COMMONWEALTH OF AUSTRALIA
PARLIAMENTARY DEBATES

Senate
Official Hansard
No. 4, 2006
TUESDAY, 9 MAY 2006

FORTY-FIRST PARLIAMENT
FIRST SESSION—SIXTH PERIOD

BY AUTHORITY OF THE SENATE
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SITTING DAYS—2006

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RADIO BROADCASTS

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

- **CANBERRA** 103.9 FM
- **SYDNEY** 630 AM
- **NEWCASTLE** 1458 AM
- **GOSFORD** 98.1 FM
- **BRISBANE** 936 AM
- **GOLD COAST** 95.7 FM
- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
- **DARWIN** 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—SIXTH 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
National 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
### Members 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.
(5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, 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

- **Prime Minister**: The Hon. John Winston Howard MP
- **Minister for Trade and Deputy Prime Minister**: The Hon. Mark Anthony James Vaile MP
- **Treasurer**: The Hon. Peter Howard Costello MP
- **Minister for Transport and Regional Services**: The Hon. Warren Errol Truss MP
- **Minister for Defence**: The Hon. Dr Brendan John Nelson MP
- **Minister for Foreign Affairs**: The Hon. Alexander John Gosse Downer MP
- **Minister for Health and Ageing and Leader of the House**: The Hon. Anthony John Abbott MP
- **Attorney-General**: The Hon. Philip Maxwell Ruddock MP
- **Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council**: Senator the Hon. Nicholas Hugh Minchin
- **Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House**: The Hon. Peter John McGauran MP
- **Minister for Immigration and Multicultural Affairs and Minister Assisting the Prime Minister for Women’s Issues**: Senator the Hon. Amanda Eloise Vanstone
- **Minister for Education, Science and Training and Minister Assisting the Prime Minister for Indigenous Affairs**: The Hon. Julie Isabel Bishop MP
- **Minister for Families, Community Services and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs**: The Hon. Malcolm Thomas Brough MP
- **Minister for Industry, Tourism and Resources**: The Hon. Ian Elgin Macfarlane MP
- **Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service**: The Hon. Kevin James Andrews MP
- **Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate**: Senator the Hon. Helen Lloyd Coonan
- **Minister for the Environment and Heritage**: Senator the Hon. Ian Gordon Campbell

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

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<td>Senator the Hon. Christopher Martin Ellison</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>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<td>Minister for Community Affairs</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<tr>
<td>Minister for Vocational and Technical Education and Minister Assisting the Prime Minister</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>Minister for Ageing</td>
<td>Senator the Hon. Santo Santoro</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>The Hon. Bruce Frederick Billson MP</td>
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<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
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<td>The Hon. Robert Charles Baldwin MP</td>
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<td>The Hon. Christopher Maurice Pyne MP</td>
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<td>The Hon. Christopher John Pearce MP</td>
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<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Sussan Penelope Ley MP</td>
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<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
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<tr>
<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon. Teresa Gambaro MP</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)
Shadow Minister for Consumer Affairs and Shadow Minister for Population Health and Health Regulation
Laurie Donald Thomas Ferguson MP

Shadow Minister for Agriculture and Fisheries and Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition
Gavan Michael O’Connor MP
Joel Andrew Fitzgibbon MP

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy

Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security
The Hon. Archibald Ronald Bevis MP

Shadow Minister for Veterans’ Affairs and Shadow Special Minister of State
Alan Peter Griffin MP

Shadow Minister for Defence Industry, Procurement and Personnel
Senator Thomas Mark Bishop

Shadow Minister for Immigration
Anthony Stephen Burke MP

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

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

Shadow Minister for Overseas Aid and Pacific Island Affairs
Robert Charles Grant Sercombe MP

Shadow Minister for Citizenship and Multicultural Affairs
Senator Annette Hurley

Shadow Parliamentary Secretary for Reconciliation and the Arts
Peter Robert Garrett MP

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

Shadow Parliamentary Secretary for Defence and Veterans’ Affairs
The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Science and Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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Tuesday, 9 May 2006

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

REPRESENTATION OF SOUTH AUSTRALIA

The PRESIDENT (12.31 pm)—I have received, through His Excellency the Governor-General, the certificate of the choice by the Parliament of South Australia of Cory Bernardi as a senator to fill the vacancy caused by the resignation of Senator Hill. I table the document.

SENATORS SWORN

Senator Bernardi made and subscribed the oath of allegiance.

AUSTRALIAN BROADCASTING CORPORATION AMENDMENT BILL 2006

Second Reading

Debate resumed from 29 March, on motion by Senator Minchin:

That this bill be now read a second time.

Senator CONROY (Victoria) (12.35 pm)—I rise to speak on the Australian Broadcasting Corporation Amendment Bill 2006. This is a brief bill which has significant implications for the governance of the Australian Broadcasting Corporation. The bill gives effect to the announcement by Senator Coonan in March that the government would ‘restructure the ABC board’. The proposed restructure consists of just one measure—just the one—and that is the abolition of the position on the board that is held by a director elected by the ABC staff. So reform of the ABC board is nothing more than knocking off the ABC staff-elected position. This is a position that has been in place under Labor and coalition governments for the last 23 years.

The board of the ABC is a body charged with significant responsibilities. Any move to change its composition should be subjected to careful scrutiny. ABC directors are required to be the guardians and protectors of a national asset that has been built up by generations of Australians over more than 70 years. The board is charged with responsibility for ensuring that the ABC fulfils the charter given to it by this parliament. The board must retain the independence and integrity of the ABC. Importantly, it must also ensure that the gathering and presentation of news and information is accurate and impartial.

Labor believes that the parliament should maximise the likelihood that those appointed to be directors of the ABC are capable of fulfilling these duties. That is the fundamental principle that underlies Labor’s approach to this debate on the ABC staff-elected director. Labor’s starting point is to ask how the removal of this long established position will help the ABC board to meet its responsibilities under the act. Let us look at the government’s stated rationale for this legislation.

The government argues that the staff-elected director is subject to a potential conflict of interest. It contends that staff-elected directors may feel obliged to represent the interests of the people who elected them, rather than to act in the best interests of the ABC.

Senator Coonan has stated that the staff-elected position is an anomaly among Australian government boards. Relying on the Uhrig report on the corporate governance of statutory authorities and officeholders conducted in 2003, the minister argued that representational appointments were not consistent with modern principles of corporate governance. Let us be perfectly clear—Uhrig’s corporate governance foray was a sham. He came up with proposals that run contrary to corporate governance principles adopted all around the world. He was the government’s hatchet man to deliver what
the government wanted, and his appoint-
ment, the process of his inquiry and his re-
port were a failure of corporate governance.

With the support of the minor parties, La-
bor moved to have these claims examined by
the Senate Environment, Communications,
Information Technology and the Arts Legis-
lation Committee. Despite considerable pub-
lic interest in the issue and a break between
parliamentary sittings of more than five
weeks, the government deigned to permit
only one day of public hearings into the bill.
While the inquiry was brief, it was long
enough to expose the government’s failure to
make a convincing case supporting the aboli-
tion of the staff-elected director.

This is a bill driven by extreme ideology
and a desire to control the ABC, rather than
any genuine concern to improve the ABC’s
corporate governance. How can you take this
government seriously? It wants the ABC to
be its plaything. It is not interested in corpo-
rate governance; it just wants to be able to
tell the ABC what to do. Submissions to the
inquiry, many from concerned ABC viewers
and listeners, overwhelmingly opposed the
bill. The proposition that the staff-elected
directors suffer from a conflict of interest
was shown in the inquiry process to be with-
out foundation.

Section 8 of the ABC Act is quite clear
that the obligations of all directors are the
same, regardless of whether they are elected
by the staff or hand picked by the Prime
Minister, Mr Howard. During the hearing the
government failed to produce any evi-
dence—not one skerrick—that staff-elected
directors had failed to comply with their du-
ties to the ABC. There are a range of provi-
sions under the Commonwealth Authorities
and Companies Act and the ABC Act that are
available to discipline directors who breach
their duties. While there have been rumours
and unsubstantiated innuendo about leaking,
there has not been one case in which the
Commonwealth has sought to discipline a
staff-elected director using these provisions.

The current and three previous staff-
elected directors who appeared before the
committee all showed a clear understanding
that it is not the role of the staff-elected di-
rector to represent the ABC staff on the
board. The committee heard of a number of
instances which clearly demonstrated the
priority that staff-elected directors have
given to their responsibilities under the act.
For example, in 2002 Kirsten Garrett op-
posed a lucrative exclusive deal between the
ABC and Telstra because it would have al-
lowed Telstra to influence ABC production
decisions. In the mid-1990s, Quentin Demp-
ster opposed backdoor sponsorship arrange-
ments that contravened the ABC Act. In both
cases, the staff-elected directors resisted pro-
posals benefiting ABC staff because they
came at the cost of undermining the inde-
pendence of the ABC.

As I stated earlier, the government has re-
lied on the flawed Uhrig review and its
warnings against representational appoint-
ments to government boards to support the
changes contained in the bill. The Senate
should also be aware, however, that Mr
Uhrig did not examine governance arrange-
ments at the ABC. He did not interview the
chairman of the ABC, nor did he interview
any past or present directors of the ABC. In
fact, the terms of reference for the review
required Mr Uhrig to focus on government
agencies with:
... critical business relationships.
Organisations like the Australian Taxation
Office, the ACCC, APRA, ASIC, the Reserve
Bank, the Health Insurance Commission and
Centrelink were specifically named in the
terms of reference. These are very different
categories to the ABC. The ABC is a unique
institution. The governance arrangements of
the ABC should be based upon its special needs. As Professor Bartos from the National Institute of Governance told the Senate inquiry:

In governance terms, the choice of model to be adopted for a public sector body should not be static or formulaic, but be driven by the objectives of the organisation concerned.

There is no reason to expect that a template developed for agencies like the tax office or Centrelink will be appropriate for the national broadcaster.

Labor believes there is a strong case for retaining the staff-elected director position on the ABC board. Since its inception, this position has always been occupied by experienced public broadcasters. The evidence received by the Senate committee demonstrated that staff-elected directors have brought considerable experience in public broadcasting to the deliberations of the board. This is expertise that has been in short supply on the ABC board in the last decade. Since 1996, the government has repeatedly sought to fill board vacancies with its conservative cronies.

Last Friday, Quentin Dempster was elected to succeed Ramona Koval as the next staff-elected director on the ABC board. Mr Dempster has more than 20 years experience as a broadcaster working in the ABC. He has an Order of Australia for his services to the media. In addition, Mr Dempster already has experience on the ABC board, having served as a staff-elected director for four years in the 1990s. It is difficult to imagine a candidate with a more suitable CV to join the ABC board. If this bill passes, however, Mr Dempster will not be permitted to take up his recently elected position.

Why is the government so desperate to stop this happening? Why is this bill being rushed through the parliament? The answer may lie in the fact that Mr Dempster has been strongly critical of proposals to commercialise the ABC’s growing broadband content. While the ABC Act prohibits advertising on television and radio, this restriction does not apply to the internet. The minister has already stated her view that the introduction of advertising is a matter for the board. Abolishing the staff-elected position would remove a strong opponent to such changes. Of course, the commercialisation of internet content would not be in the interests of the ABC; it would undermine the ABC’s editorial independence. The ABC’s digital content creators must be free to produce material without worrying about offending the sponsors of the ABC website. The parliament should not lightly silence the voice of a strong defender of ABC independence.

Labor believes that the abolition of a staff-elected director’s position will have a significant detrimental impact on the effectiveness of the ABC board and undermine public perceptions of its independence. The staff-elected directors have a unique insight into ABC operations. They can play a key role in assisting the board to hold ABC management to account. One adverse consequence of the bill that the Senate is considering today is that the actions of the ABC management will receive less scrutiny than they did yesterday.

Senators can search for a sustainable policy justification for abolishing the staff-elected director, but they will search in vain. The truth is that this bill is not about improving the ABC’s corporate governance; it is just a further attempt by the government to undermine the independence of the ABC. The staff-elected position is just one position out of a possible nine on the ABC board. However, it is the only position that is beyond Prime Minister John Howard’s capacity to influence or control. That is why he has decided it has to go. Some Liberals understand the dangers of the government’s proposal. They also understand the real motiva-
tion for this bill. In March, former leader of the Liberal Party John Hewson wrote in the *Australian Financial Review*:

... the Government’s recent decision to stop staff electing a director of the ABC board is a churlish, pyrrhic victory for some of the ideologically-based antagonists in the Liberal Party and some of their sympathetic business mates.

John Hewson has called it as it is. He goes on to say:

It is clearly against the best interests of the institution and the listening and viewing public.

This is not the Labor Party, the unions or the Friends of the ABC making these comments; this is the former leader of the Liberal Party. Dr Hewson has been on a few boards in his time. He might know something about the key requirements of good corporate governance. I hope that there are some Liberal senators who will reflect on John Hewson’s comments and stop and think about where the government is going with these proposals.

This legislation is simply the latest instalment in the government’s decade long ideological crusade against the ABC. In its first budget in 1996, the government slashed ABC funding. These funds have never been fully restored. Today, the ABC has $51 million less in real terms to make programs than when John Howard came to office. Is it any wonder that, last year, the ABC was only able to broadcast 13 hours of locally produced drama? This is a national disgrace.

The extent to which the ABC has been underfunded was recently exposed when a draft version of the government’s own KPMG funding adequacy and efficiency report was leaked to the media. Let us be clear. The government brought in an outside audit company to have a look at the ABC and the claims that they were underfunded. KPMG found that the ABC needs an extra $125 million over the next three years just to maintain existing services. Tonight’s budget provides an opportunity to restore adequate funding to the ABC. The government is sitting on a surplus that some estimate to be more than $17 billion. The fact that the minister will not release the KPMG report, however, does not bode well. It suggests that the government wants to continue to hide the impact of its ideologically motivated funding squeeze on the ABC. Australians are increasingly realising that this is an arrogant government. They have almost total control of the parliament and they are increasingly intent on using that power to pursue ideological obsessions that are not shared by ordinary Australians.

The government is convinced that the ABC is plagued by left-wing bias, so it dispatches its stooges and cronies to the board to keep it in line. The Australian people do not share the government’s warped views. According to research conducted by Newspoll, 82 per cent of people believe that the ABC is balanced and even handed when reporting news and current affairs. That leaves 18 per cent; I guess they must all live on the other side of the chamber.

Labor does believe that the ABC board is in need of genuine reform. There is public concern about the ABC’s corporate governance, but it does not relate to the staff-elected director. After a decade of the Howard government, there is now a clear conservative bias in the board. Reforms are needed to strengthen public confidence in the independence of the ABC board.

There was a time when the Prime Minister claimed to understand the importance of an independent ABC. Back in 1995 he railed against appointments made by the Keating government. Back then, he lectured: ‘You not only must have a board that is completely politically neutral but it must be seen to be neutral.’ That was said by John Howard, the current Prime Minister of Australia.
It would be interesting to hear how the Prime Minister thinks his appointments of conservative spear throwers like Michael Kroger, Ron Brunton and Janet Albrechtsen measure up against this criterion. What incredible hypocrisy!

John Howard was right back in 1995, but in this area, as in so many others, he has failed to live up to the principles he espoused in opposition. The current appointments process lacks transparency and is too politicised. Under current arrangements, the names of candidates are taken by the minister for communications to cabinet, but that is about all the public know about the process. How do people apply to fill a board vacancy? Is it simply a matter of having a Liberal Party membership form? What criteria are used to assess candidates? Do you have to be a member of the right club? Does it help if you have donated money to the Liberal Party? Clearly, that is what the Reserve Bank board process has been. It certainly seems to help if you have been a conservative cultural warrior.

Labor believes that there needs to be real reform of the appointments process to guarantee the independence of the ABC board and the expertise of its members. Since 2003, Labor has supported an independent merits based appointments process for ABC and SBS board vacancies. The process is based on the so-called Nolan rules that were developed in the UK and govern appointments to the BBC. Appointments to the ABC board must be open and transparent. Vacancies should be publicly advertised. There should be clear merit based selection criteria.

Labor’s policy provides for an independent selection panel to undertake a proper shortlist selection process. In stark contrast to current arrangements, the selection of the shortlist would be independent of the minister. Under Labor’s model, the minister would be free to nominate someone not on the list, but there would be a political price to pay. The minister would be required to table in parliament a formal statement of the reasons for selecting a candidate who was not on the shortlist. The publicity surrounding such a move makes it extremely unlikely that any government would pursue this option. I have to say, though, that on the form of this government, it would be prepared to be so arrogant that it would do it, anyway.

Labor’s policy would not exclude people previously involved in politics from serving on the ABC board. It would ensure, however, that they had the skills to do the job. (Time expired)

Senator MURRAY (Western Australia) (12.55 pm)—The first staff-elected position on the governing body of the ABC was introduced by the Whitlam government in 1975, 31 years ago, and was subsequently abolished by the Fraser government. Since 1986, under both coalition and Labor governments, the board of the ABC has included a director elected by the staff as legislated under the Australian Broadcasting Corporation Act 1983.

The staff-elected director is one of a maximum of nine directors. Up to seven members of the board are appointed by the government, and the managing director is appointed by the board. The staff-elected director is the only democratically elected position. All the others are appointments.

The Australian Broadcasting Corporation Amendment Bill 2006 proposes to abolish the staff-elected position. The Democrats believe that the decision to remove the staff-elected ABC board member is bad politics, bad public policy and bad corporate governance. It is bad politics because it exposes a nasty prejudice; it is bad public policy because an experienced staff member provides invaluable skills and insights to the board;
and it is bad corporate governance because not only is that ABC board member the only appointment on merit through democratic election, but in Europe, and in many companies overseas, staff membership of boards is common because it is so useful.

As stated in the Labor, Greens and Democrats minority report on the bill, the Democrats believe that the bill will adversely impact on the performance of the ABC board and will further undermine public confidence in the independence of the ABC. The Minister for Finance and Administration, Senator Minchin, in his second reading speech on the bill, argued that:

The position of a staff-elected Director is not consistent with modern principles of corporate governance and a tension relating to the position on the ABC Board has existed for many years.

This tension is manifested in the potential conflict that exists between the duties of the staff-elected Director under the Commonwealth Authorities and Companies Act 1997 to act in good faith in the best interests of the ABC, and the appointment of that Director as a representative of ABC staff and elected by them. The election method creates a risk that a staff-elected Director will be expected by the constituents who elect him or her to place the interests of staff ahead of the interests of the ABC where they are in conflict.

I venture to suggest that the minister knows very little about international corporate governance. If he did, he would know that staff-elected directors are not uncommon and are a useful feature of the way in which boards operate internationally.

As was noted in the joint minority report, while the method of appointment of the staff-elected director differs from that of other non-executive directors, the ABC Act is quite clear that the duties and responsibilities are the same for all directors. On the theory that the government is putting forward, a Liberal Party member appointed by the government will be beholden to the Liberal Party that appointed him. That is the argument it is offering regarding the election of a staff-elected director—that that staff-elected director is beholden to the staff that elected them. If that is so, the Liberal Party appointed member is beholden to the Liberal Party. I think that is a slur on some of those persons who have been appointed.

This recommendation comes from a government that has done nothing about the patronage in companies that applies when directors are elected. Full independence of a director is only possible when the method of appointment and election is objective, on merit and not subject to patronage, favour or inducements, and where objective, fair and consistent separation or contract ending mechanisms exist.

The board of a company is the central institution in the relationship between shareholders and the company, stakeholders generally and auditors specifically. It is self-evident that many boards, directors and companies operate to high standards, but it is the task of legislation to attend to those who do not and to appraise the public interest. Companies have such an effect on our society that serious weaknesses in Corporations Law should be attended to, and a major weakness lies in the director election processes, to which the government has paid absolutely no attention. Regrettably, the election of directors is often either deliberately or effectively rigged in favour of dominant shareholder interests. I am told that 52 per cent of ASX corporations have a single dominant shareholder and many of the rest have a few dominant shareholders.

Such dominant shareholders frequently control the boards of our companies through their voting power. That means that many and perhaps most directors are directly placed by or under the patronage of a domi-
nant shareholder or shareholders, who will quite naturally seek to ensure that their interests are put first. This dominance and patronage over many directors is reinforced by company constitutions and board behaviour that allow or foster poor director election processes. We have got exactly the same problem with appointments by the government to these boards. It is a question of patronage and the real problem the government has with a staff-elected director is, of course, that that staff-elected director is not subject to their patronage.

The Bills Digest notes that neither the ABC Act nor the CAC Act require or give the imprimatur to staff-elected board members to favour the interests of their constituents. Whether staff representatives make a practice of prosecuting the interests of staff may be moot, but it is clear that the legal duty and the actual practice of such board members has not been to their constituents but to the organisation more generally. Those duties are set out in the ABC Act and the CAC Act.

The CAC Act sets out the duties of directors such as reporting obligations. It also imposes duties. These include duties of care and diligence, the duty to act in good faith, the duty not to misuse the officer’s position and the duty not to misuse information. No staff-elected director has ever contravened those duties because the boards would have taken action if they had done so and it would have been brought to the attention of the board.

The Bills Digest concludes that the statutory duty of a staff-elected representative is not to the staff specifically, any more than it is for the other board members. Therefore a staff-elected board member who places the interests of staff ahead of the interests of the ABC as a whole would be in breach of their duties under the legislation as it currently stands. The statutory duty of the staff-elected director was reconfirmed by a past director, a current director and a would-be future staff-elected director. The Bills Digest notes that former staff-elected director Kirsten Garrett, who was a staff representative on the ABC board from 1996-2000, said that the argument that the staff position created an untenable conflict was unfounded. She said:

Once he or she enters the boardroom, the staff-elected director is answerable to the charter of the ABC and the Australian community. You are informed by staff but you are in fact an executive director of the board and must behave as such, that is independently. The staff-elected director is accountable in exactly the same way as other directors.

Current staff-elected director Romana Koval said in her recent Staff-Elected Director’s Report no. 11:

Contrary to the Minister’s view, there has never been uncertainty about the accountability of the staff-elected director to the ABC Board. I am required to act in the best interests of the ABC, as are all other directors, and it’s a serious responsibility that I have carried out with passionate commitment.

In an open letter to senators, the nominee for the staff-elected director position who has been elected by them, Quentin Dempster, had this to say:

The position of staff-elected director has prevailed since the creation of the corporation ... the primary purpose was to bring to the board table knowledge and expertise of broadcasting existing within the corporation’s creative program makers and staff...

... ... ...

The method of appointment by Electoral Commission ballot of all the corporation’s employees may imply a constituency but the Act clearly states the director appointed—or elected—by this method is bound by the Act’s clauses covering duties of directors.
As the joint minority report notes, a number of examples were cited where staff-elected directors argued against initiatives that would have directly benefited staff because they would have undermined the ABC’s independence. There is no evidence that the staff-elected director does not understand their legal responsibilities; there is no evidence that the person in this position has not acted in the best interests of the ABC; and there is no evidence that staff who elect the director have asked or expected the director to place the interests of staff ahead of the interests of the ABC. Some people have argued that there is evidence that government appointed board members have been behaving with the interests of the government in mind. I do not know if that is true or not, but it has been said.

Minister Minchin also noted in his second reading speech that abolishing this position is consistent with the findings of the Review of the corporate governance of statutory authorities and office holders, also known as the Uhrig review. I have read Mr Uhrig’s report and recommendations and I am not inclined to bow down to them as wisdom from the mount because they are hardly that. In reading his report, I think he has had a fairly channeled and very Australian view and he needs to widen it to look at global trends and how international corporate governance operates. International corporate governance is seeking to introduce more independence, not less, into directorships and board positions and to represent a wider range of interests. It is very common in many overseas corporations and entities for staff-elected directors or people who represent their constituency to be on boards. Mr Uhrig, despite his name, which I suspect might be of a German origin, has not attended to, for instance, the German precedents.

The minister said that the position of a staff-elected director is uncommon amongst Australian government agency boards. While the minister’s statement may be true, it does not then stand to reason that there should not be a staff-elected position or that Australia uses the best governance models. For companies in Europe and in many other countries, representatives of staff are commonly included on boards because the practice is so useful. Professor Stephen Bartos, director of the National Institute for Governance, who has a great deal of experience as a former senior executive within the Department of Finance and Administration, in his submission to the Senate inquiry into this bill noted that:

... staff-elected directors on a Board do represent an anomaly amongst Australian public and private sector boards in general governance terms—although ours is not a universally accepted governance model. In the CCH article cited earlier, I comment: ‘In Australia, the whole Anglo-American model of governance doesn’t favour representative positions on boards. However, it’s not the case around the world. There are other countries where representative positions are much more common …’

This is a country where we are continually asked to look for international precedents on such things as tax, intellectual property and the way in which research and development is operated. We are a country that is trying to take the best of globalisation but, in this area, we remain steadfastly committed to a peculiarly narrow perspective.

As the Bills Digest to this bill notes, there are in fact other Commonwealth statutory organisations in Australia with staff-elected positions on their governing bodies, including the Australian National University, the Australian Institute of Health and Welfare and the Australian Film, Television and Radio School. Furthermore, many public bodies have a variety of other kinds of representational appointments, including departmental,
industry, interest group, community and regional appointments.

Professor Bartos also observed:

In governance terms, the choice of model to be adopted for a public sector body should not be static or formulaic, but be driven by the objectives of the organisation concerned.

As was stated in the joint minority report, we believe that, given that the objectives of the ABC include the maintenance of independence, it is appropriate for a staff-elected director to sit alongside government appointed directors. Professor Bartos went on to say:

While there are both advantages and disadvantages of representative board positions, the final decision on an appropriate governance structure depends on where legislators see the ABC as situated in the broader map of the broadcasting industry. As I noted in my interview on the subject, if one sees the ABC “as operating in the same space as other television and radio stations, having a governance structure like them is probably rational and reasonable. If you conceive of the ABC as being somehow some sort of different community-based body, you’ll see having representative directors onboard as being more reasonable.”

The ABC is unique. The ABC is an important part of our democracy. It provides a life-line to regional Australia, informed current affairs reporting, vital contributions to Australia’s culture and the provision of Australian content. Public funding means that the ABC does not have the same commercial pressures of other broadcasters, but it also has far greater constraints than other broadcasters because it is dependent on the government of the day for its funding.

The ABC is allowed to provide diverse programming and maintain its independence and journalistic integrity through its structure. The staff-elected director brings to the board the knowledge and expertise of broadcasting that exists within the corporation’s creative program makers, management and staff and the views of the Australian communities they work in.

The government has perversely claimed that an elected position is less accountable than an appointed one. This claim, however, is counterintuitive, because at present no other ABC board member, apart from the staff member, is democratically elected. That is in complete contrast to the major commercial media organisations. The other board appointments are made by the government of the day and are often made with partisan political criteria and patronage ideas in mind.

The interesting thing, of course, when you exercise patronage in appointing people is that you often find that the people surprise everybody and act in a way that is to their credit and contrary to the intention with which they were appointed. Many of those appointed under government patronage have actually turned out to be pretty good directors and have done rather well, as is shown by the Chairman of the ABC, who has not turned out to be anybody’s puppet.

There are no public advertisements for ABC board positions, no objective panels for selection and no published criteria for board selection. These are all weaknesses with the appointment process. Consequently, even the best ABC board members labour under the slur of being fellow travellers of the government of the day and of being fifth columnists trying to subvert the ABC charter of independence. Even where that is not true, that slur would be better countered by objective panels for selection and published criteria for board selection, which would allow people of merit to be on the board. At present, there is a widespread public perception that government appointments result in patronage to well remunerated positions. This perception can damage the reputation of these bodies, and indeed of the directors so appointed, as in the public eye they are seen as being con-
trolled by persons who lack the appropriate independence and who have a political objective.

As I have noted many times in this chamber before and in the Democrats' additional comments to the Senate committee report on this bill, this issue was extensively investigated by the Nolan committee appointed by the United Kingdom parliament, which in 1995 set out the following principles to guide and inform the making of such appointments: a minister should not be involved in an appointment where he or she has a financial or personal interest; ministers must act within the law, including the safeguards against discrimination on grounds of gender or race; all public appointments should be governed by the overriding principle of appointment on merit; except in limited circumstances, political affiliation should not be a criterion for appointment; selection on merit should take account of the need to appoint boards that include a balance of skills and backgrounds; the basis on which members are appointed and how they are expected to fulfil their roles should be explicit; and the range of skills and backgrounds that are sought should be clearly specified.

The United Kingdom government fully accepted the committee's recommendations at the time and have maintained those principles and appointments. The Office of the Commissioner for Public Appointments in the UK was subsequently created, with a similar level of independence from the government as the Auditor-General, to provide an effective avenue of external scrutiny. The Democrats have used the Nolan committee's recommendations in our persistent and long-term campaign for appointment-on-merit amendments in various items of legislation, because they are tried and tested. Meritorious appointments are the essence of accountability.

While some may appreciate the irony that, in a bill that proposes to remove the only democratically elected position to a board, the Democrats propose to move an appointment-on-merit amendment, even though we know that this government will reject for the 31st time at least—I suspect it is more—the idea of appointments on merit and the ideas on which the Nolan principles are pronounced. That is to their eternal discredit. They cannot even match up to the UK on this fundamental issue.

I am not sure what pushing this boat all the time makes me: stubborn and idealistic or someone who truly values government accountability and transparency. But I do hope that, one day, a future government may in fact bring these rules in.

In conclusion, as stated in the joint minority report, this bill comes after a decade where the ABC has been chronically underfunded and follows the appointment of a series of conservative members of the board to the ABC. The staff-elected position on the board is the sole remaining voice not directly appointed by the government and is the one position on the board that is beyond the government's capacity to influence or control. It is no wonder that these control freaks are trying to remove it. The Democrats believe the ABC belongs to all Australians and the ABC board must contain people with a wide variety of experience and skills in broadcasting, journalism and communications to ensure that 'Aunty' can provide the range and depth of programming and the independence of views that its charter mandates.

Senator SIEWERT (Western Australia) (1.15 pm)—The Greens will be opposing the Australian Broadcasting Corporation Amendment Bill 2006. If you look at the committee that inquired into this bill, you will find 55 submissions—53 opposed the bill and two were neutral. When you look at
the government’s rationale for this bill as expressed in this place on 29 March, you will find that Senator Minchin argued:

... a staff-elected Director is uncommon amongst Australian Government agency boards.

He said it is not consistent with modern principles of corporate governance, creates tensions on the ABC board and creates an expectation that a staff-elected director will be expected by the constituents who elect him or her to put their interests ahead of those of the ABC where they are in conflict. He also referred to the findings of the Uhrig review in relation to representational appointments to governing boards and stated:

There is a clear legal requirement on the staff-elected Director that means he or she has the same rights and duties as the other Directors, which includes acting in the interests of the ABC as a whole.

In arguing the response of the Australian Greens to this bill, I will address each of the following in turn: the alleged uncommonness of the role and its supposed inconsistency with modern governance; the creation of so-called tension on the board and the so-called expectations of constituents and whether this creates a conflict of interest; and the relevance of the findings of the Uhrig report on the issue of whether the board position is representational. Then I will talk about the independence of the ABC.

Firstly, I would like to look at existing legal requirements. There is already a legal requirement for board members to act in the best interests of the ABC, which is backed up by civil penalties. The Commonwealth Authorities and Companies Act 1997, the CAC Act, requires board members to:

... make the judgment in good faith for a proper purpose and does not have material personal interest in the subject matter of the judgment and informs himself or herself about the subject matter of the judgment to the extent that he or he reasonably believes to be appropriate and rationally believes that the judgment is in the best interests of the Commonwealth authority.

No evidence was presented to the inquiry or in this place that the staff-elected director ever acted contrary to these requirements, and if the government had such evidence they should act upon it—in other words, they should put their money where their mouth is. We believe that these civil penalties are sufficient to deal with any inappropriate behaviour by the staff-elected director should it arise. I would like to point out that we do not think it has ever arisen, but that the government has the power to take action as it is.

Is their argument that there is a public perception of bias? I think the argument is that there is a public perception of bias by the appointees from the government. Is this consistent with other practices? I would like to look at the statement about it being uncommon among Australian government agency boards and that it is not consistent with modern principles of corporate governance. A number of submissions presented evidence to the inquiry that staff-elected or stakeholder-nominated board members are consistent with practice elsewhere, including public companies, universities, some government statutory authorities, and exclusive private schools. There is the ANU—also Oxford and Cambridge—the Australian Institute of Health and Welfare, Mercedes Benz, the film schools, Canberra Girls Grammar, the fishing industry, Australia Post, Defence Housing Authority and the Australian Fisheries Management Authority. All of these also seem to be travelling quite well with stakeholder representation.

Employee participation is arguably a well-established principle of good management, and many Australian government boards go to great lengths to ensure industry participation. Why not other participation? There is a wide diversity of practice in corporate governance. In fact, Uhrig stated:
It is not surprising that there is no universally agreed definition of corporate governance, just as there are no universally accepted structures and practices that constitute good governance.

We would argue that there are no precedents for removing this position and that good governance depends on how the board runs and what the requirements are of the company or structure that that board is managing. As Uhrig points out, there is no standard form for good governance. We argue that the current staff-elected director position is in fact essential to running an organisation of the nature of the ABC.

The Uhrig review was very specific to the areas of taxation regulation and the provision of services in response to complaints about the ACCC and the ATO treating big businesses unfairly. The ABC is a completely different class of statutory authority to those examined by Uhrig. The terms of reference of the Uhrig review were concerned with regulatory and service delivery authorities. In Uhrig’s own words, the review was very ‘practical’ in focus, and its key findings stem from ‘the outcome of consultations with key participants’. Neither the ABC nor any other federally legislated bodies with elected directors were considered or consulted. It is inappropriate to stretch its findings to the ABC.

Uhrig carefully qualified his findings and made it clear he was referring to the problems caused by representational appointments, not elected ones: in the private sector in relation to representatives of a parent company to the board of a subsidiary and in the public sector in relation to the appointment of public servants as departmental or government representatives. It is misleading to equate and confuse Uhrig’s comments and examples of representational appointments with the issue of stakeholder directorships. The election of a stakeholder position does not equate with a representational role.

That leads us on to the question of whether this is a representative role. The evidence presented by a range of stakeholders, including current and former staff-elected directors, made it very clear that the role is not seen as representational. Numerous examples were presented of situations where the staff-elected director had put the best interests of the ABC ahead of those of the staff, for example in the Telstra deal. When we questioned all the staff-elected directors who appeared before the committee during the inquiry, it was very clear that they knew what their obligations were and that they had acted in the best interests of the ABC at all times. This was backed up, as I said, by communications from the staff-elected directors to the ABC staff, which clearly spelt out that the role is not representational.

The Australian Broadcasting Corporation Act 1983, the ABC Act, made it very clear that the staff-elected director has no role to represent the interests of ABC employees to the board. The minister’s talk of expectations of constituents is particularly misleading in this context, and this is remarked upon in the dissenting report from the Labor Party, the Democrats and the Greens. We also made a comment about the attack on Ms Koval which appears in the majority report. It is extremely disappointing that the majority report criticises Ms Koval, particularly about her refusal to sign the ABC board protocol. In fact that refusal clearly demonstrated her independence, and she clearly outlined the reasons why she did not feel it was appropriate to sign the protocol.

That takes me on to the issue of conflict of interest. Evidence to the committee contradicted this claim. All previous staff-elected directors stated that the role is not a representational one and that they had been at pains to exercise their independence and to communicate this to ABC employees. No examples of particular conflicts of interest
were presented. There is a requirement for all board members to declare any potential conflict of interest. This is good governance and this is a requirement for all members of the ABC board.

The issue of tension was also raised. It was claimed that having a staff-elected director on the board would cause tension. You would expect tension on any good governance board. Surely directors are never of one single mind, in any circumstances. Surely, as long as the interests of the ABC are put first and any conflicts of interest are declared, some tension between board members who have different ideas and are willing to discuss them is in fact in the best interests of the corporation. Having dynamic tension is creative. I do not believe that having a staff-elected director is any different from having anybody else on the board with a difference of opinion. Different perspectives encourage creativity and healthy debate.

Now I would like to talk quickly about the reasons for having a staff-elected director. Having argued why we believe that there is no problem with conflict of interest with the role and why existing legal requirements and civil penalties are sufficient to deal with any past or future inappropriate behaviour, I would like to look at the positive sides of having a staff-elected director.

The duties of the ABC board, as has been articulated before, are to ensure that the corporation output is of maximum benefit to the people of Australia, to maintain the independence and integrity of the ABC and to benchmark the accuracy and impartiality of news and information presentation by the recognised standards of objective journalism. The ABC is statutorily required to provide broadcasting services which are innovative and comprehensive, contribute to a sense of Australian identity and are entertaining, informative and educational. It is also required to encourage the performing arts in Australia and encourage awareness of Australia and Australian affairs within and outside Australia.

The point is that the requirements of the public broadcaster, as I have just articulated in terms of program quality and statutory requirements, are very different from those of a commercial broadcaster. Producing quality broadcasting is heavily reliant on the particular knowledge and skills of the ABC staff and their commitment to the ABC’s mission. The ABC must foster its creative human resources and monitor the breadth and quality of its output. It needs to ensure that there is broadcasting experience, particularly public broadcasting experience, on the board. Previous staff-elected directors have been experienced broadcasters who have brought valuable insights into policy issues and have been frequently called on by the board to share their experience. Kirsten Garrett, a former staff-elected director, said:

It is rare for other directors have a working knowledge of the dynamics of journalism or program making.

I would like now to turn to independence from political interference. Recent appointments have been blatantly political. The loss of a staff-elected director means that the actions of the ABC management are likely to receive less scrutiny. We need a position on the board which is beyond government’s capacity to influence or control. There is a strong public perception that this bill represents an ideologically motivated attack on the ABC. The ABC has been chronically underfunded for years. ABC historian Professor Inglis has said:

The ABC is bound to broadcast information and opinion useful and harmful to people in public life. More particularly, the ABC accommodates criticisms, sometimes severe, of the government on which it depends for revenue, and that is bound to be a rich source of conflict.
It is absolutely essential that we have independent people on the ABC board, and the only way at the moment that we can as a nation ensure that is by having a staff-elected director. That staff-elected director is at least one person who has shown independence, who has been willing to stand up and ensure that the charter of the ABC is maintained.

The Greens are deeply concerned that there is a real risk that the strength of ABC Online and the incredible diversity of its content will result in a push for the ABC board to enter into commercial agreements with such things as search engines, for example, or some other online provider and to more generally go down the line of commercial exploitation of the ABC’s content. We are deeply concerned that this commercial exploitation will further push and ignore the charter of the ABC. A number of us are deeply concerned about the commercialisation that has taken place at SBS and that the SBS charter has been further marginalised.

We are deeply concerned that, with the loss of the staff-elected director, the ABC will be pursuing this line.

We believe that the process for appointments to the ABC board needs to be open and transparent. As was articulated in the dissenting report:

There should be an open and transparent process for making appointments to the ABC board. Vacancies should be advertised and there should be clear merit-based selection criteria.

An independent selection panel should conduct the shortlist selection process.

If the Minister does not appoint a short-listed candidate he or she should be required to table in Parliament a formal statement of the reasons for departing from the shortlist.

We heard overwhelmingly in the committee that it is a bad idea to take away the staff-elected director position. We will oppose this legislation. We believe it is really about making the ABC less independent. We urge the government not only to reconsider this position but also to put in place a much more open and transparent process to make our ABC really independent and to maintain the quality that we believe is essential and which all Australia is looking for from the ABC.

Senator EGGLESTON (Western Australia) (1.31 pm)—The Australian Broadcasting Corporation Amendment Bill 2006 has the effect of abolishing the position of staff-elected director on the ABC board. The Senate Environment, Communications, Information Technology and the Arts Legislation Committee has held an inquiry into the provisions of the bill in the last few weeks. The committee received submissions from 59 organisations and individuals and held a public hearing here in Canberra.

Abolishing the position of staff-elected director is consistent with the findings of Uhrig’s review of the corporate governance of statutory authorities and office holders. The Uhrig review stated that it is opposed to representational appointments on boards because they:

... can fail to produce independent and objective views. There is the potential for these appointments to be primarily concerned with the interests of those they represent, rather than the success of the entity they are responsible for governing.

The review goes on to observe that the preferred position is not to create circumstances where a conflict of interest might arise. Members of the Senate will therefore, I am sure, understand that the position of staff-elected director does not accord with modern principles of corporate governance in that there is a potential conflict between the duties of the staff-elected director, under the Commonwealth Authorities and Companies Act 1997, to act in good faith in the best interests of the ABC and the appointment of that director as a result of a process of election by the staff.
There is, without any doubt, an inherent risk that a staff-elected director will be expected by the constituents who elect him or her—in this case, the staff of the ABC—to place their interests ahead of the overall interests of the Australian Broadcasting Corporation. This inherent conflict of interest was noted by the Chairman of the ABC, Mr Donald McDonald, when he stated:

Inevitably there has been a tension between the expectations placed by others on their role—meaning the staff director—and their established duties as directors of a corporation.

The committee received evidence that staff sometimes have expectations of the staff-elected director which do not accord with his or her role as the director of the corporation. The incumbent staff-elected director, Ms Ramona Koval, for example, refused to sign the ABC board protocol outlining the governance arrangements of the board. This protocol is viewed as important to the effective operation of the board, especially in the light of alleged leaks of confidential board information. In particular, it raises concerns about the ability of staff-elected directors to act in the best interests of the ABC and, in doing so, to act in a manner that places the interests of the ABC above those of the staff who elected them.

The committee received submissions expressing concern that the absence of a staff-elected director will compromise the independence and integrity of the ABC, but the arguments put were not supported by any compelling evidence to this effect. In fact, all members of the board will still be required to act in accordance with the provisions of the Commonwealth Authorities and Companies Act 1997 and of the Australian Broadcasting Corporation Act 1983, which charge the board and its members with the responsibility of maintaining the independence and integrity of the corporation. Moreover, in the absence of a staff-elected director, there will still be a member of the board not appointed by the government—this being the managing director of the ABC, who is a full member of the board and is appointed by the board rather than by the government.

The committee also received evidence that the staff-elected director brings broadcasting expertise and experience to the board. The implication seemed to be that that was the only means by which the board could be provided with information about broadcasting in its various dimensions. But there are of course other methods of bringing such knowledge and information to the board, such as by bringing in experts or seeking the opinions of consultants where necessary. This view also ignores the broadcasting experience of other board members—including Mr John Gallagher QC and Mr Steven Skala on the current board—all of whom have quite substantial experience in the television and broadcasting industries.

The ABC chairman, Mr Donald McDonald, has acknowledged that the interests of the staff will not be neglected in the absence of a staff-elected director. In particular, the managing director is a full member of the ABC board and he acts as a conduit between staff, management and the board, so the interests, needs and requirements of the staff of the ABC have a process through the managing director by which their views can be expressed and brought to the attention of the board.

This bill, in restructuring the board of the ABC, will ensure that it operates within modern principles of corporate governance and accountability. The staff-elected director faces, in the government’s opinion, an inherent conflict of interest. As the Uhrig review has noted, it is better not to create situations
in which conflicts of interest can arise. I commend this bill to the Senate.

Senator WORTLEY (South Australia) (1.38 pm)—The Australian Broadcasting Corporation Amendment Bill 2006 is nothing more than a continuation of the standard Howard government attack on our public broadcaster. The explanation for the bill is simply what we have come to expect from this government and its attack on the ABC. The excuse that the government gives for this new manipulation of the ABC’s board is that a potential conflict of interest exists in the duties of the staff-elected director, basically because they are elected rather than appointed to their position.

The minister announced the move by the government to impose this change during the Commonwealth Games. The existence of the position of staff-elected director to the board provides for the presence of staff expertise on the board. This staff-elected director gives the ABC board a vital insight into the day-to-day operations of our national broadcaster. Interestingly enough, in the 2001 report of the Senate Environment, Communications, Information Technology and the Arts References Committee entitled Methods of appointment to the ABC board, in response to a recommendation, government senators stated:

There has been no suggestion that the position of the staff-elected director will be abolished.

Now the government has changed its mind. It changed it with the Senate majority.

The basis for the government’s logic in this theory of doing away with the position comes from their loose interpretation of the Uhrig review, which suggests that representational appointments to boards carry a risk. This is where Senator Coonan just does not get it. The position is elected by the ABC staff. The position is occupied by a member of the ABC staff. But it is not a position that represents the individual concerns of ABC staff. The staff-elected board members know this. Current and former directors stated it on record during the recent Senate inquiry. The directors know that they are there to serve the best interests of the ABC as a collective operation.

The government also relies heavily on the submission of Professor Stephen Bartos, yet Professor Bartos did not exactly tell the government what they wanted to hear either. If anything, his submission encouraged the position. He claims that ‘the choice of model to be adopted for a public sector body should not be static or formulaic’—it should not be standard or rigid. Professor Bartos adds to this by saying that public bodies should be ‘driven by the objectives of the organisation concerned’. In simple terms, he is saying that a unique organisation such as the ABC is benefited by having a wide-ranging composition of professionals on its board of directors.

The staff-elected director on the board of the ABC brings broadcasting experience to a select group which oversees the Australian Broadcasting Corporation. The staff elect this person from among their peers because they are highly skilled, with a significant broadcasting knowledge base. They do not elect them on the basis that they will take all the individual problems of the staff to other members of the board. That is simply not their role. Senators opposite dismiss this and do not believe it to be important.

They seem to think that if the board is not sure about a decision relating to broadcasting then they will just outsource the question: ‘Ask an expert. Call in a consultant.’ How are the board members supposed to know what is relevant and what is not if they do not have the broadcasting knowledge? If they do not have an understanding of the day-to-day operational requirements of our
national broadcaster, how are they to know when they should be consulting an expert? How do they know the questions they should be asking when they do not have the current knowledge of broadcasting that the staff-elected director brings to the board? We have, for our benefit, an example of just such a situation.

In submissions to the committee inquiry into this bill, there were a number of examples of the benefits that the staff-elected director position creates. Of particular note was a submission from the immediate past president of Friends of the ABC South Australia, Mr Darce Cassidy. Mr Cassidy worked for the ABC for 33 years, with his last position being that of managing director’s representative for South Australia. He highlighted an example where a former staff-elected director, Mr Tom Molomby, who served on the board from 1983 to 1987, used his position in the best interests of the ABC even though it proved to be unpopular with the staff. Not only did Molomby not support a move that was considered popular by staff but his understanding of the operational aspects of the organisation enabled him at one of his early board meetings to raise an issue that would have otherwise been overlooked.

In the early 1980s, the ABC in Melbourne was readying itself to move to outer East Burwood. This move was very popular with many members of the ABC staff because it was close to where they lived and meant that they would only have a short trip to work each day. Mr Molomby, however, used his professional knowledge and judgment with great distinction. I would like to read an extract from Mr Molomby’s book, which is quoted in Mr Cassidy’s submission, to allow the chamber to reflect on this judgment and how it directly affected major operations within the Melbourne bureau. Mr Molomby stated:

It was in my view a wholly impractical location from which to conduct radio in particular. Traveling time from there to the most frequently required locations for interviews and research would be enormous, and some outsiders would be reluctant to come so far …

He went on to say:

I outlined my reservations briefly to the Board and they agreed with me immediately … it seems to me that the only possible decision was in accordance with the operational interests of the organisation, bearing in mind that its effect would be of indefinite duration.

The East Burwood project was stopped, and we set about exploring locations close to the city.

Mr Molomby’s knowledge and understanding of the operational requirements of the ABC, and his foresight, saved the ABC board from making a serious mistake. Eventually, the ABC’s Melbourne operations were consolidated at Southbank, in the city. I hope that senators opposite are taking note of this, because it is fair to say that this situation probably saved the ABC—and therefore the taxpayers—millions of dollars.

That staff-elected director used his broadcasting knowledge and understanding of the ABC and saved probably millions of dollars for Australian taxpayers. What logic: get rid of a position which has already, by its very existence, saved millions of dollars. This example from Mr Cassidy’s submission is in direct contrast with the reasons the minister has given for the abolition of the position. It is directly opposite. I will quote from the explanatory memorandum to the bill. It reads:

The election method creates a risk that a staff-elected Director will be expected by the constituents who elect him or her to place the interests of staff ahead of the interests of the ABC …

Yet Mr Molomby not only placed the interests of the ABC ahead of those of staff but also saved the corporation from a fiscal and logistical disaster. The explanatory memo-
randum, circulated by authority of the Hon. Helen Coonan, rubs more salt into the wound with its financial impact statement. It reads:

The Bill is not expected to have a significant financial impact on Commonwealth expenditure or revenue.

Well, Minister, that is not what history tells us.

If coalition senators were to read through the submissions made to the inquiry, they would see other examples of where the persons occupying the position of staff-elected directors have played significant and positive roles on the board. They would have to feel embarrassed about supporting this bill, knowing that the reason the government is putting forward for abolishing such a position is not, in reality, justified. Its reason of conflict of interest is casting a shadow over what many believe to be the real reason for the government moving to abolish the position of staff-elected director on the board—that is, that the position of staff-elected director is the one position that the government does not have control or influence over.

In the minority report of the inquiry into the bill, submitted by Labor, Greens and Democrats senators, concern was expressed about the overall state of the ABC as a collective operation. I would like to expand on this for a minute, because this is at the core of this bill’s intentions. The composition and method of appointment of the board is central to the ailments of the national broadcaster, and there are few areas left of the ABC that are not soaked in conservative bilge water. The ABC is one of the last great public institutions that has seen Australians through some of our darkest hours and united us in moments of triumph. It is a symbol of independent thought and transparency in a free society. A strong, independent media is a dying entity. The capacities, rights and strengths of genuine fourth estate journalism are in grave danger.

It was World Press Freedom Day last Thursday and the Australian Press Council used the day to air concerns about the state of the media. The chairman, Professor Ken McKinnon had this to say about the Howard government’s contempt for a free press:

During Prime Minister Howard’s regime, the Commonwealth has centralised power to an unprecedented degree and used the buzzword ‘security’ to erect a seamless protective wall around information flows. Professor McKinnon does not exactly mince his words in his criticism, and the irony is not lost on me. The government does not care about the loose and unfounded allegations about the board’s composition. The duties of the board stipulated in section 8 of the Australian Broadcasting Corporation Act are quite clear about what is required from a board member.

There are nine positions on the ABC board, and they are filled by people who come from many different professional backgrounds. They all know that they are bound by the board’s protocol. It does not matter if their background is in civil and criminal law, as is the case with board member John Gallagher QC; or if they are the Chairman of Film Australia Limited, as is board member Steven Skala; or if they have a broadcasting background, like Ms Koval or the incumbent, Mr Dempster. They are all bound by the protocols, rules, directives—call them what you will; they are all bound by them. And it should be considered an asset to have a career broadcaster as part of the board structure.

During the Senate inquiry into this bill, there were a number of attacks on the integrity of the current staff-elected director. Prior to this there had been numerous other accusations about the staff-elected director by the
government. If Senator Coonan had proof that any member of the ABC board was not upholding the protocols of the board, she had, and still has today, the power to remove them. If Senator Coonan believes that the current staff-elected director is in breach then she could enact section 18(1) of the ABC Act. Section 18(1) enables the Governor-General to remove—on advice from the government, of course—a misbehaving non-executive director from office. Aside from that, we all know it is relatively easy to sack people in Australia today. I do not really understand why the government need to go to the lengths of removing the entire position simply because they are not happy with the person currently tenured.

We know that is not the case, and again I state what to many is obvious. The truth is that the Howard government have introduced this bill because this is the one position on the ABC board that they cannot fill, cannot influence and cannot control. It is a simple equation really: if you cannot manipulate a board position—if you cannot fill it, if you cannot control it—what do you do? You get rid of it. That is really what this entire debate is about. It is about the Howard government’s calculated crusade to change our ABC and mould it into what they want—that is, a media outlet that will tell them what they want to hear and will not be critical of their agenda. It is a crusade that they have been waging against the broadcaster for many years now. The government have numerous fronts in this crusade; they are removing any existing traces of independent media on one front and opening up the market to those with the fattest chequebooks on the other.

I conclude by saying that the Australian Broadcasting Amendment Bill 2006 is not in the best interests of the Australian public, not in the best interests of free speech and not in the best interests of our national broadcaster. I will finish by letting the chamber reflect on the following comment by esteemed 20th century journalist Walter Lippmann:

The press is no substitute for institutions. It is like the beam of a searchlight that moves restlessly about, bringing one episode and then another out of darkness into vision. Men cannot do the work of the world by this light alone. They cannot govern society by episodes, incidents, and eruptions. It is only when they work by a steady light of their own, that the press, when it is turned upon them, reveals a situation intelligible enough for a popular decision. The theory of the free press is not that the truth will be presented completely or perfectly in any one instance but that the truth will emerge from free discussion.

Although this is a free discussion, the arrogance of this government ensures that we are seeing a narrow, ideological shadow covering the landscape. It is a shroud that is being imposed on us. The ABC Amendment Bill 2006 is another example of Howard’s way, with no redeeming features. Labor believes that there should be an open and transparent process for making appointments to the ABC board. At the present time, the staff-elected position is the one position that fulfils this criterion.

Senator WEBBER (Western Australia) (1.56 pm)—I would like to commence my remarks on the Australian Broadcasting Corporation Amendment Bill 2006. I believe this bill demonstrates this federal government’s complete inability to deal with independence of thought and action. It would seem that this is a government, and this is a minister, that is afraid of any form of dissent, so it has to legislate it out of being. This is a government that cannot handle alternative points of view or independence of action—a government so drunk with power, some would say, so overwhelmed by its own importance and so arrogant about the power given to it by its numbers in this place that it believes it can do what it likes without recourse to what is fair, what is decent or what is honourable.
This bill, as has been said by my colleagues earlier, will remove the position of the staff-elected director from the board of the Australian Broadcasting Corporation. The Australian Broadcasting Corporation Act at the moment states that the board of the ABC will consist of the managing director, the staff-elected director and no fewer than five and no more than seven other directors. This amendment will remove the staff-elected director from the board of the ABC.

What reasons has the government put forward to justify this action? The Minister for Communications, Information Technology and the Arts, Senator Coonan, claimed on 24 March this year:

As the staff-elected Director has been elected by staff rather than appointed, there have been claims that the position creates uncertainty about accountability.

To quote a television presenter from another network—using a well-known saying in the Australian vernacular these days—’What the?’ The minister’s suggestion that, because a director is elected by staff as opposed to appointed by the minister, it makes their accountability uncertain is surely one that should make the annals of Australia’s most ridiculous assertions. The minister’s suggestion that a person appointed by the minister is more accountable than a person elected by the employees of an organisation is farcical. How does the method of a director’s appointment to a board determine their accountability? The method of a director’s appointment to a board does not determine that person’s accountability to the minister, the staff or the good of the corporation.

It is clear from all sides of this argument that there are clearly defined legal responsibilities, as alluded to earlier in this debate, that a director must undertake. In fact, the minister also said on 24 March this year:

However, there is a clear legal requirement on the staff-elected Director that means he or she has the same rights, duties and obligations as the other Directors, including to act in the interests of the ABC as a whole.

Surely that statement alone makes it clear that the means by which a director is appointed have absolutely nothing to do with the rights, duties and obligations that a person must discharge as a director. It is a fact that is enshrined in law, no matter how a director is appointed. If you are a director, no matter how you come to be appointed, you must act in the same prescribed manner as all other directors.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator MINCHIN (South Australia—Leader of the Government in the Senate) (2.00 pm)—I inform the Senate that Senator Ian Campbell, the Minister for the Environment and Heritage, will be absent from question time today, tomorrow and Thursday. Senator Campbell is representing the Australian government at the high-level segment of the 14th session of the Commission on Sustainable Development in New York. During Senator Campbell’s absence, Senator Eric Abetz will answer questions relating to the Environment and Heritage portfolio, the Defence portfolio, the Veterans’ Affairs portfolio, the Transport and Regional Services portfolio and the Local Government, Territories and Roads portfolio.

QUESTIONS WITHOUT NOTICE

Interest Rates

Senator SHERRY (2.00 pm)—My question is to Senator Minchin, representing the Treasurer. I refer to last week’s decision by the Reserve Bank to lift the interest rate by 25 basis points to 5.75 per cent. Is the minister aware that a family with an average mortgage of $226,000 will have to find an extra $73 a month to pay for the two interest
rate increases the government promised at the last election would not happen? According to the statement by the Reserve Bank, wasn’t the interest rate increase in part a result of what it described as ‘rather limited spare capacity’? Why has the government neglected nation-building investment in infrastructure? Hasn’t that failure led to greater upward pressure on interest rates?

Senator MINCHIN—What I know is that, under Labor, interest rates hit a record 17 per cent. Under Labor, interest rates averaged 12.75 per cent. When we came into office, interest rates were 10½ per cent. Under our government, interest rates have consistently been lower than they were under the former Labor government, who ran massive budget deficits, built up the debts of this country and squeezed savings in this country. This put pressure on interest rates and led to the collapse of businesses all over the country and unemployment in the hundreds of thousands. That was the record of the Labor government.

Our whole strategy through our fiscal policy is to ensure that we put no undue pressure on interest rates as a result of our management of the economy and our management of public finances. The record speaks for itself. Interest rates have been consistently lower under our government than they ever were under the former Labor government. We are proud of that record, and that record will continue.

It is of course true that the Reserve Bank, by virtue of our instrument when we came into office, is an independent entity and runs monetary policy independently. It has done a superb job and is widely regarded throughout the world for its conduct of monetary policy in this country. Last week, the Reserve Bank raised the official rate by one-quarter of one per cent, taking account of the strength of the global economy and the impact of that on the Australian economy. Australia, as a commodity supplier, is benefiting enormously from the very strong global economy, particularly the economies of China and India, and that is of course feeding through to the domestic economy, which is running at a strong rate.

It is a fact that the Reserve Bank thought it best to—what you might colloquially describe as—‘touch the brakes’ to ensure that the economy did not overheat and that we did not exceed the two to three per cent band on underlying inflation. Our job in the budget ahead of us tonight is to make sure that there is nothing in that budget that puts any further undue pressure on interest rates. Indeed, the Reserve Bank has made it abundantly clear that there is nothing in relation to fiscal policy that is having an effect on its conduct of monetary policy.

