans’ Affairs, who represents the Minister for Defence in the House of Representatives, went on to say:

These limitations under the legislative drug-testing program were a major reason why a command initiated program of drug testing was implemented. This program was used for drug testing until September last year, when a Defence Force magistrate’s finding was made that there is no scope for such testing outside part VIIIA of the Defence Act. The command initiated program has therefore been temporarily suspended whilst changes to part VIIIA have been pursued to ensure that the legislation better reflects Defence Force policy regarding drug use.

Once again this highlights that we had to have a trip-wire in the system—a magistrate’s finding—before this government finally realised that what it had in place was not strong enough and was not comprehensive enough to deal with the issues. The issues came about following the drug raids in October 2003 at the Robertson Barracks in Darwin, where we now know 47 personnel returned positive drug tests. But if the regulations to allow the random drug testing in the ADF had been introduced when they were due to be—which was September 2002, some 13 months before—then this person would not have had their conviction overturned. In fact, there would have been a legal regime in place to ensure that those 47 cases
were dealt with and that there was a strong outcome in relation to how these officers were dealt with. It is interesting that we finally do have this legislation before us, although it is somewhat too late. This bill is designed to clarify and strengthen the drug-testing procedures within the Defence Force. As I said, the position of our party is that we want a drug-free Defence Force. The bill expands the range of drugs that may be tested and enables, as I said, the Chief of the Defence Force to determine that a substance is a prohibited substance.

I turn briefly to the issue of the effect on defence members and defence civilians, because this bill will also broaden the testing regime beyond ADF members undertaking combat or combat related duties. As I said, it will include defence civilians—that is, mainly reservists. Defence civilians constitute a small group among the ADF—that is for sure—accompanying a part of the ADF on deployment and must be those who have consented to subject themselves to Defence Force discipline. From my experience in dealing with defence civilians, there is very little recourse for these people in terms of fair and proper procedures when it comes to being dealt with by the Defence Force. If they are at all under discipline or they are at all under duress in their position as a reservist within the Defence Force, there are very few impartial procedures and processes that these people can use. So, while we welcome this bill and we welcome the expansion to include all of those people who will be undertaking active duty within the ADF, we must now be satisfied that this new legal regime will fit not only the regular members of the Defence Force but defence civilians as well. We need to be satisfied and we need to satisfy ourselves that if this legislation is applied to defence civilians they will get a fair, proper and impartial hearing.

Following the recent decision by this government to deploy a significant number of our defence personnel—up to 450—these personnel will come from 1st Brigade in Darwin at Robertson Barracks. They are a splendid group of young men and women who are extremely professional and dedicated. The drug testing and the drug raid that was carried out found that a very small number of ADF personnel were caught up in this. It is a shame that sometimes such stories about the ADF and the actions of a small group overwhelm the tremendous professional actions that are taken by a large number of ADF personnel, particularly in a place like Darwin. But this was a situation that only set off a trip-wire last year when the magistrate’s ruling was handed down. It is good to see that this government has finally done something about ensuring there is a legislative base in place so that those people who are in the ADF and who are caught taking drugs do not have an easy out—that they cannot use the loophole that was used last year in getting their matters overturned. This legislation is welcomed. It is 2½ years too late but I suppose it is better late than never. It is good to finally see the minister taking some responsibility for this rather than shifting the blame once again to his senior officers in the Defence Force.

**Senator Hill** (South Australia—Minister for Defence) (5.44 p.m.)—I will sum up briefly. I thank honourable senators for their contributions to this debate on the Defence Amendment Bill 2005. It has been a very helpful debate. Useful points have been made concerning privacy, the role of the Ombudsman, independent sample testing and Defence instructions. The bottom line is that I am pleased that all honourable senators support the bill. We have some amendments that we will have to deal with during the committee stage. We believe these are important reforms. The ADF does operate on a
zero tolerance of drugs basis and it is important to have the tools to enable commanders to effectively implement the policies that have been set in place. I thank senators for their support and look forward to the second reading passage.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator BARTLETT (Queensland) (5.46 p.m.)—by leave—I move:

(1) Schedule 1, item 25, page 8 (after line 15), at the end of subsection 100(1), add:

; and (c) notify the person of the right to have part of the sample sent to an accredited laboratory of their own choice for independent testing.

(2) Schedule 1, page 11 (after line 4), after item 37, insert:

37A At the end of section 107

Add:

(3) The Defence Instructions made under this Part must provide for penalties for unauthorised disclosure of test results.

(3) Schedule 1, item 39, page 12 (after line 11), after section 109, insert:

109A Defence Instructions to be legislative instruments

Notwithstanding section 7 of the Legislative Instruments Act 2003, a Defence Instruction made for the purposes of this Part is a legislative instrument for the purposes of that Act.

These three amendments were circulated in my name about four or five hours ago, and I remind the chamber that this bill did not appear in the chamber until 12.30 p.m. or a bit after that today. I addressed all the matters in my speech on the second reading. I understand the reasons why the minister made a brief statement in reply there. I do not anticipate that these amendments are likely to be successful but I would certainly like to get issues relating to them from the government’s side of things on the record. Senator Bishop from the opposition put some things on the record and a bit has been put on the record in the other place but, personally, I think issues could be elaborated on a bit further on the record by the minister, particularly given that he is the relevant minister for the defence forces.

I have moved these three amendments together to save time, even though they deal with slightly separate matters. The first of these amendments deals with the right of people to have an independent test done of a positive drug test or a positive sample of a prohibited substance. This was alluded to in the debate on the second reading and an indication was given that the government has pledged that the Defence instructions or determinations to be made down the track will include the right of a person to have a sample sent for testing a second time to an accredited laboratory of their choice. Of course, the issues there are how many different accredited facilities there are going to be, how much choice people will have and exactly how independent those places will be.

I am not suggesting skulduggery on the part of the government or the Defence Force in relation to that, but the fact is that drug testing in other arenas has shown that, when an independent second test has happened, there have been problems with or doubts raised about the veracity of the first test. I think that, for something as significant as this, whereby a serving member of the Defence Force potentially faces very serious charges and dismissal, it should be very clear—their right should be in law, rather than just a promise from the government—that they do get the opportunity to have an independent second test of that sample if they return a positive test on the first. As I said in my remarks in the second reading
debate, I am afraid I have had too many pledges from the government in the chamber or in writing that have not been followed through and I would much prefer, if the opportunity is there, as I believe it is, that the guarantee or the rights of a person be put in the legislation.

People would be aware of examples in the sports arena where the independent second testing of drug tests has produced a different result. I also point to the recent case in Victoria where a man from Ballarat was identified as the first person in the world to have returned a positive roadside drug-driving test. Yet, when he had an independent test done, it contradicted the official results. The results of drug tests are not necessarily reliable. Despite careful testing and analytical procedures, false-negative and false-positive test results are possible, so that right of review is fundamental to that principle of natural justice. We all support strong efforts to do what is reasonable and possible to ensure the defence forces are drug free, but that should not go beyond the realms of natural justice. We should ensure that checks and balances are in place. I believe that putting it in place in legislation is a better safeguard than just a promise from the minister.

The second amendment relates to penalties for unauthorised disclosure. The very thorough work by the shadow minister, Mr Bevis, in the House of Representatives, extracted an indication from the government that any unauthorised disclosure would potentially breach a range of different acts, the Privacy Act included. This is particularly important for reservists, who quite often have a job outside the Defence Force. If they happen to test positive for any prohibited substance—and we are not just talking about illegal substances or narcotics here; pretty much anything can technically be determined by the CDF as a prohibited substance down the track—they can be sure that that information is not going to be passed on to another person, even inadvertently. If it is, there are penalties in place. I accept the minister’s assurances in the other place that that would be a breach of an act. I still believe it would be helpful if the Defence instructions themselves provided specific penalties for unauthorised disclosure just to emphasise the point.

The third amendment ensures that the Defence instructions that will implement this whole legislative regime are legislative instruments and therefore disallowable by the Senate. I need to talk a bit on this point because Senator Ferguson touched on it in his remarks following on from my speech earlier. This bill allows the introduction of legal authority for Defence instructions that will detail a whole range of specifics about how these tests for drugs and other prohibited substances will be carried out in the future. We do not know what those details are—and to some extent it is understandable that the fine print cannot be determined now and cannot be determined in the legislation—but I believe very strongly that, when they are brought in down the track, there should be scope for proper parliamentary scrutiny and a proper opportunity for disallowance of those instruments if they prove to be deficient, particularly if they are deficient in getting a balance between basic justice and basic civil liberties and freedoms.

Senator Ferguson in his contribution said that you could not get any better scrutiny than the Senate already provides—that we have the Senate estimates process where you can question at length the Chief of the Defence Force himself and a range of other military personnel. That is true. I very much value and recognise the statements from the government about how important that process is and I certainly hope that when the government get control of the Senate they do not seek to curtail that very valuable process.
But the fact is that an instrument that is disallowable by the parliament gives an extra level of scrutiny beyond just asking a range of questions, because you have the power, underneath those questions, to disallow an instrument if you find that it is being implemented improperly or if you find, after questioning, that it does not meet the criteria or guidelines that you believe it should.

Senator Ferguson said that the estimates process gives far better detail on and scrutiny and examination of issues than any debate he has ever seen in this chamber on a disallowance motion. I would not necessarily agree with that—

Senator Ludwig—We have had plenty of good disallowance debates.

Senator BARTLETT—because we have had some very good disallowance debates, as Senator Ludwig said, and, despite the breadth of areas you can cover in estimates, there are plenty that do not get examined in much detail. It is not just a matter of having something there so that we can whack it with a sledgehammer and say, ‘That’s disallowed.’ The importance of Defence instructions being disallowable instruments is not just so we can say no in the Senate and make ourselves feel like we have still got a little bit of a finger in the pie of power. It is actually much more important than that, because most of the improvements and mechanisms that ensure that legislative instruments are up to scratch come by virtue of the people that are doing them up, knowing that they have to get them right or they will get pulled into line.

I know Senator Ferguson has been in this place a long time. I do not know if, in all that time, he has had the joy of being on the Senate Standing Committee on Regulations and Ordinances. If he has not, he may not be aware of the valuable work that that committee does without using sledgehammers to smash regulations or disallowing instruments left, right and centre. It does it simply by methodically going through every single one of those disallowable instruments and assessing them against a non-partisan set of criteria, including basic things like natural justice, due process and appropriate delegations of powers. Some may say that all of those things are boring; nonetheless, they are fundamental requirements to ensure that the powers that we give people under the laws that we pass in this place are not misused.

I note that, just before, notice was given on behalf of the chair of the regulations and ordinances committee, Senator Tchen, to disallow a whole range of regulations in 15 sitting days time. It is almost certain that none of those will be disallowed, but giving that notice sends a signal to the minister that the government have to reply to the concerns raised by the committee. If they do not they could potentially have a disallowance. It has happened once or twice but not very often, because the ministers do respond. It is one of those areas where, in a completely non-partisan way, the Senate or a Senate committee does what it can to ensure that the instruments are up to scratch so that the basic rights of people remain and that, when they are dealing with the huge morass of bureaucratic instruments, they are given at least a bit of a fair go.

To give an indication of how wide ranging this is, I draw attention to the documents tabled here that probably nobody pays much attention to: the documents tabled by the Clerk. One tabled today has 212 different instruments, declarations, regulations, dispensations, determinations, guidelines and approvals. Not all of them are disallowable but the vast majority of them are potentially disallowable. Probably none of them will be, but every one of them that is potentially disallowable will be examined by the regulations and ordinances committee to make sure that it meets basic, decent standards of draft-
ing. People are going to be subject to these powers: they are still laws. Just because they are regulations or determinations does not mean they are not laws. You can still get pinged under them, you can still get fined, you can still lose your job and you can still get pulled up before the courts. So they must meet the basic standards.

I believe it is important to consider mechanisms such as the Defence instructions proposed in this bill because they exercise quite significant powers. The legal power to introduce a workplace drug-testing regime and those sorts of things, I believe, if you are dealing with activities carried out by Commonwealth officers, should be done via a mechanism that ensures a basic level of scrutiny. It does not mean that we are going to debate them in this parliament every single time and it does not mean that we have to ask questions about them in every single committee hearing; it just means that when the determinations are brought down there will be a parliamentary committee that will run the ruler over them and make sure that they meet the promises and basic standards that have been in place via the regulations and ordinances committee for about 60 or 70 years, to ensure that at least those baseline standards are met.

That is why I believe these sorts of amendments are important. It is not so that the Senate can feel like it will still have some power in there somewhere down the track but to ensure that there is still that extra obligation on officers who are doing up these legal instruments that give them quite significant powers—that they will meet those standards and that, if they do not, there is action that can be taken beyond asking questions in estimates committees. I think that needed to be pointed out, given Senator Ferguson’s comment.

There are different aspects of the work of the Senate and they all play different roles, and the role of ensuring the opportunity for proper scrutiny of instructions like these is quite important. Whilst I moved these amendments together, the government can vote on them separately if they have been massively persuaded by my arguments! But, if people are leaning towards any of the amendments, certainly amendment (3) would be one that I would ask people to give specific consideration to.

Senator HILL (South Australia—Minister for Defence) (6.00 p.m.)—Senator Bartlett has moved three amendments, and I would like to deal with them briefly. His first amendment is for a provision that notifies the person of a right to have part of a sample sent to an accredited laboratory of their own choice for independent testing. Defence has in the past adopted the practice of allowing ADF members who return a positive test result to have their second sample analysed by an accredited laboratory of their choice. Where the second test proves negative, the original positive test result is disregarded and the member is reimbursed for all costs related to the second test. This practice has worked well in the past without any legislative underpinning. It is proposed to provide the same arrangement under the new part VIIIA testing regime. Under the new testing regime it is intended that this requirement be firmly established by incorporation into the Defence instructions which are currently being drafted.

In relation to the second amendment to further protect privacy, it is proposed that Defence instructions will prohibit the unauthorised disclosure of prohibited substance test results. There are currently available a number of penalties where there is an unauthorised disclosure of information relating to test results contrary to the terms of the Defence instructions. A disclosure by a member
of the ADF contrary to the terms of the Defence instructions would constitute a failure to comply with a lawful general order and could result in disciplinary action being taken under section 29 of the Defence Force Discipline Act 1982, attracting a penalty of up to 12 months imprisonment. In addition, adverse administrative action may be available. Such action may result in a person being counselled, warned, censured or even discharged, depending upon the severity of the inappropriate behaviour.

The Public Service Act 1999 provides yet further penalties for public servants breaching the code of conduct. The unauthorised disclosure of personal information would constitute a breach of the code and grounds for taking disciplinary action against the offending person. The Privacy Act 1988 also has application in this context. It should be noted that the Privacy Commissioner has the power to order that compensation be paid in relation to breaches of the privacy principles for any loss or damage suffered by complainants. Unauthorised disclosure may also constitute an offence under section 70 of the Crimes Act 1914. Breach of that provision attracts a penalty of up to two years imprisonment. Given all the above means of discouraging the unauthorised disclosure of personal information and the range of criminal and administrative penalties already available in this context, it is the position of the government that it is unnecessary to amend the bill to provide for further penalty for such behaviour.

The third amendment relates to Senator Bartlett’s concern about the status of Defence instructions. It is true that Defence instructions are a unique tool for administering the ADF. The administration of the ADF, including the making of Defence instructions, is provided for by section 9A of the Defence Act. That provision provides that the secretary and the CDF are jointly responsible for the administration of the ADF and that instructions issued by them jointly and pursuant to these powers are to be known as Defence Instructions (General). Section 9A and the command power dealt with in section 9 of the act are statutory recognitions of the executive power. As the Defence instructions are an exercise of this power, they are not legislative in character and therefore do not come within the ambit of the Legislative Instruments Act 2003. Indeed they are specifically excluded from that act. Given their prerogative character it would be inappropriate to make them subject to review and disallowance by parliament.

Defence instructions made for the purposes of prohibited substance testing under part VIIIA of the act essentially deal with the administrative detail of the prohibited substances testing regime such as the procedures for handling and analysing samples and the general conduct of the testing. They are administrative rather than legislative in character, as are other Defence instructions. They do not define the scope of the testing regime. This is done by parliament under part VIIIA of the act and the determinations of prohibited substances and prohibited substance tests by the CDF under the proposed new section 93B. These determinations are legislative in character and will be subject to parliamentary scrutiny and disallowance.

Senator LUDWIG (Queensland) (6.06 p.m.)—We will deal with the three amendments together, as leave was granted to Senator Bartlett to do so. In dealing with them, I will deal with amendment (3) first, because I think that becomes a pivotal point. Once you accept that in this instance the Defence instructions should not be legislative instruments—and I think the case has been made by the government that they are a type of instrument that derives a power from section 9A and provides a prerogative power to allow the Defence Force to operate with in-
structions which are not legislative instruments—once you accept the administrative nature of the orders that are placed within the instructions, once you accept the need to amend and change those as the need arises to ensure that they deal with the minutiae of the detail that the Defence Force are required to deal with on a day-to-day basis and once you accept that it would be cumbersome, if not impossible, in some instances to bring them back as legislative instruments and allow scrutiny of them in this forum, and I think the minister has made that plain, then the other two amendments fall as a consequence. I will explain that shortly.

I will deal with the third point first. The Defence Force instructions are documents which I am not sure would generally see the light of day in terms of being open to public scrutiny. They are detailed documents that are provided for the running of Defence. If they were to be legislative instruments, then they would have to be put on a legislative database and kept for everybody’s scrutiny. My understanding is that that would probably slow the system down somewhat. It would also be cumbersome, and I think that probably, at the end of the day, it would be impossible to accomplish given the nature of Defence Force instructions. Having had some experience with them in the past, I can understand the range of issues that they cross. They are unlike the legislative instruments or statutory instruments that we meet here.

Once that point is accepted, I think the other two points flow from it. It is appropriate that the drug-testing regime be dealt with as a Defence Force instruction. That is the process the military usually adopt when providing for these types of arrangements—and many others, of course. As the minister has explained, the process is used to ensure that there is fairness in the system in relation to samples and the ability to have a second sample laboratory tested if desired. The minister has given an undertaking to ensure that that will be in the Defence instructions. Once that is finalised, it will meet the general test, at least on the face of it, of being a fair system which will ensure the protection of both the personnel and the Defence testing regime person.

You can then see that it would be cumbersome, if not impossible, to put penalties within the Defence instructions at every step where problems might arise. Many instructions would not actually require penalties or need penalties; they are day-to-day operational instructions as such. Mr Bevis wrote to Mrs Vale and received a letter back—which I think Senator Hill read out in part—detailing how those issues are to be dealt with. Of course, Senator Hill went to the issue of how, under section 29 of the Defence Force Discipline Act, the disclosure would attract a penalty of up to 12 months imprisonment. In other words, it is there where the penalties are found, and that is the logical place to use for a general provision. It is not unusual to find in many acts a provision dealing with these types of breaches as a general catch-all. Once we are persuaded by the force of the argument in (3), then (2) and (1) really fall as a consequence and therefore do not garner the opposition’s support. In that instance we will not be supporting the amendments.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator HILL (South Australia—Minister for Defence) (6.12 p.m.)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
I rise to speak on the National Security Information (Criminal Proceedings) Amendment (Application) Bill 2005. I think it could be described as a bit of essential housekeeping. However, it is an essential area that does require addressing in our nation’s security interests. It is topical that we speak of national security in parliament this evening because I would like to make a few remarks concerning the important national security issue of money laundering as well.

The annual US Department of State’s International narcotics control strategy report was released just last week. It contains an analysis of money laundering in various countries around the globe. The Senate will know that money laundering is conducted by both drug dealers and terrorists. This fact highlights the point that when we are talking about terrorist organisations we are dealing with criminals.

I want to bring to the attention of the house some of the findings of that report because it is possible, for example, that a terrorist organisation involved in money laundering could well be subject to the National Security Information (Criminal Proceedings) Act and indeed to some of the measures in the bill that we have before us. The US Department of State have found that Australia is ‘a major money-laundering country’. The state department had this to say about major money-laundering countries, and I quote directly from their report.

“A major money laundering country is defined by statute as one whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking…”... However, the complex nature of money laundering transactions today makes it difficult in many cases to distinguish the proceeds of narcotics trafficking from the proceeds of other serious crime... This year’s list of major money laundering countries recognizes this relationship by including all countries and other jurisdictions, whose financial institutions engage in transactions involving significant amounts of proceeds from all serious crime.

The report then goes on to list Australia amongst 52 other jurisdictions, so unfortunately we are not alone. It is a failure of the Howard government in this area. The minister is clearly not doing enough to combat threats to national security, whether they be terrorist or drug related, through the monitoring and seizure of laundered money. Part of this relates to extended review of AUSTRAC, which has been ongoing since late 2003. In my view, it is time for the minister to act and complete this task so that AUSTRAC can know what their operational focus and strategic direction will be so that they can get on with the job of detecting money laundering in our banks.

The bill before us today seeks to clarify that the act will apply to existing proceedings that were already under way as at 11 January 2005, the day on which the main provisions of that act commenced. Secondly, it clarifies the procedure of notification so it is clear that the prosecutor has to give the requisite notice of intention to adduce security sensitive information to the court and defendants on only one occasion. This bill aims to eliminate ambiguities in the existing act on the basis of crown law advice received by the government. The purpose of the existing act was to ensure that the courts and prosecutors could use information that was security sensitive to conduct criminal trials in a way that would balance the defendant’s right to a fair trial with the need to publicly divulge
national security information where to do so would be a threat to national security.

The original bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee, where I and other senators investigated the bill and made a number of recommendations. It was unfortunate that the Attorney-General failed, as he has on a number of occasions before, to heed all the recommendations made by the committee. That said, several of the committee’s recommendations were taken on board—I should be thankful for that, at least—and are now reflected in the current legislation. However, it was disappointing to see that the Attorney-General consciously chose to ignore most of the recommendations of the Australian Law Reform Commission report entitled Keeping secrets: the protection of classified and security sensitive information in drafting the original legislation. But I will not go into that in the debate on this bill. I think I dealt with that substantively during the second reading debate when the amendments were put forward and the bill debated. It did highlight at the time that the final draft was produced at a time which made it impossible to believe that the Keeping secrets report was taken into consideration at all. It was reflected by the legal and constitutional committee that, by the time we got to look at the bill, a raft of recommendations were made that sought to improve upon the legislation.

I think that, if the Attorney-General and Senator Ellison had turned their minds to this matter a bit more dutifully, if they had been able to examine Keeping secrets in draft, a lot of it could have been done better. They may not have wanted to follow the report—that is a matter for government policy and its direction—but they could have taken it on board and structured a final piece of legislation that was both effective and tight in terms of its legislative drafting. The recommendations that came from the legal and constitutional committee report might not have needed to be so expansive and to cover a range of areas that really should have been dealt with at first blush. That said, Labor supported the thrust of the legislation, and that legislation is now an act. We were able to raise ourselves above the inability of the Attorney-General to get around the real issues that were highlighted in Keeping secrets. We recognised the importance of the issues, we recognised the need for the legislation to be passed and we recognised the improvements that had been made to the bill as a result of the committee process.

As I said at the time, the legislation was not perfect and Labor would have done things differently. Under a Labor government, we would have implemented a new federal protected disclosure regime, which would have included appropriate protections for persons working in the area. However, the need for legislation was clear, for without it we would still be placed in the situation where the Commonwealth prosecutor would effectively be unable to tender security sensitive information in criminal trials where that information would compromise national security. If the law were unchanged, the Commonwealth would simply have to balance the interests of prosecuting the suspected criminal with the interests of national security. It is not a desirable situation when you have to weigh up one worthy goal against another and simply drop the lesser. Instead, it is desirable for the Commonwealth to be free to pursue goals of defending national security while prosecuting suspected criminals. This was the aim of the original legislation.

While we in the Labor Party were not entirely pleased with the legislation, the legislation did pass with our support because we are a party that is concerned with both good government and good governance. We understood that the government needed the legislative tool to get on with the job, and, while
we were offering a better tool, we did not stand in the way of the government promoting this legislation or dig in our heels out of spite and do nothing at all. It was far better to accept the position that this legislation was required. That was responsible politics, in my view. We ended up with a compromise, and the legislation was passed. It is now the case that some ambiguities have been picked up, and as a party that takes national security seriously we again recognise the government’s need for our assistance in passing this legislation.

Passage of this bill now clarifies the law in regard to some five existing criminal trials against suspected terrorists. Although it was certainly the intention of the government, it was not entirely clear from the original act whether trials where proceedings had already begun were to be included. These amendments will make that explicit, remove the ambiguity and give all involved in those cases some certainty as to where they stand in relation to the law. Similarly, the tighter description of the process by which requisite notice is given under the act is also a welcome development. On the basis of the above, Labor supports the passage of this bill.

Senator GREIG (Western Australia) (6.22 p.m.)—The National Security Information (Criminal Proceedings) Amendment (Application) Bill 2005 makes two changes to the National Security Information (Criminal Proceedings) Act, which came into force on 11 January this year. The Senate may recall that we Democrats opposed the passage of that legislation. While we recognised that there was a need to examine and clarify the way in which courts handle sensitive, security-related information, and we acknowledged that the government had made a genuine attempt to formulate appropriate legislation, we nevertheless took the view that the proposed scheme had a number of serious flaws. In particular, we expressed concerns regarding the very broad definition of national security and the fact that the legislation permits a court to hear evidence in the absence of the accused person and his or her lawyer if the lawyer has not submitted to a security clearance.

The bill now before us attempts to apply these new national security information regime proposals to a handful of proceedings which were already before the courts at the time the legislation came into effect on 11 January this year. The act, as it currently stands, unequivocally excludes any proceedings which commenced prior to 11 January. It is therefore curious, I think, that the explanatory memorandum suggests that the purpose of the bill is simply to ‘clarify how the act applies to certain proceedings’. The opposition appears to have taken a similar position, as evidenced by the comments of the shadow minister for homeland security, Mr Robert McClelland, in the other place when he stated that ‘the clarification is consistent with what both sides of the House assumed was the potential operation of that original act’. On the contrary, we argue that the act is perfectly clear in that it does not apply to those proceedings. What this bill does is change—not clarify—the application of the act to certain proceedings.

The government has indicated that there are a number of terrorism-related prosecutions currently before the courts to which the regime could potentially apply. The passage of this bill will enable the national security information regime to apply to those proceedings. The government argues that the bill will not have any retrospective operation. This is true in a literal sense, since the national security information regime will be applied to existing proceedings only from the time that this amending legislation comes into effect. However, we Democrats believe there is a compelling argument which sug-
gests that the bill will in fact have some retrospective impact. For example, a defendant in existing proceedings may have retained a lawyer who is unwilling to submit to a security clearance for the purposes of this regime. The defendant will therefore need to either start from scratch with a new lawyer or risk having his or her existing lawyer excluded from parts of the proceedings. Moreover, the fact that the regime will now apply to the defendant’s trial may necessitate a change of the defendant’s case plan or strategy, particularly if he or she had intended to rely on evidence which will now be excluded.

Perhaps the most significant potential impact of this legislation arises in the context of the disclosure obligations it places on defendants and their lawyers. The explanatory memorandum says that ‘there are currently under way a number of terrorism-related proceedings to which the act could possibly apply if the prosecutor gives the requisite notice to the court and defendant’. What the government has failed to point out is that the act will apply to existing proceedings, regardless of whether the prosecutor gives any notice, if the defendant intends to rely on security related information. This is because the principal act requires defendants to notify the Attorney-General if they propose to introduce evidence that is relevant to Australia’s national security. A failure to provide such advance notification attracts a significant penalty of up to two years imprisonment. We Democrats are very concerned that defendants in existing proceedings will acquire new obligations as a result of the passage of this bill and may not be aware of those obligations. There is therefore a risk that a defendant could unknowingly commit an offence of failing to notify the Attorney-General and face up to two years in prison.

While the Democrats are well aware of the maxim that ‘ignorance of the law is no excuse’, we question whether this maxim should apply to legislation which is introduced part way through existing criminal proceedings. If this legislation is passed, we would expect the government to draw it to the attention of all defendants who the government has reason to believe may be affected by its provisions. We will be seeking an undertaking from the minister to this effect.

For the record, I indicate that the Democrats have no objection to the second amendment proposed by this bill, which provides that where a prosecutor gives the requisite notice to the court and the defendant after proceedings have commenced, the act will apply to each subsequent part of those proceedings. In closing, we Democrats maintain our objections to this bill, and they relate solely to its attempt to apply the national security information regime to proceedings that are currently before the courts. We had strong objections to the principal act, and we are therefore naturally reluctant to see it apply to any additional proceedings. Moreover, we believe that this extended application could have an adverse retrospective effect on defendants in existing proceedings. For these reasons, we oppose the passage of the bill.

Senator PAYNE (New South Wales) (6.28 p.m.)—I join in the second reading debate on the National Security Information (Criminal Proceedings) Amendment (Application) Bill 2005, which, as previous speakers have noted, is not a complex piece of legislation but nevertheless an important amendment to a very complex substantive act, the National Security Information (Criminal Proceedings) Act. As I am sure Senator Ludwig observed in his cogent remarks, the Senate Legal and Constitutional Legislation Committee had cause to consider at some length the head act, the National Security Information (Criminal Proceedings) Act, in a report tabled in August of last year.
That legislation was later brought forward after the election.

The most important aspect of this bill is its effort to clarify how that act applies to particular federal proceedings of a criminal nature. As has been alluded to, it reinforces the fact that the application of the act is to proceedings that commenced prior to 11 January 2005—which is the day on which the main provisions of the act came into effect. The amendment ensures that the act can in fact be applied to a number of terrorism related proceedings that are currently under way, once a prosecutor has given requisite notice to both the court and the defendant. The act seeks to ensure that there is no capacity to avoid application of it just because a person had been charged and a bail hearing had occurred before the commencement of the act on 11 January.

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

Senator PAYNE—I will continue the brief remarks I made earlier before the dinner adjournment, and my remarks in conclusion will also be brief. I would like to make a couple of further points. Before the adjournment we were discussing the application of the act to terrorism proceedings that are currently under way, once a prosecutor gives the notice that is required by the act to the court and to the defendant. The bill clarifies the position, if there was any doubt, that just because a matter had commenced before 11 January 2005, that is, before the act came into effect, the act could not be applied to those proceedings—either the committal or the trial of an individual some time later. What the Attorney-General has assured in the other place and publicly elsewhere is that this amendment does not give the act any retrospective effect. That is to say, it does not affect anything that occurred before the notice that the prosecutor is required to give is actually provided.

The bill also seeks to clarify the manner in which the act applies to any proceeding in which the prosecutor does give that requisite notice to the court and the defendant after the proceeding commenced. As the Attorney stated in his, also relatively brief, second reading speech:

This amendment restates the intent of the act to require a prosecutor to give the requisite notice only once, after which time the act will apply to all subsequent parts of the proceeding.

The Attorney also emphasised that the act as it currently stands could possibly be, in the government’s view, subject to some misinterpretation that may have the potential effect of putting in jeopardy the underlying intent of the act, which is to ensure that the prosecution can be carried out without any risk to national security or to a defendant’s right to a fair trial. I alluded in my earlier remarks to the consideration by the Legal and Constitutional Legislation Committee of the substantive act in 2004—the National Security Information (Criminal Proceedings) Act 2004. The committee paid some attention to the question of ensuring that the defendant has the right to a fair trial. I alluded in my earlier remarks to the consideration by the Legal and Constitutional Legislation Committee of the substantive act in 2004—the National Security Information (Criminal Proceedings) Act 2004. The committee paid some attention to the question of ensuring that the defendant has the right to a fair trial. I alluded in my earlier remarks to the consideration by the Legal and Constitutional Legislation Committee of the substantive act in 2004—the National Security Information (Criminal Proceedings) Act 2004. The committee paid some attention to the question of ensuring that the defendant has the right to a fair trial. I alluded in my earlier remarks to the consideration by the Legal and Constitutional Legislation Committee of the substantive act in 2004—the National Security Information (Criminal Proceedings) Act 2004. The committee paid some attention to the question of ensuring that the defendant has the right to a fair trial.
Department gave evidence to the committee in relation to those that were not accepted, and the committee made further recommendations in that regard.

But the main provisions of the bill were to ensure that we had adequate and appropriate procedures for dealing with sensitive national security information during federal criminal proceedings. That is of course necessary in the current climate in which we find ourselves, for a range of reasons. It is necessary to ensure that we have an effective management of information, both pre-trial and during trial; a mechanism by which there can be a notification of expected disclosure of security sensitive information; adequate procedures to follow where it is expected that a witness might disclose information that is potentially prejudicial to national security; and some provisions for the use of an Attorney-General’s certificate in certain instances and the consequences of the Attorney-General giving that non-disclosure certificate. Also of some concern to the committee and considered in that inquiry were the requirements for closed hearings and the court orders that may be made in those circumstances; the methods for appeal against those court orders; and an issue which has been debated across a number of pieces of legislation in recent times, the need for a security clearance for the defendant’s legal representative. A number of offences were created under the bill and it concluded with the requirement for the Attorney-General to report to parliament on an annual basis in a report which would state the number of certificates given by the Attorney-General under the relevant clauses of the act each year, and identification of the criminal proceedings to which those certificates relate.

In conclusion, Senator Greig raised some concerns in relation to what he described as a retrospective impact of the bill. I note that the Attorney has gone to great lengths—as I understand it, agreed with by the shadow minister in this case—to indicate that the bill is not regarded as having a retrospective effect as may be viewed elsewhere. The Bills Digest, for example, considers but does not particularly expand upon some of those issues. I noted, and listened with interest to, the matters that Senator Greig raised. But I do not think the bill qualifies, if you like, as a retrospective piece of legislation in the sense which we understand that to be the case. In looking again at the explanatory memorandum this evening and rereading the speeches on the second reading in the other place, I think that we can proceed with the legislation in its current form with this small amendment bill on the basis that it does not have the sort of retrospective application which we might otherwise be opposed to.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! Senator Payne, you have been working under quite considerable competition, and I think that perhaps we should allow you to proceed in silence.

Senator PAYNE—Thank you, Mr Acting Deputy President, I was hoping they were distractions, in fact, but it does not appear to have worked that way. As I was concluding, in the climate in which we find ourselves and the need for very strict procedures as to how this legislation should operate, it is important that the legislation operates in a case where there is no room for doubt, and this amendment seeks to achieve that result.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (7.37 p.m.)—I thank senators for their contribution to this debate on the National Security Information (Criminal Proceedings) Amendment (Application) Bill 2005, a very important bill indeed. Before I turn to the provisions of the bill, I would like to clarify an issue that was raised by Senator Greig. I would point out that there is no obligation on
parties to notify the Attorney-General of an intention to lead national security information unless the prosecutor has notified the defendant and the court that the act applies to particular proceedings. Senator Greig’s concern therefore that defendants in matters currently before the court may be disadvantaged if they do not realise that these amendments have passed or what the implications of these amendments are to their matter, is unfounded. We believe that they are not disadvantaged accordingly.

