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SITTING DAYS—2006

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RADIO BROADCASTS

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- **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—FIFTH 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
Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Government in the Senate—Senator the Hon. Helen Lloyd Coonan
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. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Helen Lloyd Coonan
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator the Hon. 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
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
Nationals Whip—Senator Nigel Gregory Scullion
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Labor Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

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

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<tr>
<td>Prime Minister</td>
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<tr>
<td>Min. for Trade and Deputy Prime Min.</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<tr>
<td>Min. for Transport and Regional Services</td>
<td>The Hon. Warren Errol Truss MP</td>
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<td>Min. for Defence</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
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<td>Min. for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<tr>
<td>Min. for Health and Ageing and Leader of the House</td>
<td>The Hon. Anthony John Abbott MP</td>
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<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<td>Min. for Finance and Admin. and Leader of Senate</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>Min. for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Peter John McGauran MP</td>
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<tr>
<td>Min. for Immigration and Multicultural Affairs</td>
<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<tr>
<td>Min. for Education, Science and Training and</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<td>Min. for Family, Community Services and</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Indig. Affairs</td>
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<td>Min. for Industry, Tourism and Resources</td>
<td>The Hon. Ian Elgin Macfarlane MP</td>
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<td>Min. for Employment and Workplace</td>
<td>The Hon. Kevin James Andrews MP</td>
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<td>Relations and Min. Assisting the Prime Min.</td>
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<tr>
<td>Min. for the Public Service</td>
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<td>Min. for Communications, Information Technology</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<td>and the Arts and Deputy Leader of the Government</td>
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<tr>
<td>Min. for the Environment and Heritage</td>
<td>Senator the Hon. Ian Gordon Campbell</td>
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*(The above ministers constitute the cabinet)*
**HOWARD MINISTRY—continued**

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<td>Minister for Justice and Customs and Manager of Government Business in the Senate</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<td>Minister for Local Government, Territories and Roads</td>
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<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
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<td>Minister for Workforce Participation</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
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<td>The Hon. Malcolm Bligh Turnbull MP</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary (Foreign Affairs)</td>
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SHADOW MINISTRY

Leader of the Opposition
The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research
Jennifer Louise Macklin MP
Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services
Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House
Julia Eileen Gillard MP
Shadow Treasurer
Wayne Maxwell Swan MP
Shadow Attorney-General
Nicola Louise Roxon MP
Shadow Minister for Industry, Infrastructure and Industrial Relations
Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security
Kevin Michael Rudd MP
Shadow Minister for Defence
Robert Bruce McClelland MP
Shadow Minister for Regional Development
The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources, Forestry and Tourism
Martin John Ferguson MP
Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House
Anthony Norman Albanese MP
Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories
Senator Kim John Carr
Shadow Minister for Public Accountability and Shadow Minister for Human Services
Kelvin John Thomson MP
Shadow Minister for Finance
Lindsay James Tanner MP
Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services
Senator the Hon. Nicholas John Sherry
Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women
Tanya Joan Plibersek MP
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility
Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
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<th>Shadow Minister for Agriculture and Fisheries</th>
<th>Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition</th>
<th>Shadow Minister for Transport</th>
<th>Shadow Minister for Sport and Recreation</th>
<th>Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security</th>
<th>Shadow Minister for Veterans’ Affairs and Shadow Special Minister of State</th>
<th>Shadow Minister for Defence Industry, Procurement and Personnel</th>
<th>Shadow Minister for Immigration</th>
<th>Shadow Minister for Aged Care, Disabilities and Carers</th>
<th>Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate</th>
<th>Shadow Minister for Overseas Aid and Pacific Island Affairs</th>
<th>Shadow Parliamentary Secretary for Reconciliation and the Arts</th>
<th>Shadow Parliamentary Secretary to the Leader of the Opposition</th>
<th>Shadow Parliamentary Secretary for Defence and Veterans’ Affairs</th>
<th>Shadow Parliamentary Secretary for Education</th>
<th>Shadow Parliamentary Secretary for Environment and Heritage</th>
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 9.30 am and read prayers.

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

Abortion
To the Honourable President and Members of the Senate in Parliament assembled.
We the undersigned citizens oppose the current provisions which restrict the accessibility of mifepristone (RU486) and similar abortion drugs in Australia.
Mifepristone is a safe and effective, non-surgical option for early pregnancy termination. Mifepristone has been tested extensively and used safely worldwide since 1981 and is available to women in France, the United Kingdom, Sweden and New Zealand. Surgical terminations are permitted in Australia, non-surgical terminations should be also.
Your petitioners request that the Parliament reverse the legislative barriers that stop women from having a choice between surgical and non-surgical abortion.

by Senator Allison (from 1,042 citizens)

Information Technology: Internet Content
To the Honourable the President and Members of the Senate in Parliament assembled
We, the undersigned citizens of Australia draw to the attention of the Senate the common incidence of children being exposed to Internet websites portraying explicit sexual images. These images may involve children/teens, sexual violence, bestiality, and other disturbing material. Many such websites use aggressive, deceptive or intrusive techniques to induce viewing. We submit to the Senate that:
- Exposure to pornography is a form of sexual assault against children and should be considered, like all sexual abuse of children, as a serious matter causing lasting harm.
- It is not adequate to charge individual parents with the chief responsibility for protecting their children from Internet pornographers determined to promote their product, OR to expect parents to teach children to cope with the damaging effects of pornographic images AFTER exposure.
- It is the primary duty of community and Government to prevent children being exposed to pornography in the first place by placing restrictions on pornographers and those businesses distributing such material.
- Internet Service Providers (ISPs), should accept responsibility for protecting children from Internet pornography, including liability for harm caused to children by inadequate efforts to protect minors from exposure.
Your petitioners therefore, pray that the Senate take legislative action to restrict children’s exposure to Internet pornography. We support the introduction of mandatory filtering of pornographic content by ISPs and age verification technology to restrict minor’s access.

by Senator Mason (from 12 citizens)

Abortion
To the Honourable President and Members of the Senate in Parliament assembled: The Petition of the undersigned shows:
That RU486 is an abortifacient - its purpose is to cause an abortion, and RU486 is currently a restricted drug under the Therapeutics Goods Act which requires the authority of the Federal Minister for Health for its importation to Australia.
Your Petitioners request that the Senate should not repeal the Ministerial responsibility for approval of RU486, as proposed in the legislation currently before the Parliament.

by Senator Stephens (from 413 citizens)

NOTICES
Presentation
Senator Ellison to move on the next day of sitting:
That the following order operate as a temporary order until 30 June 2006:
If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

Senator O’Brien to move on the next day of sitting:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 16 October 2006:

The adequacy of Australia’s aviation safety regime, with particular reference to the performance by the Civil Aviation Safety Authority of its functions under the *Civil Aviation Act 1988*.

Senator Bob Brown to move on Tuesday, 28 February 2006:

That the Senate opposes whaling and calls on the Australian Government to request Japan to withdraw its whaling fleet from Australia’s southern oceans.

Senator Bob Brown to move on the next day of sitting:

That the Senate directs that the use of the bolldars in the slipway on the Senate side of Parliament Drive be restricted to periods of heightened security risk.

Senator FERRIS (South Australia) (9.32 am)—On behalf of Senator Watson and, following the receipt of satisfactory responses, on behalf of the Regulations and Ordinances Committee, I give notice that at the giving of notices on the next day of sitting I shall withdraw business of the Senate notice of motion No. 1 standing in Senator Watson’s name for 11 sitting days after today for the disallowance of the Aviation Transport Security Amendment Regulations 2005 (No. 2), as contained in Select Legislative Instrument 2005 No. 222. I seek leave to incorporate in *Hansard* the committee’s correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—

Aviation Transport Security Amendment Regulations 2005 (No. 2), Select Legislative Instrument 2005 No. 222

10 November 2005

The Hon Warren Truss MP

Minister for Transport and Regional Services

Suite MG-46

Parliament House

CANBERRA ACT 2600

Dear Minister

I refer to the following Aviation Transport Security Amendment Regulations made under the *Aviation Transport Security Act 2004*.

Aviation Transport Security Amendment Regulations 2005 (No. 2)

Select Legislative Instrument 2005 No. 222

The Committee has considered these Regulations and seeks your advice on the following matters.

First, the amendments in items [15] to [16] of this instrument amend regulation 6.28 in the principal Regulations. One aspect of these amendments is to remove a so-called ‘grandfathering provision’ under which only new employees have been denied an Aviation Security Identification Card on the basis of a previous adverse criminal record. The Explanatory Statement does not explain why this provision is being removed. The Committee would also appreciate your advice on whether the amended regulation 6.28 will have the effect that a person who has worked successfully may now be denied an ASIC because of an adverse criminal record that was previously not considered by reason of the grandfathering clause.

Secondly, new regulation 6.56A authorises the disclosure of personal information between CASA and the Department of Transport and Regional Services, on the one hand, and the AFP, DIMIA, and ASIO on the other. The AFP is also authorised to disclose personal information to the police force or police service of each State and Territory. The Committee would appreciate your advice on whether the Privacy Commissioner was consulted about this new regulation and, if so, whether the Commissioner raised any concerns.

Finally, section 17 of the *Legislative Instruments Act 2003* directs a rule-maker to be satisfied that the...
appropriate consultation, as is reasonably practicable, has been undertaken particularly where a proposed instrument is likely to have an effect on business. Section 18 of the Act provides that in some circumstances consultation may be unnecessary or inappropriate. The definition of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out or, if there has been no consultation, to explain why none was undertaken. The Explanatory Statement that accompanies these Regulations makes no reference to consultation. The Committee therefore seeks your advice on whether consultation was undertaken and, if so, the nature of that consultation.

Aviation Transport Security Amendment Regulations 2005 (No. 3)
Select Legislative Instrument 2005 No. 223

The Committee notes that the Explanatory Statement that accompanies these Regulations also makes no reference to consultation. The Committee therefore seeks your advice on whether consultation was undertaken and, if so, the nature of that consultation.

The Committee would appreciate your advice on the above matters as soon as possible, but before 2 December 2005, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman

1 December 2005
Senator John Watson
Chairman
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator Watson

Thank you for your letter of 10 November 2005 regarding the amendments to the Aviation Transport Security Amendment Regulations 2005 (No. 2).

The amendments which you have raised concerns about in items [15] and [16] have been included by the Australian Government to take into account the shift in the security environment since 1998 when the Aviation Security Identification Card (ASIC) was first introduced.

Under the amended regulation 6.28, if a person already holding an ASIC is found to have an adverse criminal record under these amendments then that person would be disqualified from holding an ASIC. However, there is provision for appeal to the Administrative Appeals Tribunal for decisions made by the Secretary of the Australian Government Department of Transport and Regional Services (the Department) or by an issuing body to disqualify a person from holding ASIC.

Consultations with the aviation industry have indicated that only a small number of people would be affected by this regulation change. For example, 25,000 Qantas employees were involved in a trial background check of current ASIC holders; it was found that less than five of these employees would be adversely affected by removing the grandfathering provisions.

In relation to regulation 6.56A, the amendment clarifies the purpose for which the information they have provided will be used and who will receive the information. The Privacy Commissioner was not consulted because applicants are aware of the purposes for which the information will be used and which bodies will receive the information through the application process. Applicants sign a consent form as part of the application for a security check. The consent form indicates to applicants that personal information will be forwarded to the Department, the Australian Federal Police, the Police Services of States or Territories, the Australian Security Intelligence Organisation and the Department of Immigration and Multicultural and Indigenous Affairs. The consent form details to applicants what their personal information will be used for, who will receive the information and the purpose each agency has for receiving the information. A copy of the consent form is attached for your information. [consent form not incorporated]
Extensive consultations with key stakeholders in both metropolitan and regional and rural Australia have been undertaken through industry forums and meetings with industry representative bodies. These amendments have been welcomed by industry, as they will remove some technical anomalies that were contained in the regulations.

In relation to the Aviation Transport Security Amendment Regulations 2005 (No. 3) the amendment to regulation 2.61 allows that explosives or explosive devices may be consigned as cargo if that is an authorised consignment. The amendment corrects an omission in the original drafting and brings this regulation into line with the requirements in the Civil Aviation Act 1988 and as such did not require consultation.

The amendment to regulation 4.13 clarifies that the rules on screening international transit passengers only applies to inbound flights. There has been broad discussion with the aviation industry since the legislation came into effect on 10 March 2005. Several international airlines and a representative body drew this situation to my Department’s attention and as such, no fresh consultation was undertaken at an industry level. At the time of drafting, the views of the industry were sought as to whether the amendment would be effective.

I trust this information will be of assistance to the Standing Committee on Regulations and Ordinances.

Yours sincerely
Warren Truss
Minister for Transport and Regional Services

8 December 2005
The Hon Warren Truss MP
Minister for Transport and Regional Services
Suite MG46
Parliament House
CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 1 December 2005 responding to the Committee’s concerns with the Aviation Transport Security Amendment Regulations 2005 (No. 2) and the Aviation Transport Security Amendment Regulations 2005 (No. 3).

The Committee appreciates your advice which has met most of its concerns. The Committee would appreciate further advice on the reasons for the removal of a so-called ‘grandfathering provision’ under which only new employees have been denied an Aviation Security Identification Card on the basis of a previous adverse criminal record. In your response you explain the effect of its removal but do not address the reason why it has now been removed.

I note that the time for giving a disallowance notice in relation to these regulations expired today. The Committee has therefore today given a notice of intention to disallow the Aviation Transport Security Amendment Regulations 2005 (No. 2) to enable the Committee to maintain its consideration for a further 15 sitting days, and provide you with additional time to respond.

The Committee would appreciate your advice on this matter as soon as possible but before 30 January 2006 to enable it to finalise its consideration of these regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman

3 January 2006
Senator John Watson
Chair
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator Watson

Thank you for your letter of 8 December 2005 requesting further advice about the Aviation Transport Security Amendment Regulations 2005 (No. 2) to enable the Committee to finalise its consideration of these regulations. I note that the Committee has specifically requested further explanation of the reasons for the removal of the ‘grandfathering’ provisions in relation to criminal offences. As previously advised, under the amended regulation 6.28, if a
person already holding an Aviation Security Identity Card (ASIC) is found to have an adverse criminal record under these amendments then that person would be disqualified from holding an ASIC.

This proposed amendment to the regulation reflects the desire of the Australian Government to implement objectively measurable eligibility requirements, including full and consistent criminal background checking, for all ASIC holders.

When the ASIC scheme was introduced in 1998, all applicants were subject to a police records check, but only new employees were denied an ASIC on the basis of a previous criminal record. These ‘grandfathering’ provisions, in relation to criminal offences, were carried over to the reissue of ASICs in 2002, with the addition of a politically motivated violence (security) check.

While the removal of the ‘grandfathering’ provisions enhances the preventative aviation security framework, the amendment is also designed to address the threat of serious and organised crime in airports and related cargo areas. In removing the ‘grandfathering’ provisions, the Government recognises community concerns about criminal activity in airports, and seeks to increase public confidence in security and law enforcement arrangements at Australian airports.

As advised, extensive consultation has been undertaken with the aviation industry through the Aviation Security Advisory Forum, Regional Industry Consultative Meetings, the ASIC Working Group and regional consultative and industry forums. These consultations have indicated that the proposed amendment is supported by industry and would have minimal impact. There is provision to appeal any decisions made by the Secretary of the Australian Government Department of Transport and Regional Services or by an issuing body to disqualify a person from holding an ASIC to the Administrative Appeals Tribunal.

I trust this information will be of assistance to the Standing Committee on Regulations and Ordinances.

Yours sincerely
Warren Truss
Minister for Transport and Regional Services

Senator FERRIS (South Australia) (9.33 am)—On behalf of Senator Watson and, following the receipt of satisfactory responses, on behalf of the Regulations and Ordinances Committee, I give notice that at the giving of notices on the next day of sitting I shall withdraw business of the Senate notice of motion No. 2 standing in Senator Watson’s name for 11 sitting days after today for the disallowance of the Civil Aviation (Fees) Amendment Regulations 2005 (No. 1), as contained in Select Legislative Instrument No. 224. I seek leave to incorporate in Hansard the committee’s correspondence concerning these instruments.

Leave granted.

_The correspondence read as follows—_
Civil Aviation (Fees) Amendment Regulations 2005 (No. 1), Select Legislative Instrument 2005 No. 224
10 November 2005
The Hon Warren Truss MP
Minister for Transport and Regional Services
Suite MG46
Parliament House
CANBERRA ACT 2600
Dear Minister
I refer to the Civil Aviation (Fees) Amendment Regulations 2005 (No. 1), Select Legislative Instrument 2005 No. 224.

This instrument specifies fees payable to CASA for aviation security status checking (subregulation 5(2)) and for the issuing of an Aviation Security Identification Card, or ASIC (subregulation 5(4)). The Committee notes that the Explanatory Statement states that the fees in subregulation 5(4) are the same as those in subregulation 5(2). However, item 4 of the table in subregulation 5(2) states that the fee for replacement of a security designated authorisation is $50, while item 4 in subregulation 5(4) states that the fee for the replacement of an ASIC is $75. The Committee would therefore appreciate your advice on the reasons for this difference.
Also, section 17 of the Legislative Instruments Act 2003 directs a rule-maker to be satisfied that appropriate consultation, as is reasonably practicable, has been undertaken particularly where a proposed instrument is likely to have an effect on business. Section 18 of the Act provides that in some circumstances consultation may be unnecessary or inappropriate. The definition of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out or, if there has been no consultation, to explain why none was undertaken. The Explanatory Statement that accompanies these Regulations makes no reference to consultation. The Committee therefore seeks your advice on whether consultation was undertaken and, if so, the nature of that consultation.

The Committee would appreciate your advice on the above matters as soon as possible, but before 2 December 2005, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman

1 December 2005
Senator John Watson
Chairman
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 6200

Dear Senator Watson
Thank you for your letter of 10 November 2005 regarding the amendments to the Civil Aviation (Fees) Regulations 2005 (No. 1). This advice has answered the Committee’s concern. In your response you also advised that extensive consultations were undertaken with ‘key stakeholders in both metropolitan and rural Australia’. This advice raises two questions. First, the definition of ‘explanatory statement’ in section 4 of the Legislative Instruments Act 2003 requires an explanatory statement to describe the nature of any consultation that was carried out. The nature of the consultation process in this instance is not clear. Secondly, it is not clear who is included in the term ‘key stakeholders’.

I note that the time for giving a disallowance notice in relation to these regulations expired today. The Committee has therefore today given a notice of intention to disallow these regulations to enable the Committee to maintain its consideration for a further 15 sitting days, and provide you with additional time to respond. The Committee would
appreciate your advice on this matter as soon as possible but before 30 January 2006 to enable it to finalise its consideration of these regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson

Chairman

22 December 2005
Senator John Watson
Chair
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Watson
Thank you for your letter of 8 December 2005 requesting further advice about the Civil Aviation (Fees) Regulations 2005 (No. 1) to enable the Committee to finalise its consideration of these regulations.

I note that the Committee has asked for further information about consultations described in previous correspondence, specifically requesting details of key stakeholders included in the consultation process.

Extensive consultation has been undertaken through regular industry meetings with key stakeholders including the Australian Airports Association, the Regional Aviation Association of Australia, Recreational Aviation Australia, the Aircraft Owners and Pilots Association of Australia, the Aviation Security Identity Card (ASIC) Working Group and Regional Industry Consultative Meetings.

While initial concerns were raised regarding the fees for pilots to undergo background checking, there is broad recognition that background checking is now a requirement across the aviation industry. The fees to be applied by the Civil Aviation Safety Authority (CASA) are competitive with fees charged by other ASIC issuing authorities on a cost-recovery basis. Additionally, as CASA is now an issuing body for ASICs, the different background checking requirements for pilots to obtain a photo licence and an ASIC have been addressed to remove duplication and to ensure the impact on pilots is minimised.

I trust this information will be of assistance to the Standing Committee on Regulations and Ordinances.

Yours sincerely
Warren Truss

Minister for Transport and Regional Services

Senator FERRIS (South Australia) (9.33 am)—On behalf of Senator Watson and the Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today I shall move:

That Instrument No. CASA 383/05 made under regulation 179A of the Civil Aviation Regulations 1988 be disallowed.

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

Leave granted.

The summary read as follows—

Instrument No. CASA 383/05
This Instrument specifies instructions for the navigation of an aircraft under the Instrument Flight Rules. Clause 8 in Schedule 1 to this Instrument makes reference to “a long flight over water”. There is no reference in clause 8 to any definition of what constitutes a “long flight”. The Committee has written to the Minister seeking advice on this matter.

Postponement
The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Chair of the Economics References Committee (Senator Stephens) for today, proposing the reference of a matter to the Economics References Committee, postponed till 27 February 2006.
General business notice of motion no. 334 standing in the name of Senator Bartlett for today, relating to sexual assault on children in Australia, postponed till 27 February 2006.

General business notice of motion no. 368 standing in the name of Senator Stott Despoja for today, relating to the Convention on the Elimination of All Forms of Discrimination against Women, postponed till 27 February 2006.

BUDGET
Consideration by Legislation Committees
Meeting
Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (9.35 am)—I move:

(1) That estimates hearings by legislation committees be scheduled as follows:

2005-06 additional estimates:

Monday, 13 February and Tuesday, 14 February and, if required, Friday, 17 February (Group A)

Wednesday, 15 February and Thursday, 16 February and, if required, Friday, 17 February (Group B).

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

(3) That committees meet in the following groups:

Group A:

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

Group B:

Community Affairs
Economics
Employment, Workplace Relations and Education

Foreign Affairs, Defence and Trade.

(4) That the committees report to the Senate on 28 March 2006 in respect of the 2005-06 additional estimates.

Question agreed to.

Allocation of Departments and Agencies

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (9.35 am)—I move:

That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

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

Community Affairs

Families, Community Services and Indigenous Affairs
Health and Ageing

Economics

Treasury
Industry, Tourism and Resources

Employment, Workplace Relations and Education

Employment and Workplace Relations
Education, Science and Training

Environment, Communications, Information Technology and the Arts

Environment and Heritage
Communications, Information Technology and the Arts

Finance and Public Administration

Parliament
Prime Minister and Cabinet
Finance and Administration
Human Services

Foreign Affairs, Defence and Trade

Foreign Affairs and Trade
Defence (including Veterans’ Affairs)

Legal and Constitutional

Attorney-General
Immigration and Multicultural Affairs

Foreign Affairs, Defence and Trade.
Senator MILNE (Tasmania) (9.36 am)—I move:

That the Senate—

(a) notes:

(i) the announcement by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) that it will redirect its energy research work away from renewable energy towards 'cleaning up' coal, a priority of the Australian Government,

(ii) a breakthrough in solar energy technology, developed by the CSIRO and a private company, with a turbine that has the potential to replace coal-fired power stations in 20 years, and

(iii) that the CSIRO has had to look offshore for investment funding to advance its work on the solar turbine technology; and

(b) calls on the Australian Government to re-prioritise its policy and funding objectives to provide more support for renewable energy so that Australian breakthrough research is not forced offshore for further development and commercialisation.

Question put. The Senate divided. [9.40 am]

The Senate divided. [9.40 am]

Ayes……………. 8

Noes……………. 54

Majority……… 46

AYES

Allison, L.F. Bartlett, A.J.J.
Brown, B.J. Milne, C.
Murray, A.J.M. Nettle, K.
Siewert, R. * Stott Despoja, N.

NOES

Adams, J. Barnett, G.
Boswell, R.L.D. Brown, C.L.
Calvert, P.H. Campbell, G.
Carr, K.J. Chapman, H.G.P.
Colbeck, R. Conroy, S.M.
Crossin, P.M. Eggleston, A.
Ellison, C.M. Ferguson, A.B.
Ferris, J.M. * Fierravanti-Wells, C.
 Fifield, M.P. Forshaw, M.G.
 Hogg, J.J. Humphries, G.
 Hurley, A. Hutchins, S.P.
 Johnston, D. Joyce, B.
 Kirk, L. Lightfoot, P.R.
 Ludwig, J.W. Lundy, K.A.
 Macdonald, J.A.L. Marshall, G.
 Mason, B.J. McEwen, A.
 McGauran, J.J.J. McLucas, J.E.
 Minchin, N.H. Moore, C.
 Nash, F. Parry, S.
 Patterson, K.C. Payne, M.A.
 Polley, H. Ray, R.F.
 Ronaldson, M. Santoro, S.
 Scullion, N.G. Sherry, N.J.
 Stephens, U. Sterle, G.
 Troeth, J.M. Trood, R.
 Watson, J.O.W. Webber, R.
 Wong, P. Wortley, D.

* denotes teller

Question negatived.

Senator STOTT DESPOJA (South Australia) (9.45 am)—I move:

That the Senate—

(a) notes the final report of the Commission for Reception, Truth and Reconciliation in East Timor, which:

(i) provides a comprehensive analysis of Indonesia’s occupation of East Timor and the effect of this occupation on the Timorese people,

(ii) reinforces the right of the people of Timor-Leste to self-determination and challenges the role of the Australian Government in delaying the recognition of that right.
(iii) records the unlawful killings, enforced disappearances, forced displacement, detention, starvation and torture of the Timorese by Indonesian forces,

(iv) calls for reparations from Indonesia and other members of the international community such as Australia, ‘who looked the other way’ and thus ‘bear a portion of responsibility’ for the atrocities committed, and

(v) was delivered to the United Nations by Xanana Gusmao, the President of Timor-Leste on 20 January 2006; and

(b) calls on the Australian Government to:

(i) acknowledge its role in denying the people of Timor-Leste their right to self-determination and prolonging their suffering at the hands of Indonesian forces,

(ii) offer reparations to the Government of Timor-Leste in accordance with the recommendations made in the report,

(iii) encourage the Indonesian Government to ensure the delivery of reparations to the people of Timor-Leste, and

(iv) recognise the importance of reparations in assisting Timor-Leste to heal the wounds of occupation and rebuild a stable, democratic and well-functioning civil society.

Question put.
The Senate divided. [9.49 am]

(The President—Senator the Hon. Paul Calvert)

Ayes............. 8
Noes............. 48
Majority........ 40

AYES
Allison, L.F.
Brown, B.J.
Murray, A.J.M.
Siewert, R.

NOES
Adams, J.
Calvert, P.H.
Carr, K.J.
Colbeck, R.
Crossin, P.M.
Ferguson, A.B.
Fielding, S.
Fifield, M.P.
Heffernan, W.
Humphries, G.
Hutchins, S.P.
Joyce, B.
Ludwig, J.W.
Macdonald, J.A.L.
Mason, B.J.
McGauran, J.J.J.
Moore, C.
O’Brien, K.W.K.
Patterson, K.C.
Polley, H.
Ronaldson, M.
Scullion, N.G.
Troeth, J.M.
Wong, P.

* denotes teller

Question negatived.

COMMITTEES

Economics Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (9.53 am)—by leave—At the request of Senator Brandis, I move the motion as amended:

That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Future Fund Bill 2005 be extended to 27 February 2006.

Question agreed to.

Public Accounts and Audit Committee

Meeting

Senator FERRIS (South Australia) (9.54 am)—At the request of Senator Humphries, I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9
February 2006, from 10.30 am to 12.30 pm, to take evidence for the committee’s review of Auditor-General’s reports.

Question agreed to.

Community Affairs Legislation Committee
Documents

Senator FERRIS (South Australia) (9.55 am)—On behalf of the Chair of the Community Affairs Legislation Committee, Senator Humphries, I present the Hansard record of proceedings and documents presented to the committee on its inquiry into the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005.

BUDGET
Consideration by Legislation Committees
Additional Information

Senator FERRIS (South Australia) (9.55 am)—On behalf of the Chair of the Economics Legislation Committee, I present additional information received by the committee relating to hearings and supplementary hearings on the 2003-04, 2004-05 and 2005-06 estimates.

FUTURE FUND BILL 2005
AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY BILL 2005
AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005
AGED CARE (BOND SECURITY) BILL 2005
AGED CARE (BOND SECURITY) LEVY BILL 2005
AGED CARE AMENDMENT (2005 MEASURES No. 1) BILL 2005

First Reading

Bills received from the House of Representatives.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.56 am)—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 shall move a motion in relation to the listing of the bills 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 ELLISON (Western Australia—Minister for Justice and Customs) (9.57 am)—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—

FUTURE FUND BILL 2005

The Future Fund Bill 2005 implements another important part of the Government’s long-term fiscal strategy. This is a Bill which will put in place arrangements for future generations to allow them to deal with the massive changes that the ageing of the population will bring, from a much stronger financial position.

When this government was elected in 1996, Australian Government net debt stood at $96 billion. We are forecasting that by 30 June 2006, after ten years of Coalition Government, we will have reduced that debt by around $90 billion and, by doing so, released more than $6 billion a year from ‘dead’ interest payments to fund priority areas like health, education and national security.

With net debt now under control, we are turning our attention to addressing the largest single liability on the Government’s balance sheet: unfunded public sector superannuation. As at 30 June 2005, unfunded public sector superannuation...
liabilities stood at around $90 billion, and are forecast to grow to around $140 billion by 2020. The Future Fund will strengthen the Australian Government’s long-term financial position and ensure we are better able to meet the challenges of an ageing population without raising taxes or driving the budget into deficit. The Future Fund will reduce calls on the budget in future years and free up resources at a time when the 2002 Intergenerational Report tells us significant pressures are expected to emerge.

The Future Fund will be invested with the aim of accumulating financial assets sufficient to offset the Government’s unfunded superannuation liabilities by 2020. The Bill provides for seed capital of $18 billion to be transferred to the Fund in 2005-06. The Government will also contribute future realised surpluses and proceeds from asset sales to the Fund. To ensure that the Fund grows over time the earnings of the Fund will be re-invested and the assets held by the Future Fund will be quarantined from the rest of the budget. Notably, New Zealand, Ireland, France and Canada all have similar strategies in place and in none of those other national funds are the returns on investment allowed to be siphoned off to fund pet projects of the government of the day. This will also be the case for the Future Fund.

The Fund will only be drawn upon at the earlier of 2020 or a time when an independent actuary determines that the Fund’s assets are sufficient to offset the unfunded part of the Government’s accrued superannuation liabilities.

Queensland has already fully funded its superannuation schemes. Other States and Territories have put in place arrangements to fund past service liabilities with the aim of achieving fully funded schemes over the next thirty to forty years. The Commonwealth is now, for the first time, making proper financial provision for its liability.

An appropriately qualified Board of Guardians, chaired by Mr David Murray, will manage the Fund. Mr Murray is a well known figure in Australia and with 13 years experience as CEO of the Commonwealth Bank of Australia is an outstanding choice to lead the Future Fund through its inception and early years of operation. The Board will be responsible for deciding how to invest the Future Fund. By creating an independent Board of Guardians with powers protected by legislation, the Government is putting in place robust measures to guard the Fund from being raided by any future Government. The assets and the earnings of the Fund will be locked away, to grow over time, and will be directed to the purpose for which it has been created.

When the Fund is eventually drawn down to pay superannuation liabilities (some of which are accruing now), taxpayers will face a lighter burden than would have been the case if this Fund had not been established. The Fund represents a sensible financial policy now for the benefit of future generations. The Fund will be needed in the future because we know that future generations will have the costs of the ageing of the population on their hands within twenty years time. The fact that the current generation is funding its liabilities, and also funding liabilities accrued in the past, will give future taxpayers a much better chance to cope with these challenges.

The Board of Guardians will be assisted by a new statutory agency, the Future Fund Management Agency. The Agency will implement the decisions of the Board and undertake the associated operational activities but investment activities will primarily be outsourced to private sector funds managers. The primary functions of the Agency will be to provide administrative and policy support to the Board and manage the relationships between the Board and investment managers such as funds managers, transition managers and custodians.

The Government’s clear view is that detailed investment decisions should be left to the Board. The Bill provides a framework for these decisions by outlining an investment mandate to guide the Board and setting the broad parameters within which the Fund can operate. The Government’s initial investment mandate will set a benchmark for long-term returns on the Fund and will include any restrictions on the investment of the Fund. The general view of the Government is that restrictions should only be applied where there are sound policy or national interest reasons to do so.
The Future Fund is a financial asset fund. This means that the Board will be able to invest in a wide range of financial assets including shares and bonds, but it cannot invest in non-financial assets such as direct holdings of property and infrastructure. However, the Board will be able to gain exposure to these asset classes through pooled investment vehicles. Under the external reporting standards which the Budget is prepared on, transactions involving financial assets do not have an impact on the Budget bottom line.

The provision of a broad investment mandate does not in any way compromise the independence of the Board to deliver the Government’s desired risk and return objectives. The Bill sets out a transparent process by which the Board’s view on the investment mandate is tabled in Parliament. The Bill allows the Board to take a long-term view of the investment strategy and gives them the investment powers to maximise the returns on the Fund over the long term. This is broadly consistent with the approach taken by national funds in New Zealand, Ireland, France and Canada. The framework ensures that the management of the Fund will remain at arm’s length from the Government and that the Board is accountable for the performance of the Fund.

Full details on the establishment of the Fund, Board and Agency are contained in the explanatory memorandum.

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY BILL 2005

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

These Bills establish the Australian Sports Anti-Doping Authority as the focal point for Australia’s continuing campaign against doping in sport. Australia is acknowledged internationally as being at the forefront of the fight against doping in sport, balancing a ‘tough on drugs’ approach with ensuring that all athletes are treated fairly and that athletes’ rights are protected.

Through its Tough on Drugs in Sport Strategy, launched in May 1999 in the lead up to the Sydney 2000 Games, the Government has ensured that Australia has a robust anti-doping framework that is world’s best practice. The Government’s unrelenting pursuit of this strategy has meant that all major Australian sporting organisations are now compliant with the World Anti-Doping Code. In the 2004 Election policy Building Australian Communities through Sport, the Government committed to strengthening its Tough on Drugs in Sport Strategy through enhancing the investigation of alleged doping violations and establishing clear and consistent arrangements for the hearing of doping in sport matters.

As part of that commitment, on 23 June 2005, the Minister for the Arts and Sport, Senator the Hon Rod Kemp, announced that the Government will establish a new Australian Sports Anti-Doping Authority (ASADA) to investigate allegations of anti-doping rule violations and present doping cases at hearings.

ASADA would assume the existing drug testing, education and advocacy functions of the Australian Sports Drug Agency (ASDA) and include the current Australian Sports Drug Medical Advisory Committee.

The Bills before the House delivers on that commitment. They set out a new, more robust regime for responding to alleged anti-doping rule violations in Australia through a new, dedicated agency.

The ASADA Bill empowers ASADA to investigate all allegations of Anti-Doping Rule Violations outlined in the World Anti-Doping Code and present cases against alleged offenders at the international Court of Arbitration for Sport and other sports tribunals.

The Bill provides ASADA with the following functions:

- Undertake anti-doping testing, investigations and presentations at sport tribunal hearings functions;
- Determine mandatory anti-doping provisions to be included in Australian Government funding agreements with sports;
- Advise the Australian Sports Commission, as the Government’s principal sports funding body, of the performance of sports in observing these requirements;
• Provide education for Australian athletes and support personnel in relation to anti-doping matters;
• Support and encourage research into anti-doping matters;
• Encourage anti-doping initiatives by the States and Territories and cooperate in carrying out these initiatives;
• Provide anti-doping and other services under contract;
• Make resources available to the Australian Sports Drug Medical Advisory Committee for the performance of its functions; and
• Provide advice to the responsible Minister on matters relating to these functions.

The establishment of ASADA will mean that sports, athletes and the public can have complete confidence that doping allegations will be investigated and pursued in an independent, robust and transparent way.

ASADA’s establishment represents the next step forward in strengthening Australia’s already world-class anti-doping regime.

In the event of serious allegations of doping infractions by athletes, Australia will have in place an integrated system to respond vigorously from the outset – from collecting, preserving and analysis of evidence to making recommendations on its findings and carrying a case to a tribunal hearing if required.

The creation of ASADA will enhance Australia’s compliance with the World Anti-Doping Code, and will strategically implement the UNESCO International Convention Against Doping In Sport, once ratified by Australia.

The creation of ASADA, more broadly, represents a tough response to doping in sport and a response that treats all athletes fairly.

The ASADA Bill sets out the broad requirements under which ASADA will exercise its functions. Detailed protocols and procedures for the exercise of ASADA’s functions will be contained in a National Anti-Doping Scheme, which will be a legislative instrument developed alongside the ASADA Bill, to be tabled in Parliament.

The National Anti-Doping Scheme will reflect the provisions of the two major international instruments on anti-doping to which Australia is a party – it will be consistent with the mandatory provisions of the World Anti-Doping Code and will implement the UNESCO Convention (once ratified).

The Scheme will contain:
• Anti-doping rules applicable to athletes and support personnel, including details of Anti-Doping Rule Violations and the consequences of infractions;
• Protocols for ASADA drug testing procedures;
• Protocols and procedures governing ASADA investigations;
• Protocols for ASADA to establish a register of its findings, and to advise sporting organisations and athletes of its findings; and
• Protocols for ASADA’s presentation of doping cases at sports tribunal hearings.

The Scheme will set out the obligations for Australian sporting organisations in the following areas:
• Promoting athlete compliance with the Scheme;
• Referring violations of the Scheme to ASADA;
• Assisting ASADA in the course of its investigations;
• Taking action in response to ASADA finding a violation has occurred; and
• ASADA’s role in hearings and appeals for doping cases.

The Scheme will also authorise ASADA to:
• Monitor the compliance of sports and sports administration bodies (including the ASC) with these obligations;
• Notify the ASC in regard to such compliance; and
• Publish reports about the extent of compliance.

As a condition of any funding from the Government, sports will be required to adopt the Scheme as part of their anti-doping policies, which will include submitting to the anti-doping jurisdiction of ASADA.
This carries with it requirements for sports to ensure that their athletes and support personnel cooperate with ASADA officials in carrying out its testing, investigations and presentations at hearings functions. Sports will also be required, as a condition of the Scheme, to accept any findings by the new authority that an individual has committed a doping offence and apply the appropriate penalty.

The Bill also contains provisions facilitating the exchange of sensitive information between ASADA, the Australian Customs Service and the Australian Federal Police in regard to the use and importation of prohibited substances.

The Bill provides protection from civil actions to ASADA members, staff and those giving information to ASADA for any act undertaken in good faith during an ASADA investigation.

These provisions, along with the obligations imposed on sports through the contractual arrangements with the Government, will put in place a system that will provide ASADA with the powers and ability to carry out its functions to the fullest extent.

In framing the proposed ASADA legislation, the issue of safeguarding athletes’ rights was a prime consideration.

Accordingly, the ASADA Bill attaches strict conditions to the receipt and disclosure of sensitive information from Customs, the Australian Federal Police and other law enforcement bodies. For example, disclosure must not contravene the terms of Customs initial disclosure to ASADA, and sports in receipt of such information must give an undertaking that any use of the information on its part must be for anti-doping purposes and will not occur in a way prejudicial to the subject of the information.

It also stipulates the rights that athletes will have in relation to ASADA decisions. Athletes will have access to established external review mechanisms in relation to any ASADA investigation (including a test or the testing process) including the Commonwealth Ombudsman, the Administrative Appeals Tribunal and the Federal Court or Federal Magistrates Court under the Administrative Decisions (Judicial Review) Act 1977.

Further, the Bill contains appropriate privacy safeguards for athletes and sporting support personnel - the Privacy Act 1988 will apply to ASADA’s advocacy, education, drug testing, investigative and reporting functions, and any other operations where ASADA is required to collect and deal with sensitive information.

Taken together, these provisions will continue to ensure that athletes’ rights are protected under the new anti-doping regime.

The World Anti-Doping Agency, the body responsible for coordinating the international effort against doping in sport, has welcomed the entry of ASADA as the new key body in Australia’s anti-doping framework.

As host of the Commonwealth Games in Melbourne in March 2006, Australia now has an opportunity to showcase internationally its commitment to the fight against drugs in sport and to demonstrate to athletes who might be inclined to cheat that they face a strong and systematic response once detected.

The establishment of ASADA represents a significant enhancement to a tough on drugs in sport strategy that is already world-leading. ASADA will ensure that Australia remains a leader in the international fight against drugs in sport.

AGED CARE (BOND SECURITY) BILL 2005

On 15 September 2005, I announced the Coalition Government’s decision to strengthen the existing protection surrounding aged care residents’ accommodation bonds, by establishing a scheme to guarantee the repayment of bond balances if a provider defaults – and by introducing new prudential regulatory arrangements.

This Bill – the Aged Care (Bond Security) Bill 2005 – together with two other Bills that I will be introducing today – the Aged Care (Bond Security) Levy Bill 2005 and the Aged Care Amendment (2005 Measures No. 1) Bill 2005 – form the legislative framework to strengthen the protection of bonds.

An accommodation bond is an initial payment that, in certain circumstances, an approved provider may charge a resident of an aged care service. Some aged care residents in Multipurpose
Services may also be charged accommodation bonds. The bond balance is refunded to the resident when he or she leaves the service.

Before the Aged Care Act 1997 was introduced, some residents of aged care services were charged entry contributions. These entry contributions are akin to bonds and are covered by the new arrangements.

Around 74 per cent of aged care services levy bonds on residents. Based on 2004-05 data, around $4.3 billion in bonds is held across the industry – a significant increase from $500 million in 1996. The average new bond has also increased from $26,000 in 1996-97 to $127,600 in 2004-05.

Bonds can represent a significant proportion of residents’ life savings – and, understandably, residents and their families expect secure arrangements for their bonds and the reassurance that their bond balances will be paid when the resident leaves the home.

To date, the existing arrangements have worked well, as shown by the fact that there has not been an instance where a resident’s bond balance has not been repaid.

However, under the existing arrangements, if a provider becomes bankrupt or insolvent, the resident is not guaranteed the return of their bond balance because the resident ranks as an unsecured creditor under corporations and bankruptcy law.

While to date there have been no cases where a resident’s bond balance has not been repaid – the risk is increasing because of the increasing value of bonds, and the number of approved providers and MPS’ charging bonds.

In developing this new legislation, the Government’s key objectives are:

- to improve the efficiency and sustainability of the aged care sector, and to strengthen the management of bond moneys to reduce the likelihood of providers becoming insolvent or bankrupt and being unable to repay bond balances;
- to strike a balance between the added security for residents that is provided by this strengthening – and the financial impact of the new arrangements on the sector’s viability and its standing with the capital markets, including its ability to construct and maintain aged care homes – and pressures that might flow on to subsidies, user charges, and the quality and continuity of care;
- and – last but certainly not least – to ensure that all residents who pay bonds receive their full entitlement to the balance of the bonds that they have paid in the event that a provider becomes insolvent or bankrupt.

The legislative framework provided by this Bill and the Bond Security Levy Bill, will establish a guarantee scheme whereby the Australian Government will pay 100 per cent of the bond balance owed to residents – with interest – in the event that a provider becomes insolvent or bankrupt and is unable to meet its financial obligations to residents.

The Government will then become a creditor of the insolvent provider and will recover the debt and associated costs from the insolvent provider. The Government will also have the ability to recover from all other providers holding bonds, to recover from industry the debts left by the defaulting provider.

New prudential regulatory arrangements, established under the Aged Care Amendment (2005 Measures No. 1) Bill 2005, will complement the guarantee scheme.

These new arrangements to strengthen protection of residents’ accommodation bonds were foreseen in the Government’s 2004-05 Budget, which committed record funding of $2.2 billion for the Investing in Australia’s Aged Care: More Places, Better Care package – building on the Coalition Government’s earlier reforms in the aged care sector.

In particular, these new arrangements, which will improve both the security of bonds and the management of bonds by the sector, will complement the $877.8 million Conditional Adjustment Payment – also a part of the 2004-05 Budget package. In particular, the CAP – an additional 1.75% of the annually indexed recurrent subsidy, cumulative over four years, requires approved providers to prepare General Purpose Financial Reports.
These and other measures will, over time, assist in making the residential aged care industry more financially mature and more sustainable.

The introduction of these protections underlines the Coalition Government’s commitment to a world class system of aged care that provides high quality, affordable and accessible services to meet the individual needs and choices of older Australians.

Our thinking and actions are not confined to the present. We have developed a system that will see us into the future, that can be adapted as the sector matures into a more sophisticated, self-reliant industry that embraces a culture of continuous improvement.

Our population is ageing. Over the next two decades, our population over the age of 65 will increase both numerically and structurally. By 2040, 25 per cent of the population will be over 65 with over 1 million people over the age of 85. While the ageing of the Australian population is not expected to have a major impact on the Australian Government’s Budget for at least another 15 years, the Coalition Government’s Intergenerational Report 2002/03 clearly identified that forward planning for demographic change is important, to ensure that governments will be well placed to meet emerging policy challenges in a timely and effective manner.

Recognising that innovative planning and substantive policy reforms are needed to meet the impact of our changing demographics – the Coalition Government has, and will continue to, implement necessary, wide-ranging and effective reforms. The transformation in aged care began with the new Aged Care Act in 1997.

In residential aged care, we have introduced and enforced national quality standards and accreditation, reformed financing arrangements, made special provision for dementia sufferers, greatly improved training for aged care workers, and subsidised a massive expansion in aged care places. More than 95,000 new aged care places have been allocated since 1996, and with 193,753 operational aged care places, we are on the way to reaching our target set in 2001 of 200,000 operational aged care places by 30 June 2006. We have also greatly expanded the consumer rights of residents.

Responding to our older Australians’ call for more choice – and based on the philosophy that most people value being able to live in their own home and a recognition that some older people and people with a disability may find this difficult without assistance - we have increased funding for Home and Community Care and Community Aged Care Packages.

In addition to increased funding, the Government initiated a review of community care programs in 2002 to identify strategies that would simplify and streamline current arrangements for the administration and delivery of community care services.

The Coalition Government’s ‘The Way Forward’, arising from the review, will ensure programs operate in a more consistent and coordinated way. Agreed assessment processes, eligibility criteria, consistent accountability and quality arrangements and targeting strategies are among reforms required to achieve these aims.

The Way Forward will build on the strengths of existing community care programs while delivering a less complex, stronger system capable of responding to the challenges that lie ahead.

Overall funding to aged care has increased by 140% in nine years, from $3 billion in 1996 to $7.3 billion this year.

The Coalition Government is meeting the challenges head on – and there is still more to achieve.

As foreshadowed in the Government’s response to the Pricing Review undertaken by Professor Hogan - consultation on longer term reform of the aged care sector will soon be underway.

Our commitment to meeting the challenges of an ageing population extends beyond aged care.

The Howard Government has adopted a whole-of-government approach, encompassing policies, strategies and initiatives including in relation to:

- Retirement incomes and the adequacy of retirement savings;
- Enhancing workforce participation across all age cohorts, particularly mature age;
- Healthy and productive ageing;
The built environment and its impact on the health and wellbeing of Australians as they age; and
Community attitudes to, and legislative barriers that discriminate against, ageing.

As the intergenerational report signalled, this Government is planning for the next generation of older Australians and building for the future.

AGED CARE (BOND SECURITY) LEVY BILL 2005

Having earlier introduced the Aged Care (Bond Security) Bill 2005 – I now present the Aged Care (Bond Security) Levy Bill 2005, which together will establish the legislative framework for a scheme to guarantee the repayment of bond balances to a resident or family should an approved provider default in the repayment of that balance.

As I have indicated in the Second Reading speech for the Bond Security Bill, under the guarantee scheme the Australian Government will pay 100 per cent of the bond balance owed to residents – with interest - in the event that a provider becomes insolvent or bankrupt and is unable to meet its financial obligations to residents.

The Government will then become a creditor of the insolvent provider and will recover the debt and associated costs from the insolvent provider and / or by levying all other providers holding bonds.

This Bill allows for the imposition of a levy to recover the debt. The levy details will be prescribed in regulations made in the future if necessity arises.

1. The levy amount will be based on the providers’ accommodation bond holdings as a proportion of the total accommodation bond holdings for the aged care industry.

2. Approved providers holding accommodation bonds, as a whole, will not be levied any more than the total amount repaid to residents plus administrative costs associated with the refund and the attempt to recover from the insolvent approved provider.

3. As each default event is likely to be different, the Government will take the necessary steps to work out the details of the levy when the situation occurs, including the rate at which the levy will be recouped. This will enable the Government to consider all the factors which will influence how and when the levy is to be imposed and ensure that costs to Government are recouped without jeopardising quality of care to residents.

These Bond Security Bills, together with the Aged Care Amendment (2005 Measures No. 1) Bill 2005 that I will be introducing later today, form the legislative framework for the Government’s decision to strengthen the protection of residents’ accommodation bonds – which I announced on 15 September 2005.

AGED CARE AMENDMENT (2005 MEASURES No. 1) BILL 2005

On 15 September 2005, I announced the Coalition Government’s decision to strengthen protection of aged care residents’ accommodation bonds by establishing a guarantee scheme and new prudential regulatory arrangements.

Having introduced two Bond Security Bills which establish the legislative framework for the guarantee scheme, I have pleasure in introducing a 3rd Bill, the Aged Care Amendment (2005 Measures No. 1) Bill 2005, which provides for new prudential regulatory arrangements to give residents even more assurance about the financial security of each provider, and to ensure that Australia’s aged care system continues to strengthen and grow to meet the expected demands of our ageing population.

The new prudential regulatory arrangements – which will enhance existing requirements under the Act – will initially require providers to comply with three standards – prescribed in Principles – relating to liquidity, record keeping, and disclosure. Compliance with these prudential standards will be monitored by the Department of Health and Ageing.

The new prudential arrangements are designed to:
• ensure that greater responsibility is taken by individual providers to appropriately manage and secure residents’ accommodation bonds;
• provide certain information to residents and prospective residents about the financial viability of the provider and the total bond holdings; and
• better inform residents and prospective residents (and their representatives) about the financial viability of the provider and allow judgements to be made about the safety of residents’ bonds.

The Government will assess the effectiveness of the new prudential arrangements and further strengthen them should this be required. The Government will consult widely with the sector in developing and strengthening the new regulatory arrangements.

We expect that these arrangements for securing bonds can be adapted further in the future, with industry taking greater responsibility for ensuring bonds are secure.

Compliance with the stronger prudential regulatory arrangements will improve the quality of financial performance information, and together with other reforms, will also help place the aged care industry on a more sustainable basis.

This Bill also includes provisions to extend the timeframes, in which providers must refund an accommodation bond balance and to add new provisions which require providers to pay interest on late accommodation bond balances.

The most significant change in relation to the timeframes is a change to the timeframe for repayment of bonds when a resident dies. Instead of the current 60-day provision – which is problematic for providers if the legal beneficiary has not been firmly established – under the new provisions, a provider must refund the accommodation bond balance within 14 days of being shown probate or letters of administration. This does not preclude the provider making the repayment earlier if the provider is confident that the correct beneficiary has been identified.

The other significant change is the addition of new provisions to require approved providers to pay interest on accommodation bond balances once a resident leaves a service. The amount of interest will be detailed in the Aged Care Principles and will include a penalty rate if the bond balance is not refunded within the legislated timeframe.

The changes in this Bill in relation to accommodation bonds, together with those in the two Bond Security Bills that I introduced earlier today, provide the legislative framework to strengthen protection of residents’ bonds and to ensure that residents’ expectations that their bonds are well-managed and secure are met.

Entering aged care is a significant step for our older Australians – one that is rarely reversed. By strengthening protection of accommodation bonds, we are making that step a little more comfortable for everyone.

Debate (on motion by Senator Ellison) adjourned.

Ordered that the bills be listed on the Notice Paper as follows:
(a) Future Fund Bill 2005;
(b) Australian Sports Anti-Doping Authority Bill 2005 and Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Bill 2005; and

THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005

Second Reading

Debate resumed from 8 February, on motion by Senator Nash:

That this bill be now read a second time.

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (9.58 am)—The Senate is debating the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. Like all senators, for me this private member’s bill has caused a very large amount of soul
searching. A Senate committee received thousands of submissions, and there has been a lot of coverage in the media and a great deal of lobbying by those for and against the bill. This issue has generated enormous interest and it has proved, understandably, to be a controversial issue.

In the end, it is that level of public debate that has made the issue one of public policy and that has led me to my position on this bill. I believe it goes to the heart of why we are elected here as representatives. The Senate votes on public policy. The Senate decides, and sometimes, like today, it is a really tough call. But that is why we are here, that is what we do and that is why we put our names forward to be considered by the public at polls—we ask for their trust to make decisions on their behalf. We do not stand at polling booths on election day and say, ‘Vote for me and I will put all the hard decisions in the hands of advisers and bureaucrats,’ however capable and well meaning they may be.

Ministerial discretion is the bread and butter of some of the most serious decisions made by governments. Think of immigration visas, environmental versus development issues, troop deployments, industry restructuring packages, compensation negotiations and even black spot road funding decisions. Competing interests are regularly resolved by ministers and governments, not bureaucrats. If we left these sensitive decisions to others, would that be right? How often in this place do we seek out, and sometimes demand, ministerial intervention or discretion in order to advance the rightful causes of needy constituents?

Bureaucrats administer but do not decide policy. This bill asks bureaucrats funded by the industry that they must analyse to become an integral part of policy making. This bill takes the decision on a matter of public policy away from the minister of the Crown and puts it into whose hands? They have no names. Their identities are concealed under the acronym ‘TGA’. Their role will be hidden. Their reasons will never be held up to public scrutiny or accountability. Their whole decision-making process is industry funded. Will they be men or women? We do not know. The public interest in RU486 is such that it would be wrong for any decision on its use to be hidden.

A key question in this debate is whether you believe that RU486 is a drug like any other drug. I was influenced in this matter by a professional drug regulatory affairs associate working for a multinational pharmaceutical company. This is someone who works with the TGA every day to gain approval to market new drugs. These are her words, as they appeared in the *Sydney Morning Herald* recently:

In my professional experience, RU486 is not like any other drug. It is not designed to prevent, treat or diagnose an illness, defect or injury. It is not therapeutic. It is designed to cause an abortion that will end a developing human life.

The doctor then goes on to describe some of the health issues that were canvassed by the Senate committee.

Apart from these health issues, RU486 raises serious ethical and social concerns that go far beyond scientific analysis. I concluded that, if RU486 was a drug like any other, it would not have attracted a private member’s bill, a Senate committee inquiry or the enormous level of public interest shown. RU486 is clearly not like any other drug. This public dimension means that it is a creature of public policy and, as such, it is our responsibility as senators to deal with it, no matter how much we wish it was not and no matter how uncomfortable or inadequate we may feel in dealing with these issues.
I am not a doctor; I am not a scientist. I am clearly not a woman. I am not anti-abortionist; I have believed very strongly from the time that I was at law school in the Menhennit ruling, which was new at the time, of the Victorian Supreme Court that abortions should be permitted but be based on the health and psychological wellbeing of the mother. But when we vote in this place we are not asked about our qualifications to assess each and every bill before us. We are qualified by our election to the Senate. We are senators, first and last, with the ultimate responsibility to adjudicate public policy for all. We may not always get it right. We often make mistakes. We may wish we were somewhere else at times. Nevertheless, this is our job; this is what we do. If we do not want the job then we should stand down and leave it to others.

I think it would be wrong to give our elected powers away to those who are not elected and therefore not accountable to the public. That is why the current system was introduced in the first place in 1994. Carmen Lawrence, who was then the health minister, stopped trials of RU486 which had been instigated by a single TGA official without the minister’s knowledge. That state of affairs was felt by both sides of the parliament to be sadly lacking, thus the current system of explicit ministerial oversight was introduced. I do not believe the case has been sufficiently made out to warrant changing the bilateral decision made at that time.

Senator BRANDIS (Queensland) (10.04 am)—I have decided to vote against the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I have not been influenced by the vigorous lobbying which has taken place on both sides of the issue. I have arrived at my decision purely on the basis of my own careful thought and reflection, and I want to take this opportunity to place on the record the considerations which have led me to this position.

Let me begin by dealing with three fallacies which have bedevilled this debate. The first is the suggestion that, because this issue directly affects women, it is an issue on which the point of view of women carries greater weight than the point of view of men. But women are sharply divided on this issue, just as men are. There is no ‘female’ point of view about abortion. More importantly, the moment the question of abortion is raised, it necessarily entails the question of the status of the embryo—I avoid the use of the term ‘unborn child’, which is emotive and tendentious.

There are those who, like me, believe that human life begins at conception. There are others who believe that human life begins at some later time during pregnancy, whether at an arbitrarily defined period of weeks, at the time when—to use the old language of the law—the foetus ‘quickens’, at the time of viability or at some other stage of the pregnancy. And there are those who believe that human life does not begin until actual birth. I do not wish to enter into the argument about which of those propositions is correct, beyond stating my own personal belief. Nor is there any point in doing so, because this is, for most people, a question so fundamental that seldom is it likely that anyone will be swayed by argument from the belief to which they adhere.

I do not for a moment doubt the good faith and reasonableness with which each of the different beliefs about when life begins is held. On this, above all things, I respect the right of others to have a view which is not mine, and I expect them to respect my right to have a view which is not theirs. My point is that, simply because such a multiplicity of views does exist, opinions about the circum-
stances in which abortion is morally defensible necessarily entail a view about the point at which human life begins. And that is not a women’s issue. It has nothing to do with gender. It is a philosophical issue for women and men alike.

The second fallacy which has bedevilled the debate is the mischaracterisation by some of the legal status of abortion in this country. I have heard several colleagues—some of them, I regret to say, lawyers—assert that abortion is legal in Australia. That statement is careless and misleading. Every Australian state and territory other than the Australian Capital Territory places legal prohibitions of some kind upon the termination of pregnancy and makes it a criminal offence to perform a termination or to be a party to a termination unless the termination takes place in defined circumstances of excusal. For instance, in Queensland the principal provision is section 224 of the Criminal Code, which provides:

Any person who, with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a crime, and is liable to imprisonment for 14 years.

That is the prima facie position. However the operation of section 224 is qualified by section 282, which creates a defence in the following terms:

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for the patient’s benefit, or upon an unborn child for the preservation of the mother’s life, if the performance of the operation is reasonable, having regard to the patient’s state at the time and to all circumstances of the case.

Both the offence-creating provision and the defence in my state are substantially similar to the law in the other Australian states, notwithstanding that some of them are common-law jurisdictions and in others the law is codified.

The circumstances of excusal were interpreted in the landmark decision of the Supreme Court of Victoria in the Davidson case in 1969, the so-called Menhennit ruling, to mean that a termination is permissible whenever it is necessary to preserve the mother from serious danger to her life or physical or mental health and the circumstances are not out of proportion to the danger to be averted. The language of the Menhennit ruling, which has been followed in other Australian jurisdictions, has itself been liberally interpreted. In Queensland, the law was settled by the decision in R v Bayliss and Cullen in 1988, where Judge McGuire of the Queensland District Court adopted a very liberal interpretation of the Menhennit ruling, in particular of the circumstances in which the continuation of a pregnancy might be dangerous to the mental health of the mother. Since that time, there has not been a prosecution brought in Queensland under section 224 of the Criminal Code. Bayliss was, to the best of my knowledge, the last occasion upon which a prosecution for performing an abortion was brought in Australia.

Those who claim that abortion is legal in Australia are trying, I suppose, to say that, given the liberality of judicial interpretations, for all practical purposes terminations of pregnancy are lawful because the grounds of excusal are so broad and the criminal provisions are no longer enforced. But, as any competent lawyer knows, there is a great deal of difference between saying that conduct is lawful and saying that conduct is unlawful unless justified or excused by law—however liberally the circumstances of excusal may be interpreted.

The third fallacy which besets this debate is the offensive suggestion that those who do
not wish to see the circumstances in which abortion is available further extended are seeking to impose their religious prejudices on others. I am very suspicious of politicians who wear their religion on their sleeves, who practise the politics of ostentatious piety. When it comes to liberal democracy, I am a resolute secularist. Liberal democracies are not religious constructs; it is of their essence that they are equally hospitable to people of all religious faiths and of none.

Liberalism and democracy are not religious doctrines, and my own church, the Catholic Church, is neither democratic nor liberal. It is no business of politicians who are adherents of a particular religious faith to impose the tenets of that faith on other citizens who do not share them. But, whether you are the most conservative opponent of abortion or the most vigorous advocate of its ready availability—wherever you stand on the spectrum in this debate—you cannot have a view about the morality of abortion in isolation from a view about when human life begins. It is just not logically possible. A view about when life begins is not necessarily a religious view—although it may be that, for many people, it is informed by the teachings of their church. There are many atheists who believe that life begins at conception, and there are many religious people who, in the exercise of their informed conscience, do not accept their churches’ teachings about the matter. The question of when human life begins is, to me, a philosophical question, not a theological one.

If a person holds the view, as I do, that human life begins at conception, that view may or may not be informed by religious beliefs or teachings. But even if that view is informed by religious beliefs, that does not mean that to act upon that view is to impose one’s religious values on others. It merely means that, from a belief about when life begins, certain conclusions about the consequences of terminating a pregnancy necessarily follow. Are we to say that people are entitled to hold a belief about when life begins if that belief is not based upon religious values but not entitled to hold such a belief if it is? Those who oppose abortion are no more seeking to impose their values on others than are those who support it.

Let me turn to the substance of the bill. It is very simple. If enacted, it would make the abortifacient drug RU486 subject to the ordinary approval processes of the Therapeutic Goods Administration under section 25 of the Therapeutic Goods Act whereby, before any pharmaceutical drug or medicine can be marketed in Australia, it must first be evaluated and approved by the TGA against the criteria of quality, safety and efficacy. The drug would cease to be within the class of ‘restricted goods’, and thus subject to the special regime provided for by section 23AA under which certain drugs may not be evaluated by the TGA, registered or listed for sale without the approval of the minister for health.

The TGA’s processes are technical processes. What the TGA does in evaluating new drugs is an exercise in science. If RU486 were nothing other than a medicine, if the purpose for which it is prescribed were nothing but a medical procedure, if this were only a medical question, there could be no rational reason for excluding it from the ordinary approval processes of the TGA.

I cannot see how any consideration of the availability of abortion can ever be purely a medical question. Since, for the reasons I have explained, the consideration of abortion necessarily entails consideration of the status of the foetus and therefore inevitably opens the question of when a human life begins, it cannot fail to be an ethical question, a philosophical question, as well. And, while no one should doubt the competency of the
TGA to make scientific determinations based upon technical skill and knowledge, equally no-one would be so foolish as to suggest—and to the best of my knowledge no-one has suggested—that the TGA is competent to make determinations on the ethical and philosophical issues which the abortion debate inevitably raises. The RU486 debate raises both types of issues: philosophical, not just scientific; ethical, not just technical. Because the TGA can only deal with the latter, its processes can never be sufficient to determine the appropriateness of this drug entering the Australian market.

I have not, in the course of this contribution, touched on the question of the medical efficacy of RU486. I do not have the professional expertise to assess the medical literature and I question whether anyone other than a professionally qualified doctor or pharmacologist has the capacity to do so. I note that the only senator who has spoken in this long debate who may be considered to have appropriate professional expertise, Senator Eggleston, has been an opponent of the bill. My own inexpert impression of the medical literature is that the overwhelming weight of it supports the view that RU486 is a safe drug, within the acceptable parameters of medical risk, but that a significant minority of medical opinion challenges that view. Having said that, it is clear that much of the medical literature supporting the drug is pro pounded by the pharmaceutical companies, which might be thought to have a vested interest in its wider use. Be that as it may, once it is accepted that this is more than merely a medical question, the medical literature cannot determine the issue.

I have no doubt at all that, were this drug generally available for prescription by GPs, its use would rapidly become extensive, and the circumstances and occasions upon which abortions occur in this country would significantly increase. It flies in the face of commonsense and the ordinary experience of mankind to imagine that, by providing an apparently easier, chemically induced method of termination, that procedure would not be readily recommended by doctors and resorted to by their patients. At the same time, the degree of medical superintendence of the termination would be lessened.

The desirability of such a development, having regard to the moral and ethical issues to which I have referred, cannot be left merely to a technical approval process, insusceptible to public scrutiny and accountability, which may not have regard to those issues. For that reason, I believe that responsibility for the authorisation of this drug must be taken by a decision maker who is publicly accountable for his decision. It both raises the profound philosophical and ethical issues of which I have spoken and demands a judgment on a matter of social policy of the first magnitude: how readily available do we wish abortion to be in this country?

Because this is inescapably an ethical and a policy question as well as a medical question, I maintain that this is a matter for politicians, not technicians, discharging their high public duty to make serious and grave decisions for which they must take responsibility and for which they are publicly answerable.

Senator STEPHENS (New South Wales) (10.19 am)—My approach to every piece of legislation that comes before us in this place is to consider both its effects and its consequences, because we live with the consequences, whether they are intended or unintended. I come to this debate with a very clear understanding that every unborn child is a human being. This is not a matter of belief but a fact. Each unborn child has the potential to contribute enormously to our great nation.
We generally use the term ‘human life’ to refer to a member of the biological human species, someone who has the human genetic code, and that of course would include an unborn child. But some people’s definition of the term ‘human life’ is more restricted. They apply it to a being that possesses certain human characteristics in addition to the human genetic code, such as the ability to think, to imagine or to communicate. Or they restrict it to being a moral person; that is, one that has rights and probably duties too. Of course, once people begin to limit or restrict their sense of what ‘human life’ means, their opinions on the time at which a foetus gets the right to life because it has achieved the relevant list of characteristics can vary—from the moment of conception to the time the baby is born.

The numerous objections to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, which would enable access to the chemical cocktail that will induce an abortion, are by no means confined to people with religious convictions, just as the belief that anti-Semitism breaks moral law is not restricted to Jewish people. It is the responsibility of the parliament and our responsibility as individuals to reflect on the ethical dimensions of all legislation. As much as the proponents of this bill would like to argue that this issue is merely a matter of procedure and good governance, this is a superficial and rationalist argument that serves to actually diminish our role as legislators.

When the Therapeutic Goods Amendment Bill was passed in 1996, the effect of the bill was to ensure that drugs such as RU486 were not imported into Australia without the knowledge and approval of the health minister, who would then be obliged to advise the parliament of any such approval to allow debate on the issue to occur. Senator Harradine said at the time:

\[\text{People on both sides of the abortion debate agree that the importation, trials, registration and marketing of such agents … should not be left in the hands of bureaucrats and science technologists. There should be ministerial responsibility …}\]

Nothing has changed. This bill is designed to have very specific effects. Just as important in my mind are the consequences of this bill. It is more than a debate about maximising so-called choice for women or about which method of abortion is safer. There are still concerns, on both sides, about the use of abortifacients, and the number of submissions to the inquiry on the bill demonstrates that there is grave community concern about the use of this drug.

Many submissions also touched on the governance issues surrounding the bill. The question posed is primarily about who decides. Who should take ultimate responsibility for allowing abortion drugs like RU486 to be evaluated, registered, listed or imported into Australia? The substances that the TGA oversees are drugs that can be lawfully prescribed and administered by medical practitioners throughout Australia. And, of course, we would expect the TGA to have the technical competence to assess the efficacy, safety and quality of RU486. But this bill involves matters beyond the competence of the Therapeutic Goods Administration.

How and why should we—or would we—expect the TGA to consider the political, ethical or philosophical issues around this drug and this procedure? The TGA was never designed to negotiate the myriad of public policy complexities that accompany debate about such a drug. This task lies with our elected and accountable representatives. It is the role of the minister to be accountable to the parliament, and for the parliament to be accountable to the people of Australia for the decisions of government.

It is already accepted practice in legislation to require that major or sensitive deci-
sions be made by the relevant minister. It occurs regularly in the areas of defence, intelligence, foreign affairs and telecommunications. We even had a debate yesterday—or the day before—in this parliament about ministerial accountability and discretion and the provisions that we make for that in legislation. Ministerial approval serves as a safeguard in sensitive situations—and it is an appropriate safeguard for the use of RU486 as an abortifacient. Yet ministerial accountability for this important social policy decision would be removed by this bill. When it comes to a question of such public interest and controversy, with deep distrust and cynicism on both sides of the argument, it is very important that the approval process surrounding RU486 is not merely independent and unbiased but is seen to be so.

This bill has another effect: it delegates decision making about policy to public servants whose role is to implement policy. This bill gives the TGA the ability to determine policy without reference to elected members of parliament, whose responsibility it so rightly is. So, my argument is that the TGA is an unelected body and should not have this responsibility, whilst we as legislators should not wash our hands of it.