As to so-called ‘nation building’, we know that the Labor Party wants to rort the Future Fund by using it for its favourite pet projects and as a slush fund to buy its way back into office. We will not allow the Future Fund to be used like that. Consistent with our responsibilities as the federal government—not a state government—we have invested significantly in road and rail and infrastructure. I ask the opposition to have regard to the budget tonight, where they may see further initiatives in that regard. We have a major AusLink program which has led to a very big increase in our investment in road and rail, in particular, in this country to improve our transport networks. We have invested substantially in skills, innovation and education. We believe we are playing our part in ensuring the productive capacity of this economy and we are ensuring that whatever we do puts no undue pressure on interest rates.

Senator SHERRY—Mr President, I ask a supplementary question. Given the history
lesson, perhaps the minister would like to remind us about the peak of interest rates when the current Prime Minister was last Treasurer—reaching over 21 per cent, as I understand. Referring to the interest rate rise the government promised at the last election would not happen, didn’t the Reserve Bank also point out that another contributing factor was that ‘suitable labour is scarce’? Why has the government neglected significant investment in skills and training—resulting in, for example, the shortfall of 300,000 places in TAFE since 1999 and a shortfall of 100,000 university places since 2003?

Senator MINCHIN—It is true that there are some skills shortages in some parts of the economy. That is because the economy is running so strongly that it is putting demand on labour. It is because so many people are in employment and unemployment is so low. There was never a skills shortage problem when Labor was in office, because unemployment was above 10 per cent. Of course there were no skills shortages when Labor was in office. There are now, because of the strength of our economy and low unemployment.

Economy

Senator BRANDIS (2.06 pm)—My question is to the Minister for Finance and Administration, Senator Minchin. Will the minister inform the Senate of the importance of maintaining sound financial management?

Senator MINCHIN—I thank Senator Brandis for that question. Before responding directly to his question, I would like to say that we on this side—and I am sure those on all sides of the chamber—are relieved and delighted with the final rescue of Todd Russell and Brant Webb from the Beaconsfield Mine early this morning. It is a tremendous testament to the resilience of those two remarkable individuals, their families, the Beaconsfield community and the wishes and prayers of Australians all over the nation. Our thoughts go particularly at this moment to the family of Larry Knight, who lost his life in that mine. I think his funeral service is being held right now.

Tonight the Treasurer will bring down the coalition government’s 11th budget. Ten years ago, when we came into office, the budget was $10 billion in deficit. We had inherited a $96 billion overall government debt and we were paying no less than $8½ billion every year just in interest payments on Labor’s debt. There was no scope then for tax cuts and no ability to make additional investments in important areas like health, education, infrastructure or national security. Labor’s loose fiscal policy had put a lot of pressure on interest rates, as I said in my previous answer, and when we came into government mortgage rates were at 10½ per cent.

Today, after 10 years of coalition government, the budget is strongly in surplus. Last month the government repaid the last dollar of the $96 billion in net debt we inherited from those opposite. We are now debt free for the first time in some 30 years. In the last few years we have been able to make unprecedented investments in our national security, our defence capability, our health system and our education system. We have been able to invest heavily in road and rail infrastructure and the preservation of our important natural environment. We have been able to deliver significant tax cuts in the last three budgets, with a further tax cut already legislated from 1 July this year. That has all been done in the context of continuing strong budget surpluses.

Of course, it has only been made possible because of the strong economy and because of our responsible management of public finances. For the last three years we have run surpluses of around one per cent of GDP—
surpluses which some opposite claim are far too big, surprisingly. But it is our record on economic management—those surpluses and that reduction in debt—that has taken the pressure off interest rates. Even after the RBA's most recent upward adjustment to the official cash rate, mortgage interest rates are 7½ per cent, whereas during the 13 years of Labor government they averaged 12.75 per cent.

Families are substantially better off today than they were under the previous Labor administration, because we have reduced unemployment to just five per cent and real wages have grown by an amazing 15 per cent. We have consistently cut personal income taxes, we have significantly increased assistance to families and children, and mortgage interest rates have been lower and more stable than they were under the previous administration. Tonight’s budget will see a continuation of that very good record of economic management, the continuing benefits of a strong national economy, a continuation of substantial surpluses and a renewed commitment to Australian families and our nation’s future.

Westpoint

Senator SHERRY (2.09 pm)—My question is to Senator Coonan, the Minister representing the Assistant Treasurer. I refer to the Westpoint financial scandal, in which thousands of elderly Australians have lost up to $400 million of their superannuation retirement savings. Is the minister aware of the revelations on last night’s ABC Four Corners program that a Mr Richard Beck earned $9.2 million in commissions for entic ing elderly Australians into Westpoint investment entities? Further, is the minister aware that the receiver, Mr Mark Korda, has identified that financial planners associated with Westpoint made more than $50 million in commissions? When is the government going to toughen regulation of commission based selling to protect Australian superannuation from Westpoint type rip-offs?

Senator COONAN—I thank Senator Sherry for the question. The information I have in relation to the ABC’s Four Corners Westpoint special, to which Senator Sherry refers, is that Mr Beck was a director of a number of key Westpoint entities. Based on publicly available information, there are ample grounds for suspecting that there have been a series of breaches of the Corporations Act 2001. Conviction of certain breaches of the act has certain consequences that include the automatic disqualification of a person from managing corporations, and there is a strong possibility that Westpoint was insolvent at an earlier stage than originally suspected. The Corporations Act provides for heavy civil and criminal penalties for directors engaging in insolvent trading.

Senator Sherry specifically raised issues to do with compensation, commissions and losses in relation to superannuation. The program reported that some financial planners who promoted the Westpoint investments do not have professional indemnity insurance in place. This indeed may create difficulties for investors who receive defective advice from these planners in obtaining compensation. Appropriate compensation arrangements will become mandatory for all financial service licensees on 1 July 2006 after the transitional phase ends.

In relation to self-managed superannuation funds, many of the Westpoint investors decided to invest their retirement savings outside the prudentially regulated superannuation sector. They sought to gain full independent control over their investments by establishing self-managed superannuation funds. Taking this step necessarily implied assuming greater responsibility for their investment decisions. The government has put
in place arrangements that are due to come into effect on 1 July this year in relation to dealing with appropriate compensation arrangements, which will become mandatory for all financial service licensees.

Senator SHERRY—Mr President, I ask a supplementary question. My question actually went to the issue of outrageous commissions that were being charged in respect of these products and, in some cases, other superannuation products, which the minister did not address. Is the minister also aware that another principal of Westpoint, a Mr Norman Carey, has established a new financial investment company called Ferntree, with ex-Westpoint employees and owned by Mr Carey’s relatives? What action, if any, has ASIC taken to shut down this new entity and to prevent more Australians being defrauded of their superannuation savings?

Senator COONAN—In relation to ASIC actions against Westpoint, they have been quite significant. As Senator Sherry would no doubt be aware, ASIC started investigating the Westpoint mezzanine financing back in 2002. There were a number of actions taken, which included keeping investors informed about court proceedings against Westpoint. An announcement on the case was placed on ASIC’s website in order to keep people informed. In June 2004, ASIC wrote to each investor in the two mezzanine financing schemes which formed the substance of the court action, informing them about ASIC’s concerns.

It is important to understand that ASIC does not prudentially regulate companies such as Westpoint. Westpoint directors were providing statements that Westpoint was solvent as late as 2005. Westpoint auditors were at the same time providing unqualified financial statements for the Westpoint entities and, with respect to the current matters, they are— (Time expired)

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**Solomon Islands**

Senator PAYNE (2.15 pm)—My question is directed to the Minister for Justice and Customs, Senator Ellison. Will the minister inform the Senate of recent efforts by Australian personnel to help restore law and order in the Solomon Islands?

Senator ELLISON—I thank Senator Payne for her important question and acknowledge the work that Senator Payne has carried out in relation to the Solomons, leading an observer group to the election which took place in April this year. It was a very good process, I might add, and it was marred badly by the violence which occurred after the election of the Prime Minister, Mr Rini. Such has been the work of our Australian men and women in the Solomons that I think it is important to place on record the deep appreciation of the Australian government for the great efforts put in by our people in the Solomons. This has been demonstrated by the visits by Minister Downer and me to thank people personally, and the visit last Sunday by the Parliamentary Secretary to the Minister for Defence to thank ADF personnel for the great effort they have put into restoring order to the Solomon Islands.

Some 33 police from Australia and New Zealand were injured during the rioting that occurred on 18 and 19 April this year. I saw first-hand the damage in Chinatown and elsewhere, which was caused by mob violence—the victims of which are the people of the Solomon Islands. During the visit that I made to the Solomons, I spoke to both sides of politics. I think it is fair to say that there is still overwhelming support in the community and politically for the continued presence of RAMSI. You must remember, however, that RAMSI is a regional assistance program which is not just made up of Australian and New Zealand personnel. It has been a regional response to a regional
problem, and it occurred at the request of the Solomon Islands government. Great work has been done in the retrieval of weapons and the charging of people and restoring law and order to the Solomon Islands to such an extent that we now see health and educational services being restored to the people of the Solomons. That is why it was so frustrating and saddening to see the outrageous violence perpetrated on 18 and 19 April this year.

The new Prime Minister, Mr Sogavare has indicated that he supports the continued presence of RAMSI, and the Australian government have indicated to him that we are willing to work with him. But we have indicated very clearly that corruption is a high priority in relation to addressing the problems in the Solomon Islands. We appreciate fully that the governing of the Solomon Islands is a matter for the people of the Solomon Islands but, if there is to be any progress in the delivery of essential services and any permanent restoration of law and order and good governance, we have to address the question of corruption. I think that is something which is realised by many in the Solomon Islands government and in the community. It will be a big challenge to implement that. That is a challenge which the Australian government are intent on working to achieve with partners from the pacific and, in particular, those people in the Solomon Islands who want to work to achieve that end.

I add that we have done great work in a short space of time. I heard first-hand about the acts of bravery by personnel—men and women—of the Australian Federal Police and the ADF to protect the lives of others in dangerous situations. Of course, we are working to ensure that their efforts do not go unacknowledged. This is a challenge for this government, the region and the people of the Solomon Islands. We are there for the long haul. We are totally committed to assisting the restoration of law and order and good governance in that country, which will in turn benefit the people of the Solomon Islands.

**Westpoint**

**Senator WONG (2.19 pm)**—My question is to Senator Coonan, the Minister representing the Assistant Treasurer. I again refer to the Westpoint financial scandal in which, as the minister is aware, hundreds of millions of dollars of Australian superannuation retirement savings have been lost. Is the minister aware of other revelations on last night’s *ABC Four Corners* program that Mr Richard Beck, associated with Westpoint and under investigation by ASIC, was the former head of corporate governance at the leading accounting audit firm KPMG? Is the minister aware that KPMG were the auditors of Westpoint entities? Is the minister aware that the chair of ASIC, Mr Lucy, now suspects KPMG were wrong when they signed off unqualified to Westpoint accounts? Can the minister advise what investigations or action has been taken in respect of KPMG’s role as auditor of Westpoint?

**Senator COONAN**—As I said in response to Senator Sherry’s question, it is very important to understand that ASIC does not prudentially regulate companies such as Westpoint. Westpoint directors were providing statements that Westpoint was solvent as late as 2005, and Westpoint’s auditors were at the same time providing unqualified financial statements for the Westpoint entities. Once ASIC had appropriate evidence in late 2005, it successfully took action to stop Westpoint from operating further. These matters are under investigation by ASIC, and it is important that these investigations take their course. As I have said, there are a number of steps that have been taken in relation to ASIC’s investigation of both Westpoint and the matters relating to the
audited accounts or the state financial statements. It is important that the investors have been kept advised, as I mentioned in answer to the previous question. ASIC started a general campaign back in 2003 to warn investors against the risks of investing in high-yield debentures. It is important to understand that ASIC has done what it possibly can to be able to take action in relation to these matters and in relation to investigating Westpoint. Recently, the Federal Court ordered the winding up of the parent company in the Westpoint group, Westpoint Corporation Pty Ltd, following an application by ASIC. It was a crucial step in preserving the assets and will be a crucial step in enabling investigations to be undertaken of the kind to which Senator Wong alluded in her question.

It is important to inform the Senate that on 31 March ASIC made an urgent application to the Federal Court to obtain orders freezing the personal assets of Mr Carey, Mr Beck and two other directors. It was based on the results of investigations indicating that these persons had taken actions designed to diminish the assets. The court has now appointed receivers of the personal assets of the individuals named. ASIC continues to investigate all the enforcement options open to improve the return to investors, and there is the possibility of further action, both civil and potentially criminal, being considered in relation to the conduct of Westpoint directors and their advisers, including the group’s auditors, KPMG. It is not the role of either the person I represent, the Assistant Treasurer, or indeed me, to pre-empt the way in which ASIC would pursue these investigations. Suffice to say that the answer I have given indicates that investigations are being undertaken, including of the auditors, KPMG. (Time expired)

Aged Care

Senator BERNARDI (2.25 pm)—My question is to the Minister for Ageing, Senator Santoro. Will the minister inform the Senate of any developments in the provision of more aged care places for our elderly Australians? Is the minister aware of any responses to these developments?

Senator SANTORO—At the outset, can I congratulate Senator Bernardi on his swearing-in today as a truly quality senator from South Australia. I wish him every success and enjoyment as a senator. I thank him for the honour of asking me his first question.

Last week, I announced the Australian government’s funding of over $930 million for more than 28,500 new aged care places which gave Westpoint a three-out-of-five-star rating as an investment entity, used by many planners as the basis to recommend that Australians place their superannuation life savings in Westpoint. Can the minister advise whether ASIC is investigating KPMG in signing off on the research house report?

Senator COONAN—I thank Senator Wong for the supplementary question. I can tell the Senate, in response to the question, that the actions taken by ASIC, including the actions in the Federal Court, have all been taken as a result of investigations that have been undertaken by ASIC. These investigations are ongoing. There is a possibility of further action, both civil and potentially criminal, being considered in relation to the conduct of Westpoint directors and their advisers, including the group’s auditors, KPMG. (Time expired)
over the next three years. We will make 7,678 of these places available for allocation in 2006-07 through the 2006 aged care approvals round. They have an estimated annual recurrent funding value of $230 million. The latest release of new places for the next financial year and the announcement of indicative numbers for new places for 2007-08 and 2008-09 mean that the government will have made more than 109,000 new aged care places available since 1996. I repeat that figure: 109,000.

These new places will enable aged care providers to deliver a range of world-class residential and home based aged care services to older Australians. In addition, I am proud that the Howard government has delivered on its 2001 election commitment to provide almost 200,000 operational aged care places by June 2006.

Senator Bernardi also asked what response there has been to my announcement of funding for further places. I acknowledge and welcome comments from the ACT Chief Minister, Jon Stanhope, in his press release issued on 1 May, in which he warmly welcomed my announcement of hundreds of additional places for older Canberrans, and said:

This allocation is higher than the ACT Government had expected and is a very welcome development ...

While I appreciate Mr Stanhope’s professional response and willingness to recognise the good work done by the Howard government, I note that federal Labor’s spokesperson on ageing, Senator McLucas, is only interested in making baseless political points. In her haste to attack and blame the government over a shortage of beds in the ACT, a furphy Senator McLucas calls ‘phantom beds’, she failed to mention that this problem exists because of ACT planning laws and regulations which have prevented more beds becoming operational—something the Stanhope government itself has acknowledged, and I recognise that it is very responsibly dealing with it.

Trying to establish exactly what Senator McLucas was on about in relation to phantom beds, I stumbled across a definition of ‘phantom’ which I thought better describes her work output. Answers.com describes a phantom as ‘something apparently seen, heard or sensed but having no physical reality’. I really think that that adequately sums up Senator McLucas, who has been true to form in not letting the truth get in the way of some cheap politicking, which she indulges in on almost a daily basis.

While the government gets on with its important job, and while Senator McLucas continues her campaign, we will merely treat her comments as they should be treated—simply as background noise. It is about time that Senator McLucas stopped politicking about outcomes which even her Labor colleagues are happy to acknowledge have been very worth while.

Smartcard

Senator STOTT DESPOJA (2.29 pm)—My question is addressed to Senator Kemp, the Minister representing the Minister for Human Services. What is the government’s understanding of the reasons for the resignation of the head of the government’s smartcard technology task force, Mr James Ke laher? Are the minister and the government aware of his reported concerns, which apparently include plans to scrap an external expert advisory board, plans to keep the project within the Department of Human Services and plans to keep funding for the project within Centrelink and Medicare? Given these concerns, can the minister, on behalf of the Minister for Human Services, explain to the Senate the government’s plans for the intro-
duction of an independent assessment of the privacy implications of the smartcard?

Senator KEMP—Senator Stott Despoja has a longstanding interest in this issue and, as such, we welcome questions on this very important initiative by the Australian government. There were three parts to the question, if I recall correctly. Let me deal with the issue of the advisory board. You may be aware—I think the minister has made some comments on this—that nothing has been ruled out or in yet by the government. It has only made a decision to proceed with the health and social services access card on 28 April, which you will be aware of. I can assure you the smart technologies task force has consulted widely with representative groups—

Senator Robert Ray interjecting—

Senator KEMP—not you, Senator Ray—over the past 12 months and will continue to do so regardless of what consultation is adopted. You asked for the attitude of the minister on this matter. He has reservations about picking a few favoured groups for a formal board to the exclusion of other interest groups. I think that deals with the first part of your question.

You asked also about whether a separate agency should be established, but let me again say from the minister’s brief that the government would like to put on record that nothing has been ruled in or out yet. However, the minister would like to add that the Review of the Corporate Governance of Statutory Authorities and Office Holders conducted by Mr John Uhrig in 2003 warned the government about the proliferation of government agencies. I think the minister for finance is fully aware of that particular issue. The minister will consider the Uhrig proposals when evaluating possible future structures for the access work card.

The final part of the question was whether sufficient funding is being allocated to Medicare and Centrelink. Of course, the Treasurer will this evening make an important statement in relation to general funding of government services, and we all wait anxiously for the Treasurer’s announcement. There will be funding announced regarding the access card, I am advised, in this evening’s federal budget but I do not think I can say at this stage where the funding will be allocated. It is not for me to pre-empt Mr Hockey nor is it for me to pre-empt the Treasurer. However, I can say at this stage that any money spent by agencies, a department or any other possible group established to implement the access card will come under very close scrutiny from a firm contracted to provide audit and oversight assurance. The minister’s brief concludes that both Centrelink and Medicare will have a role in the implementation of the health and social services access card; however, much of the work will be contracted to private sector providers in accordance with advice from expert advisers.

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. I thank the minister for his answer and again refer him to my question involving the resignation of Mr James Kelaher and the government’s understanding of Mr Kelaher’s reasons for resigning from the task force. I thank the minister for the information about the external advisory body and the fact that the minister has not ruled it in or out, according to Senator Kemp. Does the minister realise that if it is scrapped this will be contrary to previous discussions and agreements involving departments, stakeholders and other ministers, as I understand it? Finally, in the interests of accountability and the government being so up-front on the issue of the so-called smartcard, could the minister advise the parliament as to whether or not the government will release the entire KPMG report...
into the smartcard and not simply an edited version, as has been previously announced?

Senator Kemp—The final part of the question is a matter for Mr Hockey, but I know Mr Hockey follows Senate proceedings with great interest and care. Undoubtedly, he will note the points you have raised and will carefully, as he always does, consider them. In relation to the consultation you mentioned, my understanding is that there has been very wide consultation with many groups over the last 12 months and Mr Hockey will continue to do so regardless of what consultation framework is adopted. In relation to the advisory board, as I mentioned, nothing has been ruled in or out but the minister has indicated that he does have reservations about picking a few favoured groups for a formal board to the exclusion of other groups. That seems to me to be a very sensible statement from Mr Hockey. It is one that I would endorse. (Time expired)

South-East Marine Protected Areas

Senator Parry (2.35 pm)—My question is to the Minister for Agriculture, Fisheries and Forestry, representing the Minister for the Environment and Heritage, Senator Abetz. Will the minister please update the Senate on how the government has moved to protect the biological diversity of Australia’s south-east oceans whilst also protecting the livelihoods and jobs of our fishermen? Further, is the minister aware of any alternative policies?

Senator Abetz—I thank Senator Parry for his question and acknowledge his longstanding interest in ensuring that this issue was resolved in the way that he has outlined. The concern that he has shown has been shared by you; Mark Baker, the member for Braddon; Michael Ferguson, the member for Bass; other fellow members around the south-east coast of South Australia; our Liberal senators from Tasmania and, might I say, particularly Senator Richard Colbeck.

The new south-east marine protected areas announced on Friday are a win for both the environment and fishermen. Indeed, we have had such a good outcome that I would have been prepared to take this question in my capacity as minister for fisheries. I am proud to say that the hallmark of this government’s approach to managing the environment has been balance—balancing the need to maintain jobs with the need to protect the environment; balancing the socioeconomic needs of today’s Australians with the need to preserve our environment for future generations.

The Howard government did this with the Tasmanian forests, and now we have done it with the oceans. Allow me to elaborate. This final south-east marine park area represents 226,000 square kilometres. It is an area three times the size of my home state of Tasmania. Over 80 per cent of seamounts—very important biodiversity regions—are protected.

When this is declared later this year, the Howard government will have more than doubled Australia’s marine protected area estate from 368,000 square kilometres in 1996 to 820,000 square kilometres. From a global perspective, Australia will have 30 per cent of the world’s marine protected areas.

From a fishing perspective, the outcomes are just as good. More than 20 changes were made to the final network to reduce the impact on the fishing industry by more than 90 per cent. The impact on the scallop industry has been removed altogether. There is now only a small level of impact on the rock lobster industry—no more than a couple of tonnes, which can be caught outside the MPAs. The proposal to exclude demersal and auto long-lining from the multiple use MPAs around Tasmania has been dropped, and instead the Fisheries Management Authority will develop specific management arrange-
ments to protect gulper sharks. As you can see, it is a sensible, balanced outcome, which the government hopes will cost not one single job.

The World Wide Fund for Nature said of this network:

These new marine protected areas are a significant contribution to the protection of marine biodiversity in Australia, and certainly impressive by world standards...

The Commonwealth Fisheries Association said that the network of MPAs announced by the government today is a balanced and rational outcome that is broadly supported by the fishing industry. When you have good science, as was provided by Professor Colin Buxton, goodwill from industry and a sensible government approach, you can get these outcomes for the benefit of current generations of Australian fishers and for future generations of Australians with a good environmental outcome. (Time expired)

Wind Farms

Senator CARR (2.40 pm)—My question without notice is to Senator Abetz in his capacity representing the Minister for the Environment and Heritage. I refer the minister to the environment minister’s decision not to approve the Bald Hills wind farm planned for the Gippsland area. Can you confirm that the decision not to approve this wind farm—a project worth $220 million to Victoria—was made on the basis of concern for the welfare of the endangered orange-bellied parrot? Is it the case that no sightings whatsoever of this parrot in the vicinity have actually occurred in recent memory? Can the minister confirm that the government’s consultant’s report on the planned Tasmanian Heemskirk wind farm was prepared by the same company as that engaged to report on the Bald Hills project? Did the Heemskirk report say that the project would in fact be located directly in the flight path of the same rare orange-bellied parrot? Is it correct that the minister has indicated he will approve the Tasmanian project despite this fact? What is the rationale for the decisions in both of these cases?

The PRESIDENT—I remind senators of the length of questions.

Senator ABETZ—I can inform honourable senators, since they have such a deep interest in this topic, that Senator Ian Campbell made his recent decision not to approve the Bald Hills wind energy installation in Gippsland, Victoria, under the Environment Protection and Biodiversity Conservation Act 1999 only after very careful consideration of all the relevant facts and advice. As environment minister, he had to balance the needs of development with the protection of our rare and threatened flora and fauna, ensuring that any development is sustainable. His decision in this instance was made on the basis of an independent report on the cumulative impact of wind energy installations, which concluded that almost any negative impact on the endangered orange-bellied parrot could be sufficient to tip the balance against its continued existence. The report concluded:

Given that the Orange-bellied Parrot is predicted to have an extremely high probability of extinction in its current situation, almost any negative impact on the species could be sufficient to tip the balance against its continued existence. In this context it may be argued that any avoidable deleterious effect—even the very minor predicted impacts of turbine collisions—should be prevented.

The EPBC Act requires that in light of such evidence the minister take a precautionary approach to approving any development. The precarious position of the orange-bellied parrot was recently recognised by the World Conservation Union, which has included the bird on its red list of endangered species.
Senator Chris Evans—Not the orange list?

Senator ABETZ—No, it is more serious than the orange list which your feeble attempt at humour referred to. The Victorian government has suggested that my decision to refuse approval of the proposed Bald Hills wind energy installation was simply a political decision. That is nonsense. The Victorian government refused a permit for a wind energy installation at Ballan in Victoria just last year due to unacceptable risks to the wedge-tailed eagle, which, unlike the Tasmanian population of the wedge-tailed eagle, is not on the threatened species list.

Senator Chris Evans—Have a go at the question now.

Senator ABETZ—Senator Evans interjects. The very last question from Senator Carr was: what was the rationale for the decision? I would have thought that any fair listener would have acknowledged that I had gone through the rationale for the decision. But of course what happens with those opposite time and time again is that they open their mouths before they get their brains into gear. Can I say to those opposite that this was a rational decision by the minister and I have outlined the rationale for it to the honourable senator.

In relation to other prospective wind farm proposals, the minister has made it clear that each one will be determined on its merits by the studies that will be undertaken in relation to each project. I would have thought that that would make it very clear even to those opposite.

Senator CARR—I ask a supplementary question, Mr President. Minister, will you confirm that there were no actual sightings whatsoever of the orange-bellied parrot at the Bald Hills wind farm site? Given that the existing wind farms located on the north-west coast of Tasmania are centred directly in the flight path of the orange-bellied parrot and their breeding grounds, will the minister categorically rule out the shutting down of these facilities?

Senator ABETZ—I have outlined for the benefit of the honourable senator the report on which Minister Campbell based his decision. The rationale has been clearly stated and I will repeat it for the honourable senator. The conclusion of the report was:

Given that the Orange-bellied Parrot is predicted to have an extremely high probability of extinction in its current situation, almost any negative impact on the species could be sufficient to tip the balance against its continued existence. In this context it may be argued that any avoidable deleterious effect—even the very minor predicted impacts of turbine collisions—should be prevented.

Senator Carr—Mr President, on a point of order. I am seeking an answer to a serious question and the minister is avoiding answering it. I asked him a specific question regarding Heemskirk. When will he answer that question?

The PRESIDENT—The minister has 13 seconds left to complete his answer.

Senator Abetz—In relation to Heemskirk, I already indicated that each wind energy installation is different. In certain areas the risk to birds from impacts with wind turbines will be higher than in others. As such, the potential for each project to have a significant impact on nationally threatened and migratory species will be considered on a case-by-case basis.

The PRESIDENT—Minister, your time has expired, well and truly.

Oil Prices

Senator MILNE (2.47 pm)—My question is to the Minister representing the Minister for Industry, Tourism and Resources, Senator Minchin. Is the minister aware of the remarks by the director of the International
Energy Agency, Claude Mandil, in which he conceded that oil prices may top $US100 a barrel as a result of global demand and geopolitical factors? Is he also aware that Sweden has a plan to be oil free by 2020 and that even US President George Bush has called for US citizens to wean themselves off oil? If so, does the government believe that oil prices will continue to increase over the longer term, reflecting increased demand and constrained supply, or does the government believe they will fall? Can he explain why the government persists in investing primarily in roads rather than rail and continues to reject the introduction of a national energy efficiency target?

Senator MINCHIN—I am aware of the comments made by the head of the IEA, forecasting the possibility of even higher oil prices—something that no-one within this government would like to see. Of course it is highly speculative to be trying to forecast where oil prices might go. The Treasurer in our party room this morning reminded us all that, I think, in the year 2000 the price of oil was $11 a barrel. Today it is $70. Who knows what it will be in six months or a year’s time. It is difficult for domestic governments like ours to be operating on the basis of the unforeseen and impossible to forecast fluctuations in the barrel price of oil.

However, there is no doubt that the market does work—and the market should be allowed to work. When the price of oil is high there is innovation in alternative energy sources and innovation in much more efficient use of oil. It is a fact that the world is now much more efficient in its use of energy in general, but oil in particular. Oil as a function of world GDP is much lower than it was at the time of the oil shock in the early 1970s.

So it is important that governments do not seek to stifle the market signals that are sent when a non-renewable and declining resource like oil does go up in price. For that reason, we have seen much more investment by the motor car companies in hybrids, electric vehicles, hydrogen and all the alternatives to the use of oil that are potentially available for private transport. We have seen governments invest in hydrogen. The US government has made a major investment in the development of hydrogen as an alternative. For our part, we have quite specifically encouraged investment in and the use of alternatives to oil through our biofuel strategy, of which the industry minister is a key part and which is supported strongly by a number of senators in this chamber—to wit, ethanol and biodiesel. Indeed, I opened Australia’s largest biodiesel plant in Adelaide during the recess. It is a fuel that we strongly support.

It is important that governments allow those price signals to work their way through. We have a great deal of sympathy for Australians paying much higher prices for their fuel, but it would be naive in the extreme and cruel in the long term to suggest there is anything the domestic government can particularly do, except to ensure that we do our utmost to encourage the development of alternative energy sources, particularly for land transport.

Under our government we have made a major investment in rail infrastructure. The Australian Rail Track Corporation, of which I am a joint shareholder, is a major government business that has done a remarkable job in improving the efficiency of rail transport in this country, and it has received significant injections of capital under this government to improve rail transport in this country. I think all of us want to see greater movement of freight from road to rail in this country as an important contribution to lessening our reliance on oil.
I will not get into the business of speculating about the price of oil. All of us would like to see it come back to more realistic levels. Nevertheless, the upside of the current prices is a major increase in investment in alternative energy sources.

Senator MILNE—Mr President, I ask a supplementary question. Does the minister concede that, in its transport infrastructure planning, the government relies on the Australian Bureau of Agricultural and Resource Economics for its oil price projections? Does he further concede that ABARE has been consistently wrong, to the extent that as recently as 2004 it forecast a gradual easing to around $US21 a barrel in the period 2008 to 2015, a conclusion which has impacted on current national infrastructure planning? If so, does the minister now concede that the underlying assumptions on oil prices which underpin the government’s transport planning are wrong? What does he intend to do about developing a strategy to more accurately project prices and plan for an oil constrained future?

Senator MINCHIN—I would defend ABARE as one of the leading and most professional of the organisations within the general government sector. As I said before, I do not think anyone in any part of the world has been able to accurately forecast movements in oil prices. They are subject to non-forecastable events like the current situation with Iran and the current situation with Iraq, and we remember what happened with Kuwait. There are always these extraneous events that affect the price of oil. One of the most significant events at the moment is the unprecedented growth of the Chinese economy, which is putting enormous pressure on oil supplies around the world. I defend strongly ABARE’s reputation, and I am sure they are doing their utmost to maximise the degree to which they accurately forecast movements in the price of oil.

Information Technology: Health

Senator RONALDSON (2.55 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan. Will the minister update the Senate on new developments in the use of technology to deliver better health care to Australians in rural and regional areas? How is the Howard government supporting these new high-tech solutions? Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Ronaldson for the question. As coalition senators are aware, the government has been committed to rolling out quality broadband throughout the country because of the ability of communications to transform the way in which people live, particularly in rural and regional areas. It is nowhere more important than in rural and regional areas, where new technologies have the greatest potential to provide better access to vital services such as education and health.

Just yesterday we saw another significant step forward in the development of what has become known as telehealth technology. Telstra and the CSIRO have announced an agreement to provide hospitals with access to a new system that could make emergency specialists more available than ever. The agreement means the CSIRO’s Virtual Critical Care Unit, known as ViCCU, will be available to connect clinical specialists in city hospitals with staff and patients in country areas. The system allows specialists to see and talk to a patient, view scanned test results and give instructions to medical staff treating the patient simultaneously. This system is a great example of the clever applications being developed to take advantage of Australia’s rapidly growing broadband network. The system was developed in consultation with trauma specialists at Nepean Hospital who were looking for a way for
emergency patients at Blue Mountains hospital to be treated locally rather than be transferred to Nepean.

ViCCU is just one of a number of innovative telehealth projects that have been developed with funding from the federal government through a range of different programs. Since 1997 the government has provided in the order of $65 million, through programs such as Networking the Nation and the National Communications Fund, directly to develop telehealth projects. For example, in western Queensland $8 million from the National Communications Fund is allowing a range of advanced health services to be used to support remote consultations for preadmission clinics, paediatrics, orthopaedics and mental health services. Similar initiatives have been funded in Far North Queensland, northern and western New South Wales, the Grampians in Victoria, and Tasmania. All of these services rely on the roll-out of quality broadband communications throughout Australia. It is why the government has invested $1 billion in rural and regional communications and has another $3 billion committed for just these sorts of purposes.

The Howard government understands the importance of communications services. Unlike the Labor Party, we have actually developed effective policies, we have funded them and we have delivered them. Only a couple of years ago it was Senator Lundy, I think, at the very forefront of a Senate inquiry that suggested that the government should spend billions on guaranteeing dial-up internet speeds of about 40 kilobits per second. How silly we would have looked if we had done the taxpayers’ dough following what Senator Lundy had recommended. Under this government we continue to roll out broadband services. We will continue to press ahead with our plans to ensure that Australians have good telecommunications services irrespective of where they live.

Workplace Relations

Senator HOGG (2.59 pm)—My question is to Senator Abetz, representing the Minister for Workplace Relations. Can the minister confirm recent reports that three men were sacked in Victoria after one of them smirked at his boss and that a 16-year-old employee was made redundant from a Sydney juice bar only to be re-employed two days later on significantly lower wages? Is the minister aware that one of the three men sacked has three young children to support and was quoted as saying:

I had a lump in my stomach. [I was] shell-shocked. I need my money, I’ve got a mortgage.

Haven’t both of these events occurred since the government’s new industrial relations laws took effect on 27 March? Isn’t it now clear that some employers are taking advantage of the new laws to fire employees that they do not like or as a means of cutting their wages? How are these sacked workers better off under the new laws?

Senator ABETZ—Before these changes occurred, every week within Australia there were 40,000 terminations of employment, and 12,000 of those were involuntary. So it is not surprising that the Australian Labor Party can come into this chamber and refer to a few examples, given that we know that before the legislation came in 12,000 were occurring each and every week.

In relation to the specifics of Senator Hogg’s question, I indicate to him that I am not aware of the specific examples to which he is referring. However, the sparse hint of information provided in relation to the circumstances might suggest that these are matters in which the Office of Workplace Services would be very interested. I would encourage every single Australian worker, if they believe that they have been unfairly or improperly dealt with by their employer, to avail themselves of the opportunity of ring-
ing up the Office of Workplace Services and ascertaining what their rights are.

The recent example of the abattoir at Cowra was very instructive to the Australian workforce. The trade union movement sought to make a song and dance about the situation and were unable to effect any outcome for the workers but, once the Office of Workplace Services became involved, the workers were all back in work again. That shows the Australian workforce that the Office of Workplace Services, which we set up, has more punch and pull than the now discredited trade union movement, which represents only about 20 per cent of the Australian workforce. The Office of Workplace Services represents all workers, whether they are union members or not. It is not surprising that more and more Australian workers are turning to the Office of Workplace Services to get good, effective industrial outcomes rather than going to certain elements of the trade union movement.

Senator HOGG—Mr President, I ask a supplementary question. Can the minister confirm how many terminations that have occurred since the new laws took effect the Office of Workplace Services is currently investigating? How many of these investigations have been triggered by the minister? Are the outcomes of these investigations made public? And what options are open to employees where the investigations find that they were unlawfully dismissed?

Senator ABETZ—In that question there were a whole host of questions. The good news for Senator Hogg is that we have Senate estimates very shortly and undoubtedly those questions can be explored in that environment. It will not surprise anybody in this chamber that I do not have—

Senator Chris Evans—Mr President, I rise on a point of order. I do not think it is appropriate for the minister to tell a senator who asked a legitimate question in question time that they can ask it in estimates, which is coming in a few weeks. I know the government has grown arrogant with its power in the Senate, but surely it is not appropriate for a minister to brush off a serious question about the rights of employees in this country that directly relates to his primary answer about the work of the office by saying to the senator that they have no right to have the question answered at this time. I ask you to ask the minister to properly deal with the question in accordance with the standing orders of the Senate.

Senator Minchin—There is absolutely no point of order. It is perfectly proper for a minister to refer to the opportunity for a senator to ask questions in estimates. Senator Abetz was given four minutes to answer. He still has not finished his answer. The Labor Party are interrupting the answer they sought. It is perfectly proper for him to refer to the opportunity at estimates.

The PRESIDENT—As I have said many times, and as other presidents have said, I cannot instruct a minister on how to answer questions. I can just remind him that he has 38 seconds of his answer left. If he wishes to add to his answer, he may.

Senator ABETZ—Within 22 seconds I went through that which the Senate heard. I was just embarking on saying that it would not surprise those listening that I do not have that specific detail. But, rather than making it available at Senate estimates, I will take it on notice.

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

Interest Rates
Westpoint

Senator SHERRY (Tasmania) (3.05 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) and the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked by Senator Sherry today relating to interest rates and to the property development company, Westpoint.

On the matter of interest rates, which a couple of my colleagues will be dealing with in greater detail, last week we had the second rise in interest rates since the re-election of the Howard government. These rises were despite the promise given by the Liberal government at the last election that interest rates would not go up.

Senator Ferguson interjecting—

Senator SHERRY—Senator Ferguson is interjecting very arrogantly. He remembers very well the promise the Liberal government gave at the last election that interest rates would not go up. What have we had? We have had two interest rate movements since the election. The average Australian family with an average mortgage of some $226,000 will be paying an extra $73 a month as a consequence of yet another broken promise by the Liberal government at the last election that interest rates would not go up.

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Senator SHERRY—Senator Ferguson is interjecting very arrogantly. He remembers very well the promise the Liberal government gave at the last election that interest rates would not go up. What have we had? We have had two interest rate movements since the election. The average Australian family with an average mortgage of some $226,000 will be paying an extra $73 a month as a consequence of yet another broken promise by the Liberal government at the last election that interest rates would not go up. As I said, my colleagues will touch on some other aspects of this.

I want to come to the issue of the Westpoint financial scandal. I have asked in the Senate about other aspects of this matter. The scandal involves thousands of Australian retirees or people near retirement who have lost up to $400 million of their superannuation retirement savings in a financial scam known as Westpoint and its related entities—it was constructed of a number of what are called mezzanine property companies.

The issue I asked particularly about today relates to the revelations on the ABC Four Corners program last night. On that program—and congratulations to them for their investigative journalism—we learnt in much greater detail about two new aspects of what is one of the largest superannuation financial scandals this country has seen in the last 10 to 20 years, as far as I can recall. At the heart of this are the thousands of Australians who have struggled to save for their retirement through superannuation who have been blatantly defrauded by this Westpoint entity and the activities around it.

There are numerous aspects relating to the actions and activities of Westpoint that this government should give answers to, but I want to focus on the issue that was raised on Four Corners last night. One of the operators involved in this financial scam, Mr Richard Beck, earned some $9.2 million in commissions by enticing elderly Australians into the Westpoint investment entities. On top of that we further learned that the receiver of the Westpoint entities, Mr Mark Korda, has identified a number of financial planners, who were also involved in recommending the Westpoint entities for Australians’ superannuation retirement savings, who have collected more than $50 million in commissions from those investment vehicles.

This goes to the heart of one of the problems with at least some aspects of our superannuation industry in Australia, and that is the issue of commission based selling. We have heard evidence from Mr Lucy and ASIC—I have asked Mr Lucy and ASIC what was going on with respect to Westpoint at at least two previous hearings. What was going on was that commissions of up to 12 per cent of the moneys paid into the West-
point entities were being charged by planners. There is an obvious conflict of interest when there are enormous commissions by any industry standard being received by the planners involved, in this case, Mr Beck. They are certainly the largest commissions—

(Time expired)

Senator CHAPMAN (South Australia) (3.10 pm)—Two issues have been raised by Senator Sherry this afternoon following on from question time. The first of those is mortgage interest rates. He began his remarks by completely misrepresenting the position of the government at the last election when he claimed that the government had said that interest rates would not rise under this government. That is absolutely false. What the government did claim—and claimed quite justifiably—was that interest rates would be higher under a Labor government than they would ever be under a Liberal-National Party government. That is evident from the history of interest rates in this country.

Under the last Labor government, we saw mortgage interest rates rise to 17 per cent and borrowings for business purposes at times at 24 per cent. During Labor’s entire 13 years in office, home loan interest rates averaged 12.75 per cent. When we came to power in 1996, they were still high at 10.5 per cent. In contrast, home loan interest rates today, even with the recent quarter per cent rise, are at 7.55 per cent—a dramatic and substantial improvement on that dreadful record of Labor’s economic management which led to those enormous interest rates that people experienced between 1984 and 1996.

In fact, if home loan interest rates were now at the average level that they were at under that Labor government, home owners with an average new home loan would be paying $215 a week more than they currently pay. One of the reasons interest rates were higher under Labor—apart from general economic mismanagement—was that they left the federal budget some $10 billion in deficit and they left an accumulated federal government debt of $96 billion. The government was in the market borrowing money to pay that $96 billion of accumulated debt. Of course, inevitably, that puts upward pressure on interest rates because they are in the market competing with home buyers and businesses that want to borrow money to sustain their activities as well. In that way, that puts a competitive upward pressure on interest rates.

Over the last 10 years, as of April of this year, that $96 billion has been eliminated by the Howard government as a result of 10 years of hard work and effective financial management. The Reserve Bank said that the reasons for the decision to lift the official rate by a quarter of a per cent were primarily international factors relating to the outlook for growth internationally and were not domestic inflation, which is well under control and within their two to three per cent band. They also said that, with a surplus between a half and 1 ½ per cent of GDP, there is no upward pressure on interest rates flowing from the government’s fiscal settings. So, as I said, the rise in interest rates to the extent it has occurred is due to international factors. The present government’s position with regard to interest rates and their record with interest rates is far superior to that of the previous Labor government.

Let me turn now to the issue, which Senator Sherry also raised, of Westpoint and the disastrous situation there as far as investors are concerned. Senator Sherry has sought to use this to attack commission based selling of financial products. That is not the issue here at all. What is the issue, of course, is the ethics and honesty of the particular people
involved with the Westpoint company and marketing their financial products.

We have legislation in place, which ASIC is applying, that will bring those people to book, but to use this particular issue to attack commission based selling when it is conducted by ethical and honest people is simply to use a particular case to further Labor hostility in general, and Senator Sherry’s hostility in particular, towards commission based selling, which is a legitimate activity when people do it on an ethical and honest basis.

In relation to Westpoint, as I said, ASIC has taken action against the perpetrators of the scheme which has cost people so much in lost investments. They are helping people to deal with Westpoint on a number of fronts and they are also working to bring charges against those who have been responsible for the financial losses suffered by investors. As long ago as 2003, ASIC started working in relation to this issue of Westpoint. (Time expired)

Senator GEORGE CAMPBELL (New South Wales) (3.15 pm)—I also seek to take note of the answer given by Senator Minchin on the issue of interest rates. Before dealing with some more general comments, I want to take a couple of moments to respond to something that Senator Chapman raised in his contribution and nail the lie once and for all that the interest rates on mortgages in this country were 10½ per cent when this government came to power. It is true that in 1996 the mortgage rates offered by the banks in this country were 10½ per cent, but Senator Chapman should know that in fact the banking sector mortgage rates had been deregulated under the Keating Labor government and that the mortgage rates from non-bank lenders were averaging around seven to 7½ per cent—and they have not moved much over the past 10 years. The deregulation of the mortgage sector, and in particular the opening up to non-bank lenders in the nineties, actually put pressure on the banks to reduce their interest rates to match what was available in the market. So let us nail the lie once and for all that somehow or other interest rates were 10½ per cent in 1996. That was certainly what the banks were charging, but that was not what was available in the rest of the marketplace.

I want to deal with the question of interest rates much more generally. I make the point to those listening that on 29 August 2004 the Prime Minister asked Australian families, ‘Who do you trust to keep interest rates low?’ The reality is that interest rates have just risen for the sixth time since 2001 under this government. So it is pretty clear that families should not trust this Prime Minister, because he has not been able to meet the commitment that he made in August 2004. It was during the last election campaign that the Liberal Party claimed that they would keep interest rates at record lows. In fact, interest rates have risen twice since that promise was made. They have risen twice since August 2004. The average cost of a mortgage for Australian home owners is something like $879 a year more than they were paying at that point in time. And I have to disagree with my colleague Senator Sherry, who says that it is $73 a month—it is a little bit more than that, because that works out to only $876 a year. There is a $3 difference. It is actually more than $73 a month.

Two weeks ago, the Treasurer was crowing that it was a debt-free day. However, what the Treasurer failed to mention when he was making that statement was that families in this country are more sensitive to interest rate rises than at any other time in our history. Families are more in debt than they have ever been. Ordinary household debt in this country has exploded under this government. People are borrowing to survive. They are not borrowing to buy assets, as is
commonly argued by those on the other side, but borrowing to survive and living on their credit cards. That is what has happened to average families in this country and they are in more debt than they have ever been. And of course they are particularly sensitive to any interest rate rises under that set of circumstances, because they are spending more of their income to service the debt that they are accumulating day in and day out.

Let us also look at the question of the country. The country is in massive debt: $473 billion. We owe the rest of the world more than 50 per cent of our annual GDP. What did Prime Minister John Howard say in 1995 when he launched the Liberal debt truck? He said:

If it weren’t for the level of foreign debt, interest rates in this country would be much lower and every Australian today who owes money on his or her home is paying a higher interest rate than would otherwise be the case because of the size of our foreign debt.

He also said:

I can promise you that we will follow policies which will, over a period of time, bring down the foreign debt.

That is another promise that was broken. Perhaps the promise that was made back in 1996 was a non-core promise, because we know that foreign debt has exploded since that point in time. (Time expired)

Senator Fifield (Victoria) (3.20 pm)—What we are witnessing today is a very brave Australian Labor Party—so brave that they are prepared to talk about interest rates 18 months out from a election. Did we hear the Australian Labor Party talking about interest rates during the last election campaign? No. The reason was that they know that the Australian public does not trust them with the economy. They know that the Australian public does not trust them with interest rates. They did not talk about interest rates in the teeth of a federal election because they knew that they would have been smashed at the polls. As it was, they were smashed at the polls even without talking about interest rates. We know that the Labor Party is gutless and scared about the subject of interest rates because Paul Keating told us that last night on the 7.30 Report. He said:

… why didn’t we take him on on interest rates?

He was referring to the Prime Minister. He continued:

Because we were too stupid. That’s why. Too gutless.

Kerry O’Brien asked:

Who was too stupid?

Keating said:

I think Latham should have taken him on …

Senators opposite might be gutless, but they are not completely crazy. They knew what talking about interest rates in an election campaign would have done: it would have driven their vote down even further. I was hoping that we would hear a bit about the orange-bellied parrot in taking note of answers today, but I think Paul Keating belled the cat by talking about the yellow bellies opposite when it comes to the economy.

When I think of Labor and the economy, the words of the Treasurer come to mind: ‘Hypocrisy, thy name is Labor.’ When Labor get on their feet and talk about the economy, it is always hypocrisy. Labor are in favour of bigger budget surpluses, lower tax, lower debt, higher surpluses, balanced budgets, more money for schools, more money for hospitals and lower interest rates. They are against every single measure that will create an environment in which those things can happen. We know that Labor in government left a budget deficit of $96 billion. Now, high budget deficits put pressure on interest rates. Labor say that they are in favour of lower interest rates, but they have opposed every
single measure that this government introduced to reduce the deficit. They have opposed every single measure that this government introduced to pay down the debt.

Can Labor senators opposite name one single savings measure that they have supported in this parliament? I hear silence from the other side, because Labor opposed every single measure designed to bring this budget into balance, every single measure designed to pay down the debt. So when Labor talk about interest rates it is nothing short of hypocrisy. The home mortgage rate, as we know, is 7.55 per cent now. When we came to power, it was 10½ per cent.

Senator George Campbell—It was not 10½ per cent!

Senator FIFIELD—The home loan interest rate, under Labor, averaged 12.75 per cent.

Senator George Campbell—It was not 10½ per cent and you know it wasn’t.

The DEPUTY PRESIDENT—Senator George Campbell!

Senator FIFIELD—If the average rate that applied under Labor had operated since we have been in government, for an average new home loan now the average Australian would pay $215 a week more than they currently pay.

Senator George Campbell—Why don’t you come clean and admit it?

The DEPUTY PRESIDENT—Senator George Campbell, you have had your go. Senator Fifield is entitled to be heard in silence.

Senator FIFIELD—In this debate, the Prime Minister and the government have been comprehensively misrepresented. This government never said during the election campaign that interest rates would not change under a coalition government. What the government said was that interest rates would be higher under a Labor government. Interest rates will always be higher under a Labor government than they will under a coalition government because senators opposite are not prepared to take the steps required to support an environment conducive to low interest rates.

Senator George Campbell—That is not true.

Senator FIFIELD—If they were, they would have supported savings measures in the budget.

Senator George Campbell—That is not true.

Senator Ludwig—You should read the RBA statement; that’s what you should do.

The DEPUTY PRESIDENT—Senator Ludwig and Senator Campbell!

Senator FIFIELD—If they were, they would have supported the paying down of debt. I again give Labor senators opposite the chance to state which particular savings measures they have supported to bring the budget into balance. Silence again. I am not surprised. We have heard more cant and hypocrisy from the other side of this chamber in relation to the issue of Westpoint. This government cannot and will not ever state that a particular investment is one which is safe and secure. On this side of the chamber, we will never do what the Labor Party did in the case of the Pyramid Building Society—

(Time expired)

Senator McEWEN (South Australia) (3.26 pm)—I also rise to take note of answers given by Senator Minchin to questions without notice today relating to interest rates. And weren’t those answers a stellar example of just how out of touch this government has become with ordinary Australians? Does Senator Minchin really think that his answers are going to make Australians who are facing an increase of up to $70 a month extra to pay...
off their mortgage—or those Australians who are going to have to pay $70 a month extra in rent because their landlord is going to pass on last week’s interest rate increase to them—feel better? That is the second interest rate increase since this government was re-elected in 2004 and, as Senator George Campbell pointed out, the sixth interest rate increase since 2001.

Are Senator Minchin’s answers going to provide any succour to young people, who will see their dreams of buying a home disappear because of this latest interest rate increase on the government’s watch? Not only will those young people find it harder to save for a deposit for a house but they will be forced to compete for rental properties in a housing market that is already completely stretched. And, of course, when the rental market is stretched even further because of this latest interest rate increase, we know which Australians are going to be in the worst possible position: those on the lowest income, especially those single parents in receipt of benefits—the ones whose income and benefits will be reduced by up to $100 a week when the so-called Welfare to Work legislation introduced by this government takes effect shortly. They are the same low-income families who are already paying over 30 per cent of their income in rent.

Just how out of touch is this government? I think that was highlighted today by reports in the media of the Treasurer telling Australians that it would be good if they could save some of the money from the miserly and long-overdue tax cuts that he is apparently going to give them tonight. How patronising is that, telling people to save their money for a rainy day, as the Treasurer has done? With Australians signing up for credit cards in record numbers and average household debt per Australian family at $60,000, the Treasurer is telling Australians it is a good idea to try to save some money. With credit card debt increasing at the rate of nearly 21 per cent a year for the past five years, the Treasurer helpfully tells us to save some money! With Australian families currently spending 2.3 per cent more than is coming into the average household each week in income, the Treasurer tells those families it would be good if they tried to save some money. What piece of paternalism are we going to hear next from this government? Perhaps we will get the Treasurer’s recipes for using cheaper cuts of meat so that the family food budget is extended a bit further!

What advice are the government and the Treasurer going to give Australia’s young people who are hoping to buy a home to participate fully in society by becoming home owners but who are saddled with HECS debts when they leave university—HECS debts which are up to $8,000 a year per year of study? What advice is the Treasurer going to give to those 300,000 Australians who want to improve their opportunities for better paid jobs by gaining better skills and qualifications but have been turned away by our TAFE colleges? What is the Treasurer going to say to those people?

Isn’t it about time that the government stopped giving out this paternalistic advice about how people should manage their finances and instead started doing something to give Australians real opportunities to earn a higher level of income and started doing something about improving the ability of people to skill up and to train so that they can take on better jobs and so we do not have to import skilled labour from overseas to do those jobs of Australians?

Not only have we seen this government preside over two interest rate increases since 2004 under the very watchful eye, apparently, of Senator Minchin, the Prime Minister and the Treasurer, we have also seen petrol prices go through the roof. Today at a
petrol station in Coober Pedy in regional South Australia, unleaded petrol is 143.5c per litre and diesel petrol is 152c per litre. With the government intending to increase the cost of fuel for regional Australians by another three cents per litre after June, the pain for Australian families in regional areas is just going to get worse. And of course, as we know, this government has absolutely no plan for dealing with how we are going to provide affordable energy for this country into the future.

How out of touch is this government? I do not know. I do not know who Senator Minchin talks to when he frames his answers. Maybe he talks to those people who are going to share a table at dinner tonight with the Deputy Prime Minister at a cost of, I think, $1,400 per head. I do not think ordinary Australians have that kind of money. Maybe that has escaped the government’s attention—or maybe they just do not care.

During the last election campaign, the government banged on endlessly about what great economic managers they were, but let us remember that, since the government have been in office—10 long years—average mortgage repayments for Australian families have gone from $700 a month to $1,100 a month and petrol prices have gone from 70c a litre to double that. Petrol prices are now 19 per cent higher than they were at this time last year. In just the last two years of this government, according to ABS statistics, the cost of petrol has risen 31 per cent, the cost of child care has risen 25.4 per cent, the cost of hospital and medical services has risen 11.4 per cent and the cost of pharmaceuticals has risen 8.2 per cent. It might have escaped me, but I have not seen wages and welfare benefits increase that much. (Time expired)

Question agreed to.

Smartcard

Senator STOTT DESPOJA (South Australia) (3.32 pm)—I move:

That the Senate take note of the answer given by the Minister for the Arts and Sport (Senator Kemp) to a question without notice asked by Senator Stott Despoja today relating to the proposed smartcard.

The answer that Senator Kemp provided to me was in relation to a series of questions I had about the so-called smartcard that the government wants to introduce. In the last couple of days we have heard about the resignation of Mr James Kelaher, the smartcard technology task force head. The reported concerns that he had apparently led to his resignation include concerns about a plan to scrap the external advisory board, plans to keep the project within the Department of Human Services and plans in relation to the funding—notably that the funding would be held within Centrelink and Medicare.

I have long held concerns about identity cards, particularly a national identity card, and I have yet to hear some of those concerns responded to effectively by this government, particularly concerns in relation to security, the privacy implications—that is, the invasive nature of such a card—and the cost and financial implications of this particular card. Let us not be fooled: the smartcard that has been proposed, which allegedly replaces 17 cards—I am not sure how many people here are using 17 cards at the moment—is an ID card by stealth. It is a national identity card.

I do recognise that privacy is an issue of balance—it is not an absolute right; it is about balance. The one thing that tends to protect our information as individuals and give us some measure of privacy is the fact that our information is contained in a range of environments, on a range of cards and in a range of databases—it is not centralised in-
formation—and, therefore, it is not able to be hacked into or used in a way that can completely give a person, an agency or a government a complete picture of what our lives are, the agencies we use et cetera.

The idea behind this card, allegedly to combat fraud—to crack down on fraud and other things, particularly in relation to social security and broader issues—is not something that anyone opposes, but this government has yet to explain to the people of Australia or, indeed, this parliament exactly how it is going to do it. The government has failed to provide any information as to how it is going to protect the privacy of Australians and how it is going to ensure that there is not a cost blow-out. The government is not revealing the technology and the specific way that it wants to proceed. Are we talking about a centralised database or are we simply talking about microchips? What about the funding of this particular exercise?

And what about the external advisory board? That was the gist of my question today. As senators would have heard, Senator Rod Kemp explained that the Minister for Human Services has not ruled in or ruled out the idea of an expert advisory panel. Some of us are concerned about this, and it looks like Mr Kelaher is as well—and if that is not the biggest wake-up call to the government and the nation on the security and privacy implications of this so-called smartcard, I do not know what is. In the absence of some kind of external assessment process—that is, a transparent, accountable, independent process—we should all be very afraid.

I do not know if the minister has ruled out scrapping this advisory board, but certainly some of his comments—those on record—are of concern. I note, for example, that in today’s Financial Review Mr Hockey has stated:

It is no use engaging an advisory board at this point if you’re going to be asking people to tender. If you’re on an advisory board, it would preclude you from tendering, or if you’re doing the work you can’t sit on the advisory board.

Does that mean that the government does not intend to introduce an advisory board until after a so-called smartcard is actually introduced and basically all the work has been done? The whole point of an advisory board—and an external one at that—is to provide some advice now, to let us know exactly what the cost, privacy and security implications and social impacts of this card are.

The reason I suggest that this is an ID card by stealth—and, because of technological change, it will be much worse than the Australia Card, which the Democrats helped to defeat many years ago—is as a consequence of one revelation we had a week ago that security and intelligence agencies and police will have access to this information and to this database—presuming it is on a database. I make no apologies for the fact that I have had a longstanding interest in these issues, something to which Senator Kemp referred—and I want more answers on the expert advisory group, for a start. (Time expired)

Question agreed to.

PETITIONS

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

Declaration of Independence

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

This petition of Mr. Gabor Horvath of 10 Lesney Street Richmond, Melbourne of the State of Victoria Electoral Division of Melbourne (Vic) who is the plaintiff in Proceedings in the High Court of Australia between Horvath v Commonwealth Bank of Australia & Anor originated by Writ of Summons M2 of 2005
Wishing to draw to the attention of the Senate is the matter relating to Constitutional matters arising in High Court proceedings where under Section 78B Notice to the Attorneys-General of the Commonwealth been given but intervention been refused. The Plaintiff Mr. Gabor Horvath Senior on 5 January 2005 filed a writ of summons in the High Court of Australia No. M2 of 2005 naming Commonwealth Bank of Australia and Commonwealth of Australia as defendants.