In relation to Senator Ludwig’s comments, which were directed in part to anti-money-laundering measures, I think it is useful to place on the record the situation in relation to the International Narcotics Control Strategy Report, which mentioned Australia. It is a report prepared annually by the United States Department of State for the congress, and it describes the efforts of key countries to attack the drugs trade and associated crime—in this case during 2004. The INCSR categorisation system is based on the size of the country’s economy and the sophistication of financial institutions and financial transactions. Obviously, countries which have larger and more complex flows of funds will be more vulnerable to money laundering. The INCSR makes it clear that the categorisation is not based on the anti-money-laundering measures taken by that particular country. Australia, the United States, the United Kingdom and Canada are all identified as being of primary concern despite having comprehensive anti-money-laundering laws and conducting aggressive anti-money-laundering enforcement efforts.

In an article this week, it was mentioned that Australia was in the company of some Third World countries in relation to this designation of primary concern. What was not mentioned in the article was that, included with Australia, were the United States, the United Kingdom and Canada. They have anti-money-laundering provisions which are among the best in the world. Australia has AUSTRAC, of course, which I believe demonstrates world’s best practice in anti-money-laundering enforcement. In fact, many other countries come here to look at AUSTRAC and the work it does. The INCSR notes:

The current ability of money launderers to penetrate virtually any financial system makes every jurisdiction a potential money laundering center. I think that is a worthwhile basis from which to look at this report. As a major financial centre, Australia will be vulnerable to money laundering, and we have always acknowledged that fact. In response to this, the Australian government and law-enforcement agencies continue efforts to combat money laundering and financial crime both domestically and in the Asia-Pacific region. In fact, Australia helped cofound the Asia-Pacific Group on Money Laundering and, of course, has been an active participant in the Egmont Group and the financial action task force.

To ensure that Australia maintains robust and effective systems to combat money laundering, the government has undertaken a reform process in response to the revised recommendations of the Financial Action Task Force on Money Laundering. Indeed, I have stated publicly that the government has a draft bill which will be released soon for public consultation. That is in response to recommendations made by FATF—some 40 recommendations in all, eight of them relating to terrorist activity. I think it is very important that with an article like the one that I think was in the Daily Telegraph, which says Australia is a country of prime concern, we look at it in the context of the International Narcotics Control Strategy Report and the fact that Afghanistan was not listed as a country of concern. Why? Because it does not have a sophisticated financial market like Australia. Where you have financial markets
such as Australia has, you have records of transactions, you have a large financial sector and of course you become a target for money laundering. I just think it is important to place that on the record as that was raised by Senator Ludwig.

Returning to the National Security Information (Criminal Proceedings) Amendment (Application) Bill 2005: when the National Security Information Act 2004 commenced in January this year, it added a further layer of protection for Australia’s national security. The act facilitates the prosecution of Commonwealth offences without jeopardising national security or a defendant’s right to a fair trial. This bill clarifies two related aspects of the act to ensure that it operates as intended. It confirms that the act can apply to proceedings that began prior to the commencement of the main provisions of the act. The bill does not act retrospectively. It does not affect proceedings or parts of proceedings that have already been completed. It clarifies the fact that a proceeding commenced prior to the commencement of the act does not prevent the application of the act’s provisions to future stages of the proceeding. The bill also ensures that if a prosecutor applies the act after a proceeding has commenced, the prosecutor only has to give the requisite notice once and not separately for each subsequent part of the proceeding.

I welcomed the opposition’s support for these amendments last month during the second reading debate in the House of Representatives. The member for Barton stated that the amendments were justified and consistent with the understanding of both sides of the House. The primary act was passed last December. The member for Barton added that the bill avoids complications, additional expense and delay that could otherwise arise from the need to issue fresh charges. I certainly agree with these views of the member for Barton and I emphasise that the bill minimises the risk of the act being misinterpreted, which in turn might impede the protection of security sensitive information. This is a very important bill and, although technical in nature, I believe it enhances the legislation that we have in place already. I commend this bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

Senator Greig—Before we continue, given that that vote went through on the voices, I ask that the Democrats’ opposition to the bill be clearly recorded in Hansard.

AGED CARE AMENDMENT (TRANSITION CARE AND ASSETS TESTING) BILL 2005

Second Reading

Debate resumed.

Senator McLucas (Queensland) (7.46 p.m.)—At the outset of the debate on the Aged Care Amendment (Transition Care and Assets Testing) Bill 2005 I have to say that this is a bill that Labor have been waiting for and wanting to debate in this place for a very long period of time. While Labor will be supporting the intent of the bill, I do need to make some comments about matters relating to this piece of legislation.

This legislation will ensure that residents of aged care facilities retain their places at those facilities whilst receiving transitional care after discharge from a hospital. The second part of the legislation transfers asset testing from aged care providers to Centrelink and the Department of Veterans’ Affairs—a component which is also welcomed by Labor. Labor, as this chamber knows, will always support measures that improve the lives of our frail aged Australians and older citizens and we support the intent of the bill.
even though, as I said earlier, there has been a delay in its introduction. The measures that we are dealing with today are based on some of the recommendations in the Hogan review into pricing arrangements in the residential aged care sector. I want to return to other recommendations from the Hogan review if the opportunity arises later.

The amendments are necessary to ensure that leave arrangements are in place to allow existing residents of residential care to receive transitional care following a hospital stay. Normal care arrangements need to be made available for people if they go into an acute care facility and then subsequently take the opportunity of the alternative transitional care arrangements that have been adopted. We will support that principle. It is sound health policy and it should have been around a little earlier, but that is by the by.

The bill also establishes a form of flexible care that allows for a subsidy to be paid and specifies that transitional care is a form of flexible care. It also extends provisions of the act that deal with the reduction of the residential aged care subsidy when a carer is on extended hospital leave. This now applies to flexible care leave. That is a definitional way that the bill operates. The legislation also recognises the situation faced by concessional residents and extends the current arrangements applying to concessional residents in hospital to their flexible care leave.

I want to take this opportunity to bring to the attention of the Senate something that I found a little bit astonishing in the explanatory memorandum. There is a section in the explanatory memorandum that talks about the financial impact. When trying to ascertain what the savings might be, it says:

It is not possible to estimate the savings with any degree of confidence because:

- there are no clear views with respect to the number of existing residents who will utilise the transition care program; and
- the classification levels of these residents, which will affect the level of subsidy reduction, are not known.

As I said, I express concern about that statement in the explanatory memorandum. In my view these sorts of policy changes should be based on sound data collection and then using that data to model what may or may not happen into the future. I do not think it is appropriate for us to say that it is a bit too hard and that we have no confidence in our data when making the sorts of policy changes that this bill proposes.

This bill is not in the realms of the Medicare safety net, which, as we know, has blown out by an enormous amount of money. I do acknowledge that we are talking about savings. But I think it is instructive to the Senate and also to the community that we are making decisions in a vacuum of information. I do not know that that is an appropriate platform for us to be making policy changes around. It is not good policy, in my view, to be underconfident about the potential financial impact of any bill, even if it is a savings bill. This leads me to believe that there is a lack of research, data collection and appropriate modelling in the aged care sector. I have to say that I am not the only person who suggests this.

Looking at this particular bill it is clear to me that we do not have enough research into the balance of care provision between acute care, residential care and community care. We need to undertake that sort of research so that we can truly understand the numbers of people that might access this sort of transitional care, but we also need to undertake it for a broader intent. If we are going to make the provision of aged care, whether residential or community based, sustainable in this nation, we have to work from sound data so
we can make informed choices and predict what may happen. We have had Mr Costello’s Intergenerational report talking, apparently very forcefully, about how we need to project into the future what care needs may be, but if we are working from a basis of a lack of information it is very hard to do that. The government would be well advised to have a look at the data sets that we have available to us and then make some sound judgments on what data is not there so we can start to collect it.

We need to do research on the interface between acute, residential or community based care so we can predict the financial impact of any decision, but we also need to be looking at the models of appropriate care delivery in the transitional stage of care. We need to be developing transitional care practices that are sound, client focused and interested in moving people from the acute sector into their care situation comfortably and safely. Transition is a critical event for the frail aged. Any movement from one place to another is a critical event, and we should be working from a basis of sound research to be able to make decisions about them. Some work has been done on the balance between high, low and community care settings. My view is that more work needs to be done. We had some discussion at estimates about that. It does not fill me with great confidence that we have got that balance right. Little work has been done on the interrelationship between acute, residential and community care settings. The other part of that discussion is the interface with the disability sector.

I commend to the Senate a paper that I was fortunate to come across recently entitled ‘Trends in the use of hospital beds by older people in Australia: 1993—2002’ by Len Gray, Margaret Yeo and Stephen Duckett printed in the Medical Journal of Australia late last year. This is a fairly important piece of work, and I do not know that it has had the resonance in the sector that it could have had. As an aside, I understand this research was done without any government funding—NHMRC, ARC or even state funding. It was completely self-funded by these academics. It is an important but preliminary piece of work about the nexus between the acute, residential and community care sectors. It is a good piece of work. More needs to be done in that area until we know not only what best practice is in care delivery but also the potential costs we may be facing.

As I said, this legislation implements two of the recommendations of Professor Hogan. It does not go to another important recommendation of Professor Hogan in an area where the sector is crying out for some attention, and that is the issue of work force and how we deal with the pressing issues of providing an appropriately skilled, balanced work force into not only the residential aged care sector—that is the area that is given a lot of focus—but also community care. At every single meeting I attend as Labor shadow minister for ageing, the issue of work force shortages is raised with me. The answers are many and varied, but I am concerned that the government is holding back and not participating in the debate that we truly have to have if we are going to ensure a well-staffed, strong, client-focused aged care sector into the future.

The issue of wage disparity, which is often raised with us, is the main reason why we have an undersupply of not only nursing staff but aged care workers across the range of certifications. It is true that the wage disparity between a registered nurse in the acute care sector and a registered nurse working in aged care is enormous and it is growing. That surely is of concern to us all. I was at a meeting in Western Australia last week and we talked about the question of wage disparity, and service providers are also of the view that there is a problem in ensuring some sort
of equity between the acute care sector and aged care. One of the participants in the meeting said to me that it is not only wages but the conditions that nurses—let us focus on nurses for the moment—have to deal with that are a disincentive to work in residential aged care. They have to deal with the enormous and seemingly growing amount of red tape—the enormous amount of paperwork that has to be complied with in order to comply with requirements of the accreditation process and acquittals of funds back to the department. It seems to me a fairly old-fashioned way of doing business.

There is a fairly low reliance on computerised systems, which I think is an area we can pay a lot of attention to. Families of people who live in residential care find it extraordinary that some of the most talented people dealing with their loved ones are spending three or four hours a day sitting at a desk filling in sheets of paper instead of working with the residents of that aged care facility. Families of residents find it astonishing and I think the whole community finds it astonishing. These qualified, talented and very valuable members of care teams should be doing what they are trained to do—that is, helping and assisting the residents of an aged care facility.

The other real disincentive to encouraging more nurses and aged care workers into residential and community aged care is that the mythology around aged care has been built up to a point where now there is a common view in the community that it is not a successful, productive or fulfilling job. That is the mythology. As those who work in the sector know, that is wrong. What is true is that those who want to do the work love assisting and helping people who are elderly, but less of their time is spent doing what they want to do. The time they spend with the older people who live in residential aged care is very fulfilling—they just do not get enough of it.

The increased workload of nurses is seen as another disincentive. The shortage of qualified nursing staff means that, once you get to that lack of a critical mass of qualified nurses, the flow-on effect of one nurse leaving will often mean that two others will leave. You then get a complete undersupply of qualified staff in a particular setting. As I said, the perception is that residential aged care, aged care nursing and aged care provision are not that wonderful. I am frightened and concerned that the perception may become the reality if we do not do something about turning around the needs of the work force in residential and community aged care.

In the last election, the government suggested that there would be some more nurses. Professor Hogan suggested that we needed 1,000 new first-year nursing places in 2005. The government offered 400. I suppose we have to say that is the first tiptoe down the road which, in over four years, will lead to 1,094 new nursing places. Over four years—starting this year—we get a little over what Professor Hogan said we should get annually, so there is a long way to go in terms of training. Alternatively, the Labor Party said that we would have new places introduced over time leading to an extra 1,000 nurses graduating every year by I think it was 2007. When you look at the actual number of nurses delivered by each policy, everyone would agree that you would actually get more under the Labor policy.

Professor Hogan said that we need 12,000 new traineeships—for want of a better word—for aged care workers in medication management. The government has offered 1,500, or a total of 5,000 over four years. Professor Hogan also suggested a clear number of increased training paths for aged care

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workers: 2,400 in certificate III and 6,000 in certificate IV by 2007-08. The government’s response to that is not crystal clear. There are indications of some increases in vocational education and training, but nowhere near the number Professor Hogan said was required.

When it comes to the skills mix required in residential aged care, the government has taken a very hands-off approach. As far as I can see, there has been no movement by the government to engage in or show leadership by working with the aged care sector to work out how we can best provide comfort to those people receiving care and to their loved ones—the families who are most interested about what is happening to their dear mum or dad. There is no leadership being shown to indicate that we need to work to give you the comfort that your loved one is being cared for appropriately.

It is clear to me that it is not a formulaic approach that we need to take; we need to give more surety and strength in the advice that we give to families about what is happening, especially in residential aged care. We need to have an appropriate skills mix. That is important. It has to be related to the care needs of the residents and should be driven not by a formula but by the care needs of the people living in that residential aged care facility. It is not easy, but in my view it has to be tackled. In supporting this legislation today, I make those observations about research and about the work force. Professor Hogan made strong commentary in his report about the work force. I do not know that the government has tackled the issue to the level that it needs to at this point in time.

Senator HUMPHRIES (Australian Capital Territory) (8.06 p.m.)—I am very excited and pleased to rise tonight to support the Aged Care Amendment (Transition Care and Assets Testing) Bill 2005. I see in this legislation a significant step by the Australian government to pursue a much better framework for older Australians to age in and much better levels of care and support for them than have been available in the past.

Whatever comment you want to make about the breadth, effectiveness and statistical backing of the government’s program, you would have to say that what is being laid out here is a huge improvement on what came before. The sheer amount of money being expended by the Australian government in addressing the needs of older Australians demonstrates the enormous problem and the enormous lack of service available in the past.

Between 1996 and 2008, the Australian government will have invested $67 billion in aged care in this country. In 1996 we were spending about $3 billion a year on support and services for aged Australians. Today we are spending $6.7 billion a year. That is a 125 per cent increase in services available to aged Australians. Obviously the number of aged Australians has not increased by 125 per cent in that time.

Senator George Campbell—Is that in constant dollars?

Senator HUMPHRIES—That is in constant dollars. The proportion of the population aged 70 and over has in fact increased by 20 per cent in that time. So whether it is constant dollars or some other basis, you can see that the outlay has been enormous. There is a simple reason for that: we simply were not properly catering for the needs of older Australians beforehand. The services were not there. The number of places were not adequate for the needs of the community. The quality of those services left a lot to be desired in many cases. This government has made the commitment that it will lift its game in all of those areas. This legislation package is part of doing that, and it is doing that very successfully.
This legislation achieves two important aims. One is to put in place the transition care program. It is not merely, as Senator McLucas suggested, to reserve places for older Australians who move from an aged care facility to a hospital for a period. It does much more than that. It does other things that put in place the transition care program. The legislation also takes the burden off Australian nursing homes and other facilities in terms of assets testing their residents to ensure that workers in those aged care facilities are able to focus on their core business, which is caring for Australia’s elderly.

I will talk first about the transition care program and why it is important. This program will provide 2,000 places to help older Australians make a successful transition from a hospital—where of course many have to go from time to time for a variety of treatments—to longer term arrangements, whether they are going back to their own home, into some kind of accommodation with relatives or carers or into a residential aged care facility. Transition care provides a time-limited episode of low-intensity therapy and support to older people to improve their health and independence after a hospital stay and to increase the likelihood of them going back into some community setting rather than having to enter residential aged care because their frailty has been exacerbated by their period in hospital.

It is targeted at people who need further assistance and support before they can make an adequate and appropriate decision about their long-term care needs. It is designed to make sure that they are not hurried to make the wrong decision and that they are able to take their time to assess their capacity, to look at what capacity they have to find support, hopefully in the community setting, and to give them the means of being able to make the right decision for them. At the moment, with the enormous pressure on hospitals to vacate those beds to get what have been disparagingly called ‘bed blockers’ out of the system, very often they are not in a position to make those decisions while they are still lying in a hospital bed. This transition care is a model which gives them the chance to do that in a much better environment than was available before.

As I said, 2,000 places will be made available under this program between now and 2006-07. Although there are 2,000 places, the average time during which a person might be expected to occupy one of those places is estimated to be about eight weeks, which means that the 2,000 places will translate into assistance for about 13,000 people in any given year. Each state and territory is being asked to share in the process of allocating and using those places. The places will be allocated proportionally around Australia in line with the number of people over the age of 70 in each state and territory or, in the case of Indigenous people, over the age of 50. At the moment, the states and territories are developing their implementation plans and putting them on the table to see how they can maximise the use of those places.

The places are broken up between 1,600 new flexible aged care places, which will be released over this and the next two financial years, and 400 intermittent care service places, which were allocated in 2003-04 and which will be used under a pilot program in a number of places to ensure that we are flexibly meeting the needs of aged Australians. I mention that particularly because only this morning the intermittent care service pilot for the ACT was launched here at Parliament House by the Minister for Ageing, Julie Bishop, and the ACT Minister for Health, Simon Corbell. It is a very exciting program. It will start with 25 community based packages for older Canberrans needing short-term care and it is supported more or less equally
by the Australian and ACT governments, which are forking out about $1.95 million between them to provide for a service to be delivered by Baptist Community Services, which has a long history of service in this community and other places in Australia. About 25 places will translate into about 120 older Canberrans being given the benefit of those services in any given year.

The service has two distinct aspects: firstly, to support older residents to prevent hospital admission or readmission and to help them remain in their own home; and, secondly, to offer older Canberrans presently in hospital an in-patient rehabilitation program so they can return home with community based support. That is what the intermittent care concept is all about: identifying the nature of assistance which these people need, flexibly tailoring it to their particular set of needs and moving those people into a setting where they can get that service and make educated decisions about their future care needs. June Heinrich from Baptist Community Services even mentioned this morning that one of the things that they were able to do was to ensure that the pet dog of one of the residents was able to be fed on a regular basis. That was a problem for that particular resident going home. That gave that person independence. As a result, it was a success for them. That is why this kind of model needs to be flexible.

The other element of this package, as I mentioned, provides for a movement of the role of asset testing away from the aged care facilities themselves to bodies like Centrelink and the Department of Veterans’ Affairs, which has a much longer history of and experience in providing those kinds of services. It means that approved providers of aged care services will be relieved of the administrative burden of conducting assessments and will be able to spend more time on their core business, which is caring for older Australians.

In the Investing in Australia’s Aged Care: More Places, Better Care package, which was part of last year’s budget, there have been already attempts to streamline the administration of aged care in this country to free up a focus on delivering high-quality care. For example, the Australian government has removed the requirement for providers to obtain approval from an ACAT to move a resident already in a particular facility from low care to high care. A bit of bureaucracy which was not seen as being necessary can now be dispensed with. Of course, the other part of that streamlining process which is very important at the moment is collapsing the resident classification scale from eight different classifications down to three and simplifying the process. That is an important part of what this package represents as well.

I am pleased to say that the Australian Capital Territory has been able to benefit from this process and from the general provisions that are in the Investing in Australia’s Aged Care: More Places, Better Care package. Just the other day there was an announcement of 160 new residential aged care places in the latest allocation of subsidised places by the government. That consists of 48 new high-care places and 112 low-care places at a current cost of $3.58 million in the Territory. Incidentally, about one-third of those places will be directed towards providing particular services for people with dementia, which is a growing problem. The ACT has the lowest mean age population in Australia but, perhaps logically, it means that our population is ageing faster than almost anywhere else in Australia. It means that there is a bigger scramble to catch up with the level of services required for a community like this.
Senator McLucas made reference in her remarks to the lack of data available in the sector on which to properly base decisions about the nature of services in the future. I take those comments on board. I think it is very important that we do examine ways of getting ourselves the best possible level of data in this sector so that we make fully educated decisions. She may have been reading a little more into the words of the explanatory memorandum than was intended. The other side of the coin of having adequate data about what is going on in our aged care sector is that that data needs to be collected by people working in the sector. That very often means nurses, administrators and other people in aged care settings. As Senator McLucas herself went on to point out, that is one of the things which the Senate Community Affairs References Committee inquiry into aged care in Australia is hearing a great deal about—that is, the number of times that people are being required to sit down and fill out paperwork which may or may not be necessary. Establishing a balance in that respect is pretty important. I hope that that will be one of the things that emerges from the inquiry which is currently under way.

Senator McLucas also made reference to the study conducted by Professor Len Gray, Professor Stephen Duckett and another academic, which has recently been published in the Medical Journal of Australia and which looks at the interface between the aged care residential sector and hospitals in Australia. It is a very interesting study, and I am surprised and disappointed that there was not some public money in that study because I think it did produce some important information that we can all advert to when making decisions in this area. One thing I am told it did make clear is that, although the aged population of Australia increased by 18 per cent over the period of the study, which was 1993 to 2002, compared with a general population growth of 10 per cent over that period the proportion of hospital beds occupied by older people remained stable over that 10-year period.

I cite that fact because it is very important in rebutting an argument which has been very often put by the Labor Party in the course of this debate. That argument has been that the Australian government has somehow underfunded aged care facilities in this country, forcing more and more older Australians to spend time in public hospital wards or hospital beds. That data indicates pretty clearly that there has not been an increase in the proportion of Australians aged over 70 spending time in public hospital beds as a proportion of the population. I am very pleased to note that Senator McLucas did not repeat the assertion which has been made by some of her colleagues that somehow the Australian government is conspiring to keep Australians in hospital beds inappropriately.

I was also intrigued to hear Senator McLucas talk about Labor’s policy on aged care services and say that there would be more places for trainee nurses, for example, under Labor’s policy. I am encouraged and pleased to hear her say that but I would be grateful if she could tell me where I can find Labor’s policy on aged care or, indeed, on any aspect of health. The only policy I am aware of is the one that was christened with great fanfare during the recent election campaign, Medicare Gold, which I understand was the very first policy that the Labor Party dumped as soon as the election was over—the same policy that was described by the incoming president of the ALP as a turkey of a policy. So, if I can be directed to where I can find Labor’s policy on aged care, Senator McLucas, I would be very grateful indeed. I could then see what Labor plans to do to match the impressive program which the
Australian government is putting in place to meet the needs of older Australians.

As I said at the outset of these remarks, I am very excited about this bill. I think it is very important that we pay very close attention to the needs of older Australians. We are seeing a burgeoning problem which is associated with the growth in our population of people over the age of 65. We need to have public policy firmly directed at meeting that problem as it emerges. As people like me, baby boomers, reach retirement age and need to be accommodated, we need to have those policies in place. I see in the Aged Care Amendment (Transition Care and Assets Testing) Bill a serious attempt to get those policies in place. It is a welcome step towards making sure that we have a sustainable basis for caring for older Australians, that we have the kinds of flexible models that we need to make sure we can cope with those increasing numbers in the future. I am pleased that this bill will have the support of others in the chamber today and I hope that it will be only the first of many measures which will demonstrate this government’s capacity to meet that challenge into the future.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (8.23 p.m.)—The Aged Care Amendment (Transition Care and Assets Testing) Bill 2005 amends the Aged Care Act 1997 to implement two important measures in the coalition government’s Investing in Australia’s Aged Care: More Places, Better Care package. These amendments will benefit older Australians, particularly those living in residential aged care or considering entering residential aged care. The amendments support, firstly, the implementation of the transition care program and, secondly, the transfer of assets testing to Centrelink and the Department of Veterans’ Affairs.

The transition care program, comprising 2,000 transition care places, will assist older people who, after a hospital stay, require more time and support in a non-hospital environment to complete the restorative process, optimise their functional capacity and consider their longer term care arrangements. This important program will ease pressures on health services for older Australians by providing greater access to a full range of aged care services in hospital, residential and community care. We have through these amendments ensured that, if any of these older Australians are living in residential care before they access the transition care program, they will have the peace of mind of knowing that they will be able to return to their aged care home after receiving the transition care. We have done this by creating a new category of leave from residential care for the purpose of receiving flexible care.

These amendments also provide for the responsibility for assets testing for residents and potential residents of aged care facilities to be transferred from approved providers to Centrelink and the Department of Veterans’ Affairs. This change in the responsibility for assets testing is aimed at streamlining the administration of aged care. Approved providers will be relieved of the administrative burden of conducting assessments, freeing up staff to focus on delivering high-quality care to residents. Approved providers will have greater certainty as to their income, due to the experience and expertise that Centrelink and the Department of Veterans’ Affairs have in conducting accurate and consistent assessments. The improvements in the integrity of the assets test will also be of substantial benefit to residents and potential residents.

These are but two of the suite of measures included in the coalition government’s $2.2 billion Investing in Australia’s Aged Care: More Places, Better Care 2004-05
package, the majority of which have been implemented. This package brings the government’s total investment in the care of older Australians to $30 billion over the next four years. There is $6.7 billion in 2004-05, rising to $8.2 billion in 2007-08, resulting in a total of $67 billion between 1996 and 2008. This demonstrates the coalition government’s strong commitment to ensuring a robust and viable aged care sector into the future, providing high-quality and affordable care to older Australians.

I would like to acknowledge the recognition by Senator McLucas and also by Senator Humphries of the study by Professor Len Gray, Stephen Duckett and others, entitled *Trends in the use of hospital beds by older people in Australia: 1993–2002*. I note that Senator McLucas called the study early and perhaps provisional work, but I think Senator Humphries noted, importantly, that the report found that, although the aged population increased by 18 per cent compared to the general population growth of 10 per cent during the period of the report, the proportion of hospital beds occupied by older people remained stable over that 10-year period. I acknowledge Senator Humphries comments on that.

In relation to giving confidence to the families of people who are going into aged care, I think Senator McLucas could have another look at the very strict accreditation process that the government has in place. As Senator Humphries said, Senator McLucas made comments against red tape and seemed to be suggesting further processes to assist families with confidence, although the accreditation process that aged care facilities go through is indeed very strict. I thank honourable senators for their contributions to the debate and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.
the dividend imputation system and extended it to the superannuation sector—this is now regarded as the best dividend imputation system in the world—it was Labor that introduced the capital gains tax and fringe benefits tax; and it was Labor that began the process of simplification of the tax act, a project that the current government has tried to take up but has miserably failed in advancing.

In contrast to this impressive record of tax reform, what can we say about the current Liberal government’s approach over the last 10 years? It is a very mixed taxation policy record. Firstly, I make the point that the Treasurer, Mr Costello, and the Liberal government are no friends of the taxpayer. According to the government’s own statistics, the Liberal government is the highest-taxing government in this nation’s history. Total Commonwealth tax revenue is estimated to be $224 billion in 2004-05, up 90 per cent since 1996. Remember, this was the broken tax system we heard so much about in the context of the GST. Personal income tax will be up 80 per cent since 1996. What is more staggering is the additional burden this places on the average taxpayer. Since the Liberal government came to office, the tax burden on taxpayers has increased by $11,000, and this will grow to $14,000 over the next four years.

This build-up has largely occurred because the Treasurer, Mr Costello, and the government have not compensated taxpayers for the impact of inflation on the taxation scales—so-called bracket creep. Figures by Access Economics indicate that total personal income tax cuts are smaller in revenue terms than the impact of bracket creep. So the government takes more substantially with one hand than it reduces with the other. The truth is that under the Treasurer, Mr Costello, the tax take has risen to significant proportions. There is an urgent need for the Liberal government to provide broad-based taxation relief for struggling Australian families. The government has wasted an opportunity to do this with its $66 billion spending spree on election promises. Part of this was to cut the income tax for only one in five Australians: those earning over $52,000. The average lower middle-income earner has essentially been ignored.

When considering this bill, the staff of the office of the shadow Assistant Treasurer, Mr Fitzgibbon, approached the Assistant Treasurer’s office to obtain a briefing on the provisions. We acknowledge and thank the Assistant Treasurer for making departmental staff available. I have been informed that an edict was issued from above, from the Treasurer, Mr Costello, to insist the briefing be truncated and related only to new aspects of the bill—typical of the creeping arrogance, complacency and dismissiveness of this government, and of course we will see this in worse forms after 1 July. It is out of respect for the parliamentary process that the Labor opposition took the tax bills very seriously and looked at them so closely. In matters of some complexity it is both useful and necessary to obtain a full and complete departmental briefing. But the Treasurer, Mr Costello, is not interested in proper parliamentary consideration. He just arrogantly believes, as part of this government, ‘Do as we say and follow—just do our bidding.’ I expect that in future the Treasurer, Mr Costello, will not intervene and prevent his junior minister from arranging a full and complete briefing in respect of tax matters of this type.

To turn to specific elements of the bill, schedule 1 of the bill deals with the new consolidation regime which came into operation on 1 July 2002. The amendments will apply retrospectively from 1 July 2002. The aim of the amendments is to provide greater flexibility and certainty to consolidated groups, clarifying the operation of the consolidation
regime and ensuring the regime interacts appropriately with other aspects of income tax law. The amendments will, firstly, ensure that the appointment of an administrator will not prevent entities from remaining members by forcing their exit from a consolidated group; secondly, provide special rules for setting the tax cost of assets that are subject to a finance lease held by an entity that becomes a member or ceases to be a member of a consolidated group; and, thirdly, clarify the function of the cost-setting rules and the inherited history rules for assets arising from allowable capital expenditure, transport capital expenditure or exploration and prospecting expenditure in the mining industry, aligning them where possible with other depreciable assets.

The bill ensures that the head company of a consolidated group receives appropriate allowances for the decline in the value of the joining entity’s low value and software development pool. Similarly, both parties receive the appropriate allowances for the decline in value if the leading entity exits taking part of the pool. The bill alleviates the notice requirements under the inter-entity lost multiplication rules during the consolidation transitional period for entities that are in the same consolidatable group. The Commissioner of Taxation will have the discretion to extend the time for giving notices or waiving the notice requirement in appropriate circumstances.

The bill sets out the treatment for irrevocable, entity wide elections. When a consolidation occurs the head company has a choice about whether to endorse decisions made by the former company with taxation consequences—for example, the choice of a functional currency. The bill provides special rules for specified irrevocable elections or choices made by the head of the consolidated group aimed at producing compliance costs and clarifying that, where the choices of joining companies are inconsistent, the head company has the power to make the decision.

Schedule 2 of the bill modifies the taxation treatment of copyright-collecting societies and their members. Copyright-collecting societies administer certain rights of copyright on behalf of copyright owners such as composers and authors. Income received in relation to copyrights is held by societies pending identification of and allocation to the copyright owner. From 1 July 2002 the societies lost their income tax exemption and have been subject to taxation as discretionary trusts. Consequently, if the society has not identified the copyright holder entitled to certain royalties by the end of a financial year those royalties are taxed in the hands of the trustee at the top marginal rate. Because the amendments do not create a tax liability for the member at the time they become entitled to that income—that is, when their entitlement was identified by the copyright-collecting society—these amendments do present a slight opportunity for income tax deferral. There are, however, safeguards in this bill to prevent tax avoidance. But if these safeguards prove ineffective, it may be necessary to revisit the issue. The amendments will significantly reduce the compliance costs for copyright-collecting societies, which is important in ensuring that intellectual property rights are protected in Australia. The amendments will date from 1 July 2002; however, societies under certain circumstances may defer entry into the new regime until 1 July 2004.

Schedule 3 of the bill deals with the simplified imputation system, which commenced on 1 July 2002 and is known as SIS—not to be confused with the Superannuation Industry (Supervision) Act, another SIS. The amendments in this bill mainly relate to consequential and technical changes to other areas of income tax law to ensure
that the SIS operates as intended—in particular, replacing references to the former imputation system with references to the simplified imputation system and updating the terminology of the former imputation provisions to SIS-equivalent terms. The bill also defines the anti-avoidance rules as they apply to certain income tax exempt charities and deductible gift recipients, which will be eligible for a refundable tax offset when the Tax Laws Amendment (2004 Measures No. 2) Bill 2004 comes into effect.

Schedule 4 of the bill deals with the specific listing of numerous organisations as deductible gift recipients, commonly known as DGRs. DGRs have access to a range of tax concessions, including being able to receive donations over $2 that provide a tax deduction for the donor. Organisations that fall within the general categories of DGRs can be endorsed by the Commissioner of Taxation as DGRs. Organisations that do not fall within these categories must be specifically listed in the Income Tax Assessment Act 1997.

The Howard Liberal government has been attempting to change this requirement so that organisations could be specifically listed as DGRs by regulation rather than by legislation. This would have presented a number of issues, including lack of scrutiny of organisations being granted specific listing and the ability of the government to place restrictions on organisations specifically listed to ensure that they do not criticise the government. The Australian Democrats have also expressed concern that determining DGR status through regulation would remove the right of non-government members to propose the specific listing of organisations. Regardless of the last point, Labor opposed these provisions. Labor welcomes the government’s backflip during the last session of parliament to remove these provisions from Taxation Laws Amendment Bill (No. 7) 2003.

Some schools that cater for disabled children and had previously been granted DGR status are now considered by the Commissioner of Taxation as government bodies and are therefore ineligible for that status. As government bodies they cannot be considered as a charity, which is one of the requirements for DGR status. This bill will ensure that schools catering exclusively for disabled children will be able to continue to receive tax deductible gifts. The Liberal government sought to change the taxation treatment of charities. Its efforts were misguided and the charities bill was scaled back. This was welcome as charities needed to be sure that they retained their common law tax concessions that the charities bill threatened. Charities are an important part of Australian social life and the general community.

Schedule 5 of the bill deals with the debt-equity rules and the treatment of at-call loans. New debt-equity rules were introduced from 1 July 2001. Whether an interest is considered as debt or equity has important taxation consequences. In particular, if it is considered as a debt then an interest expense can be claimed by a business. At-call loans are typically made by small business owners to their own businesses, have no fixed term and are repayable on demand. Transitional rules allowed certain related party at-call loans entered into on or after 21 February 2001 and on or before 31 December 2002 to be considered as debt interest so that an interest deduction would continue to be available. The amendments in this bill will extend the transitional period until 30 June 2005 with the effect that any at-call loans made to a company by a connected entity on or before 30 June 2005 will be treated as debt interests under the debt-equity rules and that a company will continue to be able to claim an interest expense. This bill aims to allow
small business more time to adjust to the new rules.

Schedule 6 amends the Income Tax Assessment Act 1997 to allow irrigation water providers in Australia who are principally in the business of supplying water to primary producers to access water facilities tax concession and landcare tax concession. It will have effect from 1 July 2004 at a cost of some $15 million over the 2004-05 to 2007-08 financial years. Primary producers have access to accelerated depreciation for capital expenditure on water facilities. They can write the expenditure off over three years rather than the much longer effective life of the asset. The bill would extend these tax concessions to irrigation water providers. This will provide greater equity between the treatment of the activities of primary producers and irrigation water providers that supply those primary producers with water—essentially the same service—while the landcare concessions will be made available to irrigation water providers who supply water to businesses using rural land, excluding mining activities. Irrigation water providers are defined as entities who provide infrastructure, water management and water storage but do not include businesses that use vehicles to transport water or that are not primarily in the business of supplying water to primary producers. That may be a little difficult to identify at times in some areas, I suspect. However, the general approach and the details are important and should be supported. The bill also includes a number of technical amendments to clarify the types of expenditures that are eligible for the concessions.