Individual health ministers come and go. This debate is trivialised by suggestions that a minister is not able to make objective decisions because of his or her religion. Whoever he or she is, what matters is that he or she is accountable to the electorate for any decision to approve or not approve RU486. The current system ensures accountability, transparency and public confidence in the process, and these are very good reasons for maintaining it.

The inquiry received extensive evidence on therapeutic issues around the uses of RU486. The argument is clouded by misconceptions about the original therapeutic purpose of both mifepristone and prostaglandin and ongoing confusion with the morning-after pill. The morning-after pill acts to prevent an embryo attaching itself to the lining of the womb. RU486 works in a very different way: it changes the composition of the lining of the womb, killing the developing foetus. It is the first step in a chemical abortion that is completed by using a prostaglandin analogue. RU486 was not originally designed to induce abortions—that is why another drug is needed to complete the procedure. RU486 was originally developed for a therapeutic purpose: as a treatment for serious endocrine conditions like Cushing’s syndrome. Its effect of inducing early abortions has been described by one witness to the investigation as an ‘unexpected outcome of the early investigations’.

Supporters of the bill say we should treat the use of RU486 as an abortifacient like any other drug—but of course it is not. Its use in this way is not therapeutic—not designed to prevent, treat or diagnose an illness, or a defect, or an injury. It is intended to cause an abortion that will end a developing human life. The Therapeutic Goods Administration evaluates medications and therapies for their effects on the foetus. The TGA bans the use of some in these circumstances or establishes strict controls for that reason. Why then would this not be the case for the toxic mix that is RU486, which is unlike any other product typically brought before the TGA for approval?

RU486 has considerable toxicity and affects multiple body systems—with many potential side effects. The committee received a quantum of evidence outlining the medical impacts of RU486 when used as an abortifacient. Supporters of the bill argue that RU486 avoids the risks associated with the anaesthetic and the surgery itself involved in surgical termination. Submissions suggest that RU486 provides an attractive
option of replacing a ‘humiliating, difficult, invasive and traumatic procedure with a tablet’. But the evidence does not support this rather simplistic view.

In his advice to the minister, the Chief Medical Officer, Professor Howarth, suggests:

... it carries significantly higher risks of later adverse events, such as incomplete termination and prolonged bleeding, and thus a higher proportion of women who undergo medical abortion require subsequent and, at times, urgent intervention.

In 1990, the original manufacturer, Dr Edouard Sakiz, said:

As far as abortifacient procedures go, RU486 is not at all easy to use ... a woman who wants to end her pregnancy has to ‘live’ with her abortion for at least a week, using this technique. ... It is an appalling psychological ordeal.

The submissions and witnesses presented sound arguments and counterarguments to the committee about the health risks. In ensuring that people do understand that this bill is about mifepristone as an abortifacient, the TGA provided the following evidence:

... there have been several instances since June 1996 where mifepristone has been used for the treatment of brain tumours and serious endocrine conditions. In these cases, the drug was obtained under the Special Access Scheme arrangements for supply of unregistered drugs for use in life threatening conditions.

Before we allow the drug to be used as an abortifacient, we need to know more about its effects. When making policy or passing legislation, it is imperative that we take a long view, and we could do well to start from the fact that the long-term health effects of elective abortion are difficult to study and thus poorly understood.

There are a number of causes of this lack of knowledge. First and foremost, researchers of reproductive decision making have to rely on observational studies. These studies take place in different cultural, religious and legal contexts. All research in this realm is prone to an array of different sources of bias that complicate the process of drawing conclusions. That lack of clarity makes it possible for the long-term health consequences of elective abortion to become politicised, as we are seeing now. People who grant a moral status to an embryo or foetus can cite claims of adverse health consequences of abortion to support their point of view, while those who support ease of access to abortion are often unwilling to consider that pregnancy interruption can affect future mental and physical health.

Some might think such a complicated, politically treacherous and difficult to understand issue is a can of worms that parliament would be wiser not to open. To those of my colleagues who take that view, I point to the issue of cigarette smoking and its health consequences. In the 1950s and 1960s, the same criticisms could have been and were applied to the dilemma of studying whether tobacco consumption had adverse health consequences. While no individual clinician or patient could discern the harms of cigarette smoking and all studies had to be observational, with their inherent biases, well-conducted epidemiologic research was able to document adverse consequences and, ultimately, inform public opinion and policy.

Everyone in this chamber would agree that our national wellbeing has been improved by the persistence and diligence of research into the long-term health effects of smoking. Even small negative effects on long-term health can influence people’s lives, and it is part of our responsibility as representatives of the people to ensure that the legislation we enshrine bears that fact in mind. Given the important and prevalent health conditions that some of the published data have linked to elective abortion, such as premature birth, breast cancer and serious mental health problems, elective abortion
must be studied in the same fashion and with similar vigour as cigarette smoking so that women can be fully and accurately informed about potential health effects—both mental and physical.

Reputable research to date points to an association between induced abortion and either suicide or suicide attempts, and the association is not seen after spontaneous abortion. This is an objective rather than a subjective outcome. Any woman contemplating an induced abortion should be cautioned about these mental health correlates of an increased risk of suicide or self-harm attempts as well as depression and a possible increased risk of death from all causes. The particular effects of RU486—of self-administering the treatment, of the abortion taking place over time and without attendant medical support, of the conjunction of two drugs—have not been properly assessed. Dr Renate Klein’s submission to the inquiry points to a history of clinical trials of RU486 that were short-circuited, fast-tracked, incomplete, uncontrolled and even paid for by the pharmaceutical company that manufactures the drug. She notes that ‘the potential long-term effects of this procedure are not even being studied’. Even some of objective findings about abortion that are available are not as widely known as they should be. Mr Charles Francis’ submission challenges the widespread belief that abortion is a safe and simple medical procedure, and that significant harm occurs only in an occasional isolated case. He cited compelling evidence of long-term physical health consequences.

The majority of women having an induced abortion are under 30 years of age, and any woman contemplating an induced abortion early in her reproductive life faces two major long-term physical health consequences. First, her risk of subsequent premature birth, particularly of a low birth weight infant, will be elevated. Secondly, she will lose the protective effect of a full-term delivery on her lifetime risk of breast cancer. The loss of protection will be in proportion to the length of time that elapses before she experiences her first delivery. The link between abortion and breast cancer, the ‘ABC link’, is reliably supported by credible statistics over the past 50 years. Increased rates of placenta previa also warrant mention. Evidence was provided to the committee that, when a woman is properly warned of the risks entailed in abortion, she usually elects to proceed with her pregnancy. So there are sound humanitarian reasons for my opposition to the bill.

We also have to be very careful to make sure that any laws we introduce do not break moral law. A very long time ago—about 100 BC—Cicero wrote in The Foundations of Moral Law:

There is in fact a true law—namely right reason—which in accordance with nature, applies to all men and is unchangeable and eternal. By its commands this law summons men to the performance of their duties; by its prohibitions it restrains them from doing wrong. Its commands and prohibitions always influence good men, but are without effect upon the bad.

To invalidate this law by human legislation is never morally right nor is it permissible ever to restrict its operations, and to annul it wholly is impossible. Neither the Senate nor the people can absolve us from our obligation to obey this law ...

Prophetic words, I think.

It worries me that prestigious organisations such as the AMA are prepared to argue in their submissions that this is not a moral issue. I understand the mass resignation of doctors from the AMA after that statement was made, because doctors are right at the front line of this debate. They are confronted by their conscience, the Hippocratic oath and their own values and ethics when providing medical advice to women who choose this path, often in difficult circumstances.
It is very important that we also consider the long-term consequences of this bill. If human life is not protected by law, if people’s responsibility to care for the unwanted is wiped out, what precedents are we setting for future debates about life issues?

Like everyone else who prepared for this debate, I read widely. I read all the submissions to the committee, the transcripts of the hearings and the thousands of letters and emails, and I undertook wider research. The issues occupied my mind over the summer recess. Something that caught my eye and helped to clarify the challenges that confront us as legislators is none other than Pope Benedict’s first encyclical letter, and some people might be surprised. I commend a closer reading by my colleagues of the Holy Father’s words relating to politics and justice. In paragraph 27 he says:

The just ordering of society and the State is a central responsibility of politics.

… … … …

Justice is both the aim and the intrinsic criterion of all politics. Politics is more than a mere mechanism for defining the rules of public life; its origin and its goal are found in justice, which by its very nature has to do with ethics.

He goes on to explain the problem with adopting a merely rational approach to moral questions:

The problem is one of practical reason … [Reason] can never be completely free of the danger of a certain ethical blindness caused by the dazzling effect of power and special interests.

… … … …

Here politics and faith meet.

As legislators it is important that we are never too proud to check again, to question our assumptions, our presumptions and the consequences of our actions. For those who argue there is no place for interference by the churches in this debate, I quote Pope Benedict again:

The Church wishes to help form consciences in political life and to stimulate greater insight into the authentic requirements of justice as well as greater readiness to act accordingly … Building a just social and civil order, wherein each person receives what is his or her due, is an essential task which every generation must take up anew.

Let us think about the consequences of the legislation we pass in this place. As Cicero said:

Neither the Senate nor the people can absolve us from our obligation.

Senator CHAPMAN (South Australia) (10.39 am)—The bill before the Senate today, the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005, proposes to repeal ministerial responsibility for approval of RU486, a drug used to induce abortion as an alternative to surgical termination of a pregnancy, in favour of the Therapeutic Goods Administration having that responsibility. I oppose the bill. In short, the accountability for decisions involving such a drug is rightly placed with elected parliamentary representatives. I am not convinced of the veracity of the information attesting to the drug’s safety, and as someone concerned about the current level of abortions in this country I cannot countenance a situation where abortion is made more readily available.

Before addressing these issues, I congratulate the Senate Community Affairs Legislation Committee for its work in conducting the inquiry on the bill and the great number of organisations and individuals who made submissions to the inquiry and who wrote to me directly about their views on this matter. I respect all of those who have expressed their view, although I appreciate that I will not please all of them in taking the position that I do on this matter.

The issue of responsibility is central to this bill. Although the bill under consideration has been designed to look to be merely a
matter of the mechanics of procedure, I do not see it this way. Rather, it is a serious issue of ethics and social policy, one that cannot be adequately examined without proper regard for questions regarding values and matters of principle that it throws up. It is only right that Australia’s elected representatives in the parliament retain the accountability for decisions involving the use of abortifacient drugs.

In opposing this bill, I am not reflecting negatively on the skill and diligence of the TGA in discharging their responsibilities and duties; it is rather a matter that is too serious to escape the direct scrutiny of and accountability on the part of elected members of parliament. A key feature of this debate has been a continual drawing of attention to the perceived personal beliefs of the current minister for health. Of course, this parliament needs to, in the course of considering this bill, look into the future to a time when the current incumbent no longer holds the position. However, this begs the question: how then would the situation change depending on the potentially different views of people in this position? I believe that, whatever the views and the persuasion of an incumbent minister for health on this particular issue, they should, collectively with their parliamentary colleagues, be held accountable for decisions on this drug.

I do not accept that RU486 should be lined up alongside all other drugs under consideration or for possible consideration by the Therapeutic Good Administration. It is a drug designed to abort a pregnancy, to end the life of a human embryo, not to treat an existing medical condition, to prevent a possible medical condition or to sustain life.

Another question which this parliament must address involves the examination of the responsibilities which correctly fall within the province of the Therapeutic Goods Administration. As argued persuasively by the Catholic Archdiocese of Sydney in their submission to the Senate inquiry, the TGA is charged with the responsibility of assessing therapeutic drugs—those drugs which treat or cure disease. Drugs such as RU486, however, are classified as restricted goods on the grounds that they are intended for use as abortifacients. This is a clear warning sign that Australians who are potential users of RU486 should have the confidence that the drug they are using has been reinforced by responsible parliamentary scrutiny—scrutiny which extends beyond what is normally entered into for merely therapeutic classes of drugs.

Further, while the TGA is charged with assessing the quality, safety and efficacy of pharmaceutical goods for use in Australia, it is not charged with the responsibility of assessing the social and ethical issues related to drugs under its consideration. In my view, the social and ethical issues relating to RU486 are present to a degree that clearly distinguishes and separates them from the general issues under consideration by the Therapeutic Goods Administration. That is why parliamentary scrutiny and, through that, greater public scrutiny are required in this instance.

To the public eye, the TGA is rather an invisible and unaccountable body to be dealing with such a complex, serious and sensitive issue as abortion, which through the passage of my many years in this parliament has remained a highly controversial and emotional issue. In summary on this issue of accountability, hundreds of years of evolution of our Westminster parliamentary system did not remove the divine right of kings to have it replaced by the divine right of experts.

The arguments surrounding the safety of RU486 also demand consideration. The champions of this bill do so under the aus-
pies that, among other things, the availability of RU486 to women will provide a safe and easier method of abortion for women, particularly those in rural and remote areas without ready access to surgical abortion. This might be all right in a situation where a woman administering RU486 does so without a hitch, including being in a position to attend the three medical appointments required to administer the drug. However, the United States Federal Drugs Administration patient information sheet on mifepristone, another name for RU486, which was updated only last year in July 2005, requires serious consideration. It states that some women will need further medical attention, including in some cases admission to an emergency room, and that in up to eight per cent of cases the attempted abortion will be incomplete and will require surgical intervention to end the pregnancy or to stop considerable bleeding.

The Federal Drugs Administration also notes that it knows of four women in the United States who died from sepsis, described as a severe illness caused by infection of the bloodstream, after medical abortion using mifepristone, marketed as Mifeprex. There have been ten known deaths in the United States and in Europe. One might say that this mortality rate is relatively low when compared with the mortality rate involved with other drugs and what is considered to be a generally accepted standard and a small price for Australians to pay for access to RU486. I disagree: four lives lost is four too many when they are avoidable. We should put no price on the loss of a human life. Furthermore, as I said earlier with regard to occasional unfortunate side effects of other drugs, at least their purpose is to sustain, not destroy life.

Furthermore, the United States Food and Drug Administration have noted over 800 adverse reactions to RU486 since the drug was approved for use in 2000. Such reactions are listed in the Senate committee’s report to include heavy and often prolonged bleeding, including the need for blood transfusions; incomplete abortions necessitating surgical intervention; moderate or severe physical pain; and considerable mental anguish. The Food and Drug Administration further estimate that only 10 per cent of cases of adverse reactions are actually reported. This brings the true number of adverse reactions to an alarmingly high rate.

It is clear that a woman taking RU486 requires close monitoring and for emergency room back-up to be readily available to deal with cases where RU486 leaves an abortion incomplete or where a woman suffers serious further health problems, including haemorrhage and infections possibly leading to unintended side effects such as sterility. We can never be sure that unforeseen circumstances will not intervene to prevent a well intending patient from obtaining this medical support or women who live a significant distance from appropriate medical support being able to travel the distance in time. This point has been well made by my colleague Senator Alan Eggleston, who practised as a general practitioner and obstetrician for over 20 years in Port Hedland in Western Australia and experienced the challenges of rural medicine first hand.

In Australia, regulation of abortion is currently a matter for state and territory governments. I appreciate this and also that there is not a widespread push for a change in the current arrangements; however, in my opposition to this bill and in my long-held position as someone who is pro-life, it is important to address what I consider to be an alarmingly high rate of abortion in Australia today. Indeed, official government figures put it at between 80,000 and 100,000 per year.
Recently released research conducted by independent market research providers on behalf of the Australasian Federation of Right to Life Associations found that 51 per cent of Australians oppose abortion performed for financial or social reasons and 53 per cent oppose Medicare funding in these circumstances. Critically for this debate, 79 per cent of Australians believe abortion can harm the physical or mental health of a woman; 96 per cent believe a woman should receive free independent counselling before having an abortion; and 86 per cent believe there should be a cooling-off period of several days between making an appointment and having an abortion.

This demonstrates that, while currently there may not be an appetite from the majority of the Australian public to change a woman’s right to obtain abortion, there is certainly some appetite for changing the processes governing abortion. It also demonstrates that the majority of the Australian public hold concerns for the wellbeing of Australian women obtaining abortions. That is why I commend particularly recommendation 1 of the Senate committee’s report and I emphasise from that recommendation the need for counselling that is independent and does justice to the grave nature of a decision involving the possible termination of a growing foetus.

With this in mind, the issue of relinquishing ministerial responsibility for RU486 is relevant to our responsibility as parliamentarians. It is our responsibility to address Australians’ concerns about the staggering number of abortions performed each year in this country. Just ask this question: will approval of RU486 increase or decrease the number of abortions performed each year? I suggest the logical argument is that the former is more likely to be the case. Also, it is foolhardy for elected representatives to ignore the widely documented adverse psychological effects often associated with abortion. As Dr Stephen Grocott and Dr Dianne Grocott, consultant psychiatrists, noted in their submission to the Senate inquiry:

Many researchers have documented increased rates of depression, suicidal behaviour, substance abuse and relationship dysfunction that have variously been labelled “post-abortion syndrome (PAS)”.

There is a great need for public recognition of the psychological consequences of abortion so individuals can be correctly diagnosed and treated.

Given our focus on mental health in this country at the moment, it would be negligent for us to ignore the many public calls for due consideration of the psychological impact of abortion. This only adds another level of seriousness to the issue.

In closing, I reiterate my opposition to this bill. For the reasons I have outlined, the case in favour of repealing ministerial responsibility for this drug is not a convincing one and, as elected parliamentarians, I believe that it is our responsibility to have decisions on such gravelly serious social and ethical issues retained appropriately within the aegis of this parliament.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (10.52 am)—It would be no surprise to most senators to understand that I am going to vote in favour of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I am going to vote in favour of the bill largely because I see it as being about process. It is about who is the appropriate person or body to make a decision as to whether RU486 should be available to Australian women and who should make the decision vis-a-vis any particular individual woman. There may have been a time when it was appropriate, 10 years ago, for some ministe-
rial oversight of this issue. But a decade has passed and we can see all around the world where RU486 is used. I believe that it is now time to say that whether this should be available in Australia is something that should be decided by the TGA—the Therapeutic Goods Administration.

In my view, the decision as to this matter is not one that should be held by any individual minister. It is one that should be looked at by experts. After that, if the decision is made that RU486 should be available, the decision with respect to any individual woman should be made by her in consultation with her medical practitioner. I want to make it very clear that my view here is just that: one about process and what is appropriate. It is not about abortion and, in particular, it is not about the current minister, who holds the power in the portfolio, being a Catholic. I read in the paper today that, apparently, the minister believes that that is the case; that some people have this view because of his particular religion. Having been caught by the net of people who support this bill, it is appropriate to make it clear that that is not my position.

I am 53 and feeling pretty good, just in case anybody gets any ideas about trying to win my seat. I am not giving that up. I recall that when I was about five my mother remarried—my father having died when I was much younger. That was 48 years ago, when Adelaide was a very sectarian city; when you were either Roman Catholic or Church of England, as it was then called. My first stepfather was a Roman Catholic, whereas we were Church of England. It worked quite well, actually. It meant that when we were at church on Sunday, we could duck out early because we had to pick him up from his church, which was in another suburb. I thought that was pretty good. We did not have to listen to the whole sermon. I mention that story to indicate that I lived in that time 48 years ago when some people did have adverse views about each other’s religion. It was not a one-way street; it was about each other’s religion. I have no time for that. I lived in a family that had two religions. The majority of my friends happen to be Roman Catholics. I hold very strongly to the liberal view that everybody is entitled to have their own view on this matter. I know there are different views amongst Roman Catholics, there are different views amongst Anglicans and there are different views amongst the broad community. Therefore, I need to put on record that my view is one about process.

Of course there are occasions when ministers have to be the final arbiter. In the current portfolio that I hold there is plenty of opportunity for discussion on that issue. In my current portfolio, I do have powers that are non-compellable. What that really means is that I can use them or not use them and I cannot be asked about them. So I have given consideration to the use of those sorts of powers. I have those sorts of powers in my current portfolio and I do not think it is appropriate that that sort of power be one that is held by a minister in this particular case for any longer time than has now been the case.

I do not want to go into all the details of the debate of who said what, but I say this: to those people who choose to list details of adverse reactions that might have been had by someone who has taken RU486, to list off deaths that might be attributed to it, their argument would carry more weight if they equally listed off the adverse reactions and deaths from surgical abortions and, for that matter, from any other medical intervention. Life is a risky business. Yes, things go wrong, but where they go wrong is not necessarily an indicator of what we should do for those for whom it will go right. There is no magic wand to make everything right in every issue everywhere. Let us understand
this: someone who is going to use this, if it becomes available, is going to do so in consultation with their doctor. They are not going to just roll up to the supermarket and buy this pill and pop off into the desert where there are no other health facilities available and give it a go. That is a ridiculous proposition. That is the concept being alluded to with regard to the risk that women will face if they do not have the services available to them. This decision will be made by a woman, if it gets to that, if it becomes available, in consultation with her medical practitioner.

I was at a dinner last night where there were men and women of differing views on this issue. One of the men said that he was opposed to abortion and was going to oppose this bill because he thinks that, if the bill passes, RU486 would be available and—wait for it—he does not want abortion to be any easier and a pill would necessarily be easier. Well, hello! Clearly, he has never had the mindset of it ever happening to him. It is not going to happen to him because he is a boy. I encourage people who think that it is easier to listen to some of the people who are opposed to the bill, who in fact argue that it will not be easier; that it will be harder. It just shows you the banal level of some of the debate that some people are prepared to enter into in relation to this matter.

I want to spend some time briefly on the language and nomenclature that has been used in this debate. People refer to themselves as ‘pro life’. I would like the pro-life people to get another name because, frankly, that describes everybody in this place. It certainly does. I do not know anybody who is against life. Equally, some people refer to those who would take the decision from the minister and put it where it belongs—where it is made on every other medical intervention—as being pro abortion. Let me tell you that I do not know anybody who is pro abortion. Nobody thinks it is a good idea. Nobody wants anybody to be in that position. But the people who call themselves pro choice, and that is the position I am in, want people to make that moral decision themselves. That is the difference. So I regard myself as pro life. I equally regard myself as pro choice.

We see this in another way. For example, a party that sits on the other side calls itself ‘The Greens’. That is meant to seduce people into believing that their policies are all about the environment. If you look on the website, you see that that is not the case.

I want to make that clear. Every woman that I have ever spoken to about that matter hopes that they, their daughters and their friends are never in this position. They are not properly described as pro abortion. That is designed simply to aggravate and is used as a pejorative to put people down. It follows that, if some people can claim to be pro life and exclude others from it, the inference is that the others do not care about life. That is not true.

There are some very interesting views about when life really begins. There are differences of opinion about this amongst the churches. Some people say that life begins as soon as an egg is fertilised. Others have a view that it is a few more days. Still others have a more religious, as opposed to scientific, view that it is when something called ensoulment takes place. Those of you who have read anything about this will understand that having a soul is what is meant to distinguish us as humans from animals—even though you sometimes look at the way humans behave and think that that cannot be right. Sometimes we do not behave as higher beings than the other animals that we share the planet with. Some churches have a view that ensoulment does not take place until up to three months. My own view with respect
to my job here is that it is not my place to tell somebody through legislation when they ought to think that happens. It is a decision people have to come to themselves.

I note, incidentally, that some of the churches who are opposed to any form of abortion can somehow come to the concept of what is referred to as a ‘just war’. I am at a loss to marry the two. If you can come to a view that there can be a just war, why can there never be a just abortion? I cannot see it, and I have never had it answered.

I understand that there are very different views here. I say this to everybody: whatever their beliefs about the existence of a god or their particular religion, they are entitled to keep their views to themselves and make them private. My personal view is that religion is debased when it is cast around and used as a political football. My strong belief is that any god that I have ever heard about or read about is looking for converts, not conscripts. No god that I have read about or heard about needs this place to do his or her work. Any omnipotent being must be more powerful and stronger than the Senate—shattering though that may be to some. If you have a belief in a more powerful being, you will understand the point I am making. It is not for us to legislate.

I think the simple version of my view in this respect is that God—whatever your belief about a god is—is looking for converts, not conscripts. You cheapen any religion when you conscript people in to a particular moral view. A moral view has its merits because it is held in the heart and held deeply, not because it is legislated for. That is my position: I think God wants converts, not conscripts. I think this decision does belong with the experts, because in that way, if it is then allowed in Australia, it does give a woman the opportunity to make a proper choice for them about what is appropriate for that woman, wherever she may be, in consultation with her medical practitioner, as to the services that are available to her. I can see no place for this chamber to be used to legislate for people’s particular views.

Having said that this is about process and not about abortion, I should at least conclude by saying this. We all have different views about a wide range of things that are very personal. I have a very strong view about the availability of birth control in Third World countries. I cannot understand how some people, in the name of their religion, can argue in Third World countries that birth control should not be available. I would like to take them back there and make them live the life of a family who has more kids than it can feed, more kids than it can get health care for. I would like them to go to the funerals of the kids that die because they were brought up in terrible conditions. I would like them to sit with the people who die of AIDS because, while birth control may have been available, it was not used because it was seen as a sin.

We all have strong views. We can all colour them up. Believe me, I could colour up what I have just said a lot more strongly than I have. But I think what is appropriate is that we simply air our views politely and civilly, as we ought to in this place. I conclude by coming back to what was going to be the final point I made—that is, that your religious and moral views are your own and it is not for this place to legislate on those.

Senator CAROL BROWN (Tasmania) (11.07 am)—I rise to speak on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. Firstly, I would like to put on record my congratulations to the sponsoring senators for articulating the case for change in a clear, reasonable and considered manner. National Party Senator Fiona Nash, Liberal Party Senator Judith Troeth, Democrat leader
Senator Lyn Allison and our own Senator Claire Moore should be applauded for carrying much of the burden for tackling an issue which was always going to be controversial and polarise people, regardless of the bill’s intent being about approval processes.

I respect the right to a conscience vote on issues of personal or moral conviction and I respect other members and senators for their position. However, having said that, I do not believe we are the ones to make decisions about the technical arguments surrounding medical drugs. This bill proposes to amend the Therapeutics Goods Act 1989 to make it possible to evaluate, register, list or import abortifacients such as RU486 for use in Australia without the approval of the Minister for Health and Ageing by removing the restricted goods provision from the act. The Senate Community Affairs Legislation Committee reported on the Therapeutic Goods Amendment (Repeal of Ministerial Responsibility for Approval of RU486) Bill 2005 and described the approval process as follows:

In 1996 amendments to the Therapeutic Goods Act were passed that placed medications such as RU486 in a special group of drugs known as ‘restricted goods’. According to the 1996 amendments restricted goods cannot be evaluated, registered, listed or imported without the written approval of the Minister for Health and Ageing. In addition, any such written approval must be laid before each House of the Parliament by the Minister within 5 sitting days of being given.

The restricted goods provision of the act applies exclusively to medicines intended to induce abortion. Medicines used for any purpose other than abortion are evaluated and regulated by the Therapeutic Goods Administration, TGA, without any requirement for approval from the Minister for Health and Ageing.

There has been a concerted effort by some to make this debate about abortion, despite the fact that the decision on abortion has already been made in Australia. The fact is that abortion is currently available and regulated tightly by the states and territories in this country. Over 81 per cent of Australians support a woman’s right to choose when it comes to terminations. The right of a woman to have choices at what is a stressful and critical time is essential. Despite my personal conviction that it is the right of the woman to choose on abortion, it should be remembered that terminations, whether obtained medically or surgically, require professional medical oversight and approval and must satisfy all conditions required by law. This would apply equally to surgical or medical terminations. That aside, it is the approval process for medical drugs that this bill is concerned with. I would like to quote in part from a letter I received from the Uniting Church. It said:

It is our view that the current campaign against RU486 confuses medical, moral and political issues. As the Uniting Church understands it, the issue is whether or not this particular drug is safe to be released for use in a country where abortion is legally available. This is a decision that should be made by the Therapeutic Goods Administration using sound medical evidence and advice.

RU486 is the common name for the drug mifepristone, a synthetic steroid that can be used to treat a variety of conditions, such as Cushing’s syndrome, breast and prostate cancer, glaucoma, depression and others. It also can be used, as we have heard, to induce what is known as a medical abortion, an alternative method to a surgical termination of pregnancy. RU486 has been approved for use in 35 countries, including the United States, the United Kingdom, China, Israel and New Zealand. We have a clear choice in this chamber. We can trust the Therapeutic Goods Administration and its expert committee, the Australian Drug Evaluation Committee,
ADEC, whose role, as explained on its website, is to provide advice on:
... the quality, risk-benefit, effectiveness and access ... of any drug referred to it for evaluation; medical and scientific evaluations of applications for registration of prescription drugs ...

The ADEC has a core membership and expertise comprising three eminent medical practitioners with at least two specialists in clinical medicine, and one member must be a pharmacologist or hold a degree in science specialising in pharmaceutical science. The ADEC is an expert committee in an expert body. Its associate members must include at least one pharmaceutical chemist with recent manufacturing experience in therapeutic goods, at least one toxicologist and a medical practitioner in general practice. All associate members have specialist qualifications and experience in fields of medicine complementary to that of the core membership of the ADEC.

As I have said, we can trust this body to assess rigorous science or we can trust the Minister for Health and Ageing, Mr Abbott, who, as far as I am aware, does not have any professional medical training but who, it seems, believes that he should be making technical medical decisions for all Australians for these drugs. Faced with this choice, for me it is a no-brainer. As a parliamentary research paper on this bill states:
Under current arrangements, the Minister is simply required to notify the Parliament of a decision to approve an application for evaluation by the TGA. Given the fact that such a decision would not be disallowable by the Parliament, this does not amount to a significant level of parliamentary scrutiny. Further, the Minister is not required to table decisions not to approve such applications, meaning that the Parliament is neither necessarily informed of these, nor does it have the capacity for any oversight of such decisions.

Aside from being technically flawed, this definition of parliamentary accountability is flawed. It is totally inadequate. We never get to see what passes the minister’s desk. It is the TGA that makes decisions on the safety and effectiveness of all other drugs—as it has on almost 50,000 other drugs in Australia—and it is the TGA that should make the decision based on evidence it assesses on RU486.

This bill only seeks to subject RU486 to the same rigorous assessment that every other medical drug in this country goes through. This expert assessment is based on medical evidence and delivers a considered judgment about the risk/benefit of the drug, free of political interference. Whilst supporting this bill I would also like to support the Community Affairs Legislation Committee’s sole recommendation, which states:

The Committee recommends that increased financial support be provided to improve sex education, including better education on responsible human relationships; wider availability of information about and access to contraception and other fertility control techniques; ensure independent professional counselling for women considering a termination of pregnancy, counselling post termination and counselling for relinquishing mothers as required; greater social support for women who choose to continue with their pregnancy; and increasing the availability and affordability of child care.

That is something that I am sure we can all agree on.

Senator PAYNE (New South Wales) (11.15 am)—I want to make some brief remarks in relation to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. It is my strong view that this bill is intended to correct a perceived inconsistency in the approval process of this drug and related drugs in Australia. The highly emotive issue of abortion has dominated headlines and has, in
some respects, been the main focus of much of the discussion about the bill both publicly and in the hearing process—and I have had the opportunity to read some of the Hansards of that. Notwithstanding that, I do believe that the bill is about the appropriateness of the current arrangements for the evaluation of RU486 and related drugs. It is about whether the Therapeutic Goods Administration or the Commonwealth health minister, whoever that may be at any point in time, is best placed to assess and monitor the safety and efficacy of the drugs to which this bill pertains.

I do not regard this bill as one about abortion per se. Abortion is legal in Australia in certain circumstances. It is a matter for the states. It is, in my view, not the subject of this discussion; however, I do acknowledge that many of my colleagues hold a different view from that. I respect their view, and I acknowledge and respect the fact that the Prime Minister has provided the opportunity for a conscience vote on this matter. In situations such as this, where senators and members hold particularly passionate personal views of conscience on the issues under discussion, I think that is the most appropriate and best approach to take.

It is my view that RU486 should be referred—as are all other drugs except it—to our standing body for such matters, the Therapeutic Goods Administration, to be assessed by experts based on the weight of scientific and medical evidence. It seems to me that, if the concerns of the opponents of these particular drugs are well founded, the TGA would examine the impact of the drugs very carefully before coming to a decision on them. Indeed, the fact that both sides of this debate have been passionately argued, in many cases by medical practitioners from diametrically opposed positions, confirms to me the need to action the central premise of this bill to ensure that it is the TGA that evaluates and assesses such drugs. I was interested last night to hear part of the speech of, and to read the words of, the former Minister for Health and Ageing, Senator Kay Patterson, on precisely this point. It occurs to me that she is in a particularly unique position in this chamber and in this discussion to proffer her views.

Most importantly, I do not believe that this is a matter for politicians, no matter their political affiliation, their religious affiliation or their gender. It is a matter which I believe should be in the hands of experts in science and medicine. This bill provides an opportunity to ensure that RU486 and drugs of a similar nature are assessed and evaluated correctly, scientifically and medically by the Therapeutic Goods Administration on grounds in which they are well qualified as experts. If an assessment is made that RU486 is efficacious and safe, and if the evaluation supports the assessment, then it does provide an opportunity for Australian women to access these drugs in appropriate circumstances, in consultation with their medical advisers, in what will be an intensely personal process.

I understand that there are a number of amendments before the chamber; I have had the opportunity to read them as circulated. Some of the amendments are quite extensive and others are more minor. Some of them have the effect of effectively wiping out the whole bill. I suspect I will not have a chance to speak in the committee process, so I take the opportunity briefly now.

One of the amendments requires the minister to seek advice from the Australian Health Ethics Committee—which I understand is currently established to advise the NHMRC—before a decision is made to approve or disapprove an application for RU486. My understanding of the effect of that amendment is that the minister would
still have the power, on their own, to approve or disapprove any application to evaluate, register, list or import RU486, and the amendment still does not provide any criteria upon which such a decision would be made. I am not sure how the AHEC, the Health Ethics Committee, is better qualified than the TGA to comment on the safety and efficacy of RU486. If it is not, then the process to move the responsibility to the TGA should not, I would have thought, be offensive to the movers of the amendment. I will listen carefully to the debate on the matter.

Amendment (5) seeks to require the minister to provide, as well as the advice of the Health Ethics Committee, a statement of reasons for approving or refusing an application. Again, it seems to me that, without criteria being required as the basis upon which decisions are made, a statement of reasons would effectively be meaningless. Amendments to translate the decision into a disallowable instrument suggest to me that, although there is an argument around parliamentary review being engaged in that process, that will only happen in the case of an approval. In the case of a rejection it will not be a matter for parliamentary review because there is no capacity to force the minister to reverse a decision and to approve the drug. In fact, it is unclear to me what process the parliament would be engaging in after a written refusal had been disallowed. Again, I look forward to hearing some of the discussion on that matter. It seems to me it may be a never-ending story if we go down this road.

Any of the amendments to which I have referred still leave us with the key problem that the people making decisions on a question of evaluation of safety and efficacy of a drug will be politicians, not experts. It is a matter which I fundamentally believe should be left to the skilled decision making of scientific and medical experts. I do not see myself in a position of being able to support the amendments as they are currently proposed. I indicate that I will be supporting the bill.

Senator IAN MACDONALD (Queensland) (11.24 am)—I have listened very intently to many of the speakers so far in this debate, arguing both for and against the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. Speaking towards the end of the debate, as I am, means that the technical aspects of the subject and just about every argument for or against the bill have already been discussed. Accordingly, I do not intend to rehash those arguments. But I do thank other senators for their words, which have assisted me to come to my decision on the bill.

My decision on the bill is based upon what I, in all consciousness, believe is the best way to deal with a drug whose properties have been described in this debate as having widely different consequences. The debate is not about the legality or morality of abortion. Those debates have been held in the past, and, whether we agree or not, abortion in certain circumstances is legal in Australia and is widely—perhaps too widely—practised.

In considering the different aspects and issues raised by the existing legislation and this amending bill, I acknowledge the many concerned Australians who have taken the time to write to and phone me with their views. They have come from both sides of the argument. I have read and listened to those views, deeply respecting the personal views of my constituents. I know that it is an issue that troubles many people, as indeed it troubles me and, I know, many of my colleagues here in the Senate. In the end, though, being an elected representative, it is up to me to make my decision on what I believe is best, taking into account all I have
I acknowledge the help of the Minister for Health and Ageing, who called me last Sunday and offered me his views—an offer which I readily and gratefully accepted. Mr Abbott is a great health minister and has done a commendable job in a difficult portfolio. He raised three arguments with me, all well and reasonably put. They were, in summary—and I hope my summary faithfully records the substance of his arguments: firstly, that this was an issue of the supremacy of parliament; secondly, that the passing of the bill would be a reflection on the minister and the government; and, thirdly, that the decisions on availability of the drug should not be left to public servants forming an independent Therapeutic Goods Administration answerable to a departmental secretary. He did say that he always took professional advice, although he conceded that he had not always followed that advice.

I address those three broad arguments as follows. I do not agree that the passing of this bill, a decision to be made by this parliament, means that parliamentarians are abrogating their responsibility. I could not help observing to the minister that it was only 4½ years ago, at the time of the republican debate, when a certain minister was quoted as saying "you can’t trust politicians" to choose a president. Perhaps you cannot trust them to choose a president, but apparently politicians can make a decision on a drug which some say is life saving and some say is life destroying. I do, in fairness to Mr Abbott, say that he did suggest that he may have been misquoted or misunderstood on the "don’t trust a politician" comment.

On the second point, the outcome of the debate on this bill in no way reflects on the minister or the government—a minister who, I repeat and emphasise, has done a wonderful job. The debate is not about personalities or the beliefs of an individual who may from time to time hold the position of health minister. It is in my view about who is best to determine the safety and availability of a drug in Australia.

On the third point, my research has shown that the Therapeutic Goods Administration is a professional organisation within the Department of Health and Ageing comprising over 500 people—many scientists, medical, social and ethical experts—supported by, I am told, their own laboratories and investigation systems. The administration is advised by, amongst other specialist committees, the Drug Evaluation Committee, whose membership reads like a who’s who of respected medical specialists, including psychiatrists, gynaecologists, academics and pharmacologists.

I believe the bill is all about who is best to make a decision on the availability of a drug with properties and effects that I, as a politician, do not claim to understand. In the end result, I believe these decisions are best made by a large group of respected health and scientific experts, rather than by one single politician. As a country person, I should, in closing, indicate that I noted with interest the thoughtful speech of Senator Judith Adams, an experienced and qualified health professional who has practised widely in the bush.

I intend to support the bill and leave the scientific decisions to professionals. If they decide, in their collective wisdom, to make the drug more freely available—and I make no comment on whether they should or should not do that—then I have confidence in the medical profession to wisely use the drug, taking into account all of the circumstances and, importantly, the patient’s needs. It is for the doctor to prescribe the drug if that doctor, in consultation with his or her
patient, believes it is in the best interests of the patient to do so.

Senator Lundy (Australian Capital Territory) (11.30 am)—Opponents of choice and those who think women are not responsible enough to make decisions about themselves and their health and welfare have subverted this debate. The question before the parliament is simply whether a health minister—and not simply the current health minister—should make the decision on the availability of a drug or whether the responsibility of evaluating drugs should belong to the Therapeutic Goods Administration, or TGA. At present, RU486 is the only drug that is evaluated by the health minister and not the TGA.

Imagine the outcry from the same very vocal anti-choice lobby were there to be a new pro-choice health minister exercising this power of decision, based not on specialist medical knowledge but on personal, ethical and religious beliefs. These very same people would be calling for exactly this legislation to remove the decision-making power from a minister who is not required to have medical or pharmaceutical qualifications. Such is the hypocrisy of the situation.

In Australia, under the 1996 Harradine amendments, the power to restrict RU486 and similar drugs rests with the minister. The minister is required to inform parliament of a decision to approve an application for a drug to be evaluated by the TGA, but parliament may not disallow such a decision. The minister is not required to inform parliament of decisions not to approve applications. Current arrangements do not provide for adequate scrutiny by parliament of arbitrary decisions made by a minister for health.

Therefore, I commend the joint sponsors of this bill: Senators Allison, Troeth, Nash and Moore. Senators should note that the bill is thus sponsored by representatives of the Democrats and the Liberal, National and Labor parties. I thank those senators for the opportunity to spotlight this incredibly undemocratic power wielded at the moment by one extraordinarily insensitive man.

Minister Abbott has been widely reported as making what the Australian Medical Association has described as ‘hot-headed, inflammatory and offensive’ statements in an apparent attempt to defend his role in denying any qualified assessment of RU486. Apparently, without Minister Abbott’s intervention—he claims—unscrupulous doctors prescribing the pill indiscriminately would give rise to backyard miscarriages and an internet black market. What a ridiculous and irresponsible proposition. As the shadow minister for health, Ms Gillard, has pointed out, if the minister thinks doctors would be misprescribing and endangering lives in this way, he should be taking action on that.

The Therapeutic Goods Administration is specifically charged with identifying, assessing and evaluating the risks posed by therapeutic goods. It must also monitor and review any risks over time. Thus it is the TGA that is the appropriate authority to assess and recommend on RU486 and not a biased minister. The Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 does not seek to approve or ban RU486. It seeks to have its assessment made by the most qualified body.

Let us be clear: this bill is not about legalising abortion—it is legal. State legislatures have responsibility for those laws, and this parliament and this government have no role in abortion legislation. Yet we are subjected to this same debate on abortion policy with increasing frequency and on every related topic. Why do some men in positions of power and influence get this periodic urge to prescribe for women what they do with their bodies? Last year it was Senator Boswell...
who led the charge, with his call for a study on abortion statistics.

One year ago, on 31 January, a petition of 12 male religious leaders was given a lot of prominence. Claiming to represent, at least nominally, 70 per cent of the population of Australia—that is, the nominal adherents to the major religions—these men called for, inter alia: mandatory reporting of abortions and publicly available records and statistics; independent medical practitioners to provide, both orally and in writing, descriptions of the abortion method and potential health risks, physical and psychological, of abortion procedures; and a statutory delay of seven days after the provision of this advice—including written advice—so that the woman might properly consider her decision.

Senator Humphries—then a member of the ACT Legislative Assembly—insisted that pictures of foetuses must be shown to women considering abortions. Then, if the woman still went ahead, they wanted to impose on her and her doctor post-abortion follow-up, including counselling and referral. In effect, this largely male lobby group sought to delay as long as possible the woman’s decision to have an abortion through the provision of mandatory tasks to be performed, first, by medical practitioners, and, then, through a mandatory cooling-off period that would be a further delay for the woman. So much for their concern about late-term abortions.

If the genuine concern of the largely right-wing male lobby group was late-term abortions, logically, it would support the early medical provision of RU486 and the availability of the morning-after pill. One statistic this lobby group does not readily acknowledge is that, according to the Australian Survey of Social Attitudes in 2003, 81.2 per cent of Australians, regardless of gender or religion, agree that women should have the right to choose an abortion.

In debating abortion issues, some senators and members appear to promote anti-women and anti-choice views. They will not trust women, or even their medical advisers, to make informed decisions in individual cases. From their positions of lofty ignorance, they seek to make universal rulings to cover individual plights. I believe it is between a woman and her doctor to determine the best procedure relating to termination.

Don’t they realise that they are tackling the problem in the wrong way? Instead of applying penalties to women facing an abortion, this parliament should be working hard to alleviate the problems and concerns that can force women to the point where they have to make a decision about an abortion. It seems that this government does not even now bother paying lip-service to the concepts of family-friendly environments and workplaces or the needs of workers with family responsibilities. Things like child-care provision are woefully inadequate and unaffordable for many. The government’s recent punitive workplace relations and Welfare to Work legislation will prove to be a huge disincentive for those who wish to have children, given the struggles in providing the right balance between work and family.

Bettina Arndt pointed out recently that unintended pregnancies are the real problem and that there are solutions which will lower the abortion rate. She says:

In the slanging match of the abortion debate, we don’t hear enough about prevention—about cutting the costs of contraception, about more accessible contraception advice services, more education for doctors—and women and families—on the latest methods.

Last year, a notice of motion in the Senate sought to affirm reproductive health rights as
a fundamental human right. I certainly support this call and believe that no minister or parliamentarian should seek to interfere with this right. As a result of that notice of motion, by agreement, we are now debating a private member’s bill, which has the same effect of removing the minister’s role in approving RU486.

I would also like to take this opportunity to correct some comments made by my colleague Senator Humphries through the course of this debate and on ABC radio 666 on Wednesday morning. Senator Humphries has often expressed his personal opposition to women having the right to manage their reproductive health, as is his right. But, in an interview which he chose to give in his capacity as Chair of the Senate Community Affairs Legislation Committee, he failed to accurately reflect a number of important facts; hence, I feel, using the opportunity to support his personal view. Most misleading was his description of the TGA as mere bureaucrats. Used in a pejorative way, Senator Humphries sought to imply that the TGA decision-making body was not equipped with the medical and health expertise to make such a decision. This is not true. Of course the TGA is equipped to make such decisions. That is its purpose. I suspect that Senator Humphries was trying to back up his own view.

As I said earlier, can you imagine the anti-choice group lobbying so passionately for the health minister to retain the decision-making right on RU486 if in fact the health minister was a vocal pro-choice member of this parliament? I do not think the same thing would happen if the tables were turned. Senator Humphries commented that RU486 was available for other therapeutic uses, such as the treatment of brain tumours and cancer, but this is not the whole story. RU486 would only be available in limited supply and at a massive cost to the patient. It would not be readily available to the average person. Surely the economics of drug availability should not be so glibly ignored by opponents of this bill. The real issue here, as I think everyone knows, is that this bill seeks to prevent the personal views on abortion of the federal health minister interfering with best medical practice under state and territory abortion laws.

RU486 does provide for a non-surgical method of termination of unwanted pregnancy. Medical practitioners advising their patients and the TGA are the appropriate authorities to make these judgments about its use and application in Australian society. That is why I support this bill. I believe every woman has the right to make decisions about her reproductive health, including abortion, and will, like many others in this place, always defend this right.

Having said that, on behalf of Senator Moore I would like to advise the Senate that the sponsors of the so-called RU486 legislation are opposed to the amendments that have been circulated by Senator Barnett and Senator Humphries. We believe that the proposed legislation is very straightforward and clear, that it effectively refers the assessment of this group of drugs to the TGA, the body charged with the assessment for all other medications. This involves the full assessment for safety, quality and efficacy. The decision on the actual usage of the drug, if assessed as safe, is then with the medical practitioner. The final decision on abortion is with the woman, taking full advice from her medical practitioner.

The amendments address administrative processes around the ministerial decision, provide a process for written statements of reasons and make the ministerial decision a disallowable legislative instrument. In effect, this could lead to a debate, such as the one we are having today, on each occasion that a
decision is made. These amendments still do not acknowledge the expert role of the TGA. The role of the AHEC is not clear and would probably again involve the ethical nature of the process, not the safety or medical issue. The minister has sole power to approve or disapprove. There are no clear guidelines and no need to do more than take advice. This is just another step in the process, which does not apply to any other medicines. For that reason, the proponents will, as I will, be opposing those amendments.

Senator HEFFERNAN (New South Wales) (11.42 am)—It is not often I get up in this place, but today is the day. I rise to speak to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. We have been debating a lot of the short-term effects, the medical effects, the science, tomorrow's headlines and the political outcomes. I want to talk about the 50- and 100-year outcomes of the issue we are dealing with today. The world’s greatest vocation without a doubt is parenthood. No-one can understand the greatness of that vocation unless they are a parent. You do not understand what you mean to your own father and mother until you are a parent. I never understood it. Sadly, my father died before I had the opportunity to understand the pleasure he would have got as I walked up the footpath. You do not understand. You always know what mum and dad mean to you but you never understand what you mean to mum and dad until you have your own children. I think this advance in technology is going to turn the world’s greatest vocation into a social convenience over a long period of time. There is great sacrifice in parenting. There is great sacrifice in giving birth. We have gone from a time in the 1700s when 25 per cent of children died at birth or in the first 12 months. We now have technology that allows us in Australia to do away with 40 per cent of our children before they are born. So I do not want to get into that. What I want to talk and remind everyone about is what the long-term effects can be.

Can I move to—and people may think I am straying from the issue here—the one-child policy in China. At the time that was implemented, they thought that was a great way for China to deal with the population issue. But it is going to cause the greatest social disruption to China. They think pollution is a problem? Wait till they start dealing with that. In India, they have gender selection as a policy. That is going to have an enormous effect 50 years down the track. It is as simple as clear-felling a forest: you do not look at tomorrow’s headline or the plantation that goes in; you look at where you are in 50 or 100 years time. If you clear-fell a forest, it takes 300 years to put it back to how Mother Earth wanted it. Then there is global warming. We all drive cars and all drivers know—and I am one of them—that when we drive the car we are destroying the planet, but because of the social convenience we drive the bloody car. The 100-year outcome is that we have now decided that we are almost too far down the track and it is irreversible.

It is cute to say RU486 is a therapeutic good. RU486 is designed to knock babies over, effectively in pregnancies of less than 49 days, or seven weeks, and even up to 12 weeks. Now, I said that to a doctor in Sydney.
the other day and the mob around me started to go mad because I called it a baby; they said, ‘It’s a foetus.’ I said, ‘Doctor, will you answer that question for me? Because I know the answer.’ He said: ‘I will. I’m a doctor who’s been dealing with pregnancies for 25 years. I have never had a woman come into my surgery and say, “How’s my foetus doing?”’ They always say, “How’s my baby doing?” This drug is designed to knock over babies. I asked him: ‘Do you think the technology will improve? We’ve improved our tractors and headers. Do you think we’ll improve the technology with this pill?’ He said: ‘Sure. We’ll have a pill that will knock ’em over at 28 weeks in due course.’

This debate is a nice attempt at a Trojan Horse about whether it is the government’s decision, the minister’s decision or an independent body’s decision. It is never going to be, while we have our present system, a minister’s decision; it is always the government’s decision and the government has to wear it.

An example of giving away a decision for government, I think, and I am sorry if this seems a long way from the mood of this debate, is film censorship. Last year we had that show, whatever the name of it was, on Channel 10 or whoever it was—I know I rang the bloke up and gave him a bloody earful. There was full-frontal nudity, with a bloke playing with himself on TV. I rang up and said, ‘Don’t you think that’s going over the top?’ Channel 10 said: ‘No. It’s not breaking the law, because the film review mob’—an independent body—‘said it’s all right.’ Give me a bloody break! The 50-year effect of this will be to destroy what we know as family.

It is cute to say that all the other things in the abortion debate have been put to bed. These things are never put to bed. And no-one wants to talk about the mistakes we have made in the past. Oops, we over-allocated the water licences in New South Wales. We are now paying the penalty. But, at the time, everyone thought it was a bloody good idea when they issued the licences. We mined the aquifer deliberately in the Namoi. Now there is a class action against the government because they—oops—made a mistake.

No-one will convince me that, like the one-child policy in China, the RU486 issue will not seriously interfere with global demography, because what will happen for a start is that, as this becomes more convenient—and the National Union of Students have already put it on the record that they think this is a great innovation—it will slowly but surely destroy the vocation, as it were, of parenthood. The long-term effect, with the growth of affluence, will be that in affluent countries there will be more of a temptation to use it. I am not going to get into the merits of it, because I am the least qualified person in this place to talk about the rights of women over their bodies. I do not want to get into that. I just want to let everyone know where it will all finish up. It is a given, it seems to me, that this will happen.

It is a given, to me, that eventually euthanasia will be legalised in Australia. It is legal in the Netherlands now. There are sensible arguments about it: Senator Macdonald and I have just had a discussion about prolonging life with technology and how sometimes that can be very unfortunate. Unfortunately, once you let these genies out of the bottle you cannot confine them to their original purpose. In the Netherlands now, whether you like it or not, 55 per cent of the people who are euthanased are euthanased without their consent or knowledge. It is an administrative tool for hospital administration to clear the beds out. Fifty-five per cent of the people euthanased are euthanased without their consent or knowledge. Don’t give me that other crap! Eventually euthanasia will be legalised
in Australia. It is trendy; it is the way it will go. And guess what will happen? There will be a pill, and it will go to the TGA, not to knock over babies but to knock over people. And we will sit there and say: ‘Well, that’s a matter for the TGA. They’re an independent body.’ I rest my case.

Senator HURLEY (South Australia) (11.51 am)—I have a great deal of sympathy for those members of federal parliament who want to reduce the number of abortions in this community. I also have great respect for the members of the community who see the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 as an opportunity to protest about the rate of abortion. I think this particular reference of RU486 to the minister’s discretion is something of an aberration in the parliamentary scheme of things. It was instigated by Senator Brian Harradine, who had a passionate personal view about abortion and he saw this as one way to reduce the number of abortions.

In terms of accountability, accountability in the matter of abortion does not, in fact, lie with federal members of parliament, nor with the federal minister for health; it lies with state administrations. What the federal minister for health could do about the rate of abortions in this country is to put in place and fund programs to educate and counsel to reduce the rate of abortion. This is a subject that I feel very passionately about. I am sure that there are a lot of women in this country who should not have conceived in the first place. And I am sure there are a lot of women in this country who have abortions who should not be having them and who probably should not have conceived in the first place. And I am sure there are a lot of women in this country who have had abortions, who have had terminations, and suffer as a consequence of that. I think if we had proper programs in place to educate and counsel women then we would reduce the number of abortions, and that is certainly within the ability of the federal minister for health and the federal government to put in place.

It is very difficult not to be swayed by the strong community opinions that have come to me about abortion and the rate of abortion in this country and the effects of RU486 that have been described. It is difficult not to respond to the passionate view about killing large numbers of babies. However, I am trained in science, worked in science for a long period of time and have been trained to deal with the facts and outcomes of a particular instance. Clearly, the facts are that abortions do occur in this country and they are conducted legally under certain circumstances. There is no medical procedure that is without risk, and it is prudent to have expert, independent medical opinion on the safest procedure for medical interventions such as abortion.

Also, I have seen no evidence from other countries that the use of RU486 increases the number of abortions, and no evidence that its use in this country would increase the number of abortions. I have seen no evidence that the ban on RU486 has reduced the number of abortions in this country. In fact, people have talked quite passionately about the high rate of abortions in this country. Therefore I will be voting in favour of this bill. I would certainly strongly support, as the Senate committee has recommended, any programs that would reduce the rate of abortion, but I do not believe that voting against this bill will achieve that effect. On the grounds of facts and outcomes, I will be supporting this bill.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (11.55 am)—In this important debate it is tempting to succumb to the all too familiar battleground of pro-choice versus pro-life arguments. This is well-trodden turf, with powerful arguments and passionate and sincerely held views on
both sides of the debate. I think we can only respect the respective views. But since Moses received the 10 commandments I am not aware that any of us have had the answers handed to us on tablets of stone. We must consult our own consciences and be true to our own values and beliefs in arriving at a reasoned and principled decision on the matter before us.

The central issue of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 is not whether therapeutic abortion is available in Australia, nor is it whether RU486 is a banned abortifacient. Clearly, therapeutic surgical abortion is widely available in Australia. The lawfulness or unlawfulness of procuring a miscarriage lies within the jurisdiction of individual states and not the Australian government.

Many Australians who have contacted me in relation to this debate have mentioned the often quoted line of former US President Bill Clinton that ‘abortion should be safe, available and rare’ as the benchmark by which we should approach this issue before us. I believe that the majority of Australians acknowledge the quite awful choice that faces any woman uncertain about whether she can cope with her pregnancy, be it for medical reasons or any other, and broadly agrees that it is not up to the government to pre-empt these decisions, which are intensely personal and are informed by individual circumstances. I do not think that women undertake that decision lightly and nor should they. It is a matter where politicians cannot know all of the circumstances surrounding every single decision. That ought to be a matter for the woman, her partner and perhaps her broader family, and undertaken on medical advice.

We have an obligation, if terminations are legally available, to ensure that they are safe. The real issue is that there needs to be good information before someone has to make that decision. That is where we can make a real difference as a government—we can make sure that Medicare will pay for someone to get proper counselling about their options, and other assistance that may be available, so that no-one is stampeded into making a decision because they are young or they are frightened or panicked and simply do not know where to turn or what other options may be available. From my perspective, I have a real passion—and have had for many years—for trying to make sure that no-one has to make this decision in the absence of proper and full information about their options, which should also include what financial help is available. This is an initiative that is being considered by government, and I commend the Minister for Health and Ageing, Tony Abbott, for his efforts in this regard. It has my strong support.

Having said that, I acknowledge that there is—quite rightly in my view—general community disquiet about the sheer number of abortions that we have in this country. There are no definitive statistics for senators to rely on, but there have been unofficial estimates that there are as many as 90,000 abortions in Australia each year, compared with about 250,000 live births. This is obviously a very real and pressing concern, whatever the correct number. We need to look at what is causing so many women to seek a termination. We need to improve information so people do not have unwanted pregnancies. We need a balanced approach to address this problem. I think that this is a far more important issue in the long run perhaps than the one we are debating today, and one that will impact far more directly on the number of abortions in Australia—which I am sure is a matter of great interest to us all.

I have not been convinced that, if at the end of the long and rigorous approval process RU486 is made available in Australia, we
would see any increase in the actual number of abortions in this country. It is important to remember that this bill is not about whether lawful therapeutic surgical abortion is available in Australia; it clearly is. It is also important to remember that this debate is not even about whether or not RU486 should be available in Australia. There is currently no application from the manufacturer of RU486 to have the drug registered in Australia. Rather, this debate is about the process such an application must undergo if RU486 is to be assessed for registration. In Australia, the TGA is charged with identifying, assessing and evaluating the risk posed by therapeutic goods that come into Australia and assessing applications for registration. It is a long process during which advice is sought from an independent advisory group, the Australian Drug Evaluation Committee. Affected parties are also able to appeal to the minister for health if they dispute the decision of the TGA and seek to have that decision varied or overturned. I will have something to say about that in a minute.

The minister has the power to revoke a decision or substitute a new one, and the minister’s decision may be subject to appeal to the Administrative Appeals Tribunal or the Federal Court. What the debate before us swings on is the special process for abortifacient drugs, which was inserted into the Therapeutic Goods Act in 1996, requiring a separate ministerial approval at the beginning of the process. As a result of these amendments, medicines intended to be used as abortifacients are classified as restricted goods under the Therapeutic Goods Act. This classification applies only to abortifacients and to no other class of drugs. I note that many of the speakers have said that this is like no other drug. They may be right.

The amendment specifies that restricted goods could not be imported, registered or evaluated without the written approval of the minister for health. This approval must be laid on the table of both houses of parliament. If the minister’s consent is granted, the usual procedures for evaluation and registration would be undertaken and the decision taken in the TGA evaluation process would be subject to ministerial appeal and intervention. In other words, there are no short cuts for any drug, including abortifacients, in undergoing the rigorous TGA process for registration and sale in Australia.

One argument in favour of this private member’s bill has been that RU486 is sometimes used in the treatment of a number of cancers and tumours, including breast cancer and Cushing’s syndrome. It should be noted that the restricted goods regime should not and was never intended to limit access to RU486 under special circumstances when it is being used to treat particular cancers and tumours. The 1996 amendments quite specifically addressed in the debate at the time that that amendment did not and should not impact on the Special Access Scheme. The Special Access Scheme provides for the import and/or supply of an unapproved therapeutic good for a single patient on a case-by-case basis. Applications must be made by registered medical practitioners who must provide details of the patient and the clinical justification for the treatment.

As I understand it, there is currently an application before the minister from a Queensland doctor, and possibly others, seeking to become an authorised prescriber of RU486. However, no decision on this application has been made. I understand that the minister has referred this application to the TGA for comment. The critical question remains whether, in the case of drugs intended to be used as abortifacients, a sponsor should first be required to seek ministerial approval before going through the application process with the TGA. Clearly the senators who voted in 1996 thought this addi-
tional step was justified in dealing with major issues of public policy and public health. The clear purpose was to impose an additional layer of accountability on the approval process for therapeutic goods when it comes to this particularly controversial class of medicines.

In effect, the amendment requires the responsible minister—a member of the executive—to take public responsibility for a decision to either allow an application for registration or to refuse it. The act does not specify any guidelines at all that a minister must follow in making his or her decision, nor does it require that conditions be met, only that the approval be in writing and tabled in parliament. If an approval were sought, it would be, to my mind, inconceivable that a responsible minister would do anything other than seek independent expert advice about safety and efficacy and broader issues in reaching a decision to allow or reject an application for registration. Where would a minister go for independent, objective advice if it were not to the TGA? Of course, this is an exercise in speculation, because the process has yet to be tested.

On that point, I must say that I find the very personal aspersions that have been cast on the current minister’s integrity, objectivity and ability to apply himself dispassionately in the course of his duties to have been both gratuitous and insulting. I have no doubt at all that he would act properly in the discharge of any ministerial discretion at his disposal. In my view, the personal beliefs of the current minister are a complete red herring in this debate. If those opposing this bill are comforted that the discretionary safeguard will be exercised according to the beliefs of a committed Catholic, this is only good for so long as that minister retains the portfolio. Another minister may see the issue differently. The inescapable point of principle in this debate is that therapeutic surgical abortion is readily available in Australia. The minister himself has unequivocally stated, in an opinion piece in the Australian newspaper on 6 February, that he would not support withdrawing Medicare funding from abortion or attempts to recriminalise it.

Therefore, the critical question remains: would preventing another method of termination from being assessed for its potential safety and efficacy be justified? It is difficult to come to a concluded view about the safety and potential side-effects of RU486. There are a lot of advocates but not a lot of conclusive and objective information coming from either side of the argument. On some reports, it is a highly unsafe drug with dangerous side-effects. On this view, it is difficult to imagine why anyone would want to use it or prescribe it compared to a predominantly safe and available surgical procedure. On the other hand, the drug, when properly prescribed and supervised—and that is a very strong caveat—appears to have been safely used for many years in many countries. Sometimes even though drugs are properly registered, problems develop. One only has to look at the voluntary worldwide recall of the arthritis drug Vioxx, based on a clinical study showing increased risk of heart attack and stroke. Of course, some medications simply do not make it through the assessment process and are refused registration. We simply do not know whether the TGA would approve RU486 if asked.

But there does not seem to me to be a principled basis to exclude the TGA from doing its job in evaluating a potentially dangerous drug. Clearly, there needs to be a rigorous, evidence based assessment so that we all know what we are talking about. We Australians entrust the TGA with the task of assessing many thousands of drugs. All drugs are potentially dangerous, and many can be life threatening if misused or wrongly prescribed. We entrust the TGA to evaluate the
risk and appropriately manage the risk of many powerful drugs. We entrust them to evaluate and approve cytotoxic drugs for chemotherapy, and we entrust them to prescribe anticoagulants, such as warfarin, which were originally developed as rat poisons and require very close monitoring by doctors to be used safely.

It should be noted that the TGA’s role in evaluating safety and efficacy does not end once approval is granted. The TGA has a multifaceted program for monitoring approved products that are on the market. There is a problem reporting system and a recall unit, and reporting of adverse drug reactions is encouraged by the Australian Drug Reactions Advisory Committee. The TGA laboratories undertake random and targeted sampling of approved products. Sponsoring companies are required to provide regular post-market reports on approved products and to inform the TGA of any international concerns related to the safety or effectiveness of a product. And, of course, the TGA has the power to revoke registration and recall drugs. If the TGA’s initial decision is questioned, any affected party can appeal to the minister, who has the power to review, overturn or remake a TGA ruling.

This is a legislated safeguard under section 60 of the act that enables the minister to make a decision at the end of the evaluation process rather than a pre-emptive decision before any evaluation can be made. I believe that an amendment to this review power to ensure that the minister receives notice of a TGA decision and can initiate a review on his or her own motion would overcome most of the objections to removing ministerial accountability. I have to say that it is not as if the TGA is infallible, and I support the minister having a power of review. I think it is just a matter of where it is exercised. I think this existing provision should be strengthened.

In conclusion, I am acutely aware that there are deeply polarised views on this matter. I am also aware that we make decisions on behalf of many others. Ultimately, my view is that public health issues are not something that we can approach through our own personal prisms. I have set out what I believe are principled reasons for supporting the bill whilst respecting the existing role of the minister in reviewing a decision of the TGA. I appreciate that currently a review can only be initiated by parties with standing, but it does provide a capacity for ministerial overview and accountability. That is the subject of this bill, and I support ministerial accountability.

Senator STOTT DESPOJA (South Australia) (12.09 pm)—I rise to speak in favour of this private member’s bill—the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I speak as a proud pro-choice woman and as a member of the only political party that opposed the Harradine amendments in 1996. For 10 years, the Australian Democrats have been keen to see this decision reversed, and I hope that this afternoon this private members bill will be successful. I want to place on record my congratulations to the cross-party co-sponsors of this private member’s bill.

Contrary to comments by some, but in particular the Minister for Health and Aging, the Australian Democrats did oppose the 1996 amendments. Those amendments gave the health minister the power of veto over the approval of so-called abortion drugs such as RU486. We put on record at the time: The Democrats cannot support either the specific amendment or the intent of the amendment. The intent of the amendment is to make it as difficult as possible for women to have another choice and to make it as difficult as possible for manufacturers to actually get their product into the country.
I recall the angst of many in that debate on both sides of parliament and, indeed, many women. I believe today, therefore, it is pretty heartening to see more senators supporting the handing of the authority back to the Therapeutic Goods Administration—the TGA—the body that we charge in this country to make these decisions for every other sort of drug.

The bill is about a simple change. It is not about the availability of abortion, nor is it even about the safety of RU486. Since this particular issue has been raised, I will comment on it later in my remarks. It is about who should be able to decide whether or not to approve drugs such as RU486 for use in Australia—the TGA or the health minister, whoever he or she may be, regardless of their personal views, regardless of whether they are pro- or anti-choice, for that matter. It is about removing the extraordinary and unprecedented ministerial discretionary power.

In his opinion piece in the *Australian*, the health minister, Minister Abbott, argued:

In 1996, the federal parliament decided that decisions about abortion drugs were too important to be made by unelected, unaccountable officials.

His imputation that the TGA, the authority that we trust with every other important decision about which drugs can be made available in this country, are unfit in some way to make decisions in relation to this particular class of drugs is alarming. Indeed, it is offensive.

I note that yesterday Professor Terry Hull, the JC Caldwell Professor of Population, Health and Development at the National Centre for Epidemiology and Population Health and Professor of Demography at the Research School of Social Sciences at ANU, rebutted Minister Abbott’s argument. He said:

Minister Abbott is neither trained nor qualified to evaluate the safety nor efficacy of drugs. The Therapeutic Goods Administration was set up in 1989 to make such evaluations and to protect the public’s health.

There is something unsurprising about this debate. In fact, it is hardly surprising that anything that relates to women’s bodies—including drugs—is treated differently from other types of debates, or drugs in specific terms, in this place. After all, that is why this debate has become so controversial. Some legislators—some conservative and primarily male legislators—are finding it impossible to avoid interfering in women’s reproductive health rights. I have no doubt that this is why we have been granted a conscience vote in relation to this bill—a drug administration bill which in itself does not make RU486 available in this country. I have no doubt that it is because the subject matter relates to women’s bodies, women’s choices and women’s health.

This bill does not make RU486 available. Of course, if this bill passes both houses of parliament, an application for a licence to import RU486 would need to be made, and...
approved by the TGA. But, in many cases, these details have been conveniently ignored by some opponents of the bill—including, I have to say, by many of the people who have written to, emailed, faxed and lobbied me. Many of the people who have contacted me have added their names to form letters, some of which arrived in matching handwritten or typed envelopes. Some have sent as many as five form letters, all signed with the same name and address. I put that on the record not to undervalue the heartfelt, emotional and personal pleas that have come to my office, or indeed that correspondence, but to make it very clear that, when people are talking about the overwhelming amount of lobbying in this debate, there have been some very clearly orchestrated campaigns.

I might add that those letters and those opinions do not necessarily reflect the overwhelming view in our community in relation to the issue of choice. The Australian Survey of Social Attitudes found that 81.2 per cent of respondents, and 77 per cent of those who held religious views, believed that a woman should have the right to choose whether or not she has an abortion. The Australian Election Study found that only four per cent of respondents felt that abortion should not be allowed under any circumstances. That is a drop from six per cent back in 1987. But these results have not necessarily stopped those who are opposed to this legislation arguing against this bill and attempting to skew the results of some of the research, the surveys and the public opinion that is out there.