The matter hereinafore mentioned whole goes around that the Commonwealth Bank of Australia and the Commonwealth of Australia have refused to give full faith and credit to "Division 4-Contract of Minors" sections 49, 50 and 51 of Supreme Court Act 1986 (VIC), within the meaning of section 118 Constitution and Clause 5 preamble

The CBA application by summons dated and filed 15 February 2005, the Commonwealth of Australia application by summons dated and filed 23 February 2005 in proceeding originated by Writ and Summons in the High Court of Australia No.M2. 2005 between Horvath v Commonwealth Bank of Australia & Anor for an order that the action be dismissed.

PARTICULARS

The CBA & Anor at all time were and are in the full acknowledgment of allegiance to a foreign power ("see it below") within the meaning of s. 44(i) of the Constitution, those summons was void!

The developments and changes in relations between Australia and the United Kingdom and The British Monarch, The Queen, she is a British sovereign, and in relations between the United Kingdom and Europe which recently led the High Court decide Gleeson CJ, Gummow and Hayne JJ with their joint judgment in 23 June 1999 Sue v. Hill (1999)HCA 30 where along with other members of the Court, Gaudron, McHugh, Kirby and Callinan JJ with interveners D M J Bennett QC, Solicitor—General for the Commonwealth with N Perram and C S Ward intervening on behalf of the Attorney-General of the Commonwealth (instructed by Australian Government Solicitor) they held that the United Kingdom is now a foreign power, within the meaning of section 44(i) of the Constitution.

PARTICULARS

With interveners D M J Bennett QC, Solicitor-General for the Commonwealth with N Perram and C S Ward intervening on behalf of the Attorney-General of the Commonwealth (instructed by Australian Government Solicitor) with the CBA and Anor at all time were and are in the full acknowledgment of allegiance to a foreign power within the meaning of s.44(i) of the Constitution. The fact that the United Kingdom is now a foreign power, within the meaning of section 44(i) of the Constitution, with such fact that a British Monarch, The Queen is a foreign power sovereign, adherence to foreign power within the meaning of s.44(i) of the Constitution it means that all member of either House of the Parliament in reference to section 42 Constitution by an oath or affirmation of allegiance in the form set forth in the Schedule of the Constitution, is under acknowledgment of allegiance to a foreign power within the meaning of s. 44(i) of the Constitution.

Schedule states:

Oath

I, A. B. do swear that I will be faithful and bear true allegiance to Her Majesty The Queen Elizabeth The Second, Her heirs and successors according to low. SO HELP ME GOD!

Affirmation

I, A. B. do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty The Queen Elizabeth The Second, Her heirs and successors according to low.

Any person under acknowledgment of allegiance to a foreign power within the meaning of s. 44(i) of the Constitution Section 44 states that that any person who answer any of the descriptions in pars (i)-(v) “shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives”

Seem impossible to reconcile with such fact that a British Monarch, The Queen of foreign power sovereign, to be regulated by our Constitution as Australia’ Head of State. In particular it is hard to imagine that the Australian people would now accept to any tribunal other than a completely Australian court as the final interpreter of their Constitution.
When all member of either House of the Parliament declared to be incapable of being chosen or of sitting as a senator or member of the House of Representatives under acknowledgment of allegiance to a foreign power within the meaning of s. 44 (i) of the Constitution it necessary to do in the name, and by the Authority of the good People of the States and Territories of Australia to renounce their allegiance to a foreign power within the meaning of s. 44(i) of the Constitution, by Declaration of Independence following from the operation of s.47 of the Constitution, convene a joint sitting of the members of the Senate and of the House of Representatives.

Your petitioner request that the Senate meet with the House of Representatives jointly to consider the following resolution:

A DECLARATION By the REPRESENTATIVES of the FEDERATION OF AUSTRALIA in Parliament assembled

When in the course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separated Equal Station to which the Laws of Nature and of Nature's God entitled them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold this Truths to be self-evident, that all Men and Women are created equal, that they are endowed by the Creator with certain unalienable Rights, that among this are Life, Liberty, and the pursuit of Happiness.

That to secure these rights, Governments are instituted among Men and Women, deriving their just Power from Consent of the Governed.

That whenever any Form of Government becomes destructive of these Ends, it is in the Right of the People to alter or abolish it, and to institute a new Government, laying its Foundation on such Principles and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness, Prudence indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Man-kind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw such Government, and to provide new Guards for their future Security.

Such has been the patient Sufferance so these States and Territories; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the Present Queen of British Monarch History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over each State and Territory. To prove this, let the Facts be submitted to a candid World.

She has refused her Assent to Laws, the most wholesome and necessary for the public Good.

She has forbidden his Governors to pass Laws immediate and pressing Importance, unless suspend their Operation till her Assent should be obtained; and when so suspended, she has utterly neglected to them, and formidable to Tyrants only.

She has dissolved Representatives House, for opposing with manly Firmness her Invasions the Right of the People.

She has obstructed the Administration of Justice, by refusing her Assent to Laws for establishing Judiciary power.

She has made Judges depend on her Will alone, for the Tenure of their Offices. She has depriving us, by refusing to give our Charter, Bill of Right of the People.

She has revoke the Letters of Patent for the purpose of reference to the Oath or Affirmation of Allegiance in reference to the Oath or Affirmation in accordance with the form set out in the Constitution and in reference to the Oath or Affirmation of Office in a reference to an Oath or Affirmation swearing or affirming well and truly to serve Her, heirs and successors.

She is a foreign power sovereignty.

In every stage of these Oppressions we have Petitioned for Redress in the humble Terms: Our re-
peated Petitions have been answered only by repeated Injury. A Prince, whose Charter is thus may by every act which define a Tyrant, is unfit to be the Ruler of a free People.

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over as . They too have deaf to the Voice of Justice. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in peace Friend.

We, therefore, the Representatives of the States and Territories in Federation of Australia, in Parliament, Assembled appealing to the Supreme Judge of the World for the Rectitude of our Intention do, in the Name, and by the Authority of the good People of the States and Territories, solemnly Publish and

 Declare That these States an Territories in Federation of Australia are, and of Right ought to be, FREE AND INDEPENDENT STATES AND TERRITORIES ; that they are absolved from all Allegiance to the British Crown, and that all political Connection between and the State of United Kingdom, is and ought to be totally dissolved; and as FREE AND INDEPENDENT STATES AND TERRITORIES , they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Act and Things which INDEPENDENT STATES AND TERRITORIES may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of the divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honour.

 by Senator Allison (from one citizen).

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 Faulkner (from 77 citizens),
 by Senator Heffernan (from 626 citizens), and
 by Senator Kemp (from 15 citizens).

Health

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

This petition of certain citizens of Australia draws to the attention of the Senate, the crisis in the medical workforce due to the neglect of the Howard Government.

Your petitioners therefore ask the Senate to:

• Increase the number of undergraduate university places for medical students,

CHAMBER
• Increase the number of medical training places, and
• Ensure Australia trains enough Australian doctors, nurses and other medical professionals to maintain the quality care provided by our hospitals and other health services in the future.

by Senator Hogg (from 1,851 citizens).

Asylum Seekers

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

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following motion:

“That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.”

We, therefore, the individual, undersigned attendees at St Margaret’s Anglican Church, Eltham, VIC, 3095; Rosanna Baptist Church, Rosanna, VIC, 3084; and St Mark’s Uniting Church, Chadstone, VIC 3148 petition the Senate in support of the above mentioned motion.

And we, as in duty bound will ever pray.

by Senator Patterson (from 43 citizens).

Petitions received.

NOTICES

Presentation

Senator Watson to move on the next day of sitting:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 11 May 2006, from 11 am to 12.30 pm, to take evidence for the committee’s inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation.

Senator Troeth to move on the next day of sitting:

That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on the provisions of the Australian Research Council Amendment Bill 2006 be extended to 11 May 2006.

Senator Chapman to move on the next day of sitting:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 13 June 2006, from 5 pm to 8 pm, to take evidence for the committee’s inquiry into the statutory oversight of the operations of the Australian Securities and Investments Commission.

Senators Kemp and Lundy to move on the next day of sitting:

That the Senate—

(a) congratulates all the athletes in the Australian Commonwealth Games Team for achieving an outstanding result at the XVIIIth Commonwealth Games in Melbourne;

(b) particularly congratulates medal winners in helping the Australian team achieve its record result of 221 medals including 84 gold, 69 silver and 68 bronze;

(c) acknowledges:

(i) the contribution of all the support staff including the coaches, doctors, trainers and vast array of other support staff who are now so necessary for success on the international sporting stage,

(ii) the Australian Commonwealth Games Association for its contribution in managing the Australian Team, and

(iii) the Australian Institute of Sport and the Australian Sports Commission on their key contributions to the preparation of
the Australian Commonwealth Games team;

(d) congratulates:
   (i) the 15,000 volunteers whose outstanding contribution made the Melbourne Commonwealth Games a memorable and enjoyable experience for all those involved, and
   (ii) the Chairman of the M2006 Corporation, Mr Ronald Walker, the Chief Executive Officer, Mr John Harnden, and their team in delivering an outstanding Commonwealth Games described by the President of the Commonwealth Games Federation, Mr Mike Fennell, as ‘simply the best’; and

(e) acknowledges the contributions of the Australian and Victorian Governments to the Melbourne Commonwealth Games, including the delivery of a safe and secure games.

Senators Kemp and Lundy to move on the next day of sitting:

That the Senate—

(a) congratulates the Australian Paralympic Team for achieving an outstanding result at the Winter Paralympics in Turin, Italy;

(b) particularly congratulates medal winners Mr Michael Milton and Mr Toby Kane in helping the Australian team achieve this result at the Winter Olympics;

(c) congratulates the Olympic Winter Institute, the Australian Institute of Sport and the Australian Paralympic Committee on its key contribution to the preparation of the Australian Winter Olympic team; and

(d) acknowledges the important contribution of the Australian Sports Commission to the preparation of the team.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:
   (i) 1,800 nuclear physicists, including many Nobel Laureates, have joined in a petition opposing the ‘new US nuclear weapons policies that open the door to the use of nuclear weapons on situations such as Iran’;
   (ii) petitioners note that the policy of the United States of America (US) did, un-
(iii) the potential use of tactical nuclear weapons to destroy underground installations as being considered by the Bush Administration against Iran is ‘a major and dangerous shift in the rationale for’ the use of ‘nuclear weapons’, and

(iv) petitioners argue that ‘using or even merely threatening to use a nuclear weapon preemptively against a non-nuclear adversary tells the 182 non-nuclear-weapon countries signatories of the Nuclear Non-Proliferation Treaty that their adherence to the treaty offers them no protection against a nuclear attack by a nuclear nation. Many are thus likely to abandon the treaty, and the nuclear non-proliferation framework will be damaged even further than it already has, with disastrous consequences for the security of the United States and the world’;

(b) agrees with petitioners that the US Administration should announce publicly that it is taking the nuclear option off the table in the case of all non-nuclear adversaries, present and future; and

(c) urges the Government to make representation to the Bush Administration calling for such a commitment.

Senator Stott Despoja to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the decision by the British Court of Appeal to reject any further appeals by the Home Office to block Mr David Hicks’ British citizenship application,
(ii) the repatriation of nine British citizens, previously detained at the military detention facility at Guantanamo Bay, by the British Government,
(iii) that Mr Hicks’ primary citizenship is Australian, and
(iv) that Mr Hicks’ has now been held at Guantanamo Bay for more than 4 years in contravention of his fundamental human rights; and

(b) calls on the Government to either repatriate Mr Hicks to Australia or to confirm that it will not discourage the repatriation of Mr Hicks to the United Kingdom if it enters into dialogue on the issue with either the United States of America or the United Kingdom.

Senator Ludwig to move on the next day of sitting:
That the report of the Border Rationalisation Taskforce prepared in 1998 be provided no later than 18 May 2006 by the Minister for Justice and Customs to the President under standing order 166(2) for presentation to the Senate.

Senator Bartlett to move on Thursday, 11 May 2006:
That the Senate—
(a) notes:
(i) the loss suffered by the Australian music community and music lovers with the death on 6 May 2006, of Queensland born and bred songwriter and musician, Mr Grant McLennan,
(ii) the contribution made to music by Mr McLennan as a songwriter and performer over nearly three decades, which is highly respected and widely recognised as very influential,
(iii) that the song ‘Cattle and Cane’, written by Mr McLennan and performed by the Go-Betweens was named by the Australian Performing Rights Association as one of the ten greatest Australian songs, and
(iv) the significant inspiration that Mr McLennan and the Go-Betweens provided to musicians from Brisbane over many years; and

Senator Stott Despoja to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the decision by the British Court of Appeal to reject any further appeals by the Home Office to block Mr David Hicks’ British citizenship application,
(ii) the repatriation of nine British citizens, previously detained at the military detention facility at Guantanamo Bay, by the British Government,
(b) conveys its sympathies to his mother, immediate family and past and present band members.

Senator Ellison to move on the next day of sitting:

That the government business orders of the day relating to the Superannuation Legislation Amendment (Trustee Board and Other Measures) Bill 2006 and the Superannuation Legislation Amendment Bill 2004 may be taken together for their remaining stages.

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) over the past decade, the Indigenous people of Chile, Mapuche, have been in conflict with the Chilean Government over the use of Indigenous lands for forestry and hydroelectric development,

(ii) the criminalisation of their campaign for equal rights under Chile’s terrorism laws has been criticised by the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, and

(iii) currently four Mapuche political prisoners are on their eighth week of a hunger strike and in a serious medical condition; and

(b) calls on the Government to raise this matter with the Chilean Government requesting that they:

(i) carry out negotiations with the Mapuche political prisoners and their legal representatives to end the hunger strike, and

(ii) implement an independent review of the cases in which Mapuche people have been tried and convicted on terrorism charges, in order to verify observance of due process, and, if necessary, order a new trial with full respect for fair trial guarantees.

Senator Siewert to move on the next day of sitting:

That, as recommended in the Bringing them Home report tabled in the Senate on 26 May 1997, the Senate recognises that 26 May is National Sorry Day, a day of remembrance each year to commemorate the history of forcible removal of Aboriginal and Torres Strait Islander children and its effects on individuals, families and communities.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the recent 20th anniversary of the Chernobyl nuclear power plant accident in the Ukraine,

(ii) the observation of the former Soviet President Mikhail Gorbachev who said recently ‘Chernobyl opened my eyes like nothing else: it showed the horrible consequences of nuclear power, even when it is used for non-military purposes’,

(iii) that the sarcophagus that encases the reactor site remains in a dangerous state of disrepair and, if it were to collapse, it would send a second plume of radioactive dust across Europe, and

(iv) that although the exact number of people who have died or are dying as a result of the Chernobyl accident will never be known with accuracy, the latest reports from the Russian Academy of Medical Sciences cite a figure of 212 000;

(b) rejects the construction of any nuclear power stations in Australia; and

(c) calls on the Government to abandon its support for nuclear power and instead to invest in energy efficiency, demand management and renewable energy.

LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (3.40 pm)—by leave—I move:
That leave of absence be granted to Senator Marshall for the period 9 May to 11 May 2006, on account of parliamentary business overseas.

Question agreed to.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.41 pm)—by leave—I move:

That the hours of meeting for Tuesday, 9 May 2006 be from 12.30 pm to 6.30 pm and 8 pm to adjournment, and for Thursday, 11 May 2006 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:

(a) the routine of business from 8 pm on Tuesday, 9 May 2006 shall be:
   (i) Budget statement and documents 2006-2007, and
   (ii) adjournment; and
(b) the routine of business from 8 pm on Thursday, 11 May 2006 shall be:
   (i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
   (ii) adjournment.

Question agreed to.

LEAVE OF ABSENCE

Senator FERRIS (South Australia) (3.42 pm)—by leave—I move:

That leave of absence be granted to Senator Ian Campbell for the period 9 May to 11 May 2006, on account of government business overseas.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 3 standing in the name of Senator Wong for 10 May 2006, proposing the disallowance of the Workplace Relations Regulations 2006, postponed till 14 June 2006.

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for today, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 13 June 2006.


General business notice of motion no. 416 standing in the name of Senator Milne for today, relating to export of uranium to China, postponed till 10 May 2006.

General business notice of motion no. 417 standing in the name of Senator Milne for today, relating to Australia’s policy of uranium sales to India, postponed till 10 May 2006.

MAKE POVERTY HISTORY CAMPAIGN

Senator STOTT DESPOJA (South Australia) (3.43 pm)—I move:

That the Senate—

(a) notes:
   (i) the Make Poverty History campaign’s White Band Day on Sunday, 2 April 2006;
   (ii) the continuing tremendous efforts of the many non-government organisations involved in the Make Poverty History campaign, in pursuit of their commitment to the Millennium Development Goals,
   (ii) the Government’s response to the tsunami crisis and aid budget increase and the understanding that this response may serve as a guide to Australia in supporting the Make Poverty History campaign to achieve its goal of halving world poverty by 2015,
(iv) that Australia has the capacity to assist the campaign in a particularly constructive and valuable way; and

(v) that an end to world poverty is attainable with the assistance and determination of nations such as Australia; and

(b) calls on the Government to continue to increase the proportion of budget funding for aid in the 2006 budget, consistent with its commitment to helping developing countries reduce poverty and achieve sustainable development.

Question negatived.

WOMEN’S ISSUES

Senator STOTT DESPOJA (South Australia) (3.43 pm)—I move:

That the Senate—

(a) notes that:

(i) the 50th Session of the Commission on the Status of Women was held in New York from 27 February to 10 March 2006, and

(ii) the themes for this session were enhanced participation of women in development—an enabling environment for achieving gender equality and the advancement of women, taking into account education, health and work—and equal participation of women and men in decision-making processes at all levels; and

(b) urges the Government to sign the Optional Protocol to progress these issues more effectively and set an example for other countries around the world which have not yet signed the Optional Protocol.

Question negatived.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT—Pursuant to standing orders 38 and 166, I present documents listed on today’s Order of Business at item 13 which were presented to the President, the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. In accordance with the usual practice and with the concurrence of the Senate, I ask that the government response be incorporated in Hansard.

The list read as follows—

(a) Committee reports

1. Joint Standing Committee on Electoral Matters—Report—Funding and Disclosure: Inquiry into disclosure of donations to political parties and candidates (received 31 March 2006)


3. Legal and Constitutional Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee—Exposure draft of the Anti-Laundering and Counter-Terrorism Financing Bill 2005 (received 13 April 2006)

4. Parliamentary Joint Committee on Intelligence and Security—Report—Review of the listing of the Kurdistan Workers’ Party (PKK) (received 26 April 2006)

5. Select Committee on Mental Health—Final report—A national approach to mental health: From crisis to community (received 28 April 2006)

6. Community Affairs Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee—National Health and Medical Research Council Amendment Bill 2006 (received 2 May 2006)


8. Environment, Communications, Information Technology and the Arts Legislation Committee—Report, together with
Hansard record of proceedings and documents presented to the committee—Australian Broadcasting Corporation Amendment Bill 2006 (received 2 May 2006)


13. Legal and Constitutional Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee—Migration Amendment (Employer Sanctions) Bill 2006 (received 2 May 2006)


(b) Government response to a parliamentary committee report

Select Committee on the Free Trade Agreement between Australia and the United States of America—Final report (received 2 May 2006)

(c) Government documents


3. Australia’s Aid: Promoting Growth and Stability (received 26 April 2006)


(d) Reports of the Auditor-General


3. Report no. 38 of 2005-06—Performance Audit—The Australian Research Council’s management of research grants (received 4 May 2006)

(e) Return to order

Statement of compliance with the continuing order of the Senate of 30 May 1996, as amended on 3 December 1998, relating to indexed lists of files is tabled by the Communications, Information Technology and the Arts portfolio agencies (received 24 April 2006)

Ordered that the following committee reports be printed, in accordance with the usual practice:

Standing Committee of Senators’ Interests;
Select Committee on Mental Health;
Community Affairs Legislation Committee;

CHAMBER
Environment, Communications, Information Technology and the Arts Legislation Committee; Foreign Affairs, Defence and Trade Legislation Committee; and Legal and Constitutional Legislation Committee.

The government response reads as follows:

Government Response to the Final Report of the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America

Recommendation 1

Labor Senators recommend that the Senate agree to the Australia-US Free Trade Agreement Implementation Bill.

Response

The Government agrees with this recommendation.

Chapter 2 - Process

Recommendation 2

That the Prime Minister order a review of the Treaties Council with particular consideration to ensuring that when international agreements are being negotiated there is:

- timely consultation with States and Territories regarding National Interest Analyses,
- a more systematic approach to consultation and consideration of when negotiations should be elevated to Ministerial level.

In addition, because of the significant increase in negotiation of bilateral agreements, the review should consider mechanisms to ensure that current legislation/regulation across all jurisdictions, conforms and continues to conform to treaties.

Response

The Treaties Council was established according to the Principles and Procedures for Commonwealth-State/Territory Consultation on Treaties, which were adopted by the Council of Australian Governments (COAG) in June 1996. The Council has an advisory function to consider treaties and other international instruments of particular sensitivity to the States and Territories. The Council has in fact convened only once, in November 1997, and its advisory function is primarily performed by the Commonwealth / State and Territory Standing Committee on Treaties (SCOT), which meets twice a year (and can meet more frequently if required), and comprises officials representing the Premiers’ and Chief Ministers’ Departments and the Commonwealth Departments of the Prime Minister and Cabinet, Foreign Affairs and Trade and the Attorney-General.

Conducting effective and timely consultation between the Commonwealth and the States and Territories in regard to international agreements, as well as ensuring that legislation across all jurisdictions conforms to concluded treaties, is already a primary purpose of existing consultative mechanisms, including the SCOT. The Government believes that these mechanisms are adequate to achieve their goals, however, a review of the consultative arrangements is currently being conducted by COAG senior officials. The first session, to settle its terms of reference, was held in Canberra on 5 May 2005.

Recommendation 3

Labor Senators recommend that the Government introduce legislation to implement the following process for parliamentary scrutiny and endorsement of proposed trade treaties:

(a) Prior to making offers for further market liberalisation under any WTO Agreements, or commencing negotiations for bilateral or regional free trade agreements, the Government shall table in both Houses of Parliament a document setting out its priorities and objectives, including comprehensive information about the economic, regional, social, cultural, regulatory and environmental impacts which are expected to arise.

(b) These documents shall be referred to the Joint Standing Committee on Foreign Affairs, Defence and Trade for examination by public hearing and report to the Parliament within 90 days.

(c) Both Houses of Parliament will then consider the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade, and then vote on whether to endorse the Government’s proposal or not.
(d) Once Parliament has endorsed the proposal, negotiations may begin. Once the negotiation process is complete, the Government shall then table in Parliament a package including the proposed treaty together with any legislation required to implement the treaty domestically.

(e) The treaty and the implementing legislation are then voted on as a package, in an ‘up or down’ vote, i.e. on the basis that the package is either accepted or rejected in its entirety.

(f) The legislation should specify the form in which the Government should present its proposal to Parliament and require the proposal to set out clearly the objectives of the treaty and the proposed timeline for negotiations.

Response

Under Section 61 of the Australian Constitution, treaty making is the formal responsibility of the Executive rather than the Parliament. However, the Government considers that it is only proper that Parliament has a role in scrutiny of trade agreements. The constitutional system ensures that checks and balances operate, through Parliament’s role in examining all proposed treaty actions and in passing legislation to give effect to treaties and the judiciary’s oversight of the system. The Joint Standing Committee on Treaties (JSCOT)—a committee initiated by this Government—provides for Parliament’s involvement. In those cases where an agreement might go beyond existing regulation, the Parliament has the right to vote on legislative change required as part of that agreement.

The Government considers the efficiency and certainty of the current process enables it to negotiate with its overseas counterparts with authority and credibility. This is particularly important in trade negotiations which are often characterised by offers and counter-offers, for which negotiators require some level of flexibility to respond.

The Government considers the report’s recommendation on trade treaties and the Parliamentary process would be unworkable. It would circumscribe the capacity of the Government to secure the best possible trade outcomes from trade negotiations. It would undermine the Executive’s constitutional authority to sign treaties. Furthermore, it is not clear why trade treaties should receive additional scrutiny to any other treaties.

The Government is committed to ensuring that information on trade negotiations is made readily available to the community and to consulting those likely to be affected by the Government’s negotiating position. While all treaties are tabled in both Houses of Parliament for at least 15 sitting days prior to binding treaty action being taken, since negotiations for major multilateral treaties are generally lengthy and quite public, parliamentary debate often takes place for a much longer period than this, as the issues become publicly known. In cases when implementing legislation is necessary prior to ratification, Parliament has a further opportunity to debate the treaty. The Government makes its decision on whether a treaty is in the national interest based on information obtained during consultations with relevant stakeholders. Inevitably, the final decision necessarily involves a balancing of competing interests.

The Government considers that the objective of ensuring both that the Government is able to energetically pursue opportunities for trade growth, and that appropriate consultation on negotiating objectives is undertaken with the broader community, are best met by current Parliamentary and consultation processes and practices.

Recommendation 4

Labor Senators recommend that Australian governments—prior to embarking on the pursuit of any bilateral trading or investment agreement—request the Productivity Commission to examine and report upon the proposed agreement. Such a report should deliver a detailed econometric assessment of its impacts on Australia’s economic well-being, identifying any structural or institutional adjustments that might be required by such an agreement, as well as an assessment of the social, regulatory, cultural and environmental impacts of the agreement. A clear summary of potential costs and benefits should be included in the advice.

Response

The Government agrees with the need for appropriate assessments of the likely economic and
other impacts of bilateral FTAs prior to their conclusion. It has followed that approach in relation to AUSFTA, Singapore-Australia FTA (SAFTA) and the Australia-Thailand FTA (TAFTA). As well as commissioning independent assessments of the likely effects of these agreements prior to negotiations, DFAT commissioned a detailed assessment of the economic and environmental impacts of AUSFTA as finally agreed. That study, by the Centre for International Economics was released on 30 April 2004.

It may be appropriate in some circumstances to request the Productivity Commission to undertake assessment of aspects of trade agreements. It is unlikely that any study could definitively answer all the issues addressed in the recommendations prior to commencing negotiations, in the absence of the detail of outcomes of the agreement. The Government’s approach has been to use economic modelling and analysis prior to agreements as a guide to the potential benefits available from a particular negotiation. At the same time it is conscious that there will be additional benefits and other implications that cannot be captured by economic modelling. In relation to the AUSFTA and other agreements, the Government has consulted extensively to ensure that the fullest possible account is taken of potential impacts of a proposed agreement, in order that relevant concerns and implications are reflected in the government’s objectives and the instructions given to negotiators.

Recommendation 5
Labor Senators recommend that all committees and working groups prescribed by and established under the AUSFTA report annually on their activities and outcomes. These reports should be tabled in the Parliament by the Minister for Trade within 15 sitting days of their receipt. Each report shall be accompanied by a statement from the Minister setting out the Government’s views on the report received and drawing attention to any notable outcomes.

Response
The establishment of the various committees and working groups was a significant outcome to the AUSFTA negotiations, and one that was strongly pursued by Australia. The committees and working groups will provide important fora for pursuing issues of ongoing importance to Australia. The Government is putting considerable effort and resources into the activities of these bodies, however appropriate reporting times will depend on the work program of the particular committee or working group. The Government will consider the most appropriate way of consulting with the public, parliament and other stakeholders on the work program of these committees on a case by case basis.

Chapter 3 - Intellectual Property

Recommendation 6
Labor Senators recommend that the Senate establish a Select Committee on Intellectual Property to comprehensively investigate and make recommendations for an appropriate IP regime for Australia in light of the significant changes required to Australian IP law by the AUSFTA.

Response
The Government has no plans to propose that the Senate establish such a committee. The content of Australia’s intellectual property legislation is extensively governed by standards set in multilateral treaties to which Australia is a party as well as bilateral agreements including the AUSFTA. Australia was represented at the diplomatic conferences at which these multilateral treaties were negotiated. Various aspects of Australia’s intellectual property legislation have been reviewed by independent expert advisory committees in recent years.

Recommendation 7
Labor Senators recommend that the Commonwealth Government enshrine in the Copyright Act 1968 the rights of universities, libraries, educational and research institutions to readily and cost effectively access material for academic, research and related purposes. Labor Senators further recommend that the issue of such use of copyright material should be referred to the Senate Select Committee on Intellectual Property to investigate whether universities, libraries, educational and research institutions should be exempt from paying royalties after 50 years.

Response
The Copyright Act 1968 incorporates a number of exceptions which allow libraries to provide access
to copyright material in certain circumstances, including reproducing and communicating material in response to requests by users undertaking research or study. Universities and other educational institutions are covered by statutory licences which allow use of copyright materials, subject to the payment of equitable remuneration.

Students, researchers and academics have access to copyright materials under the ‘fair dealing’ provisions of the Copyright Act which allow dealing in copyright material for a number of purposes, including research and study.

The Free Trade Agreement does not require the Government to alter any of these general exceptions that allow access to copyright material. However, changes will be required to implement obligations in relation to technological protection measures (TPMs). The Government has until 1 January 2007 to implement these obligations. There will be public consultation as part of the implementation process.

As to the recommended reference to a Senate select committee, see the response to recommendation 6.

**Recommendation 8**

Labor Senators recommend that the Senate Select Committee on Intellectual Property investigate options for possible amendments to the Copyright Act 1968 to expand the fair dealing exceptions to more closely reflect the ‘fair use’ doctrine that exists in the United States and to address the anomalies of ‘time shifting’ and ‘space shifting’ in Australia.

**Response**

The Attorney-General has commenced a review, being conducted by the Attorney-General’s Department, of whether an exception or exceptions based on the principles of ‘fair use’ should be added to the Copyright Act. An issues paper was released on 5 May 2005, with submissions invited by 1 July 2005.

**Recommendation 9**

Labor Senators recommend that the Senate Select Committee on IP review the standard of originality applied in Australia in relation to copyright material with a view to raising the threshold to a standard such as that in the United States.

**Response**

The standard of originality in Australian copyright law is not an issue arising from the AUSFTA. Any legislative change to the standard of originality could have major implications for established industries. The Government has no immediate plans to review originality under the Copyright Act 1968.

**Recommendation 10**

Labor Senators recommend that the Senate Select Committee on Intellectual Property should investigate the possibility of establishing in Australia a similar regime to that set out in the Public Domain Enhancement Bill 2004 (US), with a view to addressing some of the impacts of the extension of the term of copyright, in particular the problems relating to ‘orphaned’ works.

**Response**

Works of which the copyright owners are untraceable—or ‘orphan’ works—are within the scope of the ‘fair use’ review referred to in the response to recommendation 8.

**Recommendation 11**

Labor Senators recommend that the Senate Select Committee on Intellectual Property investigate amendments to Copyright Act 1968 to provide that a contract that purports to exclude or modify exceptions to copyright infringement such as fair dealing is not enforceable.

**Response**

This issue was the subject of an inquiry and report by the Copyright Law Review Committee, Copyright and Contract. The report is under consideration by the Government.

**Recommendation 12**

Labor Senators recommend that the Commonwealth Government use the two year implementation period applying to effective technological protection measures to ensure exceptions will be available to provide for fair dealing including temporary copies, research and study and the legitimate private use and application of all legally purchased or acquired audio, video, DVD and software items on components, equipment and hardware, regardless of the place of acquisition.
Response
This recommendation will be taken into account in the Government’s consideration of implementation of the obligations of the AUSFTA concerning circumvention of TPMs referred to in the response to Recommendation 7, and in the Attorney General’s Department’s review of a possible ‘fair use’ exception referred to in the response to Recommendation 8.

Recommendation 13
Labor Senators recommend that the Commonwealth Government use the two year implementation period applying to effective technological protection measures to ensure exceptions will be available to provide for the sale and distribution of legitimate audio, video, DVD and software items, as well as related components, equipment and hardware, regardless of the place of acquisition.

Response
The provisions of the Copyright Act 1968 regarding distribution of copies of copyright materials, including audiovisual items and computer programs, were the subject of review and report in the Review of intellectual property legislation under the Competition Principles Agreement. The Government’s response to that report was implemented by the Copyright Amendment (Parallel Importation) Act 2003, allowing the importation and distribution of legal copies of computer software and computer games.

Recommendation 14
Labor Senators recommend that the Commonwealth Government ensure that specific exceptions will be available in the implementation of Australia’s obligations in relation to Technological Protection Measures (TPMs) to provide for the manufacture of interoperable software products.

Response
This recommendation will be taken into account in the Government’s consideration of implementation of the obligations of the AUSFTA concerning circumvention of TPMs referred to in the response to Recommendation 7.

Recommendation 15
Labor Senators recommend that the Commonwealth Government implement Recommendations 15 and 16 of the Digital Agenda Review report prepared by Phillips Fox to ensure that temporary reproductions and caching are explicitly protected under Australian law.

Response
Amendments to the Copyright Act 1968 concerning temporary reproductions were included in Part 10 of Schedule 9 to the US Free Trade Agreement Implementation Act 2004 and in the Copyright Legislation Amendment Act 2004. These amendments effectively supersede Recommendation 15 of the Phillips Fox report. The Government is considering Recommendation 16 of that report as part of the Government’s broader review of the Digital Agenda reforms.

Recommendation 16
Labor Senators recommend that any notice and take-down scheme introduced by regulations should balance the interests of copyright owners while appropriately protecting the personal information of Internet users. Regulations should ensure that carriage service providers are not required to disclose personal information about their customers unless compelled to do so by a court order.

Response
Amendments to the Copyright Act 1968 to give effect to Article 17.11.29 of the AUSFTA regarding a scheme for limitations on liability of carriage service providers were set out in Part 11 of Schedule 9 to the US Free Trade Agreement Implementation Act 2004 and in the Copyright Legislation Amendment Act 2004. Complementary amendments were also made to the Copyright Regulations 1969. The scheme came into effect on 1 January 2005.

The provisions reflect Australia’s legal and social environment and have been developed with re-
ward to the issues experienced in the USA. The procedure for obtaining subscriber details relies on existing Federal Court processes.

**Recommendation 17**

Labor Senators recommend that the reasonable costs to internet service providers of complying with a notice and take-down procedure should be met by the issuer of the notice.

**Response**

The Government does not agree with this recommendation. The scheme for limitations on liability of carriage service providers referred to in the response to Recommendation 16 provides legal incentives for carriage service providers to cooperate with copyright owners in deterring the infringement of copyright. The scheme limits the scope of remedies available against service providers where the service provider complies with certain conditions. Therefore, while the carriage service provider incurs costs in complying with the scheme, they derive a benefit by doing so. In these circumstances, it was not considered appropriate that the issuer of the notice be required to reimburse a carriage service provider for reasonable costs incurred in complying with takedown notices. To minimise abuse of the notice and takedown procedure, the scheme provides for remedies against a party issuing a notice who knowingly makes a misrepresentation.

**Recommendation 18**

Labor Senators recognise that assessing whether a copyright infringement has occurred is a complex issue, appropriately determined by a court. Any notice and take-down scheme should not require a carriage service provider to assess whether a copyright infringement has occurred, or the relative seriousness of any infringement.

**Response**

The scheme that came into effect on 1 January 2005 does not require a carriage service provider to assess whether a copyright infringement has occurred, or the relative seriousness of an infringement. Where a notice of claimed infringement is received from a copyright owner the carriage service provider is required to expeditiously remove or disable access to the material referred to in the notice and no independent assessment of the material is required by the carriage service provider. Expeditious takedown is also required if the carriage service provider becomes aware, by some other means, of facts and circumstances that make it apparent that the material is likely to be infringing. In this case, some assessment is required, but only in relation to the likelihood that the material is infringing.

**Chapter 4 - Pharmaceuticals**

**Recommendation 19**

Labor Senators support Joint Standing Committee on Treaties (JSCOT) recommendation 5 that any independent review must ensure the fundamental integrity of the PBS listing processes, should not consider information that was not before the Pharmaceutical Benefits Advisory Committee (PBAC) and should base its recommendation on the same criteria as PBAC. The submission of the pharmaceutical company to the independent review should be made public.

**Response**

The Minister for Health and Ageing released a statement on the implementation of Australia’s AUSFTA commitments, under Annex 2-C, on 4 February 2005. This statement sets out comprehensive principles for the operation of the independent review.

An independent review will be made available only where the Pharmaceutical Benefits Advisory Committee (PBAC) has declined to recommend the listing of a drug on the Pharmaceutical Benefits Scheme (PBS). An applicant, in requesting a review, will be required to identify specific issues in dispute to be subject to review and the review may only consider those issues. The review may consider only the information submitted to the PBAC and any documents generated as part of the PBAC process. No new information or data may be considered. The reviewer will not make a recommendation but will present findings concerning the specific issues in dispute.

Once a review has been completed, it will be provided to the PBAC, together with any comments from the sponsor. The PBAC will then reconsider the application taking into account the findings of the review. The outcome of the PBAC’s reconsideration of the application will be made publicly available.
Under the National Health Act (1953) the PBAC remains the only body which may recommend to the Minister for Health and Ageing which drugs may be listed on the PBS.

**Recommendation 20**

Labor Senators recommend that an evaluation of the review process should be carried out after 12 months of operation and every 12 months thereafter. As well as assessing the accountability, transparency and practicality of the review process, the evaluation should consider the impact of the review process on the rate at which new drugs are listed on the PBS or the prices at which they are listed. The outcomes of the review should be tabled in Parliament.

**Response**

The Government notes this recommendation. In his statement on implementation of the pharmaceutical commitments of the AUSFTA on 4 February 2005, the Minister for Health and Ageing noted that the Independent Review would be evaluated after 12 months of operation.

**Recommendation 21**

Labor Senators recommend that the ANAO or the Productivity Commission should be asked to carry out an independent audit of the PBS listing process after the additional transparency mechanisms are implemented. This audit should examine the cost and efficiency of the new procedures and whether they benefit the Government, consumers and pharmaceutical companies. It should assess whether the transparency requirements affect the process of negotiating pricing agreements with pharmaceutical companies.

**Response**

The Government does not consider an independent audit of the PBS listing processes to be necessary.

Many of the transparency and process provisions of the AUSFTA reflect standards and practices that already apply when the PBAC considers applications for new medicines to be added to the PBS. These include:

- Ensuring that applications from companies seeking to have products added to the PBAC are considered by the PBAC within a specified timeframe;
- Publishing the procedural rules and guiding principles that govern the PBAC’s consideration of these applications;
- Providing applicants with an opportunity to discuss their application with technical staff of the Department of Health and Ageing prior to lodging it;
- Providing applicants with opportunities to provide comments at relevant points in the decision making process;
- Providing applicants with detailed explanations of the PBAC’s recommendations of their application.

Furthermore, the timelines applying to the Independent Review mechanism have been determined so as to ensure that the IRM does not give rise to delays to the PBAC processes.

Finally, the transparency provisions of the AUSFTA have no effect on the PBS’ pricing processes.

**Recommendation 22**

The Government must ensure that increased information on PBS listing procedures is balanced. Where the Government provides more information on PBAC decision making processes, it must ensure it can disclose the clinical and economic data that forms the basis of those decisions. There must be clear guidelines on determining what material is ‘commercial-in-confidence’ and this should be only material that is genuinely pertinent and sensitive to the business operations of a pharmaceutical company.

**Response**

The statement made by the Minister for Health and Ageing detailing the implementation of commitments under the AUSFTA (refer Recommendation 19) describes the approach that will apply to the disclosure of information regarding PBAC processes:

- Details of PBAC recommendations will be available to the public in a timely manner following each PBAC meeting
- A Public Summary Document (PSD) will be generated to provide to the public information pertaining to PBAC recommendations
• The information will include sufficient relevant clinical, economic and utilisation data to enable stakeholders to understand submissions to the PBAC and the PBAC’s view of those submissions.

The information contained in the PSD will be consistent with that included in the PBAC minutes pertaining to a particular recommendation. The PBAC will consult with the sponsor in preparation of the PSD and the PBAC will take into account the Commonwealth’s duty of confidence to sponsors, where such a duty exists.

Where circumstances warrant the disclosure of information for which the Commonwealth has a duty of confidence, the PBAC and the sponsor will negotiate in good faith to seek a solution which, while protecting confidential information, will enable stakeholders to have adequate information to understand PBAC recommendations.

Recommendation 23
Labor Senators recommend that the Government should table in Parliament a statement of the terms of reference and schedule of meetings of the Medicines Working Group established under the Agreement as soon as they are determined. The Government should also be required to table an annual statement in Parliament on the operations of the Medicines Working Group. This statement should include details of each meeting, including: who attended, what topics were discussed, the outcomes of those discussions including any commitments made by Australia and what consultation took place with stakeholder groups before and after the meeting.

Response
The Government’s response to recommendation 5 addresses Australia’s objectives for such groups and their methods of operation.

Recommendation 24
Labor Senators recommend that the Government monitor the impact of the new legislation on the rate at which generic drugs enter the market following expiration of a patent and consult with the generic pharmaceutical industry on the impact of the changes. An independent study of the entry of generic drugs to the market and the strategies of patent holders before and after the legislative changes should be undertaken and the results tabled in Parliament. If the new procedures are found to create incentives for ‘evergreening’ patents, the Government must amend the legislation so as to minimise the legal obstacles to putting generic drugs on the market once the original patent has expired, while ensuring the integrity of the patent system.

Response
The Government is committed to maintaining a viable generic medicines industry. The obligations under the AUSFTA have not compromised this.

The changes to the procedures for market approval in the *Therapeutic Goods Act 1989* (Section 26B: Certificates required in relation to patents) complement existing legal rights and obligations of both patent holders and generics manufacturers under Australian patent law. They are consistent with existing principles that the primary responsibility for resolving any patent dispute rests with the patent holder and the party challenging the validity of a patent.

In addition, existing provisions of the *Patents Act 1990* (sections 128-132) are available against unjustified threats of infringement against generics manufacturers, and the courts also have inherent powers to prevent abuses of courts’ processes that could result in delay of entry to market of generic drugs.

Recommendation 25
Labor Senators recommend the creation of an offence for the lodgement of a spurious patent claim that delays the entry of a generic drug onto the market. The validity of a patent claim would be determined by a court.

Response
Under Australian law, it is not possible to delay the entry of generic medicines into the market by lodging patent claims, ‘spurious’ or otherwise.

Recommendation 26
Labor Senators recommend that consistent with the terms of the Free Trade Agreement that the Commonwealth Government ensure that:

• Whenever possible all blood products to be used in the Australian medical system must be sourced from Australian blood plasma.
That Australian blood plasma continue to be collected by voluntary donation.

If plasma fractionation is to occur outside of Australia that Australian plasma should be processed on separate production lines.

If plasma fractionation occurs outside of Australia then overseas suppliers must satisfy at least the same level of medical standards that apply to Australian suppliers.

**Response**
The Government agrees with this recommendation.

**Chapter 5 - Sanitary and Phytosanitary Measures**

**Recommendation 27**
Labor Senators recommend that both the bilateral committees operate under a terms of reference that does not provide any avenue for influence on Australia’s quarantine decision-making process.

**Response**
The Government made clear from the commencement of negotiations on the AUSFTA that there could be no compromise on Australia’s standards of quarantine. This objective was achieved in the AUSFTA chapter on SPS in which Australia and the US each reaffirm existing commitments to the WTO SPS Agreement. The Agreement preserves the integrity of Australia’s quarantine regime and our right to protect animal, plant and human health.

The establishment of a Committee on Sanitary and Phytosanitary Matters and a Standing Technical Working Group on Animal and Plant Health will provide for enhanced understanding of each country’s SPS measures and associated regulatory processes, as well as a framework for exchange of technical information. Such exchange of technical information on quarantine processes will assist in achieving resolution of quarantine issues within each country’s existing systems, but will have no impact on the science-based nature of our decision-making processes.

**Recommendation 28**
Labor Senators recommend that a process to engage key industry and community stakeholders to participate in committee discussions be developed.

**Response**
The consultative arrangements on SPS matters under the AUSFTA are intended to facilitate consultation between technical experts and regulators. Decisions on quarantine and food safety will continue to be made by Australian authorities under Australian processes, which are transparent and consultative. The current level of stakeholder consultation in matters likely to be considered under the AUSFTA arrangements is therefore considered to be appropriate.

**Recommendation 29**
Labor Senators support the Joint Standing Committee on Treaties recommendation 8 for greater stakeholder consultation.

**Response**
The Government continues to consult widely with stakeholders to reinforce its commitment to a rigorous, science-based and conservative quarantine regime.

**Recommendation 30**
Labor Senators recommend that Australia’s Quarantine Import Risk Assessment process be enshrined in regulation to insulate the process from external pressures.

**Response**
The Government has taken steps to boost the independence and reinforce the science-based nature of the quarantine import risk analysis (IRA) process through the establishment of Biosecurity Australia as a prescribed Agency on 1 December 2004. The Government has also established an Eminent Scientist Group to review final draft IRAs to ensure stakeholder comments have been properly taken into account.

**Chapter 6 - Local Media Content**

**Recommendation 31**
Labor Senators acknowledge the concern expressed by many witnesses on the ‘ratchet’ nature of Australia’s commitments for local content. Labor Senators therefore recommend that Australia’s local content requirements for free-to-air television, subscription television and radio be enshrined in legislation, so that reductions in these quotas require reference to the Parliament.
This recommendation was implemented by the Government.

**Recommendation 32**

Labor Senators recognise that the Free Trade Agreement means that Australia’s local content quotas cannot be increased above their current level except in limited circumstances. However they also recognise that over the longer term future technologies are likely to result in these quotas becoming an ineffective mechanism for encouraging the creation of local content. Labor Senators therefore recommend that the Government consider new or increased direct incentives to encourage local content production, but that local content requirements apply in emerging technological platforms, wherever possible.

**Response**

The Government continues to appropriately encourage local production.

**Chapter 7 - Manufacturing**

**Recommendation 33**

Labor Senators recommend that the Government refer the following to an independent commission of inquiry as a matter of priority.

1. the effect of the Agreement on the manufacturing industry generally, and in particular the Textile Clothing and Footwear (TCF), chemicals, plastics, pharmaceuticals and automotive industries immediately and over the next 20 years. This would include the scale of the threat from imports, affect on employment, investment (capital and research and development), prices, exports, skill acquisition, knowledge transfers, brand recognition;

2. whether the agreement will lead to closer integration between US subsidiaries in Australia and their parent companies in the US, and the potential impact of this integration;

3. the means through which manufacturing, in particular the automotive and TCF sectors, can inoculate itself from these threats through both their own initiative and through assistance from Government;

4. the extent to which industry development measures will be necessary for manufacturing, in particular automotive and TCF manufacturing, and the components and cost of such a package;

5. the impact of the Agreement on manufacturing businesses in regional Australia;

6. the extent to which industry development measures will be needed for regional Australia, the components of these measures / packages, and the cost;

7. the impact of the Rules of Origins provisions on industry, the compliance costs, and whether there are opportunities to achieve greater uniformity through existing agreements; and

8. legislative changes required to facilitate industry development; and

9. the impact on Australian industry of the government procurement provisions on Commonwealth, State and Territory government purchasing policies, and regional Australia.

**Response**

The Government commissioned a detailed assessment of the economic impacts of the AUSFTA as finally agreed. That study, by the Centre for International Economics was released on 30 April 2004. The government will keep the implementation of the AUSFTA, and its economic impact, under ongoing review.

**Recommendation 34**

Given a possible negative impact of the agreement on the Automotive Components Sector, Labor Senators recommend that the Government develop as a matter of urgency an Industry Development Plan to assist the sector meet future challenges. At a minimum, this package should include:

- a new 10 year industry strategy and vision for the sector to replace the outdated Action Agenda;
• a non-means tested labour adjustment package to assist in education, retraining, developing English language skills, and finding new employment;
• a program that encourages greater linkages across the automotive supply chain and clustering;
• a Research and Development (R&D) grants program dedicated to the industry to assist it to meet emerging markets overseas and to build on existing niche capability, that will assist it to compete with the US; and
• a regional component to assist restructuring in regional towns and cities—both labour adjustment and industry restructuring.

Response
The Automotive Competitiveness and Investment Scheme (ACIS) commenced in 2001. It is designed to provide transitional assistance to encourage competitive investment and innovation in the Australian automotive industry in the context of trade liberalisation. ACIS is expected to deliver an estimated $2.8 billion to the Australian automotive industry over the period 2001 to 2005.

On 13 December 2002, the Government announced its post-2005 assistance package for the Australian automotive industry. This package will deliver an estimated $4.2 billion to the industry through ACIS over the period 2006 to 2015. This assistance package was timed to coincide with, and help the automotive industry adjust to, a decline in the general automotive tariff from 15 per cent to 10 per cent on 1 January 2005 and then to 5 per cent on 1 January 2010.

The ACIS Motor Vehicle Producer Research and Development Scheme (MVP R&D Scheme) will run for the duration of ACIS Stage 2 (2005-2010 inclusive). It is expected to cost $150 million and aims to increase the amount of research and development undertaken by motor vehicle producers in Australia. All motor vehicle producers registered as ACIS participants are eligible to take part in the MVP R&D Scheme.


Recommendation 35
Given the possible negative impact of the Agreement on the Textile Clothing and Footwear sector, Labor Senators recommend that the Government develop as a matter of urgency an Industry Development Plan to assist the sector meet future challenges. At a minimum, this package should include:
• a new 10 year industry strategy and vision for the sector to replace the outdated Action Agenda;
• a more generous non-means tested labour adjustment package to assist in education, retraining, developing English language skills, and finding new employment;
• an R&D grants program dedicated to the industry to assist it to meet emerging markets overseas and to build on existing niche capability; and
• a regional component to assist restructuring in regional towns and cities—both labour adjustment and industry restructuring.

Response
The Government’s TCF Post-2005 Assistance Package includes:
• a 10 year extension of the TCF Strategic Investment Program (the TCF Post-2005 SIP) Scheme);
• non-means tested return-to-work assistance for redundant TCF workers (under the Job Network element of the TCF Structural Adjustment Program);
• grant support for TCF R&D and innovation (Type 2 grants under the TCF Post-2005 SIP) Scheme); and
• grant support for restructuring in regional Australia under the Restructuring Initiative Grants Scheme component of the TCF Structural Adjustment Program).


Recommendation 36
Given the possible negative impact of the Agreement on the Chemicals and Plastics sector Labor Senators recommend that the Government de-
develop as a matter of urgency an Industry Development Plan to assist the sector meet future challenges. At a minimum, this package should include:

- a new 10 year industry strategy and vision for the sector to replace the outdated Action Agenda;
- a more generous non-means tested labour adjustment package to assist in education, retraining, developing English language skills, and finding new employment;
- an R&D grants program dedicated to the industry to assist it to meet emerging markets overseas and to build on existing niche capability; and
- a regional component to assist restructuring in regional towns and cities—both labour adjustment and industry restructuring.

Response

Action Agendas are a key element of the Government’s industry policy. They provide a partnership between industry and Government to facilitate industry leadership in specific sectors to realise opportunities and overcome impediments to growth, with a particular emphasis on identifying the actions that industry itself will take to realise its full potential.

The Chemicals and Plastics Action Agenda, which was completed in August 2004, was a successful partnership for both industry and Government. Key outcomes of the Action Agenda were:

- greater cohesion and cooperation which enabled the industry to establish its long term vision and to focus on strategies to improve its long term growth and competitiveness;
- significant progress in the key area of Regulatory Reform, particularly under the Low Regulatory Concern Chemicals (LRCC) initiative;
- formation of the Chemicals and Plastics Leadership Group (CPLG) to oversee the Chemicals and Plastics Action Agenda. This has been a useful vehicle for high level communication between industry and Government. As a result, Government has already agreed to recognise the continuing industry nominated and fully industry funded CPLG as a representative body for the chemicals and plastics industry and to meet periodically with the Group to ensure Industry/Government consultation continues;
- encouragement of the CPLG to work with the Manufacturing Industry Skills Council and with the State and Territory training agencies to progress its objective of supporting the development of a learning culture in the industry. The Department of Education, Science and Training will continue to respond to proactive requests from the industry in relation to activities that fall within the realm of existing skill development funding programmes such as those identified by the CPLG; and
- increased industry awareness of existing Government programs and their use to boost industry investment, innovation and export performance.

Recommendation 37

Labor Senators recommend that the Government establish a Manufacturing or Industry Council, similar to that which was established in the late 1970s and abolished by the Government in 1996. The Council should:

- involve industry associations, individual businesses, unions and the research sector;
- undertake an analysis of the state of the manufacturing industry in Australia;
- have a significant research capacity; and
- be provided with adequate resources to represent all industry sectors, to meet regularly, to engage experts as required, and to undertake significant research tasks.

Response

The Government does not support establishing a Manufacturing Industry Council. Action Agendas are a central element of the Government’s industry strategy. There are twelve active Action Agendas for manufacturing industries and seven completed manufacturing industry Action Agendas. Action Agendas aim to foster industry leadership, and in doing so they have succeeded in helping industries develop strategies for growth, agree on priorities and make commitments to change.
Recommendation 38
It is recommended by Labor Senators that the Industry Department be provided with additional resources to:

- undertake its own analysis of the impact of the AUSFTA on Australian industry, in particular manufacturing industries;
- ensure it is fulfilling its function of providing up to date statistical information on the performance of industry sectors including investment in research and development;
- contribute, in an informed manner, to the development of future trade agreements with other countries; and
- contribute to analysing, at least every 5 years, the impact of existing agreements on certain industry sectors.

Response
A core business of the Government’s Department of Industry, Tourism and Resources (DITR) is monitoring the performance of the manufacturing, resources and energy, and tourism industries and small and medium enterprises through the Office of Small Business. These monitoring activities encompass all aspects of Australia’s domestic and international trade and economic environments, including the impact of all multilateral and bilateral trade agreements. DITR is a significant contributor to the Government’s trade policy agenda of multilateral engagement through the WTO, supported by targeted bilateral free trade arrangements. DITR actively participated in negotiating the Singapore, Thailand and United States FTAs and is currently involved in negotiations being conducted within the WTO Doha Round and with China, Malaysia, the ASEAN grouping of nations, and the United Arab Emirates. DITR undertakes significant analysis and works closely with industry, business and other areas of government in contributing to these negotiations. Funding for DITR to pursue these activities is sought through standard budget procedures, as required.

Chapter 8 - Investment
Labor Senators acknowledge that there is likely to be a net benefit to Australia from the increase in the threshold for Foreign Investment Review Board (FIRB) screening of foreign investment in Australian companies from $50 million to $800 million. Indeed all of the economic modelling examined by the Committee assigned the majority of projected gains to the effects of investment liberalisation.

Labor Senators are however concerned that the implementation of AUSFTA leads to an unusual situation in which investment from the United States is treated more generously to investment coming from any other country. There is also a further concern that such discriminatory treatment may breach Australia’s obligations to Japan under the Treaty of Nara and to New Zealand under the Australia-New Zealand Closer Economic Relationship.

Recommendation 39
Labor Senators therefore recommend that the Productivity Commission examine the economic and other impacts of extending this measure to investment from all countries. It is further recommended that if the Productivity Commission finds that there is an overall benefit from applying FIRB liberalisation to investment from all countries that this should then be implemented.

Response
The Government rejects this recommendation. The granting of preferential treatment to United States investors under the AUSFTA is neither unusual, nor does it breach Australia’s international treaty obligations on investment. Free trade agreements grant preferential access to each party’s goods and services suppliers including through investment. World Trade Organisation rules (Article XXIV of the GATT and Article V of the GATS) allow members to enter into such preferential deals (without passing the benefits through to all WTO members) provided the agreement is comprehensive in scope and covers substantially all trade in goods and services. Australia’s existing bilateral FTAs are consistent with WTO rules.

The Government does not believe there is a need for a Productivity Commission inquiry to determine the benefit to Australia from extending the investment liberalisations granted under AUSFTA to all countries. The Government will continue to consider both in a bilateral and multilateral con-
text, further opportunities for liberalising its foreign investment policy.

**Chapter 9 - Services**

**Recommendation 40**

Labor Senators recommend that the Professional Services Working Group address immediately the issues of mutual recognition of qualifications and the movement of natural persons involved in service provision, and make recommendations to the Parties for removing as rapidly as possible any outstanding impediments to these functions. The report of the Working Group should be presented to the Parties within twelve months of the establishment of the Group.

**Response**

The Working Group on Professional Services provided for in Annex 10-A of the Agreement has a broad mandate which includes consideration of issues relating to the recognition of professional qualifications as well as other issues of mutual interest relating to the supply of professional services. The Working Group was a significant outcome to the negotiations, which was strongly pursued by Australia, and the Government agrees that mutual recognition issues should be a priority in its work.

The Government is continuing to pursue the issue with the US and has already had constructive discussions with the US in which we have identified our key interests in this area. The first meeting of the Working Group was held in June 2005. Given the complexity of the issues involved it is not feasible for the Working Group to report within twelve months of its establishment, however Annex 10-A requires that it report to the Joint Committee within two years of the entry into force of the Agreement.

While the Agreement does not contain any provisions on movement of business people, Australia and the United States have well developed and liberal business entry arrangements. There is strong recognition on both sides of the importance of appropriate arrangements in relation to temporary entry to underpin and complement the opportunities which will be opened up under AUSFTA, including particularly in services and investment. Bilateral discussions parallel to the Agreement have already reaped benefits for Australian professionals with the US Congress passing legislation establishing the E-3 visa. The E-3 visa applies to Australians with a university degree or its equivalent in their ‘specialty occupation’ seeking temporary residence in the United States to work, sponsored by a business in the United States that is prepared to employ them.

- This Visa is subject to an annual quota of 10,500 Australian applicants, not including accompanying spouses and children.
- Spouses of E-3 visa holders are able to work.
- E-3 holders are permitted an initial stay of two years, and indefinite extensions of two years.

**Recommendation 41**

That the Australian Government press assiduously, through all available diplomatic, official and professional channels, for the removal of all impediments to the mutual recognition of qualifications and the movement of people involved in cross-border service provision.

**Response**

The Working Group on Professional Services will provide a high profile and effective means of pursuing Australia’s interests in relation to the mutual recognition of qualifications. The Government agrees that, where appropriate, other channels of communication with US authorities, including peak professional bodies and assessment and registration authorities, should also be utilised.

With regard to movement of business people, see response to Recommendation No. 40.

**Chapter 10 - Agriculture**

**Recommendation 42**

Labor Senators recommend that Australia should, as a matter of high priority, commence negotiations with the United States to obtain a commitment, through treaty or other process, which will ensure that both Parties to the Agreement will not give more favourable access in agricultural products to any third country without also providing the same access to the other Party.