Schedule 7 broadens the exemption of fringe benefits tax for the purchase of a new dwelling as a result of relocation effective from 1 April 2004. An FBT exemption currently exists for costs incidental to the sale or acquisition of a dwelling as a result of relocation as long as the employee sells their previous dwelling within two years and purchases a dwelling at the new locality within four years of the commencement date of the new employment position. The amendment will ensure that, when an employee purchases a dwelling in a new locality without having already sold their dwelling at the old locality, the employer is able to access the FBT exemption for costs incidental to the purchase of a new dwelling provided they then sell their dwelling at the old locality within two years of commencing their new employment position.

Schedule 8 amends the Income Tax Assessment Act 1997 and extends the scope of the capital gains tax event G3 to allow the administrator of a company to declare shares and other equities worthless for CGT purposes. This allows taxpayers to choose to make a capital loss. If the shares subsequently regain their value then a cost base of zero is used for future capital gains tax calculations. This amendment allows a company to appoint an administrator rather than a liquidator to conduct external administration proceedings.

Schedule 9 removes an anomaly in the GST legislation. I do not know how many GST amendments we have dealt with. Senator Murray is smiling.

Senator Conroy—And whose fault is it?

Senator SHERRY—Senator Murray should not be smiling; you are right, Senator Conroy.

Senator Conroy—There are two villains in the room at the moment.

Senator SHERRY—There are two villains. We must not reflect on the chair, Senator John Cherry, for his role in all this. There have been more than 1,650 amendments to the GST, the so-called simple tax to fix the so-called broken tax system, and here is another one. With respect to the GST treatment
of residents and nonresidents with regard to the services associated with supplies of residential property, advertising, maintenance etc., there is currently a loophole which permits foreign residents who own and sell or rent out property in Australia to treat services related to this property as GST-free supplies. This means they pay no GST but can, if registered, claim an input tax credit. For residents, these services are input taxed, meaning there is no GST and no credit.

Schedule 10 will allow people who are legally responsible for a child eligible for adoption and who are in the process of applying for adoption to lodge a claim for the first child tax offset or baby bonus. The current law requires that they are the child’s legal guardians before being eligible. The amendment, retrospective to 1 July 2001, will ensure that, where there is a delay in custody proceedings, they can claim the baby bonus from the time they begin to take care of the child. Schedule 11 includes minor technical amendments. Labor will support the bill. (Time expired)

Senator MURRAY (Western Australia) (8.49 p.m.)—The Tax Laws Amendment (2004 Measures No. 6) Bill 2004 is largely technical. It contains 12 distinct schedules, another 129 pages of taxation law and 175 pages of explanatory memorandum. Schedule 1 contains technical amendments to the company consolidation regime. The company consolidation regime was a recommendation of the Ralph review of business taxes. I, as Democrat taxation spokesperson, have been considerably involved in the process. The parliament has seen plenty of legislative changes since the introduction of consolidation on 1 July 2002. On various occasions I have stated that we are placing plenty of faith in the expertise of the Treasury and Taxation Office representatives and that I was always going to be nervous that the costs that they foresaw were going to be much less than those that would eventuate. I think that is likely to be proven true. However, we remain supporters of that tax consolidation regime as a contribution to market efficiencies, flexibilities and rationalisation.

During the past three years, company taxation receipts have been increasing at over 10 per cent per annum to over $37 billion. We supported lowering the company tax rate in return for broadening the base. We agreed with the government that the result would be increased, not decreased, revenue—and that has proven to be the case. It is sometimes said by those who are ignorant of these matters or who do not listen to what we actually say that the Democrats are supporters of high tax. We are not. We are supporters of high revenue sufficient to meet the legitimate and reasonable needs of Australians. Of course, that company tax situation is typical. We supported a tax cut as we knew it would deliver greater revenue because of the way in which it was structured.

Schedule 2 deals with the taxation of copyright collection societies and ensures that money received on behalf of authors and composers is not taxed at the full top marginal effective rate. Quite appropriately, this bill ensures that the income is taxed in the hands of the author or composer and not treated as trust income taxable in the hands of the trustee. Schedule 3 contains some minor technical amendments to the simplified imputation system. Schedule 4 establishes a new category of deductible gift recipient for special schools for students with a disability. Obviously the Democrats support this initiative. We are also pleased to see that this bill ensures DGR status for the various state fire and emergency service authorities. This is an area that my colleague Senator Cherry, who is presently in the chair, has lobbied on and taken a strong interest in.
Schedule 5 extends the transitional rules for the debt and equity rules. Some small businesses often inject funds into their businesses, but not all small business people have an accounting background and some do not recognise the difference between debt and equity. Most small businesses will simply consider that they have injected ‘their money’ into ‘their business’; they do not recognise the accounting difference. This transitional amendment allows them until 30 June 2005 to determine, for accounting purposes, if the injection of funds is debt or equity for taxation purposes.

Schedule 6 implements the government’s announcement that eligible irrigation water providers have access to the water facilities and land care tax concessions that are currently available to primary producers—a ‘levelling the field’ provision. Schedule 7 extends the fringe benefits tax exemption for relocation to the incidental costs associated with purchasing a new home. This is a minor but beneficial amendment.

Schedule 8 deals with the capital gains tax treatment of companies that are in liquidation. The rules allow an insolvency practitioner to declare that shares are worthless. This change allows shareholders to claim the capital loss immediately rather than waiting until the company is dissolved. There is often a long lag between the realisation that a company is worthless and going through the mechanics of dissolution. In the meantime, an accounting period may be missed, during which those who have experienced the capital loss could have had the opportunity to make the appropriate claims.

Schedule 9 was just put in to excite the Labor Party. If you put ‘GST’ into a bill, they automatically react in a Pavlovian manner, and we all smile and wave at each other and gesture. The GST is now well established as a very significant tax measure, delivering on its way to $40 billion in the next year or two. It has, of course, the need for constant tinkering. Schedule 9 ensures that nonresidents who own rental properties are input taxed for GST purposes. As Senator Sherry outlined, there was a technical loophole that allowed nonresidents to treat their rental properties as GST free and accordingly claim input tax credits. However, this amendment will ensure that residents and nonresidents are treated the same—another ‘levelling the field’ amendment.

Schedule 10 amends eligibility for the first child tax offset to make it available to adoptive parents. My colleague Senator Stott Despoja, working with our shared adviser, Kellie Caught, has lobbied the government for this change, and hopefully she will be relieved from her maternal duties and be able to speak to this positive development. If she does not, I merely commend the work she has done on it. Schedule 11 contains some technical amendments to the franking rules for life insurance companies. Schedule 12 also deals with life insurance companies. It corrects some technical anomalies dealing with the transfer of a life insurance business to another life insurance company.

The Democrats will be supporting the bill without amendment, although we do have a second reading amendment—which Senator Stott Despoja will speak to—which calls on the government to provide adoptive parents with the same rights and support as biological parents.

Senator FIFIELD (Victoria) (8.56 p.m.)—The Tax Laws Amendment (2004 Measures No. 6) Bill 2004 contains several reminders that this government’s record on taxation reform is one of its notable achievements. It was great that Senator Sherry urged the Senate to put this particular omnibus bill in a wider policy context; I am delighted to do that. It is remarkable what has been
achieved, despite a hostile Senate, in relation to tax reform. Despite the efforts of senators opposite, the government was able to deliver, with the assistance of the Australian Democrats, a better tax system. Senators on this side of the chamber will never forget the contributions of Senator Murray or Mr Acting Deputy President, Senator Cherry, in his former capacity. And Senator Stott Despoja: although you did have some misgivings about elements of the new tax system, it is great to see you back here today.

The government delivered, amongst other things, four rounds of income tax cuts—including from 1 July this year. It also reduced the withdrawal rates on income support payments, halved the capital gains tax rate, reduced the company tax rate twice and funded the abolition of a range of state taxes. Contrary to Senator Sherry’s assertions, we have indeed returned more than the proceeds of bracket creep since we have been in government. This year, the GST is raising $35 billion, and all of that revenue is going to the states and territories. Senators opposite have complained about the treatment of the GST—that this government treats it as a state tax—yet I did not see anything in Labor’s election policy that would treat it differently.

All the states and territories are better off financially as a result of the GST. They have a secure and growing source of revenue, and it provides an opportunity for the states to reduce even more of their own taxes and provide adequate funding for vital services such as hospitals and schools. It was extremely heartening to see Mr Swan, in another place, urge his state Labor colleagues to complete the job of the new tax system and to further reduce their own state taxes. The Labor Party voted against the introduction of the GST. They voted against a secure and growing source of revenue for the states—a secure source of revenue for schools and hospitals. The Australian Democrats, by voting for that legislation, distinguished themselves from the Labor Party as a genuine party of reform—unlike the Australian Labor Party.

Senator Sherry—Distinguished and extinguished!

Senator FIFIELD—We are far more charitable on this side of the chamber. We have a long memory; we will not forget. This is an omnibus bill which continues the ongoing refurbishment necessary for our tax system to operate with efficiency and certainty. Schedule 1 of the bill relates to the consolidation regime. The regime was introduced from 1 July 2002 as part of this government’s business tax reforms. The amendments in this bill will improve the operation of that regime. The bill clarifies the consolidation membership rules and also provides clearer cost-cutting rules in relation to financial leases, some mining expenditure and low-value and software development pools. The bill also makes some changes which will help to reduce compliance costs.

Schedule 2 relates to the income of copyright collecting societies. Copyright collecting societies organise and administer some rights of copyright on behalf of the copyright owners. These societies are in general treated as trusts under tax law, and without the amendments in this bill the existing law would require that they pay the top marginal tax rate of 47 per cent on a substantial amount of the income collected on behalf of their members. This amendment will ensure that copyright collecting societies are not taxed on income they collect on behalf of copyright owners.

Schedule 3 contains amendments relating to the simplified imputation system. The simplified imputation system was a key component of the government’s business tax reforms and commenced from 1 July 2002. It improved and simplified the existing imputa-

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tion rules, increased the flexibility in the way in which corporate tax entities frank distributions and provided consistent treatment across entities receiving franked dividends. The amendments contained in this bill are generally consequential amendments updating references to the new system within the tax law and updating some terminology. There are also some technical amendments in relation to exempt entities to ensure that the system operates as originally intended.

Schedule 4 relates to deductible gift recipients listed in the tax law. Every year there are similar amendments in one or more of the omnibus tax bills adding new organisations to those already listed. This is a very popular section of the law. It is one which, as Senator Coonan would know from her previous incarnation, keeps assistant treasurers busy from time to time. In this omnibus bill we have a list of fire and emergency services bodies to be added as gift deductible recipients. It is nice to see in this fairly dry and technical legislation that there is something unequivocally positive. This schedule in the bill provides a reminder that we have a sophisticated financial system and copyright law, but there is also a reminder for people who want to donate to these particular bodies that they can donate to the Victorian SES or the Queensland Fire and Rescue Service.

The amendments will also bring into legislation a new category of gift deductible recipient. Certain special schools had, in the past, been considered as deductible gift recipients by virtue of being public benevolent institutions. However, given that government schools cannot be a public benevolent institution under common law, these amendments will ensure that special government schools do qualify for gift deductible recipient status. Schools which qualify are those which provide special education for students who have a permanent disability and do not provide education for other students. This is probably one of the most important changes in this bill.

Schedule 5 of the bill extends a transitional rule allowing certain at-call loans to be a debt interest rather than equity for income tax purposes. Schedule 6 covers the government’s announcement to allow certain irrigation water providers to be eligible for the water facilities and landcare tax concessions which are available to primary producers. These changes will help irrigators to improve their services to primary producers.

Schedule 7 makes a small extension to the fringe benefits tax exemption for the costs incidental to the sale or acquisition of a dwelling by an employee relocating for work purposes. This change will mean that the employer does not have to wait for the previous dwelling to be sold before being eligible for the exemption. But the exemption will still be contingent on the former dwelling being sold within two years of the employee starting their new position.

Schedule 8 relates to capital losses for capital gains tax purposes. ‘CGT event G3’ might sound more like a crisis reminiscent of a Michael Crichton or Robert Ludlum novel, but it is actually an innocent reference to a provision under subdivision 104-G of the Income Tax Assessment Act 1997 which deals with capital gains tax in relation to shares. Specifically, the law currently relating to CGT event G3 currently provides that a liquidator can declare shares in a company to be worthless for capital gains tax purposes—not to downplay the significance of such an event for those involved, but it is hardly something worthy of a Michael Crichton book. As a further aside, I note that there is an event G1 but no G2 in subdivision 104-G, which is a mystery. The amendment in this bill will ensure that an administrator, not just a liquidator, can declare shares in a com-
pany to be worthless for capital gains tax purposes.

Schedule 9 relates to the GST, which, as I noted earlier, is providing $35 billion revenue to the states and territories this year. These amendments will remove an anomaly which previously allowed some services relating to the supply of residential premises in Australia to be GST free. It will help strengthen the GST base, ensuring that it continues to be a good source of revenue for the states and territories into the future.

Schedule 10 relates to the eligibility of adoptive parents for the government’s first child tax offset, otherwise known as the baby bonus, which has since been replaced by the new maternity payment, which commenced from 1 July 2004. The maternity payment and the baby bonus before it demonstrate the government’s commitment to assisting new parents with the costs of a new baby. The amendment will ensure that adoptive parents can also be eligible for the baby bonus after commencing caring for a child. Once given legal responsibility for the child, which can occur some months after adoptive parents begin caring for a child, the parents will be able to lodge a retrospective claim. This is a sensible and worthwhile thing to do.

Schedule 11 is a technical correction relating to the franking deficit tax offset provisions for life insurance companies. Schedule 12 covers amendments relating to the tax consequences of transferring life insurance business from one company to another. These amendments address some concerns which had been raised by the industry and are intended to ensure that tax is not an impediment in such circumstances.

It has been quite a while since senators opposite actually had the responsibility of running a tax system so they have probably forgotten that the job of continually renovating our tax system is an ongoing one; it is a job that is never done. This bill is the latest instalment in that effort and I commend it to the Senate.

Senator STOTT DESPOJA (South Australia) (9.07 p.m.)—I wish to address the amendment in schedule 10 of the Tax Laws Amendment (2004 Measures No. 6) Bill 2004. It is an amendment to which Senator Fifield has referred—that is, the retrospective entitlement of adoptive parents to apply for the baby bonus. That amendment has come about, as I understand it, as a direct result of lobbying by my office on behalf of the Australian Democrats. Senator Murray referred to Kellie Caught, our adviser on this issue, I pay tribute to her and Raina Hunter for their work on this issue. We called for greater recognition of the adoptive process and for appropriate support for what is a very worthy group of parents, who no doubt face similar experiences to parents who have a new biological family.

The eligibility criteria for the baby bonus included the requirement that the taxpayer must be legally responsible for the child. Adoptive parents are legally responsible for a child only when an adoption order is issued. However, in all states and territories, except, I think, your home state of Queensland, Mr Acting Deputy President Cherry, a child is placed with a potential adoptive parent for some months, sometimes even years, before an approach is made to a court to legally formalise the adoption. During the time of placement and prior to the adoption order being made, the legal responsibility for the child is actually with the director-general of the department responsible for overseeing adoptions in that particular state. However, the responsibility for the day-to-day care of that child and, of course, the child’s welfare and development, is with the prospective adoptive parents.
When the baby bonus legislation was first introduced, adoptive parents were not entitled to claim the baby bonus during the period from the commencement of care to the granting of the adoption order. According to research by the Australian Institute of Health and Welfare, as many as 500 families each year who adopt children under the age of five are excluded as a result of this process. During that placement period, up to 500 families were not eligible to claim the baby bonus.

It is no secret to anyone here that the Australian Democrats were not strong supporters of the baby bonus. In fact, Mr Acting Deputy President, as you would know, we voted against the baby bonus, preferring a system of government funded, nationally run, paid maternity leave. Having said that—and the government having introduced the baby bonus and then replaced it with the maternity payment—we see no reason for a particular group of parents such as adoptive parents to be ineligible to claim that payment.

As some members would know, I wrote to Minister Helen Coonan, who is in the chamber, who at the time was the Minister for Revenue and Assistant Treasurer, asking her to consider amending the appropriate legislation so that adoptive parents would be eligible for the baby bonus and would be eligible from the date of placement. I am very pleased that the government has acted on this issue and to see the amendment to this legislation before the Senate today, though somewhat belatedly. Nonetheless, this legislation will backdate eligibility to 1 July 2001 when the initial scheme was introduced.

But there are some outstanding issues. After receiving a letter from Mr Ross Cameron on 9 February informing me and the Democrats that the government was going to amend the legislation specifically in relation to the baby bonus, we were quite bemused that only three months later—this was last year—the government announced it was going to change the process so that baby bonus would no longer be the financial support to be offered by the government and it would be replaced by the $3,000 maternity payment. We were bemused not only because the government once again had decided to forgo the option of, say, a 14-week national government-funded paid maternity leave scheme but because, once again, in introducing the maternity payment, the government had discriminated against adoptive parents.

I do understand that the maternity payment legislation recognises that adoption is a method of forming a family and that parents adopting a child face the same financial impacts of a new child entering a home as any other new parent—biological parents et cetera. However, the problem with that legislation is that it actually limits the eligibility of adoptive parents to those adopting a child under 26 weeks of age. This limitation will exclude the majority of parents who adopt a child from outside Australia. The vast majority of these children are older than 26 weeks when they are adopted. For example, in the 2003-04 financial year there were 370 placement adoptions of children from outside Australia—41 per cent of these were aged one year or under and 52 per cent were between the ages of one and four. Unfortunately, we do not know how many were older than 26 weeks. The data supplied to the Australian Institute of Health and Welfare by the states and territories does not have a more detailed breakdown in relation to ages, but the anecdotal evidence does suggest that the majority are actually older than 26 weeks.

Once again, a group of parents—adoptive parents—are going to be excluded under the current legislation. This amendment bill will deal with those people who are claiming the baby bonus retrospectively, but it will not
deal with those parents who are now excluded as a consequence of the maternity payment changes. In the 2004-05 budget, the Treasurer stated:

The Maternity Payment recognises the cost of a new child and will assist all mothers many of whom leave the workforce and leave paid work at the time of the birth of their child.

Adoptive parents of course also incur additional costs when adopting a child, and often they choose to take time out of the workforce as well in order to care for their newly adopted child. In fact, while it is not legislated by the states or territories, the adoption unit in each state strongly encourages parents to take time out and to stay at home full time for up to 12 months following an adoption, irrespective of the child’s age. If parents do not agree to this, it actually can hamper the likelihood that they will be chosen as adoptive parents.

The Workplace Relations Act 1996 also recognises the right of adoptive parents to access unpaid maternity and paternity leave regardless of the child’s age. In addition, the HREOC report entitled *A time to value: proposal for a national scheme of paid maternity leave* examined a number of the issues facing adoptive parents and recommended that government funded paid maternity leave should be available to all adoptive parents irrespective of the age of the child.

The current maternity payment legislation does discriminate. It discriminates against the vast majority of families who are endeavouring to start or grow their family through the process of adoption. What I can do is continue to lobby the government on this particular issue. Tonight I hope that the opposition and the government will consider the amendment that has been circulated in my name on behalf of the Australian Democrats. We seek to rectify an omission that we believe the government has already acknowledged in relation to the baby bonus and we hope it will acknowledge in relation to the maternity payment. I wrote to Ministers Coonan and Patterson pretty much immediately after the budget in May last year outlining my concerns and the many concerns that have been made clear to me by adoptive parents. In that letter the Democrats urged the government to amend the legislation and make the maternity payment available to all adoptive parents, irrespective of the child’s age.

I am happy to be corrected on this if there has been some update in recent weeks or months, acknowledging that I have been on maternity leave, but I am not aware of a response from the ministers and I am certainly not aware of any attempts to amend the legislation to give those families the access to the maternity payment that we believe they deserve. My understanding is, however, that the Prime Minister said to cabinet that he would be willing to consider those changes, and I hope that that is true. I believe that was reported in the media. I hope that the Prime Minister is sincere in that comment and that it will come about.

As I said in my letter to the ministers, given the relatively small numbers of parents who adopt, inclusion of this group into the maternity payment legislation would be quite inexpensive for the government but it would provide financial support and recognition for a very worthy group of parents who face similar experiences to those of parents starting a new biological family. To this end, I move:

At the end of the motion, add:

“but the Senate:

(a) is concerned that the Government continues to discriminate against parents who adopt children, by restricting eligibility to the Maternity Payment (which has replaced the Baby Bonus); and
(b) calls on the Government to:

(i) afford adoptive parents the same rights and supports as biological parents, and

(ii) amend the Maternity Payment to make it available to all adoptive parents, irrespective of the child’s age”.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (9.18 p.m.)—I thank all senators for their contribution and note that Senator Stott Despoja is now back from maternity leave. I am only surprised that Conrad is not here to make a contribution this evening.

Senator Stott Despoja—He’s asleep.

Senator COONAN—You can enjoy it while he is asleep, Senator Stott Despoja. In any event, welcome back.

Senator Stott Despoja—Thank you.

Senator COONAN—I am now summing up on the Tax Laws Amendment (2004 Measures No. 6) Bill 2004. The bill continues the government’s steady program of modification and improvements to the tax laws and gives effect to a number of budget announcements from last year. The first measures in the bill deal with consolidations. As the new consultation regime has changed the tax landscape for many corporate groups, the government has continued its active consultation with business on its implementation. The bill further demonstrates the government’s commitment to this process and results in greater flexibility and certainty for taxpayers.

For instance, the bill clarifies the position of entities under external administration. The membership rules are being modified to ensure that an entity in liquidation or under administration can still be a member of a group. The bill also gives taxpayers joining or leaving groups more options with regard to certain elections and clarifies the consolidation cost-setting rules on finance leases, certain types of mining expenditure and low-value and software development pools.

The bill ensures that copyright-collecting societies are not taxed on income collected on behalf of members. Copyright-collecting societies administer copyrights for copyright owners, including authors and composers, and may receive payment in relation to the copyrights. Where this happens the societies hold the payments in trust for the copyright owners. The bill will ensure that copyright-collecting societies that meet certain criteria will be exempt from income tax on copyright related income and certain other income. Instead, the income will be taxed in the hands of the copyright owner. The third schedule to the bill implements a further tranche of the simplified imputation system. It continues the roll-out of the simplified imputation system and contains a number of technical and consequential amendments to this end.

Next, the government is updating the lists of organisations which qualify as deductible gift recipients. Deductible gift recipient status assists organisations to attract public support for their activities. In particular, the government is ensuring that special schools, which, I think we all agree, do such an important job, can continue to qualify as deductible gift recipients when endorsed by the Commissioner of Taxation. Importantly, given the events earlier this year in South Australia, the Country Fire Authority in Victoria and equivalent coordinating bodies in other states and territories are being assisted by being given deductible gift recipient status.

The bill provides some relief for businesses with at-call loans by extending an existing transitional provision in the debt equity rules. Transitional arrangements
which treat at-call loans as debt for income tax purposes will be extended from 30 June 2004 to 30 June 2005. This will give businesses more time to assess existing loans and, if need be, adjust their arrangements. In the meantime the government has announced that it will develop a carve-out from the debt equity rules to reduce unnecessary compliance costs for many small businesses using at-call loans.

The next measure will assist irrigation providers and rural land irrigators to renew water supply infrastructure and encourage rural land irrigators to carry out land care operations by giving them an outright deduction for the cost of capital expenditure on land care. I know that this is a particularly welcome measure. Another feature of this measure is that it clarifies the meaning of the term ‘water facility’ and makes it plain that it might include, depending on circumstances, a bridge over an irrigation channel or a fence to keep livestock out of an irrigation channel.

The seventh measure in the bill removes an anomaly in the fringe benefits tax law by making sure that employers do not lose the exemption for relocation costs just because the employee buys a new house before selling an old house. This is part of a program of measures to ensure that the exemption remains relevant to small business and other employers with regional work forces such as police and ambulance services, a particularly important measure given some of the great difficulties of attracting police and other services to rural and regional areas. The eighth measure will allow taxpayers to more easily claim a capital loss on worthless shares. The capital gains tax rules will be simplified to allow any insolvency practitioner and not just the liquidator to declare shares or other equity interests in a company to be worthless for capital gains tax purposes. The measure will certainly be welcomed by shareholders because it will assist them to close the book on worthless investments earlier and with less cost.

Turning to the GST law: an anomaly was identified in relation to residential property whereby certain services are GST free if the owner is overseas but subject to GST if the owner is in Australia. This anomaly will now be corrected.

As to the baby bonus, that of course is a matter of equity, and I acknowledge Senator Stott Despoja’s interest and role in this particular measure. It will allow adoptive parents to claim the baby bonus retroactively for the period between taking care of the child and being granted legal responsibility so that they are effectively in the same position as non-adoptive parents. The changes also ensure that parents who have already claimed the bonus for the period between taking care of the child and being granted legal responsibility will not have to repay if their claim was otherwise correct.

This may be a convenient place to deal with Senator Stott Despoja’s second reading amendment relating to the maternity payment. The maternity payment recognises the legal relationship between a mother and a newborn baby and the extra costs associated with the birth or adoption of a baby. It is, I think on any view, a generous scheme which represents a streamlining of the previous maternity allowance and baby bonus. One of the changes the scheme makes is to move the payment of the benefit from the tax system to the social security system. This means that the particular issue that has been identified might therefore be better considered in another context. I no longer occupy my former role in terms of being able to respond directly to Senator Stott Despoja’s letter, but I will certainly ensure that the concerns she has enunciated are brought to the attention of Senator Patterson. For that reason, the gov-
ernment will not be supporting the second reading amendment.

The last measure in the bill relates to life insurance transfers and it alleviates unintended income tax consequences that can occur when a life insurer transfers some or all of its life insurance business to another life company under either part 9 of the Life Insurance Act 1995 or the Financial Sector Reform (Transfer of Business) Act 1999. Given the debate and former speeches in relation to this matter, apart from these summaries of the measures, I do not propose to delay the Senate any longer. Taken as a whole, it is a fair comment to say that the bill represents some substantial improvements to the tax law, and I commend the bill to the Senate.

Question negatived.
Original question agreed to.
Bill read a second time.

Third Reading
Bill passed through its remaining stages without amendment or debate.

(Quorum formed)
POSTAL INDUSTRY OMBUDSMAN 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 CONROY (Victoria) (9.30 p.m.)—Labor welcomes the opportunity to debate the Postal Industry Ombudsman Bill 2004 [2005]. Today the Senate finally has the chance to consider the government’s attempt to implement a reform that was initially promised by the coalition 3½ years ago in the run-up to the 2001 election. It is worth recalling the history of this initiative because it gives an insight into the priority of the Howard government and the priority that is given to improving postal services. On 21 October 2001, the then minister, former Senator Alston—

Senator Colbeck—A great man.

Senator CONROY—a great Collingwood supporter—announced with great fanfare that the coalition would:
Establish a dedicated postal industry ombudsman who will operate in similar fashion to the Telecommunications Industry Ombudsman in assisting customers who have not been able to resolve disputes satisfactorily with postal operators.

It is important to note that the government’s commitment was to introduce a postal industry ombudsman, or PIO, based on the model provided by the telecommunications ombudsman scheme—or TIO, as it is known. As I will detail, this is a commitment that has manifestly not been delivered. It was not until October 2002 that the government was moved to release a discussion paper on its proposal to establish a postal industry ombudsman.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! Would senators please resume their seats or resume their conversations outside the chamber.

Senator CONROY—Hear, hear! Throw them out.

The ACTING DEPUTY PRESIDENT—I do not need your help, Senator Conroy.

Senator CONROY—It is those Western Australians; they are still over there. The paper indicated that the government was trying to get out of its promise to base the PIO on the successful telecommunications ombudsman model. It was when it released that paper in 2002 that you got the hint that it was actually running away from Senator Alston’s commitment. It floated a number of weaker options, including the option of industry self-regulation, as an alternative to the TIO approach. It was not until another year later, in October 2003, that the government finally
announced its model for the PIO, which forms the basis of the legislation the Senate is considering today.

Senators may think that after all this time the government would have been able to develop legislation for the PIO which complies with its initial promise. Regrettably, that is not the case. Before I discuss the issue in more detail, let us be clear, Senator Abetz, as you moan over on the other side of the chamber: this is simply asking the government to keep its word—that is all. We are asking the government to keep its word, its promise, before it dishonours Senator Alston. This government is now dishonouring—in your words—a ‘great’ senator’s promise. Before I discussed this issue I wanted to make that point to Senator Abetz.

This bill inserts a new part into the Ombudsman Act 1976 which will establish the Postal Industry Ombudsman as a separate office within the Commonwealth Ombudsman’s office. The PIO will investigate complaints relating to the provision of postal services by Australia Post and other private postal operators who voluntarily choose to register with the scheme. For the purposes of this legislation, postal services are defined broadly to include courier services and parcel services. The ombudsman is not limited to act on the basis of complaints but can, on his or her own initiative, investigate Australia Post or a registered private postal operator in relation to the provision of postal or similar services. The ombudsman will have the capacity to investigate a wide range of complaints from consumers and small businesses.

The PIO will also provide a means for post office licensees, mail contractors and postal agents to resolve disputes with Australia Post. Sensibly, the ombudsman is not authorised to investigate complaints made by a postal operator against one of its competitors in the industry. The ombudsman is also unable to investigate complaints that relate to conduct which is more than 12 months old. The range of powers available to the PIO will be similar in scope to those of the Commonwealth Ombudsman. The PIO will be able to require the production of written information and require people to appear before the PIO to answer questions.

The PIO will not have some of the Commonwealth Ombudsman’s stronger powers, such as the power to enter premises or to override a person’s claims that documents are protected by legal professional privilege. The government’s view is that these stronger powers may act as a deterrent to private postal operators joining up to the scheme. Following an investigation, if the PIO believes that Australia Post or a registered private postal operator has breached the law or has been unreasonable, unjust, oppressive or otherwise acted wrongly, it may recommend that the postal operator take remedial action. This may include steps to mitigate or rectify the effects of the action or to alter policies or practices which caused the conduct under examination. In the event that the postal operator declines to take appropriate action following the PIO’s advice, the PIO may request the Minister for Communications, Information Technology and the Arts to table a report detailing its findings in parliament. The PIO will operate on a cost-recovery basis whereby Australia Post and registered private operators are charged for the cost of conducting investigations related to them. The details of the cost recovery mechanism will be prescribed in regulations. At this point, it is estimated that the operation of a PIO will cost around $300,000 per year.

I would like to make it very clear that Labor supports the establishment of the Postal Industry Ombudsman to provide users of postal services with a means to cheaply and efficiently deal with disputes that cannot be
satisfactorily resolved by postal operators. The establishment of an ombudsman was a key Labor postal services policy at the last election. It is important, however, not only to have a postal ombudsman but also to establish an ombudsman with appropriate jurisdiction and powers to address consumer disputes. Labor believes that unfortunately the model that the government has chosen is the wrong one. Labor believes that the new postal ombudsman should closely follow the structure and powers that are associated with the TIO. As I noted at the outset, this is exactly what the government promised back in 2001. While I realise that 2001 was a couple of elections ago, it is still no excuse for the government to back out on its policies and commitments of 2001.

The TIO has been operating successfully since 1993 as a free and independent dispute scheme for people who have a complaint about their telephone or internet service. There are a number of significant differences between the TIO and the structure proposed for the Postal Industry Ombudsman. These differences have the potential to substantially undermine the effectiveness of the PIO in resolving complaints from users of postal services. Firstly, the TIO is a dedicated, stand-alone entity. The telecommunications ombudsman does not have responsibility for performing other regulatory roles for the Commonwealth. In contrast, the postal ombudsman will be an office within the Office of the Commonwealth Ombudsman. Under proposed section 19L, which will be inserted by this bill, the office of the postal ombudsman will be held by the same person who occupies the office of the Commonwealth Ombudsman. There are undoubtedly many dedicated and skilled staff in the Office of the Commonwealth Ombudsman. Nevertheless, the fact that the person filling the position of postal ombudsman will not have a dedicated focus on postal issues means that the role will not be given the full attention that it deserves. The government is effectively saying that the PIO is a part-time job. This will do little to bring the office to public attention or inspire public confidence.

Another major distinction between the telecommunications ombudsman and the postal ombudsman proposed by this bill is the extent to which the scheme covers participants in the industry. Under the Telecommunications (Consumer Protection and Service Standards) Act 1999, all carriers and carriage service providers are required to join the TIO scheme. In contrast, this bill states that the PIO will only have the capacity to deal with complaints against Australia Post and private postal operators who choose to join the scheme. It is not possible to imagine that a government would put forward a proposal for a telecommunications ombudsman that only required Telstra to join the scheme and said to other players like Optus and Vodafone that they could join the scheme if they wanted to. But that is just what the government is doing in postal services.

There is no question that Australia Post is still the dominant provider of postal services in this country. In order to fund its community service obligations, legislation gives Australia Post exclusive rights in relation to delivery of letters weighing less than 250 grams. Private operators are only allowed to carry letters if they charge at least four times the standard rate. Nevertheless, it is important to recognise that, outside those services reserved by legislation, Australia Post faces a substantial amount of competition in relation to other postal services. In addition, the relative importance of the reserved services as a share of services provided by Australia Post has been declining. In 2003-04 reserved services accounted for only 45 per cent of Australia Post’s revenue, down from 51 per cent six years earlier. In the last decade in particu-
lar, Australia Post has begun to face tough competition in parcel courier and express mail services. Companies like Toll Holdings, DHL, UPS, Allied Express, TNT and the Australian Document Exchange are significant players in these markets. While the bill gives the PIO jurisdiction to investigate complaints about postal or similar services such as couriers and parcel carrying services, the ombudsman will not be able to investigate complaints against these large and successful companies unless they voluntarily register for the scheme. Labor does not believe that this is a satisfactory outcome for consumers.

Given the growing size of private operators providing postal services, Labor believes that the ombudsman must have the capacity to have oversight of all the major players in the market. While it is to be hoped that many private operators would sign up to the scheme as a way of instilling consumer confidence in their service, the parliament should not leave this matter to chance. During the election campaign, Labor stated that it would act to ensure that the PIO scheme had coverage over all significant postal operators, not just Australia Post. In the committee stage of this bill, I will move amendments to broaden the scope of the PIO’s jurisdiction. These amendments will require all private postal operators who have more than 20 employees and an annual turnover in excess of $1 million to register for the scheme. This will ensure that more consumers are able to utilise the ombudsman scheme to resolve disputes with private postal operators. It may also have the effect of improving standards across the postal services industry as more operators will be subject to the scrutiny of the ombudsman. I hope that the Senate will support this strengthening of the powers of the PIO.

The final point of difference that I would like to highlight between the PIO and the TIO relates to the fact that the postal ombudsman will have no power to order postal operators to compensate consumers where they have engaged in wrongful conduct. The telecommunications ombudsman has the authority to make decisions, such as orders compensating consumers, up to the value of $10,000. These determinations are binding on all licensed telecommunications carriers. In contrast under this bill, where the PIO finds that a postal operator has engaged in wrongful conduct, the PIO may ask the postal service provider to take action to mitigate or rectify the effect of the conduct. If satisfactory action is not taken, the PIO’s only recourse is to request that the minister table a report on the company in parliament.