I have heard about push polling on this issue. One constituent who rang my office had been contacted and interviewed about RU486 by a research company called Quantum Market Research which was representing Australians Against RU486. She was originally told that the survey would be about contraception. She found that the questions were leading and offensive, so she complained. When she did, the interviewer admitted that other respondents had actually changed their opinions during the course of the survey. She has now made a complaint to the Australian Market and Social Research Society, because, in particular, the research company has refused to provide her with a copy of the survey, as they are entitled to do. I ask that the company make publicly available a copy of that survey. The results have already been bandied about; the results have been made publicly available—I have seen them in the newspapers, in full-page advertisements.

Some opponents of this legislation have used arguably distorted research and surveys to deflect attention away from what this bill is really about. In his opinion piece to the newspapers, the Minister for Health and Ageing, Mr Abbott, warned of ‘backyard miscarriages’ and ‘the development of an internet black market’ if the authority for approving RU486 is handed back to the TGA. Apart from this being a spurious reflection on the TGA, it overlooks the principal role that we have granted the TGA in our country. It is the national body charged with identifying, assessing and evaluating the risks that are associated with any therapeutic good that comes into this country.

Because the subject of risks has been raised in this chamber and elsewhere, let us look at some of the research on RU486. RU486 has been used safely by millions of women around the world—at least two million in Europe and around 500,000 in the United States of America. It is available in more than 30 developed and developing nations around the world, including the UK, the US, New Zealand, Austria, Finland, Denmark, Belgium, Germany, Greece, Luxembourg, the Netherlands, Spain, Norway and Switzerland, not to mention Israel, China, Russia, South Africa, Tunisia, Estonia, Lat-
via, Moldova, Georgia, Azerbaijan—and the list goes on. We know that.

It is considered by many doctors—including Australian doctors, I might add—to be a safe alternative to surgical abortion. In fact, late last year, a leading professor of obstetrics and gynaecology at James Cook University in Queensland, Caroline de Costa, writing in the Medical Journal of Australia, pointed to ‘overwhelming’ evidence that the drug is ‘safe, effective and acceptable to women’. The Vice-President of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists later joined Professor de Costa in calling for RU486 to be made available in this country. I put this on the record not as an argument for necessarily making the drug available in this country, but simply to counter some of the misinformation in this debate in the public sphere.

RU486 is reported to have a number of advantages over surgical abortion, and, in fact—as has been mentioned in this debate—it was never intended to be used solely as an abortion drug. A briefing paper on the drug prepared by Reproductive Choice Australia states that the drug ‘requires no anaesthesia and puts women at no risk of perforation, damage to the cervix or infection from instruments’. The paper also states that RU486 can:

... be administered to a woman as soon as she knows that she is pregnant and wants to have an abortion. By contrast, a woman must wait until the 5th/6th week before she is able to have a vacuum aspiration abortion.

RU486 also has the potential to be used for a number of other medical purposes, and that is something that we should not overlook in this debate. That is another important reason why the TGA should be responsible for doing its job, assessing the risks and determining whether or not this drug should be available. RU486 has been talked about and considered as a possible treatment for breast cancer, ovarian cancer, uterine cancer, uterine fibroids, psychotic and major depression, bipolar depression, endometriosis and Cushing’s syndrome. Thus it does potentially have a therapeutic application, and that should not be overlooked in this debate.

A number of senators have raised the issue of pregnancy counselling in this debate, including the speaker before me, Senator Coonan. This is a totally legitimate issue in the context of a broader debate about pregnancy and abortion. On the surface, it seems quite a reasonable idea and notion. But I do want to put on the record that I am concerned about the lack of federal government support for pro-choice pregnancy counselling services in Australia, and the tendency of the federal government to favour anti-choice pregnancy counselling and the failure of many of these government funded, anti-choice services to declare their bias. We know that this is the case. We know that there have been examples of deceptive and misleading advertising. In fact, the Australian Federation of Pregnancy Support Services, which we know is linked to anti-choice organisations, made a submission to the Senate inquiry opposing RU486. That is their right to do that, but I believe these organisations must be up-front about where they are coming from, especially if they are in receipt of taxpayers’ dollars. I note that in November that organisation was allocated another $100,000 in funding. I am aware that anti-choice groups have released at least two different polls on the issue of abortion, in addition to the expensive full-page advertisements that we saw this week. I certainly hope there is no link between these surveys and advertisements and the hundreds of thousands of taxpayers’ dollars that have been allocated to the Australian Federation of Pregnancy Support Services. That is in stark contrast to the pro-choice pregnancy
counselling services, which receive no federal government funding.

In the time remaining, I want to address the amendments that have been circulated. In particular, I have looked at the amendments circulated in the names of Senators Humphries and Barnett, and it is obvious that those amendments will place additional hurdles in the way of assessment and approval of RU486. For that reason, I will certainly vote against them, and I believe my Democrat colleagues will also oppose those amendments. Under the amendments that have been proposed, the minister would retain the power to approve or disapprove any application to evaluate, register, list or import RU486 without referring to any specified criteria. They require the minister to seek advice from the Australian Health Ethics Committee, which of course is currently set up to advise the NHMRC, before making a decision to approve or disapprove an application for RU486, although—and I acknowledge, again, another weak link in that argument—the minister does not have to follow that advice. This is not about the morality of abortion but the safety of a drug. Therefore, the TGA is the appropriate body to be evaluating it.

I note that the amendments also make the minister’s decision disallowable. I realise amendments have been circulated by Senators Scullion and Colbeck as well which might have a similar effect, though I am not entirely sure. However, the ones in the name of Senators Humphries and Barnett seek to make the minister’s decision disallowable, although this would only apply if the minister had approved the application in the first place. If the minister refuses the application, the parliament can disallow the written decision, but they cannot force the minister to reverse the decision and indeed approve the drug.

As I have pointed out, this debate has become a broader debate, perhaps inevitably, as a result of the strongly held views, emotive views and personal views, some of which have been expressed strongly in this debate. I am worried that this debate, like a number of others we have had in recent times—whether it is debating a motion on the millennium development goals or other issues, for that matter—has become yet another excuse for some people to attempt to wind back the clock on women’s rights. While I believe it is time that Australian women were granted access to RU486 and our country caught up with the many nations in which RU486 is licensed, today I am voting in favour of a piece of legislation that repeals ministerial approval and leaves the decision regarding approval or otherwise of drugs such as RU486 with the TGA.

I suspect and hope that most in this chamber will view this issue as a vote about authorisation and ministerial discretion. Just as I know that there are women and men on all sides of politics who want to protect the current state of women’s reproductive rights and stop some conservative politicians turning back the clock on these issues, I know there are many in this place who also want to move the debate forward. I believe that women have fought long and hard to be able to make decisions about their health and wellbeing. I believe women’s reproductive health is women’s business. I will be supporting the legislation.

Senator McGauran (Victoria) (12.27 pm)—I seek leave to incorporate Senator Ian Campbell’s speech.

Leave granted.

Senator Ian Campbell (Western Australia—Minister for the Environment and Heritage) (12.27 pm)—The incorporated speech read as follows—
I have closely considered the many submissions made to me on this issue and thank all of those citizens who have taken the trouble to write or phone me to discuss the issue.

I have decided to support the legislation because I believe that as a matter of procedure, the approvals process we have for drugs should be in the hands of an independent expert body. This is the generally applicable regime and I don’t believe RU486 should be an exception.

RU486 is an “abortion pill”. This debate does involve issues of life and death.

My view is that politicians and government must tread very cautiously into this space — a space that primarily is the private domain of the pregnant woman and the man, their trusted family and friends and medical professionals. It is a place for their conscience and — if they are people of religious belief — their God.

While I have great respect for those of my colleagues and those in the community who hold different views, I have always believed passionately in maximising individual freedom and limiting the role and size of government to achieve this.

I am therefore cautious and conservative when I contemplate the extent to which a government or politician should be involved in what is a deeply personal issue.

My colleague, Senator the Hon. Rod Kemp, is unable to be in the Senate for this vote as he is overseas on Government business in his capacity as Minister for the Arts and Sport.

Senator Kemp has indicated to me that he would have voted against the bill if the vote was held before his departure overseas. He also asked if anyone of a mind to vote for the legislation was prepared to “pair” his vote so that the true will of the Senate would be represented in the final count.

I informed Senator Kemp yesterday that I would “pair” him and intend to do so.

Senator CONROY (Victoria) (12.27 pm)—I would like to make my small contribution to this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. I am indebted to many of the speakers, who I have listened to intently. They have assisted me in reaching my decision about this bill. I am particularly indebted to the last speaker, Senator Natasha Stott Despoja, who wanted to make it clear that this should be a debate purely about this process. My colleague Julia Gillard this morning on radio, again, said, ‘All this debate is about is whether politicians will decide the availability of the medication or the experts will.’ I want to reiterate and support that view. It is also not a debate about Tony Abbott, though, to be fair, he has turned himself into an issue in this debate very successfully. You have to admire his political skills. In a debate which is about a process, Tony Abbott has successfully made himself a large part of this issue.

The movers of this bill stress that the intent is to allow the TGA to have sole decision-making status. They argue that the decision should be based on scientific and technical grounds and that they are the experts who should have the final say. This is not a debate about Tony Abbott, though, to be fair, he has turned himself into an issue in this debate very successfully. You have to admire his political skills. In a debate which is about a process, Tony Abbott has successfully made himself a large part of this issue.

I fully accept the critique of the current process by the movers of this bill. I do not believe handing the power to the minister to have the sole prerogative is the way that this debate should be handled. I believe the process should be more open, transparent and accountable. That is why I cannot support a bill that simply says that we should give it over to scientists and doctors. There is no transparency and no accountability. I think that is a fundamental flaw in the bill. With regard to those who want to advocate that Tony Abbott should not have this power, I agree, but the solution is not to hand it over...
to an unelected group of people who have no accountability and no transparency.

A number of proposed amendments have been circulated. I hope that in the committee stage there will be some debate about these amendments, because I believe that these amendments should address many of the concerns of many of the people who have spoken. I accept the point made by Senator Stott Despoja that there is a potential difficulty that a rejection by the minister may not be covered. I do believe that the intent is to try to cover that circumstance, and I believe that some of the revised amendments—although I have only just seen them myself—may perhaps address that issue. But I do not believe that the parliament should have no role. I do believe that the parliament has a role in this and that we cannot wash our hands of this debate, because it does go beyond pure science.

I will be supporting the amendments. I hope that they address the concerns that I heard Senator Payne and Senator Stott Despoja raise about them. As I said, I fully accept the critique of the existing situation. It is not satisfactory that a minister of any political or personal persuasion should be in a position to make this call. I do believe it is a debate that should be had in this chamber. Euthanasia was debated in this chamber. Stem cell research was debated in this chamber. Some argue that these are just scientific processes and should be left to the doctors, but the parliament believes that it should have a role in this debate, and I also believe the parliament has a role in the debate around this drug.

This has been a difficult decision for me. I voted to support stem cell research. I voted against euthanasia. I would vote to support abortions being available on Medicare. If the amendments were ultimately successful, I would probably vote for the pill to be available. But I do not believe the bill achieves what it sets out to do. I accept that it is an attempt to change the process, and I do believe the process should be changed.

Senator HILL (South Australia) (12.33 pm)—I will be very brief. I do, however, want to thank the Senate Community Affairs Legislation Committee for its report into the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 and for its management of quite a difficult task. I particularly commend the committee’s specific recommendation, which says:

The Committee recommends that increased financial support be provided to improve sex education, including better education on responsible human relationships; wider availability of information about and access to contraception and other fertility control techniques; ensure independent professional counselling for women considering a termination of pregnancy, counselling post termination and counselling for relinquishing mothers as required; greater social support for women who choose to continue with their pregnancy; and increasing the availability and affordability of child care.

I strongly support more and better sex education within schools and the wider community, easier access and increased availability of publicly funded counselling in sexual matters, and ready and confidential access to a range of contraception options from the age of sexual maturity. This, I believe, would be a positive contribution to reducing the number of abortions in Australia, and I believe that to be a desirable social objective.

Where women require an abortion, I believe they should be treated with sensitivity and support at what must be an extraordinarily difficult and emotionally stressful time. I believe they have the right to access whatever procedural options are safe and can be provided by their medical practitioner. It is for the Therapeutic Goods Administration to
determine whether a particular drug is medically safe for the purpose for which it might be prescribed. If the TGA determines a specific drug to be a safe alternative to a surgical abortion then I believe it is appropriate for a medical practitioner to present it as an alternative to surgical abortion. I do not therefore see a role for the minister for health in this process.

**Senator NASH** (New South Wales) (12.36 pm)—In summing up today, firstly I would like to thank all senators for their contribution to this debate. I am very proud to stand here as a senator for Australia, having watched the debate be conducted in the way it has been and certainly having heard such a range of views on what, in a lot of ways, is a very sensitive issue. I am very proud of all the senators in this place for the contributions that they have made and the way in which they have made them. I would also like to thank all the people who made submissions to the committee inquiry. There were very many submissions, as you would all be well aware, and they were of a very high quality and really reflected the amount of thought and time that people had put into thinking about this issue.

I thank all the witnesses who came before the committee. I sat through the three days of the inquiry, although I was not actually a voting member of the committee. The quality of information that those witnesses brought to that process is certainly to be commended, as is Elton Humphery and his team, who did what can only be described as a magnificent job in preparing the report so that we as senators had the ability to look at the arguments, both for and against, in this very important debate. I particularly thank the co-sponsors of this bill—Senator Moore, Senator Troeth and Senator Allison—for their contribution, their work and their belief that this bill was the right thing to do. It certainly has been a privilege to have worked with such intelligent, thoughtful women.

There are some things about this debate that are particularly clear, certainly to our view as proponents of the bill. This bill is not about abortion. While I respect the views of all the people who do have a pro-life stance—and I have respected their views right throughout this whole process—that does not address what the bill has set out to achieve. The bill is not about abortion. That is a debate we had in this nation many years ago. Our society, the people in this nation, decided that they would allow termination to be legal in this nation under the laws of the states and territories. That is a debate that we have had. This bill is specifically about a method of termination.

I am sure we would all agree that we would prefer to see fewer abortions. There is absolutely no doubt about that. We would all prefer to see greater education and greater prevention—and I concur with my colleague Senator Hill in endorsing the recommendation that the report put forward on that. We would all prefer to see fewer abortions, but we do have to deal with the fact that we live in a society where terminations do occur. What we are debating here is whether or not a method of termination can be made available for women, and their partners by association, in Australia.

We would argue that the best way to assess that method of termination is through the Therapeutic Goods Administration. There are those who say that that is purely done on science, that they are purely looking at the facts and that the moral debate does not come into it for them. We would argue that the moral debate does not have to. That has already been put forward by the people of this nation and a decision has already been made. Where we have a society where termination is legal, who are we to say that we
will allow a surgical termination process and yet we will not allow a medical termination process to even be assessed? That just seems illogical.

There have certainly been arguments put forward by those who are against the bill about the issue of safety. I recognise that there is a lot of information out there in the ether—we certainly had a lot of it brought forward to the committee—that is both for and against whether or not this drug is safe. But, as I have said, I do not believe that I have the ability to assess the quality, safety and efficacy of that drug. I do not believe that anybody in this place has that ability and I do not believe that anybody in the other place has that ability. The ability to properly assess this drug lies with the Therapeutic Goods Administration.

Those who have concerns about the safety of this drug should not be worried about supporting this bill, because if those concerns are shown to be correct—if those safety concerns are well-founded—then the Therapeutic Goods Administration will not approve the use of this drug. You only have to read through the list of people on the committees of the Therapeutic Goods Administration to see that they are not nameless, faceless bureaucrats. They are people with knowledge, expertise and life experience. When you read through the list—and if you have not read through it I suggest that you do—you will see that their expertise and knowledge is extraordinary. I do not think I have seen a more eminent list of people who are more appropriate to advise on the safety of drugs.

So I say to those who think that those people are not capable of properly assessing this drug that they are absolutely wrong. They are the appropriate people. They are the best people. We do not have the ability to assess this drug, but they do. As I say, underneath the umbrella of this society in which we have agreed that termination should be lawful, those eminently qualified people should be allowed to assess that drug and tell us whether or not it is appropriate for use.

None of us sitting here know what the people from the TGA will say if they are able to assess this drug. They may approve the drug; they may not. But it is not up to us to tell them that they cannot have the opportunity to assess it. That is not our role, and it is certainly not our role in a society which has said that termination is lawful. The ability of the TGA to do that cannot be overstated, and I think it is something that has been missed in this debate. We have continually heard about these nameless, faceless bureaucrats—but they are not. They are real people with real experience who have been put there to do a job for the people of Australia. We trust them to do it with 50,000 other items—including drugs that are often dangerous, drugs that are often potentially harmful. We trust them to do it with every single one of the nearly 50,000 items that are on the register.

Yet here we have a category of restricted goods, containing eight drugs, and we are saying, ‘We do not trust you, the Therapeutic Goods Administration, to assess those eight drugs.’ We are saying, ‘You have the ability to assess the other 49,353 items’—including dangerous drugs, difficult drugs—and we have no problem with that at all, but we will not let you assess those eight drugs.’ To me, that is not right. It is not our role, and the proponents of this bill agree that the appropriate place to assess these drugs is the Therapeutic Goods Administration.

I understand and respect the views of all the people who have contributed to this debate. I have my own personal view, and I point out that it is my own personal view. It is not a National Party view; it is my view.
We have many various views within The Nationals on this particular issue. It has been a very strong process to see women from different parties—women who have different ideologies and different philosophical backgrounds—come together on this issue because we know that it is the right thing to do. It is the right thing to do, because society has given us a framework which makes the intent of this particular bill the right thing to do.

I would like to make a few comments on the amendments that have been circulated and flag that they will be coming up during the committee process. I have looked at the amendments and I have read through them very carefully. I thank all the senators involved in putting those amendments forward, because it shows the level of contribution, detail and thought that people are putting into this debate. I thank them for that contribution. But I and the other proponents of this bill have all been through those amendments very carefully, and we would say that they are intrinsically different from what we are putting forward with this bill.

The amendment from Senator Humphries and Senator Barnett seeks to address the issue of the minister alone having the power to approve the drug. But it still allows the minister to have that power within a broader framework, which is against the intent of the bill. I know there is another amendment being put forward by Senator Scullion and Senator Colbeck. Again, having read through it very carefully, and appreciating the intent with which they put it forward, I find that it is against the intent of the private senator’s bill. It still allows for a parliamentary moral value judgment to come upon what the TGA would put forward as a recommendation. As I said earlier, that moral value judgment has already been made by this society and this nation. Having flagged that, I will say that the proponents of the bill will be voting no to all those amendments on the basis that they are intrinsically against the intent of the bill.

It has been a real privilege to work with the co-sponsors of this bill. This is a very important moment for Australia. This is a moment when we say that we understand and respect the views of society. We understand and respect the views of those on both sides in this debate. But, overall, we understand and respect that society has provided a framework in which termination is lawful. This bill says that a method of termination under that framework, under that understanding, should be allowed to be assessed.

On behalf of my co-sponsors—Senator Troeth, Senator Moore and Senator Allison—I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—The question is that the bill be now read a second time.

Question put.
The Senate divided. [12.54 pm]

(The President—Senator the Hon. Paul Calvert)

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AYES

Adams, J. Allison, L.F.
Barrett, A.J.J. Brown, B.J.
Brown, C.L. Campbell, G.
Carr, K.J. Colbeck, R.
Coonan, H.L. Crossin, P.M.
Evans, C.V. Faulkner, J.P.
Ferris, J.M. * Fifield, M.P.
Hill, R.M. Hurley, A.
Johnston, D. Kirk, L.
Ludwig, J.W. Lundy, K.A.
Macdonald, I. Marshall, G.
McEwen, A. McLucas, J.E.
Milne, C. Moore, C.
Murray, A.J.M. Nash, F.
Nettle, K. O’Brien, K.W.K.
Patterson, K.C. Payne, M.A.
Ray, R.F.  Scullion, N.G.
Sherry, N.J.  Siewert, R.
Sterle, G.  Stott Despoja, N.
Troeth, J.M.  Trood, R.
Vanstone, A.E.  Watson, J.O.W.
Webber, R.  Wong, P.
Wortley, D.

**NOES**
Abetz, E.  Barnett, G.
Boswell, R.L.D.  Brandis, G.H.
Calvert, P.H.  Chapman, H.G.P.
Conroy, S.M.  Eggleston, A.
Ellison, C.M.  Fergusson, A.B.
Fielding, S.  Fierravanti-Wells, C.
Heffernan, W.  Hogg, J.J.
Humphries, G.  Hutchins, S.P.
Joyce, B.  Lightfoot, P.R.
Mason, B.J.  McGauran, J.J.J. *
Minchin, N.H.  Parry, S.
Polley, H.  Ronaldson, M.
Santoro, S.  Stephens, U.

**PAIRS**
Campbell, I.G.  Kemp, C.R.
* denotes teller

Question agreed to.
Bill read a second time.

**In Committee**
Bill—by leave—taken as a whole.

Senator BARNETT (Tasmania) (12.58 pm)—I, and on behalf of Senator Humphries, foreshadow that I will move:

(1) Clause 1, page 1 (line 6), omit “Repeal of Ministerial responsibility for approval of RU486”, substitute “Ministerial responsibility”.

(2) Schedule 1, items 1 to 5, page 3, TO BE OPPOSED.

(3) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**6 After subsection 6AA(2)**
Insert:

(2A) Before giving written approval in accordance with subsection (2), the Minister must:

(a) seek written advice from the Australian Health Ethics Committee; and
(b) consider that advice; and
(c) prepare a written statement of reasons for the approval or refusal to approve the importation.

(4) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**7 After subsection 6AA(2)**
Insert:

(2B) The Minister must give written notice to a person seeking approval in accordance with this section of the approval of, or of the refusal to approve, the importation.

(5) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**8 Subsection 6AA(4)**
After “approval”, insert “together with the written advice received by the Minister from the Australian Health Ethics Committee and the written statement of reasons by the Minister for the approval of, or of the refusal to approve, the application”.

R(6) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**9 At the end of section 6AA**

(6) A written approval or refusal to approve in accordance with this section is a disallowable legislative instrument for the purposes of the Legislative Instruments Act 2003.

(7) Where the Minister issues a written refusal to approve an importation and that instrument is disallowed pursuant to subsection (6), the importation of the restricted good to which the instrument referred is taken to be approved by the Minister.

R(7) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**10 Subsection 23AA(2)**
Repeal the subsection, substitute:
(2) Before giving written approval in accordance with subsection (1), the Minister must:

(a) seek written advice from the Australian Health Ethics Committee; and

(b) consider that advice; and

(c) prepare a written statement of reasons for the approval or refusal to approve.

(3) The Minister must give written notice together with the statement of reasons for the approval of, or for the refusal to approve, the evaluation, registration or listing of restricted goods in accordance with this section.

(4) A written approval, or refusal to approve, the evaluation, registration or listing of restricted goods shall be laid before each House of the Parliament by the Minister within 5 sitting days of being given.

(5) A written approval or refusal to approve in accordance with this section is a disallowable legislative instrument for the purposes of the Legislative Instruments Act 2003.

(6) Where the Minister issues a written refusal to approve the evaluation, registration or listing and that instrument is disallowed pursuant to subsection (5), the evaluation, registration or listing of the restricted good to which the instrument referred is taken to be approved by the Minister.

R(8) Title, page 1 (lines 1 and 2), omit “repeal Ministerial responsibility for approval of RU486”, substitute “provide conditions for the exercise of Ministerial responsibility in relation to certain therapeutic goods”.

The CHAIRMAN—I have had questions privately from people interested in the debate in the chamber as to how the matter would proceed. Senator Barnett, I am looking for some guidance and some input from the other participants in the debate as to the process that will be followed for the committee stage. It would seem to me that there are two sets of amendments before the chair, those on sheet 4828, revised 1, standing in the names of Senator Barnett and Senator Humphries, and those on sheet 4830, standing in the names of Senators Colbeck and Scullion. I want to clarify that there are no more amendments to be considered before the committee. The second thing is that it seems reasonable to me that the amendments of Senators Barnett and Humphries be dealt with and disposed of, and then, if the first amendments fail, the amendments of Senators Colbeck and Scullion be dealt with and disposed of. Is there any objection to that process?

Senator TROETH (Victoria) (1.00 pm)—Will the amendments of Senators Barnett and Humphries be dealt with together?

The CHAIRMAN—Yes, except for amendment (2), which is schedule 1, items 1 to 5 on page 3 to be opposed. That will need to be put separately. But it is subject to the wishes of Senators Barnett and Humphries and whether they seek leave to move amendments (1), (3), (4), (5), R(6), R(7) and R(8) together. That has not happened at this stage. I note that it is past one o’clock and that sessional requirements require me to report progress.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (1.00 pm)—If I could make a point: it may be necessary for you to allocate times to those amendments, given the short time frame within which we must debate the amendments.

The CHAIRMAN—I hear your point, and that is why I was interested to take the chair. It is not within my province to allocate time. I suggest that the interested parties get together during the next hour and work out a time allocation as a guide to the chair and the clerks. We have always held to the guidance from interested parties. I am sure it can be
worked out in a reasonable and mutually advantageous way for all parties.

Progress reported.

**COMMITTEES**

**Legal and Constitutional Legislation Committee**

Reference

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (1.02 pm)—by leave—I move:

That the exposure draft of the Anti-Money Laundering and Counter Terrorism Financing Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 13 April 2006.

Question agreed to.

**THERAPEUTIC GOODS AMENDMENT BILL (No. 2) 2005**

*Second Reading*

Debate resumed from 7 November 2005, on motion by Senator Colbeck:

That this bill be now read a second time.

Question agreed to.

**Bill read a second time.**

**In Committee**

Bill—by leave—taken as a whole.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (1.03 pm)—I probably should have done this at the second reading stage, but I just want to indicate that the Democrats will support the Therapeutic Goods Amendment Bill (No. 2) 2005. We recognise that it fixes an anomaly that the government created during the free trade agreement and that it affects the complementary health sector and the off-the-shelf medication sector, which were required to do patent searches which, as I understand it, were always intended for the pharmaceutical companies. So we support this technical change.

**The CHAIRMAN**—Are you moving amendments (1) to (5) on sheet 4709? Are they your amendments? They are in your name and Senator Stott Despoja’s name.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (1.04 pm)—My apologies, I do not have them in front of me.

**The CHAIRMAN**—It is all right, Senator Allison—

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (1.04 pm)—I beg your pardon. I now know to what you are referring.

**The CHAIRMAN**—The Clerk has just handed them to me.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (1.04 pm)—Those amendments relate to the bill we are dealing with today, which is the—

**The CHAIRMAN**—So you are not moving these amendments?

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (1.04 pm)—Yes, I am not moving those amendments.

**The CHAIRMAN**—That is now clear. *(Quorum formed)*

**Question agreed to.**

**Bill reported without amendment; report adopted.**

**Third Reading**

**Senator COONAN** (New South Wales—Minister for Communications, Information Technology and the Arts) (1.06 pm)—I move:

That this bill be now read a third time.

Question agreed to.

**Bill read a third time.**
DEFENCE (ROAD TRANSPORT LEGISLATION EXEMPTION) BILL 2005 [2006]

Second Reading

Debate resumed from 23 November 2005, on motion by Senator Ellison:

That this bill be now read a second time.

Senator GEORGE CAMPBELL (New South Wales) (1.07 pm)—I seek leave to incorporate Senator Bishop’s speech.

Leave granted.

Senator MARK BISHOP (Western Australia) (1.08 pm)—The incorporated speech read as follows—

This Bill is a straightforward non-controversial piece of legislation.

It provides a new operating environment for ADF vehicles when operating on state roads.

As we know road regulation in Australia is a matter for the states.

However, by provision of subsection 123 (1) of the Defence Act, the ADF is immune from this regulation.

However, the ADF as a matter of principle has attempted for a long time to cooperate and comply with civil authorities.

This is recognition that regulations set in the public interest should be respected in spirit for their safety values.

For that reason I understand that Defence has sought to comply with public regulation, regardless of its legal immunity.

For operational reasons however, that has proved burdensome.

This is simply because non-compliance with state road regulation is frequent.

That’s the nature of the Defence transport task.

It frequently involves heavy vehicles built specially for military purposes for both weight and off road capacity.

They simply cannot comply with the road rules.

Dealing with six separate state agencies is also cumbersome.

So instead of the open ended immunity, and in place of the current voluntary compliance, this bill provides for the development of a new regime specifically for the ADF.

The Bill therefore provides that while Defence in general should comply wherever possible with national road regulations, there should be an exemption framework.

This is to be a standard national exemption framework. It’s to be adopted by all states in time.

By this means the ADF will have the detail of the new exemption framework embodied in state law.

This effectively places limits on the general immunity with respect to transport.

Other matters outside the framework however, remain immune.

Hence in this bill we have provision for a regime for the ADF, agreed by the states.

In doing so however, there is recognition that the operational needs of the ADF aren’t impeded.

This Bill is therefore designed to maintain the operational capabilities of the ADF.

It details Defence requirements in relation to road transport and the unique requirements of the ADF operating environment.

It’s intended to allow the ADF to perform its critical function efficiently and effectively.

But at the same time complying with the law to the maximum extent possible.

At the same time the Bill also ensures the safety of other road users.

And it protects the national road infrastructure and facilities used by the ADF.

This isn’t a new proposal.

It was first mooted in 1998 but lapsed due to failure to adopt model road transport legislation.

State road regulations traditionally have two prime purposes.

The first is to control and manage vehicle dimensions including length, width and weight of all vehicles, but particularly heavy vehicles.

The key reason for this is related to road safety which requires maximum compatibility between all vehicles on our roads.
The second reason concerns the protection of road structures from excessive weights, that is, pavements and bridges.

All state governments have strict regimes in place to prevent excess weight which would otherwise severely damage that expensive infrastructure.

As we know, Australia’s Defence Forces have a large fleet of vehicles distributed across the country.

The bulk of these are not greatly dissimilar from civilian vehicles.

Generally they comply with safety standards and with the existing state regulatory regimes.

However, that’s not a requirement.

Part of the fleet however, is specially constructed for which there are no national design rules.

By their nature these vehicles may never comply with public safety standards.

This bill provides a new special regulatory regime for these circumstances.

But it will do so in a way that where limits are exceeded due to operational necessity, there are clear processes of notification.

Thus, under this exemption framework Defence vehicles will in general abide by the same mass and dimension regulations as all civilian transport.

But where those limits are exceeded, there is a clear standard process whereby state authorities’ permission is available as a matter of form.

Specified routes for example will be clearly identified in the event that dimensions and axle weights are exceeded.

Warning signs, load projections and securing rules have also been standardised.

The second theme of road regulation concerns personal safety. We Australians are a very road safety society. Our record is among the best in the world.

Yet, there are some areas concerning the protection of civilians which are considered inappropriate for the ADF:

These concern vehicle construction, but also driver licensing and the carriage of personnel.

This does not mean that the ADF is less concerned about personnel safety standards.

Quite the contrary we hope.

But there are circumstances in the operations of the ADF where greater risks are borne than in civilian life.

The safety regime applying to ADF transport must therefore be a little more flexible.

The exemptions provided in this Bill apply when ADF members and other specifically authorised persons, are using vehicles and infrastructure for ‘defence related purposes’.

The criterion of ‘defence related purpose’ is sufficiently broad to cater for the array of activities in which our defence personnel are likely to be engaged.

Such activities include:

- defence and security functions,
- emergency and disaster management or relief,
- humanitarian and medical assistance, and
- the provision of support to nationally and internationally significant community activities.

The very nature of these activities requires a more flexible regulatory environment.

Yet at the same time the nature and extent of exemptions granted by the states need to be clearly understood and respected.

They need to be understood by state regulators and by all ADF personnel concerned.

The Bill details the exemptions and processes to be applied uniformly across the States and Territories.

Such exemptions will be implemented by the States and Territories in accordance with their respective policies.

Defence will implement them through Defence Instructions on to road transport.

Let me deal with some of these circumstances involving exemptions in more detail.

The framework for example makes ADF driver licensing provisions compatible with the state system.
The system of accredited driver training provided to ADF members is recognised by the Exemption Framework by way of certain licence exemptions. Where a requirement exists under State and Territory legislation for a special licence, accredited ADF training of a similar standard is recognised. Compliance with State and Territory requirements is deemed to occur.

A further safeguard exists in that ADF drivers are required to carry and produce on demand their current Defence licence, Driver Qualification Log, and Vehicle Authorisation and Task Form. A further safeguard exists in that the cancellation or suspension of a member’s civilian licence results in the automatic cancellation or suspension of their Defence licence.

Defence licences will also be suspended if the holder is considered unfit to drive due to their accident or traffic record, medical impairment or physical injury. The holder is subject to retraining for any disciplinary or bad driving reason or the holder fails to maintain currency requirements.

Members of foreign armed forces visiting Australia are also covered.

The carriage of dangerous goods is also covered, as is the training of drivers.

Here I might mention that the ADF is considered to be at the forefront of heavy vehicle graduated licensing. Hence the relevance of accrediting Defence’s licensing regime.

This means for example within a well managed accredited system drivers below the civilian minimum age of 25 may get to drive tankers for example.

This is both sensible and practical.

The Exemption Framework also exempts drivers and commanders of armoured vehicles and tanks from the requirement to remain entirely inside the vehicle due to the nature of the operation of these vehicles.

The ADF is also exempt from the prohibition against carrying passengers in the load space of vehicles without an approved means of restraint.

Due to the seating configuration, ADF vehicles are to be recognised under State and Territory provisions as being emergency vehicles.

The unique operating environment is further recognised in terms of signage of vehicle dimensions. ‘Oversize Load’ signs are not required for each vehicle in convoy provided the convoy is not greater than 5 vehicles.

Given the fear that many motorists have for overtaking trucks, especially in convoy, spacing must provide overtaking opportunities for other vehicles.

Further, radio communications must be maintained and lights must be illuminated on all convoy vehicles.

Pilot vehicles accompanying the convoy must carry ‘oversize convoy’ signs.

These are practical and necessary provisions.

The Exemption Framework also provides designated “Defence Strategic Routes” across Australia.

As we know, state authorities are conscious of the demands for higher productivity from trucks carrying freight.

But as I mentioned earlier, load limits are necessary.

So, just as we have designated routes for large trucks such as B Doubles, we also have designated routes for over dimension ADF vehicles.

The exemptions and measures established under the Exemption Framework and clarified in this Bill are sensible and practical.

They’re necessary in maintaining the operational capability of the ADF in terms of road-based logistics.

At the same time they respect the regulatory environment of the states and the need to protect all civilian road users.

The Framework recognises the unique operating environment of the ADF as a strategic imperative. Hence Labor supports this legislation.

Mr Acting Deputy President, can I refer to some unsatisfactory matters concerning the process of this Bill.
While I’ve said it’s a relatively non-controversial Bill, that’s not to say that it’s simple by any means.

But as usual, the second reading speech is very shorthand.

It gives only an in principle description of the Bill.

The Bill itself in isolation is not particularly informative.

And the explanatory memorandum is not very explanatory at all.

The key document to obtain any understanding is the Exemption Framework.

This is supposed to be on the web site of the National Transport Commission, but it’s not.

Public documentation therefore is very deficient.

Mr Acting Deputy President we support the bill.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

STATUTE LAW REVISION BILL (No. 2) 2005 [2006]

Second Reading

Debate resumed from 30 November 2005, on motion by Senator Ellison:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

FISHERIES LEGISLATION AMENDMENT (COOPERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005 [2006]

Second Reading

Debate resumed from 7 December 2005, on motion by Senator Ellison:

That this bill be now read a second time.

Senator O’BRIEN (Tasmania) (1.09 pm)—The Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) Bill 2005 [2006] makes a number of amendments to the Fisheries Management Act 1991 and the Fisheries Administration Act 1991. These amendments include clarifying the meaning of the existing economic efficiency objective and inserting an ecologically sustainable development principle consistent with the ecologically sustainable development principle contained in the Environment Protection and Biodiversity Conservation Act 1999. The bill also provides for the amendment of fisheries agreements made under the offshore constitutional settlement. These measures have the support of the state and territory governments and, importantly, the fisheries industry. In part, this legislation gives effect to recommendations of the 2003 Commonwealth fisheries policy review and to work done by the Natural Resource Management Ministerial Council. The provisions of this bill are broadly consistent with longstanding Labor policy aimed at ensuring the sustainability of our fisheries and the maritime environment and the efficient management of fisheries resources through cooperation across federal, state and territory jurisdictions. Labor supports the passage of this bill.

There has been concern for some time among commercial fishers about the meaning of the ‘economic efficiency principle’ in Commonwealth fisheries legislation. Current legislation requires the Australian Fisheries Management Authority to pursue the objective of ‘maximising economic efficiency in the exploitation of fisheries resources’. This has lead to some confusion and, I understand, a number of court cases. Some commercial fishers have read the objective as requiring AFMA to maximise returns to the fishing industry rather than to maximise net returns to the whole Australian community,
as was originally intended. The objective has been reworded in this piece of legislation to ‘maximising the net economic returns to the Australian community from the management of Australian fisheries’. This is a sensible amendment that should clarify the points of confusion.

Outcome 3 of the 2003 fisheries review found that, while current Commonwealth fisheries legislation requires that fisheries are managed in a way that is consistent with the principles of environmentally sustainable development, there is some confusion as to how this objective should be interpreted. This concern is addressed in this bill by including ESD principles consistent with those contained in the EPBC Act. In its management of Commonwealth fisheries, AFMA will be now required to attempt to balance the triple bottom line of economic, environmental and social outcomes for fisheries.

The offshore constitutional settlement is the jurisdictional arrangement between the Commonwealth and the states and territories which sets out responsibilities for offshore fisheries, among other matters. It provides for state and territory laws to apply inside three nautical miles and for Commonwealth laws to apply from three to 200 nautical miles. The 2003 Commonwealth fisheries policy review highlighted a number of concerns with the operation of fisheries agreements under the OCS. In particular, there is currently no provision for the amendment of fisheries agreements. This bill will allow for the amendment of fisheries agreements without having to terminate the original instrument and create an entirely new instrument.

The bill will also allow for the management of multijurisdictional fisheries under the laws of a state or territory where appropriate. It is hoped that this heralds a more cooperative approach in the future, where the states, territories and the Commonwealth involved in a regional fishery will sit down and jointly decide who will have legal jurisdiction in that fishery. In the recent past, and especially under the two previous fisheries ministers, it has been clear that the Commonwealth has not been following a cooperative approach in the management of fisheries. Rather than cooperate with the states and territories over such important issues as illegal foreign fishing, previous federal ministers have preferred to bicker and blame. They have taken a high-handed approach in their dealings with the states and territories, and with the fishing community, and have failed to make the most of the limited resources available for dealing with illegal fishing. One of the minister’s predecessors went so far as to threaten to physically deal with a fisherman who disagreed with his views at a port meeting. We will see if Senator Abetz can do any better. This bill largely deals with improving mechanisms for cooperation between all jurisdictions in the management of our fisheries. I urge the new minister to abandon the confrontational practices of his predecessors and to work cooperatively with the states and territories, and the fishing industry, in the interests of the long-term future of this important industry.

I note that today the media reports a further incursion into Australian waters in the Northern Territory:
The crew of a foreign fishing vessel found in a creek near Maningrida on the Northern Territory’s north coast has fled. The boat was spotted—
not by the Commonwealth—
by Aboriginal sea rangers in an aerial surveillance plane two days ago. A report was made to Customs. But the crew has now left Australian waters.
I think that is an area where we can improve, but we support this bill and commend it to the Senate.
Senator STERLE (Western Australia) (1.14 pm)—I rise today to speak briefly about the Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) Bill 2005 [2006]. This bill contains amendments to the fisheries acts to clarify the meaning of the existing economic efficiency objective. The wording of the existing economic efficiency objective will be changed from ‘maximising economic efficiency in the exploitation of fisheries resources’ to ‘maximising the net economic returns to the Australian community from the management of Australian fisheries’. In the second reading speech the minister made the claim:

The new wording restates the existing objective in more simple terms that are easier for people to understand.

The minister went on to say:

Beyond clarifying this issue, the Government does not expect the amendments to the fisheries management objectives to have any impact on how the Commonwealth fisheries are managed. Never let it be said that the Howard government shirks the big issues of the day. At a time when the fisheries off Australia’s northern and western coasts are being plundered mercilessly by illegal fishers, what do we see? We see the Howard government leaping to action by using this parliament to restate existing objectives which will, by the government’s own admission, have no impact on how fisheries are managed. The new minister must be very proud of this decisive action. But that is not all this bill does. In addition to restating the economic efficiency objective in more simple terms, the bill also amends the fisheries acts to insert principles of ecologically sustainable development, consistent with those in the Environment Protection and Biodiversity Conservation Act 1999. This fulfils a commitment made in outcome 3 of the 2003 Commonwealth fisheries policy review. Better late than never.

The explanatory memorandum tells us:

To achieve this goal, the bill also contains administrative amendments to improve the operation and efficiency of the Offshore Constitutional Settlement (OCS) fisheries arrangements and facilitate cooperative fisheries management between State, Northern Territory (NT) and Australian Governments.

The spirit of cooperation that is embodied in these words written by departmental and parliamentary draftspersons is commendable but sadly lacking in the actions of the Howard government and its ministers. Honourable senators will no doubt be aware that the offshore constitutional settlement is the jurisdictional arrangement between the Commonwealth, the states and the Northern Territory which sets out responsibilities for offshore fisheries, mining, shipping and navigation, and crimes at sea. It is that agreement which provides for state or Northern Territory laws to apply inside three nautical miles and for Commonwealth laws to apply from three to 200 nautical miles off our shores. It is that agreement which makes clear the culpability of the Howard government when illegal fishing vessels chug unchallenged through the 197 nautical miles of Commonwealth responsibility to plunder the three nautical miles of state and territorial waters off our coast, where, if they are then apprehended, they become a drain on the legal aid coffers and prison systems of the Western Australian and Northern Territory governments.

It is all well and good that the Howard government is implementing these legislative changes, but they must be understood in the broader context of state and Commonwealth government relations over Australia’s fisheries and the issue of illegal fishing. What is the point of clarifying legislative objectives when Australian fisheries are being plundered? What is the point of adapting OCS fisheries arrangements to provide for cooperative agreements between state, Northern
Territory and Commonwealth governments when the Commonwealth government is ignoring the simple and productive requests made by the Western Australian and Northern Territory governments to protect Australia’s fisheries from being fished to extinction by illegal fishermen?

Recently we have seen the Western Australian fisheries minister, Jon Ford, direct the Western Australian Department of Fisheries to reallocate resources and officers to make available the eight-metre patrol vessel FD10 to enable the Bardi community to conduct marine patrols off the reef platforms of King Sound and Brue Reef. This has been necessary because, despite the repeated requests by the Western Australian government for the Howard government to do its job, wave upon wave of illegal fishermen are chugging unchallenged through the 197 nautical miles of Commonwealth responsibility to plunder the Bardi people’s licensed trochus fishery.

Even though this probably made him feel better, the Prime Minister’s act of giving the back of the axe to Senator Ian Macdonald did not and will not stop the boats from coming. That responsibility now falls with the new Minister for Fisheries, Forestry and Conservation, Senator Abetz. To be fair, it is too early to tell whether Senator Abetz will make a more constructive contribution than his predecessor, but the early indications are not good. ‘I’ll hit poachers’ read the headline on page 13 of the West Australian on Monday, 6 February 2006. The article stated:

Illegal fishing will top the list of priorities for Senator Abetz, who is also responsible for forestry and the conservation portfolios ...

The minister was then quoted as saying:

I don’t want to dwell on the past ... I can promise a new approach to this issue.

Two days later, Senator Abetz was asked his first dorothy dixer in his new role as Minister for Fisheries, Forestry and Conservation by Senator Parry. Senator Parry asked the minister to outline to the Senate how the Howard government is successfully balancing the key concerns of conservation and jobs in the areas of fisheries and forestry and, as we have come to expect from the ever imaginative Howard government, whether he was aware of any alternative policies.

And what an auspicious start the new minister made. In his answer, the minister covered a range of topics, including the Securing Our Fishing Future package; the 2004 Tasmanian Community Forest Agreement; the minister’s views of the Australian Greens’ forestry policies, Tasmanian Premier Lennon’s visit to Recherche Bay, the Australian Labor Party’s policy platform, Mr Ferguson, Mr Albanese and Mr Latham; speculation of a Green-Labor accord in Tasmanian state politics; and the Tasmanian state election—but he said not one word about the issue of illegal fishing. So much for topping the list of priorities. So much for not wanting to dwell on the past. So much for a new approach. It seems Senator Abetz would prefer to act the clown in question time and ramble on about Mr Mark Latham and about his imaginings about Tasmanian state politics than address the real problem of the plague of illegal fishermen plundering Australian waters unchecked. The minister clearly needs to lift his game.

Before I conclude my remarks, I would like to share with the minister a fact he should find disturbing. In January of this year alone, 76 Indonesian fishermen have been jailed for fishing illegally in WA waters, which extend three nautical miles off the Western Australian coast. Each and every one of them chugged unchecked through 197 nautical miles of Commonwealth responsibility. The minister would do well to ask himself what he would like the figure to be by the time of the next ministerial reshuffle, lest he find himself in the berley box and in
the same boat as his two immediate predecessors.

Senator IAN MACDONALD (Queensland) (1.22 pm)—I was not aware the Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) Bill 2005 [2006] was coming on today. It is of course a bill that I initiated in my former role as the fisheries minister. I have made a commitment to myself not to interfere in the work that the new Minister for Fisheries, Forestry and Conservation, Senator Abetz, will be doing in fisheries or forestry matters. Senator Abetz will do a very good job in both fisheries and forestry.

I was goaded into coming in by Senator Sterle, with whom I have some unfinished business from when I was the minister. This has given me an opportunity—without any preparation, I might say—of responding to some of the things that perhaps Senator Sterle said today. I must say that I did not really hear much of his speech at all, but I can guess what he said from what he has said previously. I will not allow any opportunity to pass to correct the record on the Australian government’s approach to illegal fishing in Australia.

I am disappointed with the Western Australian government, who show absolutely no real understanding of or interest in this issue at all. That has been mirrored by Senator Sterle in all of the comments he has made here. I also want to say that the West Australian newspaper—fortunately, a newspaper that not many people read, and even those who do read it take little notice of it—has run a quite vicious campaign. I will not say ‘unfair’—politicians can never complain about unfairness from the media. It is a newspaper which not only is inaccurate and inflammatory but which in the course of Operation Clearwater II, which was a secret exercise, published details of the campaign by the Australian government against Indonesian fishermen. It was the West Australian newspaper that, to a degree, made that secret operation less effective than it may well have been.

I remember the journalist ringing me to ask me questions about that. I denied that it was on, because it was a secret operation. I remember saying to the journalist: ‘If you happen to be right, and you’re not, because there is no operation going on’—I said that; I was telling lies to her, but it was a secret operation and it was secret for many obvious reasons—‘I plead with you not to publish this in the interests of Australia. If you are an Australian and your newspaper is interested in Australia, please do not publish this, because it is against the national interest.’ That went unheeded, and the West Australian newspaper printed it the next day. While I am sure none of the Indonesian fishermen read the West Australian—they are probably too sensible for that—there would be people connected with them, such as the people who finance them and deal with the illegally caught fish, who would have known about that and who would have got messages out.

When I had the temerity to tell a newspaper that they were acting contrary to Australia’s interest, that was when the real problem started. Every day after that, I had a photo, usually an unflattering one, in the West Australian. Fortunately, I never saw any of these and my staff grew to understand that they should not even bring them to my attention. Fortunately, no-one in the rest of Australia saw them, but I am aware from my Western Australians colleagues that they did not have a very big impact even in that state. In fact, cleaning up my desk the other day I came across a cartoon—the sort of cartoon that you would expect. It was not terribly clever politically but it was personally degrading and insulting, portraying me as a gummy shark. I am not the most beautiful looking...
politician around, but when a newspaper gets down to personal abuse you know where they are coming from.

I wrote a letter of response to the editor once and he printed half of it—not the other half. When again his newspaper made a quite deliberately incorrect statement, I rang the editor to speak to him. Editors right around Australia are busy people, but usually an editor on any sensible newspaper—the Sydney Morning Herald, the Australian, or wherever—will take the call from someone who claims they have been wronged. Usually they will not do anything about it or will not agree with it; sometimes they will let you put your version in. This editor would not even take my call. That is the standard of editor and the standard of journalism at the West Australian newspaper.

It does not matter to me anymore—I am not on the front bench. None of my constituents ever read the West Australian, so again it does not worry me. But I bet you, Senator Sterle, that the personal campaign against me will continue on after today. But who cares? Very few people read, and even fewer people take any notice of, the West Australian.

Having said that—and I have misdirected myself there—I want to get back to the issue. As Senator Sterle, the West Australian and my other detractors should know, for a start this is not an issue which the fisheries minister can personally deal with on the water. The fisheries area in our government has no boats. We have fisheries officers on board naval and Customs patrol boats, but the fisheries area cannot put more vessels into the campaign. We do not do that, quite frankly.

Our system is a much better system, I have to say, than Labor’s proposed coastguard, with four or five vessels—I think that is how many they were going to have—to patrol the whole of Australia. Or maybe they were going to get volunteers to do it—nobody really knows what the Labor policy is, as it has changed so often. One of their better ones was having a helicopter hovering above the Indonesian fishing boats, and people with rifles going down to shoot out the motors. That is the sort of rot you get from the Labor Party with this coastguard idea.

It sounds good, and I have to be careful not to name names here. There are some senators, including one or two on our side, who take the populist view. Talking about a coastguard sounds great, but, when you look at it, it is a ridiculous idea. The way we have done it, with Coastwatch coordinating the Customs marine unit and the Navy patrol boats plus the Coastwatch aircraft, the Army, Quarantine and fisheries officers, is really the best way to do it and it is done very effectively.

We have had real success against illegal fishing in the south. Even my greatest detractors would concede that the Patagonian toothfish piracy in Australian waters that was rampant a decade or so ago has now stopped, and it has stopped because the Howard government was prepared to put the finances into it. We have a patrol boat, the Oceanic Viking, and in conjunction with the French, with whom we have developed very close relationships in the Southern Ocean, we have been able to clear the Patagonian toothfish pirates out of the Australian territories around Heard Island and McDonald Island, out of that part of Tasmania, which is Macquarie Island, and around the French islands of Kerguelen. We do have difficulties in the courts sometimes. Perhaps, now I am not on the front bench, one day I will have a comment to make about the jury system in Western Australia and the decisions of the jury in that disgraceful Viarsa acquittal. But that is a speech for another time.

We have succeeded down in the south. Several years ago people said to me, ‘You’ll
never do it.’ They laughed and said, ‘It’s too big a job; they are too well organised and you will never succeed.’ I did not accept that and we kept at it and we got the money. It is never easy to get money from a responsible and fiscally stringent government but we got the money for the *Oceanic Viking* and for other resources that I will not go into—and cannot go into. We have succeeded there and I know that my successor will continue that good fight and we will continue to win that battle in the south.

In the north it is different. For a long period of time, including the time when the Labor Party were in power, nobody worried about it. In fact, when Labor were in power they would allow anyone to come into our waters. They landed on the beaches at Darwin and the Labor Party used to give them the taxi fare to go and see the immigration office to claim asylum or something. That is how good the Labor Party were and that is how they would be in the future. But under our regime we have increased the resources very substantially in the fight against illegal fishing in the north. It is business half completed; I am obviously disappointed I will not be there to complete the business and to achieve the success I know we will achieve, but I know that my successor, Senator Abetz, will carry on that fight and will indeed be present when the battle is won.

Just last year alone, on top of the regular expenditure there was an additional $90 million, if my memory serves me well, put into the fight against illegal fishing in the north. In September-October, I think it was, Senator Ellison and I announced an additional $88 million for that fight for new fisheries officers, new Customs marine officers and new tactical response vessels in Broome, Darwin, Gove and Thursday Island. New detention facilities are being built on Thursday Island and Horn Island and the immigration department has taken over the looking after of illegal fishermen when they are caught.

When I came to the job I could not understand why it was that fisheries officers were acting as jailers for these illegal fishermen. But that was the system that had been running since the Labor time and nobody had bothered to fix it up. After a lot of fighting—a bit of internal fighting with some of my then ministerial colleagues, I might say—we got it sorted out so that the right people were doing the right jobs. The fisheries officers were, with the assistance of Navy and Customs, doing the on-the-water work, the DPP was doing the prosecutions in the court, and DIMIA or the state authorities were looking after those people who were locked up pending trial or sentencing. So that issue was resolved.

We continue to fight a very good fight there. I pay enormous tribute to the men and women of the Australian Navy, the Australian Customs marine service and the fisheries, Quarantine and other officers. They do a fabulous job up there—the sort of job that Australians have been renowned for and respected for doing. They will continue to do a fabulous job and they do so with my very best wishes and my grateful thanks for the work they do. It is obviously something the government keeps under constant review. The government will continue to assess the extent of the resources that are needed to win the battle—and win the battle we will.

What now turns out to have been one of my last roles as the fisheries minister was to go to Indonesia four or five days before Christmas to meet with the Indonesian foreign minister and the Indonesian fishing minister to look at the issue of illegal fishing. I am pleased to say that for the first time the Indonesian government and those ministers were focused on the issue. Indonesia does have significant problems and it is easy for
the Western Australian government to lam-
bast the Indonesians. It is easy for the West Aus-
tralian to carry on with the sort of drivel that they usually do when it comes to these matters. The Indonesian government is made up of a central government, provincial gov-
ernments and local governments. There are difficulties there, but the ministers in the cen-
tral government showed a very concise un-
derstanding of the problems and a determina-
tion to help Australia out of an area where they saw difficulty. For the first time ever they were focused on the issue and were very keen to help in the fight against illegal fish-
ing.

I am confident that the Indonesian and Australian governments, working closely together, will achieve success in that fight, as the Australian government continues to up-
grade its resources. This will happen not be-
cause of anything either the Labor Party or the West Australian has said, I have to say. It will happen on the completion of work that has been going on for a long time now. We will get the resources into that area that are needed. I think you will recall, Mr Acting Deputy President Barnett, that the Prime Minister actually said publicly that whatever resources are needed to win the battle up there will be provided, and that that will happen. Of course, I regret that I will not be around to be managing and leading that fight, but it will happen.

While I am speaking on this important bill, I will indicate that the High Seas Task Force meets for the final time at the end of this month. It was not entirely an Australian initiative, but Australia was one of the coun-
tries whose ministers set it up. The task force will bring forth some real initiatives on how we can win the fight against illegal fishing on the high seas, which is something that the world has to look at in the times ahead. I am delighted that the High Seas Task Force— which has been led administratively by an Australian, Mr Frank Meere, the previous head of AFMA—has done a magnificent job in bringing together a lot of the entrails of the work being done around the world over many years on this problem of illegal fishing. The work never quite got where it should. The High Seas Task Force of minis-
ters was there to find practical means to ad-
dress the problem, and we are going to do that.

This bill is an important one. I urge the Senate to support it. Again, in deference to my successor, Senator Abetz, I can assure him I am not going to be commenting public-
ly on the issues that are henceforth matters for his portfolio. But the temptation and en-
couragement by Senator Sterle were too much to let this opportunity pass, and there were some things I needed to say about these issues in the north-west of Australia. I urge the Senate to support the bill.

Question agreed to.
Bill read a second time.

Third Reading

Senator COONAN (New South Wales—
Minister for Communications, Information Technology and the Arts) (1.40 pm)—I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

ANGLO-AUSTRALIAN TELESCOPE
AGREEMENT AMENDMENT
BILL 2005
Second Reading

Debate resumed from 8 December 2005, on motion by Senator Colbeck:

That this bill be now read a second time.

Senator STEPHENS (New South Wales) (1.41 pm)—Labor supports the Anglo-
Australian Telescope Agreement Amendment Bill 2005. It amends the Anglo-Australian
Telescope Agreement Act 1970 to incorporate the 2005 supplementary agreement to the Anglo-Australian Telescope Agreement. This bill allows for ratification of the supplementary agreement and for the eventual termination of both the original Anglo-Australian Telescope Agreement and the supplementary agreement on 30 June 2010. This bill also provides for the transfer of ownership and control of the Anglo-Australian telescope to Australia. Finally, it formalises the United Kingdom’s funding levels for the telescope as per the 2005 supplementary agreement until transfer of ownership to Australia occurs in 2010. Under the agreement, the Anglo-Australian telescope has so far been funded on an equal basis by Australia and the UK. The supplementary agreement changes this situation to allow the UK to decrease its funding to the telescope in the lead-up to transfer of ownership to Australia.

What is most alarming about this bill and the former Minister for Education, Science and Training’s comments is that neither guarantees present funding levels to the telescope. The 2005 supplementary agreement could in fact result in a funding cut to the Anglo-Australian telescope, because the Australian government is not making up for the shortfall in funding as the United Kingdom reduces its investment in the telescope in the lead-up to the 2010 handover. The scientific community is rightly concerned about the government’s lack of commitment to an excellent research facility. This government’s contribution to science and research in this country has involved cuts to university funding, vetoing research grants it does not like and, lately, allowing the position of Chief Scientist to remain vacant for almost a year, so we should not be surprised by this latest cut to excellent research.

The withdrawal of the UK from the agreement offers a unique opportunity for Australia to expand its research effort and output in astronomy. Australian astronomers will now be able to spend more observing time at the telescope, because the agreement allows time to each country relative to its funding contribution. But Australian scientists could miss out if the government does not guarantee higher funding levels for the telescope.

The original agreement, signed on 25 September 1969, enabled the construction of the Anglo-Australian telescope at Siding Springs, near Coonabarabran in New South Wales. Its mirror diameter of 3.9 metres and state-of-the-art design made it one of the largest and most sophisticated optical telescopes in existence at the time. Thirty years later the excellent design, a long period of stable funding and a continuing program of technical enhancements have meant that the telescope remains at the leading edge of astronomical research, against stiff international competition. Staff at the telescope are considered world leaders in many areas of astronomical instrumentation and are often asked to provide advice to other organisations and build instruments for their telescopes.

But the new generation of telescopes, with mirrors that are eight metres or more in diameter, is closing in on telescopes like the Anglo-Australian telescope. The UK ended its involvement with the Anglo-Australian telescope because it is shifting its funding to the next-generation, eight-metre optical telescopes at the European Southern Observatory and the Gemini Observatory. Unless our government gets its priorities right, the Anglo-Australian telescope cannot keep up and continue to provide Australian astronomers, students and the general public with access to cutting-edge facilities.

At the moment, Australia and the UK provide $A4.112 million to the Anglo-Australian Telescope Board, indexed annu-
ally. In the lead-up to 2010, the UK will reduce its funding contribution to around $A2 million in 2006-07 and $1 million every year after that until 2010. This means a funding gap of at least $11 million over four years—a massive amount for the telescope, but not much for a government bloated with money and greed. Budget papers show that the Commonwealth is not intending to increase its funding to the Anglo-Australian telescope to compensate for reduced UK funding. The government will contribute $4.5 million in 2005-06 and only $4.9 million in 2008-09.

The Howard government blew over $50 million in about three nanoseconds on its outrageous advertising campaign for the extreme industrial relations changes. The AWB handed out over $300 million in kickbacks to Saddam Hussein’s government without a moment of hesitation. The Prime Minister managed to spend $5.2 million on his overseas luxury travel bills in two years. The Department of Education, Science and Training splashed out $600,000 on canapes, champagne and corporate hospitality. This is a bloated, out-of-touch government that knows how to waste taxpayers’ money. It has become very good with the taxpayer credit card. Yet, when we have a valuable research facility like the Anglo-Australian telescope in need of funding, this government is nowhere to be seen. Eleven million dollars is peanuts for this extreme and extravagant government, but it is intent on destroying an important scientific asset nevertheless.

Last year, the Department of Education, Science and Training told the parliamentary Joint Standing Committee on Treaties that any additional funding to the telescope would only be through competitive grants—for example, through individual researchers applying for Australian Research Council grants. By their very nature, competitive grants are uncertain. It is ridiculous for the government to suggest that an $11 million black hole could be replaced by competitive grants either to the 12 or so staff employed at the telescope or to external researchers buying observing time at the telescope.

This funding uncertainty has, of course, shaken the Australian scientific community. Professor Penny Sackett, head of the Research School of Astronomy and Astrophysics at ANU, told the Joint Standing Committee on Treaties:

I would like to express my concern, however, that the declining budget for the AAO in the period 2006-2010 could have deleterious implications for the ability of this model national facility to maintain its excellent service to its user base, while exploring new opportunities for optical-infrared astronomy for the Australian community. A separate review of this matter would be timely.

Even the government owned Anglo-Australian Telescope Board could not resist saying:

Even the government owned Anglo-Australian Telescope Board could not resist saying:

The gradual withdrawal of the UK funding does provide the AATB with some challenges.

Coming from careful and measured scientists not often guilty of exaggeration, these words are alarming indeed.

The draft Australian astronomy decadal plan 2006-15 is prioritising international collaborations on new generation optical telescopes and the major radio telescopes. But the Australian scientific community is concerned that Australia’s low contributions to very expensive international projects—around six to 10 per cent—are a disincentive to successful collaboration and do little to enhance Australia’s international reputation in and contribution to astronomy. CSIRO’s proposed construction of an Extended New Technology Demonstrator or xNTD may give Australia a good shot at being part of the international Square Kilometre Array project. However, we cannot let the ball drop on a facility with such a great track record. We must have excellent cutting-edge astronomical research facilities in Australia to
allow for international collaboration, domestic projects and, I would emphasise, a state-of-the-art learning facility for Australian students.

The Anglo-Australian telescope is a national facility in high demand. Observing time is always oversubscribed. According to a recent study, the Anglo-Australian telescope is the most productive telescope for those greater than three metres in size as it has high citations in scientific papers. In total, 112 AAT data papers were published in 2003-04. That is an all-time high. Its Two-Degree Field Galaxy Redshift Survey was the biggest galaxy survey ever made, producing a map showing the locations of more than 221,000 galaxies in space. It was completed in 2003 and labelled ‘undoubtedly Australia’s largest contribution to astronomical research ever’ by a leading cosmologist.

The Anglo-Australian telescope has enabled the discovery of more than 20 planets around stars other than the sun and a new class of galaxies—very small ones—known as ‘ultra-compact dwarfs’. The Anglo-Australian telescope web site consistently attracts over a million hits every month. Through its strong links with the universities in both Australia and the United Kingdom, the telescope plays an active role in higher education. This is a hard-working telescope and the government must support its work. The telescope requires funding certainty to maintain its quality and scientific capacity. Given that the Mt Stromlo Observatory in Canberra was destroyed in the bushfires, there is even greater pressure on the Anglo-Australian telescope.

The Commonwealth government is just not increasing its funding contribution to enable the Anglo-Australian telescope to meet growing demand. The former Minister for Education, Science and Training simply washed his hands of it and told the telescope board to go elsewhere for money. This is an extraordinary suggestion in a field reliant on public funding that cannot easily go out and make a profit. Astronomy is the wonder machine of Australian science education—the thing that excites and enthralss many schoolchildren. It is critical in capturing more young minds and introducing them to the sciences. It is a high-impact science, but its impact cannot always be measured in dollars. The government’s short-sightedness could destroy the telescope and its critical role in promoting Australian astronomy.

Where countries like the United States and the UK are increasing funding, Australian funding to astronomy is fading away. The government has already cut over $5 billion from our universities. Funding for research and development has dropped to 0.6 per cent of GDP—the lowest level in two decades—and there is no doubt that it will fall further under this government, so there will be fewer researchers and fewer students. Young researchers were concerned that they had no prospects in astronomy if they stayed in Australia. Young researchers at the Science Meets Parliament this year knew that, if they stayed in Australia, they would have to give up astronomy altogether and become computer programmers.

Physics and chemistry have a declining number of students applying to enter university courses, and year 12 enrolments in physics, chemistry and advanced maths are falling steadily. Between 1980 and 2002, the proportion of year 12 students taking chemistry or physics nearly halved. We must engage young Australians in the wonders of science and the stars. We need to find new ways of instilling children with the wonder and curiosity at the world around them that leads them to undertake scientific endeavours. Astronomy is an awe-inspiring opportunity to do just that—to capture our young people with the magic of the stars, to stretch
their realm of understanding beyond our earthly confines and to engage them in the beauty and wonder of this universe.

The Anglo-Australian telescope is a part of our natural wonder-making machine, and it must be supported and funded to continue Australians’ fascination with the skies. The government must announce immediately additional funding support for the telescope. On balance, the supplementary agreement in this bill is necessary to continue the smooth operation of the Anglo-Australian telescope until at least 2010. It is for that reason that Labor will support this bill.

Senator STOTT DESPOJA (South Australia) (1.54 pm)—To expedite the passage of the Anglo-Australian Telescope Agreement Amendment Bill 2005, I will seek leave to incorporate my remarks. I understand that the Labor Party and the government are happy for me to do that. I am sure honourable senators would agree that it is rare that we in this place get the opportunity to talk about space. Astronomy is a particular interest of mine. It may be considered a somewhat nerdy interest, but I think it is a particularly exciting area of science.

On behalf of the Australian Democrats, as the Democrats science and biotechnology spokesperson, I indicate that we will be supporting the legislation before us. The Democrats do want to express disappointment that the government has not yet moved to ensure the Anglo-Australian Telescope Board, which oversees the Anglo-Australian telescope, will be compensated for the inevitable cut in funding from the UK.

This bill amends the Anglo-Australian Telescope Agreement Act 1970 to incorporate the 2005 Supplementary Agreement to the Anglo-Australian Telescope Agreement. It allows for the termination of both the original agreement and the supplementary agreement in 2010, with the transfer of ownership and control of the Anglo-Australian Telescope to Australia in 2010.

The United Kingdom has decided to withdraw from the original agreement due to a change in its astronomy research priorities, but has agreed for this to occur gradually, thus allowing the Anglo-Australian Telescope Board time to adjust to this
change and to formulate long term policy for the telescope.

UK and Australian investment in the Anglo-Australian Telescope has been relatively equal since its establishment, but the UK’s contribution will steeply decline over the next few years until the agreement ceases in 2010.

The upside of the amendment is that Australian astronomers will have long-term, increased access to the telescope facilities and be allocated more observation time. Currently, this facility is in high demand, providing observing time for a national and international community of astronomers. At the moment, the demand for use of facilities at the Anglo-Australian Observatory completely outstrips available time.

However, as I have foreshadowed, there is a downside - a result of this amendment may be funding cuts for the Anglo-Australian Telescope, because the government has not yet committed to increasing its investment to make up for the loss of the UK’s contribution. I note the Supplementary Agreement allows Australia to maintain a higher level of financial contribution to the Anglo-Australian Telescope if it chooses, and urge the government to exercise this opportunity to increase its funding.

I hope details of increased funding appropriations for the Anglo-Australian Telescope will be revealed in the upcoming budget.

However, current budget forward estimates indicate Australia will only maintain its own share of the funding. Around $4.6 million will be allocated to the Anglo-Australian Telescope Board next year, increasing annually to $4.903 million in 2008/9.

According to the Joint Standing Committee on Treaties Report on the Supplementary Agreement, UK funding will decline in this time to around $2 million in this financial year and around $1 million in the following years, until the agreement ends.

This leaves a funding shortfall of around $11 million over four years which is yet to be found.

One suggestion that emerged from the committee report is that additional funding may be provided through the competitive grants process. Australian astronomers may apply for funding for university-based research through the Australian Research Council. The Anglo-Australian Telescope Board can access funding through visiting astronomers, who are able to apply for these grants, using their facilities.

However, astronomers are not guaranteed success in their grant applications. If some are successful, it is difficult to imagine a patchwork of grants funding making up for the shortfall caused by the UK’s withdrawal.

According to the Minister for Education, Science and Training, the revised Agreement allows the Anglo-Australian Telescope Board to develop and access other sources of funding, such as earnings from instrument development and UK competitive grants.

There is a theme developing in science funding. As government funding stagnates, scientists are forced to jostle for external money to supplement the piecemeal funding on offer.