**Response**

The Government will continue to use every avenue available to it to increase market access op-
opportunities for Australian farmers to all markets of interest, including the US market. Article 3.2 of the Agreement, for example, establishes a high level Committee on Agriculture where issues of access can be discussed.

**Recommendation 43**

Labor Senators recommend that the Commonwealth Government should invest significant effort into maintaining the strong relationship of the Cairns Group of countries, as the best vehicle for achieving significant agricultural liberalisation in the next WTO round.

**Response**

The Government agrees with this recommendation.

### RECOMMENDATIONS BY ONE NATION RELATING TO THE AUSTRALIA-US FREE TRADE AGREEMENT

#### Chapter 1 Establishment of Free Trade Area

One Nation has considered this chapter and is particularly concerned by Article 1.2: General Definitions which states in part:

For the purposes of this Agreement, unless otherwise specified:

10. **GATS** means the General Agreement on Trade in Services, contained in Annex 1B to the WTO Agreement;

11. **GATT 1994** means the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;

22. service supplied in the exercise of governmental authority means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers;

Article 1.2 General Definitions (22.) is identical to the definition in GATS. This definition in strictly legal terminology can possibly be enforced by the US enabling access to our hospitals, education (including teaching staff), water, railways, law enforcement agencies (police), ownership of our national highways as all of these fall within the definition of not being exclusively provided by a government authority. Therefore, services provided by the Australian governments such as hospitals, education, transport are not excluded from this Agreement.

**Recommendation 1.1**

One Nation recommends that all services which are supplied in the exercise of a governmental authority

(i) central, regional or local governments and authorities; and

(ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;

are excluded from the Australia- US Free Trade Agreement.

**Response**

The Government agrees that services supplied in the exercise of governmental authority are excluded from coverage by the AUSFTA.

#### Chapter 2 National Treatment and Market Access for Goods

National treatment is a fundamental principle of free trade. It requires that imports be afforded ‘no less favourable’ treatment than domestic goods.

**Recommendation 2.1**

One Nation calls for specific exclusion of water from the National Treatment clause.

**Response**

The Government is not aware of any current or future plans to import water as a commodity into Australia, therefore the National Treatment obligation under Chapter Two is not relevant.

**Recommendation 2.2**

One Nation recommends that National Treatment and Most Favoured Nation status only apply for US companies that pay Company Tax in Australia.

**Response**

The obligations of National Treatment and Most Favoured Nation status, under Chapter 2 attach to goods of US origin, not to the producer, exporter, importer or other companies involved in trading such goods.

**Recommendation 2.3**

Regarding Chapter 2, Article 2.3 Elimination of Customs Duties, One Nation recommends that no tariff reduction shall apply until a public consulta-
tive and evaluation process is initiated to evaluate the economic, social, cultural and environmental impacts of tariff reductions, including the financial impacts on government appropriations and receipts due to loss of employment and the cost shifting from taxpayers to social welfare recipients.

Response
The Government agrees with the need for appropriate assessments of the likely economic and other impacts of bilateral FTAs prior to their conclusion. It has followed that approach in relation to AUSFTA, Singapore-Australia FTA (SAFTA) and the Australia-Thailand FTA (TAFTA). As well as commissioning independent assessments of the likely effects of these agreements prior to negotiations, DFAT commissioned a detailed assessment of the economic and environmental impacts of AUSFTA as finally agreed. That study, by the Centre for International Economics was released on 30 April 2004. The Government has also consulted extensively to ensure that the fullest possible account is taken of the potential impact of the agreement.

Recommendation 2.4
One Nation recommends that Article 2.3 (2) of the FTA will not apply where the public consultative and evaluation process in Recommendation 2.3 finds that the wellbeing of Australia’s social, economic, cultural or environmental status would be jeopardised unless a protection tariff is introduced.

Response
The Government does not accept this recommendation.

Recommendation 2.5
Regarding Annex 2-C- Pharmaceuticals 1. Agreed Principles, One Nation recommends that the following text be inserted:

(e) Nothing in this Agreement will preclude Australia from continuing, expanding, or altering measures necessary to ensure the continuance of Australia’s pharmaceutical benefits scheme in its current form including improved access to generic pharmaceuticals.

Response
The Government does not agree with this recommendation. The price of prescription medicines will not increase as a result of AUSFTA. Access by Australians to affordable medicines and the long term sustainability of the PBS will not be affected by the Agreement. The only commitments on the PBS in the AUSFTA relate to transparency and process issues. As part of the Agreement, more information will be made publicly available about the reasons for recommendations by the Pharmaceutical Benefits Advisory Committee (PBAC) to add medicines to the PBS. Also, a ‘review’ mechanism for medicines that have been rejected for listing on the PBS will be established. However, the review will not have the power to override the authority of the PBAC as the recommending body or of the Health Minister as the final decision-maker. Nor will it have the capacity to compromise the scientific integrity and independence of the PBAC.

Chapter 3 Agriculture
Under this agreement, all US agricultural imports into Australia—many of them grown on corporate farms which are heavily subsidised by the US government—will gain immediate duty-free access.

Recommendation 3.1
Regarding Article 3.1: Multilateral Cooperation, One Nation recommends that the following text be inserted

3.1.(3) Nothing in this Agreement will preclude Australia from taking such actions or measures necessary to ensure the viability of rural and regional economies and the viability of the family farm.

Response
The Government does not agree with this recommendation. Article 3.1 commits Australia and the US to cooperation in further efforts to liberalise agricultural markets in multilateral fora including the WTO. These efforts will improve export prospects for Australian agricultural producers.

Recommendation 3.2
One Nation recommends that tariff rate quotas should be structured to provide more protections for import-sensitive products.
Response
The Government does not accept this recommendation.

Recommendation 3.3
One Nation recommends a request-and-offer tariff negotiating approach, as opposed to across-the-board zero-to-zero initiatives to ensure special protections for import-sensitive Australian products.

Response
The Government does not accept this recommendation.

Recommendation 3.4
One Nation recommends exemptions from tariff phase-out should be negotiated for the most highly sensitive Australian agricultural products.

Response
The Government does not accept this recommendation.

Recommendation 3.5
One Nation recommends improved Safeguard Measures to deliver temporary relief to injured, import-sensitive Australian Industries and improved safeguard provisions to provide relief against import surges. These provisions must allow only a specified quantity of a selected product to enter at zero duty rates. Higher tariffs should be automatically triggered when imports reach a specified level or volume.

Response
The Government believes that Chapter Nine of the Agreement contains adequate provisions for safeguard measures in the event of serious injury to a domestic industry.

Recommendation 3.6
One Nation recommends that Australia must have the ability to restrict imports for temporary periods if, after investigations carried out by competent authorities, it is established that imports are taking place in such increased quantities (either absolute or in relation to domestic production) so as to cause serious injury to the domestic industry that produces like or directly competitive products.

Response
See response to recommendation 3.5.

Recommendation 3.7
One Nation recommends the implementation of a mechanism to cushion the effects of currency devaluation.

Response
The Government does not accept this recommendation.

Recommendation 3.8
The FTA fails to establish a system for the prompt and effective resolution of private commercial disputes in agricultural trade. The absence of a formal system will become a problem for Australian producers, who will need a viable commercial dispute settlement mechanism to handle the unique marketing characteristics of perishable crops, particularly tropical fruits.

The Agriculture Committee, established under Article 3.2 is only established in very broad and generalised terms.

One Nation recommends that the Government clarify:

- The membership of the committee and that the committee comprises at least two:
  - Representatives from family farming
  - Small business (businesses with less than ten employees) and
  - Non government Consumers representatives
  - Non government Environmental experts including one in Genetic Modification

- And that the Government confirms:
  - when the Committee will it be established
  - Its terms of reference
  - Its powers
  - Whether resolutions of the committee will be binding

Response
The Agriculture Committee established under Article 3.2 is a government to government committee. The Government does not envisage that membership of the Committee will extend beyond officials of the parties. However, the Government
will continue to consult fully with all stakeholders on implementation of the Agriculture Chapter.
The Dispute Settlement provisions of the Agreement, and in particular Articles 21.6 and 21.7, provide for accelerated timeframes where a dispute relates to perishable goods.

**Chapter 4 Textiles and Apparel**

**Recommendation 4.1**
One Nation recommends that nothing in this Agreement will preclude Australia from taking such actions or measures necessary to ensure the viability of the Australian textile, footwear, apparel and leather industries.

**Response**
The Government has introduced the TCF Post-2005 Assistance Package to assist the TCF industry in Australia to become viable and more competitive in a freer trade environment. Details of the TCF Post-2005 Assistance Package are available at www.industry.gov.au/tcf.

**Recommendation 4.2**
One Nation recommends that Australia retains the right to vary the rules of origin subject to consultation.

**Response**
The parties to the Agreement may, by consensus, amend the Agreement as necessary.

**Recommendation 4.3**
One Nation recommends that emergency action taken by Australia in relation to TCF industries may be maintained by Australia for more than two years with extensions and there be no limit after the commencement of the agreement under which emergency action can commence.

**Response**
The Government believes that Chapters 4 and 9 provide adequate and effective safeguard mechanisms.

**Chapter 5 - Rules of Origin**

**Recommendation 5.1**
One Nation recommends that Australia retains the right to vary the rules of origin subject to consultation.

**Response**
See response to recommendation 4.2.

**Chapter 7 Sanitary and Phytosanitary Measures**

**Recommendation 7.1**
Regarding article Article 7.2 : Scope and Coverage One Nation recommends that the following text be inserted:

7.2 (3) Nothing in this Agreement will preclude Australia from taking such actions or measures necessary to ensure the protection of the environment, including assessing by public consultation the economic, social, cultural and environmental impacts of the adverse effects to the Australian environment or an imported product or produce.

**Response**
Article 22.1 reaffirms the general exceptions provisions in the *General Agreement on Tariffs and Trade 1994*, and in particular article XX(b), which specifically includes measures for the protection of the environment.

**Chapter 10 Cross- Border Trade in Services**

**Recommendation 10.1**
Regarding Article 10.1 : Scope and Coverage, One Nation recommends that the following text be added:

4 (f) All services which are supplied in the exercise of a governmental authority

  (i) central, regional or local governments and authorities; and

  (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities;

are excluded from the Australia- US Free Trade Agreement.

**Response**
See response to recommendation 1.1.
Chapter 11 Investment
Recommendation 11.1
One Nation recommends that nothing in this Agreement will preclude Australia from requiring the senior management of an enterprise or a majority of a board of directors be of a particular nationality.
Response
The government does not accept this recommendation which would be contrary to article 11.10 of the Agreement.

Recommendation 11.2
One Nation recommends that nothing in this Agreement will preclude Australia from maintaining its national telecommunications body as a statutory body.
Response
The Agreement has no impact on the ownership of Telstra.

Chapter 14 Competition-Related Matters
Recommendation 14.1
One Nation recommends that nothing in this Agreement will preclude Australia from designating a monopoly or establishing, maintaining or allow a monopoly including a government monopoly enterprise.
Response
The Government agrees with this recommendation.

Chapter 15 - Government Procurement
Recommendation 15.1
One Nation recommends that nothing in this Agreement will preclude Australian governments (i) central, regional or local governments and authorities; and (ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities; from positive discrimination in favour of a local provider.
Response
The Government does not accept this recommendation.

Chapter 16 - Electronic Commerce
Recommendation 16.1
One Nation recommends that nothing in this Agreement will preclude Australia from affording more favourable treatment on the basis of the nationality of the author, performer, producer, developer, or distributor of the products that are created, stored, transmitted within Australia’s territory.
Response
The Government does not accept this recommendation.

Chapter 17 - Intellectual Property Rights
Recommendation 17.1
One Nation recommends that nothing in this Agreement will preclude Australia from legislating to ensure that no additional financial burden or other restrictions as may be applicable to intellectual property rights is experienced by any person or entity embarking upon scientific development, research or experimentation.
Response
The Government agrees with this recommendation.

Chapter 17 - Intellectual Property Rights
Recommendation 17.2
Regarding Article 17.3 copyright, nothing in this Agreement will preclude Australia from ensuring...
its sovereign right to install all of those measures that are appropriate for the protection, preservation of our culture.

Response
Older Australian cultural materials that are in the public domain are not subject to copyright. As to cultural materials that are protected by copyright, that protection consists of a bundle of rights relating to the use of a work. Copyright does not deal with legal title to a physical item embodying a work, such as a picture, sculpture or manuscript, which may be considered an important cultural item.

Recommendation 17.4
One Nation recommends that nothing in this agreement will preclude ownership and decision-making concerning cultural life being majority controlled by Australian interests.

Response
AUSFTA is consistent with Australia’s cultural objectives, particularly the need to ensure the availability of Australian voices and stories on audiovisual broadcasting services now and in the future.

The outcome of the negotiations on audiovisual and broadcasting services preserves Australia’s existing local content requirements and other measures and ensures Australia’s right to intervene in response to new media developments, subject to a number of commitments on the degree or level of any new or additional local content requirements.

Australia’s reservations under the Chapters on Cross Border Trade in Services and Investment permit Australia to maintain the existing 55 per cent local content transmission quota on programming and the 80 per cent local content transmission quota on advertising on free-to-air commercial TV on both analogue and digital (other than multi-channelling) platforms. Sub-quotas for particular program formats (eg drama, documentary) will continue to be able to be applied within the 55% quota.

In relation to digital multi-channelling, Australia will be able to impose a 55% local content requirement on programming on either two channels or 20% of the total number of channels (whichever is greater) made available by an individual broadcaster. No local content transmission quota could be imposed on more than three channels of any individual commercial television service broadcaster.

With regard to subscription television broadcasting services, the FTA allows Australia to ensure its cultural objectives are protected through maintaining the current requirement for 10 per cent of expenditure on predominantly drama channels to be allocated to new Australian production. This may be increased up to a maximum level of 20 per cent. In addition the FTA allows scope for any future Australian government to introduce new expenditure requirements of up to 10 per cent on four additional program formats, such as the arts, children’s, documentary and educational.

Finally, nothing in the Agreement will affect in any way the Government’s right to support the cultural sector through the allocation of public funding of activities such as the public broadcasters (ABC and SBS), public libraries or archives, or in relation to Government funding for Australian artists, writers and performers.

Chapter 19 - Environment
Recommendation 19.1
One Nation recommends that nothing in this Agreement will require Australia to enter in, embark upon or be forced to participate in any activity, material or otherwise, detrimental to the Australian environment.

Response
See response to recommendation 7.1.

Chapter 21 - Institutional Arrangements and Dispute Settlement
Recommendation 20.1
One Nation recommends that the dispute settlement panel may, not to the detriment of Australia, suspend any benefit under the Agreement.

Response
The Government does not accept this recommendation.
Chapter 22 - General Provisions and Exceptions

Recommendation 22.1
One Nation recommends that the Agreement shall not afford to any entity Australian or US, a general exception in taxation that is less than the burden of the equivalent Australian entity or person.

Response
The Agreement does not exempt Australian or US entities from their taxation obligations.

Chapter 23 - Final Provisions

Recommendation 23.1
One Nation recommends that nothing in this Agreement will preclude Australia from withdrawing from any or all provisions of the Agreement upon resolution of 50% plus 1 of the Australian population eligible to participate in a referendum.

Response
The Government does not accept this recommendation.

Recommendation 23.2
One Nation recommends the inclusion of a sunset clause in the Text of the FTA and in all related enabling legislation relating to the FTA that is passed by the Federal Parliament, state or local governments.

Response
The Government does not accept this recommendation.

Recommendation 23.3
One Nation recommends that the Senate be granted a conscience vote on all enabling legislation pertaining to the FTA.

Response
This recommendation is no longer relevant.

Recommendation 23.4
One Nation recommends adoption of the Senate Foreign Affairs, Defence and Trade Committee recommendations, Voting on trade The General Agreement on Trade in Services and an Australia-US Free Trade Agreement in relation to the process for parliamentary scrutiny and endorsement of proposed trade treaties:

(a) Prior to making offers for further market liberalisation under any WTO Agreements, or commencing negotiations for bilateral or regional free trade agreements, the government shall table in both Houses of parliament a document setting out its priorities and objectives, including comprehensive information about the economic, regional, social, cultural, regulatory and environmental impacts which are expected to arise.

(b) These documents shall be referred to the Joint Standing Committee on Foreign Affairs, Defence and Trade for examination by public hearing and report to the parliament within 90 days.

(c) Both Houses of parliament will then consider the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade, and vote on whether to endorse the government’s proposal or not.

(d) Once parliament has endorsed the proposal, negotiations may begin.

(e) Once the negotiation process is complete, the government shall then table in parliament a package including the proposed treaty together with any legislation required to implement the treaty domestically.

(f) The treaty and the implementing legislation are then voted on as a package, in an up or down vote, i.e., on the basis that the package is either accepted or rejected in its entirety.

Response
See response to recommendation 3 of the Recommendations of the Labour Senators.

COMMITTEES

Senators’ Interests Committee
Adoption of Recommendation

Senator WEBBER (Western Australia) (3.45 pm)—by leave—I move:

That the recommendation on page 4 of Report 2/2006 of the Committee of Senators’ Interests be adopted.
The report of the Senators’ Interests Committee on its review of arrangements for registration of senators’ interests was presented out of sitting on 6 April 2006. It represents the culmination of some intense work by the committee, starting with our decision last year to survey our colleagues about the system for registering interests.

As a result of the comments and responses of our colleagues, the committee has revised the forms for registering senators’ interests. Most of the changes are minor and cosmetic, but the committee’s intention was to make it as easy as possible for senators to comply with their obligations under the resolutions. There are more examples and more guidance provided on the forms themselves. We have also reviewed the explanatory notes and clarified one or two matters raised with the committee in recent times. For example, in relation to self-managed superannuation funds, the notes make it clear that shareholdings by such entities are included as registrable interests where the senator or their spouse or partner is able to exercise control over the right to vote or dispose of those shares. The committee has also published the administrative procedures for the maintenance of the register, which I draw to senators’ attention.

The main issue considered by the committee, however, was whether we should recommend an amendment to the resolutions to take into account the issue raised with the committee by the Procedure Committee and also alluded to in the survey—namely, whether the time for notifying alterations of interests should be increased from 28 days to make it easier for senators whose interests involve regular share trading to comply fully with the resolutions. As senators will know, there have been some problems experienced in this area in recent times. After much deliberation, the committee has recommended extending the time frame for notifying all alterations, not just share trading, by one week from 28 to 35 days. This is the subject of the motion I have moved this afternoon.

In moving this motion, it is not my intention that the Senate should vote today on whether to adopt the committee’s recommendation. At the end of my contribution I intend to seek leave to continue my remarks so that this matter will remain on the Notice Paper until the next occasion on which the Senate considers orders of the day relating to committee reports and government responses on a Thursday afternoon. Depending on the demands of the Senate program, this may occur in June or it may not occur until the spring sittings. The new forms and the revised explanatory notes have taken effect already. The time frame change is subject to the approval of the Senate. I urge all senators to read the report and keep copies handy for reference. All the information is also readily available on the committee’s website. I commend the report to the Senate and seek leave to continue my remarks later.

Leave granted; debate adjourned.

Economics Legislation Committee
Extension of Time
Senator FERRIS (South Australia) (3.49 pm)—by leave—At the request of Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the time for the presentation of the final report of the Economics Legislation Committee on the provisions of the Petroleum Retail Legislation Repeal Bill 2006 be extended to 11 May 2006.

Question agreed to.

Intelligence and Security Committee
Report
Senator FERGUSON (South Australia) (3.49 pm)—by leave—I move:

That the Senate take note of the report.
I present the sixth report of the Parliamentary Joint Committee on Intelligence and Security under section 102.1A of the Criminal Code Act 1995. In this report, the committee has reviewed a new listing for the Kurdistan Workers Party, or the PKK. This is the 19th organisation to be banned under the Criminal Code.

As in previous reports, the committee reviewed both the procedures and merits of the listing. The committee advertised this review in the Australian on 21 December 2005 and on its website from that date. The committee took evidence at a private hearing on Monday, 6 February 2006 from ASIO, the Attorney-General’s Department, the Department of Foreign Affairs and Trade and the Federation of Community Legal Services of Victoria. In addition, the committee considered 16 submissions from the public and from legal and community groups.

The committee noted in its report that the process of consultation with the states—a matter that has been criticised in previous reports—had improved, but that the time frame for such consultation is still relatively short. The consultation between ASIO and the Department of Foreign Affairs and Trade has, however, become far more substantial. On the matter of community consultation, at the committee’s private hearing the Attorney-General’s Department clarified that all they intended to do in this area was to provide a community information program on a proposed listing, not a consultation on the merits of a listing. The committee concurs with that intention. The committee continues to believe that an information program is important and should be instituted in any future listing.

Some additional issues were raised during the review. They included questions raised about the timing of the announcement of this particular listing. Some members of the committee expressed reservations about the merits of the listing, and the majority of members have requested that the government keep the matter under active consideration. In particular, the committee noted that, unlike many of the other listings brought before this committee, there are potentially large numbers of Australians who, while not endorsing or supporting its engagement in terrorist acts, might have sympathy for the broad aims of the PKK insofar as it promotes self-determination for Kurds in Turkey. It was because of uncertainties in this area that the committee has also asked the government to consider a proscription of the military wing alone and to take into account the fluid state of moves towards possible ceasefires. Nevertheless, with these provisions, the committee has supported the listing.

The committee would like to thank all those who provided submissions on the review and hopes there will continue to be a constructive debate on the listings process. Furthermore, I would particularly like to commend the work of the committee secretariat: committee secretary Margaret Swieringa; research officer Cathryn Ollif; and executive assistant Donna Quintus-Bosz. Sometimes the committee has had to work under very stringent conditions and time frames, and they have done excellent work in servicing the committee and providing this report on time.

It is also worth noting, with respect to the reviews of proposed listings, that many of the submissions we receive on each separate listing come from the same organisations each time. Therefore, much of it consists of exactly the same information being given to the committee on a repetitive basis, regardless of which organisation is under consideration for listing. However, the committee has taken all of these representations into consideration and has come up with its report. I commend the report to the Senate.
Senator CARR (Victoria) (3.54 pm)—I have only just received a copy of this report by the Parliamentary Joint Committee on Intelligence and Security. I have started to read it, so I can say that I am familiar with the broad terms of the report. The nature of committee members’ work is to be commended.

I draw the Senate’s attention in particular to the minority report by Senator Faulkner and Mr Duncan Kerr. The majority report supports, in effect, the government’s proscription of the PKK, while the minority report essentially calls for a much higher level of caution in the approach taken in this matter. This is a reassessment of the government’s proposed proscription of the PKK. I understand that it is not the first time that this matter has been addressed by the committee and that, in the past, attempts have been made to proscribe the PKK but that they have not been proceeded with.

The reason I am speaking on this matter is that for many years I have worked with members of the Kurdish community in Melbourne. Their offices are located two kilometres from my house. I have visited their premises on numerous occasions. In fact, I am a life member of the Kurdish Workers Association of Victoria. I am very concerned about the basis on which this proscription has been argued in the report, because I think there has been a failure to appreciate the important difference between support for military operations in a war of national liberation, as some would see it, and the political activities of organisations in support of Kurdish civil rights.

There is a fundamental problem with the way in which the report presents those arguments. It acknowledges that not all military action is in fact terrorist by nature, but it then fails to follow up that line of argument and deal with the question of the Kurdish minorities in the Middle East, the way in which they have been treated over the last 100 years and the actions that have occurred in relation to political developments, particularly in the south-east of Turkey.

I acknowledge that serious questions arise from the claims and counterclaims regarding the military campaigns that have been conducted both by the Turkish state and by elements associated with the PKK in Turkey. I would have thought that the report would have paid greater attention to the reports of the CIA and the State Department with regard to human rights abuses in the south-east of Turkey, which have given rise to the political disturbances in that region.

However, I am particularly concerned about the consequences of such a proscription on Australian citizens living peacefully, going about their normal activities but expressing a view as to human rights and social conditions in Turkey. At what point does one draw the line between the expression of views on those questions and claims of support for terrorist activities? Nowhere in this report do I see any definition of that question.

Senator Ferguson—You should speak to Duncan, then.

Senator CARR—I am making the point to you that, if these questions of proscription are to be treated in this way, these issues do need to be clarified. This argument also applies to a whole host of other organisations. Since I have worked for so many years with Kurdish groups in Melbourne on their normal democratic rights of migration and social security—and the expression of their political views on those broader questions—I think it is important that those questions are clarified. For instance: at what point will I be in breach of this ban as a result of being a member of an organisation that is not technically proscribed? If I attend a meeting—a
Navroz festival or a cultural event of that nature—where views are expressed, does that place me in breach of the law? This is the danger of this sort of process. There has been no demonstrable evidence to support the claims, with regard to threats to Australian interests, of disputes within Turkey involving the Kurds. In fact, I understand that this government actually supports the Kurds in northern Iraq. I understand it also supports their activities with regard to Syria. So I raise the issue about whether or not there is a direct security benefit by this proscription for Australian interests, as distinct from the interests of a foreign power. I am also very concerned about the timing of these actions. I note the discrepancies in the report about the timing of advice being sought from various agencies of the Australian government, and I am not persuaded by the arguments presented that it had no relationship with the visit of certain senior Turkish politicians. I am very concerned, however, about the broader questions about the impact that such a listing will have on law-abiding Australian citizens.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.01 pm)—I would like to echo the concerns about the report by the Parliamentary Joint Committee on Intelligence and Security that we have just heard from Senator Carr. We are in a free and open democracy, where the expression of points of view is at a premium. We are also in an age when terrorism has been raised as a major political issue and has been used—quite correctly—to worry people about the security of our society. But it is very imprudent to allow that to have the consequence of shutting down a debate or representation in movements, particularly those which ostensibly are aiming for self-determination, freedom and democracy—the very things which President Bush and Prime Minister Howard, for example, espouse as major qualities of a future peaceful global situation.

These are difficult questions. Would not, under the current government, Nelson Mandela and his organisation have been proscribed a couple of decades ago? I think they would. Would not, potentially, the same have happened to Xanana Gusmao in East Timor? I think it would. We have to be extremely careful that Australia be judicious about the use of proscription, and particularly where, as Senator Carr says, there is a delineation between military activists and people who are advocating democracy.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! Senator Carr and Senator Ferguson, Senator Brown is entitled to be heard in silence.

Senator BOB BROWN—I simply believe that some fresh air needs to be taken here. A check needs to be made on this and, to be blunt about it, it does seem that the government has gone into action to proscribe the PKK in reaction to the visit of the Prime Minister of Turkey last year.

Senator Ferguson—that was in place before then.

Senator BOB BROWN—This has happened consequent to that.

Senator Ferguson—the hearings have been consequent—

Senator BOB BROWN—Yes, the hearings have been consequent to that and the initiation occurred when there was an impending visit, which was then carried to fruition. There are obvious inconsistencies in this ruling. Or, if we are taking this to be the new benchmark, there must be fear about a whole range of other movements for democracy and for other rights around the world. These are difficult decisions, but we need to take extreme care about proscribing
the right of the Kurds to aspire to self-determination and democracy and for that to be a matter of debate and a matter for support by people here in Australia, whether they are ex-Kurdish nationals or Australian citizens. Senator Carr has pointed to his own personal concerns about this because he is supporting a democratic movement—as it is—within this country. So the alarm bells are ringing here, and before action is taken the government ought to think very carefully about it.

Senator Ferguson—Have you read the report?

Senator STOTT DESPOJA (South Australia) (4.05 pm)—There is an interjection across the chamber asking whether or not people have read the report by the Parliamentary Joint Committee on Intelligence and Security, and on behalf of the Australian Democrats I need to place very much on record that I have yet to read the report. Obviously we are dealing with its tabling at the moment. There is also a reason that the Democrats are not participants in the committee inquiry. The obvious reason is that we do not have representation on that inquiry and I think—through you, Mr Acting Deputy President—that Senator Ferguson probably knows me well enough to know that, had I been on that committee, I would have been an active and engaged participant in the inquiry.

On behalf of the Democrats I just wanted to echo the concerns that have been raised. Without going into detail until I have read the report, I am pretty confident that I would have drafted and issued a minority report as well. I think senators would recognise that the Democrats have been fairly consistent over the years on the issue of proscription, and so for us the issue of proscription of the PKK would not be a challenging issue per se. On the specific issue of the PKK and the idea of it specifically being listed as a terrorist organisation, I know the issues are complex and are combined with the current political environment in Turkey. We have to take into account the issue of distinct arms of the PKK—the argument that there are different arms, political and military. There are also a number of issues with the committee process.

I have looked at some of the submissions that deal with concerns that organisations, including Amnesty, have. I know that human rights groups are very much opposed to the proscription of the PKK. There are also conflicting reports as to the current role of the PKK in Turkey. I think we need to look into some of the allegations that the Turkish government has made against the PKK. It is not doubted that in the past—and, arguably, currently—the PKK has been integral, in some respect, to the representation of the rights of ethnic Kurds in Turkey. In fact, the international community has encouraged dialogue between the Turkish government and the Kurds. Australia in the past has recognised the efforts of the PKK to initiate peace. There is an argument—I know it has been raised by a number of groups in submission form and by human rights groups generally—that the proscription of the PKK could undermine the peace process.

I am happy to resume my remarks at another stage; I suspect there may be a disallowance debate in the offing, but I did want to add some comments on behalf of the Australian Democrats because we were not involved in the committee process. I would like to be, but you never know. We will see what the Senate reform comes up with. The Democrats certainly would have submitted a minority report. We do not think that proscription is the answer and I do not believe it is the answer in this case—but I do not mean to take away from the complexity of the issue and the work that is being done by col-
leagues on that committee. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Electoral Matters Committee

Report

Senator CARR (Victoria) (4.09 pm)—by leave—I move:

That the Senate take note of the report.

Mr Acting Deputy President Brandis, as you are also a member of the Joint Standing Committee on Electoral Matters, you would be only too well aware of the concerns that I have expressed about the government’s proposals, and I would like to take this opportunity to highlight to the broader chamber the nature of those concerns.

The opposition is particularly worried about these proposals—coming, as they do, as part of the legislation that is listed for debate on Thursday. It will cover not just these funding questions but also matters relating to changes to enrolment practices and the operations of what we on this side of the chamber call ‘the Australian ballot’. I am particularly worried that this government is attempting to fundamentally undermine the premises of Australian democracy as we have experienced it for many years in this country. I am disturbed that the government is seeking to fundamentally challenge the principles of the Australian ballot. We have been able to argue internationally that it is a benchmark for the proper operations of electoral law.

I am particularly concerned that the measures in this report relate specifically to money. This is a device by which this government will allow into the Australian electoral system the intrusion of the sort of dirty, big money politics that we see in the United States. We are seeing the Americanisation of the Australian ballot by these devices, which will allow a cloak of secrecy under which people can hide the manner in which they donate to Australian political parties. The six areas of greatest concern are the proposed changes to the thresholds for disclosure; the questions of tax deductibility; the nature of the disclosure regime; the capacity to allow big money to come in from overseas and be hidden; the audit arrangements; and, of course, the ancillary consequence of that: the capacity of the Electoral Commission to effectively monitor the situation.

I am worried that these proposals will mean a major change in the way in which electoral laws in this country are administered. These principles go to the fundamental notion that you do not have to be a millionaire to be elected to this chamber. If you look at the distribution of personal wealth in the United States Senate and compare it to this chamber, you will see a stark contrast. I think that is very much a measure of the difference between the approach taken in the American electoral system and that of our electoral system. In this country there are real opportunities for people without substantial private means to be elected: they are able to participate in elections and become members of this chamber. I am very worried that, when these laws are introduced, you will see a major change in the political culture of this country that will directly aid the conservatives in this parliament.

You are going to see the proposed changes to funding and disclosure strenuously opposed by the Labor Party. We are particularly concerned that the proposals here will mean that individuals will be able to make donations of up to $10,000 in secret. You can see that, through these arrangements, if individuals are clever about the way in which they present their money, they will in effect be able to make donations of up to $80,000 by spreading their contributions across the Commonwealth. It will reach the point where an $80,000 donation can be hidden from public disclosure. There will be occasions in
this arrangement whereby the tax deductibility will be changed—so, instead of $100, you will be able to go to $1,500.

This is a recipe to allow millionaires to dominate the political system in this country, and the Labor Party will strenuously oppose these arrangements. There are arrangements whereby fundraising bodies and trusts, such as the Millennium Forum, are able to hide substantial contributions. Those activities will now be enhanced under these arrangements. We will see situations where anonymous donations can basically be laundered through the political system in such a way as to provide direct assistance without public scrutiny. The Liberal Party has for generations maintained the view that donations to political parties are essentially a private matter. I say that nothing could be further from the truth. The question of who actually pays the bills is a fundamental political issue and there ought to be proper disclosure about these questions.

There could be no clearer situation than the one we see with overseas donations. These proposals will allow for there to be a much higher level of overseas contributions to Australian electoral systems under the covers—under the counter. Foreign donations should be subject to quite stringent disclosure regimes. In fact, I think there is a substantial argument for the banning of foreign donations to the Australian political system. Think about some of the examples of recent times. There is Lord Michael Ashcroft, from the United Kingdom, who donated $1 million to the Liberal Party and filed a return with the AEC for 2004-05. The AEC could make no proper investigation of the authenticity of the information provided in that return, because Lord Ashcroft listed a foreign address on it. The AEC has repeatedly made the point that there has to be a tightening up of the laws in these matters so that we can make sure we know exactly where the money is coming from, and so that individuals or corporations do not hide behind identity-of-donor arrangements which, of course, keep from the Australian public basic information as to the amount of money they have been given.

So I say there is a serious issue here about the capacity to tighten up these laws. But what are we seeing? A proposal contained in this report which goes to allowing much higher levels of donations and to allow that to be done in secret. If you think about it, if you are going to have arrangements such as this, there is naturally a need to have a very stringent audit arrangement. What do these proposals do? They weaken the capacity to ensure that donations in excess of $25,000 are open to compliance orders by the AEC. We have a whole series of measures now being taken which fundamentally act to subvert the Australian ballot and the capacity for public disclosure, and which are clearly aimed at providing a cloak of secrecy for big money to be able to influence the political developments in this country.

The AEC does need appropriate powers and appropriate resources to ensure that there is effective regulation of political donations and that disclosures of those donations are made in a manner which is clearly authoritative and adequately resourced so that there are proper audit arrangements in place. I am very concerned about, and this report highlights, the dangers that are made prevalent by these proposals. What we are seeing is the Liberal Party, with control of this chamber, being able to pursue their long-held quest to undermine the Australian ballot and to provide an opportunity for their mates with the big money to be able to influence the outcome of elections. I am very concerned that now they have the capacity to impose those views on the Australian electoral system.
The recommendations endorsed by the majority report failed to address the majority’s fundamental responsibility to ensure that Australian ballots are kept clean and that we do not have dirty money dominating our political system. Instead, we have impediments being placed to ensuring that those objectives are met. I am very worried that these arrangements will in fact be carried by this chamber. I want to assure the Senate that we will be fighting these proposals vigorously and will make sure that the public understands precisely what the Liberal Party’s and National Party’s plans are in terms of the corrosion of democratic values in this country.

Senator MURRAY (Western Australia) (4.19 pm)—I too wish to speak on the funding and disclosure report tabled today from the Joint Standing Committee on Electoral Matters. The Australian Democrats have a long history of activism for greater accountability, transparency and disclosure in political finances. We have raised funding and disclosure issues at length in our minority reports on the Joint Standing Committee on Electoral Matters inquiries into the 1996, 1998, 2001 and 2004 elections. Long before I held this portfolio, of course, other Democrats, such as former senator Michael Macklin, have been very heavily involved in this area.

However, despite this consistent Democrat effort, progress in achieving greater accountability in political funding and disclosure has been slow. In many ways, the major political parties have thwarted meaningful change. Today, with the Senate under coalition control, Senate scrutiny has become less effective. I must acknowledge that the Labor Party is a little more anxious for better standards than is the coalition; but, in our opinion, neither goes anywhere near far enough. The few funding and disclosure amendments that have gone through since the disclosure scheme was first introduced in 1984 under the Hawke Labor government have not closed the loopholes. In light of the strong resistance to change, we, as the Democrats, make no apology for repeating our concerns for the current funding and disclosure scheme.

Two major trends mark the last 10 years: firstly, a very large increase in the benefits of incumbency, paid for by taxpayers, disproportionately benefiting the major parties as a result, since they hold the majority of seats; and, secondly, a funding arms race that, while it appears to presently benefit the major parties, is of growing concern to many in those parties and, in my view, needs to be addressed. These developments do not add to the strength and stability of our pluralist democracy. Indeed, the aims of a comprehensive disclosure regime should be to prevent or at least discourage corrupt, illegal or improper conduct; to stop politicians being, or being perceived to be, beholden to wealthy and powerful organisations, interest groups or individuals; and to protect politicians from pressure being brought to bear on them by secret donors.

In some quarters, resistance to funding reforms is still argued on the grounds that the privacy and commercial confidentiality of donors must be respected. For those of us who cherish our democratic ideals, it is difficult to accept that secrecy is valued more than openness, that political donations are valued over grassroots political involvement, that political equality is a furphy and that incumbency and influence are what really matter.

This reveals a wide gulf between a central tenet of pluralist theory and its practice. This is the notion that of the multiplicity of groups in society no one interest group dominates—that political power is somehow fluid and can be accessed by all groups.
However, every time electoral commissions release the annual returns of political parties, the real picture emerges: that of the close nexus between big corporate unions, big corporate business and big corporate politics—those with independent or corporate wealth are purchasing political capital and media political support. The domination of the rich has become so blatant that although some politicians—from all parties—feel quite uncomfortable about it no federal, state or territory government or opposition seeks to end it.

Disclosure proposals can be seen from two perspectives: improving present principles or establishing new principles. The first should in theory be easiest, but in practice it is not so. For instance, while it is a present principle that the source of donations should be known, there remains great resistance to ensuring that donations from clubs, trusts, foundations, fundraisers and overseas donors are publicly sourced. The Democrats’ principal recommendations for reform either build on those already in place or seek to introduce new principles.

Those Democrat recommendations that build on those disclosure principles already in place are: that the existing loophole allowing donations made to separate federal, state and territory divisions of the same political party at values just below the disclosure level be closed; that professional fundraising be subject to the same disclosure rules applying to donations; that political parties receiving donations from trusts or foundations be subject to additional disclosure requirements; and that political parties receiving donations from clubs be obliged to return those funds unless full disclosure of the true donor’s identities are made.

Those Democrat recommendations that introduce new principles of disclosure into electoral law include: that the media or any media entity be prohibited from donating in cash or kind to the electoral or campaign funding of a political party. It is particularly dangerous to democracy if the fourth estate becomes more partisan in politics. The next principle we seek to put into electoral law is that all electoral and campaign funding be subject to a financial cap, indexed to inflation and controlled by the Australian Electoral Commission. We also seek that cash or in-kind donations to a political party or its candidates be capped at $100,000 per annum. I know that is arbitrary, but we have to start somewhere in limiting the cost of democracy.

We also recommend that large donations—for instance, over $10,000—be disclosed regularly—that is, quarterly—and be made public immediately; that donations and loans from overseas individuals or entities be banned, unless they are from Australian citizens; and that donations with strings attached be prohibited. That would really hurt those unionists who stand outside the Western Australian parliament and threaten the preselection of good Labor members of parliament because they will not do what they want them to do. Our other recommendations are that shareholders and members of corporations and registered organizations such as trade unions be required to approve donation policies, and that the funding and disclosure provisions apply to other elections administered by the Australian Electoral Commission.

In our minority report, we discussed the role of the media. The value of funding disclosure rests on the premise of the availability of and accessibility to documentation for public scrutiny. This is the role of the media as governmental scrutineer. Comprehensive public scrutiny can only be achieved if issues such as political donations are covered by the mass media and if the media campaign for
greater integrity. To this end, Joo-Cheong Tham and Graeme Orr submitted:

... funding disclosure schemes still serve to put the public, assuming a virile media, on notice of the risk of corruption and undue influence. If armed with such information, independent journalists (and indeed in a truly competitive electoral system, rival parties) will vigorously ‘shine a bright light and poke around with a long stick’, then there will be a useful antidote against corruption and undue influence. In the context of lazy journalism and lax political morality, however, the information disclosed by the disclosure scheme will by and large be meaningless.

In those circumstances the media have to be assisted by strong freedom of information laws, by an atmosphere of openness and not secrecy, and by better disclosure laws. I remind the chamber that in the United Kingdom the disclosure laws go to such an extent that you can actually find out how much each party leader paid to have make-up applied throughout the election or to have their hairdos done for their campaigns. That might seem petty, but it is an absolutely open system where you declare what you spend, what you intend to spend and where you spend it.

However, the relationship of disclosure by the media to the public is potentially undermined, according to a 2004 report by the Democratic Audit of Australia. The audit report notes that the symbiotic relationship the media maintains with government may lead in some cases to a reluctance to fully cover political donations for fear of a backlash in government access. It says the result could be reduced public pressure on the government due to a lack of scrutiny by the media regarding funding sources and, consequently, reduced transparency. There have been suggestions by a member of the House of Representatives that members of the media should be required to declare all conflicts of interest that may reflect on their reporting of political matters. These fears become more important if media concentration accelerates as a result of changed government policies. It is vital that any potential perception of political influence over the media, or vice versa, be avoided.

Because of those concerns, we did move a recommendation that no media company or related entity or individual acting in the interests of a media company may donate in cash or kind to the electoral or campaign funding of a political party. I think that, as media becomes concentrated, we have to pay more attention to the attempts of either the fourth estate or our own political class to interact too closely, to the detriment of our overall democracy. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUDITOR-GENERAL’S REPORTS

Report Nos 36, 37 and 38 of 2005-06

Senator MARK BISHOP (Western Australia) (4.29 pm)—by leave—I move:

That the Senate take note of the documents.

The Auditor-General’s Report No. 36 of 2005-06 is entitled Management of the Tiger Armed Reconnaissance Helicopter Project. Once again, the Auditor-General raises serious concerns about the management of a Defence procurement project. Again, the press has had a field day with this particular report. ‘Underpowered Tiger helicopters may lack growl,’ said the Australian Financial Review. ‘Choppers hit turbulence,’ said the Australian. From the Canberra Times we had, ‘Defence pays for toothless Tigers.’

Looking behind the headlines, the Auditor-General’s report tells the real story of this latest disaster from the Department of Defence. Briefly, the report found that we have a fleet of helicopters that are flawed in their contracted design. Tender guidelines were flouted when purchasing these craft. Buying the Tigers off the shelf—meant to save money—could end up costing at least an-
other $110 million. And there was also that old friend from the past, inadequate oversight of contracts.

How did it come to this? The sorry saga started six years ago when the government approved the purchase of 22 Tiger armed reconnaissance helicopters costing then some $1.58 billion. The government wanted craft that offered all-weather reconnaissance, provided fire support for our troops and had a commonality so that the craft could be used across the forces. Instead, it has ended up with four aircraft delivered and eight copters grounded in Brisbane, leaving our forces with no capability in this area at all in the field. This, by way of introduction, was meant to be a less risky way of buying helicopters.

Alarm bells should have started ringing right back in 2001 when contracts were entered into by the relevant agency. Back then, the Tigers had still not received full certification or design acceptance from their manufacturer, an agency of the French government. This meant Australia was the first country in the world to give the green light to the production of this type of helicopter—so much for minimising risk by buying off the shelf.

Certainly at this time, the government should have started checking more thoroughly into the way it set about tendering for these particular craft. It took the Auditor-General to tell us how the Defence Materiel Organisation’s Tender Evaluation Board failed to adhere to its own tender evaluation plan and, indeed, its own detailed policy guidelines in this area. Perhaps if the defence department had been more accountable here the next chapter in this sorry story would not have to have been written, for when the first two prototype Tigers were finally delivered in December 2004, they failed to meet more than 70 contractual specifications.

A few of the vital areas in which flaws were found included: their weapons operability, their navigation system, the emergency locator beacon, their ability to fly long distances over water and the flight data recorder, which was not compliant. The list goes on. But what did the DMO do? Instead of sending these back to the shop and demanding better—or demanding what had been contracted for—it took delivery and, believe it or not, paid. Why?

DMO advised the Auditor-General that that was normal practice. I quote from the Auditor-General’s report:
It is DMO’s practice to accept deliverables with contractual shortfalls, and operational limitations, on a risk-managed basis, to ... deliver the required operational capability.

What a marvellous sentence! Yet here we are 24 months on and still no line pilots have been trained to an operational standard. Not one craft is up to airworthiness and the DMO is haggling with the contractor over the through-life support and maintenance.

And this, the Auditor-General warns, is likely to lead to even more delays and cost blow-outs. How? Because part of the original contract to build the 22 Tigers contained a low estimate for the cost of giving essential through-life support—the maintenance required while they are in operation. DMO simply assumed such costs would be lower than the contractor’s competitors because of the Tiger’s ‘more modern design’. We will never know how much the other three contenders for the project would have charged for through-life support because their tenders were not required. That is because the DMO failed to follow its own tendering guidelines and merely provided briefs as to why it rejected the others. So, when accepting the winning contractor’s bid, DMO assumed any continuing support for the Tigers would be
cheaper because they were a more advanced design.

As we know, they were in fact wrong by $625 million, according to another contractor. This figure is disputed by the DMO but, as the Auditor-General reminds us, the through-life support contract even now remains unresolved. We are now far removed from the government’s original intent of buying off-the-shelf helicopters to reduce the risk of overspend. Incidentally, the Auditor-General raised yet another red flag over DMO’s ability to drive a hard bargain. It found that intellectual property remains with the contractor. This means we do not have the means—unless we pay again—to fix our own craft.

According to the 2000 defence white paper, the Tigers should have been in service by 2004. A year after this, the DMO accepted delivery of another helicopter. Yet again, the goods were shoddy. A test pilot and flight test engineer found that the craft, in the words of the report:

Exhibited neither high quality nor mature system performance, and a number of issues would directly affect safe and efficient operation of the craft.

Don’t you love the people who draft these things? This means the craft would not fly and could not turn but was accepted for delivery. So here we are, six years later, with just four aircraft delivered and 18 in production in Brisbane, leaving the ADF none of the capability it desired in the field.

Let us revisit the government’s original checklist for buying the Tiger fleet. It wanted a helicopter offering all-weather reconnaissance. What do we have? The Tigers have engines that are too heavy and use too much fuel. It wanted fire support for our troops, naturally enough. What have we got? The Tigers are not even in service—serving troops have to rely on our allies for this. It wanted a commonality to allow it to be used across the services. What do we have? The Tigers are not even approved for operational use, let alone possess the desired commonality.

We have seen how a flawed contract design, operational shortcomings and a nonadherence to established process have led to none of the government’s original checklist for a high-powered craft being met. This whole project is a classic case of poor planning, inadequate specifications and huge time delays blowing out the defence budget.

I will conclude by referring to another article in the media following last week’s headlines. This one is on the defence minister, Dr Brendan Nelson. Apparently the minister is looking at how Defence can assure government it is achieving value for money in its procurement activities. I would like to remind Dr Nelson of a Senate resolution, carried three years ago, to independently audit Australia’s major defence projects. So far this remains unheeded by his government. Should Dr Nelson take on board the Senate’s resolution, perhaps fiascos such as that surrounding the acquisition of the Tiger helicopters would not escalate. Such an independent audit may also provide him with solid backup once change is implemented and ensure he is not merely a toothless tiger.

I seek leave to continue my remarks at a later stage. I also seek leave to continue my remarks in respect of Auditor-General’s reports Nos 37 and 38 that are before the chamber.

Leave granted; debate adjourned.

DOCUMENTS

Response to Senate Resolutions

The ACTING DEPUTY PRESIDENT
(Senator Brandis)—I present a response to a Senate resolution concerning aged care.
11th National Schools Constitutional Convention

The ACTING DEPUTY PRESIDENT—
I present a communique from the 11th National Schools Constitutional Convention.

COMMITTEES
Finance and Public Administration Legislation Committee

Corrigendum

Senator SCULLION (Northern Territory) (4.40 pm)—On behalf of the Chair of the Finance and Public Administration Legislation Committee, Senator Mason, I present a corrigendum to the report of the committee on the provisions of the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005.

Ordered that the document be printed.

Membership
The ACTING DEPUTY PRESIDENT (Senator Brandis)—The President has received letters from party leaders seeking to vary the membership of committees.

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (4.41 pm)—by leave—I move:

That senators be appointed to committees as follows:

All legislation and references committees—

Appointed—Participating member:
Senator Bernardi

Intelligence and Security—Joint Statutory Committee—

Appointed—Senator Nash.

Question agreed to.

GENERAL INSURANCE SUPERVISORY LEVY IMPOSITION AMENDMENT BILL 2006

HEALTH AND OTHER SERVICES (COMPENSATION) AMENDMENT BILL 2006

OHS AND SRC LEGISLATION AMENDMENT BILL 2006

First Reading

Bills received from the House of Representatives.

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (4.43 pm)—These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator SANDY MACDONALD (New South Wales—Parliamentary Secretary to the Minister for Defence) (4.43 pm)—I table a revised explanatory memorandum relating to the OHS and SRC Legislation Amendment Bill 2006 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

GENERAL INSURANCE SUPERVISORY LEVY IMPOSITION AMENDMENT BILL 2006
The Government recognises the importance of ensuring that consumers are able to access affordable insurance. Insurance helps individuals, businesses and other organisations deal with a range
of unexpected events in their lives, by reducing the disruption that occurs.

The Government is committed to ensuring that the framework for the prudential regulation of insurers is robust and effective.

Insurers operating in Australia are regulated by the Australian Prudential Regulation Authority (APRA). APRA works with all regulated insurers to make certain that they operate within prescribed standards.

These standards typically involve determining whether the financial framework of insurers is sufficiently robust so that they are able to meet their obligations in a sustainable manner.

This framework benefits not only the insurers themselves but all stakeholders that interact with the insurance sector. Consumers, for instance, have greater confidence in the ability of an insurer to make good on claims made.

The costs incurred by APRA for managing the regulatory framework are recovered from the industry through a supervisory levy.

APRA also incurs costs associated with tasks not directly related to its supervisory responsibilities. For example, it incurs costs in operating the National Claims and Policies Database.

The National Claims and Policies Database was commissioned by the Government in the context of concerns in relation to the availability and affordability of public liability and professional indemnity insurance.

Since 2002, the Government has led a range of tort law reforms designed to improve the availability and affordability of insurance. These reforms have been designed to ensure that the lack of affordable insurance does not prevent the community from engaging in normal activities such as hosting a local fete or going to the beach.

At the same time, reforms have also been designed to ensure that people who provide a service or advice, such as architects and doctors, are not prevented from practising due to prohibitive insurance costs.

To ensure that the benefits of these reforms are passed on to the community, the Government asked the Australian Competition and Consumer Commission (ACCC) and APRA to examine and report on the market for public liability and professional indemnity insurance.

As a result of this work, members of the community can now access information about the market for these types of insurance. Initial reports reveal good news about the market, with premiums clearly falling.

Specifically, APRA has developed a database designed to capture public liability and professional indemnity information directly from insurers. Information within the database is used to report on the market and to assist insurers, government and other stakeholders in analysing this market. The expectation is that this information will continue to improve the availability and affordability of public liability and professional indemnity insurance.

However, not all general insurers offer public liability and professional indemnity insurance. In line with the Government’s cost recovery principles, only those insurers who contribute to, and thereby can benefit from, the database should contribute towards its cost. Insurers who do not use the database should not be expected to fund it through the general supervisory levy.

The bill provides for a special levy which will allow the recovery of costs from a class of general insurance company. Therefore, the bill will allow the recovery of costs from insurers who are contributing to the National Claims and Policies Database.

The Government considers it important that APRA has a sustainable funding base from which to operate. This bill helps ensure the viability of that funding base by providing the flexibility to recover costs where appropriate.

I commend the bill.

———

HEALTH AND OTHER SERVICES (COMPENSATION) AMENDMENT BILL 2006

The bill proposes to amend the Health and Other Services (Compensation) Act 1995 (the HOSC Act). The Act was passed to ensure those successful claimants for compensation do not “double dip” by obtaining dual payments for their Medicare, nursing home and residential care payments. When plaintiffs go to court to recover damages
for personal injuries, the legislation requires that they repay to the Commonwealth the cost of any Medicare, nursing home and residential care benefits received because of the injury for which they have also been compensated as part of the compensation judgment or settlement. The bill arises from the need to repeal the sunset clause, section 33AA of the HOSC Act, which will cease as from 1 July 2006. Unless section 33AA of the HOSC Act is repealed before 1 July 2006, compensation claimants will no longer have access to the majority proportion of compensation money at the time of their judgment or settlement. The HOSC Act allows compensation payers and insurers to pay 10 per cent of the judgment or settlement to Medicare Australia and the balance of the judgment or settlement to be released to the claimant by the courts, under Division 2A, Advanced Payment Option to the Commonwealth, under the HOSC Act. This provision will cease if section 33AA is not repealed. Of the 50,000 judgments or settlements reported under the HOSC Act each year more than eighty per cent utilise the Advanced Payment Option. Other minor technical amendments are also included in this bill. The minor amendments are designed to clarify the original intent of the Act, provide a formal review pathway and make the Act consistent. The other amendments relate to:

- The definition of fatal injury being removed because currently persons who are fatally injured and incur any Medicare, nursing home or residential care expenses are required to comply with the HOSC Act. The removal of the clause leaves no doubt as to the obligation incurred by compensation payers, insurers and claimants if Medicare, nursing home or residential care expenses have been incurred,

- Aligns paragraph 17(6)(a) with paragraph 23(3)(b) which uses the date of injury as a trigger for recovery action relating to previous Commonwealth expenditure on Medicare, nursing home or residential care. This allows Medicare Australia a 60 day period to provide a history statement if the date of injury was greater than five years old,

- Provides a formal pathway to allow claimants to have their notice of claim reviewed by Medicare Australia where an informal system currently exists, and

- Provides a clarification of the value of a “small amount” to align the provisions of the HOSC Act with the definition of a “small amount” in section 38(2) of the HOSC Act.

This bill ensures the continuation of an effective mechanism for recovering funds where a person would otherwise “double dip” while still allowing compensation recipients access to the majority of their funds.

OHS AND SRC LEGISLATION AMENDMENT BILL 2006

This bill implements the Government’s response to a recommendation of the Productivity Commission in its report—National Workers’ Compensation and Occupational Health and Safety Frameworks of June 2004. In that report, the Productivity Commission recommended extending coverage under the Occupational Health and Safety (Commonwealth Employment) Act 1991 (the OHS(CE) Act) to eligible corporations which are licensed under the Safety, Rehabilitation and Compensation Act 1988 (the SRC Act).

The SRC Act establishes a premium-based workers’ compensation scheme for Commonwealth employees but also enables former Commonwealth authorities and eligible private sector corporations to obtain a licence to self insure under the scheme. The OHS(CE) Act provides the legal basis for the protection of the health and safety of Commonwealth employees. It does not, however, apply to former Commonwealth authorities and private sector corporations that become licensed self insurers.

At present, therefore, former Commonwealth authorities and licensed private sector corporations operate under the Commonwealth workers’ compensation regime but are covered by State and Territory occupational health and safety legislation in the jurisdictions in which they operate. This makes it unnecessarily difficult for many firms to develop a national approach to occupational health and safety and may result in the re-
requirement that they comply with eight separate and quite distinct OHS jurisdictions.

The bill includes an amendment to section 4 of the OHS(CE) Act. This amendment will exempt employers and employees under the Commonwealth Act from the operation of state and territory occupational health and safety laws unless these are specifically prescribed in regulations under the Commonwealth Act. This amendment is necessary to clarify the legislative requirements for employers and employees covered by the Commonwealth Act. The amendment is supported by licensees, as it will reduce duplication of occupational health and safety laws which apply to them. Without the amendment, those employers and employees can be subject to both Commonwealth and state and territory laws on the same subject matter.

When this Act was first made, section 4, as currently drafted, had a role to play. The Commonwealth Act, like all other Australian occupational health and safety laws, adopted the Robens approach of imposing general duties of care on employers, employees and others. Prescriptive provisions on particular issues were to be dealt with by regulations. As the Commonwealth had not at that stage drafted regulations on specific occupational health and safety issues, section 4 enabled state and territory regulations to address relevant issues for employment covered by the Commonwealth Act in a more detailed manner. Since that time, however, the Commonwealth has implemented its own comprehensive regulations on a range of occupational health and safety issues. This has led to a situation where both Commonwealth and state and territory laws on the same issue can apply to employers and employees covered by the Commonwealth Act. This is clearly unsatisfactory, as it causes unnecessary complexity and confusion.

The Commonwealth will continue to develop new regulations on specific occupational health and safety issues where this is necessary. The amendment will in no way diminish occupational health and safety protection for employees covered by the Commonwealth Act. The Government remains committed to the promotion of injury prevention, and best occupational health and safety practice is a key priority for the Australian Government.

The amendments in this bill will provide all licensees under the SRC Act with the benefits of operating under one occupational health and safety scheme together with integrated prevention, compensation and rehabilitation arrangements. This will produce better health and safety outcomes all-round, including for the employees of the affected bodies. The amendments will enable greater coordination and feedback between the workers’ compensation and OHS arrangements.

The time and resources currently expended in addressing jurisdictional and boundary disputes caused by multiple compliance regimes can be redirected to achieve greater overall efficiencies. Importantly, savings can be devoted to further improving health and safety at the workplace.

The bill contains other amendments. The name of the Act is being changed to the Occupational Health and Safety Act 1991 to reflect its extended application beyond Commonwealth workplaces. Consequential amendments are being made to other Acts which contain references to the OHS(CE) Act to reflect the new name of the Act.

The remaining amendments are mainly technical in nature.

Some amendments correct a drafting oversight in amendments to the SRC Act and OHS(CE) Act in 2001 which rationalised scheme funding and placed the provisions for regulatory contributions for both Acts in the SRC Act. However, because of differences in the definitions of Commonwealth authority in both Acts, a regulatory contribution towards the cost of administering the OHS(CE) Act cannot currently be charged to some Commonwealth authorities covered by the OHS(CE) Act, but not the SRC Act.

The amendments will correct this oversight and validate payments already made for the year 2002-03.