Adverse reports tabled in parliament would undoubtedly act as a deterrent to Australia Post and registered postal operators from acting wrongfully. Nevertheless, the bill does not provide much in the way of meaningful redress for individual consumers. Labor has given detailed consideration to the option of amending the bill to address this deficiency. On balance, however, the opposition has decided against this course of action. Labor recognises that empowering the PIO to make orders compensating consumers is a difficult drafting exercise, given the way the PIO is structured under this bill.

We are particularly mindful that care must be taken to ensure that the PIO is not given judicial powers in breach of the Constitution. While we will not be amending the bill to provide for compensation orders at this stage over the next few years, Labor will be closely monitoring the operation of the scheme. In government, Labor would review the adequacy of the Postal Industry Ombudsman’s powers and restructure the scheme to provide for compensation orders if necessary.
It is regrettable that in this area, as in many others, the government has not kept its election promises. More than three years ago, it said it would introduce a postal industry ombudsman that would be similar to the successful telecommunications ombudsman scheme. In reality, after a long and inexplicable delay, it has delivered a scheme that is inferior in several significant ways to the TIO model. Labor will seek to remedy one of its most glaring weaknesses when this bill enters the committee stage. I urge senators to support Labor’s proposal to ensure that the PIO has the capacity to investigate all significant postal operators.

Despite the deficiencies in the government’s approach, the proposed PIO is a step forward for consumers and will be supported by the opposition. There is a clear need for the establishment of an independent body to assist users of postal services to resolve disputes without the need to resort to costly litigation. I hope that the new Postal Industry Ombudsman will be able to successfully perform that role.

Senator CHERRY (Queensland) (9.46 p.m.)—I rise to speak on the Postal Industry Ombudsman Bill 2004, which aims to establish an external dispute resolution scheme in the form of an ombudsman regime for the postal industry. In May last year, the government introduced legislation which sought to shift to the Australian Communications Authority responsibility for monitoring and reporting on the supply of postal services, including the establishment of a consumer complaints mechanism. At the time of debating that bill last year, I pointed out that a consumer complaints mechanism already exists through the Commonwealth Ombudsman and Australia Post. As I pointed out then in my speech in the second reading debate the Postal Services Legislation Amendment Bill 2004, the office of the Commonwealth Ombudsman noted that the number of complaints received by the Ombudsman in relation to post is quite small.

In their 2002-03 annual report, the Commonwealth Ombudsman said:

The total number of complaints received this year was 1,082, compared to 1,060 in 2000–01 and the 2001–02 total of 896 ...

To put some perspective to these figures, every day of the year, Australia Post moves in excess of 18 million articles (this figure reaches 50 million in the days prior to Christmas). The proportion of complaints received by the Ombudsman is therefore a small percentage of the total number of transactions undertaken by Australia Post.

Much of the reason for this can be attributed to the generally high level of service that Australia Post provides to its customers and its own effective handling of complaints by its Customer Contact Centres in each State.

The Ombudsman also praised the Australian Post complaint mechanism in its 2001-02 annual report. The report said that not only does the Ombudsman’s office believe that the number of complaints is small but it also believes that Australia Post has an effective complaints handling procedure. As a result, the Democrats could not see any particular reason to argue for the Australian Communications Authority to have an additional complaints mechanism for Australia Post and therefore rejected the bill last year.

The Postal Industry Ombudsman Bill 2004 currently before us is a very different kettle of fish. It is about ensuring that the postal services industry in its broader sense comes under the context of the ombudsman. One of the unique aspects of the bill—and I note the comments from the Commonwealth Ombudsman, Professor John McMillan—is that this bill will apply the jurisdiction of the ombudsman to the private sector for the first time. Yet, unfortunately, as Senator Conroy has pointed out, in this bill only Australia Post is required to participate. Private postal operators will only register on a voluntary basis.
basis in the scheme. In addition, the postal industry ombudsman’s powers will not be as extensive as the powers of the Commonwealth Ombudsman. As a result, the Commonwealth Ombudsman will retain jurisdiction over Australia Post.

However, it is still a bit unclear—and it will develop over time—as to when and how complaints are to be dealt with by the Commonwealth Ombudsman or by the postal industry ombudsman’s office. I note the comment in the explanatory memorandum that the PIO’s powers have been customised for the investigation of service delivery complaints in relation to Australia Post but that it would be expected that over time the Commonwealth Ombudsman would end up using those powers primarily to investigate actions that were not related to the provision of postal services, which would come under the PIO. This concerns me a bit.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! It being 9.50 p.m., I propose the question:

That the Senate do now adjourn.

Health: Mental Illness

Senator TIERNEY (New South Wales) (9.50 p.m.)—I rise tonight to draw to the attention of the Senate the needs of the mentally ill, their families and mental health workers in Australia, and to discuss the need for a review of the funding and resource allocations nationally in the area of mental health through the establishment of a comprehensive parliamentary mental health inquiry. It needs to be a national inquiry because we are facing a national mental health crisis: statistics now indicate that one in five Australians will experience a mental illness at some stage in their lives and that almost every family in Australia will be touched directly by mental illness. With existing services poorly funded and under ever-increasing pressure, the mental health system is in crisis. The gap between the burden of mental illness in our society and the amount of funding being allocated is stark, and action needs to be taken.

Twenty-two years have passed since the Richmond report recommended moving people with mental illnesses out of psychiatric institutions and into the community. The state governments’ resulting programs of deinstitutionalisation were supposed to move people out of institutional care and into community homes with supervision and care, but the necessary state funding never followed the patients into the community. Brian Burdekin, former commissioner for human rights, has acknowledged that deinstitutionalisation has largely failed because not enough resources have been allocated to front-line services by state governments. This means that, despite applauding mental health plans, families are struggling to get access to services quickly when they need the support most.

While the Australian government funding for mental health increased by 128 per cent or $643 million between 1993 and 2002, the state governments have lagged behind appallingly, with a combined 40 per cent increase over the same period. State governments are spending less than $100 a year on mental health for every Australian. This is simply not good enough. It is the states that are constitutionally responsible for mental health and yet it is the federal government that is increasing funding and setting the agenda for mental health reform in this country.

Nationally, we are now in the early stages of the third national mental health plan, which will run from 2003 to 2008. It is a fine plan and it has been agreed to by the federal
and all state and territory governments. This plan has received favourable international recognition, but there is no point having a fantastic plan if there is not enough money to implement it. Professor Ian Hickie, Executive Director of the Brain and Mind Institute at the University of Sydney, recently said that, despite having a world-best national policy for the past 12 years, Australia has failed to fund mental health adequately. Mental illness represents, according to Professor Hickie, 14 per cent of Australia’s disease burden but receives only 6.4 per cent of health funding.

It is for these reasons that it is necessary to examine properly the adequacy of mental health services in Australia. We need to understand the current level of resources directed to mental health, the allocation of these resources and the role that the states play in their delivery. We need to look at the division of responsibility between the Commonwealth and the states, whether the states are meeting their responsibilities to those who are suffering from mental health issues and all the aspects of how mental health services are delivered in this country. It is now time to try to determine how we can better manage mental health funding, resource allocation and service delivery.

I therefore have worked with other senators to establish a Senate select committee to inquire into mental health services. This committee will conduct a broad-ranging inquiry into mental health services right across Australia. The inquiry will investigate the lack of hospital and community care, chronic shortages in crisis services and the growing demand for care of the young, the homeless and people in custody. The establishment of this inquiry has been supported by mental health leaders, who acknowledge that the system is dramatically underfunded and underserviced. The chairman of beyondblue, the Hon. Jeff Kennett, has welcomed the inquiry and called for this inquiry to develop a blueprint for the future in terms of resourcing and funding. Like Mr Kennett, I am committed to ensuring that both individuals and organisations, particularly the professionals associated with treating those with mental illness and their families, have proper access to this inquiry. The Senate inquiry will also examine issues affecting Indigenous Australians, carers, children and people living in rural and regional areas. The over-representation of people with mental illnesses in prisons and the need for public education so as to remove any stigma will also be examined.

Like many developed countries, Australia needs to further integrate mental health services—not only into the community but also into the primary health care system. In particular, we need to balance resources and the disease burden of mental health. The states are clearly not delivering when it comes to allocating resources to those who are in need and those who support those people in need, such as GPs, nurses, social workers and other health care practitioners who are on the front line. Over the next eight years, from 2005 to 2013, the states need to bring into line the proportion of their health budget that goes to mental health so that it matches the proportion of the total disease burden that mental ill-health represents. In particular, we need to rebalance these resources.

The latest national mental health report states that, while Australia has made significant progress against the national reform agenda, there are many challenges still to be addressed. The number of mentally ill people who are committing suicide is rising, families do not have access to the services they so desperately need and state governments are simply not allocating the funds necessary to help people suffering from mental illness and to help those service providers on the front line.
Monday, 7 March 2005

International Women’s Day

Senator ALLISON (Victoria—Leader of the Australian Democrats) (9.57 p.m.)—As you would know, Mr Deputy President, tomorrow is International Women’s Day, when we honour the achievements of women and recognise issues that continue to affect many women and girls in Australia and in other countries. It is celebrated in many forms all around the world. Today many women must still fight for the right to make choices about their lives and their bodies.

International Women’s Day was first observed on 8 March 1911 in Europe. It grew out of women’s struggle for better working conditions and the right to vote. For the United Nations, International Women’s Day has been observed on 8 March since the 1975 International Women’s Year. The United Nations theme this year is Gender Equality Beyond 2005: Building a More Secure Future. While it is a day for celebrating achievements, it is also a day for identifying the hurdles that are still in the way.

South Australia pioneered women’s right to vote and stand for parliament 111 years ago. Catherine Helen Spence was the first female political candidate in Australia, standing for election in the Constitutional Convention of 1897, thus becoming the founding mother of Federation. The movement for Federation was supported by many women, who believed it would assist the long struggle to win the vote for women, as indeed it did. Despite gaining the right to vote and run for office, it was not until 1943 that women entered the federal parliament—Enid Lyons in the lower house and Dorothy Tangney in the upper house. Dorothy Tangney was 32 when she was elected. She served for 23 years and was still the only woman in the Senate when she retired in 1968. Her parting shot was a motion against the then Prime Minister, saying that the government had ‘failed to honour its international obligations by taking legislative steps for achieving equal pay for men and women for work of equal value’.

It was not until 1974, some 30 years later, that women were again elected to the Senate, and it was not until 1986 that we had the first female leader of a political party in Australia in Janine Haines. Role models are very important whenever there is an underrepresentation of a particular group in any field of endeavour. They keep getting written out of the history books, as any student of politics, art, science or history will know. Janine Haines and many other women were role models and have made a big difference for women, but we will not have equality until there are equal numbers of women and men in politics.

Today, still only around a quarter of the parliament is female. Women are still underrepresented in cabinets and shadow cabinets. We still only have one female leader of a state or territory: Clare Martin in the Northern Territory. And while women have been underrepresented in the parliament, Indigenous women were missing altogether until just a few years ago, when Carol Martin in WA became the first Indigenous woman to be elected to any Australian parliament. She was soon followed by Kathryn Hay in Tasmania; Linda Burney in New South Wales; and Marion Scrymgour in the Northern Territory, who last year became the first Indigenous woman to hold a ministry in any Australian government.

While the two major parties have taken small steps to promote women, the Democrats have always led the way in putting women in positions of power—women like South Australian Democrats leader Sandra Kanck and another member of the Legislative Assembly, Kate Reynolds. Formerly we had Helen Hodgson in WA; Liz Kirkby in
New South Wales, who was then the oldest and perhaps most experienced woman elected to parliament; and Roslyn Dundas, who was the first Democrat elected to the ACT parliament and the youngest ever woman elected.

Earlier this year when the Australian Labor Party chose a new leader I was astonished to see claims about Julia Gillard being unsuitable as a leader because she was single and childless. I make the point that it would be barely noteworthy for a man to be in this domestic situation, let alone for it to rule him out of the leadership stakes. It seems to me the media are much more ruthless in building up and tearing down women leaders than they are men. I think it is one of the reasons that women are hesitant to get involved in representative politics.

There is no doubt that politics is not only a cold environment for women; it is a very difficult environment for anyone trying to balance work and family. I salute the women in all professions who manage to raise children or manage to persuade their partners to do so while they travel or simply work full time. I take this opportunity to publicly welcome back to the parliament after maternity leave my colleague Senator Natasha Stott Despoja. As the Herald Sun and the Adelaide Advertiser noted today, Senator Stott Despoja has been an advocate of more support for working mothers. In 2002 she introduced into the federal parliament historic legislation for a national system of paid maternity leave: a government funded payment for 14 weeks at the basic wage. During the 2004 election the Democrats also released a plan for free child care and free preschool. We think these initiatives are long overdue and consistent with the concept of shared responsibility for children, which I think we should all be promoting.

Almost 20 years after the Democrats chose the first female leader of a political party, improvements in women’s representation in politics and women’s standing in law and society seem to have stalled. We say that the Howard government has been responsible for a steady grinding down of women’s rights and government responsibilities for them. The conservative hammer seems to be tapping away at rights won that women thought were rock solid. As soon as the Prime Minister was elected, non-sexist language was dubbed by him to be ‘too politically correct’—being too correct is always an interesting concept—and women had to be again known as ‘chairmen’.

The Prime Minister wants single mothers forced back to the work force once their kids turn six; the neglect of affordable child care is closing options for thousands of women wanting to return to the work force; and women more than ever are shouldering, however lovingly, the burden of care for profoundly disabled children and partners with chronic illness that were once much more the responsibility of government. As I said earlier, I think we should return to the language and practice of shared responsibility for children by men, by communities and by the public purse.

The commissioner for the Office of the Status of Women is still out there talking about who in the family brings in the garbage and who cooks. But that is not all there is to raising children. There is helping in schools, protecting children from abuse, being there when they are sick and leading by example in forming positive relationships. The Prime Minister announced just after the 2004 election that the Office for Women would be downgraded from the Department of the Prime Minister and Cabinet to the Department of Family and Community Services, despite promising in 1995 that it would remain with PM&C. This places...
women’s policy and issues within a much narrower frame work—in other words, the role of women within the family.

The Women’s Statistics Unit has been abolished within the Australian Bureau of Statistics, in case we are counting. The women’s budget statement has been progressively downgraded and was last year replaced with a paper entitled *What the Australian government is doing for women*, published separately and well after the budget. Women’s health promotion was wiped from the public health agreements with the states until some of us made a fuss. And there have been ongoing delays in government reporting to the United Nations regarding its commitments under the Convention on the Elimination of all Forms of Discrimination Against Women, CEDAW.

Gladly, the Minister Assisting the Prime Minister for Women’s Issues stood up for women’s rights to reproductive health services this week against the efforts of the United States to declare that abortion was not a right for women. The Democrats will move a motion in the parliament tomorrow to congratulate the minister, Senator Patterson, on her stand. We do not often have occasion to congratulate the government for its stand on an issue such as abortion, but when we do we are very happy to do so.

Last year ended and this year started with the re-emergence of the abortion debate. I am proud to be a member of a party that is pro-choice and pro-children. The Democrats have a petition that calls for there to be no reduction in women’s ability to access terminations. I have already given a number of speeches in the parliament about the importance of sex education and emergency contraception and against the campaign being waged by a few conservative people—mostly men—to instil fear and shame in women who choose to terminate a pregnancy.

The Democrats believe in genuine reproductive choices about contraception, conception and motherhood, and this is one of the focuses of the Democrats’ new campaign, Women’s Rights Watch. That campaign was launched today on the Democrats’ web site and via postcards. I encourage everyone to sign up, including men. Those postcards will be distributed widely around the country in universities, theatres, galleries, cafes and hotels. We also have a number of fact sheets online which we believe will allow women’s rights to be fought. There are also handouts to download on myths and facts about abortion. *(Time expired)*

**Liberal Party of Australia: Queensland**

*Senator IAN MACDONALD* (Queensland—Minister for Fisheries, Forestry and Conservation) *(10.07 p.m.)*—As a life member of Young Liberals and a former patron I was delighted to be invited by the Young Liberal Movement to address their 2005 national convention in Hobart earlier this year. It is invigorating to see young people engaged in serious debate on issues of importance to our nation. Congratulations to Queensland Young Liberal Mark Powell on his election to the position of federal vice-president of the movement. This follows a long line of Queenslanders who have held the top position in the Young Liberals, including the immediate past president Grant Muller and Young Liberal luminaries like Gerard Paynter and Matthew Boland.

My address to the Young Liberal convention focused on the resounding success the Liberal Party had in Tasmania at the last federal election where we won two additional seats, Bass and Braddon, in the north of the state. Our success in these seats was clearly the result of us appealing to unionists and blue-collar workers. We were prepared to
save their jobs and their futures whereas Labor was prepared to sell them down the drain in trying to attract the latte set in both Sydney and Melbourne. Our appeal to the working men and women of Australia also resounded in the suburbs of Sydney and Perth and, indeed, in Queensland. These ‘Kath and Kim’ voters are the type of people who appreciate the policies put up by the Liberal Party. All of our policy direction should be and is aimed at encompassing all Australians who want to seek rewards from extra effort. It is also for all Australians who want to be safe and relaxed in this great nation. Similarly, Young Liberals need to reach out and encompass more tradesmen, apprentices, shop assistants, trainees and blue-collar workers, who make up a substantial part of our population and who, in many instances, are the backbone of Australia’s economic success. The involvement of young people through movements like the Young Liberals gives the federal government an ongoing insight into all age groups of Australians.

On a different matter, I will turn to Queensland. With the swearing in of the third Liberal senator from Queensland imminent, it is time perhaps to reflect on the success of the Liberal Party in Queensland in the Senate in recent times. It has been my honour to lead the Liberal Party Senate ticket on three occasions. The first was in 1990, when the ticket consisted of me, Dr John Herron and Ms Carmel Draper. In 1996 I again led the ticket, with Senator Herron as the No. 2 candidate and Ms Debbie Kember as No. 3. I was privileged to again be selected to lead the ticket in 2001 when we had a resounding victory.

All of my time in the Senate has been dedicated to seeing the return of a Liberal government in Canberra, but a very close secondary goal has always been my absolute determination to see a third Liberal senator elected from Queensland. This was achieved at the last election when Senator Brett Mason, Senator George Brandis and Senator elect Dr Russell Trood were elected as the Queensland Senate team. I should congratulate and give particular credit to that team and their strategies on a great campaign that ended so successfully. I think this sets the benchmark for the future, and I look forward with my Liberal Party Senate colleague Senator Santo Santoro to emulating this success at the next election. The third position on the ticket henceforth will be a very winnable position for the Liberal Party and should attract a large field of particularly qualified candidates for the position.

Over the years, I and other Queensland Liberal senators have put a lot of work into raising the Liberal Party profile in the rest of Queensland. Our success in the electorates of Herbert and Leichhardt in 1996 and our substantially increased Senate vote in country Queensland this time around are dividends from the additional work the Queensland Liberal senators have done in the past 15 years. I look forward to making the election of three Liberal senators from Queensland a matter of course in the years ahead.

Finally I am particularly grateful to Senator George Campbell for refusing to allow me to incorporate those two wildly exciting speeches. I would have thought that as a matter of good sense, so we could all get out of here, it would have been appropriate to incorporate those speeches in the Hansard. But, as I say, I am indebted to Senator George Campbell from the ALP for refusing me that. It has meant that all of the people in the gallery, all those people clamouring to hear my words, have now been able to hear me. Unfortunately we are not on broadcast tonight, so the rest of Australia—

Senator George Campbell—And there’s nobody in the gallery either!
Senator IAN MACDONALD—can’t hear me either. But Senator Campbell doesn’t that show the stupidity of your position? That is the point I am making—you are too silly to understand.

Senator McLucas—Mr Deputy President, I rise on a point of order. I request that the senator withdraw those terms. I do not think they are parliamentary.

The DEPUTY PRESIDENT—Senator Macdonald, I do not think there is anything unparliamentary there. I will look at the Hansard on it, but just be a bit more temperate in your comments.

Senator IAN MACDONALD—Certainly, Mr Deputy President. If I offended Senator George Campbell then I deeply apologise to him for his sensitivities.

Senator George Campbell—I’ve been offended by experts—

Senator IAN MACDONALD—I would say there would be many, Senator George Campbell, because you would be a very good target, I have to say.

Senator George Campbell—and you’re not one of them.

Senator IAN MACDONALD—You lend yourself to that sort of thing. As I was saying, all of those people in the gallery would have benefited by listening to this. Unfortunately it is not being broadcast, but now all those millions of Australia who read every word we say in the Hansard will now be able to read this. I am very grateful to—

Senator George Campbell—I raise a point of order, Mr Deputy President, in terms of the relevance of what Senator Ian Macdonald is doing in using the adjournment debate to deliberately use time to incorporate speeches and also to attack the opposition. It is not going to happen any further, Senator Macdonald, on my watch.

The DEPUTY PRESIDENT—There is no point of order, Senator Campbell.

Senator IAN MACDONALD—Thank you, Mr Deputy President, for that erudite ruling. It took a long time for Senator Campbell to make his point. It was more like a speech, I would have thought. I accept—

Senator George Campbell—I’ll give you one if you want one.

Senator IAN MACDONALD—Even you have to—

The DEPUTY PRESIDENT—Senator Ian Macdonald, address your comments to the chair rather than take interjections.

Senator IAN MACDONALD—I am being interjected upon and I require your protection, Mr Deputy President. Even Senator George Campbell might understand the rules of the Senate after this time: you cannot speak for 10 minutes while allegedly making a point of order—but I am sure the Deputy President indicated that to you. Now the people have had the benefit of hearing me speak, as I mentioned.

Senator Campbell, I can understand your sensitivity to this issue. The first speech I made clearly indicated that the working men and women of Australia who used to be supporters of the Labor Party are no longer at all interested in your party, because your party has no interest in working men and women. In Tasmania the result of the election, which I mentioned in the earlier part of my speech, clearly demonstrates that. Your party and your leader, Senator Campbell, were more interested in the latte set in your town—and I guess you hang out in the coffee shops of Sydney as well: all those people who did not
mind who they put out of a job in Tasmania. They did not mind all those timber workers and forestry workers that the Labor Party policy would have thrown out onto the street. They did not mind about those people in the smaller country communities of Tasmania whose major asset in the world, their house, would have had its value destroyed. They would have lost an enormous amount of money because of that, had the Labor Party won the election and your Tasmanian forest policy been put into play.

I am delighted that we won, not only because we will give another three years of good government to Australia but more importantly because those workers in Tasmania can now be guaranteed their jobs. We are interested in those workers. We are very interested in the blue-collar workers of this nation because they are the backbone of our nation. I am distressed that the Australian Labor Party, which had a long history of supporting working men and women, has simply thrown those working men and women to the wolves. What better way to demonstrate that can there be than the Labor Party’s ridiculous policy on forestry in Tasmania?

I am sorry to say that your colleague from Sydney still seems to think that it is a great policy. Mr Albanese—a mate of yours, no doubt, Senator Campbell, from the Left—wants to continue his campaign to destroy the jobs of those working men and women of Tasmania. Fortunately, our government cares about those people and we certainly will not be doing anything that will in any way damage their prospects of future employment and prosperity in the Australian nation. Senator George Campbell, I am delighted that you have given me the opportunity of speaking on the adjournment when I would have taken the easy way out of simply incorporating my speech. I am glad that you have had the benefit of listening to me in person. Thank you very much. I am very grateful to you for your action.

Veterans’ Affairs: Battle of Fromelles

Senator MARK BISHOP (Western Australia) (10.17 p.m.)—During the last sittings I spoke of the battle of Fromelles on 19 July 1916. This bloody battle remains the most costly engagement of all in Australia’s military history. Unfortunately, as a tragedy it seems to be unknown by many. I repeat that on this fateful night 1,917 young Australians were killed in just 12 hours, and 3,146 were wounded. Of course, many of these died of wounds later. Four hundred and seventy became prisoners of war of the Germans for the remainder of World War I. The 5th Division was absolutely decimated—all due to what has always been regarded as massive command incompetence. To emphasise the tragedy of that night, 12 sets of brothers were killed, as well as two sets of fathers and sons.

Officially, it barely rated a mention and in fact was covered up. It was described as a ‘minor skirmish’. Recriminations persisted for many years, and families mourned for decades. As a nation we have experienced many national tragedies involving great loss of life. Gallipoli was a tragedy in its own right, like Fromelles—a pointless and ill-conceived waste of humanity. Others such as Kokoda, Buna, Sanananda, Gona and Milne Bay were tragic also but are separately revered because of their meaning in the last-ditch defence of our shores from the Japanese. Nor do we forget the fall of Singapore, the fate of those taken prisoner of war and the suffering and loss of so many others in all theatres of war. The sinking of the HMAS Sydney was another massive shock to a small nation during the early 1940s. Yet Fromelles far exceeds all of these in its scope and its senseless horror. The battle was no accident—it was, as it is properly described now, a planned slaughter.
Since I last spoke on this matter, I have been gratified by the heartfelt thanks of those who share a passion for remembering and commemorating the battle of Fromelles. Some share the need to highlight the battle as perhaps the greatest single disaster in our history. Others simply want to know where a grandfather or a great-uncle—or great-uncles—might be buried. Perhaps the single greatest tragedy of Fromelles was the refusal of the Australian command to accept an offer of truce from the Germans to clear the dead from the battlefield. This truce would have seen our dead, dying and many wounded rescued from no-man’s-land, where they remained and perished. Instead, 1,298 of the 1,917 killed that night were posted as ‘missing’, not to be recovered until the war was over. Collectively their identities were known, but the bodies were unidentifiable and were eventually buried as ‘known only to God’—that is, all except 163 whose bodies were never found. We now know the German troops removed the Australians’ identity discs and personal effects and sent them to the Red Cross in Berlin.

It is those records which have now been discovered. Every name corresponds in detail with the roll of honour for 19 July 1916, as engraved on the wall of the memorial at VC Corner, Fromelles. Further confirmation of these events is the possession by some Australian families of those identifying discs. It is also worth noting that the scale of such a tragedy as Fromelles, like the sinking of HMAS Sydney, had a profound effect on small communities. I mention in particular the Hunter Valley of New South Wales and the coalmining community located there.

I am grateful for the advice of a local military historian, Mr David Dial, that 1,000 Hunter Valley men fought at Fromelles and that 59 of them were killed or died of wounds. Of those 59 men, 53 were among the missing. Nine of their names appear on the Red Cross list. It seems to me, therefore, that the mystery of 160 missing has been solved. The second part of the riddle is this: where were they buried? There is strong evidence that the Germans used a number of mass graves near the town of Fromelles. The principal sites are on the edge of Pheasant Wood and at Manlaque farm close by. It is also believed there may have been another mass grave outside the cemetery at Fournes, also then behind German lines.

Let me summarise the evidence of the existence of these sites. Put simply—as an obvious starting point—they must have been buried somewhere. As there were hundreds of dead recovered by the Germans, including 316 British, large grave sites would have been the obvious and quickest means of burial. There is, in fact, a telling eyewitness account and I will quote it, not just because it is compelling evidence but also because it is so moving. This is from the memoirs of Private William Barry of the 29th Battalion AIF, taken prisoner of war on 19 or 20 July 1916. It reads:

… It was the 21st July and the sun was shining brightly and being left to myself for fully an hour I was able to look around me and to my horror I was in a place where the dead men were being stacked for I was sitting on the edge of a hole fully forty feet long, twenty feet wide and fifteen feet deep and into this the killed were being thrown without any respect or fuss, friends and foe being treated alike and it was pitiful to see the different expressions on their faces, some with a peaceful smile while others showed they had passed away in agony ...

What more can be said? This is a sorrowful account and no work of fiction. Aerial photographs taken before and after the Battle of Fromelles show clearly the existence of large pits at these sites. The clearest are those of the pits beside Pheasant Wood, beside which ran a German light railway. This line serviced the front and was used to transport bodies to the rear.
At an official level in Canberra, the existence of the Pheasant Wood site has been denied by the Office of Australian War Graves, but now, over time, the evidence has been building. On Monday, 21 February, a story by Neil Wilson revealed that one of then 160 missing on the German Red Cross list was Lieutenant John Bowden of the 15th Brigade, 59th Battalion. Red Cross records from Berlin have also been discovered, wherein advice was provided that it could be assumed that Lieutenant Bowden:

... was buried in one of five large British collective graves before the Fasanen Waldohen (Pheasant Wood) near Fromelles or in the collective grave ... at Fournes.

The only evidence which can contradict this is further evidence that these sites were recovered after the war—and that evidence does not exist. I believe a strong prima facie case now exists for a technical examination of these sites. It is pleasing, therefore, to report that the Chief of Army, Major General Leahy, agreed at the last Senate estimates to examine the material I was able to provide. We sincerely hope that agreement on the strength of this evidence will lead to a formal approach to the French government and to local authorities. We might then also hope that the sites could be formally recognised and commemorated.

**Senate adjourned at 10.26 p.m.**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

- Made prior to the commencement of the Legislative Instruments Act 2003 on 1 January 2005:
  - Australian Meat and Live-stock Industry Act—
  - Australian Research Council Act—Determination No. 25—Approval of expenditure on research programs under section 51—
    - Discovery Indigenous Researchers Development, dated 1 November 2004;
    - Discovery Projects, dated 15 November 2004;
    - Learned Academies Special Projects, dated 1 November 2004;
    - Linkage Infrastructure Equipment and Facilities, dated 1 November 2004;
    - Linkage-International: Anglo-Australian Observatory Fellowship, dated 29 October 2004;
    - Linkage International Awards, dated 1 November 2004;
    - Linkage Projects Round 1, dated 1 November 2004.
  - Civil Aviation Act—Civil Aviation Regulations—
    - Instrument No. CASA 603/04.
  - Environment Protection and Biodiversity Conservation Act—
    - Instruments amending list of—
      - Exempt native specimens under section 303DB, dated—
        - 12 November 2004.
        - 29 November 2004 [2].
Threatened species under section 178, dated 7 December 2004.
Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 9/04 (Addendum).
Telecommunications Act—Telecommunications (Carrier Licence Exemption) Determination 2004 (No. 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]:
Aged Care Act—
Determination under section 44-16—Conditional Adjustment Payment [F2005L00331]*.
Residential Care Subsidy Amendment Principles 2005 (No. 1) [F2005L00330]*.
Air Services Act—Air Services Regulations—Instruments Nos—
AERU-05-02—Declaration of Prohibited, Restricted or Danger Areas [F2005L00329]*.
AERU-05-03—Declaration of Prohibited, Restricted or Danger Areas [F2005L00354]*.
AERU-05-04—Declaration of Prohibited, Restricted or Danger Areas [F2005L00352]*.
AERU-05-05—Declaration of Prohibited, Restricted or Danger Areas [F2005L00350]*.
AERU-05-06—Declaration of Prohibited, Restricted or Danger Areas [F2005L00349]*.
Appropriation Act (No. 1) 2004-2005—Advance to the Finance Minister—
Determination No. 4 of 2004-2005 [F2005L000497]*.
Australian Communications Authority Act—Radiocommunications (Charges) Amendment Determination 2005 (No. 1) [F2005L00321]*.
Australian Communications Authority Act and Radiocommunications Act—Radiocommunications (Interpretation) Amendment Determination 2005 (No. 1) [F2005L00322]*.
Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 2 of 2005—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2003) [F2005L00365]*.
Civil Aviation Act—
Civil Aviation Regulations—
Civil Aviation Amendment Order (No. 2) 2005 [F2005L00324]*.
Instrument No. CASA 55/05 [F2005L00177]*.
Instrument No. CASA 56/05 [F2005L00287]*.
Civil Aviation Safety Regulations—Airworthiness Directives—
Part 105—
AD/A320/112 Amdt 1—MLG Door Actuator Fitting [F2005L00234]*.
AD/A330/4 Amdt 1—THSA—Operational Life Limit [F2005L00214]*.
AD/A330/46—Nose Landing Gear Hydraulic Control Block [F2005L00200]*.
AD/AS 355/85—Sliding Door Rear Fitting Pin [F2005L00326]*.
AD/AT7/21 Amdt 2—Wing Lower Spar Cap Safe Life—2 [F2005L00218]*.
AD/B737/112—Yaw Damper Coupler Internal Rate Gyroscope [F2005L00204]*.
AD/B747/321—Body Station 2231 Frame Inner Chord [F2005L00227]*.
AD/B747/322—Strut Front Spar Chord Assembly [F2005L00202]*.
AD/B747/323—Nose Wheel Well Top and Side Panel Webs and Stiffeners [F2005L00199]*.
AD/B747/324—Upper Deck Area Fuselage Frames [F2005L00351]*.
AD/B767/205—Wing-to-Strut Diagonal Braces and Aft Pitch Load Fittings [F2005L00231]*.
AD/B767/206—Waste Tank Cradle [F2005L00239]*.
AD/B767/207—APU and Engine Fire Shutoff Switches [F2005L00240]*.
AD/Ba 146/107 Amdt 2—Forward Fuselage Skin [F2005L00226]*.
AD/Ba 146/113—Nose Landing Gear Retirement Life [F2005L00225]*.
AD/BELI 430/1 Amdt 2—Tail Rotor Blade [F2005L00190]*.
AD/CASA/26—Steering System Hydraulic Installation [F2005L00196]*.
AD/Cessna 208/16 Amdt 1—Flap System Bellcranks [F2005L00241]*.
AD/DAUPHIN/78—Main Gearbox Bottom Plate [F2005L00361]*.
AD/ECUREUIL/109—Sliding Door Rear Fitting Pin [F2005L00327]*.
AD/EMB-120/25 Amdt 2—Nacelle Structure [F2005L00217]*.
AD/F406/11 Amdt 1—Fuselage to Centre Wing Connection [F2005L00212]*.
AD/JETSTREAM/95 Amdt 1—Steering Actuator Piston Rod Cracking [F2005L00195]*.
AD/M2O/53—O&N Bladder Fuel Cell Contamination [F2005L00236]*.
AD/PA-23/90—Turbo-Charger Oil Tank [F2005L00235]*.
AD/PA-28/96 Amdt 1—Control Wheel Attachment [F2005L00209]*.
AD/PA-32/83 Amdt 1—Control Wheel Attachment [F2005L00210]*.
AD/PA-34/52 Amdt 1—Control Wheel Attachment [F2005L00208]*.
AD/PA-44/19 Amdt 1—Control Wheel Attachment [F2005L00206]*.
AD/PA-46/32 Amdt 1—Control Wheel Attachment [F2005L00205]*.
AD/PC-12/45—Windshield Deice System Wiring Inspection/Replacement [F2005L00304]*.
AD/TBM 700/38—Flap Carriage Roller Pins [F2005L00230]*.
Part 106—
AD/AL 250/85—Fuel Nozzle Screen [F2005L00201]*.
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AD/AL 250/86—Compressor Adaptor Coupling [F2005L00198]*.

AD/BR700/5—High Pressure Compressor Front Drum [F2005L00232]*.

AD/CF34/9—High Pressure Compressor Forward Spool [F2005L00237]*.

AD/L YC/110 Amdt 1—Crane/Lear Romec Rotary Fuel Pump Relief Valve Attachment Screws [F2005L000193]*.