I spoke about this on Tuesday in regard to CSIRO’s new investment directions, reflecting on the organisation’s “partner or perish” mantra, which requires it to scramble for funding from external sources. I hope the Anglo-Australian Telescope Board will not experience pressure to succumb to commercial research at the expense of other pursuits to attract private funding.

The Board, while welcoming the amendment has admitted “the Gradual withdrawal of the UK funding does provide the AATB with some challenges.”

Such a critical facility as the Anglo-Australian Telescope must be properly invested in and maintained.

The Anglo-Australian Telescope is currently a world leader in survey astronomy. Anglo-Australian Observatory telescopes have conducted some critical surveys, including the Two-Degree Field Galaxy Redshift Survey, lauded by leading cosmologist, Carlos Frenk, as “undoubtedly Australia’s largest contribution to astronomical research ever”.

This survey yielded a map showing locations of more than 221,000 galaxies in space which was used to “make the most precise estimates to date of the Universe’s mass and density…”
Other achievements have included the discovery of more than 20 planets around stars other than the sun, and a new class of galaxies aiding in the understanding of how galaxies were formed.

It is clear from the National Committee for Astronomy’s report on Australian astronomy over the next decade that the Anglo-Australian Telescope has a critical role to play in the future.

The report says the Telescope will “continue to be a world leader in survey astronomy for at least the next five years and beyond that will be critical as the single biggest source of optical/infrared observing time for Australian astronomers.”

However, the report also reveals the effect of short term, piecemeal funding on Australian astronomy, asserting “The funding and evaluation of mechanisms in Australia are primarily bottom up, depending on the success of individuals or groups in securing grant-based funding through a variety of routes. The funds available are usually short-term and are rarely in any one grant, sufficient for participation in the projects of the scale expected in the next decade.”

It warns that “Australian astronomy has difficulty operating internationally with any weight or authority and continually has to deal with the difficulties imposed by funding horizons of just a few years.”

Long term, stable funding in Australian astronomy is necessary to restore and maintain Australia’s high standing in the international astronomy community.

Australian astronomers have made some of the most important technological advances in astronomy of the past 20 years, including the use of fibre optics and robotics in astronomy and advanced signal processing techniques.

We have been at the forefront of astronomy, but without sufficient investment, we will be lagging behind.

The Department of Education, Science and Training has just announced a Review of the Anglo-Australian Observatory, which includes investigating “the funding position and requirements of the AAO while the Anglo-Australian Telescope Agreement remains in place”.

It will report back by June this year.

I hope this Review is able to thoroughly investigate the funding requirements of the AAO and the Government responds promptly.

While the Australian Democrats do not oppose this bill, I would like to emphasise our concerns about the uncertain and destabilising lack of information about future funding arrangements for the Anglo-Australian Telescope, and to reflect our deepening concern over the state of science, and research and development investment in Australia.

Question agreed to.

Bill read a second time.

Third Reading

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.57 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Sitting suspended from 1.58 pm to 2.00 pm

MINISTERIAL ARRANGEMENTS

Senator MINCHIN (South Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—I inform the Senate that Senator the Hon. Rod Kemp, the Minister for the Arts and Sport, is absent from question time today. Senator Kemp is representing the Australian government at the Winter Olympics in Torino, and we are all very jealous! During Senator Kemp’s absence, Senator Coonan will take questions relating to the Arts and Sport portfolio, Senator Santoro will take questions relating to the Family and Community Services and also the Human Services portfolios, and Senator Vanstone will take questions relating to the Indigenous Affairs portfolio.

QUESTIONS WITHOUT NOTICE

Oil for Food Program
Senator O’BRIEN (2.00 pm)—My question is addressed to Senator Abetz, the Minister representing the Minister for Agriculture, Fisheries and Forestry. Has the minister now been informed that the Chair of the Wheat Export Authority, Mr Tim Besley, has written to the Senate Rural and Regional Affairs and Transport Committee admitting that he gave misleading evidence at estimates last November? Why did it take three months for Mr Besley to correct the record, when his evidence was so blatantly wrong?

When was the minister first informed that the evidence given by Mr Besley to estimates was incorrect and that the Wheat Export Authority had investigated AWB’s contracts with Iraq and the use of a Jordanian trucking company? What steps did the minister then take to ensure that the record was corrected immediately? Is the minister satisfied that the Wheat Export Authority did all that it could to correct the record, when it must have known that the evidence it gave at estimates was so obviously wrong?

Senator ABETZ—The honourable senator can use rhetorical flourishes to try to beat this issue up but Mr Besley’s letter is somewhat different. In it he refers to ‘factually incomplete’ as opposed to ‘misleading’. There is no doubt that Mr Besley reconsidered his evidence after Senate estimates—and I indicate that all honourable senators know that it is not uncommon for witnesses before Senate estimates or indeed other Senate committees, on reflection, to note that they have given incomplete information.

Senator Robert Ray interjecting—

Senator ABETZ—I do not know how they behaved in the United Nations, Senator Ray, but you should really act in a bit more orderly fashion.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left! We have just commenced question time. The minister deserves a chance to answer the question.

Senator ABETZ—In relation to the other issues, the government has appointed an inquiry to determine a lot of the factual issues, claims and counterclaims surrounding this issue.

Senator Chris Evans interjecting—

Senator ABETZ—Senator Evans is interjecting, but until such time as these things are fully determined, it is inflammatory to use language such as ‘misleading’ as opposed to ‘factually incomplete’—and there are differences in the nuances there. At the end of the day, it will be for the inquiry to make these determinations. I do not, unlike those opposite, seek to set myself up to make the sorts of determinations that they want to.

In relation to when the minister became aware of Mr Besley’s reconsideration of his evidence, that is an appropriate question. I do not know the answer to that. I will take that on notice and find out from the minister when he first became aware of that. In relation to the other matters, I suggest to those on the other side that they take a bit of a cold shower and allow the inquiry to undertake the very important task that it has.

Senator Robert Ray—You’ve changed the terms of reference again, have you?

The PRESIDENT—Order! Senator Ray!

Senator ABETZ—Mr President, it is a very sorry sight to see such a demoted former deputy leader in the Senate sitting there acting like Waldorf and Statler, one of the grumpy old men on Labor’s back bench, unable to make a solid contribution to the issues that come before the Senate. All he can do is make his inane interjections.

The PRESIDENT—Senator Abetz, I remind you of the question.

Senator ABETZ—The issues here are serious. They should not be trawled through, as
the opposition are seeking to do. It is appropriate that these issues come before an inquiry. That is why we have set up this inquiry. The Prime Minister has already made it clear that, should the commissioner seek that ministers and other people appear then that will occur. The relevant documentation has been put before the commission as well. (Time expired)

Senator O’BRIEN—Mr President, I ask a supplementary question. I thank the minister for belatedly getting back to part of the question. The minister did not advise us what steps the minister took to ensure that the record was corrected immediately, as required, and we have not been told whether the minister is satisfied that the Wheat Export Authority did all that it could to correct the record, when it must have known that the evidence it gave to estimates was so obviously, blatantly and completely wrong, given the letter that was released yesterday.

Why did the minister choose to bluster and obfuscate during question time yesterday? Was Minister Abetz aware of the letter from Mr Besley during question time yesterday? Had he been briefed by Minister McGauran in relation to that letter and his answer in question time yesterday? And is it true that he knew that the AWB sleazy deal had been known to the Wheat Export Authority? Was this simply another effort to cover up the truth or had the minister simply failed to read the brief?

Senator ABETZ—Once again we have got the language ‘seeking to cover up the truth’ or ‘giving evidence that they must have known to be wrong’. It seems as though we do not need an inquiry on this because those on the other side have already made all the determinations that are needed. Commissioner Cole does not need to undertake any further investigation because the smart brains of Senator O’Brien and Senator Ray have already determined the state of mind of everybody in this. I have indicated previously that we as a government will cooperate fully with the inquiry. We want to get to the bottom of this. As to when Mr Besley became aware of the factually incomplete evidence that he gave and when the minister found out about that, I have already agreed that I will take that on notice.

The PRESIDENT—Before I call Senator Ferguson, I say to those on my left: when you are asking ministers questions, how can they possibly answer the questions if there is continual noise and interjections from that side? I ask you to consider that before the next question.

Airport Security

Senator FERGUSON (2.08 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. I ask: will the minister outline to the Senate how the Howard government is continuing to improve the security of our nation’s airports to best protect travellers?

Senator ELLISON—Thank you, Senator Ferguson, for a question which is important to all travelling Australians. Some 60 million people a year travel through our airports. It is important that we give the assurance to the travelling public that our skies are both safe and secure. Today I announced the appointment of 11 airport police commanders. I did so with the Australian Federal Police Commissioner, Mick Keelty, and Mandy Newton, the national manager for aviation security. Ian Thomas, the airport commander of Melbourne airport, was also there. It was interesting to hear that he had an extensive background in policing in Victoria. Indeed, the people we have appointed to these positions are senior police officers drawn from around the country, be they state or territory police or Australian Federal Police.
This is a $55 million initiative which builds on the recommendations that were made by the Wheeler report. We announced today the allocation of $22 million for the appointment of our airport police commanders, and a further $33 million will be spent on backing them up with the necessary resources and technology so that they can carry out their important tasks. It sets in place a clean line of command—a line of command that will be responsible for the strategy, law enforcement and security of an airport. It will bring into play all the stakeholders across the board, be they law enforcement or even the private sector. This is something which is an important initiative and will see uniformity across our 11 major airports.

Of course, much has been done in the area of aviation security, particularly airport security. We have seen a ramping up of the personnel of the Australian Federal Police Protective Service. They are the armed personnel you see at our airports, and they carry out an important job. We have seen an increase in the bomb detection dog squads. We have seen an increase in relation to our protective liaison service officers. We have a number of them across these 11 major airports from the Australian Federal Police. Importantly, we now have in operation our four regional response teams. They have been working out of Brisbane, Melbourne, Sydney and Perth. They have visited some 70 regional airports in relation to ramping up security at our regional airports. As well as that, we have our joint investigation teams comprising law enforcement personnel from a variety of Commonwealth agencies. I am pleased to say that Customs has been involved in that. They were put into operation last year.

We are implementing increased security at our airports. For some years now we have had our air security officer program. It was very pleasing to see, for the first time in Australia, the international air security officer program here in Canberra. That was a recognition by the international community of the great program we have put in place which is operating both domestically and internationally. As I have said repeatedly, security is a work in progress and there is still work to be done in relation to security. We have to meet the emerging threats and challenges in relation to aviation security, and we will be doing that. We are working to implement our joint intelligence teams and the community policing model. Today was an important announcement—a further commitment by the Howard government to aviation security and making sure that our skies are both safe and secure.

Oil for Food Program

Senator SHERRY (2.12 pm)—My question is to Senator Abetz, the Minister representing the Minister for Agriculture, Fisheries and Forestry. Isn’t it now clear that the Wheat Export Authority had been alerted to serious anomalies about the AWB’s arrangements for selling wheat to Iraq in early 2004? Didn’t those arrangements include a dramatic escalation in bogus transport costs and a grossly inflated price of wheat? Given the Wheat Export Authority investigated these serious breaches in 2004, is the minister able to explain why the authority simply accepted AWB’s advice that everything was above board and did not take a closer look at what was going on? Can the minister also explain why the Wheat Export Authority took no further action, even after the Volcker inquiry in the United States started to express concern about the AWB’s deal to sell wheat to Iraq?

Senator ABETZ—I repeat the answer given to Senator O’Brien both today and yesterday—and also to Senator Siewert, I think, yesterday. There is an inquiry going on in relation to these matters. Whether certain people investigated properly, did not investig—
gate fully, reported fully or did not, turned a blind eye et cetera, all those matters are being canvassed, as we speak, by the inquiry. It is important for the inquiry to be allowed to undertake its task in an atmosphere without a situation whereby those on the other side in this chamber or other people try to run a concurrent inquiry in the public domain. I suggest to the honourable senator that these sorts of questions may well be appropriate at a future time after the facts have actually been determined by the inquiry.

Senator SHERRY—Mr President, I ask a supplementary question. This is, isn’t it, Minister, a matter that has been dealt with before, at least in part, by the Senate via Senate estimates? And it is reasonable for the minister to attempt to respond, to try and answer questions and issues that flow from this. Did the Wheat Export Authority fail to do its job properly in investigating this matter, or was it really a case of incompetent ministers who were part of the ‘wheat club’ not wanting to rock the boat?

Senator ABETZ—I would invite the senator to read my first answer.

Broadband Services

Senator HEFFERNAN (2.15 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan. Is the minister aware of any recent evidence regarding the uptake of broadband internet in Australia? Will the minister advise the Senate on how the government is helping Australians connect to broadband? Is the minister aware of any alternative policies?

Senator COONAN—I do thank Senator Heffernan for the question and acknowledge his genuine longstanding interest in ensuring Australians around the country have access to adequate internet services. I am happy to say that I am aware of some recent evidence, a report from the ACCC, that shows that broadband take-up in Australia is continuing to forge ahead. In fact, according to the most recent report, released last month, there were almost 2.6 million broadband services connected across Australia. This represents an increase of over one million customers, or 98 per cent, just over the preceding 12 months. Total quarterly growth in broadband was 19 per cent for the September 2005 quarter, on the back of 18.4 per cent growth in the June quarter. In fact, growth of broadband subscribers has topped 18 per cent for seven consecutive quarters. This is, I think we will all agree, phenomenal growth and makes the continual carping from those opposite about broadband coverage sound a bit hollow, particularly given the ALP’s history of wanting to mandate the spending of billions of dollars on outdated dial-up services. Even though, to listen to those opposite, you would think that ADSL technology is the only type of broadband there is, in fact there has been a significant growth across all technologies—cable, ADSL, wireless and satellite.

Senator Conroy—What are you talking about?

Senator COONAN—Senator Heffernan asked me how the government is helping to drive the take-up of broadband, and I also have some very good news on that front. I can inform the Senate that there are now 36 providers offering affordable broadband connections in regional Australia under the government’s new $878 million Broadband Connect program. It is a great outcome for telecommunications competition in regional Australia—

Senator Conroy interjecting—

Senator COONAN—and it means that customers actually have a choice of services from carriers like Telstra and Optus or smaller providers such as BorderNET and WestNet. The first stage of Broadband Connect continues the successful HiBIS formula
and it ensures that anyone in Australia who wants access to an affordable broadband solution can get access to a subsidised connection—

Senator Conroy—Rubbish!

Senator COONAN—over satellite, wireless or ADSL. The second stage of Broadband Connect will take effect from 1 July 2006. I am happy to say there has been an overwhelming response to a public discussion paper released on government broadband funding. These submissions provide a very sound basis from which to develop guidelines for the next stage of Broadband Connect. A significant increase in the funding which we were able to secure as part of the Telstra vote provides an incredible opportunity, I believe, to deliver advanced and sustainable broadband solutions into regional Australia. I have to say that there are some very impressive and innovative ideas coming forward.

Senator Conroy was as usual trying to talk down these great achievements of the government. I notice that in the last offering from Senator Conroy he thought that the ALP should put some thought into broadband and then he fell straight into the trap of picking a technology. But we know that a mix of technologies provides a range of solutions, and that is what we will deliver. The government will continue to stand up for rural and regional Australia and continue to deliver improved communications.

Oil for Food Program

Senator CHRIS EVANS (2.19 pm)—My question is directed to Senator Coonan, Minister representing the Minister for Foreign Affairs and the Minister for Trade. Minister, were the ministers for foreign affairs and trade aware that the Wheat Export Authority started investigating the inflated wheat price, the use of a Jordanian trucking company and the general ethics of AWB’s contracts with Iraq as early as February 2004? Does the government seriously maintain that Minister Truss was so out of touch with his portfolio that, before the royal commission was established, he was unaware of both this investigation and the activities of AWB? Given the Volcker inquiry and the allegations emanating from the United States, does the minister seriously maintain that neither Minister Truss nor anyone else alerted the Minister for Foreign Affairs or the Minister for Trade about these investigations that potentially so impacted on their duties and on Australia? Is the government really so dysfunctional, or is it a case of The Nationals protecting their vested interests in preference to those of the government?

Senator COONAN—Thank you to Senator Evans for the question. The short answer is of course: no, the government is far from dysfunctional. Whilst I cannot answer for Minister Truss, for the two ministers that I represent in this place my recollection of answers that they have given is that neither of the ministers was specifically aware of specific concerns until the context of the Volcker inquiry identified them with some particularity.

So the answer to the question is that this government has nothing to hide. That is why we have set up the Cole commission of inquiry. That is a commission with virtually unfettered authority within their terms of reference to make the necessary findings of fact not only in relation to the relevant companies—and in relation to BHP and Tigris, on the basis of the extended terms of reference—but also, certainly, in relation to the involvement of any Commonwealth officers. I can only repeat what the Prime Minister has repeatedly said—that, if the commissioner feels that he is in any way constrained, he can actually ask for other members of the government to appear as witnesses. I do not
think anything could be more transparent than this commission.

There is no doubt that Australia has stepped up to the plate on this matter. We know that a number of countries may be involved, and Australia actually established a royal commission after the Volcker inquiry could not establish whether or not there were any specific matters that implicated AWB in a conclusive way. We do not rest from the fact that the royal commission should be allowed to get on with doing its job. The commission of inquiry should get on with doing its job where, quite properly, the detail of these matters will be addressed.

It is simply pointless for us to be speculating in this place—or indeed in the other place—jumping at shadows, clutching emails and trying to impute to ministers, who have said that they had no active involvement, some knowledge that they did not have. Let us all settle down and get to the bottom of this through a proper process, which is the commission of inquiry, and we will all be much the wiser and we will certainly be in a position where we will know the truth.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I note the minister hid behind the Cole commission again as her defence for failing to answer as is her responsibility in the Senate. Despite the Volcker inquiry, the international furor and the Wheat Export Authority’s suspicions regarding the AWB’s activities, are we to seriously believe that no one in government, in the ministry or in the Public Service sought any advice other than that of the accused—the AWB? Is it the case that you did not find anything or that you did not bother looking? Has the Howard government adopted the Nixon administration’s doctrine of plausible deniability?

Senator COONAN—Thank you to Senator Evans for the supplementary question. What I will repeat is that the Cole inquiry is there to answer these specific questions. It is entirely appropriate that the commission should run its course, and the opposition should, quite frankly, refrain from shooting people on suspicion.

Recherche Bay

Senator BARNETT (2.24 pm)—My question is for the Minister for Fisheries, Forestry and Conservation, Senator Abetz. Will the Minister advise the Senate of the Howard government’s response to demands made through the media yesterday by the Lennon Labor government to use taxpayers’ dollars to buy out timber workers’ jobs through the purchase of private property at Recherche Bay?

Senator ABETZ—I thank Senator Barnett for that excellent question and for his longstanding support of a balanced approach to conservation and jobs in our home state of Tasmania. The manoeuvring for a Labor-Green accord appears to be in full swing in Tasmania. Recherche Bay was independently assessed by the Australian Heritage Council, who determined that the proposed selective logging of the mostly regrowth forest will not damage the national heritage values of the place. Indeed, on ABC radio in Tasmania this morning, a man who was brought up near Recherche Bay accurately described the scene. Over the history of Recherche Bay there have been nine individual sawmills. He described how the Greens portray this site:

I went on a walk with the Greens and listened to Bob Brown talk to the group. All he mentioned was the French landing and walking to the lagoon. He did not mention that it had been logged before nor, for that matter, had he mentioned that the area had been mined as well.

The Labor Premier’s decision to make an extraordinary arrangement to put taxpayers’ money on the table for this land is a disgrace. It is nothing more than appeasing the Greens,
who, as we on this side know, have an insatiable appetite.

The Australian government does, of course, have a number of open and transparent schemes, including tax deductibility, to assist those who want to purchase land for conservation purposes, and we, of course, support that. But this is very different to the Labor Premier’s grubby Green deal to buy out jobs. Can I make it clear? The Vernons, who currently own the block in question, have every right to sell their property. I understand it was a difficult decision for the Vernon brothers, as they are quite rightly proud of the timber history of their land, which has been logged in the past with no impact on the heritage values of the block. But I cannot be firm enough in my belief that government should not be in the business of buying out sustainable forestry jobs. Australians should be proud of the renewable forest industry in this country, which is a world leader in terms of sustainability. If we continue to lock up more land for no good reason, Australians will be forced to import even more timber from the illegal, unregulated and unsustainable operators from Third World countries. It is further evidence of the renewable nature of our forest industry that environmentalists are so keen to preserve this regrowth forest.

This is another example of the state Labor Premier getting his priorities wrong. If Mr Lennon has hundreds of thousands of dollars available for conservation projects, could I direct him to Lady Barron on Flinders Island, that has a huge need for an upgraded sewage system that does not spill onto the foreshore, or to providing compensation to Tasmanian farmers who are being requested not to clear the non-forest vegetation areas on their property? Or, indeed, if he has got that amount of money available, he might like to spend it on the public hospital waiting list in the state. But, as we know, this man will buy anything for a political advantage, including Mr Richard Butler at $650,000. (Time expired)

Workplace Relations

Senator FIELDING (2.29 pm)—I address my question to the Minister representing the Minister for Employment and Workplace Relations, Senator Abetz. I refer to a report in the Financial Review on 27 January which stated that, under current Australian workplace agreements, employers in a meat-packing company in South Australia, majority owned by the Packer family, did not treat Australia Day as a public holiday last month and posted notices to the 250 staff stating that it was a normal working day. Given that it is possible under the current laws for employers to abolish Australia Day, how can the government claim that public holidays will be protected under its new regime in which the no disadvantage test will be removed?

Senator ABETZ—In response to Senator Fielding, I indicate that I did see that story, albeit not on the day that it was published.

Senator Hutchins—You were on holidays, were you?

Senator ABETZ—No, it was the day that I was being sworn in, Senator Hutchins. With regard to the company to which Senator Fielding refers, I make the following points. As I understand the facts, this company had had Australian workplace agreements in place for a considerable period of time. Workers had been asked, and it had been usual practice for them, to work on Australia Day for the previous seven years. It was part of the Australian workplace agreement that they would make themselves available to work on public holidays in exchange for an extra week of annual leave. So these workers got five weeks annual leave in exchange for being asked on occasion to work on Australia Day.

Yes, Australia Day is an important day, but these workers signed up to the agreement...
knowing that they might be required to work on Australia Day but that, in exchange, they would be given an extra week of annual leave. I think I have indicated before that our friends in the media gallery here have come to a similar agreement with their employers. I think they get extra annual leave for being required to work on public holidays. This is not an unusual situation. We as a government say that people should be free to enter into arrangements that suit them. It seems to me that those workers who have allegedly complained must have signed up to this agreement knowing that they have been required in the past to work on Australia Day and also knowing that they get the benefit of an extra week of annual leave. It seems that they were not complaining about the extra week of annual leave in their agreement, but they were complaining about being required to work on a public holiday which, as I understand it, had been common practice in that business for a considerable period of time. This reflects that Australian workplace agreements allow for flexibility for employers and employees to come together to suit both their needs. That is why in an employment situation such as the one that Senator Fielding refers to, the employer requires staff to work on Australia Day in exchange for which the employees get an extra week of annual leave. I reckon that is a pretty fair deal.

Senator FIELDING—Mr President, I ask a supplementary question. I am glad the article was read, because it did go on to say that the workers had planned to strike about the issue but called it off because staff feared going on strike because of retaliation. How can the government claim that this new legislation will not tip the scales in favour of employers of people whose skills are not in high demand?

Senator ABETZ—With respect, I refer my previous answer to the honourable senator. The situation is that employers and employees in this country are being freed up more and more, as we believe they should be, to be able to make their own personal arrangements. If their arrangement is such as they contract it, both sides are contracted by it. From the other point of view, if work had dropped off and the employer said, ‘I don’t really need these guys to work on public holidays anymore,’ the employer could not have curtailed their entitlement to five weeks annual leave, because that was part of the agreement that the employees were guaranteed. What we have is a good, flexible system that will be expanded under our legislation. (Time expired)

Whaling

Senator CHAPMAN (2.34 pm)—I direct my question to the Minister for the Environment and Heritage. Will the minister update the Senate on the Australian government’s efforts to stop whaling in the latest context? In addition to that, has the government considered any alternative policies?

Senator IAN CAMPBELL—I thank Senator Chapman for a question that I know most Australians—probably all Australians—have a deep interest in, as Australia has for many years led international efforts to try to bring an end to whaling. Clearly, we have had during the past few months a ramping up of the Japanese whaling effort in the Southern Ocean in waters off Antarctica. We have also heard an intention announced by the Norwegians to massively increase their whale harvest, though that has not received as much attention. I think that people who care about whaling should not always concentrate on the Japanese; we should focus our wrath equally on the Norwegians, because what they do is at least as reprehensible as what the Japanese do.

Over summer, we as a nation have witnessed the Greenpeace ship not only visiting the Southern Ocean and running a policy of
harassment against the whalers but also, very constructively, sending photographic images of the whale slaughter by the Japanese in the Southern Ocean all around the world. I had the great pleasure of meeting Shane Rattenbury and the Greenpeace team in my office just before question time. I think other members and senators will have the chance to meet them. I must say that the work they did over the summer was in distinct contrast to the actions of Paul Watson on the Sea Shepherd, who I think set back the cause of whaling by unnecessarily taking potentially illegal action, causing collisions and potentially putting life at risk at sea. Compared to his activities, I think Greenpeace did the world a great favour. I commend the sensible approach that Shane took in handling a potentially explosive situation.

While they were at sea, Australia joined forces with countries like Argentina, Austria, Belgium, Brazil, Finland, France, Germany, Ireland, Italy, Luxembourg, Mexico, New Zealand, Portugal, Spain, Sweden and the UK in a demarche at the foreign service in Japan. That was one of the most substantial diplomatic protests ever seen on this issue or, should I say, on virtually any other issue.

There are alternative policies. Senator Chapman asked about them. Previously, Australia’s whaling policy has been bipartisan. The Keating government supported and continued the same policy that Australia runs now. We have had under the Beazley Labor Party a historic end to a bipartisan approach on whaling. They harp on, they carp and they whine and ask things like: ‘Why don’t we take legal action to stop the whaling?’ I cannot answer that question any more eloquently than Sir Geoffrey Palmer, a former Labour Prime Minister of New Zealand, who said:

We have been looking at the legal theories that are available against the Japanese for some months … and there is no legal theory that is available that can prevent, in our view, the Japanese from doing what they are doing.

Sir Geoffrey Palmer has been a great help to me, a great assistance to me and a great assistance to Australia. He is legally trained. He has a doctorate of law. He taught law in the United States. He has, in fact, been a judge on the International Court of Justice. If I am going to take advice on international legal action on whaling, if I have the choice of taking it from someone like Mr Albanese, whose closest qualification to give advice on this is working as a policy adviser to Bob Carr, or a distinguished former Labour Prime Minister of New Zealand with strong legal and international legal advice, I take advice from Geoffrey Palmer every day of the week. (Time expired)

Aged Care

Senator McLUCAS (2.39 pm)—My question is to Senator Santoro, the Minister for Ageing. I refer the minister to my question yesterday about compliance with the 1999 fire safety standards for aged care facilities. Does the minister recall his answer when he said that there were only 10 nursing homes that did not meet these standards? Wasn’t it actually the case that approximately 700 aged care facilities do not meet the 1999 fire safety standards? Wasn’t 31 December 2005 supposed to be the absolute deadline for compliance with these standards? What sanctions will be applied against those aged care facilities that still do not meet the fire safety standards? Can the minister absolutely unequivocally guarantee the safety of over 40,000 Australians who are residing in homes that do not meet fire safety standards?

Senator SANTORO—As Senator McLucas very well knows, what I was referring to yesterday was that as of 1 February 2006 there were 10 homes that did not fully com-
ply with state, territory or local government fire regulations.

**Senator Chris Evans**—That’s not what she asked you.

**The PRESIDENT**—Order! Senator Evans, it is Senator McLucas’s question. I ask you to stop interjecting across the chamber.

**Senator Santoro**—These homes were referred to the Aged Care Standards and Accreditation Agency, as Senator McLucas would expect us to do, for monitoring and assessment against accreditation standards. All 10 homes have building works in progress and have been placed on timetables for improvement by the agency pending completion of the schedule. That is what I was referring to yesterday.

With regard to the other aspects of Senator McLucas’s question, including fire safety standards, Senator McLucas and others on the other side of this place would know that approved providers of the Australian government funded aged care homes are required to ensure their homes meet the relevant state, territory and local government fire safety standards. In 1997, in addition to those standards, the government introduced building certification—

**Senator Chris Evans interjecting**—

**The PRESIDENT**—Order! Senator Evans.

**Senator Santoro**—to further improve building quality, and all homes are certified. In 1999, this government, not the previous government, after a once-off payment of $513 million, further increased the quality standard for certification consistent with the 10-year forward plan agreed to by industry representatives to improve the quality of aged care homes. This government takes its responsibilities very seriously by putting up $513 million—

**Senator Chris Evans**—You mislead the Senate. Admit it.

**The PRESIDENT**—Order! Senator Evans, I have asked you several times to come to order. I ask you again, and if I have to warn you again I will.

**Senator Chris Evans**—Mr President, I apologise, but the minister is misleading the Senate again on a very serious matter. It is a very serious misleading of the Senate, compounding yesterday’s effort.

**The PRESIDENT**—That is not for me or others to judge. I ask you to resume your seat.

**Senator Santoro**—I am answering the question on fire safety by Senator McLucas and indicating that when this government came to power we had to, including up until last year, provide $513 million to fix up the mess that has been left behind by the previous Labor government and their state counterparts. I can inform Senator McLucas that, as opposed to her futile efforts, my website is going to be updated regularly, as you would want it. Ask me another question after it is updated this coming Friday. I can inform Senator McLucas that, as of today 2,354 residential aged care homes—which constitutes 80 per cent; make a note of it—have demonstrated that they meet the 1999 standard, which is more significant than the 1997 standard and more significant than any other standards that your counterparts, when they were on these benches, had in place.

Since the end of December, again referring to Senator McLucas’s question, which I was not expecting, the department has been processing the large amount of information that has been received from providers, the bulk of which have building works in progress.

**Senator Carr interjecting**—

**The PRESIDENT**—Order! Senator Carr.
Senator SANTORO—What my department is doing is working cooperatively—including, I should say, with the ACT, Northern Territory and other state governments—to improve the standards of residential care for aged people. That is what we are going to do. We are going to be constructive. You can come in here and nitpick. I would like to ask Senator McLucas: where is her policy? They do not have a policy; what they have is a collection of motherhood statements on an election manifesto. When you put your aged care policy on the ALP website, we can have a serious discussion.

Senator McLUCAS—Mr President, I ask a supplementary question. When did the minister first become aware that he misled the Senate? Doesn’t the minister know that it is the accepted convention of the Senate that a minister should correct the record as soon as they become aware that an answer is wrong? Didn’t the minister have the opportunity to correct the record at one minute past three yesterday, at 3.30 yesterday and again at 9.30 this morning? Is the minister so embarrassed by his gaffe of not knowing the difference between fire safety standards and the aged care accreditation scheme that he cannot bring himself to face up to his colleagues and the Senate and admit his mistake?

Senator SANTORO—I do not accept the premise or the suggestion that I misled the Senate.

An opposition senator interjecting—

The PRESIDENT—Order! Senator Carr!

Senator Carr—I haven’t said a word.

The PRESIDENT—That is misleading.

Recherche Bay

Senator MILNE (2.46 pm)—My question is to the Minister for the Environment and Heritage, Senator Ian Campbell, and relates to the north-east peninsula of Recherche Bay. As the minister knows, it was listed on the National Heritage List in 2005 but was due to be logged this year until the financial arrangement brokered by my colleague Senator Brown resulted in the area being saved and placed in permanent protection. Notwithstanding the hostility of his colleague the Minister for Fisheries, Forestry and Conservation, Senator Abetz, and the $2.5 million that Senator Abetz allocated to Gunns last week, will the Minister for the Environment and Heritage inform the Senate how the federal government intends to assist financially and in any other ways in the preservation of this fantastic national heritage site?

Senator IAN CAMPBELL—Thank you to Senator Milne for the question in relation to Recherche Bay. As a West Australian, it is a name that I am familiar with because Bruni d’Entrecasteaux did in fact visit Recherche in southern Western Australia near Esperance. When he went to various places in the world—and he was an incredibly successful French explorer in the 1700s—I think he did not have as much—what will I call it?—inspiration in terms of naming places as other explorers had because I think he kept on recycling the names.

Senator Robert Ray interjecting—

Senator IAN CAMPBELL—We all know that Senator Robert Ray knows how to discover his way to one place because he goes there so often. Recherche Bay is, as Senator Milne knows, an absolutely glorious part of the world. The history associated with the visits of Rear Admiral or Vice-Admiral Bruni d’Entrecasteaux is very important to Australia. It is very important to the world, and I very much enjoyed my visit to the site. I enjoyed discussing it with John Mulvaney.

Senator Carr interjecting—

The PRESIDENT—Senator Carr—I got it right that time—come to order!
Senator IAN CAMPBELL—I was so impressed with the history and with the site that I was very surprised—and I think I have said that in answer to questions before here—that those who put forward the 1792 sites did not seek to list the 1793 sites as well. In fact, I took the initiative of encouraging a proposal for listing of the 1793 sites because there is an intrinsic link between the two. But Senator Milne is right: I did inscribe this property onto the National Heritage List. There are in fact only 23 properties on the list. We seek to make it a very exclusive, high-quality list, and that is the reason this site is on it.

As Senator Milne knows, and as you know, Mr President, the regional forest agreement, which I know the Greens do not support, certainly ensured that that property would be available for logging regardless of the listing. I know that is very upsetting to those who wanted to stop the logging, but what was always available was the opportunity for the Vernon family to enter into the sort of agreement that they had entered into. I congratulate the Vernon family for coming to this decision. I congratulate Dick Smith for his leadership role here. You have an example here of two pro-free enterprise Australians, the Vernon family and Dick Smith and his family, entering into an agreement to conserve an important part of Australian heritage. It is very much a free enterprise and, I would say, Liberal solution.

I have looked at whether there are programs of assistance. As Senator Milne knows, the Commonwealth does in fact run programs and invests tens of millions of dollars to conserve biodiversity. The natural reserve system fund, which seeks to create over the next 15 years a comprehensive and representative system of unique Australian biodiversity, has purchased properties such as Cravens Peak in Western Queensland, which has Australia’s highest known diversity of reptiles and habitat in extraordinary condition; New Haven in the Northern Territory, which has seven critically endangered air and land bird species; and Johns’ property on the Sunshine Coast in Queensland, which has an extraordinary diversity of butterfly species and excellent habitat.

If the property in question at Recherche peninsula is put forward it will be assessed, but it will be assessed against those biodiversity outcomes of the programs. I do not think even Senator Milne would want me to seek to distort the outcomes of those programs, but I make the point in the short time available—and Senator Milne looks primed to jump up and ask a supplementary—that there are programs that can assist. (Time expired)

Senator MILNE—Mr President, I ask a supplementary question: I want to ask the minister to continue to tell us about the financial and other ways in which the government intends to assist in preserving the site. I also want to know if the minister will approach the French ambassador to investigate ways of involving the French government in assisting the Australian government in preserving the site and enhancing the botanical and cultural interpretation through cooperation with many of the French academic institutions which hold valuable documentary and scientific materials, including botanical specimens which were taken from Recherche Bay 200 years ago.

Senator IAN CAMPBELL—Thank you to Senator Milne for giving me the opportunity to address those issues. We have in fact spoken to the outgoing French ambassador and I have scheduled a meeting with the incoming ambassador, I think in the very near future. We have agreed to put in $30,000 and share an archaeological study with the French. I think that is a very positive aspect to the relationship with France in relation to Recherche Bay. I might also add that we will
be discussing cooperation on antiwhaling activities. The French government and the French environment minister are very committed to that and I will be continuing that discussion.

People who make donations to the Tasmanian Land Conservancy in relation to the purchase of this property will receive tax deductibility. If you were to give $100,000 to this fund and you were in the top tax bracket, you would get $47,000 back. It obviously depends on your tax treatment and your tax position, but someone who earns $100,000 could potentially get up to 47c in the dollar back. That is a very generous tax treatment. (Time expired)

Immigration

Senator KIRK (2.53 pm)—My question is to Senator Vanstone, Minister for Immigration and Multicultural Affairs. Can the minister reveal the details of the wrongful and tragic detention of another innocent person with mental illness by her department which she revealed in an interview with the Age newspaper? Why has it taken the minister so long to come clean about this wrongful detention? Can the minister indicate how many days this individual was wrongfully detained by the Howard government? When was this innocent person first detained by the immigration department and when were they finally released?

Senator VANSTONE—I thank the senator for the question. It gives me the opportunity to yet again confirm this, not so much for senators because I hope by now they are across this issue; but it is clear to me that some of the media are not across it. Last year when we discovered the case of Cornelia Rau, who was not unlawfully detained but clearly quite improperly kept in the Brisbane Women’s Correctional Centre for far longer than any of the instructions allow, the appropriate thing to do was not to just try and tough it out or believe that she would necessarily be the only one but to go back and look at all the people who had the computer coding ‘released, later found lawful’. That of course could include people who were properly detained, were later given a visa and were therefore released. Nonetheless, I decided it was appropriate to send all the cases off. I am quite sure that members opposite would not accept a minister or the department making the decisions themselves with respect to these cases—and I think if we were in the opposite position we too would not accept it. So I sent them all off. The department has obviously kept at arm’s length other than when requested by the Ombudsman to provide information in relation to all of these. I am committed to a proper and independent assessment of them.

In an interview with the Age yesterday I was asked the question: was I aware of any others that might fit the equivalent of Cornelia Rau? I said, ‘Yes, I am. There is one case that I think is a very tragic one.’ I obviously do not have the details of that case with me at this point—

Senator Carr—You could have expected a question.

Senator VANSTONE—I know I could have expected a question, yes. But I do not intend to delve into any of these cases until the Ombudsman puts out his report. I would have thought that it was appropriate to leave the Ombudsman to do his job. I was asked the direct question: were there any other cases? I answered honestly, as I ought to, ‘Yes, I’m sure there are amongst that number.’ I did not give any details of the case, such as I know them from the knowledge that I have, and I do not intend to give much in the way of detail. However, I can say that the person was detained some time ago and was detained on a number of occasions, and is another example of the tremendous diffi-

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culty that both the police face with mental health cases and the immigration department face in relation to these cases. For the detail of it, we will wait and see what the Ombudsman has to say. There is no question of not being up-front with these. They were sent off for a proper independent review and they will get proper public reporting.

Senator KIRK—I ask a supplementary question, Mr President. Why did the minister choose to make this case public through the media? Can we now expect the minister to drip-feed the other 16 Ombudsman reports and statements that she has sitting in her in-tray to the media? When will the minister actually front up in the Senate to report on the Ombudsman’s investigation of these cases rather than leaking them to the media in the expectation of a more muted response?

Senator VANSTONE—It is not true to say that I chose to make it public, as in it was a decision that I made irrespective of what the Age asked. I was asked a question in relation to the Ombudsman’s matters and I answered the question honestly. I thought that was quite appropriate and I will continue to do so. On the one hand you get complaints that the immigration minister is not open enough, and then on the other hand when you are asked a direct question—

Senator Conroy—We have never had an answer to a direct question.

The PRESIDENT—Order! Senator Conroy.

Senator VANSTONE—Apparently, in relation to a direct question, without revealing much detail, I am to say, ‘I know nothing.’ Of course that would be untrue. I am not sure which 16 reports the senator is referring to and she might like to make it clear to the Senate afterwards which reports she is referring to. The Ombudsman does not answer to me on any reports that he chooses to make. (Time expired)

Health and Ageing: Dementia

Senator LIGHTFOOT (2.58 pm)—My question is directed to the Minister for Aged Care, Senator Santoro. Will the minister inform the Senate of initiatives by the Howard government to assist the estimated 185,000 Australians and their families who are currently living with dementia? Is the minister aware of any alternative policies?

Senator SANTORO—I would like to say thank you to Senator Lightfoot for his question and acknowledge his interest in what the Howard government is doing to assist those living with dementia, their families and their carers. The senator is right when he says that there are more than 185,000 Australians currently living with this condition. By the end of this year, this number is likely to rise to 200,000. In fact, some reports predict that by 2050 it could be well over 730,000. While not a natural part of ageing, the incidence of dementia is likely to escalate with the ageing of our population. However, the Howard government has a very good record in this area of vital policy development and implementation.

In recognition of the impact of this serious health condition in Australia, the Howard government promised $200 million to make dementia an Australian government national health priority in the 2004 national election. What we are doing is delivering. We delivered over and above this commitment at the 2005 budget, delivering $320.6 million over five years, with three very specific and worthwhile measures. One measure—strengthening capacity—involves an allocation of $70.5 million for a range of projects aimed at strengthening key areas of the health and aged care sector for appropriate evidence based prevention and early intervention, assessment, treatment and care for people with dementia. A second measure, which is called EACH Dementia—Extended
Aged Care at Home—consists of $225.1 million. Two thousand EACH Dementia packages will be allocated to approved providers via the annual aged care approvals round, with eligibility to be determined through the aged care assessment teams assessment and approval processes.

There is a third measure, which is again worth while enough to outline here in the Senate. It is called Training to Care for People with Dementia, which has been allocated $25 million. What this funding will do is provide dementia training for aged care workers and people in the community likely to come into contact with people with dementia, expanding current care education and workforce training projects managed by Alzheimers Australia and Carers Australia. That particular point is very important, because this government believes in involving outside community groups and bringing in relevant expertise in the administration of these much-valued and valuable funds. It will provide dementia-specific training for up to 9,000 community care staff and residential care workers and up to 7,000 extra carers and community workers such as police and transport staff.

On top of this, the Howard government also delivers $2.6 billion annually for a range of programs, including residential aged care, HACC, CACP, anti-dementia medication and dementia research to offer support for people with dementia and their carers. There is also a minister’s dementia national health priority task force, which I had the pleasure of meeting yesterday and which in fact was put in place by my predecessor, Minister Bishop.

Senator Payne interjecting—

Senator SANTORO—I take the interjection from Senator Payne. It was a very good initiative. I had the opportunity yesterday to meet with all members of that committee. I was able to commend them for their public-spirited commitment to public duty and good public policy. They are people who give up their time freely to assist the government to implement the far-sighted policy which we announced at the election and have since been delivering.

There has been further progress in this vital area of policy. Dementia and memory loss centres in each state and territory to deliver information on dementia—about early prevention, early intervention, diagnosis, memory checklists, day workshops and counselling—are due to be operational by March 2006, something that even somebody like Senator McLucas would welcome as a good initiative. Six hundred and sixty-seven EACH Dementia packages were allocated in December 2005. In August 2005, the Australian government also hosted the national dementia research workshop to identify gaps in dementia research and provide direction for future research priorities. (Time expired)

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

Parliament: Senate Chamber

The President (3.03 pm)—I would like to take this opportunity to remind all honourable senators that members of their staff and/or advisers are not allowed on the floor of the Senate during the sitting of the Senate.

Questions Without Notice: Additional Answers

Immigration

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.03 pm)—by leave—During question time I was asked a question by Senator Kirk in relation to an Ombudsman’s report. I have some more information. I am happy to give that verbally to the Senate. Senator Kirk asked me a question about a further 16 Om-
budsman’s reports. I indicated that I was not sure what she was talking about. The reason is that there are not a further 16 Ombudsman’s reports sitting in my office. They do not come to me—or, at least, I might get them, but tabling them is a function not of my control but of the Ombudsman’s. There was one tabled last year in December. That detailed the Ombudsman’s view with respect to two detainees that have been long-term detainees. There is another one being tabled this afternoon which deals with a further 12. If you add the two and the 12, you still do not get to 16. I think that is what Senator Kirk is asking about.

Senator Chris Evans—His updates say there are 17.

The PRESIDENT—Order! The minister is giving an explanation. This is not question time.

Senator VANSTONE—It appears that the Leader of the Opposition in the Senate thinks that he knows more about it, and I will leave it to him to advise Senator Kirk of what he believes is the case.

Senator LUDWIG (Queensland) (3.04 pm)—by leave—I move:

That the Senate take note of the statement.

I wish to take note of Minister Vanstone’s reply. I am sure the minister will correct the record as soon as she can in respect of this, but Immigration Bulletin No. 6 by the Ombudsman, ‘Progress on immigration matters’, says on page 2:

To date:

• the Ombudsman has provided 17 reports and statements for tabling in Parliament to the Minister for consideration ...

We assume that, since you spoke about one yesterday, there are 16 others. You said there might be one more with 12, but the Ombudsman has indicated that there are 17 in total. In the Age, you said one. That leaves 16 by my estimation. If you want to correct the record, I am happy for you to do so.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.05 pm)—I will have a look at the document the senator is referring to. There is clearly a misunderstanding between us as to what is being referred to by Senator Kirk, by me and by Senator Ludwig. I do not think it will help to continue the conversation when there is such a misunderstanding as to what is being referred to. I will undertake to look at what Senator Ludwig has to say, but I repeat what I said earlier: Senator Evans seems to know so much about it that perhaps he can inform Senator Ludwig.

Senator Ludwig—I seek leave to table the document.

Leave granted.

The PRESIDENT—The question is that Senator Ludwig’s motion be agreed to.

Question agreed to.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator O’BRIEN (Tasmania) (3.06 pm)—I move:

That the Senate take note of answers given by ministers to questions without notice asked by opposition Senators today.

Again, we are seeing played out the slipperiness of this government when it comes to answering questions about a variety of matters. The matter that I particularly want to address is the scandal about the AWB kickbacks to Saddam Hussein. Today in question time, I asked Senator Abetz about his performance yesterday. Just before question time, a letter from the Wheat Export Authority’s chairman, Mr Besley, was handed to the Senate Rural and Regional Affairs and Transport Committee. Unfortunately, it was not available to me because I was not invited
to the meeting, but it clearly was available to others. I asked Senator Abetz today in question time why he had not addressed that matter. I asked: did he not have a brief which dealt with the matter? Senator Abetz assiduously avoided that question. Indeed, he looked away. He looked shifty in relation to the answer to that matter. I believe he had the opportunity to say that he was not briefed on the matter but, in fact, he declined to give us that assurance.

Senator Patterson—Mr Deputy President, I rise on a point of order. I do believe that the honourable senator reflected on a senator on this side. I think he should withdraw what he said.

The DEPUTY PRESIDENT—There is no point of order.

Senator O'BRIEN—Thank you, Mr Deputy President. They are getting very touchy indeed. We are concerned about this matter. We have been asking questions. I happened to be listening to question time in the House of Representatives today. Minister Truss’s office said last night—he told the newspapers—that they got a report from the Wheat Export Authority which dealt with the issue of the trucking fees in Iraq—the allegations of the AWB’s payments, the kickbacks. Today in question time, Mr McGauran declined to say that he had that information. When Mr Truss was asked, he declined to address what was said last night. He did not contradict it but he took himself to Mr McGauran’s statement—another cover-up. Why are we so concerned about this? During estimates, Mr Besley was asked:

So the Wheat Export Authority was not aware of the arrangements made by AWB(I) for the transportation and delivery of wheat within Iraq.

Mr Besley’s answer, completely unequivocal, was one word—no. Yet he had the temerity to present a letter yesterday which said that his answer was factually incomplete. When you give the exact opposite of the truth as an answer during estimates, I can think of many words to categorise your answer but I certainly do not think ‘factually incomplete’ is the correct categorisation of something which has the appearance of a blatant, barefaced lie.

What did we have in question time today? We had Minister Abetz given the opportunity to say, ‘Yes, I had a brief on this matter yesterday’ or ‘No, I didn’t have a brief.’ Yet he assiduously avoided that matter because, it is my belief, the government knew full well that this material was coming out. Today I asked: when did the minister know that the evidence given by Besley was incorrect? Senator Abetz said he would take that on notice and get an answer. I think he should come in here today and give us that answer. No more skirting the facts, no more avoiding the truth. Let us know when Mr McGauran knew that Besley was going to correct his evidence.

I believe the department knew full well some time ago that Mr Besley gave incorrect evidence, and it is incomprehensible, given the material that is now on the public record, that the government did not know that Besley had misled the Senate. Clearly, if the Wheat Export Authority had given Mr Truss a report which talked about these trucking arrangements and Mr McGauran clearly knew about those, then they knew that the Wheat Export Authority had misled the Senate back in November.

Other questions were asked which were avoided as well, such as: what steps did the minister take to correct the record? There is no material before us on that. I look forward to an answer on that. Another question was: is the minister satisfied that the Wheat Export Authority did all that it could to correct the record? Clearly, if it takes you over three months to work out that you have actually
told the committee the exact opposite of the truth, then there is something wrong. The chief executive officer of the Wheat Export Authority sat beside Mr Besley at the estimates hearing. Indeed, he is in the Hansard as answering some of the questions. If he did not know that Mr Besley was misleading the committee then that says something about the performance of his duties, because if the Wheat Export Authority’s report dealt with these matters then Mr Taylor would well have known about that. (Time expired)

Senator LIGHTFOOT (Western Australia) (3.12 pm)—I want to add some mitigation and rebuttal of the contribution made by Senator O’Brien today. I do not want to purposely go into those realms where there may be some conflict between the Cole royal commission—the inquiry that has been going on for some weeks now—and those findings that may or may not be in the interests of the Australian Wheat Board. The Australian Wheat Board is a company that is listed on the Australian Stock Exchange, and a lot of farmers have shares in the Australian Wheat Board. I do not have any shares in the Australian Wheat Board, incidentally. I do have shares in many other companies. When the Australian Wheat Board is dragged into this chamber with the privilege of parliament, which the Australian Wheat Board does not have, it damages the farmers. I would far prefer to wait—in fact, I will—for the decision to come down from Commissioner Cole, hopefully in a few weeks time.

But Labor argues that the government should have been alerted by the wheat prices that there was something wrong. When the Australian dollar falls, there is more return to our farmers because wheat prices are set in US dollars. When there is a bad season in the major wheat-growing countries of Europe and in Canada, the United States and Argentina—and there often is—wheat prices rise as a result. When there is a bad season in Australia with the droughts, wheat prices rise. To say that wheat prices rose and the government should have been alerted that something was wrong is to say clearly and unambiguously that you do not understand the world system.

I know there is a lack of business acumen on the other side, because most of the senators on the other side are drawn from the trade union movement. They do appalling damage to farmers, to small businesses, to small towns, to people who make a living out of the bush, and to Western Australians in particular—because in Western Australia we grow half of the nation’s wheat crop, notwithstanding that we have slightly less than 10 per cent of the nation’s population. Already the United States, the biggest exporters of wheat—subsidised wheat, I might say—are saying that they are not going to allow Australia to export wheat until this inquiry is finished or if an adverse finding is found. We do not know whether or not an adverse finding is going to be reached by the royal commission.

The Wheat Export Authority set up an investigation into the Australian Wheat Board and investigated 17 major overseas contracts without finding anything wrong or untoward. The Wheat Export Authority has provided all the relevant papers to the Cole royal commission. I do not suppose that all of those have yet come out, but when they do, and I hope they do, they will certainly be a mitigating factor for the Australian Wheat Board.

I have noted that wheat prices vary considerably from week to week. Between November 1994 and December 1995, when Labor was in government, Australian Wheat Board contracts to Iraq increased by $83 a tonne, or 33½ per cent. This was during Saddam Hussein’s regime, a regime that this government assisted in removing—one of the most heinous regimes in the Middle East,
and there have been a few of them. Did the Labor Party say then that there was anything wrong with their own government for exporting to Iraq—to Saddam Hussein’s regime? We are not exporting now to that regime. That is a regime that we helped to remove.

My main point of concern is: I will wait for the Cole royal commission findings to come out, and I do not think there is going to be anything wrong. I hope that the people on the other side will apologise to Australian farmers for the damage they have done. I hope they will apologise to the shareholders of the Australian Wheat Board for the loss of equity in that listed Australian company on the Australian Stock Exchange. I hope that they will have the sensibility on that side, if there is some sensibility—and there are some people over there who are very decent people—to say that they were wrong and to repair the damage. (Time expired)

Senator SHERRY (Tasmania) (3.17 pm)—That was one of the more extraordinary defences that we have heard from a Liberal senator, Senator Lightfoot. The Labor Party is quite rightly attempting to hold this government to account with respect to what ministers knew about the massive bribes paid by the Australian Wheat Board to the Iraqi government to purchase Australian wheat. Labor is determined to pursue the matter and find out what ministers knew about that sort of arrangement. What do we get from Senator Lightfoot? Talk about sending in someone who will talk about anything but the subject! Senator Lightfoot talked about his share ownership, international currency fluctuations, bad droughts, the trade union movement—anything but the issue at hand. The issue that is being debated and the issue which the Labor opposition is going to ask questions about is: what did ministers know about this bribery?

Senator Lightfoot has made the amazing claim that the Labor Party, by asking questions, is damaging the Australian wheat industry. The damage caused to the Australian wheat industry is a result of the bribery carried out by the AWB. That is the cause of the damage to the Australian wheat industry. With respect to the AWB and the fact that some of their officials have bribed the Iraqi government, we are fortunate to the extent that there is a government authority, known as the Wheat Export Authority, which is responsible for overseeing these arrangements of the AWB. The Wheat Export Authority is directly responsible to this parliament and to the Senate chamber through Senate estimates.

In November last year, a number of questions were asked at Senate estimates about what the Wheat Export Authority knew with respect to the bribery that had gone on. After all, part of the role of this government authority’s job—with Mr Besley at the helm—was to investigate the allegations concerning bribery by the Australian Wheat Board. That authority fronted up to Senate estimates, which is effectively the same as this chamber. So we are perfectly entitled to ask questions of ministers—in this case Senator Abetz, representing the Minister for Agriculture, Fisheries and Forestry. He is the individual who will have to attend estimates next week. We are perfectly entitled to ask questions, as we were entitled in November last year to ask questions about what the Wheat Export Authority was doing: what checks it had carried out and what its findings were. We are perfectly entitled, and anyone in this chamber would be entitled to ask what the Wheat Export Authority was doing in terms of overseeing and checking these bribery allegations.

But what did we get today? We got Senator Abetz effectively hiding behind the Cole royal commission into this bribery scandal.
That is not a defence. It is not a defence because the Wheat Export Authority is directly responsible to this parliament, and we have the right to ask questions of it, and we will continue to ask questions quite directly. The Senate, through the estimates committee, does have a direct investigative role in questioning that authority. So it is no excuse. Senator Abetz is just hiding from and dodging the questions. We have seen this throughout this week in the Senate and in the other place. We have seen them hiding and dodging behind the Cole royal commission. Senator Abetz, as the responsible minister, will not be able to dodge when he comes before estimates next week. He will not be able to say, ‘I’m not answering questions because of the Cole royal commission.’ He has a direct responsibility of accountability when he turns up to estimates to answer the questions and stop this cover-up. (Time expired)

Senator HEFFERNAN (New South Wales) (3.22 pm)—Unlike everyone else in this chamber, I have actually been at the inquiry for several days. I have to say that I feel very sorry for Dominic Hogan. Dominic Hogan is a bloke that was an employee of AWB Ltd. Because of the things that he was being required to do and the conflicts that he thought they were producing, he had a nervous breakdown.

Today’s question surrounds a letter that was sent to me, so I think I am pretty qualified to talk about that. We dealt with that at a quarter to two yesterday. Unfortunately, Senator O’Brien, who was on my committee, was not there.

Senator McLucas—Why wasn’t he invited?

Senator HEFFERNAN—I do not know why he was not invited. Don’t blame me.

Senator McLucas—I’d like to know.

Senator HEFFERNAN—He is a participating member now, as I understand.

Senator Ferris—He was advised.

Senator HEFFERNAN—There you go. It came out in the inquiry that Dominic Hogan, who, as I say, had a nervous breakdown over concerns about what was going on at AWB, told the Cole inquiry it would have been impossible by looking at the contracts to determine how much the price represented the split-up of the price. With regard to the Volcker inquiry, there was much excitement earlier in the week about the idea that somehow DFAT knew all about it because the AWB had got permission from DFAT to use Alia. It turns out AWB had been using Alia for a year before they wrote the letter for permission.

I think the Cole inquiry is doing great work and certainly raising and lifting a lot of myths. If the outcome is that people have broken the law then, as I said earlier on radio, there is a wonderful institution in Junee. It is not a bad set-up. It is pretty hot at this time of the year, but that is where they will probably end up if they have done the wrong thing.

With respect to the inquiry—as I say, no one here has been following it in person—a couple of interesting things have come out of it. One is the sale of wheat proposed through AWB Ltd from the Argentine to Iraq. Some of the greatest critics of the Wheat Export Authority in the last few years have been a couple of members of the Rural and Regional Affairs and Transport Committee, and a mixture of politics is involved in that. We are determined on my committee not to play politics with people’s livelihoods. We are seriously fair dinkum. I think my committee and all the members on it do great credit to this place. One of our criticisms has been that we think the Wheat Export Authority have been, using my language, and I apolo-
gise for it, a bed of pansies where we need a cage full of gorillas. They have not been equipped to do the work. The discovery of events in the Cole inquiry cements two things in my mind: that we were right about the Wheat Export Authority—

Senator Ferris—A toothless tiger.

Senator HEFFERNAN—A toothless tiger, as Senator Ferris said. We are not putting on an act here today; we have been saying this for three years. The conflict of interest that has existed between the growers’ interests and the shareholders’ interests has been intolerable. This inquiry in Sydney has cemented that proposition in concrete. The time is up on this.

I would love someone to explain to me how it was in Australian wheat growers’ interests to have a third-party sale from the Argentine to Iraq. I think something was mentioned in the inquiry about a potential $25 kickback in the arrangement. I would love to know what business it was of the pool to get involved with the repayment of a Tigris BHP payment, for God’s sake. If people here had taken the time, they could have been there, seen and learned. I have taken down the numbers of various bank accounts, such as the Gibraltar bank account. I would love to know what money has been funnelled through that. I would love to know what went on back in the nineties with the default payment. It seemed to me there was not enough energy put into collecting that default payment. Was that part of some sleazy deal? Guess who was in government in those days. I want to know the answer to a lot of these things.

That Tigris repayment was a fraud on the pool. It was a fraud of Australian grain growers’ money. With respect to the commission paid for the repayment, there is an argument about whether it was half a million dollars or $1.3 million. Some of these clowns say, ‘I can’t remember.’ It should not have gone to the pool; it should have gone to limited. Does the bulking up of these payments with the graft inserts—if that is what the Cole inquiry finds—add to their bonuses?

(Time expired)

Senator McLUCAS (Queensland) (3.27 pm)—In taking note of answers to questions today, I make the point that a theme has become evident in question time today. We had the extraordinary attempt to defend the misleading of the Senate through Senate estimates that Senator O’Brien and Senator Sherry have referred to, but we also saw the embarrassing display from Senator Santoro when he refused to correct the record, to come clean with the Senate and to tell the truth about what he said in answer to my question yesterday. Today he has only dug himself deeper into the mire.

Yesterday I asked a very clear question about the fire safety standards. I asked the minister to confirm that 31 December was the deadline for aged care providers to meet upgraded fire safety standards that were introduced in 1999—and that is significant. I asked him how many residential aged care facilities and how many beds were still not compliant with the fire safety standards. I asked him whether the government policy of ‘reviewing’—I need to put that in inverted commas—those non-compliant facilities was going to continue and whether any sanctions would be imposed because these places were not compliant with the 1999 fire safety standards. I was very clear.

His answer was somewhat bemusing to many people; I think it would have been to any person with even a modicum of understanding of how the aged care system works in this country. He said that he had been:... reliably informed by my department that there are only 10 nursing homes in Australia that do not fall within the accreditation and certification
processes that have been referred to by Senator McLucas.

I was a bit confused, because the website that Senator Santoro’s department produces shows us that there are some 700 homes that are still not compliant with the 1999 fire safety regulations, but I was prepared at that point to say, ‘Right. There has been a huge change. There are now only 10 homes that are not compliant with those fire safety standards.’ That is not the case, and Senator Santoro knew that very shortly after he misled the Senate. He was talking about 10 homes that are not compliant with the accreditation system at the moment because of a related fire safety issue. But he knew very shortly after he attempted to answer that question that he had misled the Senate. He was provided with a brief during question time.

The decent thing to do would have been to get up at one minute past three, when question time finished yesterday, and explain to the Senate. He has been in the job for a week; we do not expect him to be completely across a complex area of policy, as aged care is, but he should have done the decent thing and he did not. He missed that opportunity at one minute past three. The next opportunity was at 3.30 pm. He should have taken that but he did not. The next opportunity he had was at 9.30 this morning, and he was very well aware of that. He knew that he could have stood up in this place and said, ‘Yesterday, when I answered Senator McLucas’s question, I was talking about the accreditation scheme rather than the fire safety standards compliance.’ He could have come clean and that would have been the end of it.

I used to be a school teacher. We would tell little boys, ‘If you make a mistake, come clean and you won’t get any deeper into the mess.’ But Senator Santoro, I am afraid, is getting further into the mire, because today at question time he has made it even worse. Today at question time he tried to wriggle out of it by producing some confusing answer as to why he answered in the way he did yesterday. Any residential aged care provider reading the transcript of yesterday’s and today’s proceedings will know that this minister does not understand the difference between the accreditation scheme that is operational in his department and the fire standards compliance issue. Those are two fundamental issues. They are on the first page of the briefing notes given, Minister. It is obviously clear that you are not taking the time to get across this complex area of policy, and I urge you to do so. The industry needs a competent, knowledgeable minister to ensure that the issues that face them are progressed. (Time expired)

Question agreed to.

Recherche Bay

Senator MILNE (Tasmania) (3.33 pm)—I move:

That the Senate take note of the answers given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) and the Minister for the Environment and Heritage (Senator Ian Campbell) to questions without notice asked by Senators Barnett and Milne today relating to Recherche Bay in Tasmania.

It really concerned me to hear the different approaches within the Howard government in relation to Recherche Bay. This is a win-win scenario that has occurred. We have managed to get to a situation in which one of the most beautiful places in Tasmania, which has a highly significant cultural heritage, has been protected, and there is now an opportunity for everyone to work together to make sure we maximise the benefits for Tasmanians and other Australians including Indigenous people, and for the French.

It is a great opportunity and yet we found Senator Abetz behaving in a hostile manner. It was very much like 1983 after the saving
of the Franklin all over again. With respect to the attitude that Senator Abetz took today he was obviously very hostile to the idea that the area was not going to be logged. He had obviously had his heart set on the logging of it. Last week he gave $2.5 million to Gunns. That was completely unnecessary. The government promised that money to Gunns if they worked on a study of a chlorine-free pulp mill that was plantation based. Instead, they are building a native forest based pulp mill that is to use chlorine dioxide. There was absolutely no undertaking whatsoever from the Howard government to make that money available for an old-fashioned, business as usual pulp mill, but Senator Abetz could not help himself and was falling over himself to give $2½ million to Gunns. There was also Premier Lennon’s $200,000, which was virtually given to Gunns to compensate them for the loss of the logging contract. So we have that kind of old-fashioned attitude of ‘Log it; we want to destroy it,’ and absolute misrepresentation in relation to jobs.

Then we had Senator Campbell who, to his credit, is at least prepared to meet with the French ambassador and start negotiations as to how we might best create a good interpretation of the site which, over time, will be a major tourist drawcard for the southern part of Tasmania. It will build capacity in tourism in a way that that part of the state has not seen for a long time. There is huge potential to be able to take tourists on craft similar to longboats and to retrace the steps and voyages of the French in that area. That will be hugely interesting for people to do and it will create a local industry.

I do not think some people in the Senate realise the extent to which the French collections in Paris contain incredibly rich collections of documents and specimens relating to Recherche Bay. I went to the Natural History Museum in Paris, and they got out of the drawer for me the very specimen that the botanist on D’Entrecasteaux’s expedition, Labillardiere, had collected of *Eucalyptus globulus*, which became Tasmania’s floral emblem. Senator Abetz wants to log the area which is the type site of Tasmania’s floral emblem—that is the nonsense here. At least Senator Campbell appreciates that it is significant. The other great significance of Recherche Bay is the ethnotogy, the connection between the Indigenous people and the French, who were the first Europeans in that part of Tasmania.

The French are hugely interested in the connections that they have made with Indigenous peoples throughout the world, and I am excited about the proposition that Australia might work with the French Academy of Sciences, the Natural History Museum and the National Maritime Museum in Paris. There is huge potential. There are tours you can do that show where the specimens that were taken from Recherche Bay ended up. They are in the Kew Gardens, the museums in Florence, and in Geneva. It is a fantastic story. Also, there is a whole avenue of eucalypts in the south of France that came from the seeds taken from Recherche Bay. There is so much to celebrate and to work on, to have collaboration between the two countries to give real meaning and context to French language teaching in schools. There is just so much that can come from it.

I am hoping the government will back Senator Ian Campbell’s view of Recherche Bay and work to find ways to use Commonwealth funding and good offices for the interpretation of this incredibly rich area. I look forward to working with the government to make this happen. I hope that Senator Abetz will be counselled by his colleagues on how all he is doing is undermining the state Liberal Party in the lead-up to the state election and making the local member, Will Hodgman, look ridiculous in the context of the state election as everybody is
pleased that it is saved except, it seems, Senator Abetz.

Question agreed to.

COMMITTEES
Australian Crime Commission Committee
Report: Government Response

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.38 pm)—I present the government’s response to the report of the Parliamentary Joint Committee on the Australian Crime Commission on cybercrime and seek leave to incorporate the document in Hansard:

Leave granted.

The document read as follows—

Australian Government Response to the Recommendations of the Parliamentary Joint Committee inquiry on Cybercrime
Chapter 2 - Crime in Cyberspace
Recommendation 1
The Committee recommends that the House of Representatives Committee on Communications, Information Technology and the Arts examine the regulation of Internet Service Providers, including codifying the jurisdictional and evidentiary matters involving material which is transmitted or held by the Provider.

Accept

The Government supports an examination of this issue by the House of Representatives Committee on Communications, Information Technology and the Arts.

Chapter 3 - Cybercrime and Internet paedophile activity
Recommendation 2
The Committee recommends that the Government investigate partnerships for establishing a multimedia public education campaign on the risks associated with and the safe use of information technology by children, including parental supervision.

Accept

The Government notes the Committee’s support of the Australian Broadcasting Authority’s (ABA) community education role in the context of the Online Content Scheme and would like to bring to the Committee’s attention the role and activities of NetAlert. The Government considers that the activities of NetAlert address the Committee’s recommendation concerning the establishment of a multimedia public education campaign on the risks associated with the safe use of information technology by children, including parental supervision.

The Government established NetAlert under the Online Content Scheme in December 1999 as an independent body to promote Internet safety, particularly for children, and to provide the community with sensible, helpful and reliable advice about family-safe use of the Internet. In addition to undertaking community education, advice and research activities, NetAlert functions as the designated statutory body for the purposes of the Online Content Scheme, requiring it to be consulted during the development of Internet industry codes and standards prior to registration by the ABA.

In the last three years NetAlert has undertaken a national multimedia campaign on a range of Internet safety issues, involving the establishment of an advisory website for parents, teachers and industry bodies and an interactive children’s website. NetAlert has distributed a range of materials containing Internet safety advice and information, including posters and brochures and has promoted its services through the broadcast of national radio and television community service announcements. NetAlert has developed and implemented the first phase of its CyberSafe Schools Project, a three-year initiative to educate school students across Australia about the safe and responsible use of the Internet.

In addition to these initiatives, NetAlert continues to operate its toll free Internet safety helpline and email advisory service.

NetAlert has established a number of strategic alliances or partnerships with key Internet industry bodies, including the Internet Industry Association, Internet Society of Australia, the Australian Telecommunications Users Group and the Service Providers Action Network.
As part of the Government’s National Child Protection Initiative election commitment, NetAlert will receive funding of $2 million to run a National CyberSafe Program (NCP) which will deliver a two-year targeted training roadshow and information campaign aimed at educating parents, teachers and community groups about online safety.

