INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

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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.

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FORTY-FIRST PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Governor-General

His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Commander of the Royal Victorian Order, Military Cross

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg

Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Government in the Senate—Senator the Hon. Helen Lloyd Coonan
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Helen Lloyd Coonan
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
Nationals Whip—Senator Nigel Gregory Scullion
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert
### 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
Minister for Trade and Deputy Prime Minister
Treasurer
Minister for Transport and Regional Services
Minister for Defence
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Multicultural Affairs
Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
The Hon. Dr Brendan John Nelson MP
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Peter John McGauran MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Julie Isabel Bishop MP
The Hon. Malcolm Thomas Brough MP
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
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<td>Senator the Hon. Santo Santoro</td>
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<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<td>The Hon. Christopher Martin Ellison</td>
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<tr>
<td>Minister for Finance, Forestry and Conservation</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Human Services and Manager</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for Workplace Relations</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<tr>
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<td>Parliamentary Secretary to the Prime Minister</td>
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THROUGH THE DOOR S

SHADOW MINISTRY

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Shadow Minister for Consumer Affairs and Health Regulation
Laurie Donald Thomas Ferguson MP

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

Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition
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

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Peter Robert Garrett MP

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

MIGRATION AMENDMENT (DESIGNATED UNAUTHORISED ARRIVALS) BILL 2006

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (12.31 pm)—by leave—My very short statement is really in the form of a question to the Manager of Government Business in the Senate. I was informed a minute ago that the government had reordered the business of the Senate to delay the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 and bring on the Aboriginal Land Rights (Northern Territory) Amendment Bill 2006. I concede that it is always the prerogative of the government to change the order of business but, even by this government’s standards, notifying us after the bells had started ringing and with a minute’s notice was extraordinary. It is no wonder Senator Bartlett, like many others in the chamber, is unclear as to what is occurring. The government may well have problems internally with the migration amendment bill, but it seems to me highly unusual and improper for us to be treated so poorly when dealing with important legislation. (Quorum formed)

Before I was so rudely interrupted by what I assume was a cunning plan—I do not know what it achieved other than to get a few Liberal senators out of their offices—I was making the point that we were given a minute’s notice that the government had pulled the migration bill and was not prepared to debate it today, or certainly before lunchtime, as had been advertised for a week or so. I do not know what has occurred—whether the government is in disarray or is unwilling to proceed with the bill at all this week. That is obviously for the government to decide.

Senator Ian Macdonald—Short question!

Senator CHRIS EVANS—It is a statement, actually. I put it to Senator Ellison whether he intends treating the Senate with such contempt and whether he can explain what has happened to the migration bill. Why has it disappeared and why were people who were preparing to speak on the Aboriginal land rights bill not given any warning that it was coming on? Fundamentally, what has happened to the migration bill such that you could only give us one minute’s notice that the bill was not to be debated when Labor and other senators were ready to debate the bill?

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (12.35 pm)—by leave—The situation with the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 is that the government will not be proceeding with it. On that basis it is appropriate that we consider other legislation, which we are doing—that is, the Aboriginal Land Rights (Northern Territory) Amendment Bill 2006. There was debate on this last week; it is in continuation. I see Senator Scullion is in the chamber. I believe he is in continuation and can continue that debate. The decision was made a very short time ago. In the circumstances, it was appropriate that we dealt with other legislation. I can tell the Senate that the Prime Minister is making an announcement, I think as we speak, in relation to the migration bill. It will not be proceeded with.

Senator Chris Evans—So it is not just deferred?

Senator ELLISON—It will be withdrawn.
ABORIGINAL LAND RIGHTS
(NORTHERN TERRITORY)
AMENDMENT BILL 2006

Proposed Instruction to Committee of the
Whole

Debate resumed from 9 August, on motion by Senators Chris Evans, Bartlett and Siewert:

That it be an instruction to the committee of the whole that:

(1) The Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 be divided into two bills, as follows:

(a) a Bill for an Act to amend the Aboriginal Land Rights (Northern Territory) Act 1976, and for other purposes; and

(b) a Bill for an Act to amend the Aboriginal Land Rights (Northern Territory) Act 1976, to restrict certain entitlements of traditional Aboriginal land owners and for other purposes.

(2) The first bill consist of the enacting words, clauses 1, 2 and 3 and Schedule 1, all items except: item 46, section 19A; items 50 and 51; item 52, section 21A; item 65, section 28C; items 172 to 186; and item 192, subsections 67A(12) to (17) of the original bill, renumbered as necessary; and that the second bill consist of: Schedule 1, item 46, section 19A; items 50 and 51; item 52, section 21A; item 65, section 28C; items 172 to 186; and item 192, subsections 67A(12) to (17) of the original bill, renumbered as necessary.

(3) The following amendments be made to the second bill:

(a) title, insert the title as shown in paragraph (1)(b) of this order;

(b) after the title, insert the words of enactment; and

(c) after the words of enactment, insert the following clauses:

1 Short title
This Act may be cited as the Aboriginal Land Rights (Northern Territory) Amendment Act (No. 2) 2006.

2 Commencement
This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)
Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

(4) That the bills as amended by this order be printed.

Senator SCULLION (Northern Territory) (12.36 pm)—I rise to speak to the Aboriginal Land Rights (Northern Territory) Amendment Bill 2006, particularly the proposed instruction to the committee to divide the bill. Those opposite, who propose to support the dividing of the bill in committee, do so on the basis that for some reason or other they believe that the government has failed to consult widely, particularly on the issue of the headleases on Aboriginal townships. The Commonwealth government have to rely from time to time on the consultation processes of others as well as our own. It is with interest that I note that those on the other side, from the Labor Party, are supporting the proposition that the Labor Party in the Northern Territory have not in fact consulted on this matter. It was the Labor Party in the Northern Territory who indicated quite early that they would be consulting widely with communities. They have instructed us that they have spoken to a number of communities on this matter. If anybody knows about state and territory governments, they know the way they work every day in a whole range of departments, from education and health delivery to policing.

This notion of a 99-year lease in the Northern Territory has been about for a very long time. Over the past year, at almost every level of government, I know that this has been discussed. Every community that I visit
tells me that the issues surrounding the 99-year lease have been widely discussed, so again I am a bit miffed that those on the other side are saying that we have not consulted sufficiently on this matter, when this is a matter on which we have taken some guidance from the Northern Territory branch of the Labor Party. Clare Martin and her government in the Northern Territory have said, ‘We think that the 99-year head leasing and the proposed amendments to the Aboriginal Land Rights (Northern Territory) Act should go ahead.’ So here we are in this place. We now have those opposite telling us that that is not the case, that we have not consulted widely enough. Again, with the Labor Party one would expect that the left hand would not really know what the right hand is doing, but this is a very important matter. People are quite concerned about what is going on. The Labor Party in the Northern Territory have said to us, ‘We would like this to go ahead.’ The government must make some reasonable assumptions, not only that they would like it to go ahead but that they have consulted reasonably widely.

I have been in two communities where not only has it been debated widely but this particular issue has been widely supported. The whole notion of a headlease on Indigenous land in the Tiwi Islands was most applauded, and since then, I am pleased to report, as recently as Friday last week I had a phone call from an individual representing some traditional owners on the Tiwi Islands. They were delighted that the process of the headlease is in fact going to go ahead with the Tiwi Islands. The opposition says they have not been consulted with, but at least one of the principal land councils, the Tiwi Land Council, not only accepts it but is currently, as we speak, taking the first steps to implement it.

Those on the other side either have very little idea of what consultation means or they are fairly ill-informed about what is happening in the Northern Territory. We are a long way from the Northern Territory down here—I concede that—but one would think that the Labor Party could simply ring the old Northern Territory branch. Pick the phone up. ‘Clare, how’s it going?’ Senator Evans could say, and Clare Martin will be able to explain to the good senator exactly why we do not need a split in this bill, why we have had adequate and sufficient consultation. Groote Eylandt is another area where we have had extensive consultation, and again people are very supportive of that matter. Not only are they supportive of that matter but they are actually moving ahead to start to get business done in a way that predates not only consultation but wider acceptance on that matter.

The whole notion that we should split this bill comes because Senator Evans says: ‘Look, Senators, I accept the notion. I accept the end point of this, but I just don’t accept the process.’ Quite clearly, what has already been said in this place, in this debate, is that the Northern Territory branch of the Labor Party, the Northern Territory government, the Tiwi Islands local government, the Tiwi Land Council, the Anindilyakwa Land Council, the people from Groote Eylandt and the spokespeople from Galiwinku have clearly articulated that not only is this something that they want and require but it is also something that they have started to go down the process of implementing. We have started to go down the process, so do not confuse issues and say, ‘Are we going to do this or are we not?’ We have already taken steps to go down the process of creating a headlease for these areas.

I have to say that I am extremely disappointed that those opposite really do not have a reasonable handle on the level of consultation that is taking place or just how long this process has taken. I have just taken one as-
pect, and that is the aspect of the headleases, but there are a whole range of other matters associated with the amendments to the Aboriginal land rights act which have taken a full nine years. I can tell you, Mr Acting Deputy President, that the Northern Territorians saw amendments to the Aboriginal land rights act a little like the railway: it was something that had been coming for decades. Someone had promised us some reviews. It is 30 years since the Aboriginal land rights act was amended. Clearly it is not only something that needs to be amended but over the fullness of time it needs to be modernised and it needs to reflect the wishes of Indigenous Territorians.

The wishes of Territorians in this matter have quite clearly been reflected because of the facts that they have been consulted, the Northern Territory government agrees with it, I know certainly one land council agrees with it and everywhere I travel in the Northern Territory people say: ‘This is not only something we demand but something we are already up to our fetlocks in. We’ve already made commitments.’ People are already consulting. People are already making decisions about where that town lease should go. Traditional owners are meeting and deciding exactly what this means for each of the clan groups. The issues that have infected the growth of some of these towns for so long are going to be resolved, but they are not going to be resolved by the continuous delay under the ridiculous banner of, ‘The process isn’t quite right.’ The process is not only right; the process is on foot. On behalf of Indigenous Territorians, I call on those opposite to support the bill immediately.

Senator BARTLETT (Queensland) (12.44 pm)—I do not dispute Senator Scullion’s knowledge of Northern Territory issues. Obviously, he is from there and I am not. And I would not profess to be across the full details, as he is, of various issues that have arisen at a community level. But I do not want to put myself in a position where I completely ignore the comprehensive, wide-ranging and undeniable evidence provided to the scandalously short Senate committee inquiry into this legislation, from a whole range of people from the Northern Territory, including traditional owners, all of whom expressed very strong dissatisfaction with parts of this legislation and with this process.

I may be from somewhere outside the Territory, but nonetheless I have a responsibility to listen to the evidence provided to the Senate committee by people from the Territory, and particularly from people who will be directly affected by this legislation. I remind the Senate that despite what Senator Scullion just said—and I point out that he did not attend the single-day hearing into this legislation, which was held in Darwin—the evidence to the Senate committee hearing in the submission from some of the traditional owners of north-east Arnhem Land stated:

Most of our homelands have no electricity, we have no newspapers, we do not get ABC Radio or TV—it is very hard to know what Government is doing. We had heard that the Land Rights Act was going to be amended, but it was only by chance that we heard about your Senate Committee hearing. We have had little time to try and understand what these changes might mean, and we have no access to lawyers and other independent experts. It takes time and resources to inform and consult with our members and clansfolk, and we have to rely on our staff who are not experienced in these matters to help us.

This submission came from a group of people from a key area that will be directly affected by these changes—not just by the 99-year headlease provisions, but by a range of other changes in this legislation. If you had heard some of the debate on this matter from the government side you would think that all this legislation was about was the potential to set up a 99-year headlease over townships,
but there are a lot of other aspects to the legislation.

It is a simple fact, provided in evidence to the committee hearing by the government witnesses, that this aspect of the legislation—the proposal for a 99-year headlease over townships—did not appear until late last year. So you can talk all you like about nine years worth of consultations, but the fundamental component of the changes that are contained in this legislation did not appear until last year. So it is simply misleading to talk about there being consultation for years and years and years. It is not true. And this is a fundamental area that directly affects Indigenous people of the Northern Territory.

I would also emphasise that, as was made clear in evidence to the Senate committee inquiry, this change to the headlease provisions is not necessary to allow leases to be set up. There was already scope under the legislation to enable leases to be set up for prolonged periods of time—as we saw with the Alice to Darwin railway that Senator Scullion mentioned, which uses, as I understand it, a 99-year lease covering Aboriginal land. So clearly it is grossly misleading to suggest that this fundamental change—which puts Indigenous people in a position where control over their own land and their own townships can be contracted out for 100 years, so they will have to pay rent out of the Aboriginal Benefits Account—is somehow essential to allow economic exploitation or economic gains to be made out of Indigenous people’s lands.

But I have to say that Senator Scullion is right to point to the role of the Northern Territory Labor government in this. They have made it very difficult because the Northern Territory Labor government have, quite clearly, acquiesced in this process. Even in their evidence to the Senate committee hearing, whilst they acknowledged some of the problems with consultation, they basically took a hands-off approach and said, ‘Well, it’s not our role; it is not our job. There should be more consultation; that would be ideal, but we like the bit we’re getting out of it so we’re not going to say anything.’ And I am not surprised. There is a huge land grab contained in this legislation, which wipes out all existing land claims over intertidal zones that run along areas that do not connect with existing Aboriginal land holdings.

It was quite clear from the evidence presented to the committee by the Northern Territory government—I think it was in response to questioning from Senator Moore—that Northern Territory government officials were quite happy for Aboriginal people to be able to generate economic wealth from their land. And the land councils that appeared before the hearing made it quite clear that they wanted to use these intertidal zones that they had land claims over to negotiate with the commercial fishing industry to generate economic wealth for their people. But the Northern Territory government did not want them to use that for that purpose. The Northern Territory government wanted that land. So there was complete hypocrisy from the Territory government which said, ‘We’re happy for them to generate income from their land, just not that land. We want that land so we can generate income from it.’

It has to be emphasised that a number of the land claims over some of those intertidal zones had already been recommended, by the Aboriginal Land Commissioner, as appropriate to grant to Aboriginal people. So they were not fanciful ambit claims; they were claims that had been found to be valid by the Aboriginal Land Commissioner and had sat on the minister’s desk unacted upon for some time. This legislation just wipes all of that out, in one go. To me that is unacceptable. It is certainly unacceptable unless it is done with the support and agreement of the poten-
tial Aboriginal owners, with some potential trade-off involved perhaps. But, again, that support was not forthcoming. It was certainly not there in the evidence provided to the Senate committee.

It also has to be emphasised, regardless of what might have been said by Senator Scullion about consultation, that it was clear from the evidence provided to the Senate committee by the small number of Indigenous groups that were able to make submissions and provide some evidence to the inquiry that they did not believe they had been consulted on key aspects of this legislation. And certainly, in some respects, there were some components within the legislation that did not match what had been put forward previously.

So either Senator Scullion is right in saying that there has been widespread consultation with absolutely every stakeholder, enabling free, fair and informed consent about every aspect of this legislation, or the Indigenous people who gave evidence to the Senate committee hearing are right. It cannot be both, because their views directly contradict each other. Frankly, given that it is the Indigenous people’s rights that are being legislated away here—not the Northern Territory government’s, the federal government’s or Senator Scullion’s—then I am much more inclined to believe the views of the Indigenous people who gave evidence to the inquiry.

Again, let me emphasise what is to be lost in separating this legislation—putting through the parts that there is already strong agreement with and putting to one side to examine further the parts where there is not agreement. The only thing to be lost is a small amount of time. What is a few months, even six months of proper consultation, community consultation, with affected communities and people? What is that compared to what can be gained? We should look at what can be gained. What can be gained is actual engagement and support at community level not only by a few favoured communities that have been picked out specially to enable political reinforcement of whatever the minister wants to do but by Indigenous people across the Territory. That would be an enormous thing to gain. What an enormous benefit we would get in trying to implement the stated objectives of this legislation if you actually had the affected communities, the traditional owners and the land councils supporting it, welcoming it and engaging with it. The chances of achieving what is stated that it is attempted to achieve would be dramatically increased even if the content does not change.

I disagree very strongly with the suggestion, ‘Process doesn’t matter. Just because you disagree with the process, that’s nothing; it’s what’s in legislation that counts.’ I have concerns with what is in the legislation and I have made that clear. The process is very important, particularly when you are dealing with people whose property rights are affected, a group of people who have been dispossessed by this government and this parliament historically, going back since European settlement, and when you are trying to continue to resolve some of those injustices that have occurred. When you have the dominant society trying to implement new legislation that will affect those who have suffered disadvantage and injustice as a result of the dominant society, of course you are going to benefit if the process involved in making those changes has the support of those who have already been subjected to enormous injustice.

What is there to lose by taking the time to consult properly? There is nothing to lose and there is an enormous amount to gain. The fact that the government refuse to do that says to me that their main concern with
this legislation and some of the changes within it is not with making advances for Aboriginal people in the Territory, it is ideological advancement, political point-scoring and the implementation of their ideological agenda. That is what their aim is. If they had concerns about the impact on Indigenous people, they would work with them. Anybody knows, particularly in this area, if you want changes to work properly at community level, you work with consultants and engage with and get the agreement from the people whom the changes are going to affect. If you do not do that then your chances of getting success diminish enormously.

Again, this leads me to assume that there is no particular interest in getting success in regard to the stated objectives of this legislation. There are components within it that clearly give the minister more power, that take power away from the land councils and from the traditional owners. There are components within it, as I have stated, that simply remove land claims and approved land claims from the hands of Indigenous people. There are components within it that require the funds that are already going to be appropriated for the benefit of Aboriginal people to be spent on paying the leases in Aboriginal townships, so it will lead to less money being available for things it would have otherwise been spent on. There are significant problems with this, but the overall point and purpose of consultation is not just some feel-good thing; it is specifically about trying to ensure that the legislation works in the way that it is intended to work. That again is something that, if there were any genuine desire here from the government’s point of view, there would be some effort to try to implement.

I note the irony of these changes being forced through the Senate at this time straight after last Thursday, which was the United Nations International Day of the World’s Indigenous People. What a way to mark that day, by forcing through changes that occurred without the free, prior and informed consent of the people who would be affected. I note the comments made by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Calma, in marking the International Day of the World’s Indigenous People, where he talked about the goals of solving the problems faced by Indigenous people such as economic and social development, culture, education and health—all areas that we are concerned about. He said:

To achieve these goals indigenous people must be fully involved in the formation, decision-making, implementation and evaluation of processes on laws, policies, resources and projects which affect us; this is our right.

It is not, according to this government. It is clearly not because they have not shown sufficient interest in ensuring that that happens.

I also draw the Senate’s attention to the submission put together by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Calma, who is a traditional owner from part of the Territory that would be affected by this legislation. He points out that the Australian government have already promised and indicated publicly that they would act in accordance with the objectives agreed by the General Assembly as part of the International Decade for the World’s Indigenous Peoples and as part of moves that are a long way down the track in developing the Declaration of the Rights of Indigenous Peoples. One of the key objectives the Australian government have said they would act in accordance with and promote is full and effective participation of Indigenous peoples in decisions that directly or indirectly affect their lifestyles, traditional lands and territories. The cultural integrity of Indigenous peoples with collective rights and other aspects of their lives considering the
principle of free, prior and informed consent could not be much clearer. With this legislation and the way it has been dealt with, at least in terms of the key components of it, you could not get a clearer breach of the principle and objectives that the Australian government said they would act in accordance with.

All we got from the Office of Indigenous Policy Coordination was, ‘Oh, well, we told the land councils what we were going to do, and it’s up to them to consult with their constituent members.’ That is a farcical interpretation of what free, prior and informed consent means, and it is a farcical interpretation of what it means to say ‘promoting full and effective Indigenous participation’ in decisions which directly affect the lifestyles and traditional lands of Indigenous peoples. You could not get a clearer, more fundamental example of legislation that directly affects the lifestyles and traditional lands of Indigenous people, and yet there has been no effort and no recognition of the need to make an effort to ensure full and effective participation of the Indigenous peoples in those changes, let alone ensure that there is free, prior and informed consent to the changes. That is what I find so offensive—and the continual, deliberately deceptive attempts to pretend that there has been comprehensive consultation I find equally offensive.

It is pleasing to see that the federal government have had to withdraw offensive legislation regarding basic legal rights for asylum seekers, since they recognised that it would not get through the Senate because of welcome indications from a few coalition senators that they simply could not bring themselves to support the legislation. I just wish there were a similar outbreak of concern and conscience amongst one or two coalition senators about this legislation. As people know, I am very strongly in favour of, and have done a lot of work on, promoting the rights of asylum seekers, supporting the rights of refugees and of having a decent immigration act that meets the rule of law and basic legal principles. But I know that sometimes some Indigenous Australians find it just a bit frustrating, if not bordering on offensive, that many Australians are willing to go to the barricades regarding the rights of refugees and yet seem to display far less interest, concern, energy, action and motivation when it comes to dealing with the rights of Indigenous Australians. I suspect that is because people are not sure what they can do. They feel as though it is just too difficult and that the political determination is just too strong. But I would urge all the Australians who collectively played a part in killing the recent piece of legislation that would have undermined the basic rights of asylum seekers to devote just as much energy to continuing attempts to undermine the basic rights of Indigenous Australians. If anything, it is more important to our nation as a whole, because our nation as a whole will never be able to fully advance to its complete potential unless we deal properly and with respect with Indigenous Australians.

This legislation—or certainly key components of it—and the process that has been followed simply show a lack of respect, and I find that very disappointing and very much against our own self-interest as a nation. That is why I urge at least some from the coalition side of the Senate to support this motion to require the contentious parts of this legislation to get further examination before they are proceeded with.

Senator MOORE (Queensland) (1.04 pm)—I want to express some disappointment and frustration with the response of the government to the recommendation that we split the Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 today and pass the core components we can agree on and move forward in a positive way. Key areas
were identified at the Senate Community Affairs Legislation Committee inquiry and through the debate we had in this place last week as remaining areas of concern, not just for the senators in this place—we are, in fact, in the final stage of this debate—but, more particularly, for the people who gave up their time and willingly came to give evidence to the committee. As we have all heard, we went through an extremely truncated process, but nonetheless, even with that one day of public discussion, threshold issues of concern were raised, particularly around the issues of consultation and particularly regarding the 99-year lease process. We have had public expression of concern and requests, even pleas, from people in the community to try to get this process as right as it can be—and there is no doubt that the vote will go through and that the government will get their way and push through changes to the legislation—and where it can be done as positively and progressively as possible.

We have an organisation of the status and credibility of Reconciliation Australia, an organisation of which I am a very proud and long-term member, writing to every senator in this place suggesting a process that would include splitting the bill and allowing for a very minimal time for us to address the issues that have been raised. They are not new concerns, processes, worries or obstructions; they are the kinds of concerns we already know about and which have been debated in this place. It almost seems as though we need an interpreter at times, because we have a group of people saying one thing and another group saying exactly the opposite. In that kind of environment there is absolutely no way we can lay in place the bases of legislation that will succeed, because the common goal of all those involved is that this kind of process will be successful.

Reconciliation has been signed off by people like my friend Jackie Huggins, Mark Leibler and Mick Dodson, who have taken the initiative to contact all of us in this place—not just people suggested by lobbyists—to say that they want to see a short delay in order to address the issues of concern around consultation, real discussion with communities and interested organisations, including all those who have expressed interest, and the real need to reach a bipartisan resolution. That is one issue that has been acknowledged. I quote directly from a letter from Reconciliation Australia:

- Offer the opportunity to reach bipartisan resolution, acknowledged by all parties as essential if Australia is to make progress in improving outcomes for Indigenous Australians.

That would seem to be why we are all here—we share a common goal and we want to see good and progressive outcomes for Indigenous Australians.

When you listen to the evidence that came before our committee—and most of us quoted from that last week—you will hear that there was no blanket obstruction. There were people who saw that there needed to be evolution and change. But there was genuine concern not about the whole legislation but about particular elements. No matter how many times senators on the other side of this place get up and say that this particular bill has been the subject of years of discussion and debate, they cannot escape from the issue that not all elements of this bill have been on the table for that whole period. It would be very useful if we could just agree that and move on, but it is almost impossible to get that degree of agreement. There seems to be this need to impose upon all of us a particular version of exactly what has happened and a particular view of history.

All of us in this place know, no matter what our backgrounds are, that there is no perfect process of reconciliation and there is no perfect process of consultation. What
there must be is a genuine attempt by all those involved to make it work as well as possible. It is of no surprise, having read the evidence that came before our committee and having read the report that was the subject of that committee, to know that there has not been absolute agreement from all those involved that this is the best way forward at this time. I would have thought that it probably would have been a good thing for all of us to take a step backwards and to identify what we could agree to that is there and that has been the subject of years of discussion.

We have the core players involved. The Indigenous community have accepted that this type of consultation has gone on on some aspects of the legislation. The Northern Territory government accepted in evidence, as directly quoted in our report, that there was a need for further consultation. As I said in the contribution I made here last week, it seems to me that we all have a responsibility to ensure that this consultation occurs and that it is not good enough to just say, ‘Yes, it has,’ or, ‘No, it hasn’t.’ We should be listening to the people who came to our very short inquiry and told all of us in the committee experience, knowing all the rules of committees—because these people are not unaware of the processes—that it had not occurred. The local consultation had not been done; people did not understand the aspects of all parts of the legislation. They accepted some but not all—in particular, the issue of the threshold lease. The 99-year lease arrangement was not fully understood. The implications of that were not fully understood by all those who would be affected by it. It is not the people in this chamber who are signing away, on a 99-year basis, the leasehold arrangements for their land and also—as we were told in evidence provided by the OIPC and the Northern Territory government—without a clear understanding of or rules about what was going to happen.

There was agreement that people were told that the actual land rights, the core aspect, would not be signed away—and that is as it should be—but there was genuine concern that was put to us in a very painful fashion that they did not understand all the implications of what the result of that was going to be, except, as we have been told by Senator Scullion a couple of times in this debate, that people would be able to get housing and that they would be able to access education. As I have said before, I would have thought they were basic rights and should not have to be the subject of the process.

But the particular point that we are discussing now is whether we can find something we can agree on, which would seem to me to be the best way forward. By splitting this bill we would be able to have some aspects on which we could vote together. We would be able to say to the communities, ‘We have heard your concerns.’ We would be able to say to Reconciliation Australia that we do want to respond to the last genuine plea that they made in their letter. I quote: Reconciliation Australia would welcome the opportunity to work with the Government and Opposition parties to maximise the likelihood that amendments to the land rights legislation encourage positive outcomes for the benefit of the nation.

That would seem to me to be a positive outcome. We can move forward on this. Allow the amendment to split the bill to go through, take the time to ensure that those other issues are addressed and get something positive out of this debate rather than just once again saying, ‘I said, you said’, with a desperate need to find some common ground.

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.13 pm)—I welcome the opportunity to speak on the Aboriginal Land Rights (Northern Territory) Amendment Bill 2006. I have listened very carefully
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to what my colleagues have said, and I have to say that the government is not convinced by the arguments which have been put forward. To throw some perspective on this, there are two points I would like to make. What are we actually talking about? In the calculations that I have received, the current best estimates involve about 0.01 per cent to 0.02 per cent of Aboriginal land in the Northern Territory. If, over time, the communities of 100 and more people join the scheme, the amount of Aboriginal land covered by township leases will still be 0.1 per cent to 0.2 per cent of Aboriginal land. That is what we are talking about.

People feel passionately about this topic, and I can understand that. People feel very passionately on both sides of this issue. They recognise that there are actions which governments have now got to take to address serious problems of Aboriginal disadvantage. There are actions that government can sensibly take to empower people. This bill is an important bill. To suggest there has not been consultation on this is wrong. There has been extensive consultation on this bill. Some of that consultation may well have gone on for nine years. Ultimately governments have got to be able to take action and make decisions. As somebody who has been in this chamber for a long time and has been a minister for almost 10 years, I know that consultation can be exceedingly helpful. Consultation can bring to the attention of governments issues of which they were not fully aware. But the truth is that, in the end, governments have got to make decisions. Consultation does not mean agreement; it means listening to what people have to say and taking account of their views. At the end of the day, people of good faith can differ. They will weigh up the various pros and cons of an issue and make a decision.

One of the things which struck me about this debate was that there was one issue that simply would not have been clear to many people who listened to the debate, particularly to the contributions of Senator Evans and others. This issue was drawn to our attention in a really excellent speech by Senator Scullion, one senator who has a great deal of local knowledge. The township leasing provisions in this bill are enabling legislation requested by the Northern Territory government. The Labor government of the Northern Territory raised the issue of township leasing, and this bill will enable the legislation of the Northern Territory government to go through. The Labor government of the Northern Territory will draft its own legislation. The Labor government of the Northern Territory will manage the scheme. It is intriguing that not one Labor senator was able to mention that issue. The fact that this came at the request of a Labor government was—to use a metaphor—the elephant in the chamber that no-one dared mention.

Delays will undoubtedly cause the Labor government in the Northern Territory problems. I have not received any letter from Clare Martin saying, ‘Delay the legislation, Senator Kemp.’ I have not received any request from your colleague the Chief Minister, Clare Martin, asking me to delay this bill or to agree to the splitting. But delay, as I understand it, would cause problems for the Labor government in the Northern Territory. My understanding is that that government wants to set up a township leasing entity by December, and any further delays in this bill would prevent that from happening.

Clearly the current provisions are not working for the benefit of Aboriginal people. To be quite frank, I think sticking with the status quo will help nobody. We have checked this bill with the Labor government of the Northern Territory, and they have not asked for this bill to be split. I do not want to labour the obvious political point there, but it does show that there are differing views on
this issue. At the end of the day, someone has got to make decisions. Typically, governments have got to make decisions. Governments have got to be able to weigh up the information which has been brought before them.

A number of other points are worth drawing to the attention of the Senate. The issue of the 99-year leases was raised. I think Senator Moore may have indicated that the 99-year leasing scheme was added to the bill just prior to its introduction in this chamber. But I draw to the attention of the Senate the fact that this important reform was announced almost one year ago, in October 2005. The 99-year leases are not compulsory acquisitions. The leases are voluntary. No one is compelled to grant them. Someone—I think it was the social justice commissioner—claimed that 99-year leases will divide Aboriginal land into small parcels and lead to poverty, administrative costs and loss of land. The 99-year leases, I repeat, apply only to townships, not to the vast bulk of Aboriginal land. I think that people reading the Hansard, on reflection, will find a lot of the claims very overstated. The scheme involves the current slow, cumbersome process for getting a lease. It cuts red tape. The traditional owners retain their inalienable title, and other Aboriginal residents in townships who are not traditional owners can get a lease and move forward.

I have no doubt senators spoke with great sincerity in this debate. You only had to be in this chamber and to listen to the debate to understand the concerns that senators have. My advice is that these concerns are misplaced. They are issues that the government took into account, and in the end we decided that the way forward was to introduce this bill. So we will not be willing to delay the implementation of the important matters contained in this bill. We believe that the township leasing scheme will promote opportunities for Aboriginal people in the Northern Territory to improve their circumstances.

As I said, there will be no compulsion for Aboriginal people to agree to township leases. The scheme is voluntary. As Senator Scullion mentioned, discussions are already under way in relation to a number of township leases. There have been, I repeat, extensive consultations about the measures contained in the bill. The government has agreed to make amendments to the bill in both houses of parliament to take into account the views of stakeholders on the provisions of the bill.

I make this point: there will, of course, be continuing discussions with stakeholders in the course of implementing the measures contained in this bill. In relation to township leases, each lease will require separate and detailed negotiations with the traditional owners. Senator Crossin has indicated that a number of amendments were slipped through late in the piece. The truth is that the measures that Senator Crossin was referring to in her remarks were those that we announced almost a year ago. On that basis, I would have to say that Senator Crossin was simply not correct.

Senator Siewert referred to claims by the Northern Land Council that some township leasing provisions may be contrary to the Racial Discrimination Act. This is incorrect. The Aboriginal Land Rights (Northern Territory) Act is a special measure under the RDA, and parliament can amend special measures without being contrary to the Racial Discrimination Act. In addition—I repeat this, Senator Siewert—the township leasing scheme is voluntary, so those who do not wish to participate are not required to do so.