The 2001 amendments also rationalised the licensing arrangements under the SRC Act and introduced one generic licence. Some licensees were charged, and paid, licence fees for the year 2002-03 under the wrong licence provisions. While the amounts were later recalculated under the correct provisions and reconciled, the
amendments will also validate the licence fees as originally paid.

Debate (on motion by Senator Sandy Macdonald) adjourned.

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

**TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL 2006**

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

**JURISDICTION OF THE FEDERAL MAGISTRATES COURT LEGISLATION AMENDMENT BILL 2005 [2006]**

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

**TAX LAWS AMENDMENT (2005 MEASURES No. 6) BILL 2006**

**OFFSHORE PETROLEUM BILL 2006**

**OFFSHORE PETROLEUM (ANNUAL FEES) BILL 2006**

**OFFSHORE PETROLEUM (REGISTRATION FEES) BILL 2006**

**OFFSHORE PETROLEUM (REPEALS AND CONSEQUENTIAL AMENDMENTS) BILL 2006**

**OFFSHORE PETROLEUM (ROYALTY) BILL 2006**

**OFFSHORE PETROLEUM (SAFETY LEVIES) AMENDMENT BILL 2006**

**APPROPRIATION BILL (No. 3) 2005-2006**

**APPROPRIATION BILL (No. 4) 2005-2006**

**JURISDICTION OF COURTS (FAMILY LAW) BILL 2006**

**JURISDICTION OF THE FEDERAL MAGISTRATES COURT LEGISLATION AMENDMENT BILL 2006**

**MARITIME LEGISLATION AMENDMENT BILL 2006**

**POSTAL INDUSTRY OMBUDSMAN BILL 2006**

**AGED CARE (BOND SECURITY) BILL 2006**

**AGED CARE (BOND SECURITY) LEVY BILL 2006**

**AGED CARE AMENDMENT (2005 MEASURES No. 1) BILL 2006**

**SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT BILL 2006**

**FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (No. 1) 2006**

**ENERGY EFFICIENCY OPPORTUNITIES BILL 2006**

**TAX LAWS AMENDMENT (2006 MEASURES) BILL 2006**

**BANKRUPTCY LEGISLATION AMENDMENT (ANTI-AVOIDANCE) BILL 2006**

**BANKRUPTCY LEGISLATION AMENDMENT (FEES AND CHARGES) BILL 2006**

**CANCER AUSTRALIA BILL 2006**

**FAMILY ASSISTANCE, SOCIAL SECURITY AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2005 BUDGET AND OTHER MEASURES) BILL 2006**
Assent
Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the bills.

OHS AND SRC LEGISLATION AMENDMENT BILL 2006
Report of Employment, Workplace Relations and Education Legislation Committee

Senator SCULLION (Northern Territory)
(4.45 pm)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Troeth, I present the report of the committee on the provisions of the OHS and SRC Legislation Amendment Bill 2006 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

HEALTH AND OTHER SERVICES (COMPENSATION) AMENDMENT BILL 2006
Report of Community Affairs Legislation Committee

Senator SCULLION (Northern Territory)
(4.45 pm)—On behalf of the Chair of the Community Affairs Legislation Committee, Senator Humphries, I present the report of the committee on the provisions of the Health and Other Services (Compensation) Amendment Bill 2006 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

AUSTRALIAN BROADCASTING CORPORATION AMENDMENT BILL 2006
Second Reading

Debate resumed.

Senator WEBBER (Western Australia)
(4.46 pm)—As I was saying earlier when I was making a brief contribution to this debate, surely the minister’s statement on 24 March about the roles of directors of the ABC makes clear that the means by which a director is appointed has absolutely nothing to do with the rights, duties and obligations that a person must discharge as a director. In fact, as we all know, and as I said before, it is enshrined within the law. If you are a director it does not matter how you come to be appointed: you must act in the same prescribed manner as all other directors. So the staff-elected director of the ABC does not have the right to cherry-pick which parts of the rights, duties and obligations they can or will undertake. They are required under law
to act in the same way as all other directors. So the government’s proposition that the staff-elected director is somehow different under the law is blatantly not true. There can be no uncertainty surrounding their legal position on the board of the ABC. After their election to the board they are simply another director under law.

I will accept that the staff elected director on the board has a different perspective from other directors in that they work within the corporation. They interact on a daily basis as part of their normal work with other staff and management of the ABC. However, that does not change their status or legal obligations. This chamber knows that there is no uncertainty in the legal obligations of the staff-elected director, so why is the minister using that absurd proposition that there is uncertainty about accountability? If this bill is passed by this chamber and becomes law, as the minister and the government are determined that it will, it will mean that all of the directors of the ABC will be appointed by the government. Maybe that is the accountability that the minister is concerned about. Maybe when they say ‘accountability’ the minister and the government actually mean that ultimately all directors of the ABC must be in their view accountable to the whims of the minister and the government of the day and only that, and that they are the only people that should have a say in who the directors shall be.

The government will not have to worry about differences of opinion or dissent on the board of the ABC once the staff-elected director is removed. The only way you can be on the board of the ABC any time in the future once this piece of legislation is passed is if the government appoints you—nothing more, nothing less. Every member of the board of the ABC will be accountable directly to the minister and the government. There will be no uncertainty about accountability in the future. There will be no director on the board who is not put there directly by the minister and the government—no more scrutiny of appointments to the board, no more independent voice. You have to ask yourself the question: why is it now so important to remove the staff-elected director of the ABC board? Why is the minister so concerned about this?

As was outlined in earlier contributions to this debate, the current staff-elected position was created in 1986 under the Hawke government. The staff-elected director has operated therefore for over 20 years. Where has the so-called uncertainty about that staff-elected director’s accountability been in all that time? It would seem that the government has only developed this concern about accountability once it got the numbers in this place to get rid of the only independently appointed director. Has the staff-elected director of the ABC ever been sacked for failing to undertake the duties and obligations as required under the law? Of course they have not. So a system that has worked for over 20 years, one that has provided a voice independent of the government of the day, is now deemed to not be in line with modern principles of corporate governance, according to the minister for communications. That is an absolute nonsense.

Every time the government attempt to cast this amendment in a reasonable way, they are hoist on their own petard. Look at what the explanatory memorandum says:

The election method creates a risk that a staff-elected Director will be expected by the constituents who elect him or her to place the interests of staff ahead of the interests of the ABC...

The constituents who elect the director can have whatever expectations they want of that director. As the minister so helpfully points out, upon becoming a member of the board of the ABC the staff-elected director has ex-
actly the same rights, duties and obligations as any other director. The risk that the explanatory memorandum talks about is surely no different from the risk that faces all directors of the ABC. The government and the minister, as the constituents who appoint the other directors, may have exactly the same expectation that those directors will place the interests of their constituents above the interests of the ABC. So the risk exists in either case or it does not exist at all. You cannot have it both ways. Election by the staff creates the same level of risk as appointment by the minister.

The amendment contained in this bill will no doubt have to be followed up in other legislation, as other Commonwealth statutory authorities have staff-elected positions on their governing bodies as well. These include, as has been mentioned before, the Australian National University, the Australian Institute of Health and Welfare, and the Australian Film, Television and Radio School. However, this is just the tip of the proverbial iceberg. If we remove all representational members of boards and governing bodies from Commonwealth statutory authorities and corporations, I am sure that there will be a number of members of The Nationals and their fellow travellers who will lose out in a big way. What is the government going to do about all those representational appointments, especially in the agriculture area? How many boards of the Australian government have representational appointments? Surely, if it is good enough for the ABC to do without representational appointments, it is good enough for any government agency or authority?

Let us look at some examples from the corporate world—the arena where the minister’s so-called modern principles of corporate governance can be seen in operation. Firstly, let us look at a government company that was privatised only seven years ago—the Australian Wheat Board. That was done by this government. Let us examine the corporate governance of the AWB. Indeed, there are two different types of directors, class A and class B, who are elected by class A or class B shareholders. Class A directors are elected on a regional basis—two from New South Wales, two from Western Australia, one from South Australia, one from Victoria-Tasmania and one from Queensland-Northern Territory. A further two directors are elected by class B shareholders and two more are appointed by class A directors. So, by any measure, the AWB has a board elected and appointed on a representational basis. Some are elected on a regional basis, some are determined by the types of shares and some are appointed.

Surely, when the government talk about the principles of modern governance for the ABC, they would do well to apply the same principles to Australian companies. Look at what the corporate governance document of the AWB says:

Regardless of who elects or appoints a director, each director is obliged to act in the interests of AWB as a whole. Although directors may be elected by particular shareholders, directors are not considered the servants or agents of particular groups of shareholders or required to follow directions of or requests from any group of shareholders...

BP Australia simply appoints its directors, and I suppose that is the model that the government are now proposing for the ABC. Woolworths Ltd directors are appointed, and the directors of the Australian Submarine Corporation are all appointed by the Minister for Finance and Administration.

The modern principles of corporate governance seem, from a cursory examination, to consist of directors being appointed by other directors, sometimes being elected by shareholders and sometimes on a representational basis. In none of the examples I am
aware of is any director beholden to the group that elects or appoints them. In all cases, directors are required under law to act in the best interests of the corporation or company. The government has used a ridiculous assertion—that of uncertain accountability—to remove the staff-elected director from the board of the ABC. This is not for any reasons of modern corporate governance, nor for the reason of uncertain accountability, but solely for the reason of political expediency. With the removal of the staff-elected director of the ABC, the government will be completely in control of the ABC. This is what Mr Howard’s government has delivered after 10 long years: a less open and transparent ABC, appointed by government to serve the wishes of government without the possibility of independence or dissent.

The ABC, as was mentioned by Senator Conroy, is not like any of the other broadcasting companies in this country. The ABC fills a unique position in the Australian community and is full of hardworking, creative and inspirational talent. The ABC has been at the forefront of innovation, creativity and risk for its entire lifespan. The decision by the minister to remove the staff-elected director is not a step forward into modern corporate governance but a step backwards into an organisation run by mates for mates. The ABC has a unique place in our community, and the staff-elected director has demonstrated that they are able to effectively discharge the duties of a director and act in the best interests of the ABC as a whole. This is not an accountability debate. This is not even close to a corporate governance debate. This is simply a grab for power by the minister and the government, behind spurious and ridiculous reasoning.

Senator FIERRAVANTI-WELLS (New South Wales) (4.59 pm)—I rise to support the Australian Broadcasting Corporation Amendment Bill 2006. The government’s proposed amendments to the Australian Broadcasting Corporation Act to abolish the position of staff-elected director are squarely aimed at improving the effective functioning of the ABC board and not at reducing the independence of the ABC. The key editorial principles that form part of the ABC Editorial policies will not change: honesty, fairness, respect and independence. To quote from the ABC Editorial policies:

Independence demands that program makers not allow their judgement to be influenced by pressures from political, commercial or other sectional interests, or by their own personal views or activities. There must be no external interference in the presentation or content of programs.

Abolishing the position of staff-elected director will not change how the independence of the ABC is maintained. The board position of managing director is not appointed by the government, and that will not change. The other national broadcaster, SBS, does not have a staff-elected director. That has not caused any concern about its independence. The Senate inquiry into this amendment also heard that another Australasian broadcaster, Television New Zealand, does not have a staff-elected director. Furthermore, the ABC in the past has not had a staff-elected director. For the first 40 years of its history the ABC did not have a staff-elected director and there was also no staff-elected director in the late seventies and early eighties. Critics of the abolition of the position of staff-elected director have not been able to produce any tangible evidence that this sensible step will diminish the independence of the ABC. Those critics are, quite simply, looking at the issue in the wrong way.

This decision has been taken because of concerns about the effective functioning of the ABC board. This is about the modern requirements for corporate governance. The ABC will not become any less independent
because the government makes improvements to the board structure and the effective functioning of the board. The requirement for the ABC to be independent will remain in its charter and in its Editorial policies, as it should. An independent ABC is an important cultural institution in Australia. Indeed, the ABC board is required by law to maintain the independence and integrity of the corporation.

The proposed change will address an ongoing tension that has existed about the accountability of the staff-elected director. The difficulties arising from the position of staff-elected director have, in the past, been raised by departing board members. I note that one of those former board members has strongly supported this move by the government. The change is consistent with good corporate governance and the recommendations of the Uhrig review, which found that it was not in the interests of an effective and efficient board to have representative directors. That finding was also supported by a submission to the Senate inquiry by Professor Stephen Bartos from the National Institute for Governance. Professor Bartos was quite correct in his submission when he wrote that the ABC is expected to operate ‘in line with a normal corporate or commercial governance paradigm’.

The concept of a board director who is elected by a particular group does not fit with modern requirements for good corporate governance. Having a director on the board with divided loyalties creates problems of accountability and conflict of interest. The ABC is accountable to parliament and to the Australian people.

While this move is not an attempt to get rid of the current staff-elected director, Ramona Koval, whose second term expires in June in any case, making her ineligible for re-election, Ms Koval’s term has highlighted some of the anomalies and difficulties with staff-elected director positions. The Senate inquiry heard evidence which supported the view of the government that there should be no question or confusion about the constituency that ABC directors are accountable to. Written evidence provided by Ms Koval showed that she was making it clear to ABC staff that she was representing their views:

... representations I made as Director on your behalf...

This is an unacceptable conflict of interest for a board member. A staff-elected director will always have a dual concern: the ABC and its staff, and the board. A staff-elected director who does not win staff approval will not be elected. Equally, a staff-elected director who demonstrates a certain political posture is more likely to be elected. That favour may have to be repaid.

However, the fact that this restructure is taking place at the end of Ms Koval’s term is proof that this is not about individuals. The board will still receive and consider regular independent advice from the ABC Advisory Council. The managing director is a full member of the board and a conduit between staff, management and the board. The appointment of the managing director is made independently from the government. The heads of the ABC divisions report regularly to the board, and divisional heads and their management teams take account of staff issues and concerns. The government believes that the ABC board and management will continue to take staff interests into account. The ABC produces an annual equity and diversity report and quarterly reports on audience comments and complaints. And, as some of the submissions to the Senate inquiry made clear, there are also three unions at the ABC to represent the interests of the staff.
Critics of the change are also wrong when they claim that only with a staff-elected director can the board receive direct input on the issues of program making and broadcasting. There is no requirement in the current provisions for a staff-elected director to be someone who works directly in programming or broadcasting. The current board includes a writer, a journalist and two former TV company directors. Furthermore, evidence which was heard at the Senate inquiry casts some doubt on whether a staff-elected director would bring tangible benefits. Rather than bring an intimate understanding of, for instance, ABC Editorial policies, the former director, Mr Quentin Dempster, of Stateline New South Wales, admitted that he had been found to have breached an important ABC rule more than 70 times in two years. If I can take senators back to March 2003 and the Iraq war, Mark Colvin from PM referred to Australian forces as ‘our troops in Iraq’. This brought a furious reaction from news boss John Cameron, who issued not one but two memos banning journalists from referring to ‘our troops in Iraq’ on the grounds that because the ABC did not own them they were not ‘our’.

Now this stand may have been defensible if the ABC had enforced its ban on ‘our’. But over the next two years ABC journalists referred to ‘our Anzacs’, ‘our diggers’, ‘our Vietnam involvement’ and a whole string of 650 other examples. You ask: what action did Mr Cameron, the news boss, take? None. Mr Cameron admitted to watching Stateline New South Wales ‘religiously’ but failed to notice more than 100 breaches of a rule he had been so adamant about enforcing—but only when it involved Australian participation in the Iraq war. And despite a grave warning in Mr Cameron’s March 2003 memo that repeat breaches of the ‘mandatory rule’ would impact on employment status, no action was taken against Mr Dempster, despite more than 70 breaches. Mr Dempster had been shown to be ignorant of an important editorial document at the ABC and of having failed to read two memos from Mr Cameron, and this was the ‘valuable insight’ he could bring to the ABC board.

While I am on the subject of ABC programs and the matter before us today, I will say something about last night’s Media Watch program. During the Senate inquiry into the amendment of the ABC Act, Ramona Koval and some other people who made submissions made the claim that, without a staff-elected director, ‘all the board members will be appointed by the government’. The previous managing director, Mr Balding, was not appointed by the government.

Senator Webber interjecting—

The acting managing director, Mr Green, was not appointed by the government, and the next managing director will also not be appointed by the government, Senator Webber. What did we get from Ms Attard on Media Watch last night? She said:

As we reported a few weeks ago, the government has decided to abolish the staff representative, to keep the board exclusively for government appointees.

This is a false statement and the very kind of misreporting that Media Watch is supposed to expose.

That is not the only curious piece of ‘reporting’—and I use the term loosely—going on at the ABC these days. Richard Aedy, on Radio National’s Media Report, on the one hand stated as a matter of fact that Australia was being turned into a police state, while at the same time lamenting that journalists are not as sympathetic towards terrorists as they used to be in the good old days. According to ABC answers to questions at Senate estimates, the ABC is now officially of the view
that the government’s much needed counter-terrorism laws are ‘draconian’. That is the opinion of a small minority of civil liberties types and perennial critics of the Howard government. It is not the view of the government, nor of the Australian Federal Police or a host of counter-terrorism experts. For the ABC to adopt the policy position of one side of a debate is a disgrace.

The ABC has been forced to admit that its reporters have presented accusations of mistreatment made by terror suspects as matters of fact. *Lateline* has a policy of always referring to the war on terror as the ‘so-called war on terror’. It gives a carte blanche platform to the divisive and partisan Robert Fisk, who also used an ABC platform to encourage the wild conspiracy theory that the United States itself was somehow responsible for the attacks of September 11.

The ABC program *Four Corners* has recently peddled the far left-wing view that the al-Qaeda terrorist al-Zarqawi is a creation of the United States. The ABC refuses to call an Islamic Jihad suicide bomber who blows up a cafe or bus full of innocent civilians a ‘terrorist’. The ABC still has as a guiding principle that the United States itself was somehow responsible for the attacks of September 11.

Furthermore, I am still waiting for the ABC management to provide a coherent answer to the many questions raised about the employment of one Lindsay McDougall, one half of *Jay and the Doctor* on Triple J breakfast. This person mounted an offensive personal campaign against the Prime Minister during the 2004 election, including putting together a musical compilation with one song titled *Johnny Howard, take a gun to him*. This venal behaviour was rewarded with part-time employment at the ABC. After the election, Mr McDougall then announced his decision to campaign hard to stop the coalition being re-elected in 2007. This is my paraphrasing. His actual words are not fit for this chamber. This led to the offer of a full-time position on Triple J and, ever since, Mr McDougall has exploited the opportunity to continue his partisan political crusade against the Howard government. Ministers and policies are regularly ridiculed, all at taxpayers’ expense.

The ABC had a wonderful opportunity at the time of the release of the *Latham Diaries* when five senior figures from the ALP, including its president, were interviewed on
current affairs programs. They had a wonderful opportunity to ask the one really hard question that the Latham episode continues to pose for the ALP: what does the selection of Mr Latham as leader say about the judgment of the parliamentary Labor Party? Do you think that question was asked? Not once. Instead we got examples like Kerry O’Brien’s dorothy dixer to then party president Barry Jones, in terms of the way Mr Latham portrayed the ALP: ‘Is this the Labor Party you recognise?’

ABC programs make a whole range of attacks on the faith of Christianity but not other religions. The ABC provides a very biased coverage of the Israeli-Palestinian conflict. As a recent example of that claim, it stated that last month’s suicide bomb attack in Israel was ‘the first since Hamas won control of the Palestinian parliament’. That was a suicide bomb attack in which a Palestinian terrorist, dressed as an Orthodox Jew, blew up four innocent Israeli civilians who stopped to give him a ride. The ABC has officially taken the Palestinian side of the debate on the highly contentious issue of whether events at Jenin four years ago were an Israeli massacre. It hides the truth about the Hezbollah TV station, Al Manar. Australian soldiers serving our country in Iraq are on so-called ‘active service’, according to the ABC. TV presenters in Sydney were told not to wear a poppy on Remembrance Day because ‘the ABC doesn’t do World Aids Day either’. Evidence at estimates shows the ABC portraying Mrs Howard and Mrs Bush as racists.

The duty of the board is ‘to ensure that the functions of the corporation are performed efficiently and with the maximum benefit to the people of Australia’—that is, all Australians, not the sectional interests, some of which I have raised today. When the ABC news boss, Mr Cameron, was asked at Senate estimates about a journalist who had posed the question: ‘Do we’—that is, the ABC—‘need to get rid of the federal Liberal government?’ he was also asked whether it was the official policy of the ABC to get rid of the federal Liberal government. He replied that he would have to take the question on notice. We are still waiting for the answer. Judging from the activities of the ABC, the answer is clearly yes. If there is any threat to the independence of the ABC, it is not from the sensible and long overdue reform to the governance of the ABC board. It comes from the pernicious left-wing influence that permeates far too much of the ABC’s biased and unbalanced coverage.

Senator STEPHENS (New South Wales) (5.17 pm)—I am a bit taken aback by that contribution to the debate and I will leave the individuals who suffered such a personal attack to defend themselves. It was a quite extraordinary attack on individuals which, no doubt, will be pursued in the public domain. I rise to contribute to the debate about the Australian Broadcasting Corporation Amendment Bill 2006, which is before us in the Senate at the moment and which we on this side of the chamber know is a sad attempt by the Howard government to actually undermine the efficiency, integrity and independence of Australia’s national broadcaster—and that is perhaps what is reflected in the words of the previous speaker.

The ABC was established in 1932 and today it is one of Australia’s national icons. It began as a radio network, expanding over time to encompass television, print media and online services. It does not matter whether you live in metropolitan or rural Australia, you can see or hear the ABC. The Australia-Pacific television services even broadcast to Australians living in some overseas locations. During World War II, the ABC gained a reputation for delivering an authoritative and independent news bulletin to Australians across this huge continent. In
the postwar years, the quality and quantity of ABC programming was expanded dramatically. Light entertainment, sports and talkback were added to the roster. In the fifties the ABC increased the number of journalists and broadcasters dedicated to coverage of rural affairs.

In late 1956 the ABC started regular television broadcasts from Sydney and Melbourne, broadcasting the Olympic Games from Melbourne. Then in the sixties and seventies we saw news and current affairs dramatically influenced by an expanding social and intellectual awareness in the community. In 1961 ABC TV started a weekly current affairs program, Four Corners, and a new, vigorous investigative style of reporting political and social issues began. 1967 saw the introduction of a new weeknight current affairs program, This Day Tonight, alongside its radio counterpart, PM. The era also saw such pioneering television shows as Six O’Clock Rock, Hitscene and Countdown, as well as The Science Show on ABC Radio.

As we all know, this is the era that produced arguably one of Australia’s greatest news and current affairs reporters, Richard Carleton, who spent a quarter of a century at the ABC, working on This Day Tonight, State of the Nation and Nationwide, and he fronted the Carleton-Walsh Report, which featured Richard’s unique political commentary. With his death on Sunday, Australia lost a great personality and a dynamic journalist. I am sure that everyone in this place joins together in expressing to his family our deep regret at his death.

The 1980s and beyond saw significant restructuring at the ABC. Indigenous affairs, comedy, social history and current affairs all expanded quite significantly. During its 74-year history, the ABC has helped to define and evolve Australia’s national identity. When the Howard government came to power in 1996, it immediately reduced the ABC’s operational grants by 10 per cent—an attempt to curtail the ABC’s political coverage via its news and current affairs divisions. By attempting to abolish the staff-elected director position, the Howard government again seeks absolute control over the ABC board and, as such, control over programming and policy.

The ABC, particularly in its current affairs programming, has been consistently open, honest and critical in its analysis of the Howard government, and I know that this rankles those sitting on the benches opposite. The staff-elected director is the only position on the ABC board whose appointment is completely transparent. Its abolition would open the way for yet another government-appointed director to the board.

Section 8 of the Australian Broadcasting Corporation Act 1983 outlines the duties of the board:

(1) It is the duty of the Board:

(a) to ensure that the functions of the Corporation are performed efficiently and with the maximum benefit to the people of Australia;

(b) to maintain the independence and integrity of the Corporation;

(c) to ensure that the gathering and presentation by the Corporation of news and information is accurate and impartial according to the recognized standards of objective journalism ...

It is my strong belief and the belief of those on this side of the chamber that abolishing the staff-elected director and deputy staff-elected director positions can have only one result: the ABC board will no longer be able to maintain the independence and integrity of the ABC. Abolishing the staff-elected position removes the only non-government-appointed member of what is already a politically stacked board. It has historically been the case that the staff-elected director is
often the only person on the board with extensive broadcasting experience. So eliminating the staff-elected position on the board eliminates essential knowledge of the ABC’s core business.

One submission to the Senate inquiry into this bill had the following to say:

The ABC plays a critical role in our Australian society in being a truly independent voice in an environment where most of the media is owned and controlled by ‘Big Business’ and vested interests. Witness the ‘hype’ surrounding Kerry Packer’s death and the power wielded by the Murdoch empire.

It would be ironic if the one elected member of the ABC is cast aside in favour of yet another Government appointee. For the ABC to remain truly independent it needs to be a ‘voice of the people’, a role filled by the staff-elected director.

Let us make no mistake about it: the ABC is under attack from the Howard government. During Senate estimates last year, the ABC revealed that, in real terms, it has lost $51 million per annum from its budget since the Prime Minister came to office. The Prime Minister has an obsession with the ABC. The ABC’s funding cuts have had a dramatic impact on its ability to fulfil its charter obligations. This is particularly evident in the production of Australian drama. Production of local adult drama totalled only 20 hours last year—a major decline from the 102 hours broadcast in 2001.

ABC Rural has also suffered under the Howard government’s funding cuts. ABC local radio plays an integral part in the lives of regional Australians. It is often the only source of reliable news and information for people in rural and regional Australia, particularly during times of crisis such as bushfires. The ABC rural department’s flagship program, Country Hour, is now in Guinness World Records as Australia’s longest-running radio program, last year celebrating 60 years of rural broadcasting. The essential services that the ABC provides to rural Australians are under threat because the Howard government refuses to adequately fund the ABC.

The Howard government made a promise during the 2004 election to review the adequacy of the ABC’s funding. The minister appointed KPMG to undertake this review. The government has received KPMG’s report, but the minister refuses to release it. What has the government got to hide? Perhaps it found that the ABC is chronically underfunded. The Australian people deserve a world-class public broadcaster and they are entitled to a proper debate about the level of funding required to achieve that. Instead, this government stifles debate as it works towards its goal of destroying the ABC. Senator Coonan claims the report has not been released because it is a budget input. Australian taxpayers are not so easily fooled. They will be watching tonight’s budget announcement with keen interest. After 10 years of watching—

**Senator Ronaldson**—Madam Acting Deputy President Crossin, I raise a point of order. I fail to see what relevance these comments have to the matter before the chamber. We can all have the debate about funding et cetera at some other time and I am happy to have that. But I do not believe this is relevant to the matter before us.

**Senator Webber**—Madam Acting Deputy President, on the point of order: I think Senator Ronaldson would be aware that those of us present on this side of the chamber sat through an extraordinary contribution from the previous speaker that had absolutely nothing to do with the specifics of this debate. If we are going to play the game of impatience then we can play it. We were very patient here during what was an extraordinarily insulting contribution, so we might just like to calm down.
Senator Ronaldson—Madam Acting Deputy President, on the point of order: quite frankly, what the opposition choose to do when those on this side are speaking is entirely up to them. I again bring to your attention that I think this is totally irrelevant.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senators, this is a bill about the Australian Broadcasting Corporation and it is a wide-ranging debate. There is no point of order.

Senator STEPHENS—There has been speculation that the ABC may receive extra funding this evening, earmarked for producing local content programs. If this speculation turns into reality in tonight’s budget then it will certainly be a good thing for the ABC and long overdue. The government should be providing the ABC with the funding it needs to be a leader in the transition to digital TV in Australia. It should be providing the ABC with the funding it needs to boost coverage to underserviced areas of rural and regional Australia.

Earlier this year the government began softening up the Australian people to the idea of advertising on the ABC. The government went to the last election with a promise to maintain the prohibition on advertising. Does the government intend to honour this election promise it made to the Australian people? If not, why not? The Australian taxpayers are certainly entitled to know the truth about that issue as well.

With the introduction of this bill, the government has moved its attack on the ABC up another notch. Over the past 10 years the government has stacked the ABC board with its political mates, so much so that there is a clear political bias amongst the current board members. As a result, many Australians—particularly those living in rural and regional Australia, where the impacts of the government’s funding crunch have been particularly devastating—have lost confidence in the independence of the ABC.

The staff-elected position on the board of the ABC is the one and only appointment that the Prime Minister has no direct control over. Naturally, he is seeking to remove it. The staff-elected director is a valuable and important position on the ABC board. When one looks at the current board, the staff-elected director, as I said before, is often the only person with operational experience. The staff-elected director is often the only person with the skills, knowledge and background to question advice from the ABC’s executive. But the Prime Minister does not care about the future of the ABC. He does not care about appointing people to the board who have experience in public broadcasting. What he does care about is appointing his ideological mates to the board—people who have no understanding of the whole charter of public broadcasting.

Labor believes that vacancies should be advertised and a rigorous merit based selection process should be followed in appointing members to the ABC board. Certainly, under Labor an independent selection panel will shortlist suitably qualified applicants. Under Labor, the ABC will remain independent of the minister. If the minister does appoint a non-shortlisted candidate, he or she would actually be required to explain the reasons for that to the parliament and the Australian people.

Senator Coonan claims there is a conflict of interest for the staff-elected director. She believes the staff-elected director will place the interests of ABC staff ahead of the interests of the ABC as a whole. Frankly, that is an insult to ABC staff and it really demonstrates the government’s low opinion of the ABC. Another submission to the Senate inquiry succinctly summed up this insulting assertion: ‘There is another view: an elected
board member has an operational perspective that those outside the organisation cannot have. This provides a more balanced view when deciding policy issues. It is important that decisions made by the ABC board are as completely informed as possible, since such decisions potentially affect all citizens.'

In the second reading speech to this bill, the minister said:

Despite the abolition of the staff-elected Director position on the ABC Board, the Government expects the ABC Board and management to continue to take the interests of staff into account in its deliberations.

On the one hand, the minister says the staff-elected director position must be abolished because an ABC staff member will take the interests of staff into account during deliberations, then on the other the minister asserts that the board will be expected to take into account the interests of staff after the staff-elected director position is abolished. You cannot have it both ways, Minister. Page 21 of the ABC’s 2005 annual report states:

A critical point has been reached. Unless adequate funding is secured for the coming triennium, the Board will be faced with a range of fundamental questions about the extent and quality of ABC programming and services.

The Howard government should join Labor in recognising the ABC as a national asset, not an opportunity for cronyism. It should also end its extreme industrial relations campaign and recognise that the staff-elected director of the ABC is not elected to the ABC board as a union delegate. The staff-elected director does not sit on the board—and is not elected to the board by the staff of the ABC—to put the industrial interests of staff to the board. That would be the managing director’s role.

The Senate inquiry heard no examples of actual or potential conflicts of interest from current or former staff-elected directors. It is an insult for the minister to claim that the staff-elected director is incapable of acting independently—as is required of all directors, not just the staff-elected director—in the best interests of the ABC as a whole. By using the Uhrig report as the sole reason for presentation of this bill to parliament, the government does a great disservice to both Professor Uhrig and the ABC. Unfortunately, Professor Uhrig’s terms of reference were completely distorted, leading to widespread criticism that Uhrig’s focus was misplaced. Former chairman of the ACCC Professor Allan Fels and journalist Fred Brenchley both argued that the report was ‘basically a business wish list’. The Uhrig report focused on the need for effective dialogue with business, failing to highlight the need for protection of regulatory agencies from the threat of regulatory capture. It also failed to highlight the need for the scrutiny of statutory agencies through the Senate estimates process. So, unfortunately, Professor Uhrig and the ABC were failed by this government through incomplete terms of reference. It is in the best interests of the ABC and its charter, and the ABC’s obligations under that charter to the Australian people, that the staff-elected director’s position remain.

Senator RONALDSON (Victoria) (5.33 pm)—Unless I am mistaken, I do not think that Senators Webber or Stephens were actually at the inquiry, but if you were then I offer my humble apologies. Given the fact that I actually have not heard them complaining about that comment, I assume that they were not. How Senator Stephens can then wax lyrical about what evidence was given at the committee, I am not entirely sure. But anyway, leaving that to one side, I actually was at that committee hearing, and I did not hear any semblance of evidence given that would indicate that there is any case for the retention of the SED—the staff-elected director’s position. I heard not one ounce of evidence that would substantiate that, and I think what
we have seen clearly today is that the ALP is prepared to put good corporate governance to one side in an attempt to curry favour with the ABC staff and with certain ABC journalists. I think that is a very poor reflection on it.

I very strongly support the majority report by the Senate Environment, Communications, Information Technology and the Arts Legislation Committee on the Australian Broadcasting Corporation Amendment Bill 2006. There are a number of matters I would like to bring to the attention of the Senate in support of that position. The first is that staff matters are the domain of the organisation, and they are not the domain of someone apparently representing them on the board. There is a complete structure within the ABC, right up to the managing director, for staff matters to be addressed by the organisation. If that fails, the unions—who appeared at the hearing—made it quite clear that they were there to represent the staff interest. Indeed, they were a little bit miffed when it was suggested to them that it might be the role of the staff-elected director. In fact, they were more than a little miffed with that accusation.

Senator Fierravanti-Wells—We will have to see about that.

Senator RONALDSON—Indeed, as Senator Fierravanti-Wells said, they will have to see about that. The other interesting point on this matter is that SBS does not have a staff-elected director. I have had no representations from the SBS staff that they believe there should be a staff-elected director, not one.

Senator Webber—It would not matter if you did.

Senator RONALDSON—I will take the interjection. Surely if this matter is so important then we would have heard from SBS, either at the hearing or in an attempt to approach government members on the committee and say: ‘Look, we think we should have one; we’re supporting our colleagues at the ABC.’ There was not one word from SBS on this matter. The third matter is—and I have heard it from Senator Stephens and Senator Webber—the reflection on the current appointed board members: that the board is stacked, that its members are not independent, and that somehow the board is not operating in the interests of the ABC.

The greatest critic of this legislation, Quentin Dempster, who did appear—and, Senators Stephens and Webber, had you been there you would have heard these comments—acknowledged that there is no evidence that the board members are not independent. The person who came to those hearings determined to destroy this legislation admitted that the board members are independent. So, all of a sudden, one of your main arguments in defence of the SED is out the door because one of the main opponents of this legislation acknowledges that the board members are independent. In relation to independence, I will read a press release from ABC chairman Donald McDonald on 24 March. I will give the full quote so that there is a semblance of fairness:

The fourth point I want to raise with the chamber is that Mr Dempster acknowledged that the board members are not only independent, and therefore fulfilling their role, but also required by the legislation to fulfil that role. I will read from section 8 of the ABC Act 1983:
Duties of the Board

(1) It is the duty of the Board:

(a) to ensure that the functions of the Corporation are performed efficiently and with the maximum benefit to the people of Australia;

(b) to maintain the independence and integrity of the Corporation...

This is the nub of the problem and I am afraid that this is where the ALP, in an attempt to curry favour with certain people within the ABC, as I said before, have failed to understand the basic principle of the argument in relation to this matter—that is, the threat to that independence: the compromise associated with the SED position. This was discussed at length in the Uhrig report and I will briefly again refer to that report. For those who might be listening or reading it later on, this question is about representational appointments— as in the staff-elected director’s position. I read from the report:

The review does not support representational appointments to governing boards as representational appointments can fail to produce independent and objective views. There is the potential for these appointments to be primarily concerned with the interests of those they represent, rather than the success of the entity they are responsible for governing.

Indeed, we had further evidence—and my colleague Senator Fierravanti-Wells referred to this—from Professor Stephen Bartos from the National Institute for Governance. I quote from a letter that he submitted to the inquiry.

That said, the Uhrig Report is an accurate reflection of commonly accepted practice in Australian corporate governance. In this country we have applied a model of governance that does not favour representative appointments. In my own work on public sector governance... I also note the difficulties of representative appointments—he quotes, and I presume this is from his work—

(“It can be difficult for a person appointed because of a link to a particular industry, community or lobby group to divorce themselves from the political role of representing that group to the public sector body to which they have been appointed. It will, however, be to the detriment of the good governance of that organisation…”).

That is further evidence of the foolishness of the ALP’s position in relation to this matter.

There is inherent conflict. The chairman of the ABC board acknowledges publicly that inherent potential for conflict. We had the resignation of one director because of the potential outcomes of the issue I raised before. Indeed, it was very interesting that at the hearing we had three staff-elected directors in one corner and one in the other corner. Those who were at the hearing will know who I am talking about. It was fascinating to hear the one who was not in the corner with the other three talk about his approach to the matters that were raised in relation to appropriate protocols to ensure that you do not have the resignation of directors because of their concerns about confidentiality issues and the leaking of board documents. That former director said that he could see no reason at all for appropriate protocols to be signed to enhance the good corporate governance of that organisation.

This is a folly of the ALP. As I said before, it is designed to curry favour with certain sections of the ABC. Good corporate governance determines that we proceed with this legislation. Indeed, I have some interesting comments from Michael Duffy, the former Minister for Communications, back in 1985, when he reinstated the ABC staff-elected director. As was indicated earlier, they did not have a staff-elected director from 1932 to 1973 and from 1976 to 1983. So this notion that we are ripping away a longstanding SED is absolute, patent nonsense. The big mistake that Michael Duffy made was to bring the
SED into this legislation again. But he said in his second reading speech:

The provision does not widen the categories of the Corporation’s business activities; it modernises its corporate structure and enables it to join with the private sector in the furtherance of its activities in a more modern business like way.

The mistake that Michael Duffy made in 1985 was that he was prepared to bow to the demands of the ABC staff—unions, probably—and some representatives rather than putting in place the corporate governance structure that he gave lip-service to in his second reading speech. This legislation should go through. It is good legislation and I support the majority report.

Senator GEORGE CAMPBELL (New South Wales) (5.45 pm)—First of all, I say that the arguments that we have heard from the other side of the chamber are appalling in seeking to justify what is a blatant political act. Neither Senator Ronaldson, in his usual loud, aggressive manner, nor Senator Fierravanti-Wells addressed at all the substance of what the Australian Broadcasting Corporation Amendment Bill 2006 is about. I heard a lot of bagging of the ABC and the way in which it reports particular stories, but never once did Senator Fierravanti-Wells address or attempt to address in her contribution the issues of substance in this bill.

This bill has nothing to do with good corporate governance. If it did, we might treat seriously it and the arguments that were presented by some of the senators on the other side. But it has nothing to do with all with that. This is another instalment by the government in union bashing. The government have sought from 1996 and all the way through to systematically remove from any boards, government or otherwise, union representatives or representatives of workers—many of them were representatives of workers and did not represent unions in that context. The government have done it to the Austrade board, they have done or are now seeking to do it to the ABC and they have done it to a whole range of other boards. It has been a systematic part of the union-bashing agenda.

The Prime Minister struts the country, proudly arguing his credentials as a representative of the workers—Howard’s battlers—and looking after their interests.

Senator Vanstone—We did not put a million of them out of work.

Senator GEORGE CAMPBELL—But he is not prepared, Senator Vanstone, to give them a voice in saying how their organisations or corporations should be run. In fact, he has quite deliberately set out to remove any voice they have in that respect. He has set out to restore absolutely the managerial prerogative as the central focal point upon which companies in this country are run, and this is simply another step in that process.

If the government were really serious about addressing the issue of good governance, it would end the practice of stacking the ABC board with its cronies. You only have to look at the list of people who have been appointed by this government to see the political bias of the individual. The current chairman is a very close friend of the Prime Minister. Michael Kroger is an ex-president of the Liberal Party in Victoria. Janet Albrechtsen—I do not think I need to explain her credentials; you only have to read her articles in the Australian to know what side of the political fence she is coming from. They are all appointments by this government to create a particular bias on the board.

Since 2003, Labor has argued that there should be an open and transparent process for making appointments to the ABC board. What is wrong with that approach? What is wrong with having a situation where the appointments are open and transparent? What is wrong with having an approach where vacancies are advertised on clear, merit-
based selection criteria? An independent selection panel should conduct a short-list selection process. The selection of the short list would be independent of the minister. If the minister does not appoint a short-listed candidate, he or she should have to table in parliament a formal statement of the reasons for departing from the short list. That is a reasonable proposition: to justify why you do not deal with the people who are put up as priority candidates.

They are only some of the issues that could be addressed by the government if they were serious about introducing good corporate governance into the ABC. But this is not about good corporate governance. This is about preventing people in the ABC from having a genuine voice in the way in which that institution is run. We know the pressures that are and have been exerted on that organisation internally. We know some of the dictates that have been issued by senior management in the ABC about the way in which reporting will take place. We know that there have been specific directives issued by the head of news and current affairs, a Mr John Cameron, as to how the government should be addressed and the particular language that should be used to refer to the government so as not to embarrass them. We know that the pressure on individuals at the ABC has been consistently turned up to force them to conform to a set of strictures which, I presume, are emanating from the board. And that has all been done in order to ensure that the ABC, when it presents news or current affairs in particular, presents it in a particular way to put the best possible face on the government.

That is what the agenda is about. Obviously one of the ways of ensuring that is to get rid of the independent voice of the board. I understand that the individual who turned up at the hearings, Quentin Dempster, has just been selected by the employees of the ABC to replace Ramona Koval as the staff-appointed director. I think that in his previous time in that position he did a reasonable job on behalf of ABC staff.

What the staff-appointed directors bring to the corporation is something the current management of the corporation does not possess in the main, and that is broadcasting expertise. There are two clear divisions in the ABC: there is the administrative or corporate division, which runs the organisation and is growing like a mushroom at the moment from what it used to be, and there is the other division, which contains the people who make the programs—the people who put the stories to air; the people who go out, collect the news, present the news and give Australians and Australia as reflective a message about what is happening in society as they can. I think they are operating under great difficulties but still provide as independent a message as you will get through any media outlet in this country.

It is very significant that staff are represented within the structures of the ABC. It is very significant that the ABC board does have that voice represented when it comes to make decisions about the way in which that corporation will be run, because without it there is a real danger that people whose lack of expertise in broadcasting, presenting stories and putting stories together will make decisions that make it difficult for the organisation to operate or that put bias into the nature of the reporting of that organisation. Having the independent director there, representing particularly the interests of the program makers, is a major brake against that sort of situation occurring.

Why do we want to get rid of them? Senator Ronaldson attempted to argue here—I would not say it was argued—that it is about good corporate governance. There is also an argument that, somehow or other, because
Ms Koval would not sign a protocol she was not independent. I am not aware of any occasion when the staff-elected director on the ABC board has been told or instructed by a meeting of their peers that they had to act in a particular way. To my knowledge, there is no evidence of any such circumstance occurring. I do have a little insight into the ABC from time to time because of my relationships with people at the ABC, but I am not aware of any occasion at any time I have known people there when any of the staff directors have been issued instructions that they had to act in a particular way. They have been appointed by the staff, they have the goodwill of the staff and the staff expect them to act in the best interests of the organisation—and if they act in the best interests of the organisation then they would be acting in the best interests of the staff themselves. That has always been the approach that has been taken.

I know how much the minister, Senator Coonan, likes to please the Prime Minister. She has had a meteoric rise to fame since she jumped the fence from the moderates to the conservatives—to the Prime Minister’s faction in the New South Wales Liberal Party. She is now the Deputy Leader of the Government in the Senate, and she is quite keen to please the Prime Minister in the way in which she handles her portfolio. But she cited the refusal of Ms Ramona Koval to sign the ABC board protocol in her attempts to justify the removal of the position.

Ms Koval has explained to the board and to the Senate committee that inquired into the bill that she sought independent legal advice in respect of the protocol, which she said was actually inconsistent with her legal obligation to act independently. She was actually being asked to sign a set of protocols which, as I understand it, her legal people were saying would be a restriction on her acting independently on the board. She was being asked to subscribe to something that would restrict her capacity to genuinely represent in an independent fashion the people who elected her to that position. I think it is perfectly justifiable that she refused to do so.

I just wish that some of the people who sit on the boards of directors of companies would read the companies act occasionally, reflect on what their responsibilities regarding good corporate governance are and act accordingly and take their position seriously in ensuring they act independently and on behalf of the shareholders of companies. If they did, we might not have had some of the fiascos that we have had in recent times with companies in this country. We certainly might not have had the fiasco we had with Westpoint, in terms of the super rip-off that has affected thousands of senior citizens who invested in that, thinking that they were laying a nest egg for the future, only for that nest egg to suddenly disappear. I wish that directors would sit down and think about acting independently and reflect on the requirements for them to operate as directors of companies or corporations in the same way that Ms Koval has.

The reality is that this is not about the leaks from the board. Who knows who leaks information from the board? The government are quite often keen to leak what happens in the cabinet room when it suits them. We already know three-quarters of what is in tonight’s budget. It has been in the papers for the last three days because the Treasurer has been telling us what is in it.

Why are we suddenly worried about a leak from the ABC board? How do we know that it was not the management of the ABC that leaked some of the stories about the dealings of the board? How do we know whether or not some of the people on the board did it deliberately to try and reflect the independent director in a bad light? No-one
really knows. No-one can prove that Ms Koval or Mr Dempster—or whoever else is the independent director on the ABC board—was responsible for leaking, because there is no evidence. No evidence has been found or presented to suggest that any of the directors of the ABC board leaked any of the information that is supposed to have been leaked.

Quite frankly, the motivations behind this have nothing to do with the issue of good corporate governance. This is about removing what is seen by this government as another impediment to them being able to do what they want to do with the ABC. This is about another hurdle being pushed to the side so that they can move in and do whatever it is that they want to do with that organisation. That is what the agenda is here; that is what the agenda has always been with this legislation.

It is a pity that the government took a hardline decision. We know they took a decision in the cabinet room to get rid of workers’ representatives from organisations. I know that Tim Fischer, when he was Deputy Prime Minister, fought hard to retain the person on the Austrade board, because they were making a contribution. He had to fight vigorously to retain them. But most of the rest of them were shifted very quickly. This is an extension of that agenda. At heart, the government have an implied hatred for workers being organised and being represented independently. This is about ensuring that the managerial prerogative becomes the central focal point of how organisations are run in this country and that workers will go to work, do as they are told and accept it without any question.

As far as I am concerned, this amendment ought to be rejected by the Senate. I know it will not be; I know it will be carried; I know you will proceed to run your agenda at the ABC. People out there listening should be warned: if that happens, think carefully about the messages that you hear coming through your radio and television, because the truth is a whimsical thing these days in modern broadcasting.

Senator MOORE (Queensland) (6.03 pm)—It is no surprise that we are here today looking at the attempt—and the successful attempt—by the government to remove the staff-elected representative from the ABC board. What has made me particularly angry is the fact that there has been an attempt to dress up what is clearly a political decision—and the government has every right to argue and present political decisions—to remove a director from the ABC board who is not appointed by the government. We have heard the extraordinary amount of passion which this particular decision is generating. In this chamber today we have had amazing arguments, which included things like people’s views about the whole way the ABC operates, interpretations of legislation and statements about what has led to the debate we are having today.

When the minister in March this year made the announcement that this was the intent and through the normal processes of the Senate there was formed a committee to look at the legislation, people in the community who are interested in the ABC again showed that they cared about decisions that impact on the ABC. In a very short time, over 50 submissions were received, mainly from people or organisations who had some particular interest in the ABC, such as people who had had the amazing privilege to serve on the board of the ABC in some capacity, some as staff-elected representatives and others who had other forms of involvement on the ABC board. When we talk about the ABC, a response from the community is generated. To some extent, the government was surprised by the degree of passion that
came out in a number of the submissions and also in the direct commentary that was made during the gathering of submissions and in the giving of evidence.

It seems that every argument that is made about the role of the staff-elected representative on the board can be then turned around and used about the other members of the board, who are appointed by the minister. Some members of the government seem to think that there is some form of personal conspiracy because we do not always say that the managing director is elected by the other board members and not appointed by the minister, so let us get that on the table straightaway so that there is no allegation that we are misrepresenting the make-up of the ABC board. We know where the ABC board gets it basis to operate from: it is in the act, and we have had senators in this place talk about section 8 of the ABC Act, which clearly says that the board is there to work for the ABC. Then there are a whole lot of subsections which I will not go into, but people can examine them very easily and see what the legislation surrounding the formation of the ABC is all about. As for any other board in the country, there are particular expectations of and responsibilities given to those people who have the privilege of serving on the ABC board.

That is in another piece of legislation, which other members of this place are much more familiar with than I am, but I am going to quote from it to prove I have read it. It is the Commonwealth Authorities and Companies Act 1997, which is the legislation that sets out what people who are members of boards do—what their responsibilities are. That act requires that a board member of any body covered under the act must perform their duties on the basis that he or she:

(a) makes the judgment in good faith for a proper purpose; and
(b) does not have a material personal interest in the subject matter of the judgment; and
(c) informs himself or herself about the subject matter of the judgment to the extent he or she reasonably believes to be appropriate; and
(d) rationally believes that the judgment is in the best interests of the Commonwealth authority.

They are fairly direct responsibilities, and it is the responsibility of any person who wishes to serve on a board and is then fortunate enough to get that responsibility to know and to act within those constraints.

There are very clear penalties for any board member of any corporation who does not act according to those expectations. That seems to be the core point, because at the Senate inquiry there was no evidence that indicated that the board member on the current ABC board, or previous boards, who was appointed through a staff election had breached any of these requirements, nor was there any evidence, as we have heard from Senator Ronaldson, that any other board member who had been appointed by various ministers had breached those responsibilities. So what we had was amazing agreement, passionate agreement, that people who had the privilege to serve on the board of the ABC accepted their responsibilities, regardless of the process that led them to the position, and operated as they ought under board legislation as well as under the expectations of the ABC. There was, again, no evidence to indicate that any board member had breached their responsibilities.

However, because of the nature of the debate, because the minister had determined that there was a need to make this board more efficient by removing the one board member who is elected by the staff, the inference is that every single member of the board who had been elected through a staff
process needed somehow to justify their performance. We had evidence given to the committee and statements in submissions that said it was necessary to reinforce the credentials, the credibility and the performance of every single staff-elected board member since this position was instituted in the early 1970s—we do know that a previous Liberal-National government in the Fraser years removed the position and then it was re-formed in the 1980s. Every single staff-elected board member—Marius Webb, Tom Molomby, Quentin Dempster, John Cleary, Kirsten Garrett, Ian Henschke and Ramona Koval—all had to somehow have their performance reinforced to prove that they had done the job and that they had been efficient.

I am not sure how many other board members served on the ABC boards over that time with these various staff-elected representatives, but there would have been many. I do not understand why their performance did not need to be justified and why their integrity did not need to be reinforced or questioned, but somehow those members who came through the process of staff election needed to be questioned about the role they played. The clear inference, by the way that this proposition has been brought before all of us, is that there is something not quite effective in any board member who has reached the position through a staff election. There is no evidence that that is accurate. In various submissions they have had numerous positions attributed to their actions, and I think that is a bit sad. I believe that a board should operate together and the fact that individual board members seem to have had attributed to their efforts particular positions in isolation, I think is a false judgment. I believe that every board member, being aware of their responsibilities and bringing their own experience, professionalism and expectations to the board table, works in concert to come up with a result.

However, it is clear on the public record that those members of the board who came through the staff election process all had exceptional qualifications in their professional work, in their ability to talk with other staff members and gain their support and, most particularly, in their commitment to their position as an elected representative on the ABC board. What I find most frustrating and most offensive in the process we are going through now is that that is being somehow tarnished and the role of these people is now being somehow questioned—the only way it is possible to have an effective, operational board of the ABC is to remove this particular position because of the way those people got their appointments. I find that false.

Where do we go? Of course the government has the numbers in the Senate. I hope that we will not see the kinds of personal attacks on the people who have served on the board that come out of a debate like this. It is clear that the Australian community wants members on the board of the ABC who get there openly, whose actions are transparent and who have a commitment to the ABC.

The Labor Party and the minor parties have put forward recommendations about alternative methods of ministerial appointment because there have been allegations, and we have heard them in the debate today, that governments of various flavours have had processes of appointing people to the ABC board—without any doubt about their effectiveness working there, because every minister would have that as the most important element of the decision-making process—that result in the appointment of people with varied backgrounds and from time to time very little personal experience of working in public broadcasting. That is not to say that they would not have the ability to acquire the skills and work very effectively on a board. But it is fair to say that people who are currently working in the environment,
people who are now working in the ABC, would have the immediacy of the knowledge of the extra stresses, the kind of environment in which public broadcasting operates and the knowledge of the general activities that go on in the staff.

That is not to say that there is any confusion amongst the people who work for the ABC or those people who have been privileged to be elected by them to be staff-elected representatives on the board. They do not have any doubt about what their role should be. There was clear evidence to the committee that it was understood by the people who were staff-elected representatives to the board as well as by other people that they were not there to be some form of industrial representation or advocacy. I know from my own experience working in the public sector that there were numerous times when in the ABC itself there were differences of opinion over things that came out of board decisions and the expectations of various unions working in the ABC. But there was never any confusion about the staff-elected person on the board having any more responsibility than any other board member to look at the issues of staff entitlements. Hopefully, some of the members had very strong experience in the business world and understood human relationships and human resource management.

So the role of the board member was not in question. Nor was the expectation of the staff about the role of the board member. But this particular decision by the government to single out this representative position once again, as I have said, calls into question the integrity, the professionalism and the effectiveness of every single person who got onto that board by being elected by the staff. I find that very disappointing. It is also clearly not backed up by evidence of any decisions or processes that went on.

We have had read to the Senate as well as to the committee evidence put forward by Mr Donald McDonald, who talked about the tensions of board members, particularly those who were there through a staff election process. I believe that Senator Wortley said earlier that a certain degree of tension creates creativity. Indeed there is fact in that particular process. Naturally when you have seven, eight or nine people—depending on how many people actually turn up to the board meetings—sitting there debating such difficult issues as the ongoing struggle to maintain a strong public broadcaster in Australia, there will be tensions. There will be strong disagreements from time to time. But again I question whether drawing into the focus one particular board member on the basis of the process through which they achieved their appointment, and implying—if not directly and openly stating—that all tension in the ABC board has been caused by that particular board member, is patently false. But, again, the process we have before us of debating in this place indicates that that is the kind of message that has been given. I would hope that it is clear in whatever the government does say that there is no personal inference on any of the people who have served the ABC board so strongly.

The Senate inquiry minority report felt that there needed to be some comment about statements made about Ms Koval and the highly publicised decision about whether she would sign protocols or not. Ms Koval has made her position very public and it is on the public record. But it is sad that once again there was an attempt to attack her position and make that some form of cause celebre to indicate that she was not effectively fulfilling her role. But fulfilling the requirements of her job as an ABC staff-elected board member and the requirements of being on the board were not questioned or crossed by her decision not to sign those protocols. If there
was a view by the board that her decision was inappropriate, then there were processes that could be followed rather than dragging through the whole process in the Senate any kind of inference that she was not fulfilling her role.

There is interest in this legislation. The government is always surprised by the degree of interest there is in the role of the ABC in the community. Certainly, there is interest among members of the staff of the ABC. We now know that Mr Quentin Dempster has just been successful in an internal election for the staff-elected member of the board. It may well be that he is never able to take up this term, but the volume of interest in the election was very high, and I think that reflects some of the commitment by people who work within the ABC to have this particular process maintained. It is not because of any view that this is somehow some special link that individual staff members have with the board but simply because, once again, the ABC in Australia has a managing process which involves having the staff-elected representative on the board with the same authority and expectation as every other board member, and in many ways that is personally empowering for all the staff.

We know that the government will pursue this particular process but we hope that this will not be the beginning of further attacks on the ABC. As Senator Murray pointed out today in his contribution, we know that there will probably not be support for various amendments that would look at changing the appointment process—numerous times these have gone up and numerous times they have been defeated. We want to maintain the special commitment that the ABC has to the people of Australia and the special privilege of all board members, regardless of how they get there, in maintaining the absolute independence and integrity of the public broadcaster. That is the commitment and the challenge to all members of the board. This diversion down a track, quoting a report that did not consider the ABC specifically—we know that; the evidence is there and I will not go over that again—and grasping the Uhrig report and pretending that that is the only basis for this decision colours the kind of trust that we hope would be in place if we are looking at an independent broadcaster. We have a challenge. I think it is sad that it is coloured by an attack on people who work in such a wonderful organisation. Please, Minister, when it comes to pushing through this legislation, make it very clear that there is no attack on any of the wonderful people who had the privilege of being staff-elected representatives on various ABC boards.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (6.21 pm) I will take up Senator Moore’s invitation. There has never been from me any suggestion that the rationale for the Australian Broadcasting Corporation Amendment Bill 2006 is about any particular person. I will in fact amplify that later on in my remarks. I hope I can conclude tonight. If I cannot, obviously I will seek leave to continue my remarks when possible.

I thank honourable senators for their contributions to this debate, whatever their perspectives. I acknowledge that there is a great deal of interest in this matter. The bill before the Senate amends the Australian Broadcasting Corporation Act 1983 to abolish the staff-elected director and deputy staff-elected director positions. The position of staff-elected director is an unusual one amongst Australian government agency boards. Indeed, this is a significant part of the underpinning rationale for the government’s actions on this matter. In fact, at the ABC, interestingly, the position did not exist until 1975. It was abolished in 1978, reintroduced in 1983 and given legislative backing in
The board of the other national broadcaster, SBS, interestingly and by contrast, does not include a staff-elected director.

The government is moving to reform the structure of the ABC board because the position of a staff-elected director is not consistent with modern principles of corporate governance and tension has surrounded the position on the ABC board for some years. The tension between the expectations of staff electing the director and the proper duties required of a director, I think, is clear. The potential conflict that exists between the duties of the staff-elected director, under the Commonwealth Authorities and Companies Act 1997, to act in good faith in the best interests of the ABC and the appointment of that director as a representative of the ABC staff, elected by them, does of course throw up some conflict.

The election method creates a risk that a staff-elected director will be expected by those who elect him or her to place the interests of staff ahead of the interests of the ABC where those interests are in conflict. In fact, as I understand it, Senator George Campbell said in this chamber that in his view the staff-elected director was there precisely for the purpose of representing the program-making staff. This matter was recognised—that is, the potential conflict and the undesirable consequences that that can give rise to—in the June 2003 Review of the corporate governance of statutory authorities and office holders, otherwise known as the Uhrig review. The review concluded:

The review does not support representational appointments to governing boards as representational appointments can fail to produce independent and objective views. There is the potential for these appointments to be primarily concerned with the interests of those they represent, rather than the success of the entity they are responsible for governing.