The funding to be provided to NetAlert for the NCP complements other funding being provided under the initiative to the Australian Federal Police (AFP). The AFP will receive funding of $1.7 million for the continuation of its important education and prevention programs aimed at parents, teachers and relevant community groups. On 1 January 2005 the AFP received a total of $28.4 million over three and a half years under the National Child Protection Initiative to set up a national centre for major international and national referrals of child sex abuse material and images with the power and resources to target, infiltrate and shut-down organised online paedophile networks.

Recommendation 3
The Committee recommends that the Commonwealth Attorney-General liaises with the State and Territory Attorneys-General to ensure that priority is given to the development and implementation of consistent offence and evidence legislation in relation to cybercrime, which is in accordance with Australia’s international obligations.

Accept
The Government has been very proactive in combating new and emerging technological developments in crime and has already taken steps to ensure implementation of nationally consistent legislation on cybercrime.

Computer offences
The Cybercrime Act 2001 came into force on 21 December 2001. The Act added Part 10.7, which contains computer offences, to the Criminal Code. These computer offences are based on the January 2001 Model Criminal Code Officers’ Committee (MCCOC) Report on Damage and Computer Offences developed in cooperation with the States and Territories through the Standing Committee of Attorneys-General and are consistent with the Council of Europe Convention on Cybercrime.

To date, five State and Territory jurisdictions (South Australia, New South Wales, Victoria, the Australian Capital Territory and the Northern Territory) have implemented the model computer offences in the MCCOC Report. The Government has repeatedly emphasised to States and Territories at Standing Committee of Attorneys-General meetings the importance of fulfilling their commitment to a national model criminal code by promptly implementing the proposals in MCCOC reports.

Part 10.7 of the Criminal Code provides that those who engage in the unauthorised use of a computer with the intention of committing a serious offence such as fraud are subject to the maximum penalty which applies to the serious offence they intend to commit. Part 10.7 also includes an unauthorised impairment of electronic communications offence which targets disruptive tactics such as ‘denial of service attacks’ with a maximum penalty of 10 years imprisonment. Similarly, an offence of unauthorised modification of data to cause impairment to that data or any other data attracts a maximum penalty of 10 years imprisonment.

Part 10.7 of the Criminal Code also contains offences directed at those who possess or trade in programs and technology designed to damage data in other people’s computer systems. The offences of possessing or supplying data with intent to commit a computer offence are subject to a maximum penalty of three years imprisonment.

Other offences include unauthorised access to or modification of restricted data and unauthorised impairment of data held on a computer disk or other device; both of these offences attract a maximum penalty of two years imprisonment.

The Cybercrime Act 2001 also updated federal investigation powers in the Crimes Act 1914 and the Customs Act 1901 to ensure they cater for the new electronic environment. Law enforcement officers executing a search warrant are able to search not only material on computers located on the search premises but also material accessible from those computers but located elsewhere. Officers also have enhanced powers to copy data
and to move computer equipment and disks off the search premises.

In addition, law enforcement officers can apply to a magistrate for an assistance order, requiring a person with knowledge of a particular computer system to provide the officer with the assistance necessary to enable the officer to access, copy or convert data on the computer system.

Credit and debit card skimming and Internet banking fraud

The Committee’s report highlights the growing incidence of credit and debit card skimming and Internet banking fraud. The Government has also taken steps to develop a nationally consistent legislative response to these issues.

In March 2004, the Standing Committee of Attorneys-General released the Model Criminal Code Officers’ Committee Discussion Paper on Credit Card Skimming Offences. The discussion paper identified a gap in federal, State and Territory laws in their coverage of credit and debit card skimming and included a model offence to address this gap. The model offence criminalises dishonestly obtaining or dealing in personal financial information without the consent of the person to whom the information relates. The model offence is drafted in technologically neutral terms to ensure that it will not be overtaken by developments in the techniques or equipment used to capture credit or debit card data or other personal financial information (such as a person’s username and password for Internet banking).

The Government has quickly implemented the model offence, together with offences which target the possession and importation of devices used to ‘skim’ data from credit and debit cards. These offences are included in the Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No.2) 2004 which commenced on 28 September 2004.

Recommendation 4

The Committee recommends that as part of its legislative package to detect and prosecute those who use information technology for the trade of child pornography, the Government introduce a new offence relating to luring and grooming children for sexual purposes.

Accept

The Government takes its responsibilities to safeguard Australia’s children from sexual predators very seriously and has already criminalised the practice known as ‘online grooming’. On 14 March 2004, the then Minister for Communications, Information and the Arts, the Hon Daryl Williams AM QC MP, and the Minister for Justice and Customs, Senator the Hon Chris Ellison, released an exposure draft of the legislative package mentioned in the Committee’s recommendation for public comment.

Following public consultation, the Government enacted the Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No.2) 2004. This Act provides for an offence regime targeting adult offenders who exploit the anonymity of telecommunications services (for example, the Internet) to win the trust of a child as a first step towards the future sexual abuse of that child.

The ‘grooming’ offences prescribe maximum penalties of imprisonment for 12 years. The ‘procuring’ offences impose maximum penalties of imprisonment of 15 years. The offence regime operates nationwide in the same way that the other telecommunications offences targeting persons who access, transmit or make available child pornography or child abuse material.

The offences target both these steps. Relevant legislation in Queensland and the United Kingdom was considered in developing the offence regime. Where appropriate the proposed offences are consistent with the existing federal child sex tourism offences in Part IIIA of the Crimes Act 1914.

Chapter 4 Banking, Credit Card Fraud and Money Laundering

Recommendation 5

The Committee recommends that the Australian Crime Commission in conjunction with the Australian High Tech Crime Centre investigate the provision of general information on fraud trends to financial institutions through a secure subscription based service.

Accept

The Government supports the recommendation. The Australian High Tech Crime Centre (AHTCC) and the Australian Crime Commission
(ACC) are working together in addressing high tech crimes against banking and financial institutions.

On 20 May 2004 the Commonwealth Minister for Justice and Customs, along with the Commissioner of the Australian Federal Police and representatives of the banking and finance sector, launched the Joint Banking and Finance Sector Investigations Team (JBFSIT). The JBFSIT is supported by the Australian Bankers’ Association as well as the Credit Union Services Corporation (Australia) Limited, Visa International and MasterCard International. The JBFSIT has seconded specialised personnel from Australia’s five largest retail banks attached to the AHTCC. In addition, the JBFSIT works closely with the Australian Computer Emergency Response Team (AusCERT) on technical analysis matters.

The JBFSIT produces intelligence and operations assessments for consumption of the banking and finance sector identifying trends and vulnerabilities.

The ACC has also implemented strategies that address this recommendation which included the part time secondment of an intelligence analyst to the AHTCC in February 2005 for a period of six months. Through the Australian Law Enforcement Intelligence Net (ALEIN) and the Australian Criminal Intelligence Database (ACID) the ACC has in place a mechanism for the efficient and effective sharing of information/intelligence with the Australian law enforcement community. Of particular note is the ACC’s maintenance of a ‘National Fraud Desk’ which operates with funding arrangements under the Inter-Governmental Agreement (IGA). One of the new joint-initiatives of the ACC and the AHTCC is the proposed development of a new information and intelligence desk for ALEIN on high tech crime. Subject to security and privacy requirements, and consistent with the dissemination powers of the ACC, information held in ALEIN desks is communicated to financial institutions through mechanisms such as the Fraud Desk ‘fortnightly digest’.

Recommendation 6
The Committee recommends that the Australian Crime Commission, in consultation with the Australian High Tech Crime Centre, AUSTRAC and other law enforcement agencies give priority to developing a national intelligence gathering strategy for cybercrime in the banking industry. Further the ACC should seek to fill any gaps in intelligence holdings that are identified.

Accept
The Government believes that the activities outlined in recommendation 5 will address gaps in intelligence gathering strategies for cybercrime in the banking industry.

In addition to meeting its statutory responsibility through the provision of the services offered by ALEIN/ACID (see response to recommendation 5 above), the ACC has recently commenced an intelligence scoping project that examines a wide range of fraud issues affecting the financial sector, including consideration of the role of cybercrime. The Major Fraud probe is identifying a range of fraud related issues that have/are emerging in the high-tech area. This will culminate in the development of a Strategic Criminal Intelligence Assessment which identified key threats to Australian law enforcement. The ACC’s role in developing National Criminal Intelligence Priorities for consideration by the ACC Board provides opportunities to identify intelligence gaps and to seek to address them in collaboration with a range of partners through the ACC-managed ‘National Criminal Intelligence Collection Requirements’.

Chapter 6 Further developments and conclusion
Recommendation 7
The Committee recommends that the Government include in its cybercrime strategy, directed training for law enforcement agencies, and the development of a whole of government approach in which individuals can gain expertise which can be shared between those agencies.

Accept
The Government recognises that there is a need for specialised and continuous training for practitioners in this field, both in terms of the underlying technical theory and in the use of vendor-specific applications. This training must be ongoing to cope with the changing nature of high tech crime.
The AHTCC is responsible for implementing the Australian E-Crime Strategy, which has as one of its core features joint training and interoperability of specialised high tech crime and computer forensic units. As part of its commitment to this objective, the AHTCC hosted the second annual AHTCC/AFP Forensic Computing and Computer Investigations Workshop in March 2005 to provide specialist training courses for high tech crime practitioners across all Australian state police forces, Commonwealth revenue, regulatory and enforcement agencies and selected private sector organisations with an interest in this type of matter. The workshop participants examined and discussed critical issues that arise in responding to incidents related to computer investigations and contemporary computer forensic practice, including innovative tools, latest software updates and gaps. The AHTCC is examining a range of training options to improve the skill of Australian Police services.

Establishment of the proposed joint ALEIN site will provide an excellent conduit for the sharing of intelligence and information that could be diverted to the training area.

Over the last three years, the ACC Cyber Support Unit has provided Cybercrime Investigations Training to some 176 ACC, Seconded Police and partner agency staff. In addition, there are 52 personnel currently undertaking this training. This training of Seconded Police and Partner Agency staff provides the jurisdictions with a core expertise in this area. The Cyber Support Unit has also assisted a number of partner agencies in development of their own in-house Cybercrime Investigations courses.

The ACC Cyber Support Unit also continues to promote the establishment of National Computer Forensic “Digital Evidence Groups” (DEG), which focus on Law Enforcement Cybercrime technical expertise. ACC members currently chair the DEG groups from NSW and Victoria, and the ACC recently promoted the concept with Regional Law Enforcement Agencies in Hong Kong.

Recommendation 8
The Committee recommends that the Australian Crime Commission continue its current level of involvement in Cybercrime investigation, and intelligence gathering, as well as further developing its international liaison role.

Accept in part
The Government notes that the AHTCC is the agreed national body for high-tech crime matters and as such is the primary conduit for investigative operations and, through the AFP, international liaison activities. The AHTCC has seconded officers from each Australian jurisdiction and is the national centre for high-tech crime and the holder of the national e-security agenda. It is the body best placed to lead the investigative response to most instances of high tech crime which impact on Australia.

The ACC complements this role by providing a national criminal intelligence collection and analysis capability augmented by a Cybercrime investigative capacity to support its investigative capabilities.

The Government notes that the ACC will continue to encounter Cybercrime during the course of its work and will continue to work closely with the AHTCC as appropriate in fully investigating activity encountered.

The Government notes that the AFP will continue existing arrangements which provide international liaison services to the ACC via its international police liaison officer network.

In conjunction with the AFP international liaison officer network, the AHTCC has (with AFP support) been strengthening bilateral links with entities such as the United Kingdom’s National High Tech Crime Unit, the United States Secret Service and the Royal Canadian Mounted Police. The ACC benefits from these links via its close working relationship with the AFP and AHTCC.

The Government also notes that the AHTCC is the national contact point for a range of international initiatives, including the Council of Europe G8 24/7 contact list for the preservation of IT evidence and the Virtual Global Taskforce – an international alliance of law enforcement agencies to make the internet a safer place.

Recommendation 9
The Committee recommends that the Australian Crime Commission ensure its information sharing strategies, including liaison with the
Australian High Tech Crime Centre, maximise the opportunities for giving and receiving accurate and timely information about cybercrime methods and technology. Refer to Recommendation 8

Recommendation 10

The Committee recommends that the Australian Crime Commission seek out opportunities to participate in appropriate public/private sector cybercrime projects, to promote the sharing of information, and the efficient prevention and investigation of cybercrime offences.

Accept

The Government notes that the commitment of a part-time intelligence analyst from the ACC to the AHTCC reflects the level of the ACC’s support for its work with the AHTCC and through that secondment arrangement the ACC has access to a wide range of public and private sector interests focusing on dealing with cybercrime. The ACC’s current and projected work on fraud (notably identity fraud) matters includes joint projects with the private sector as well as with government and regulatory agencies.

The ACC’s Cyber Support Unit has established private sector partnerships including forensic training from Apple Computers, liaison with the credit card companies in regards to trends and card skimmer forensics. It also offers assistance to partner agencies and is forming technical partnerships with overseas law enforcement agencies in internet intelligence gathering.

The AHTCC’s JBFSIT and other public private partnerships with industry sector organisations is providing leading edge training and direct access to industry knowledge and expertise on cybercrime and related matters. The AHTCC is the best placed body to represent law enforcement in a national approach to public private partnerships for high tech crime matters.

The ACC also financially contributes to the development of the National AUSCERT Alerts Reporting Scheme, with other partners. This alert scheme are a public/private sector initiative, aimed at providing a national response to cybercrime incidents.

Recommendation 11

The Committee recommends that the Australian High Tech Crime Centre act as a clearing house for information on cybercrime, in order to explore initiatives to combat it.

Accept

The Government notes that the ACC is assisting the AHTCC to develop a secure national cybercrime referral system within ALEIN.

In addition, the AHTCC and state and territory jurisdictions have also agreed to use the ACC ACID system as the primary intelligence recording tool for cybercrime matters.

The AHTCC not only receives and disseminates criminal intelligence both nationally and internationally, it also takes a lead role in coordinating relevant investigations within Australian and international jurisdictions. The AHTCC is best placed to continue this important role.
Appointed— Substitute member: Senator Ian Macdonald to replace Senator Barnett for the consideration of the 2005-06 additional estimates for the period 15 February to 17 February 2006
Participating member: Senator Ian Macdonald

Employment, Workplace Relations and Education References Committee—
Appointed—Participating member: Senator Ian Macdonald

Environment, Communications, Information Technology and the Arts Legislation and References Committees—
Appointed—Participating member: Senator Ian Macdonald

Finance and Public Administration Legislation and References Committees—
Appointed—Participating member: Senator Ian Macdonald

Foreign Affairs, Defence and Trade Legislation and References Committees—
Appointed—Participating member: Senator Ian Macdonald

Legal and Constitutional Legislation and References Committees—
Appointed—Participating member: Senator Ian Macdonald

Regulations and Ordinances—Standing Committee—
Discharged—Senator Santoro
Appointed—Senator Fierravanti-Wells

Rural and Regional Affairs and Transport Legislation Committee—
Discharged—Senator McGauran
Appointed— Senator Nash
Participating members: Senators Ian Macdonald and McGauran

Rural and Regional Affairs and Transport References Committee—
Senator MOORE (Queensland) (3.42 pm)—It is my understanding informal arrangements have been made between the parties regarding the limited time we have and that that has been negotiated between the speakers who are moving the series of amendments and also the people who are speaking to them.

The CHAIRMAN—I will rely on the goodwill of the people involved in the debate in keeping to the time. You must understand I have nothing in front of me and I can only guide the business of the committee. Is there anything else before I start on the running sheet that I should know about the progress of this bill during the committee stage? As I understand it, so that there is no misunderstanding, the motion already adopted by the Senate means that the debate on the committee stage will be completed at 4.25 pm.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.43 pm)—I wish to advise you that the informal arrangement was that we would split the time evenly between the first group of amendments from Senator Barnett and Senator Humphries and the second group from Senator Colbeck and Senator Scullion and that the ‘for’ case and the ‘against’ case, if you like, would also be given equal time.

The CHAIRMAN—Given that I can only set the time in accordance with normal standard practice and procedure, I do not know what times will be available. But I will endeavour—I think I know who is on which side of the debate—to call people in the debate.

Senator BARNETT (Tasmania) (3.44 pm)—In terms of the senators for and against, I was of the understanding that the movers of the amendments were to speak to them and argue them. I was not clear if there was an understanding that that time would also be split between the proposers and those against. I assume you will have time at the end to wrap up your arguments against. Senator Nash might be able to clarify things.

The CHAIRMAN—I have to manage this and I respect the arrangements that have been put in place, but I will deal with the running sheet as presented. It seems to me that by doing that we will deal with the Barnett-Humphries amendments, if I can put it that way, and we will obviously allocate half the time, which according to me is roughly 35 minutes, to each case—so, about 17 minutes each. So we have 17 minutes allocated to the first lot. Is it the desire of the committee that we vote on the motion at the end of the first debate or will we vote on everything post 4.25 pm?

Senator NASH (New South Wales) (3.45 pm)—My understanding was that the first lot of amendments, put forward by Senators Barnett and Humphries, would be voted on at the end of that, and then we would move onto the second lot of amendments and then they would be voted on at the end of that. The 17-minute split—I understood the time was to be halved between the for and the against cases.

The CHAIRMAN—You will not have 17 minutes if there is a division, which I presume there will be, because you will have to take about eight minutes out for a division. Are you aware of that?

Senator NASH—Yes.

Senator Boswell—Let’s get on with it.

The CHAIRMAN—Let’s get on with it.

Senator BARNETT (Tasmania) (3.46 pm)—by leave—I move Barnett-Humphries amendments (1) and (3) to R(8) on sheet 4828 revised together:

(1) Clause 1, page 1 (line 6), omit “Repeal of Ministerial responsibility for approval of RU486”, substitute “Ministerial responsibility”.

CHAMBER
(3) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**6 After subsection 6AA(2)**

Insert:

(2A) Before giving written approval in accordance with subsection (2), the Minister must:

(a) seek written advice from the Australian Health Ethics Committee; and

(b) consider that advice; and

(c) prepare a written statement of reasons for the approval or refusal to approve the importation.

(4) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**7 After subsection 6AA(2)**

Insert:

(2B) The Minister must give written notice to a person seeking approval in accordance with this section of the approval of, or of the refusal to approve, the importation.

(5) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**8 Subsection 6AA(4)**

After “approval”, insert “together with the written advice received by the Minister from the Australian Health Ethics Committee and the written statement of reasons by the Minister for the approval of, or of the refusal to approve, the application”.

R(6) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**9 At the end of section 6AA**

(6) A written approval or refusal to approve in accordance with this section is a disallowable legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

(7) Where the Minister issues a written refusal to approve an importation and that instrument is disallowed pursuant to subsection (6), the importation of the restricted good to which the instrument referred is taken to be approved by the Minister.

R(7) Schedule 1, page 3 (after line 13), at the end of the bill, add:

**10 Subsection 23AA(2)**

Repeal the subsection, substitute:

(2) Before giving written approval in accordance with subsection (1), the Minister must:

(a) seek written advice from the Australian Health Ethics Committee; and

(b) consider that advice; and

(c) prepare a written statement of reasons for the approval or refusal to approve.

(3) The Minister must give written notice together with the statement of reasons for the approval of, or for the refusal to approve, the evaluation, registration or listing of restricted goods in accordance with this section.

(4) A written approval, or refusal to approve, the evaluation, registration or listing of restricted goods shall be laid before each House of the Parliament by the Minister within 5 sitting days of being given.

(5) A written approval or refusal to approve in accordance with this section is a disallowable legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

(6) Where the Minister issues a written refusal to approve the evaluation, registration or listing and that instrument is disallowed pursuant to subsection (5), the evaluation, registration or listing of the restricted good to which the instrument referred is taken to be approved by the Minister.

R(8) Title, page 1 (lines 1 and 2), omit “repeal Ministerial responsibility for approval of RU486”, substitute “provide conditions for the exercise of Ministerial responsibility in relation to certain therapeutic goods”.

CHAMBER
The intent behind these amendments is to take on board the views that were put to the Senate committee of inquiry as well as some of the views expressed during the speeches in the second reading debate. The amendments are designed to improve the process for approving an abortifacient or other drug on the restricted goods list.

There are three main objections that were expressed during the inquiry and by a number of senators in their speeches in this place that I wish to acknowledge. Firstly, they said, ‘Why just the minister? Why not the parliament? Why isn’t there parliamentary scrutiny of the decision by the minister? As members of parliament we are accountable and responsible to our electors.’ Secondly, they wanted to know: ‘Where does the minister get his advice from? From where does it come?’ Thirdly, they objected to the fact that the text is ‘the minister lays on the table of both houses of parliament notification of his approval,’ not ‘his approval or disapproval’. Also, under the current arrangements, as senators are aware, the minister is not required to state his reasons when he provides that notification.

I want to acknowledge that during the debate Senators Payne, Stott Despoja and Conroy noted that our amendment—that was the first amendment put out, the one distributed last night—referred to the tabling of only the minister’s approval. You will see that the amendment before you refers to tabling of both approvals and rejections of approval by the minister. So that particular point has been addressed and I acknowledge the work of those senators. I also want to thank all senators for their efforts during this debate. It is emotionally draining, as it was for the senators who were involved in the committee inquiry. It is a conscience vote, which is unusual, and that is one of the reasons why we are standing here today.

Those are some of the inadequacies in the current process. We want to improve that, so what Senator Humphries and I have suggested in these amendments is that, before the minister gives written approval or disapproval of the drug, the minister must seek written advice from the Australian Health Ethics Committee. And I have details on the Australian Health Ethics Committee: it is a principal committee of the NHMRC; its membership is specified in the act; it consults extensively with individuals, community organisations, health professionals and governments; and it undertakes formal consultations on these sorts of very important moral and ethical issues. So the minister must take that advice. He must seek that advice and consider that advice and then prepare and table in both houses a written statement of the reasons for the approval or the disapproval of the drug, along with the Australian Health Ethics Committee advice.

So the minister’s decision, whichever way it goes, would then be subject to disallowance by either house of parliament. I think this really addresses a key point that has been raised over the last few weeks and in the last 48 hours with regard to this debate. It says that the ultimate say-so is with the people in the federal parliament—in this chamber and in the House of Representatives. A lot of people have said that the Minister for Health and Ageing, Mr Abbott, has certain strong views about abortion; well, in years to come there may be another minister who has perhaps pro-abortion views or totally different views. We accept that. The point is that the ultimately say-so rests with the members of this parliament. That is because the licensing and management of abortion drugs does not just raise health issues. Yes, the health issues must be addressed by the TGA—the safety, the quality and the efficacy of the drug. That is entirely appropriate. But the community, social and ethical issues must be
addressed by the parliament. We believe this suggestion will improve the process.

So I have explained the process and our recommendations about it. I did just want to make an observation with regard to Senators Colbeck and Scullion’s amendments. It appears from the amendment that I have seen that there is an omission with respect to section 6AA, referring to the import of the drug. There are two types of decisions that can be made by the minister: one relates to the evaluation, registration and licensing of that particular drug; the other relates to the importation of the drug. There are two separate processes. Our amendment addresses both, and the minister’s decision on either is disallowable in the parliament. Under the amendment circulated by Senators Colbeck and Scullion, it appears that that second approval process for the importation of the drug is not there, so I just draw that to the senators’ attention. I think that sums it up and I would like to leave time for my co-sponsor of the amendments, Senator Humphries, to make some comments.

Senator TROETH (Victoria) (3.52 pm)—I would like to respond, on behalf of the sponsors of the bill, to the amendments that we are looking at—that is, amendments (1) and (3) to (8) on sheet 4828. On the surface these amendments respond to some of the criticisms of the current arrangement, but when you look at them in detail they are little more than tinkering around the edges and, indeed, they place further hurdles in the way of assessment and approval of RU486.

Amendments (1) and (8) simply change the title of the bill and they require no comment. Amendments (3) to (5) put in place further requirements on the health minister in relation to applications to import RU486. Amendment (3) requires the minister to seek the advice of the Australian Health Ethics Committee before approving the importation of any restricted good. Amendment (4) requires the minister to let the applicant know whether their request has been approved or not, and amendment (5) requires the health minister to provide the parliament with a copy of the advice from the Australian Health Ethics Committee, along with a statement of the minister’s reasons for approving or rejecting an application to import RU486.

Amendment (6) makes any decision by the minister to allow or not allow the importation of RU486 disallowable. Amendment (7) puts in place similar requirements on the health minister in relation to applications to evaluate, list or register RU486, just as I have outlined for the importation. That is, the minister must seek the advice from the ethics committee, provide parliament with a written approval or refusal and so on.

There are many, many problems with what is being suggested. Firstly, the minister still has, in the first instance, the power—on his or her own—to approve or disapprove any application to evaluate, register, list or import RU486, and there are still no specified criteria that must be used. It is unclear what the purpose of involving the Australian Health Ethics Committee is. If that committee is supposed to comment on the safety and efficacy of RU486, how is this committee better qualified to do this than the TGA? And, of course, the minister still does not have to follow the advice; it just has to be considered.

The Senate might consider this: in amendment (6) it would seem that, if the minister refused an application to import RU486 and this was overturned by the parliament, then RU486 would automatically be allowed to be imported without the TGA having any chance to evaluate its safety. In amendment (7) part (3) it is unclear who is getting the written notice—the parliament or
the applicant. If it is the applicant, there seems to be no way that the parliament gets a statement of the reasons behind the minister’s decisions. And finally—and this is probably the key issue—making the approval notice disallowable still leaves the key problem that decisions on the use of RU486 are left to politicians who are not experts on the safety and efficacy of RU486, and it still leaves the TGA and their expert advice out of the approval process.

This morning I listened to Senator Stephens recite what I am sure she believed was expert scientific advice. Those of us on both sides of the debate, if we were to go through this process proposed by Senator Barnett, could equally gather volumes of scientific advice in order to put our case—and who would know whether we were right? Nobody would know; no individual member of parliament, or a subgroup of parliamentarians or the parliament as a whole has the necessary skills, knowledge or resources to evaluate the safety of a drug. This is what this debate is about. The TGA is the group that should be making this decision, not parliamentarians or an ethics committee.

Senator HUMPHRIES (Australian Capital Territory) (3.57 pm)—I want to make a contribution to this debate and support the amendment which Senator Barnett and I have moved. There has been comment in the second reading debate already about the choice that senators are being asked to make between a decision by the Therapeutic Goods Administration on the one hand, about whether this drug should be available in Australia, and a decision on the other hand by the minister for health—this individual who is supposed to make a decision in splendid isolation from those around him.

I suggested in my remarks the other day that that was a false dichotomy—that, in fact, no minister makes such a decision in isolation. However, it is clear from the remarks made by many in the course of this debate that some have been influenced by the suggestion that a decision by the minister for health, under the present arrangements, amounts to a decision by a single individual divorced from the sentiment or mood of the elected representatives of the federal parliament.

Let us therefore clarify that that is not what ought to continue. I have argued, as have most of the people against this legislation, that there needs to be parliamentary oversight of this process, that the decision to allow the use of this drug, RU486—or any other chemical abortifacient—in this country is a big decision, a momentous decision, and any other momentous decision made by and on behalf of the Australian community is made, not by unelected officials, but by the elected representatives of the Australian community. And that is why this amendment addresses that point and provides for a direct parliamentary vote on whether RU486 should be used in Australia.

It does not avoid the capacity for the Therapeutic Goods Administration to consider the efficacy and safety of the drug at another point in process. It does not exclude that capacity, but it provides, in addition to that process, for there to be parliamentary oversight and a parliamentary vote.

It is a big question of our day. It is an issue on which the Australian people in very large numbers have turned to us with their opinions. We owe it to them to hear what they have to say, understand and contemplate the issues they raise and then cast a vote based on the things we understand they say and our own particular judgments about the matters at hand. We owe that to the Australian people. That is our obligation as members of the federal parliament. For that reason we should support this amendment.
The CHAIRMAN—In accordance with the arrangements flagged earlier and made by senators, it seems to me that this needs to be put to a vote somewhere around six minutes past four.

Senator FIERRAVANTI-WELLS (New South Wales) (4.00 pm)—I have a question of the movers of the motion. I understand that the trans-Tasman agreement for harmonisation of therapeutic products is currently under negotiation between Australia and New Zealand and is going to merge the TGA and the counterpart New Zealand organisation. In recognition of some basic administrative differences between Australia and New Zealand, and, given the potential different approaches in some regulatory activities between the two countries, can the movers of the bill please explain what the effect of this is going to be, particularly in the light of the amendments now being raised?

Senator ALLISON (Victoria—Leader of the Australian Democrats) (4.01 pm)—It is my understanding that there is no effect at all. In fact, you could argue that there is a problem with our harmonisation, if you like, with New Zealand in that, under our arrangements, abortifacients have to go through the current process of veto by the minister whereas in New Zealand this is not the case.

Senator FIERRAVANTI-WELLS (New South Wales) (4.01 pm)—My concern is about the potential scrutiny by two parliaments or by two ministers. That is the concern I have, particularly in light of some of the comments that have been made by the movers of this bill.

Senator TROETH (Victoria) (4.01 pm)—In answer to Senator Fierravanti-Wells—I am relating back to my earlier experience in agriculture, where there were many discussions over co-arrangements with New Zealand—it is my understanding that each of the respective authorities would be subject to and belong to their own governments in that respect, irrespective of any international arrangements that were made.

Question put:
That the amendments (Senator Barnett’s and Senator Humphries’) be agreed to.

The committee divided. [4.07 pm]
(The Chairman—Senator JJ Hogg)
Ayes……….. 28
Noes……….. 44
Majority…… 16

AYES

NOES
The CHAIRMAN—I advise that there are some more amendments which will be moved on behalf of Senators Barnett and Humphries. I understand that there will be no division on those. They will be followed by the amendment by Senators Colbeck and Scullion and there will be a division, as I understand, at the end of that. We now proceed to the Barnett-Humphries amendment (2) on sheet 4828 Revised 1:

(2) Schedule 1, items 1 to 5, page 3, TO BE OPPOSED.

The CHAIRMAN—The question is that schedule 1 stand as printed.

Question agreed to.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (4.11 pm)—I move the Scullion-Colbeck amendment (3) on sheet 4830:

(3) Schedule 1, item 4, page 3 (lines 10 and 11), omit the item, substitute:

4 Section 23AA

Repeal the section, substitute:

23AA Evaluation, registration and listing of restricted goods

(1) Subject to subsections (2) and (3), restricted goods may be evaluated, registered and listed in accordance with the provisions of this Division as they apply to therapeutic goods.

(2) A certificate of:

(a) registration of restricted goods under section 25; and

(b) listing of restricted goods under section 26;

is a disallowable legislative instrument of the purposes of the Legislative Instruments Act 2003.

(3) A certificate mentioned in subsection (2) does not take effect before the expiration of the time within which a House of Parliament may disallow the certificate.

I will be speaking on behalf of Senator Scullion so that we can ensure we get through this and that those who want to have the opportunity to speak on this particular amendment will get the opportunity to do so. Although, as many have said during their contributions, this could strictly be seen as a debate on the process of approval of RU486, it is completely inevitable that other emotions, other elements and other sensitivities will be brought into the debate. It is from that perspective that Senator Scullion and I have developed our amendment.

We do not agree that this is just another drug. There is no doubt in my mind that this is more than just another drug that should be before the Therapeutic Goods Administration through the usual process. We believe though that it should proceed to the Therapeutic Goods Administration unfettered. If a company wants to make application to register RU486 or a similar drug for a similar purpose, it should have the opportunity to do so and the Therapeutic Goods Administration, which is rightly recognised as a very competent authority operating on behalf of the Australian government and the Australian people, should have the opportunity to make an assessment of the drug.

We also believe that the Australian community see that as elected representatives we should have some oversight of that process. It is unfortunate that some submissions have called into question the work and processes undertaken by the Therapeutic Goods Ad-
ministration. Senator Scullion and I believe that there should be some parliamentary oversight of the process in cases such as this, recognising that RU486 is not just another drug. That is the premise of the amendment that we put forward. Any application that goes to the Therapeutic Goods Administration for a drug of this nature should be assessed through the usual process but approval of such a drug should then come back to the parliament as a disallowable instrument so that the parliament, the representatives of the people, have the opportunity for oversight of that process.

I know that in that occurrence other things will be brought into the debate, just as there have been at this time. It could be said that we are now having the debate that should be had, but in my view it needs to go further. Certainly that view is shared by Senator Scullion. A lot of excellent work has been done as part of the process of going through the Senate committee inquiry into this drug. There are a whole range of perspectives. I do not necessarily come to this with a pro-life perspective. In fact, I have had long discussions with my wife about this. In essence, I think I come to this from a pro-choice perspective. But Senator Scullion and I believe that, as this is not just another drug, the parliament should have some oversight of the process.

Senator Barnett, in his contribution earlier, intimated that there might be some flaw in the amendment that we are considering. It could be said that we are now having the debate that should be had, but in my view it needs to go further. Certainly that view is shared by Senator Scullion. A lot of excellent work has been done as part of the process of going through the Senate committee inquiry into this drug. There are a whole range of perspectives. I do not necessarily come to this with a pro-life perspective. In fact, I have had long discussions with my wife about this. In essence, I think I come to this from a pro-choice perspective. But Senator Scullion and I believe that, as this is not just another drug, the parliament should have some oversight of the process.

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Senator ASHLEY ALLISON (Victoria—Leader of the Australian Democrats) (4.17 pm)—I do not support amendment (3) or indeed amendments (1) and (2) put up by Senators Colbeck and Scullion. These amendments are designed to prop up the claims made by opponents of the bill that the current arrangement is justified because of the parliamentary scrutiny that is inherent in the current system. But it was pointed out by me and by many others that, despite what the minister and others were claiming, the parliament had no say. The minister was merely required to advise the parliament that he had given approval to an abortifacient—no debate, no vote, no accountability, no criteria.

These amendments are designed to take away the power from the minister. Indeed, they cut the minister out of the question altogether. But this is still flawed, because it leaves the decision to parliamentarians. There are, again, no grounds or criteria for the decision. There are no other pharmaceuticals subject to this regime. The debate would again be about abortion, not about safety and efficacy. As Senator Troeth has pointed out, this place is not in any position to make a judgment about safety and efficacy in any case. It has been said ad nauseam in this debate that abortion is a state and terri-
tory matter already decided many years ago and that it does not need revisiting.

These amendments allow the TGA to evaluate RU486, but, if the TGA approves the availability and allows it to be registered or listed, the certificates of registration and listing are disallowable instruments. That means that before RU486 can be made available, even if it can be determined by the TGA to be safe and effective, the parliament is allowed to override that decision. That means that parliamentarians, as I said, are still making the decision, not the body with the expertise, the TGA.

If the drug is determined by the TGA to be safe then the only reason that someone could have for overriding that decision is opposition to abortion per se. By introducing individual moral beliefs into the decision-making process, the proposers of the amendment are giving their own moral beliefs greater precedence than the safety of the drug and the values and experiences of women and their doctors in making the decision. Members of parliament, like all Australians, are entitled to differing views regarding abortion but they are not entitled to use the power of the state and legislation, I would argue, to impose their own personal moral positions on others or to block access to a drug if it has already been proved to be safe for legal medical procedure.

There is also the question of the great disincentive this would provide for sponsors of this drug. They will spend a great deal of money going through the TGA approval process—or will they, knowing that the parliament may well veto that decision by the TGA? So, again, we are going to see the situation of sponsors not coming forward to make it available in this country. I think there will be debate over and over again in this place and, again, it will be over and over about abortion. Will sponsors of abortifaci-
cients retry? In which case it comes back to the parliament. Will there be new applications on the basis of new drugs that are abortifacients that will have to go through this process? How much time will be spent tied up in this debate in this place is anyone’s guess. I am not supporting these amendments. We will also not support the removal of the schedule that is inherent in amendments (1) and (2) to follow.

Question put:
That the amendment (Senator Colbeck’s and Senator Scullion’s) be agreed to.

The Committee divided. [4.25 pm]
(The Chairman—Senator JJ Hogg)

<table>
<thead>
<tr>
<th>Aye</th>
<th>Noe</th>
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<tbody>
<tr>
<td>33</td>
<td>41</td>
</tr>
</tbody>
</table>

Majority 8

AYES

Abetz, E.  Barnett, G.
Bishop, T.M.  Boswell, R.L.D.
Brandis, G.H.  Calvert, P.H.
Chapman, H.G.P.  Colbeck, R.
Conroy, S.M.  Coonan, H.L.
Eggleston, A.  Ellison, C.M.
Ferguson, A.B.  Fielding, S.
Fierravanti-Wells, C.  Forshaw, M.G.
Hefferman, W.  Hogg, J.J.
Humphries, G.  Hutchins, S.P.
Joyce, B.  Lightfoot, P.R.
Macdonald, J.A.L.  Mason, B.J.
McGauran, J.J. *  Minchin, N.H.
Parry, S.  Polley, H.
Ronaldson, M.  Santoro, S.
Scullion, N.G.  Stephens, U.
Watson, J.O.W.

NOES

Adams, J.  Allison, L.F.
Bartlett, A.J.J.  Brown, B.J.
Brown, C.L.  Campbell, G.
Carr, K.J.  Crossin, P.M.
Evans, C.V.  Faulkner, J.P.
Ferris, J.M.  Fifield, M.P.
Hill, R.M.  Hurley, A.
Johnston, D.  Kirk, L.
Ludwig, J.W.  Lundy, K.A.
Thursday, 9 February 2006

SENATE

Macdonald, I.
McEwen, A.
Milne, C.
Murray, A.J.M.
Nettle, K.
Patterson, K.C.
Ray, R.F.
Siewert, R.
Stott Despoja, N.
Trood, R.
Webber, R. *
Wortley, D.

Marshall, G.
McLucas, J.E.
Moore, C.
Nash, F.
O’Brien, K.W.K.
Payne, M.A.
Sherry, N.J.
Sterle, G.
Troeth, J.M.
Vanstone, A.E.
Wong, P.

PARS

Kemp, C.R.
Campbell, I.G.

* denotes teller

Question negatived.

The CHAIRMAN—I advise senators that, as it is after 4.25 pm, in accordance with the resolution of the Senate we will now proceed to the third reading debate. I will go through the rest of the procedure in the committee stage, and then I understand there will be an agreed period of time for the speakers on each side of this debate. The debate will conclude at 4.45 pm, and I understand that there will be a division then. The question now is that schedule 1, items 1 and 3 stand as printed.

Question agreed to.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator NASH (New South Wales) (4.30 pm)—I move:

That this bill be now read a third time.

Senator BARNETT (Tasmania) (4.30 pm)—I stand to speak on this third reading of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 and to acknowledge the numbers in this Senate chamber, although the result goes against my views. I am deeply disappointed with the result because I believe it sends all the wrong messages to young Australians. I am disappointed with the process because there was an opportunity to improve it. However, I believe that, when consideration is given to the bill in the House of Representatives in due course, we may yet see its return, perhaps in another form, to this Senate chamber.

Part of the reason for the views that I hold is that RU486 is not just like any other drug. RU486 is in fact a killer drug; it is a drug that terminates a pregnancy. It is not a therapeutic drug; a therapeutic drug is one which is designed to cure or treat a disease. Pregnancy is not a disease. That is why I am deeply saddened and disappointed with the outcome of this debate.

I believe that the amendments provided an opportunity for parliamentary scrutiny and parliamentary review of the minister’s decision, but those amendments were lost. Yes, the supporters of the bill opposed the ministerial discretion initially, during the debate and during the Senate committee of inquiry, but those amendments would have ensured that it would have been subject to disallowance. However, that still did not satisfy those who had concerns.

I ask the question: if we left it entirely to the Therapeutic Goods Administration, which is the outcome we would see if the bill were passed—as I expect it will be, because an assessment of the numbers is reasonably clear—the entire decision would be made by the Therapeutic Goods Administration in that, under the act, they are empowered to look at the safety, the quality and the efficacy of the drug. They do not and are not empowered to look at the social, ethical and moral consequences of that drug for our community.

Based on opinion polls, I think most Australians in their heart of hearts know that there are far too many abortions in Australia.
today—an estimated 91,000. One in four pregnancies being aborted is far too many. What message are we sending to the Australian community? I think it is the wrong message. However, I respect the right of other senators in this place to have a different view from my own on that matter and I respect the outcome of the Senate decision today.

It has been a hard and gruelling Senate committee of inquiry, which took on a lot of evidence. I want to thank all those who put in submissions and correspondence—the thousands and thousands of Australians who have expressed their views, overwhelmingly against the bill. Nevertheless, the numbers in the Senate make it clear. I thank the movers of the bill for the manner in which they conducted the debate and the other senators in this place for the essentially measured and professional assessment and method in which they expressed their views. Yes, we have had ups and downs during the process but, on the whole, I think it was a measured and professional approach. Nevertheless, it has been a torrid and difficult time, where senators have had to dig deep to look into their consciences. It is very healthy for parliaments and senators to do that. It happened with the stem cell debate and the cloning debate, which was healthy. On this debate, it was also healthy. It is good for the parliament, and it has been a good process for the community. I thank the Senate for the opportunity to make some closing remarks.

Senator MOORE (Queensland) (4.35 pm)—I wish to acknowledge the hard work and dedication of so many people who have taken part in this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. Although this debate has been proceeding for the last couple of months, people have been raising these issues within the community for around 10 years. This chamber has finally been able to take the time and to use the Senate processes to consider the evidence and the submissions before coming up with a result—a result which many of us will accept. We will accept the removal of an ‘aberration’—the term that was used in discussion about previous debates—however, the debate will not end. I think I said that earlier. We have gone through the process of an assessment of this group of drugs. We hope that the bill will pass through the lower house and that the TGA’s role in respect of this group of drugs will be as the body that looks at the safety, efficacy and quality of this medication, as with all others in our community. It is important for us to acknowledge that.

We must accept the hard work of people on both sides of the argument. We sometimes simplify way too much. There was a range of views expressed in this process and, as Senator Barnett said, people had the opportunity to ‘dig deep’. They were your words, Senator Barnett. We were able to look very clearly at the evidence and to come up with a process. I want to thank all those people who took the time and were able to rise above differences and withstand some sometimes very personal attacks. We were able to do that. I particularly want to acknowledge the work of the co-sponsors. I think that as a group it showed that people can work together if they have a common aim and can share their knowledge and experience to ensure that we can work to achieve results for the community. So thank you; we have an opportunity to achieve great change.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.37 pm)—I would like to make some concluding remarks on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. Most senators supporting this bill have accepted the proposition that there is no difference between surgical abortion and medical abortion. They
have then argued that a decision to make medical abortion widely available is a technical or operational issue which does not involve any policy decision making. This is a proposition that some senators may come to regret. As one person said to me this week, if there is no difference between surgical abortion and medical abortion, then why is there any difference in terms of policy between drilling for oil in Bass Strait and drilling for oil in the Great Barrier Reef? After all, if the policy decision is to support drilling for oil, then the location is simply an operational matter. This, of course, does not make sense.

Family First is concerned about the impending Senate decision to remove from elected politicians the responsibility for policy and social issues, which is their paid job, relating to RU486. Having set this precedent, one wonders what else the Senate might delegate—or, to put it another way, what it may not delegate. One positive element of this debate has been the widespread concern expressed about the high number of abortions in Australia, including by many supporters of the bill. There has also been a widely expressed view that governments should act to reduce that number. Research shows that this is what the community wants. Given that research also shows that the community supports women receiving independent counselling before having an abortion and a reasonable cooling-off period between receiving the counselling and deciding whether to have an abortion, Family First hopes all senators will positively support any government initiative which reflects the community’s desires.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (4.40 pm)—I am very disappointed at the result on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005. It seems to me that the majority of the Senate has said: ‘We’re just not up to the job. We can abrogate our responsibilities. We can flick it across to someone else.’ How many times have I gone to a minister and argued about a decision and he has seen my point of view or our point of view or Nigel Scullion’s point of view and we have been able to change the decision? The elected representatives have had some leverage to change decisions because they are able to go and represent their people directly to a minister.

We flick that out now. We do not have that opportunity. We have said: ‘We’re not good enough. Let’s flick it across to someone else who has some skills.’ It might interest you, Mr Acting Deputy President Marshall, that I have been in this place for 23 years and I have witnessed experts on bananas and on stem cells, and they can make mistakes like anyone else can. We have seen it on many issues. I cannot understand why the Senate said, ‘We just can’t handle this—we’re not good enough.’ As my colleague Senator Barnaby Joyce said the other day: ‘What—do we have to get an electrician to handle the energy ministry, a mechanic to handle some other ministry and a doctor to handle another ministry so we have a team of experts who know everything?’ It does not work that way in elected representative parliaments.

To get back to the issue, why is it that Italy and Canada ban it and the United States has some congressional committee looking into it, but good old Australia goes ahead, totally oblivious to or trying to ignore what everyone else has said—that this is a dangerous way to have an abortion? I am disappointed. I know many of my constituents will be disappointed and I think the elected representation in the Westminster system that we have in Australia has been badly let down today.

Senator NETTLE (New South Wales) (4.42 pm)—I want to say how much I have
enjoyed the opportunity during this debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 to work with so many fantastic pro-choice women and progressive men on this issue. It has been a real opportunity for people from all parties to work together and to bring a new environment and politics to the Senate, which I think is much appreciated. I also think what we are seeing and experiencing here in the Senate this afternoon is a victory of logic and good governance over the many emotive inaccuracies and untruths that have been put forward. I think that the women of Australia will be proud and confident to know that the Senate supports them, ensuring that their health and safety is determined by the medical experts rather than by politicians.

Senator JOYCE (Queensland) (4.43 pm)—If this was a debate about the position of the TGA we would have had a greater movement of numbers on the amendments that went through. It never was—I think we should be honest about that. This debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 ended up as another debate about abortion. Not only that, it was a debate about closing down the debate on abortion forevermore. It was a debate to close off a loophole to make sure that this chamber does not have to go through the process of testing people on how they deal with one of the most fundamental things we are all here about—the protection of human life.

Mankind comes unstuck when it fails to respect human life. It came unstuck failing to respect it on slavery. It came unstuck when it failed to respect it on fascism. And maybe to a lesser extent it comes unstuck when it fails to respect the life of a human being inside the womb—which is a human being nonetheless and as entitled to rights as anybody else in this room. To move away from and to try to circumvent dealing with the issue by thinking that there is some quasi-moral position whereby if you can get a legislature to say that something is right it therefore becomes morally correct is completely and utterly wrong. It remains morally incorrect. It remains an affront to human life.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! The time for the debate has expired. It being 4.45 pm, and pursuant to order, I will now put the question that the bill be read a third time.

Question put:
That this bill be now read a third time.

The Senate divided. [4.49 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes……….. 45
Noes……….. 28
Majority……. 17

AYES
Adams, J.  Allsion, L.F.
Bartlett, A.J.J.  Brown, B.J.
Brown, C.L.  Campbell, G.
Carr, K.J.  Colbeck, R.
Cooman, H.L.  Crossin, P.M.
Evans, C.V.  Faulkner, J.P.
Ferris, J.M. *  Fifield, M.P.
Hill, R.M.  Hurley, A.
Johnston, D.  Kirk, L.
Ludwig, J.W.  Lundy, K.A.
Macdonald, I.  Marshall, G.
McEwen, A.  McLucas, J.E.
Milne, C.  Moore, C.
Murray, A.J.M.  Nash, F.
Nettle, K.  O’Brien, K.W.K.
Patterson, K.C.  Payne, M.A.
Ray, R.F.  Scullion, N.G.
Sherry, N.J.  Siewert, R.
Sterle, G.  Stott Despoja, N.
Troeth, J.M.  Trood, R.
Vanstone, A.E.  Watson, J.O.W.
Webber, R.  Wong, P.
Wortley, D.
I note that, following the latest reshuffle, this department no longer has Indigenous affairs to deal with, nor does the minister. I hope that at least means there is even more opportunity for a focus on some of those areas where more needs to be done. There is quite a significant overhaul of the approach of the immigration department under way at the moment. That is important. I hope that a focus on promoting, strengthening and implementing multiculturalism as a policy is a key part of that revamp of the department and the role of settlement services.

I note a report in the newspaper today that I found disturbing. At least three backbench members of the Labor Party in the state parliament in Queensland have called in various ways for an end to multiculturalism, making comments like it had served its purpose or it was past its time and that we needed to re-focus back onto promoting the single values of Australia. I do not in any way suggest that reflects the official policy of the state Labor government. Indeed I know of some very good work done by one of the previous parliamentary secretaries in this area, the member for Algester in the state parliament. Those sorts of comments nonetheless reflect some views that still have currency in the wider community and they get reflected by some commentators in the mainstream media. I believe it is important to strongly and overtly counter those.

They are in part based on a misunderstanding or a misrepresentation of what multiculturalism is about. The suggestion that multiculturalism is somehow allowing people to live in ghettos or allowing people to ignore the core values and core institutions in Australia is simply not the case. That has never been part of what multiculturalism is about. A key part of multiculturalism, if anything, is an enhancement of the old policy of integration—making integration work more effectively by enabling people to be comfort-
able and supported and by making use of their history, heritage and language whilst encouraging and enabling them to participate effectively in the wider Australian community.

Settlement services is obviously a key part of that as well. The more people are assisted when they first arrive here the more they are able to work effectively to live within the Australian community. Extra attention needs to be paid to people on temporary residency visas, who are not normally given settlement assistance because obviously they are not settling here. But these are people who are living here for two, three or four years and who often end up going on to become permanent residents. They are a key part of our society; they live and work amongst us. We need to take another look at the special needs of that group of people as well. The more people-to-people contact we have with people in different parts of the world the better chance we have of overcoming some of the divisions that still pose a serious danger to harmony and prosperity on the global stage. It is not just a feel-good thing; it is a crucial part of strengthening Australia’s future. I think there needs to be more focus on it. That does not mean we ignore the stuff-ups but we need to focus on the key areas of what the department is about. I seek leave to continue my remarks.

Leave granted.

Wet Tropics Management Authority

Senator BARTLETT (Queensland) (4.59 pm)—I move:

That the Senate take note of the document. Document No. 24 is the Wet Tropics Management Authority annual report. I will briefly mention that the Senate Environment, Communications, Information Technology and the Arts References Committee, which I chair, has recently started an inquiry into Australia’s national parks, its marine reserves, the natural reserve system and the protected areas around Australia. The wet tropics is one of the better-known World Heritage areas. It also represents many of the challenges that face protected areas throughout Australia, where the core purpose is to protect biodiversity. I might say that the biodiversity in the wet tropics area is simply mind-boggling and as a Queenslander, without getting too parochial, I would say it outstrips most of the rest of the country in that respect. This is important not just in its feel-good aspect but also as a part of the underlying strength of our economy.

Some of the other difficulties and challenges in this area are also represented in the wet tropics area, and this report reflects that. We have the challenges of protected areas adjoining agricultural areas such as sugar cane, of protected areas adjoining residential areas, of growing residential developments in that part of Queensland and also of those areas being heavily affected by tourism. Tourism brings an enormous amount of employment and income to Far North Queensland. It also relies heavily on the wet tropics and the Great Barrier Reef Marine Park, which is a major magnet for people. For anybody who has not had a look at that part of the world, I strongly encourage them to do so.

Obviously, all of those things are big challenges for the protected areas around the wet tropics World Heritage area. The Wet Tropics Management Authority is the body entrusted with overseeing those areas. I will not pre-empt what the Senate committee might find, and there is also a review at the moment of the Wet Tropics Management Authority so I will not pre-empt that either. I will simply say that there is certainly room for improving the operation and the ability of the Wet Tropics Management Authority to do its core job of managing those protected areas. At this stage, the authority does not even have reli-
ability of funding from one year to another and it has to rely on applying for grants or applying for funding from the Natural Heritage Trust from one year to the next to be able to do its job. Something is seriously wrong and that certainly needs to be addressed.

I would also take the opportunity while the Minister for the Environment and Heritage is in the chamber to emphasise that there are some real dangers to some of the species in the wet tropics area. I have mentioned in this chamber before the real danger at Mission Beach, down at the southern end of the wet tropics area. The iconic species of the cassowary has already disappeared from the Cairns region. It is under serious threat from continual residential and property development in the Mission Beach area. Just to take one slice, block and estate at a time, each of those estates and tourist resorts is individually assessed under the federal environment protection act. The problem is that each individual development application is assessed individually. The difficulty is that the cumulative effects of all of those developments are quite seriously threatening the viability of the local cassowary population. This is not just clearing, of course. With the greater population going into that area there is more traffic on the roads through there and deaths of cassowaries as a result of being hit by cars or trucks are one of the key reasons the population in that area is declining.

That is just one example. There are also issues of making better use of the amazing knowledge of the local Indigenous people and involving them better in the management of the wet tropics areas and, indeed, in the tourist industry in that region. So there are a number of factors that I think are a classic case study of the challenges and opportunities with that protected area. I encourage those people that were not aware of the Senate committee inquiry to look at making a submission over the course of the next month as we examine these crucial environmental and economic issues. (Time expired)

Question agreed to.

Commonwealth Ombudsman: Covering Statement

Debate resumed from 7 December 2005, on motion by Senator Bartlett:

That the Senate take note of the document.

Senator BARTLETT (Queensland) (5.07 pm)—Document 43 is the covering statement by the Commonwealth Ombudsman on the assessment of appropriateness of detention arrangements. I think it is important to speak to this document and to remind the Senate at every opportunity of this process, which is continuing at the moment. Indeed, it was reflected in question time today when it was touched on in a question to the immigration minister.

The ongoing assessment by the Commonwealth Ombudsman of a range of cases of people who may have been wrongfully detained is a very important process in detecting the many flaws that have existed in the decision making processes of the immigration department in this area of determining whether or not somebody needs to be put in migration detention. There are of course many other aspects of the department’s functions that also have problems with decision making; I will not touch on those at the moment. But, in addition to looking at individual cases, it is worth noting the wider aspects of the process—that is, the appropriateness of detention arrangements in general.

We have had many debates in this chamber about mandatory detention and whether or not it is a good thing, and the Democrats have consistently and very strongly opposed mandatory detention ever since its implementation in the early 1990s by the former Labor government. It has caused an enor-
mous amount of suffering, at enormous cost to the taxpayer, for no great gain for the community. It is important, rather than just to state a position, to continue to try to push the case for continued reform. One of the problems with the continued piecemeal reform that has happened, where little changes are made in response to public pressure or in response to problems being exposed, is that the overall policy consistency of the approach becomes more and more fragmented.

One unfortunate consequence of some of the changes that have been made to detention arrangements is that there are now an array of people with identical histories, backgrounds and circumstances in completely different situations in the community. Some people who were released from detention centres as part of the changes announced in the middle of last year are living in the community but are still, in a legal sense, in detention. They are able, via a special ministerial determination, to be out in the community. They are able to get all sorts of assistance—health care and those sorts of things—much better than they would if they were in detention centres, but they are still not able to work and they are still not on a visa.

The real problem is that, while it is good to get people out of the detention centre environment, this cannot be seen as a permanent solution. It was a short-term solution that recognised that keeping those people in detention any longer after a number of years was not viable and was causing very serious mental health problems for many of them. After that initial positive move, the problem then becomes: what happens next? I have met some of these people. I recall one that I met at Maleny Folk Festival when I spoke there on New Year's Day. I had met them previously. They were in detention and are now in the community. They face the situation of literally having no idea what their future holds or what is going to happen from one month to the next. They cannot get a job or study—they are in limbo. That is not satisfactory. As has been said many times, whilst a detention centre—a jail environment—is bad for people’s mental health, it is not just the physical situation. It is the loss of control in people’s lives—the loss of control over their future. So, even though they are out in the community, they are still very much not free. And the health consequences of not being free continue to occur.

So, whilst I acknowledge and recognise the advances that have been made by the government and the minister, they cannot stop there. We have to keep pushing to get these anomalies, inconsistencies and continued injustices addressed. I think that is a key part of what the Ombudsman’s broader role is: to look at a broader, complete policy overhaul. *(Time expired)*

Question agreed to.

**Consideration**

The following orders of the day relating to government documents were considered:


*Reports to the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) from the Secretary, Department of Immigration and Multicultural and Indigenous Affairs—*


  Response to the recommendations of the report of the Commonwealth Ombudsman of the inquiry into the circum-

Motion of Senator Bartlett to take note of documents called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Department of Foreign Affairs and Trade—Report—Weapons of mass destruction: Australia’s role in fighting proliferation: Practical responses to new challenges. Motion of Senator Siewert to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Water Commission—Report for the period 17 December 2004 to 30 June 2005. Motion of Senator Siewert to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Northern Territory Fisheries Joint Authority—Report for 2002-03. Motion of Senator Siewert to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Employment Advocate—Report for 2004-05. Motion of Senator Siewert to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.


Department of Family and Community Services—Report for 2004-05. Motion of Senator McLucas to take note of document agreed to.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2004-05. Motion of Senator Crossin to take note of document agreed to.

Department of Health and Ageing—Report for 2004-05. Motion of Senator McLucas to take note of document agreed to.

Aged Care Standards and Accreditation Agency Limited—Report for 2004-05. Motion of Senator McLucas to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2004-05. Motion of Senator Crossin to take note of document agreed to.

Industrial Relations Court of Australia—Report for 2004-05. Motion of Senator Marshall to take note of document agreed to.

Department of Defence—Report for 2004-05. Motion of Senator Stephens to take note of document moved called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.


Bilateral treaty—Text, together with national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Republic of Turkey for the Promotion and Protection of Investments, done at Can-


Australian Customs Service—Report for 2004-05. Motion of Senator Ludwig to take note of document agreed to.


Torres Strait Regional Authority—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.


Human Rights and Equal Opportunity Commission—Report—No. 31—Inquiry into a complaint by Mr Zacharias Manongga, Consul for the Northern Territory, Consul of the Republic of Indonesia that the human rights of Indonesian fishers detained on vessels in Darwin Harbour were breached by the Commonwealth of Australia. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Rail Track Corporation Limited (ARTC)—Report for 2004-05. Motion of Senator Webber to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.


Natural Heritage Trust—Report for 2004-05. Motion of Senator Milne to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Centrelink and the Data-Matching Agency—Data-matching program—Report on progress 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.
National Native Title Tribunal—Report for 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Rural Advisory Council—Report for 2001-02, including a report on the Rural Adjustment Scheme. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Rural Advisory Council—Report for 2002-03. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Private Health Insurance Administration Council—Report for 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

General business orders of the day nos 18 to 23, 25, 28 to 31, 33 to 35, 46 to 50 and 60 to 64 relating to government documents were called on but no motion was moved.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Foreign Affairs, Defence and Trade References Committee—Final report—The removal, search for and discovery of Ms Vivian Solon. Motion of Senator Ludwig to take note of report agreed to.


Finance and Public Administration References Committee—Report—Government advertising and accountability. Motion of the chair of the committee (Senator Forshaw) to take note of report agreed to.


Community Affairs References Committee—Reports—Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children—Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care—Government responses. Motion of Senator Murray to take note of document called on. On the motion of Senator Bartlett debate was adjourned till the next day of sitting.


Foreign Affairs, Defence and Trade References Committee—Report—Opportunities and challenges: Australia’s relationship with China. Motion of the chair of the committee (Senator Hutchins) to take note of report agreed to.

Economics References Committee—Report—Consenting adults deficits and household debts: Links between Australia’s current account deficit, the demand for imported goods and household debt. Motion of
the chair of the committee (Senator Stephens) to take note of report agreed to.


Finance and Public Administration References Committee—Report—Regional Partnership and Sustainable Regions programs. Motion of the chair of the committee (Senator Forshaw) to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Mr Chen Yonglin’s request for political asylum. Motion of the chair of the committee (Senator Hutchins) to take note of report called on.

On the motion of Senator Bartlett debate was adjourned till the next day of sitting.

AUDITOR-GENERAL’S REPORTS

Report No. 26 of 2005-06

Senator BARTLETT (Queensland) (5.15 pm)—I move:

That the Senate take note of the document.

Medicare Australia, the Child Support Agency and Centrelink engage with literally millions of Australians every year, and the importance of the work of bodies like the Australian National Audit Office in making absolutely sure that everything possible is done to have those agencies engage effectively with the public should be noted. I have to say that I have not received many representations over the years with regard to problems people have had in dealing with Medicare, although I have had a couple. As with many of us, I imagine, I have had plenty regarding the Child Support Agency and plenty regarding Centrelink.

I would note with regard to the Child Support Agency that there has been a lot of work done in examining the way that body operates and the laws under which it operates. I will not touch on the separate issue of the Family Court and some of the changes that are proposed there, but it is worth noting the changes that have been flagged to the way child support payments have been calculated and the laws surrounding that. That has been in the wind for quite a long period of time. There are, of course, differing views in this area. It is contentious and difficult, but I do think that, for those many Australians who are subjected in various ways to the activities and determinations of the Child Support Agency, this process of re-examining the formulas used to calculate payments has gone on for a long time.

There was commentary in the last few days that perhaps it will not be possible to bring forward legislation proposing changes to those arrangements for quite some period of time yet—possibly not even in this term of government—because of the complexities that would be involved in the operations of the agency itself; that is, its computer programs, forms and all those sorts of things. I do not think that is acceptable. This audit report goes to issues such as the forms for individual service delivery and it touches on the performance of the Child Support Agency in that area. I appreciate that these things do take a bit of time. If you are responding to reports and to changes in legislation and preparing for changes in legislation, all of those little things have to be done well. The forms, the computer programs, the information and the training of staff have to be done well because, as I said, there are many complaints made about the Child Support Agency, as we all know.

You cannot get rid of all of those complaints, because this is the sort of area of activity where there will always be unhappy people, but we have to at least make sure that the basic performance of the agency’s work and the way they carry out their task is to the highest possible standard so as to minimise
any of the extra difficulties experienced by many people who are already in a situation in their lives that they are finding very stressful—on all sides of the sometimes fairly unpleasant divides that occur for different people who have the Child Support Agency in their lives.

Despite all of that, for there to be a suggestion or any inkling that somehow we need to go past the next election—which is not going to be for another 18 months at least—is simply not acceptable. I am not saying that I am endorsing the changes that are proposed, because it has not even been fully detailed yet as to what they would be—although there have been recommendations flagged from various reports. What I am saying is that, if changes are going to be made, do not keep dangling them there; do not keep everybody—whether it is people paying money to the agency or people receiving money from the agency—dangling, wondering what is going to happen and leave it drift on for years and years. I do not think that is acceptable or appropriate in any area, but particularly in this sort of area.

There is no doubt that there are problems with the way the formulas are used for calculating some of the payments of the Child Support Agency. It is the sort of thing that you can never get precisely right. That is inevitably going to be a problem, and I do not think any of us should pretend otherwise—that we will make everybody happy in this area. But, clearly, there are changes that need to be made. I certainly do not in any way suggest that I will support all the changes that are going to be put forward, but I do believe that they need to be put forward. Parliament needs to get on with looking at them. We need to see some concrete, specific proposals from the government and we need to give the agency enough time to adjust its forms, its computer programs, its staff training or anything else and inform all of the people who are affected. Just letting it drift for months and years is not acceptable. It is important for the government to take up that message and keep some momentum going in this area. I certainly do not say that we should rush changes in this very difficult area, but to let it drift forever is not acceptable.

Question agreed to.

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 18 of 2005-06—Performance audit—Customs Compliance Assurance Strategy for international cargo: Australian Customs Service. Motion of Senator Ludwig to take note of document agreed to.

Auditor-General—Audit report no. 22 of 2005-06—Performance audit—Cross portfolio audit of green office procurement. Motion to take note of document moved by Senator Siewert. Debate adjourned till the next day of sitting, Senator Siewert in continuation.

Orders of the day nos 1, 2, 4 to 6, 8 to 10 and 12 to 14 relating to reports of the Auditor-General were called on but not motion was moved.

COMMITTEES

Membership

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

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.21 pm)—by leave—I move:

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

Environment, Communications, Information Technology and the Arts Legislation Committee—
Appointed—Participating member: Senator Marshall

Environment, Communications, Information Technology and the Arts References Committee—
Discharged—Senator Conroy
Appointed—
Senator Marshall
Participating member: Senator Conroy.

Question agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Mental Health

Senator HUMPHRIES (Australian Capital Territory) (5.22 pm)—I rise tonight to speak about mental health, an issue that has received a lot of attention over the last month and certainly over the last year as well. As deputy chairman of the Senate inquiry into mental health, I have read numerous accounts from Australian individuals and families whose loved ones have been unable to access support in the event of mental illness. In some cases, family members have taken their own lives. What is abundantly clear is that there has been a chronic under funding of mental health in Australia since the deinstitutionalisation of the mentally ill commenced about three decades ago. However, there are encouraging signs that the necessary political will and community concern now exists for significant and longstanding improvements to be made to the mental health system in this country. A step in that direction will be tomorrow’s Commonwealth Heads of Government Meeting. I hope that that will signal a major turnaround in the history of mental health services in this country. It would certainly not be before time.

The willingness of high-profile figures to speak about their battles with mental illness is important in that process. It desegnifies the illness in this country. This is encouraging people to seek treatments and discuss their illnesses with loved ones, which, for many, may be the hardest steps to take in the road to recovery. For men, mental illness can be a difficult issue to discuss, particularly in the context of sport where mental toughness is lauded. There is still an expectation that men should always be self-reliant, stoic and emotionally in control. Subsequently, some men keep their problems to themselves, only revealing it at the point where crisis ensues, for example, when they attempt or commit suicide. The frankness with which former Premier Geoff Gallop in Western Australia has spoken about his battle with depression could well be his greatest act of public service, as another former Premier Jeff Kennett has suggested. It inspires people doing it tough in many places to seek help.

One place where I suspect pressures exist for people to face that kind of problem is in this building itself. A former coalition staff member wrote only a couple of years ago: To expect people to work 16-hour days day in and day out in such a place is unfair and downright cruel. And to expect them to do it in a city such as Canberra, where there are few support networks, little sense of community and no capacity to escape, means that the mental health of those who work in the House is put under such intense pressure that drugs, alcohol, sex and workaholism often come to be seen as the only means for survival. ... if the normal occupational health and safety rules applied to Parliament House, the place would be shut down as a dangerous working environment.

I disassociate myself from the comments this person made about there being little sense of
community in Canberra. It may be true of those who fly in and fly out of this place and who work in this building on a temporary basis, but it is certainly not true of the rest of the community. But the gist of the point being made by this person is very real and very valid—that is, that this building is typical in a sense of the pressures faced in many places in Australia as work impinges on the wellbeing of individuals.

While some of us would not agree, others certainly will have seen the signs of these pressures in a number of places—as I said, even in this building. When there was the unfortunate suicide of a Labor MP in 2000, Tony Abbott made a comment which I think we would all agree with. He said:

We didn’t reach out to him enough in his life, and we shouldn’t wait until they’re gone to appreciate them. Obviously Greg Wilton was not gentle on himself. The best thing we could do would be to rededicate ourselves to being kinder and gentler to each other, as he would have wished.

Despite the time that has elapsed since then and in the context of the debate about mental illness going on in Australia today, I think we would do well to heed those words.

The impact each of us has on others simply through our everyday dealings should not be underestimated. In any given year, one in five Australians will experience some measure of mental illness, so it is inevitable that we will have contact with such people. A simple smile or other gesture of kindness plays a significant role in a person’s sense of social acceptance and, therefore, in their recovery. Of course, we will not know which of the people we encounter on a day-to-day basis might be at risk of some form of mental illness.

The support available for the mentally ill has rightfully come under the spotlight. A simple answer to the problem facing us in Australia is more money. Another response is greater cooperation in the spending of that existing and new money between state, territory and Commonwealth governments. Clearly, underspending in those areas has been a significant feature in the past, although I acknowledge a very significant increase in Commonwealth spending in the last 10 years, particularly with regard to the supply of drugs assisting people with mental illnesses under the Pharmaceutical Benefits Scheme.

Australia has undertaken a significant cultural and economic transformation over the last two decades. It gives rise to the question: to what extent are changes in Australian society adding to pressures that exacerbate existing mental illness? No doubt some people have a genetic predisposition that makes them more susceptible to mental illness, but there are deep societal reasons for what appears to be an increase in mental illness in Australia today. As I said, Australia has undertaken a significant transformation. One commentator has described the end product of this as the ‘end of certainty’. Australians have unprecedented social mobility and enjoy a material standard of living past generations could only have dreamt of, but has this come at the expense of our mental health?