Senator Evans made what I thought was an uncharacteristic comment. Senator Evans frequently, but not always, seeks to take the
high ground in debates. He said that some amendments which seemed to him to be unfair were rushed into the chamber and put undue pressure on the Labor Party. The advice I have is that the amendments we are putting today are minor and technical, apart from the removal of the five per cent rental cap which was announced some time ago. I know that Senator Evans would be mortified if I suggested that it was a cheap shot on his part; therefore, I will not say that. I certainly do not wish to mortify Senator Evans, but I do say that what he said was not correct.

Senator Crossin made a very passionate speech on this issue, and I invite her to re-read in the Hansard what she said. I suspect that the passion of Senator Crossin’s speech may have led her down paths where she did not want to go. Senator Crossin said that—and I am sure I am not misquoting her—Aboriginal people do not really want to own their own homes. Of course, she was making a general statement. Frankly, I do not think she could claim that she was speaking on behalf of all Indigenous people. There will be a variety of views amongst Indigenous people, as there are in the wider community. She launched a very emotional attack about Aboriginal land generally, and I think that Senator Crossin forgot that what we were talking about was the townships. As I said, the most generous forecast about the impact of this bill on Aboriginal land is: if, over time, all communities of 100 or more people were to join the scheme, the amount of Aboriginal land covered by township leases would still be 0.1 to 0.2 per cent.

Her emotional attack was, I have to say again, misleading. When we are talking about townships, of course, many of the people there are not traditional owners. Traditional owners will choose whether to agree or not to agree to a township lease. Senator Crossin also talked—very misleadingly, I think—about the government taking away property rights. Most residents of townships are not traditional owners. They are other Aboriginal people who currently do not have property rights in the area. The township leasing scheme will allow traditional owners to give these people property rights.

The debate, when you go into it, is far more complex than some of the statements which were made by members of the Labor Party, the Greens and the Democrats. Everyone wants to see what we can do to sensibly address Aboriginal disadvantage. I think it is the time for action. It is not the time for further delays. It is not the time to suggest that every consultation has got to amount to an agreement before it can move forward. Of course this government should listen to people and of course it does. One of the reasons why the government have been able to remain in office is that we are a consultative government and we are prepared to listen to people. The government will not be supporting the motion moved by Senator Evans.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (1.27 pm)—I will make a few comments in reply on the motion to split the bill. In doing so, I express my disappointment that the government has not been able to see its way clear to agreeing to what I think is a very reasonable request to try to build some bipartisanship and some sense of trust on these issues before proceeding.

As we have seen from the debate in recent weeks, there is broad community support for the measure which we are moving today—not only from the other political parties in the chamber but also from Reconciliation Australia and from land councils, traditional owners and other people who take a keen interest in these issues and who care for the rights of Indigenous people and want to see progress made on economic development.

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Early on, the government was keen to paint this debate as pro- or anti-economic development. I thank Senator Kemp for not seeking to perpetuate that myth. I think we have had quite a reasonable debate on these issues, and the point that I tried to make in my earlier contribution is that I do not think that people are that far apart on these issues. There does need to be some progress on township leasing and Indigenous land in the Northern Territory; in fact, a number of traditional owner groups have been working on such proposals for some time. It is the case that the Northern Territory Labor government is keen to make progress towards a policy of normalisation and town development in those communities. I have no difficulty with that. I make the point that Labor in this chamber and Labor federally will make their own judgements, and that does not mean that we always agree completely with state Labor governments. I have no difficulty in saying on the record that, on this occasion, there is some minor difference of emphasis over these issues.

What I want to say in summing up this debate is that essentially this is a question of respect: whether one proceeds with measures on Aboriginal land in a manner which provides respect to the traditional owners. I think their view, my view and the view of many people who take an interest in Indigenous affairs is that the government has not proceeded in a way that treats those people with respect. Again, it is a classic case of a government saying: ‘We know what’s right for you. We’re going to do things to you rather than do things with you.’ It has not worked in the past. I do not think it will work on this occasion, and it is the wrong approach. Whatever happens with these particular amendments—I accept that they are not the be-all and end-all of debate on Indigenous affairs in this country—it is the style, the lack of respect shown to Indigenous landowners, that will leave a lasting impression. It will leave attitudes that will persist for many years. It will disappoint Aboriginal people in the way they are treated by government. I think they will be disappointed in the way this parliament has not been able to assist them in this measure.

I only hoped that the government and/or some of its backbenchers might have seen fit to see that the path they were going down was not the path by which to proceed. It appears that, unfortunately, that is not the case and we will proceed with the bill today. The government has a lot of legislative time on its hands because the three days that were set aside for the migration bill are now available for other matters. Maybe we will debate this for three or four days just to keep Senator Kemp on his mettle. I do think it is a shame that we have not been able to do better and that the government has not seen fit to listen to the advice of the many people who take an interest in this, in particular the views of the traditional owners. At the end of the day, people need to understand that this bill seeks to deal with Indigenous people’s property rights, and the government has not consulted with them sufficiently or properly about that.

Senator Kemp may or may not be right that it only represents 0.1 per cent or 0.2 per cent of Aboriginal land in the Northern Territory, but it is the land on which Indigenous people live. Senator Kemp, it is their land that you seek to interfere with. It is their land, on which they live. I suspect that if I came to your suburban block in Melbourne and suggested to you that I was going to rearrange the arrangements by which you are allowed to own and enjoy your household and its land—I am assuming you are not living in a flat—you would expect me to treat you with respect and to consult with you widely. And I think you would expect to have some say over what the outcome was.
Senator Kemp—I do. And I’d have the option to say yes or no.

Senator CHRIS EVANS—You would, but not if we had a very unequal power relationship. As I made clear when I spoke to this issue earlier, my concern, which Senator Scullion reinforced, is also that people will be made to bargain for basic rights of citizenship in order to comply with these leases. I think that is the wrong way to go. Minister Brough has already made it clear in a couple of his statements and press releases that this is to be the case. It reflects what is beginning to be a very unfortunate manner that he is adopting in relation to Indigenous affairs—brushing aside any concerns and acting in a way that is quite arrogant and dismissive of Aboriginal views. I respect the fact that he is keen to get things done, I respect the fact that he is bringing some energy to a portfolio that has lacked energy in recent years, but I think he has to learn to show some respect.

As I said, that is the main concern I have: the lack of respect shown to Indigenous people. There will be a fight over the detail both at the committee stage and during implementation in the Northern Territory. I think people have made reasonable contributions to the debate. I do not think people’s views are that far apart, other than the serious concern for the way the government has gone about this. We will be moving some amendments in the committee stage, but, clearly, given the government’s attitude to this, they are not interested in hearing from us on those issues. They have not been prepared to listen to those people with expertise in the area who have suggested they might consider a more measured approach.

I urge the Senate to support the motion to split the bill. I think it is the way forward. It is the way that would recognise most appropriately Aboriginal ownership of the land. It would also bring respect to this parliament and the way it handles the matter. Without that, I think we will again be seen to be telling Aboriginal people what to do with their land without proper consultation. It disappoints me that we are going down this path again.

Question put:
That the motion (Senator Chris Evans’s) be agreed to.

The Senate divided. [1.40 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes………… 36
Noes………… 38
Majority……… 2

AYES

Allison, L.F.  Bartlett, A.J.J.
Bishop, T.M.  Brown, B.J.
Brown, C.L.  Conroy, S.M.
Carr, K.J.  Faulkner, J.P.
Evans, C.V.  Forshaw, M.G.
Fielding, S.  Hurley, A.
Hogg, J.J.  Kirk, L.
Hutchins, S.P.  Lundy, K.A.
Ludwig, J.W.  McEwen, A.
Marshall, G.  McLucas, J.E.
Moore, C.  Milne, C.
Nettle, K.  Murray, A.J.M.
Polley, H.  O’Brien, K.W.K.
Sherry, N.J.  Ray, R.F.
Stephens, U.  Siewert, R.
Stott Despoja, N.  Sterle, G.
Wong, P.  Webber, R. *

NOES

Abetz, E.  Adams, J.
Barnett, G.  Bernardi, C.
Boswell, R.L.D.  Brandis, G.H.
Calvert, P.H.  Campbell, I.G.
Chapman, H.G.P.  Colbeck, R.
Coonan, H.L.  Eggleston, A. *
Ellison, C.M.  Ferguson, A.B.
Ferris, J.M.  Fierravanti-Wells, C.
Fifield, M.P.  Heffernan, W.
Humphries, G.  Johnston, D.
Joyce, B.  Kemp, C.R.
Prior to moving the government amendments and putting the government’s requests, I table a supplementary explanatory memorandum relating to the government amendments and requests for amendments to be moved to this bill. The memorandum was circulated in the chamber on 8 August 2006. I seek leave to move requests (4) and (8) on sheet PF377 together.

Leave granted.

Senator KEMP—I move:

That the House of Representatives be requested to make the following amendments:

(4) Schedule 1, item 46, page 22 (line 31) to page 23 (line 11), omit subsections 19A(6) and (7), substitute:

(6) A lease granted under this section must not make provision for the lessee to make a payment to a person other than the lessor.

(8) Schedule 1, item 177, page 70 (line 7), omit “rent”, substitute “amounts”.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000—

Amendments (4) and (8)

The Senate has long followed the practice that it should treat amendments which would result in increased expenditure under a standing appropriation as requests.

Amendment (4) will provide for increased rental payments to be made in relation to township leases and amendment (8) will allow any kind of payment in relation to township leases to be made. Both types of payments will be made from the Aboriginals Benefit Account, under proposed subsection 64(4A) of the Aboriginal Land Rights (Northern Territory) Act 1976. The amendments will therefore have the effect of increasing expenditure under the standing appropriation contained in section 21 of the Financial Management and Accountability Act 1997. It is in accordance with the precedents of the Senate that these amendments be moved as requests.

These requests refer to the removal of the cap on rental payments for township leases. The Northern Territory government and the land councils have put the view that a rental cap on township leases will impede the implementation of the township leasing scheme. Following consideration of the issues, the government has agreed to remove the rental cap. I am advised that the amendments also remove the prohibition on payments other than rent and make it clear that all payments must be made to the traditional owners.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (1.46 pm)—The government has been given leave to move requests (4) and (8) together. I am not quite clear what the impact of the requests is, and I was wondering whether the minister could make that clear.

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.47 pm)—These requests relate to the removal of the cap on rental payments.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (1.47 pm)—There are a couple of matters that I want to raise with the minister, and now might be the time to do it. Obviously,
the government has had a fairly major change in relation to these issues, and I just want to be clear on what the argument was for the cap and why the government is now seeking to remove that cap. Is this because the government anticipates that people will be able to negotiate a rate higher than the cap? Is there an expectation that other matters, such as employment, will now be able to be included in any of those arrangements?

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.47 pm)—The view that was put to us by the Labor government of the Northern Territory and the land councils was that a rental cap on township leases will impede the implementation of the township leasing scheme. We have listened to their views. There has been a lot of urging for this government to consult and to listen to people. This is an area where the advice I have, Senator Evans, is that the land councils themselves put a view, as I said, that the rental cap would be an impediment. The government has listened to their views and is therefore moving these requests.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (1.49 pm)—The second part of my question to the minister went to the issues of those parts of the requests that now allow matters other than monetary compensation to be included. I am interested in the government’s thinking in relation to that. Will that include a requirement for the provision of matters such as employment, or is it more about compensation reform other than monetary compensation? Will Indigenous people be able to negotiate employment outcomes or training outcomes as part of the development of the lease proposals?

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.50 pm)—Senator, I think that, essentially, we are trying to be flexible here. We will obviously be responsive to what people can achieve as a result of those negotiations. It could be that money up front and that type of thing may well suit the particular township. Essentially, the advice is that this provides the freedom to negotiate.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (1.51 pm)—I have some questions for the minister on a couple of other issues. Under the new section 19A, it is technically possible for an entity other than a Northern Territory or Commonwealth government entity to hold a 99-year lease over an Aboriginal township. I am interested in whether other models have been considered. Is the government open to other models for that entity? What is the government’s understanding about what entity will be used in the first instance? The government says that there is a need to hurry to get this legislation passed. One of the concerns that we and others have had about this whole issue is the lack of detail about what form an entity would have and what Indigenous involvement there would be in decisions taken by that entity. The question goes to whether an entity other than a Northern Territory or Commonwealth government entity could be possible, whether one is envisaged, and, more broadly, whether or not the Commonwealth has a clear vision for what form the entity will take, given the expressed view that things will proceed quickly.

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.52 pm)—Senator Evans, we have been mindful of the desirability of giving the Northern Territory government as much flexibility as we can. I understand that it is likely that the entity to be established by the Northern Territory government will be a statutory authority. However—and let me stress this—we do not want to prevent the functions from being exercised by another type of body, possibly a Northern Territory department, for example. It will be up to
the Northern Territory government to decide what type of body it wants to have responsibility for the township leases. In essence, we are trying to be flexible, we are trying to be accommodating and we are trying not to be too prescriptive in this area. My understanding is that the Northern Territory government is now developing its own legislation on this matter. I have no doubt that it will be exceedingly mindful of the points that have been made in this debate.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.53 pm)—I thank the minister for the answer, but perhaps I ought to go back a step. The provisions of the amendment bill seek to provide the possibility of a Commonwealth government entity. I am interested to know whether or not that is planned or whether that is a fallback position. Why is it envisaged? You said, Minister, that your practical plans involve a Northern Territory statutory authority, although you then said something about a Northern Territory department. I was a bit confused in the end about whether it was either-or in terms of a statutory authority or department. Equally, I am interested to know why the Commonwealth entity is envisaged if the object of the legislation is a Northern Territory statutory authority.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.54 pm)—The advice that I have received is that it is essentially a backstop element. The bill allows, as Senator Evans said, for a Commonwealth entity or a Northern Territory entity to hold township leases. Let me make it clear that the government believes that it is desirable that the township leases be held by a Northern Territory entity, given the Northern Territory government’s responsibility for land management. The bill allows, as Senator Evans quite correctly said, for the establishment of a Commonwealth entity to hold township leases to provide for an alternative body—and this is, in a sense, the backstop provision—if no Northern Territory entity is in place when Aboriginal landowners wish to grant a township lease.

I draw Senator Evans’s attention to the fact that the bill also allows for a transfer of a township lease from a Commonwealth entity to a Northern Territory entity. In other words, if there were no Northern Territory entity in place when the particular township wanted to establish the lease, it would theoretically be possible for the Commonwealth entity to be the responsible body. We have the capacity to transfer leases from a Commonwealth entity to a Northern Territory entity. I make this point, Senator Evans, which should give you a great deal of comfort: the Australian government’s aim would be to transfer any township leases held by a Commonwealth entity to a Northern Territory entity as soon as practicable. I think that probably deals with your concerns, Senator Evans.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.56 pm)—I thank the minister for the answer and ask for clarification on the question about whether it might be a department or a statutory authority. Is it envisaged that it will be a separate statutory authority or is it envisaged that the entity will be described as a Northern Territory department of land administration or some such body?

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.57 pm)—I think the view is that it is most likely that it would be a statutory authority, although I am advised it is possible that in a particular matter, if the Northern Territory government wanted to use a department, the bill would allow that. Again, it is about being flexible and being responsive to the wishes of the Northern Territory government, which—and I do not need
to draw this to Senator Evans’s attention—is a Labor government.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (1.57 pm)—As the minister would know, if he were referring to any state or territory government, it would be a Labor government, so I am not sure that he has to emphasise that point. But if it suits him, that is fine. I think we can proceed on the basis that any dealings you have, Minister, with state or territory governments will be with Labor governments—for some time to come, I think. Finally, could the minister indicate how many town sites he envisages moving to this arrangement in the next six to nine months, given the urgency that has been expressed regarding the legislation?

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.58 pm)—We know that two are talking at the moment, and we have already received indications that there are a number of others that are interested.

Progress reported.

QUESTIONS WITHOUT NOTICE

Immigration

Senator CHRIS EVANS (2.00 pm)—My question is directed to Senator Vanstone, the Minister for Immigration and Multicultural Affairs. Does the PM’s withdrawal of the migration bill today completely undermine the minister’s authority in her portfolio? Given the various policy positions adopted by the government in the last six months, the latest of which the minister herself had earlier characterised as ridiculous, what should we understand now to be the government’s position in relation to migration matters? Is it the case that the government is in total disarray on migration policy and that the minister’s authority in the portfolio has again been totally undermined? What is the standing of the promises made to Liberal Party backbenchers some months ago regarding the incarceration of children and other matters? Are those promises still current or have they been reneged on?

Senator VANSTONE—I thank the senator for the question. The answer to your first question is no. The answers to the second series of questions in relation to migration matters are no and no. In relation to the third question that you asked, which was what happens to the range of matters that were negotiated to be included in the bill: they are in the bill. There was an opportunity to support them in the bill. Your colleagues, Senator Evans, indicated that they were not prepared to support the bill. Therefore, I presume that you are not concerned about those things which go down with the bill.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I note that it was not just the Labor Party but also the minister’s own colleagues who were not prepared to support her bill. Perhaps it was on the advice that she provided earlier, where she characterised the measures in the bill as ridiculous.

My supplementary question is this: what authority does the minister have in her portfolio, given the scandal and continuing malaise around the administration of her department, the complete backflip on the unauthorised arrivals bill and the shambles that is the section 457 work visas issue? Isn’t it the case that the whole administration of migration in this country is a complete shambles? Shouldn’t the minister take authority for that and consider her position?

Senator VANSTONE—The senator asked me about scandals in the immigration department. I presume he is referring to two very high-profile cases and the consequences thereof. It is very clear what I have done as a consequence of that, with the government’s support. We now have a tremendous reform program across the immigration department.
The senator then describes today’s decision to withdraw a bill as a backflip. Clearly, the senator was not listening to the Prime Minister’s press conference. There is no backflip. There was a decision not to proceed with the bill because the Labor Party does not support the bill and some of our own colleagues are not prepared to support it. But there is no backflip. The vast majority of this party is very strongly in favour of that bill and of border protection. The last issue raised was the 457 issue. The only people who think that is a shambles are the senators opposite. (Time expired)

The PRESIDENT—Yes, Senator Sterle.

Senator Sterle—My question is to Senator Vanstone, the Minister for Immigration and Multicultural Affairs.

The PRESIDENT—I am sorry, Senator Sterle; Senator Ferris has the call.

Opposition senators interjecting—

The PRESIDENT—I am sorry—I was contemplating it and Senator Sterle jumped up. Senator Ferris has the call.

National Security

Senator FERRIS (2.04 pm)—Some senators wait until they are called. My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister inform senators of the work being done by the Commonwealth law enforcement agencies to ensure the safety of Australian skies and the security of Australian airports?

Senator ELLISON—This is a very important question for all Australians, in relation to the safety and security of our skies in Australia and internationally. The events in the United Kingdom last week serve as a stark reminder that we cannot be complacent in relation to the fight against terrorism and especially in relation to aviation security. This government has spent $1.1 billion on aviation security in the last five years. In fact, in the last 12 months there has been much done to enhance aviation security in this country.

As I have always said, security is a work in progress. Last year we commissioned Sir John Wheeler to carry out a comprehensive inquiry in relation to aviation security in this country. As a result of that, we announced a package of over $350 million in relation to measures which would see a strengthened line of command at our airports, with airport commanders in place at our major airports; increased policing; increased Customs patrols at our airports; and also increased closed-circuit television, which is so important in carrying out that vital monitoring of our major airports.

These initiatives are very important for strengthening the security of our airports in this country, but they build on the great work that this government has done over a long period of time in relation to aviation security. Some of those improvements have been as follows. We have increased counterterrorism first response by 40 per cent. The armed AFP PS that you see at our major airports are a product of that initiative. Also, we announced a regional response. That is through the Securing Our Regional Skies program, which is some $48 million. Through that we saw rapid regional response teams. There was a $20 million initiative there. There was also $8 million for hand wand metal detection services, $6.5 million for improved security awareness training for regional airline and airport staff, and just under $7 million for joint training exercises at our regional airports. These are just some of the initiatives that we have announced in relation to regional airports.

As well as that, we have our air security officer program in place. That has been working domestically and internationally. We have secured agreements with Singapore, the
United States and the Philippines in relation to services between those countries and Australia. It was only in November last year that we had for the first time an international conference on air security officers in this country. I spoke to many representatives from overseas countries who acknowledged our air security officer program as being an outstanding example of how to carry out such an important thing as protecting our skies and making sure that they are not only safe but also secure, as Senator Ferris mentioned.

Of course, we approach aviation security as a whole-of-government initiative. We have Transport working in relation to increased perimeter security at our airports. We have the Attorney-General’s Department working with Transport on enhancing the security of our ASIC checking. About 100,000 workers at our airports around this country have to have an ASIC and we are ramping up the checking of those people who work at our airports around the country. We have the Australian Federal Police, who are charged with security at our airports, and the airport commanders who, as I mentioned, are AFP officers. And Customs do such an important job at our primary line, not only with advanced clearance checking of the people who are entering Australia but also with increased airside patrols and closed-circuit TV monitoring.

The PRESIDENT—Senator Sterle, there really was no need for that comment. I was the one who should have been awake, not the Government Whip.

Senator Ferris—Mr President, I rise on a point of order. It is customary in this place to ask a question when you are called by the President and not before.

The PRESIDENT—Senator Sterle.

Senator STERLE—As I said, my question is to Senator Vanstone, Minister for Immigration and Multicultural Affairs. Does the minister recall my question on 14 June 2006 on the potential for employers to require workers on 457 visas to work excessive hours for the minimum salary level? Does the minister recall arrogantly dismissing those concerns? Can the minister also confirm that, when asked about what she would do to close that loophole in the law, she jokingly asked me to call her with evidence of employers exploiting this flaw? Can the minister now explain why she quietly signed off on a regulation, just two weeks after dismissing my question, that clearly specifies a 38-hour week for the minimum salary level? How long had the minister been aware of this loophole? Why was it only after Labor questioned her inaction that she did something to fix it?

Senator VANSTONE—Senator, the answers to your questions are: yes, I do remember your question; no, I do not remember having anything like the disposition that you seek to give to me; and, yes, I do recall asking you if you had evidence of that to come forward. I am unaware of whether you have sent that to my department or not, and you might illuminate us with respect to that.

I further recall indicating in this place that a regulation had been signed off and coming back into this place, either that day or the next day, to indicate that at the point at which I gave the answer it had not been done.
but that subsequently it had been done. It is certainly not my recollection that it was two weeks later. I think it was the same day or the following day.

Senator STERLE—Mr President, I ask a supplementary question. Can the minister confirm the legal effect of the new regulations? Does it mean that workers on the $41,850 minimum salary level must receive an hourly rate of at least $21.18 per hour? Specifically, does it mean that a worker who works 45 hours would receive at least an additional $148.26 in overtime? What action has the minister taken to inform all employers and workers of this change?

Senator VANSTONE—Senator, the advice I have is the same as the advice I gave you at the time. The advice I gave you at the time was that we did not believe that one could look at the regulation alone—that anyone who was engaging a 457 worker had to look at the determination or regulation order, or whatever the delegated legislative instrument is, but also look at the agreement that was made with the department and Australian industrial relations law. All three needed to be read together. On that basis, the view was that the proposition you put was not acceptable. I further said to you that, just in case some people did have the idea that you put forward, we would make it crystal clear and therefore we would change the delegated legislative instrument, which we did. The point I am making to you is that the proposition the government puts is that, when you read all three together as they were, you still had to pay the appropriate salary, but, because you raised the doubt and others presumably agreed with you that the legislative instrument was not crystal clear on that, we would make that crystal clear. So the legal advice has not changed. As to the degree to which that has been canvassed currently, I will get some advice on that. (Time expired)

Employment

Senator BARNETT (2.13 pm)—My question is to Senator Eric Abetz, the Minister representing the Minister for Employment and Workplace Relations. Will the minister update the Senate on the effect of the Howard government’s policies on employment in this country? Is the minister aware of any alternative policies?

Senator ABETZ—In answering, can I acknowledge Senator Barnett’s commitment to jobs growth in this country, especially through the small business sector. The driving force of the Howard government’s policies has been to grow job opportunities for our fellow Australians. Strong economic management, workplace reform, waterfront reform, tax reform and now further workplace reform with Work Choices are all aimed at job creation—and all were opposed by those opposite. Let me be clear: the strong employment growth this country has experienced over the past 10 years has not happened by accident. The creation of 1.9 million new jobs has not occurred by accident. It is not through sheer accident that the unemployment rate is now at a 30-year low, at 4.8 per cent, having peaked under Labor at 10.9 per cent. And it is not through sheer accident that, after oscillating between five and 5.3 per cent for 23 months, following the introduction of Work Choices the unemployment level finally broke through the five per cent barrier and is now at 4.8 per cent.

In fact, since Work Choices was introduced, a massive 159,000 new jobs have been created. The ALP and the union movement falsely predicted that Work Choices would bring mass sackings; instead, we have got mass employment growth. The difference could not be starker. But this employment growth is now being threatened—threatened by the person who, as employment minister in 1992, described an unemployment rate of
10.3 per cent as ‘heartening’. Can you believe that—10.3 per cent, more than double the current rate, was heartening? I wonder who said that. I will give those opposite a clue. It was the same person who, when he was finance minister in 1994, said of interest rates at 9.5 per cent—that is fully 50 per cent higher than now:

... I point out that this is still a very low interest rate regime in Australian historical standards.

There is still silence from those opposite, so I will give them another clue: it is their current leader. It was of course Mr Beazley, the would-be Prime Minister.

Labor have continually chanted the mantra that Work Choices is extreme. I confess that the Labor Party have worn me down on this one. I happen to agree that Work Choices is extreme—extremely effective, with the creation of 159,000 new jobs. We as a government have 159,000 reasons to say to the Australian people why we believe Work Choices is so extremely effective.

Those opposite can continue to be the peddlers of doom, and moan and groan, but the simple fact is: whilst they are running their false campaigns against Work Choices, we are going about the task of growing employment. There are now 159,000 people in Australia that have personally benefited from Work Choices. What I suggest to Mr Beazley and the Labor Party is that they get with the program and support those workers, because when you drive through Canberra airport and you see Mr Beazley saying, ‘I’ll rip up these laws,’ what he is saying is, ‘I will rip up the 159,000 new jobs that have been created since Work Choices was put in place.’ (Time expired)

Skilled Migration

Senator KIRK (2.17 pm)—My question is to Senator Vanstone, Minister for Immigration and Multicultural Affairs. Does the minister recall allegations aired on The 7.30 Report last month that recruitment firms are deducting an eight per cent commission from the wages of workers on 457 visas? Can the minister confirm that, when specifically asked about the allegation on the program, she stated:

... there is a list of what it is acceptable to deduct and what it’s not to deduct and anyone who’s doing the wrong thing will get caught and dealt with.

Can the minister confirm that the list of what cannot be deducted from wages under the regulations for 457 visas does not include agency commissions? Did the minister knowingly mislead the public or is she just ignorant of her own legislation?

Senator VANSTONE—Neither of the above.

Senator KIRK—Mr President, I ask a supplementary question. Can the minister confirm that there is nothing to stop a recruitment agency deducting an eight per cent or even 18 per cent commission from the wages of workers on 457 visas who will then be left with wages significantly below the minimum specified under the legislation? Why aren’t agency fees included on the list of items that cannot be deducted from wages?

Senator VANSTONE—As the senator may be aware, the Prime Minister had this matter raised at COAG. It was then referred from COAG back to the ministerial council. As a consequence of that, officers at the state and federal level have had meetings. There are a range of changes that we are looking at as a consequence of that, and the opportunities for agents overseas to charge is one matter that we may well be looking at.

Mobile Phone Services

Senator RONALDSON (2.19 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Will the minister inform the
Senate of the steps the government is taking to ensure that mobile phone coverage in rural, regional and remote Australia continues to improve? Is the minister aware of any other alternatives?

Senator COONAN—Thank you to Senator Ronaldson for the question. Senator Ronaldson is in fact quite correct that a key telecommunications priority for the government is to ensure that, despite scattered populations and vast terrain, mobile phone coverage continues to improve. Over the last 10 years, this government has invested more than $145 million to improve mobile phone coverage—

Senator Sherry interjecting—

The PRESIDENT—Senator Sherry! Shouting across the chamber is disorderly.

Senator COONAN—and now we have an additional $30 million through the Mobile Connect program to ensure that coverage continues to improve. New investments such as Telstra’s rollout of a third generation mobile network slated to begin on 1 January next year will mean that 3G services for regional consumers, as well as better connectivity with multimegabit wireless broadband capacity, will be delivered.

While the government has welcomed Telstra’s decision to undertake this major investment in regional Australia, some consumers are concerned about losing coverage in the switch to the new 3G 850 network. Telstra has given public assurances that the CDMA network will remain in place until the new national 3G 850 network provides the same or better coverage and services. To ensure this occurs, earlier this year I formed a working group with representatives from my department, the Australian Communications and Media Authority and Telstra to monitor the transition process. The working group is looking at a number of key issues relating to the transition, including handsets, coverage replication, information and an information strategy for consumers.

As the next step in the transition, today I announced a series of independent audits of the coverage of Telstra’s CDMA mobile phone network compared to its new 3G 850 network. These independent audits will be a tangible way of comparing coverage and will assess voice coverage of more than 80 sites across different states throughout the country. The field testing will include city and regional centres and will cover a representative sample of sites, including flat, mountainous and average terrain as well as wet, rice-growing country and river flats. Field testing will be conducted in the last quarter of 2006 to assess CDMA coverage. ACMA will then audit 3G 850 coverage again, further to the rollout. The ACMA coverage audits will help assure both the government and mobile phone users that a seamless transition to the new mobile network is being achieved.

I think we all recall—and no doubt it is seared into the memories of those in rural Australia who were left stranded without a mobile phone—the fact that, when the Labor Party switched off the analog network, it was on a drop-dead date without any plans at all for a replacement network. Rural Australians should not have to accept a network that does not at least replicate the coverage they already receive. It is what Labor did when it decided that rural Australia did not matter and just had to miss out, whilst the metropolitan areas were covered with a GSM network. That will not happen this time. This government will continue to protect the interests of rural Australia in the transition to a new, advanced mobile network.

Southern Bluefin Tuna

Senator SIEWERT (2.23 pm)—My question is to the Minister for the Environment and Heritage. I refer to reports on the weekend that the Japanese fishing industry
has illegally taken $2 billion worth of southern bluefin tuna over the past 20 years. I note that this unreported and illegal catch of between 12,000 and 20,000 tonnes is double or triple Japan’s legal quota and that the Bureau of Rural Sciences has classified this species as overfished every year since it began reporting, in 1992. In light of this information, will the minister list the species as threatened under the EPBC Act, as advised by the Threatened Species Scientific Committee in September 2005? Will the minister now revoke the wildlife trade operation declaration under the EPBC Act that the fishery is ecologically sustainable?

Senator IAN CAMPBELL—I do not think anyone who looks at what has happened to southern bluefin tuna can be anything other than concerned about the species. However, stopping Australia fishing the species, and therefore withdrawing from the Commission for the Conservation of Southern Bluefin Tuna, would be basically walking away from international efforts to make sure that the species survives. The reports over the weekend of what Mr McLoughlin from AFMA said are alarming. The commission is going through an important process of looking at the rate at which the species is being fished at the moment. Of course Japan is a very major player in that fishery, as is Australia. There are many hundreds, potentially thousands, of jobs in Australia that rely on southern bluefin tuna. The absolute practical reality is that, if I stopped that international trade and closed down that fishery, those people would be out of work. I think there is a win-win situation here. I think that we can maintain our engagement in that fishery and we can maintain our engagement in the commission. The commission is going through a very robust scientific process at the moment to assess the size of the catch, to try to assimilate the sort of catch figures that Mr McLoughlin has reported at the conference and to try to make an audit of the catches from the various countries that catch the fish.