AD/ROTAX/21 Amdt 1—Coolant “Evans NPG+” or Conventional Water-Glycol Coolant [F2005L00211]*.

AD/TAY/5 Amdt 3—HP Compressor OGV Segment to Outer Seal Spacer Retaining Bolt Release [F2005L00221]*.

Part 107—


Commonwealth Authorities and Companies Act—Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 30 June 2005) [F2005L00294]*.


Commonwealth Electoral Act—Appointment of Pre-Poll Voting Offices for the Division of Werriwa, dated 18 February 2005 [F2005L00360]*.

Copyright Act—Select Legislative Instrument 2005 No. 15—Copyright Amendment Regulations 2005 (No. 1) [F2005L00311]*.

Corporations Act—Order under subsection 341(1)—ASIC Class Order [CO 05/83] [F2005L00280]*.


Currency Act—Currency (Royal Australian Mint) Determination 2005 (No. 1) [F2005L00325]*.

Customs Act—

CEO Instruments of Approval Nos—

3 of 2005 [F2005L00334]*.

4 of 2005 [F2005L00335]*.

5 of 2005 [F2005L00336]*.

6 of 2005 [F2005L00337]*.

7 of 2005 [F2005L00338]*.

8 of 2005 [F2005L00339]*.

9 of 2005 [F2005L00340]*.

10 of 2005 [F2005L00356]*.

11 of 2005 [F2005L00342]*.

12 of 2005 [F2005L00343]*.

13 of 2005 [F2005L00344]*.

14 of 2005 [F2005L00345]*.

15 of 2005 [F2005L00346]*.

Select Legislative Instruments 2005 Nos—

16—Customs (Prohibited Exports) Amendment Regulations 2005 (No. 1) [F2005L00375]*.

17—Customs (Prohibited Imports) Amendment Regulations 2005 (No. 1) [F2005L00376]*.

Tariff Concession Orders—

0411589 [F2005L00188]*.

0411759 [F2005L00306]*.

0412188 [F2005L00191]*.

0412234 [F2005L00307]*.

0412278 [F2005L00418]*.

0412279 [F2005L00387]*.

0412358 [F2005L00246]*.

0412707 [F2005L00308]*.

0412708 [F2005L00250]*.

0412872 [F2005L00309]*.

CHAMBER
0412873 [F2005L00367]*.
0412875 [F2005L00368]*.
0412876 [F2005L00452]*.
0412877 [F2005L00388]*.
0412878 [F2005L00389]*.
0412879 [F2005L00390]*.
0412880 [F2005L00391]*.
0412881 [F2005L00392]*.
0412997 [F2005L00369]*.
0413050 [F2005L00370]*.
0413051 [F2005L00371]*.
0413052 [F2005L00373]*.
0413053 [F2005L00374]*.
0413255 [F2005L00453]*.
0413339 [F2005L00393]*.
0413340 [F2005L00420]*.
0413470 [F2005L00421]*.
0413471 [F2005L00447]*.
0413472 [F2005L00422]*.
0413473 [F2005L00423]*.
0413474 [F2005L00424]*.
0413475 [F2005L00425]*.
0413695 [F2005L00448]*.
0413699 [F2005L00449]*.
0413700 [F2005L00450]*.
0413841 [F2005L00451]*.

Defence Act—Determination under section 58B—Defence Determination 2005/5—Post indexes—amendment.


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

Specimens suitable for live import under section 303EB, dated—

25 January 2005 [F2005L00303]*.
31 January 2005 [F2005L00258]*.
9 February 2005 [F2005L00300]*.
11 February 2005 [F2005L00363]*.
3 March 2005 [F2005L00526]*.

Threatened species under section 178, dated—

31 January 2005 [F2005L00291]*.
31 January 2005 [F2005L00292]*.
21 February 2005 [F2005L00430]*.

Export Control Act—Export Control (Orders) Regulations—

Export Control (Hay and Straw) Orders 2005 [F2005L00433]*.
Export Control (Plants and Plant Products) Orders 2005 [F2005L00523]*.
Game, Poultry and Rabbit Meat Amendment Orders 2005 (No. 1) [F2005L00332]*.


Family Law Act—Family Law (Superannuation) Regulations—

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2005 (No. 1) [F2005L00413]*.
Family Law (Superannuation) (Retirement Age—S.A. Metropolitan Fire Service Superannuation Fund) Approval 2005 [F2005L00353]*.

Financial Management and Accountability Act—

Adjustments of Appropriations on Change of Agency Functions—

Directions Nos—

29 of 2004-2005 [F2005L00290]*.
30 of 2004-2005 [F2005L00288]*.

Financial Management and Accountability Orders (Financial Statements for reporting periods ending on or after 30 June 2005) [F2005L00293]*.

Select Legislative Instrument 2005 No. 6—Financial Management and Accountability Amendment Regulations 2005 (No. 1) [F2005L00147]*.
Financial Sector (Transfers of Business) Act—Transfer Rules Variation Determination No. 1 of 2005 [F2005L00364]*.

Fisheries Levy Act—Select Legislative Instrument 2005 No. 2—Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2005 (No. 1) [F2005L00171]*.

Fisheries Management Act—
Northern Prawn Fishery Management Plan Amendment 2005 (No. NPF 05) [F2005L00378]*.

SCQ02 Determination 2005—Determination in relation to the Bass Strait Central Zone Scallop Fishery and the Southern Squid Fishery [F2005L00380]*.

Select Legislative Instrument 2005 No. 19—Fisheries Management Amendment Regulations 2005 (No. 1) [F2005L00357]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code—Amendment No. 76 [F2005L00323]*.

Goods and Services Tax Ruling GSTR 2005/1.

Hazardous Waste (Regulation of Exports and Imports) Act—Select Legislative Instrument 2005 No. 20—Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2005 (No. 1) [F2005L00156]*.

Health Insurance Act—Select Legislative Instrument 2005 No. 9—Health Insurance Amendment Regulations 2005 (No. 1) [F2005L00169]*.

Higher Education Funding Act—Guidelines for Remission of HECS/PELS/BOTPLS/OLDPS Debt [F2005L00272]*.

Higher Education Support Act—
Higher Education Provider Approval (No. 2 of 2005)—East Coast Gestalt Training Incorporated [F2005L00273]*.

Higher Education Provider Approval (No. 3 of 2005)—Blue Mountains International Hotel Management School Pty Ltd [F2005L00276]*.

Higher Education Provider Approval (No. 4 of 2005)—College of Law Pty Ltd [F2005L00419]*.


Judiciary Act—Select Legislative Instrument 2005 No. 13—High Court Amendment Rules 2005 (No. 1) [F2005L00255]*.

Lands Acquisition Act—Select Legislative Instrument 2005 No. 8—Lands Acquisition Amendment Regulations 2005 (No. 1) [F2005L00220]*.

Legislative Instruments Act—Select Legislative Instrument 2005 No. 14—Legislative Instruments Amendment Regulations 2005 (No. 1) [F2005L00362]*.


Medical Indemnity (Prudential Supervision and Product Standards) Act—Select Legislative Instrument 2005 No. 12—Medical Indemnity (Prudential Supervision and Product Standards) Amendment Regulations 2005 (No. 1) [F2005L00168]*.

National Health Act—
Determination No. HIB 03/2005 [F2005L00396]*.

National Health (Pharmaceutical Benefits) (Application to supply pharmaceutical benefits following the death of approved pharmacist—documentary evidence) Determination 2005 [F2005L00358]*.
Privacy Act—
Determination No. 2005-1A [F2005L00278]*.
Temporary Public Interest Determination No. 2005-1 [F2005L00274]*.
Product Grant and Benefit Rulings PGBR 2005/1.
Product Rulings—
Addendum—PR 2004/102.
Notices of Withdrawal—
PR 2003/43.
PR 2004/14.
Product Stewardship (Oil) Act—Select Legislative Instrument 2005 No. 4—
Product Stewardship (Oil) Amendment Regulations 2005 (No. 1) [F2005L00158]*.
Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Amendment Determination 2005 (No. 1) [F2005L00320]*.
Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2005 (No. 1) [F2005L00319]*.
Remuneration Tribunal Act—
Determination 2005/02: Parliamentary Office Holders—Additional Salary [F2005L00299]*.
Renewable Energy (Electricity) Act—
Select Legislative Instrument 2005 No. 5—Renewable Energy (Electricity) Amendment Regulations 2005 (No. 1) [F2005L00222]*.
Social Security Act—
Social Security (Class of Visas—Newly Arrived Resident’s Waiting Period for Special Benefit) Determination 2005 [F2005L00266]*.
Superannuation Act 1976—Select Legislative Instrument 2005 No. 7—
Superannuation (CSS) Continuing Contributions for Benefits Amendment Regulations 2005 (No. 1) [F2005L00146]*.
Superannuation Guarantee Ruling SGR 2005/1.
Superannuation Industry (Supervision) Act—Determination of requirements for an approved guarantee [F2005L00415]*.
Sydney Airport Curfew Act—
Dispensations granted under section 20—Dispensation No. 1/05 [20 dispensations].
Taxation Rulings—
TR 2005/2 and TR 2005/3.
Telecommunications Act—
Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2005 (No. 1) [F2005L00469]*.
Telecommunications (Freephone and Local Rate Numbers—Charities) Allocation Determination 2005 (No. 1) [F2005L00479]*.
Textile, Clothing and Footwear Strategic Investment Program Act—
Select Legislative Instrument 2005 No. 10—Textile, Clothing and Footwear Strategic Investment Program Regulations 2005 [F2005L00244]*.
Veterans’ Entitlements Act—
Repatriation Medical Authority Instruments Nos—
1 of 2005 [F2005L00397]*.
2 of 2005 [F2005L00398]*.
3 of 2005 [F2005L00399]*.
4 of 2005 [F2005L00400]*.
5 of 2005 [F2005L00401]*.
6 of 2005 [F2005L00406]*.
7 of 2005 [F2005L00407]*.
8 of 2005 [F2005L00409]*.
9 of 2005 [F2005L00410]*.
10 of 2005 [F2005L00412]*.
* Explanatory statement tabled with legislative instrument.

**Departmental and Agency Contracts**

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

- Departmental and agency contracts for 2004—Letters of advice—Human Services portfolio.

**Indexed Lists of Files**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

- Indexed lists of departmental and agency files for the period 1 July to 31 December 2004—Statements of compliance—
  - Agriculture, Fisheries and Forestry portfolio agencies.
  - Australian Trade Commission.
  - Comcare.
  - Family and Community Services portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Education: Undergraduate Nursing Courses
(Question No. 3113)

Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 30 July 2004:

(1) Why did the Minister support the axing of the undergraduate nursing education courses at the University of Sydney.

(2) (a) When did the Minister first receive advice that the university was considering axing the courses; and (b) who provided that advice.

(3) When did the Minister receive a request to formally approve the axing.

(4) Was the Minister’s decision supported by: (a) the Dean of Nursing at the University of Sydney; (b) the Sydney University Nursing Society; and (c) the National Indigenous Postgraduate Association Aboriginal Corporation.

(5) How many students are currently enrolled in the Bachelor of Nursing (Indigenous Australian Health) course at the University of Sydney.

(6) How many Indigenous students are enrolled in the course.

(7) Does the Minister guarantee the continuation of the course; if so, on what basis; if not, why not.

(8) (a) What impact will the decision have on postgraduate nursing education at the University of Sydney; and (b) how was the expected impact assessed.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) The Minister agreed to the proposal put to him for the transfer of undergraduate nursing places from the University of Sydney to two other universities in Sydney because the interests of currently enrolled students are being protected (they will still be able to achieve University of Sydney degrees); the Indigenous nursing course will be protected, and the proposal will allow universities to build on their respective individual strategic directions.

(2) (a) The possibility of the transfer of places was raised with the Minister in March ahead of a meeting with the Vice-Chancellors of the University of Sydney, the University of Technology, Sydney and Charles Sturt University on 18 March 2004.

(b) The three Vice-Chancellors put the proposal.

(3) The first formal proposal for a transfer of all undergraduate nursing places from the University of Sydney to the University of Technology Sydney and the Australian Catholic University in Sydney was received by the Minister on 8 June 2004, from Vice Chancellors Gavin Brown (University of Sydney), John Cameron (acting VC of ACU) and Ross Milbourne (UTS).

(4) (a) (b) and (c) Proposals relating to funding for universities were discussed with Vice-Chancellors. However the Minister did consult with nursing representatives and unions.

(5) There were 7 students enrolled in the Bachelor of Nursing (Indigenous Australian Health) (IAH) course in 2003 (most recent data available). Student load in the course was 6 EFTSL.

(6) There were 3 Indigenous students enrolled in the IAH course in 2003 (most recent data available). Indigenous student load in the course was 2.6 EFTSL.
(7) The Minister has agreed to the transfer of undergraduate nursing places conditional on continuation of the Bachelor of Nursing (Indigenous Australian Health).

(8) (a) The University of Sydney argues that the transfer of its undergraduate nursing places is designed to enable the University to develop a suite of graduate-entry, postgraduate and specialised Nursing courses underpinned by a more research-active staffing profile. It will refocus its student profile and develop its research productivity.

(b) Preliminary modelling of the impact on the Faculty’s budget and its staffing numbers has been undertaken by the Dean of the University of Sydney, with the assistance of the Planning Office.

Commonwealth Ombudsman: Complaint Process
(Question No. 6)

Senator Brown asked the Minister representing the Prime Minister, upon notice, on 16 November 2004:

With reference to a letter dated 17 September 2003 sent by Mr D Brown of Ocean Reef, Western Australia, to the Commonwealth Ombudsman, Professor John McMillan, in which he specified six alleged irregularities in the conduct of the ombudsman, and asked for a detailed response to each complaint:

(1) Has the ombudsman received this letter; if so, has he responded to the complaints made in the letter; if not, when will a response be made.

(2) Does the Office of the Commonwealth Ombudsman respond to complaints made about the office itself, whether or not these are the basis of a formal complaint about a particular individual within the office.

(3) Has the Office of the Commonwealth Ombudsman established a benchmark time frame for responding to complaints about the office.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) I am advised by the Commonwealth Ombudsman’s Office that the Commonwealth Ombudsman has written to Senator Brown providing an overview of his involvement in Mr Brown’s complaint.

(2) and (3) The Ombudsman’s service charter includes a policy on the conduct of reviews into complaints about the office and response standards for correspondence. The Commonwealth Ombudsman’s Office has advised that in some cases where complainants do not accept a decision not to investigate (or investigate further) it is sometimes necessary for the Commonwealth Ombudsman’s Office to inform those complainants that it will no longer respond to their correspondence, except where the Commonwealth Ombudsman’s Office is satisfied that the correspondence raises new evidence or a new issue.

Health: Investment Review of Health and Medical Research
(Question No. 22)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 15 November 2004:

(1) When will the report resulting from the Investment Review of Health and Medical Research be made public.

(2) What are the reasons for the delay in the publication of the report.

(3) What plans does the Government have to implement the recommendations of the report.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
(1) (2) and (3) I announced the public release of the Report of the Investment Review of Health and Medical Research on 9 December 2004. A copy of my Press Release of 9 December on this matter is attached.


Fisheries: Basslink
(Question No. 28)

Senator Allison asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 16 November 2004:

(1) Has Basslink Pty Ltd prepared a code of conduct for commercial and recreational fishing activities, as is required for approval of the Basslink project; if so; (a) has the code been approved; and (b) can a copy of the code be provided.

(2) With which fishing groups and individuals did the proponents consult when developing the code.

(3) If consultations did not include Gippsland fishers such as those from Yarram, McLaughlin’s Beach and Lakes Entrance, why were these groups not consulted.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Yes, Basslink Pty Ltd has a voluntary Code of Conduct developed and agreed by the fishing groups listed in part 2. A copy is attached.

(2) The following 20 fishing groups were consulted when developing the Code of Conduct:

- Lakes Entrance Fishermen’s Co-operative
- McLoughlin’s Beach Progress Press Association Inc
- Seafood Industry Victoria
- Southern Shark and Gillnet Fisherman’s Association
- South East Trawl Fishing Association Ltd
- South East Non Trawl Association
- Tasmanian Game Fishing Association
- Tasmanian Fishing Industry Council
- Tasmanian Marine Recreational Fishing Council
- VRFish
- Victorian Game Fishing Club
- Victorian Ocean Scallop Association
- Victorian Fishing Industry Council
- Richey Fishing Co
- Commonwealth Fishing Association
- Tidal Princess Charters
- Australian Government Department of Agriculture, Fisheries and Forestry
- Australian Government Department of the Environment and Heritage
- Australian Fisheries Management Authority
- Australian Seafood Industry Council

QUESTIONS ON NOTICE
(3) As listed in part (2) there were three major groups from the Gippsland area consulted. These were:

- Lakes Entrance Fishermen’s Co-operative
- McLoughlin’s Beach Progress Press Association Inc
- Tidal Princess Charters (based in Yarram)

Gippsland fishers would also have been represented in several of the other groups listed in part 2.
QUESTIONS ON NOTICE
Howard Government: Energy White Paper
(Question No. 37)

Senator Allison asked the Minister representing the Prime Minister, upon notice, on 16 November 2004:

(1) Did the Prime Minister receive a letter dated 18 May 2004 from Federation Fellowship holders recommending that the Government include in its Energy White Paper the following fundamental policy principles: (a) raising subsidies for the installation of photovoltaics or solar hot water systems; and (b) actively stimulating both fundamental research and the commercialisation of renewable energy products.

(2) Given that the Federation Fellows are recognised as being at the forefront expertise in scientific research, what steps did the Prime Minister take to ensure the Fellows’ recommendations were taken into account in the development of the Energy White Paper.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) A large number of submissions to government were made in the lead up to the Energy White Paper raising a range of issues. The government took these into account in developing the policy approach outlined in ‘Securing Australia’s Energy Future’. The Energy White Paper strategy is focused on promoting commercialisation and demonstration of renewables and other low emission technologies and addressing specific barriers to the uptake of renewables in the market.

The Energy White Paper contains a number of measures aimed at increasing the development of renewable energy technologies such as: $100 million for commercialisation and development of renewable energy technologies; $34 million to address specific barriers impeding the uptake of renewable energy; and $75 million for the Solar Cities trials which will demonstrate the potential that solar electricity can play in helping to meet Australia’s future energy needs. The $500 million Low Emission Technology Fund will support industry-led projects that demonstrate low emission technology, including renewable technologies that can make a significant difference to Australia’s greenhouse gas signature in the longer term.

Defence: Computing and Information Technology Equipment
(Question No. 66)

Senator Chris Evans asked the Minister for Defence, upon notice, on 17 November 2004:

(1) What was the value of computing and information technology equipment purchased by Defence in each month of the 2003-04 financial year.

(2) Is all of this equipment now in use within Defence.

(3) Is any of the equipment not in use and instead in storage; if so, how much of the equipment is in storage (that is, how many monitors, personal computers, printers etc).

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

(1) The following amounts were published in the Commonwealth Gazette under ANZASS Code 452:

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<th>Month</th>
<th>Value ($)</th>
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<td>July 2003</td>
<td>6,811,606</td>
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<tr>
<td>August 2003</td>
<td>12,336,617</td>
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<td>September 2003</td>
<td>10,175,259</td>
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<tr>
<td>October 2003</td>
<td>9,513,224</td>
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<tr>
<td>November 2003</td>
<td>10,169,686</td>
</tr>
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</table>
(2) No.

(3) Defence manages a significant level of rolling stock to sustain its user base of over 80,000 people. I am not prepared to authorise the considerable expense involved in analysing the very large number of transactions required to provide precise numbers which, given the nature of Information and Communication Technology stock management, would be dated as soon as derived. However, it is possible to advise that the central store in Canberra as at 24 November 2004 held 1,400 personal computers, 4,000 monitors and 275 printers.

**Telstra: Universal Service Obligations**

(Question No. 69)

Senator Brown asked the Minister for Communications, Information Technology and the Arts, upon notice, on 18 November 2004:

With reference to a letter written by the Minister’s Senior Policy Adviser, David Kelly, to Ms Margaret Hale of Bateau Bay, New South Wales, regarding the slow Internet speeds of 12 kbps experienced by Ms Hale because of obsolete telecommunication connections:

(1) Did Mr Kelly indicate that 19.2 kbps is the ‘absolute minimum’ standard.

(2) Did Mr Kelly indicate that a 64 kbps service is part of the universal service obligations that Telstra must meet.

(3) Did Mr Kelly refer the matter to Telstra.

(4) What percentage of customers must still rely upon the technology that Mr Kelly indicated was unsatisfactory.

(5) For what percentage of customers is Telstra still unable to meet its universal service obligations.

(6) What steps is Telstra taking to meet its obligations to all customers.

(7) Can the Government be satisfied that Telstra services to rural areas meet the minimum requirements for the full sale of the Government share of the organisation if the universal service obligations are not being fully met.

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

Mr David Kelly is the Senior Policy Adviser in the Office of the Deputy Prime Minister and was when he wrote to Ms Hale. He was not an adviser to the Minister for Communications, Information Technology and the Arts. Mr Kelly has indicated that he is unable to locate a copy of his letter to Ms Hale of 12 June 2002.

The then Minister for Communications, Information Technology and the Arts, Senator the Hon Richard Alston, wrote to Mr Ken Ticehurst MP, Member for Dobell (Ms Hale’s local Member) in May 2002, concerning the speed of Ms Hale’s dial-up internet service. The Department of Communications, Information Technology and the Arts responded to a further letter by Ms Hale in August 2003 that addressed the same issue.

### QUESTIONS ON NOTICE

<table>
<thead>
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<th>Value ($)</th>
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<td>May 2004</td>
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<tr>
<td>June 2004</td>
<td>8,055,333</td>
</tr>
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</table>
(1) As noted above, Mr Kelly has indicated that he has been unable to locate a copy of his letter to Ms Hale. The Department of Communications, Information Technology and the Arts in its letter of August 2003 advised Ms Hale that, “The IAP is aimed at ensuring Internet users can achieve a minimum Internet throughput over Telstra’s fixed line network, equivalent to 19.2 kbps, no matter where they live or conduct business. This is irrespective of Telstra’s use of pair gain systems”.

(2) As noted above, Mr Kelly has indicated that he has been unable to locate a copy of his letter to Ms Hale. The Department of Communications, Information Technology and the Arts in its letter of August 2003 advised Ms Hale that, “As a safeguard for Australians seeking access to faster services, particularly to access the Internet, the Government introduced the DDSO in 1999. It ensures a 64 kbps ISDN or comparable one-way satellite service is available upon request and payment of applicable charges”.

(3) It does not appear that Mr Kelly referred the matter to Telstra.

(4) As noted above, Mr Kelly has indicated that he has been unable to locate a copy of his letter to Ms Hale. Telstra has advised the Department of Communications, Information Technology and the Arts that, at the time of her correspondence to the Deputy Prime Minister in 2002, Ms Hale was serviced by a 4 digital pair gain system (4DPGS). Ms Hale’s service was transposed from this system onto a direct copper line after she contacted the IAP in July 2003, providing her with a data speed of 44 kbps. As at 1 November 2004, there were 22,904 customer telephone services connected to 4DPGS equipment. This represents approximately 0.2 percent of Telstra fixed-line telephone customers, all of whom are eligible to request the minimum equivalent data throughput of 19.2 kbps through the Internet Assistance Program.

(5) The USO relates to the standard telephony service. The Australian Communications Authority (ACA) has advised that in response to its annual request for data, Telstra confirmed that it did not refuse to connect any Standard Telephone Service in the 2003-04 financial year.

(6) Telstra advises that it maintains extensive systems to ensure it complies with its obligations to all customers. Compliance reporting and monitoring is also undertaken by the ACA. Consumers who believe that Telstra is not meeting its regulatory obligations should contact the Telecommunications Industry Ombudsman or the ACA.

(7) It is the Government’s long standing policy to fully privatise Telstra. The Government has consistently stated that any further sale of the remaining share holding is conditional on satisfactory arrangements being in place to provide for the delivery of adequate services to all Australians. The RTI was established to report on whether telecommunications services in regional, rural and remote Australia are adequate and the arrangements that should be put in place to ensure that all Australians continue to share in the benefits of further service improvements and developments in technology.

Australian Indigenous Communications Association

(Question No. 72)

Senator Brown asked the Minister for Communications, Information Technology and the Arts, upon notice, on 17 November 2004:

With reference to the letter sent to the then Minister, the Hon Daryl Williams, on 30 May 2004 by the Australian Indigenous Communications Association, which included 19 requests for an undertaking by the Minister in relation to the department taking over responsibility for Indigenous broadcasting and other Indigenous media from the Aboriginal and Torres Strait Islander Commission:

(1) Has the Minister responded to each of the points raised; if not, which responses are still outstanding.
(2) Which of the requested undertakings has the Government: (a) agreed to; and (b) declined.

(3) Subsequent to receipt of the letter, has there been any meeting between representatives of the association and: (a) the previous or current Minister; (b) ministerial advisers; and (c) officers of the department

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

(1) and (2) I responded to the issues raised in the letter of 30 May 2004 from Ms Ella Geia, the Chairperson of the Australian Indigenous Communications Association (AICA), on the 30 November 2004.

(3) (a) Yes.
   (b) Yes.
   (c) Yes.

Iraq
(Question No. 90)

Senator Brown asked the Minister representing the Prime Minister, on notice, on 17 November 2004:

(1) Has the Government provided any funding for the reconstruction of Iraq; if so: (a) how much; (b) when was it allocated; and (c) to which fund in Iraq was it allocated.

(2) If funding has been provided: (a) who oversaw the distribution of the funds; (b) how much has been expended to date; (c) what oversight and bidding requirements were placed on the distribution of that funding by the Australian Government; (d) what activities and projects have been funded; (e) which companies have been successful tenderers for that funding in Iraq; and (f) has Halliburton been the recipient of any of that funding; if so: (i) how much, and (ii) for what purpose.

(3) Has there been an audit of the fund into which any Australian funds were deposited under the Coalition Provisional Authority; if so, will the Prime Minister release the audit; if not, will the Prime Minister request such an audit.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a) The Government has committed $126 million for the reconstruction of Iraq.
   (b) $55.5 million was allocated to United Nations agencies, international organisations and NGOs in 2003 to help meet Iraq’s immediate humanitarian needs. A further $70.9 million was subsequently allocated in 2003 and 2004 for activities in the agriculture sector, to support a range of governance-related activities and through multilateral organisations.
   (c) The only specific fund supported by Australia has been the multi-donor International Reconstruction Fund Facility for Iraq (IRFFI). $20 million was pledged in October 2003, with a further $4.8 million allocated in June 2004. Both amounts have been paid.

(2) (a) IRFFI is oversighted by the United Nations and the World Bank. Individual donors and the Iraqi Interim Government also provide oversight. IRFFI and other funding provided bilaterally are also oversighted by AusAID and the DFAT-chaired Iraq Task Force.
   (b) $109,064,418 of the $126 million commitment has been expensed as at 30 November 2004.
   (c) Reconstruction funding for Iraq is monitored by AusAID and all tendering arrangements are in accordance with Commonwealth Procurement Guidelines.
   (d) Humanitarian and relief funding to Iraq ($55.5m) has comprised support for United Nations programs and Australian NGOs to respond to immediate relief and humanitarian needs, including medical support, water and sanitation, and child protection.
Reconstruction funding to Iraq has included provision of technical assistance and policy advice in the agriculture sector where Australian advisers have played an important role in re-establishing this Ministry. Australian advisers have also worked in planning and donor coordination, governance and human rights, economic development, and water and sanitation. Over 30 Australian advisers have worked in Iraq to date.

In-Australia training programs have also been conducted for Iraqi officials from the Ministries of Agriculture, Trade, Human Rights and the Foreign Ministry. Australian police trainers have been seconded to a Police Training College in Jordan supporting the training of Iraqi police recruits.

(e) SAGRIC International Pty Ltd manages Australian advisory inputs and training programs for Iraq. Another company, CRG (Australia), is contracted to provide security services and associated logistics.

Other companies that have been awarded minor contracts for advisory and logistics services are:

- * RADPAC Pty Ltd*
- * GRM International Pty Ltd*
- * AWB Ltd*
- * Dean Wallace Associates*
- * Monapilla Pty Ltd*
- * Blake Dawson Waldron*
- * HK Shipping Pty Ltd*
- * Centre for International Economics*
- * URS Australia Pty Ltd*
- * Denis Paterson and Associates*
- * Lengano Pty Ltd*
- * Lengano Pty Ltd*

(f) Halliburton has not received any Australian aid funding.

(3) ANAO conducts an annual audit of AusAID’s financial statements. No Australian funds have been deposited into any fund under the Coalition Provisional Authority.

**Family and Community Services: Advertising Campaign**

(Question No. 110)

Senator Faulkner asked the Minister for Family and Community Services, upon notice, on 19 November 2004:

With reference to the Keeping the System Fairer advertising campaign:

1. For each of the financial years, 2003-04 and 2004-05: (a) what is the cost of this advertising campaign; and (b) what is the breakdown of these advertising costs for: (a) television (TV) placements; (b) radio placements; (c) newspaper placements; (d) printing and mail outs; and (e) research.

2. What: (a) creative agency or agencies; and (b) research agency or agencies; have been engaged for the campaign.

3. When will the campaign begin, and when is it planned to end.

4. If there is a mail out planned, to whom will it be targeted and what database will be used to select addresses – the Australian Taxation Office database, the electoral database or other.

5. (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

6. Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
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(7) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (6) above; if so, what are the details of that drawing right.

(8) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

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

With reference to the Keeping the System Fair advertising campaign:

(1) For each of the financial years, 2003-04 and 2004-05: (a) the cost is nil for 2003-04 and $5 million for 2004-05 (b) the breakdown of advertising costs has not yet been determined.

(2) A creative agency and research agency have not yet been selected.

(3) The campaign start and finish dates have not yet been determined.

(4) It has not been determined whether or not a mail out will be conducted.

(5) (a), (b) and (c) The department will use 2004-05 departmental appropriations to authorise payments; (d) there is no particular line item in the Portfolio Budget Statement. Appropriations will be spread between Outcomes 1 and 3.

(5) No.
(6) No.
(7) No.

Family and Community Services: Advertising Campaign

(Question No. 111)

Senator Faulkner asked the Minister for Family and Community Services, upon notice, on 19 November 2004:

With reference to the Philanthropy advertising campaign:

(1) For each of the financial years, 2003-04 and 2004-05: (a) what is the cost of this advertising campaign; and (b) what is the breakdown of these advertising costs for: (a) television (TV) placements; (b) radio placements; (c) newspaper placements; (d) printing and mail outs; and (e) research.

(2) What: (a) creative agency or agencies; and (b) research agency or agencies; have been engaged for the campaign.

(3) When will the campaign begin, and when is it planned to end.

(4) If there is a mail out planned, to whom will it be targeted and what database will be used to select addresses – the Australian Taxation Office database, the electoral database or other.

(5) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(6) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(7) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (6) above; if so, what are the details of that drawing right.
(8) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

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

(1) (a) $61,400 was expended in 2003-04 for formative research. There will be no advertising campaign (b) Not applicable.

(2) (a) None. (b) Eureka Strategic Research undertook the formative research.

(3) The interim report from the philanthropy research was provided to the Department in January 2005, and a final report is due in November 2005. It is proposed to launch the communication strategy for Workplace Giving in mid 2005.

(4) Not applicable.

(5) (a) The Community Business Partnership appropriation will be used. (b) Funds from 2003-04 were used for the formative research. (c) Funds relate to an administered item. (d) Outcome 2, Output Group 2.2.

(6) No.

(7) Not applicable.

(8) No.

**Prime Minister and Cabinet: Advertising Campaign**

(Question No. 122)

**Senator Faulkner** asked the Minister representing the Prime Minister, upon notice, on 19 November 2004:

(1) Not including any advertising campaigns contained in questions on notice nos 2960 to 2979, for each of the financial years, 2003-04 and 2004-05 to date: (a) what is the cost of any current or proposed advertising campaign in the department; (b) what are the details of the campaign, including: (a) creative agency or agencies engaged; (b) research agency or agencies engaged; (c) the cost of television advertising; (d) the cost and nature of any mail out; and (e) the full cost of advertising placement.

(2) When will the campaign begin, and when is it planned to end.

(3) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; if so, what are the details of that drawing right.

(6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

**Senator Hill**—The Prime Minister has provided the following answer to the honourable senator’s question:
(1) There are no campaigns currently proposed for 2003-04 or 2004-05.
   (a) Not applicable.
   (b) Not applicable.
   (c) Not applicable.
   (d) Not applicable.
   (e) Not applicable.

(2) Not applicable.

(3) Not applicable.

(4) Not applicable.

(5) Not applicable.

(6) Not applicable.

Foreign Affairs: Advertising Campaign
(Question Nos 125 and 127)

Senator Faulkner asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 19 November 2004:

(1) Not including any advertising campaigns contained in questions on notice nos 2960 to 2979, for each of the financial years, 2003-04 and 2004-05 to date: (a) what is the cost of any current or proposed advertising campaign in the department; (b) what are the details of the campaign, including: (a) creative agency or agencies engaged; (b) research agency or agencies engaged; (c) the cost of television advertising; (d) the cost and nature of any mail out; and (e) the full cost of advertising placement.

(2) When will the campaign begin, and when is it planned to end.

(3) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; if so, what are the details of that drawing right.

(6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs and the Minister for Trade to the honourable senator’s question:

(1) (a) No campaigns proposed.
     (b) (a) None.
     (b) None.
     (c) Nil.
(d) No mail out is planned.
(e) Nil

(2) No campaigns proposed.

(3) (a) None.
(b) No.
(c) None.
(d) Not applicable.

(4) No.
(5) No.
(6) No.

Defence: Advertising Campaign
(Question No. 126)

Senator Faulkner asked the Minister for Defence, upon notice, on 19 November 2004:

(1) Not including any advertising campaigns contained in questions on notice nos 105 to 121, for each of the financial years, 2003-04 and 2004-05 to date: (a) what is the cost of any current or proposed advertising campaign in the department; (b) what are the details of the campaign, including: (a) creative agency or agencies engaged; (b) research agency or agencies engaged; (c) the cost of television advertising; (d) the cost and nature of any mail out; and (e) the full cost of advertising placement.

(2) When will the campaign begin, and when is it planned to end.

(3) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; if so, what are the details of that drawing right.

(6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

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

(1) See attached table.

(2) The Australian Defence Force recruitment campaigns are ongoing. The Australian Defence Force Reserves Employer Support campaign will commence in early 2005 and will conclude at a time to be determined.

(3) (a) Defence uses the annual departmental appropriation on payments for the annual recruitment campaigns and the Reserves Employer Support campaign.
(b) Payments are made from each year’s appropriations. In the case of the annual recruitment campaigns, payments will be made from each year’s appropriations. In the case of the Reserves Employer Support campaign, payments will be made from the 2004-05 appropriations.

(c) Payments on the recruitment campaigns and Reserves Employer Support campaigns relate to a departmental item.

(d) The relevant line item is Suppliers Expenses.

(4) No.

(5) No.