The Prime Minister has rightly said that the family is the best available social welfare unit. I believe it is also a vital bulwark against the onset of mental illness among young people. But it is arguably harder today for a family to raise happy, well-rounded and adjusted children than it has ever been. Young people today are exposed to a wide range of influences such as television advertising, music and the internet, much of which is pernicious. Combine this with the pressure on both parents to work and the high divorce rate and we have an idea of the challenging environment that families face today.
Social mobility, while generally a good thing, has placed the weight of expectation on the shoulders of young people. Social status is sought through the purchase of technology and through white-collar employment. Prestigious careers are sought and marriage is delayed. According to the Australian Bureau of Statistics, the number of people living alone in Australia is projected to increase from 1.8 million in 2001 to between 2.8 million and 3.7 million in 2026—an increase of between 57 and 105 per cent. These figures hold implications in the context of mental health.

In 2002, sociologist David De Vaus produced a report for the Australian Institute of Family Studies which investigated the relationship between marriage and mental health. Using data from the 1997 National Survey of Mental Health and Wellbeing of Adults, De Vaus concluded that marriage seems to protect both men and women against mental disorders. This rather flies against what might appear to be intuitive evidence before some people. But the fact is that the evidence suggests otherwise.

Another factor, no doubt, in the higher incidence of mental illness is the increasingly sedentary lifestyle that many of us lead. The relationship between that lifestyle and physical conditions such as obesity, type 2 diabetes and heart disease have been well publicised, but there is further work to be done to explore the relationship between that sedentary lifestyle and mental ill health. Researchers also link changes in diet in the last 50 years to the rise in mental illness. The British Mental Health Foundation says that studies clearly link attention deficit disorder, depression, Alzheimer’s disease and schizophrenia to junk food and the absence of essential fats, vitamins and minerals in industrialised diets. In 2002, the Director of the Black Dog Institute and Professor of Psychiatry at the University of New South Wales, Gordon Parker, conducted a study which found that natural and artificial chemicals in food can cause symptoms of anxiety and depression in some people.

Clearly, we have a great deal yet to learn about the incidence of these factors and how they interact with each other and with mental health. The Australian government’s $116 million Building a Healthy, Active Australia package is a welcome step towards addressing aspects in that equation to do with physical activity, but a great deal more needs to be done. I hope that the task of addressing those issues will be strengthened by the inquiry into mental illness currently being conducted by the Senate Select Committee on Mental Health.

**Truck Registration and Fuel Excise**

Senator STERLE (Western Australia) (5.32 pm)—I rise to make comment on an issue that the Prime Minister and premiers may endorse at the COAG meeting tomorrow—an economic reform program that will include increased truck registration and fuel excise charges. Under the recommendations put forward by the National Transport Commission, the effect in my and Senator Ian Campbell’s home state of Western Australia on operators of triple road trains will be horrendous. Currently, registration for a prime mover pulling triple trailers in Western Australia costs $9,903 per annum. I know that sounds exorbitant, and it is exorbitant. But if COAG agrees to this ridiculous cost impost on the trucking industry tomorrow, the cost for registration of a prime mover will skyrocket to $12,860 by July 2007.

Also, the National Transport Commission proposes a diesel excise increase of 2.1c per litre, increasing triple road train costs significantly. I will just put some sums on the table for the honourable senators who are present. A triple road train running between Perth and the Kimberley and Pilbara region of Western
Australia and into the Northern Territory uses on average one litre per kilometre. If the truckies do one trip a fortnight, and a round trip is 9,000 kilometres, it is a simple equation—that is an extra $200 per trip in fuel alone. If they are doing 26 trips per fortnight, the actual increase just in fuel will be about $5,000 per year. If we add that to the proposed $3,000 increase in the registration, it will take the increase in cost for these truckies, and the trucking industry, to around $8,000 each per year.

There is no way around it, unfortunately—that cost will have to be passed on to rural communities, not only in my home state but in every state of Australia. That will certainly push up the cost of living for people in rural and regional Australia who, we all know, are doing it tough as it is. I strongly urge the Prime Minister and the premiers to reject this ridiculous price hike for an industry that more than pays its own way. Some 25 years and 15 kilos ago I had a sticker on the back of my road train. It said ‘Truckies carry this country’. Then there was another sticker that came out. It said ‘Quite frankly, truckies are bloody sick of carrying this country’.

**Australian Defence Force**

Senator BARTLETT (Queensland) (5.35 pm)—I would like to take the opportunity tonight to speak about a couple of Army veterans I met a week or two ago, one of them in Hervey Bay in my home state of Queensland—another beautiful part of the world—and the other in Melbourne. They are amongst a number of Australian service personnel who have been injured whilst carrying out their service in the Defence Force but not on active duty. In one case, the person suffered a cerebral haemorrhage—a fairly severe stroke—in very hot conditions whilst training for the SAS. In the other case, the person suffered very severe head injuries from an accident in an Army vehicle.

The point I really wish to emphasise above all else is that somebody who is in the defence forces who, in training or working or preparing to serve their country overseas, is injured in the course of doing that duty should not be left in a situation where they have to scrape and battle for years and years, as these two men have, to get adequate assistance to try to rebuild their lives. Nor, I might say, should their families have to scrape and battle. As we all know, this occurs with carers throughout the community. But in both these cases these two men have families and parents prepared to do everything they can to help their sons get a fair go with proper compensation, ongoing treatment and proper help and recognition and this has made all the difference. I shudder to think what would have happened in both cases had these people not had parents there to help them and care for them.

It is not a unique story. As is the case with carers throughout Australia, they carry an enormous load. I have to say in passing that if there is one group in the community in general that we should be doing all we can to assist it is carers. In effect, they save the community and the taxpayer enormous amounts of money. I also want to make the point that if there is one group that we do owe a unique debt to it is those who are prepared to serve their country in the defence forces and, whether they get injured in a war-like situation or simply in their day-to-day activities within the Defence Force, they and their families should have the peace of mind of knowing that they will be properly looked after.

I am not saying that what these two men have gone through happens to every single defence person who gets injured but I do know that there are certainly enough of them...
for it to be an all-too-common story. There was an article in the Bulletin towards the end of last year that detailed a number of examples of people injured in war or, in some cases, when they came back from service, who had problems. Perhaps going with the theme of Senator Humphries' speech about mental health issues, these problems can take a while before they manifest themselves. But a continual refrain is that these people feel like they are forgotten. They were all quite happy when they were healthy and the Defence Force and the government wanted them to do their duty, but as soon as they became unwell things changed. They all have the same message. They feel that they have been forgotten, that they are no longer of value, that they have been just left on the scrap heap. That is an unacceptable situation for any Australian. I do think we have a unique obligation to veterans and to service personnel who get injured in the line of duty.

I do not want to link this to the totally different debate about whether we should have sent troops to Iraq, and so on. But we have a government that is clearly prepared to wrap itself in the flag, to be there to wave off the troops—as they should be, of course—and to welcome them home and to visit the troops in the field. That is all appropriate and I am not criticising that. But to do all those things—the photo opportunities and the medals and the memorials and all that—but not actually provide care for people when they get injured is particularly offensive.

I call on the new Minister for Veterans' Affairs to look at this issue. And while I am mentioning him I will take the opportunity to congratulate him. I have had a little bit to do with Mr Bruce Billson, the member for Dunkley in the lower house, from Victoria. In congratulating him I also call on him to have a look at this issue because I think it is a very burning issue, one of many that is important in the veteran area. It is understand-
dent, that if that happens they will get proper help. I do not just mean somebody punching out on a calculator and saying: ‘Here’s your compensation payment and here are your entitlements. Give us a call if you have got a problem.’ These are people who are usually extremely fit and healthy. They are extremely active young people who suddenly have to adjust.

The person I visited at Hervey Bay has had to adjust to finding it very difficult just to walk around. As he said to me, he is a 30-year-old trapped in an 80-year-old man’s body. I think it is now four or five years since his stroke. I saw him doing his physio and just simply trying to raise his arms over his head a few times was enough to have him panting and sweating. He was exhausted after even small amounts of physical activity. Going from being fit, healthy and very active to that sort of situation, and to have other health problems, such as short-term memory loss, concentration difficulties, headaches and other problems as well, takes a lot of adjusting to. You cannot just leave somebody and say: ‘Here’s your cheque. Good luck.’ In his case he had to fight a lot even to get the proper sort of treatment he needed.

The same thing happened with the man in Victoria. It has taken a long period of time. He has lost his sight, is deaf in one ear and has other problems as well as a result of his accident. It took a long period of time and a lot of pushing by his parents for him to get the treatment he needed. What we need, I think, are people in the veterans’ affairs area who will be case officers for these people and will help them with that next journey of recovering from their accident, continuing to be productive members of the community and getting that recognition of the role they have played and the unique obligation that we owe to them. I urge the new minister, if he is looking for something to focus on as he takes on veterans’ affairs, to give some focus to this area. It is a key one. If we want to improve retention rates in the Defence Force, we need as a minimum for people to know that they will be looked after if something happens to them. (Time expired)

**Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Legislation**

Senator PARRY (Tasmania) (5.45 pm)—I wish to speak about the process that occurred in the Senate in relation to the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005—the bill that was debated today, on which we divided and came to a conclusion. I certainly do not wish to reflect on the debate. We have had that debate. It has been quite extensive. Rather, I wish to mention the process, in particular for those listening to this broadcast and for those who may read *Hansard* in the future. I am sure other senators have had the same experience today that I have had—that is, they have received calls and emails wanting to know exactly how the process transpired, what really took place and what happens from now. I understand, through my election campaign and through discussing issues with constituents, that there is a great deal of difficulty in comprehending the process of the Senate, let alone understanding the total role of a senator.

The only reflection I wish to make upon the outcome of the debate and the vote today is that I am disappointed with the outcome. However, I completely respect the process that we went through. I think we have one of the best institutions in the world to allow for the democratic process to be fully exhausted, as it was in this debate. Some of the questions I received today and yesterday related to how the bill was initiated. For those who do not understand or who have not followed that, it was a private senator’s bill. The bill was initiated not by the government or the
opposition but by private senators. That enabled the coalition to allow a conscience vote, as did other parties. It was a very emotive issue and one that certainly required a conscience vote. I think that there was a very clear winner in today’s debate, and that was democracy in this country. Again, whilst I did not agree with the result, I think we certainly should be proud of the system that we have and we should always defend that.

Prior to addressing some of the mechanics of the reading processes and the bill itself, I would like to place on record the expression of my appreciation to a lot of my colleagues. I have had many discussions with colleagues concerning this issue, not just today but in the days leading up to the final vote. Colleagues from not just my own party but other parties who shared my views and who opposed my views have debated the matter in a very mature way. That occurred in a formal and informal manner. I am so proud that I have mature senators around me who can discuss these matters in a rational and very well educated manner.

For those who are not familiar with the legislative process—and I apologise to those who are extremely familiar with it—three readings are required in each house of our parliament. In this house we had three readings of the bill. The bill must go through three times before it can pass. The first reading of a bill is normally a formality, where the bill is accepted into the chamber, into the Senate for example. The second reading of a bill, which was when the first major division occurred today, is when senators decide that the bill should be read a second time. Debate can ensue upon that second reading motion. The second reading motion today was opposed by senators like-minded to me. Unfortunately, we lost that vote and the bill proceeded to the second reading. If we had won that vote the bill would not have proceeded any further.

After the second reading debate, the bill moved into the committee stage. The committee stage today considered two amendments, which have led to some confusion, certainly with some of my constituents. The committee process enabled two major amendments to the bill to be considered. Both of those amendments reflected upon the manner in which the drug RU486, or that category of drug, could be processed and whether it required ministerial or parliamentary discretion. It was basically a watering down of the ministerial discretion to allow parliament to consider the process or to allow an ethics and medical council to consider the process as well. Both of those amendments were also defeated, as the record will show. Therefore, the bill went to a third reading stage. The third reading stage is when the bill can again be either accepted or rejected. The bill was accepted. For those who have not followed the exact votes, the votes in relation to the second reading were 45 for the bill to proceed and 26 against. In the third and final reading stage, 45 senators were for the bill and 28 disagreed. The bill was passed.

The other confusion that I have heard expressed by constituents is that they want to know whether this is the final stage of the bill. Because this bill originated in the Senate it will now go to the House of Representatives for a similar set of circumstances, where it will be processed three times. There will be three reading stages in the House of Representatives. So the bill can be defeated on the floor of the House. That remains to be seen when the bill moves to the House of Representatives. As far as the Senate is concerned, that process is now exhausted unless the House of Representatives sends the bill back for any form of amendment.

I felt it important to place that on record. It is something I will possibly circulate to constituents who inquire as to the process.
also encourage members of the public and students alike to access the Australian parliamentary website, because that explains in detail some of the processes. The Parliamentary Education Office also explains the process of the passage of bills. By researching on the website, members of the public can follow accurately what transpired during the stages I have just outlined.

Also, members of the public can access speeches in *Hansard*. Some of the speeches, I must say, were of extremely high quality. Some senators put a lot of research into those speeches, which can be accessed in the *Hansard*, as can the results of the divisions and how senators from which parties voted. I think it is important that the public has access to that information and is fully informed of the process. I am sure that senators would be only too pleased to take inquiries from members of the public concerning how the debate transpired in this place.

Again, I place on record my appreciation of the efforts of senators in the committee stage, at the inquiry of the Senate Community Affairs Legislation Committee, in handling a mass of evidence and presenting it to us concisely so that we could consider the matter further. I also appreciate the manner in which the debate was conducted. I know there are some disappointed senators today—I am one of them—but democracy has served this country well and has served the Senate well, and we cannot reflect on the process. As far as I am concerned, the process is infallible and is the best process that we could possibly go through. This is the outcome, and we move forward.

**Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Legislation**

Senator IAN CAMPBELL (Western Australia—Minister for the Environment and Heritage) (5.53 pm)—I think Senator Parry has made some very sensible points. I did not contribute to the debate on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 except to incorporate a very brief speech to place my views on that piece of legislation before the Senate and to explain that I had agreed to pair votes with Senator Rod Kemp, who is representing Australia overseas on very important and, I am sure, strenuous ministerial duties at the Winter Olympics. I, like many others, was overwhelmed by the interest but not surprised. But the point I would like to make very briefly here, because everyone wants to head to various corners of our beautiful continent and get home—

Senator George Campbell—You got that right!

Senator IAN CAMPBELL—I am going the furthest distance, no doubt.

Senator Sherry—Not as far as Rod Kemp!

Senator IAN CAMPBELL—No, but can I say that I think it is worth reflecting on both the words of Senator Parry and the earlier words of Senator Humphries in relation to the stresses and pressures of the job and the need to treat with respect and courtesy not only colleagues but also all of those people we encounter in our lives, and try to smile at them and say ‘G’day’ from time to time. It is easy to get carried away with the importance of what we do and not share the time for a smile. This debate has had generally very good elements and some that have been a little less fortunate. There is a tendency, with some of these debates, for people to become very self-righteous and sanctimonious and to reflect on other people’s morals and consciences. I think that is very much the exception, but I wanted to get that off my chest.
But, generally speaking, it is wonderful to be part of such a great democratic institution and a member of such a great democratic society. We have all received enormous numbers of emails, carefully thought out and crafted letters, and endless telephone calls. And as we move around the community we have also bumped into people who know that we are members of the Senate and want to share their views with us on an issue that is very important to so many people. To come into this place, have a debate, deal with it in a sensible and timely way and then move on is a quite wonderful thing. It makes me feel proud to be part of this institution and proud to be a citizen of such a wonderful democracy. So I commend Senator Parry’s contribution and look forward to your next statement, Mr President.

Senate adjourned at 5.57 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/B737/278—Elevator Input Torque Tube Assembly [F2006L00371]*.
AD/BELL 412/48—Overhead Circuit Breaker Panels [F2006L00367]*.
AD/BELL 427/1—In-line Electrical Terminal Junctions [F2006L00366]*.
AD/CL-600/66 Amdt 1—Rudder Balance Spring Assembly [F2006L00361]*.
AD/EMB-120/43—Fuel Tank Ignition Sources [F2006L00357]*.
AD/F100/74—Fire Protection—Engine Fire Extinguishing Line Shuttle Valve [F2006L00356]*.

106—

AD/ARRIEL/17 Amdt 1—Engine—Gas Generator Second Stage Turbine [F2006L00379]*.
AD/CON/85—Improper Maintenance [F2006L00360]*.
AD/JT8D/38 Amdt 2—Critical Life-Limited Rotating Engine Components [F2006L00353]*.
AD/LYC/114—Improper Maintenance [F2006L00352]*.

Federal Magistrates Act—Select Legislative Instrument 2006 No. 2—Federal Magistrates Court Amendment Rules 2006 (No. 1) [F2006L00314]*.

Health Insurance Act—Declaration of quality assurance activity—QAA No. 3a/2005 [F2006L00323]*.

Higher Education Support Act—Higher Education Provider Approval (No. 1 of 2006)—Tabor College Tasmania Inc [F2006L00330]*.

Social Security Act—

Social Security (Activity Agreement Requirements) (DEST) Determination 2006 [F2006L00390]*.
Social Security (Activity Agreement Requirements) (DEWR) Determination 2006 [F2006L00338]*.
Social Security (Activity Agreement Requirements) (FaCSIA) Determination 2006 [F2006L00348]*.
Social Security (Prospective Determinations for Parenting Payment Recipients) (DEWR) Guidelines 2006 [F2006L00348]*.
Social Security (Reasonable Excuse) (DEST) Determination 2006 [F2006L00397]*.
Social Security (Reasonable Excuse) (DEWR) Determination 2006 [F2006L00340]*.
Social Security (Reasonable Excuse) (FaCSIA) Determination 2006 [F2006L00350]*.
Social Security (Special Circumstances relating to a Person’s Family) (DEWR) Determination 2006 [F2006L00339]*.
Social Security (Special Circumstances relating to a Person’s Family) (FaCSIA) Determination 2006 [F2006L00349]*.
Social Security (Unsuitable Work) (DEWR) Determination 2006 [F2006L00341]*.
Social Security (Unsuitable Work) (FaCSIA) Determination 2006 [F2006L00347]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Attorney-General’s: Customer Service**

*(Question No. 840)*

Senator Chris Evans asked the Minister representing the Attorney-General, upon notice, on 4 May 2005:

1. For each of the financial years 2000–01 to 2004–05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.

2. For each of the financial years 2000–01 to 2004–05 to date, what was the cost of maintaining the customer service lines.

3. For each of the financial years 2000–01 to 2004–05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.

4. How many calls have been received, by year, in each year of the customer service line’s operation.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

**ATTORNEY-GENERAL’S DEPARTMENT**

(1) The Attorney-General’s Department maintains two customer service telephone lines:

The Marriage Celebrants Section maintains a Marriage Celebrants Enquiry Line to: answer queries about becoming a marriage celebrant, answer queries about the Marriage Celebrants Program and provide advice to registered marriage celebrants as to their obligations under the Marriage Act 1961.

The Protective Security Coordination Centre manages and operates the National Security Hotline (NSH). This facility provides a single point of contact for the public to report national security information and to seek reassurance and advice on national security issues.

(a) The telephone number of these lines for the years relevant to the Senator’s question were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Marriage Celebrants Enquiry Line</th>
<th>National Security Hotline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>(02) 6250 6300</td>
<td>Nil</td>
</tr>
<tr>
<td>2001-02</td>
<td>(02) 6250 6300 – changing to (02) 6250 6496 in February 2002</td>
<td>Nil</td>
</tr>
<tr>
<td>2002-03</td>
<td>(02) 6250 6496</td>
<td>1800 123 400</td>
</tr>
<tr>
<td>2003-04</td>
<td>(02) 6250 6496</td>
<td>1800 123 400</td>
</tr>
<tr>
<td>2004-05</td>
<td>(02) 6250 6496, changing to (02) 6234 4800 in September 2004.</td>
<td>1800 123 400</td>
</tr>
</tbody>
</table>

(b) The call centres for these lines are a mixture of toll free 24 hour and local call business hours. These lines were:

*Marriage Celebrants Enquiry Line:*

During the relevant years, the above numbers have attracted standard call charges and have been available 24 hours, although they have been staffed during business hours only.

*National Security Hotline:*

This is a toll free number. The service operates 24 hours per day every day of the year.
(c) The output areas responsible for the lines are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Marriage Celebrants Enquiry Line</th>
<th>National Security Hotline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>Output 1.3</td>
<td>Nil</td>
</tr>
<tr>
<td>2001-02</td>
<td>Output 1.3</td>
<td>Nil</td>
</tr>
<tr>
<td>2002-03</td>
<td>Output 1.3</td>
<td>Output 2.4</td>
</tr>
<tr>
<td>2003-04</td>
<td>Output 1.3</td>
<td>Output 2.4</td>
</tr>
<tr>
<td>2004-05</td>
<td>Output 1.3, changing to Output 1.1 in December 2004.</td>
<td>Output 2.4</td>
</tr>
</tbody>
</table>

(d) The call centres for these lines are located as follows:

Marriage Celebrants Enquiry Line:
The Marriage Celebrants Enquiry Line has been located within the Family Law Branch of the Attorney-General’s Department during the years 2000–01 to 2004–05.

National Security Hotline:
The National Security Hotline has been located within the Protective Security Coordination Centre of the Attorney-General’s Department.

(2) The cost of maintaining these customer service lines is as follows:

Marriage Celebrants Enquiry Line:
From 2000 onwards these telephone lines have been part of the Department’s PABX and specific costs are not available.

National Security Hotline:

<table>
<thead>
<tr>
<th>Year</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td>$85,000 part year</td>
<td></td>
</tr>
<tr>
<td>2003-04</td>
<td>$205,000</td>
<td></td>
</tr>
<tr>
<td>2004-05</td>
<td>$200,000</td>
<td></td>
</tr>
</tbody>
</table>

(3) The breakdown of all direct and indirect costs for the customer service lines are as follows.

(a) The staff costs (which are estimates based on a number of permanent part-time and full-time officers on a roster basis) for these lines are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Marriage Celebrants Enquiry Line</th>
<th>National Security Hotline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$116,039</td>
<td>Nil</td>
</tr>
<tr>
<td>2001-02</td>
<td>$125,666</td>
<td>Nil</td>
</tr>
<tr>
<td>2002-03</td>
<td>$130,237</td>
<td>$1,646,339 part year</td>
</tr>
<tr>
<td>2003-04</td>
<td>$95,553</td>
<td>$2,295,567</td>
</tr>
<tr>
<td>2004-05</td>
<td>$99,389</td>
<td>$2,207,207 to May 2005</td>
</tr>
</tbody>
</table>

(b) The infrastructure costs (including maintenance) for these lines are:

Marriage Celebrants Enquiry Line:
There were no additional infrastructure costs specific to this facility as these lines are part of the Department’s PABX.

National Security Hotline:

<table>
<thead>
<tr>
<th>Year</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>2002-03</td>
<td>$288,000 part year</td>
<td></td>
</tr>
<tr>
<td>2003-04</td>
<td>$353,000</td>
<td></td>
</tr>
</tbody>
</table>
(c) The telephone costs for these lines are:

Marriage Celebrants Enquiry Line:
These lines are part of the Department’s PABX and specific costs are not available.

National Security Hotline:
These costs are included in 3(b) and are part of the Department’s main PABX.

(d) The Departmental costs for these lines are:

Marriage Celebrants Enquiry Line:
Nil, other than those identified above.

National Security Hotline:
These costs are other associated Departmental costs and include the provision of an alternate facility and support costs.

<table>
<thead>
<tr>
<th>Year</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>Nil</td>
</tr>
<tr>
<td>2001-02</td>
<td>Nil</td>
</tr>
<tr>
<td>2002-03</td>
<td>$1,773,639 part year</td>
</tr>
<tr>
<td>2003-04</td>
<td>$388,133</td>
</tr>
<tr>
<td>2004-05</td>
<td>$106,659</td>
</tr>
</tbody>
</table>

(e) Nil.

(4) The number of calls that have been received in each of the customer service lines are:

Marriage Celebrants Enquiry Line:

<table>
<thead>
<tr>
<th>Year</th>
<th>Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>Not collected and therefore not available</td>
</tr>
<tr>
<td>2001-02</td>
<td>Not collected and therefore not available</td>
</tr>
<tr>
<td>2002-03</td>
<td>Not collected and therefore not available</td>
</tr>
<tr>
<td>2003-04</td>
<td>8,978 (estimate is based on statistics collected during the February to June 2004 period inclusive, projected over the whole year).</td>
</tr>
<tr>
<td>2004-05</td>
<td>7,086 (estimate is based on statistics collected during July and August 2004, and November 2004 to April 2005 inclusive, projected over the whole year).</td>
</tr>
</tbody>
</table>

National Security Hotline:

<table>
<thead>
<tr>
<th>Year</th>
<th>Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>Nil</td>
</tr>
<tr>
<td>2001-02</td>
<td>Nil</td>
</tr>
<tr>
<td>2002-03</td>
<td>19,776 part year</td>
</tr>
<tr>
<td>2003-04</td>
<td>13,734</td>
</tr>
<tr>
<td>2004-05</td>
<td>15,642</td>
</tr>
</tbody>
</table>

AUSTRALIAN CUSTOMS SERVICE

(1) (a) the telephone number of each customer service line:

- 1300 363 263 - Customs Information and Support Centre (CI&SC)
- 1300 558 099 - First Level Cargo Automation Support
- 1800 022 267 - Cargo Management Reengineering Information Line
- 1800 228 227 - Complaints and Compliments
---|---|---|---|---|---
1300 363 263 | Not toll free (local call charge) | Not toll free (local call charge) | Not toll free (local call charge) | Not toll free (local call charge) | Not toll free (local call charge) |
Mon–Fri 0830–1700 local time | Mon–Fri 0830–1700 local time | Mon–Fri 0830–1700 local time | Mon–Fri 0830–1700 local time | Mon–Fri 0830–1700 local time | Mon–Fri 0830–1700 local time |
1300 558 099 | Service not in operation | Service not in operation | Not toll free (local call charge) | Not toll free (local call charge) | Not toll free (local call charge) |
Mon–Fri 0830–1700 local time | (from Feb 03) | Mon–Fri 0830–1700 local time | | Mon–Fri 0830–1700 local time | Mon–Fri 0830–1700 local time |
1800 022 267 | Service not in operation | Service not in operation | Not toll free (local call charge) | Not toll free (local call charge) | Not toll free (local call charge) |
| | | | Operates 24/7 | Operates 24/7 | Mon–Fri 0830–1700 local time |
| | | | (from April 03) | | (since 4 April 05) |
1800 228 227 | Toll free | Toll free | Toll free | Toll free | Toll free |
Mon–Fri 0830–1700 | Mon–Fri 0830–1700 | Mon–Fri 0830–1700 | Mon–Fri 0830–1700 | Mon–Fri 0830–1700 |
(after hours voice-mail) | (after hours voice-mail) | (after hours voice-mail) | (after hours voice-mail) | (after hours voice-mail) |
(c) Customer service line | 2000–01 | 2001–02 | 2002–03 | 2003–04 | 2004–05 to date
---|---|---|---|---|---
1300 363 263 | Commercial Services | Commercial Services | Cargo & Trade | Cargo & Trade | Cargo & Trade |
1300 558 099 | Service not in operation | Service not in operation | Cargo & Trade | Cargo & Trade | Cargo & Trade |
1800 022 267 | Service not in operation | Service not in operation | Cargo & Trade | Cargo & Trade | Cargo & Trade |
1800 228 227 | Various | Various | Planning & International | Planning & International | Planning & International |
---|---|---|---|---|---
1300 363 263 | Each capital city | Each capital city | Sydney | Sydney | Sydney |
| | Service not in operation | Service not in operation | Sydney | Sydney | Sydney |
| | | | | | Sydney/Canberra |
1300 558 099 | Service not in operation | Service not in operation | Service not in operation | Service not in operation | Service not in operation |
| | | | | | Sydney/Canberra |
1800 022 267 | Service not in operation | Service not in operation | Service not in operation | Service not in operation | Service not in operation |
| | | | | | Sydney/Canberra |
1800 228 227 | Sydney | Sydney | Sydney | Sydney/Canberra | Sydney |
| | | | | | Sydney/Canberra |
---|---|---|---|---|---
1300 363 263 | $300 | $300 | $300 | $300 | $300 |
1300 558 099 | Service not in operation | Service not in operation | Service not in operation | Service not in operation | Service not in operation |
1800 022 267 | Service not in operation | Service not in operation | Service not in operation | Service not in operation | Service not in operation |
1800 228 227 | $300 | $300 | $300 | $300 | $300 |
(3) (a) staff costs; Customer service line | 2000–01 | 2001–02 | 2002–03 | 2003–04 | 2004–05 to date
---|---|---|---|---|---
1300 363 263 | N/A | | $1,934,029 | $3,287,473 | $3,122,293 |
(b) infrastructure costs (including maintenance)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1300 558 099</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>$111,634</td>
<td>$113,160</td>
<td>$120,095</td>
</tr>
<tr>
<td>1800 022 267</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1800 228 227</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(c) telephone costs;

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1300 363 263</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$112,899</td>
<td>$256,046</td>
</tr>
<tr>
<td>1300 558 099</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>$509,845</td>
<td>$752,844</td>
<td>$914,419</td>
</tr>
<tr>
<td>1800 022 267</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1800 228 227</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(d) departmental costs;

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1300 363 263</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$139,213</td>
<td>$135,411</td>
</tr>
<tr>
<td>1300 558 099</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1800 022 267</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1800 228 227</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(e) any other costs;

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1300 363 263</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1300 558 099</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1800 022 267</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1800 228 227</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(4) Customer service line

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1300 363 263</td>
<td>&gt;240,000 #</td>
<td>&gt;200,000 #</td>
<td>&gt;335,000 #</td>
<td>288,559</td>
<td>343,403</td>
</tr>
<tr>
<td>1300 558 099</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
</tr>
<tr>
<td>1800 022 267</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
<td>Service not in operation</td>
</tr>
<tr>
<td>1800 228 227</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>1,397</td>
<td>2,288</td>
</tr>
</tbody>
</table>

# Source – Customs Annual Reports

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

(1) The following list applies to the financial years 2000–01 to 2004–05 to date:

<table>
<thead>
<tr>
<th>Output Responsible for Customer Service Line</th>
<th>Location</th>
<th>Toll Free or Open 24 Hours</th>
<th>Telephone Number</th>
</tr>
</thead>
</table>

QUESTIONS ON NOTICE
In previous years the following fax numbers were provided: General Inquiries (02) 6257 4501 and Media Inquiries (02) 62629547.

(2) to (4) ASIO does not publish financial data below organisation level for reasons of national security.

**AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE**

(1) (a) 1800 021 037 and (02) 9950 0827.

(b) 1800 number is toll-free and available 24 hours with automated recorded information. Other is local call within Sydney or STD outside Sydney, goes to same automated system so available 24 hours. Help Desk officers are available between AEST 8:30am-5:00pm Monday-Friday.

(c) Reporting & Compliance section in the Money Laundering Deterrence branch of AUSTRAC.

(d) Chatswood (Sydney).

(2) The cost of maintaining these customer service lines are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$103,700</td>
</tr>
<tr>
<td>2001-02</td>
<td>$106,274</td>
</tr>
<tr>
<td>2002-03</td>
<td>$107,666</td>
</tr>
<tr>
<td>2003-04</td>
<td>$123,120</td>
</tr>
<tr>
<td>2004-05</td>
<td>$127,354</td>
</tr>
</tbody>
</table>

(3) The breakdown of all direct and indirect costs for the customer service lines are as follows:

(a) The staff costs for these lines are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$94,900</td>
</tr>
<tr>
<td>2001-02</td>
<td>$97,971</td>
</tr>
<tr>
<td>2002-03</td>
<td>$103,610</td>
</tr>
<tr>
<td>2003-04</td>
<td>$108,791</td>
</tr>
<tr>
<td>2004-05</td>
<td>$113,688</td>
</tr>
</tbody>
</table>

(b) The infrastructure costs for these lines are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$2,627</td>
</tr>
<tr>
<td>2001-02</td>
<td>$90</td>
</tr>
<tr>
<td>2002-03</td>
<td>$90</td>
</tr>
<tr>
<td>2003-04</td>
<td>$90</td>
</tr>
</tbody>
</table>
2004-05 $90
(c) The telephone costs for these lines are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$6,173</td>
</tr>
<tr>
<td>2001-02</td>
<td>$8,214</td>
</tr>
<tr>
<td>2002-03</td>
<td>$3,967</td>
</tr>
<tr>
<td>2003-04</td>
<td>$14,240</td>
</tr>
<tr>
<td>2004-05</td>
<td>$13,577</td>
</tr>
</tbody>
</table>

(d) Nil.
(e) Nil.

(4) The number of calls that have been received in each of the customer service lines are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>3,926</td>
</tr>
<tr>
<td>2001-02</td>
<td>7,075</td>
</tr>
<tr>
<td>2002-03</td>
<td>7,314</td>
</tr>
<tr>
<td>2003-04</td>
<td>24,464</td>
</tr>
<tr>
<td>2004-05</td>
<td>22,925</td>
</tr>
</tbody>
</table>

OFFICE OF THE PRIVACY COMMISSIONER

(1) The Office of the Privacy Commissioner has one customer service line, the Privacy Hotline, which has been in operation during this period.

(a) 1300 363 992
(b) The number is a local call cost and it is open from 9am to 5pm eastern standard time.
(c) The Office has only one output, Output 1.1.
(d) The Privacy hotline is based in Sydney.

(2) The total direct cost in 2004/05 period was $229,098 (based on top of scale salary increments)

Total costs for 2000–2004 financial years have been estimated based on actual salaries (at top salary increment) for preceding periods, 2004–05 line rental costs and 2004–05 telephone usage costs adjusted for actual call numbers in the relevant years. Estimates have been provided because of the significant diversion in resources that would be required to retrieve and extract data from original invoices

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff costs (incorporates actual salary increments)</th>
<th>Telephone costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$204,558</td>
<td>$4,568</td>
</tr>
<tr>
<td>2000-01</td>
<td>$216,997</td>
<td>$11,350</td>
</tr>
<tr>
<td>2001-02</td>
<td>$223,025</td>
<td>$11,486</td>
</tr>
<tr>
<td>2002-03</td>
<td>$231,366</td>
<td>$10,914</td>
</tr>
<tr>
<td>2003-04</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) 2004-05 Actual Costs

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff costs (Incorporates actual salary increments)</td>
<td>$217,70</td>
</tr>
<tr>
<td>Telephone costs</td>
<td>$11,390</td>
</tr>
</tbody>
</table>

Estimated costs in preceding years

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff costs (incorporates actual salary increments)</th>
<th>Telephone costs (estimate based on usage adjusted 2004–05 costs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$188,600</td>
<td>$4,568</td>
</tr>
<tr>
<td>2001-02</td>
<td>$194,257</td>
<td>$11,350</td>
</tr>
<tr>
<td>2002-03</td>
<td>$200,149</td>
<td>$11,486</td>
</tr>
<tr>
<td>2003-04</td>
<td>$209,061</td>
<td>$10,914</td>
</tr>
</tbody>
</table>

Other costs associated with the service are incidental and not material.
Calls received by financial year | Number of enquiries
--- | ---
2000-01 | 8177
2001-02 | 21,033
2002-03 | 21,290
2003-04 | 20,207
2004-05 | 21,108

* The Office commenced operation on 1 January 1989, and therefore only a half year figure is able to be reported.

NB In 1997–98 the Privacy Hotline number was changed from a toll free number to a local call cost number. This change was phased in over 12 months.

**HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION**

<table>
<thead>
<tr>
<th>Telephone Number</th>
<th>Toll Free</th>
<th>Hours of operation</th>
<th>Output</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1300 369 530</td>
<td>local call</td>
<td>9am–5pm</td>
<td>1.1</td>
<td>Sydney</td>
</tr>
<tr>
<td>1300 369 711</td>
<td>local call</td>
<td>9am–5pm</td>
<td>1.1</td>
<td>Sydney</td>
</tr>
<tr>
<td>1300 656 419</td>
<td>local call</td>
<td>9am–5pm</td>
<td>1.1</td>
<td>Sydney</td>
</tr>
<tr>
<td>1800 620 241</td>
<td>Yes</td>
<td>9am–5pm</td>
<td>1.1</td>
<td>Sydney</td>
</tr>
</tbody>
</table>

The total direct actual cost in 2004/05 period was $294,380 (based on top salary increments)

Total costs for 2000 to 2004 financial years have been estimated based on actual salaries (at top salary increment) for preceding period and estimated telephone and line rental costs. Estimates have been provided because of the significant diversion in resources that would be required to retrieve and extract data from original invoices.

<table>
<thead>
<tr>
<th>2000-01</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Total Costs</td>
<td>$190,659</td>
<td>$259,630</td>
<td>$272,802</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2004-05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual 2004-05</td>
</tr>
<tr>
<td>Staff costs</td>
</tr>
<tr>
<td>Telephone costs</td>
</tr>
<tr>
<td>Service &amp; Equipment rental</td>
</tr>
</tbody>
</table>

Other costs associated with the service are incidental and not material.

<table>
<thead>
<tr>
<th>2000-01</th>
<th>2001-02</th>
<th>2002-03</th>
<th>2003-04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff costs (Incorporates actual salary increments)</td>
<td>$180,666</td>
<td>$249,631</td>
<td>$262,803</td>
</tr>
<tr>
<td>Telephone (estimated)</td>
<td>$7,868</td>
<td>$7,868</td>
<td>$7,868</td>
</tr>
<tr>
<td>Service &amp; Equipment rental (estimated)</td>
<td>$2,130</td>
<td>$2,130</td>
<td>$2,130</td>
</tr>
</tbody>
</table>

The total calls received to customer service numbers during 2004–05 was 19,966.

The only historical call records that are available relate to calls to the Complaint Information Number 1300 656 419. These figures show a fairly consistent trend particularly in the last three years. If this low yearly variance is extrapolated to the organisation as a whole it would suggest that the 2004/05 result of 19,966 would be a reasonable estimate of total annual calls at least for the last three years.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Calls to Complaint Information - 1300 656 419</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9,582</td>
<td>7,552</td>
<td>8,335</td>
<td>8,532</td>
<td>8,675</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
Hillsong Emerge Projects  
(Question No. 1152)  

Senator Allison asked the Minister for Justice and Customs, upon notice, on 7 September 2005:

(1) Can details be provided of the project awarded to Hillsong Emerge Ltd for the Greater Blacktown Community Partnership Youth project for the amount of $414,479 under the Community Partnership stream.

(2) Will religious practice be a feature of this project.

(3) What ‘community enhancement’ will be conducted as crime prevention strategies.

(4) What role, if any, did the Member for Greenway (Mrs Markus) have in the project and decisions about its funding.

(5) Is it the case that Mrs Markus was previously employed by Hillsong Emerge Ltd.

(6) What, if any, other projects have been awarded to Hillsong Emerge Ltd under the Community Partnership Stream.

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

(1) Hillsong Emerge Ltd has been awarded $414,479 (excluding GST) for the Greater Blacktown Community Partnership Youth Project under the Greater Western Sydney component of the National Community Crime Prevention Programme.

(2) No.

(3) Strategies under the Greater Blacktown Community Partnership Youth Project to promote community enhancement include:

- Building a positive rapport with young people, particularly with Sudanese and Indigenous youth in a safe and positive environment
- Encouraging and empowering young people to progress in their school education and employment, and
- Encouraging and empowering young people to take responsibility for their own lives and contribute to the broader community and to relate positively to authorities and the broader community.

In Riverstone project partners will work with Indigenous Elders, Riverstone Community organisations and high schools to build relationships with Indigenous and non-Indigenous young people through social, sporting, recreation and cultural programs. These programs aim to connect youth with opportunities to continue their education, secure employment and enhance their social skills, and empower them to move towards their goals and ambitions.

In Blacktown, partners will work with leaders of the Sudanese migrant community, police, high schools, community organisations and families in building relationships with Sudanese and other young people through sporting competitions, social events, life skills training, and vocational training, and employment opportunities to promote their integration into the multi-cultural Western Sydney community. Partners will also work with Sudanese families experiencing difficulties in adjusting to their new home environment, especially women, to pursue micro-enterprise opportunities.

(4) The Member for Greenway, Mrs Markus, provided a letter of support for the Hillsong Emerge application. The Member for Greenway, Mrs Markus, had no role in the grants assessment process or in the decision to make a grant to Hillsong Emerge.

(5) Questions about Mrs Markus’ employment history are more appropriately directed to Mrs Markus.

(6) None.
China

(Question No. 1289)

Senator Milne asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 5 October 2005:

(1) Did officers from Invest Australia hold talks with officials from the Government of China in September 2005; if so: (a) what was the nature of the talks; and (b) who attended the talks.

(2) What undertakings were sought and/or given by: (a) Australian representatives; and (b) representatives from China.

(3) Did representatives from China raise the matter of investing in Australian coal and uranium mining operations; if so, can details be provided.

(4) Did representatives from China question whether they could circumvent export control measures on the use of Australian-supplied uranium if China owned some Australian uranium assets; if so, what response did officers from Invest Australia provide.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

During September 2005 officers from Invest Australia attended four meetings with officials from the Government of China. Investing in coal was discussed at two of these meetings. Investing in uranium and associated issues was not discussed at any of these meetings.

Details regarding each meeting follow:

Attachment A

Technology Park Proposal Meeting

<table>
<thead>
<tr>
<th>Date of meeting:</th>
<th>06/09/2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of talks:</td>
<td>A technology park proposal between the Chinese Ministry of Science and Technology and NSW Ministry of Science and Medical Research</td>
</tr>
<tr>
<td>Attendees:</td>
<td>Invest Australia (IA)</td>
</tr>
<tr>
<td></td>
<td>Luhua Tang, Senior Investment Manager – Greater China</td>
</tr>
<tr>
<td></td>
<td>China</td>
</tr>
<tr>
<td></td>
<td>Mr Liu Zhiming, Consul (Science and Technology), Chinese Consulate-General in Sydney</td>
</tr>
</tbody>
</table>

Undertakings (Chinese Consulate Mr Liu)

Mr Liu will introduce IA to the visiting delegation from the Beijing Technology Park at the end of 2005
Mr Liu suggested that IA conduct a seminar in Beijing next year in conjunction with the Ministry of Science and Technology and the Beijing Technical Park to promote Australia’s advantages in science and technology including its IP regime, stable political and social environment, and its strengths in sectors including biotech, ICT, nanotech and financial services
Mr Liu encouraged Invest Australia (IA) to get involved in the Australian Technology Park (ATP) China Group Working Committee

Undertakings (IA)

IA to report back on Mr Liu’s suggestion regarding participation in the seminar to be held in Beijing next year, with possible involvement of AXISS
IA to seek approval to be involved in the ATP China Group Working Committee meetings for follow up actions and to provide investment facilitation assistance
<table>
<thead>
<tr>
<th>Date of meeting:</th>
<th>06/09/2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did representatives from China raise the matter of investing in Australian coal and uranium mining operations</td>
<td>No</td>
</tr>
<tr>
<td>Did representatives from China question whether they could circumvent export control measures on the use of Australian-supplied uranium if China owned some Australian uranium assets</td>
<td>No</td>
</tr>
</tbody>
</table>

**Petroleum and Energy Industries Meeting**

<table>
<thead>
<tr>
<th>Date of meeting:</th>
<th>23/09/2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of talks:</td>
<td>General presentation on Invest Australia’s role, information on petroleum resources and legislation, energy industries (coal and renewable energies)</td>
</tr>
</tbody>
</table>
| Attendees: | Invest Australia  
Luhua Tang, Senior Investment Manager - Greater China  
Mr Fu Xiaosen, Vice President, CNOOC Zhejiang Ningbo LNG Co. Ltd. Head of delegation  
Mr Lu Jianzhong, General Manager, Marketing & Sales Department, CNOOC Zhejiang LNG  
Mr Zhang Zhiyao, Special Inspector, Development and Reform Commission of Zhejiang Province  
Mr Shen Xiaodong, Section Director, Development and Reform Commission of Ningbo City  
Mr Ni Chenggang, Chief Engineer, Zhejiang Provincial Energy Group Company Ltd  
Mr Dai Zhiyong, Manager, Asset Management Department, Ningbo Electric Power Development Company  
Mr Xie Kaiding, Director, Ningbo Beicang District Land & Resources Bureau |
| Undertakings (China) | No |
| Undertakings (IA) | IA to provide information on NSW power capacity as requested. Yes, but only in relation to coal. |
| Did representatives from China raise the matter of investing in Australian coal and uranium mining operations | No |
| Did representatives from China question whether they could circumvent export control measures on the use of Australian-supplied uranium if China owned some Australian uranium assets | No |

**Yankuang Group – Coal Mining Investment**

<table>
<thead>
<tr>
<th>Date of meeting:</th>
<th>27/09/2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of talks:</td>
<td>Yankuang Group’s investment in a coal mine in the Southland colliery and general introduction to Australian coal resources and coal investment opportunities, as well as AusIndustry programs</td>
</tr>
<tr>
<td>Date of meeting:</td>
<td>27/09/2005</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| Attendees:      | Invest Australia  
|                 | Phil Martin, Investment Manager  
|                 | Luhua Tang, Senior Investment Manager - Greater China  
|                 | AusIndustry  
|                 | Danny Milan, Assistant State Manager, R&D Concession, NSW Office  
|                 | China  
|                 | Mr Geng Jiahuai, Chairman of the Board of Directors, Yankuang Group Co. Ltd.  
|                 | Mr Wang Baoshan, Director of the Coal Bureau of Shandong Province  
|                 | Mr Lai Cunliang, Managing Director, Yancoal Australia  
|                 | Mr Han Yuguang, Director, Overseas Project Department, Yankuang Group  
|                 | Mr Tian Jinglong, Chief Interpreter, Overseas Project Department, Yankuang Group  
|                 | Mr Boyun Xu, Deputy Managing Director, Yancoal Australia  
| Undertakings (IA) | No  
| Did representatives from China raise the matter of investing in Australian coal and uranium mining operations | Yes, but only in relation to coal.  
| Did representatives from China question whether they could circumvent export control measures on the use of Australian-supplied uranium if China owned some Australian uranium assets | No  

**Presentation on Minerals Exploration and Development in Australia**

<table>
<thead>
<tr>
<th>Date of meeting:</th>
<th>28/09/2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of talks:</td>
<td>Presentations on Australia’s economy, foreign investment environment in Australia, Invest Australia’s operations, the role of government in minerals exploration and development in Australia, and foreign investment policies</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

**Date of meeting:** 28/09/2005

**Attendees:**
- DITR - Invest Australia
  - Barry Jones, Executive General Manager
  - Mark Durrant, General Manager, Resource Industries
  - Kathy Harman, Senior Manager, Minerals
  - Russell Baker, Senior Manager, Minerals
  - Luhua Tang, Senior Investment Manager, Greater China
- DITR – Resources Division
  - Cathy Dillon, Manager, Minerals Development
  - Kristina Anastasi, Manager, Minerals Development
- The Treasury
  - Gerry Antioch, General Manager, Foreign Investment & Trade Policy Division
- China
  - Mr Yang Linglong, Vice Chairman, China Society for Research on Economic Development
  - Prof. Zhang Songtao, Director General, China Society for Research on Economic Development
  - Dr Yin Yanlin, Vice Director, China Society for Research on Economic Development
- Mr Zhang Yuanrong, Senior Vice President, China MinMetals Corporation
- Mr Zhou Yi, Vice General Manager, Investment Department of China MinMetals Corporation
- Mr Zhang Ye, Vice General Manager, China National MinMetals Corporation Ltd
- Mr Michael Liu, Managing Director, MinMetals Australia
- Mr Liu Zuoxiang, Minister Counsellor (Economic & Commercial) Embassy of the PRC
  - Mr Zhou Qing, Economic & Commercial, Embassy of PRC

**Undertakings (China)**
- No
**Undertakings (IA)**
- No

**Did representatives from China raise the matter of investing in Australian coal and uranium mining operations?**
- No

**Did representatives from China question whether they could circumvent export control measures on the use of Australian-supplied uranium if China owned some Australian uranium assets?**
- No
A high-level dialogue between Australia and China has covered subjects such as foreign investment and future price and export issues, writes Fred Brenchley.

Australia is on the verge of cracking a $2 billion market in sales of mining safety technology to China, as Beijing also signals enhanced interest in investing in Australia’s resources sector, particularly coal and uranium.

The federal government agency Invest Australia used the third Australia-China resources dialogue in Beijing earlier this month to formally brief Beijing on Australia’s foreign investment rules, saying Chinese resource investment would be welcome, even in uranium, provided export safeguards were maintained.

Australia was also at pains to deliver an industry message that prices for future LNG exports will be higher than those for the $25 billion sale to Guangdong in southern China in 2003.

Australia’s part in the high level dialogue was led by the Industry Department and included executives from BHP Billiton, Rio Tinto and Woodside, reflecting the deepening resource co-operation with Beijing as China’s foreign policy is increasingly driven by resources diplomacy to fuel its growing economy. Sensitivities were evident on both sides as discussions ranged across subjects such as future price and export issues, as well as China’s plan to introduce an import licensing regime, which Australia feels is a reaction to steep rises in commodity prices.

China was keen to emphasise the long-term nature of its commitment to Australian resources, which some interpreted as code for its desire to keep prices as low as possible.

Australian industry had its own firm message that the LNG market was rapidly changing due to burgeoning US demand, and future export deals would be priced higher.

The Australian message was that while the next two-year window would be tight in terms of supply, Australia had enormous supply potential in the medium and long term. Australia’s other message was to caution China on its planned import licensing regime, saying this was not in China’s national interest. Australia had tried it in the past and it failed, the officials argued. A licensing regime would not drive down prices, which were set by global markets.

On specific commodities, Australia told the Chinese it had excellent long-term uranium supply potential, provided Beijing signed up to Australia’s uranium export safeguards governing its peaceful use.

Separately, the Department of Foreign Affairs and Trade is negotiating a uranium export deal with China, although Beijing is reportedly unhappy with the requirement to track Australian uranium through Chinese power plants to ensure peaceful use. A possible solution is for China to allow Australian tracking, but not that of the International Atomic Energy Agency or the US.

Chinese officials from the National Development and Reform Commission, the economic planning agency, expressed interest in investing in Australia’s coal sector and in uranium if it was opened up.
China National Offshore Oil Corp has already signed a deal to acquire equity in the Gorgon field off Western Australia, with other “nibbles” reported by industry.

Australia is assuming a more welcoming attitude to Chinese resource investment than the US, where Congress labelled a recent bid to buy US energy company Unocal a threat to national security.

Although informed that China could bid for both offshore and onshore exploration licences, the Australian delegation sensed China was more interested in buying into existing operations. The Chinese asked whether export control guidelines still applied if China owned some Australian uranium mines. “Yes,” was the answer.

Nuclear power supplies only 2 to 3 per cent of China’s electricity, which is 70 per cent reliant on coal, but some 15 new nuclear plants are planned. While China wants Australia’s higher-grade uranium, industry executives believe exports are still some years away.

Coal was more positive, with China following up on the coal summit in Brisbane earlier this year which focused on Australia’s potential to supply safety technology for China’s coal mining industry.

Alan Broome, chairman of a government-industry mining and technology action agenda, said China was interested in packaged Australian technology solutions that drilled into rock, extracting dangerous methane gas which was then used for power generation.

A second coal summit in Beijing in October, to be opened by Australian Industry Minister Ian Macfarlane, was expected to make progress on the sale of this technology, expected to be worth some $2 billion to China by 2010.

Attachment C

3rd China-Australia Bilateral Dialogue

<table>
<thead>
<tr>
<th>Date of meeting:</th>
<th>30-31/08/2005, Beijing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of talks:</td>
<td>Talks are part of regular meetings between the Australia and China, involving both Government and industry, to discuss energy and resources issues and to explore possible opportunities for collaboration. These talks are held under a January 2000 MOU between Australia and China on the ‘establishment of a bilateral mechanism on resources cooperation’. Outcomes of the meeting included:</td>
</tr>
<tr>
<td></td>
<td>- exchanges of information on energy policies;</td>
</tr>
<tr>
<td></td>
<td>- promotion of Australian LNG, iron ore, coal, uranium and minerals supply capabilities;</td>
</tr>
<tr>
<td></td>
<td>- promotion of Australia as an attractive destination for Chinese investment, particularly in offshore oil and gas acreage and in the minerals and coal sectors;</td>
</tr>
<tr>
<td></td>
<td>- discussion on China’s plans to expand its nuclear energy capability and the consequential need to import uranium in the future, possibly from Australia. The discussion also included the desirability of signing a bilateral safeguards agreement with Australia;</td>
</tr>
<tr>
<td></td>
<td>- discussions on the outcomes from the first Australia-China Coal Summit and the issues to be considered at the second meeting; and</td>
</tr>
<tr>
<td></td>
<td>- exchange of information on the renewable energy sectors in both countries and an indication that there were benefits from cooperation in this area.</td>
</tr>
</tbody>
</table>
**Date of meeting:** 30-31/08/2005, Beijing

**Attendees:**
- DITR delegation led by Deputy Secretary John Ryan
- John Hatwell, Head of Division, Resources
- Tania Constable, General Manager, Resources
- Vicki Brown, General Manager, Energy & Environment
- Neil Richardson, Manager, Energy & Environment
- Mr. Henry Wang, Senior Investment Commissioner, China
- Mr. Michael Ma, Investment Manager, Invest Australia
- Delegates from Australian companies
- China
- Mr. Zhang Guobao, Vice Chairman of NDRC
- Mr. Xu Dingming, Director General, Energy Bureau of NDRC
- Mr. Xiong Bilin, Deputy Director General, Department of Industries of NDRC
- Mr. Li Bin, Deputy Director General, Foreign Affairs Department of NDRC
- Mr. Qin Zhijun, Deputy Director, Division of Electricity, Energy Bureau of NDRC
- Other delegates from NDRC and Chinese companies

**Undertakings**
Chinese officials agreed to provide:
- information on its establishment of a Ministerial team on coal mine safety;
- details on how China’s geology exploration qualification certificate affects Australian explorers; and
- in relation to overseas entities accessing coal data, China indicated that Australian companies could be provided with information packs on relevant regulations and laws.

**Undertakings (IA)**

**Did representatives from China raise the matter of investing in Australian coal and uranium mining operations?**
Yes. Mr Qin Zhijun stated that China’s policy on uranium resource development is to “enforce exploration domestically and increase cooperation internationally.” China proposed to significantly expand its nuclear energy capability and to introduce 15 new plants by 2020. Mr Qin noted that Australia had huge uranium reserves and said that China was willing to cooperate with Australian partners in various ways including investment in uranium exploration. Mr Xu Dingming confirmed that imported uranium would be used peacefully in China. He expressed the NDRC’s wish that negotiations on the Safeguards Agreement between Australia and China would soon be successfully completed.

China asked how Australia was addressing the issue of state government reluctance to develop uranium resources. Australia indicated that it was currently working with the states to highlight the benefits of mining through a recently released uranium industry framework. China also asked if Australia had a preference for how Chinese companies might invest in Australia’s industry. Australia indicated that it had no particular preference and that it would, for example, support joint ventures or independent investments.

**Did representatives from China question whether they could circumvent export control measures on the use of Australian-supplied uranium if China owned some Australian uranium assets?**
Yes. Chinese representatives questioned whether they could circumvent export control measures on the use of Australian-supplied uranium if China owned some Australian uranium assets. In response, DITR officers informed China that this was not possible.
Family Tax Benefit
(Question No. 1303)

Senator Chris Evans asked the Minister for Family and Community Services, upon notice, on 12 October 2005:

For the financial years 2000-01 and 2001-02:

(1) What was the average actual adjusted taxable income of families who received Family Tax Benefit Part A via: (a) Centrelink lump sum; (b) Australian Taxation Office lump sum; and (c) Centrelink fortnightly payments.

(2) What is the distribution of all Family Tax Benefit Part B and Part A customers’ adjusted taxable income in: (a) $5,000 bands between $0 and $100,000 per annum; (b) $10,000 bands between $100,000 and $200,000 per annum; and (c) $100,000 bands between $200,000 and $1 million or more per annum.

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

For the financial year 2001-02

(1) The table below shows the average actual adjusted taxable income (ATI) of customers who received FTB Part A at any stage during 2001-02 and who have been reconciled as at 30 September 2005.

<table>
<thead>
<tr>
<th></th>
<th>Average actual ATI for 2001-02*</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATO lump sum</td>
<td>$59,773</td>
</tr>
<tr>
<td>CLK lump sum</td>
<td>$51,488</td>
</tr>
<tr>
<td>Instalments</td>
<td>$40,216</td>
</tr>
<tr>
<td>Fortnightly/Lump Sum Combination</td>
<td>$47,822</td>
</tr>
<tr>
<td>Total</td>
<td>$41,455</td>
</tr>
</tbody>
</table>

* Customers with zero actual ATI are excluded in the calculation of average actual ATI.

(2) The table below shows the distribution of actual adjusted taxable income of families who received FTB Part A at any stage during 2001-02 and who have been reconciled as at 30 September 2005. Centrelink and ATO customers who received lump sum grants and were not subsequently reconciled are not included in the following table. Analysis shows this group of customers is too small to significantly alter the income distribution.

<table>
<thead>
<tr>
<th>Actual ATI for 2001-02 ($)</th>
<th>Number of customers who received Part A</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to less than 5,000</td>
<td>253,365</td>
</tr>
<tr>
<td>5,000 to less than 10,000</td>
<td>78,340</td>
</tr>
<tr>
<td>10,000 to less than 15,000</td>
<td>126,717</td>
</tr>
<tr>
<td>15,000 to less than 20,000</td>
<td>163,717</td>
</tr>
<tr>
<td>20,000 to less than 25,000</td>
<td>132,309</td>
</tr>
<tr>
<td>25,000 to less than 30,000</td>
<td>134,857</td>
</tr>
<tr>
<td>30,000 to less than 35,000</td>
<td>118,013</td>
</tr>
<tr>
<td>35,000 to less than 40,000</td>
<td>111,855</td>
</tr>
<tr>
<td>40,000 to less than 45,000</td>
<td>110,477</td>
</tr>
<tr>
<td>45,000 to less than 50,000</td>
<td>110,333</td>
</tr>
<tr>
<td>50,000 to less than 55,000</td>
<td>113,866</td>
</tr>
<tr>
<td>55,000 to less than 60,000</td>
<td>110,019</td>
</tr>
<tr>
<td>60,000 to less than 65,000</td>
<td>104,363</td>
</tr>
<tr>
<td>65,000 to less than 70,000</td>
<td>95,947</td>
</tr>
<tr>
<td>70,000 to less than 75,000</td>
<td>85,697</td>
</tr>
<tr>
<td>75,000 to less than 80,000</td>
<td>71,054</td>
</tr>
</tbody>
</table>
QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Actual ATI for 2001-02 ($)</th>
<th>Number of customers who received Part A</th>
</tr>
</thead>
<tbody>
<tr>
<td>80,000 to less than 85,000</td>
<td>42,735</td>
</tr>
<tr>
<td>85,000 to less than 90,000</td>
<td>20,654</td>
</tr>
<tr>
<td>90,000 to less than 95,000</td>
<td>7,588</td>
</tr>
<tr>
<td>95,000 to less than 100,000</td>
<td>2,350</td>
</tr>
<tr>
<td>100,000 to less than 110,000</td>
<td>1,811</td>
</tr>
<tr>
<td>110,000 to less than 120,000</td>
<td>756</td>
</tr>
<tr>
<td>120,000 to less than 130,000</td>
<td>494</td>
</tr>
<tr>
<td>130,000 to less than 140,000</td>
<td>322</td>
</tr>
<tr>
<td>140,000 to less than 150,000</td>
<td>269</td>
</tr>
<tr>
<td>150,000 to less than 160,000</td>
<td>175</td>
</tr>
<tr>
<td>160,000 to less than 170,000</td>
<td>119</td>
</tr>
<tr>
<td>170,000 to less than 180,000</td>
<td>78</td>
</tr>
<tr>
<td>180,000 to less than 190,000</td>
<td>63</td>
</tr>
<tr>
<td>190,000 to less than 200,000</td>
<td>57</td>
</tr>
<tr>
<td>200,000 to less than 300,000</td>
<td>217</td>
</tr>
<tr>
<td>300,000 to less than 400,000</td>
<td>48</td>
</tr>
<tr>
<td>400,000 to less than 500,000</td>
<td>19</td>
</tr>
<tr>
<td>500,000 to less than 600,000</td>
<td>6</td>
</tr>
<tr>
<td>600,000 to less than 700,000</td>
<td>2</td>
</tr>
<tr>
<td>700,000 to less than 800,000</td>
<td>4</td>
</tr>
<tr>
<td>800,000 to less than 900,000</td>
<td>4</td>
</tr>
<tr>
<td>900,000 to less than 1,000,000</td>
<td>2</td>
</tr>
<tr>
<td>1,000,000 or more</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>1,998,715</td>
</tr>
</tbody>
</table>

Note: There are many reasons why families with high incomes can legitimately receive FTB Part A. For example,

(1) Customers were eligible because
- they have a large family, or
- they received an income support payment for part of the year, or
- their personal circumstances changed during the year. For example, for customers who partnered for part of the year only, and had their FTB entitlements cancelled for the period when they were partnered with income above the threshold, but received FTB Part A for the period when they were not partnered.

(2) Certain groups of customers are free of the FTB Part A income test:
- Child Disability Allowance (CDA) recipients are eligible for FTB Part A because of the CDA savings provision originally introduced in 1993. CDA was not asset or income tested and qualification for CDA also entitled families to a minimum amount of Family Allowance free of any means test prior to January 1993.
- Blind disability support pensioners receive their income support payments and FTB Part A free of income testing in accordance with the existing legislation.

The table below shows the distribution of actual ATI of families who received FTB Part B at any stage during 2001-02 and who have been reconciled as at 30 September 2005.

Centrelink and ATO customers who received lump sum grants and were not subsequently reconciled are not included in the following table. Analysis shows this group of customers is too small to significantly alter the income distribution.
<table>
<thead>
<tr>
<th>Actual ATI for 2001-02 ($)</th>
<th>Number of customers who received Part B</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to less than 5,000</td>
<td>249,689</td>
</tr>
<tr>
<td>5,000 to less than 10,000</td>
<td>76,774</td>
</tr>
<tr>
<td>10,000 to less than 15,000</td>
<td>125,152</td>
</tr>
<tr>
<td>15,000 to less than 20,000</td>
<td>135,257</td>
</tr>
<tr>
<td>20,000 to less than 25,000</td>
<td>112,560</td>
</tr>
<tr>
<td>25,000 to less than 30,000</td>
<td>110,748</td>
</tr>
<tr>
<td>30,000 to less than 35,000</td>
<td>92,520</td>
</tr>
<tr>
<td>35,000 to less than 40,000</td>
<td>81,454</td>
</tr>
<tr>
<td>40,000 to less than 45,000</td>
<td>73,787</td>
</tr>
<tr>
<td>45,000 to less than 50,000</td>
<td>65,756</td>
</tr>
<tr>
<td>50,000 to less than 55,000</td>
<td>59,728</td>
</tr>
<tr>
<td>55,000 to less than 60,000</td>
<td>48,752</td>
</tr>
<tr>
<td>60,000 to less than 65,000</td>
<td>38,440</td>
</tr>
<tr>
<td>65,000 to less than 70,000</td>
<td>29,896</td>
</tr>
<tr>
<td>70,000 to less than 75,000</td>
<td>23,094</td>
</tr>
<tr>
<td>75,000 to less than 80,000</td>
<td>17,494</td>
</tr>
<tr>
<td>80,000 to less than 85,000</td>
<td>13,050</td>
</tr>
<tr>
<td>85,000 to less than 90,000</td>
<td>9,739</td>
</tr>
<tr>
<td>90,000 to less than 95,000</td>
<td>7,544</td>
</tr>
<tr>
<td>95,000 to less than 100,000</td>
<td>6,108</td>
</tr>
<tr>
<td>100,000 to less than 110,000</td>
<td>8,707</td>
</tr>
<tr>
<td>110,000 to less than 120,000</td>
<td>5,545</td>
</tr>
<tr>
<td>120,000 to less than 130,000</td>
<td>3,947</td>
</tr>
<tr>
<td>130,000 to less than 140,000</td>
<td>2,706</td>
</tr>
<tr>
<td>140,000 to less than 150,000</td>
<td>2,030</td>
</tr>
<tr>
<td>150,000 to less than 160,000</td>
<td>1,540</td>
</tr>
<tr>
<td>160,000 to less than 170,000</td>
<td>1,208</td>
</tr>
<tr>
<td>170,000 to less than 180,000</td>
<td>894</td>
</tr>
<tr>
<td>180,000 to less than 190,000</td>
<td>767</td>
</tr>
<tr>
<td>190,000 to less than 200,000</td>
<td>603</td>
</tr>
<tr>
<td>200,000 to less than 300,000</td>
<td>2,562</td>
</tr>
<tr>
<td>300,000 to less than 400,000</td>
<td>660</td>
</tr>
<tr>
<td>400,000 to less than 500,000</td>
<td>226</td>
</tr>
<tr>
<td>500,000 to less than 600,000</td>
<td>122</td>
</tr>
<tr>
<td>600,000 to less than 700,000</td>
<td>73</td>
</tr>
<tr>
<td>700,000 to less than 800,000</td>
<td>41</td>
</tr>
<tr>
<td>800,000 to less than 900,000</td>
<td>27</td>
</tr>
<tr>
<td>900,000 to less than 1,000,000</td>
<td>12</td>
</tr>
<tr>
<td>1,000,000 or more</td>
<td>52</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,409,264</strong></td>
</tr>
</tbody>
</table>

Note: Under the legislation, eligibility for FTB Part B is based on the income of the secondary earner, and so there is no income test applied to sole parents receiving FTB Part B. A large proportion of the customers with high incomes are sole parents. The remainder are partnered customers where the secondary earner earns little or no income.

B. FTB Part B provides extra help for families with only one main income earner, because a key purpose of FTB Part B is to compensate single income families for the fact that they only have access to one tax-free threshold.
For the financial year 2000-01

(1) The table below shows the average actual adjusted taxable income (ATI) of customers who received FTB Part A at any stage during 2000-01 and who have been reconciled as at 30 September 2005.

<table>
<thead>
<tr>
<th>Average actual ATI for 2000-01*</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATO lump sum                     $56,303</td>
</tr>
<tr>
<td>CLK lump sum                     $49,779</td>
</tr>
<tr>
<td>Instalments                      $39,232</td>
</tr>
<tr>
<td>Fortnightly/Lump Sum Combination $47,359</td>
</tr>
<tr>
<td><strong>Total</strong>                        $40,312</td>
</tr>
</tbody>
</table>

*Customers with zero actual ATI are excluded in the calculation of average actual ATI.

(2) The table below shows the distribution of actual adjusted taxable income of families who received FTB Part A at any stage during 2000-01 and who have been reconciled as at 30 September 2005.

Centrelink and ATO customers who received lump sum grants and were not subsequently reconciled are not included in the following table. Analysis shows this group of customers is too small to significantly alter the income distribution.