My strong view is that the survival of the species, which is very good for the environment, and the survival of the fishery, which is very good for Australian fishermen and their families, can be achieved side by side. For Australia to take the advice of the Greens and walk away from the commission and walk away from our engagement in the fishery and engagement with Australia’s fishermen and Australia’s fisheries management—which is the best in the world and is recognised as the best in the world; and we also contribute to international conservation efforts through organisations such as the Commission for the Conservation of Southern Bluefin Tuna—would in fact be bad for the environment. That is not untypical of what the Greens suggest policy-wise. Quite often they come up with suggestions that are very bad for the environment. But, in this case, not only would it be counterproductive for Australia’s environment and for the survival of this species but also it would be very catastrophic for another species—that is, Australian fishermen and their families.

Senator SIEWERT—I ask a supplementary question, Mr President. In recognition of the failure of the international community to protect this species through the Commission for the Conservation of Southern Bluefin Tuna, will the minister nominate the species for listing at the Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES?

Senator IAN CAMPBELL—No, I will not, because quite often internationally we are not able as a community of nations to get ideal results. Does that mean you should just pull up Australia’s stumps and walk away? Quite frankly, the United Nations Framework Convention on Climate Change has not really been particularly successful in ad-
dressing climate change yet, but would you suggest that Australia stops working on climate change and walks away from it? No, we should work domestically on fisheries issues and climate change issues and work internationally. To pull up our tent and walk away would be an act of stupidity for the environment and for our economy.

**Wind Farms**

Senator ADAMS (2.28 pm)—My question is to the Minister for the Environment and Heritage, Senator Campbell. Will the minister explain to the Senate how science underscores decision making on the environment, particularly decision making on wind farms?

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left, I cannot hear the question and I am sure the minister cannot. Would you come to order, Senator Ian Campbell.

Senator Chris Evans—Mr President, on a point of order, I do not think the senator has finished her question.

The PRESIDENT—I am sorry, Senator Adams.

Senator Chris Evans—I am enjoying it so much.

The PRESIDENT—Perhaps you could ask your colleagues to keep quiet so she can finish her question, Senator.

Senator ADAMS—Will the minister explain to the Senate how science underscores decision making on the environment, particularly decision making on wind farms? Is the minister aware of any alternative approaches?

Senator IAN CAMPBELL—Thank you to Senator Adams, who takes a very close interest in environmental issues in my home state of Western Australia and across the country. It is incredibly important, when you put in place the sort of world-leading federal environmental law that this government has through the Environment Protection and Biodiversity Conservation Act, that it is based on good science, based on due process and delivers.

Australia should be proud of the fact that since July 2000 over 2,000 proposals have been passed through that process. We have achieved a tremendously important outcome—not only good environmental outcomes, world-class environmental outcomes, but also a strong economy. We always seek to balance sound economic outcomes to secure jobs with good outcomes for our environment. That is very much the process we seek to follow. It is the law that this parliament has passed. It is very much the policy of this government.

We have seen in relation to wind farms in Victoria—following opposition senators bleating last week about a proposal for a wind farm at Bald Hills and me having taken 450 days to approve it—revelations over the weekend, which will be very embarrassing to people like Senator Chris Evans and Senator Robert Ray, that their comrade in Victoria Mr Rob Hulls has actually had a proposal for a 48-turbine wind farm just down the road at Leongatha, known as the Dollar Wind Farm, sitting on his desk—for how long? For 450-plus days. That is only surpassed by how long he has had a report from his panel sitting in his bottom drawer telling him that the threat to the orange-bellied parrot is in fact dire.

If science is to be the guide in relation to environmental approvals then Mr Hulls has a problem. Mr Hulls went into hiding over the weekend. He sent a spokeswoman out and she—God bless her—said, ‘These problems are very complex.’ They are very complex indeed. And it has got a little bit more complex since last week because this minister, with the full support of his federal comrades,
federal Labor, has knocked back a wind farm at Ballan because of a threat to 2.7 eagles a year. And that is the mainland eagle, Senator Brown, of which there are over 100,000; they are not even on any list, as opposed the Tasmanian wedge-tailed eagle, of which there are only about 150 left.

At Ballan Mr Hulls closes down a wind farm proposal because of the perceived risk, although his expert panel said there was no risk. He absolutely ignored that advice, with the full support of his federal Labor comrades, and closed down the wind farm at Ballan. Down at Bald Hills, he said, ‘Let’s wave it through,’ even though the same number of wedge-tailed eagles will be killed. Of course he has got a complex problem: the prediction sitting on his desk for Dollar Wind Farm just down the road—to use a Senator Robert Ray-ism—is that at least three wedge-tailed eagles will be killed every 450 days. Labor are totally hypocritical on this. They are a bunch of charlatans on this issue and they should come clean and apologise.

**Asylum Seekers**

**Senator HURLEY** (2.33 pm)—My question is to the Minister for Immigration and Multicultural Affairs. Is the minister aware that a mere 18 per cent of refugee arrivals have accessed the short-term torture and trauma counselling service provided as part of the new integrated humanitarian settlement strategy since the contract began in October 2005? Is the minister also aware that 53.7 per cent of entrants under the previous contract accessed the equivalent service? Does the minister know why refugees and humanitarian entrants are not accessing this essential service upon their arrival in Australia? What specific action is the minister now taking to ensure that this problem is addressed?

**Senator VANSTONE**—I thank the senator for the question; while she has not been in the parliament that long, she has had a consistent interest in refugee resettlement interests. I do not have the specific figures at hand, Senator, but, as you know, we have changed, as your question outlines. There has been a change in the delivery of services, and we expect at any time to have transitional and settling-in issues. The figures you raise are figures that I will have a look at and come back to you with a further answer on.

**Senator HURLEY**—Mr President, I ask a supplementary question. Is the minister aware of recent comments by her parliamentary secretary, Andrew Robb—

**Senator Robert Ray**—The real minister!

**Senator HURLEY**—Yes, exactly. Mr Robb said that the percentage of people resettled from Africa was around 70 per cent in 2005-06 and that refugees arriving from Africa have higher rates of torture and trauma. Given the high number of refugees arriving from Africa—whom the minister’s own parliamentary secretary recognises as having higher rates of torture and trauma—why is it that still, since October last year, over 80 per cent of arrivals are not accessing the counselling services? Surely this was contemplated when the contract began?

**Senator VANSTONE**—I thank the senator for the question. Mr Robb is entirely correct in what he says. That is why Australia saves its places for refugees for those most in need. That underlines exactly why we are strong on border control. One of our key reasons is so that spaces are available for those most in need. And why do you think, Senator, that 70 per cent of our refugee intake for the last year has come from Africa? It is because people on this side of the chamber recognise that they are the most in need. The proportion will decline a bit for last year and this year because we have been advised by the United Nations High Commission for Refugees that the Karen people on the Thai
border with Burma, or Myanmar, are in similar high need; we expect our refugee intake from that area to increase. So, Senator, to point out that there are people from Africa with high need does not really distinguish them at all from the other refugees that we want to bring in. Australia’s position as the second largest taker of people in need of resettlement is that we will take those in most need first. (Time expired)

Assisted Reproductive Technology: Report

Senator STOTT DESPOJA (2.37 pm)—My question is addressed to Senator Santoro, the Minister representing the Minister for Health and Ageing. Is the minister aware of the findings of a report that was commissioned by the Prime Minister’s department to examine the developments in assisted reproductive technology, by Matthews Pegg Consulting? Can the minister outline to the Senate whether that report will be made public? Will it be tabled in the federal parliament? Given, according to the Prime Minister’s office, it was used ‘to assist Prime Minister and Cabinet in providing advice to the Prime Minister’, will the report be surfacing sometime soon?

Senator SANTORO—I thank Senator Stott Despoja for her question and I acknowledge her very strong and outstanding interest in this area of vital government policy. I also extend my appreciation for the constructive attitude that she brings to the issue, even though, I should say, in so many cases I disagree considerably with the substance of what she is about.

Opposition senators interjecting—

Senator SANTORO—I like to give credit where credit is due, honourable senators opposite, and I think that it is important we do show a generosity of spirit when that generosity of spirit is required. Getting directly to the answer that Senator Stott Despoja undoubtedly is expecting, the report was commissioned by the Prime Minister’s department to assist in developing advice to the government on the Lockhart review. The purpose of the report—and I want to stress this—was not to repeat the work of the Lockhart review or to judge the merits or otherwise from anybody’s perspective of the recommendations of the Lockhart review. I think that is a point that needs to be stressed, because it has been misconstrued, as I am sure Senator Stott Despoja would agree, by some commentators within the media who have sought to play very cheap politics about the report that the Prime Minister’s department thought was valuable enough to be commissioned to assist the government in its continuing consideration of issues which I know are of interest to everybody within this place.

Senator Abetz interjecting—

Senator SANTORO—I take the interjection from Senator Abetz that we are a very consultative government, and we will continue to be consultative. Seeking to be as specific as I can in response to Senator Stott Despoja’s question, I can say that the report provided advice about what scientific and ethical issues were considered when the legislation was debated in 2002. The report also sought to explore what changes or new issues were identified by the Lockhart review. To that extent, that report is obviously judged as being very important in terms of continuing to develop the government’s attitude and the government’s response to these issues as they are raised within the community from time to time.

I am sure that no senator in this place, or anybody else beyond this place, needs me to reiterate that these are complex matters and that it is not unusual for the Prime Minister’s department to seek additional expert advice on technical issues like this. We got a report which I believe adds to the sum of knowl-
edge that is available to government on this issue. Whether the report will be released and made public—I have not yet been advised to that effect, but I can assure you that it is the Prime Minister’s intention to continue to have ‘a very lengthy debate about this issue’. He also went on to say over the weekend that there was a ‘very strong view expressed about the matter’ that resulted in the current legislation. I am sure that, as the debate continues, the contents of that report and undoubtedly other pieces of research that have been commissioned beyond this parliament will become available and known to people in the community.

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. I do thank the minister for his answer. Concerning his last point, if the debate is to continue, my question to the minister is: when is the debate going to start? When is the federal parliament going to have an opportunity to review not only the substance of the Matthews Pegg Consulting report but also examine the recommendations contained in the Lockhart review? Given the Lockhart review examined independently and in detail last year updated developments in reproductive ART and stem cell research, how do we know that the Matthews Pegg Consulting report is not a duplication of that very research? How does the Senate know that, given that we do not have public access to the Matthews Pegg Consulting report? I ask the minister, if he cannot give us a guarantee, to speak to the Minister for Health and Ageing and ensure that that report is made public. What time line will he give us for that process to be complete?

Senator SANTORO—I can only reiterate the advice that I provided to Senator Stott Despoja during my substantial answer to her question. It was not the purpose of the report to repeat the work of the Lockhart review or to judge the merits of the recommendations within the Lockhart review report. That is the advice that I have been provided with and that is the advice that I again give to you. I think that it is important to reiterate that under the current legislative arrangements it is possible for issues which are of concern to senators opposite, including Senator Stott Despoja, to be taken up. Australia does remain a strong supporter of health and medical research and we intend to maintain and continue in that very fine tradition.

Interest Rates

Senator WATSON (2.44 pm)—My question is to the Minister for Finance and Administration, Senator Minchin, the Minister representing the Treasurer. Is the minister aware of the recent statement by outgoing Reserve Bank Governor Ian Macfarlane in relation to the impact of state government on fiscal policy on interest rates? Is the minister aware of any reaction to those comments?

Senator MINCHIN—I thank Senator Watson for his question and note that today, 14 August, marks the 10th anniversary of the independence of the Reserve Bank of Australia. I suppose I should note in passing that it also marks the birthday of the Treasurer, and I am sure all senators would wish him many happy returns.

It was on this day in 1996 that Governor Ian Macfarlane and the Treasurer released the statement on the conduct of monetary policy which included the target of maintaining underlying inflation at between two and three per cent over the course of the economic cycle. Of course, the independence of the Reserve Bank outlined in that statement has been fundamental to the very good macro-economic environment we have had since then and stands in absolute stark contrast to the situation under former Labor Treasurer Keating, who boasted about having the Reserve Bank governor in his pocket. There was no independence for the Reserve...
Bank then. By his own admission, Mr Macfarlane’s job has been made much easier by the fact that the federal government have run a very sound fiscal policy since we got elected. Indeed, I remind the Senate that since we have been in office we have run eight budget surpluses and wiped out $96 billion of debt left to us. Mr Macfarlane himself said, in an interview widely reported this weekend:
I have been lucky—for most of my time, fiscal policy has consisted of small surpluses.
It should be added that, more recently, fiscal policy has consisted of somewhat larger surpluses. Last year’s surplus is estimated at around 1½ per cent of GDP. But Mr Macfarlane, in his weekend remarks, did sound a cautionary note by indicating that state fiscal policies could start to have an impact on interest rates, given the substantial deterioration in state budget positions over the last two years. In 2004-05, when we were running a fiscal surplus of 1.2 per cent of GDP, the states were actually adding to national savings by running a combined surplus of 0.4 per cent.

In contrast, in this financial year we will again be running a surplus of one per cent of GDP and the states have had a complete turnaround in their fiscal position; they will be running a combined deficit of over half a per cent of GDP, despite the strength of the national economy. In just two years the states have turned their budget positions around by fully one per cent of GDP and are now detracting from national savings. The worst offender has been the Iemma government in New South Wales, but most states now are predicting substantial new borrowings and a move into fiscal deficits in this financial year. So I think it is entirely appropriate that the Reserve Bank governor has pointed to the financial performance of the states as a real factor in monetary policy into the future.

I was asked about the reaction to Mr Macfarlane’s comments over the weekend. We all watched in amazement the spectacle of Mr Beazley having no idea who he was talking about, and I am sure all of the Labor Party frontbench were blushing in embarrassment when Mr Beazley launched an attack on the wrong Mr Macfarlane—

Senator Sherry interjecting—
The PRESIDENT—Senator Sherry!

Senator MINCHIN—which was a circus but par for the course with the current Leader of the Opposition.

Senator Sherry interjecting—
The PRESIDENT—Senator Sherry, you are warned! I warn you.

Senator MINCHIN—in any event, after 10 years of independence of the Reserve Bank we have enjoyed a prolonged period of low and stable interest rates, presided over by one of the best central bankers in the world. I pay tribute to Mr Ian Macfarlane, the Reserve Bank Governor, for what he has done and I congratulate his successor, Mr Glenn Stevens.

Air Security Officer Program

Senator LUDWIG (2.48 pm)—My question is to Senator Ellison, the Minister for Justice and Customs. Can the minister explain when he first became aware of concerns over the running of the sky marshal training academy? Aren’t there allegations that as part of a ‘mates’ culture at the academy trainees were bullied, harassed and discriminated against during the training course? Weren’t many female participants failed for no good reason, yet independently assessed as passing the course? Don’t these serious allegations raise concerns about the training and effectiveness of our sky marshal program? What action has the minister taken to address these concerns and stamp out the problems at the academy?
Senator ELLISON—As I said earlier, the Australian Air Security Officer, or ASO, program is one of the best in the world—in fact, acknowledged as such internationally. The setting up of the ASO program involved at the time the integration of the Australian Protective Service into the Australian Federal Police, and numerous initiatives had to be addressed in relation to management practices, selection processes and training methodologies to bring them into line with AFP management practices and procedures. I am aware that there were a number of complaints made to the AFP professional standards group and that these have been addressed. There are a number that are still outstanding, but a number of them have been found to be unsubstantiated.

I do say, however, in relation to a number of the complaints, that they have been addressed and management practices have been introduced as a result of that. This has in no way reflected on the quality and effectiveness of the program, which is an outstanding program. In fact, there is an improved differentiation between male and female physical competencies, in line with AFP training practices, designed to ensure equal access to roles within the organisation. All members undergo independent assessment against those competencies, and that addresses the question that Senator Ludwig has raised in relation to female participants. Course participants now receive adequate feedback as a result of standardised assessments, as well as support and mentoring to ensure that they have every opportunity to meet the high standards that are required for ASOs.

Contrary to some reports, the AFP is not aware that anyone has resigned as a result of these complaints or investigations that have been carried out. I think what the opposition needs to realise here is that, just as I said earlier, security is a work in progress, so when you are dealing with a robust program such as the ASO program you are going to look at continuing methodologies, continuing improvements, and that it is part and parcel of a program of this nature. This program is one of the best in the world and is acknowledged as such. Its outstanding reputation can be measured by the number of people who want to join it, who want to participate in the ASO program.

This is a program that operates both domestically and internationally. As I said earlier, we have secured agreements with the United States, Singapore and the Philippines, and we are negotiating with other key countries in relation to agreements with them. This is not only international recognition but national recognition in the form of people who want to join this program. It has provided career opportunities for the AFP-PS, it has provided aviation security and assurance for the Australian travelling public—both at home and internationally—and I dare say that, in the future, improvements will continue to be made to management processes and training methodologies. You would expect nothing less in relation to such a program as this. To simply leave it standing still would not address the current situation that we find ourselves in. This has been ongoing since the inception of the program, and I would imagine that it will continue.

Senator LUDWIG—Mr President, I ask a supplementary question. Given the terrorist plot exposed in the UK, aren’t sky marshals at the front line of any defence against plots to hijack or bomb aircraft? Doesn’t the community deserve to have full confidence in the program and in the training and skills of those deployed? Why hasn’t the minister moved quickly to address these concerns and stamp out the problems at the academy? Minister, will you tell us when those reports came to your attention and what investigations are under way, and will you make them
public to ensure the public have confidence in the sky marshal program?

Senator ELLISON—It would be highly inappropriate for the minister of the day, of any government, to carry out investigations in relation to AFP professional standards. Senator Ludwig knows full well that this is provided for both by legislation regulation and in the make-up of the Australian Federal Police. The AFP professional standards group are the appropriate people to deal with these issues. It is not for the minister of the day to engage himself or herself in those aspects. I have full confidence in this program and in the men and women who participate in it. The Australian community can have full confidence in relation to the operation of this program, which has been recognised both nationally and internationally as an outstanding air security officer program.

Antisiphoning List

Senator CONROY (2.54 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Does the minister recall trying to use Channel 7’s decision not to show the Bledisloe Cup rugby union live across Australia as justification for overhauling the antisiphoning list? Has the minister seen comments by Seven CEO, Mr David Leckie, that:

Seven broadcast coverage in every market—including live coverage in Sydney and Brisbane. The match was also available on pay television in every state. It is the perfect example of how the current anti-siphoning regime actually works.

Can the minister explain what was objectionable about Channel 7’s conduct? Wouldn’t a decision to take the Wallabies matches off the antisiphoning list mean that people who currently watch rugby union for free would have to pay for it? Why should anyone relying on free-to-air television for sport have any confidence in a minister who clearly does not understand how the antisiphoning regime—which she is supposed to be responsible for—actually works?

Senator COONAN—I thank Senator Conroy for the question. As usual, he fundamentally misunderstands what the antisiphoning scheme is all about, and he certainly does not understand what I said. What I said was that the Channel 7 example was to indicate that consumers’ perceptions about the antisiphoning scheme do not accord with what they expect. As we all know—and the Ashes was a very good example—people expect to see events on free-to-air television, and they do not necessarily expect events on the antisiphoning list to be shown on pay TV. I was speaking about a consumer perception and that is what the comment related to.

One of the most problematic elements of broadcasting does involve the regulation of sports rights. I would have thought that those on the other side—indeed, all Australians—would want to ensure that the antisiphoning scheme works the way in which it was intended, not the way in which it was not intended. There are some instances where events are acquired and hoarded and are not otherwise shown. Sometimes the antisiphoning list can have the perverse effect that events on the antisiphoning list are not shown free to air—rather than being shown either on pay or free-to-air television and being available to as many Australians as wish to enjoy these events.

Put simply, the rules were introduced to ensure that events of national significance and cultural importance would continue to be available on free-to-air television, despite the introduction of subscription television. I would have thought that Senator Conroy would be the first to scream if the antisiphoning rules were not working in the way in which they were intended. The rules operate to ensure that pay television licensees
may not acquire pay TV broadcast rights until the free-to-air broadcasters have either declined to acquire the rights or the event is de-listed. Even though the list was pruned in 2004—and Senator Conroy screamed about that too—it still contains more than 1,300 individual events.

The government plans to review the scheme’s operation and the rationale—no doubt there will be one—for its continued existence in 2009, prior to the expiration of the current list that is in operation until 2010, in connection with the digital switch-over and in the light of developments on convergent platforms. The government is certainly committed to ensuring sports events of national significance remain on free-to-air television.

Contrary to popular belief, the antisiphoning scheme does not guarantee that any particular event will be shown on free-to-air television or that the event will be shown live or uninterrupted. It merely allows free-to-air broadcasters the first right to purchase sports rights. The outcry during the last Ashes series—with Senator Conroy yelling and screaming on behalf of England—was a case in point. Despite a public outpouring of emotion, the free-to-air broadcasters could not make a commercial case for buying the rights. SBS saw an opportunity and successfully purchased the rights, and I think that we all very much enjoyed seeing the Ashes. The similar outcry over Channel 7’s plans was simply an indication that consumer perception is that consumers are going to be able to see every event on the list free and uninterrupted, and that is not the way the list works. That is the very point that is being made.

(Time expired)

Senator CONROY—Mr President, I ask a supplementary question. Is the minister able to tell us who purchased the rights to the Wallabies matches, if you actually know?

Again, given your criticism of the Wallabies broadcast, I repeat Mr Leckie’s comments. Is it ‘the perfect example of how the current antisiphoning regime actually works’? Explain your criticisms. At a time of rising interest rates and soaring petrol prices, can the minister guarantee that the introduction of a ‘use it or lose it’ system will not see Australian families having to pay at least $600 a year to watch sporting events that they currently see for free?

Senator COONAN—I suggest to Senator Conroy that he starts with getting his facts straight. It is interesting that after his great carry-on last week industry representatives said his comments were absolute codswallop. That is exactly what Senator Conroy is: nothing but a lot of codswallop. He was told by one commentator to go and do a work experience course and learn a bit about broadcasting. We know that Mr Lindsay Tanner is brought in whenever Senator Conroy slips up, disappears or cannot handle his portfolio. He should whip out and learn a few facts about his portfolio. Then he can ask a question.

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

BUDGET
Consideration by Legislation Committees
Questions on Notice

Senator CARR (Victoria) (3.01 pm)—Pursuant to standing order 74(5), I ask the Minister for Immigration and Multicultural Affairs for an explanation as to why answers have not been provided to the Senate Legal and Constitutional Legislation Committee to a number of questions on notice which I asked on 22 May 2006.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.01 pm)—It is true that some questions on notice asked by Senator Carr, and
possibly some other senators, have not yet been answered. They were meant to be answered by 14 July. My advice is that on 10 July the first assistant secretary responsible for managing the flow of answers to the committee in fact wrote to the committee and indicated that the department was having some difficulty on this occasion because of both the volume of questions that were taken on notice and the level of detail putting a burden on the department. I do not have the advice with me at the moment, because I was only told during question time that this question was going to be asked, as to what has happened since 10 July—because it is now four weeks further on since then—but I undertake, Senator Carr, to get some advice from the department as to where they are with not just your questions but any others. I will try to give you some advice as to when you can expect whatever answers are today outstanding.

Senator CARR (Victoria) (3.03 pm)—I move:

That the Senate take note of the explanation.

I appreciate that the minister will come back to the Senate with a detailed explanation for the lack of answers. It is an extraordinary situation. On 10 July the first assistant secretary wrote to the committee but on 14 August the answers are still not delivered. I understand there are 73 unanswered questions from the last round of estimates. I know that 54 or so were from me. Most of them relate to 457 visas. It strikes me that there is a pattern of maladministration within the department on this issue which requires a much more detailed explanation than just a simple proposition as to why these answers have not been presented. It is quite apparent that the government has a great deal of answering to do on this matter.

There are fundamental problems with this visa class. Last week we witnessed a tirade of abuse against Senator Lundy in question time when it was declared that a problem of employer rorts in Canberra restaurants was negligible. The minister has identified in various correspondence with the states and others that the hospitality industry is a key problem industry with regard to 457 visas. The government has now acknowledged publicly, through The 7.30 Report and elsewhere, that there are a whole range of problems which have been identified through the estimates process. But, despite the minister’s acknowledgement that these problems exist, no formal answers have been given to this chamber.

I take the view that they are important questions. We have properly used the estimates process to establish what is going on within the public administration of this department and we have yet to get proper explanations back to this chamber, despite the fact that the minister is on the public record having acknowledged the profound problems with this program. Despite that, we have had abuse of Labor senators in this chamber. I trust that when the minister does come back—and I trust that she will come back tomorrow with an explanation—she will be able to clear up that inconsistency.

Senator PAYNE (New South Wales) (3.05 pm)—As the Chair of the Senate Legal and Constitutional Legislation Committee, which deals with these matters at great length, particularly in the estimates context, I think it is very important to note for the record that the committee and the departments which engage with it and support it in the estimates process—one of which is the Department of Immigration and Multicultural Affairs—are the recipients of an enormous volume of questions on notice taken through the estimates process, both in writing and verbally, during the hours and days of questioning. I want to note for the record that, in my experience, except on a couple of minor
occasions, the secretaries and the senior officers of the department go out of their way to ensure that questions are returned as promptly as possible, and when they are not the committee takes it up with them in a formal process. It lays its concerns on the record and they are usually acknowledged and dealt with. So, whilst I note Senator Carr’s intervention, I do think it is very important to record that the department does make due effort to assist the committee in terms of responses to questions taken on notice. But the volume is phenomenal, without any shadow of a doubt, by comparison to any other committee. I think it is important to have that on the record.

Question agreed to.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Immigration

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.07 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Multicultural Affairs (Senator Vanstone) to questions without notice asked by opposition senators today, relating to unauthorised arrivals and other immigration matters.

It is a very important day for this parliament. Anyone who saw the humiliating capitulation of the Prime Minister at his press conference today will understand that an event of some importance has occurred. The Prime Minister decided to cut and run today. He was not prepared to bring on the migration bill for debate in the Senate. The Prime Minister talked about respecting the authority of the parliament but he refused to bring the bill on. He pulled it off the agenda last fortnight and again this fortnight, after months of internal debate inside the coalition parties. They have decided not to bring on the bill and not to bring on the debate. It is a humiliating capitulation on the Prime Minister’s behalf. The fact that he could not convince his own party to support him makes him a very diminished political figure. His authority has clearly been undermined by his own troops. The arrogance with which this government sought to treat the parliament and its own party room has been exposed. I offer my congratulations to those within the Liberal Party and National Party coalition who were prepared to stand up to the Prime Minister.

This was ill-conceived policy. It was policy that the Prime Minister described at an earlier time as ‘ludicrous’, when it was put to him when the last migration bill was being debated. It was described by Minister Vanstone as ‘ridiculous’. So ‘ludicrous’ and ‘ridiculous’ were the views of the Prime Minister and the minister about a proposition that they subsequently sought to bring before the parliament. That was what was contained in the migration bill regarding unauthorised arrivals that the Prime Minister was forced to withdraw today.

While I leave it for others to comment on the Prime Minister’s capitulation, it is important for this Senate to note that this is the third strike against Senator Vanstone. Minister Vanstone is unable to deliver on anything to do with her department. If you look at the matter of the administration of the department, we have had the infamy of the treatment of Cornelia Rau, who was diagnosed with mental health issues and locked up for a long period, and the appalling deportation of an Australian citizen, Vivian Alvarez Solon. She was deported because of the failure to identify her as an Australian citizen, and the department, even after discovering that she was an Australian citizen and that she had been deported, failed to act to seek her return to this country. The administration of the department has been terrible, and everyone of a reasonable mind in Australia thought that the minister ought to have gone because
of it. She ought to have resigned or been
sacked.

Today we have had that terrible adminis-
tration culminate in complete disarray in-
side the government on the question of unau-
thorised arrivals. We have had three or four
different policies in the last six months: we
had the tough policy, we had the soft policy
and then we had the Indonesian policy. The
Indonesian policy has now been rejected be-
cause the government is unable to get its
own party to support it. But where does that
leave the minister? Totally diminished; to-
tally without authority. She has largely been
missing in the debate. We know the policy is
largely run by the Prime Minister.

Now we have the section 457 visa fiasco,
with the minister arrogantly dismissing any
concerns raised about the exploitation of mi-
grant workers; the fact that these people are
being brought in to do unskilled work, not
skilled work as required under the visa; the
fact that they are being used to undermine
Australian wages and conditions because
they have not been paid proper award rates—
or even AWA rates; and the fact that they are
being forced to work extra hours. We have
three issues running inside the department.

Senator Ferguson—Can’t you get any-
body to come in and support you?

Senator CHRI$$ EVANS—Senator Fer-
guson, it is nice to see you back in the coun-
try for a change, but please do not interrupt.
What we have here is a minister totally with-
out any credibility inside her portfolio, be it
on the question of the administration of the
portfolio, the question of dealing with unau-
thorised arrivals or the question of the skilled
migration program in this country. She is
unable to command any authority or to main-
tain any consistent policy. The whole migra-
tion portfolio is a complete shambles. The
minister has no credibility. She has been un-
dermined by Mr Robb being put into the
portfolio to try and bring some organisational
sense. The minister ought to consider her
position. (Time expired)

Senator LIGHTFOOT (Western Austra-
lia) (3.12 pm)—I am not quite sure what the
Leader of the Opposition in the Senate,
Senator Evans, was getting at. I will try and
be specific so that this taking note of answers
debate about immigration this afternoon can
have at least some semblance of comprehen-
sibility. What the Labor Party’s greatest fear
seems to be is that those people who come
into Australia—and I am not just talking spe-
cifically of 457 visas—are taking jobs away
from Australians that already have jobs and
they’re going to do them at cheaper rates’.
Those opposite said that. That could not be
further from the truth. Around 85 per cent of
the people who come in on 457 visas come
in as professionals or semi-professionals, or
skilled workers. They are not truckies—
although they can drive trucks, I assume.
They are not labourers; they are not brickies;
they are not tilers. If they were, they would
probably take jobs away from people. But in
the capacities in which they come and are
employed here—and with the boom that is
going on—there are two per cent unem-
ployed in the 457 category. And one could
safely say that those who are unemployed are
unemployable.

The skilled migrant program is a good
thing for Australia. It may not be good for
the unions. Those who read the statistics
know that only about 10 per cent of all em-
ployees in the private sector are in the union
movement. With the advent of workers com-
ing in on 457 visas, that 10 per cent will be
reduced. Some, at least, of these people
know what being under an authoritarian re-
gime is like and they are not keen to go into
the authoritarian trade union movement,
where they would be told what to do and
when to strike—at least, they would be told
when to strike. But, given what is happening
with the CFMEU in Western Australia, where the workers who went on illegal strikes are being fined up to $28,600 each, it is not a great talking point in the lunch rooms these days.

The government will not tolerate the exploitation of workers who come into Australia. Does this opposition really believe that the workers’ government, this government that was elected significantly with worker votes, is going to exploit workers openly, knowing full well that the laws prohibit that? The laws dictate minimum wages et cetera. Does the opposition think that all those 457 visa holders who are sponsored by business are not monitored properly? Within nine months of the workers arriving in Australia, there were some 52 ongoing inquiries by DIMA. Those inquiries found that, of the 57 misuses outlined in the so-called case studies that were investigated by DIMA, one was finalised satisfactorily earlier this year, one has been resolved through counselling, one has been referred to the Office of Workplace Services, two are the subject of ongoing investigation and two are being considered for sanctions by DIMA.

I will now turn to the fear that came about over the bill that was withdrawn earlier today by the Prime Minister. I am a strong advocate for the ability to know who comes into Australia. I want to know what they are like, how many they are replacing from our reserve of people overseas—of the 12,000 and often more that we take each year, how many are they going to replace, coming in illegally like they do—and whether in fact they are economic refugees, as I believe those people from West Papua were.

I would like to answer the question that was proposed earlier by one of my colleagues. The question was: if baby Jesus and Joseph and Mary were to come in as refugees, would they be allowed entry? Yes, they would. They would come in as religious workers, subclass 428, or as distinguished talent, subclass 124. This is a kind and generous government when it comes to taking our share of people from overseas. But they should come via the right channels. That is the way we would like it.