(6) No.
 Senate Question on Notice No. 126 (Faulkner)

Part (1)

Advertising Campaigns – 2003-04

<table>
<thead>
<tr>
<th>Name of campaign</th>
<th>(1) (a) cost of campaign</th>
<th>(1) (b) details of campaign</th>
<th>(ii) research agency</th>
<th>(iii) cost of television advertising</th>
<th>(iv) cost &amp; nature of mail out</th>
<th>(v) advertising placement – full cost</th>
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<td>Australian Defence Force (ADF)</td>
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<td>Young and Rubicam Melbourne</td>
<td>Horizon Research Open Mind Research Woolcott Research</td>
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<td>recruitment campaigns</td>
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</table>

Proposed Advertising Campaigns – 2004-05

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<th>(1) (b) details of campaign</th>
<th>(ii) research agency</th>
<th>(iii) cost of television advertising</th>
<th>(iv) cost &amp; nature of mail out</th>
<th>(v) advertising placement – full cost</th>
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<tbody>
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<td>ADF recruitment campaigns</td>
<td>$14.25m</td>
<td>Young and Rubicam Melbourne</td>
<td>Horizon Research Open Mind Research Woolcott Research</td>
<td>$5.85m</td>
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<td>$12.86m</td>
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<td>ADF Reserves Employer Support</td>
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<td>To be confirmed</td>
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<td>campaign</td>
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Attorney-General’s: Advertising Campaign
(Question No. 129)

Senator Faulkner asked the Minister representing the Attorney-General, upon notice, on 19 November 2004:

(1) Not including any advertising campaigns contained in questions on notice nos 105 to 121 for each of the financial years, 2003-04 and 2004-05 to date:
(a) what is the cost of any current or proposed advertising campaign in the department;
(b) what are the details of the campaign, including:
   (a) creative agency or agencies engaged;
   (b) research agency or agencies engaged;
   (c) the cost of television advertising;
   (d) the cost and nature of any mail out;
   (e) the full cost of advertising placement.

(2) When will the campaign begin, and when is it planned to end.

(3) (a) what appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign;
(b) will those appropriations be made in the 2003-04 or 2004-05 financial year;
(c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and
(d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so what are the details of that request; and against which particular appropriation is it requested that the money be paid.

(5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; is so; what are the details of that drawing right.

(6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration as part of the advertising campaign.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) (a) Nil response.
   (b) Nil response.
   (c) Nil response.
   (d) Nil response.
   (e) Nil response.

(2) Nil response.

(3) (a) Nil response.
   (b) Nil response.
   (c) Nil response.
Family and Community Services: Advertising Campaign  
(Question No. 134)

Senator Faulkner asked the Minister for Family and Community Services, upon notice, on 19 November 2004:

(1) Not including any advertising campaigns contained in questions on notice nos 105 to 121, for each of the financial years, 2003-04 and 2004-05 to date: (a) what is the cost of any current or proposed advertising campaign in the department; (b) what are the details of the campaign, including: (a) creative agency or agencies engaged; (b) research agency or agencies engaged; (c) the cost of television advertising; (d) the cost and nature of any mail out; and (e) the full cost of advertising placement.

(2) When will the campaign begin, and when is it planned to end.

(3) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; if so, what are the details of that drawing right.

(6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

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

(1) to (6) Apart from the advertising campaigns referred to in questions on notice nos 105 to 121, in which separate responses have been provided, there are no other current or proposed campaigns in the Department.

Employment and Workplace Relations: Advertising Campaign  
(Question No. 136)

Senator Faulkner asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 19 November 2004:

(1) Not including any advertising campaigns contained in questions on notice nos 105 to 121, for each of the financial years, 2003-04 and 2004-05 to date: (a) what is the cost of any current or proposed advertising campaign in the department; (b) what are the details of the campaign, including: (a) creative agency or agencies engaged; (b) research agency or agencies engaged; (c) the cost of television advertising; (d) the cost and nature of any mail out; and (e) the full cost of advertising placement.
(2) When will the campaign begin, and when is it planned to end.

(3) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; if so, what are the details of that drawing right.

(6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

In the financial year 2003-04, the expenditure on advertising campaigns was $605,579.29. In this financial year to date, no campaigns have been undertaken and none are planned. The 2003-04 expenditure relates to a “Job Network Employer Campaign” which was approved by the Ministerial Committee on Government Communications (MCGC) on December 10, 2003. The campaign aimed to encourage employers in particular industry segments to choose Australian Government employment services including Job Network and JobSearch services for their recruitment activities.

Details of the campaign are as follows:

(i) creative agency or agencies used - Lavender
(ii) research agency or agencies engaged - NFO Donovan; Wallis Consulting; TNS social research
(iii) cost of television advertising – Nil (no television advertising occurred)
(iv) the cost and nature of any mail out – Nil (no mail out occurred)
(v) the full cost of advertising placement - $396,099.20

The advertisements appeared primarily in relevant trade magazines in the six months following approval by MCGC. The campaign was funded through departmental appropriations over the 2003-04 financial year. No request was made of the Minister for Finance and Administration to issue a drawing right as the appropriate drawing rights were already in place.

The line item in the relevant Portfolio Budget Statement is “Suppliers” - refer to Table 3.1 (Portfolio Budget Statement - Employment and Workplace Relations Portfolio, 2003-04 PBS p52).

Arts: Cultural and Artistic Property

(Question No. 146)

Senator Greig asked the Minister for the Arts and Sport, upon notice, on 25 November 2004:

With reference to the maintenance and conservation of the Commonwealth’s cultural and artistic property and art collection:
(1) Are external or private contractors used by the Commonwealth in the maintenance and conservation of the Commonwealth’s cultural and artistic property and 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 Commonwealth maintain a register of preferred contractors for the maintenance and conservation of its cultural and artistic property and 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 the Commonwealth’s cultural and artistic property and art collection; if so, on what grounds.

(4) Is the Minister aware of any full-time or part-time Commonwealth or state public servants being granted contracts for work on the Commonwealth’s cultural and artistic property and art collection.

(5) Is the Minister satisfied that the tendering process for work on the maintenance and conservation of the Commonwealth’s cultural and artistic property and 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 instance 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 Commonwealth 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 the Commonwealth’s cultural and artistic property and art collection.

(10) Are tenders for work on the Commonwealth’s cultural and artistic property and 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 the Commonwealth’s cultural and artistic property and 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 the Commonwealth’s cultural and artistic property and art collection; if so, how.

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

This response refers only to cultural and artistic property under the control or ownership of agencies within the Communications, Information Technology and the Arts portfolio. It does not include property or collections which are the responsibility of other Australian Government Agencies such as CSIRO, ANU or the Parliament House Art Collection.

(1) Yes – Relevant portfolio agencies and organisations including National Archives of Australia, National Museum of Australia, National Library of Australia, Artbank, Old Parliament House/National Portrait Gallery, National Gallery of Australia, Australian Film Commission and Bundanon Trust use external or private contractors for maintenance and conservation of the Common-
monwealth’s cultural and artistic property and art collection. The extent to which agencies rely on external contractors varies substantially between agencies. Agencies take account of the Commonwealth Procurement Guidelines including use of a tendering system when required. Relevant portfolio agencies have indicated that providing copies of their tendering documents would be a resource intensive exercise.

(2) No, the Commonwealth does not maintain a central register of preferred contractors for agencies within the portfolio. It is a matter for individual agencies to determine any requirements for maintaining a register.

(3) Collaboration between agencies in the preservation and conservation of cultural and artistic property is encouraged. In respect of individual public servants, processes are determined by individual agencies with reference to the Commonwealth Procurement Guidelines or other relevant policies. While agencies may not specifically preclude public servants from submitting tenders, they would be required to disclose any conflict of interest.

(4) No.

(5) Yes, relevant portfolio agencies are required to take account of the Commonwealth Procurement Guidelines and relevant policies and report annually on the compliance requirements.

(6) Relevant portfolio agencies advise that insurance requirements are determined in line with contract requirements, relevant policies and the nature of the work to be undertaken.

(7) The relevant portfolio agencies advise that there have been no instances in which insurance requirements have been waived.

(a) Not applicable
(b) Nil
(c) Not applicable

(8) It is a matter for individual agencies to determine whether to review their insurance requirements having regard to relevant whole of government procurement and insurance policy frameworks.

(9) Some individual agencies advise they have considered the impact of insurance.

(10) Relevant portfolio agencies report on their compliance with Commonwealth procurements and competitive tendering requirements in their annual reports.

(11) Yes, relevant portfolio agencies are guided by the AICCM code.

(12) Yes, relevant portfolio agencies follow Australian Government competitive neutrality guidelines.

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**Education: National Safe Schools Framework Grants**

(Question No. 148)

**Senator Allison** asked the Minister representing the Minister for Education, Science and Training, upon notice, on 30 November 2004:

1. Which schools received National Safe Schools Framework (NSSF) grants in 2004.
2. Which schools will receive NSSF grants in 2005.
3. When will the 2004 grants be evaluated.

**Senator Vanstone**—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

1. (2) and (3) The National Safe Schools Framework (NSSF) Best Practice Grants project is one of the measures the Australian Government has instigated to support the implementation of the NSSF. The Project is being managed by the Alannah and Madeline Foundation (AMF) with support from the National Coalition Against Bullying. It involves schools - either individually or in clusters - se-
lecting, implementing and showcasing effective, evidence based best practice programmes to address bullying, harassment, violence, child abuse, neglect prevention and intervention strategies. Individual schools have received a grant of up to $5,000 and clusters have received a grant of up to $20,000.

168 schools across Australia were selected to participate in the Australian Government’s NSSF best practice grants project. A list of successful schools is attached (Attachment A).
The grants apply to the period July 2004 to December 2005 and were made as a once only payment to schools. All grants have now been expended by the AMF.
The AMF will provide a Project Schools NSSF Best Practice Report to the Department upon completion of the project in December 2005. The report will be a synthesis of key findings and significant learnings of project schools, including approaches and outcomes used and individual case studies of project schools. The report will be disseminated to all schools to help them to refine their programmes and strategies to suit local circumstances.

ATTACHMENT A
National Safe Schools Framework (NSSF) Best Practice Grant Schools

NEW SOUTH WALES
Asquith Girls High School
Balmain Public School
Birchgrove Public School
Brookvale Public School
Chatham High School, Taree
Cherrybrook Technology High School
Covenant Christian School
Engadine Public School
Forbes North Public School
Heathcote Public School
John Wycliffe Christian School
Holy Spirit College
Illawarra Christian School – Tongarra Campus
Illawarra Christian School – Cordeaux Heights
Lake Cargelligo Central School
Nicholson Street Public School, Balmain East
Nowra High School
Red Bend Catholic College, Forbes
Rozelle Public School
St Agatha’s Primary School
St Finbarr’s, Byron Bay
St John’s Primary School, Mullumbimby
St Joseph’s Primary School, Woodburn
St Maroun’s College, Dulwich Hill
St Peter’s Catholic College, Tuggerah

QUESTIONS ON NOTICE
Southern Highlands Christian School
Speers Point Public School
Sussex Inlet Public School

WESTERN AUSTRALIA
Avonvale Primary School
Braeside Primary School
Broomehill Primary School
Coodanup Community College
Donnybrook District High School
Halls Head Community College
Hampton Park Primary School
John Forrest Senior High School, Morley
Katanning Primary School
Katanning Senior High School
Mandurah High School
Mirrabooka Primary School
Mirrabooka Senior High School
Mirrabooka Education Support Centre
Pinjarra Primary School
Pinjarra Senior High School
Weld Square Primary School
Westminster Junior Primary School
West Northam Primary School
Woodanilling Primary School
Yakamia Primary School, Albany

TASMANIA
Acton Primary School
Bridgewater Primary School
Bridgewater High School
Brighton Primary School
East Ulverstone Primary School
Forth Primary School
Latrobe High School
Lindisfarne North Primary School
Montello Primary School
Mount Faulkner Primary School
Oatlands District High School
Ogilvie High School
Parklands High School
Penguin Primary School
Riana Primary School
Sprent Primary School
Ulverstone Primary School
Upper Burnie Primary School
West Ulverstone Primary School
Wilmot Primary School

NORTHERN TERRITORY
Bakewell Primary School
Bradshaw Primary School
Casuarina Street Primary School, Katherine
Clyde Fenton Primary School
Darwin Adventist Primary School
Dripstone High School
Gillen Primary School
Gray Primary School
Katherine South Primary School
Moulden Park Primary School
O’Loughlin Catholic College
Parap Primary School
Ross Park Primary School
Sadadeen Primary School
Stuart Park Primary School
Tennant Creek Primary School
Tennant Creek High School

VICTORIA
Adass Israel School
Altona Gardens Primary School
Aspendale Gardens Primary School
Baringa Special School, Moe
Binbadeen Primary School
Commercial Road Primary School, Morwell
The Currajong School
Donburn Primary School
Geelong Grammar School (Glamorgan)
Jamieson Primary School
Maldon Primary School
Mansfield Primary School
Mansfield Secondary College
QUESTIONS ON NOTICE

Merrijig Primary School
Milgate Primary School
Morwell Primary School
Plenty Valley Montessori School
Scotch College
St Joseph’s College, Ferntree Gully
Stawell West Primary School
Stonnington Primary School
Templestowe Heights Primary School
Westbourne Grammar School

QUEENSLAND
Biboohra State School
Cairns Adventist School
Carlisle Christian College, Mackay
Emerald State High School
Glenmorgan State School
The Gums State School
Hannaford State School
Innisfail State School
Kuluin State School
Mareeba State School
Maroochydore State School
Maroochydore State High School
Marsden State School
Meandarra State School
Moonie State School
Mountain Creek State School
Pacific Paradise State School
Riverside Christian School, Townsville
Rochedale State High School
Rochedale South State School
St. Margaret’s Anglican Girls School
St. Joseph’s School, Tara
Shalom Christian College
South Burnett Catholic College
South Johnstone State School
Tara State School
Teelba State School
Westmar State School
Windaroo Valley State High School
SOUTH AUSTRALIA
Allenby Gardens Primary School
Blanchetown Primary School
Cadells Primary School
Christian Brother College
Davoren Park Primary School
East Torrens Primary School
Findon High School
The Hills Montessori School
Morgan Primary School
O’Sullivan Beach Primary School
Pedare Christian College
Ramco Primary School
St Francis Primary School, Lockleys
St Patrick’s Primary School, Mansfield Park
Smithfield Plains Junior Primary School
Swallowcliffe Junior Primary School
Swallowcliffe Primary School
Waikerie Children’s Centre
Waikerie Primary School
Waikerie High School
Westport Primary School
Whitefriars Primary School
AUSTRALIAN CAPITAL TERRITORY
The Canberra College
Charnwood Primary School
Gowrie Primary School
Lyneham Primary School
Malkara School
Melba High School
North Ainslie Primary School
St Francis Xavier College

Environment: Southport Lagoon Conservation Area
(Question No. 153)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 1 December 2004:

With reference to the answer to question on notice no 1370 (Senate Hansard, 11 August 2003, p.13099)
(1) Is the Minister aware that: (a) a Forest Practices Plan (FPP) for a road through Southport Lagoon Conservation Area and Extension and private property (FPP No. RMS0090) expired on 30 June 2003; and (b) there is a FPP also numbered FPP RMS0090, but applying only to private property, represented as a variation of the original plan, which expires on 30 June 2005.

(2) What action will the Minister take to ensure that any works in the Southport Lagoon Conservation Area will be subject to assessment under the Environment Protection and Biodiversity Act 1999, particularly in relation to threats to the endangered swamp eyebright, for example, through damage from off-road vehicles, invasion by weeds and Phytophthora cinnamomi.

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

(1) (a) Yes; and (b) The Tasmanian Forest Practices Board has advised that a variation to Forest Practices Plan No. RMS0090 was prepared but has not come into force.

(2) Forestry activity undertaken in accordance with a Regional Forest Agreement is exempt from the provisions of the Environment Protection and Biodiversity Conservation Act 1999. Should any new work be proposed or undertaken other than in accordance with the Regional Forest Agreement, officers of my Department will examine whether such work requires approval under the Environment Protection and Biodiversity Conservation Act 1999.

**Australian Broadcasting Corporation: Complaints**

(Question No. 163)

**Senator Brown** asked the Minister for Communications, Information Technology and the Arts, upon notice, on 7 December 2004:

Of the 993 complaints about the Australian Broadcasting Corporation’s 2004 election coverage: (a) how many complained of political bias; and (b) of these, against which party or party leader was the bias claimed.

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

The ABC has advised that of the 993 contacts:

(a) 269 related to complaints alleging party political bias.
(b) 173 related to allegations of anti-government or pro-opposition bias; 69 related to allegations of pro-government or anti-opposition bias; and 27 related to other allegations of political bias.

**Environment: Seismic Surveys**

(Question No. 164)

**Senator Allison** asked the Minister for the Environment and Heritage, upon notice, on 7 December 2004:

With reference to seismic testing approvals:

(1) Did the Minister approve activities proposed by Santos Ltd, and contracted to Multiwave Geophysical Company’s seismic survey vessel, Pacific Titan, as detailed in a letter sent from Santos Ltd to the Australian Democrats, dated 8 November 2004.

(2) (a) Will the Minister provide details of the potential interactions with marine mammals that were considered within the assessment process required under the Environment Protection and Biodiversity Conservation Act 1999; (b) were impacts on any other marine animals considered within the assessment process for this activity; and (c) will the Minister provide details of all other seismic activities he has approved to be carried out in Australian waters during the period 8 November 2004 to 30 May 2005.

(3) Have aural cavity biopsies been undertaken, either by Commonwealth or state agencies, on any of the whales that beached themselves on Tasmania’s coast in November 2004; if not, will the Minis-
ter ensure such biopsies are done in order to assess the degree to which ocean noise may have played a part in the beachings and subsequent fatalities.

(4) Is the Minister aware of any evidence linking use of navy sonar or seismic activities to marine mammal strandings in Australian waters; if so, will the Minister provide details.

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

(1) The seismic survey by Santos Ltd in the Sorrell Basin off the west coast of Tasmania was referred under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) on 16 September 2004. A decision was made by the delegate on 14 October 2004 that the activity was not likely to have a significant impact and that approval is not needed under the EPBC Act.

(2) (a) The impact of seismic activity on cetaceans was considered as part of the assessment. (b) Yes. (c) Several such seismic exercises have been referred and considered under the EPBC Act. Details are available on the public website at http://www.deh.gov.au/epbc/.

(3) Not to my knowledge. Heads from a sample number of animals have been taken from each stranding by Tasmanian agencies. I understand that aural cavity biopsies are not proposed at this stage.

(4) There is no evidence linking use of navy sonar or seismic activities to marine mammal strandings in Australian waters.

Defence: Weapons and Ordnance
(Question No. 171)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 8 December 2004: With reference to weapons and ordnance unaccounted for by the Australian Defence Force (ADF) either through loss or theft:

(1) For each of the past 3 financial years, what was: (a) the date the items were lost; (b) the location from where the weapons and/or ordnance went missing; (c) the Service from which the weapons and/or ordnance went missing; (d) the type of weapons and/or ordnance lost; and (e) the specific use of the weapons and/or ordnance.

(2) What is the current replacement value in Australian dollars of the weapons and/or ordnance.

(3) Which weapons and/or ordnance are suspected of being: (a) lost; or (b) stolen.

(4) Were any weapons and/or ordnance recovered; if so, where were they recovered.

(5) Where weapons and/or ordnance have been recovered, and a theft is suspected, have charges been laid; if so, what convictions have been obtained.

(6) (a) What steps have been taken by the ADF to reduce the theft or loss of weapons and/or ordnance; and (b) can details be provided of the measurable outcomes of these steps to date.

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

(1) (2), (3), (4) and (5) Regrettably, despite strict controls, weapons are lost or stolen from the Australian Defence Force (ADF). Often these weapons are subsequently located. Records are not readily available on a financial year basis, but nine in-service weapons have been reported lost or stolen since February 2004. Of these nine weapons, one Steyr rifle and five Browning L9A1 9mm pistols have been recovered. In addition, a training grenade has been lost and recovered.

For details of weapons lost or stolen from the ADF prior to February 2004, refer to the response to Question W14 relating to the Additional Estimates Hearing 18 February 2004.

For explosive material stolen from Defence establishments, refer to the response to Senate Question on Notice No 1935, published 31 March 2004.

(6) The ADF utilises the Standard Defence Supply System to track movements of all ADF weapons by serial number. All ADF units are in the process of being connected to the system.
Since 1998, all major weapons and ammunition storage and repair facilities have been the subject of thorough security reviews. Smaller weapons and ammunition facilities are currently undergoing similar reviews.

In excess of 300 internal management audits of ADF unit armouries have been concluded.

Since the tragic events of 11 September 2001, Defence has focused additional resources on enhancing protective security. Much of that effort has been devoted to measures to further improve the security of weapons.

ADF unit armouries feature security measures such as intruder alarms linked to a response capability and surveillance arrangements.

**Workplace Relations: Australian Workplace Agreements**

(Question No. 177)

Senator Murray asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 9 December 2004:

1. Is it the intention of the Act that AWAs should be struck as a bargain between the employer and an individual employee; if not, what is the policy.

2. Is it the case that some AWAs are negotiated between the employer and the employee and therefore constitute a bargain.

3. (a) If an employer is offering an AWA on a ‘take it or leave it basis’, how can it be a bargain; (b) is it important for the Office of the Employment Advocate or the Act to distinguish between AWAs that are a bargain, and are therefore not imposed, and those that are not a bargain, where the risk of duress may be higher.

4. Does the Government believe that it is appropriate to ask an employee to sign an AWA determined by the employer without offering the employee the opportunity to negotiate its terms and conditions.

5. Are there any mechanisms in the Act to ensure that the employee has been given the opportunity to negotiate an AWA; if so, how are they enforced.

6. With reference to section 170VPA (1)(d) of the Act which essentially prohibits AWAs being signed under duress, by requiring that the ‘employee [has] genuinely consented to making the AWA’: (a) how is this section implemented and enforced; (b) are employees made aware of the section before they sign the AWA; (c) are employees informed how they go about informing authorities that they have indeed not genuinely consented to the AWA; and (d) what mechanisms are in place to ensure that employees are not being forced to sign their AWAs.

7. With reference to evidence given by Mr Hamberger at the Employment, Workplace Relations and Education Legislation Committee estimates hearings on 6 November 2003 (Hansard p. 23) referring to identical AWAs: (a) does the Minister agree that large numbers of individual AWAs that are identical are in fact collective agreements because all those employees are on the same terms and conditions; (b) would it not be easier to just certify a collective agreement with those terms that are in the AWAs; and (c) what is the reason for not doing this.

8. Does the Government acknowledge that in some cases AWAs are being misused and an inquiry into AWAs would be useful to ensure that AWAs are being implemented in the spirit in which they were first introduced, that is, to give an employer and an employee the flexibility to negotiate terms and conditions that meet both their needs.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

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QUESTIONS ON NOTICE
(1) The intention in introducing Australian workplace agreements (AWAs), was to provide more effective choice and flexibility for employers and employees in reaching agreements. Like certified agreements, AWAs are intended to meet the objective of placing primary responsibility for determining terms and conditions with employers and employees at the workplace. Unlike certified agreements, AWAs may be negotiated with employees on an individual or collective basis (but must be signed individually).

(2) Yes, some AWAs could be described as a ‘bargain’ reached between the employer and the employee.

(3) (a) The Workplace Relations Act 1996 contains approval requirements to protect employees, and employers, from duress in relation to AWAs. Existing employees cannot be offered an AWA as a condition of employment. New, or prospective, employees can be offered an AWA as part of the terms and conditions of the contract of employment. They can choose whether to take the position that has those terms and conditions.

(b) The Office of the Employment Advocate (OEA) ensures an AWA meets all the statutory requirements including those related to duress. The OEA must distinguish however between existing employees and prospective employees when applying the approval process.

(4) It is entirely appropriate for an employer to offer a position with particular terms and conditions of employment and this is what occurs where an employee is going to be covered by an award or a collective agreement that is already in the workplace. Though a prospective employee may well be offered an AWA as part of the contract of employment they are free to negotiate their terms and conditions of employment with the employer.

(5) The Act does not specify how employers and employees should negotiate, that would be overly prescriptive. The Act does require genuine consent on the part of the employee before approval of an AWA. There are procedural requirements that must be satisfied before an AWA can be approved including a consideration period for the employee. The Employment Advocate must be satisfied that:

- the agreement contains an anti-discrimination clause and dispute resolution procedure;
- the agreement does not include any provisions that prohibit or restrict one of the parties from disclosing details of the AWA to another person;
- the employee received a copy of the AWA at least the required number of days before signing the AWA (i.e. 14 days for existing employees and 5 days for new employees);
- the employer explained the effect of the AWA to the employee;
- the employee genuinely consented to the making of the AWA; and in a case where the employer failed to offer an AWA in the same terms to all comparable employees, the employer did not act unfairly or unreasonably in failing to do so.

(6) (a) The Act recognises that an essential part of every AWA is that the parties genuinely consent to the terms of the AWA. Lack of genuine consent means the AWA is not legally valid. If the Employment Advocate is not satisfied that an employee genuinely consented to making an AWA, then the AWA must be refused. The OEA has a process for protecting genuine consent which is as follows:

- Employers must provide a declaration to the OEA that an AWA information statement has been provided to each employee.
- The OEA must send a letter to employees advising them that an AWA with their name on it has been lodged with the OEA.
Both the information statement and the letter advise the employee about their right to genuine consent and invite the employee to contact the OEA if they have any concerns regarding genuine consent, their AWA or any other issues.

The OEA will investigate any claims made by employees concerning a lack of genuine consent.

(b) As detailed above, the employer must demonstrate that the employee was provided with an information statement including their right to genuine consent. The EA must refuse to approve the AWA if there is evidence that employees were not advised of their rights.

(c) Employees are informed via the information statement and letter of offer that they have a right to genuinely consent to the AWA and that they should contact the OEA if they have any concerns.

(d) The EA follows the process outlined above to ensure there has been genuine consent and an employee has not been forced to sign their AWA.

(7) (a) The Act provides for AWAs to be collectively negotiated as long as each AWA is individually signed. Under the Act an employer is obliged to offer AWAs in the same terms to comparable employees unless there is a valid reason not to.

(b) It is not the OEA’s role to tell employers and employees how to negotiate.

(c) There are many reasons individuals chose to use one form of industrial coverage over another.

(8) There is no evidence that AWAs are being misused and that an enquiry is needed or would even be useful. The bi-annual agreement making report released recently by DEWR reported positive outcomes for workplaces and individual employees with AWAs (Agreement making in Australia under the WR Act, 2002 and 2003). There is also evidence on wage rates from the Australian Bureau of Statistics that shows the average weekly total earnings of employees on AWAs are much higher than those on certified agreements ($1001.10 compared to $741.30) or awards. And, the high wage benefits of individual agreement making are not confined to managerial employees:

- Managers and administrators are 14 per cent better off than their counterparts on certified agreements.
- Non-managerial employees are 12 per cent better off than their counterparts on certified agreements.
- Private sector employees on AWAs earn 23 per cent more than private sector employees on certified agreements.
- Public sector employees on AWAs earn 50 per cent more than public sector employees on certified agreements.
- Female employees on AWAs earn 32 per cent more than female employees on certified agreements.
- AWA employees are better off than employees on certified agreements in the majority of Australian New Zealand Standard Industry Classifications industries.
- AWA employees are better off than employees on certified agreements in the majority of occupational categories.

Source: Australian Bureau of Statistics, Unpublished data, Employee Earnings and Hours, Cat. No. 6306.0

**Foundation for Rural and Regional Renewal**

(Question No. 189)

**Senator Mark Bishop** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 December 2004:
QUESTIONS ON NOTICE

(1) For how long has the Foundation for Rural and Regional Renewal (FRRR) existed.
(2) What was its original purpose.
(3) (a) What specific changes have been made to the operational guidelines since FRRR was estab-
lished; and (b) why were the changes made and when.
(4) For each financial year since the establishment of FRRR, what was the amount of:
   (a) Commonwealth contributions to it; and
   (b) community private or other funds leveraged by FRRR.
(5) What is the process for making grants, including timelines, approval processes, sources of consul-
tation and advice, type of project and grant limits, if any.
(6) By electorate, since the inception of FRRR:
   (a) what grants have been made; 
   (b) to whom and for what purpose was each grant made; 
   (c) what was the amount of each grant; and 
   (d) when was each grant approved and announced.
(7) (a) What are the criteria for selection and approval of grants; 
   (b) who makes the recommendations for a grant; and 
   (c) who makes the final decision to approve a grant.
(8) (a) Who undertook the review of the program; and (b) at what cost.
(9) (a) What were the review’s findings and recommendations; and (b) what action has been taken on 
    each recommendation to date.

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

(1) FRRR was established in April 2000.
(2) Its current objective, and original purpose which is described in the FRRR constitution is: 
   … to promote for the public benefit rural and regional renewal, regeneration and development in 
   Australia in social, economic, environmental and cultural areas.
(3) No changes have been made to the FRRR Constitution since its inception. The Deed of Grant has 
    been altered twice to update personal contact details and amend FRRR’s financial reporting time-
    frames. FRRR has responsibility and discretion to modify or adjust its own grant guidelines or the 
    application of these guidelines at any time. FRRR operates as a public company limited by guaran-
    tee, and is administered by an independent board.
(4) (a) Australian Government contributions to FRRR

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<th>2001/02 $'000</th>
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Source: FRRR.

Note: Figures are rounded.

1. Interest earned from investment fund in 1999/00 and 2000/01 calculated by allocating total interest earned (as reported in Annual Financial Reports) between interest earned from the investment fund and interest earned from the public fund and other bank accounts in the ratio of 95:5.

2. FRRR programs include FRRR annual grants, FRRR contribution to Small Grants for Small Rural Communities and the Community Foundation Program. Establishment grant of $1m from the Sidney Myer Fund included under this item.

3. Partnership programs include private donations to the Small Grants for Small Rural Communities Program, Pratt/FRRR Water Management Fund, Gardiner Foundation/FRRR Working in Dairy program.

(5) The general guidelines, grant limits, procedures and other information on FRRR annual, partnership and specialised grants programs are extensive, and available on the FRRR website at www.frrr.org.au/generalgrants.asp.

(6) FRRR does not keep data about the electorates in which grants are made as this is not a criteria considered when making grants.

(7) FRRR assesses projects and applications in accordance with the criteria and guidelines outlined on the FRRR website. The FRRR Board has responsibility for the approval of FRRR projects and grants.

(8) The Department completed an internal progress review of FRRR performance in November 2004. A consultancy report by Linda Griffith Consultancy Pty Ltd informed part of the review. The cost of the Linda Griffith Report was $32 836 plus GST.

(9) (a) The findings and recommendations of the FRRR Progress Review form part of Departmental advice to the Minister. (b) The recommendations of the FRRR Progress Review have been agreed to by the Minister and provided to FRRR Board.
Transport and Regional Services: Programs
(Question No. 192)

Senator Mark Bishop asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 December 2004:

With reference to page 71 of the department’s annual report for 2003-04 and the estimated cost reduction of $133.3 million flowing from transport programs: (a) who estimated those savings; (b) how much has been saved in each program; and (c) what was the accounting methodology used to quantify this savings result.

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

The reference to the $133 million cost reduction relates to subsidies paid by the Australian Government in 2003-04 in support of regional aviation and shipping services. The reference is based on the broad expectation that the costs met by the subsidies would otherwise be passed on to consumers. The types of subsidy and the amounts paid in 2003-04 (and the two preceding years) are set out in table 4.12 at page 89 of the Department’s annual report with sub-totals of $15.1 million for regional aviation and $117.9 million for regional shipping.

The $133.3 million figure mentioned in page 71 of the annual report should have been shown as $133.1 million and this error will be disclosed in the appendix to the 2004-05 annual report disclosing corrections and amendments to matters reported in previous annual reports.

Primary Energy Ltd
(Question No. 197)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 20 December 2004:

(1) 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 Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) No request for funding has been made to the Department by Primary Energy Limited in relation to their Gunnedah ethanol plant.
   (a) see above.
   (b) see above.
   (c) see above.
   (d) see above.

QUESTIONS ON NOTICE
Transport and Regional Services: Annual Report
(Question No. 208)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 2004:

(1) Why was the department’s annual report not tabled in the Senate by 31 October 2004.

(2) On what date: (a) did the Minister and/or his office first become aware that the deadline for laying the report before the Parliament would not be met; (b) did the department write to the Clerk of the Senate advising of the delay; (c) was a proof version of the annual report presented to the Minister; and (d) was the annual report provided to the Senate for tabling.

(3) What action has the Minister taken to ensure that the department complies with the tabling deadline in the future.

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

(1) As indicated in a statement tabled in November 2004, the department experienced delays in presenting its report, in part due to increased workload largely associated with preparing the 2004 Incoming Government Brief. As well, when the Federal Election was announced, a decision was taken to delay printing of the report as a courtesy to allow incoming ministers an opportunity to review and comment on the draft text.

(2) (a) The Minister was first advised that the annual report could be delayed beyond 31 October as part of the incoming government brief. (b) A second briefing was provided to the Minister on 2 November 2004, and was subsequently forwarded to the Clerk of the Senate on 4 November 2004 for tabling as a clerk’s document. (c) A final proof of the report was submitted to the Minister's office on 29 November 2004. (d) The Minister agreed to table the report on 6 December 2004 and the report was provided to the Senate for tabling on 7 December 2004.

(3) The department has already started work on its 2004-05 Annual Report. The Department is reviewing other agency reports for examples of better practice, developing new case studies, and negotiating measures with the Australian National Audit Office that will allow its financial statements to be signed off earlier than in previous years. The department is also refining its quarterly reporting regime to streamline the production of performance information.

Xstrata: Proposed Investment in Australia
(Question No. 239)

Senator Mark Bishop asked the Minister representing the Treasurer, upon notice, on 22 December 2004:

(1) Was Mr John Phillips AO re-appointed Chairman of the Foreign Investment Review Board on 24 April 2002 for a further term of 5 years.

(2) Is Mr Phillips also Chairman of the Australian Gas Light Company (AGL).

(3) Has Mr Phillips made a formal declaration of his pecuniary interests; if so: (a) when; (b) in what form; and (c) to whom was the declaration made.

(4) Is the Minister aware: (a) that in 1999, Western Power and AGL invested in a 360 kilometre gas pipeline and a power station to supply gas and electricity to the Windimurra vanadium project; (b) that in April 2004, Xstrata Plc decided to permanently close the Windimurra mine; and (c) of any effect the mine closure has had on AGL’s investment in the gas pipeline project.

(5) With reference to the article ‘Xstrata bid to test Costello’s resolve’ appearing in the Australian Financial Review on 20 December 2004: (a) what representations has the Minister had from the
Prime Minister in relation to Xstrata Plc’s bid for WMC Resources Limited; (b) what form did those representations take, and when did they occur; (c) what representations has the Minister had from the Minister for Finance and Administration in relation to Xstrata Plc’s bid for WMC Resources Limited; (d) what form did those representations take, and when did they occur; (e) is the Minister aware of allegations that Mr Marc Rich, who was indicted in a United States federal court for evading more than $48 million in taxes in 1983, is connected with Xstrata Plc; and (f) what investigations has the Treasurer undertaken to determine the extent of Mr Rich’s connection with Xstrata Plc.