<table>
<thead>
<tr>
<th>Actual ATI for 2000-01 ($)</th>
<th>Number of customers who received Part A</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to less than 5,000</td>
<td>277,418</td>
</tr>
<tr>
<td>5,000 to less than 10,000</td>
<td>73,196</td>
</tr>
<tr>
<td>10,000 to less than 15,000</td>
<td>117,860</td>
</tr>
<tr>
<td>15,000 to less than 20,000</td>
<td>163,891</td>
</tr>
<tr>
<td>20,000 to less than 25,000</td>
<td>133,252</td>
</tr>
<tr>
<td>25,000 to less than 30,000</td>
<td>132,195</td>
</tr>
<tr>
<td>30,000 to less than 35,000</td>
<td>117,752</td>
</tr>
<tr>
<td>35,000 to less than 40,000</td>
<td>111,383</td>
</tr>
<tr>
<td>40,000 to less than 45,000</td>
<td>110,984</td>
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<tr>
<td>45,000 to less than 50,000</td>
<td>112,354</td>
</tr>
<tr>
<td>50,000 to less than 55,000</td>
<td>115,133</td>
</tr>
<tr>
<td>55,000 to less than 60,000</td>
<td>110,326</td>
</tr>
<tr>
<td>60,000 to less than 65,000</td>
<td>104,319</td>
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<tr>
<td>65,000 to less than 70,000</td>
<td>94,037</td>
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<td>70,000 to less than 75,000</td>
<td>81,115</td>
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<td>51,283</td>
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<td>80,000 to less than 85,000</td>
<td>25,122</td>
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<td>85,000 to less than 90,000</td>
<td>8,689</td>
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<td>90,000 to less than 95,000</td>
<td>2,520</td>
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<td>95,000 to less than 100,000</td>
<td>1,200</td>
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<tr>
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<td>1,267</td>
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<tr>
<td>110,000 to less than 120,000</td>
<td>642</td>
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<td>445</td>
</tr>
<tr>
<td>130,000 to less than 140,000</td>
<td>245</td>
</tr>
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<td>140,000 to less than 150,000</td>
<td>212</td>
</tr>
<tr>
<td>150,000 to less than 160,000</td>
<td>127</td>
</tr>
<tr>
<td>160,000 to less than 170,000</td>
<td>122</td>
</tr>
<tr>
<td>170,000 to less than 180,000</td>
<td>77</td>
</tr>
<tr>
<td>180,000 to less than 190,000</td>
<td>56</td>
</tr>
<tr>
<td>190,000 to less than 200,000</td>
<td>56</td>
</tr>
<tr>
<td>200,000 to less than 300,000</td>
<td>197</td>
</tr>
</tbody>
</table>
Note: There are many reasons why families with high incomes can legitimately receive FTB Part A. For example,

(3) Customers were eligible because
- they have a large family, or
- they received an income support payment for part of the year, or
- their personal circumstances changed during the year. For example, for customers who partnered for part of the year only, and had their FTB entitlements cancelled for the period when they were partnered with income above the threshold, but received FTB Part A for the period when they were not partnered.

(4) Certain groups of customers are free of the FTB Part A income test:
- Child Disability Allowance (CDA) recipients are eligible for FTB Part A because of the CDA savings provision originally introduced in 1993. CDA was not asset or income tested and qualification for CDA also entitled families to a minimum amount of Family Allowance free of any means test prior to January 1993.
- Blind disability support pensioners receive their income support payments and FTB Part A free of income testing in accordance with the existing legislation.

The table below shows the distribution of actual ATI of families who received FTB Part B at any stage during 2000-01 and who have been reconciled as at 30 September 2005.

Centrelink and ATO customers who received lump sum grants and were not subsequently reconciled are not included in the following table. Analysis shows this group of customers is too small to significantly alter the income distribution.
QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>ACTUAL A.T.I. FOR 2000-01 ($)</th>
<th>NUMBER OF CUSTOMERS WHO RECEIVED PART B</th>
</tr>
</thead>
<tbody>
<tr>
<td>75,000 TO LESS THAN 80,000</td>
<td>15,195</td>
</tr>
<tr>
<td>80,000 TO LESS THAN 85,000</td>
<td>10,932</td>
</tr>
<tr>
<td>85,000 TO LESS THAN 90,000</td>
<td>8,203</td>
</tr>
<tr>
<td>90,000 TO LESS THAN 95,000</td>
<td>6,353</td>
</tr>
<tr>
<td>95,000 TO LESS THAN 100,000</td>
<td>4,787</td>
</tr>
<tr>
<td>100,000 TO LESS THAN 110,000</td>
<td>6,983</td>
</tr>
<tr>
<td>110,000 TO LESS THAN 120,000</td>
<td>4,602</td>
</tr>
<tr>
<td>120,000 TO LESS THAN 130,000</td>
<td>3,145</td>
</tr>
<tr>
<td>130,000 TO LESS THAN 140,000</td>
<td>2,106</td>
</tr>
<tr>
<td>140,000 TO LESS THAN 150,000</td>
<td>1,549</td>
</tr>
<tr>
<td>150,000 TO LESS THAN 160,000</td>
<td>1,268</td>
</tr>
<tr>
<td>160,000 TO LESS THAN 170,000</td>
<td>1,010</td>
</tr>
<tr>
<td>170,000 TO LESS THAN 180,000</td>
<td>772</td>
</tr>
<tr>
<td>180,000 TO LESS THAN 190,000</td>
<td>611</td>
</tr>
<tr>
<td>190,000 TO LESS THAN 200,000</td>
<td>488</td>
</tr>
<tr>
<td>200,000 TO LESS THAN 300,000</td>
<td>2,004</td>
</tr>
<tr>
<td>300,000 TO LESS THAN 400,000</td>
<td>490</td>
</tr>
<tr>
<td>400,000 TO LESS THAN 500,000</td>
<td>189</td>
</tr>
<tr>
<td>500,000 TO LESS THAN 600,000</td>
<td>87</td>
</tr>
<tr>
<td>600,000 TO LESS THAN 700,000</td>
<td>44</td>
</tr>
<tr>
<td>700,000 TO LESS THAN 800,000</td>
<td>28</td>
</tr>
<tr>
<td>800,000 TO LESS THAN 900,000</td>
<td>14</td>
</tr>
<tr>
<td>900,000 TO LESS THAN 1,000,000</td>
<td>11</td>
</tr>
<tr>
<td>1,000,000 OR MORE</td>
<td>51</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,363,870</td>
</tr>
</tbody>
</table>

Note: Under the legislation, eligibility for FTB Part B is based on the income of the secondary earner, and so there is no income test applied to sole parents receiving FTB Part B. A large proportion of the customers with high incomes are sole parents. The remainder are partnered customers where the secondary earner earns little or no income.

FTB Part B provides extra help for families with only one main income earner, because a key purpose of FTB Part B is to compensate single income families for the fact that they only have access to one tax-free threshold.

Forestry: Grants

(Question No. 1331)

Senator Siewert asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 20 October 2005:

With reference to the $12.5 million Forestry Assistance Program for Western Australia and the $2.5 million Grants for Forest Communities program announced by the Minister on 26 July 2004, can the following information be provided:

(a) a complete list of grant recipients;
(b) the amount provided to each recipient;
(c) when each grant was provided;
(d) the purpose for which the grant was provided;
(e) any conditions attached to the grant; and
(f) a report on monitoring of compliance with the conditions.

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

(a) (b) and (d) A complete list of grant recipients, the amount provided to each recipient and the purpose for which each grant was provided for the Forestry Assistance Programme for Western Australia (FAPWA) and the Grants for Forest Communities Programme (GFC) is attached.

(c) The date of approval for each FAPWA and GFC grant is also attached. Each grant is paid against milestones specified in an agreed payment schedule of a signed grant agreement.

(e) Each milestone payment requires evidence of expenditure to be provided before payment is processed. Some milestone payments also require a milestone report to be submitted prior to payment.

(f) In addition to evidence of expenditure and milestone reports, a report by an independent auditor or accountant, together with a final project report, is required before final payment is made at the end of each project.

### Forestry Assistance Package for Western Australia

<table>
<thead>
<tr>
<th>Grant Recipient</th>
<th>Funding Amount</th>
<th>Purpose of Grant</th>
<th>Approval Date</th>
<th>Paid to Date</th>
<th>Complete</th>
<th>Visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>South West Haulage Company Pty Ltd</td>
<td>$558,818.00</td>
<td>Purchase mechanical harvesting equipment, log loading equipment and haulage equipment.</td>
<td>24/07/2004</td>
<td>$463,755.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Palcon Holdings Pty Ltd</td>
<td>$252,000.00</td>
<td>Purchase mechanical harvesting equipment.</td>
<td>24/07/2004</td>
<td>$252,000.00</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Boktate Pty Ltd T/A Abbott’solutely Timber</td>
<td>$54,500.00</td>
<td>Upgrade sawmilling and processing equipment.</td>
<td>24/07/2004</td>
<td>$40,725.00</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Premium Jarrah Fencing Supplies T/A Thomson &amp; Taylor</td>
<td>$28,500.00</td>
<td>Purchase of new harvesting and haulage equipment.</td>
<td>24/07/2004</td>
<td>$18,900.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Telka Pty Ltd T/A B.E. &amp; D.M. Wilson</td>
<td>$1,000,000.00</td>
<td>Purchase mechanical harvesting equipment and haulage equipment for plantation harvesting operations. Upgrade workshop.</td>
<td>24/07/2004</td>
<td>$419,913.09</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Nannup Timber Processing</td>
<td>$482,400.00</td>
<td>Upgrade sawmill at Nannup to dry and process small logs for the furniture and housing industries.</td>
<td>31/08/2004</td>
<td>$363,818.82</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Auswest Timbers</td>
<td>$219,000.00</td>
<td>Establish stand-alone pine operation and upgrade karri production at Pemberton mill.</td>
<td>24/07/2004 &amp; amended</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Pinetec Ltd</td>
<td>$125,500.00</td>
<td>Installation of a modern pallet manufacturing line and a heat treatment plant.</td>
<td>31/08/2004</td>
<td>$125,500.00</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Plain Pty Ltd T/A Harris Wood Machining</td>
<td>$55,750.00</td>
<td>To invest in finger-jointing technology to add value to small length timber.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Softwood Logging Services (Forestry Training Centre)</td>
<td>$1,400,000.00</td>
<td>To purchase forest harvesting equipment to allow for training of forestry workers, predominantly within the plantation sector.</td>
<td>24/07/2004</td>
<td>$1,300,000.00</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Warren Saws Pty ltd</td>
<td>$28,500.00</td>
<td>To purchase saw grinding and sharpening equipment.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Northcliffe Sawmills</td>
<td>$112,500.00</td>
<td>To purchase new milling equipment, drying equipment and to renovate the mill site.</td>
<td>24/07/2004</td>
<td>$42,048.37</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Australian Craftwood and Timber</td>
<td>$1,000,000.00</td>
<td>To construct a purpose-built facility on a new site to process low grade logs into high quality craftwood and furniture products.</td>
<td>24/07/2004</td>
<td>$250,000.00</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Minorba Grazing Co.</td>
<td>$63,400.00</td>
<td>Construct a facility to process pine round products plus a shed and office for storage and sale</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>South View P/L T/A Western Forest Management</td>
<td>$26,000.00</td>
<td>Supply components and fabricate spray units for coppice and weed control.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Dawson Contracting</td>
<td>$413,300 amended figure</td>
<td>Purchase new harvesting and haulage equipment.</td>
<td>24/07/2004 &amp; amended 07/07/2005</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Smithbrook Milling GRANT DECLINED</td>
<td>$50,600 offered $0 paid</td>
<td>Drying and processing plantation blue gum logs for furniture, floorboards.</td>
<td>24/07/2004</td>
<td>DECLINED</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Appadene Forest Products Pty Ltd</td>
<td>$206,600.00</td>
<td>Construct a new workshop and equipment for manufacture of timber blinds, furniture and flooring.</td>
<td>24/07/2004</td>
<td>$67,593.83</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>V. &amp; D. Ridolfo Pty Ltd</td>
<td>$96,960.00</td>
<td>Purchase a mechanical pole debarking machine and a prime mover to deliver the pine poles to an electricity supplier.</td>
<td>24/07/2004</td>
<td>$91,000.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>N. &amp; B. Holdsworth &amp; Yornup Mill T/A Greenacres Mill</td>
<td>$27,600.00</td>
<td>Upgrading mill in Yornup to increase recovery levels and add pine milling to current native timber operations.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Fremantle Furniture Factory</td>
<td>$201,400.00</td>
<td>Facilitate expansion into export markets through marketing campaigns, improved product range and the purchase of new processing equipment.</td>
<td>24/07/2004</td>
<td>$201,400.00</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Allwood Milling GRANT DECLINED</td>
<td>$565,000 offered $0 paid</td>
<td>To use redundant harvesting machinery to thin overstocked pine plantations.</td>
<td>24/07/2004</td>
<td>DECLINED</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Saunders Sawmill</td>
<td>$22,900.00</td>
<td>Install a water bore and shed floor and purchase a forklift.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Boranup Gallery</td>
<td>$45,500.00</td>
<td>To build a workshop and sales facility for timber products and to purchase saw milling equipment.</td>
<td>24/07/2004</td>
<td>$14,213.63</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Pine Hauliers Pty Ltd</td>
<td>$982,000.00</td>
<td>Purchase mechanical harvesting equipment and new haulage equipment.</td>
<td>24/07/2004</td>
<td>$812,870.54</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Grant Recipient</td>
<td>Funding Amount</td>
<td>Purpose of Grant</td>
<td>Approval Date</td>
<td>Paid to Date</td>
<td>Complete</td>
<td>Visit</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
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</tr>
<tr>
<td>Forest Heritage Centre T/A Australian School of Fine Wood</td>
<td>$900,000.00</td>
<td>In conjunction with ALCOA, establish a fine wood business incubator producing timber products from 3rd grade logs from ALCOA mining operations</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Western Hardwoods</td>
<td>$351,900.00</td>
<td>Establish integrated harvesting and timber processing operation.</td>
<td>31/08/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Plantation Logging Co.</td>
<td>$807,000.00</td>
<td>Upgrade harvesting and haulage equipment.</td>
<td>24/07/2004</td>
<td>$390,063.19</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Jensen Jarrah</td>
<td>$187,500.00</td>
<td>Increase utilisation of short lengths of timber, upgrade factory, improve quality, and enhance marketing.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Warren Area Timber Company</td>
<td>$25,000.00</td>
<td>Establishment of a workshop to train up to 25 fine wood crafts people. Production and export of one-piece jarrah slabs for table tops. Timber will come from residue logs.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Shaws Timber National Trust of Australia (WA) and Heritage Sawmills</td>
<td>$30,000.00</td>
<td>Upgrade mill and install kiln. Expand the sawmill for the production of furniture and smaller items to be sold on site or through retailers. A display gallery will also be constructed.</td>
<td>24/07/2004</td>
<td>$11,466.42</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>National Trust of Australia (WA) &amp; Inglewood Forest Products</td>
<td>$180,000.00</td>
<td>To use residual curved jarrah logs to manufacture wood products of a curved nature such as window arches, curved legs and backs for furniture etc.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Ecofriendly Solutions Pty Ltd</td>
<td>$339,000.00</td>
<td>Convert waste timber and sawmill by-products into fuel pellets and briquettes to meet domestic and international demand for wood-based fuel.</td>
<td>31/08/2004</td>
<td>$123,842.73</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Inglewood Products Group</td>
<td>$311,250.00</td>
<td>Develop a UV curing laquered flooring board using short lengths of timber from sawmills.</td>
<td>24/07/2004</td>
<td>$112,500.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Lignor /Timber 2020 Inc.</td>
<td>$1,361,000.00</td>
<td>To construct an Engineered Strand Lumber pilot plant at Mirambeena Industrial Estate near Albany.</td>
<td>24/07/2004</td>
<td>$778,651.84</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Grant Recipient</td>
<td>Funding Amount</td>
<td>Purpose of Grant</td>
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</tr>
<tr>
<td>Jahroc Nominees Pty Ltd T/A Jahroc Furniture</td>
<td>$145,794.00</td>
<td>Purchase new equipment to upgrade manufacturing plant in York focusing on lightweight furniture and timber veneer and building improvements to Margaret River gallery.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Blueleaf Corporation T/A Whittakers Timber Products</td>
<td>$331,000.00</td>
<td>Install value-adding equipment to further process sawn logs at Whittakers mill at Greenbushes focusing on small log sizes.</td>
<td>24/07/2004</td>
<td>$156,590.44</td>
<td>N</td>
<td>Y</td>
</tr>
</tbody>
</table>

**Grants for Forest Communities**

<table>
<thead>
<tr>
<th>Grant Recipient</th>
<th>Funding Amount</th>
<th>Purpose of Grant</th>
<th>Approval Date</th>
<th>Paid to Date</th>
<th>Complete</th>
<th>Visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Arcaro</td>
<td>$3,160 offered $0 paid</td>
<td>Restore two 1920s timber-framed buildings at former mill site in Jardoe (6 km south of Manjimup) to become a tourist attraction.</td>
<td>24/07/2004</td>
<td>DECLINED</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Nannup Clockworks</td>
<td>$30,600.00</td>
<td>Construct world’s largest wooden clock and install it in the Nannup Clock Tower.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Walpole-Nornalup Tourism Assoc.</td>
<td>$16,000.00</td>
<td>Extend Walpole-Nornalup Visitor Centre to promote Walpole Wilderness Area and local wood craft industry.</td>
<td>24/07/2004</td>
<td>$16,000.00</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Northcliffe Timber Cluster</td>
<td>$64,000.00</td>
<td>Restore weatherboard store room and convert into workshop for woodturners and other artisans as part of the Northcliffe Timber Cluster project to create a working mill town.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>E.C. &amp; C. Butler Hillbrook Mill</td>
<td>$24,000.00</td>
<td>Purchase a log loader to work at the applicants’ sawmill on their property near Northcliffe.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Deans Freight Service</td>
<td>$96,600.00</td>
<td>Purchase processing unit and loader to process pine waste for use in poultry sheds.</td>
<td>24/07/2004</td>
<td>$96,600.00</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Yarloop Community Learning &amp; Drop-in Centre</td>
<td>$31,489.00</td>
<td>Employ a Forest Industry Training and Development Officer in Yarloop for 10 hours per week for two years.</td>
<td>24/07/2004</td>
<td>$28,500.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Pemberton Brewing Co.</td>
<td>$68,000.00</td>
<td>To establish a micro-brewery in Pemberton.</td>
<td>24/07/2004</td>
<td>$68,000.00</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Nannup Music Club</td>
<td>$3,630.00</td>
<td>Paid part-time administration and promotion positions for Nannup Music Festival and Nannup Flower and Garden Festival</td>
<td>24/07/2004</td>
<td>$3,600.00</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Shire of Nannup</td>
<td>$51,800.00</td>
<td>Restoration of old railway bridge</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Shire of Nannup</td>
<td>$5,025.00</td>
<td>Town Entrance Statements</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Grant Recipient</td>
<td>Funding Amount</td>
<td>Purpose of Grant</td>
<td>Approval Date</td>
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</tr>
<tr>
<td>Yarloop Workshops Inc.</td>
<td>$70,400.00</td>
<td>Build steam house and boiler shed for display of preserved steam engines at Yarloop Workshops</td>
<td>24/07/2004</td>
<td>$14,545.45</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Pemberton Visitor Centre</td>
<td>$16,527.00</td>
<td>To provide an event to support the employment of youth and promote tourism. To develop a perpetual event called “Taste of Pemberton”</td>
<td>31/08/2005</td>
<td>$7,000.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Pemberton Discovery Tours</td>
<td>$8,745.00</td>
<td>To run a 6-day safari guide tour operator training course.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Timber Communities Australia</td>
<td>$18,336.00</td>
<td>Create a school education programme on timber and forests.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>SCJ Agricultural Plastics GRANT</td>
<td>$23,700 offered $0 paid</td>
<td>Purchase equipment to upgrade a plastic recycling plant in Manjimup.</td>
<td>24/07/2004</td>
<td>DECLINED</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Northcliffe Recreation Association</td>
<td>$98,977.00</td>
<td>Upgrade existing Northcliffe sports centre.</td>
<td>24/07/2004</td>
<td>$84,000.00</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Timber Communities Australia</td>
<td>$20,000.00</td>
<td>Showcase WA forest products from furniture to sandalwood oil. To promote the industry at the Manjimup Horticultural and Forestry Expo. To create an interactive educational display.</td>
<td>24/07/2004</td>
<td>$20,000.00</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Warren Blackwood Business Assistance Centre</td>
<td>$21,450.00</td>
<td>1. Develop a training package for tourist information centres and tourist operators. 2. Develop a visiting service to timber millers to assess their marketing practices.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Holy Smoke Enterprises</td>
<td>$20,000.00</td>
<td>Construct a new food processing plant in Pemberton.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Northcliffe Family Centre; Northcliffe Youth Voice; Northcliff Kids Squad; Northcliff Karri Kids</td>
<td>$20,387.00</td>
<td>Construct a board, blade, bike and basketball park in Northcliffe.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Pemberton Gifts and Crafts GRANT DECLINED</td>
<td>$12,000 offered $0 paid</td>
<td>To create a website for the applicant’s current retail outlet, selling a range of local wood craft. The website will be available to local craftspeople to sell their wares and to promote local tourist attractions</td>
<td>24/07/2004</td>
<td>DECLINED</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Forest Heritage Centre Inc.</td>
<td>$100,000.00</td>
<td>Redevelop existing education and tourism displays in Forest Heritage Centre in Dwellingup</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Grant Recipient</td>
<td>Funding Amount</td>
<td>Purpose of Grant</td>
<td>Approval Date</td>
<td>Paid to Date</td>
<td>Complete</td>
<td>Visit</td>
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<tr>
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</tr>
<tr>
<td>Manjimup Volunteer Resource Centre</td>
<td>$7,749.00</td>
<td>Renovate the Manjimup Resource Centre which assists low income members of the community and those seeking new employment, many of whom are former timber workers.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Bridgetown Chainsaw Services</td>
<td>$40,500.00</td>
<td>Purchase a Woodmizer saw and gas-fired kiln.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Peter Puttick Automotive Electrician</td>
<td>$23,088.00</td>
<td>Expand current business to include the service of plantation harvesting machinery and their air conditioning systems.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Warren Blackwood Economic Alliance GRANT DECLINED</td>
<td>$50,000.00</td>
<td>Develop co-operative marketing campaigns through forums for tourism operators and fine wood and timber craft industries.</td>
<td>24/07/2004</td>
<td>DECLINED</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Jarrahdale Heritage Society &amp; Serpentine Jarrahdale Tourist Bureau</td>
<td>$100,000.00</td>
<td>Projects in the Jarrahdale Heritage Park.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Timber Treaters Bridgetown Pty Ltd</td>
<td>$82,000.00</td>
<td>Install a log debarking plant and associated equipment.</td>
<td>24/07/2004</td>
<td>$82,000.00</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Greenbushes Discovery Centre Committee</td>
<td>$24,000.00</td>
<td>To develop a new Interactive Timber Module display at the Greenbushes Discovery Centre.</td>
<td>24/07/2004</td>
<td>$3,300.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Shire of Collie</td>
<td>$100,000.00</td>
<td>Assist development of the Collie Interpretive Centre. The Centre will tell the story of Collie and its industries (coal mining, power generation, timber milling and bauxite refining).</td>
<td>24/07/2004</td>
<td>$40,000.00</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Triton Bay Pty Ltd trading as Miss Flinders Eco Tours</td>
<td>$64,000.00</td>
<td>Purchase of a new ferry to carry out river cruises/eco tours on the Blackwood River in the Hardy Inlet area</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Manjimup Tourist Bureau trading as Manjimup Visitor Centre</td>
<td>$6,303.00</td>
<td>Install a plank on ply solid Marri feature timber floor in the Manjimup Visitor Centre building.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Kingsley Motel and Cabernet Restaurant</td>
<td>$42,800.00</td>
<td>Build an extension to the existing restaurant to cater for larger groups; and build a museum as a “Tribute to the Tower Men and Women” of the region</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Mining Families Foundation of Australia Limited</td>
<td>$80,000.00</td>
<td>Manufacture a high value model train collector series</td>
<td>24/07/2004</td>
<td>$30,000.00</td>
<td>N</td>
<td>Y</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Grant Recipient</th>
<th>Funding Amount</th>
<th>Purpose of Grant</th>
<th>Approval Date</th>
<th>Paid to Date</th>
<th>Complete</th>
<th>Visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Manjimup</td>
<td>$100,000.00</td>
<td>Upgrade Manjimup Timber and Heritage Park</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>South West Horticulture and Forestry Expo</td>
<td>$33,000.00</td>
<td>To stage events associated with the South West Horticulture and Forestry Expo: a Timber Value Adding and Furniture Expo and Business Seminar.</td>
<td>24/07/2004</td>
<td>$16,256.54</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Hillbrook Farm</td>
<td>$13,054 offered $0 paid $2,400.00</td>
<td>Purchase new equipment to expand the company’s weed spraying business.</td>
<td>24/07/2004</td>
<td>DECLINED</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Greenbushes Residents and Ratepayers Association</td>
<td>$13,054 offered $0 paid $2,400.00</td>
<td>Establish overnight accommodation facilities at Greenbushes Sports Ground</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Redback Furniture</td>
<td>$10,850.00</td>
<td>Purchase new wood processing equipment to employ another craftsman and later an apprentice. Upgrade factory to provide a display gallery.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>FORM/Craftwest Centre for Contemporary Craft Inc.</td>
<td>$125,000.00</td>
<td>Run a business training service to clusters of wood craftspeople. Fund placements of local and international design experts at training institutions.</td>
<td>24/07/2004</td>
<td>$84,999.22</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Shire of Bridgetown-Greenbushes</td>
<td>$100,000.00</td>
<td>Develop a community building for use as a new shire library, tourist bureau, museum, timber craft showroom and other community uses.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Rovertim</td>
<td>$7,600.00</td>
<td>To provide marketing and management advice to the forest industry.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Tony and Mary Fox</td>
<td>$92,600.00</td>
<td>To establish a teatree plantation to replace teatree resources now unavailable in national parks. To establish an art and craft gallery at Dingup.</td>
<td>24/07/2004</td>
<td>$-</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>nStepp, Northcliffe Arts Association</td>
<td>$60,120.00</td>
<td>Develop a wood sculpture trail through native forest near Northcliffe</td>
<td>24/07/2004</td>
<td>$20,708.38</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

**Imports: Genetically Modified Crops**

(Question No. 1347)

**Senator Bob Brown** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 3 November 2005:

Can the Minister provide copies of all permits issued by the Australian Quarantine and Inspection Service for the importation of genetically-modified seeds of corn, canola and soy?

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
To provide copies of import permits would involve the disclosure of information about the identity of importers and exporters that is commercially sensitive and treated by the Australian Quarantine and Inspection Service (AQIS) as confidential.

However, the following information on Import Permits issued by AQIS for the importation of genetically-modified seeds of corn, canola and soy since 1 January 1998 has been provided to answer Senator Brown’s question without the disclosure of confidential information.

I am advised that the Australian Quarantine and Inspection Service has issued ten (10) import permits for genetically-modified corn (Zea mays), one (1) import permit for genetically-modified soy (Glycine spp) and eighty-one (81) import permits for genetically-modified canola (Brassica spp) since 1 January 1998.

A summary of these permits is attached.

<table>
<thead>
<tr>
<th>Permit ID</th>
<th>Date of Issue</th>
<th>Importer</th>
<th>Exporter</th>
<th>Commodity</th>
<th>Product</th>
<th>Commodity Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>199908968</td>
<td>6/9/1999</td>
<td>Novartis Seeds Pty Ltd</td>
<td>Novartis Seed Inc, United States of America</td>
<td>Zea mays</td>
<td>GMO seed</td>
<td>United States of America</td>
</tr>
<tr>
<td>200105505</td>
<td>21/5/2001</td>
<td>CSIRO Plant Industry and CSIRO Entomology</td>
<td>Various Exporters, United States of America</td>
<td>Zea mays</td>
<td>Transgenic maize</td>
<td>United States of America</td>
</tr>
<tr>
<td>200201818</td>
<td>12/2/2002</td>
<td>CSIRO Division of Plant Industry</td>
<td>Various suppliers/ exporters, France</td>
<td>Zea mays</td>
<td>Transgenic maize</td>
<td>France</td>
</tr>
<tr>
<td>200203453</td>
<td>12/2/2002</td>
<td>CSIRO Division of Plant Industry</td>
<td>Various suppliers/ exporters, France</td>
<td>Zea mays</td>
<td>Transgenic maize</td>
<td>France</td>
</tr>
<tr>
<td>200221226</td>
<td>21/5/2001</td>
<td>Centre for Plant Conservation Genetics</td>
<td>Various Exporters, United States of America</td>
<td>Zea mays</td>
<td>GMO seed</td>
<td>United States of America</td>
</tr>
<tr>
<td>200221237</td>
<td>21/5/2001</td>
<td>CSIRO Plant Industry and CSIRO Entomology</td>
<td>Various Exporters, United States of America</td>
<td>Zea mays</td>
<td>GMO seed</td>
<td>United States of America</td>
</tr>
<tr>
<td>200303225</td>
<td>12/2/2002</td>
<td>CSIRO Division of Plant Industry</td>
<td>Various suppliers/ exporters, France</td>
<td>Zea mays</td>
<td>Transgenic maize</td>
<td>France</td>
</tr>
<tr>
<td>200321340</td>
<td>24/9/2004</td>
<td>Flinders Medical Centre</td>
<td>Various suppliers/ exporters, United States of America</td>
<td>Zea mays</td>
<td>Genetically modified corn seed</td>
<td>United States of America</td>
</tr>
<tr>
<td>200512791</td>
<td>9/8/2005</td>
<td>Australian Centre for Plant Functional Genomics</td>
<td>Various suppliers/ exporters, United States of America</td>
<td>Zea mays</td>
<td>Genetically Modified Seed</td>
<td>United States of America</td>
</tr>
<tr>
<td>200517397</td>
<td>12/10/2005</td>
<td>CSIRO Entomology</td>
<td>Universitat de Lleida, Spain</td>
<td>Zea mays</td>
<td></td>
<td>Spain</td>
</tr>
<tr>
<td>200002140</td>
<td>25/2/2000</td>
<td>MONSANTO AUSTRALIA LIMITED</td>
<td>Monsanto Japan Ltd, Japan</td>
<td>Glycine spp.</td>
<td>Genetically modified seed</td>
<td>Japan</td>
</tr>
<tr>
<td>200404305</td>
<td>16/3/2004</td>
<td>Bayer Crop Science Pty Ltd</td>
<td>Various suppliers/ exporters, Canada</td>
<td>Brassica Napus : Genetically Modified Canola Seed</td>
<td>Genetically manipulated canola seed</td>
<td>Canada</td>
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<tr>
<td>200416904</td>
<td>10/9/2004</td>
<td>Bayer CropScience Pty Ltd</td>
<td>Bayer CropScience, Belgium</td>
<td></td>
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<td>Belgium</td>
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<tr>
<td>Permit ID</td>
<td>Date of Issue</td>
<td>Importer</td>
<td>Exporter</td>
<td>Commodity</td>
<td>Product</td>
<td>Commodity Origin</td>
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<td>200416909</td>
<td>10/9/2004</td>
<td>Bayer CropScience Pty Ltd</td>
<td>Bayer CropScience, Canada</td>
<td>Brassica napus : Genetically Modified Canola Seed</td>
<td>Canada</td>
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<tr>
<td>200417398</td>
<td>10/9/2004</td>
<td>Bayer CropScience Pty Ltd</td>
<td>Bayer CropScience, Belgium</td>
<td>Brassica napus : Genetically Modified Canola Seed</td>
<td>Belgium</td>
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<td>200417399</td>
<td>10/9/2004</td>
<td>Bayer CropScience Pty Ltd</td>
<td>Bayer CropScience, Canada</td>
<td>Brassica napus : Genetically Modified Canola Seed</td>
<td>Canada</td>
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<tr>
<td>200219073</td>
<td>18/10/2002</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Canada</td>
<td>Brassica napus (Canola)</td>
<td>Canada</td>
<td></td>
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<tr>
<td>200219074</td>
<td>18/10/2002</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Chile</td>
<td>Brassica napus (Canola)</td>
<td>Chile</td>
<td></td>
</tr>
<tr>
<td>200305308</td>
<td>26/3/2003</td>
<td>Bayer Crop Science Pty Ltd</td>
<td>Various suppliers/ exporters, Belgium</td>
<td>Brassica napus</td>
<td>Belgium</td>
<td></td>
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<tr>
<td>200305312</td>
<td>26/3/2003</td>
<td>Bayer Crop Science Pty Ltd</td>
<td>Various suppliers/ exporters, Canada</td>
<td>Brassica napus</td>
<td>Canada</td>
<td></td>
</tr>
<tr>
<td>200306628</td>
<td>11/4/2003</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Chile</td>
<td>Brassica napus (Canola)</td>
<td>Canada</td>
<td></td>
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<tr>
<td>200306631</td>
<td>11/4/2003</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Canada</td>
<td>Brassica napus</td>
<td>Canada</td>
<td></td>
</tr>
<tr>
<td>200307838</td>
<td>2/5/2003</td>
<td>Pioneer Hi-Bred Australia P/L</td>
<td>Various suppliers/ exporters, Canada</td>
<td>Brassica napus</td>
<td>Canada</td>
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<tr>
<td>200314876</td>
<td>8/8/2003</td>
<td>Bernard Heath &amp; Associates</td>
<td>Various suppliers/ exporters, France</td>
<td>Brassica napus</td>
<td>Canola</td>
<td></td>
</tr>
<tr>
<td>200317249</td>
<td>15/9/2003</td>
<td>Bayer CropScience Pty Ltd</td>
<td>Bayer CropScience, Belgium</td>
<td>Brassica napus : Genetically Modified canola seeds</td>
<td>Belgium</td>
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<tr>
<td>200317251</td>
<td>15/9/2003</td>
<td>Bayer CropScience Pty Ltd</td>
<td>Bayer CropScience, Canada</td>
<td>Brassica napus : Genetically modified canola seeds</td>
<td>Canada</td>
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</tr>
<tr>
<td>200318354</td>
<td>30/9/2003</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Chile</td>
<td>Brassica napus : Genetically modified canola seed</td>
<td>Chile</td>
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<td>200318356</td>
<td>30/9/2003</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Canada</td>
<td>Brassica napus : Genetically modified canola seed</td>
<td>Canada</td>
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<td>200322476</td>
<td>26/11/2003</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, United States of America</td>
<td>Brassica napus : Genetically Modified Canola Seed</td>
<td>United States of America</td>
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<td>200322683</td>
<td>26/11/2003</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, United States of America</td>
<td>Brassica napus : Genetically Modified Canola Seed</td>
<td>United States of America</td>
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<tr>
<td>200404387</td>
<td>8/3/2004</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Canada</td>
<td>Brassica napus : Genetically modified canola seed</td>
<td>Canada</td>
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<tr>
<td>Permit ID</td>
<td>Date of Issue</td>
<td>Importer</td>
<td>Exporter</td>
<td>Commodity</td>
<td>Product</td>
<td>Commodity Origin</td>
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<td>200404389</td>
<td>8/3/2004</td>
<td>Pacific Seeds Pty Ltd</td>
<td>Various suppliers/ exporters, Chile</td>
<td>Brassica napus</td>
<td>Genetically modified canola seed</td>
<td>Chile</td>
</tr>
<tr>
<td>200404531</td>
<td>16/3/2004</td>
<td>Bayer Crop Science Pty Ltd</td>
<td>Various suppliers/ exporters, Belgium</td>
<td>Brassica napus</td>
<td>Genetically modified canola seed</td>
<td>Belgium</td>
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<tr>
<td>199809890</td>
<td>23/10/1998</td>
<td>Pacific Seeds Pty Ltd</td>
<td>various exporters, All countries</td>
<td>Brassica spp.</td>
<td>canola seed</td>
<td>All countries</td>
</tr>
<tr>
<td>199903321</td>
<td>1/4/1999</td>
<td>AgrEvo Pty Ltd</td>
<td>Plant Genetic Systems, Belgium</td>
<td>Brassica spp.</td>
<td>Brassica napus - Canola seed</td>
<td>Belgium</td>
</tr>
<tr>
<td>199903725</td>
<td>13/4/1999</td>
<td>AgrEvo Pty Ltd</td>
<td>AgrEvo (Canada) Inc, Canada</td>
<td>Brassica spp.</td>
<td>Brassica rapa</td>
<td>Canada</td>
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<td>199903729</td>
<td>13/4/1999</td>
<td>AgrEvo Pty Ltd</td>
<td>Plant Genetic Systems, Belgium</td>
<td>Brassica spp.</td>
<td>Brassica napus</td>
<td>Belgium</td>
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<td>Date of Issue</td>
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Indigenous Land Corporation
(Question No. 1366)

**Senator Chris Evans** asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 21 November 2005:

With reference to Indigenous Land Corporation (ILC) acquisitions: Can a list be provided of the ILC’s property interests in each state and territory, including: (a) the specific location; (b) the nature and duration of the interest; (c) when it was acquired; (d) how much ILC paid or is paying for the interest; (e) the current value of the investment; and (f) for what purpose was the interest acquired (e.g. cultural, economic).

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

The information being sought is set out in the table below.
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>State</th>
<th>(a) Location</th>
<th>Project Name</th>
<th>(b) Interest</th>
<th>(c) Date Acquired</th>
<th>Costs - Land</th>
<th>Costs - Other (eg Plant &amp; Equipment, Livestock)</th>
<th>(d) Total Cost</th>
<th>(e) Current Value</th>
<th>(f) Primary Purpose</th>
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<th>Interest</th>
<th>Duration</th>
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<th>g) Total Cost</th>
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QUESTIONS ON NOTICE
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<th>Project Name</th>
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<th>(c) Date Acquired (Settled)</th>
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<th>(e) Current Value 1</th>
<th>(f) Primary Purpose</th>
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Notes:
1 The ILC does not perform formal revaluations of properties. Current value is calculated by adding the cost of any improvements made by the ILC to the purchase price; and adjusting for any livestock or plant and equipment acquired or disposed of.
2 Costs and value included in Home Valley figures
3 Properties transferred from ATSIC to the ILC in 2005 – the original purpose of the acquisition is not stated.
National Aboriginal Health Strategy
(Question No. 1373)

Senator Chris Evans asked the Minister for Family and Community Services, upon notice, on 24 November 2005:

With reference to the National Aboriginal Health Strategy (NAHS):

(1) For each financial year since 2000-01 to date, can a list be provided of the amounts of funding allocated and spent under this program.

(2) For the financial years 2004-05 and 2005-06 to date: (a) can a list be provided of the amount of funds that have been, or will be, administered through a shared responsibility agreement; and (b) what percentage of the total program funds does this represent.

(3) What indexation arrangements apply to this program.

(4) Can a list be provided, indicating: (a) the Indigenous communities that have been identified by the department as a priority under the NAHS; and (b) the communities which are listed as a priority under the NAHS that have also signed, or are in negotiations to sign, a shared responsibility agreement for access to the NAHS funds.

(5) What indexation arrangements apply to this program.

(6) (a) Has any assessment of the level of demand for dual occupancy housing been undertaken; if so, can the figures, in absolute numbers and as a percentage of the total demand for housing, be provided; and (b) how has the department responded to this demand.

(7) For the financial years 2004-05 and 2005-06 to date, what percentage and number of dwellings built could be characterised as dual occupancy structures.

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

(1) List of funding allocation and expenditure under NAHS since 2000-01:

<table>
<thead>
<tr>
<th>Year</th>
<th>Commitment</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>$82,314,157</td>
<td>$82,271,581</td>
</tr>
<tr>
<td>2001-02</td>
<td>$90,120,989</td>
<td>$90,120,991</td>
</tr>
<tr>
<td>2002-03</td>
<td>$91,323,849</td>
<td>$91,323,526</td>
</tr>
<tr>
<td>2003-04</td>
<td>$55,119,286</td>
<td>$55,119,183</td>
</tr>
<tr>
<td>2004-05</td>
<td>$55,986,107</td>
<td>$55,986,107</td>
</tr>
<tr>
<td>2005-06</td>
<td>$71,213,758</td>
<td></td>
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</tbody>
</table>

(2) (a) NAHS uses a rigorous needs assessment process through Project Impact Assessments (PIA) that are undertaken by contracted programme managers to target funds to communities of highest need and to identify the scope of works in these communities. There is no link in the NAHS PIA approval process with Shared Responsibility Agreements (SRAs). There is nothing to stop an SRA being built that may include elements of a NAHS program at a later date. However, housing and related infrastructure will continue to be delivered through existing mechanisms and not through the SRA process unless a community expressly requests its inclusion.

(b) The amount of 2005-06 NAHS funds that have been, or will be, administered through a SRA is $60,000. This equates to 0.08% of NAHS committed program funds for 2005-06.

(3) NAHS is a sub element of the Community Housing and Infrastructure Program (CHIP), which is indexed using a standard composite wage / non-wage cost index series provided by the Department of Finance and Administration.


QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Northern Territory</th>
<th>Northern Territory cont..</th>
<th>Queensland</th>
<th>Western Australia</th>
<th>New South Wales</th>
<th>South Australia</th>
<th>Victoria</th>
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<tbody>
<tr>
<td>Acacia Larrakia</td>
<td>Nguu</td>
<td>Aurukun Shire</td>
<td>Amos</td>
<td>Amaroo</td>
<td>Amata</td>
<td>Alinjarra</td>
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<td>Ngukurr</td>
<td>Bundaberg</td>
<td>Balgo</td>
<td>Batemans Bay</td>
<td>Fregon</td>
<td>Central Gippsland</td>
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<td>Alparnurru Miram</td>
<td>Ntaria</td>
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<td>Bardi</td>
<td>Broken Hill (Weinija)</td>
<td>Gerard</td>
<td>Corranderk</td>
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<td>Numbulwar</td>
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<td>Byadanga</td>
<td>Cobar</td>
<td>Indulkana</td>
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<td>Pirlangimi</td>
<td>Coen</td>
<td>Dampier Peninsula</td>
<td>Cowra</td>
<td>Kaltjiti</td>
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<td>Ramingining Outstations</td>
<td>Djarra</td>
<td>Irrungadjji</td>
<td>Dubbo</td>
<td>Mimili</td>
<td>Gunditj Mara</td>
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<td>Tenant Creek Outstation</td>
<td>Doomadgee</td>
<td>Junuwa</td>
<td>Dubbo Koorie</td>
<td>Nepabunna</td>
<td>Heidelberg</td>
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<td>Gununa</td>
<td>Kiwirkurra</td>
<td>Gilgandra</td>
<td>Oak Valley</td>
<td>Murray Valley</td>
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<td>Daly River</td>
<td>Umbakumba</td>
<td>Hopevale</td>
<td>Koorarbye</td>
<td>Jerinja</td>
<td>Pipalyatjara</td>
<td>Njernda</td>
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<td>Engawala</td>
<td>Urupuntja Communities</td>
<td>Injinnoo</td>
<td>Looma</td>
<td>La Perouse (SRA)*</td>
<td>Point Pearce</td>
<td>Preston</td>
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<td>Galaminwa</td>
<td>Wadeye</td>
<td>Kowanyama</td>
<td>Marriwah Loop</td>
<td>Maclean-Nungera</td>
<td>Pukutta</td>
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<td>Gapuwsyak</td>
<td>Wurankuwu</td>
<td>Lockhart River</td>
<td>Mindibungu</td>
<td>Maclean-Yaegl</td>
<td>Raukkkan</td>
<td>Rumbalar</td>
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<td>Yarralin</td>
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<td>Moongardie</td>
<td>Mogo</td>
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<td>Yirrkala</td>
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<td>Mulan</td>
<td>Nowra</td>
<td>Umwa</td>
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<td>Pilla</td>
<td>Warru</td>
<td>Winda Mara</td>
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<td>Yuendumu</td>
<td>New Mapoon</td>
<td>Pandanus Park</td>
<td>Queenbeyan</td>
<td>Yalata</td>
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<td>Jabiru Outstations</td>
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<td>Pumma</td>
<td>Tabulam</td>
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<td>Pormpuraaw</td>
<td>Tjuntjuntjara</td>
<td>Warren Macquerie</td>
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<td>Warmun</td>
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<td>Warralong</td>
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<td>Lingara</td>
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<td>Wujal Wujal</td>
<td>Yandeyarra</td>
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<td>Miwatj</td>
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<td>Mutitjulu</td>
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<td>Nganmarriyanga (Palumpa)</td>
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</table>

* NAHS funding to this community is linked to a SRA
(5) Yes

(6) No, an assessment of the level of demand for dual occupancy housing has not been undertaken. However, some NAHS projects may include dual occupancy dwellings.

(7) Percentage and number of dual occupancy dwellings is unable to be provided as data is not collected.

**Family and Community Services: Shared Responsibility Agreements**  
(Question No. 1374)

Senator Chris Evans asked the Minister for Family and Community Services, upon notice, on 24 November 2005:

With reference to Shared Responsibility Agreements (SRAs) signed by the department:

(1) On page 159 of the department’s annual report for 2004-05 it is stated that the department has signed 9 SRAs and will potentially sign 79 more; can the current figures of signed SRAs and potential SRAs be provided.

(2) For each of the SRAs signed to date, can details be provided on:
   (a) the names of the parties to the agreement;
   (b) the location of the community;
   (c) the date that the SRA was signed;
   (d) what the department agreed to provide;
   (e) what program funds were promised through the SRA and the details of each relevant program;
   (f) the amount of funds promised through the SRA;
   (g) details of what the community agreed to provide and any undertakings given;
   (h) whether the department delivered and implemented its side of the agreement; if not, why not; and
   (i) whether the community completed its side of the agreement; if not, why not.

(3) (a) What number of the potential SRAs contain housing-related program funds; and
   (b) What percentage does this constitute.

(4) What number of the potential SRAs are currently:
   (a) at the beginning of negotiations;
   (b) mid negotiation; and
   (c) near finalisation.

(5) Can a list be provided of the locations of communities currently in SRA negotiations with the department.

(6) Are there any SRA negotiations that have taken more than 12 months; if so, can a list be provided of these SRAs.

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

(1) To date FaCS has been involved in 22 SRAs that have been signed with communities, and is currently involved in consultations with community/family or clan groups for a further 19 SRAs.

(2) (a) to (g) The attached table provides details of signed SRAs involving FaCS. There may also be other Australian Government contributors to these SRAs.
   (h) to (i) Most SRAs are in the very early stages of implementation and comprehensive information has not yet been collated to determine the extent to which obligations have been met by
the concerned parties. In the case of the Bourke SRA (signed in 2004), both FaCS and the community have met their obligations. The SRA with Thamarrurr Regional Council (signed in 2003) is the FaCS COAG Trial site where delivering on outcomes for the community is ongoing and achieved through a Tripartite arrangement (Australian Government, NT government, the Thamarrurr Regional Council and community).

(3) (a) Potential SRAs (those that have a status of ‘preliminary’ or ‘in development’) do not contain details of program funds. Available program funds are negotiated with agencies and individual program areas after community consultations around identified needs for inclusion in the SRA are completed. It is not possible to identify specific amounts of housing related program funds for potential SRAs.
(b) See 3 (a)

(4) (a) FaCS is involved in preliminary discussions with 63 communities.
(b) to (c) FaCS is currently consulting with 19 communities on SRAs. FaCS is only one of a number of potential parties to an SRA so FaCS could not estimate the timeframe for these to be finalised.

(5) No – providing a list of communities negotiating potential SRAs could pre-empt the outcome of those negotiations.

(6) Records of the time taken to negotiate SRAs are not centrally held. In many instances, it is not possible to pinpoint the start of negotiations in relation to a potential SRA. Each SRA takes a different length of time to negotiate as the range of factors specific to each community and each SRA are unique, as is the negotiation process between the community, ICC staff and other parties. The amount of time that internal community consultation processes take also varies according to the inputs by the various community or family groups.
<table>
<thead>
<tr>
<th>STATE</th>
<th>Names of Parties Signing Agreement (2a)</th>
<th>SRA</th>
<th>LOCATION (2b)</th>
<th>Date SRA signed (2c)</th>
<th>What FaCS is providing (2d)</th>
<th>FaCS Program (2e)</th>
<th>Funding Amount (2f)</th>
<th>Community undertakings (2g)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>Wreck Bay Aboriginal Community, Australian Government through Department of Immigration and Multicultural and Indigenous Affairs</td>
<td>Stage 1 implementation/housing strategy</td>
<td>Wreck Bay (NSW)</td>
<td>31-May-05</td>
<td>FaCS will provide funding from the Community Housing and Infrastructure Program (CHIP) to install flyscreens and clotheslines to tenants who have commenced paying rent and have a commitment to paying rent; survey property boundaries; determine the extent of repairs and maintenance of housing stock by a mapping exercise; create a housing database.</td>
<td>Community Housing and Infrastructure Program (CHIP)</td>
<td>$50,000</td>
<td>Assist with database, implement rental policies.</td>
</tr>
<tr>
<td>NSW</td>
<td>Commonwealth of Australia, Bourke Community Working Party Bourke Shire Council Government of NSW Department of Education, Science and Training.</td>
<td>Making town safer</td>
<td>Bourke</td>
<td>2-Dec-04</td>
<td>FaCS contribute $27,000 to the project in 2004/05</td>
<td>Family Violence Regional Activities Program</td>
<td>$27,000</td>
<td>Ensure ongoing operation of the program, liaise with police, run workshops.</td>
</tr>
<tr>
<td>NSW</td>
<td>Narrandera Indigenous Community, Commonwealth of Australia through Wagga Wagga ICC</td>
<td>Community facilitators to assist the CWP</td>
<td>Narrandera</td>
<td>16-Mar-05</td>
<td>Access to related family support services</td>
<td>Family Violence Regional Activities Program</td>
<td>$37,000</td>
<td>Develop plans for future SRAs, identify opportunities for youth to use skills, ensure kids attend school.</td>
</tr>
<tr>
<td>STATE</td>
<td>Parties Signing Agreement (2a)</td>
<td>SRA</td>
<td>LOCATION (2b)</td>
<td>Date SRA signed (2c)</td>
<td>What FaCS is providing (2d)</td>
<td>FaCS Program (2e)</td>
<td>Funding Amount (2o)</td>
<td>Community undertakings (2g)</td>
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<tr>
<td>NSW</td>
<td>Moama Indigenous Community Commonwealth of Australia through the Wagga Wagga ICC</td>
<td>Improving family well being</td>
<td>Moama</td>
<td>22-Mar-05</td>
<td>FaCS is funding the employment of a family liaison officer for 6 months and related programme activities.</td>
<td>FaCS will be providing funding from the Family Violence Regional Activities Program to provide a Family Violence Liaison Officer for 6 months and community identified family-centred activities.</td>
<td>$52,000</td>
<td>Direct and assist the family violence officer, develop strategies to reduce family violence and sexual abuse.</td>
</tr>
<tr>
<td>NSW</td>
<td>Grafton Aboriginal Women’s Court Support Aboriginal Family Wellbeing Centre Coffs Harbour Family Violence Prevention Legal Service Kempsey Namajira Haven Alstonville and Indigereate Brisbane Registry Family Court of Australia Australian Government represented by Coffs Harbour, ICC</td>
<td>Training/support of 10 Indigenous Community Contact Officers</td>
<td>Kempsey</td>
<td>1-Aug-05</td>
<td>FaCS currently funds the Local Family Relationship Service Program outside of the SRA context- no additional funds are required of FaCS at this time.</td>
<td>Local Family Relationship Service Program.</td>
<td>In kind</td>
<td>FaCS does not provide any financial input to this SRA. FaCS may be involved in later stages of the development of this SRA.</td>
</tr>
<tr>
<td>NSW</td>
<td>Miimi Mothers Aboriginal Corporation, Australian Government represented by Coffs Harbour ICC Department of Family and Community Services.</td>
<td>Facilities for community development centre</td>
<td>Bowraville</td>
<td>24-Aug-05</td>
<td>FaCS will contribute towards the purchase of a house from which Miimi Mothers will operate.</td>
<td>Services for Families with Children Program</td>
<td>$70,000</td>
<td>Provide labour, form CWP to link agencies.</td>
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</tbody>
</table>
## QUESTIONS ON NOTICE

<table>
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<tr>
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<th>Community undertakings (2g)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>Aboriginal Residents of the Local Aboriginal Land Council Housing at La Perouse Australian Government through Sydney ICC</td>
<td>Housing and Capacity Building</td>
<td>La Perouse</td>
<td>24-Aug-05</td>
<td>Extension of the work of the Community Development Facilitator</td>
<td>National Aboriginal Health Strategy</td>
<td>$60,000</td>
<td>Form a residency group to work with the Community Development facilitator and the local housing organisation to help resolve tenancy issues. Community members will agree to pay rent and enter into a tenancy agreement.</td>
</tr>
<tr>
<td>STATE</td>
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<tr>
<td>NSW</td>
<td>Commonwealth of Australia State of New South Wales, Department of Education and Training Ivanhoe Community Working Party</td>
<td>Air cooling</td>
<td>Ivanhoe</td>
<td>25-Oct-05</td>
<td>FaCS is contributing towards the cost of installing air cooling units</td>
<td>FaCS (ex ATSIS) contributed $1M previously to all the State Dept of Aboriginal Affairs for the overarching agreement that covers all 7 communities. To date the exact amount for Ivanhoe has not been agreed on.</td>
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**QUESTIONS ON NOTICE**
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<tbody>
<tr>
<td>NT</td>
<td>Commonwealth of Australia through the Department of Family and Community Services Northern Territory Government Through the Department of Chief Minister Indigenous Policy Unit Thamarrurr Regional Council</td>
<td>Adequate housing Women and families Services for youth Thamarrurr Regional Council, Wadeye</td>
<td>21-Mar-03</td>
<td>Member of tri-partite steering committee set up to guide and monitor the agreement.</td>
<td>Previously funded by ATSIS, (CHIP)</td>
<td>$900,000</td>
<td>Develop business plans for housing and construction areas, PWG coordinating input on home ownership and private enterprise issues. Run women and family programs, PWG to identify shared responsibilities. Training, education and job programs for Wadeye youth. Provide startup stock, establish school council, commit to healthy lifestyle, up hold alcohol restrictions. Transport and encouragement of kids, positive mentors.</td>
</tr>
<tr>
<td>NT</td>
<td>Commonwealth Government Emu Point Community Northern Territory Government.</td>
<td>Working towards self sufficiency Emu Point</td>
<td>29-Mar-05</td>
<td>FaCS to provide a Crèche facility and operational funding</td>
<td>JET crèche facility and operational funding water infrastructure</td>
<td>$35,000 $100,000</td>
<td></td>
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<tr>
<td>NT</td>
<td>Australian Government represented by Katherine ICC Bananjarl Women’s Council</td>
<td>School holiday program Bananjarl (King Valley)</td>
<td>23-Sep-05</td>
<td>One off funding only for supervisors wages, hire of equipment and incidentals in October 2005.</td>
<td>Outside School Hours Care - Vacation Care Program (OSHC_VA)</td>
<td>$16,771</td>
<td></td>
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<tr>
<td>QLD</td>
<td>Palm Island Aboriginal Shire Council, Australian Government through Townsville ICC and Queensland Government, Department of Aboriginal and Torres Strait Islander Policy</td>
<td>Horse care and management</td>
<td>Palm Island</td>
<td>8-Sep-05</td>
<td>FaCS will provide funding for an Animal Control Officer for one year to assist the Shire Council to meet their responsibility for animal management, reducing environment health impacts caused by poorly managed animals. FaCS will provide funding for the employment of a qualified mechanic who can set up the business.</td>
<td>Community Housing and Infrastructure Program (CHIP)</td>
<td>$33,000</td>
<td>Repair yards and stables, support horse care training programs, form horse care groups.</td>
</tr>
<tr>
<td>SA</td>
<td>Pipalyatjara Aboriginal Community Commonwealth of Australia through Office Indigenous Policy Coordination Family and Community Services Department of Employment and Workplace Relations</td>
<td>Providing mechanical services</td>
<td>Pipalyatjara</td>
<td>19-Apr-05</td>
<td>$15,000 in 2004/05 under the Municipal Services component of the FaCS Community Housing and Infrastructure Program (CHIP) to fund wages for a mechanic. FaCS will provide salary funding of up to a total of $75,000 over two years for the mechanic.</td>
<td></td>
<td>$85,000</td>
<td>Provide workshop, admin and management services.</td>
</tr>
<tr>
<td>TAS</td>
<td>Cape Barren Island Aboriginal Association Incorporated DIMIA State of Tasmania represented by Department of Premier &amp; Cabinet.</td>
<td>Community harmony projects</td>
<td>Cape Barren</td>
<td>3-Jun-05</td>
<td>Establishment of community based programs to provide and/or</td>
<td>Family Violence Partnership Program</td>
<td>$140,000</td>
<td>Establish and support a program of ongoing community determined activities.</td>
</tr>
<tr>
<td>WA</td>
<td>Wangkatjungka Community Inc Derby ICC on behalf of Australian Government Koungal Council Incorporated</td>
<td>Recreational and cultural facilities</td>
<td>Wangkatjungka (Christmas Creek)</td>
<td>23-May-05</td>
<td>Shade cloth for children’s play areas</td>
<td>Family and Children’s Services</td>
<td>$5,000</td>
<td>Clean up day, dispose of rubbish, supervise CDEP workers.</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

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<tr>
<td>WA</td>
<td>Marta Marta Aboriginal Corporation Australian Government represented by South Hedland ICC</td>
<td>Increased economic independence</td>
<td>Marta Marta</td>
<td>8-Jun-05</td>
<td>FaCS to fund and organise the connection of power from the generator to the bore water pump and to facilitate completion of the partially built solar power system. FaCS contribution is covered under an existing commitment and does not involve any new money.</td>
<td>Remote Aboriginal Essential Services Program. RAESP+I4</td>
<td>$46,930</td>
<td>Outstation to learn best practice for growing. Income from enterprise to be redirected towards sustaining the business. Must look after and maintain the infrastructure and equipment. Operate the business in a professional manner. Families and individuals will undertake appropriate responsibilities (such as working daily and attending training) as owners/employees for this farming enterprise. Provide workers to erect shade and redevelop the court, conduct sporting activities.</td>
</tr>
<tr>
<td>WA</td>
<td>Ngumpan Aboriginal Corporation, Derby ICC on behalf of Australian Government, Kurrungal Council Inc</td>
<td>Recreational facilities</td>
<td>Ngumpan (Pinnacles)</td>
<td>8-Jun-05</td>
<td>FaCS will contribute for the cost of shade covering.</td>
<td>Family and Children’s Services</td>
<td>$5,000</td>
<td></td>
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<tr>
<td>WA</td>
<td>Meekatharra Community as represented by Junjar Muda Mia Yulella Aboriginal Community Corporation Australian Government through the Geraldton ICC, DIMIA</td>
<td></td>
<td>Meekatharra</td>
<td>10-Jun-05</td>
<td>Funding to renovate the existing building used by Junjar Muda Mia to ensure that it is safe for the use of parents and children.</td>
<td>Services for Families and Children 2004-05.</td>
<td>$60,000</td>
<td>Building maintenance, co-ordinate programs and training, undertake capacity building.</td>
</tr>
<tr>
<td>WA</td>
<td>FaCS OIC DEWR</td>
<td></td>
<td>Eight Mile Crossing</td>
<td>2-Aug-05</td>
<td>In kind support Part time crèche worker under the JET Program</td>
<td>In Kind</td>
<td>In Kind</td>
<td>Provide labour to convert shed, assist with fencing, develop sporting oval.</td>
</tr>
<tr>
<td><strong>STATE</strong></td>
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<tr>
<td>WA</td>
<td>Ngaanyajarra Council (Aboriginal Corporation), Australian Government through Department of Immigration and Multicultural and Indigenous Affairs, State Government of Western Australia, and the Shire of Ngaanyajarra</td>
<td>Municipal services</td>
<td>Ngaanyajarra Council</td>
<td>12-Aug-05</td>
<td>FaCS is providing funding for municipal services at the same level for 2005/2006 as was provided in the 2004/2005 financial year. FaCS will subsidise increasing fuel costs by maintaining the 04/05 level of funding for powerhouse fuel and by providing an additional capped amount. The funding will be provided in part, or in full during 05/06 if the 04/05 level of powerhouse fuel funding is exceeded because of fuel price increases. The additional funding will be subject to the provision of documentation that details income achieved from electricity charges and powerhouse fuel rebates, price and quantity of powerhouse fuel purchased and the level of supplementation required.</td>
<td>Municipal Services Funding Program to cover diesel fuel costs for 12 months under the SRA.</td>
<td>$1.08m</td>
<td>Co-ordinate services in communities, participate in consultation and decision making processes.</td>
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<tr>
<td>WA</td>
<td>Ngaanyatjarra Council (Aboriginal Corporation) Australian Government through DIMIA State Government of Western Australia Shire of Ngaanyatjarraku</td>
<td>RPA - Improved coordination of service delivery and policy development across the region.</td>
<td>Ngaanyatjarra Council Regional Partnership Agreement</td>
<td>12-Aug-05</td>
<td>Establish a Policy and Coordination Unit for three years in Ngaanyatjarra Council Which will provide better coordinated and resourced programs and services and reduce red tape.</td>
<td>Community Housing and Infrastructure (CHIP)</td>
<td>$2.04m - $680,000 in 2005-2006, 2006-2007 and 2007-2008 financial years</td>
<td>Ngaanyatjarra Council will facilitate and negotiate regional-level agreements. The Shire of Ngaanyatjarra will assist with the development of SRAs that relate to the Shire’s core business in a culturally responsive and sensitive manner.</td>
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<tr>
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<td></td>
<td></td>
<td>Municipal Services Funding Program to improve essential and municipal services</td>
<td>$3.187m - in 2005-2006</td>
<td>The Shire of Ngaanyatjarra will also endeavour to ensure: Community participation in its affairs; Accountability to the communities it represents; Adherence to statutory obligations; Efficient and effective local government services The Chief Executive Officer and Shire Councillors will provide the point of contact for Ngaanyatjarra communities and other Government agencies</td>
<td></td>
</tr>
</tbody>
</table>
Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 24 November 2005:

1. Has any funding been allocated to the Cargo Management Reengineering (CMR) project from any other Australian Customs Service (ACS) units, deliverables, projects or subprograms.

2. Has any capital funding allocated for another purpose been transferred to CMR; if so, can details be provided for each transfer indicating: (a) the amount that was transferred; (b) the date on which it was transferred; (c) who gave the authorisation for the transfer; (d) the unit, deliverable, project or subprogram from which the money was transferred; (e) whether the transferred funding was general operating revenue from a particular unit, deliverable, project or subprogram, or if it had been earmarked for a specific project or projects: (i) what was the project, (ii) what was the total budget of that project, (iii) were there any alterations to the time frame or deadline of that project, and (iv) the total budget of the project prior to the transfer; (f) was that funding for a specific purpose for CMR; and (g) were any funds transferred from any other ACS unit, deliverable, project or subprogram to cover the shortfall caused by the transfer of funds to CMR.

3. Of those units, deliverables, projects or subprograms that have had funding transferred to the CMR project, was any funding transferred from another project to that project to make up the shortfall; if so, can details be provided for each transfer indicating: (a) the amount of the transfer; (b) the date of the transfer; (c) who gave the authorisation for the transfer; (d) the unit, deliverable, project or subprogram from which the money was transferred; and (e) whether the funding that was transferred was general operating revenue from a particular unit, deliverable, project or subprogram, or whether it had been earmarked for specific projects; and if it had been earmarked for a specific project: (i) what was that project, (ii) what was the total budget of that project, (iii) were there any alterations to the time frame or deadline of that project, and (iv) the total budget of the project prior to the transfer.

4. Have any staff been seconded to the CMR project from any other ACS units, deliverables, projects or subprograms; if so, can details be provided for each transfer indicating: (a) whether the unit, deliverable, project or subprogram was an information technology (IT) project; (b) the number of staff that were seconded; (c) the date on which they were seconded; and (d) whether they were IT staff, or from another section.

5. In relation to staff that have been seconded, can details be provided indicating: (a) who gave the authorisation for the secondment; (b) the unit, deliverable, project or subprogram from which the staff were seconded; (c) the total number of work-hours that staff who were seconded to CMR were required to complete; (d) the total number of work-hours performed in the CMR project per month for each of the years 2003 to 2005; (e) whether the secondment was to work on a specific purpose on CMR; (f) the number of staff who remained working on that project after the transfer of staff to CMR; and (g) the number of staff who subsequently transferred back to the unit, deliverable, project or subprogram from CMR, and the dates on which they returned.

6. Of those projects that have had staff transferred to the CMR project, were any staff transferred from another unit, deliverable, project or subprogram to that unit, deliverable, project or subprogram to make up the shortfall; if so, can details be provided for each transfer indicating: (a) how many staff were seconded; (b) the date on which they were seconded; and (c) whether they were IT staff, or from another unit, deliverable, project or subprogram.

7. In relation to staff that have been seconded, can details be provided indicating: (a) who gave the authorisation for the secondment; (b) the unit, deliverable, project or subprogram from which the staff were seconded; (c) the total number of work-hours that staff who were seconded to CMR were required to complete; (d) the total number of work-hours performed in the CMR project per month for each of the years 2003 to 2005; (e) whether the secondment was to work on a specific purpose on CMR; (f) the number of staff who remained working on that project after the transfer of staff to CMR; and (g) the number of staff who subsequently transferred back to the unit, deliverable, project or subprogram.
from other areas of ACS performed; (d) the total number of work-hours performed in the CMR project per month for each of the years 2003 to 2005; (e) whether the secondment was to work on a specific purpose on CMR; (f) the number of staff who remained working on that project after the transfer of staff to CMR; and (g) the number of staff who subsequently transferred back to the unit, deliverable, project or subprogram from CMR, and the dates on which they returned.

_Senator Ellison_—The answer to the honourable senator’s question is as follows:

(1) No funding has been allocated to the CMR project from other parts of the ACS units, deliverables, projects or subprograms.

(2) No capital funding allocated for another purpose has been transferred to CMR.

(3) As there are no other units, deliverables, projects or subprograms that have had their funding transferred to the CMR project, no funding has been transferred from another project to that project to make up the shortfall.

(4) Yes.

(a) It is not practicable to provide the level of detailed information sought about individual staff transferred to the CMR project.

(b) The total number of Customs staff that have been formally seconded from other areas of Customs onto the CMR project team is 243 staff over the period 1999 to mid 2005. The secondment of staff from within Customs to work on internal projects is a common practice. There are many other staff not accounted for in this figure that have worked/are working on CMR issues as a normal part of their jobs in Canberra and the regions.

In preparing this figure, the term secondment has been taken in its normal APS context to mean people who have been transferred on a temporary basis from other areas of Customs to work full time on CMR. The periods of secondment vary and the areas from which officers were drawn also vary.

(c) and (d) It is not practicable to provide the level of detailed information sought about individual staff transferred to the CMR project.

(5) It is not practicable to provide the level of detailed information sought about individual staff transferred to the CMR project.

(6) It is not practicable to provide the level of detailed information sought about individual staff transferred to the CMR project.

(7) It is not practicable to provide the level of detailed information sought about individual staff transferred to the CMR project.

_Cape York Indigenous Employment Strategy_ (Question No. 1391)

_Senator Chris Evans_ asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 24th November 2005:

With reference to the Cape York Indigenous Employment Strategy:

(1) (a) Who were the negotiating parties to this strategy; and (b) who are the parties that will be involved in its implementation.

(2) Has the implementation of this strategy begun; if so, what steps have been taken; if not, why not and when will it begin.

(3) (a) When will the 1 400 new jobs be created; and (b) what is meant by ‘medium term’.

(4) (a) What amount of funding will be invested in this strategy; and (b) over what period of time?

(5) Where is the source and amount of funding located in the budget papers?
(6) (a) Is baseline data of employment in the Cape York region available; if not, is this planned; if so, when; (b) how will the effectiveness of this strategy be monitored and evaluated; (c) how often will this occur; (d) who will be involved; and (e) what steps are being taken to replicate this strategy in other regions.

(7) (a) Is a similar strategy being devised for other regions or communities; if not, why not; if so, at what stage are they; and (b) at what stage are each of the strategies.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) (a) The need for this strategy was identified by the Australian Government through the Department of Employment and Workplace Relations (DEWR) and the Queensland State Government through the Department of Employment and Training and the Department of Aboriginal and Torres Strait Islander Policy. Indigenous communities as well as local employers were also involved in the development of the strategy.

(b) Australian and State Governments, working with Indigenous communities, business and local government.

(2) Yes. DEWR is working with other Australian and State Government agencies to implement the strategy. There is a Queensland State Government Steering Committee and the Australian Government is implementing through a whole of Government approach through the Indigenous Coordination Centre.

(3) (a) It is not possible to give a specific time for when the potential 1,400 jobs identified in the Strategy will be created. These potential jobs were identified across a range of industries and timing will depend on progress in each sector including the preparedness of local people to fill the jobs.

(b) Approximately 3-5 years time.

(4) (a) Funding will be dependent on the types of initiatives and opportunities identified.

(b) Ongoing.