Senator LUDWIG (Queensland) (3.17 pm)—I rise to speak on what can only be described as the utter failure of the Minister for Immigration and Multicultural Affairs, Senator Amanda Vanstone. Since I have been in parliament there has been no greater litany of disasters, failures, incompetence, mismanagement and utter failure in proper accountability than that presided over by Senator Vanstone. True, she inherited some of it from Mr Ruddock, but only some of it. The remainder of it was her doing it—she presided over it.

This litany of failures started way back with the cowboy culture of the immigration department. That culture could have had its genesis under Mr Ruddock, but when Senator Vanstone took over the reins she failed to curb or change that culture. Finally, after a backbench revolt, she did decide that the culture needed changing. But there was not just the litany of failures in the immigration department; it moved more broadly into the 457 visa scheme, which is the focus today.

Of course, while it is true that Mr Ruddock had a hand in all of these issues, it is now clearly Senator Vanstone who should take proper and full responsibility for all the issues that have come to light.

The Prime Minister’s response to Senator Vanstone has been, for example: ‘Well, I’ll take over the admission that the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 will be pulled.’ He did not leave it to Senator Vanstone. Senator Vanstone was out there ridiculing her own backbench about their position, but she did...
not come forward and say, ‘It is now my turn to say that this bill should not come forward.’ That seems to be the usual form for this minister.

Let me remind this place that it was on Senator Vanstone’s watch that a mentally ill woman, Cornelia Rau, was detained and held for months before eventually being released. It was on Senator Vanstone’s watch that Vivian Alvarez was left overseas—and it was under the minister’s watch that the government ensured that a report into her deportation could never focus on the actions of the minister or her office. It was on Senator Vanstone’s watch that nothing was done about the infectious cowboy culture of the immigration department—which valued getting themselves on TV and allowing favoured media on immigration raids over dealing with the hard work of an immigration department. It was also on Senator Vanstone’s watch that five detainees were put in the back of a truck by detention centre staff and transported across the desert for six hours with no food, water or toilet facilities. That is just a taste of some of the utter failures of the immigration department that this minister has presided over.

We can say that the minister favoured announcing changes to the department that went to a range of issues. But as soon as something did not meet the minister’s direction—such as the offshore processing—it was rejected. As soon as it did not meet the direction the minister wanted to go in, it was rejected. We did see a softer approach emerging with the immigration department with the slogan ‘People—our business’, but it was all thrown in the bin as soon as the West Papuans turned up. It was all junked because this minister was looking for political outcomes, not outcomes for people. ‘People—our business’ was not what the minister was looking for.

Of course, we now have the 457 visa issue. There are reports that the minister will not make public, but we will seek an order to produce those documents. This smacks of a guest worker program being introduced by stealth. There was also the report into the T&R Pastoral company. Senators on the other side might encourage the minister to make that report public or available to this chamber so that we can see what the litany of abuses were there. And the list goes on. One of the greatest scams perpetrated by this government goes to issues of ensuring that the Work Choices legislation would be used under 457 visas. As I indicated, we also have T&R Pastoral and the related 457 visas issue. Senator Vanstone should table that report. I think it would be helpful if the report were brought to light. Will the minister table it? I doubt it. (Time expired)

Senator BRANDIS (Queensland) (3.22 pm)—I always find it very entertaining in these debates to listen to these pious little lectures by members of the Australian Labor Party about issues of party governance. We had it again this afternoon, first from Senator Evans in relation to the Prime Minister’s announcement concerning the withdrawal of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006. Senator Evans tried to ridicule Senator Vanstone. He tried to ridicule the government because the government made a decision today, in light of the announced intention of a government senator to exercise a right of conscience to vote against that bill and the likelihood, therefore, that the bill would not pass the Senate, not to persist with it. When was the last time anybody in the Australian Labor Party was vouchsafed the right to exercise their conscience? Never. And whenever they have attempted to do so, when was the last time they escaped political punishment for it? Never.
Mr Deputy President, if you have not already seen it, might I direct your attention to a most illuminating article in Saturday's *Sydney Morning Herald* newspaper by the veteran political journalist Mr Alan Ramsey. It was on the editorial page and called ‘The lost art of crossing the floor’. Mr Ramsey made the observation that of the 245 members of parliament who have in the last half century, on occasions, not voted the party line in the parliament, all but 28 were from the coalition. Of 245 members of parliament who have exercised a right of conscience, only 28 times out of the 245 was that ever done by members of the Australian Labor Party. Even that overstates the figure, because if we look at those 28 rare occasions in half a century when a Labor politician has exercised a right of conscience, what do we find? We find that most of them were Labor politicians in the fifties who left the party during the split, like Senator George Cole, or that they were Labor politicians like Mr Graeme Campbell, the former member for Kalgoorlie, who were promptly expelled from the Australian Labor Party.

It is an issue of party governance, Senator Ludwig. The way the Labor Party does business and the way the government parties do business are entirely at variance from one another. We have seen in this parliament, since the new Senate convened after 1 July last year, a number of occasions when members of the government parties have crossed the floor. Senator Humphries crossed the floor recently on the legislation in relation to same-sex couples in the Australian Capital Territory. Senator Humphries continues to sit in the government party room and has an honoured place in it. Senator Barnaby Joyce, on two or three occasions now, has voted against the government policy line. But Senator Barnaby Joyce continues to sit in the government party room and has a welcome place in it. Last week Ms Moylan, Mr Georgiou and Mr Broadbent crossed the floor in the House of Representatives on the unauthorised arrivals legislation. They will join us at our party meeting tomorrow and each will continue to have an honoured place in it.

So do not give us pious little lectures, Senator Evans or Senator Ludwig, about the way in which the government does business. The right of free conscience exercised in good faith and with appropriate seriousness of purpose exists in the government parties and it does not exist in the Australian Labor Party. And do not tell us about policy consistency, Senator Ludwig. How many positions has the Australian Labor Party had on border security over the last few years? How many policy positions have you had on uranium over the last few years? How many different policy positions have you had on the terrorism legislation in the last couple of years? How many different policy positions have you had on tax reform? You have been all over the shop, and the reason is that the Labor Party does not know how to handle internal differences of opinion. Being an authoritarian party, it cannot deal with them. The caucus system will not admit of it. *(Time expired)*

**Senator Hurley** (South Australia) *(3.27 pm)*—A report by the Forum of Australian Services for Survivors of Torture and Trauma, *Out of the Abyss*, states, in relation to torture and trauma impacts:

> These impacts can present profound barriers to settlement in a new community. They can make it difficult for survivors to learn a new language, seek and keep employment, and make new social connections.

These impacts can present profound barriers to settlement in a new community. They can make it difficult for survivors to learn a new language, seek and keep employment, and make new social connections.

The way that the Australian government and the way that the Department of Immigration and Multicultural Affairs are dealing with torture and trauma is of very significant concern to the groups around the country that I have been visiting. That is why I asked a question in the budget estimates of this year...
about the uptake of counselling for these issues. On 19 July 2006 I received a reply from the department that shocked me, even though I realised that the uptake was not as good as it should be. It was that only 18 per cent of those refugees and humanitarian entrants coming in were receiving such counselling. The reason for this is that DIMA and the minister were unprepared at the time that they let out their contract in October last year. The new IHSS services were poorly put together in many cases and were not properly implemented.

It does seem that, unless there is a crisis, the Department of Immigration and Multicultural Affairs and its minister do not act. I certainly hope that it does not take a crisis in this kind of area for the department to act. We are constantly getting lectures from people in the community, and particularly from members of the government, about the necessity for migrants to this country to learn English and to integrate into the community. For those survivors of torture and trauma, this kind of counselling is essential to enable them to do that.

This is a critical issue and one that the minister’s parliamentary secretary, Mr Andrew Robb, seems to understand. He understands how critical it is that people from Africa and other countries who have been the subject of torture are given special assistance. Indeed, Minister Tony Abbott provided extra assistance to services providing counselling upon the release of the report this year. But where is the Minister for Immigration and Multicultural Affairs, Senator Amanda Vanstone, in this? Does she not talk to the people in her department who produced the answer to the question? Does she not talk to the people in the area of refugee and humanitarian settlement—those people who are out in the field dealing with such people every day? Does she not even spend time with them or, if not with them, with the refugees who are affected? Does she not know that many of them are not receiving the counselling they require?

It is not only the minister who is lacking in this kind of understanding. Many of her backbenchers also lack that kind of understanding. Mr Don Randall, a member in the lower house, linked the now failed Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 to terrorism. He was saying that we have to keep out terrorists. That is an illogical statement that completely flies in the face of the facts and revives the old Tampa debate about illegal immigrants being terrorists, when there is no shred of evidence to show that that is so. All of the people who were arrested in Britain in relation to the latest aviation incidents were actually born in England. They were British residents.

It is hard to see how this minister can educate the public in Australia about why we take in refugees and have humanitarian intakes, and why we provide the services they require to properly integrate them into society to provide a contribution, when her own backbench does not understand the basics of this process and is really content to inflame hard feelings against immigrants. We get letter after letter to function after function from government members claiming that they care about migrants and support multiculturalism, yet in instances like this the facts slip through the minister’s fingers. She is not aware of the problem and she appears not to be willing to do anything about it. (Time expired)

Question agreed to.
notice asked by Senator Siewert today relating to illegal fishing and southern bluefin tuna.

The Minister for the Environment and Heritage said today in the chamber that he was working on a ‘win-win situation’. I would like to know just who is winning. Is it like the whales are winning? This year, unless action is taken, we will see 1,000 whales die. Last year we saw, I think, 846 die. At the moment we are seeing southern bluefin tuna going down the gurgler. They are well and truly facing extinction.

At the beginning of this year, IUCN listed southern bluefin tuna on their Red List of Threatened Species, yet Australia did not. The minister also admitted that the current situation is not ideal. Talk about master of the understatement! He does not want to take any action at the moment to list the species as threatened because apparently it will make conservation more difficult. I have a message for the minister: if the species is extinct, it will be very difficult for the industry to survive. Therefore, I advocate that action be taken now. A little bit of pain worn by the industry now is far better than an industry ceasing to exist when the species ceases to exist.

The minister also answered a Dorothy Dixer in the chamber today about science underpinning decision making. Here we have a classic example of where science is available to underpin decision making. Every year since 1992 we have had assessments from the Bureau of Rural Sciences telling us that the species is being overfished. Yet last year, in September 2005, the minister for the environment ignored this information and also ignored information and assessment advice from his department’s own Threatened Species Scientific Committee to list this species as threatened under the Environment Protection and Biodiversity Conservation Act. Where is he using the science? How much science does he need to show that this species is at risk? Why wasn’t it listed?

I believe that most Australians would have been disgusted when they saw the reports this weekend on the overfishing that is going on and the estimate of between 12,000 and 20,000 tonnes of southern bluefin tuna turning up in Japanese fish markets. I believe that they want our government to take action in the same way that they want our government to take more action on, not just talk about, whales. There is overwhelming public sentiment about what the Australian government should be doing about whales—that is, more than just talk. I believe they want more than just talk on southern bluefin tuna.

If we needed more evidence that the current system of regulating international fisheries is actively contributing to the destruction of fish, here it is. We are informed that the levels of this species are hovering between three per cent and 14 per cent of their pre-fishing level. So, again, there is the science for you, Minister. The Commission for the Conservation of Southern Bluefin Tuna has a scientific committee that has acknowledged that even the current allowable catch is too high. Negotiations are apparently under way to reduce this quota by half, yet the minister still takes no action.

There are three simple things that this government and this minister can do now. Firstly, the minister can reconsider his decision not to list this species as threatened under the EPBC Act. Surely this evidence of large-scale piracy is the final straw for the minister. It must tip his decision over to listing this species. Secondly, the government can revoke the Declaration of Wildlife Trade Operation under the EPBC Act that the fishery is ecologically sustainable. The evidence of sustainability of this fishery was flimsy before and is now simply non-existent. It is not sustainable and the government needs to
take action. In taking this action the minister is effectively setting aside the current Australian quota and setting the species aside for conservation until such time as international action is taken against illegal fishing. The minister would be taking a precautionary action to protect this species before it becomes extinct. I repeat: there will be no industry if this fish is not protected. Thirdly, in recognition of the fact that the Commission for the Conservation of Southern Bluefin Tuna has been unable to prevent this situation, the minister can nominate this species for listing on the Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES. This is a convention with the kind of teeth that are needed to make a difference for this species. This species is staring down the barrel. This government cannot ignore this situation any longer. These are three things that the minister can do immediately to protect this species. This government has failed—

(Time expired)

Question agreed to.

PETITIONS

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

Information Technology: Internet 2

The internet is a great educational tool. However children can too easily access pictures of violent cruelty and extreme pornography on the internet. Labor wants a “clean feed” technology that can block access to these kinds of sites.

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

This petition of certain citizens of Australia draws to the attention of the Senate, the danger of children accessing internet pornography and other internet pages.

Your petitioners therefore ask the Senate to make laws that:

- All internet service providers be required to offer a “clean feed” internet service to all households, schools and public libraries that blocks access to websites containing child pornography, acts of extreme violence and x-rated material.

by The President (from 16 citizens).

Human Rights: Falun Gong

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

The petition of the undersigned shows:

Witnesses, including an investigative journalist and a veteran military doctor have revealed that Falun Gong practitioners are being held in at least 36 concentration camps in China where they are routinely subject to the forced removals of their organs which are then sold for transplants and their bodies are then cremated to destroy all evidence.

Your petitioners therefore request the Senate to initiate a resolution to:

(1) Call for the Australian Government to fully support the International Coalition to Investigate the Persecution of Falun Gong (CIPFG), and demand that the Chinese Communist Party (CCP) immediately open the doors of all concentration camps, forced labour camps, hospitals, prisons and detention centres throughout the People’s Republic of China in order to allow independent teams to investigate the charges of illegal detention, torture and live organ removal for transplants.

(2) Demand that the CCP regime release all detained Falun Gong practitioners immediately.

by The President (from 250 citizens).

Whistleblowers

To the Honourable the President
To Mr Howard, Mr Beasley and Honourable members of the Senate and House of Representatives

We the undersigned Australians request you to institute a special “award for integrity and moral bravery” to be given to people like Toni Hoffman, the policeman in Victoria and military personnel who have the moral courage to stand up against the system. Becoming whistleblowers thus placing their livelihood and sometimes as history has
proven their lives and that of their family in real jeopardy.
This could he clearly claimed to show a far greater degree of courage than some acts currently awarded ie those done on the spur of the moment with no time to think of the consequences.
For far too long moral integrity has largely been discouraged in our land lets start to reward it so that these people don’t have to pay such a high price for attempting to protect others
by Senator Allison (from 28 citizens).

Asylum Seekers

To the honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
That the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 can mean children in detention again. Indefinite detention will return, and case managed mental health care is over. The Commonwealth Immigration Ombudsman will also lose oversight of asylum seekers when they are sent to a remote foreign island for processing.
Your petitioners request that the Senate:
Vote against the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

Anti-Vehicle Mines

To the Honourable the President and members of the Senate in Parliament assembled
The Petition of the undersigned shows:
That the undersigned note that like anti-personnel landmines, anti-vehicle mines are indiscriminate in who they effect, that they disproportionately kill and maim civilians, they delay relief efforts in war affected countries and they go on killing for decades after the conflict has ended. We note that Australia’s existing stock of anti-vehicle mines is obsolete and only used for training purposes, so now is the perfect time to commit to supporting a ban on these indiscriminate weapons. We welcome the Australian Government’s support for further restrictions on the use of anti-vehicle mines, but believe such measures to be inadequate to address the humanitarian problems caused by anti-vehicle mines.
Your Petitioners ask that the Senate should:
• Legislate a ban on the production, transfer, importation and use of anti-vehicle mines in Australia and by Australians other than by the Australian Defence Forces for training in demining and avoiding the hazards of anti-vehicle mines; and
• Pass a motion supporting the development of an international treaty that would ban the production, transfer, importation and use of anti-vehicle mines globally.
by Senator Marshall (from 564 citizens).

NOTICES

Presentation

Senator Siewert to move on the next day of sitting:
That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 August 2006, from 4.30 pm, to take evidence for the committee’s inquiry into water policy initiatives.

Senators Chris Evans, Bartlett and Siewert to move on the next day of sitting:
That the Senate—
(a) notes that the National Indigenous art awards ceremony was held in Darwin on 11 August 2006; and
(b) congratulates all winners and particularly Ngoia Napaltjarri Pollard for her work ‘Swamps West of Nyirripi’ which won the main prize.

Senator Bartlett to move on the next day of sitting:
That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on women in sport and recreation in Australia be extended to 6 September 2006.

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

(a) notes the consensus statement released on 14 August 2006 on draft ‘Medicare Item 16400: Antenatal care in rural and remote communities’, which reflects the concerns of the Australian Nursing Federation, the Council of Remote Area Nurses of Australia, the Australian College of Midwives, the Association of Australian Rural Nurses, the Australian Practice Nurses Association, the Australian Nursing and Midwifery Council, the College of Nursing and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists;

(b) acknowledges that the statement expresses concerns about the safety and quality of care that would be provided under the proposed new item within the current descriptor and explanatory notes, specifically:

(i) that safe and high quality antenatal care can only be provided by a qualified health professional with appropriate education, that is, a qualified midwife, a nurse with midwifery qualifications, an obstetrician or a general practitioner with a diploma in obstetrics or equivalent qualifications, and

(ii) that the signatories to the statement do not support the inclusion of nurses without midwifery qualifications on the list of eligible care providers for the item number 16400 descriptor and explanatory notes; and

(c) calls on the Government to modify the item so that only adequately qualified professionals are able to provide antenatal care.

Senator Bartlett to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) alarming rates of deforestation are occurring in south east Asia and the Pacific region through illegal and unsustainable logging practices,

(ii) unsustainable management of natural resources will have long-term negative economic, environmental and social consequences for countries in which illegal logging is occurring,

(iii) illegal trade of forest timber contributes to corruption, money laundering, organised crime and human rights abuses, and threatens the viability of responsible companies that want to invest in sustainable practices,

(iv) there is a widespread presence of suspected illegal timber from Papua New Guinea and Indonesia in Australia,

(v) the Government had committed to addressing the problem prior to the 2004 Election and has since reaffirmed this commitment, and

(vi) voluntary approaches to dealing with illegal timber and wood product imports will be neither fast enough nor effective enough; and

(b) calls on the Government to:

(i) immediately legislate to stop the importation of illegal timber and wood products into Australia, and

(ii) phase in over 2 years a requirement for only timber and wood products from credibly certified sources to be imported.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the launch on 1 August 2006 of the Clinton Climate Initiative, dedicated to fighting climate change in practical and measurable ways,

(ii) that President Bill Clinton was joined by London Mayor Ken Livingstone, Los Angeles Mayor Antonio Villaraigosa and San Francisco Mayor Gavin Newsom to announce the first project of the initiative, and
(iii) that urban areas are responsible for over 75 per cent of all greenhouse gas emissions in the world;

(b) notes that the initiative will:

(i) create a purchasing consortium that will pool the purchasing power of the cities to lower the prices of energy saving products and accelerate the development and deployment of new energy saving and greenhouse gas reducing technologies and products,

(ii) mobilise the best experts in the world to provide technical assistance to cities to develop and implement plans that will result in greater energy efficiency and lower greenhouse gas emissions, and

(iii) create and deploy common measurement tools and Internet-based communications systems that will allow cities to establish a baseline on their greenhouse gas emissions, measure the effectiveness of the program in reducing these emissions and to share what works and what does not work with each other; and

(c) commends this scheme and urges the Federal Government and state governments to assist local government in Australia’s capital cities to join the initiative and introduce:

(i) more energy efficient lighting for traffic and street lights,

(ii) building codes and practices that make use of more effective insulation, more energy efficient windows, more energy efficient heating and ventilation systems and more energy efficient lighting,

(iii) more energy efficient municipal water and sanitation systems,

(iv) localised, cleaner electric generation system,

(v) biofuels or hybrid technologies for city buses, garbage trucks and other vehicles,

(vi) schemes to reduce traffic congestion,

(vii) use the biomass from city garbage dumps to generate electricity, and

(viii) more intelligent design of electric grids both across the city and within office and municipal buildings.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes the evaluation, released in July 2006, of the South Australian Sexual Health and Relationships Education (Share) project 2003-2005 which:

(i) recognised the Share program as current best practice in sex education, moving from a model of sex education focussing on the human reproductive system to a broader sexual health promotion encompassing sexual development, reproductive health, interpersonal relationships, affection, intimacy, body image and gender roles,

(ii) found it essential that sexual health and relationships education acknowledges young people as diverse and sexual beings, provides an appropriate and comprehensive curriculum context, is positive about sexuality, moves beyond information provision, addresses issues of gender and the social and cultural world in which young people make decisions and refrain from teaching abstinence alone, and

(iii) placed a high priority on supporting the professional development and training of teachers with well-resourced, sympathetic experts to support, guide and advise; and

(b) calls on the Government to take to the next meeting of education ministers a proposal to develop a national framework of comprehensive, evidence-based sex education for students in all Australian schools.

Senator Kemp to move on the next day of sitting:

That the following matter be referred to the Environment, Communications, Information
Technology and the Arts Legislation Committee for inquiry and report by the first sitting day in 2007:

Australia’s Indigenous visual arts and craft sector, with particular reference to:

(a) the current size and scale of Australia’s Indigenous visual arts and craft sector;
(b) the economic, social and cultural benefits of the sector;
(c) the overall financial, cultural and artistic sustainability of the sector;
(d) the current and likely future infrastructure needs of the sector;
(e) opportunities for strategies and mechanisms that the sector could adopt to improve its practices, capacity and sustainability, including to deal with unscrupulous or unethical conduct;
(f) opportunities for existing government support programs for Indigenous visual arts and crafts to be more effectively targeted to improve the sector’s capacity and future sustainability; and
(g) future opportunities for further growth of Australia’s Indigenous visual arts and craft sector, including through further developing international markets.

Senator Abetz to move on Wednesday, 16 August 2006:

That the Senate—

(a) disassociates itself from the notice of motion given on 9 May 2006 by the Leader of the Australian Greens (Senator Bob Brown) relating to the Exclusive Brethren;
(b) regrets the ongoing deferral of the motion by Senator Bob Brown;
(c) condemns the use of parliamentary processes to vilify lawful religious minorities; and
(d) calls on Senator Bob Brown to withdraw his motion immediately.

Senator Watson (Tasmania) (3.38 pm)—Following the receipt of satisfactory responses, on behalf of the Standing Committee on Regulations and Ordinances, I give notice that, on the next day of sitting, I shall withdraw 11 notices of disallowance, the full terms of which have been circulated in the chamber and which I now hand to the Clerk.

The list read as follows—

Eight sitting days after today—

Business of the Senate—Notices of Motion Nos.


Eleven sitting days after today—

Business of the Senate—Notices of Motion Nos.

(1) Banking (Prudential Standard) Determination No. 1 of 2006 made under paragraphs 11AF(1)(a) and (b) of the Banking Act 1959.


I seek leave to incorporate in *Hansard* the committee’s correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—

Aviation Transport Security Amendment Regulations 2006 (No. 1), Select Legislative Instrument 2006 No. 40

30 March 2006

The Hon Warren Truss MP
Minister for Transport and Regional Services
Suite MG.46
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the *Aviation Transport Security Amendment Regulations 2006 (No. 1)*, Select Legislative Instrument 2006 No. 40. These Regulations amend regulation 9.01 of the principal Regulations, concerning the making of threats regarding aviation security. The Committee raises the following matters with regard to these Regulations.

According to the Explanatory Statement that accompanies this instrument, the purpose of this amendment is to change the culture of persons who travel by air and/or frequent airports. This appears to include changing the behaviour of people regarding the making of jokes about bombs in luggage. Given the significance of this purpose, the Committee would appreciate your advice on whether this strict liability offence should be included in the body of the *Aviation Transport Security Act 2004* (the Act) instead of in Regulations. The Committee would also appreciate advice about the steps that will be taken to bring this new offence to the attention of persons who travel by air and/or frequent airports.

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

The Committee also seeks an assurance that future explanatory statements will provide information on consultation as required by the Legislative Instruments Act.

The Committee would appreciate your advice on the above matters as soon as possible, but before 5 May 2006, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

John Watson
Chairman

5 May 2006

Senator John Watson
Chairman
Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600

Dear Senator Watson

Thank you for your letter of 30 March 2006 regarding the *Aviation Transport Security Amendment Regulations 2006 (No. 1)*. These Regulations amend Regulation 9.01 of the principal Regulations, concerning the making of threats regarding aviation security. The Committee has raised some important matters and I am pleased to be able to address them.

The Committee has sought my advice on whether this offence should be included in the body of the *Aviation Transport Security Act 2004* (the Act)
itself instead of in the Regulations. The Regulation amends an existing offence which was included in the Regulations at the time they were first made, last year. My Department followed the model of the existing offence for this exercise. Also there are other offences established in the principal Regulations so as we were building on an existing model within an existing regime my Department did not see that it is essential that the Act be amended.

The amendment to Regulation 9.01 was brought to the attention of airport operators and the travelling public initially, when the Prime Minister, the Hon John Howard MP announced a range of improvements to aviation security in September 2005. A subsequent media statement was also released jointly by Senator the Hon Chris Ellison, Minister for Justice and Customs and myself on the 27 February 2006 announcing the commencement of Regulation 9.01 and the penalties associated with the offence. My Department also wrote to industry leaders outlining the legal impact of the changes to the aviation security framework, as well as highlighting the development and then introduction of the offence in earlier industry meetings.

My Department did not give specific guidance to operators as to how the travelling public should be informed of the new security arrangements but I understand airport operators have a range of publication strategies, including announcements over public address systems and signage, when the existing offence only referred to not making jokes about security. We expect that operators would build on the publication strategies for the existing offence.\’

As noted by the Committee the Explanatory Statement that accompanies the amendment makes no reference to consultation. I am aware that consultation is a requirement of the Legislative Instruments Act 2003 and that consultation did take place in various aviation industry forums about this amendment. My Department has assured me that in future it will provide information on consultation in explanatory statements as required.

Thank you for bringing your concerns to my attention and I trust this information is of assistance.

Yours sincerely
Warren Truss
Minister for Transport and Regional Services
15 June 2006
The Hon Warren Truss MP
Minister for Transport and Regional Services
Suite MG:46
Parliament House
CANBERRA ACT 2600
Dear Minister
Thank you for your letter of 5 May 2006 responding to the Committee’s concerns with the Aviation Transport Security Amendment Regulations 2006 (No. 1), Select Legislative Instrument 2006 No. 40. Your advice has answered most of the Committee’s concerns.

In your response you advise that consultation on the amendment contained in these Regulations did take place in various aviation industry forums. The Committee would appreciate further information on this consultation. In particular which industry forums were involved and what was the outcome of discussions with these bodies.

As a precautionary measure, and in order to allow time for further discussion on this matter, the Committee has agreed to give a notice of motion to disallow these Regulations on Monday 19 June 2006.

The Committee would appreciate your advice on the above matter as soon as possible, but before 14 July 2006, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman
Managing security at airports has changed dramatically following the events of September 11 and it is now widely appreciated that unattended baggage may be a security threat (previously theft was the principal concern). Amongst a range of enhanced security measures that Cabinet agreed last September was the proposal that the Aviation Transport Security Regulations 2004 (the Regulations) be amended to ensure an offence existed which covered leaving baggage unattended in airports. Although this was a submission brought forward by the Attorney-General’s Department my Department was consulted, and agreed in principle with the recommendation. Departmental officers understood that leaving baggage unattended in airports represented a security concern.

When ASAF and RICM were advised that Cabinet had decided that a relevant offence should be written they were already of the view that leaving baggage unattended at airports needed to be better managed. So industry concerns had also contributed to the recommendation that the Regulations be amended to write a relevant offence. Thus while ASAF and RICM were advised this was to note the Cabinet’s decision; in turn that had partly sprung from industry security concerns. Industry’s concerns were that the new arrangements be clear and my Department obtained legal advice on the best way to set out the new offence. This involved building on an existing offence at Regulation 9.01 of the Regulations.

Thank you for raising this matter.

Yours sincerely

Warren Truss
Minister for Transport and Regional Services
Enc

ASAF

Attendees and Apologies for Melbourne 27 & 28 June 06

Updated: 20 June 2006

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Dear Minister

I refer to the Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2006 (No. 2), Select Legislative Instrument 2006 No. 9. These Regulations amend the principal Regulations to give effect to the national standard for the Storage and Handling of Workplace Dangerous Goods. After considering these Regulations, the Committee raises the following matters

First, regulation 8.15 imposes an obligation on an employer to identify hazards that are associated with the storage or handling of dangerous goods at the workplace. Subregulation 8.15(2) supplies a non-inclusive list of matters that are to be taken into account in identifying such hazards. Paragraph 8.15(2)(g) requires an employer to consider ‘the kind and characteristics of incidents associ-
ated with the dangerous goods’. The ambit of the word ‘incidents’ is unclear. It is not clear whether it is restricted to incidents at the employer’s workplace, or whether it refers to incidents that have occurred generally at other workplaces. If it has the latter meaning, it is not clear whether an employer is therefore obliged to keep informed regarding such incidents. The Committee would appreciate clarification about this requirement.

Secondly, subregulation 8.27(4) imposes an obligation on an employer to review an emergency plan at certain times. No offence is specified for a failure to comply with this obligation. The Committee would appreciate your advice about whether this is intended to be an offence-creating provision. Further, under subparagraph 8.27(4)(b) the obligation to review an emergency plan arises if there is a change in circumstances at the workplace. The ambit of the phrase ‘change in circumstances’ is unclear and is not defined. The Committee therefore suggests that the subregulation should include some guidance as to what constitutes a ‘change in circumstances’ for this purpose.

The Committee would appreciate your advice on the above matters as soon as possible, but before 5 May 2006, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman
31 May 2006
Mr John Watson
Chairman
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Mr Watson
Thank you for your letter of 30 March 2006 concerning the Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2006 (No 2) (the Regulations). I provide the following comments in response to the concerns raised in your letter:

1. The ambit of the word ‘incidents’

The term ‘incident’ does not have any special meaning beyond its ordinary use, and as such is not defined in the Regulations. The Macquarie Dictionary defines incident as “an occurrence or event”. The term is used in the Dangerous Goods Regulations at paragraphs 8.04 (4); 8.15(2)(g); 8.16(2)(b); 8.26(b)(ii); 8.27(2)(b)(ii). Each reference lends itself to be interpreted and applied in accordance with the Macquarie Dictionary definition.

2. Identifying hazards—The ambit of ‘the kind and characteristics’

Paragraph 8.15(2)(g) specifies that the employer take into account ‘the kind and characteristics of incidents associated with dangerous goods’. This requires that the employer, in identifying hazards associated with the storage and handling of dangerous goods at the workplace, has regard to the kind and characteristics of any specific occurrence or event at the employers’ workplace associated with dangerous goods, as well as any relevant incidents occurring at other workplaces, of which the employer is aware.

The Regulations do not place an obligation upon the employer to keep informed of incidents occurring outside their workplace. However, under the employer’s general duty of care the employer would, in identifying hazards at the workplace, be obliged to take account of any reasonably foreseeable incident, regardless of whether or not such an incident had occurred at another workplace.

Comcare is developing a Code of Practice for me to declare which will provide further detail and examples to support the Regulations. The Code includes examples and circumstances of what should be considered dangerous goods incidents when identifying and assessing risks.

3. Review an emergency plan—an offence-creating provision?

The penalty provision attached to the review of an emergency plan under regulation 8.27 appears to have been inadvertently deleted during the drafting process. The Occupational Health and Safety (Commonwealth Employment) (National Stan-
(the National Standard Regulations) are amended frequently. For example an amendment is currently being developed in relation to Major Hazard Facilities. I have instructed my Department to ensure the penalty provision is reinserted as part of the next amendments to the National Standard Regulations.

4. The ambit of ‘change in circumstances’
A change in circumstances that would trigger an obligation to review an emergency plan includes any change of circumstances at the workplace that affects the storage and handling of dangerous goods, as is outlined in the Explanatory Memorandum.