(6) Is the Minister satisfied that Mr Rich is a fit and proper person to potentially have a significant interest in or influence over WMC Resources Limited and therefore the Olympic Dam uranium mine.

(7) Is the Minister aware of allegations by the Director of Central Intelligence’s Special Advisor for Strategy regarding Iraqi Weapons of Mass Destruction Programs, Mr Charles Duelfer, that Xstrata Plc had been involved in the Iraq ‘oil for food scandal’; if so: (a) what investigations has the Minister made of these allegations; and (b) what has been the outcome of those investigations.

(8) Is the Minister aware of allegations by Global Witness that Xstrata Plc and Mr Rich had been involved in providing oil-backed loans to the Angolan Government; if so: (a) what investigations has the Minister made of these allegations; and (b) what has been the outcome of those investigations.

(9) Is the Minister aware of concerns that the Commonwealth will receive up to $100 million per year less in taxation in the event Xstrata Plc is successful in its takeover bid for WMC Resources Limited; if so: (a) what investigations has the Minister made of these concerns; and (b) what has been the outcome of those investigations.

(10) With reference to the article ‘WA taxpayers in cold as mine fate is sealed’ appearing in the West Australian of 25 March 2004, is the Minister aware of the statement in that article that ‘Xstrata is the world’s biggest producer of vanadium and said in February last year that mothballing Windimurra would put “upward pressure” on vanadium prices’.

(11) (a) What investigations has the Minister made of these and or other allegations of market manipulation and price control by Xstrata Plc, and what has been the outcome of those investigations; (b) if no investigations have been made, why not.

(12) Have any other investigations been conducted into Xstrata Plc with respect to taxation matters, foreign exchange, trade practices, or corporate law in Australia; if so, what are the details in each case.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) No, he was appointed Chairman of the Australian Gas Light Company (AGL) on 5 November 1992 and resigned on 30 December 2003.

(3) Yes, when he took on his position as Chairman of the Foreign Investment Review Board, he provided a declaration to Treasury. Mr Phillips has been scrupulous in absenting himself from considering proposals involving any conflict of interest.

(4) Given the above, questions regarding AGL’s involvement and interests are not of material relevance.

(5) All and any such representations are confidential. However, I note that all advice I have received indicates that Mr Marc Rich is not connected with Xstrata Plc and has not been connected with Glencore International AG (which owns a substantial interest in Xstrata Plc) since November 1994.
(6) Given the above, questions regarding Mr Rich’s character are of no material relevance to any foreign investment application regarding Xstrata Plc’s bid for WMC Resources Limited.

(7) to (12) All foreign investment proposals that are subject to the operation of the Foreign Acquisitions and Takeovers Act 1975 (the FATA) are examined carefully to determine whether they raise any national interest concerns.

All relevant information regarding a particular proposal which may bear upon the national interest test will be taken into account by the Foreign Investment Review Board (FIRB) in providing advice to the Treasurer. It is usual practice for the FIRB to undertake appropriate consultations, including with relevant state governments, in relation to proposals, and consideration is also given to any public submissions it receives.

Details of cases considered by the FIRB are confidential between the Board and the parties concerned. No details are provided to third parties, and confidentiality requirements are strictly observed. This practice will be followed for any application in relation to WMC Resources Limited and Xstrata Plc.

Norfolk Island: Departmental Visits

(Question No. 249)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 22 December 2004:

(1) What was the nature and duration of the official departmental visits to Norfolk Island in September 2003, October 2003 and March 2004 as reported on page 106 of the department’s annual report for 2003-04.

(2) For each official visit:
   (a) which officers participated and in what capacity; and
   (b) what was the cost of each visit.

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

(1) The then Minister, the Hon Wilson Tuckey MP, and the then Administrator Designate, the Hon Grant Tambling, visited Norfolk Island from 24 to 26 September 2003. They were accompanied by ministerial staff and departmental officers. The purpose of the visit was to allow for ongoing discussions between the Minister and the Norfolk Island Government on a number of matters and provided an opportunity for the Administrator Designate to meet with Norfolk Island Government representatives and members of the community and to become acquainted with some of issues prior to taking up his official appointment from 1 November 2003.

The primary purpose for Departmental officers visiting Norfolk Island on 1 to 4 October 2003 was to attend the 43rd meeting of the Kingston and Arthur’s Vale Historic Area (KAVHA) Management Board. Officers also held meetings/discussions with number of people/bodies on a number of matters including in relation to the refurbishment of Kingston Pier.

The then Minister, Senator the Hon Ian Campbell, visited Norfolk Island on 30 and 31 October 2003. (Senator Campbell became Minister for Local Government, Territories and Roads on 7 October 2003). He was accompanied by ministerial staff and departmental officers. The purpose of the visit was to allow the new Minister to familiarise himself with Norfolk Island and to meet and have discussions with Norfolk Island Government representatives and members of the community.

The primary purpose for Departmental officers visiting Norfolk Island on 21 to 24 March 2004 was to attend the 44th meeting of the Kingston and Arthur’s Vale Historic Area (KAVHA) Management Board.
Board. Officers also held meetings/discussions with number of people/bodies on a number of matters.

The then Minister, Senator the Hon Ian Campbell, visited Norfolk Island from 24 to 26 March 2004, accompanied by a departmental officer. The purpose of the visit was to hold discussions with the Norfolk Island Government and members of the community on a range of matters.

(2) (a) The following departmental officers participated in the above-mentioned trips:

24 to 26 September 2003
Ms Margaret Backhouse, Director, Self-Governing Territories Section

1 to 4 October 2003
Mr John Doherty, First Assistant Secretary, Territories and Local Government, KAVHA Management Board member
Mr Jim Mallett, Self-Governing Territories Section, KAVHA Management Board member
Ms Trudy McInnis, Self-Governing Territories Section, KAVHA Management Board member

30 and 31 October 2003
Mr John Doherty, First Assistant Secretary, Territories and Local Government, KAVHA Management Board member

21 to 24 March 2004
Mr John Doherty, First Assistant Secretary, Transport and Local Government Programmes, KAVHA Management Board member
Mr Andrew Wilson, Assistant Secretary, Territories Branch
Mr Jim Mallett, Self-Governing Territories Section

24 to 26 March 2004
Ms Leslie Riggs, First Assistant Secretary, Regional Programmes and Territories

(b) The costs of these trips were as follows:

<table>
<thead>
<tr>
<th>Name of DOTARS Officer</th>
<th>Dates of Visit</th>
<th>Cost of Visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Margaret Backhouse</td>
<td>24 to 26 September 2003*</td>
<td>$60.48</td>
</tr>
<tr>
<td>Mr John Doherty</td>
<td>1 to 4 October 2003</td>
<td>$2189.22</td>
</tr>
<tr>
<td>Mr Jim Mallett</td>
<td>1 to 4 October 2003</td>
<td>$2151.00</td>
</tr>
<tr>
<td>Ms Trudy McInnis</td>
<td>1 to 4 October 2003</td>
<td>$1936.80</td>
</tr>
<tr>
<td>Mr John Doherty</td>
<td>30 and 31 October 2003**</td>
<td>$242.75</td>
</tr>
<tr>
<td>Mr John Doherty</td>
<td>21 to 24 March 2004</td>
<td>$2230.61</td>
</tr>
<tr>
<td>Mr Andrew Wilson</td>
<td>21 to 24 March 2004</td>
<td>$2625.51</td>
</tr>
<tr>
<td>Mr Jim Mallett</td>
<td>21 to 24 March 2004</td>
<td>$1687.08</td>
</tr>
<tr>
<td>Ms Leslie Riggs</td>
<td>24 to 26 March 2004**</td>
<td>$478.70</td>
</tr>
</tbody>
</table>

* NB – Travelled on VIP flight with the Minister. Accommodation at Government House, Norfolk Island.

** NB - Travelled on VIP flight with the Minister.

Ansett Australia: Employee Entitlements

(Question No. 258)

Senator O’Brien asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 23 December 2004:

With reference to the Special Employee Entitlement Scheme for Ansett Group Employees:

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

(1) Will the Minister provide the definition of ‘community standard’ in relation to entitlements under this scheme.

(2) On what basis was the ‘community standard’ determined.

(3) Since 1996, to which other Commonwealth programs has the ‘community standard’ applied.

(4) Was the same ‘community standard’ relevant to the Commonwealth’s assistance to former employees of National Textiles; if not, what standard was relevant and why.

(5) How often is the ‘community standard’ reviewed against economic, industrial and social changes over time.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The term community standard in the Special Employee Entitlement Scheme for Ansett Group employees (SEESA) scheme refers to the redundancy entitlement as defined by the Termination Change Redundancy 1984 test case.

(2) See 1 above.

(3) Within the workplace relations portfolio, the General Employee and Entitlements Scheme has regard to the community standard.

(4) Payments to the employees of National Textiles were a “top-up arrangement” which provided for the outstanding employee entitlements, once payment had been made under the Deed of Company Arrangement and from other sources. The payments under this arrangement were provided by the Commonwealth and New South Wales Governments on a dollar for dollar basis.

(5) As and when the matter of Termination, Change Redundancy Clauses in Federal Awards are brought before the Australian Industrial Relations Commissions.

Norfolk Island: Crown Leases

(Question No. 265)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 23 December 2004:

With reference to advice in the department’s annual report for 2003-04 that selected crown leases on Norfolk Island will be transferred to freehold title in the 2004-05 financial year:

(1) Which leases will be transferred.

(2) How will the leases be selected.

(3) What are the expected revenue implications.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:

(1) Transfer offers will be made in respect of 136 leases. A full list of the relevant land portions is attached.

(2) Transfer offers will be made in respect of rural, rural/residential, and residential leases that are not within or bordering the Kingston and Arthur’s Vale Historic Area.

(3) If all of the 136 leaseholders accept the transfer offer, the Department has projected administered revenue from transfer considerations of $425,000 over 5 years from 2005-06, and departmental revenue from instrument fees of $28,000.

QUESTIONS ON NOTICE
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<th>Area</th>
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</tr>
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<td>113l and 113m</td>
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<td>Lot 1 Middlegate Subdivision</td>
<td>Residential</td>
<td>2486 m²</td>
</tr>
<tr>
<td>Lot 10 Middlegate Subdivision</td>
<td>Residential</td>
<td>2427 m²</td>
</tr>
<tr>
<td>Lot 11 Middlegate Subdivision</td>
<td>Residential</td>
<td>3209 m²</td>
</tr>
<tr>
<td>Lot 12 Middlegate Subdivision</td>
<td>Residential</td>
<td>2094 m²</td>
</tr>
</tbody>
</table>
QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Portion</th>
<th>Type of Lease</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 13 Middlegate Subdivision</td>
<td>Residential</td>
<td>2022m²</td>
</tr>
<tr>
<td>Lot 14 Middlegate Subdivision</td>
<td>Residential</td>
<td>1948m²</td>
</tr>
<tr>
<td>Lot 15 Middlegate Subdivision</td>
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<td>2187m²</td>
</tr>
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<td>Residential</td>
<td>1336m²</td>
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<td>Residential</td>
<td>1819m²</td>
</tr>
<tr>
<td>Lot 18 Middlegate Subdivision</td>
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</tr>
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<td>Lot 19 Middlegate Subdivision</td>
<td>Residential</td>
<td>1820m²</td>
</tr>
<tr>
<td>Lot 2 Middlegate Subdivision</td>
<td>Residential</td>
<td>2334m²</td>
</tr>
<tr>
<td>Lot 20 Middlegate Subdivision</td>
<td>Residential</td>
<td>2253m²</td>
</tr>
<tr>
<td>Lot 21 Middlegate Subdivision</td>
<td>Residential</td>
<td>2206m²</td>
</tr>
<tr>
<td>Lot 22 Middlegate Subdivision</td>
<td>Residential</td>
<td>2019m²</td>
</tr>
<tr>
<td>Lot 3 Middlegate Subdivision</td>
<td>Residential</td>
<td>1995m²</td>
</tr>
<tr>
<td>Lots 30 and 31 Middlegate Subdivision</td>
<td>Residential</td>
<td>2412m² + 1985m²</td>
</tr>
<tr>
<td>Lot 34 Middlegate Subdivision</td>
<td>Residential</td>
<td>2063m²</td>
</tr>
<tr>
<td>Lot 35 Middlegate Subdivision</td>
<td>Residential</td>
<td>2295m²</td>
</tr>
<tr>
<td>Lot 38 Middlegate Subdivision</td>
<td>Residential</td>
<td>1819m²</td>
</tr>
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<td>Lot 39 Middlegate Subdivision</td>
<td>Residential</td>
<td>4363m²</td>
</tr>
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<td>Lot 4 Middlegate Subdivision</td>
<td>Residential</td>
<td>2151m²</td>
</tr>
<tr>
<td>Lot 40 Middlegate Subdivision</td>
<td>Residential</td>
<td>3517m²</td>
</tr>
<tr>
<td>Lot 41 Middlegate Subdivision</td>
<td>Rural/residential</td>
<td>2.685ha</td>
</tr>
<tr>
<td>Lot 42 Middlegate Subdivision</td>
<td>Residential</td>
<td>2131m²</td>
</tr>
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<td>Lot 43 Middlegate Subdivision</td>
<td>Residential</td>
<td>5316m²</td>
</tr>
<tr>
<td>Lot 44 Middlegate Subdivision</td>
<td>Residential</td>
<td>4105m²</td>
</tr>
<tr>
<td>Lot 45 Middlegate Subdivision</td>
<td>Residential</td>
<td>3686m²</td>
</tr>
<tr>
<td>Lot 48 Middlegate Subdivision</td>
<td>Residential</td>
<td>7828m²</td>
</tr>
<tr>
<td>Lot 49 Middlegate Subdivision</td>
<td>Residential</td>
<td>7769m²</td>
</tr>
<tr>
<td>Lot 5 Middlegate Subdivision</td>
<td>Residential</td>
<td>1839m²</td>
</tr>
<tr>
<td>Lot 51 Middlegate Subdivision</td>
<td>Residential</td>
<td>2430m²</td>
</tr>
<tr>
<td>Lot 53 Middlegate Subdivision</td>
<td>Residential</td>
<td>1666m²</td>
</tr>
<tr>
<td>Lot 58 Middlegate Subdivision</td>
<td>Residential</td>
<td>4523m²</td>
</tr>
<tr>
<td>Lot 60 Middlegate Subdivision</td>
<td>Residential</td>
<td>2427m²</td>
</tr>
<tr>
<td>Lot 7 Middlegate Subdivision</td>
<td>Residential</td>
<td>2312m²</td>
</tr>
</tbody>
</table>

Immigration: Christmas Island Reception and Processing Centre

(Question No. 267)

Senator O’Brien asked the Minister for Finance and Administration, upon notice, on 23 December 2004:

With reference to the proposed new Immigration Reception and Processing Centre (IRPC) on Christmas Island:

(1) (a) What is the current estimated total cost of construction including related costs; and (b) will the Minister provide a detailed breakdown of the cost.

(2) (a) What funds have been expended so far; and (b) will the Minister provide a detailed breakdown of the cost by financial year.

(3) Will the Minister provide a list of all contracts let for the construction phase of the project, including the successful tenderer.
On what date will: (a) the early works phase of the project be completed; (b) the main works phase of the contract commence; (c) the main works phase of the contract be completed; and (d) the IRPC be operational.

(a) What compensation was paid to Phosphate Resources Limited for the resumption of land for the IRPC; (b) on what date was this compensation paid; (c) who undertook the negotiations on behalf of the Commonwealth; (d) which Minister approved the compensation; and (e) what program was the source of the compensation funds.

(a) What consultants have been engaged in relation to the IRPC project; and (b) in each case, what was the nature of the consultancy, the term of the consultancy and the associated financial value.

(a) On what date did the Department of Finance and Administration assume responsibility for the project; (b) why did the Department of Finance and Administration assume responsibility for the project; and (c) what other IRPC construction projects did the Department of Finance and Administration manage prior to the transfer of responsibility for the IRPC project.

What role does the Department of Immigration and Multicultural and Indigenous Affairs perform in relation to the project during planning and construction.

What role does the Department of Transport and Regional Services perform in relation to the project during planning and construction.

Have all contracts let for the construction phase of the project included local training and local business content; if so, will the Minister provide details; if not, why not.

Has the local training and local business involvement which formed part of the assessment criteria for the major works contract been consistent with evidence given by the Department of Finance and Administration to the Joint Standing Committee on Public Works on 31 October 2003; if so, will the Minister provide details; if not, why not.

Will local training and employment and local business involvement form part of the assessment criteria for the service contract for the operation of the IRPC; if not, why not.

Will the Christmas Island community have access to recreational and other facilities at the IRPC, subject to operational needs.

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

(a) The total outturn capital estimate for the capital works that was announced by the Government is $335.5 million. Part of this amount ($12.6 million) has been reclassified from capital to recurrent expenditure. Funding has been divided between the Department of Finance and Administration (Finance), the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and the Department of Transport and Regional Services (DOTARS).

(b) Finance has been allocated $257 million to manage and meet all costs incurred in delivering the project from 18 February 2003 to completion. This is made up of:

(i) $238.3 million for construction costs (including civil works and provision of site services);
(ii) $15.4 million for project design and management services; and
(iii) $3.3 million for Finance’s project management costs.

(a) Project expenditure by Finance totals $34.486 million between 18 February 2003 and 31 December 2004.
(b)  

<table>
<thead>
<tr>
<th>Expenditure Type</th>
<th>2002-03</th>
<th>2003-04</th>
<th>2004-05 (to 31/12/04)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project design &amp; Management Services</td>
<td>1.036</td>
<td>6.004</td>
<td>3.793</td>
<td>10.833</td>
</tr>
<tr>
<td>Internal Costs</td>
<td>0.168</td>
<td>0.403</td>
<td>0.281</td>
<td>0.852</td>
</tr>
<tr>
<td>Utilities, Maintenance of site and constr-</td>
<td>0.166</td>
<td>0.543</td>
<td>0.187</td>
<td>0.896</td>
</tr>
<tr>
<td>uction camp &amp; Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>15.563</td>
<td>9.215</td>
<td>9.708</td>
<td>34.486</td>
</tr>
</tbody>
</table>

(3)  

<table>
<thead>
<tr>
<th>Contract</th>
<th>Name of Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Management and Superintendency Services Contract</td>
<td>CMR Savant (Aust) Pty Ltd</td>
</tr>
<tr>
<td>Cost Manager Contract</td>
<td>WT Partnership (Aust) Pty Ltd</td>
</tr>
<tr>
<td>Principal Consultant Contract</td>
<td>Phillips Smith Conwell Architects Pty Ltd</td>
</tr>
<tr>
<td>Caretaking Contract (Construction Camp)</td>
<td>Compass Group (Aust) Pty Ltd</td>
</tr>
<tr>
<td>Early Works Contract</td>
<td>BMD Constructions Pty Ltd</td>
</tr>
<tr>
<td>Design and Construction contract for the rising sewer main</td>
<td>Water Corporation</td>
</tr>
<tr>
<td>Preferred Tenderer Deed for Main Works Contract</td>
<td>Baulderstone Hornibrook (Aust) Pty Ltd</td>
</tr>
<tr>
<td>Main Works Contract</td>
<td>Baulderstone Hornibrook (Aust) Pty Ltd</td>
</tr>
</tbody>
</table>

(4)  

(a) 13 January 2005  
(b) 6 January 2005  
(c) 31 August 2006 (estimate)  
(d) I note that this question has also been directed to the Minister for Immigration and Multicultural and Indigenous Affairs and it is more appropriate that she provide a response.  
(e) I note that this each part of this question has also been directed to the Minister for Local Government, Territories and Roads and it is more appropriate that he provide a response.  

(6)  

<table>
<thead>
<tr>
<th>Name of consultant</th>
<th>Nature of consultancy</th>
<th>Term</th>
<th>Financial value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blake Dawson Waldron</td>
<td>Legal advisor for Early and main works request for tenders</td>
<td>23 months</td>
<td>$317,156.20</td>
</tr>
<tr>
<td>Lawyers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phillips Fox Lawyers</td>
<td>Legal advisor for main works tender process and contract formation</td>
<td>6 months</td>
<td>$23,953.58</td>
</tr>
<tr>
<td>Australian Government</td>
<td>Probitry advisor for tender processes</td>
<td>22 months</td>
<td>$68,540.64</td>
</tr>
<tr>
<td>Solicitor</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(7) (a) 18 February 2003
(b) In February 2003 the project was respecified and the delivery strategy was changed to a more traditional method, due to reduced project urgency. Transfer of the Christmas Island IRPC construction project recognised Finance’s capabilities in procurement and construction project management, particularly in traditional delivery methods.
(c) This is the first purpose-built permanent IRPC construction project.
(8) DIMIA is involved in the approval of the design and construction as fit for purpose.
(9) DOTARS is responsible for the provision of land and associated infrastructure (such as power, water etc) to the IRPC.
(10) Yes. All contracts let for construction activities on Christmas Island have required the tenderers to identify their subcontractors and, in the case of the early works package, the location of the construction plant proposed to be used on the projects. The early works civil packages and rising sewer main packages were sized to ensure maximum involvement of local businesses.
The contractor for the early works package used local plant and labour from the Indian Ocean Group Training Scheme.
The installation of the rising sewer main consisted of three packages of work, all of which were awarded to local businesses.
The main works contract requires the contractor to meet a target sum for the value of subcontracts to be awarded to local Christmas Island businesses. The target sum was specified as part of the contractor’s tender and is linked to financial incentives in the contract if the target is exceeded and a financial disincentive if the target sum is not met.
(11) Yes. To encourage the development of the Christmas Island business community, the main works tender included assessment criteria that required tenderers to:
• detail specific strategies for working within the Christmas Island community (Schedule W3). This covered training and employment opportunities, building and sustaining community relationships, impact on social infrastructure, managing cultural issues, community programmes, and any other pertinent issues; and
• quantify a target sum for the value of subcontracts to be awarded to local Christmas Island businesses (Schedule W16). This target sum is linked to financial incentives in the main works contract.
(12) I note that this question has also been directed to the Minister for Immigration and Multicultural and Indigenous Affairs and it is more appropriate that she provide a response.
(13) I note that this question has also been directed to the Minister for Immigration and Multicultural and Indigenous Affairs and it is more appropriate that she provide a response.

Local Government (Financial Assistance) Act
(Question No. 279)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 23 December 2004:
On what date was a proof version of the 2003-04 report on the operation of the Local Government (Financial Assistance) Act 1995 first presented to the Minister and/or his office.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:
The 2003-04 National Report is currently being finalised by my Department. A proof version of the report will be presented to me for clearance prior to tabling in Parliament.
Foundation for Rural and Regional Renewal
(Question No. 280)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 December 2004:

(1) What was the cost of the study of Foundation for Rural and Regional Renewal activities funded under the Regional and Rural Development Grants program and completed in 2003-04.
(2) Who undertook the study.
(3) Will the Minister provide a copy of the study; if not, why not.
(4) When did the department complete its review of the study’s findings.
(5) Will the Minister provide a copy of the department’s review; if not, why not.
(6) What action has been taken by the department based on the study’s findings.

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

(1) $32 836 plus GST.
(2) Linda Griffith Consultancy Pty Ltd.
(3) No. The Linda Griffith Report informed part of the FRRR Progress Review which is an internal departmental review.
(4) A progress review of FRRR performance was completed by DOTARS in November 2004. The Linda Griffith Report was one aspect taken into account.
(5) No. The FRRR Progress Review is internal departmental advice to the Minister.
(6) The recommendations of the FRRR Progress Review have been agreed to by the Minister and provided to the FRRR Board.

Minister for Local Government, Territories and Roads: Administrative Responsibility
(Question No. 281)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 23 December 2004:

(1) What departmental branches report to the Minister.
(2) What portfolio agencies and bodies report to the Minister.
(3) For which department functions and programmes does the Minister exercise administrative responsibility.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:

(1) A number of branches provide advice to the Minister for Local Government, Territories and Roads on matters associated with the functions and programmes listed below at (3).
(2) The Minister for Local Government, Territories and Roads exercises ministerial functions in relation to the National Capital Authority and the administrators of the Northern Territory, Norfolk Island and the Indian Ocean Territories. These administrators are appointed by the Governor-General, but provide some reports to the minister.
(3) The Minister for Local Government, Territories and Roads exercises administrative responsibility for the following departmental functions and programmes:
   • Local government
• Territories, including Christmas Island, the Cocos (Keeling) Islands, Norfolk Island, the Northern Territory, the Australian Capital Territory and Jervis Bay
• Operational management of roads programmes, including the Roads to Recovery Programme and the Black Spot Programme
• Road safety, including the road rules, the National Road Safety Strategy 2001-2010, and motor vehicle safety and recalls
• Administration of the Motor Vehicle Standards Act 1989, including ongoing policy and legislative issues associated with the Specialists and Enthusiasts Vehicles Scheme and the Registered Automotive Workshop Scheme
• Approval of projects under regional programmes as appropriate.

Transport and Regional Services: Staffing
(Question No. 282)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 December 2004:
For each of the financial years 2002-03, 2003-04 and 2004-05 to date, how many departmental staff have been located at regional offices in:
(a) Darwin; (b) Perth; (c) Adelaide; (d) Hobart; (e) Bendigo; (f) Wollongong; (g) Orange; (h) Newcastle; (i) Townsville; (j) Longreach; (k) Jervis Bay Territory; (l) Norfolk Island; (m) Christmas Island; and (n) the Cocos (Keeling) Islands.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
Average full-time equivalent (FTE) staff# located at the regional offices for the periods in question are as follows:

<table>
<thead>
<tr>
<th>Region</th>
<th>2002-03</th>
<th>2003-04</th>
<th>2004-05 to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Darwin;</td>
<td>1.8</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>(b) Perth;</td>
<td>18.8</td>
<td>22.0</td>
<td>25.1</td>
</tr>
<tr>
<td>(c) Adelaide;</td>
<td>7.7</td>
<td>8.6</td>
<td>12.0</td>
</tr>
<tr>
<td>(d) Hobart;</td>
<td>2.4</td>
<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td>(e) Bendigo;</td>
<td>2.4</td>
<td>4.1</td>
<td>4.4</td>
</tr>
<tr>
<td>(f) Wollongong;</td>
<td>3.8</td>
<td>5.6</td>
<td>6.8</td>
</tr>
<tr>
<td>(g) Orange;</td>
<td>3.8</td>
<td>4.1</td>
<td>4.8</td>
</tr>
<tr>
<td>(h) Newcastle;</td>
<td>2.6</td>
<td>4.1</td>
<td>6.8</td>
</tr>
<tr>
<td>(i) Townsville;</td>
<td>4.1</td>
<td>5.5</td>
<td>7.3</td>
</tr>
<tr>
<td>(j) Longreach;</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>(k) Jervis Bay Territory;</td>
<td>4.1</td>
<td>3.8</td>
<td>3.6</td>
</tr>
<tr>
<td>(l) Norfolk Island;</td>
<td>1.0</td>
<td>1.0</td>
<td>1.3</td>
</tr>
<tr>
<td>(m) Christmas Island*;</td>
<td>2.3</td>
<td>3.5</td>
<td>2.0</td>
</tr>
<tr>
<td>(n) Cocos (Keeling) Islands*</td>
<td>1.2</td>
<td>0.3</td>
<td>0.0</td>
</tr>
</tbody>
</table>

# The above information has been extracted from the Department’s database. Although in a given financial year (1 July to 30 June) there may have been more persons actually employed in the regional offices, not all of them were working full-time or worked for the full financial year (26 pay points). Hence average FTE figures are used. For 2004-2005, 13 pay points were used and the data is for the financial year to date as at 31 December 2004.
* These figures do not include staff in the Indian Ocean Territories employed under the Administration Ordinance 1968 (CI) and the Administration Ordinance 1975 (CKI).
Transport and Regional Services: Indigenous Trial Site
(Question No. 283)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 December 2004:

With reference to the department’s involvement in the Council of Australian Governments (COAG) Indigenous trial site in the Far East Kimberly:

(1) (a) What funds have been expended in relation to this trial by the department; and (b) will the Minister identify the expenditure by activity and financial year.

(2) On what dates: (a) has the Secretary visited each of the five communities located within the trial site; and (b) have other officers of the department visited each of the five communities located within the trial site.

(3) What outcomes can be attributed to the department’s involvement in the COAG trials.

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

(1) The Department has been involved in the East Kimberley COAG since 2002. The overall financial contribution from the Department includes a direct contribution in the form of salaries and operational expenses and project based funding sourced from other Commonwealth Agencies. Estimated expenditure up to 31 December 2004 is outlined in the following table.

<table>
<thead>
<tr>
<th>Description</th>
<th>2002/03 ($)</th>
<th>2003/04 ($)</th>
<th>2004/05 (as at 31/12/04) ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Estimated general Departmental expenses</td>
<td>81,178</td>
<td>369,819</td>
<td>297,669</td>
</tr>
<tr>
<td>2. Provision of administration centre in Billiluna</td>
<td>0</td>
<td>22,016</td>
<td>33,144</td>
</tr>
<tr>
<td>3. Development of community safety and grog strategy</td>
<td>0</td>
<td>10,482</td>
<td>24,778</td>
</tr>
<tr>
<td>4. Contribution towards youth activities in Balgo</td>
<td>0</td>
<td>0</td>
<td>4,263</td>
</tr>
<tr>
<td>5. Provision of short-term accommodation for visiting workers in Balgo</td>
<td>0</td>
<td>58,233</td>
<td>0</td>
</tr>
<tr>
<td>6. Assistance towards community consultation and participation in the trial site</td>
<td>0</td>
<td>50,854</td>
<td>16,505</td>
</tr>
<tr>
<td>7. Assistance for COAG Women’s Gathering</td>
<td>0</td>
<td>50,418</td>
<td>19,821</td>
</tr>
</tbody>
</table>

Notes
1. General Departmental expenses include salaries, travel, and other related administrative expenses. Expenses are an estimate, as the staff involved have other responsibilities as well. Salary costs based on average costs per Full Time Equivalent employee for the period.
2. Funds for this activity were sourced from Department of Immigration and Multicultural and Indigenous Affairs.
3. Funds for this activity were sourced from the Attorney Generals Department.
4. Funds for this activity were sourced from the Attorney Generals Department.
5. Funds for this activity were sourced from Department of Immigration and Multicultural and Indigenous Affairs.
6. Funds for this activity were sourced from Department of Immigration and Multicultural and Indigenous Affairs.
7. Funds for this activity were sourced from Department of Immigration and Multicultural and Indigenous Affairs.

QUESTIONS ON NOTICE
(2) (a) The then Secretary, Mr Ken Matthews, visited the East Kimberley COAG trial site on 24 September 2002, 21-22 October 2002 and 13-15 April 2003 for meetings with representatives from each of the trial site communities.

(b) In addition to ongoing visits by the local Departmental Officer based in Halls Creek since July 2003, National Office and WA State Office staff visited the trial site and Halls Creek, the closest town to the site on the following dates:

- 24 September 2002
- 21-22 October 2002
- 9-13 December 2002
- 26 March 2003
- 13-15 April 2003
- 10 June 2003
- 2-8 November 2003
- 30 November – 5 December 2003
- 18-27 February 2004
- 18-22 April 2004
- 2-6 June 2004
- 1 July – 8 July 2004
- 13-15 December 2004

(3) The key objectives for the 8 COAG Trials in Indigenous communities across the country are to:

- tailor government action to identified community needs and aspirations;
- coordinate government programmes and services where this will improve service delivery outcomes;
- encourage innovative approaches traversing new territory;
- cut through blockages and red tape to resolve issues quickly;
- work with Indigenous communities to build the capacity of people in those communities to negotiate as genuine partners with government;
- negotiate agreed outcomes, benchmarks for measuring progress and management of responsibilities for achieving those outcomes with the relevant people in Indigenous communities; and
- build the capacity of government employees to be able to meet the challenges of working in this new way with Indigenous communities.

The following specific activities and outcomes are directly attributable to the Department’s involvement in the East Kimberley COAG trial to this stage:

- Improved understanding and knowledge of the trial site communities through the completion of a comprehensive study on key issues and how communities would like to deal with them. This study was jointly funded by the Department of Family and Community Services and Aboriginal and Torres Strait Islander Services (ATSIS).
- Working towards agreed actions and outcomes for the trial site through the development of a joint lead agency action plan to guide the work of the Australian Department of Transport and Regional Services and Western Australian Department of Indigenous Affairs. This plan is being finalised as a basis for discussion with government agencies and the Trial Site communities for their input. The agreed plan will include performance indicators to monitor the further outcomes of the Trial.

QUESTIONS ON NOTICE
• Contributing towards improved governance through the establishment of a new governance forum, the interim Reference Group, that provides community members with an opportunity to interact on a regular basis with senior representatives of the Australian, State and Local Governments.

• Providing assistance to people within the region to participate in new governance forums and achieve effective community governance through the appointment of a locally based Departmental officer as a community initiatives coordinator to and the creation of community consulting agent positions to liaise between governments and community members.

• Contributing to improved awareness of the health impacts of alcohol and substance abuse and related justice issues through a series of workshops on alcohol and safety and the development of draft community action plans to address the issues raised.

Contributing to government and community partnerships to improve service delivery to communities by facilitation of Shared Responsibility Agreements and the provision of funds to support key activities as outlined in the response to Q2.

Agriculture, Fisheries and Forestry: Real Property
(Question No. 289)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 December 2004:

(1) Will the Minister provide a full list of real property owned by the department, indicating: (a) the address; (b) the type of property (for example, vacant building etc.); (c) the size of the property; and (d) the property valuation.

(2) Will the Minister provide a full list of the real property sold by, or on behalf of, the department in the 2002-03 and 2003-04 financial years, indicating: (a) the address; (b) the type of property (for example, vacant building etc.); (c) the size of the property; (d) the type of sale (auction or advertised price); (e) the date of sale; (f) the reason for the sale; and (g) the price obtained.

(3) Will the Minister provide a full list of the real property proposed to be sold by, or on behalf of, the department in the 2004-05 financial year, indicating: (a) the address; (b) the type of property (for example, vacant building etc.); (c) the size of the property; (d) the type of sale proposed (auction or advertised price); (e) the expected price range; and (f) the likely timing of the sale.

(4) Will the Minister provide a full list of real property currently leased by the department, indicating: (a) the owner of the property; (b) the address; (c) the type of property; (d) the size of the property; (e) the length of current lease; (f) the value of the lease; (g) the departmental activities conducted at the property; and (h) any subleases entered into at the property, including details of: (i) the name of sub-tenants, (ii) the length of sub-leases, (iii) the value of sub-leases, and (iv) the nature of sub-tenant activities.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) A full list of real property owned by the department is at Attachment 1.

(2) A full list of real property sold by or on behalf of the department during 2002-03, and 2003-04 financial years, is at Attachment 2.

(3) The department is currently in the process of reviewing existing properties. At this stage the department has not identified any properties for sale during 2004-05 financial year.