(5) DEWR funding is through Outcome 1 and Outcome 3 from Appropriation Act No. 1 (2005). It is anticipated there will be funding from other Australian Government agencies and State Government where appropriate.

(6) (a) Yes. Included in the strategy.

(b) Numbers of placements into employment and numbers of CDEP participants placed into employment off CDEP.

(c) Quarterly.

(d) Departmental staff.

(e) The Department is developing strategies in a range of locations depending on local conditions.

(7) Refer to response to question 1417. However, the Cape York Indigenous Employment Strategy is a joint Australian and Queensland Government project which was released on 9 November 2005. The strategy identifies an estimated 4,500 jobs in Cape York in which Indigenous people can seek to be employed. Over 1,400 jobs are estimated to be created in Cape York in the medium term mainly in mining, tourism, cattle, forestry and timber industries.

Illicit Drugs

(Question No. 1392)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 24 November 2005:
(1) (a) How many instances is the Australian Federal Police aware of in which a person or persons with illegal drugs in their possession have entered Australia; (b) how many people were involved in each incident; and (c) was the illegal drug: (i) on their person; if so, where, (ii) in their baggage, or (iii) in another location; if so, where.

(2) (a) In how many of the instances in (1) was a person intercepted and/or apprehended; and (b) how many persons were intercepted in each incident.

(3) (a) In how many of the instances in (2) was the person charged; and (b) of those charged: (i) how many persons were charged as a result of the seizure, and what were the specific charges, (ii) how many non-carriers were charged, and what were the specific charges, (iii) did any prosecutions arise from the charges, and (iv) what was the outcome of each prosecution, including the number of convictions that were recorded for each instance, and the penalty in each case.

(4) In how many of the instances in (1) and (2) was a controlled operation initiated to investigate the distribution chain, and for each of the investigations: (a) what was the cost of the investigation; (b) what was the number of persons charged as a result of the operation, and the specific charges; (c) was the person holding the illegal drug charged; (d) were there any prosecutions arising from those charges; and (e) what was the outcome of each prosecution, including: (i) the number of convictions recorded for each incident, (ii) the number of persons who were convicted on each occasion, and (iii) the penalty in each case, and for each person convicted.

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

(1) The information required to complete a response to this question is not retained by the AFP in a format that is easily accessible or would allow a comprehensive reply. Resources and time allocated to providing a response to this would be exhaustive, withdrawing resources from operational taskings.

(2) Refer to question 1.

(3) Refer to question 1.

(4) Refer to question 1.

MaxiTrans
(Question No. 1394)

Senator Ludwig asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 24 November 2005:

Has any form of investigation or inquiry been undertaken into the Ballarat company, MaxiTrans, which in March 2005 reportedly put the apprenticeships of eight young Australians on hold in favour of importing tradespeople from China: if so: (a) who undertook this investigation or inquiry; (b) when was it completed; and (c) what were its findings.

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

(a) As part of the sponsorship assessment process, in November 2004, the Department of Immigration Multicultural and Indigenous Affairs (DIMIA) checked into the record of MaxiTrans as an employer and examined their training record and capacity to meet their sponsorship obligations. Subsequently, when reports were received that MaxiTrans had not engaged new apprentices, this was checked as well.

(b) MaxiTrans was found to have met all sponsorship requirements and the sponsorship application was approved on 14 December 2004. The subsequent reports about engagement of apprentices were checked on 14-15 March 2005 and MaxiTrans had not breached any undertakings and had a good record of engaging apprentices.
In assessing the sponsorship and in subsequent dealings with the company, MaxiTrans was found to have:

- a genuine need to recruit skilled first class welders for immediate vacancies in December 2004;
- DIMIA noted that the welders are on the national skills shortage list produced by the Department of Employment and Workplace Relations;
- a strong record of training Australians and a substantial workforce of Australian residents. The MaxiTrans workforce when the sponsorship was assessed included:
  - 70 professional workers;
  - 150 tradespersons;
  - 44 apprentices;
  - 5 graduates; and
  - 75 trainees.
- since engaging the skilled overseas welders, MaxiTrans has increased its workforce and engaged a further 28 apprentices (bringing their apprentice total to 72) and indicated an intention to offer a further 25 apprenticeships in 2006.

**Visas: Apprentices**

(QUESTION NO. 1395)

Senator Ludwig asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 24 November 2005:

1. (a) what fees are 471 (trade skills training) visa holder apprentices required to pay; and
   (b) are these apprentices required to contribute in whole or in part to the cost of providing employer incentive payments to their sponsor employers.
2. What does a ‘satisfactory record’ of training Australians entail.
3. Will any formal mechanism exist to take account of current or former apprentices’ opinion of their training.
4. Will an employer be ineligible under this condition if any previous apprentices declare that they were not in fact provided with any formal training.
5. (a) what does a ‘demonstrated commitment towards training Australians’ entail; and
   (b) does this include a requirement that businesses currently employ apprentices.
6. What formal mechanisms, if any, exist for any other federal or state government agency, including but not limited to the Department of Education, Science and Training, to provide advice to the department on whether an employer fulfils this condition.
7. Does the department require direct evidence of the fact that a position was unable to be filled by local recruitment, or is the certification of a regional certifying body sufficient.
8. What evidence does the department deem sufficient for a regional certifying body to receive in order for them to certify that a position was unable to be filled by local recruitment.
9. Is there any mandatory requirement that a regional certifying body contact, liaises with, or seeks opinion from, the state or federal government department responsible for training as to whether a position has been unable to be filled by local requirement; if that requirement exists in policy or procedure, can documentation be provided.
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Senator Vanstone—The answer to the honourable senator’s question is as follows:

(1) (a) The first Visa Application Charge (VAC) of $420 is payable at the time of the visa application and the second VAC of $3,300 is payable immediately before grant of the visa.

(b) The second VAC of $3,300 has been implemented to recover the overall cost of the New Apprenticeship Incentive Payments (NAIP) paid to employers. The amount for the second VAC is an average across occupations, which was set after consultation with the Department of Education, Science and Training (DEST).

(2) Sponsors (employers) wishing to bring out apprentices to Australia on this visa would be expected to have an established history of employing apprentices successfully to completion under the Australian Government’s New Apprenticeships (NA) Scheme.

(3) Procedures have been agreed with the state and territory training authorities for the exchange of information relevant to assessing applications for sponsorships and visas under the Trade Skills Training Visa (TSTV). Any adverse information regarding a potential sponsor will be provided to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).

(4) When making a decision on a sponsorship application for the TSTV a decision maker must take into account all relevant information including information from the relevant state and territory training authorities on a sponsor’s training record which may include information from current or former apprentices.

(5) It would be expected that sponsors have an established history of successfully employing apprentices. In instances where applicants for sponsorship do not currently employ apprentices, detailed and concrete plans outlining their demonstrated commitment to employ apprentices in the near future will be required. Detailed information as to why they have not employed apprentices previously would also be required.

(6) Agreement has been reached with the relevant state and territory training authorities for an exchange of information relevant to assessing a TSTV sponsorship or visa including information about potential sponsors. DEST has no direct involvement in this arrangement.

(7) DIMIA requires the certification of a regional certifying body that a position was unable to be filled by local recruitment.

(8) In making the certification assessment that a position was unable to be filled by local recruitment, the regional certifying body draws upon:
   • their local knowledge to determine whether the vacancy can only be filled from overseas;
   • documentary evidence or confirmation from the sponsor to establish that they could not find a suitable Australian citizen or permanent resident; and
   • other employers in the region as to whether they have experienced difficulty in finding suitable Australians in the same or similar trade occupations.

(9) There is no mandatory requirement for a regional certifying body to seek the opinion of a Commonwealth or State government department responsible for training as to whether a position has been unable to be filled by local recruitment. It is open to a regional certifying body to seek such an opinion as well as from many other organisations, including unions, and this is encouraged in DIMIA’s guidelines to certifying bodies.

Improvised Dwellings

(Question No. 1396)

Senator Chris Evans asked the Minister for Family and Community Services, upon notice, on 24 November 2005:

(1) What constitutes an improvised dwelling.
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(2) How many improvised dwellings were there as at: (a) 24 November 2005; (b) June 2005; (c) June 2004; (d) June 2003; and (e) can the figures be provided in numbers and percentages of total Indigenous dwellings.

(3) Did improvised dwellings constitute 4.2 per cent of the total Indigenous dwellings in 2004-05; if so, what initiatives are in place to reduce this figure.

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

(1) An improvised dwelling is a structure used as a place of residence which does not meet the building requirements to be considered as a permanent dwelling – (This) includes caravans, tin sheds without internal walls, humpies, dongas or other makeshift shelters.

(Source: Community Housing and Infrastructure Needs Survey, 2001)

(2) (a) Data on improvised dwellings is collected annually, not every six months.

(b) At June 2005, there were 1131 improvised dwellings, or 6.4% of the total Indigenous community housing dwellings.

(c) At June 2004, there were 786 improvised dwellings, or 4.2% of the total Indigenous community housing dwellings.

(d) There are no statistics available in relation to improvised dwellings for June 2003.

(e) The data has been provided in both numbers and percentages.

(3) Yes.

A range of initiatives have been put in place to reduce the number of improvised dwellings, and these include:

- The commitment by the Australian Government in the 2005-06 budget to continue the Healthy Indigenous Housing funding by providing $102.8 million over four years. This initiative has three components and will improve access to housing for Indigenous Australians by providing:
  $14 million per year to encourage Indigenous housing reforms through improved governance and asset and tenancy management practices of Indigenous community housing organisations;
  $5 million per year to continue a programme of building Indigenous capacity to manage and maintain housing stock through shared responsibility arrangements; and
  $5 million per year to continue Army Aboriginal Community Assistance Programme (AACAP) projects in at least one community per year as a positive demonstration of practical reconciliation.

- The Australian Government has also committed up to $5 million in 2005-06 to assist Indigenous people living on community title land to purchase their own home.

Indigenous Business Australia

(Question No. 1398)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 29 November 2005:

With reference to the business finance available through Indigenous Business Australia (IBA):

(1) What are business development finance loans.

(2) Can separate figures be provided for the amount of loans and the costs of administering these loans under the business finance programme.

(3) For the 2004-05 financial year, how many business finance applications were received: (a) for loans with a value to or less than $25,000; (b) for loans with a value equal to or less than $50,000; and (c) for loans with a value equal to or more than $100,000.
(4) With reference to Page 60 of the IBA’s annual report for 2004-05, in which it is stated that 40 business finance loans were approved during 2004-05, and that 21 of those 40 approvals have progressed to establishment or settlement; for each of these 40 loans which have been approved: (a) what was the month and the year in which the applications for the business finance were made; (b) what was the date of establishment or settlement of the loan, and if it has not yet progressed to this stage, when is the anticipated date of establishment or settlement; and (c) what is the value of the loan.

(5) For the 2005-06 financial year to date, how many business finance applications have been received.

(6) For the 2005-06 financial year to date, how many business finance loans have been approved, and for each of these approved loans: (a) what was the month and year in which the business finance application was made; (b) what was the value of the loan; and (c) what was the date of establishment or settlement of the loan, and if it has not yet progressed to this stage, what is the anticipated date of establishment or settlement.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) IBA Business Development Programme subcomponent Business Finance includes the provision of standard variable loans and the bundling of tailored products and services to assist with the acquisition, establishment and development of commercially viable enterprises. The BDP offers a subsidised interest rate and also has a component dealing with business support to assist clients in developing their applications or supporting their business throughout its life cycle.

(2) The BDP is broken into four key components being business loans, business support, economic development initiatives and day to day maintenance of the existing loans portfolio. The BDP receives an annual appropriation for its operations of $27.9 million, with $13.9 million quarantined for loan activities. The BDP spent $1.5 million during 2004-05 to administer the programme, which included staff in 10 locations Australia wide.

(3) BDP loan applications received 2004-2005

(a) =/<$25k, 13
(b) =$25k<$50k, 15
>50k<$100k, 16
(c) =>$100k, 41

(4) 2004-2005 Business Loan Approval and Settlement details

<table>
<thead>
<tr>
<th>Date Application received for decision</th>
<th>Settlement Date</th>
<th>Anticipated Settlement</th>
<th>Loan Amount Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/7/04</td>
<td>16/9/04</td>
<td></td>
<td>700,000</td>
</tr>
<tr>
<td>7/7/04</td>
<td>21/9/04</td>
<td></td>
<td>186,000</td>
</tr>
<tr>
<td>31/8/04</td>
<td>18/11/04</td>
<td></td>
<td>11,200</td>
</tr>
<tr>
<td>2/9/04</td>
<td>15/11/04</td>
<td></td>
<td>34,000</td>
</tr>
<tr>
<td>22/9/04</td>
<td>10/4/05</td>
<td></td>
<td>72,350</td>
</tr>
<tr>
<td>22/9/04</td>
<td>8/4/05</td>
<td></td>
<td>496,000</td>
</tr>
<tr>
<td>7/10/04</td>
<td>15/4/05</td>
<td></td>
<td>13,000</td>
</tr>
<tr>
<td>14/10/04</td>
<td>18/5/05</td>
<td></td>
<td>80,000</td>
</tr>
<tr>
<td>1/11/04</td>
<td>31/5/05</td>
<td></td>
<td>70,000</td>
</tr>
<tr>
<td>4/11/04</td>
<td>25/2/05</td>
<td></td>
<td>253,000</td>
</tr>
<tr>
<td>2/11/04</td>
<td>10/12/04</td>
<td></td>
<td>285,000</td>
</tr>
<tr>
<td>8/11/04</td>
<td>10/1/05</td>
<td></td>
<td>150,000</td>
</tr>
<tr>
<td>8/11/04</td>
<td>15/3/05</td>
<td></td>
<td>55,000</td>
</tr>
</tbody>
</table>
### Questions on Notice

**Date Application received for decision** | **Settlement Date** | **Anticipated Settlement** | **Loan Approved Amount**
--- | --- | --- | ---
16/11/04 | 17/6/05 | 187,000
15/11/04 | 28/2/05 | 70,000
1/12/04 | 24/10/05 | 60,000
15/12/04 | 14/10/05 | 150,000
22/12/04 | 6/6/05 | 52,000
27/1/05 | 8/3/05 | 9,000
7/2/05 | 14/6/05 | 962,000
24/2/05 | 10/6/05 | 13,000
1/3/05 | 6/5/05 | 190,000
2/3/05 | 11/4/05 | 56,400
7/3/05 | 26/4/05 | 20,000
4/3/05 | Waiting for final documentation to repay old loan; settlement unknown | 147,500
6/4/05 | 11/11/05 | 91,000
18/4/05 | Waiting for land use agreement to be finalised, settlement unknown | 45,000
27/4/05 | 30/9/05 | 22,145
26/4/05 | 52,773
5/5/05 | 25/8/05 | 70,000
5/5/05 | 10/6/05 | 250,000
11/5/05 | 29/05 | 208,000
11/5/05 | 9/8/05 | 48,500
11/5/05 | Settlement delayed until early 06 at client request | 28,000
11/5/05 | 28/9/05 | 20,000
18/5/05 | 31/8/05 | 30,000
23/5/05 | 8/8/05 | 41,000
31/05/05 | Final settlement expected Dec 05 | 22,500
26/5/05 | Premises lease fell through, reassessing business idea | 106,000
6/6/05 | 20/7/05 | 235,000

---

(5) **Business Finance Applications Received 05/06 46 up to 2 December 2005**

(6) **Business Finance Loans Approved 05/06 25 Loans approved 1 July 05 to 5 December 05**
### QUESTIONS ON NOTICE

#### Indigenous Business Australia: Staffing  
(Question No. 1399)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 29 November 2005:

1. For each of the financial years 2000-01 to 2005-06 to date: (a) how many staff have been employed by IBA; (b) how many Indigenous staff have been employed by IBA; (c) how many full-time Indigenous staff have been in senior management; (d) what percentage of total senior management does this number represent; and (e) on what basis this staff was employed (eg full-time, part-time, cadet).

2. What steps has IBA taken to increase the levels of Indigenous staff.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Date Application Received for Decision</th>
<th>Settlement Date</th>
<th>Anticipated Settlement</th>
<th>Loan Approved Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>26/5/05</td>
<td>19/10/05</td>
<td>Early 06</td>
<td>100,000</td>
</tr>
<tr>
<td>26/5/05</td>
<td>19/10/05</td>
<td>Dec 05</td>
<td>40,000</td>
</tr>
<tr>
<td>16/6/05</td>
<td></td>
<td>Dec 05</td>
<td>35,000</td>
</tr>
<tr>
<td>4/7/05</td>
<td></td>
<td>Jan 06</td>
<td>30,000</td>
</tr>
<tr>
<td>27/7/05</td>
<td>29/11/05</td>
<td></td>
<td>29,000</td>
</tr>
<tr>
<td>27/7/05</td>
<td>9/11/05</td>
<td></td>
<td>30,000</td>
</tr>
<tr>
<td>1/8/05</td>
<td></td>
<td>On hold pending client changes, settlement unknown</td>
<td>890,000</td>
</tr>
<tr>
<td>2/8/05</td>
<td></td>
<td></td>
<td>10,713</td>
</tr>
<tr>
<td>6/8/05</td>
<td></td>
<td>Dec 05</td>
<td>22,947</td>
</tr>
<tr>
<td>10/8/05</td>
<td>29/11/05</td>
<td></td>
<td>38,000</td>
</tr>
<tr>
<td>10/8/05</td>
<td></td>
<td>Waiting approval of DOGIT lease, settlement unknown</td>
<td>75,000</td>
</tr>
<tr>
<td>24/8/05</td>
<td></td>
<td></td>
<td>32,000</td>
</tr>
<tr>
<td>31/8/05</td>
<td></td>
<td>Dec 05</td>
<td>143,000</td>
</tr>
<tr>
<td>1/9/05</td>
<td>10/11/05</td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td>5/9/05</td>
<td></td>
<td>Early 06</td>
<td>175,000</td>
</tr>
<tr>
<td>12/9/05</td>
<td></td>
<td>Early 06</td>
<td>320,000</td>
</tr>
<tr>
<td>13/9/05</td>
<td></td>
<td>Early 06</td>
<td>50,000</td>
</tr>
<tr>
<td>16/9/05</td>
<td></td>
<td>Dec 05</td>
<td>165,000</td>
</tr>
<tr>
<td>26/9/05</td>
<td></td>
<td>Early 06</td>
<td>22,500</td>
</tr>
<tr>
<td>28/9/05</td>
<td></td>
<td>Dec 05</td>
<td>290,000</td>
</tr>
<tr>
<td>28/10/05</td>
<td></td>
<td>March 06</td>
<td>325,000</td>
</tr>
<tr>
<td>10/11/05</td>
<td></td>
<td>March 06</td>
<td>540,000</td>
</tr>
<tr>
<td>Year</td>
<td>No of Staff</td>
<td>No. of Indigenous Staff</td>
<td>No of full time Indigenous staff in senior management</td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
<td>-------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>2000-01</td>
<td>20 includes Part Time</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>2001-02</td>
<td>18 includes 2 part time</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>2002-03</td>
<td>16 includes 1 part time</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>2003-04</td>
<td>15</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>2004-05</td>
<td>128 includes 5 part time</td>
<td>42</td>
<td>1</td>
</tr>
</tbody>
</table>

In response to question 2: To back its objective of supporting and encouraging Indigenous employment, whenever staff vacancies arise these positions are first advertised in Indigenous newspapers such as the Koori Mail and National Indigenous Times.

**Tasmanian Devil**

*Question No. 1400*

Senator Milne asked the Minister for the Environment and Heritage, upon notice, on 29 November 2005:

What progress has been made in relation to the Tasmanian Greens’ nomination for listing of the Tasmanian Devil (Sarcophilus harrisii) as vulnerable under the Environment Protection and Biodiversity Conservation Act 1999.

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

The nomination for the Tasmanian Devil is currently under consideration by the Threatened Species Scientific Committee. It is normal practice for the Committee to seek and examine expert and public comment on nominations prior to making a recommendation. I am expecting the Committee’s advice once this process has been completed.

Under the Environment Protection and Biodiversity Conservation Act 1999 the Committee has twelve months from the date of receipt of a nomination in which to advise me.

**Comgas Scheme**

*Question No. 1402*

Senator Chris Evans asked the Minister representing the Minister for Health and Ageing, upon notice, on 30 November 2005:

1. (a) Can a brief summary be provided of the Comgas Scheme; (b) when was it first announced; and (c) what are its objectives.

2. (a) What is the total amount of spending on the Comgas Scheme, disaggregated on the basis of financial years from the commencement of the scheme to date; and (b) can figures be divided according to the administered funds and departmental costs.

3. What communities have participated in the Comgas Scheme to date and for each community: (a) to which state or territory do these communities belong; (b) what were the starting and ending dates of the communities participation in the Comgas Scheme and; (c) what were the administered funds from the Comgas Scheme funding pool (separated into figures for funds allocated and funds spent).
(4) (a) What communities have been selected for participation in the Comgas Scheme; (b) to which state or territory do these communities belong; (c) what were the approximate starting dates for participation in the scheme for each community; and (d) what were the administered funds that have been either spent and/or allocated from the Comgas Scheme funding pool for each community.

(5) Has the department or another Commonwealth agency made any representations to the Queensland Government in relation to the participation of Cape York communities in the Comgas Scheme; if so: (a) what representation was made; and (b) when was this representation made.

(6) Has Aurukun been selected for participation in the Comgas Scheme; if so: (a) when; (b) who nominated Aurukun (e.g. the Queensland Government, the Commonwealth Government, the community itself); (c) what where the grounds for Aurukun’s selection; and (d) can information be provided on the extent of petrol sniffing in Aurukun.

(7) What is the anticipated starting date of Aurukun’s participation in the scheme.

(8) Have any Comgas Scheme funds been allocated to Aurukun; if so, what is the amount.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) A brief summary is at Attachment A.

(b) The Comgas Scheme was announced by the then Federal Aboriginal Affairs Minister, the Hon. John Herron, on 30 November 1998.

(c) The objectives of the Comgas Scheme are to reduce supply of sniffable fuel, minimise harm from petrol sniffing and encourage communities to engage in alternative activities as deterrents to petrol sniffing and other substance misuse within remote Aboriginal and Torres Strait Islander communities.

(2) (a) Total expenditure for the financial years 1999/2000 through to 2004/05 was $3,031,328.11.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998/99</td>
<td>The relevant files have been archived and ascertaining expenditure would require an unreasonable diversion of departmental resources</td>
</tr>
<tr>
<td>1999/00</td>
<td>$351,112.90</td>
</tr>
<tr>
<td>2000/01</td>
<td>$239,978.54</td>
</tr>
<tr>
<td>2001/02</td>
<td>$457,826.05</td>
</tr>
<tr>
<td>2002/03</td>
<td>$558,802.04</td>
</tr>
<tr>
<td>2003/04</td>
<td>$593,028.86</td>
</tr>
<tr>
<td>2004/05</td>
<td>$830,579.72</td>
</tr>
<tr>
<td>Total</td>
<td>$3,031,328.11</td>
</tr>
</tbody>
</table>

(b) The figures are for administered funds only. The departmental costs were absorbed into the Office for Aboriginal and Torres Strait Islander Health (OATSIH) appropriation.

(3) (a) and (b) Details of communities participating in the Comgas Scheme:

<table>
<thead>
<tr>
<th>Community</th>
<th>(a) State/Territory</th>
<th>(b) Commencement date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Kaltukatjara (Docker River)</td>
<td>Northern Territory</td>
<td>December 1998</td>
</tr>
<tr>
<td>2 Walungurru (Kintore)</td>
<td>Northern Territory</td>
<td>December 1998</td>
</tr>
<tr>
<td>3 Mt. Liebig</td>
<td>Northern Territory</td>
<td>October 2003</td>
</tr>
<tr>
<td>4 Papunya</td>
<td>Northern Territory</td>
<td>May 2004</td>
</tr>
<tr>
<td>5 Apatula (Finke)</td>
<td>Northern Territory</td>
<td>April 2005</td>
</tr>
<tr>
<td>6 Hermannsburg</td>
<td>Northern Territory</td>
<td>April 2005</td>
</tr>
</tbody>
</table>
The community of Yagga Yagga in Western Australia joined the Comgas Scheme in December 1998 and was removed from the scheme in April 2004. At that time the community did not have a fuel bowser and were not purchasing Avgas. No other communities have exited the scheme.

The level of expenditure to date for each community depended on the community’s level of petrol consumption and the length of time they have been registered with the scheme. Expenditure statistics for the scheme are not routinely captured by community. To give an indication, anticipated expenditure by community for 2005/06 is included below. This has been based on current consumption patterns.
<table>
<thead>
<tr>
<th>Community</th>
<th>Anticipated Expenditure for 2005/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Kaltukatjara (Docker River)</td>
<td>$10,296</td>
</tr>
<tr>
<td>2 Walungurru (Kintore)</td>
<td>$18,546</td>
</tr>
<tr>
<td>3 Mt. Liebig</td>
<td>$19,668</td>
</tr>
<tr>
<td>4 Papunya</td>
<td>$20,196</td>
</tr>
<tr>
<td>5 Apatula (Finke)</td>
<td>$20,000</td>
</tr>
<tr>
<td>6 Hermannsburg</td>
<td>$34,368</td>
</tr>
<tr>
<td>7 Areyonga</td>
<td>$9,900</td>
</tr>
<tr>
<td>8 Kardu Numuda (Daly River Area) (Port Keat)</td>
<td>$76,708</td>
</tr>
<tr>
<td>9 Maningrida (Bawinanga)</td>
<td>$90,958</td>
</tr>
<tr>
<td>10 Numbulwar</td>
<td>$4,300</td>
</tr>
<tr>
<td>11 Milingimbi (Marthakal Homelands)</td>
<td>$27,083</td>
</tr>
<tr>
<td>12 Galiwinku (Elcho Island)</td>
<td>$21,024</td>
</tr>
<tr>
<td>13 Ramingining</td>
<td>$70,956</td>
</tr>
<tr>
<td>14 Warruwi (Goulburn Is)</td>
<td>$35,916</td>
</tr>
<tr>
<td>15 Minjalarang (Croker Island)</td>
<td>$3,504</td>
</tr>
<tr>
<td>16 Gapuwiyak</td>
<td>$16,206</td>
</tr>
<tr>
<td>17 Ngukurr (Roper River)</td>
<td>$130,699</td>
</tr>
<tr>
<td>18 Papulkankutja (Blackstone)</td>
<td>$19,802</td>
</tr>
<tr>
<td>19 Cosmo Newbery</td>
<td>$7,556</td>
</tr>
<tr>
<td>20 Mantamaru (Jameson)</td>
<td>$19,442</td>
</tr>
<tr>
<td>21 Kiwirrkurra</td>
<td>$18,480</td>
</tr>
<tr>
<td>22 Tjirrkali (Tjukarli)</td>
<td>$7,740</td>
</tr>
<tr>
<td>23 Patjarr</td>
<td>0</td>
</tr>
<tr>
<td>24 Wannan</td>
<td>$35,822</td>
</tr>
<tr>
<td>25 Warakurna</td>
<td>$57,962</td>
</tr>
<tr>
<td>26 Warburton</td>
<td>$72,313</td>
</tr>
<tr>
<td>27 Irruniyu (Wingellina)</td>
<td>$14,582</td>
</tr>
<tr>
<td>28 Tjukirla</td>
<td>$18,004</td>
</tr>
<tr>
<td>29 Wirrimanu (Balgo)</td>
<td>$39,128</td>
</tr>
<tr>
<td>30 Mulan (Lake Gregory)</td>
<td>$29,200</td>
</tr>
<tr>
<td>31 Kanpa</td>
<td>0</td>
</tr>
<tr>
<td>32 Amata</td>
<td>$37,952</td>
</tr>
<tr>
<td>33 Kaljiti (Fregon)</td>
<td>$22,832</td>
</tr>
<tr>
<td>34 Indulkana (Iwanta)</td>
<td>$22,664</td>
</tr>
<tr>
<td>35 Kanypi (also supply Murpatja)</td>
<td>$19,276</td>
</tr>
<tr>
<td>36 Mimili</td>
<td>$41,385</td>
</tr>
<tr>
<td>37 Pipalyatjara</td>
<td>$26,781</td>
</tr>
<tr>
<td>38 Puka’tja (Ernabella)</td>
<td>$61,982</td>
</tr>
<tr>
<td>39 Maralinga (Oak Valley)</td>
<td>$18,256</td>
</tr>
<tr>
<td>40 Watarru</td>
<td>$1,056</td>
</tr>
<tr>
<td>41 Waituna</td>
<td>$19,430</td>
</tr>
<tr>
<td>42 Aurukun</td>
<td>$58,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,280,373</strong></td>
</tr>
</tbody>
</table>

(4) In addition to those listed above, the following communities have been registered for participation in the Comgas Scheme as at 30 September 2005.
<table>
<thead>
<tr>
<th>(a) Communities</th>
<th>(b) State/Territory</th>
<th>(c) Approximate starting date</th>
<th>(d) Anticipated expenditure 2005/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tjuntjunjara</td>
<td>Western Australia</td>
<td>12 September 2005</td>
<td>$13,125</td>
</tr>
<tr>
<td>Yuendumu</td>
<td>Northern Territory</td>
<td>12 September 2005</td>
<td>$19,250</td>
</tr>
<tr>
<td>Willowra</td>
<td>Northern Territory</td>
<td>12 September 2005</td>
<td>$9,625</td>
</tr>
<tr>
<td>Nyirripi</td>
<td>Northern Territory</td>
<td>12 September 2005</td>
<td>$7,700</td>
</tr>
<tr>
<td>Ikuntji</td>
<td>Northern Territory</td>
<td>12 September 2005</td>
<td>$9,625</td>
</tr>
<tr>
<td>Peppimenarti</td>
<td>Northern Territory</td>
<td>12 September 2005</td>
<td>$63,875</td>
</tr>
<tr>
<td>Nganmarriyanga</td>
<td>Northern Territory</td>
<td>12 September 2005</td>
<td>$12,775</td>
</tr>
</tbody>
</table>

(5) (a) and (b) In January 2004 the Department of Health and Ageing wrote to the Queensland Government in regard to having avgas, when not used for aviation, placed on the Queensland Fuel Subsidy Scheme. Avgas was the original non-sniffable fuel used as part of the overall strategy to combat petrol sniffing. The Queensland Government advised that the Queensland Fuel Subsidy applied only to motor spirit and diesel of the type ordinarily sold by a retailer (service station). As avgas was not a motor spirit or diesel, there was no entitlement to the subsidy.

A new fuel, Opal, was developed specifically for the Comgas Scheme. Opal fuel became available in February 2005.

Since November 2004 the Department of Health and Ageing has corresponded several times with both the Queensland Department of Aboriginal and Torres Strait Islander Policy and the Queensland Office of State Revenue in order to encourage recognition of Opal fuel by the Queensland Fuel Subsidy Scheme. This culminated on 17 October 2005 with the Queensland Government announcing a 15 month trial of Opal fuel in discrete Queensland Aboriginal communities.

The Department of Health and Ageing and the Department of Immigration and Multicultural and Indigenous Affairs (the Office of Indigenous Policy Coordination) met with representatives of the Queensland Department of Aboriginal and Torres Strait Islander Policy on 18 October and again on 18 November 2005 to discuss the issue of petrol sniffing and the Comgas Scheme in general. At those meetings, officials discussed a number of sites in Queensland, including some in Cape York. Queensland officials were advised on 18 November 2005 that the community of Aurukun would soon receive its first supply of Opal.

(6) (a) Aurukun was registered on the Comgas Scheme on 1 April 2004.
(b) The Aurukun community applied to the Department of Health and Ageing for registration.
(c) Aurukun was selected on the basis of their application which was supported by the Aurukun community.
(d) Aurukun reported that by December 2003 there were up to 50 regular petrol sniffer

(7) Aurukun received their first delivery of Opal fuel in mid November 2005.
(8) For the 2005/06 financial year $58,400 has been allocated to Aurukun based upon the community’s estimated annual consumption of 120,000 litres of fuel.

Attachment A

BACKGROUND INFORMATION ON COMGAS SCHEME AND OPAL FUEL

The Comgas Scheme was implemented by the Australian Government in 1998. The scheme is administered by the Office for Aboriginal and Torres Strait Islander Health (OATSIH), Department of Health and Ageing.

Until February 2005, the scheme provided a subsidy of 37 cents per litre to offset the additional cost encountered by Aboriginal and Torres Strait Islander communities that used aviation gasoline (avgas) as
an alternative fuel. The additional cost was in the form of an excise loading charged on the supply of avgas used for non-aviation purposes. Because avgas contained relatively low levels of aromatic hydrocarbons, (the substances that give petrol sniffers a ‘high’) it was used as a replacement fuel in communities where petrol sniffing is an issue. BP Australia Pty Ltd, working in conjunction with OATSIH and the Australian Institute of Petroleum, developed a new fuel for the specific needs of the Comgas Scheme. This fuel is known generically as Opal. Both the formulation and the name are available to any other petroleum refiner that may seek to enter the market. Opal fuel is refined and stored in bulk at BP’s Largs North terminal in South Australia. Distribution to communities of the first batch of Opal commenced in February 2005. Opal is currently the fuel best suited to the needs of communities with petrol sniffing issues. It is an unleaded fuel with no sulphur content and extremely low levels of aromatics. The fuel will not give sniffers a ‘high’. Opal performs similarly to regular unleaded petrol (ULP) in terms of economy and efficiency but it is more expensive than ULP to both produce and distribute. The Australian Government subsidises the production of Opal to the extent of 33 cents per litre and also subsidises distribution costs at a rate of between zero and 40 cents per litre depending on the location of the receiving communities. The need for a distribution subsidy arises because Opal is bulk stored at one location in South Australia. The current recurrent budget allocation to support the Comgas Scheme is $1 million annually. This is sufficient to meet the subsidy needs of the 42 communities currently registered for the Comgas Scheme prior to 12 September 2005. A $9.6 million (over four years) expansion of the scheme to additional communities and regions was announced in the 2005/06 Budget measure ‘Combating Petrol Sniffing’. An additional $9.5 million was announced on 12 September 2005 to implement a Central Australian desert regional rollout. This will allow for 6 new Indigenous communities, 7 roadhouses and 9 pastoral properties to be added to the scheme.

State of the Service Report
(Question No. 1403)

Senator Murray asked the Minister representing the Minister Assisting the Prime Minister for the Public Service, upon notice, on 30 November 2005:

(1) With reference to page 83 of the Australian Public Service Commission (APSC) annual report for 2003-04 in which it is stated that the Commission’s evaluation program included, ‘…an evaluation of agencies’ guidance on interactions with ministerial offices. This project examined in detail the factors influencing employees’ confidence in balancing the APS Values in their interactions with ministers’ offices, and considered what steps agencies could take to boost that confidence. The results will feed into both the State of the Service Report for 2003-04, and a good practice guide for use by agencies to be released in late 2004’; given that ‘late 2004’ is a year ago, when will this good practice guide be released.

(2) The APSC state of the service report for 2003-04 indicated on page 253 that the relationship between the APS, Government and Parliament was a priority area for the Commission; is this still the case; if so, why has there been such a considerable delay in releasing the good practice guide.

Senator Abetz—The Minister Assisting the Prime Minister for the Public Service has provided the following answer to the honourable senator’s question:
(1) The good practice guide referred to in the 2003–04 State of the Service Report has been finalised by the Australian Public Service Commission and is being prepared for publication. The guide, Supporting Ministers, Upholding the Values, is scheduled for release in early February 2006.

(2) The delay in finalising the guide resulted from extensive consultation with agency heads to ensure its accuracy, general applicability and usefulness.

Illegal Entry Vessels

(Question No. 1410)

Senator Milne asked the Minister for Defence, upon notice, on 1 December 2005:

(1) How many rescues of suspected illegal entry vessels was the Australian Defence Force (ADF) involved in between 1 January 1999 and 31 December 2001; (b) what were the codenames of those suspected illegal entry vessels; and (c) how many passengers were aboard those vessels.

(2) (a) What action was taken by the ADF on 27 March and 28 March 2001 in relation to the rescue at sea of the suspected illegal entry vessel codenamed Gelantipy; and (b) what records are held by the ADF in relation to the rescue at sea of this vessel.

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

(1) The events of this period are already on the public record as a result of the Senate Inquiry into a ‘Certain Maritime Incident’.

(2) (a) and (b) None.

National Aboriginal and Torres Strait Islander Social Survey

(Question No. 1417)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 2 December 2005:

With reference to an Australian Bureau of Statistics report in 2004 that indicated that, in 2002, 46.2 per cent of Indigenous people aged 15 years and older were employed, an increase from 36.3 per cent in 1994:

(1) (a) What did the category of ‘employed’ include in 2002 and what did it include in 1994; and (b) for both years, did ‘employed’ include (i) people on Community Development Employment Projects (CDEP), (ii) people on Job Network placements, or (iii) any other category that is not unsubsidised, paid employment (name the category if it exists, e.g. employment that is subsidised by wage assistance)

(2) Can a breakdown of 2002 statistics be provided, indicating the number and percentage of people who were in: (a) CDEP, Job Network placements and other subsidised employment; and (b) part-time and full-time work after the CDEP participants are deducted from the number.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

The information requested relates to the National Aboriginal and Torres Strait Islander Social Survey (NATSISS). The Australian Bureau of Statistics (ABS) compiles this survey. Accordingly, this matter should be referred to the ABS for further consideration.

Passports

(Question No. 1420)

Senator Stott Despoja asked the Minister representing the Minister for Foreign Affairs, upon notice, on 2 December 2005:
(1) Has the Government made arrangements, or entered into any agreements, to ensure that Australian citizens will not be inappropriately treated and/or inconvenienced if the chip in an Australian ePassport malfunctions or fails when an Australian citizen is attempting to enter or leave Australia or another country; if so, what are the provisions of those arrangements and/or agreements.

(2) Has the Government taken any steps of a technological or other nature to ensure that additional information/data cannot be added onto the chip in an Australian ePassport (e.g. into any empty space left on the chip), either with or without the passport holder’s knowledge, after the passport has initially been issued; if so, what steps have been taken.

(3) Does the Australian ePassport use the basic access control mechanism (as referred to in the International Civil Aviation Organization (ICAO) specifications) to protect against remote skimming of, and eavesdropping on, the data on the chip by unauthorised readers.

(4) Does the Australian ePassport use the active authentication mechanism (as referred to in the ICAO specifications) to protect against chip substitution and cloning of a chip.

(5) With reference to the ICAO Passport Specification (Doc 9303) June 2005 Supplement statements that ‘[t]he e-passport may serve as a “beacon” in which the chip emits when initially activated data (the UID number) that might allow identification of the issuing authority’ and that some issuers wish to implement random UIDs due to ‘concerns about data privacy and the possibility to trace persons due to fixed numbers’ and that ‘The use of random UIDs is RECOMMENDED, but States MAY choose to apply unique UIDs’ (emphasis in original): (a) does the chip in Australian ePassports emit a random UID, or a fixed UID, when initially activated; if random UIDs are not being used in Australian ePassports, why not; (b) does the UID (whether random or fixed) emitted by Australian ePassports include data that: (i) might allow identification of the issuing authority (i.e. the Australian Government), (ii) disclose that the chip is in an Australian ePassport, or (iii) disclose that the chip is in an ePassport; and (c) if the Australian ePassport chip uses a fixed UID, or the UID includes data that might allow identification of the issuing authority or discloses that the chip is in an ePassport, does the ePassport have metal fibres in the cover or any other means of preventing the UID from being emitted and read while the passport booklet is closed; if not, why not.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) In the event of chip failure the holder of an e-Passport would be processed in the same way the holder of a non-ePassport would be processed, with the identity information drawn from the machine-readable zone on the data page of the passport and identification confirmed by visual checking.

(2) Once data is written to the chip by the issuing authority (the Department of Foreign Affairs and Trade) in the issuing process, the chip is locked and cannot be written to by any other person or authority. The chip is also protected by Public Key Infrastructure (PKI), which provides a very high level of assurance that the data was lawfully written to the chip by the issuing authority, is complete and has not been altered.

(3) Yes

(4) No. The package of security measures already in place in the chip provide a high level of security and protection, including against substitution and cloning.

(5) (a) a random UID is emitted
   (b) (i) no
   (ii) no
   (iii) no
(c) not applicable – see (a) and (b).

Freedom of Information Request
(Question No. 1421)

Senator Conroy asked the Minister representing the Minister for Trade, upon notice, on 2 December 2005:

(1) (a) Can the Minister confirm that on 4 October 2005, the office of the Minister for Trade received a Freedom of Information (FOI) request seeking access to a letter concerning broadband pricing, written by the Minister to the National Farmers’ Federation (NFF).

(2) Can the Minister confirm that the Minister for Trade has failed to respond to this request.

(3) Is the Minister aware that section 15 of the Freedom of Information Act 1982 requires the Minister for Trade to notify an applicant of a decision in relation to an FOI request within 30 days of receiving that request.

(4) Can the Minister explain why the Minister for Trade has failed to comply with the requirements of the Act in relation to the request for access to the NFF letter.

(5) Can the Minister advise the Senate when the Minister for Trade intends to respond to the FOI request.

Senator Hill—The Minister for Trade has provided the following answer to the honourable senator’s question:

(1) Yes

(2) Yes

(3) Yes

(4) The letter does not recite that it was accompanied by an application fee; it seeks remission of charges but does not expressly seek remission of an application fee. As an application fee was not provided, the request is not a valid request (and therefore statutory processing time does not run) until remission is granted or the fee is paid.

(5) A copy of the letter is attached to this response.

ACTING PRIME MINISTER, CANBERRA

Mr Peter Corish
President
National Farmers Federation
14-16 Brisbane Avenue
BARTON ACT 2600

Dear Mr Corish

I am writing to provide you with information on how the Government is addressing the question of line rental pricing for people living in rural, regional and remote Australia.

As you would be aware the Government imposes retail price controls on Telstra. The current price controls expire on 31 December 2005. The Government has announced its proposed new price controls for Telstra. Among these is a line rental safety net imposed by a price control that will not allow Telstra’s basic line rental products to increase by more than the rate of inflation. This control will be imposed through a Ministerial Determination that will take effect from 1 January 2006.

The Government is also aware of concerns raised by Telstra about the potential impact on retail line rental pricing arrangements of wholesale pricing decisions by the Australian Competition and Consumer Commission (ACCC) in relation to Unbundled Local Loop Services (CILLS). Recognising this con-
cern, the Government announced on 17 August 2005 that it will be looking into the interaction between wholesale and retail pricing regulation in consultation with the ACCC and Telstra.

While the ACCC has not finalised its decisions in relation to wholesale pricing for TJLLS the Government is already looking into the potential impact of its draft wholesale pricing decision and is assessing information provided by both the ACCC and Telstra. The Government has agreed that we will act, if necessary, to ensure that regional Australians are not disadvantaged in the line rental charges they pay when compared to people in metropolitan areas. There are a number of ways that such a problem could be addressed. The Government will adopt a response which balances the objectives of broad pricing parity with the equally important objectives of encouraging ongoing competition and investment by Telstra and other providers in regional and rural Australia.

Again, I can assure you that the Government can and will continue to ensure that regional Australians are not disadvantaged in the line rental changes they pay when compared to people in metropolitan areas. I will keep you informed as the Government undertakes this assessment process with a view to ensuring that parity is maintained.

Yours sincerely

MARK VAILE

Aged Care Facilities
(Question No. 1423)

Senator McLucas asked the Minister for Ageing, upon notice, on 5 December 2005:

(1) The Aged Care Standards and Accreditation Agency makes a number of ‘support contact visits unannounced’ (spot checks), which can be ‘targeted’ or ‘random’ and, in 2002-03 there were 242 spot checks, in 2003-04 there were 553, and in 2004-05 there were 563; for each of the financial years 2002-03 to 2004-05 how many of these spot checks were: (a) targeted; and (b) random.

(2) For each of the financial years 2002-03 to 2004-05, how many aged care facilities received spot checks and were given notice of: (a) less than one day; (b) one day; (c) 2 days; (d) 3 days; (e) 4 days; (f) 5 days; (g) 6 days; (h) 7 days; and (i) more than 7 days.

(3) Were all the ‘targeted’ spot checks undertaken as a result of complaints; if so, can a breakdown be provided of the nature of the complaints (e.g. care, nutrition, accommodation issues etc.).

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

(1) The spot checks undertaken by the Aged Care Standards and Accreditation Agency are not recorded or reported in terms of whether they are “random” or “targeted”.

(2) All unannounced visits (spot checks) undertaken by the Aged Care Standards and Accreditation Agency were made with less than one day’s notice, including those undertaken between 2002-03 to 2004-05.

(3) See (1) above.

Aged Care
(Question No. 1424)

Senator McLucas asked the Minister representing the Minister for Ageing, upon notice, on 5 December 2005:

As at December 2005, what is the number, by electorate, of: (a) allocated and operational residential aged care places; (b) allocated and operational community aged care packages; and (c) allocated and operational extended aged care at home packages.

Senator Patterson—The Minister for Ageing has provided the following answer to the honourable senator’s question:
Planning for the provision of aged care is based on Aged Care Planning Regions. Information on allocated and operational aged care places for each Aged Care Planning Region is available on pages 104-105 of the annual report of the Australian Government Department of Health and Ageing.

Aged Care

(Question No. 1425)

Senator McLucas asked the Minister representing the Minister for Ageing, upon notice, on 5 December 2005:

As at June 2005, and broken down by electorate, what was the number of: (a) allocated and operational residential aged care places; (b) allocated and operational community aged care packages; and (c) allocated and operational extended aged care at home packages?

Senator Patterson—The Minister for Ageing has provided the following answer to the honourable senator’s question:

Planning for the provision of aged care is based on Aged Care Planning Regions. Information on allocated and operational aged care places for each Aged Care Planning Region is available on pages 104-105 of the annual report of the Australian Government Department of Health and Ageing.

Bush Buzz

(Question No. 1427)

Senator Crossin asked the Minister for Family and Community Services, upon notice, on 6 December 2005:

(1) What was the process that resulted in the decision that the magazine, Bush Buzz, should no longer be eligible for funding by the department, and what were the reasons for that decision.

(2) Was a copy of Bush Buzz examined by the Department in making this decision.

(3) What representations has Senator Scullion made to the Minister and/or the Department in regards to Bush Buzz.

(4) (a) How much funding was provided by the Department to Bush Buzz to allow the printing of three further editions; (b) were any conditions attached to the provision of further funding by the Department; and (c) what representations did Senator Scullion make to the Minister and/or the Department in regards to this specific issue.

(5) (a) From which pool of funding was money drawn to allow Bush Buzz to print three further editions; and (b) can Bush Buzz continue to be funded from this pool of funds.

(6) Which applicants from rural, remote or isolated locations have been successful in their application for funding under the Child Care Community Support Payments (Sustainability Program).

(7) Has Bush Buzz been considered for funding under the New Child Care Support Program or any other programs; if so, what were the reasons given.

(8) Are there other programs from which Bush Buzz may be eligible to receive funding; if so, can details be provided of these programs and funding arrangements.

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

(1) Bush Buzz was funded in the past through the Child Care Broadband. As a result of the comprehensive and consultative Child Care Broadband Review in 2003, the new Child Care Support Program was established, with clearer goals and objectives, and an explicit focus on the provision of accessible, quality child care. An examination of Bush Buzz revealed that it was out of scope for the program, and did not directly contribute to the provision of accessible quality child care. The Department has been unable to identify an alternative funding source within the Portfolio.
(2) Yes.

(3) Senator Scullion approached my office requesting the decision to cease funding be reconsidered.

(4) (a) Funding of $11,641.42 has been provided to continue the magazine from 1 January to 30 June 2006.

(b) There were no conditions attached to this funding however, funding will continue until 30 June 2006 to give the service time to secure an alternative source of funding.

(c) See answer at (3).

(5) (a) The Child Care Support Program.

(b) No

(6) The Child Care Community Support payments (Sustainability Program) are targeted at rural and remote child care services to assist with mobility. Applicants are assigned an ARIA category on the basis of their address. ARIA is the Accessibility/Remoteness Index of Australia, developed by the Australian Bureau of Statistics. Over 850 child care services in regional and remote areas are receiving assistance.

(7) and (8) Yes, but it is not within the objectives and scope of the Child Care Support Program. However, Bush Buzz have been advised of other avenues of funding, such as Stronger Families and Communities Strategy - Local Answers administered through the Department. Funding rounds are advertised widely in the press and on the Stronger Families and Communities Strategy website at www.facs.gov.au/sfcs. Other avenues include www.grantslink.gov.au and www.community.gov.au and www.philanthrophy.org.au. The Northern Territory government should also be approached about funding options.

Work Choices Legislation

(Question No. 1428)

Senator Wong asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 December 2005:

(1) Can the Minister confirm that: (a) at 4 pm on 5 December 2005, a group of Eden-Monaro constituents attended a meeting with their local member, Mr Gary Nairn, to discuss the Government’s industrial relations changes; and (b) also present at the meeting were the Member for Goldstein (Mr Robb) and two government lawyers.

(2) (a) Was the presence of the two lawyers at the request of Mr Nairn or Mr Robb; and (b) who decided that it was appropriate that government lawyers would be present at this meeting.

(3) Can the Minister provide details of the government lawyers present at the 5 December 2005 meeting, including: (a) their names; (b) their job titles and job descriptions; (c) the capacity in which they were at this meeting; and (d) the government agency and/or workplace in which they are employed.

(4) Were either of the government lawyers involved, directly or indirectly, in any drafting, preparation or work on the Workplace Relations Amendment (Work Choices) Bill 2005; if so, what was the extent of this involvement.

(5) Can the Minister provide details, including the date and attendees, of any other meetings between coalition members and senators and their constituents that have had government lawyers in attendance.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

No government lawyers engaged by DEWR attended any such meetings.

QUESTIONS ON NOTICE
Maribyrnong Detention Centre
(Question No. 1433)

Senator Allison asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 7 December 2005:
(1) What arrangements are in place to enable detainees to use the grassed recreation area during the construction of the extension to the Maribyrnong Detention Centre.
(2) If this area is not available during construction, what other arrangements are in place for outdoor activities during this period.

Senator Vanstone—The answer to the honourable senator’s question is as follows:
(1) Access to the grassed area is via a door on the east side of the centre. The area has been modified to provide sporting and recreation facilities. Picnic tables and seating have been relocated from the previously accessible area into the reduced grassed area during construction. The volleyball court area remains accessible for detainee sports including cricket and soccer.
(2) The grassed area remains available for use in a reduced form.

A previously unused courtyard has been re-opened with a new direct access doorway for the male detainees from their accommodation area to provide additional outdoor recreation. The gym equipment is located in the existing male courtyard area and additional gym equipment is being ordered to improve access and exercise options.

Extensive consultation with the detainees has been undertaken on preferred activities and the activities officer has devised new programs to use the remaining areas more intensively during construction. Excursions for detainees have commenced and plans for further excursions are underway. These excursions include sporting and exercise components.

Mr Nick Petroulias
(Question No. 1437)

Senator Sherry asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 8 December 2005:
What is the total cost to the taxpayer of litigation relating to Mr Nick Petroulias, including time spent by Australian Taxation Office officers and other agencies

Senator Coonan—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:
I refer the Honourable Senator to the answer tabled by the Attorney-General on 13 October 2005 in response to question number 2227.

In addition to this, the Australian Taxation Office (ATO) conducted an internal investigation into this matter during 1998-99. The matter was referred to the Commonwealth Director of Public Prosecutions in January 1999 and a joint investigation between the Australian Federal Police and the ATO was established in April 1999.

The ATO’s internal investigation was led by a senior officer who was assisted by other officers as necessary. The cost of the ATO’s investigation activities are not able to be quantified with a high degree of accuracy.

Australian Taxation Office: Staffing
(Question No. 1438)

Senator Sherry asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 8 December 2005:
Would the Minister provide details of current staff levels in the Serious Non-Compliance Unit of the Australian Taxation Office, staff levels as at December 2004, and the number of persons seconded from this unit to the Wickenby Operation in the Australian Crime Commission.

Senator Coonan—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:

Serious Non-Compliance staff levels as at December 2004:
FTE = 423.53 and headcount is 428
Serious Non-Compliance staff levels as at November 2005:
FTE = 527.4 and headcount is 532

As at November 2005, 10 staff from the Serious Non-Compliance team in the ATO were seconded to the Wickenby Operation in the ACC.

Suspected Illegal Entry Vessels
(Question No. 1444)

Senator Ludwig asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 8 December 2005:

For each of the financial years 2002-03 to 2004-05 to date:
(1) How many Suspected Illegal Entry Vessels (SIEV) have been detected in Australian waters.
(2) How many SIEV were first detected by: (a) the Department of Agriculture, Fisheries and Forestry (DAFF); (b) other federal agencies; (c) state or local government; and (d) other non-government agencies.
(3) For each SIEV: (a) on what date was the entry was detected; (b) how many SIEVs were detected in each entry; (c) how did DAFF detect the SIEV (i.e. aerial surveillance, reports from another government agency, reports from an individual, any other manner); (d) where was the SIEV detected; (e) did DAFF intercept the SIEV; (f) on what date was the SIEV intercepted; (g) were any other agencies involved in the interception of the SIEV; if not, why not; and if not, was another government agency able to intercept the SIEV; (h) was the SIEV impounded or turned around; (i) what was the number of persons on the SIEV; (j) what was the number of persons detained from the SIEV; (k) what was the number of persons on each SIEV who have had criminal charges brought against them and what were the number and nature of the charges; (l) how many of those charges resulted in a prosecution; (m) how many prosecutions resulted in a successful conviction and what was the sentence; (n) if the SIEV was impounded: (i) has it been since released, (ii) has it been destroyed, or (iii) is it still impounded; (o) if it was released, to whom; and (p) if it was not impounded, what was done with the SIEV after it had been intercepted.

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

The Department of Agriculture, Fisheries and Forestry (DAFF) does not detect or intercept SIEVs. The Australian Customs Service is tasked by the Government with providing a civil maritime surveillance and response service to a range of government agencies. Coastwatch, a Division of Customs, provides this service in response to the needs of government agencies. In the case of SIEVs, this is the responsibility of the Department of Immigration and Multicultural and Indigenous Affairs.

Australian Flag
(Question No. 1446)

Senator Conroy asked the Special Minister of State, upon notice, on 9 December 2005:

(1) For each of the years 1997 to 2005: (a) which government members and senators distributed Australian flags to coalition state members of parliament; and (b) in each case, how many Australian
flags were: (i) distributed, (ii) by whom, (iii) to whom, and (iv) who was the federal member of parliament whose electorate overlapped the state member of parliament’s electorate.

(2) Which government members of parliament: (a) recorded the distribution of an Australian flag to a coalition state member of parliament in the Senators and Members Record of Flag Presentations, as required by the Department of Finance and Administration; and (b) did not record the distribution of an Australian flag to a coalition state member of parliament in the Senators and Members Record of Flag Presentations, as required by the Department of Finance and Administration.

(3) When government members of parliament recorded the distribution of an Australian flag to a coalition state member of parliament in the Senators and Members Record of Flag Presentation, what action did the Minister or the department take; if no action was taken, why not.

(4) If government members of parliament did not record the distribution of an Australian flag to a coalition state member of parliament, what was recorded.

(5) For each of the years 1997 to 2005: (a) which government members of parliament distributed Australian flags to: (i) community groups, and (ii) schools or private individuals outside their electorates; and (b) what were the electorates in which they were distributed.

(6) Is it appropriate for a state member of parliament to present the Australian flag to a school, community group or private individual.

(7) Is it a breach of entitlements for a federal government member of parliament to distribute Australian flags to a state member of parliament.

(8) Is the Minister aware of: (a) material featured in the community newsletters of the Member for Waverley Province (Mr Andrew Brideson), the Member for Box Hill (Mr Robert Clark), the Members for East Yarra (Mr David Davis and Mr Richard Dalla-Riva), the Member for Eumemmerring (Mr Gordon Rich-Phillips) and the Member for Templestowe (Mr Bill Forwood), which state that they are able to ‘arrange an Australian or Victorian state flag for schools and community groups’ for distribution within their electorates; (b) any other newsletters distributed by state members of parliament that promote the member’s ability to facilitate an Australian flag; (c) any approval sought by the Victorian Liberal Party of any member of the federal government before distributing this material in members of parliament’s newsletters; if so, from whom did it seek that approval and what was the response; and (d) an official or unofficial agreement that has been reached whereby government members of parliament or senators should distribute Australian flags to coalition state members of parliament in areas where the federal member of parliament is a member of the Australian Labor Party.

(9) Does the Minister agree with the material in newsletters referred to in (8) above; if so, why; if not, what action will be taken to ensure this material, or any other similar material, is no longer distributed by state or territory coalition members of parliament.

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

(1) to (5) The requested information is not available, as the Department of Finance and Administration does not collect Senators and Members’ flag presentation records on a routine basis, instead these records are subject to periodic review. Since April 2005, the Department of Finance and Administration has provided Record of Flag Presentations booklets to Senators and Members to assist with their accountability and record keeping requirements.

(6) to (7) Under the Constituents Request Program, Senators and Members may present the National Flag, the Aboriginal Flag and the Torres Strait Islander Flag to eligible constituents who live or are based in a Senator’s State or Territory or a Member’s electorate. Eligible constituents include schools, local councils, churches and other non-profit or benevolent community organisations. Senators and Members may also present a maximum of 50 flags per annum to individual constituents.
(8) The only material in a newsletter that I am aware of from the list above is that of the Member for Box Hill. However, to assist Senator Conroy, and to allow Australians to make up their own minds as to whether any abuse of the flag entitlement may have occurred, I am pleased to provide the following table which consists of expenditure for the period 1 July 2005 to 31 December 2005 for the two MHRs whose electorates cover the Box Hill state seat.

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(9) I have no comment on the content of newsletters distributed by state members of parliament. If the Senator considers there has been a misuse of entitlements by a Federal Senator or Member, I would be pleased to investigate any specific instances in accordance with usual procedures. However, I understand that the procedure in Victoria is that when a State Liberal MP receives a request from a constituent about National Flags, they are simply referred to either a local Federal MP or Senator.

**Podiatric Surgery**

(Question No. 1447)

Senator Humphries asked the Minister representing the Minister for Health and Ageing, upon notice, on 9 December 2005:

With reference to complaints from the public about access to rebates from private insurance for costs associated with the services of podiatric surgeons:

(1) How does the level of complaints for the 2005-06 financial year to date, compare with the same period in the 2004-05 financial year.

(2) What steps has the Private Health Insurance (PHI) Ombudsman taken to ensure that health funds comply with the spirit and letter of the legislation.

(3) Is the PHI Ombudsman aware that some funds are still refusing to pay equivalent benefits for services of podiatric surgeons, stating that they will not do so until they are forced.

(4) What actions can the PHI Ombudsman take to: (a) ensure that the funds will comply; and (b) enable funds to provide rebates for anaesthetic services for podiatry.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) I am advised that the Private Health Insurance Ombudsman (PHIO) registered 63 complaints about benefits for podiatric surgery in the period 1 July 2005 to 9 December 2005; compared with only one complaint in the same period the previous year.

(2) I am advised that the PHIO has taken a number of steps to ensure that health funds comply with the spirit and letter of the legislation. These include:

- Outlining the requirements of the legislation and the intent of recent legislative changes in:
  - the July 2005 quarterly bulletin to funds and other private health insurance stakeholders;
  - the PHIO Annual Report; and
  - discussions with a range of fund managers.

- Investigating all complaints about fund benefits for podiatric surgery and requesting a report from the fund where hospital benefits are set below the level for similar treatment by a medical practitioner.

- Surveying all funds in August 2005 to ascertain what benefits funds were paying for podiatric surgery. (The survey results indicated that all funds were complying with the letter of the legislation. A follow up survey has recently been sent to all funds.).
- Writing to funds that restrict hospital benefits for podiatric surgery to the minimum amount requesting that they review their position and if they intend to maintain their current approach to provide an explanation (and any supporting evidence) for this.

- Reporting on the situation, including on the results of the surveys and responses from funds asked to review their positions, in the PHIO’s State of the Health Funds Report, expected to be published in February 2006.

(3) I am advised that the PHIO is aware that some funds are not paying equivalent benefits for services of podiatric surgeons. Funds contacted by the PHIO have provided a range of reasons for setting hospital benefits for podiatric surgery below the level paid for equivalent treatment by medical practitioners, including that the legislation does not require them to do otherwise. To date no fund has specifically indicated to the PHIO that it will not improve its benefits until it is forced to do so.

(4) (a) While the PHIO can make recommendations to the funds and can seek to persuade, the PHIO cannot compel any fund to pay any additional benefits for podiatric surgery. The PHIO can also publicise each fund’s position and will do so in the forthcoming State of the Health Funds Report.

(b) None, as this requires further legislative amendment.

Aged Care

(Question No. 1451)

Senator McLucas asked the Minister for Ageing, upon notice, on 16 December 2005:

(1) Has the department been requested to approve the transfer of 101 residential aged care bed licences from Kiwi Dale Pty Ltd to another provider; if so: (a) what entity has been transferred; and (b) what assessment of the purchaser has been made in terms of ‘bed readiness’.

(2) Was the original approval for 101 places to Kiwi Dale Pty Ltd for 47 Rosanna Street, Carnegie, Victoria; if so, where are the beds now proposed to be constructed.

(3) When will these beds be required to be operational, i.e. will the requirement for the beds to be operational in 2 years start again.

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

(1) No.

(2) Yes. Kiwi Dale Pty Ltd has advised the department it expects the aged care facility to be constructed at 47 Rosanna Street, Carnegie, Victoria.

(3) The aged care places were provisionally allocated on 2 March 2005. The department expects them to be operational by 1 March 2007.

Grace of Mary Cypriot Hostel

(Question No. 1453)

Senator McLucas asked the Minister for Ageing, upon notice, on 16 December 2005:

Can a list be provided of all spot checks and support contact provided by the Accreditation Agency to the Grace of Mary Cypriot Hostel since its inception, including those which were advised visits and those which were unannounced visits.

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

There have been 33 announced support contacts and 3 unannounced support contact visits to this home since its initial accreditation on 28 August 2000.

Aged Care

(Question No. 1455)

Senator McLucas asked the Minister for Ageing, upon notice, on 16 December 2005:

QUESTIONS ON NOTICE
With reference to the answer to House of Representatives question on notice no. 1032 (House of Representatives Hansard, 4 February 2003, p. 10779) on Aged Care Planning data related to Statistical Local Areas for Perth:

(1) For each Statistical Local Area for the whole of Australia: what are the numbers of operational and provisionally-allocated residential aged care low care beds and high care beds, and Community Aged Care and Extended Aged Care at Home packages.

(2) In which Aged Care Planning region does each Statistical Local Area fall.

Senator Santoro—The Minister for Ageing has provided the following answer to the honourable senator’s question:

(1) and (2) An aged care planning ratio was first adopted in 1985, at 100 places per thousand persons aged 70 years and over.

At the same time a set of aged care planning regions was also established. Since that time, aged care places have been allocated to aged care planning regions and not on the basis of statistical local areas.

In the 2004 Budget, in response to The Review of Pricing Arrangements in Residential Aged Care (Hogan Review), the government increased the planning ratio to 108 places per thousand persons aged 70 years. This included a doubling of the planning ratio for community care from 10 to 20 places, and a re-weighting of the residential ratio to 88 places.

Medicines Working Group

(Question No. 1457)

Senator Nettle asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 December 2005:

With reference to the Medicines Working Group:


(2) Is it true that the terms of reference of the Medicines Working Group will not permit consideration of the system of cost-effectiveness pricing operating under the National Health Act 1953, and this reflects clear expressions made by the Australian Government during AUS-US FTA negotiations.

(3) Will there be any representatives of the pharmaceutical industry on the Medicines Working Group.

(4) Will a full interdepartmental inquiry be held into the terms of reference of the Medicines Working Group before it meets.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) There are no formal terms of reference for the Medicines Working Group. The objective of the group is as specified in the text of Annex 2-C of the Australia-United States Free Trade Agreement which states that it is a forum to promote discussion and mutual understanding of issues relating to the annex.

(2) See (1) above

(3) No. As stated in paragraph 3 (c) of Annex 2-C, the working group will comprise officials of federal government agencies responsible for federal healthcare programs and other appropriate federal government officials.

(4) No.
Melville Island
(Question No. 1463)

Senator Milne asked the Minister for the Environment and Heritage, upon notice, on 7 February 2006:

(1) Has Great Southern Plantations (GSP) held any discussions with, or provided any documents to, the Minister or the department relating to GSP’s plans to expand the existing forest clearing project on Melville Island beyond the current approved 26 000 hectares if so, when and what was discussed or provided.

(2) (a) When will the audit of the existing GSP forest clearing and plantation establishment project, that is a condition of the ministerial approval for the project, be completed; (b) why was this audit so late; and (c) will the results of the audit be made public, if not, why not.

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

(1) The Department of the Environment and Heritage has been advised that the Tiwi Land Council is holding preliminary discussions about whether it wishes to seek approval for an expansion of the existing forest plantation project on the Tiwi Islands, including the scale and timing of any expansion. Once the Council has made a decision, Great Southern Plantations (GSP) will need to consider if and how it wishes to be involved. No documents have been provided on this issue. The Council and GSP have been advised that if they do wish to expand their current approval, a referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) should be submitted as early as possible.

(2) (a) and (b) The first of the audits that are a condition of the Minister’s approval of the project under the EPBC Act is not required until 2007, three years after operations commenced in 2004. (c) The Tiwi Land Council and GSP have offered to conduct an early voluntary audit of compliance with the EPBC approval conditions early in 2006. As this audit has been initiated by the proponent and is not a formal requirement of the EPBC approval, decisions on the public release of the audit will be at the proponent’s discretion.

Christmas Island
(Question No. 1464)

Senator Milne asked the Minister for the Environment and Heritage, upon notice, on 5 January 2006:

(1) With reference to the claim by Phosphate Resources Ltd (PRL) that without access to, and the clearing of 200 hectares of pristine rainforest on Christmas Island, it will close its mining operation ‘within three to five years’: on what basis is PRL claiming that these new areas have extensive phosphate deposits.

(2) (a) Can the Minister confirm that the Government has no information on how much phosphate is in situ and stockpiled on PRL’s leases; (b) is the company contravening its lease agreement as it has repeatedly failed to provide this information to the Department of Transport and Regional Services, with the consequence that PRL may already have access to more phosphate than is known; and (c) should the environmental impact statement process be suspended until PRL provides the relevant information, with economic modelling to indicate the viability of its operation.

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

(1) Prior mining operations conducted extensive drilling surveys of Christmas Island to locate phosphate reserves. Phosphate Resources Ltd (PRL) have access to this historic data.

(2) (a) Yes. (b) No. (c) No.
Parliamentary Delegations
(Question No. 1558)

Senator Murray asked the President of the Senate, upon notice, on 23 January 2006:

(1) For the calendar years 2004 and 2005, what were the numbers of incoming parliamentary delegations who visited Australia as guests of the Australian Parliament.

(2) Can numbers be provided of those who visited Western Australia as part of their itinerary, and of those, how many visited Western Australia’s north-west shelf.

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

(1) In 2004 there were seven incoming parliamentary delegations which visited Australia as guests of the Australian Parliament.

In 2005 there were 13 incoming parliamentary delegations which visited Australia as guests of the Australian Parliament. Included in that figure of 13 is the visit by the Chairman of the Standing Committee of the National People’s Congress of the People’s Republic of China, His Excellency Mr Wu Bangguo. Mr Bangguo was invited to Australia by the Presiding Officers. Subsequently his visit was accorded Guest of Government status.

(2) In 2004 none of the seven incoming parliamentary delegations which visited Australia as guests of the Australian Parliament visited Western Australia.

In 2005 two of the 13 incoming parliamentary delegations which visited Australia as guests of the Australian Parliament visited Western Australia:

- The Chairman of the Standing Committee of the National People’s Congress of the People’s Republic of China, Mr Wu Bangguo, visited Western Australia in May 2005. This included a visit to the north-west shelf.
- The Parliamentary Delegation from the United Kingdom visited Tasmania, Canberra and Western Australia in October 2005. During their visit to Western Australia they were hosted by the Western Australian Parliament, which prepared their program in Western Australia. The delegation did not visit the north-west shelf.