The Code of Practice will provide further guidance in relation to what “change” means in different circumstances, including examples of “changes in circumstances” that would require a review of the emergency plan. A “change in circumstances” includes any changes (at the workplace or adjacent to the workplace) that increases the likelihood or consequence of an accident at the workplace.

As these examples will be included in the Code of Practice I do not consider it necessary to include such examples in the Regulations.

Yours sincerely
Kevin Andrews
Minister for Employment and Workplace Relations
15 June 2006
The Hon Kevin Andrews MP
Minister for Employment and Workplace Relations
Suite MG48
Parliament House
CANBERRA ACT 2600
Dear Minister
Thank you for your letter of 31 May 2006 responding to the Committee’s concerns with the Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2006 (No. 2), Select Legislative Instrument 2006 No. 9. Your advice has answered most of the Committee’s concerns.

In your response you advise that Comcare is developing a Code of Practice to support the Regulations that will provide further examples and circumstances of what should be considered dangerous goods incidents when identifying and assessing risks. In particular, you advise that the Code will provide further guidance in relation to what ‘change’ means in different circumstances, including examples of ‘changes in circumstances’ that would require a review of an emergency plan.

You further advise that you consider it is not necessary to include such examples in the Regulations. Alternatively, the Committee suggests that if the information remains in the Code then the Regulations should (via a Note) refer to the explanation in the Code of Practice.

As a precautionary measure, and in order to allow time for further discussion on this matter the Committee has agreed to give a notice of motion to disallow these Regulations on Monday 19 June 2006.

The Committee would appreciate your advice on the above matters as soon as possible, but before 14 July 2006, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman
17 July 2006
Senator John Watson
Chairman
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Watson
Thank you for your 15 June 2006 letter concerning the Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2006 (No 2) (the Regulations). The letter canvasses the Committee’s
residual concerns with the Regulations, particularly the phrase ‘change in circumstances’ in sub-regulation 8.27(4)(b) and asks that further specific guidance regarding this expression be included in the Regulations.

As I have previously indicated, a Code of Practice will provide additional guidance as to when a ‘change in circumstances’ should trigger a review of workplace emergency plans covering the storage and handling of dangerous goods. I am advised that the Code of Practice will come into operation shortly.

Your Committee has suggested that illustrative examples from the Code of Practice be included in the Regulations or else the proposed Code of Practice be cross-referenced in the Regulations, by way of a legislative note.

Comcare has reservations about including illustrative material in the Regulations as that may encourage an unduly narrow reading of the relevant provisions. I see no difficulty though, with including a legislative note in the Regulations explicitly referring to the Code of Practice. Accordingly, I undertake to amend the Regulations at the first convenient opportunity.

Yours sincerely

Kevin Andrews

Banking (Prudential Standard) Determination No. 1 of 2006
Insurance (Prudential Standard) Determination No. 4 of 2006
Life Insurance (Prudential Standard) Determination No. 1 of 2006

30 March 2006
The Hon Peter Dutton MP
Suite M1.22
Parliament House
CANBERRA ACT 2600
Dear Minister

I refer to the following prudential standards that specify requirements for the fitness and propriety of individuals in positions of responsibility.

Banking (Prudential Standard) Determination No. 1 of 2006
Insurance (Prudential Standard) Determination No. 4 of 2006
Life Insurance (Prudential Standard) Determination No. 1 of 2006

Each of these instruments imposes an obligation on the relevant institution to retain sufficient documentation for each assessment, in order to demonstrate the fitness and propriety of the institution’s current, and recently past, responsible persons (see clauses 32, 34, and 30, respectively, of these three Determinations). The clauses do not sufficiently indicate the time period for which such records should be kept. The Committee therefore seeks your advice about whether a specific time period for retention of these records should be specified.

The Committee would appreciate your advice on the above matter as soon as possible, but before 5 May 2006, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

John Watson
Chairman
29 May 2006
Senator John Watson
Chairman
Senate Standing Committee on Regulations and Ordinances
Room SG 49
Parliament House
CANBERRA ACT 2600
Dear Senator Watson


In your letter, you raise the question of whether a specific time period for the retention of records should be stated in the three determinations mentioned above.
In drafting the prudential standards, the Australian Prudential Regulation Authority (APRA) considered the merits of specifying a timeframe for document retention. In keeping with its efforts to minimise prescription wherever possible, APRA has chosen to apply a principles-based approach to drafting this requirement rather than state a specific timeframe.

This decision is consistent with the overall principles-based approach that applies in the standards. The requirement to retain documentation specifies an outcome not a process. The focus is always to allow individual regulated institutions the scope to design their own policies and procedures for dealing with fitness and propriety issues, subject to a limited number of minimum requirements.

As such, it is up to individual institutions to determine how long they need to retain documentation to meet their own needs. This includes the need to satisfy APRA that it has complied with the prudential standard. It should be noted that institutions are required to reassess their responsible persons on an annual basis. Therefore, retention of the documentation will obviate the need to re-collect the information.

There is no intention to impose a long-term document retention requirement on industry. The intention is to require institutions to retain sufficient documentation to allow APRA to assess whether an appropriate fit and proper assessment has been carried out, should the need for such an assessment arise. This may include retaining documentation for a period after a person ceases to be a responsible person.

The timeframe for retention of such documentation will depend on the circumstances of that person’s departure. In the ordinary course of events, documentation would only need to be retained for a limited period.

Where the person ceased to be a responsible person in circumstances which cast doubt over their suitability to act in that capacity in the future then it would be reasonable to expect retention of the documentation for a longer period.

I trust this information will be of assistance to you.

Yours sincerely
Peter Dutton
Minister for Revenue and Assistant Treasurer
15 June 2006
The Hon Peter Dutton MP
Minister for Revenue and Assistant Treasurer
Suite M1.22
Parliament House
CANBERRA ACT 2600

Dear Minister
Thank you for your letter of 29 May 2006 responding to the Committee’s concerns with the Banking (Prudential Standard) Determination No. 1 of 2006, Insurance (Prudential Standard) Determination No. 4 of 2006 and Life Insurance (Prudential Standard) Determination No. 1 of 2006. Your advice has answered most of the Committee’s concerns.

In your response you advise that the Australian Prudential Regulation Authority (APRA) has chosen to apply a principles-based approach to the requirement for the retention of records rather than stating a specific timeframe. The Committee notes that it has been left to individual institutions to determine how long they need to retain documentation to meet their own needs, including the need to satisfy APRA that they have complied with the prudential standard. The Committee would appreciate your advice on whether industry is content with an unspecified timeframe for document retention.

The Committee would appreciate your advice on the above matter as soon as possible, but before 28 July 2006, to enable it to finalise its consideration of these Standards. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman
2 August 2006
Senator John Watson
Chairman
Senate Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
You asked for advice as to whether industry is content with an unspecified timeframe for document retention.
I am advised that the draft prudential standards released for a second round of public consultations included the following document retention requirement:
"The Fit and Proper Policy must require that each assessment required by the terms of the Fit and Proper Policy required by paragraph 23, 24 or 25 and any information considered in making the assessment is documented and the documentation is retained for a reasonable time."
[emphasis added]
Six of the submissions received discussed this requirement.
Four respondents indicated that they would prefer more guidance on the meaning of ‘a reasonable time’, three requested that APRA mandate a specific timeframe, while one of the six respondents indicated that it would be satisfied with either of the above approaches.
At the same time, however, one of the key overall themes of the 36 submissions received was that APRA should reduce the overall amount of prescription in the draft prudential standards and adopt a flexible, principles-based approach. Including a requirement for a specific timeframe for document retention across the different APRA-regulated industries would not be consistent with industry preference for less prescription.
APRA decided to take a principles-based approach. To give clearer guidance, however, the relevant paragraph was amended to remove reference to a ‘reasonable period’. The prudential standards state that:
“The Fit and Proper Policy must require that sufficient documentation for each fit and proper assessment is retained to demonstrate the fitness and propriety of the regulated institution’s current, and recently past, responsible persons.”
This drafting makes clearer APRA’s objective behind this particular requirement, which is to ensure that the documentation that is retained allows the institution to demonstrate that its responsible persons are fit and proper.
I am advised that APRA has not received comment from industry on this provision since determining and releasing the standards.
I trust this information will be of assistance to you.
Yours sincerely
Peter Dutton
Minister for Revenue and Assistant Treasurer
Determinations of Patient Contribution HIB 07/2006 to HIB 12/2006
11 May 2006
The Hon Tony Abbott MP
Minister for Health and Ageing
Suite MG-43
Parliament House
CANBERRA ACT 2600
Dear Minister
I refer to Determinations of Patient Contribution—HIB 07/2006 to HIB 12/2006 made under subsection 3(1) of the Health Insurance Act 1973. These Determinations specify the amount of patient contribution in respect of recognised hospitals in five States and private hospitals in all States and Territories.
The Committee notes that section 17 of the Legislative Instruments Act 2003 directs a rule-maker to be satisfied that appropriate consultation, as is reasonably practicable, has been undertaken particularly where a proposed instrument is likely to have an effect on business. Section 18 of the Act provides that in some circumstances consultation may be unnecessary or inappropriate. The defini-
tion of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out or, if there has been no consultation, to explain why none was undertaken. The Explanatory Statements that accompany these Determinations make no reference to consultation. The Committee therefore seeks your advice on whether consultation was undertaken and, if so, the nature of that consultation.

The Committee also seeks an assurance that future explanatory statements will provide information on consultation as required by the Legislative Instruments Act.

The Committee would appreciate your advice on the above matter as soon as possible, but before 16 June 2006, to enable it to finalise its consideration of these Determinations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson
Chairman

22 June 2006
Senator John Watson
Chairman
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator Watson


The Patient Contribution, which is not insurable, for Nursing Home Type Patients (NHTPs) in public and private hospitals has been in existence well before the introduction of Medicare and major changes to private health insurance arrangements in 1984. These arrangements are well known by the hospital and health insurance industries. The Patient Contribution rate changes usually occur in March and September each year in line with pension increases. There is no requirement for hospitals to charge the Patient Contribution rate as determined by the Commonwealth as hospitals may waive or reduce charges, for example, in cases of hardship.

Following a pension increase, as a routine process, all State and Territory Health authorities are contacted by my Department to seek written confirmation whether they propose to apply the adjusted Patient Contribution rate for their NHTPs. The Patient Contribution arrangements have been long standing and well known in the industry, the adjustments to the Patient Contribution are a routine mechanical process.

I accept the Committee’s comment concerning consultation. The most recent determination of Patient Contribution—HIB 15/2006 made under Subsection 3(1) of the Act contains a section on consultation. All future Explanatory Statements regarding adjustments to the Patient Contribution will contain a statement on consultation.

I appreciate you writing to me on this matter.

Yours sincerely

Tony Abbott

Minister for Health and Ageing

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes the admission by the Centre for Low Emission Technology that, even if carbon capture and storage technology were to eventually prove 100 per cent effective, tailpipe greenhouse gas emissions from vehicles using fuel produced from coal would be the same as conventional fuels; and

(b) calls on the Government:

(i) not to exacerbate Australia’s greenhouse gas emissions by entrenching dependence on emission intensive technologies, and

(ii) to shift the research priority away from coal to liquids technology toward greenhouse-friendly alternatives, especially research into producing ethanol from lignocellulose.
LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (3.40 pm)—by leave—I move:

That leave of absence be granted to Senator Crossin for the period 14 August to 17 August 2006, on account of parliamentary business overseas.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

General business notice of motion no. 485 standing in the name of Senator Siewert for today, relating to water management, postponed till 15 August 2006.

MIGRATION LEGISLATION AMENDMENT (PROVISIONS RELATING TO CHARACTER AND CONDUCT) BILL 2006

First Reading

Senator BARTLETT (Queensland) (3.41 pm)—I move:

That the following bill be introduced: A Bill for an Act to remove unnecessary and unjust ministerial discretion relating to assessments of the character and conduct of visa applicants, and for related purposes.

Question agreed to.

Senator BARTLETT (Queensland) (3.42 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BARTLETT (Queensland) (3.42 pm)—I move:

That this bill be now read a second time.

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

Leaves granted.

The speech read as follows—

This Private Senator’s Bill is fifth in a series of Migration Bills which I will seek to introduce over the course of this parliamentary year.

The aim of these bills is to provide a roadmap for what needs to be done to reverse the many negative provisions that have been introduced into the Migration Act over the last fifteen years which have undermined the rule of law and restricted or removed the rights of refugees, asylum seekers and migrants.

The purpose of this bill seeks to repeal the Migration Legislation Amendment (Strengthening of Provisions Relating to Character and Conduct) Act 1998 which toughened the existing provisions in the Migration Act enabling the refusal or cancellation of visas on character grounds.

In my minority report to the inquiry into the bill, I accepted that Australia has a right to monitor and restrict the entry of persons who are of ‘bad’ character and supported the implementation of workable provisions to protect Australians from the presence of undesirable or dangerous entrants. However, I strongly believe that such provisions must be sufficiently flexible to be applicable in a wide range of circumstances and must be firmly founded on principles which include compassion, empathy and natural justice.

My specific concerns about the following aspects of the provisions in the Act are addressed in my bill:

‘National Interest’ test for conclusive certificates

I have major reservations about the subjective nature of the term “national interest” on which basis the Minister is able to refuse or cancel a visa on character grounds under the Act, as there is no longer an avenue for access to an independent review process. Instead, people are now subjected to the whim of the government of the day determining what is in the national interest, it deserves serious consideration because, the term “national interest” is so broad as to justify almost any issue of a certificate.

I am concerned at the potential dangers of major decisions regarding the future of individual hu-
man beings becoming more subject to immediate political pressures rather than broader, soundly based legal principles. This provision has been repealed in my bill to be replaced by a system allowing for internal review and allows for the Minister to issue a conclusive certificate under certain circumstances.

**The ‘character test’ and refusal or cancellation of visa on character grounds**

The provision in the Act which allows the Minister to refuse or cancel a visa on character grounds is one that has had strong objections with regards to the character test itself. The inclusion of certain levels of criminal sentences as an automatic indication of a person’s character is a particular problem.

The intent of this provision as expressed in the second reading speech of the Minister said that “decision-making in relation to character judgments will be improved by deeming that certain levels of criminal sentences will lead to an automatic finding that the non-citizen concerned is not of good character”. Based on evidence given at the inquiry at the time, I believe this statement as being somewhat simplistic in that it seems to assume a uniform system and standard of justice is operating across the board.

The provision formulating the character test does not take into account the fact that justice and criminality are defined very differently in various countries throughout the world with many people being jailed simply for voicing an opinion or holding an unpopular religious or political view.

I am yet to be convinced that the character test can be applied in any just and equitable fashion to people coming to Australia from countries which do not hold the same values or have the same standards of justice as we do.

I note comments made by Dr Crock from the Law Council of Australia in inquiry hearings (refer to the committee’s transcript of evidence by Dr Mary Crock at pg 195) that if the proposed character test were strictly applied people such as Nelson Mandela and Ghandi—if he were still alive—would be deemed to be of bad character. It should not be the Government’s intention to make it harder for highly respected and highly regarded figures to enter Australia.

I also have specific concerns about the way the character test may and is affecting people with psychiatric disabilities. The section in question contained in s.501 (7)(e) which states that a “person who has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution” has a substantial criminal record does appear to be somewhat out of step with Australia’s non-discriminatory policies in relation to people with disabilities.

As there is no clear distinction between criminal behaviour and psychiatric illness contained in the provision, it should be eliminated all together.

The provisions contained in my bill seek to repeal this provision and to substitute it instead with specific conditions that must be satisfied before a Minister is allowed to refuse or cancel a visa or entry permit.

**Minister’s personal powers**

I have major reservations with any prospect whereby the Minister is given additional personal power. The result of this bill virtually gave the Minister absolute power to exclude or remove non-citizens who are determined not to be of good character. This included the ability to set aside decisions of the AAT and to refuse or cancel a visa where the Minister suspects that the person does not pass the character test and the refusal or cancellation is in the national interest.

While recognising that, from time to time, there may be a need to expedite the normal processes in order to address emergency cases involving non-citizens, I have specific concerns that the additional powers bestowed on the Minister may have the effect of undermining the rules of natural justice and will remove many of the safeguards against arbitrary and capricious decision making.

I commend this bill to the Senate.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**BUSINESS**

**Rearrangement**

The DEPUTY PRESIDENT—I inform the Senate that the Leader of the Australian Democrats, Senator Allison, has withdrawn
the urgency motion which she had indicated she intended to move today.

MINISTERIAL STATEMENTS

Energy Initiatives

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (3.42 pm)—On behalf of the Prime Minister, I table a statement on energy initiatives.

Senator O’BRIEN (Tasmania) (3.43 pm)—by leave—I move:

That the Senate take note of the document.

It is again wonderful to see the government following the lead of the opposition in relation to initiatives for the Australian people! The blueprint that Kim Beazley announced in October 2005 indeed foreshadowed a number of the initiatives that the government now takes. Of course, we know that the government has no eye on the needs of the Australian motorist; its eye is on its own survival. That is the basis on which we now see the government making an announcement on a number of initiatives relating to fuel.

Many motorists who have the capacity to convert their vehicles to LPG will appreciate that there is an additional benefit which will now be available to them. Indeed, Labor was talking about additional benefits last October in our energy blueprint. But the problem for motorists who now wish to convert their cars to LPG is that there is already a three-month backlog for most converters to convert existing motor vehicles to LPG. If demand rises, that backlog will of course be pushed out.

One of the explanations that the converters such as the Gas Man give for the delay is that they cannot get enough skilled tradesmen to make those conversions. So, again, another of the problems that this government has presided over, the skills shortage, will have an impact on Australians and delay the implementation of LPG conversions for those who are in a position and have the ability to make a booking and convert their car.

I was having an informal conversation with Russell Scoular of Ford last Friday in relation to Ford’s program. Ford has an e-gas car that they sell off the factory floor, but there is a three-month delay in ordering vehicles because of the ability of their suppliers to give them the necessary parts to produce only those vehicles that are now in demand. So if demand increases, unless something changes rapidly, we are going to see an even greater delay in the ability of motorists to purchase an e-gas vehicle from Ford—that is, to Ford’s capacity to get the parts from suppliers to produce the cars even earlier.

Kim Beazley, in October last year, announced Labor’s blueprint in relation to these fuel issues that the government have been asleep at the wheel on for some time. Labor want to make alternative fuel vehicles tariff free, cutting up to $2,000 off the price of current hybrid cars—a real benefit for consumers. We announced that in October last year. We want to work with state and local governments to give city traffic and parking advantages for these vehicles so that there is an additional benefit for motorists in taking them up. At that time, we wanted to examine the granting of tax rebates for converting petrol cars to LPG but we see that there are some difficulties in achieving that conversion on a timely basis. To do all of that, Labor announced back in October that we would also be looking at other fuels because Labor were very keen to see some foresight in the management of Australia’s energy needs for the future.

Labor announced we would conduct a feasibility study into a gas-to-liquids fuel plant in Australia. It has taken this government effectively another eight months to announce the same thing, in that Minister Macfarlane is apparently now looking at those proposals.
We proposed to offer petroleum resource rent tax incentives for developers of gas fields which provide resources for gas-to-liquid fuels projects. I encourage the government to look at that. We proposed to examine a new infrastructure investment allowance for investment in Australian gas-to-liquids infrastructure—something this government could also well think about. We would develop a targeted funding scheme for research and development in this area and work with industry to improve engine design and fuel quality standards. Labor is the party that has had the foresight on those matters—not like the government, simply pursuing a matter to try and win some votes as the election draws closer.

What was the government thinking back before October last year when Labor announced its initiatives? The Prime Minister said at that time:

I can fully understand the anger of motorists at the price of petrol …

World oil prices are not something the Australian Government, or any government, can influence. They are out of our control.

At that time, the government had not done any hard thinking on the matter. Back in June last year, Mr Lindsay Tanner asked the Minister for Industry, Tourism and Resources a number of questions on notice to identify any work the government was doing to prepare Australia for the effects of future peaks in oil prices. He asked if the government had estimated when these peaks might happen; what the decline in global production might be; what the impact on prices might be; and, if the government had done any modelling on the impact on the Australian economy. The minister’s answer to each and every one of those questions was no—no in every case. The government had done nothing. The government had given no consideration to these matters. The industry minister has also said—this is prior to October last year:

At this stage Australia’s fuel security is still good … Do we need to find more oil? Yes we do. But short of finding more oil I don’t know what the solution is.

So we have a government with no ideas. Labor has produced its blueprint, and the government is keen to pick up anything it can to save its miserable electoral skin.

Let us not just talk about what Labor says about itself. The editorial in the Australian today, which does not often give Labor credit for its initiatives, has congratulated opposition resources spokesman Martin Ferguson. It says:

Martin Ferguson has raised the issue of gas or coal to liquids as the best long-term answer to the current oil price shock, and he is correct. The Government should send a clear message that it is serious. And it should explore everything, including tax incentives, to encourage the multi-billion-dollar investment necessary.

So the Australian is prepared to say that Labor is on the right track, and it is about time this government was listening. But, of course, we will see this government take decisions which it perceives are in its electoral interests, not the interests of the Australian public.

In terms of those rather pathetic comments in the ministerial statement with regard to ethanol and Labor’s position on ethanol, let me say this: Labor was critical that the government would not implement a standard which would give motorists certainty about the fuel they bought and the ethanol content. For months, Labor was talking about the adoption of an E10 standard so that motorists, when they bought fuel with ethanol content, would know that their warranties would not be voided, as some manufacturers were suggesting, and that there would be consistent quality in the fuel. There was evidence that some fuel, particularly in the Sydney
market, had quantities of ethanol far in excess of 10 per cent, and the government did nothing for months. But what did they do in the end? They picked up Labor’s proposal. They implemented an E10 standard, and there is a basis for secure ethanol content arrangements which give motorists in most of the vehicles on the Australian roads confidence that they can safely put ethanol fuel into their vehicles without voiding their warranties and damaging their motors.

Labor’s position, again, has been vindicated by the actions of this government. But now the government is seeking to portray Labor’s position as something different from what it was. Labor had the foresight to see that there needed to be proper standards. The government ultimately adopted them. Now it is pure, shabby politics for the minister to say what is in this statement.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.52 pm)—Unfortunately, this statement on energy initiatives is another example of the government lurching from one knee-jerk reaction to another with regard to oil policy. It was not that long ago that we had the energy white paper and then, lo and behold, a matter of months after that was released, we had a full debate about nuclear energy, which was not even mentioned in the energy white paper. Then we had legislation, which was passed more recently, completely cutting the excise for diesel for off-road use. Then we had the decision to designate five per cent biodiesel blends as being the standard—advantaging BP—but then ruling out higher blends, which are perfectly able to be used. Even fuel with up to 100 per cent biodiesel can be used safely in vehicles. Then we had the decision to introduce an excise on alternative fuels which will start in 2011-12. Again, that is another example of leaping from one illogical policy step to another without a sensible plan in mind for what we now have, which is an entirely predictable increase in the cost of petrol. This should have been thought about some time ago. In fact, the Democrats are pleased to see the ALP come on board with some of these issues, because they have been almost more reluctant than the government on some of them.

I actually put together a paper for the edification of the government some years ago saying that Australia’s future has got to be in a range of fuels; that we could not just rely on oil, because peak oil is fast approaching; that we should not just rely on LPG, because we do not produce enough of it to make a difference; that we should not just rely on CNG, because there is nothing out there as yet and CNG needs a lot to get it kick-started; and that we could not rely on biofuels entirely either because we would have to turn over the entire country’s food production to biofuels if we were to look at that being the only fuel into the future. So there is some recognition of that in this announcement by the Prime Minister today.

There is a grant of $2,000 for the cost of converting new vehicles to LPG for private use and $1,000 for converting old vehicles—though it may be the other way round, I am not sure. In any case, if you do the calculations on that, we are talking about the conversion of somewhere between 340,000 and 670,000 vehicles on the road over the next eight years. That is all very well, but we already have hundreds of thousands of vehicles on the road using LPG. And that is a very good thing—most of them are taxis. But, still, the best possible outcome on this in terms of the numbers would be a million cars running on LPG. That is about the maximum that Australia, in any case, produces in terms of LPG. What is going to happen with this? Is it again going to be used mostly by taxis and the like? What happens to those others who are stuck with old vehi-
cles and very fuel-inefficient cars? They are the ones who are currently complaining, because this government has never said anything about fuel efficiency. It has never encouraged our auto manufacturers to build fuel-efficient vehicles, despite the huge handouts to the auto industry. Billions and billions of dollars have gone into vehicles, but most of the time they were six-cylinder large vehicles that have now turned out to be big gas guzzlers.

As I said, this was entirely predictable. We knew that oil was not being discovered at the rate that it might have been in the fifties and sixties and that eventually demand would overtake the production. We are not going to run out of oil tomorrow. No-one is saying that. But there is absolutely no doubt that worldwide demand will push up the price of petrol. When that peak production is lower than the demand being made on it, we are going to see petrol become entirely unaffordable, and we could see economies around the world wrecked by this. That is why it is important for the Australian government to have had a serious think about this and put together a plan for the long-term future. Good though this announcement may be, several hundred thousand more LPG cars are not going to solve the problem.

There are some carrots for service stations to carry ethanol. That—at last!—is a good thing but it is not going to make the big difference that some people might want. There is still a limit of 10 per cent on ethanol blends, and that was agreed to by the Labor Party. The government in its wisdom decided this was the way forward. Yet over in Brazil, as we all know, there are 85 per cent blends. And you can get yourself a car which will run on 85 per cent ethanol and 15 per cent petrol. But, of course, you cannot find that fuel here because it is actually against the law to sell it. It does not make any sense, but there you go.

I applaud the extension of the Renewable Remote Power Generation Program. I remind the Senate that this was negotiated by the Democrats at the time of the GST and diesel changes. I was talking the other night to someone at the renewable energy conference, and he said that that program has been a huge success. Farmers have benefited enormously, as have Indigenous communities. Shifting from diesel generators to a combination, usually of diesel generation and renewable energy, has been enormously successful. That in fact should be an ongoing program. We should not stop until all of those who use diesel in this way have had the opportunity to convert to renewables. Only a tiny fraction of those who might take advantage of this program have so far been able to do so. So it is really important that it is there, and I would encourage the government to make sure it is ongoing. Again, National Party members should be up here saying what I am saying—but no.

There is nothing there for compressed natural gas conversions. We did negotiate, again as part of that arrangement with the government back in 1998, for compressed natural gas conversions, but it was a failure. Why was it a failure? It was a failure because the government did not uphold their end of the bargain, which was to fund compressed natural gas service stations. There is no point in having a natural gas car without the stations. I had one for a while; there was one gas retail outlet in a very dark industrial area in North Melbourne, which, frankly, was not safe to go to at night and was out of the way. Until we get natural gas compressors, at the domestic scale, the fleet scale or the public retail outlet scale, we are not going to use this hugely valuable resource, which many cars could be running on. Natural gas has great potential, particularly for fleets but also at the domestic level.
So, as I said, we do not have an ethanol mandate. We have $17 million worth of carrots to hand out to the oil companies, again, to get them to put in bowsers that have E10. They are really not interested in doing that, quite frankly. Oil companies are saying: ‘Why should we promote ethanol blended petrol when we can have 100 per cent of the product and make sure that all the profits come to us? We do not have to buy ethanol from someone else.’ Not all of them are saying that. There are one or two that are doing the right thing; BP in Queensland is, in this case. But try to find one in Victoria; it is almost impossible. The petrol companies will not do it until the government says: ‘We are going to mandate it. This is how we are going to ramp it up and get ready for it. We will plan it with you and so on. We will do it if you say that.’ And then we have to change the law which restricts it to 10 per cent, because vehicles can easily run on 20 per cent. New cars certainly can and, if they cannot, then they should be able to. We know that vehicles being sent to Brazil can do it. Why do we not say to our auto manufacturers, ‘Make sure the vehicles that come off the production line can take higher levels of ethanol’? But no; that seems to be beyond the government’s thinking.

There is no relief for biodiesel from the onerous testing regime for so-called backyard producers such as small producers and farmers. Again, the National Party should be in here, involved in this debate. Because the excuse has been removed from diesel it is now cheaper for farmers to buy petrodiesel than it is to use waste products, grain or whatever they grow in order to make their own. They will eventually cop an excuse. At the present time, going through the onerous regime of getting tested and accredited for producing biodiesel makes it that much more expensive. I am told that farmers out there are pretty angry about what this government has done. (Time expired)

Senator MILNE (Tasmania) (4.03 pm)—Albert Einstein once said that you cannot solve a problem with the same thinking that created it. What we have seen here in the Senate, with the tabling of the Prime Minister’s statement on energy, is exactly the same thinking that created the problem in the first place. It is apparent that the government do not understand what the problem is; and, frankly, from the presentation by the Labor Party, it seems they do not understand what the problem is either. We are facing—

Government senators interjecting—

Senator MILNE—You might well think it is amusing, but we are facing a global crisis with climate change and oil depletion. The ice sheet in Greenland is melting at three times the rate that scientists thought. The sea level rise is predicted to be half a metre by 2100 and they are now revising that upward. That is why I am saying you cannot solve this problem with the same thinking that created it.

Neither the government nor the Labor Party are prepared to recognise that we have to move to reduced fossil fuel use. We need to reduce fossil fuel use, not shift from one fossil fuel to another. We hear that coal to liquids is now the answer. The Centre for Low Emission Technology has said emphatically that, even if carbon capture and storage were 100 per cent successful, the emissions from tailpipes would be the same as from conventional oil. So what is the point in it? What is the point in investing millions or billions in liquids from coal as a transport fuel when you are going to be exacerbating the greenhouse effect? What’s more, they have said that coal to liquids becomes economic only when the oil price goes high enough. They say that it would cost the equivalent of $30 to $40 a tonne to sequester
the carbon and avoid one tonne of greenhouse gas emissions. So the price of oil is going to be very high before gas to liquids becomes feasible, and the price at the bowser way higher than it is now. It is not a solution.

The Prime Minister did not mention once in his entire speech that we need to reduce our dependence on oil. And the best way of reducing our dependence on oil is to redesign our cities to maximise investment in public transport. No. 1, we should have used the surplus in this year’s budget to redesign our cities. The Greens said so at the time; we voted against the budget cuts, the tax cuts, in order to say that the money should have been invested in oil-proofing the country. But no, Treasurer Costello and Prime Minister Howard did not even recognise increased oil prices as a risk to the budget and to the Australian economy. Neither did they see the greenhouse effect, global warming, as a major risk to the economy. The Prime Minister says in his paper, ‘Oh, yes, Hurricane Katrina disrupted refinery supplies.’ He mentions the Alaskan technical problems. Why are they having technical problems in Alaska? It is because their oil is running out. The field is running out. They are injecting more and more water to push the oil out, and that is resulting in corrosion and sedimentation. That is the cause of the technical problems. The hurricane season is about to worsen because of global warming; what is the government’s solution? It is to exacerbate global warming and bring on more storms and more problems. That is not a solution.

We need rapid investment in alternative fuels. We need investment in public transport to reduce our dependence on oil. We need mandatory vehicle fuel efficiency standards; the government votes again and again against mandatory fuel efficiency. We need these things right now. The Treasurer gave $52 million to the Ford company without tying it to vehicle fuel efficiency design. It would have been a simple initiative, but he was not prepared to do it.

In terms of alternative fuels, the greatest hope is lignocellulose; it is not using food crops for fuel crops or petroleum based fertilisers to grow fuel crops to put into ethanol. The greatest hope for ethanol is lignocellulose, and that is where the investment ought to be going today, not into coal to liquids. When we put it to ABARE that we cannot go down the road of coal to liquids because of climate change, what did they say? ‘You put climate change to one side.’ You cannot put climate change to one side.

The Prime Minister also talks about his various initiatives in terms of solar power. I would remind the Senate that Senator Brown many years ago brought in his sun bill, which was designed to take away the diesel fuel rebate and assist people in remote and rural areas to switch over to solar. Wouldn’t it have been a good thing if that had occurred at that time? Now the Prime Minister has suddenly discovered solar.