(4) A full list of ‘real’ property currently leased by the department is at Attachment 3.
## OWNED PROPERTIES

### Non-Residential

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong></td>
<td><strong>Type of Property</strong></td>
<td><strong>Total Floor Area (m²)</strong> (A+B)</td>
<td><strong>Land Area (m²)</strong></td>
</tr>
<tr>
<td>7 Industry Road, Narromine, NSW</td>
<td>Warehouse/office building</td>
<td>665</td>
<td>2,016</td>
</tr>
<tr>
<td>20 Pinnacles Road, Broken Hill, NSW</td>
<td>Office building and two sheds</td>
<td>235.586</td>
<td>3,606.00</td>
</tr>
<tr>
<td>West Island, Cocos (Keeling) Island Quarantine Station, Cocos Island,</td>
<td>12 buildings including offices, laboratories, operating theatre, and plant machinery rooms, an animal house, covered stockyards, two feed stores, dining and recreation building, two motel style blocks of visitors accommodation and four three-bedroom residences</td>
<td>0</td>
<td>21.15 hectares</td>
</tr>
<tr>
<td>26 Quarrian Road, Longreach, QLD</td>
<td>Office/Lab, workshop and store room</td>
<td>208.9</td>
<td>698</td>
</tr>
<tr>
<td>Address</td>
<td>Type of Property</td>
<td>Total Floor Area (m²) (A+B)</td>
<td>Land Area (m²)</td>
</tr>
<tr>
<td>---------</td>
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<td>-----------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>7 (Lot 3) Quetta Close, Thursday Island, Island</td>
<td>Residential</td>
<td>150</td>
<td>967</td>
</tr>
<tr>
<td>6 (Lot 4) Quetta Close, Thursday Island, Island</td>
<td>Residential</td>
<td>150</td>
<td>972</td>
</tr>
<tr>
<td>5 (Lot 5) Quetta Close, Thursday Island, Island</td>
<td>Residential</td>
<td>150</td>
<td>840</td>
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<tr>
<td>14 Donegan Crescent, Katherine, NT</td>
<td>Residential</td>
<td>96.2</td>
<td>817</td>
</tr>
<tr>
<td>11 (Lot 1260) Carlsen Way, Karratha, WA</td>
<td>Residential</td>
<td>152.2</td>
<td>710</td>
</tr>
<tr>
<td>1 (Lot 1386) Lady Douglas Way, Karratha, WA</td>
<td>Residential</td>
<td>230</td>
<td>705</td>
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<tr>
<td>5 (Lot 2279) cnr Gill &amp; McKenzie Rds, Broome, WA</td>
<td>Residential</td>
<td>150</td>
<td>753</td>
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<tr>
<td>13 (Lot 2275) cnr Gill &amp; McKenzie Rds, Broome, WA</td>
<td>Residential</td>
<td>150</td>
<td>845</td>
</tr>
<tr>
<td>8 Tarquin Court, Weipa, QLD</td>
<td>Residential</td>
<td>150</td>
<td>705</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
### Properties Sold in 2002-03 Financial Year

<table>
<thead>
<tr>
<th>Address</th>
<th>Type of Property</th>
<th>Block Size (m²)</th>
<th>Type of Sale</th>
<th>Date of Sale</th>
<th>Reason for Sale</th>
<th>Price Obtained</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 Bossea Street, Kununurra, WA</td>
<td>House</td>
<td>882.00</td>
<td>Auction</td>
<td>20-Jul-02</td>
<td>No longer required</td>
<td>$151,000.00</td>
</tr>
</tbody>
</table>

### Properties Sold in 2003-04 Financial Year

<table>
<thead>
<tr>
<th>Address</th>
<th>Type of Property</th>
<th>Block Size (m²)</th>
<th>Type of Sale</th>
<th>Date of Sale</th>
<th>Reason for Sale</th>
<th>Price Obtained</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Property has been sold during this period</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTE: No Properties are intended to be sold in 2004 - 05 Financial year.
### LEASED PROPERTIES

<table>
<thead>
<tr>
<th>Landlord</th>
<th>Address</th>
<th>Type of Property</th>
<th>Total Floor Area (m)</th>
<th>Land Area (m²) (Only listed if land is included in the lease agreement)</th>
<th>Length of Lease (years)</th>
<th>Value of Lease Per Annum</th>
<th>Departmental Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stockland Properties Pty Ltd</td>
<td>Edmund Barton Building, Barton</td>
<td>Office</td>
<td>38,247.00</td>
<td>-</td>
<td>7.86</td>
<td>$10,191,158.16</td>
<td>Administrative</td>
</tr>
<tr>
<td>JK3L Pty Limited</td>
<td>Corner Leeton &amp; Mildura Streets, Fyshwick</td>
<td>Office</td>
<td>1,079.00</td>
<td>-</td>
<td>6.00</td>
<td>$189,705.12</td>
<td>Plague Locust Commission</td>
</tr>
<tr>
<td>Efkar &amp; Pontians Pty Ltd</td>
<td>Dairy Flat Road, Fyshwick</td>
<td>Fenced Parking/storage</td>
<td>-</td>
<td>905</td>
<td>Monthly</td>
<td>$3,272.76</td>
<td>Plague Locust Commission</td>
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<tr>
<td>YWCA</td>
<td>Unit 2, 6 Kennedy Street, Kingston</td>
<td>Shopfront</td>
<td>77.00</td>
<td>-</td>
<td>2.00</td>
<td>$0.00</td>
<td>Landcare shopfront</td>
</tr>
<tr>
<td>Canberra International Airport</td>
<td>Tyson Drive, Canberra Airport, Canberra Airport</td>
<td>Office</td>
<td>504.00</td>
<td>-</td>
<td>6.00</td>
<td>$110,851.08</td>
<td>Quarantine</td>
</tr>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
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<tr>
<td>Landlord</td>
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<td>Land Area (m²)</td>
<td>Length of Lease (years)</td>
<td>Value of Lease Per Annum</td>
<td>Departmental Activities</td>
</tr>
<tr>
<td>Afteron Pty Ltd</td>
<td>Eastern Creek Quarantine Station, 60 Wallgrove Street, Eastern Creek</td>
<td>Quar. Stat. Buildings</td>
<td>9,280.00</td>
<td>25 ha</td>
<td>12.50</td>
<td>$216,870.00</td>
<td>Quarantine</td>
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<tr>
<td>Sydney Airport Corporation</td>
<td>Sydney Int Airport, Mascot</td>
<td>Office</td>
<td>957.10</td>
<td>-</td>
<td>5.00</td>
<td>$70,442.64</td>
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<tr>
<td>Sydney Int Airport</td>
<td>Office</td>
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<td>6.83</td>
<td>Incl above</td>
<td>Quarantine</td>
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<td></td>
</tr>
<tr>
<td>Sydney Int Airport</td>
<td>Office</td>
<td>Incl above</td>
<td>6.83</td>
<td>Incl above</td>
<td>Quarantine</td>
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<tr>
<td>Crown Property Portfolio</td>
<td>104-108 Banna Ave, Griffith</td>
<td>Office</td>
<td>19.51</td>
<td>-</td>
<td>5.00</td>
<td>$4,044.84</td>
<td>Quarantine</td>
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<tr>
<td>Port Kembla Gateway Pty Ltd</td>
<td>Port Kembla Gateway, Christy Drive, Port Kembla</td>
<td>Office</td>
<td>60.00</td>
<td>-</td>
<td>8.34</td>
<td>$4,112.04</td>
<td>Quarantine</td>
</tr>
<tr>
<td>LJ Atkins &amp; DM Atkins</td>
<td>Ground Floor &amp; Mezzanine Level, 41 Erskine Street, Dubbo</td>
<td>Office</td>
<td>316.00</td>
<td>-</td>
<td>11.00</td>
<td>$28,087.44</td>
<td>Quarantine</td>
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<tr>
<td>(a)</td>
<td>(b)</td>
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<tr>
<td>Landlord</td>
<td></td>
<td>Address</td>
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<td>Total Floor Area (m)</td>
<td>Land Area (m²) (Only listed if land is included in the lease agreement)</td>
<td>Length of Lease (years)</td>
<td></td>
</tr>
<tr>
<td>John W Murphy &amp; Peter B Allen</td>
<td>Gatehouse Premises, 41 Stoddart Road, Prospect</td>
<td>Office</td>
<td>45.00</td>
<td>-</td>
<td>10.54</td>
<td>$14,144.04</td>
<td>Quarantine</td>
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<tr>
<td>NSW Agriculture</td>
<td>37 Smallwood Ave, Flemington, Sydney</td>
<td>Office</td>
<td>11.00</td>
<td>-</td>
<td>-</td>
<td>$3,288.00</td>
<td>Quarantine</td>
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<tr>
<td>Sydney Markets Ltd</td>
<td>Suite C05-6 Market Plaza Building, Sydney</td>
<td>Office</td>
<td>51.94</td>
<td>-</td>
<td>9.09</td>
<td>$41,379.36</td>
<td>Levies Office</td>
</tr>
<tr>
<td>Newcastle Port Corporation</td>
<td>West Basin 3 Amenities, Newcastle</td>
<td>Office</td>
<td>20.00</td>
<td>-</td>
<td>3.00</td>
<td>$4,114.32</td>
<td>Quarantine</td>
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<tr>
<td>Advanced Properties Pty Ltd</td>
<td>Clarinda Street, Parkes</td>
<td>Office</td>
<td>76.50</td>
<td>-</td>
<td>3.00</td>
<td>$7,433.04</td>
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<tr>
<td>Newcastle Stevedores Pty Limit</td>
<td>130 Young Street, Newcastle</td>
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<td>182.00</td>
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<tr>
<td>Landlord</td>
<td>Address</td>
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<td>Total Floor Area (m²)</td>
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</tr>
<tr>
<td>----------------------------------</td>
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</tr>
<tr>
<td>Newcastle Stevedores Pty Limit</td>
<td>130 Young Street Grd Floor, Newcastle</td>
<td>Office</td>
<td>182.00</td>
<td>-</td>
<td>2.53</td>
<td>$25,452.00</td>
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<td>Narrabri Shire Council</td>
<td>2 Bowen Street, Narrabri</td>
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<td>38.69</td>
<td>-</td>
<td>4.00</td>
<td>$8,580.00</td>
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<tr>
<td>Patrick Stevedores Operations</td>
<td>Hickerson Rd Additional Room, Wharf No 4, Darling Harbour</td>
<td>Office</td>
<td>25.90</td>
<td>-</td>
<td>3.00</td>
<td>$14,814.80</td>
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<tr>
<td>Patrick Stevedores Operations</td>
<td>Hickerson Rd Office 1, Wharf No 4, Darling Harbour</td>
<td>Office</td>
<td>25.90</td>
<td>-</td>
<td>5.50</td>
<td>included above</td>
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<tr>
<td>Patrick Stevedores Operations</td>
<td>Hickerson Rd Office 2, Wharf No 4, Darling Harbour</td>
<td>Office</td>
<td>25.90</td>
<td>-</td>
<td>2.01</td>
<td>included above</td>
<td>Quarantine</td>
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<tr>
<td>Perpetual Trustee Company Ltd</td>
<td>1 Crewe Place, Rosebery</td>
<td>Office</td>
<td>6,275.00</td>
<td>-</td>
<td>10.01</td>
<td>$3,318,707.52</td>
<td>Quarantine</td>
</tr>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e)</td>
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</tr>
<tr>
<td>Landlord</td>
<td>Address</td>
<td>Type of Property</td>
<td>Total Floor Area (m)</td>
<td>Land Area (m²) (Only listed if land is included in the lease agreement)</td>
<td>Length of Lease (years)</td>
<td>Value of Lease Per Annum</td>
<td>Departmental Activities</td>
</tr>
<tr>
<td>Mr &amp; Mrs Devin</td>
<td>Shed 8,9,10-12 Hannam Street, Cairns</td>
<td>Storage</td>
<td>186.00</td>
<td>-</td>
<td>6.34</td>
<td>$13,200.00</td>
<td>Quarantine</td>
</tr>
<tr>
<td>Australian Customs Service</td>
<td>Evans Landing, Weipa</td>
<td>Office</td>
<td>55.00</td>
<td>-</td>
<td>9.67</td>
<td>$12,422.76</td>
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<tr>
<td>Australian Customs Service</td>
<td>Boatshed, Weipa</td>
<td>Office</td>
<td>83.00</td>
<td>-</td>
<td>9.67</td>
<td>$2,913.12</td>
<td>Quarantine</td>
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<tr>
<td>Cairns Port Authority</td>
<td>AAC Building, Cairns International Airport, Cairns</td>
<td>Office</td>
<td>842.00</td>
<td>-</td>
<td>9.95</td>
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<tr>
<td>Cairns Port Authority</td>
<td>Airport Office, Cairns</td>
<td>Office</td>
<td>88.20</td>
<td>-</td>
<td>Monthly</td>
<td>Incl above</td>
<td>Quarantine</td>
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<tr>
<td>Australian Customs Service</td>
<td>Mulherin Drive, Mackay</td>
<td>Office</td>
<td>91.80</td>
<td>-</td>
<td>10.00</td>
<td>$45,263.52</td>
<td>Quarantine</td>
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<tr>
<td>Queensland Dept of Primary Ind</td>
<td>28 Peters Street, Mareeba</td>
<td>Office</td>
<td>177.00</td>
<td>-</td>
<td>7.00</td>
<td>$28,620.00</td>
<td>Quarantine</td>
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<tr>
<td>MJ Neilson Pty Ltd</td>
<td>7-13 Tomlins Street, Townsville</td>
<td>Office</td>
<td>406.00</td>
<td>-</td>
<td>8.00</td>
<td>$113,140.92</td>
<td>Quarantine</td>
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<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
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<td>(e)</td>
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<td>Landlord</td>
<td>Address</td>
<td>Type of Property</td>
<td>Total Floor Area (m2)</td>
<td>Land Area (m2) (Only listed if land is included in the lease agreement)</td>
<td>Length of Lease (years)</td>
<td>Value of Lease Per Annum</td>
<td>Departmental Activities</td>
</tr>
<tr>
<td>Queensland Dept of Primary Industry</td>
<td>Curtin Ave, Eagle Farm</td>
<td>Dog Kennels</td>
<td>216.00</td>
<td>-</td>
<td>3.00</td>
<td>$18,000.00</td>
<td>Detector Dog Kennels</td>
</tr>
<tr>
<td>J &amp; C Creedon</td>
<td>Southridge Shopping Centre, Mackenzie Street, Toowoomba</td>
<td>Office</td>
<td>105.00</td>
<td>-</td>
<td>8.00</td>
<td>$10,461.24</td>
<td>Quarantine</td>
</tr>
<tr>
<td>The Anastas Family Trust</td>
<td>Rocklea Markets, Yeerongpilly, Rocklea</td>
<td>Office</td>
<td>71.20</td>
<td>-</td>
<td>6.00</td>
<td>$35,760.00</td>
<td>Quarantine</td>
</tr>
<tr>
<td>Food Science Australia</td>
<td>Cnr Creek &amp; Wynnnum Rds, Cannon Hill</td>
<td>Training Centre</td>
<td>260.00</td>
<td>2,900.00</td>
<td>5.80</td>
<td>$7,022.00</td>
<td>Quarantine</td>
</tr>
<tr>
<td>Public Trustee of Queensland</td>
<td>Roseberry Street, Gladstone</td>
<td>Office</td>
<td>60.00</td>
<td>-</td>
<td>8.67</td>
<td>$10,842.72</td>
<td>Quarantine</td>
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<tr>
<td>Bamaga Island Council</td>
<td>Airport Rd, Bamaga</td>
<td>Office</td>
<td>0.00</td>
<td>1.5 ha</td>
<td>Monthly Incl above</td>
<td>Quarantine</td>
<td></td>
</tr>
<tr>
<td>Australian Customs Service</td>
<td>5 Targo Street, Bundaberg</td>
<td>Office</td>
<td>74.50</td>
<td>-</td>
<td>6.00</td>
<td>$15,168.00</td>
<td>Quarantine</td>
</tr>
<tr>
<td>(a)</td>
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<td>Landlord</td>
<td>Address</td>
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<td>Land Area (m²) (Only listed if land is included in the lease agreement)</td>
<td>Length of Lease (years)</td>
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QUESTIONS ON NOTICE
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<th>Land Area (m²) (Only listed if land is included in the lease agreement)</th>
<th>Length of Lease (years)</th>
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QUESTIONS ON NOTICE
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### QUESTIONS ON NOTICE

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<td>Quarantine</td>
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<td>Office</td>
<td>9.00</td>
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<td>Quarantine</td>
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<td>Dauan Island Community</td>
<td>Dauan Island, Dauan Island</td>
<td>Office</td>
<td>12.00</td>
<td>-</td>
<td>No rent charged</td>
<td>Quarantine</td>
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<td>Moa Island Community</td>
<td>Kubin Community, Moa Island, Moa Island</td>
<td>Office</td>
<td>12.00</td>
<td>-</td>
<td>No rent charged</td>
<td>Quarantine</td>
</tr>
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<td>(h)</td>
<td>(i)</td>
<td>(ii)</td>
<td>(iii)</td>
<td>(iv)</td>
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<tr>
<td>Name of Subtenant</td>
<td>Address</td>
<td>Type of Property</td>
<td>Total Floor Area (m²)</td>
<td>Land Area (m²) (Only listed if land is included in the lease agreement)</td>
<td>Length of Lease (years)</td>
<td>Value of Sublease Per Annum</td>
</tr>
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<td>Dairy Adjustment Authority</td>
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<td>Kingston Lab, Mildura Street, Fyshwick</td>
<td>Office</td>
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<td>Monthly</td>
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<td>Department of Agriculture WA</td>
<td>9 Fricker Road, Perth</td>
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<td>15.00</td>
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Minister for Agriculture, Fisheries and Forestry: Overseas Travel
(Question No. 291)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 December 2004:

(1) On what date did the department first receive a request from the Department of Finance and Administration (DOFA) for payment of $1 144.64 relating to the Minister’s police escort during a 2002 visit to the Philippines.

(2) On what dates have the department and DOFA communicated in relation to this matter.

(3) Has the department complied with the request from DOFA for payment of this account; if so, when was the account paid; if not, why not.

(4) Did the negotiation of heavy traffic facilitated by the police escort enable the Minister to attend his key meetings on time.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) 3 December 2002.


(3) Yes: 15 August 2003.

(4) The Minister attended all scheduled appointments. Actual arrival times were not recorded.

Fuel: Ethanol
(Question No. 292)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 December 2004:

(1) What has been the measurable increase in use of sugar and/or sugar by-products as feedstock for fuel ethanol since the introduction of the ethanol production subsidy on 17 September 2002.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The production subsidy replaced an excise exemption of equivalent value. It is not possible to separate out the change in the supply/use of ethanol resulting from the new method for delivering support to the industry. Given that the new approach is broadly equivalent to the old, no additional impact is anticipated.

Fuel: Ethanol
(Question No. 296)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 December 2004:

(1) On what date(s) did: (a) the Minister; (b) the Minister’s office; and (c) the department, become aware that Trafigura Fuels Australia Pty Ltd proposed to import a shipment of ethanol to Australia from Brazil in September 2002.

(2) What was the source of this information to: (a) the Minister; (b) the Minister’s office; and (c) the department.

(3) Was the Minister or his office or the department requested to investigate and/or take action to prevent the arrival of this shipment by any ethanol producer or distributor or industry organisation; if so: (a) who made this request; (b) when was it made; and (c) what form did this request take.

QUESTIONS ON NOTICE
(4) Did the Minister or his office or the department engage in discussions and/or activities in August 2002 or September 2002 to develop a proposal to prevent the arrival of this shipment of ethanol from Brazil; if so, what was the nature of these discussions and/or activities, including dates of discussions and/or activities, personnel involved and cost.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) I became aware of the proposal on 10 September 2002, as did staff in my office and the Department.

(2) The source of the information was an article in *The Australian* newspaper.

(3) No.

(4) No.

**Quarantine: Uncanned Salmonid Product**  
(Question No. 305)

**Senator O’Brien** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 December 2004:

Will the Minister provide details of all breaches of import conditions applying to the commercial importation of uncanned salmonid product since new quarantine conditions came into effect on 1 June 2000, including, for each breach:

(a) The date of importation;

(b) The nature of the breach, including:
   (i) failure to provide an Australian Quarantine and Inspection Service (AQIS) permit,
   (ii) failure to provide a completed official certificate issued by an AQIS recognised competent authority,
   (iii) failure to remove the head and gills, and
   (iv) any other reasons;

(c) The salmonid species;

(d) The country of export;

(e) If not exported from the country of origin, the country that exported the salmonid product;

(f) The product presentation and form; and

(g) Action taken in response to the breach including, if applicable:
   (i) the suspension or revocation of the import permit, and
   (ii) the disposal or re-export of the salmonid product.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Records are maintained for those breaches that result in an Australian Quarantine and Inspection Service (AQIS) compliance investigation. There have been two breaches which have resulted in compliance investigations since 1 June 2000.

(a) March 2001 and March 2002.

(b) Failure to provide an Australian Quarantine and Inspection Service (AQIS) import permit.

(c) This information is not available.

(d) Russia and Vietnam.
(e) This information is not available.
(f) (i) Russia: uncanned, whole fresh salmon and uncanned, whole smoked salmon.
(ii) Vietnam: uncanned, whole fresh salmon.
(g) The importers were required to dispose of or re-export the salmonid products.

**Centrelink: Footsteps**

*(Question No. 308)*

**Senator O’Brien** asked the Minister representing the Minister for Human Services, upon notice, on 23 December 2004:

(1) For each of the financial years 2002-03, 2003-04 and 2004-05 to date:
   (a) how many editions of the publication Footsteps were published;
   (b) how many staff worked on its production;
   (c) what was the cost of producing the publication, including staff, production and distribution costs;
   (d) how many copies of each edition were printed and distributed; and
   (e) how was the magazine distributed.

(2) Will the Minister provide a copy of the contract with the publishers of Footsteps, Text Pacific; if not, why not.

**Senator Patterson**—The Minister for Human Services has provided the following answer to the honourable senator’s question:

(1) (a) Four editions of Footsteps were published in 2002-03 and two editions were published in 2003-04. It is intended to publish at least one edition of Footsteps in 2004-05.
   (b) Two Centrelink staff worked part-time on the production of each issue.
   (c) The staff, production and distribution costs were $211,797 in 2002-03 and $138,915 in 2003-04.
   (d) The following table shows how many copies of each issue were printed and distributed:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Number printed</th>
<th>Number distributed</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>30,300</td>
<td>30,300</td>
</tr>
<tr>
<td>2</td>
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<tr>
<td>3</td>
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<td>15,030</td>
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<tr>
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<td>15,030</td>
<td>15,030</td>
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<tr>
<td>6</td>
<td>30,030</td>
<td>30,030</td>
</tr>
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   (e) Footsteps is distributed via direct mail to Indigenous community organisations, relevant stakeholders and other interested parties. Footsteps is also distributed through Centrelink’s Customer Service Centres and Call Centres as well as during outreach activities undertaken by Centrelink staff.

(2) Centrelink outsources its design, print and distribution services to a private company, PMP Limited under an overarching agreement. However, PMP Limited subsequently subcontracted the work to Text Pacific. Given that the relevant contract is between two private companies, Centrelink is unable to provide a copy.
Centrelink: Publications
(Question No. 309)

Senator O’Brien asked the Minister representing the Minister for Human Services, upon notice, on 23 December 2004:

(1) In what languages other than English does Centrelink produce its publications including payment guides.

(2) In what Australian Indigenous languages does Centrelink produce the publications.

(3) Does Centrelink produce an equivalent Guide to Ethnic Naming Practices for Australian Indigenous languages to assist staff to offer high quality service to Indigenous Australians; if so, can a copy be provided; if no guide is produced for staff, why not.

Senator Patterson—The Minister for Human Services has provided the following answer to the honourable senator’s question:

(1) Language selection is based on Centrelink’s research of its customer base as well as the data collected by Department of Immigration and Multicultural and Indigenous Affairs and the Australian Bureau of Statistics. Translated publications are available on Centrelink’s web site www.centrelink.gov.au under ‘We Speak Your Language’ and can be printed on demand.

Centrelink produces many of its publications, including payment guides, in languages other than English, including:

1. Albanian
2. Amharic
3. Arabic
4. Assyrian
5. Bangla
6. Bosnian
7. Bulgarian
8. Burmese
9. Chinese
10. Croatian
11. Czech
12. Danish
13. Dari
14. Dinka
15. Dutch
16. Estonian
17. Farsi (Persian)
18. Fijian
19. Filipino
20. French
21. German
22. Greek
23. Gujarati
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<th>Language</th>
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<tr>
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<td>25.</td>
<td>Hindi</td>
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<td>26.</td>
<td>Hungarian</td>
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<td>28.</td>
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<td>29.</td>
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<td>34.</td>
<td>Latvian</td>
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<td>35.</td>
<td>Lithuanian</td>
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<td>36.</td>
<td>Macedonian</td>
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<td>45.</td>
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<td>46.</td>
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<td>47.</td>
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<td>56.</td>
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<td>57.</td>
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<tr>
<td>59.</td>
<td>Urdu</td>
</tr>
<tr>
<td>60.</td>
<td>Vietnamese</td>
</tr>
</tbody>
</table>

(2) Centrelink does not produce any publications in Australian Indigenous languages. However, Centrelink has conducted research into effective communication styles for Indigenous Australians and uses this as a guide to developing appropriate communication material.
Centrelink does not produce an equivalent of A Guide to Ethnic Naming Practices for Australian Indigenous languages, and does not have any evidence to suggest that such a guide is needed for Indigenous Australians. Centrelink employs a range of Indigenous Specialist Officers across the country. The roles provide an important link between the indigenous community and Centrelink and help to address the many cultural issues that impact on this customer group. Centrelink also has a commitment to provide ongoing cultural awareness training to its staff.

Sudden Infant Death Syndrome

(Question No. 311)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 January 2005:

(1) Is the Minister aware that the Australian Institute of Health and Welfare’s bulletin ‘Australia’s babies: their health and wellbeing’ identifies that, despite reductions in the overall proportion of infant deaths from sudden infant death syndrome (SIDS), a higher proportion of Aboriginal and Torres Strait Islander infants continue to die from SIDS (16.6 per cent) than do other infants (9.3 per cent).

(2) Given the campaigns to promote the established risk-reducing behaviours have been extremely effective in reducing the overall mortality from SIDS, what plans does the Government have to devise and evaluate innovative methods for delivering these messages and changing behaviour among Indigenous groups in order to reduce the tragically high number of deaths.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) In 1991, the National SIDS Council of Australia’s public education campaign ‘Reducing the Risk of Cot Deaths’ was instrumental in dramatically reducing the number of cot deaths in Australia. Such campaigns however have not had the same impact on reducing the rates of SIDS in Aboriginal and Torres Strait Islander communities.

Funding of $7 million over five years from the National Health and Medical Research Council (NHMRC) will support collaborative research grants with the potential to improve child and maternal health of Indigenous people. As a part of its Healthy Start to Life for Aboriginal and Torres Strait Islander Australians Research Initiative, a number of research grant projects will examine SIDS in relation to Aboriginal and Torres Strait Islander populations.

With funding contributions from the Department of Health and Ageing, the Telethon Institute for Child Health Research and Kulunga Research Network have recently published the first volume of The Health of Aboriginal Children and Young People to inform the knowledge base regarding what children and young people need to develop in healthy ways. The publication highlights tobacco smoking as influencing the higher SIDS rates amongst Indigenous infants.

The Network also manages the Bibbulung Gnarneep – Building Solid Kids Project, a study of a cohort of mothers during pregnancy and their babies during the first two years of life, looking at SIDS risk factors and other defining health issues. A second phase involves home visiting to provide access to medical appointments and regular antenatal checks, information and education (reducing the risk of SIDS) and to provide cultural support and advocacy.

Evidence suggests that antenatal and related population health programs, provided as a component of comprehensive primary health care, can reduce complications of pregnancy, the incidence of low birth-weight and perinatal deaths. Given the unacceptably high rates of infant mortality (including SIDS) and morbidity, the incidence of low birth weight and poor early growth in Indigenous babies and the short and long-term health implications of these factors, improving access to
antenatal, maternal and child health programs is a priority. Specific funding has been provided for Aboriginal Community Controlled Health Services (ACCHSs) for this purpose. Examples of successful programs include Townsville Aboriginal and Islander Health Services (in Queensland) and Nganampa Health Council (in South Australia) who have demonstrated significant improvements in maternal and infant health outcomes. ACCHSs are also a good source of information and support for parents, providing referrals and support to access organisations such as SIDS and Kids.

In August 2003, SIDS and Kids signed a Memorandum of Understanding with the National Aboriginal Community Controlled Health Organisation (NACCHO) to jointly address the issue of SIDS in Indigenous communities. The Department’s Office for Aboriginal and Torres Strait Islander Health subsequently provided funding of $49,500 to support a joint project involving SIDS and Kids. The project will develop a resource containing SIDS support contact information and evidence based prevention messages, particularly in relation to safe sleeping advice. This resource will be disseminated throughout the sector.

**Prime Minister and Cabinet: Transport Services**

*(Question No. 314)*

**Senator Hutchins** asked the Minister representing the Minister Assisting the Prime Minister for the Public Service, upon notice, on 21 January 2005:

Can the Minister provide: (a) the directives, guidelines or other instructions issued by the Prime Minister and Cabinet for the procurement of transport services by the Commonwealth to either the Department of the Prime Minister and Cabinet or to other Commonwealth departments or agencies; (b) the date on which such contracts were agreed; (c) the entity which the Commonwealth has contracted with; and (d) the total costs of these contracts for the 2003-04 financial year.

**Senator Abetz**—The Minister Assisting the Prime Minister for the Public Service has provided the following answer to the honourable senator’s question:

(a) The Department of the Prime Minister and Cabinet has not issued directions, guidelines or other instructions for the procurement of transport services to other Commonwealth departments or agencies.
(b), (c), (d). The department does not have any contracts in place for freight, document delivery, courier services or logistics arrangements for relocations. Separate procurement activities take place on a case by case basis or are performed by internal resources.

**Health and Ageing: Transport Services**

*(Question No. 315)*

**Senator Hutchins** asked the Minister representing the Minister for Health and Ageing, upon notice, on 21 January 2005:

Can the Minister provide: (a) the directives, guidelines or other instructions issued by the department for the procurement of transport services to the department; (b) the date on which such contracts were agreed; (c) the entity which the Commonwealth has contracted with; and (d) the total costs of these contracts for the 2003-04 financial year.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

This question will be answered in two parts, first in relation to freight and courier delivery services, and second in relation to logistics arrangements. As the department’s Chief Executive Instructions, Procedural Rules and Procurement Manual are referred to in the answers and the web addresses are:
CEIs
Section 4.2 Procurement

Procedural rules
Section 4.2 Procurement

Procurement manual

Freight and courier:
(a) To procure freight and courier services the department follows the department’s Chief Executive Instructions and related Procedural Rules, which are consistent with the FMA Act and the Commonwealth Procurement Guidelines. The department also has a Procurement Manual.
(b) The department entered into a three year contract on the 7th November 2002.
(c) The contract is with Outsource Australia Pty Ltd. The contract provides for the delivery of a variety of services, including freight and courier services.
(d) The total cost of the contract for freight and courier services in 2003-04 was $271,493.52.

Logistics Arrangements:
(a) To procure logistics arrangements the department follows the department’s Chief Executive Instructions and related Procedural Rules, which are consistent with the FMA Act and the Commonwealth Procurement Guidelines. The department also has a Procurement Manual.
(b) The department entered into a contract on the 8th November 2002 which covered the 2003/04 financial year.
(c) The contract was with Urbis Pty Ltd. The contract provided for the delivery of a range of property and property-related services.
(d) It is not possible to readily disaggregate the specific cost of logistics arrangements from the overall property-related expenditure for this contract. To identify all the specific costs of logistics arrangements would require the diversion of significant resources from other priority tasks.

Industry, Tourism and Resources: Transport Services
(Question No. 317)

Senator Hutchins asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 21 January 2005:
Can the Minister provide:
(a) the directives, guidelines or other instructions issued by the department for the procurement of transport services to the department;
(b) the date on which such contracts were agreed;
(c) the entity which the Commonwealth has contracted with; and
(d) the total costs of these contracts for the 2003-04 financial year.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:
(a) In regard to transport services, the department has issued no specific directives, guidelines or instructions, other than those prescribed by the Commonwealth Procurement Guidelines that apply to all procurement activities.
(b) The Department currently holds no ongoing or long term contracts for transport services.
(c) Nil response.
(d) Nil response.

Centrelink: Payments
(Question No. 320)

Senator Greig ask the Minister for Family and Community Services, upon notice, on 27 January 2005:
With reference to the answer to question on notice no. 53 in which the Minister advised in paragraph 2 that Centrelink has received information since April 1992 about individual customers paid a Dutch pension within the scope of the 1991 Agreement on Social Security between Australia and the Netherlands:
(1) Can the Minister confirm whether these statements mean that Centrelink is able to ascertain which of its customers also receives a Dutch pension from the Sociale Verzekeringsbank within the scope of the 1991 Agreement; if so, is Centrelink able to cross reference details of the 11,952 Dutch pension recipients whose payments it has reviewed since October 2002 with that information to ascertain how many reviewed customers fell within the scope of the 1991 Agreement; if not, why not.
(2) Can the Minister now advise how many of the 11,952 Dutch pension recipients subject to review came within the scope of the 1991 Agreement.
(3) Would the specific information referred to in paragraph 2 of the answer, and general information referred to in paragraph 4 of the answer, have provided Centrelink with sufficient information to adjust payments to those Dutch pension recipients paid under the 1991 Agreement; if not, what specific additional information would have been required by Centrelink to properly assess individual Dutch pension recipients’ entitlements.
(4) Can the Minister confirm whether an amnesty occurred at any time that allowed Dutch pension recipients to provide updated information to Centrelink without penalty; if so: (a) when did this amnesty occur; (b) how was the amnesty advertised; and (c) were individual Dutch pension recipients notified of the amnesty.

Senator Patterson—The answer to the honourable senator’s question is as follows:
(1) No. I am advised by Centrelink that they cannot accurately ascertain how many Dutch pension recipients, whose payments it has reviewed since October 2002, fall within the scope of the 1991 Agreement by cross referencing those customers with the information it received about individual customers paid a Dutch pension within the scope of the 1991 Agreement.
Centrelink did not record on its system whether or not a person was being paid Dutch pension under the Agreement.
Prior to 2002, Centrelink could not readily determine which customers were being paid Dutch pension under the Agreement at any given point.
(2) No, see answer to question 1.
(3) Centrelink advises that the information provided by the Sociale Verzekeringsbank was not sufficient to adjust payments to those Dutch pension recipients paid under the 1991 Agreement. Centrelink would have required confirmation of the actual new rate being paid to each individual pensioner. It was, and remains a customer’s obligation to notify Centrelink of variations to the rate of income that they receive from all sources, including from overseas pension authorities.
(4) A foreign pension amnesty was conducted in 2000/01 to coincide with implementation of legislation to require all Centrelink customers who may have an entitlement to a foreign pension from any country to claim that foreign pension. Under the terms of the amnesty customers who had been under declaring their foreign pensions or customers who had not previously declared their foreign
pension were afforded the opportunity to advise Centrelink of details of their foreign pension without penalty. (a) The amnesty was conducted between 20 September 2000 and 19 January 2001 (inclusive). (b) The amnesty was advertised in the September / October 2000 edition of the Age Pension News (now News for Seniors) and on SBS radio. (c) No.