On a practical level, this has led to difficulties—and we do not shy away from the fact that there have been difficulties—in respect of board confidentiality. As has been well referred to in this debate and elsewhere, the current staff-elected director felt unable to agree to a revised board protocol that dealt with, amongst other things, the secure handling of confidential board information. This puts the staff-elected director in a conflicted position if there are expectations that confidential information made available to the director through their position on the board will then be made available to constituents, in potential breach of obligations to the ABC. I would have thought that this would be an untenable position for the board.

Tension surrounding the position on the ABC board has, as I have said, been manifest for many years. In 2004, in a very well-publicised example, this led to the resignation of a director of the highest calibre, experience and value to the ABC board, that being Mr Maurice Newman AC. Another former staff-elected director, Mr Henschke, confirmed during the recent Senate committee hearings that staff-elected directors are at times placed under pressure by staff to act in ways that are not consistent with their duties as directors. The government, then, is of the view that there should be no question about the constituency that ABC directors are accountable to. To resolve this problem, the government has decided to take the step of introducing the bill to abolish the staff-elected director positions.

A number of matters have been raised during the debate in the chamber and also in the hearings of the committee that looked at the bill. Senator Conroy, as I understand it, raised the issue that the findings of the Uhrig review that I referred to earlier in my remarks were not applicable to the ABC. The government does not agree with this assertion. The Uhrig review was given a broad
brief and its findings are considered to be relevant across government. The terms of reference of the review were clear. I want to put on record a particular part of the review:

A key task was to develop a broad template of governance principles that, subject to consideration by government, might be extended to all statutory authorities and office holders. ... the review was asked to consider the governance structures of a number of specific statutory authorities and best practice corporate governance structures in both the public and private sectors.

Although the Uhrig review itself focused on particular agencies, its principles are considered generally applicable and all statutory authorities are being considered in relation to those findings. The proposed change in the bill is consistent with the Uhrig review’s conclusions about representative appointments. The position is also endorsed by Professor Stephen Bartos, who is a director of the National Institute for Governance. Professor Bartos said in his submission to the Senate committee that the removal of the staff-elected director ‘is consistent with the current corporate governance approach found in most Australian companies and increasingly in public sector bodies’.

Debate interrupted.

Sitting suspended from 6.30 pm to 8.00 pm

BUDGET

Statement and Documents

Senator MINCHIN (South Australia—Minister for Finance and Administration) (8.00 pm)—I table the budget statement for 2006-07 and also the following documents:

Budget papers—
No. 1—Budget Strategy and Outlook 2006-07.
No. 2—Budget Measures 2006-07.
No. 4—Agency Resourcing 2006-07.

Ministerial statements—
Australia’s overseas aid program 2006-07—Statement by the Minister for Foreign Affairs (Mr Downer), dated 9 May 2006.
Securing Australia’s agriculture 2006-07—Statement by the Minister for Agriculture, Fisheries and Forestry (Mr McGauran), the Minister for Fisheries, Forestry and Conservation (Senator Abetz) and the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Ms Ley), date 9 May 2006.
Continuing tax reform—Statement by the Treasurer (Mr Costello), dated 9 May 2006.

Senator MINCHIN—I seek leave to move a motion in relation to the budget statement and documents.

Leave granted.

Senator MINCHIN—I move:

That the Senate take note of the statement and documents.

Debate (on motion by Senator Chris Evans) adjourned.

Proposed Expenditure Consideration by Legislation Committees

Senator MINCHIN (South Australia—Minister for Finance and Administration) (8.00 pm)—I table the following documents:

Particulars of proposed expenditure:
Appropriation (Parliamentary Departments) Bill (No. 1) 2006-2007
Appropriation Bill (No. 1) 2006-2007
Appropriation Bill (No. 2) 2006-2007
Appropriation Bill (No. 5) 2005-2006; and
Appropriation Bill (No. 6) 2005-2006

Senator MINCHIN—I seek leave to move a motion to refer the particulars documents to legislation committees.

Leave granted.

Senator MINCHIN—I move:

(1) The particulars documents be referred to legislation committees for examination and report by 20 June 2006.
(2) Legislation committees consider the proposed expenditure in accordance with the allocation of departments to committees in accordance with the order of the Senate of 9 February 2006.

Question agreed to.

**Portfolio Budget Statements**

The **PRESIDENT**—I table the portfolio budget statements for 2006-07 for the Department of the Senate and the Department of Parliamentary Services. Copies are available from the Senate Table Office.

**Senator MINCHIN** (South Australia—Minister for Finance and Administration) (8.01 pm)—I table portfolio budget statements for 2006-07 and portfolio supplementary additional estimates statements No. 2 2005-06 for portfolios and executive departments in accordance with the list circulated in the chamber. Copies are available from the Senate Table Office.

*The list read as follows—*

**PORTFOLIO BUDGET STATEMENTS 2006-07**

- Agriculture, Fisheries and Forestry Portfolio
- Attorney-General Portfolio
- Communications, Information Technology and the Arts Portfolio
- Defence Portfolio
- Education, Science and Training Portfolio
- Employment and Workplace Relations Portfolio
- Environment and Heritage Portfolio
- Families, Community Services and Indigenous Affairs Portfolio
- Finance and Administration Portfolio
- Foreign Affairs and Trade Portfolio
- Health and Aging Portfolio
- Human Services
- Industry, Tourism and Resources Portfolio
- Prime Minister and Cabinet Portfolio
- Transport and Regional Services Portfolio
- Veterans’ Affairs

**PORTFOLIO SUPPLEMENTARY ADDITIONAL ESTIMATES STATEMENTS No. 2, 2005-06**

- Agriculture, Fisheries and Forestry Portfolio
- Attorney-General Portfolio
- Communications, Information Technology and the Arts Portfolio
- Education, Science and Training Portfolio
- Employment and Workplace Relations Portfolio
- Environment and Heritage Portfolio
- Families, Community Services and Indigenous Affairs Portfolio
- Finance and Administration Portfolio
- Foreign Affairs and Trade Portfolio
- Health and Aging Portfolio
- Human Services
- Industry, Tourism and Resources Portfolio
- Prime Minister and Cabinet Portfolio
- Transport and Regional Services Portfolio
- Veterans’ Affairs

**ADJOURNMENT**

The **PRESIDENT**—Order! It being 8.02 pm, I propose the question:

That the Senate do now adjourn.

**Moral Values**

**Senator WATSON** (Tasmania) (8.02 pm)—Tonight I wish to speak about the law in Australia and what I refer to as Western values. The purpose of this address is not to cast judgment or to set people against others. However, we need some debate about where current values are leading our society and the need for standards so that we are seen as an inclusive, generous and just society. At this time I would also like to acknowledge the work of Reverend Ian Morgan, whose autobiographical account of his survival as an RAF bomber pilot in the Second World War was quite remarkable.

It is the prevailing attitude today that civil liberty consists of the freedom to exercise the
senses of the body and the mind without moral restraint, as long as such an exercise does not impinge on the enjoyment of others. Since the Second World War, offences once chargeable under the civil and criminal law in this country have either been legalised, allowed under licence, categorised for adult showing or tolerated. For example, foul language and violence of all kinds are shown on TV, pornography is widely available, gambling other than on a racecourse is licensed and used as a means for raising government revenue, euthanasia is openly advocated, adultery is no longer the basis for divorce and no-fault divorce has been instituted.

Up until the Second World War most of these things were considered to be in violation of civil law and against the good consensus of society. The fact that they are now legalised, tolerated, practised, accepted and encouraged is causing many people to question the direction in which our nation is heading. Some say Australia has sown the wind with respect to the decline in moral values and standards and is now reaping the whirlwind of rape, domestic violence, teenage pregnancy, family breakdown, child abuse, murder, armed robbery, burglary, delinquency by juveniles who do not know the difference between right and wrong, as well as vandalism.

Furthermore, we are seeing increased rates of white-collar crime, corporate crime, insider trading, massive tax evasion, embezzlement, computer and internet fraud, and money-laundering at high levels in our society. We also see corporate fraud ruining the lives of hundreds of Australians, stripping them of their life savings. We see boards of directors walking away from agreements because they think they can get a better or a higher deal elsewhere.

All these ills are symptomatic of a decline in values in Australian society. Legislation not based on ethical principles cannot solve what is in essence a moral problem, but running parallel to that is the fact that you cannot legislate for honesty. So the problem is that, where there are no fixed laws or principled conduct, the establishment of a stable society I believe is impossible—whether it be in a single nation or a group of nations.

I remind honourable senators that it was the decline in the values of morality and justice, and the ensuing chaos, that led to the falls of such great empires as the Greek and Roman, and that gave rise to communist totalitarianism under Stalin and to national socialism under Hitler, along with the excesses of those regimes. It is a matter of history, both ancient and modern, that whenever values of decency have been forsaken economic and civic chaos has resulted, followed by war in some cases, insurgency in others, often dictatorships and sometimes wars between nations.

I will take a moment to discuss Australian attitudes to such issues. Australia is a multicultural society and a multireligious one as well. In a multicultural society there cannot be differing systems of law to suit each culture because then there is no consensus concerning a system of principled law. Australia is now a nation with mixed ideas of what constitutes decent values. Everybody wants moral politicians making morally justifiable law, but any suggestion that we define those standards is routinely howled down.

So I remind you that the traditional and ancient Judaeo-Christian moral principles are multinational and suitable to be taught and practised by all nations—being suitable for multinational observance in the sense that they are also multicultural. Traditional principles, as they have been established under English common law over several centuries, do not destroy or interfere with indigenous culture, nationality or religion but regulate
the conduct of societies in accordance with moral principles, which I believe are universal.

I think this debate is also relevant to the rise of the Family First Party. They are obviously a section of the electorate deeply concerned about the decline in family values in Australia. However, my concerns go beyond the family, important as it is, to every aspect of Australian life. There is also a message for Australian churches here. A lot of the traditional mainstream churches have seen attendance plummet, while Bible-believing churches, those who are not afraid to preach concrete values and standards of behaviour, have seen their attendance move in the opposite direction and skyrocket.

As I finish, I ask my fellow senators to consider: do we want a nation where absolute truth is in decline and where right and wrong are pragmatic values to be changed at whim? Do we want to discard the standards and principles which have made countries like Australia, the United Kingdom and the United States such havens for liberty and freedom? With liberty and freedom come responsibility.

Nardy House

Senator FAULKNER (New South Wales) (8.08 pm)—In the Bega Valley of southern New South Wales, about five kilometres south of Cobargo at Quaama, on the Princes Highway, there is a place called Nardy House. It is a respite facility for profoundly disabled people. For families struggling with the care of a loved one with very severe and multiple disabilities, respite care is a lifeline. It means that parents whose whole life is caring for an adult child can have a day or two when they can have a break, go out to dinner or even to a movie, and just do the sorts of things that we all take for granted.

And Nardy House is a great place. Over 12 years ago, members of the local community got together to do something for the most severely disabled people in their community. They formed a committee. They got to work to develop a facility in the Bega shire. Two dedicated parents donated 5½ acres of land worth around $100,000 so Nardy House could be built. They got a grant from the New South Wales government for $430,000. Building work commenced in early 2003 and was completed in late 2004. It was a great community effort. Support came from local tradesmen, professionals, parents, service clubs, local schools, churches, charities, major philanthropic groups, the Bega Valley Shire Council and community organisations. A further grant of $90,000 was received from the New South Wales government to assist with the fit-out of Nardy House.

Nardy House is a light, airy and very well-designed building. It is fully carpeted, with curtains, a central vacuum-cleaning system to eliminate allergens, reverse cycle air conditioning in every room and electric doors. It is a great new building with all the mod cons you can imagine. You could not ask for more, except for one thing—people! Nardy House has no profoundly disabled clients receiving respite care. It has no staff. Nardy House has never been used. It has been unoccupied for 14 months.

I only became aware of Nardy House coincidentally. Five weeks ago I was, believe it or not, guest speaker at a function organised by the Cobargo-Bermagui branch of the Australian Labor Party. While I was in Cobargo, the Nardy House committee asked to meet me and told me their story. I felt I had heard it before, and I had, of course. Nardy House is our very own St Edward’s Hospital in northern London. St Edward’s Hospital became famous in an early 1981 episode of Yes Minister, ‘The compassionate society’. It
was famous for having 500 ancillary workers but no doctors, nurses or patients.

Well, there are no staff or clients receiving respite care at Nardy House either, but everything else is in place. In the bedrooms there are six electric beds, all with their bed linen and bedding still in plastic wrapping, having never been touched. Three ceiling hoists to assist with carrying clients from beds to ensuite bathrooms and toilets have never been operated. A hydraulic lift bath donated by the Cherish the Children foundation has never been filled. Three electric armchairs have never been touched.

In the fully equipped kitchen a six-burner stove has never been ignited. A microwave oven has never been connected. A dishwasher has never been plugged in. A refrigerator has not been used and a freezer has not been turned on. The full range of kitchen utensils and cutlery is still in plastic wrappings. In the laundry an industrial washing machine and an industrial clothes dryer have never been plugged in.

The fully equipped and furnished staff office includes a computer and a printer, which have never been used, and an internet connection, which has never been connected. In the communal lounge room of Nardy House you will find a TV, a DVD player, leather lounges, a coffee table and an entertainment unit—all unused.

You might remember this line from the famous Yes, Minister episode I mentioned:

First of all, you have to sort out the smooth running of the hospital. Having patients around would be no help at all.

As Sir Humphrey said:

They’d just be in the way.

If that were the case then Nardy House would run more smoothly than any other facility in New South Wales! What Nardy House needs is recurrent funding so that the facility can be staffed 24 hours a day, seven days a week. That will cost nearly a million dollars a year. Finding that money is the stumbling block.

Relations between the New South Wales government and the Nardy House committee are strained, to say the least. I am in no position to point the finger of blame for this situation and I will not do so, but I know this: a solution must be found for the Nardy House stand-off. Surely a society like ours can afford to provide respite care to families in great need and bearing great burdens. Surely government can come to the party to assist a community which has demonstrated so clearly and so capably its willingness to help itself. Surely the resources can be found.

So tonight I ask the responsible ministers of the New South Wales government to again look at the Nardy House situation and put aside the frustrations of the past. After all, more than half a million dollars of New South Wales taxpayers’ money has already been spent there. Tonight I also ask the federal Minister for Community Services, Mr Brough, to assess whether the Commonwealth can assist this local community in need and to do all he can, without simply resorting to the usual formulaic criticism of the state government of New South Wales.

With a forecast budget surplus of $10.8 billion announced tonight for the next financial year, I ask the federal government to find the money and the will to help these people. As the Treasurer said in his budget speech just a few minutes ago—and I completely agree with this part of his speech:

Carers of people with disabilities—whether they are children or older people—make a special, selfless contribution to our society.

I would hope that no government faced with such a clear and pressing need would stoop to take refuge behind the traditional buck-passing of state-federal relationships. For my
part, I intend to keep a close eye on Nardy House to see that something happens. I am not going to let this matter go. *(Time expired)*

**Smartcard**

Senator STOTT DESPOJA (South Australia) (8.18 pm)—I rise tonight having just seen the budget papers. The fact is that, despite the campaigns by many people and parties, and even occasional recommendations from Senate committees, a paltry $6.5 million over four years has been allocated to the Privacy Commissioner. But in the same budget papers I see that more than $1.1 billion has been allocated over the next four years for what is undoubtedly going to be the biggest, most expensive and greatest intrusion into the privacy rights of Australians in our history.

The budget papers that were released tonight allow for the introduction of a so-called access card. Whether you call it a smartcard or anything else that ministers and others would like to refer to it as, it is actually a de facto national identity card. Tonight, in black and white, you can read a little bit about it in the budget papers. It will have a photo ID; a microchip; a number; and possibly, voluntarily, personal and sensitive health information; it will list information about your dependants and your family. It is the single biggest intrusion into our privacy that I can recall. It is worse than the proposed Australia card and it should be defeated in much the same way in which that proposal was rejected by the Australian people and, indeed, parliament and politicians.

Madam Acting Deputy President, in question time today you would have heard me quiz the Minister representing the Minister for Human Services about this issue—in particular about the lack of privacy safeguards and the lack of a so-called external advisory body, or at least the uncertainty among the government as to whether or not we will be getting some kind of independent expert or external assessment of the privacy implications of this particular access card or so-called smartcard. Today in question time I raised the issue of the resignation of the head of the government’s task force that looked into this issue, Mr James Kelaher. We have heard various reported reasons for his resignation, including issues associated with privacy and funding, and departmental organisation, administration and control. But tonight, in black and white, it is there for all to see. By 2008-10 we will have national ID cards. I hope that many Australians will oppose this process.

The Prime Minister two weeks ago stated that the government had decided not to proceed with a compulsory national identity card and that, instead, the government were proceeding with what they call the access card for health and welfare services. While it is theoretically not compulsory for all Australians, it will be necessary for any Australian wanting to apply for government welfare or health services. The Prime Minister also stated:

... it will not be possible to access many services which are normally accessed by people unless one is in possession of the card.

Currently, according to the Minister for Human Services, Mr Joe Hockey, there are 11.5 million Medicare cards in circulation. This does not take into account the many families who are on the one card. Some estimates put the number of people who would need a smartcard at around 17 million, so we are getting pretty close to the entire population. How dare people say that this is not a national identity card! That would be more than three-quarters of our population.

When the government states that the card will not be compulsory but, rather, people will have a choice, it means that people have a choice of either having a card and thus ac-
cessing services or getting no access at all. It is giving people the choice of the lesser of two evils. Choosing a card does mean—and we have heard no arguments to the contrary so far—that they will risk having their personal, health and most sensitive information compromised. It is an appalling plan.

The government is selling this as a health and welfare access card. However, all discussions preceding the announcement of such a card have been in relation to security. I know that the government has stopped doing this now. It is not talking about it in terms of preventing terrorism. It has changed now to a health and welfare focus despite the earlier rhetoric. It is pretty hard not to remain sceptical about the government’s intentions and, indeed, wait for the inevitable function creep.

The Prime Minister declared that the introduction of the health and welfare access card is not a Trojan horse for a compulsory national identity card. As I have mentioned, for a person to have Medicare access it will be compulsory for them to have a smartcard. This card will have their photo, name, address and birth date—in fact, all of the information that you would assume to be the basis of someone’s identity in our society.

The Prime Minister’s claim on the face of it seems to be made in good faith, yet in reality this card is setting the foundations for a national system where the identities of a vast majority of Australians will be stored on these so-called health and welfare cards. What alarms me and many other people greatly are the recent claims—I think it was in the last week—that this information will be accessible by intelligence and police agencies. They will have access to the information gathered for the purposes of intelligence gathering or police information. That is another aspect of the so-called function creep.

I note that the Prime Minister said yesterday, ‘I have been impressed since the announcement was made by the large number of people, particularly in the younger section of the community, who say, “Thank heavens we are going to have something that reduces the enormous number of cards that we have to carry in order to interact with government agencies.”’ So it is about young people—that is it! They want a card, apparently. I must admit that I find this comment surprising. If it can be backed up then I am willing to hear it. I am not sure what information it is based on. It could be based on the KPMG report—the very report we are not going to see. I am sorry; the government is going to release it, but we do not know when exactly and it will be in an edited format. Maybe it is in that. Maybe we have done a poll of young people and they have said: ‘Hey, cool—a health and welfare access card! I’d like to see that.’ But we do not know where this information has come from.

It is even stranger and more surprising to hear the Prime Minister saying this because I went back and found a comment from the Prime Minister I think two weeks ago at the joint press conference to which I referred earlier. He said:

I would imagine a lot of, well a number of younger people who feel immortal and permanently healthy and so forth will not think any of this is necessary.

Which is it? Is youth voting for the card or is youth saying, ‘No, we don’t want the card’? Even so, is this really the basis on which the government and the Prime Minister are implementing and introducing a national identity card—or should I say a health and welfare access card? It just reeks of policy on the run.

The government has claimed that this card will save the government up to $3 billion over three years, yet the Australian Chamber
of Commerce and Industry—amongst many other groups, I might add—has claimed that the cost of the implementation of the card could be as much as $15 billion. We have not yet been able to see what the official report conducted by KPMG actually reveals. I asked this in question time and the taking note debate today: when is the government going to release that report and in what form? A censored or edited version of that report is not good enough. This is the single biggest privacy intrusion into the lives of Australians. It is a de facto national identity card. We deserve to see the detail, not just because of the privacy, security, social, health and welfare implications but also because of the money. The economic implications are huge.

The introduction of this so-called smartcard has seen the government say one thing and then, on the other hand, do another thing. The initial consideration of the card began with the Attorney-General declaring that the government was not considering a smartcard, only to be contradicted days later by the Prime Minister. According to reports, Mr Kelaher, the recently resigned head of the task force, has stated that the government has had discussions and made agreements with ministers, departments, agencies and stakeholders and that it would have an external advisory board. Yet in the last couple of days we have heard the opposite. In today’s Financial Review we have quotes from the Minister for Human Services saying that they do not know if they are going to proceed down this path.

Madam Acting Deputy President, as you have probably gathered, I feel so strongly about this issue, this particular budget allocation and the lack of detail that I will be talking with colleagues in this place over the next couple of days. We should have an inquiry into this. I think this is one of the biggest issues, and not only in terms of financial and economic dealings. It is a huge privacy issue for this nation. I hope that colleagues on all sides of the chamber will consider an inquiry into this. (Time expired)

Prime Minister: Visit to Ireland

Senator STEPHENS (New South Wales) (8.29 pm)—This evening I want to talk about something we have recently learned about. The Prime Minister, sometimes unkindly referred to as Junket Johnnie, is about to embark on another grand tour in a few days time. Rather than stay here and defend the government, Mr Howard will travel with his spouse to the USA, Canada and the green fields of Ireland, which is the land of my birth.

No doubt he will learn the art of fishing from President Bush, who recently claimed that the landing of a huge bass was his greatest achievement while in office. After some sightseeing in Canada, he will depart for the most exciting and rewarding leg of his trip—four days and four nights in Dublin. He could learn much from the time he spends there. For a start, the Irish value and conserve their environment. They do not lock up asylum seekers, or play ‘Cocky Laurie’ with those who try to gain entry to Ireland, as we saw this weekend with the three men detained on Boigu Island in the Torres Strait. The Irish keep their noses out of other people’s wars, and they can relax at night with a jar of Guinness knowing that they will still have a job in the morning.

Like the millions of Australians of Irish descent, I am delighted that Mr Howard is finally going to that country in his capacity as Prime Minister. I certainly hope that the trip will widen his horizons and open his heart. He has only visited Ireland once before, in late 1977, although he has made more than 20 trips to Europe. The Prime Minister has to date demonstrated that he is actually quite uninterested in the Irish. He is
not inclined to attend Irish events in Australia, and I wonder if he even knows that two Australian dancers recently won the World Irish Dancing Championships in Belfast. When he addresses a joint sitting of the Dail and meets with the Taoiseach, Bertie Ahern, and President Mary MacAleese, he will find that much has changed since his last visit.

Importantly, the 2006 census has recorded a population as high as 4.2 million, the highest since 1871. Unlike in our country, where the continuing economic boom has been of very little benefit for the average Australian and yielded a rather ordinary growth rate of three per cent and an environment for interest rate rises, the recent economic turnaround of Ireland, often called the Celtic tiger, has meant huge lifestyle changes among the ordinary people, who enjoy a sense of security and wellbeing that their Australian counterparts can only envy. The past decade or so has seen remarkable economic progress in Ireland. From being the second poorest country in Europe, Ireland’s per capita income is now above the EU average. Buoyant revenues have given the government an opportunity to significantly boost spending across the board. At the same time, the Irish government recognises the importance of keeping inflation in check if the country is to remain an attractive location for foreign investors.

Ireland has experienced a huge influx of non-Irish nationals, who are welcomed and are contributing to a new, vibrant multicultural society. So no doubt Mr Howard will be interested in learning more about Ireland’s successful economic management during his few days in Dublin: how its productivity growth has been generated; its investment in the education and training sector, science and research systems; and its management of the public sector. The Economic survey of Ireland 2006 reveals that Ireland’s fiscal position is very healthy. The government savings rate is one of the highest in the OECD, being around four per cent of GDP last year. There has been a high rate of public investment in infrastructure, and an estimated surplus of half a per cent of the national income in 2005. Gross debt is low: 33 per cent of GDP in 2005.

So great is the change in circumstances that instead of the Irish emigrating to Australia for a better life the reverse is now the case. Ireland’s most important imports are now its people coming home. Our young people want to go there as much as its young people want to come here because Ireland values its diaspora, and Mr Howard would do well to do the same. While Ireland has welcomed skilled Australians, at the same time it has carefully invested in developing the skills of its own people and capturing the highly educated young Irish who have travelled abroad and have much to contribute to their home country. I hope that when he is in Dublin the Prime Minister intends to learn about this policy, too.

The impressive gains in labour productivity that have boosted Ireland’s economic growth since the early 1990s have been underpinned by a steep rise in the educational attainment of the working age population, achieved by the provision of free secondary education to all and a policy of and commitment to lifelong learning that is now an underpinning principle of the Irish economy. Ireland has an education policy that fosters learning from cradle to grave. Undergraduate tuition fees were abolished in 1995 in an attempt to improve equality of access across social groups. This is a huge fiscal challenge. Ireland is actually looking now to the international experience of higher education funding to bring much-needed resources and make higher education institutions more innovative and responsive to the needs of students.
Perhaps the Prime Minister will be able to advise the Irish government of how his government’s higher education RQF framework can help them achieve these outcomes. But he will discover that a distinctive feature of Ireland’s skill set is the difference in educational attainment between the young and the old, and the Irish government’s continued emphasis on the importance of vocational education and training. He will certainly hear during his important meetings that, while the productivity performance has been stunning over the past decade, foreign corporations have been the main generators of innovation and research. Public funding of research and development has grown quickly, but economic output has been so fast that it has been all local research and development can do to keep pace with the challenge to deliver commercially oriented innovations. Ireland recognises that more innovation has led to better results, and has continued investment in research and development as a national priority.

Ireland is also going through a transition period, during which it is upgrading its physical infrastructure. The country’s rapid economic growth has brought with it pressures on infrastructure which I am sure will be of interest to Mr Howard. If he had the chance, as I did a year or so ago, to spend some time travelling around Ireland’s back roads on a good-looking BMW, he would discover that, just like in Australia, road congestion, poor broadband access and a shortage of waste disposal capacity are all presenting challenges and could threaten long-term growth. But Ireland is tackling these challenges by setting high targets for investment in public infrastructure over the medium term and working with the private sector to ensure that nation-building infrastructure investment is part of the continued growth planning of the country. As well as the physical infrastructure, Ireland is also involved in upgrading its social infrastructure. Women are joining the labour force in large numbers. The rise in female participation since 1990 has been amongst the strongest in the OECD.

The Prime Minister might also look at how Ireland looks after its workers. I refer not only to the absence of these barbaric new IR laws which have Australian workers shaking in their boots, but also to Ireland’s system of pensions and public payments. For instance, my own father gets a better pension from Ireland than he does in this country, despite slaving away here for most of his working life. This is a disgrace from a country which we are constantly being told is faring so well, is riding high on the minerals boom and has a budget surplus so obscene that we do not know what to do with it to get the most votes.

But Mr Howard might discover that in Ireland child support is paid whether the parents are working or not. To help parents, Ireland’s 2006 budget introduced a new cash transfer for families with young children. Similar to the existing child benefits, the early child-care supplement is paid universally regardless of parents’ labour force status and regardless of whether or not they are purchasing child-care services. It is not a solution that is eaten away by an anomalous effective marginal tax rate when women return to the workforce.

So, it is clear that there is plenty for Mr Howard to learn during his four-day stay in Ireland that would be of benefit to his constituents here in Australia. One of his own cheer squad, Gerard Henderson of the Sydney Institute, said:

... next time he is in Britain he should cross the sea to Ireland. To learn more about Ireland today. And Australia’s yesterday.

I reflected on the role of the Irish in Australia at an ecumenical service at the Australian
Centre for Christianity and Culture on St Patrick’s Day, and again I had the pleasure of being reminded of Ireland’s continuing contribution to Australian society when I opened the fourth open day of Canberra’s Irish associations at the Canberra Irish Club on Sunday.

So I fervently hope that this trip helps to ease the bilateral chill that has existed between Australia and Ireland for the period of Mr Howard’s prime ministership and provides him with the chance to re-examine his views of Ireland and the Irish. Could we hope that it might lead to the reopening of Australia’s visa office in Dublin? Perhaps not, but I certainly do hope that this trip is more than a final lap of honour in a beautiful country, among friendly people, for Mr Howard to enjoy at the Australian taxpayers’ expense.

**Pacific Islands**

Senator BARTLETT (Queensland) (8.38 pm)—I concur with a lot of what Senator Stephens said, as I am another Australian of significant Irish descent and I had the opportunity to be with her on a recent trip to Ireland. She played the role of the Irish eyes by smiling all the time, and also provided an occasional bit of the local language, which was very impressive. One of the other things from Ireland that will lead on to the topic I want to talk about tonight, is their approach to the recent widening of the number of countries in Europe when the European Union expanded. There was the option for all of the existing countries to immediately allow workers from the new European countries to have the same rights to work in their country as all other people in the EU countries. They also had the ability to postpone that for two years. Ireland was one of the few that opened itself up straight away to migrant worker to come from those countries that had just joined the EU, even though there were fears that this would undercut wage rates because, broadly speaking, the workers were coming from poorer countries. I think that has been shown to be yet another part of the significant economic success that Ireland has enjoyed.

I mention that as part of noting an aspect of the government’s migration program, in which they seem to continually be refusing to provide or allow access to temporary unskilled workers from Pacific island nations. This approach puzzles me because we have such an enormous migration intake these days—over 157,000 permanent migrations next financial year—plus enormous numbers of temporary residency visa holders. An example is the working holiday visa, which last financial year had 104,000 people coming to and staying in Australia and being able to work for the significant period of one year. That program has also just been modified so people can stay in the one job for up to six months, instead of the previous three months, and, if they work for three or more months in a particular industry, such as agriculture or tourism, they can apply for another one-year visa.

So there is this approach where people who are from a range of countries, mostly European—including Ireland, I might say—are able to come here and do unskilled labour for prolonged periods and seasonal labour, particularly in the agricultural arena, but the government is saying no to workers coming from Pacific island nations to do the same thing. I think there is a real selectivity there that is not perceived well. I know from representations I have had from many people in the Pacific islands that it is not perceived well. Through the Pacific Island Forum, there have been specific requests from Pacific island nations for Australia to allow seasonal workers to come in from the Pacific islands to assist those countries in generating income for people in many of those small
and economically struggling Pacific island nations. According to media reports from the government’s own core group, there has also been a recommendation to introduce a program for Pacific islanders. That has been opposed by the government. The Minister for Foreign Affairs, Mr Downer, said:

'Sucking cheap labour out of the Pacific I think is quite an undesirable policy ... I feel a bit uncomfortable about that.

There is no particular reason why the labour from the Pacific islands would be any cheaper when doing unskilled work in the areas that are having difficulty finding workers. That certainly applies to a number of primary industries. There is no reason why that labour would be any cheaper than labour from European countries and the few Asian countries that have the working holiday visa arrangements.

In the budget package that the Minister for Immigration and Multicultural Affairs released from her department today, she specifically pointed to the immense benefit to regional employers of the enhancements to the working holiday visa program. Broadly speaking, I agree with what she said there, but I again wonder why it is that we have this strong promotion and, in effect, expansion of working holiday visas for unskilled labourers or those doing unskilled work yet we have this continual refusal to allow people to come from Pacific island nations in our region to do the same thing. I think that is very unfortunate.

There is a Senate committee inquiry into this matter at the moment; I have not been able to participate as comprehensively in that as I would have liked, due to having too many other Senate committee inquiries to be part of, including the committee that I chair. I do not want to pre-empt what that committee might find, but I do note that the submission to that inquiry from Oxfam Australia strongly recommended the creation of a regulated seasonal work scheme between Australia and Pacific island countries. It notes a number of benefits, such as creating employment opportunities for the growing number of unskilled workers in that region without requiring permanent migration.

It is often forgotten that a lot of migration now is what is called ‘circular migration’, where people move to one place and then go back home or to a third or fourth place; they move around a lot. There are many more people coming into Australia each year on temporary residency visas than are coming in on permanent residency visas—I think about three times more. There has been a very big change in the nature of migration in Australia and many other countries. We create employment opportunities for countries in our region—many of which are Pacific island nations struggling hugely—and provide an additional source of remittances that make an important contribution to social and economic development in many of those countries. According to the Oxfam submission, a country such as Tonga, for example, has the extraordinary amount of 31 per cent of its GDP coming through remittances from Tongans working overseas. There are enormous numbers of overseas workers, for example, from Fiji—one of the larger economies in the Pacific islands. In 2004, Fiji recorded more than $F300 million in remittances, which was seven per cent of its GDP; quite possibly, the real figure is higher than that.

So migrant work is a very significant part of the economy of many of those nations and we should be supplying more opportunities for them, particularly given that the migrants we are taking are skilled. There is a real problem that Australia and New Zealand are, through our existing migration programs, attracting many of the skilled migrants from the Pacific, such as accountants, teachers, IT workers, doctors, nurses, other health profes-
sionals and even rugby players, who are attracted by better pay and career opportunities. Our country is quite happy to suck out the skilled workers, of which there is a shortage in Pacific island nations; but we are putting up a brick wall to unskilled workers, despite the fact that there is clearly an oversupply of them in those countries. Whilst there is a higher unemployment rate amongst unskilled workers in Australia, there is nonetheless no doubt that many industries—again, particularly those in the agricultural area—have difficulty finding unskilled workers. Some of that seasonal work is fruit picking and the like, but it is not just fruit picking; there is also fishing, forestry, and tourist industry work. These can all be seasonal, and industries in which people and employers find it difficult to find jobs.

We do need to have safeguards against exploitation, but I think comparisons with the horrible history—particularly that of my own state of Queensland—of kidnapping people from Pacific islands and forcing them to work on the cane fields and the like is not an adequate parallel. This issue concerns people who want to come and work here; it concerns people who would be able and required to go back home. As well as providing economic opportunities, I think it would assist in building some of the better links that we need to have with our Pacific island neighbours, who are in our region and yet are not often enough in our consciousness as being part of our region.

I urge the government to reconsider this approach. There are obviously benefits for Australia, but there are benefits for wealth creation for our wider region, and that is something that is in our national interest and is certainly in the interests of Pacific island countries. When they continue to see us encouraging in thousands and thousands of extra unskilled workers each year from Europe, and refusing to have people from Pacific islands, I think it sends a bad message. (Time expired)

Beaconsfield Mine

Senator CAROL BROWN (Tasmania)

(8:49 pm)—This is a day of mixed emotions for Tasmania and for Australia. It is a day of great joy and tremendous sadness. The joy is for the safe return of the Beaconsfield miners Todd Russell and Brant Webb. Our natural feelings of elation and happiness as they emerged from the mine this morning are tempered by our sorrow as today family and friends farewelled Larry Knight, who lost his life at the Beaconsfield mine.

It is 14 long days and nights ago that the three men went underground for what should have been a normal 12-hour shift, if in fact 12 hours spent one or more kilometres under the earth’s surface can ever be normal for the majority of us. Mining communities have a long and justifiably proud history of looking after their own, and we have seen miners and mine specialists come from across Australia to aid in the rescue of two of their own—a rescue one kilometre underground—putting themselves in a very dangerous situation in an unstable environment for their mates.

I now turn to the men and women who have waited, never giving up hope that their loved ones would be safely returned to them, and to the Knight family. This is a day of great sadness for that family yet they too, as we know, share in the happiness of the Russell and Webb families. Today we join together to express our condolences to the Knight family on the tragic loss of Larry Knight, and our joy at the return of Todd Russell and Brant Webb. To the wonderful people of Beaconsfield, who never gave up hope or wavered in their determination to bring their mates home safely, I say thank you. To those who travelled from across Australia to work above and below ground using their skills, knowledge and strength, I say...
thank you. I say thank you to the women and the local ministers for their prayers. To the children who quietly left flowers, I say thank you. I say thank you to the paramedics and the psychologist who spoke to the men and gave them added hope and security. To the Australian media who reported those long days and nights with skill and compassion, I say thank you. Nor do we forget your loss; we express our condolences to the family and friends of Richard Carleton, who died two nights ago while covering the Beaconsfield rescue for Channel 9. To the men, women and children of Beaconsfield; to the town’s mayor and councillors; to the union, the AWU; and the mine manager, I say thank you for your compassion and tolerance as you took us with you through the journey of highs and lows and, finally, shared in your great happiness. Be sure that you are in our thoughts and prayers, as you have been for the past two long weeks.

**Senate adjourned at 8.52 pm**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- Army and Air Force Canteen Service Board of Management (trading as Frontline Defence Services)—Report for 2004-05, including report on the equal employment (EEO) management plan.
- Australian Communications and Media Authority—Online content co-regulatory scheme—Report for the period July to December 2005.
- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2005.
- Department of Immigration and Multicultural Affairs—Access and equity report for 2005.
- Telecommunications carrier industry development plans—Progress report for the period July 2004 to September 2005 [Final report].

**Tabling**

The following documents were tabled by the Clerk:

- [Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]
  - Agricultural and Veterinary Chemicals Code Act—Select Legislative Instrument 2006 No. 75—Agricultural and Veterinary Chemicals Code Amendment Regulations 2006 (No. 1) [F2006L01163]*.
  - 11 of 2005-2006 [F2006L01084]*.
  - 8 of 2005-2006 [F2006L00960]*.
  - 10 of 2005-2006 [F2006L01085]*.
  - AusLink (National Land Transport) Act—Variation to the conditions applying to payments under Part 8, dated 30 March 2006 [F2006L01119]*.
  - Australian Communications and Media Authority Act—Telecommunications (Submarine Cable Permit—Application Charge) Determination 2006 [F2006L01009]*.
  - Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock In-
dustry (High Quality Beef Export to the European Union) Order 2006 [F2006L00958]*.

Australian National University Act—Programs and Awards Statute 2006—Graduate Awards Rules (No. 2) 2006 [F2006L01069]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 6 of 2006—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2006L01213]*.

Banking Act—Banking (Foreign Exchange) Regulations 1959—Direction relating to foreign currency transactions and to Zimbabwe; and variation of exemptions—Amendment to annexes, dated 31 March 2006 [F2006L00918]*.

Broadcasting Services Act—Variations to Licence Area Plans for—

Canberra (Radio)—No. 1 of 2006 [F2006L01283]*.

Melbourne Radio—No. 1 of 2006 [F2006L01277]*.

Remote Central and Eastern Australia—No. 1 of 2006 [F2006L01027]*.

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Order 29.11 Amendment Order (No. 1) 2006 [F2006L01042]*.

Civil Aviation Order 40.1.0 Amendment Order (No. 1) 2006 [F2006L01171]*.

Civil Aviation Order 40.3.0 Amendment Order (No. 1) 2006 [F2006L01172]*.

Civil Aviation Order 92.3 Repeal Order 2006 [F2006L01239]*.

Civil Aviation Order 95.4 Amendment Order (No. 1) 2006 [F2006L01005]*.

Civil Aviation Order 95.7 Amendment Order (No. 1) 2006 [F2006L01180]*.

Instruments Nos—

CASA 109/06—Approval—charter operations without autopilot [F2006L01137]*.

CASA EX11/06—Exemption—from carriage of life rafts [F2006L01017]*.

CASA EX16/06—Exemption—from take-off minima inside and outside Australian territory [F2006L01041]*.

CASA EX18/06—Exemption—refuelling with patients on board [F2006L01278]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/A109/8 Amdt 2—Tail Rotor Blades [F2006L01327]*.

AD/A320/172 Amdt 1—Main Landing Gear Support Rib 5 [F2006L01002]*.

AD/A330/9 Amdt 3—Nose Landing Gear [F2006L01055]*.

AD/A330/43 Amdt 1—Cockpit Instrument Panel [F2006L01109]*.

AD/AC-SNOW/24 Amdt 4—Wing Spar [F2006L01274]*.

AD/AMD 50/34—Ice and Rain Protection—Outboard Leading Edge Slats [F2006L01054]*.

AD/AS 355/86 Amdt 1—Tail Rotor Controls [F2006L01342]*.

AD/AT/20 Amdt 4—Wing Lower Spar Cap Safe Life [F2006L01391]*.

AD/AT/27—Wing Lower Spar Cap [F2006L01361]*.

AD/AT 800/3 Amdt 2—Wing Lower Spar Cap Safe Life [F2006L01383]*.
AD/AT 800/7—Wing Lower Spar Cap [F2006L01363]*.
AD/B727/93 Amdt 4—Forward Entry Door Frame [F2006L01326]*.
AD/B727/202—Wing Front and Rear Spar Terminal Fittings [F2006L01325]*.
AD/B737/40 Amdt 3—Structural Modification and Inspection Program [F2006L01111]*.
AD/B737/285—State of Design Airworthiness Directives [F2006L01340]*.
AD/B737/286—Fuselage Skin Scribe Lines [F2006L01355]*.
AD/B737/287—Engine Strut Aft Fairing Cavities [F2006L01357]*.
AD/B747/46 Amdt 6—Forward Fuselage Pressure Shell [F2006L01036]*.
AD/B747/228 Amdt 1—Station 2598 Bulkhead Forward Inner Chord [F2006L01309]*.
AD/B747/260—Bulkhead Frame Support at Body Station 2598 [F2006L01308]*.
AD/B747/296 Amdt 1—Body Station 2598 Bulkhead [F2006L01307]*.
AD/B747/324—Upper Deck Area Fuselage Frames [F2006L01108]*.
AD/B747/340—Fuselage Main Frame [F2006L01106]*.
AD/B747/341—Fuselage Lap Joints at Sections 41, 42, and 46 [F2006L01306]*.
AD/B747/342—Main Entry Door No. 3 Fuselage Cutout [F2006L01305]*.
AD/B747/343—Stretched Upper Deck Frame and Tension Tie [F2006L01304]*.
AD/B747/344—Escape Slide/Raft Pack Assembly and Cable Release Sliders [F2006L01303]*.
AD/B767/29 Amdt 5—Configuration, Maintenance & Procedures Standard for Extended Range Operation [F2006L01053]*.
AD/B767/220—Fuel Crossfeed Valve [F2006L01052]*.
AD/B767/221—MLG Bogie Beam Pivot Pin [F2006L01302]*.
AD/B/Ae 146/120 Wing Top Skin under Rib 0 Joint Strap [F2006L01220]*.
AD/B/EELL 212/11—Fire Detection System—Audible Warning [F2006L01310]*.
AD/B/EELL 222/35—Fuel Valve Switch [F2006L01048]*.
AD/B/EELL 427/3—Kaflex Drive Shaft [F2006L01051]*.
AD/B/EELL 427/4—Hydraulic Solenoid Tee Fitting [F2006L01047]*.
AD/B/EELL 430/6—Fuel Valve Switch [F2006L01049]*.
AD/C/ESSNA 208/19—Flight and Ground Icing Operations [F2006L01046]*.
AD/C/ESSNA 550/25—Engine Fire Bottle Wiring [F2006L01045]*.
AD/C/ESSNA 550/26—Wing Fuel Boost Pumps [F2006L01080]*.
AD/C/ESSNA 560/7—Engine and Auxiliary Power Unit Fire Bottle Wiring [F2006L01040]*.
AD/C/ESSNA 560/8—Wing Fuel Boost Pumps [F2006L01050]*.
AD/C/ESSNA 750/3—Auxiliary Power Unit Fire Bottle Wiring [F2006L01039]*.
AD/CI/RRUS/5—Fuel Line Chafing Damage [F2006L01215]*.
AD/CONV AIR/2—Elevator and Rudder Hinge Pins and Bushings [F2006L01105]*.
AD/CONV AIR/3—Supplemental Corrosion Inspection Program [F2006L01104]*.
AD/CONV AIR/4—Supplemental Inspection Program [F2006L01103]*.
AD/CONV AIR/5—Nose Landing Gear Axle [F2006L01102]*.
AD/CONV AIR/6—Elevator Outer Torque Tube Assembly [F2006L01101]*.
AD/CONV AIR/7—Cockpit and Cabin Windows [F2006L01100]*.
AD/CONV AIR/8—Nose Landing Gear Axle [F2006L01102]*.
AD/CONV AIR/9—Cockpit and Cabin Windows [F2006L01099]*.
AD/CONV AIR/10—Main Landing Gear Cylinders [F2006L01097]*.
AD/CONV AIR/11—Main Windshield Lower Longeron Splice Channel [F2006L01096]*.
AD/CONV AIR/12—Main Landing Gear Piston/Axle Assemblies [F2006L01095]*.
AD/CONV AIR/13—Main Landing Gear Trunnion Fittings [F2006L01093]*.
AD/CONV AIR/14—Main Landing Gear Beam Webs [F2006L01091]*.
AD/CONV AIR/15—Nose Landing Gear Aluminium Uplock Quadrant Lug [F2006L01067]*.
AD/CONV AIR/16—Elevator Outer Torque Tube Assembly [F2006L01101]*.
AD/CONV AIR/17—Elevator Outer Torque Tube Assembly [F2006L01101]*.
AD/CONV AIR/18—Nose Landing Gear Retract Fork [F2006L01064]*.
AD/CONV AIR/19—NLG Actuating Cylinder Rod End Eyebolt [F2006L01063]*.
AD/CONV AIR/20—MLG Torque Arm Apex Bolt [F2006L01062]*.
AD/CONV AIR/21—FAA Non-Repetitive ADs [F2006L01030]*.
AD/CONV AIR/22—Wing Lower Skin Inboard of Station 8 [F2006L01338]*.
AD/CONV AIR/23—Nose Landing Gear Retract Fork [F2006L01064]*.
AD/CONV AIR/24—Supplemental Inspect...
AD/DO 328/61—Hydraulics Leakage and Functional Checks [F2006L01333]*.
AD/DO 328/62—Engine Controls—Cam Followers [F2006L01332]*.
AD/EMB-120/44—Cargo Configuration [F2006L01320]*.
AD/F100/75 Amdt 1—High Pressure Compressor [F2006L01331]*.
AD/F100/78—NLG Door Uplock Assembly [F2006L01059]*.
AD/F2000/10—Ice and Rain Protection—Outboard Leading Edge Slats [F2006L01025]*.
AD/F2000/11—Flap Jackscrew [F2006L01024]*.
AD/F2000/12—Hydraulic Shut-off Valve [F2006L01023]*.
AD/F2000/13—Engine Spherical Bearing [F2006L01022]*.
AD/F2000/14—State of Design Airworthiness Directives [F2006L01330]*.
AD/FU24/53 Amdt 2—Flap Control Torque Tube—Inspection [F2006L01058]*.
AD/HS 125/141—Fan Venturi Motor Clearance [F2006L01034]*.
AD/HS 125/178—Air Conditioning—Fan Venturi Motor [F2006L01020]*.
AD/JETSTREAM/90 Amdt 3—Main and Nose Landing Gear—Life Limitations [F2006L01299]*.
AD/PC-12/48—Centre Fuselage Frame 21 [F2006L01298]*.
AD/R22/31 Amdt 11—Main Rotor Blades [F2006L01057]*.
AD/R44/18 Amdt 1—Main Rotor Blades [F2006L01110]*.
AD/X-TS/5 Amdt 2—Flap Hinge Support Bracket [F2006L01056]*.

106—
AD/AL501/1—Second Stage Turbine Wheels [F2006L01346]*.
AD/AL501/3—First Stage Turbine Wheels [F2006L01350]*.
AD/AL501/4—First Stage Compressor Disc [F2006L01352]*.
AD/AL501/5—Third and Fourth Stage Turbine Wheels [F2006L01353]*.
AD/ARRIEL/23—Start Electro Valve—Fuel Leaks [F2006L01345]*.
AD/CF34/5 Amdt 1—Fan Disks [F2006L01035]*.
AD/CF34/10—Stage 5 and 6 Low Pressure Turbine Disks [F2006L01033]*.
AD/CON/86—ECI Cylinder Assemblies [F2006L01031]*.
AD/LYC/115—Lycoming Crankshaft Replacement [F2006L01019]*.
AD/RB211/35—High Pressure Turbine [F2006L01018]*.
AD/RB211/35 Amdt 1—High Pressure Turbine [F2006L01160]*.

107—
AD/FPE/17—Meggitt Safety Systems Model 602 Smoke Detectors [F2006L01021]*.
AD/INST/54—Aero Advantage Vacuum Pumps [F2006L01329]*.
AD/PARA/16—Techno 240-B Reserve Parachute [F2006L01290]*.
AD/PHZL/68 Amdt 4—Turbine Engine; Steel Hub Propellers [F2006L01312]*.
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Addendum—CR 2001/1.


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AASB 1048—Interpretation and Application of Standards

[AF2006L01178]*.

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1 of 2006 [AF2006L01221]*.

2 of 2006 [AF2006L01222]*.

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0513980 [AF2006L00944]*.

0514271 [AF2006L01115]*.

0515294 [AF2006L00891]*.

0515341 [AF2006L01244]*.

0515638 [AF2006L00894]*.

0516041 [AF2006L01079]*.

0516044 [AF2006L01081]*.

0601895 [AF2006L01074]*.

0601896 [AF2006L00954]*.

0601899 [AF2006L00953]*.

0602088 [AF2006L01127]*.

0602089 [AF2006L01076]*.

0602196 [AF2006L00995]*.

0602197 [AF2006L01236]*.

0602198 [AF2006L00948]*.

0602199 [AF2006L00953]*.

0602200 [AF2006L00951]*.

0602218 [AF2006L00975]*.

0602219 [AF2006L00996]*.

0602220 [AF2006L00997]*.

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0602223 [AF2006L01000]*.

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0602268 [AF2006L00947]*.
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21/2006 [F2006L00972]*.
22/2006 [F2006L00973]*.
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27/2006 [F2006L01088]*.
28/2006 [F2006L01089]*.
29/2006 [F2006L01126]*.
30/2006 [F2006L01125]*.
31/2006 [F2006L01204]*.
32/2006 [F2006L01205]*.
33/2006 [F2006L01206]*.
34/2006 [F2006L01207]*.
35/2006 [F2006L01311]*.
36/2006 [F2006L01313]*.
37/2006 [F2006L01314]*.
38/2006 [F2006L01315]*.
39/2006 [F2006L01316]*.
40/2006 [F2006L01317]*.

Defence Act—Defence Determinations under section 58B—Defence Determinations—
2006/9—Travel—amendment.
2006/10—Overseas conditions of service—post indexes.
2006/11—Home purchase assistance scheme (HPAS)—amendment.
2006/12—Miscellaneous amendments.
2006/13—Disturbance allowance—amendment.
2006/14—Completion bonus—Navy seaman officers.
2006/15—Miscellaneous amendments.
2006/16—Emergency Support for Families Scheme.
2006/17—Housing assistance—amendment.
2006/18—Completion bonus for specified senior positions and travel—amendment.
2006/19—Additional remuneration for star rank officers—amendment.
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Amendment of list of exempt native specimens, dated 17 February 2006 [F2006L01015]*.

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Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2006 (No. 2) [F2006L01167]*.
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  64—Federal Court of Australia Amendment Regulations 2006 (No. 1) [F2006L00766]*.
  81—Federal Magistrates Amendment Regulations 2006 (No. 1) [F2006L01214]*.
  88—Federal Court Amendment Rules 2006 (No. 1) [F2006L01322]*.

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  Adjustments of Appropriations on Change of Agency Functions—Directions Nos—
    16 of 2005-2006 [F2006L01004]*.
    17 of 2005-2006 [F2006L01118]*.
    18 of 2005-2006 [F2006L01208]*.
    19 of 2005-2006 [F2006L01359]*.

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  Australian Sports Anti Doping Authority [F2006L01174]*.
  Department of Immigration and Multicultural Affairs [F2006L01168]*.
  Office of the Australian Building and Construction Commissioner [F2006L01072]*.

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Future Fund Act—
  Future Fund (Crediting of Initial Amount) Determination 2006 [F2006L01393]*.
  Future Fund Investment Mandate Directions 2006 [F2006L01388]*.

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  GSTD 2006/1-GSTD 2006/4.

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  GSTR 2006/2-GSTR 2006/8.

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  Determination of patient contribution—HIB 15/2006 [F2006L01176]*.
  Health Insurance (Accredited Pathology Laboratories—Approval) Amendment Principles 2006 (No. 1) [F2006L01011]*.

Select Legislative Instruments 2006 Nos—
  69—Health Insurance Amendment Regulations 2006 (No. 1) [F2006L00966]*.
  70—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2006 (No. 1) [F2006L00967]*.
  71—Health Insurance (General Medical Services Table) Amendment Regulations 2006 (No. 1) [F2006L00907]*.
  84—Health Insurance Amendment Regulations 2006 (No. 2) [F2006L01209]*.
  85—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2006 (No. 2) [F2006L01210]*.
  86—Health Insurance (General Medical Services Table) Amendment Regulations 2006 (No. 2) [F2006L01212]*.
  87—Health Insurance (Pathology Services Table) Amendment Regulations 2006 (No. 1) [F2006L01211]*.

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Industrial Chemicals (Notification and Assessment) Act—Select Legislative Instrument 2006 No. 78—Industrial Chemicals (Notification and Assessment) Amendment Regulations 2006 (No. 1) [F2006L01169]*.

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Judiciary Act—Legal Services Amendment Directions 2006 (No. 1) [F2006L00961]*.

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Life Insurance Act and Acts Interpretation Act—


Life Insurance (Prudential Rules) Determinations Nos—


3 of 2006—Prudential Rules No. 48—Friendly Society Collection of Statistics [F2006L01216]*.

Medical Indemnity Act—Select Legislative Instrument 2006 No. 72—Medical Indemnity Amendment Regulations 2006 (No. 1) [F2006L00955]*.

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Migration (Côte d’Ivoire—United Nations Security Council Resolutions) Regulations—Instrument IMMI 06/012—Persons Subject to UNSCR Measures Concerning Côte d’Ivoire [F2006L01179]*.


Migration Regulations—Instruments—IMMI 06/009—Arrangements for Work and Holiday Visa Applicants from Thailand, Iran and Chile [F2006L00940]*.

IMMI 06/010—Specification of Regional Certifying Bodies and Post Codes Defining Regional Australia for Certain Visas [F2006L00987]*.

IMMI 06/027—Occupations, Locations, Salaries, and Relevant Assessing Authorities for the Employer Nomination Scheme [F2006L01225]*.

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Military Rehabilitation and Compensation (Members) Determination 2006 [F2006L00984]*.

Select Legislative Instrument 2006 No. 83—Military Rehabilitation and Compensation Amendment Regulations 2006 (No. 1) [F2006L01219]*.
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Arrangements Nos—
PB 19 of 2006—Highly Specialised Drugs Program [F2006L00957]*.
PB 20 of 2006—Chemotherapy Pharmaceuticals Access Program [F2006L00962]*.
PB 21 of 2006—Special Authority Program [F2006L00963]*.

Declarations Nos—
PB 13 of 2006 [F2006L00936]*.
PB 14 of 2006 [F2006L00937]*.

Determination—
HIB 14/2006 [F2006L01170]*.
HIB 16/2006 [F2006L01292]*.
No. PB 16 of 2006 [F2006L00939]*.
PSO 1/2006 [F2006L01281]*.
PSO 2/2006 [F2006L01282]*.


National Transport Commission Act—Select Legislative Instrument 2006 No. 74—National Transport Commission (Road Transport Legislation—Vehicle Standards) Amendment Regulations 2006 (No. 2) [F2006L00986]*.

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22 November 2005 [4].
1 December 2005.
19 December 2005.
3 March 2006.

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Parliamentary Entitlements Regulations—Advice of decisions to pay assistance under Part 3, dated 12 April 2006 [2].

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Select Legislative Instrument 2006 No. 73—Petroleum Retail Marketing Sites Amendment Regulations 2006 (No. 1) [F2006L00991]*.

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Notices of Withdrawal—PGBR 2003/1 and PGBR 2003/2.

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Addenda—
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PR 2005/6 and PR 2005/114.
PR 2006/1 and PR 2006/2.

Erratum—PR 2004/90.
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PR 2004/73.
PR 2005/77.
PR 2006/24-PR 2006/70.

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Sydney Airport Curfew Act—Dispensation Report 03/06.

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Notices of Withdrawal—
TD 93/34.
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Old Series—Notices of Withdrawal—
IT 2393.
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TR 92/1 and TR 92/20.
TR 93/1.
TR 97/16.
TR 2006/2.

Telecommunications Act—
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2006 (No. 1) [F2006L01010]*.
Telecommunications (Standard Form of Agreement Information) Amendment Determination 2006 (No. 1) [F2006L01408]*.
Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(d) No. 1 of 2006 [F2006L01192]*.

Therapeutic Goods Act—Therapeutic Goods (Listing) Notice 2006 (No. 3) [F2006L00988]*.

Trans-Tasman Mutual Recognition Act—Select Legislative Instrument 2006 No. 79—Trans-Tasman Mutual Recognition Amendment Regulations 2006 (No. 1) [F2006L01165]*.

Veterans’ Entitlements Act—
Amendment of Statement of Principles concerning—
Angle-closure glaucoma No. 25 of 2006 [F2006L01267]*.
Angle-closure glaucoma No. 26 of 2006 [F2006L01268]*.
Open-angle glaucoma No. 23 of 2006 [F2006L01265]*.
Open-angle glaucoma No. 24 of 2006 [F2006L01266]*.
Determination of Warlike Service—Operation Tamar [F2006L01121]*.
Determination under section 46L(1) No. 11/2006 [F2006L01068]*.
Statement of Principles concerning—
Malignant neoplasm of the lung No. 17 of 2006 [F2006L01246]*.
Malignant neoplasm of the lung No. 18 of 2006 [F2006L01250]*.
Non-melanotic malignant neoplasm of the skin No. 15 of 2006 [F2006L01271]*.
Non-melanotic malignant neoplasm of the skin No. 16 of 2006 [F2006L01273]*.
Paget’s disease of bone No. 19 of 2006 [F2006L01253]*.
Paget’s disease of bone No. 20 of 2006 [F2006L01257]*.
Soft tissue sarcoma No. 13 of 2006 [F2006L01240]*.
Soft tissue sarcoma No. 14 of 2006 [F2006L01241]*.
Vascular dementia No. 21 of 2006 [F2006L01259]*.
Vascular dementia No. 22 of 2006 [F2006L01262]*.