We also have Martin Ferguson speaking about nuclear power. Suddenly he is really interested in climate change when he wants to expand uranium mining, but when he wants to support the coal industry he is back to coal to liquids. You cannot have it both ways. Either you agree that the world needs technologies that reduce carbon and you act accordingly, or you do not take a consistent position on climate change, and I am afraid that is what is going on here.

The Prime Minister says that a carbon tax would cripple the industry. We had the oil industry in the hearing last week saying that they wanted transparent and finite evidence of subsidies. We are subsidising every one of those oil companies every day, with the ramifications of climate change. I put it to them: at what price should we be putting this climate impact and how long should we give
you that subsidy? Every day the taxpayers of Australia subsidise the coal industry and the oil industry, and this package is yet more money for the coal industry and the oil industry. Almost all the money in the Prime Minister’s package is going to the coal industry for coal to liquids or to the oil industry. Their solution to the fact that we are running out of oil is to say, ‘Let us go and find more.’ I would suggest that the Prime Minister has got his head so far in the sand that he is looking for the oil himself, frankly. That is what the problem is here: they are using exactly the same thinking as they did previously. Why not do what Sweden has done and say, ‘We cannot afford dependence on foreign oil; let us go oil-free by 2020.’ They may not achieve it but at least they will move a long way down the track.

I would also like to remind the Treasurer and all those commentators on economics out there of the appalling news on the current account deficit. We had evidence in the oil inquiry last week from the companies themselves that the shortfall in terms of importing foreign oil could be in the range of $A12 billion to $A25 billion per annum by 2015. The difference between the $12 billion and the $25 billion depends on what you estimate the oil price to be. If you estimate the oil price to be $US50 a barrel, by 2015 the deficit in Australia will be $25 billion per year. Isn’t that a major shock to the Australian economy, and why didn’t Treasurer Costello identify that as a major shock coming down the line? By 2015 we will be importing more than 50 per cent—more like 60 per cent—of our oil. So, in the face of a hideous current account deficit problem facing us right now under the inflationary pressure of having to import foreign oil, does the Prime Minister use the words ‘public transport’ once? Not even once in his whole response. He does not talk about demand-side reduction.

There are two ways of looking at things. You can just assume ‘business as usual’ and try to dredge up more supply at greater cost, or you can say, ‘We can reduce demand by redesigning the way we live, investing in those technologies that will solve both the oil prices and climate change.’ If you are going to exacerbate climate change, you are going to make the global situation worse and it will cost a lot more in the longer term.

The Greens’ proposal is to start seeing oil depletion as real. Peak oil is real. Stop imagining that you just have to go out there and find more. Get your head out of the sand, Prime Minister, and oil-proof Australia, not come up with these short-term, knee-jerk reactions that will make climate change worse and expose us to more shocks in the economy. Let Peter Costello, the Treasurer of this country, focus on a $25 billion deficit each year—and it will go higher than that after 2015. It will go significantly higher in later years, say the oil companies themselves. It is a very sobering thought, very sobering for people pulling up to the petrol bowser today. Let us get off our dependence on oil. Let us do what Sweden has done. Let us aim for an oil-free Australia by 2020 and let us invest the surplus in public transport now. Take the GST off public transport and get this country focused on the real challenges for the future.

Question agreed to.

COMMITTEES
Intelligence and Security Committee
Report
Senator FERGUSON (South Australia) (4.13 pm)—On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the report of the committee entitled Review of administration and expenditure: Australian intelligence organisations: Number 4—recruitment and training. I seek
leave to move a motion in relation to the report.

Leave granted.

Senator FERGUSON—I move:

That the Senate take note of the report.

I present the first review by the Parliamentary Joint Committee on Intelligence and Security of the administration and expenditure of the six intelligence agencies conducted under section 29 of the Intelligence Services Act 2005. Since December 2005, the Parliamentary Joint Committee on Intelligence and Security has had an obligation to review the administration and expenditure, including the annual financial statements, of DIGO, ONA and DIO in addition to those of ASIO, ASIS and DSD, which were previously reviewed under section 29 of the Intelligence Services Act 2001. The committee previously resolved that at least once a parliament it will review broadly the administration and expenditure of the agencies, and, in the intervening years, it narrows its focus to review specific matters of administration and expenditure.

Over the last four to five years, the Australian intelligence and security agencies have been undergoing rapid expansion in staff numbers and have been managing increasing budgets. The review being reported on today examined the recruitment and training strategies of the six intelligence and security agencies in light of that expansion. Much of the evidence taken by the committee at hearings and from submissions was of a classified nature and cannot be tabled in parliament. However, as much information as can be publicly reported, including agency evidence, has been included in this report. An expanded, classified report has been forwarded to ministers and the heads of the intelligence agencies. It reports in detail on evidence heard by the committee regarding the recruitment and training strategies and initiatives of each agency.

The review was not publicly advertised. Detailed submissions were sought and received from each intelligence and security agency and, additionally, letters inviting submissions were sent to a number of individuals and organisations which have had associations with the intelligence services or have had an academic interest in intelligence matters. Only two further submissions were received as a result. The committee took evidence in private hearings from the agency heads and two non-agency individuals and, in the course of the inquiry, the committee met with some trainees during inspections which were conducted at various intelligence facilities. The committee notes that, as the evidence taken in this inquiry was largely confined to the agencies themselves, the committee’s perspective on recruitment and training in the Australian intelligence community might be limited by the narrowness of its evidence base.

The committee heard that it has been and continues to be a real challenge for agencies to find large numbers of suitable new recruits in a very tight marketplace. Once people are recruited, agencies must devote a lot of time and resources to ensure that new recruits are adequately trained to maintain existing high agency standards. Agencies described to the committee a range of initiatives and strategies which they are devising and implementing to meet staffing targets and to retain staff. They have had to rethink and refine their recruiting strategies. The committee was impressed by the range of strategies and initiatives that agencies have devised to meet recruiting goals and to recruit the right people for the agency’s needs while being mindful that they must not become so absorbed in recruitment and training that they risk missing important developments in their operational fields.

CHAMBER
The committee found that agencies are making a substantial effort to review, develop and refine their training to keep it up to date and appropriate to the work of the agency in order to create a highly skilled workforce. The two areas within recruitment and training which were found to be particularly problematic for agencies are: employing, training and retaining linguists; and having new staff security cleared in a reasonable time frame. These two areas were examined by the committee in detail. The committee is satisfied that in spite of the complexity of the issues, the agencies are finding ways to overcome the difficulties to successfully grow while maintaining their high standards. The committee found no serious problems within the agencies regarding recruitment and training at this time.

In conclusion, I would like to thank all the member agencies of the Australian intelligence community for their cooperation with the committee during this review. I would also like to thank members of the committee, who have undertaken their duties in a bipartisan fashion and who recognise the need to put the national interest and effective parliamentary scrutiny of highly sensitive matters before any partisan political interests. The work of the committee continually presents the members with the challenge of reconciling the demands of national security with parliamentary and public scrutiny. I commend the report to the Senate.

Senator ROBERT RAY (Victoria) (4.19 pm)—This is the first annual review produced by this committee of all six agencies. Mr Acting Deputy President, you would recall that legislation about a year ago transferred responsibility for all agencies to the Parliamentary Joint Committee on Intelligence and Security. I think it was quite right for this committee on this occasion to concentrate its efforts on recruiting and training. We are looking at a very large expansion of resources in intelligence and security agencies. We are seeing a very rapid recruiting effort being put in. At any time it is not easy to train an intelligence officer. It is quite a specialised task and it has not been easy to expand that task to meet the increasing demand, but the agencies, it appears to me, are handling the task quite well. Some of these agencies would normally have one course a year and now they are having at least two courses a year to meet the modern-day requirements.

One thing that we note in this report is still an ongoing concern is the difficulty in terms of language skills. It is never an easy area. Australia, in learning second and third languages is a very lazy country. But it is not out of a lack of diligence; it is out of a lack of relevance. It is very easy when you are in Europe to go and learn four or five relevant languages, because you can see the immediate benefit. I always remember many years ago running into a Dutch porter in a French hotel. I asked him why he was there, and he said that he could speak Italian, French, Dutch and German and he had gone to work in a French hotel to learn English because one day he wanted to be a hotel manager. I thought, ‘What a difference.’

In Australia traditionally we have learnt French, German, Latin and a few other things. Students do not find it relevant. When you ask them to learn Asian languages, which ones should they learn—Bahasa, Mandarin, Cantonese, Japanese? There is a big expansion in all those areas, but we are not natural second and third language speakers. We have enormous capacity within the country through migrants, but other than that we just do not have it, and this very much inhibits the work of intelligence agencies. This is what they are trying to rectify.

This particular report makes three recommendations. The first one goes to the budget...
of the Defence intelligence agencies, and there are three agencies: the Defence Intelligence Organisation, Defence Signals Directorate and DIGO—which has to do with satellite imaging. Those are the three agencies that are run out of Defence. Most people would know that Defence has a global budget; it is up to Defence how much it allocates in any particular year to any one of these agencies. But because of the global budget, it is very hard for our committee to be able to make an assessment as to how much is being devoted and how well it is being spent.

The first recommendation is that there be separate financial statements for each of the three agencies. There will be resistance to this. No agency likes increased scrutiny; none volunteers. Years ago, DSD did not want to come under the ambit of this committee. DSD are quite comfortable under the ambit of this committee now; they have got used to it. I did point out to them at the time that coming under the ambit of the committee meant that they spread responsibility when they made mistakes. They at least saw the sense in that. We would like, and we are going to suggest, models for them to bring down financial statements that make their activity all the more understandable.

The second recommendation is an area that has caused grief over many years, and that is the speed of security clearances. There are always backlogs; it is really only the extent to which they exist. Quite clearly, if you are expanding across all these agencies—ASIO being the biggest expansion—you need to have a good security clearance process in place. At times I have worried about the fact that there are different security clearances according to the organisation. It would be quite possible to pass in one and fail in another, and there has been very little mobility of clearances between one agency and another. That can be looked at. One thing I can assure this chamber of is that these agencies are taking that backlog seriously and are dealing with it quite adequately at the moment.

The third area that we have at least flagged is that maybe, at some stage, we will need a general training course for intelligence officers—a bit like ADFA, if you like—and then they will go into individual services from there. That is something that I hope the government will at least take on board.

The events in the United Kingdom in the last week continue to remind us of the challenges that we face. Things have changed in the last three or four years—not necessarily since 11 September, but even later. There was a strong tendency against home-grown terrorists taking action in their own country. It was a very strong cultural imperative that basically was an inhibitor for many years, and it was noted by a whole variety of writers and analysts. That no longer exists.

Part of the threat now comes from within countries, from second and third generation people who have turned to extremism and to terrorism. That is a lot more difficult to combat than infiltrators from outside. We have to try to go to the root causes of that. That is why I am so vehemently opposed to racial profiling—because of the effect that it has on those communities. I do not want to use that as an excuse for them. The reason why this extremism is emerging is far more than racial profiling, but we should not add to it. That is why I was so critical of a cricket commentator last week, because it just added to that. You had an absolute role model—a very strict Muslim—who was effectively ridiculed. That is why it was upsetting.

I do not say that that is the sole reason. We have to go to the fact that this extremism is being promoted by some fanatics in our society. One of the crucial aspects of combating
this is good intelligence. What that will mean is more and more stringent legislation into the future. It is unavoidable. The task of this parliament, if it is to concur with that, is to make sure that maximum scrutiny applies. It has to make sure that when civil liberties are inhibited they are protected. They can be inhibited but they should be protected.

No agency particularly likes scrutiny, but it is an absolute fact that it is necessary. For every increased power we give the Federal Police, the state police and intelligence agencies, we must make sure that there is adequate supervision and that there is some transparency through a parliamentary process. Those agencies are secret by their very nature; therefore, the process cannot be as open as many of the other processes that we endorse in this chamber. But we must insist on them. I heard what Senator Ferguson talked about today, about the cooperation of the agencies, and I endorse what he said. We have had excellent cooperation from the agencies and full transparency when required. We have also had a touch of sensitivity from them, and we as politicians—you know how robust we are—find that a bit hard to understand. Nevertheless, it exists.

The next annual review will, no doubt, not concentrate on recruitment and training; it will concentrate on other aspects of security and intelligence matters in Australia. The committee has had a knock-on effect. Moving all these agencies to within this particular committee’s purview has meant that far less time has been spent on the other agencies at the estimates committee process. There will always be some questions, because some groups in this chamber are not part of the joint intelligence and security committee scrutiny, and we always have to leave it open for them to pursue issues. But it does mean that generally this committee can examine these matters.

I think it has been of some advantage to have this committee staffed mostly by senators and members whose careers are behind them rather than in front of them—although I do note that Senator Nash has now come on the committee, and I am sure that is not the case with her—and I do not mean to bag anyone by saying that. It means that you can be a little more courageous and a little more vigorous. After all, what can they do to Senator Ferguson and me?

Senator BARTLETT (Queensland) (4.29 pm)—As I have mentioned a number of times in this place with regard to reports from this committee, the crossbenchers do not have representation on this committee; therefore, we are not in a position to participate in the formulation of reports such as this or any of the inquiries which are, in some circumstances, held behind closed doors. Nonetheless, I find from experience that the reports are very informative. As I have not been part of this committee I have not had a chance to read this one yet, but I would like the opportunity to comment on it after having done so. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Treaties Committee Report

Senator WORTLEY (South Australia) (4.30 pm)—On behalf of the Joint Standing Committee on Treaties, I present the 75th report of the committee, entitled Treaties tabled on 11 October 2005, 28 February and 28 March 2006. I seek leave to move a motion in relation to the report.

Leave granted.

Senator WORTLEY—I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.
The statement read as follows—

Report 75 contains the findings and binding treaty action recommendations for the Committee’s review of seven treaty actions tabled in Parliament on 11 October 2005, 28 February and 28 March 2006. I will comment on all the treaties reviewed.

The Convention on the Marking of Plastic Explosives for the Purpose of Detection was drafted in response to the 1988 bombing of PAN Am Flight 103 over Lockerbie, Scotland, which claimed 270 lives, and is intended to inhibit the improper and unlawful use of plastic explosives.

The Convention would oblige Australia to mark plastic explosives with the detection chemical DMNB, and also prohibit and prevent the manufacture and the movement into and out of its territory of unmarked plastic explosives. Upon the Convention’s entry into force, Australia would be required to take necessary measures to destroy, as soon as possible, unmarked plastic explosives already manufactured.

The Committee is supportive of research in the area of marking, tagging and detecting plastic explosives, but remains concerned that this technology is not yet scientifically exact. The Committee also believes that the Convention will provide additional impetus for technological development and international technology sharing in marking and detecting plastic explosives. Further, acceding to this treaty will signify Australia’s continued commitment to combating the threat of global terrorism and serve to strengthen Australia’s reputation as an authority on counter terrorism initiatives in the Asia-Pacific Region. Accession to this Convention, will see Australia a party to all 13 of the UN’s conventions and protocols on terrorism.

The Exchange of Notes constituting a Treaty between the Government of Australia and the Government of the Republic of Singapore to amend the Singapore-Australia Free Trade Agreement changes the Agreement in the interest of improved trade, in relation to joint law ventures and formal law alliances; removes Singapore’s numerical quota on wholesale bank licences, and includes Australian State and Territory Government reservations in a number of areas such as professional services.

The Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage establishes a third tier of compensation for oil tanker spill victims where the maximum amount of compensation available under the previous two tiered system is insufficient. By comparison, the International Convention on Civil Liability for Bunker Oil Pollution Damage establishes a liability and compensation regime for oil spill pollution from non oil tanker ships.

The Agreement establishing the Pacific Islands Forum will replace its predecessor agreement to give the Forum international status. In addition, the Forum’s Secretariat will be restructured to focus it on governance, security, economic growth and sustainable development in the Pacific region.

The Amendments to Annexes VIII and IX of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal will clarify which wastes are and are not covered by the Convention. Specifically it refers to waste metal cables and depending on their coating indicates whether they are a hazardous material under the Basel Convention.

Unfortunately, these Amendments entered into force on 8 October 2005 and the Amendments and NIA were not tabled until 28 March 2006. The Minister for Environment and Heritage has informed the Committee there are now procedures in place to ensure such treaty actions are referred to the Committee for inquiry.

The proposed Agreement between the Government of Australia and the Government of New Zealand in relation to Mutual Recognition of Securities Offerings will allow securities and managed investment interests to be offered in both Australia and New Zealand with the same offer documents. This removes one regulatory barrier for business and will lead to greater coordination of business law between Australia and New Zealand.

I commend the report to the Senate.

Question agreed to.
DELEGATION REPORTS
Parliamentary Observer Delegation to Solomon Islands

Senator PAYNE (New South Wales) (4.30 pm)—by leave—I present the report of the Australian parliamentary observer delegation to the Solomon Islands, which took place from 31 March to 8 April 2006. I seek leave to move a motion to take note of the document.

Leave granted.

Senator PAYNE—I move:

That the Senate take note of the document.

This is a brief report from a delegation of parliamentary members and officials from the Department of Foreign Affairs and Trade, AusAID and the ADF, amongst other areas, which visited the Solomon Islands in April of this year to observe the election which took place on 5 April. I want to thank my parliamentary colleagues Michael Ferguson and Bob Sercombe and other delegation members from both DFAT and AusAID for their assistance and contribution to the delegation. I particularly want to acknowledge Mr Bob Longland, a former electoral commissioner in the state of Queensland, whose professional expertise was very valuable to the committee, both in its consideration whilst in the Solomon Islands and in the development of this report, particularly the technical recommendations which appear as an appendix to the report.

I should also acknowledge an officer of the department, Anita Butler, for her significant effort in pulling together this report. Coordinating a number of members of the parliament, a range of officials and others is a very difficult task, and I think she has done an exceptional job and that we are tabling a very good report. I also want to acknowledge Ruth Pearce, who represented the Australian delegation as the senior official both at the beginning, before we were able to leave the sitting of the parliament, and at the conclusion of the election period, at the issuing of the joint interim statement on behalf of international observers.

The delegation went to the Solomon Islands with a particular set of terms of reference. We were established by the Australian government at the request of the government of the Solomon Islands and had four main objectives. The first was to observe relevant aspects of the organisation and conduct of the 5 April national election in the Solomon Islands, particularly assessing compliance with the electoral framework. The second objective was for the presence and visibility of the delegation to instil voter confidence as far as possible and to signal Australia’s very strong interest in the successful conduct of the election. The third objective was to make a judgement, as appropriate, on the extent to which conditions existed for a free and fair election and to which the election result reflected the will of the people of the Solomon Islands. The final objective was to provide constructive recommendations as appropriate to assist future electoral reform and the strengthening of democratic processes in the Solomon Islands.

This was, of course, the first election to take place in the Solomons since RAMSI, the Regional Assistance Mission to the Solomon Islands, arrived in July 2003. The national elections which were held in 2001 were generally deemed to be free and fair but were held in an atmosphere of strong intimidation and a generally fraught environment, particularly as a result of the presence of a significant number of firearms. RAMSI, in the time it has been in place in the Solomon Islands, has removed in excess of 3,600 firearms from the Solomon Islands community. That act, along with the restoration of law and order, some work on the electoral act and a very widespread civic and voter education...
campaign, has gone a long way to making sure the environment for these elections was very different—and it was indeed. I want to commend officers of RAMSI, particularly the head of RAMSI, James Batley, and Australian representatives in particular from the ADF, the Australian Federal Police, the state police services and the Australian Protective Service who are present in the Solomon Islands on an ongoing basis as part of that process.

This was a very important election for the people of the Solomon Islands. It was an opportunity for them to participate in a free and fair electoral process which many of us—if not overwhelmingly the majority—in Australia take fairly much for granted. The Australian group was part of a significant number of international observers, including the Pacific Islands Forum Secretariat, the Commonwealth Secretariat, New Zealand, Japan and the United States. Our Australian group was deployed across seven different locations. This enabled us during the days before the election, on polling day and, for some, during the count afterwards to cover over 50 polling stations across the Solomon Islands. It is a very disparate community. The islands are far flung. From time to time, travel between them for those observers who were moving around to polling stations was by boat, four-wheel drive vehicle, small plane, helicopter and so on. Given the remoteness and the difficulties of access, it was a many and varied experience for observers.

We were very keen to support local Solomon Islanders in the work that they were doing as electoral officials. We went out of our way to meet those in the locations to which we were deployed to get feedback from them as to how well they were supported by the Solomon Islands Electoral Commission and what processes they had undergone to get to that point. We had opportunities to observe both the opening and closing of polling places and ballot boxes—the normal procedures that one would expect. We were very pleased to see the level of rigour that was applied through the work of the Solomon Islands Electoral Commission.

The Australian Electoral Commission has played a very significant role in that process. We have had a small team of Australian Electoral Commission officials in the Solomon Islands for some time, working with SIEC on preparations for this election. The voter education campaign in particular was remarked upon by locals as having been very useful in preparing them for this ballot. As a revolution in some ways in the electoral process of the Solomon Islands, it introduced the single ballot box and the single ballot paper, as a result of consultation with the AEC over some time, and that made a real change to the level of confidence people coming to the ballot box on that day had in the secrecy and fairness of the voting procedure.

Our general observations, which came together with those of other observers to form the interim observer statement, included the fact that polling day was essentially peaceful, calm and friendly. Voters were enthusiastic about casting their votes and many who had the opportunity to speak to members of our delegation spoke of their wish to see parliamentarians with integrity elected to their parliament. The turnout was significant. There are issues with the voter roll, and we have made technical recommendations in that regard. The habit, for example, of being enrolled in the capital city of Honiara and also in your home district tends to lead to some variations between the numbers on the electoral roll and the numbers who turn out on voting day.

The polling stations were very well organised. Information was available for people who needed to perhaps reread the voter edu-
cation material. In the overwhelming majority of cases, the electoral officials were seen to have performed very well. The police presence was, as it should have been, generally unobtrusive. Both the Royal Solomon Islands Police and the PPF officers patrolled in roving movements across the islands, and that was mostly welcomed and not seen as intimidatory in any way.

I have noted the effectiveness of the civic education campaign. I would also like to note briefly the usefulness of the Commonwealth Secretariat’s efforts in encouraging domestic observers to participate for the first time in an election in the Solomon Islands. In an environment which has previously been tense and which has had difficulties in terms of free and fair elections, that can be a very challenging role for a local to take up. We were very pleased to see the confidence with which those Commonwealth Secretariat trained domestic observers went about their roles. As I said, we also noted some concerns in relation to the electoral roll and have made some technical recommendations in that regard.

As I noted, we were not able to cover the Solomon Islands from east to west and from north to south. That was far beyond our capacity—and our ambit, for that matter. But, notwithstanding those constraints and although our findings are based on the relatively short period of time we had in which to make our observations, we were very keen to compliment both the Solomon Islands Electoral Commission and the Solomon Islands government on the execution and success of a very complex logistical undertaking. It is not a simple task to carry out an election for a country of over 900 islands scattered over 1.34 million square kilometres of ocean and which has more than 60 different languages and an illiteracy rate of 24 per cent, based on the 1999 census. We particularly commend the excellent work of AEC advisers and the SIEC and the contribution of all of the members of RAMSI and other states of the Pacific.

We note in our report that the delegation was not charged with any observer responsibility in relation to the election of the Prime Minister. That is another matter in the process in the Solomon Islands and may be something that they wish to take up further. I commend the technical recommendations in the report to those who are interested.

Question agreed to.

Meeting of the Inter-Parliamentary Working Group on Reform

Senator MARSHALL (Victoria) (4.41 pm)—by leave—I present a report on the meeting of the Inter-Parliamentary Working Group on Reform, which took place in Geneva on 17 and 18 July 2006.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Watson)—Order! The President has received letters from a party leader seeking variation to the membership of committees.

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (4.42 pm)—by leave—I move:

That Senator Kirk be appointed as a participating member of the Community Affairs Legislation and References Committees.

Question agreed to.

THERAPEUTIC GOODS AMENDMENT BILL (No. 3) 2006

AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (EXPORT CONTROL AND QUARANTINE) BILL 2006

First Reading

Bills received from the House of Representatives.
Senator ELLISON (Western Australia—Minister for Justice and Customs) (4.43 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion 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 ELLISON (Western Australia—Minister for Justice and Customs) (4.43 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

THERAPEUTIC GOODS AMENDMENT BILL (No. 3) 2006

I am pleased to introduce the Therapeutic Goods Amendment Bill (No. 3) 2006.

The amendments provided for in this bill are necessary to allow or require manufacturers of medicines, blood and tissues, to apply for a manufacturing licence electronically, using the TGA’s e-business system. As a result of the implementation of this amendment, manufacturers would be able to monitor progress with their licence applications and electronically submit requests for changes to their licences.

Paragraph 37(1)(a) of the Therapeutic Goods Act 1989 currently specifies that an application for a manufacturing licence must be made in writing in accordance with a form approved by the Secretary. In October 2004, the TGA implemented a new computerised system for managing licence applications, the conduct of good manufacturing practice audits, and other licence issues. This new Manufacturer Information System (MIS) was designed to allow for electronic licence application. This amendment is required to enable this function to be utilised. It is expected that the majority of applications for manufacturing licences will be lodged electronically.

The electronic licence application does not require any information beyond that already required by the approved paper application. The electronic application form is also designed to allow documentation requested to accompany the application to be submitted electronically.

Electronic applications for manufacturing licences will facilitate the speedy submission of applications by manufacturers and the efficient handling of applications by the TGA.

AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (EXPORT CONTROL AND QUARANTINE) BILL 2006

The purpose of this bill is to amend the Export Control Act 1982 and the Quarantine Act 1908 to:

• extend the definition of ‘preparation’ to the catching of fish, the definition of ‘premises’ to places in and on water and insert a definition for ‘fish’ in the Export Control Act;
• create four new offences in the Export Control Act to enable the Commonwealth to prosecute those people who fail to properly prepare goods that are exported;
• extend the services for which fees may be charged under the Export Control Act to services provided by the Secretary or the Secretary’s delegate;
• clarify the use of certain terms in the Export Control Act;
• provide a legal basis for the recovery of fees for quarantine services provided under the Quarantine Act to other Commonwealth bodies.

The amendments to the Export Control Act concerning the extension of the definition of “preparation” and “premises” and the inclusion of a definition for “fish” will remove any doubt that the Commonwealth has appropriate legal authority to regulate the sourcing of fish intended for export. The authority to regulate the sourcing of fish is necessary to ensure ongoing access for exported product into overseas markets and to
protect consumers by ensuring that fish, including shellfish are harvested from areas that do not contain pathogenic organisms, biotoxins and chemical contaminants at levels that may represent a threat to consumer health.

The creation of four new offence provisions is in response to a serious gap in the Export Control Act. Currently, the offence provisions in the Act focus on persons involved with goods in the post-preparation phase with the result that persons who are the occupiers of establishments where the preparation of the goods occurs are immune from the serious penalties that apply to other offenders under the Act. The new offences focus on the person responsible for the preparation of the goods for export.

To preserve the integrity of the export chain it is very important that key players in the chain, such as occupiers of establishments where food is prepared for export, are made responsible for activities at their establishment. The export of prescribed goods that have not been properly prepared can have serious implications for Australia’s trade in food.

Two of the four offences apply strict liability to some of the physical elements of the offences. The application of strict liability in these circumstances is important as otherwise persons in control of food preparation establishments can avoid the consequences of non-compliance with the law by simply saying that they were not aware of what was occurring at their establishment. The application of strict liability to these offences is likely to significantly enhance the effectiveness of the enforcement regime by requiring such people to have systems in place to ensure that the law is complied with. The maximum penalty for these offences is 60 penalty units. This level of penalty is consistent with the Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers issued by the authority of the Minister for Justice and Customs. The other two offence provisions each impose a maximum penalty of imprisonment for 5 years. This level of penalty is consistent with the penalties in sections 7A and 8 of the Act.

The bill also amends the regulation making power of the Export Control Act to enable fees to be charged for services provided by the Secretary or a delegate of the Secretary. Currently, fees can be charged for (amongst other things) the services of authorised officers appointed under the Export Control Act but not for services provided by the Secretary or a delegate of the Secretary. This amendment will overcome this anomaly and ensure that AQIS can charge for the full range of services it provides.

The bill also makes a number of amendments to remove inconsistent usage of the expressions “registered premises” and “registered establishment” in the Export Control Act. As a result of these amendments the expression “registered establishment” will replace all references to “registered premises”. These changes are minor and technical and are not intended to change the effect of any of the provisions that are amended.

The bill amends the Quarantine Act to facilitate cost recovery between the Australian Quarantine and Inspection Service (AQIS) and the rest of the Commonwealth. In particular, the new section, section 86EA, imposes a notional liability on the Commonwealth to pay the fees for quarantine services specified in a determination made under subsection 86E (1B) of the Quarantine Act. The effect of this amendment is to give AQIS the authority to require payment from agencies and other Commonwealth bodies for quarantine services and to give these agencies and other Commonwealth bodies the legal authority to make payments to AQIS for quarantine services.

Debate (on motion by Senator Ellison) adjourned.

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

MIGRATION AMENDMENT (DESIGNATED UNAUTHORISED ARRIVALS) BILL 2006
Consideration of House of Representatives Message

Message received from the House of Representatives forwarding the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 for concurrence.
COMMITTEES

Procedure Committee

Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (4.44 pm)—I move:

That—

(1) The standing orders and other orders of the Senate be amended as set out in the report with effect from 11 September 2006.

(2) The temporary order, relating to substitute members of committees, as set out in the report be adopted with effect from 11 September 2006 till the first sitting day in 2007.

The document read as follows—

25 Legislative and general purpose

(1) At the commencement of each Parliament, legislative and general purpose standing committees shall be appointed, as follows:

- Community Affairs
- Economics
- Employment, Workplace Relations and Education
- Environment, Communications, Information Technology and the Arts
- Finance and Public Administration
- Foreign Affairs, Defence and Trade
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport.

(2) The committees shall inquire into and report upon:

(a) matters referred to them by the Senate, including estimates of expenditure in accordance with standing order 26, bills or draft bills, annual reports in accordance with paragraph (20); and

(b) the performance of departments and agencies allocated to them.

(3) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Senate allocating departments and agencies to the committees.

(4) The committees shall inquire into and report upon matters referred to their predecessor committees appointed under this standing order and not disposed of by those committees, and in considering those matters may consider the evidence and records of those committees relating to those matters.

(5) The committees shall consist of 8 senators, 4 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and one nominated by minority groups and independent senators.

(6) (a) The committees to which minority groups and independent senators make nominations shall be determined by agreement between the minority groups and independent senators, and, in the absence of agreement duly notified to the President, any question of the representation on a committee shall be determined by the Senate.

(b) The allocation of places on the committees amongst minority groups and independent senators shall be as nearly as practicable proportional to the numbers of those minority groups and independent senators in the Senate.

(7) (a) Senators may be appointed to the committees as substitutes for members of the committees in respect of particular matters before the committees.

(b) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committees.

(c) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on
any questions before the committees.

(d) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(8) A committee may appoint sub-committees consisting of 3 or more of its members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.

(9) (a) Each committee shall elect as its chair a member nominated by the Leader of the Government in the Senate.

(b) Each of 6 committees shall elect as its deputy chair a member nominated by the Leader of the Opposition in the Senate, and each of 2 committees shall elect as its deputy chair a member of a minority group in the Senate.

(c) The deputy chairs to which members nominated by the Leader of the Opposition in the Senate and members of minority groups are elected shall be determined by agreement between the opposition and minority groups, and, in the absence of agreement duly notified to the President, any question of the allocation of deputy chairs shall be determined by the Senate.

(d) Each committee shall elect one of its members as its deputy chair and the member so elected shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(e) When votes on a question before a committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

(f) The chair, or the deputy chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(10) The chairs and deputy chairs of the committees, together with the chairs and deputy chairs of any select committees appointed by the Senate, shall constitute the Chairs’ Committee, which may meet with the Deputy President in the chair, and may consider and report to the Senate on any matter relating to the operations of the committees.