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Workplace Relations Act—Select Legislative Instrument 2006 No. 68—Workplace Relations Amendment Regulations 2006 (No. 1) [F2006L00970]*.

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Aged Care Amendment (2005 Measures No. 1) Act 2006—Schedules 1 to 7—31 May 2006 [F2006L01217]*.

Future Fund Act 2006—Sections 3 to 85—3 April 2006 [F2006L00934]*.

Therapeutic Goods Amendment Act (No. 2) 2006—Schedule 1—3 April 2006 [F2006L00889]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Industry, Tourism and Resources: Consultants
(Question No. 598)

Senator Chris Evans asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

(1) For each financial year from 2000-01 to 2004-05 to date: (a) how many consultants were engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs and what was the total cost; and (b) for each consultancy: (i) what was the cost, (ii) who was the consultant, and (iii) was this consultant selected by tender; if so, was the tender select or open; if not, why not.

(2) Were any of the surveys released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) and (2) From 2000-01 to 2004-05, 14 consultants were engaged to conduct surveys of community attitudes to Departmental programs. Information on each consultancy is provided in the following table.

Note: The information provided is in relation to surveys that have been targeted at the broader community. Surveys or evaluations with a more restricted focus (for example, those surveys which have been targeted at specific Departmental stakeholders or at specific business groups) have not been included.

<table>
<thead>
<tr>
<th>Yr contract entered into</th>
<th>Consultant name / consultancy description</th>
<th>Cost (contract total, GST excl)</th>
<th>Selected by open tender</th>
<th>If not, why</th>
<th>Survey Results</th>
<th>Release date</th>
<th>If not publicly released, why</th>
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<tbody>
<tr>
<td>2000/01</td>
<td>Myriad Consultancy: Survey of attitudes towards genetically modified foods in Tasmania.</td>
<td>Information not readily available</td>
<td>no</td>
<td>Sub-contracted by Turnbull Porter Novelli, who were contracted to Biotechnology Australia at the time to undertake a range of public relations activities.</td>
<td>Yes</td>
<td>Mar-01</td>
<td>n/a</td>
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<td>2000/01</td>
<td>Market Attitude Research Services: Survey of public attitudes towards applications of genetically modified foods</td>
<td>$8,000</td>
<td>no</td>
<td>Direct engagement for purchase of additional questions into an existing survey.</td>
<td>Yes</td>
<td>Mar-01</td>
<td>n/a</td>
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<tr>
<td>Yr contract entered into</td>
<td>Consultant name / consultancy description</td>
<td>Cost (contract total, GST excl)</td>
<td>Selected by open tender</td>
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<td>2000/01</td>
<td>Millward Brown: Survey of public attitudes towards applications of biotechnology.</td>
<td>$101,000</td>
<td>no</td>
<td>Direct Engagement - to ensure consistency with the methodology of the previous survey and utilise the experience gained by the supplier with the clients and subject matter. The Government Communications Unit of PM&amp;C endorsed the selection of this supplier based on the tender process for the previous survey conducted in 1999.</td>
<td>Yes</td>
<td>Jun-01</td>
<td>n/a</td>
</tr>
<tr>
<td>2001/02</td>
<td>Quantum Market Research: Public survey of attitudes relating to genetically modified crops.</td>
<td>$9,500</td>
<td>no</td>
<td>Direct Engagement, based on recommendation from the Government Communications Unit, to enable best comparable methodology for tracking of data from previous survey.</td>
<td>Yes</td>
<td>Feb-02</td>
<td>n/a</td>
</tr>
<tr>
<td>2001/02</td>
<td>Market Attitude Research Services: Market research to assess public opinion on genetic modification of food, human stem cell research and Australian farmer opinion of genetically modified crops.</td>
<td>$19,195</td>
<td>no</td>
<td>Direct Engagement, based on recommendation from the Government Communications Unit, to enable best comparable methodology for tracking of data from previous survey.</td>
<td>Yes</td>
<td>Oct-02</td>
<td>n/a</td>
</tr>
<tr>
<td>2002/03</td>
<td>Market Attitude Research Services: Market research to assess Australian community opinion on innovation.</td>
<td>$3,600</td>
<td>no</td>
<td>Direct Engagement for purchase of additional questions into an existing survey.</td>
<td>No</td>
<td>n/a</td>
<td>Survey designed for internal use to help develop appropriate policy and programs to raise awareness of innovation.</td>
</tr>
<tr>
<td>Year</td>
<td>Consultant / Consultancy Description</td>
<td>Cost (Contract Total, GST excl)</td>
<td>Selected by Open Tender</td>
<td>If not, why</td>
<td>Survey Results Publicly Released</td>
<td>Release Date</td>
<td>If not publicly released, why</td>
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<td>2002/03</td>
<td>Market Attitude Research Services: Market research to assess public opinion on genetic modification of food, human stem cell research and Australian farmer opinion of genetically modified crops.</td>
<td>$65,950</td>
<td>no</td>
<td>Direct Engagement, based on recommendation from the Government Communications Unit, to enable best comparable methodology for tracking of data from previous survey.</td>
<td>Yes</td>
<td>Aug-03</td>
<td>n/a</td>
</tr>
<tr>
<td>2003/04</td>
<td>Kleffman Australia Pty Ltd: Report on attitudes on growing genetically modified canola.</td>
<td>$7,500</td>
<td>no</td>
<td>Direct Engagement. Kleffman Australia approached Biotechnology Australia seeking funding for a survey they had designed and were conducting. Survey not commissioned by Australian Government. Contribution to cost only which enabled access to survey results.</td>
<td>Yes</td>
<td>Sep-04</td>
<td>n/a</td>
</tr>
<tr>
<td>2003/04</td>
<td>Market Attitude Research Services: Market research to assess Australian community opinion on innovation.</td>
<td>$2,400</td>
<td>no</td>
<td>Direct Engagement to enable best comparable methodology for tracking of data from previous survey.</td>
<td>No</td>
<td>n/a</td>
<td>Survey designed for internal use to help develop appropriate policy and programs to raise awareness of innovation.</td>
</tr>
<tr>
<td>2003/04</td>
<td>WPP Holdings Pty Ltd T/A Millward Brown Australia: Biotechnology public attitude and awareness survey.</td>
<td>$128,747</td>
<td>no</td>
<td>Direct Engagement - to ensure consistency with the methodology of the previous survey and utilise the experience gained by the supplier with the clients and subject matter. The Government Communications Unit of PM&amp;C endorsed the selection of this supplier based on the tender process for the previous survey.</td>
<td>Yes</td>
<td>Jul-03</td>
<td>n/a</td>
</tr>
<tr>
<td>Yr contract entered into</td>
<td>Consultant name / consultancy description</td>
<td>Cost (contract total, GST excl)</td>
<td>Selected by open tender</td>
<td>If not, why</td>
<td>Survey Results Publicly released</td>
<td>Release date</td>
<td>If not publicly released, why</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------</td>
<td>------------------------</td>
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<td>-------------------------------</td>
</tr>
<tr>
<td>2004/05</td>
<td>Market Attitude Research Services: Tracking study of public attitudes towards stem cells.</td>
<td>$13,710</td>
<td>no</td>
<td>Direct Engagement, based on recommendation from the Government Communications Unit, to enable best comparable methodology for tracking of data from previous survey.</td>
<td>Yes</td>
<td>Jul-05</td>
<td>n/a</td>
</tr>
<tr>
<td>2004/05</td>
<td>Market Attitude Research Services: Tracking study of public attitudes towards stem cells.</td>
<td>$11,400</td>
<td>no</td>
<td>Direct Engagement, based on recommendation from the Government Communications Unit, to enable best comparable methodology for tracking of data from previous survey.</td>
<td>Yes</td>
<td>Jul-05</td>
<td>n/a</td>
</tr>
<tr>
<td>2004/05</td>
<td>Market Attitude Research Services: Survey of community attitudes on nanotechnology</td>
<td>$10,200</td>
<td>no</td>
<td>Survey commissioned in context of work being undertaken by the Prime Minister’s Science, Engineering and Innovation Council (PMSEIC) nanotechnology taskforce.</td>
<td>No</td>
<td>n/a</td>
<td>Survey designed for internal use to help develop appropriate policy.</td>
</tr>
<tr>
<td>2004/05</td>
<td>Eureka Strategic Research: Biennial tracking study on public attitudes towards biotechnology.</td>
<td>$148,660</td>
<td>no</td>
<td>Selective Tender process, based on recommendation from the Government Communications Unit.</td>
<td>Yes</td>
<td>Released in stages from Oct-05 through to Nov-05</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Industry, Tourism and Resources: Consultants

(Question No. 611)

Senator Chris Evans asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 4 May 2005:
With reference to the department and/or its agencies:

QUESTIONS ON NOTICE
(1) For each financial year from 2000-01 to 2004-05 to date: (a) how many consultants were engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs and what was the total cost; and (b) for each consultancy: (i) what was the cost, (ii) who was the consultant, and (iii) was this consultant selected by tender; if so, was the tender select or open; if not, why not.

(2) Were any of the surveys released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly.

Senator Minchin—The Minister for Small Business and Tourism has provided the following answer to the honourable senator’s question:

This question was also asked of the Minister for Industry, Tourism and Resources (Question No. 598). The Minister for Industry, Tourism and Resources will provide a portfolio response to this question.

Family and Community Services: Consultants
(Question No. 615)

Senator Chris Evans asked the Minister for Family and Community Services, upon notice, on 4 May 2005, and the Minister Assisting the Prime Minister for Women’s Issues, upon notice, on 10 May 2005:

With reference to the department and/or its agencies:

(1) For each financial year from 2000-01 to 2004-05 to date: (a) how many consultants were engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs and what was the total cost; and (b) for each consultancy: (i) what was the cost, (ii) who was the consultant, and (iii) was this consultant selected by tender; if so, was the tender select or open; if not, why not.

(2) Were any of the surveys released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly.

Senator Vanstone—The Minister Assisting the Prime Minister for Women’s Issues has provided the following answer to the honourable senator’s question:

(1) (a) Nil, (b) n/a.

(2) n/a.

Advertising Campaigns
(Question No. 749)

Senator Chris Evans asked the Minister for Finance and Administration, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:

(1) (a) What advertising campaigns were commenced; and (b) for what programs.

(2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.

(3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
QUESTIONS ON NOTICE

(4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.

(5) (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.

(6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.

(9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

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

Please refer to the answer provided by the Special Minister of State in response to Question on Notice 764.

Advertising Campaigns
(Question Nos 750 and 759)

Senator Chris Evans asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 4 May 2005.

For each financial year from 2000-01 to 2002-03 can the following information relating to advertising be provided:

(1) (a) What advertising campaigns were commenced; and (b) for what programs.

(2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.

(3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.

(4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.

(5) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.

(6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) in which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
Tuesday, 9 May 2006

(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.

(9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) (a) and (b) Commonwealth Drought Assistance (Drought Taskforce), Quarantine Matters (Quarantine Awareness) and Agriculture Advancing Australia.

<table>
<thead>
<tr>
<th>Commonwealth Drought Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) (a) Costs</td>
</tr>
<tr>
<td>total cost</td>
</tr>
<tr>
<td>(2) (b) Commencement and Cessation Dates</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>(3) Where did the Campaign Feature</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

(4) (a) HMA Blaze Pty Ltd
(b) Not applicable

(5) Not applicable.

(6) (a) Departmental appropriations
(b) 2002-03
(c) Departmental appropriation
(d) Innovation and Rural Policy and Programmes output

(7) No request for additional drawing rights was made to the Minister for Finance and Administration.
(8) Not applicable.
(9) Not applicable.
### Quarantine Matters – 2000-01

<table>
<thead>
<tr>
<th>(2) (a) Costs</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td>total cost</td>
<td>$268,506</td>
<td>Nil</td>
<td>$174,126</td>
<td>Nil</td>
<td>$94,380</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) (b) Commencement and Cessation Dates</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Ongoing</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) Where did the Campaign Feature</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>National campaign including: Sydney Morning Herald; The Australian; Sun Herald; Sunday Telegraph; Sunday Herald-Sun; Sunday Age; Sunday Mail; Adelaide Advertiser; West Australian; Sunday Times; Sunday Tasmanian; Sunday Territorian; The Land; The Weekly Times; Stock &amp; Land; North Queensland Register; Queensland Country Life; various ethnic newspapers</td>
</tr>
</tbody>
</table>

### Quarantine Matters – 2001-02

<table>
<thead>
<tr>
<th>(2) (a) Costs</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td>total cost</td>
<td>$1,939,000</td>
<td>Nil</td>
<td>$1,608,000</td>
<td>Nil</td>
<td>$331,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) (b) Commencement and Cessation Dates</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not Applicable</td>
<td>Ongoing</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) Where did the Campaign Feature</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>National campaign including: Sydney Morning Herald; The Australian; Sun Herald; Sunday Telegraph; Sunday Herald-Sun; Sunday Age; Sunday Mail; Adelaide Advertiser; West Australian; Sunday Times; Sunday Tasmanian; Sunday Territorian; The Land; The Weekly Times; Stock &amp; Land; North Queensland Register; Queensland Country Life; various ethnic newspapers</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Quarantine Matters – 2002-03

<table>
<thead>
<tr>
<th>(2) (a) Costs</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td>total cost</td>
<td>$1,829,800</td>
<td>$1,442,000</td>
<td>$132,900</td>
<td>Nil</td>
<td>$254,900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) (b) Commencement and Cessation Dates</th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>December 02 - January 03</td>
<td>Not Applicable</td>
<td>Ongoing</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Questions on Notice

Quarantine Matters – 2002-03

(3) Where did the Campaign Feature placements appear?

<table>
<thead>
<tr>
<th></th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
</tr>
</thead>
<tbody>
<tr>
<td>National campaign screening on all metropolitan and regional television stations, SBS and Foxtel.</td>
<td>Not Applicable</td>
<td>National campaign including: Sydney Morning Herald; The Australian; Sun Herald; Sunday Telegraph; Sunday Herald-Sun; Sunday Age; Sunday Mail; Adelaide Advertiser; West Australian; Sunday Times; Sunday Tasmanian; Sunday Territorian; The Land; The Weekly Times; Stock &amp; Land; North Queensland Register; Queensland Country Life; various ethnic newspapers.</td>
<td></td>
</tr>
</tbody>
</table>

(4) (a) Grey Advertising (2000-01 to 2001-02) and Killey Withey Punshon (2001-02 and 2002-03);
(b) ACNielsen (2000-01 to 2001-02) and Open Mind Research (2001-02 and 2002-03).

(5) Not applicable.

(6) (a) Advertising campaigns for Quarantine Matters have been funded from departmental appropriations.
(b) Appropriations were made in the year the expenditure was incurred.
(c) This is a departmental appropriation.
(d) The appropriation is part of the funding for the department’s single outcome and would be reflected under “Quarantine and Export Services”.

(7) No request for additional drawing rights was made to the Minister for Finance and Administration.

(8) Not applicable.

(9) Not applicable.

Agriculture Advancing Australia
The campaign focused on the Agriculture Advancing Australia package as a whole. AAA programs promoted within the package included:
- FarmBis;
- FarmBis Australia;
- Farm Innovation Program;
- Farm Help – Supporting Families Through Change;
- Farm Management Deposits;
- Retirement Assistance for Farmers;
- Farm Growth through Export Growth; and
- Climate Variability in Agriculture Research and Development Program.

(2) (a) Costs

<table>
<thead>
<tr>
<th></th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td>total cost</td>
<td>$2,396,751</td>
<td>$829,429</td>
<td>$350,640</td>
<td>$840,134; NESB $96,548</td>
<td>$200,000</td>
</tr>
</tbody>
</table>

(2) (b) Commencement and Cessation Dates

<table>
<thead>
<tr>
<th></th>
<th>television placements</th>
<th>radio placements</th>
<th>newspaper placements</th>
<th>mail outs with brochures</th>
<th>research on advertising</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 April 01 – 29 July 01</td>
<td>22 April 01 – 29 July 01</td>
<td>24 April 01 – 30 Sept 01; 24 April 01 – 29 July 01</td>
<td>17 April 01</td>
<td>8 Jan 01 – 2 March 01</td>
<td></td>
</tr>
</tbody>
</table>
QUESTIONS ON NOTICE

(3) Where did the Campaign Feature television placements radio placements newspaper placements
Regional television stations. John Laws Rural Radio Broadcast. Selected metropolitan and non-capital city daily press, primary producer, fishing and forestry publications and regional and rural newspapers and NESB and indigenous media, including: The Land, The Weekly Times, Stock & Land, North Queensland Register, Queensland Country Life; Stock Journal, Farm Weekly, Countryman; Tasmanian Country; Friday Magazine; Australian Farm Journal; Australian Horticulture; Good Fruit & Veg; National Grape Growers; Australian Dairyfarmer; regional newspapers and the Hobart Mercury, Launceston Examiner and Burnie Advocate.

(4) (a) Batey Kazoo, Mitchell Media, EMD Multicultural Marketing and Management.
(b) Woolcott Research.

(5) A database of AAA stakeholders was collated from mailing houses’ existing databases.

(6) (a) Departmental appropriations.
(b) 2000-01 and 2002-03.
(c) Departmental appropriation.
(d) Innovation and Rural Policy and Programmes output.

(7) No request for additional drawing rights was made to the Minister for Finance and Administration.

(8) Not applicable.

(9) Not applicable.

**Advertising Campaigns**

**(Question No. 757)**

Senator Chris Evans asked the Minister for the Environment and Heritage, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:

1. (a) What advertising campaigns were commenced; and (b) for what programs.
2. In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
3. For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
4. Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.
5. (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.
6. (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year
will these appropriations be made; (c) will the appropriations relate to a departmental or adminis-
tered item or the Advance to the Minister for Finance and Administration; and (d) if an appropria-
tion relates to a departmental or administered item, what is the relevant line item in the relevant
Portfolio Budget Statement for that item.

(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay
out moneys for any part of the advertising campaign; if so: (a) what are the details of that request;
and (b) against which particular appropriation is it requested that the money be paid.

(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph
(7); if so, what are the details of that drawing right.

(9) Has an official or minister made a payment of public money or debited an amount against an approp-
riation in accordance with a drawing right issued by the Minister for Finance and Administra-
tion for any part of the advertising campaign.

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

<table>
<thead>
<tr>
<th>2000-2001</th>
<th>Questions</th>
<th>Natural Heritage Trust</th>
<th>Greenhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 (a) advertising campaign</td>
<td>Natural Heritage Trust</td>
<td>Greenhouse public information campaign</td>
</tr>
<tr>
<td></td>
<td>1 (b) program</td>
<td>As above</td>
<td>Related to Measures for a Better Environment Initiative</td>
</tr>
<tr>
<td></td>
<td>2 (a) total cost</td>
<td>$4,077,525</td>
<td>$3.9 million</td>
</tr>
<tr>
<td></td>
<td>2 (a) (i) cost for television</td>
<td>$3,025,802</td>
<td>$2.56 million</td>
</tr>
<tr>
<td></td>
<td>2 (a) (ii) cost for radio</td>
<td>nil</td>
<td>$.65 million</td>
</tr>
<tr>
<td></td>
<td>2 (a) (iii) cost for newspaper</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td></td>
<td>2 (a) (iv) cost for mailouts</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>2 (a) cost for research on advertising</td>
<td>$48,723</td>
<td>$.34 million</td>
</tr>
<tr>
<td></td>
<td>2 (b) commencement and cessation date</td>
<td>7 January 2001 to 18 February 2001</td>
<td>25 February 2001 – mid April 2001 (six week campaign)</td>
</tr>
<tr>
<td></td>
<td>3 (a) television stations</td>
<td>All free to air commercial television stations</td>
<td>All free to air commercial television stations</td>
</tr>
<tr>
<td></td>
<td>3 (b) radio stations</td>
<td>nil</td>
<td>Major non-English speaking stations and Indigenous</td>
</tr>
<tr>
<td></td>
<td>3 (c) newspapers</td>
<td>nil</td>
<td>- Major non-English and Indigenous</td>
</tr>
<tr>
<td></td>
<td>4 (a) creative agencies</td>
<td>J Walter Thompson</td>
<td>J Walter Thompson</td>
</tr>
<tr>
<td></td>
<td>4 (b) research agencies</td>
<td>Wirthlin Worldwide Australia</td>
<td>Wirthlin Worldwide Australia</td>
</tr>
<tr>
<td></td>
<td>5 (a) mailout database</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>6 (a) appropriations</td>
<td>The Natural Heritage Trust of Australia Special Account</td>
<td>2000-01 Budget appropriations</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

#### 2000-2001

<table>
<thead>
<tr>
<th>Questions</th>
<th>Natural Heritage Trust</th>
<th>Greenhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 (b) financial year appropriations made</td>
<td>2000-01</td>
<td>2000-01</td>
</tr>
<tr>
<td>6 (c) departmental or administered item</td>
<td>Administered</td>
<td>Departmental</td>
</tr>
<tr>
<td>6 (d) line item in PBS</td>
<td>Not explicitly shown in PBS as Natural Heritage Trust is a Special Account</td>
<td>Outcome 1, Sub-outcome 1.1 (leading the agenda), 1.1.1 (Developing the strategy for the future and broadening the commitment to future action)</td>
</tr>
<tr>
<td>7 request for drawing right</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>7 (a) details of request</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>7 (b) which appropriation</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>8 drawing right issued/details</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>9 payment made in accordance with drawing right</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

#### 2001-2002

<table>
<thead>
<tr>
<th>Questions</th>
<th>Natural Heritage Trust</th>
<th>Great Barrier Reef Marine Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (a) advertising campaign</td>
<td>Natural Heritage Trust</td>
<td>Lets Keep it Great</td>
</tr>
<tr>
<td>1 (b) program</td>
<td>As above</td>
<td>Representative Area Program – new rezoning plan</td>
</tr>
<tr>
<td>2 (a) total cost</td>
<td>$2,375,470</td>
<td>$26,993.44</td>
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<tr>
<td>2 (a) (i) cost for television</td>
<td>$2,090,290</td>
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</tr>
<tr>
<td>2 (a) (ii) cost for radio</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>2 (a) (iii) cost for newspaper</td>
<td>nil</td>
<td>$26,993.44</td>
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<td>2 (a) (iv) cost for mailouts</td>
<td>n/a</td>
<td>n/a</td>
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<td>2 (a) cost for research on advertising</td>
<td>$67,650</td>
<td>Nil</td>
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<td>2 (b) commencement and cessation date</td>
<td>1 May – 31 August 2001 and 1 September – 31 October 2001</td>
<td>May – June 2002</td>
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<td>3 (a) television stations</td>
<td>All free to air commercial television stations</td>
<td>Nil</td>
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<td>3 (b) radio stations</td>
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<td>3 (c) newspapers</td>
<td>nil</td>
<td>Courier Mail</td>
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<tr>
<td></td>
<td></td>
<td>The Australian</td>
</tr>
<tr>
<td>Questions</td>
<td>Natural Heritage Trust</td>
<td>Great Barrier Reef Marine Park</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>4 (a) creative agencies</td>
<td>J Walter Thompson</td>
<td>Redsuit Advertising</td>
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<td>4 (b) research agencies</td>
<td>Wirthlin Worldwide Australia</td>
<td>Nil</td>
</tr>
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<td>5 (a) mailout database</td>
<td>n/a</td>
<td>n/a</td>
</tr>
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<td>6 (a) appropriations</td>
<td>The Natural Heritage Trust of Australia Special Account</td>
<td>Payments would have been made from either Departmental Appropriation or Special Appropriation. 2001-02</td>
</tr>
<tr>
<td>6 (b) financial year appropriations made</td>
<td>2001-02</td>
<td>2001-02</td>
</tr>
<tr>
<td>6 (c) departmental or administered item</td>
<td>Administered</td>
<td>Departmental</td>
</tr>
<tr>
<td>6 (d) line item in PBS</td>
<td>Not explicitly shown in PBS as Natural Heritage Trust is a Special Account</td>
<td>GBRMPA receives what is termed a ‘one-line’ appropriation which is shown in the Environment Portfolio Budget Statement. This relates to the fact that all of the appropriation is for GBRMPA as a single programme.</td>
</tr>
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</table>

| 7 request for drawing right | No | No |
| 7 (a) details of request | n/a | n/a |
| 7 (b) which appropriation | n/a | n/a |
| 8 drawing right issued/details | No | No |
| 9 payment made in accordance with drawing right | No | No |

2002-03

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<tr>
<th>Questions</th>
<th>Great Barrier Reef Marine Park</th>
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<tr>
<td>1 (a) advertising campaign</td>
<td>Lets Keep it Great (community education campaign)</td>
</tr>
<tr>
<td>1 (b) program</td>
<td>Representative Area Program – new rezoning plan</td>
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<tr>
<td>2 (a) total cost</td>
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<td>2 (a) (i) cost for television</td>
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<td>2 (a) (ii) cost for radio</td>
<td>nil</td>
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<td>2 (a) (iii) cost for newspaper</td>
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<td>2 (a) (iv) cost for mailouts</td>
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<td>2 (a) cost for research on advertising</td>
<td>Nil</td>
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<td>2 (b) commencement and cessation date</td>
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<tr>
<td>3 (a) television stations</td>
<td>QTQ 9 (WIN), Channel Seven, Southern Cross and Imparja</td>
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<tr>
<td>3 (b) radio stations</td>
<td>nil</td>
</tr>
<tr>
<td>Questions</td>
<td>Great Barrier Reef Marine Park</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------</td>
</tr>
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</table>
| 3 (c) newspapers | Far North Queensland papers  
                       Courier Mail  
                       The Australian |
| 4 (a) creative agencies | 1. Redsuit Advertising  
                            2. Reel Image  
                            3. Digital Dimension |
| 4 (b) research agencies | Nil |
| 5 (a) mailout database | n/a |
| 6 (a) appropriations | Payments would have been made from either Departmental Appropriation or Special Appropriation |
| 6 (b) financial year appropriations made | 2002-03 |
| 6 (c) departmental or administered item | Departmental |
| 6 (d) line item in PBS | GBRMPA receives what is termed a ‘one-line’ appropriation which is shown in the Environment Portfolio Budget Statement. This relates to the fact that all of the appropriation is for GBRMPA as a single programme |
| 7 request for drawing right | No |
| 7 (a) details of request | n/a |
| 7 (b) which appropriation | n/a |
| 8 drawing right issued/details | No |
| 9 payment made in accordance with drawing right | No |

**Advertising Campaigns**  
(Allegation No. 763)

**Senator Chris Evans** asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:

1. (a) What advertising campaigns were commenced; and (b) for what programs.

2. In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.

3. For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.

4. Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.

5. (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.

6. (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year
will these appropriations be made; (c) will the appropriations relate to a departmental or adminis-
tered item or the Advance to the Minister for Finance and Administration; and (d) if an appropria-
tion relates to a departmental or administered item, what is the relevant line item in the relevant
Portfolio Budget Statement for that item.

(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay
out moneys for any part of the advertising campaign; if so: (a) what are the details of that request;
and (b) against which particular appropriation is it requested that the money be paid.

(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph
(7); if so, what are the details of that drawing right.

(9) Has an official or minister made a payment of public money or debited an amount against an ap-
propriation in accordance with a drawing right issued by the Minister for Finance and Administra-
tion for any part of the advertising campaign.

Senator Coonan—The Minister for Revenue and Assistant Treasurer has provided the fol-
lowing answer to the honourable senator’s question:

Information relating to advertising and markets research is included in the department’s annual reports
relating to these periods. The very detailed additional information sought in the honourable senator’s
question is not readily available in consolidated form and it would be a major task to collect and assem-
ble it. The practice of successive governments has been not to authorise the expenditure of time and
money involved in assembling such information on a general basis.

Advertising Campaigns
(Question No. 764)

Senator Chris Evans asked the Minister representing the Special Minister of State, upon
notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information with regards to adver-
tising be provided:

(1) (a) What advertising campaigns were commenced; and (b) for what programs.
(2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs
for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with
brochures, and (v) research on advertising; and (b) what was the commencement and cessation date
for each aspect of the campaign placement.
(3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on
which radio stations did the advertising campaign feature; and (c) in which newspapers did the ad-
vertising campaign feature.
(4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the
campaign.
(5) (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation
Office database, the electoral database or other.
(6) (a) What appropriations did the department use to authorise any of the payments either committed
to be made or proposed to be made as part of this advertising campaign; (b) which financial year
will these appropriations be made; (c) will the appropriations relate to a departmental or adminis-
tered item or the Advance to the Minister for Finance and Administration; and (d) if an appropria-
tion relates to a departmental or administered item, what is the relevant line item in the relevant
Portfolio Budget Statement for that item.
(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.

(9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Abetz—The Special Minister of State has supplied the following answer to the honourable senator’s question:

The Department of Finance and Administration

(1) (a) The Department of Finance and Administration did not commence any advertising campaigns during 2000-01 to 2002-03. (b) Not applicable.

(2) to (9) Not applicable.

The Australian Electoral Commission

(1) (a) Advertising campaigns for the 2001 Federal Election were commenced. (b) Advertising campaigns were commenced for Public Awareness and Voter Education programs.

(2) (a) The total cost of the advertising campaigns for the 2001 Federal Election was $10,271,503.56.
   (i) $5,414,637.90 for television advertising
   (ii) $721,849.36 for radio advertising.
   (iii) $1,601,087.12 for print advertising.
   (iv) $1,723,780.96 for the elector leaflet.
   (v) $227,142 for research.

(b) The campaign commenced on 5 October 2001 (Announcement of Election), and ceased on 10 November 2001 (Polling Day).

(3) (a) The AEC’s 2001 Federal Election advertising appeared on the major commercial and major public free-to-air broadcasters.
   (b) The AEC’s 2001 Federal Election radio advertising was heard on the major metropolitan and major regional radio networks. The advertising was also played on the major print handicapped radio stations.
   (c) The AEC’s 2001 Federal Election print advertising was run in the major metropolitan and major regional newspapers.

(4) (a) Whybin TBWA & Partners. (b) The Research Forum.

(5) No database was used. The Householder Elector Leaflet was addressed to “The Householder” and was delivered to each residential address.

(6) (a) Appropriations for this were departmental (from Bill No. 1).
   (b) The appropriations were made during the 2001-02 financial year.
   (c) The appropriations related to Portfolio Budget Statements 2001-02, Page 84, Outcome 2 – Resourcing, Table 2.3.2: Total Resources for Outcome 2 ($’000), Output 2.1.4 & Output 2.1.5.

(7) The AEC did not make a request of the Minister for Finance and Administration to issue a drawing right to pay as the expenditure was from departmental funds.

(8) No.

(9) No.
Commonwealth Grants Commission
(1) (a) The Commonwealth Grants Commission did not commence any advertising campaigns during 2000-01 to 2002-03. (b) Not applicable.
(2) to (9) Not applicable.

PSS/CSS Boards
(1) (a) The PSS/CSS Boards did not commence any advertising campaigns during 2000-01 to 2002-03. (b) Not applicable.
(2) to (9) Not applicable.

ComSuper
(1) (a) ComSuper did not commence any advertising campaigns during 2000-01 to 2002-03. (b) Not applicable.
(2) to (9) Not applicable.

Advertising Campaigns

Senator Chris Evans asked the Minister representing the Minister for Vocational and Technical Education, upon notice, on 4 May 2005:
For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:
(1) (a) What advertising campaigns were commenced; and (b) for what programs.
(2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
(3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
(4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.
(5) In the event of a mail out, what database was used to select addresses - the Australian Taxation Office database, the electoral database or other.
(6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.
(9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.
Senator Vanstone—The Minister for Vocational and Technical Education has provided the following answer to the honourable senator’s question:

(1) to (9) Nil, as there was no Minister for Vocational and Technical Education during the period.

Advertising Campaigns

(Question No. 766)

Senator Chris Evans asked the Minister for Ageing, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:

(1) (a) What advertising campaigns were commenced; and (b) for what programs.

(2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.

(3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.

(4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.

(5) (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.

(6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.

(9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

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

The Minister for Health and Ageing is providing a detailed answer in relation to the portfolio as a whole in question 747.

Health and Ageing: Grants

(Question No. 988)

Senator O’Brien asked the Minister representing the Minister for Health and Ageing, upon notice, on 24 June 2005:

For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05, has the Minister, the department or any agency or statutory authority for which the Minister is responsible, made grants or other
payments to business organisations and/or associations, including but not necessarily limited to peak employer groups; if so, can information be provided for each grant or other payment including: (a) the name and address of the recipient organisation; (b) the quantum and purpose of the payment; (c) the name of the program under which the grant or other payment was funded; (d) who approved the grant or other payment; and (e) whether the grant or payment was successfully acquitted; if so, when; if not, can details be provided, including action taken to recover the grant or other payment.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

The parameters of the question are too broad and open ended, and as a result the Minister is not prepared to authorise the diversion of significant resources required to prepare a response to the question. The response would involve identifying and investigating potentially thousands of business organisations, associations and peak employer groups departmental records to determine whether the Portfolio department or agencies have made a payment over the four financial years to 2004-05. For payments that are identified as potentially relevant, further investigation would then be required to provide the detailed information sought in the question. This process would take significant resource effort and the Department is not currently in a position to undertake this work.

A list of the amounts of discretionary grants by Outcome is provided in the Department of Health and Ageing annual report. This report is available on the website www.health.gov.au and also contains information on the programmes administered by the department.

Advertising Campaigns
(Question No. 1099)

Senator Faulkner asked the Minister Assisting the Prime Minister for Women’s Issues, upon notice, on 18 August 2005:

With reference to the relaunched Domestic Violence ‘Australia says No’ advertising campaign:

(1) For each of the financial years, 2004-05 and 2005-06: (a) what is the cost of this advertising campaign; and (b) what is the breakdown of these advertising costs for: (i) television (TV) placements, (ii) radio placements, (iii) newspaper placements, (iv) printing and mail outs, and (v) research.

(2) When did the campaign begin, and when is it planned to end.

(3) What: (a) creative agency or agencies; and (b) research agency or agencies, have been engaged in the campaign.

(4) Is a mail out planned; if so: (a) to whom will the mail out be targeted; and (b) what database will be used to select addresses – the Australian Taxation Office database, the electoral database or other.

(5) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2004-05 or 2005-06 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.

(6) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.

(7) Has the Minister for Finance and Administration issued a drawing right as referred to in (6) above; if so, what are the details of that drawing right.
(8) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Vanstone—The Minister representing the Minister Assisting the Prime Minister for Women’s Issues has provided the following answer to the honourable senator’s question:

(1) (a) The cost of the advertising campaign in 2004-05 was $384,735.00. The cost of the advertising campaign in the 2005-06 period cannot be provided until the end of that period.

(b) (i) The cost of television (TV) placements for the 2004-05 period was $623.00. The cost of television (TV) placements for the 2005-06 period cannot be provided until the end of that period.

(ii) The cost of radio placements was $388.00. The cost of radio placements for the 2005-06 period cannot be provided until the end of that period.

(iii) The cost of newspaper placements was $32,589.00. The cost of newspaper placements for the 2005-06 period cannot be provided until the end of that period.

(iv) The cost of printing in 2004-05 was $108,075.83 (GST inclusive). The cost for the 2005-06 period cannot be provided until the end of that period. The cost of mailouts in both 2004-05 and 2005-06 is nil.

(v) The cost of research in 2004-05 was $169,950.00 (GST inclusive). The cost of research in 2005-06 cannot be provided until the end of that period.

(2) The campaign was launched on 6 June 2004 and will continue until June 2009.

(3) (a) Grey Worldwide Pty Ltd.

(b) Elliott and Shanahan Research.

(4) No.

(a) Not applicable.

(b) Not applicable.

(5) (a) The Department authorises payment for the campaign under the Partnerships Against Domestic Violence and National Initiative to Combat Sexual Assault appropriation in 2004-05, and the Women’s Safety Agenda in 2005-06.

(b) Appropriations have been made in both the 2004-05 and the 2005-06 financial years.

(c) The appropriations relate to administered items.

(d) The line item in the Prime Minister & Cabinet Portfolio Budget Statement for 2004-05 is reported as Partnerships Against Domestic Violence 2 and the National Approach Against Sexual Assault. The line item in the Family & Community Services Portfolio Budget Statement for 2004-05 is reported as Partnerships Against Domestic Violence and the National Initiative to Combat Sexual Assault. The line item in the Portfolio Budget Statement for 2005-06 is reported as the Women’s Safety Agenda (page 67).

(6) No.

(a) Not applicable.

(b) Not applicable.

(7) No.

(8) No.
Strengthening Cancer Care Package
(Question No. 1299)

Senator McLucas asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 October 2005:

With reference to the implementation of the various provisions of the Government’s Strengthening Cancer Care package:

(1) How many additional undergraduate places for radiation therapists were provided in the 2005-06 financial year.

(2) (a) Has funding been provided to the Peter McCallum Cancer Centre to begin the development and implementation of a training package for nurses who specialise in cancer care; (b) what is the status of development for this training package; and (c) when will courses begin.

(3) (a) What is the status of development and implementation of the Continuing Professional Education modules for cancer professionals, counsellors and general practitioners; and (b) which organisation received the $2.5 million funding to do this work.

(4) (a) What is the status of development and implementation of the mentoring system to encourage specialists to spend more time in regional and rural areas; (b) which hospitals, providers and support networks have received this funding; and (c) how many cancer specialists have visited rural and regional areas under this program to date.

(5) Has the National Breast Cancer Centre received the $1.5 million commitment made in the financial years 2004-05 and 2005-06.

(6) Has the Breast Cancer Network Australia received the $200,000 commitment made in the 2005-06 financial year.

(7) (a) How many grants have been made for cancer care under the Local Palliative Care program; and (b) can details be provided of the location, purpose and funding level of each grant.

(8) (a) Which organisations have received the $1 million committed for the financial years 2004-05 and 2005-06 to help build cancer support groups; (b) which cancer areas have been the focus of the grants made; and (c) what is the level of each grant.

(9) Given that the Government promised ‘up to $10 million’ to the Royal Children’s Hospital in Melbourne for the completion of a children’s cancer centre, what was the final level of funding provided.

(10) (a) To date, what level of funding has been provided for the skin cancer national awareness campaign; (b) which organisations received the funding; and (c) when will this campaign be implemented.

(11) (a) For the financial years 2004-05 and 2005-06, how many new cancer research grants were funded by the National Health and Medical Research Council; (b) do the grants in the 2005-06 financial year account for the additional $4 million committed to cancer research; (c) which of the listed priorities for this funding received funds; and (d) how much did each priority area receive.

(12) (a) Has the $5 million committed to the National Research Centre for Asbestos Related Diseases been allocated; and (b) how and where is this research centre being established.

(13) (a) Has the $5 million in funding for clinical trials for cancer patients been provided for the 2005-06 financial year; and (b) how are these funds being utilised.

(14) (a) What is the status of the establishment of Cancer Australia; (b) when will this body be established and functioning in its designated role in the provision of national leadership in cancer control; and (c) given the absence of a fully-functioning Cancer Australia body, will the National Can-
cer Control Initiative continue to receive funding for the foreseeable future to enable its important work to continue.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The Department of Education, Science and Training is responsible for allocating additional undergraduate places for radiation therapists. The Department has advised that places are funded on a calendar year basis. Under the Government’s Strengthening Cancer Care initiative, an additional five commencing places were allocated in 2005 (growing to 14 places by 2008), at the Queensland University of Technology.

A total of 32 additional commencing places have been allocated under Strengthening Cancer Care, in 2006 (growing to 88 places by 2009). The places have been allocated to the following higher education providers:

- University of Newcastle – 12 places
- RMIT University – 10 places
- Queensland University of Technology – 5 places
- University of South Australia – 5 places

A further 25 places have been allocated in 2006, growing to 68 places by 2009. This is a redistribution of places allocated to Edith Cowan University in 2005, which the University was unable to fill. The places have been allocated as follows:

- Monash University – 22 places
- RMIT University – 3 places

The Department of Education, Science and Training funds new places using a funding model based on an annual attrition rate of 25 percent for each new commencing place allocated, funding is provided for 4 years using this rate. In this way, funding for 5 additional commencing places results in funding for a total of 14 places (for commencing and continuing students) by the fourth year.

(2) (a) A funding agreement is in place between the Peter MacCallum Institute and the Australia Government for the development and implementation of training packages for nurses who specialise in cancer care. Payments have been made to the Institute in accordance with that agreement.
(b) The Institute is undertaking consultations with stakeholders.
(c) Courses will begin in 2007/08.

(3) (a) and (b) A funding agreement has been entered into with the University of Sydney to undertake this project following an open tender process.

(4) (a) State and Territory Health Departments were invited to submit proposals for the Mentoring for Regional Hospitals and Cancer professionals program in late 2005. Following assessment, 20 grants totaling almost $4 million are being finalised.
(b) and (c) Funding agreements are currently being negotiated with successful applicants.

(5) Yes.

(6) A funding agreement is in place between Breast Cancer Network Australia and the Australian Government to provide the organisation with $200,000 per annum over the next four years.

(7) (a) and (b) Funding has been approved for 55 organisations for fit-out and equipping premises, and transition-to-home support for palliative care patients. Information on these projects is available on the Department of Health and Ageing’s website.
Funding has been approved for 32 organisations for pastoral care, counselling and support projects. Information on these projects is also available on the Department of Health and Ageing’s website.

The assessment process for care planning projects is currently being undertaken. It is anticipated that all applicants will be notified of the outcome of this process by the end of April 2006. Information on successful projects will then be available on the Department of Health and Ageing’s website.

(8) (a) and (c) The following consumer support organisations have been funded under this initiative:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Funding (GST exclusive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anti Cancer Council of Victoria</td>
<td>$90,000</td>
</tr>
<tr>
<td>Association of Prostate Cancer Support Groups (SA) Inc</td>
<td>$26,760</td>
</tr>
<tr>
<td>Australian Cancer Society Inc</td>
<td>$30,000</td>
</tr>
<tr>
<td>Barwon Health</td>
<td>$80,000</td>
</tr>
<tr>
<td>Brain Tumour Australia Inc</td>
<td>$69,100</td>
</tr>
<tr>
<td>Can Revive Incorporated</td>
<td>$85,586</td>
</tr>
<tr>
<td>Gippsland Women’s Health Service Inc</td>
<td>$58,668</td>
</tr>
<tr>
<td>Leukaemia Foundation of Australia Limited</td>
<td>$81,500</td>
</tr>
<tr>
<td>Mallee Health Services Incorporated</td>
<td>$44,500</td>
</tr>
<tr>
<td>Noarlunga Health Services Inc</td>
<td>$74,000</td>
</tr>
<tr>
<td>OvCa Australia Limited</td>
<td>$90,000</td>
</tr>
<tr>
<td>Peter MacCallum Cancer Institute</td>
<td>$90,000</td>
</tr>
<tr>
<td>Prostate Cancer Foundation of Australia Limited</td>
<td>$59,900</td>
</tr>
<tr>
<td>Saint's Care Ltd</td>
<td>$80,500</td>
</tr>
<tr>
<td>The Australian Lung Cancer Foundation Incorporated</td>
<td>$79,740</td>
</tr>
</tbody>
</table>

(b) Bowel cancer;
   Brain and central nervous system tumours;
   Haematological cancers;
   Lung cancer;
   Ovarian cancer; and
   Prostate cancer.

(9) The funding for the Royal Children’s Hospital to develop a world class children’s cancer ward is part of the Strengthening Cancer Care initiative. The Australian Government provided $10 million in June 2005 to contribute to the redevelopment of existing facilities to bring all aspects of treating children with cancer into the one location.

(10) (a) The Government has allocated funding of $5.5 million over two years to improve skin cancer awareness: $0.6 million in 2005-06 and $4.9 million in 2006-07.

(b) Eureka Strategic Research has received $56,170 (GST exclusive) to conduct development research to inform the campaign.

(c) The campaign will be fully implemented by July 2007 in line with the Budget commitment.

(11) (a) For 2004-05, 189 new grants for cancer research were awarded by the National Health and Medical Research Council, totalling $96.67 million (including out years). Not all new grant offers, for the 2006 calendar year, have been finalised to the point where funding can be identified. Finalised grant information will not be available until mid-April 2006.

(b) No.

(c) and (d) Negotiations are underway with the National Health and Medical Research Council about the process for the dedicated cancer research program based on the initial priorities iden-
tified by Government. The negotiations have focused on ways in which the National Health and Medical Research Council can assist in defining researchable questions in identified priority areas and to ensure that there is no duplication of research effort.

(12) (a) No. It is anticipated that funding recommendations will be submitted to the Minister for approval in May 2006.

(b) The award of the grant to establish the Centre is being managed by the National Asbestos Research Working Group via a two-stage process. Applications for Stage One, grants for individual research projects, have closed and the National Asbestos Research Working Group will meet on 5 April to assess and rank these applications, and make recommendations on which of these should be funded. The Administering Institutions for these projects will then be invited to apply to host the virtual National Research Centre. The National Research Centre will bring together Australia’s leading asbestos experts to provide a national focus for asbestos research. It is anticipated that research activities will be conducted at various research institutions across Australia that will form a consortium to be known as the National Research Centre for Asbestos Related Diseases. The physical location of the Centre will be determined by the best bid from amongst the successful recipients of the individual grants.

(13) (a) A national workshop was held on 14 September 2005 to consider an initial program of activities for the support for cancer clinical trials program. A major recommendation from this workshop was that support be provided to existing national clinical trial groups. On this basis all ten national clinical trial groups were invited to submit proposals for infrastructure support funding. Grants totaling $5 million for 2005-06 are currently being finalised for the ten national trials groups.

(b) Funds are being provided to improve the capacity of the trials groups to conduct high quality, evidence-based and appropriate clinical trials for cancer patients.

(14) (a) and (b) The Cancer Australia legislation has been passed by both Houses of Parliament. The appointment of Dr Bill Glasson as chair of the advisory council was announced on 28 November 2005. Advisory Council members were announced on 7 March 2006. Applications for the position of Chief Executive Officer closed in February 2006 and are being assessed.

(c) Funding for the National Cancer Control Initiative has been extended to 31 May 2006.

Pension Education Supplement
(Question No. 1361)

Senator Chris Evans asked the Minister representing the Minister for Human Services, upon notice, on 17 November 2005:
For each of the past 5 financial years and for 2005-06 to date: (a) how many customers received a Pensioner Education Supplement (PES); and (b) can the total number of PES recipients be broken down by: (i) state and territory, (ii) federal electorate, (iii) gender, (iv) age group, and (v) payment type.

Senator KEMP—The Minister for Human Services has provided the following answer to the honourable senator’s question:

(a) The number of customers in receipt of Pensioner Education Supplement for each of the specified financial years is as follows: (1)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>48,927</td>
<td>52,380</td>
<td>54,602</td>
<td>53,353</td>
<td>54,701</td>
<td>53,632</td>
</tr>
</tbody>
</table>

* For all tables, please refer to footnotes at end of document.
(1) On the date that the data was extracted a very small number of people in each payment population were in transit for a range of reasons. As a result, Centrelink was to be advised by those customers of their new address. This may cause a slight variance in the above totals against other totals in tables below.

(b) (i) The number of customers in receipt of Pensioner Education Supplement in each state or territory is as follows:

<table>
<thead>
<tr>
<th>Financial Year 2000-01</th>
<th>Number of customers in receipt of Pensioner Education Supplement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>765</td>
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<td>Northern Territory</td>
<td>263</td>
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<td>1985</td>
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<tr>
<td>Victoria</td>
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<td>Western Australia</td>
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<table>
<thead>
<tr>
<th>Financial Year 2001-02</th>
<th>Number of customers in receipt of Pensioner Education Supplement</th>
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</thead>
<tbody>
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<td>New South Wales</td>
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<td>Tasmania</td>
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<table>
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<th>Number of customers in receipt of Pensioner Education Supplement</th>
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<td>Victoria</td>
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</tr>
<tr>
<td>Western Australia</td>
<td>4,881</td>
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<table>
<thead>
<tr>
<th>Financial Year 2003-04</th>
<th>Number of customers in receipt of Pensioner Education Supplement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
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Financial Year 2003-04
<table>
<thead>
<tr>
<th>State</th>
<th>Number of customers in receipt of Pensioner Education Supplement</th>
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</thead>
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<td>Victoria</td>
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Financial Year 2004-05
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<thead>
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<th>State</th>
<th>Number of customers in receipt of Pensioner Education Supplement</th>
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</thead>
<tbody>
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<td>Australian Capital Territory</td>
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<td>New South Wales</td>
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<td>Queensland</td>
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<td>South Australia</td>
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<td>Tasmania</td>
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<td>Victoria</td>
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</tr>
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<td>Western Australia</td>
<td>4,979</td>
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</table>

Financial Year 2005 to date (18.11.05)
<table>
<thead>
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<th>State</th>
<th>Number of customers in receipt of Pensioner Education Supplement</th>
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</thead>
<tbody>
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<td>Queensland</td>
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<td>South Australia</td>
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<td>Tasmania</td>
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<td>11,607</td>
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<td>Western Australia</td>
<td>5,066</td>
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</table>

Data provided is point in time extraction as at 18 November 2005 from SuperSTAR FaCS Pensions Education Supplement 2005-11 database.

(ii) The number of customers in receipt of Pensioner Education Supplement in each electorate for each of the specified years is as follows:

<table>
<thead>
<tr>
<th>Electorate</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
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<td>209</td>
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<td>Ballarat</td>
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<tr>
<td>Banks</td>
<td>145</td>
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<td>172</td>
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<tr>
<td>Barker</td>
<td>384</td>
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<tr>
<td>Barton</td>
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<td>200</td>
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<td>Bass</td>
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<td>544</td>
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<td>Batman</td>
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<td>752</td>
<td>829</td>
<td>873</td>
<td>820</td>
<td>816</td>
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</table>
(b) (iii) The number of customers in receipt of Pensioner Education Supplement identified by gender is as follows: (1)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Male Customers in receipt of Pensioner Education Supplement</th>
<th>Female Customers in receipt of Pensioner Education Supplement</th>
</tr>
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<tbody>
<tr>
<td>2000-01</td>
<td>9,017</td>
<td>39,912</td>
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<td>2001-02</td>
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<td>42,215</td>
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<td>2002-03</td>
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<td>2003-04</td>
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<tr>
<td>2004-05</td>
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<td>43,755</td>
</tr>
<tr>
<td>2005 (18.11.05)</td>
<td>11,147</td>
<td>42,506</td>
</tr>
</tbody>
</table>

(1) On the date that the data was extracted a very small number of people in each payment population were in transit for a range of reasons. As a result, Centrelink was to be advised by those cus-
tomers of their new address. This may cause a slight variance in the totals in response (biii) against other totals.

(b) (iv) The number of customers in receipt of Pensioner Education Supplement identified by age group is as follows: (1)

<table>
<thead>
<tr>
<th>Financial Year 2000-01 Age Groups</th>
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<tbody>
<tr>
<td>&lt;15yrs</td>
</tr>
<tr>
<td>15-19yrs</td>
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<tr>
<td>20-29yrs</td>
</tr>
<tr>
<td>30-39yrs</td>
</tr>
<tr>
<td>40-49yrs</td>
</tr>
<tr>
<td>50-59yrs</td>
</tr>
<tr>
<td>60yrs +</td>
</tr>
</tbody>
</table>

(1) On the date that the data was extracted a very small number of people in each payment population were in transit for a range of reasons. As a result, Centrelink was to be advised by those customers of their new address. This may cause a slight variance in the totals in response (biv) against other totals.

<table>
<thead>
<tr>
<th>Financial Year 2001-02 Age Groups</th>
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<tbody>
<tr>
<td>&lt;15yrs</td>
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<tr>
<td>15-19yrs</td>
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<tr>
<td>30-39yrs</td>
</tr>
<tr>
<td>40-49yrs</td>
</tr>
<tr>
<td>50-59yrs</td>
</tr>
<tr>
<td>60yrs +</td>
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<table>
<thead>
<tr>
<th>Financial Year 2002-03 Age Groups</th>
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<tbody>
<tr>
<td>&lt;15yrs</td>
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<tr>
<td>15-19yrs</td>
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<td>20-29yrs</td>
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<td>30-39yrs</td>
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<tr>
<td>40-49yrs</td>
</tr>
<tr>
<td>50-59yrs</td>
</tr>
<tr>
<td>60yrs +</td>
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</table>

<table>
<thead>
<tr>
<th>Financial Year 2003-04 Age Groups</th>
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<tbody>
<tr>
<td>&lt;15yrs</td>
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<td>40-49yrs</td>
</tr>
<tr>
<td>50-59yrs</td>
</tr>
<tr>
<td>60yrs +</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Financial Year 2004-05 Age Groups</th>
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<tr>
<td>&lt;15yrs</td>
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<td>15-19yrs</td>
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<td>20-29yrs</td>
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<tr>
<td>30-39yrs</td>
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QUESTIONS ON NOTICE
### Financial Year 2004-05 Age Groups

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Number</th>
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<tbody>
<tr>
<td>40-49yrs</td>
<td>13,359</td>
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<tr>
<td>50-59yrs</td>
<td>4,753</td>
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<tr>
<td>60yrs +</td>
<td>844</td>
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</table>

### Financial Year 2005 (18.11.05) Age Groups

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Number</th>
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<td>60yrs +</td>
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</tbody>
</table>

**Notes:**
- **Point in Time:** All data supplied is point in time data. This means that the data is reflective of the point in time when the snapshot was taken.

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**To prepare this answer, it has taken 22 hours and 44 minutes at an estimated cost of $971.**

**Notes:**
- **Point in Time:** All data supplied is point in time data. This means that the data is reflective of the point in time when the snapshot was taken.

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**QUESTIONS ON NOTICE**
Confidentiality Provision: All cells that have a value of less than 20, other than zero, have been changed to display “<20”. This rule has been employed for privacy reasons. Where total fields are included these will only have a value when it does not make it possible to work out the value of any “<20” fields. Where it is possible to determine the value of a “<20” field, the figure “NA” is used in place of a value to ensure that the “<20” figure cannot be determined.

2001 data provided is point in time extraction as at 15 June 2001
2002 data provided is point in time extraction as at 23 June 2002
2003 data provided is point in time extraction as at 20 June 2003
2004 data provided is point in time extraction as at 18 June 2004
2005 data provided is point in time extraction as at 17 June 2005
2006 data provided is point in time extraction as at 18 November 2005

Job Network
(Question No. 1415)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 2 December 2005:

With reference to Job Network placements for Indigenous Australians:

(1) What is a Job Network placement; and (b) what is the duration of a placement.

(2) (a) Is it a paid placement; (b) are wages subsidised by the Government; (c) what is the percentage and/or amount of this subsidy; and (d) what is the average job placement wage.

(3) What are the differences between the active participation model, and what existed previously for job placements?

(4) For each year since the inception of the Job Network to date, how many Job Network placements have been achieved for Indigenous Australians?

(5) Page 3 of the department’s submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into Indigenous employment includes a table of job placements since 1998, which shows that there was a significant decline in the number of placements in 2003: (a) can an explanation be provided for this decline: and (b) was the decline due to the shift to the active participation model.

(6) With reference to the Australian Bureau of Statistics report, ‘National Aboriginal and Torres Strait Islander Social Survey of 2002’: (a) are Job Network placements included in the 2002 Indigenous employment figures; and (b) have the figures always been included; if not, when were they first included.

(7) (a) How many Job Network placements for Indigenous Australians have resulted in ongoing long-term employment; and (b) when were these figures obtained.

(8) (a) What is the relationship between Job Network placements and Community Development Employment Projects (CDEP); (b) are CDEP participants encouraged to seek work through a Job Network placement; and (c) how many CDEP participants have moved from CDEP to a Job Network placement for the financial years 2003-04 to 2005-06 to date.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) (a) The Department of Employment and Workplace Relations (DEWR), contracts with organisations to deliver Job Placement services. Organisations that are contracted to provide Job Network services (ie. Job Network Members) or Harvest Labour Services under the Employment Services Contract 2003-2006 are automatically licensed to deliver Job Placement services.
For DEWR reporting purposes, a Job Placement is defined as occurring when the contracted organisation claims a Job Placement fee for the placement of a Registered Job Seeker (ie. Fully Job Network Eligible or Job Search Support Only job seeker).

Further information on Job Placement services is available from the Australian Workplace website at:

(b) A Job Placement fee is typically paid when a Registered Job Seeker is placed into a vacancy that provides at least 15 hours of work in paid employment within a period of five consecutive working days.

Job seekers who are identified in DEWR’s systems as having a Restricted Work Capacity are required to complete eight hours of work in paid employment over no more than 10 consecutive working days. Job seekers who are identified in DEWR’s systems as being Parenting Job Seekers are required to complete 10 hours of work in paid employment over no more than 10 consecutive working days.

A provider is also eligible to claim a Job Placement Bonus fee when they have placed a Fully Job Network Eligible job seeker into a vacancy that provides at least 50 hours of work in paid employment within a period of 10 consecutive working days.

Further information on Job Placement services is available from the Australian Workplace website at:

(2) (a) Yes. All vacancies recorded on Australian JobSearch are bound by the JobSearch Conditions of Use that require vacancies to not contravene Commonwealth, State or Territory legislation.

Further information on Job Placement services is available from the Australian Workplace website at:

Further information about the JobSearch Conditions of Use is available at:
www.jobsearch.gov.au

(b) Wage subsidies may be paid to employers depending on individual job seekers’ circumstances. Using funds from the Job Seeker Account, Job Network Members (JNMs) may choose to offer employers a wage subsidy to support the placement of a job seeker who is eligible for the full range of Job Network services and is participating in Intensive Support services. JNMs are bound by the Employment Services Contract 2003-2006 and the associated Job Seeker Account expenditure principles to ensure that wage subsidies reflect individual job seekers’ needs and barriers to employment.

The Job Seeker Account expenditure principles permit wage subsidies for employment which is sustainable and ongoing after the wage subsidy has ceased. To demonstrate their commitment to ongoing employment, the employer must also generally make a significant contribution to the cost of the job seeker’s wage. JNMs should not generally offer wage subsidies of 100 per cent (or more) of wage costs without the agreement of their DEWR Contract Manager.