(11) Except as otherwise provided by the standing orders, the reference of a matter to a committee shall be on motion after notice, and such notice of motion may be given:

(a) in the usual manner when notices are given; or

(b) at any other time by a senator:

(i) stating its terms to the Senate, when no other business is before the chair, or

(ii) delivering a copy to the Clerk, who shall report it to the Senate at the first opportunity; and shall be placed on the Notice Paper for the next sitting day as business of the Senate and, as such, shall take precedence of government and general business set down for that day.

(12) Matters referred to the committees should relate to subjects which can be dealt with expeditiously.

(13) A committee shall take care not to inquire into any matters which are being examined by a select committee of the Senate appointed to inquire into such matters and any question arising in this connection may be referred to the Senate for determination.

(14) A committee and any sub-committee shall have power to send for persons and documents, to move from place to
place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(15) All documents received by a committee during an inquiry shall remain in the custody of the Senate after the completion of that inquiry.

(16) A committee shall be empowered to print from day to day any of its documents and evidence. A daily Hansard shall be published of public proceedings of a committee.

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

(18) A committee may report from time to time its proceedings and evidence taken and any recommendations, and shall make regular reports on the progress of its proceedings.

(19) A committee may authorise the broadcasting of its public hearings, under such rules as the Senate provides.

(20) Annual reports of departments and agencies shall stand referred to the committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:

(a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory.

(b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration.

(c) Investigate and report to the Senate on any lateness in the presentation of annual reports.

(d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate.

(e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates.

(f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.

(g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports.

(h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.

26 Estimates

(1) Annual and additional estimates, contained in the documents presenting the particulars of proposed expenditure and additional expenditure, shall be referred to the legislative and general purpose standing committees for examination and report.

(2) The committees shall hear evidence on the estimates in public session.

(3) Not more than 4 committees shall hear evidence on the estimates simultaneously.

(4) When a committee hears evidence on the estimates, the chair shall, without motion, call on items of expenditure in the order decided upon and declare the proposed expenditure open for examination.

(5) The committees may ask for explanations from ministers in the Senate, or
officers, relating to the items of proposed expenditure.

(6) The report of a committee on the estimates may propose the further consideration of any items.

(7) A Hansard report of the committees’ hearings of evidence on the estimates shall be circulated, in a manner similar to the daily Senate Hansards, as soon as practicable after each day’s proceedings.

(8) Participating membership of committees shall not have effect in respect of proceedings on estimates, other than the formation of a quorum, but any senator may attend a meeting of a committee in relation to estimates, question witnesses and participate in the deliberations of the committee at such a meeting and add a reservation to a report relating to estimates.

(9) After a committee has considered proposed expenditure referred to it by the Senate and agreed to its report to the Senate, the committee shall fix:

(a) a day for the submission to the committee of any written answers or additional information relating to the proposed expenditure; and

(b) in respect of the annual estimates only, a day for the commencement of supplementary meetings of the committee to consider matters relating to the proposed expenditure.

The day fixed under subparagraph (9)(b) shall be not less than 10 days after the day fixed under subparagraph (9)(a).

(10) A senator may lodge with a committee, not less than 3 working days before the day fixed under subparagraph (9)(b), notice of matters, relating to the written answers or additional information, or otherwise relating to the proposed expenditure referred to the committee, which the senator wishes to raise at the supplementary meetings of the committee. A notice shall be forwarded by the committee to the minister in the Senate responsible for the matters to which the notice relates.

(11) A committee may determine at any time the number and duration of any supplementary meetings.

(12) At a supplementary meeting, questions may be put to ministers or officers relating to matters of which notice has been given, and the proceedings of the committee shall be confined to those matters, but the committee shall otherwise conduct the proceedings in accordance with this standing order.

(13) A committee may report to the Senate any recommendation for further action by the Senate arising from the committee’s supplementary meetings.

(14) Written questions relating to the estimates may be supplied to the secretaries of the committees, who shall distribute them to the relevant departments and to members of the committees. Answers shall be supplied to, and circulated by, the secretaries.

74 Questions on notice

(1) Notice of a question shall be given by a senator signing and delivering it to the Clerk, fairly written, printed, or typed. Notice may be given by one senator on behalf of another.

(2) The Clerk shall place notices of questions on the Notice Paper in the order in which they are received.

(3) The reply to a question on notice shall be given by delivering it to the Clerk, a copy shall be supplied to the senator who asked the question, the publication of the reply is then authorised, and the question and reply shall be printed in Hansard.

(4) A senator who has received a copy of a reply pursuant to this standing order may, by leave, immediately after questions without notice, ask the question and have the reply read in the Senate.
(5) If a minister does not answer a question on notice asked by a senator within 30 days of the asking of that question, or if a question taken on notice during a hearing of a legislative and general purpose standing committee considering estimates remains unanswered 30 days after the day set for answering the question, and a minister does not, within that period, provide to the senator who asked the question an explanation satisfactory to that senator of why an answer has not yet been provided:

(a) at the conclusion of question time on any day after that period, the senator may ask the relevant minister for such an explanation; and

(b) the senator may, at the conclusion of the explanation, move without notice—That the Senate take note of the explanation; or

(c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion with regard to the minister’s failure to provide either an answer or an explanation.

115 Committal

(1) After the second reading, a bill shall be considered in a committee of the whole immediately, unless:

(a) the bill is referred to a standing or select committee; or

(b) no senator has:

(i) circulated in the Senate a proposed amendment or request for amendment of the bill, or

(ii) required in debate or by notification to the chair that the bill be considered in committee of the whole.

(2) After a bill has been read a second time a motion may be moved:

(a) without notice for referring the bill to a committee;

(b) on notice for an instruction to the committee of the whole.

(3) The further consideration of a bill referred to a standing or select committee shall be an order of the day for:

(a) where a day is fixed for the report of the committee, that day; or

(b) where no day is fixed for the report of the committee, the sitting day next occurring after the day on which the committee reports on the bill.

(4) Where proposed expenditure has been considered and reported on by a legislative and general purpose standing committee, an appropriation bill authorising that proposed expenditure shall not be considered in committee of the whole, unless, prior to the further consideration of the bill subsequent to the second reading, a senator has circulated in the Senate a proposed amendment or request for amendment of the bill.

(b) Where an appropriation bill is considered in committee of the whole in accordance with this paragraph:

(i) the only questions put by the chair shall be:

(a) that any amendment or request for amendment moved to the bill be agreed to, and

(b) that the bill be reported with any amendment or request for amendment agreed to by the committee; and

(ii) debate shall be confined to the purpose of any amendment or request for amendment moved to the bill.

(c) At any stage of the consideration of an appropriation bill, other than in committee of the whole, an amendment, other than an amendment or a request for an amendment to the bill, arising from a recommendation of a legislative and general purpose
standing committee, may be moved to the question before the chair.

(5) When the order of the day relating to a bill which is the subject of a committee report pursuant to standing order 24A is called on, the following procedures shall apply:

(a) A motion may be moved without notice that the report of the committee be adopted (if the committee has recommended amendments to the bill, this motion shall have the effect of amending the bill accordingly, but may not be moved if other proposed amendments to the bill have been circulated in the Senate by a senator).

(b) If a motion under subparagraph (a) is moved, following the disposal of that motion a motion may be moved by a minister, or, in respect of a bill introduced into either House of the Parliament other than by a minister, by the senator in charge of the bill, that consideration of the bill be an order of the day for a future day, or that the bill not be further proceeded with.

(c) If no motion under subparagraph (a) or (b) is agreed to, a motion may be moved without notice that the bill again be referred to the committee for reconsideration, provided that such motion:

(i) indicates the matters which the committee is to reconsider, and

(ii) fixes the day for the further report of the committee, and if such motion is agreed to the bill shall stand referred to the committee, and the further consideration of the bill shall be an order of the day for the day fixed for the further report of the committee.

(d) If no motion under subparagraph (b) or (c) is agreed to, consideration of the bill shall be resumed at the stage at which it was referred to the committee, provided that, if the consideration of the bill in committee of the whole has been concluded and the committee has recommended amendments to the bill or requests for amendments, the bill shall again be considered in committee of the whole.

(6) On a motion on notice and a motion under this standing order to refer a bill to a committee, and on an amendment for that purpose to a question in respect of any stage in the passage of a bill after its second reading, a senator shall not speak for more than 5 minutes, and at the expiration of 30 minutes, if the debate be not sooner concluded, the President shall put the question on the motion and any amendments before the chair, but if a senator wishes to move a further amendment at that time, that amendment may be moved and shall be determined without debate.

Procedural Orders of Continuing Effect—

Committees

6 Reference of Tax Expenditures Statement to committees considering estimates

The annual Tax Expenditures Statement stands referred to legislative and general purpose standing committees for consideration by the committees during their examination of the estimates of government expenditure under standing order 26.

Parliamentary secretaries

19 Powers

(1) Any senator appointed a parliamentary secretary under the Ministers of State Act 1952 may exercise the powers and perform the functions conferred upon ministers by the procedures of the Senate, but may not be asked or answer questions which may be put to ministers under standing order 72(1) or represent a Senate minister in relation to that minister’s responsibilities before a
legislative and general purpose standing committee considering estimates.

(2) This order is of continuing effect.

Broadcasting of Senate and Committee Proceedings—

3 Broadcasting of proceedings of committees when considering estimates

The public proceedings of legislative and general purpose standing committees when considering estimates may be relayed within Parliament House and broadcast by radio and television stations in accordance with the conditions contained in paragraphs (4) and (5) of the order of the Senate relating to the broadcasting of committee proceedings, and in accordance with any further conditions, not inconsistent with the conditions contained in those paragraphs, determined by a committee in relation to the proceedings of that committee.

Temporary order—Substitute members of committees

The following operate as a temporary order with effect from 11 September 2006 till the first sitting day in 2007:

If a member of a committee appointed under standing order 25 is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

The report notes that the Procedure Committee proposes to keep that matter under review. I will not say much more about that, other than to say that this came about as a result of deliberations by the Procedure Committee, in looking at changes to the Senate committee system. I think it is fair to say that, after reflection, people thought that the current procedures for dealing with a change in participation in Senate committees—which involves using the chamber—have been somewhat unwieldy on occasions. I think this recommendation proposes a more efficient means of dealing with that substitution, should it be necessary.

Of course, that is not the main part of the motion that I have moved. The main part deals with the amendment to standing orders. I think we need to look at the background to this. At the 2004 election, the Howard government achieved a majority in the Senate as a direct result of votes that were cast at that election. This was a first for the government of the day—and a first for some period of time. Along with that majority came consideration of other changes in relation to the Senate and how it operated. One was to deal
with question time—and there is a precedent for that; that is, the make-up of questions to reflect the make-up of the chamber.

Similarly, the government also thought that the committee system needed a review. Based on input from coalition backbench senators, it was believed that there needed to be some efficiency and that the unnecessary complexity in the system should be addressed. With that in mind, we looked to the Senate committees as they had been set up under previous governments. Basically, our proposal is to reform the Senate committee system and return it to the terms under the previous Hawke Labor government. Of course, the Labor opposition and others have indulged in a great deal of rhetoric—and conveniently so when you look at the fact that that rhetoric totally ignores the history of the Senate committee system since its introduction in 1970.

The government believes that the history of the Senate committee system demonstrates that it is an evolving process—that it has changed from time to time. Indeed, there were changes made in 1994 when we had the splitting of the Senate committees into two—the legislation committees and the references committees. That, of course, reflected those committees that would deal with bills and those committees that would deal with other references. What has become apparent—apart from the other issues that I have mentioned—is that the duplication in relation to those Senate committees is unnecessary. Indeed, on some occasions, the references committees have had bills referred to them, when that was not the original design of such committees.

**Senator Robert Ray**—The second reading only. You know that.

**Senator ELLISON**—They were. I think those who oppose these proposed reforms by the government ignore a number of issues. They ignore not only the history of the matter but also the fact that we will continue to have estimates hearings. We will continue to have four weeks of estimates hearings every year. That is a fact. That remains as is. There have been those who have suggested that, in some way, the scrutiny of the Senate will be diminished because of this change. Estimates hearings, I would suggest, are perhaps the most crucial part of Senate scrutiny—and they will remain as is. The Senate will also continue to have a full question time. If one looks at the statistics, one can see that, of the just over 1,000 questions put to ministers, 800 were asked by non-government senators. That is hardly a reduction in accountability by the Senate.

I have dealt with estimates hearings and question time, and there is of course the debates in the Senate. Of the 29 longest debates we have had in relation to bills that have been dealt with in the Senate, 14 of them were Howard government bills. That demonstrates the time that has been allowed for the debate of bills in the Senate chamber.

We have also seen continued reference to Senate committees of issues and legislation. When you look at the reference of matters to committees, you see that even with a Senate majority the Howard government has continued to refer legitimate issues to Senate committees—71 bills and 15 other issues have been referred in the past 12 months. In fact, in the first six months of this year we have referred more bills to committees than the Labor government did in each of the years of 1991, 1993 and 1995. That is under a government that has a majority, and under a government which is supposedly neutering the effect of the Senate and the accountability regime of the Senate. It is a government which the opposition and others have termed as arrogant and intent on reducing the Senate’s role.
Senator Sherry—True. Out of touch as well—divided, incompetent.

Senator ELLISON—I have just gone through in order a whole range of areas in which Senate scrutiny has been not only maintained but increased. I heard Senator Sherry saying that the government is not in touch. I think that the best way you can ever gauge whether any party is in touch with the people of Australia is when they are brought to account at election time, and I simply refer to recent elections.

Senator Ferguson—The last four.

Senator ELLISON—The last four, Senator Ferguson reminds me. That is the measure of how much you are in touch, Senator Sherry. It is not a question of the interjections in the Senate chamber. It is a question of policy and it is a question of whether the Australian community, in a democratic fashion, places its trust in a certain party to govern the country for the next three years.

Quite rightly so, every three years we go to the people of Australia and the people of Australia determine who is in touch. We have said, and the Prime Minister has said, that we do not take one thing for granted. We do not take anything for granted in dealing with issues which affect the people of Australia, and we continue to work on them on a daily basis. This is part of that. It is part of ensuring that the Senate will work in an efficient manner, that it reflects a fair make-up of the chamber and that there continues to be accountability, as I have outlined, in relation to estimates hearings, question time, the referral of matters and bills to committees and also in relation to the time allowed for debate.

We have a record in the last 12 months of a majority by this government which demonstrates that the accountability of the Senate has been maintained and that we will continue to maintain the Senate in its proper role. But, as an elected government, we will not have a situation in which the will of the people of Australia is thwarted or obstructed by unreasonable and inappropriate actions. We have said that on occasion when we have come to crucial pieces of legislation which we have put forward in this chamber. We are a government which has been duly elected, and the will of the people has been reflected. Albeit that some people in this chamber might disagree with it and regret it very much, the fact is that this government has a majority in the Senate as a result of an election by the people of Australia. It is only fair that those policies that we have been elected on are then allowed to be progressed.

Senator Sherry interjecting—

Senator ELLISON—The interjections by Senator Sherry demonstrate clearly just how out of touch he is. I remind him of the policies that the government has gone to four elections on. I will not enter into an IR debate here. We have other times to do that. But one thing I can say is that the IR policy of the government has been very clearly a centre-piece of our place on the stage of Australian politics. Getting back to the motion, it has two aspects to it. One is to reform the committee process in the Senate and the other is to deal with a temporary order for the substitution of members of committees. Both are a step in the right direction and I commend them to the Senate.

Senator Robert Ray (Victoria) (4.56 pm)—Some months ago Senator Minchin, by way of correspondence, announced the execution of the Senate committee system as we know it. What we are doing today is reading out the will. And it has to be understood that our cooperation on the Senate Standing Committee on Procedure is based on trying to maximise the best position for this chamber within the constraints that the government has placed on it.
We have heard from the Manager of Government Business in the Senate today. He has adopted a very sound political technique: if the matter has a bit of heat in it, take all the oxygen out of the debate—Mogadon it. And that is precisely what he has done in his contribution today. I mean, talk about intellectual sloth! There is hardly any passion or any argument that he can put forward, other than to read out a few platitudes that he in his heart of hearts knows are wrong. I must say, though, what a big improvement he is on the previous manager. There are no temper tantrums from this minister, no petulance, no puerile accusations.

Senator Faulkner—Did you say ‘puerile’?

Senator ROBERT RAY—Puerile. He has read out the government case. He has done his job. I will come back to the rationale behind the government later on. But just remember the system we had in 1995: seven select committees, they set up, as well as the other 16 committees that were running and all the others in the parliament. They set up seven select committees to investigate everything.

Senator Sherry interjecting—

Senator ROBERT RAY—Well, Senator Sherry, we can all remember a whole variety of them over the years. Today Senator Ellison said, ‘We’ve got a Senate majority.’ I have never tried to deny that. I have always acknowledged that. He said, ‘It is the will of the people.’ What is he going to say when the will of the people shifts the other way and they do not have the Senate majority? You did not seek a mandate for this matter. It was never in the election campaign. Are we entitled to walk in and strip you of all chairmanships simply because you no longer have a majority? It is not as simple as who has a majority and who has not. There is an underlying compact in this place that you behave with a degree of decency et cetera. I am not saying you have totally exceeded that, but you should understand it. If you misuse and abuse your majority, retribution will come. And it will come, naturally.

I know that you are somewhat insulated by the fact that the Greens and Democrats in here are far more reasonable than I am. They will look at the merits of the case. They will not look at it out of spite, as I am inclined to.

I am inclined to say: ‘If you do this to us then you have to be taught a lesson. You’re going to be punished in future.’ It is like the old Maoist saying, ‘Punish one, educate 100.’ That may have to happen to you. We understand that. I am not saying that you have totally exceeded it now, but be warned. If the power goes to your head then enjoy it, because what comes back you will not enjoy. Every time you do one of these exercises you should calculate whether it is worth it. In this case you have calculated that it is worth it. But if you continue to do it and erode the position, you will cop it back, unfortunately.

Senator Ellison talked about proportionality in question time. Rubbish, Senator Ellison! In 1994 I walked into this chamber and made an offer to the opposition that was disproportionate. You got the first question and every alternative question—you were in the majority here and you got 50 per cent. You were treated fairly—not on the basis of proportionality but on the basis of the purpose of question time, the purpose of question time being to scrutinise government. It is only ever scrutinised 50 per cent of the time. Under a Labor administration or a Liberal administration, questions from government members, as you know, are a total joke.

Senator Ellison interjecting—

Senator ROBERT RAY—I beg your pardon?
The ACTING DEPUTY PRESIDENT
(Senator Marshall)—Order! Senator Ray, please continue.

Senator ROBERT RAY—It is not just about proportionality. It is about scrutiny and roles. If you do not understand that then you do not understand much about the traditions of a parliamentary system. We have this parliamentary system not just for our benefit but also for yours. With scrutiny, examination and an adversarial form of politics, you perform better. You can see that in countries overseas which have what they call a cooperative system of politics. That is where corruption flourishes. That is where they are all mates together and they are all on the take together. We do not have that tradition and history here. We have a tradition where actions of the executive are highly scrutinised and where public servants do not take the risk of trying to be wide boys because they know they will probably get caught. All of this has evolved in the Senate. It is as though they think that we set up the committee system that they inherited. They say that in the Hawke days all chairmen were from government. That is true. We inherited that from Fraser. We did not set it up that way.

Senator Ferguson—You inherited it from whom?

Senator ROBERT RAY—We inherited it from Fraser.

Senator Ferguson—Who did he inherit it from?

Senator ROBERT RAY—He inherited it from Whitlam. He inherited it from Gorton or McMahon or whichever other incompetent you had. I will come back to this, though.

Let me go to the details of the proposal, because they are quite important. The original government concept was maybe to go to 10 committees. Some people may wonder why the committee unanimously recommended against that. In part it may be that, in the discussions, the government thought: ‘We have to be cooperative here. We have to listen to the arguments.’ But it is very difficult to accommodate 10 committees, especially at estimates. The number of hearing rooms we have in this building and the amount of Hansard resources probably mean that we could not have five committees meeting at the one time. That is almost certain. Subsequent advice that the Procedure Committee sought and got basically reinforces that view. So the proposal for 10 committees really was not one that was attractive.

We then had the argument about how many people should serve on committees. We did point out that, if you had 10 committees and four government members, 40 backbench senators from the coalition needed to serve on those committees. That in turn would create a degree of absenteeism, inevitably. I do not criticise that. If you are on two committees, it is not possible to devote full attention to them. That very absenteeism would start to create difficulties and tensions amongst the committee members.

It is much better, I think, to go with eight committees. I would have preferred eight by three for government and eight by two for opposition. However, if you take it out of the estimates context and look at the references context, people were worried about how many people, if you only had six to choose from, could attend meetings interstate. We have all been through the embarrassment of having interstate hearings with only a couple of committee members there. It is embarrassing to this chamber and it is embarrassing to everyone. Maybe the suggestion that it be eight by four in the end was the best compromise we could have made. That is the recommendation before you today.
There are a number of transitional provisions. Senator Ellison has mentioned some. We think it is quite apt that you introduced this on September 11, Senator Ellison. You might as well destroy something again on that particular day so that we will all remember it. The transitional provisions go to transferring current hearings, which is quite a fair thing to do, I think. We do not have to go through re-instituting every inquiry and every piece of business before a committee. That transitional one is quite sensible.

The final thing that we have mentioned, which is separate from the restructuring of the committees, is the change to membership of committees when emergency circumstances require it. At the moment that requires the imprimatur of the chamber. Quite often, events that prevent people from attending committees occur outside of the chamber timetable and it is not possible to put substitutes in. We have not gone absolutely all the way with this. We have said that, if a senator wants to be substituted on a committee for a particular day of a particular hearing, they have to write to the chairman of that committee and nominate a participating member. That has the same effect as putting it through this chamber except that it is more efficient and it allows for emergency situations. It is only a temporary order so that we can see how it works. But I very much suspect that in a year's time it will be made a permanent order—as we often do.

Wasn't it good to see this emerge from the Procedure Committee unanimously after a sensible discussion! That is why I made the point in this debate some time ago that it is good to see all changes to standing orders go to the Procedure Committee. I commend the government for agreeing to it. I believe it sets an example that we should always follow. In the end, if we cannot get agreement out of the Procedure Committee, you can roll right over the top of us. We know that. We know that it will be a two-vote margin at least. But to have had that discussion, I think—

Senator Ellison—Not always!
Senator ROBERT RAY—No, not always!
Senator Ellison—On a good day!
Senator ROBERT RAY—Yes, on a good day. You would wait for a good day! But it is good to have the discussion, not just because we want the intellectual exercise; we all feel like we can participate in the processes. It is an empowering thing and I recommend that you continue it. We are going to keep a very close eye on how the estimates committees operate next November and February to see if this is the last territorial demand of the government or if they are going to try to fundamentally change it. I hope not.

I am sceptical about some of the activities of Senate committees over the years—I admit that—but the longer I am here the more I change my mind on estimates committees. As a minister I found that it was a good process, and in opposition I find that it is a good process. It is the one thing that demarcates this chamber from those in the rest of the world, basically. No chamber has a scrutiny mechanism as good as that of the estimates committees. I have seen the state ones—really terrific, they are! You rotate questions. So, Senator Ferguson, you might ask a question and you have to wait for seven more questions before you can follow it up. It is a joke. At least we can say that we have developed a system. No particular party can take credit for it—all parties can. It is a system that we will monitor to make sure that it remains valuable.

I have to return to the question: why the changes? We heard the little bleat, ‘We want to go back to the way it was under Paul Keating.’ Really? Why? Why did you put in all the effort in 1994 to change it? The only
answer we can get is: ‘We’ve got the numbers now.’ So all the posturing, all the philosophising and all the arguments about scrutiny, proportionality, fairness and all that were just a screen at the time to grab chairmanships, apparently. You are actually debasing your previous history by putting up those sorts of arguments. We have not been given a good reason as to why the change is necessary. We have heard about duplication and the fact that some matters to do with legislation have been referred to references committees. I am afraid that the problem here is your fundamental misunderstanding. It was the committee stages debate that was supposed to go to legislative committees.

If there are broader issues to consider, like second reading issues, they could always go to reference committees, and that was always understood. You have simply misunderstood that. It would have been nice if the government, which was then in opposition, had actually obeyed the letter and the spirit of the changes in 1994 and made those committee hearings the actual committee stages. But no, within two weeks of implementing that system, they were calling witnesses from all around the country to maximise their political position. That is what happened. So the whole apparatus that was set up in 1994 was perverted within a couple of weeks, and the agreements that we had brokered were basically no longer extant.

We have not heard why the changes are occurring, other than when Senator Ellison— I thought, with a degree of honesty—today said, ‘We’ve now got a majority, so it’s fine to change.’ That is, they have a majority based on preferences from Pauline Hanson and Queensland’s One Nation. That is why the government have a majority in this particular chamber. I hope they are proud that that is the way they achieved their majority in this particular chamber. But, of course, not everyone on that side agrees on how they achieved a majority in this chamber. There is a brawl going on, where Senator Brandis claims that it was all his brilliance and where Senator Joyce, a sort of modern-day Lord Haw-Haw of the Senate, claims that it was all his activities that got them a majority. We cannot arbitrate on this side.

Senator Faulkner—They can’t both be right.

Senator ROBERT RAY—They cannot both the right, but maybe they are both wrong—who knows?

Senator Faulkner—Yes, that’s possible.

Senator ROBERT RAY—That is a possibility. I will finish on this particular point. One of the major reasons why these changes are being made today is that this government has never liked scrutiny. They have always objected to it. I have pondered on why they would object more than anyone else. I think it basically comes back to their self-image. This is a government led by a Prime Minister and others who really do believe in themselves—they cannot doubt their self-confidence; they believe in their own integrity and purity—and, the moment that they are actually caught out doing something that does not meet that image, they cannot handle it. That is why they detest scrutiny so much. They really do not like being examined for the actions that they take. That is variable, of course, across government. Not all ministers are so sensitive or priggish, if you like, to the views of others, but I think a pattern has been established. We are on the way down the road towards reducing scrutiny, and I think that is a pity.

In summary, if you take my remarks today as a threat, do so, but they are not meant as a nasty threat. If you take changes to this chamber too far, remember that when the reaction comes it will be an overreaction, and that will not help anyone. So before you embark on the next set of changes, to either
the committee system or something else, at least have those thoughts in the back of your mind. We are left in a difficult position with this report because we agree that, if you are going to do it, you should do it in a particular way, but you must understand—because initially we did not agree with doing it—we have to vote against the report. That should not be taken to mean that we are voting against the committee system of eight, with four members and all the other changes involved. We are saying that, if you are going to cross the Rubicon, the detail is fine. We are just not going to cross the Rubicon.

Senator BARTLETT (Queensland) (5.13 pm)—The Democrats are also strongly opposed to the motion put forward by the Manager of Government Business in the Senate. In his contribution, he said that this is just part of the evolution of the committee system. Without getting into a debate about the biology of evolution, normally when people use the word ‘evolution’ in modern-day language they are talking about something developing, improving, going on to the next stage. This certainly does not do that. It is the devolution of the committee system. It is a move backwards to a time when the committee system worked less well. That was the whole reason why not just both major parties but also the Democrats, through the whip at the time, Vicki Bourne, negotiated a comprehensive improvement to the structure of the committee system in the Senate. That was done as a way of making the Senate committee system more responsive—not just more responsive to the parliament but more responsive to the public. So any suggestion that this is some next stage in the enhancement of the committee system is simply false.

I follow on from some of Senator Ray’s remarks by saying that I think that there really is a lost understanding—if there ever was an understanding—of the parliamentary system and how the parliament is meant to work. We seem to have a mindset that the Senate is just a variation on the House of Representatives, just another arm of the government for the executive government to use as it chooses—that it is not meant to play, in any sense, a separate role from the executive and a separate role in scrutinising the actions of the executive.

In preparing for the Procedure Committee’s examination of this issue in July, when the Senate first referred the government’s proposal, I went back and looked at the committee’s report from 1994 that looked at what the rationale was for making the changes. I also looked at some of the submissions from that time. I noted the submission from the coalition senators devoted a lot of time to arrangements for chairing committees. It went on in detail about how the British House of Commons arranges the chairs of various committees, the equivalent of the Senate’s legislative and general purpose standing committees, and how they are shared among the parties by agreement. Those committees elect their own chairs and are free to choose any member of the agreed party.

The submission talked about how chairs are shared in this way because they are seen as parliamentary positions, not government positions, and are seen as such by the public. This is in the House of Commons, mind you—that is, the lower house of the British parliament—and, in the upper house of the Australian parliament, the coalition senators in 1994 noted the importance of a chair of committees being shared as a way of demonstrating that these are not just government positions to be handed out as gifts by the government of the day and that they would be seen by the public as such. I noted, particularly, the paragraph put forward by coalition senators back in 1994, which said:
The sharing of chairs on standing committees in the Senate would enhance the parliamentary character of their work and improve the public standing as well as give representation to the non-government parties on the chair’s group.

Back in 1994, coalition senators thought that the sharing of chairs of these various committees, in rough proportion to the parties’ representation in the Senate, would enhance the parliamentary character of their work. What has changed? We all know what has changed: the government have a majority, a very narrow one but one nonetheless. So they are quite prepared to take an action that, according to their own arguments in 1994, will detract from the parliamentary character of the Senate committees’ work and will reduce their public standing. But they do not care about that, because what it will do is enhance government control, and that is what this is all about. There is a suggestion that this is somehow about preventing the Senate from misusing its powers or, as Senator Ellison vaguely suggested in his contribution, because the government’s will is being thwarted by unreasonable actions. Find us an example of the government’s will being thwarted by unreasonable actions of Senate committees. Senator Ellison seemed to suggest that he should be congratulated because the government are allowing legislation to be referred to committees.

We used to have a convention in this place, which I note is also breaking down—there was an example last week—that any individual senator who wanted to have legislation referred to a committee was entitled to do so. There was a recognition that an individual senator had a responsibility and a right to ensure that they were satisfied that there had been proper scrutiny of a piece of legislation. That convention is going out the window. And, because the government is sending through legislation, they want to be congratulated. Let us look at the detail. It is not just a matter of sending legislation to a committee; it is a matter of how long the committee gets to look at that legislation, and that is where real changes have also been made—to the detriment of the system. We have major pieces of legislation being forced through Senate committee processes in the space of a few weeks.

We have all been debating the disgraceful, disrespectful debacle of the truncated inquiry into the land rights legislation where the government’s own committee members openly stated that there was insufficient time to properly consider the legislation. Senator Ellison wants the government to be congratulated for that, when even government senators openly state in their committee reports that there was inadequate time to consider the legislation. At any other time, prior to government control of the Senate, if a committee had been in a situation where they felt there was inadequate time to consider legislation, the Senate would have moved to extend the time. It is a logical, responsible and appropriate thing to do if you are interested in ensuring that a potential law is given proper consideration and public input is taken into account adequately—but not under the brave new world of coalition control.

Under coalition control, if there is inadequate time—even from the coalition senators’ point of view—bad luck. It is all pushed through because the minister says so. That is clearly what happened with the land rights legislation. The minister insisted, so the government senators on the Senate committee obeyed. We have seen that with the Telstra legislation, the workplace relations legislation, the terrorism legislation, the Welfare to Work legislation and a range of other pieces of legislation. The minister insisted on a truncated time frame, and the coalition senators agreed. We have even had coalition senators agreeing to vote in favour of gagging themselves for legislation in this place.
That is how tame they all are. They will gag and prevent themselves from being able to speak in a debate on legislation by voting in favour of a ridiculously short time frame for Senate committee inquiries. Yet the Manager of Government Business in the Senate wants to get some sort of accolade because the government is still allowing legislation to be referred to Senate committees. I recall a vote last week where they prevented a piece of legislation being referred to a Senate committee because they could not be bothered looking at it.

I would also note what happens when government get control—when they get a majority on committees and when they chair all committees. If you add up all of the committees that look at policy and related issues, we not only have these eight legislative and general purpose committees but also have a range of joint committees: the Australian Crime Commission; Corporations and Financial Services; Public Accounts and Audit; Migration; Electoral Matters; Foreign Affairs, Defence and Trade; National Capital and External Territories; ASIO, ASIS and DSD; and Treaties. All of them are chaired by government MPs and all of them have a government majority.