Employers may also be eligible for the Wage Assistance programme which is part of the Government’s Indigenous Employment Programme. Wage Assistance pays employers a subsidy of up to $4400 over 26 weeks for full-time jobs or $2200 for part-time jobs. Further information is available from www.workplace.gov.au/indigenous.
(c) DEWR does not prescribe the level or size of wage subsidies paid to employers from the Job Seeker Account. As stated above, JNMs are bound by the Employment Services Contract 2003-2006 and the associated Job Seeker Account expenditure principles to ensure that wage subsidies reflect individual job seekers’ needs and barriers to employment.

Average Job Seeker Account expenditure for job seekers participating in Intensive Support customised assistance for whom an employer incentive was committed or reimbursed through 2004-2005 was $2297. Average Job Seeker Account expenditure for job seekers participating in other Intensive Support services for whom an employer incentive was committed or reimbursed through 2004-2005 was $2018.

DEWR monitors wage subsidies and Job Seeker Account usage on an ongoing basis, as apart of its robust contract/performance monitoring and programme assurance activities.

Wage Assistance pays employers a subsidy of up to $4400 over 26 weeks for full-time jobs or $2,200 for part-time jobs (refer 2b above).

(d) The Australian JobSearch system is unable to provide this information. Due to information about wage descriptions being either alphabetic (eg. ‘Award wages’) or numeric, the average Job Placement wage can not be ascertained from DEWR systems.

(3) The Job Matching programme, under Employment Services Contract 2000-2003, preceded the Active Participation Model's Job Placement Service. Under Job Matching providers tendered for a contract with the Department and were paid varying fees based on their proposed business levels. However, the fees paid to any particular organisation did not vary according to the job seeker’s eligibility. Under Job Placement, JNMs are automatically issued with a Job Placement Licence and private recruitment agencies can apply for a licence on an ongoing basis (i.e. there is no set period in which they must apply). The fees are fixed amounts based on the eligibility of the job seeker at the time of referral.

(4) The table below provides Total Job Placements for Indigenous job seekers by calendar year from the commencement of JN to date. In the 12 months to end November 2005, a total of over 42 400 job placements were recorded for this group. This represents a 34 per cent increase over the previous 12 month period and a new annual record for this client group.

<table>
<thead>
<tr>
<th>Month</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
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<tbody>
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<td>1,422</td>
<td>1,357</td>
<td>1,580</td>
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<tr>
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<td>1,624</td>
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<td>4,499</td>
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<td>18,570</td>
<td>20,486</td>
<td>16,576</td>
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(5) (a) and (b) During 2003 the second Employment Services Contract ended (30 June 2003) and the third Employment Services Contract commenced (1 July 2003). The decline in Indigenous job placements was due to JNMs making the transition to the new Active Participation Model arrangements, a period in which new Job Network member sites were established and the improved
service delivery arrangements bedded down. The period of contract transition was quickly followed by new records in monthly job placements for Indigenous job seekers.

(6) (a) and (b) According to the Australian Bureau of Statistics (ABS), information in the ABS ‘National Aboriginal and Torres Strait Islander Social Survey of 2002’ was obtained through a survey of Indigenous Australians conducted by the conducted by the ABS from August 2002 to April 2003.

Furthermore, while the survey included questions about the employment status of respondents including participation in Community Development Employment Projects projects, it does not provide information on how individuals found employment. Accordingly, while some of the people surveyed may have used Job Network to assist them in finding employment, the survey does not identify how many people gained jobs through Job Network’s Job Placement service.

(7) (a) and (b) The number of Job Placements for Indigenous Australians that result in long term jobs is not readily available. However, post assistance outcomes as measured through the Department’s Post Programme survey show that a total of nearly 52 per cent of Indigenous job seekers who achieved a Job Placement in 2004 were still employed three months later. Nearly 56 per cent of these job seekers had achieved a Positive Outcome (includes employment and education/training outcomes). The Department’s quarterly Labour Market Assistance Outcomes report provides further information on the performance of Job Network and is available from:


A further measure of the sustainability of jobs achieved by Indigenous job seekers is the measure of Long Term (13 week) Jobs. Long Term (13 week) Jobs are defined as those placements providing a minimum of 13 consecutive weeks employment for job seekers participating in Job Network Intensive Support services. Long Term Jobs are a subset of Total Job Placements. The 12 months to end November 2005 has seen Job Network achieve a new record of almost 12 200 Long Term (13 week) Jobs for Indigenous job seekers – a 65 per cent increase over the 12 months to November 2004 and the best 12 month period to date. November itself saw over 1100 outcomes achieved and is the best November on record. Further information on Job Placements and Long Term (13 week) Jobs is available from:


The table below provides total Long Term (13 week) Jobs for Indigenous job seekers by calendar year from the commencement of Job Network to date.

<table>
<thead>
<tr>
<th>Month</th>
<th>1998</th>
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<th>2000</th>
<th>2001</th>
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<td>448</td>
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<td>Jul</td>
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<td>232</td>
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<td>38</td>
<td>611</td>
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<td>4,526</td>
<td>1,856</td>
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(8) (a) The Job Placement service is described above (refer to response to question (1) (a).
The Community Development Employment Projects (CDEP) programme aims at increasing employment, community activities and business development opportunities for Indigenous people and their communities to help improve the economic, social and cultural status of Aboriginal and Torres Strait Islander people in Australian society.

The CDEP Programme provides unemployed Indigenous people with activities designed to meet community needs and which develop participant’s skills and improve their employability in order to assist them to move into employment outside the CDEP.

CDEP organisations are not automatically licensed to deliver Job Placement services. However, they are expected to make links with other government programmes and services – including Job Network providers – that will help them achieve the best outcomes for participants.

(b) Yes. CDEP participants are eligible for Job Placement services and all other Job Network services to assist them gain employment. However, Job Placement organisations can not claim a Job Placement fee where the wage for the position is directly paid by a CDEP.

(c) The requested information is not readily ascertainable and it would involve an unreasonable diversion of the Department’s resources to provide such information.

Basel II Accord

Senator Chapman asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 2 December 2005:

With reference to comments made by the Chairman of the Australian Prudential Regulation Authority (APRA), Dr John Laker, to the Economics Legislation Committee during estimates hearings on 2 November 2005:

(1) Is the Minister aware that APRA is proceeding with the implementation of the Basel II prudential and capital accord in the Australian financial services sector, yet has publicly stated that it is unable, at this stage, to accurately assess the ‘real-life’ impact of these fundamental changes on the lending market for residential mortgages, in terms of mortgage pricing and the availability of housing finance.

(2) Why is APRA, as a statutory authority, able to proceed with the full implementation of this accord in the absence of any comprehensive and documented analysis that identifies the full set of its economic and financial sector ramifications and without a level of public scrutiny.

(3) Has APRA made a full and complete assessment of the long-term implications of the changes that are proposed under the Basel II accord, using real-life examples of what would happen if the economy received a sharp exogenous shock.

(4) If such an analysis exists for the Australian context, whether within APRA or another arm of Government, will the Minister make this publicly available in the near term before the full implementation of Basel II is completed.

(5) (a) Is the Minister aware that one of the likely ramifications of the APRA Basel II implementation will be to limit the ability of smaller financial institutions (lenders) to make housing finance available at competitive rates; and (b) will this provide a competitive advantage for the major banks.

(6) (a) Is the Minister aware that the Basel II reforms progressively being implemented by APRA effectively will penalise lending institutions which seek to use risk mitigants such as Lenders Mortgage Insurance (LMI) to diversify the risk of their residential mortgage portfolio by limiting the capital concessions available to lenders who avail themselves of this risk offset mechanism; and (b) is this counter-intuitive at a point in the housing cycle where appropriate risk mitigation by housing finance lenders would seem to be highly desirable.
(7) Is the Minister aware that these changes may provide an opportunity for the major banks to ‘self-insure’ their mortgage portfolio risk rather than seek risk mitigation through either LMI or other risk mitigating instruments.

(8) Is it a likely consequence that interest and other costs will rise for borrowers who use smaller lending institutions which rely on mortgage securitisation to facilitate residential mortgage lending (which in turn can only be made available if the mortgage is insured through LMI or an equivalent).

(9) Is the Minister aware that three jurisdictions (the United States of America, the United Kingdom and the European Union) are undertaking, or about to commence, reviews of the practical, real-life implications of the Basel II accord and may amend its full implementation to suit specific sovereign requirements.

(10) Will the Minister seek to coordinate the key financial regulators and economic policy advisors to ensure that the implementation of Basel II in Australia enshrines the fundamental need to diversify residential mortgage risk so that Australia’s financial system stability can be assured.

(11) Will the Minister outline the processes for consultation between the peak regulators and the financial services sector in order to ensure this level of market stability and the mechanisms by which this consultation can be made completely transparent and accountable.

Senator Coonan—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:

(1) Yes. On average, the regulatory capital requirement for a residential mortgage loan under the Basel II proposals will be lower than current requirements. It is expected that this will have a positive impact on the willingness of authorised deposit taking institutions (ADIs) to provide residential mortgage lending, and consequently, interest rates.

At this point, it is not possible to estimate the exact size of this impact as much will depend on demand and supply conditions in the Australian housing market when Basel II is implemented in 2008.

It is incorrect to imply, however, that APRA has not undertaken any analysis of the impact of the Basel II changes.

(2) APRA has conducted, and continues to conduct, extensive analysis of the issues associated with the introduction of Basel II.

In 2003, APRA undertook a detailed and rigorous stress test of the resilience of ADI’s residential mortgage portfolios, the results of which influenced APRA’s approach to regulatory requirements for residential mortgage lending under Basel II.

In addition to the stress testing, APRA has participated in several quantitative impact studies (QIS) conducted by the Basel Committee on Banking Supervision. One of these studies (QIS5) is currently underway and the results will be used by the Basel Committee to review the overall calibration of the Basel II Framework. APRA intends to use the results of this study to continue its review of the total capital outcome of the Basel II regime in Australia.

APRA notes that its analysis of ADIs using the more advanced approaches is considerably more complicated than is the case of ADIs using the standardised approach. APRA has budgeted several thousand staff days from 2005 through 2007 to undertake the necessary individual analysis on those ADIs wishing to use the more advanced approach, which collectively hold over 75 per cent of the assets of the Australian banking system. Much of this analysis remains to be performed, as would be expected given the 2008 implementation date.

The introduction of Basel II in Australia has already been subject to considerable public scrutiny.
Basel II will be implemented through changes in APRA’s prudential standards and, like all amendments to prudential standards, the changes are subject to extensive public consultation and culmination in Parliamentary review (as prudential standards are disallowable).

In 2005, APRA released four discussion papers on the implementation of Basel II: Standardised approach to credit risk (April); Standardised approach to operational risk (July); Internal ratings-based approach to credit risk (July); and Advanced measurement approaches to operational risk (October). Closing dates for submissions on the first three papers have now passed and APRA is consulting with parties who made submissions.

APRA has devoted, and will continue to devote, considerable resources to explaining its Basel II proposals to industry and the broader financial community.

(3) In 2003, APRA undertook a detailed and rigorous stress test to help gauge the resilience of ADI’s residential mortgage portfolios in the event there were to be a substantial housing market correction. The stress test demonstrated that the ADI sector as a whole remained well capitalised and could withstand a substantial housing market correction without putting depositors at undue risk.

Subsequent stress testing of LMIs and a broader review of LMIs – covering reinsurance arrangements, parental support, reporting requirements and relationships with ADIs – highlighted a number of deficiencies in these areas. These included inadequacies in regulatory capital requirements and reporting to APRA, inconsistencies in prudential supervision of LMIs and ADIs and possibly ineffective risk transfer arrangements.

The stress test results influenced APRA’s proposed risk-weighting scheme for residential mortgage lending for ADIs using the standardised approach, and for the revised capital and reporting framework for LMIs introduced in September 2005 after extensive industry consultation.

In conjunction with the current Financial Sector Assessment Program (FSAP) being conducted by the IMF and World Bank in Australia, APRA is participating in further stress tests on the Australian banking system. As noted in the response to Question 2, APRA is also currently participating in QIS5 conducted by the Basel Committee.

(4) The results of APRA’s 2003 stress test of ADI residential mortgage portfolios were published in the Quarter 3 and 4 2003 edition of APRA’s Insight and in an APRA Research Working Paper in September 2005. APRA’s broad expectations for capital reductions from Basel II have been disclosed in a number of speeches by senior APRA officers. APRA expects that the QIS5 results, again on a broad basis, will also be disclosed.

(5) (a) This seems unlikely to occur. Basel II is not intended as a vehicle for changing the competitive landscape in Australia but rather as an opportunity to better align regulatory capital with the risks that ADIs assume and how well those risks are managed. Basel II introduces fundamental differences in the way in which those ADIs that have developed sophisticated approaches to credit risk and operational risk management will calculate their regulatory capital, compared to other ADIs.

The vast majority of ADIs in Australia will adopt the standardised approaches and, on average, these ADIs are likely to experience a modest reduction in their regulatory capital requirements. APRA has indicated that it will adopt a cautious approach to agreeing to reductions in regulatory capital for those ADIs seeking accreditation to use the advanced approaches. The Basel II Framework imposes floors on the maximum available regulatory capital reductions under the advanced approaches. Consistent with these floors, APRA has publicly stated that those ADIs using the advanced approach should not expect double-digit percentage reductions in regulatory capital.

Against that background, ADIs pursuing the traditional housing finance model and with a substantial portfolio of conventional (“standard”) housing loans will have a modest reduction in
regulatory capital requirements. For ADIs growing non-standard loans at the expense of standard loans, the reduction will be smaller. ADIs making extensive use of securitisation will have to hold capital against operational risk for those activities and may face a higher regulatory capital requirement.

(b) These differing risk characteristics of residential mortgage products and activities are likely to have more of an impact on regulatory capital requirements, and hence on the willingness of ADIs to provide housing finance, than the differences in the Basel II approaches.

The credit risk weights that will be used by the smaller ADIs are reflective of the same inputs that ADIs adopting the more advanced approaches will be using. In addition, while the regulatory capital requirements of the smaller ADIs will be based on their major risks (credit and operational risk), ADIs adopting the more advanced approaches will be required to assess and hold capital against the full range of risks to which they are exposed, including liquidity, credit concentration, reputational and strategic risks. Overall, therefore, the reduction in total regulatory capital is not expected to vary greatly between the smaller and larger ADIs. QIS5 will further clarify the position.

(6) (a) ADIs that mortgage insure loans will continue to receive a capital concession on those loans. They will not be penalised. For ADIs using the Basel II standardised approach, the risk-weights on mortgage insured standard loans would (with the exception of loans with a loan-to-valuation ratio (LVR) above 100 per cent) either be unchanged or lower than the current risk-weights on mortgage insured loans. For non-standard loans, the risk-weights following mortgage insurance are either unchanged or lower than current risk-weights, except for loans with LVRs above 80 per cent. Although there is a narrowing of the risk-weights between mortgage insured and non-mortgage insured loans, this is a consequence of lower risk-weights for ADIs and more accurately reflects the risks of the transaction. In addition, APRA is proposing that only the first 40 per cent of a loan (not the full loan as at present) needs to be insured by an acceptable lenders mortgage insurer (LMI) to attract the capital concession. Other things being equal, this lower proposed ‘top cover’ requirement should have a (modest) positive impact on mortgage insurance premiums, which are normally paid by the borrower.

(b) APRA’s proposed changes to risk-weights under Basel II, taken together with recent revisions to the capital framework for LMIs (introduced in September 2005 after extensive industry consultation), are aimed, firstly, at reducing regulatory arbitrage opportunities in residential mortgage lending. Secondly, they aimed at ensuring that both the ADI and LMI sectors remain well capitalised and able to withstand a substantial housing market correction without putting depositors and mortgage insurance policyholders at undue risk. The proposed risk-weights for residential mortgage lending continue to recognise the risk-mitigating effect of mortgage insurance cover while ensuring adequate overall system capital. By moving to a better alignment between economic risk and regulatory capital requirements, APRA’s approach provides the framework for improved risk management by both ADIs and LMIs.

(7) The decision by an ADI to use mortgage insurance cover is a commercial risk-return judgment for the ADI and this remains the case under Basel II.

APRA is currently consulting with interested parties on how the larger banks will approach mortgage insurance cover under the Basel II regime. The current QIS5 exercise (see response to Question 2) will also provide APRA with more information on how the larger banks assess the value proposition of LMI cover and risk mitigants more generally.

(8) It is difficult to accept this claim. Residential mortgage-backed securities (RMBS) issued by smaller ADIs, and “credit enhanced” by LMIs, constitute only a small part of the RMBS market in Australia and is not clear why access to this market by these ADI would be discouraged by
Basel II. A substantial volume of paper in this market is issued by lenders not regulated by APRA, and hence not affected by the Basel II proposals.

Basel II will have a positive impact on the availability of housing finance provided by ADIs and, other things being equal, on mortgage interest rates. Experience suggests, however, that competitive forces will have more impact on housing lending than any impact associated with Basel II.

(9) All major countries, including Australia, are devoting considerable resources in both the public and private sector to analysing Basel II implementation issues. Many countries are also currently undertaking the QIS5 exercise (see response to Question 2). All jurisdictions, including Australia, are taking advantage of the “national discretions” built into Basel II to enable the Framework to be tailored, in particular aspects, to reflect local prudential approaches. APRA will not be finalising its Basel II approach until it has completed its consultations with interested parties and the approaches taken by regulators in other major countries are clear.

(10) APRA has been consulting closely with the other financial regulators in Australia, and the Australian Treasury, on Basel II implementation. Consultation is both bilateral and through the Council of Financial Regulators, which regularly receives updates on Basel II from APRA. This consultation process will continue.

(11) As noted in the response to Question 2, APRA has been consulting extensively with industry on the implementation of Basel II and this consultation will continue until the Basel II reforms have been implemented.

**Superannuation**  
(Question No. 1434)

**Senator Murray** asked the Minister for Revenue and Assistant Treasurer, upon notice, on 8 December 2005:

With reference to the following statements in the Australian Taxation Office media release of 17 November 2005, relating to the Government’s transition to retirement pensions program: ‘The general anti-avoidance provisions will not apply where taxpayers are simply commencing a transition to retirement pension, and making salary sacrifice contributions to superannuation’ and ‘We would only be concerned where accessing the pension or undertaking the salary sacrifice may be artificial or contrived’:

(1) (a) Does drawing a superannuation pension over the age of 55 while simultaneously employed, and salary sacrificing the majority of employment income to minimise or avoid income tax, constitute tax avoidance under Part IVa of the Income Tax Assessment Act 1936; if not, why not.

(2) What constitutes an artificial or contrived salary sacrifice when accessing a superannuation pension.

(3) Does allowing employed pensioners to avoid taxation by channelling income into superannuation contributions shift, unfairly, the taxation burden onto younger taxpayers who are unable to draw a pension.

(4) How many former Australian Commonwealth public sector employees, rehired by the public sector, are currently drawing a superannuation pension while simultaneously being employed full-time and channelling a majority of their employment income into a lower taxed superannuation contribution.

**Senator Coonan**—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:

As this question deals with matters of taxation administration, I asked the Commissioner of Taxation for advice, the answer to the honourable senator’s question is as follows:
(1) As part of the policy statement, A more flexible and adaptable retirement income system released on 25 February 2004, the Government announced that the superannuation cashing rules would be amended to allow a person who has reached their preservation age and is still in the workforce to access their superannuation benefits in the form of a non-commutable income stream. This measure commenced on 1 July 2005.

The purpose of allowing people to access their superannuation from their preservation age without having to retire or leave their job, is to give them more flexibility to develop strategies in their transition to retirement. Providing greater flexibility in the rules for accessing superannuation benefits may encourage people to retain a connection with the workforce for a longer period.

Salary sacrifice arrangements are well accepted and the ATO has set out its view about what constitutes an effective salary sacrifice arrangement in Taxation Ruling TR 2001/10. Any taxpayer who can afford to do so, and whose employer agrees, can salary sacrifice amounts into superannuation.

On 17 November 2005 the Commissioner issued a Media Release advising that the general anti-avoidance provisions will not apply where taxpayers are simply commencing a transition to retirement pension, and making salary sacrifice contributions to superannuation.

(2) The Commissioner has advised me that he did not have particular arrangements in mind when making the statement that he may consider further arrangements that are artificial or contrived in his media release. It is not possible to foresee all the types of arrangements that may be developed in relation to salary sacrifice, and therefore it is not possible for the Commissioner to give a blanket statement that the general anti-avoidance rules would never apply to salary sacrifice arrangements.

(3) The Government provides significant taxation concessions to superannuation, the purpose of which is to encourage Australians to accumulate savings which can be drawn upon to provide income in retirement. Recent Government measures, such as the removal of the superannuation surcharge and the expansion of the superannuation co-contribution, are designed to further increase the attractiveness of saving through superannuation. The superannuation taxation concessions are available to younger as well as to older Australians.

The transition to retirement measure allows individuals who have reached their preservation age to supplement their employment income with income from their superannuation. This policy is designed to provide an incentive for people to retain a connection with the workforce at older ages by giving them more options in how to make the transition from work to full retirement.

(4) Information is not available to identify the number of former Australian Government employees who are in receipt of a pension from the Commonwealth Superannuation Scheme or Public Sector Superannuation Scheme, who have taken up further public sector employment and may be making salary sacrifice contributions to superannuation in respect of their current employment. Subject to an employer’s agreement, an Australian Government employee may salary sacrifice to any complying superannuation fund or Retirement Savings Account chosen by the employee. The fund chosen by the employee, which may be a fund other than an Australian Government superannuation scheme, may not identify whether employer contributions received in that fund are paid from a salary sacrifice arrangement. Also, the Australian Government employer making the salary sacrifice contributions on the employee’s behalf may not be aware of any Australian Government superannuation pension that the employee is receiving in respect of earlier Australian Government employment.

Podiatric Surgery
(Question No. 1448)

Senator Humphries asked the Minister representing the Minister for Health and Ageing, upon notice, on 9 December 2005:
With reference to the registration of podiatric surgeons for the purpose of rebates under the Health Insurance Act 1973:

(1) What steps has the department taken to ensure that all health funds, especially the Hospital Benefits Association and the Medical Benefits Fund, observe the requirements of the relevant legislation to provide benefit coverage, so that those patients who choose a podiatric surgeon, as opposed to say an orthopaedic surgeon, are not disadvantaged in terms of hospital benefits recovered.

(2) What has the department done this financial year to ensure that all funds understand their obligations in this regard.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) and (2) The Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004 (the Act) legislates that, when people receive foot surgery from accredited podiatric surgeons, health funds must offer at least one hospital table that provides insurance benefits for the associated hospital accommodation and nursing care costs.

This financial year, the department issued Private Health Insurance Circular 42/05 (attached), which clarifies the legislative requirements of the Act. The department also continues to have informal and regular dialogue with the private health insurance industry, including the Hospital Benefits Association and the Medical Benefits Fund.

On 25 June 2005, I wrote to the Private Health Insurance Ombudsman (PHIO). I have asked the PHIO to report and act on complaints about health funds not covering or paying benefits for hospital treatment associated with podiatric surgery. The PHIO is expected to report formally on this issue in the annual State of the Health Funds Report which is expected to be published in February 2006.

Attachment
PHI 42/05
16 August 2005

HOSPITAL BENEFITS FOR FOOT SURGERY PERFORMED BY AUSTRALIAN GOVERNMENT ACCREDITED PODIATRISTS - CLARIFICATION

Further to Circulars PHI 42/04 and PHI 21/05, this Circular clarifies the changes the Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004 (the Act) introduced regarding health insurance. The Department has received a number of inquiries, which suggest there is some confusion about whether the Act has a mandatory or discretionary effect on health fund coverage of hospital costs associated with foot surgery performed by accredited podiatrists. This Circular addresses those issues.

The Act, which came into effect in January 2005, amended the Health Insurance Act 1973 (HIA) by expanding the definition of ‘professional attention’ to include ‘podiatric treatment by an accredited podiatrist’. In conjunction with the existing definition in the HIA for ‘hospital treatment’, this means that ‘hospital treatment’ now includes ‘accommodation and nursing care provided for the purpose of permitting the provision of podiatric treatment by an accredited podiatrist’. This change enables payment of benefits for such treatment from health funds’ hospital tables.

As to whether it is mandatory for health funds to pay benefits for such treatment; the answer is yes. Health funds are required as a condition of registration to make available to contributors at least one hospital table that covers all episodes of hospital treatment (see paragraph (bd) of Schedule 1 to the National Health Act 1953). This now includes hospital treatment associated with foot surgery by an accredited podiatrist.

The fact that no Medicare Benefits Schedule (MBS) item number applies to foot surgery performed by accredited podiatrists does not affect the requirement for health funds to offer this cover. The condition
of registration overrides any policy of a health fund that it pay benefits for hospital costs only where the costs are associated with a 'professional service' for which Medicare benefit is payable.

It is not mandatory for health funds to pay benefits from their hospital tables for the professional fees of accredited podiatrists. However, health funds can choose to pay benefits for such professional fees from their ancillary tables.

The Department also wishes to draw attention to the expanded role of the Private Health Insurance Ombudsman, as a result of amendments made by the National Health Amendment (Prostheses) Act 2005, which was passed on 10 March 2005. When that Act commences later this year, section 5G(3) of the NHA will read:

The role of the Private Health Insurance Ombudsman includes monitoring the operation of provisions relating to accredited podiatrists within this Act and the Health Insurance Act 1973 and reporting and acting on complaints.

As a result, any complaints the Department receives which relate to the legislative provisions regarding accredited podiatrists, will be referred to the Private Health Insurance Ombudsman.

The Private Health Insurance Ombudsman has been asked to report his findings on these matters in the State of the Health Funds Report.

Any inquiries about this Circular may be directed to Ms Katherine Bates on (02) 6289 9401 or Mr Peter Callanan on (02) 6289 9840.

If you require further information please telephone: (02) 6289 9853/24 hr answering machine or email the enquiry to PrivateHealth@health.gov.au


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Private Health Insurance Branch

Guide on Key Elements of Ministerial Responsibility
(Question No. 1465)

Senator O’Brien asked the Minister representing the Prime Minister, upon notice, on 17 January 2006:

With reference to the answer to question on notice no. 211 concerning the Prime Minister’s Guide on Key Elements of Ministerial Responsibility:

(1) Is the Prime Minister aware that the guide instructs ministers to answer questions on notice in a timely fashion and cover particular points raised in questions so the need for follow up questions is minimised.

(2) Is the Prime Minister aware that the Senate has set a time limit of 30 days for the answering of questions on notice.

(3) Is the Prime Minister aware that question no. 211 was asked on 20 December 2004 and answered on his behalf on 17 January 2006.

(4) Is the Prime Minister aware that he failed to answer parts 1 and 2 (a), (b), (c), (d), (e), (f), (g) and (h) of that question.

(5) Why did the Prime Minister fail to observe his own code of conduct with respect to that question.

(6) (a) What alleged breaches of the guide have been brought to the attention of the Prime Minister and/or his office since its inception; and (b) in each case: (i) was the alleged breach on the public
record, (ii) which minister and/or parliamentary secretary was responsible for the alleged breach, (iii) what was the nature of the alleged breach, (iv) when did the Prime Minister and/or his office become aware of the alleged breach, (v) what was the source of information about the alleged breach, (vi) how did the Prime Minister investigate the alleged breach, (vii) if the Prime Minister did not investigate the alleged breach, why not, (viii) what finding did the Prime Minister make in relation to the alleged breach and when was that finding made, and (ix) what action, if any, did the Prime Minister take and when.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) The Guide on Key Elements of Ministerial Responsibility contains guidance and some instructions, but not one to that effect.

(2) Yes

(3) Yes

(4) Question on Notice No. 211 was answered on 17 January 2006.

(5) The Prime Minister does not accept that a breach of ministerial responsibilities has occurred.

(6) See response to Question on Notice No. 211.

Transport and Regional Services: Staffing
(Question No. 1469)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 January 2006:

(1) How many staff are employed in the Human Resource Management Division of the Civil Aviation Safety Authority (CASA).

(2) (a) In which CASA offices are these staff located; and (b) how many staff employed in the Human Resource Management Division have a designated home base other than Canberra.

(3) In relation to staff members employed in the Human Resource Management division of CASA have a designated home base other than Canberra: (a) how many trips did those staff make to Canberra; (b) how many days did those staff spend in Canberra; (c) what was the total cost of related airfares; (d) what was the total value of related travel allowance; and (e) for each of the financial years 2004-05 and 2005-06 to date, what was the value, and nature, of other costs related to travel to Canberra.

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

(1) As at 1 February 2006, 23 staff members were employed in the Human Resource Management Division of the Civil Aviation Safety Authority (CASA).

(2) (a) Of the 23 staff members employed in the Human Resource Division, 20 are located in Canberra, 2 in Brisbane and 1 in Melbourne. However, the officer located in Melbourne has his work base split between CASA’s Melbourne and Canberra offices.

(b) Of the 23 Human Resource staff members currently employed by CASA, 3 staff members have a designated home base outside Canberra.

(3) (a) and (b) In regard to the HRM Division 3 personnel staff are located outside Canberra, (2 based in Brisbane and 1 in Melbourne). The travel details for each of those people are detailed below for the period 1 July 2004 to the end of November 2005, or from date of commencement to the end of November.
Tuesday, 9 May 2006

CIVIL AVIATION SAFETY AUTHORITY: CHIEF EXECUTIVE OFFICER

(Special Question No. 1471)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 January 2006:

(1) Does the employment contract for the Chief Executive Officer (CEO) of the Civil Aviation Safety Authority (CASA) contain any conditions, requirements or obligations that relate to the time he is required to spend at the CASA head office in Canberra; if so: (a) what is the nature of these conditions; (b) what is the reason for the inclusion of these conditions in the employment contract; (c) how is compliance with these conditions monitored; and (d) who is responsible for such monitoring.

(2) Since his appointment, has the current CEO properly complied with all the requirements of his employment contract, including his attendance at the CASA head office in Canberra; if not: (a) what has been the nature of the non-compliance; and (b) what action has been taken, or is proposed to be taken, in response.

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

(1) As Director of Aviation Safety, the CEO of CASA is appointed by the Minister for Transport and Regional Services under subsection 84(1) of the Civil Aviation Act 1988, and (subject to the Remuneration Tribunal Act 1973) the terms and conditions of his appointment are determined by the Minister under subsection 84(4) of the Act.

(a) The terms and conditions of the appointment of the current CEO, Mr Bruce Byron, include the following:

- the CEO will arrange his working week to comprise an average of two to three days a week in Canberra and the remaining days in Melbourne, with an increase in the number of days in Canberra during the Parliamentary sitting period if required;
- to facilitate these arrangements, the CEO will work from the CASA office in Melbourne when dealing with industry and other stakeholders that do not require his presence in Canberra.
(b) The conditions are included in order to better facilitate the CEO’s interactions with the aviation industry and to permit a measured balance, taking into account the requirements of the position, between the CEO’s accountability to the Minister, his work and his family life. The flexibility inherent in the conditions permits the CEO to exercise his own judgement about the optimum use of his time, as might be expected for positions of equivalent seniority in the public sector.

(c) The CEO of CASA has regular meetings with both the Secretary of the Department, and the Minister for Transport and Regional Services, during which they are briefed on the CEO’s activities and travel intentions.

(d) As the person who appoints the CEO of CASA and determines the terms and conditions of the appointment, the Minister for Transport and Regional Services is responsible for overseeing compliance with the intent of the conditions of appointment.

(2) The Minister is of the view that Mr Byron has complied with the general intent of the requirements of the terms and conditions of his appointment.

**Australian Technical Colleges**

(Question No. 1481)

**Senator O’Brien** asked the Minister representing the Minister for Vocational and Technical Education, upon notice, on 18 January 2006:

With reference to the Australian Technical College, Northern Tasmania:

(1) When did the Minister approve the winning consortium.

(2) When did the Minister receive the business plan for the college; and (b) when did he approve the plan.

(3) (a) When was the funding agreement signed; and (b) can a copy of the agreement be provided; if not, why not.

(4) To date, what funding has been provided to the college.

(5) By year, what funding is proposed to be provided to the college.

(6) Can details be provided of: (a) the college board membership; (b) the college sites for 2006 in Launceston and Burnie; (c) the proposed future sites for Launceston and Burnie; and (d) the training delivery model.

(7) By course, how many student places will be available in the first year of operation.

(8) When will the college invite enrolments.

(9) (a) When will the college commence teaching; and (b) if the college will not commence operation at the commencement of the school year 2006, why not.

**Senator Vanstone**—The Minister for Vocational and Technical Education has provided the following answer to the honourable senator’s question:

(1) The successful proposal was announced by the Minister on 9 September 2005.

(2) The final business plan (including the budget) was received by the Department on 6 January 2006. They were provided to the Minister on 23 January 2006, and (b) approved by the Minister on 24 January 2006.

(3) The Funding Agreement was signed on 30 January 2006. (b) Releasing details of the commercial arrangements agreed with a particular ATC could be detrimental to the on-going negotiations with the remaining ATCs.

(4) $831,090.91 (excl. GST), including funding to assist with the development of the business plan and budget.
(5) Releasing details of the commercial arrangements agreed with a particular ATC could be detrimental to the negotiations that are underway with other ATCs.

(6) (a) College Board membership consists of:

<table>
<thead>
<tr>
<th>Board status</th>
<th>Name</th>
<th>Organisation</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair</td>
<td>Lloyd Whish-Wilson</td>
<td>Rural Press</td>
<td>General Manager</td>
</tr>
<tr>
<td>Director</td>
<td>Simon Cobiac</td>
<td>St Patrick’s College</td>
<td>Principal</td>
</tr>
<tr>
<td>Director</td>
<td>Peter Lane</td>
<td>NGT (Group Trainer)</td>
<td>General Manager</td>
</tr>
<tr>
<td>Director</td>
<td>John Dingemanse</td>
<td>CB&amp;M (construction)</td>
<td>Managing Director</td>
</tr>
<tr>
<td>Director</td>
<td>Richard Bloomfield</td>
<td>RGB Consultancy (construction)</td>
<td>Managing Director</td>
</tr>
<tr>
<td>Director</td>
<td>Sue Shegog</td>
<td>Learning Partners</td>
<td>Director</td>
</tr>
<tr>
<td>Director</td>
<td>Jodie Stevenson</td>
<td>TCCI</td>
<td>Manager</td>
</tr>
<tr>
<td>Director</td>
<td>Martin Rees</td>
<td>KPMG</td>
<td>Partner</td>
</tr>
<tr>
<td>Director</td>
<td>John White</td>
<td>Delta Hydraulics (engineering/manufacturing)</td>
<td>Managing Director</td>
</tr>
<tr>
<td>Director</td>
<td>Andrew Ransley</td>
<td>Caterpillar Elphinstone (engineering/manufacturing)</td>
<td>Managing Director</td>
</tr>
<tr>
<td>Director</td>
<td>Mac Russell</td>
<td>Russell Smith Pty Ltd (Electrical/communications)</td>
<td>Managing Director</td>
</tr>
</tbody>
</table>

(b) The College will operate from interim campuses located at 473 West Tamar Highway, Riverside (Launceston) and, 34 Marine Terrace, Burnie.

(c) Locations of the permanent campuses in Launceston and Burnie will be available once those addresses are determined.

(d) The College will operate as an independent school and will be a Registered Training Organisation delivering a curriculum integrating TCE subjects, trade training competencies, business and entrepreneurial training and employability skills. The ATC will ensure accessibility across north and north-west Tasmania. Third party service providers (schools and RTOs) will deliver aspects of the training and assessment, and existing trade training facilities will be utilised. A key element of the operational plan is the use of advanced IT enabled learning technology.

(7) The College will commence operations on 1 August 2006 with 30 places available in Metals and Engineering and 20 places available in Building and Construction.

(8) The College is expected to actively invite enrolments by mid-late June 2006.

(9) (a) The College will commence teaching on 1 August 2006. (b) The incorporation of the legal entity, its membership, business plan and budget were not finalised until mid January precluding commencement of operations earlier.

Minister for Transport and Regional Services: Overseas Travel  
(Question No. 1483)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 January 2006:

With reference to the overseas trip by the Minister in January 2006:

(1) When did the Minister: (a) depart Australia; and (b) return to Australia.

(2) Who travelled with the Minister.

(3) Who met the cost of the participants’ travel and other expenses associated with the trip.

(4) If the costs were met by the Minister’s department, can an itemised list of those costs be provided; if not, why not.

(5) What was the purpose of the Minister’s overseas travel.
(6) Can details be provided of any official engagements, including the date and time of each engagement.

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

(1) (a) 9 January 2006, (b) 17 January 2006.

(2) The Minister was accompanied by Mrs Lyn Truss, Mr David Whitrow (Chief of Staff), Mr Michael Taylor (Secretary for the Department of Transport and Regional Services) and Mr Andrew Tongue (Deputy Secretary for the Department of Transport and Regional Services).

(3) The Department of Finance and Administration met the cost of the Minister’s, Mrs Truss’ and Mr Whitrow’s travel expenses. Details of these expenses can be found in the response to question on notice number 1482, provided by the Minister representing the Minister of State, which appeared in Hansard on 28 February 2006. Mr Taylor’s and Mr Tongue’s travel expenses were costed to the Department of Transport and Regional Services.

(4) Further to the response above, the following travel expense for the Minister and Mr Whitrow was costed to the Department:

- Official passports: $474

The following travel expenses for Mr Michael Taylor & Mr Andrew Tongue were costed to the Department:

- Airfares: $21,772.08
- Accommodation: $6,056.03
- Meals and hospitality: $1,309.98
- * Ministerial Conference (Tokyo): $4,498.37
  (Yen conversion rate: 86.12¥)
- Other costs: $100.76

* This includes meeting room hire, transport, interpreting fees, phone calls and meals.

Note: All figures above are known expenses based on invoices received from overseas Posts to date. As yet, there have not been invoices received from China and the Philippines.

(5) The Minister was invited to participate in the inaugural Qantas flight to Beijing. Whilst in China he also met with the Chinese Vice-Minister for Civil Aviation Administration and the Minister for Communications to promote the development of the Free Trade Agreement between Australia and China and discuss various transport issues including the continuation of a number of Memorandums of Understanding between the Department and Chinese Government transport agencies.

Minister Truss was invited to participate in the G8 Ministerial Conference on International Transport Security in Japan, 12th – 13th January, 2006. Other participating countries at this high level meeting were the United States of America, Canada, United Kingdom, France, Italy, Singapore, Malaysia, Indonesia, China, Republic of Korea. Minister Truss also held a number of bilateral meetings with his transport Ministerial counterparts to progress issues on aviation security, air services, transport and APEC 2007.

When transiting through Hong Kong to the Philippines, the Minister took a detailed study of security operations at Hong Kong Airport.

The Minister’s visit to the Philippines was to progress the Australia Government’s transport security partnership with the Philippines Government.

(6) Below is the program of official engagements:

**China:** Tuesday 10 January, 2006
Meetings with H.E. Mr LI Shenglin, Minister, Ministry of Communications and H.E. Mr YANG Guoqing, Vice Minister, General Administration of Civil Aviation of China.

Minister Truss also attended and addressed the QANTAS inaugural dinner.

**Japan:** Wednesday 11 January, 2006 – Friday 13 January, 2006

Meetings with the Japanese Minister for Land, Transport and Infrastructure, Mr Kazuo Kitagawa.


The Minister attended the three sessions at the Security conference: Maritime Security; Aviation Security; Land Transport Security.

The Minister held bilateral meetings with Mr Ladyman, UK Minister of State for Transport; Secretary General of the IMO, Mr Efthimios Mitropoulos; Dr Assad Kotaite, President of Council, International Civil Aviation Organisation; Mr Yeo Cheow Tong, Minister of Transport, Singapore; USA Secretary for Transport Mineta; Mr Edmund “Kip” Hawley, Assistant Secretary of Homeland Security for the Transport Security Administration; Mr Hatta Rajasa, Indonesian Minister for Communications; Ms Marjeta Jager from the EC; and Mr Daisaburou Terajima, Executive Managing Director, ITS Japan.

**Hong Kong:** Saturday 14 January 2006

In Hong Kong, the Minister met with staff from the Hong Kong Airport and undertook an extensive tour of security operations including: Passenger/Staff/Crew screening facilities; hold baggage security screening system; the SkyPier and Bonded Road; HACTL cargo terminal; Mid Field screening facilities; Gatehouse screening facilities; and the Cathay Crew screening facility at Cathay City.

**Philippines:** Sunday 15 January, 2006 - Monday 16 January, 2006

The Minister met with the Head of Mission for a detailed briefing and had meetings with National Security Adviser Mr Norberto Gonzales; Congressman Puentevella, Chair, House (of Representatives) Committee on Transportation; the Hon Leandro Mendoza, Secretary of the Department of Transportation and Communications.

The Minister undertook an escorted tour around North Harbour and Manila International Container Terminal by Oscar Sevilla, General Manager of Philippines Port Authority.

**Defence: Grants**

**(Question No. 1490)**

Senator O’Brien asked the Minister representing the Minister for Defence, upon notice, on 18 January 2006:

1. What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.
2. When did the delivery of these programs and/or grants commence.
3. For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.
4. For the 2005-2006 financial year, what funding has been appropriated for these programs and/or grants.
5. For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:
(1) The Army Military History Research Grants Scheme and the Defence Family Support Funding Program.

(2) and (3) Details of programs and/or grants administered by Defence are available in Defence’s annual reports for the respective years at:
http://www.defence.gov.au/annualreports/ or at individual websites at:
http://www.defence.gov.au/army/ahu/grants/advice.htm and

(4) Details of appropriations are reported in the Defence Portfolio Budget Statements 2005-06, page 55 and at:
http://www.defence.gov.au/budget/05-06/or

(5) None.

Transport and Regional Services: Grants
(Question No. 1492)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 January 2006:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.

(2) When did the delivery of these programs and/or grants commence.

(3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.

(4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.

(5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

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

(1) (2) and (4) Details of programs and grants administered by the Department of Transport and Regional Services are available in the Department’s Portfolio Budget Statements, its Annual Reports and their website http://www.dotars.gov.au.

(3) and (5) The following program funding was provided to organisations or individuals in the electorate of Bass, between 2002-03 and 2005-06:

**Remote Air Service Subsidy Scheme**
Regional Air Service Providers
$25,594 approved in 2003/2004
$21,219 approved in 2004/2005
Regional air service providers were funded for providing subsidised air services.

**National Disaster Mitigation Program**
Mineral Resources Tasmania
$81,992 approved in 2004/2005
Landslide hazard maps of Hobart, Launceston and the northwest coast area.
Regional Assistance Program
Forestry Tasmania
$35,100 approved in 2002/2003
Feasibility study into the development of Hollybank Forest.
Tamar Valley Business Enterprise Centre Inc.
$33,000 approved in 2002/2003
Development of the business capability of the Tamar Valley Produce Network.

Regional Partnerships Program
Links Golf Tasmania Pty
$385,000 approved in 2003/2004
Barnbougle Dunes.
Migrant Resource Centre (Northern Tasmania) Inc
$220,000 approved in 2003/2004
Migrant Resource Centre Child Care Project.
Tamar Valley Semaphore Association Inc
$30,000 approved in 2003/2004
Tamar Valley Historic Semaphore Site
Northern Tasmania Regional Development Board
$660,000 approved in 2004/2005
EC Northern Tasmania Economic Development Plan.
Rorison Aviation Pty Ltd
$104,500 approved in 2004/2005
Freight & Passenger Facilities at Bridport and Lady Barron.

Note: This does not include funding provided to state or local governments.

Finance and Administration: Grants
(Question No. 1495)

Senator O’Brien asked the Minister for Finance and Administration, upon notice, on 18 January 2006:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.
(2) When did the delivery of these programs and/or grants commence.
(3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.
(4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.
(5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

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

(1) No programmes and/or grants administered by the Department of Finance and Administration provide assistance to the people living in the federal electorate of Bass.
(2) to (5) Not applicable.

Employment and Workplace Relations: Grants
(Question No. 1500)

Senator O’Brien asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 18 January 2006:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.
(2) When did the delivery of these programs and/or grants commence.
(3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.
(4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.
(5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

The requested information is not readily ascertainable and it would involve an unreasonable diversion of the department’s resources to provide such information.

Environment and Heritage: Grants
(Question No. 1502)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 18 January 2006:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.
(2) When did the delivery of these programs and/or grants commence.
(3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.
(4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.
(5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:
<table>
<thead>
<tr>
<th>Name of Programme available to people living in the Bass electorate</th>
<th>Year programme commenced</th>
<th>Funding provided in Bass 2002-03</th>
<th>Funding provided in Bass 2003-04</th>
<th>Funding provided in Bass 2004-05</th>
<th>2005-06 funding appropriated to Programme</th>
<th>2005-06 funding approved by Minister up to 28 Feb 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Biological Resources Study (ABRS) Participatory Grants Programme</td>
<td>1973</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>1,869,000</td>
<td>Nil</td>
</tr>
<tr>
<td>Australian Antarctic Science Grants</td>
<td>1986</td>
<td>855</td>
<td>5,794</td>
<td>4,930</td>
<td>750,000</td>
<td>4,930</td>
</tr>
<tr>
<td>Australian Government Envirosfund</td>
<td>2002/03</td>
<td>138,396</td>
<td>175,994</td>
<td>146,613</td>
<td>20,500,000</td>
<td>Nil</td>
</tr>
<tr>
<td>Community Water Grants Environmental Education Grants Programme</td>
<td>2004/05</td>
<td>N/A</td>
<td>N/A</td>
<td>Nil</td>
<td>53,896,000</td>
<td>189,997</td>
</tr>
<tr>
<td>Grants to Voluntary Environment and Heritage Organisation (GVEHO)</td>
<td>1994/95</td>
<td>10,000</td>
<td>4,000</td>
<td>Nil</td>
<td>750,000</td>
<td>Nil</td>
</tr>
<tr>
<td>Indigenous Heritage Programme (previously the Preservation and Protection of Indigenous Heritage Programme, transferred from ATSIC/ATSIS to DEH in July 2004)</td>
<td>Circa 1991</td>
<td>40,993</td>
<td>39,176</td>
<td>41,600</td>
<td>3,359,000</td>
<td>25,550</td>
</tr>
<tr>
<td>Launceston Clean Air Industry Programme</td>
<td>2005/06</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>340,500</td>
<td>Nil</td>
</tr>
<tr>
<td>Product Stewardship for Oil (PSO) Programme</td>
<td>2001</td>
<td>49,587</td>
<td>Nil</td>
<td>Nil</td>
<td>4,934,000</td>
<td>Nil</td>
</tr>
<tr>
<td>NHT Indigenous Protected Areas</td>
<td>1996/97</td>
<td>80,000</td>
<td>100,000</td>
<td>100,000</td>
<td>2,500,000</td>
<td>100,000</td>
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<tr>
<td>NHT Regional Delivery</td>
<td>2002/03</td>
<td>Nil</td>
<td>2,208,180</td>
<td>2,775,000</td>
<td>3,885,000</td>
<td>378,000</td>
</tr>
<tr>
<td>Photovoltaic Rebate Programme</td>
<td>2000</td>
<td>14,900</td>
<td>38,070</td>
<td>2,560</td>
<td>5,700,000</td>
<td>4,000</td>
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<td>Private Forest Reserves Programme</td>
<td>1997/98</td>
<td>130,100</td>
<td>42,600</td>
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<td>Nil</td>
<td>87,374</td>
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<td>98,100.68</td>
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± only information for current (2005-06) programmes is provided
Π Information for ATSIC/ATSIS administered funds provided by Office of Indigenous Policy Coordination
£ Covers funding to NRM North region which includes all of Bass and some of Lyons electorates.
¥ For all of Tasmania – the balance of the $3.9 million for 2005-06 is yet to be allocated to all Tasmanian regions.
* Rebates are demand driven and total national funding for 2005-06 is indicative only
Treasury: Grants
(Question No. 1508)

Senator O’Brien asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 18 January 2006:

1. What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.

2. When did the delivery of these programs and/or grants commence.

3. For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.

4. For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.

5. For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Coonan—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator’s question:

I refer the Senator to the Senate Hansard of 27 March 2006 and the Treasurer’s response to Question 1489 at page 138.

Finance and Administration: Grants
(Question No. 1509)

Senator O’Brien asked the Minister representing the Special Minister of State, upon notice, on 18 January 2006:

1. What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.

2. When did the delivery of these programs and/or grants commence.

3. For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.

4. For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.

5. For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Abetz—The Special Minister of State has supplied the following answer to the honourable senator’s question:

1. to (5) Please refer to the answer provided by the Minister for Finance and Administration for Question on Notice 1495.

Transport and Regional Services: Grants
(Question No. 1512)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 January 2006:

1. What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.

2. When did the delivery of these programs and/or grants commence.
(3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.

(4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.

(5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:
The Minister for Transport and Regional Services will provide a response to this question on behalf of the portfolio. Please refer to the Minister’s response to question on notice number 1492.

Employment and Workplace Relations: Grants
(Question No. 1514)

Senator O’Brien asked the Minister representing the Minister for Workforce Participation, upon notice, on 18 January 2006:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.

(2) When did the delivery of these programs and/or grants commence.

(3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.

(4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.

(5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Abetz—The Minister for Workforce Participation has provided the following answer to the honourable senator’s question:
Refer to the answer to Question 1500.

Education, Science and Training: Grants
(Question No. 1516)

Senator O’Brien asked the Minister Assisting the Prime Minister for Women’s Issues, upon notice, on 18 January 2006:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.

(2) When did the delivery of these programs and/or grants commence.

(3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.

(4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.

(5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Vanstone—The Minister Assisting the Prime Minister for Women’s Issues has provided the following answer to the honourable senator’s question:
(1) Funding is provided to the people living in the federal electorate of Bass under the Women’s Safety Agenda as part of the Domestic and Family Violence and Sexual Assault Funding Initiative.

(2) Funding under the Domestic and Family Violence and Sexual Assault Funding Initiative will be provided from March 2006.

(3) Expenditure for the financial years 2002-03 (nil), 2003-04 (nil), and 2004-05 (nil)

(4) In the 2005-06 Budget $1.45 million was appropriated for the Domestic and Family Violence and Sexual Assault Funding Initiative.

(5) For the 2005-06 financial year $10,000 will be provided under the Domestic and Family Violence and Sexual Assault Funding Initiative to Magnolia Place Women’s Shelter TAS Launceston.

**Foreign Affairs and Trade: Grants**

(Question Nos 1518 and 1521)

_Senator O’Brien_ asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 18 January 2006:

(1) For each financial year since 2001-02, what grants or payments has the Minister’s department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

_Senator Coonan_—The following answer has been provided by the Minister for Foreign Affairs and the Minister for Trade to the honourable senator’s question:

None.

**Attorney-General’s: Grants**

(Question Nos 1524 and 1534)

_Senator O’Brien_ asked the Minister for Justice and Customs and the Minister representing the Attorney-General, upon notice, on 18 January 2006:

For each financial year since 2001-02, what grants or payments has the Minister’s department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

_Senator Ellison_—The answer to the honourable senator’s question is as follows:

I am advised that since the financial year 2001-02, no grants or payments have been made by the Attorney-General’s Department or any portfolio agency to the City View Christian Church Inc. (formerly known as Crusade Centre Inc.).

**Finance and Administration: Grants**

(Question No. 1525)

_Senator O’Brien_ asked the Minister for Finance and Administration, upon notice, on 18 January 2006:

For each financial year since 2001-02, what grants or payments has the Minister’s department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

_Senator Minchin_—The answer to the honourable senator’s question is as follows:

There have been no grants or payments made to the City View Christian Church Inc. (formerly known as Crusade Centre Inc.) by the Department of Finance and Administration or any of its portfolio agencies.

**QUESTIONS ON NOTICE**
Environment and Heritage: Grants  
(Question No. 1532)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 18 January 2006:

For each financial year since 2001-02, what grants or payments has the Minister’s department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

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

None.

Finance and Administration: Grants  
(Question No. 1539)

Senator O’Brien asked the Minister representing the Special Minister of State, upon notice, on 18 January 2006:

For each financial year since 2001-02, what grants or payments has the Minister’s department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

Senator Minchin—The Special Minister of State has supplied the following answer to the honourable senator’s question:

Please refer to the answer to Question on Notice 1525 provided by the Minister for Finance and Administration.

Education, Science and Training: Grants  
(Question No. 1546)

Senator O’Brien ask the Minister Assisting the Prime Minister for Women’s Issues, upon notice, on 7 February 2006:

For each financial year since 2001-02, what grants or payments has the Minister’s department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

Senator Vanstone—The Minister Assisting the Prime Minister for Women’s Issues has provided the following answer to the honourable senator’s question:

Records indicate that the City View Christian Church Inc. has not received any grants or payments from the Office for Women (previously the Office for the Status of Women).

Transport and Regional Services: Portfolio Strategic Policy and Projects Division  
(Question No. 1552)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 19 January 2006:

For the 2004-05 financial year, what was the internal budget allocation for the Portfolio Strategic Policy and Projects Division within the Department.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
The Portfolio Strategic Policy and Projects Division was formed in March 2005 following an internal restructure of the Department. The internal budget allocation for the new Division was $4.6m for the full financial year.

**Transport and Regional Services: Travel Policy**

*(Question No. 1554)*

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 19 January 2006:

With reference to evidence given by the department to the Rural and Regional Affairs Legislation Committee (Rural and Regional Affairs Legislation Committee Hansard, Supplementary Budget Estimates, 31 October 2005) that the department has a ‘best fare of the day’ policy for departmental travel: Can a copy of the department’s policy guidelines be provided.

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

Yes. A copy of that part of the Department’s travel policy which pertains to use of the ‘best fare of the day’, is attached.

Attachment
Travel Policy Extract
Best Fare of the Day

All travellers are required to use “Best Fare of the Day” when making travel bookings. The Best Fare definition is “the least cost fare available at the time of booking to suit the travellers business needs and entitlements and within 1 hour either side of the requested flight time.” Where employees decline the ‘best fare’ offered they will be required to provide an explanation to the travel service provider and non-acceptance and explanation will be included in monthly management reports.

Travellers are not expected to travel on unreasonably circuitous routes just to access lower fares.

**Road Safety**

*(Question No. 1569)*

Senator O’Brien asked the Minister representing the Prime Minister in the Senate, upon notice, on 30 January 2006:

With reference to the Prime Minister’s statement at the National Press Club on 25 January 2006 concerning the death of 78 people on Australian roads between 23 December 2005 and 6 January 2006 that ‘you can’t help but conclude that driver error and driver carelessness is overwhelmingly the reason’:

1. Between 6 January 2006 and 25 January 2006, when did the Prime Minister receive a briefing on the cause of any fatal road accident over the Christmas-New Year period from: (a) the Australian Transport Safety Bureau; (b) the Department of Transport and Regional Services; (c) any other Commonwealth department or agency; (d) any state or territory roads authority; or (e) any other state or territory department or agency.

2. If the Prime Minister did not receive any briefing in this period: (a) what was the basis of his knowledge of the ‘overwhelming’ cause of death of 78 people on Australian roads over the Christmas-New Year period; and (b) on what basis does the Prime Minister dismiss a causal link between road infrastructure and road accidents leading to death.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator’s question:

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QUESTIONS ON NOTICE
Tuesday, 9 May 2006

(1) and (2) My statements were based on a personal assessment watching and hearing television and radio reports of accidents which included comments by Police and State government ministers, and an application of common-sense principles.

**Australian Defence Force: Prohibited Substance Testing Program**

*(Question No. 1574)*

Senator Mark Bishop asked the Minister representing the Minister for Defence, upon notice, on 6 February 2006:

With reference to the Prohibited Substance Testing Program:

(1) How many random drug tests have been administered to Australian Defence Force (ADF) personnel since 30 September 2005.

(2) Of those tested, what ranks were represented for each of the three services.

(3) (a) Which Defence sites have been targeted in the recent round of random drug testing; (b) how many personnel were tested at each site; (c) what was their rank; (d) what date and time were tests conducted at each site; and (e) how many personnel at each site tested positive to a prohibited substance.

(4) How many ADF personnel are currently awaiting a determination of disciplinary action for substance abuse.

(5) In relation to the answer to question on notice no. 1221, paragraph (3): at each of the Defence sites listed, what date and time was random drug testing conducted.

Senator Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) From 1 October 2005 to 31 January 2006 – 1,045.

(2) and (3) (a), (b), (c), (d) and (e) See attachment 1.

Acronyms for table:

Navy: Recruit (RCT), Seaman (SMN), Able Seaman (AB), Leading Seaman (LS), Petty Office (PO), Chief Petty Officer (CPO), Warrant Officer (WO), Midshipman (MIDN), Sub Lieutenant (SBLT), Lieutenant (LEUT), Lieutenant Commander (LCDR), Commander (CMDR), and Commodore (CDRE).

Army: Private (PTE), Lance Corporal (LCPL), Corporal (CPL), Sergeant (SGT), Warrant Officer Class 2 (WO2), Warrant Officer Class 1 (WO1), Lieutenant (LT), Captain (CAPT), Major (MAJ), Lieutenant Colonel (LTCOL), Colonel (COL) and Brigadier (BRIG).

Air Force: Aircraftman/woman (AC), Leading Aircraftman/woman (LAC), Corporal (CPL), Sergeant (SGT), Flight Sergeant (FSGT), Warrant Officer (WOFF), Officer Cadet (OFFCDT), Pilot Officer (PLTOFF), Flying Officer (FŁGOFF), Flight Lieutenant (FLTŁT), Squadron Leader (SQNLDR), Wing Commander (WGCDR) and Group Captain (GPCAPT).

(4) 24.

(5) See attachment 2. The Army did not record timing data prior to 9 December 2005.
## Attachment 1

Prohibited Substance Testing in the ADF from 1 October 2005 to 31 January 2006.

<table>
<thead>
<tr>
<th>State</th>
<th>Defence Site</th>
<th>Number of tests</th>
<th>Date of tests</th>
<th>Time testing commenced</th>
<th>Time testing finished</th>
<th>Number of positive tests</th>
<th>Ranks tested</th>
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**Attachment 2**

Prohibited Substance Testing in the ADF from 16 June to 30 September 2005.

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**AIR FORCE**

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**QUESTIONS ON NOTICE**
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