I recall a time, even before the government got control of this Senate, when a matter was referred by this Senate to the Joint Standing Committee on Treaties, which is chaired and controlled by the government, and it just flatly refused to examine the issue. It was about the Australian government’s negotiations with the United States about exempting the US from the International Criminal Court. The committee reported back saying, ‘We can’t look at it.’ The Senate said, ‘No, you’ve made a mistake; you can look at it,’ and referred it again. The committee said, ‘No, we can’t.’ The Senate referred it to that committee a third time, saying: ‘Yes, you can look at it. You don’t need to wait for a treaty action to be able to examine it.’ The committee just flatly refused and said, ‘We will not look at this matter.’ That is what happens when the government gets control of committees.

Another thing that already happens with many of the joint committees and is starting to happen now with others is that matters do not get referred to committees in the first place unless the minister either says it is okay or provides the terms of reference. Is that what we are going to be reduced to? Will we just sit around waiting for the minister to give us some work to do so that we can hand down a report that will meet their needs and their desires? What is the point of having a parliamentary system if that is the direction in which we are going?

We have all of those joint committees that I mentioned and we now have the eight standing legislative and general purpose committees, and every single one of them will be chaired by a government member. Where is the proportionality in that? What happened to the argument that the coalition senators put forward with such strength back in 1994, saying that they should have proportionality with regard to the chairs of committees? As with many of these things, it went out the window as soon as the opportunity for some more power arrived. That, I suggest, is an example of the level of contempt that this government is clearly displaying towards the Senate. I believe it has always had that contempt towards the Senate. Governments tend to have contempt towards the Senate. They do not like the Senate because it gets in their way. In the past, this government has not had full reign and has not been able to display that contempt and neuter the Senate and slowly suffocate it. But now the opportunity is there, and certainly this government is not missing a chance to totally suffocate the Senate and its mechanisms for scrutiny. We all remember—I certainly do—
the Prime Minister’s promise after the last election that he would use his Senate majority humbly and wisely. Clearly that is one of his more flagrant broken promises.

For the record, I indicate I have an interest in this issue and declare that I am currently chair of a Senate committee. If this motion goes through then I would not be a chair anymore. But I think all senators would recognise that that is not the reason for the position I am taking or, of course, for the position that all Democrat senators are taking. This is simply a clear and undeniable power grab by the government, and the defence put forward to date by the minister is so shallow that clearly there is no other reason for what is being done.

Again, to remove any possible doubt, I draw attention to the coalition senators’ own words from their own submission about committee structures, particularly chairs of committees, back in 1994. The clear issue at that time was about improving the public standing of Senate committees and enhancing the parliamentary character of their work. That is what we are stepping away from here. That is not of concern to the government. Indeed, I suspect it is of little concern at all to the government if Senate committees lose some of their reputation in the public arena. I suspect it does not bother the government at all if the reputation of the Senate diminishes significantly, because the more the Senate’s reputation diminishes, the more we are left with just the government. That would mean moving closer to an elected dictatorship and closer to a lack of tolerance of any dissent or any alternative opinions that do not come from within government ranks. They have enough trouble tolerating alternative opinions within their own ranks, but there is a complete dismissing of any views from outside their own ranks.

Finally, I think it is worth noting one other point that needs to be raised whenever issues of Senate committee structures or processes come before this chamber. The other practice of this government that is becoming more prevalent is its completely appalling performance in responding to Senate committee reports. We are seeing longer delays between when the reports are tabled and when the government response appears. It is supposed to be within three months. You are doing very well if you get a response within 12 months from this government. Again, that leads to a situation where discredit is brought on the whole Senate. We all know how much work people put into preparing submissions and appearing before committee hearings, particularly when they are members of the general public rather than professional lobbyists. They treat it very seriously. People sometimes drive for hours in any direction to appear before a public hearing just to give 30 minutes of evidence because they think it will make a difference. How do you think they feel when the committee report appears and then there is nothing—no response from the government for 12 months, 24 months or longer? That practice is getting worse.

I noted in an investigation into this by the Sydney Morning Herald a year or so ago, somewhat to my surprise actually, that the government response time and delays were even longer when responding to House of Representatives committee reports. I can only assume that is because they do not need to. That is the situation we are now facing in the Senate: tame Senate committees, totally government controlled, not doing references unless ministers agree and no need for urgency or a requirement to respond with timeliness at all, because there is no way that the Senate can impose any sanction or discipline on a minister or a government that does not respond. So another likely future deteriora-
tion is a government whose performance will become even worse than it already is in responding to the often very detailed, often very well thought through and often, I might say, cross-party unanimous reports of Senate committees.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.30 pm)—Brian Harradine, the ex-senator from Tasmania, was always keen to point out as the father of the Senate that goodwill was the essential ingredient that marked this chamber and set it apart from the other place and, indeed, other parliaments. We have a good example now of how the government has forgotten that dictum.

What we are seeing of course is something that so often marks politics: that is, it is the conservatives who break the law, break the rules, break the precedent and break the honoured way in which tradition marks the way we progress in a democracy. I listened to Senator Ray talking about how the—

Senator Kemp—Mr Acting Deputy President, I rise on a point of order. I heard Senator Brown allege that his opponents were breaking the law—that conservatives were breaking the law. I assume he was referring to people on this side of the chamber, although some would not describe them as conservatives. I think it was an unparliamentary comment and I would urge Senator Brown, in the spirit in which this issue is being debated, to withdraw it.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Yes, but you are asking me to rule on the point of order. Senator Kemp, and I do not think the comments were directly attributed to any senators in this chamber. I will not rule that they are unparliamentary.

Senator BOB BROWN—In case Senator Kemp took that personally, it was not meant to apply directly to him in terms of the word ‘law’; the rest may well. And I think that Senator Kemp’s behaviour in flouting the standing orders of this place just a moment ago ought to be noted.

I was referring to Senator Ray’s much better contribution to the debate. In effect, he pointed out that when Labor, the Democrats and others had the numbers in this place during Labor’s period in office it was conceded that a quite remarkable degree of fairness came into the way in which the committees proceeded and, indeed, the way questions were asked in this place and so on. But that is very rapidly being lost now that the government has a majority. We see it expressed in the proposal before the Senate that the government control the Senate committee system. That means control of the outcomes and of the input, including witnesses, length of hearings, place of hearings and all those things which are so important to a committee system, which is ultimately responsible for picking up what the experts and the public have to say about legislation or other matters brought before the parliament, so that we as parliamentarians can be better informed when we make the final decision.

This proposal is not just an affront to the Senate; it is an affront to the Australian people. It is the executive of Prime Minister Howard saying: ‘We will limit the input of the Australian people to that which we will allow. We will control the Senate committee system to ensure that it does not come up with findings that we do not like.’ That is not the hallmark of a healthy democracy. It is more the hubris and the getting carried away with power that comes out of a government that has been in office too long. We will see more of it.

I spoke a lot during the last election campaign about the potential for the government to win the majority in the Senate. Nobody in the press gallery took that up at all, but I was
right. We are seeing the result now. I predict that there will be a different vote for the Senate come the election next year. There will be a different vote because the people of Australia do not like this process. I think the government is quite foolish. Sure, for 12 months we will have to put up with the government protecting itself from any discomfort that might come out of an inquiry, anticipating where inquiries might go, heading them off if they are not going to be beneficial to the government and then, of course, writing and publishing the report at the end of the day. That is a totally unsatisfactory system as far as democracy for the Australian people is concerned but, temporarily, it is not unsatisfactory for the government.

But the Australian people are not fools. They are watching how this great house, which was established to look after the rights of states, to review what government is doing and to be a hand on the shoulder of government, is now being abused by the government simply because they have a majority. Australians are very, very keen on seeing the Senate exert itself as a brake on the excesses of government, and the brake has failed. I predict that the Australian people will reapply it at the next election. I think the government are being quite foolish. They are being self-interested, yes, but foolish nevertheless, because self-interest has to have a long-term trajectory. What the government are doing is short term and it will catch up with them.

‘We will be humble,’ said the Prime Minister when it was established that the majority in the Senate had gone to the government after the last election. ‘We will not treat this with hubris.’ But the proposals out before the Senate are self-indulgent; they come out of inflated ego and out of the government putting itself before proper democratic process in this great parliament of this great nation. Isn’t it extraordinary how those people who so often beat their chests, stand in front of the flag and use the national symbols end up pulling the rug from under things which are important to the nation? That is what is happening here today. There is a bit of hubris that has gone like a rocket right from the executive into the Senate. But ultimately the government will reap the whirlwind.

The people of Australia, I can tell the government, do not respond to just flag-waving. They have a great appreciation of and a great fealty to the symbols of this nation but they also recognise when those things are being subverted by people who have been entrusted with power and are abusing that trust. It will be interesting to see what happens after the election. Senator Ray is quite right in saying that so often it is the left side of politics that moves towards fairness—not just in social matters but in democracy—and it is the right side of politics which goes in the opposite direction, away from social fairness and away from democratic fairness as well.

Senator Ferguson—Absolute rubbish!

Senator BOB BROWN—We have this government attacking democracy itself and absolutely abusing its position, which came out of the last election and which it did not expect.

Senator Ferguson—Wasn’t it democratic?

Senator BOB BROWN—I really do not mind too much the braying from opposite. You would expect that when they do not have a cogent argument to defend this process.

Senator Ferguson—You are talking about democracy.

Senator BOB BROWN—Let us look for a moment at the proposal before the Senate. In brief, it is that the number of committees be reduced. But it is also that the government
gets the power to determine all that happens in those committees. It does that because it takes four of the votes. It apportions three to the Labor opposition and one to the cross-bench and then it gives the chair a casting vote. What is more, under the standing order, which has not changed, a committee can delegate its powers in part or in whole to investigate a matter to three members of that committee. So, if the government did not like the way the committee was going, it would be able to give itself total power through that domination it has in the committees, and delegate an investigation to a subcommittee made up of government people only.

Senator Ferguson—It is not true.

Senator BOB BROWN—It is not true, says the senator opposite—and he will have his opportunity to speak. I say it is true. The government would say that they would not do that. I would say that the very fact that this proposal has been brought forward means not only that they are capable of it but that they will: protecting themselves will lead to them doing just that. The government have moved towards sidelining the Senate out of our democratic system. Like Senator Murray, whose figures I am about to use, the Greens have been looking at that. When it comes to declarations of urgency—that is, gagging or guillotining of debate in this place—there were none in the year 2003-04 and five in the following year. But in this year 2005-06 it has happened 26 times.

When it comes to the order for production of documents—that is, to get information out of government ministers—there were 33 such orders by the Senate in 2003-04, and those 33 were agreed to by the Senate. There were 25 sought and 25 agreed to in the election year 2004-05. Eleven have been sought in 2005-06 but only one has been agreed to. Suddenly the government was blocking proposals for the order of production of documents. As you know, Acting Deputy President, democracy is as good as the information that is supplied to it and, as the government knows, the best way to nobble the Senate or indeed the right of the electorate to take part in the democratic process is to remove the oxygen of information from that domain. If you look at references to the references committees which were blocked by a vote in this place, you see that two years ago there were only three and the year after that, the election year, there were seven. But in this year 2005-06 that number has suddenly risen to 16. That was the government using its majority.

If you look at non-government amendments to bills coming from the Greens, the Labor opposition, the Democrats and other members, there were 456 agreed to in 2003-04. There were 120 agreed to in 2004-05, part of which was after the government gained the majority here, although it had not given effect to it at that time. But, in the year 2005-06, that number suddenly plummeted to three—almost nothing at all. The facts speak for themselves. The government has decided—and I am talking here about the executive, not the parliament or the party room—

Senator Kemp—It is a majority.

Senator BOB BROWN—It is not the majority of anything. It is the Prime Minister’s office which dictates these matters and, through the Prime Minister, the executive.

Senator Kemp—It was proven today.

Senator BOB BROWN—‘Proven today,’ says the senator opposite; let me explain that. I also predicted, when it was found that the government was going to get a majority, that the heat would go off people on the cross-bench, who have traditionally had to make up their minds and determine what happens in this place. One cannot forget Senator Harradine, who on a number of occasions
walked down this very aisle while everybody waited to see which side he would sit on, because he had the casting vote and had been through a long and tortuous decision-making process. But that does not happen anymore because the government has the majority. The government did not expect, because it did not have an experience of this—

Senator Ferguson interjecting—

Senator BOB BROWN—‘It did,’ says the senator opposite. The government did expect to see itself fractioning. According to the senator opposite—and I am interested to hear this, because I did not know it—the government did expect that it would see the cracking of the edifice of the Howard government in response to the pressure being applied to the government ranks. What has happened is that, by being put under the enormous pressure of making decisions on matters which are hugely complex but which go to our consciences, sterling members of the government, who must be praised and deserve the very worthy representation that they have in this place, have decided that they will break with the government when it becomes excessive. We have seen an example of that today. The government and the Prime Minister tend to go too far when they get all the power, and there is a reaction from within the ranks. If you look at what is happening to the Blair government in Britain, you will see what I mean.

Senator Ferguson interjecting—

Senator BOB BROWN—‘Wonderful,’ says the senator opposite. Does he say it is wonderful that the Prime Minister has been humiliated today? The Prime Minister wanted legislation rammed through this place. He thought he had the numbers to do it, but some people of conscience and of a greater decency than the Prime Minister have said, ‘We won’t go along with that,’ and so the government finds that the going gets tough. We have to thank those decent senators, and indeed those members of the House, who have stood up against the draconian components of the immigration legislation. We will see more of it.

Senator Ferguson interjecting—

Senator BOB BROWN—Yes, I did say that the government has become arrogant, but there are people who do not go along with that arrogance. Thank goodness that from within the ranks of any large party which, through hubris, thinks that it is all-powerful and does not know where to constrain that power will come people of conscience and ethics who will say: ‘Too far! We will not go along with that.’ That is what we have seen today and in some previous votes, and we will see more of it.

I will tell you why. It is because Prime Minister John Howard has let the numbers in this parliament and the vote of the last election go to his head, and he does not know how to stand back and reassess his obligation to this nation. He does not know how to show a little humility and listen to people within his ranks when they say, ‘Prime Minister, that is a step too far.’ Other people will come out and attack those good people—that is the way it always happens—but there are occasions when principle, ethics and sheer humanity dictate that they will not be defied.

Senator George Campbell interjecting—

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! If Senators Kemp, Ferguson and Campbell would cease interjecting, we might get through this debate. I call the chamber to order.

Senator BOB BROWN—I am looking forward to the next 12 months in this great chamber. I do not think the government knows how to handle the hormones coursing through its veins in this situation, and I think it will come to regret that.
Senator Kemp—That is a very bad metaphor, Bob.

Senator BOB BROWN—It is a very apt metaphor, Senator Kemp. The government cannot and will not be able to back off and retain the decency which is expected in a democratically elected parliament like this. We are going to see quite a lot more of that. The Greens will be campaigning over the next 12 months to rescue the Senate. We will be campaigning very strongly to make sure that when Australians go to the ballot box—on 4 August next year or sometime after that—they know that they have the option to take the majority away from the government, which is expressing its majority in such a crude fashion as in the proposed amendments to standing orders that we have before us at the moment.

Senator FERGUSON (South Australia) (5.51 pm)—I have heard some rambling speeches from Senator Brown in my time, but that one just about takes the cake. That comes from a senator who, to the best of my knowledge, hardly ever attends committees. He is scarcely aware of what takes place in the committees on a day-by-day basis—whether it be estimates committees, references committees or legislation committees. I do not recollect ever attending a committee hearing with Senator Brown.

Senator Brown talked about proper democratic process. I would have thought that proper democratic process usually means that those who have a majority hold sway. The government is formed by those who have the majority; that is what a proper democratic process is. In this case, the proper democratic will of the people of Australia is reflected in the numbers currently in the Senate, and that is the proper democratic process. Senator Brown is very keen to talk about democracy. This is democracy at work.

When Senator Brown was talking about the report of the Procedure Committee, he was wrong about subcommittees. There cannot be a subcommittee consisting of only government senators. If you read the report and the standing orders carefully, you will find that there must be at least one opposition and one government member present, even on a subcommittee.

One of the other issues that Senator Brown raised was government senators ‘controlling’ the outcome of committee reports. In previous parliaments we have had situations where the outcome is controlled not by the majority of people in this place but by a minority. If that is democracy, it is a very strange view of democracy. In fact, we had references committees where there were three Labor senators and a Labor chair, and the Labor Party on its own could control the outcome of a references committee report. The chair had a casting vote; the government, with a majority of members in this place, had two members on those committees and minor parties had one. So, in fact, rather than a democratic process where the majority controlled the outcome, in the case of references committees we had a case where three Labor senators—a minority of people in this place—could control the outcome of a report, not even taking into account the wishes of the minor parties or government members, if they so desired. What we are talking about today is putting in place the proper democratic process.

The proposed make-up of the new committee system reflects the numbers in this place. The changes that were made to the committee system in 1994, in my early days in the Senate, reflected—

Senator George Campbell—Why didn’t you adopt the House of Commons structure?

Senator FERGUSON—I do not know whether Senator George Campbell is on the
I listened with interest to Senator Ray’s contribution because I respect his contributions. He has had a long period of time in this place and he has seen many changes. I was not enamoured by his opening remark that this was the ‘execution of the committee system’. If we are to believe that this is the execution of the committee system, does that mean that the committee system that was in place for all of the Hawke Labor government and for a portion of the Keating Labor government did not work? We are only reverting to the numbers that were in existence throughout the whole of the Hawke Labor government. Yet Senator Ray says that this is the ‘execution of the committee system’.

He also said we should wait and see whether the chairs would be taken away from the government should the numbers change in the future. The opposition did not take away the chairs of committees when it changed the system in 1994. As a matter of fact, part of the agreement was that it would ensure that the government chaired all legislation and estimates committees, even though the government was in a minority. We ensured that that would happen. My recollection of those days is somewhat different from Senator Ray’s. I remember the proposal being explained in our party room, and one of the things that was explained to us at that time—whether it was a misapprehension, I am not sure; Senator Ray may think it was—was that legislation committees would deal with legislation, and all other matters would be referred to the references committees, which had taken over the place of the general purpose committees. I do not believe, certainly from my own recollection, that it was ever mentioned to us that legislation, if it was on a broad range of matters, could go to a references committee, as was the case in the last parliament and the parliament before it where matters, particularly of contention or of a political nature, were sent to references committees where the opposition always had the majority.

He talked about select committees. I am trying to recollect how many chairs of select committees went to the government, to reflect the numbers in this place. To the best of my knowledge, in the last six or seven years there has not been one select committee where a government member has been appointed to the chair. It was always either a Labor member who chaired the committee, with equal numbers to the government of the day, or, on one or two occasions, there were minor party chairs of select committees. Certainly, if we are talking about sharing select committee chairs around, to the best of my knowledge no select committee since we came into government has been chaired by a government member. So we talk about a reflection of the numbers in this place.

I do not intend to debate the issue of question time. That is a debate for a separate day. I have some personal views on question time which do not necessarily reflect the views of my party. I have always believed that for parliaments of both political persuasions question times are a farce. The best question time system I have seen is that which takes place in both the British parliament and the New Zealand parliament where you do not have the opposition asking questions they hope the government cannot answer and the government asking questions the ministers
know the answers to. I do not think that is a very sensible way to conduct question time and never have, but that is a debate for another time and another place.

I do agree with the comments of Senator Ray when he said that once we got to the situation where we knew that the opposition was opposed to the change of committees per se, and once it was recognised that the changes would be made, the Procedure Committee got together to come up with the best outcome possible under the arrangements that had been proposed. I believe that eight on a committee is the best number for this place to be able to service, with four government members, three opposition members and one minor party member. Hopefully with eight people on a committee we will never get to the stage where committees, when they are looking at references, will visit other states of Australia with only two or three members of that committee. I think if people take the trouble to make submissions it is the responsibility of committee members to do their utmost to be there. So I think the fact that we are going to have eight on a committee is a step in the right direction.

The other significant change, which for want of a better term one might call the substitutes bench, was raised—and I am sure my colleague will not mind me saying this—by Senator Parry in our party room. Senator Parry said, 'In order to solve this problem of substitute members, why don’t you run a substitute bench?’ Although we have not done quite that, I think the change of membership where we will be allowed to substitute members by way of letter offers much more flexibility, and I look forward with interest to see how well this works. I think it could be one of the very positive changes to come out of this procedure report, and it should ensure that we do not get a situation where there are only one or two people attending a committee hearing. There will be other people who will be prepared to take their places.

I agree with Senator Ray that our estimates system is one of the best in the world, and there is no proposal whatsoever to change that. I think the estimates system has worked well. At times I hear questions being put by the other side, saying that we are reducing the time of estimates. The estimates committees that I was on in May never went their full times because there were not enough questions to keep the relevant departmental people and ministers there. So all of this talk about cutting down on estimates time is a furphy, because if you cannot use all of the available time that is there at present then there is no need for extra days. I agree with Senator Ray—I believe that the way the estimates system works and will continue to work is one of the most transparent systems in the world, and I hope that it stays that way for all the foreseeable future.

It has been raised that the government has not allowed some references to be sent to reference committees in the past 12 months or so. I would pose the rhetorical question as to why any government would allow a political reference to go to a committee where a minority opposition can write a majority report. Why on earth would any government do that? I know that if the Labor Party were in our position they would not let it happen. They have cried foul about some references which could be deemed political, rather than information seeking, not going to a Labor-controlled committee so that a minority of people in this place can write a majority report. I do not believe that is democracy. We looked at it at length when we discussed which references should go to committees.

Senator Bartlett raised the issue of the chairs of the House of Commons committees, and I notice that Senator George Camp-
bell by way of interjection raised it as well. It is like comparing chalk and cheese, because they are lower house committees. In the House of Commons, when they do have chairs of committees from both parties, the government always has a substantial majority on each of those committees. The only thing that is rotated is the chair, and the last time I looked something like 65 per cent of the members were from the governing Labour Party, even when there was an opposition chair.

**Senator Chris Evans**—But they appoint their own senators, too!

**Senator Ferguson**—I should take that interjection, Senator Evans; they do appoint their own upper house people, but I do not think we are moving to do that. The other point that Senator Ray made was that Senate committees in this place have always had a very good reputation for the work they do. I believe that there will be even better work done, because one of the problems that has existed in the past 12 months, while this government has had a majority in the Senate, is that it has not allowed references to go to reference committees simply because it knows that the report will be written by the opposition from a minority position.

There are a number of senators on this side who spoke at length in our own discussions as to what should take place. We believe, and those who can remember will know, that prior to the change of the committee system in 1994 there were some outstanding issues dealt with by committees, including the legislative and general purpose committee where the government had a majority. Senators worked very hard, and because the government had a majority they were not afraid to accept a reference from this place or from the committee itself that might to some people look very controversial. Because the report would not be controlled by the opposition or a minority, prior to 1994 they allowed those controversial references to go to committees. Many members in our discussions in our party room are of the view that we should be able to look into controversial issues with the new structure of the Senate committees in the knowledge that the report will not be controlled by a minority opposition viewpoint. Of course they can still put a minority report in, as we did in the earlier days, prior to 1994. There was more consensus and there were more unanimous reports, I think, in those days than in recent times, simply because of the political nature of many of the references where, with the government not having the numbers, it cannot have any say in what is actually put to the references committees.

I commend these changes to the Senate. As I said, there was a good deal of discussion when the model we are putting before the chamber today was dealt with at the Procedure Committee. We recognise that the opposition and the minor parties are opposed to any change at all, but once it was agreed, reflecting the numbers in the Senate, that there would be changes, I think there was very good, amicable cooperation in trying to determine the best outcomes for the government's proposals to revert to one committee. I commend the recommendations of the Procedure Committee to the Senate and I look forward to the time when the new committee system is put in place. Only after it has been in place for six or 12 months will we be able to judge the effectiveness of these changes. I hope and trust that those changes will be beneficial to our democratic system.

**Senator Chris Evans** (Western Australia—Leader of the Opposition in the Senate) (6.08 pm)—I wish to speak to the Procedure Committee report. I do so because I think it is one of the most important issues to come before the Senate in this parliament. We had a debate about this in the previous
session. I think Senator Ray referred to it as the reading of the will. It certainly is the case that there has been an attempt to anaesthetise the debate. I do not know whether it has died, but certainly the government is not interested in having any focus on this issue. I think Senator Ray indicated on behalf of the opposition that we will be voting against the Procedure Committee report.

Senator Ferguson—Why didn’t you come to the Procedure Committee?

Senator CHRIS EVANS—I deliberately did not attend the Procedure Committee because I wanted to maintain my capacity to make the comments I am going to make now.

Senator Ferguson—But you didn’t contribute.

Senator CHRIS EVANS—I deliberately did not attend and I asked Senator Ludwig to be my proxy. At the heart of this there are two issues. One is the question of whether we ought to be moving to a single committee system with a government chair, and there is a set of issues that flows from that in terms of numbers of committees, numbers of participants et cetera. The Procedure Committee dealt with those detailed questions, but the government made it very clear that the fundamental issue would not be debated at the Procedure Committee. I do not want to disparage what the Procedure Committee did, because I think they did the best job they could with what was given to them in terms of the underlying principle.

My beef, my argument, my serious concern is with the underlying principle. I made that clear when Senator Minchin announced he would be making those changes and I make it clear again today. What we have now is, if you like, the emperor with no clothes. The clothes have been removed. We had, when Senator Minchin sought to bring these changes on, a pretence of some intellectual support for the changes. A whole rash of claims was made about what these changes would bring for the efficiency of the Senate’s operation. All that is gone—all that is long past.

When the Procedure Committee got down to the discussion and the detail, I think it became obvious to all there that Senator Coonan’s suggestions were unworkable and we went back to, fundamentally, the system that we had but with one major change—the change that the government was going to insist upon: a government majority in all of the committees of the Senate. That is what this is about. Forget all the other rubbish, forget all the other contributions about numbers of committees, how many senators are on them and that stuff, which is of interest to a few in this chamber, but that is all. People listening to the debate, people who are interested in the future of the Senate and the future of parliamentary democracy in this country, only need to understand one thing: this is a change by the government for the government. This is the government taking control of the Senate and entrenching its power to control what the Senate does. That is all this is about.

To be fair to Senator Ferguson, towards the end of his remarks he was fairly honest about that. It is purely about power, purely about the government saying, ‘We have the numbers, we intend to use them and we intend to change the system to enshrine that power.’ Whatever happened to having 10 committees rather than eight because that would provide more committees et cetera? That is all gone. What happened to the claims that we would have more hours of estimates committees? That is all gone. What happened to dealing with the fact that we have to strengthen the committee system? That is all gone.

It is all gone because it was all nonsense—it was all window-dressing. It was all
designed to try and give Senator Minchin something to hang on to when he tried to justify what was really going on. All those fig leaves have gone and we are down to the tinctacks. We are down to what this is all about. What this is all about is power. It is all about the government seizing control of the Senate committee system. Anyone who knows anything about it knows that.

The other beauty was the claim that this was an evolution. It is an evolution and therefore we are going back to the system we had in 1994. Am I the only one who notices that there is some sort of inconsistency in that? We are going to have an evolution and we are going to go back to where we were. It is complete nonsense.

Government senators interjecting—

Senator CHRIS EVANS—You all know it is nonsense. Apart from something to do with giving the government more chairs, there was nothing at all in the proposal that was designed to improve the functioning of the Senate, nothing at all that was designed to improve accountability and nothing at all that was designed in the interests of the Senate or the parliamentary process in this country. What we are down to after we strip away all the nonsense is that the government by this measure will enshrine its control of the committee system. We will have one committee rather than the paired sets we had previously. But the key change is that the government will have a majority on all committees. The government will have a majority in both the inquiries into legislation and the inquiries into references.

Senator Ferguson and others have made a bit of a thing about how they do not want a minority writing the majority report. I am actually not terribly fussed about the majority and minority report. It is the process that gives us the benefits. It is the process that allows accountability to work. The key issue for us is not necessarily the majority report. The key issues go to what, how, when and who: what issues we inquire into, how we inquire into them, when we inquire into them and who we get to hear from. Those are the key functions that define the committee system and that allow us to hold the executive accountable. What the government has done is to seize control of who will determine what we inquire into, how we inquire, when we inquire and who we hear from. That is what this is about—it is about the government seizing control of those processes. Senators will make those reports, but under the non-government references committee majority the Senate committees were able to go where government did not want them to go. They were able to go to those issues that the government did not want examined. They were able to go to those issues that held the government accountable, and that function will go. It has gone in two stages: one, because the government knocks off the references—it will not allow them to be asked.

Senator Ferguson—It does that now. We already have that control.

Senator CHRIS EVANS—Yes, Senator Ferguson, you have abused your power on more than one occasion.

Senator Ferguson—You’re not getting any references.

Senator CHRIS EVANS—That is correct. First of all they have started rejecting bona fide inquiries into important issues that the public wants examined. So they abused it in the Senate, but that is not enough for them. They then need to seize control of any inquiry because they have been a bit concerned that after committee inquiries have started, even though they have exerted their power inside the Senate chamber, the committees are actually going into areas that might cause the government some embarrassment. So what do they do? The numbers
in Senate are not enough. The ability to block a reference, to block a return to order and to block any mechanism of accountability that the Senate would want to insist upon is not enough. They need absolutely total power; they need absolutely total control: ‘So in addition to that we’ll make sure we’ve got the chairmanship and the majority vote on every committee so that we can have control over everything and we can have the power—

Senator Ferguson—You’d do it.

Senator CHRIS EVANS—Senator Ferguson, not only wouldn’t we do it, we did not do it.

Senator Ferguson—Yes, you did.

Senator CHRIS EVANS—The system that came into place was based on non-government majorities.

Senator Ferguson—In 1993 you did. What about before 1994?

Senator CHRIS EVANS—All through the system since 1994: non-government majorities. Do you know why? Because we agreed with you. We agreed with you when you had some courage, when you had the courage of your convictions, when you argued for the accountability mechanisms of the Senate and when you said the accountability role of the Senate was important. Where have you gone now? You have run away. You do not believe that stuff anymore because you have government.

As Senator Ray said, that will not last forever. The wheel will turn, but I will not be talking about retribution because I fundamentally believe in the institution of the Senate. I think it has taken on a proper function in our democracy. I think it does good work. I actually think the Senate committee system has improved accountability and has improved parliamentary democracy in this country. If it has done so, why would you try and turn the clock back? Because your interest in control and power drives you to that. That is the only reason, and all the farcical arguments that are advanced about improving Senate efficiency, providing more committees, greater participation and greater allocation of work among committees—all are nonsense and all have disappeared. When we got down to the guts of it there was only the one thing that the government wanted and that was power. They wanted control of the committee system and that is what is at the heart of the proposition today. All the rest has been stripped away.

It is about the government seeking to emasculate the power of the Senate to hold it accountable. We have seen that arrogance and we have seen that abuse of power in everything this government have done since they got control of the Senate. Since 1 July 2005, at every step, they have sought to emasculate the Senate, to entrench their power, to use their numbers to alter the way the Senate works and to reduce the scrutiny upon them. They have acted in self-interest on all occasions, be it question time, be it the powers of return to order, be it the timing of committee inquiries and be it on the capacity of the Senate to examine legislation.

At one stage we had 300 amendments dropped on the table and we debated them within the hour. No-one had a clue what was in them. We were denied the capacity to look at important legislation. More importantly, we were denied the opportunity to hear from Australian citizens. One of the key functions of the Senate, one of the things it has done best, is it has engaged the Australian community in debates about legislation and issues of public concern. People appearing at committee hearings have provided valuable input. They have provided advice, opinion and technical advice and they have allowed for us to have a much better system. They have actually enhanced the role of the Senate
and the role of the parliament. That fundamental enhancing of our role has been as a result of us being able to invite in people with an interest in a subject, with an interest in a piece of legislation and to hear from them, to test their views and to use that to improve legislation or contribute to public policy debate.

The government does not like that. It does not like community involvement and it does not like debate because when you get that clash of opinions, when you get the debate, the government has to answer—it has to be held accountable for a policy decision it has taken. We have seen that with the migration legislation. The government has been unable to win the argument. The legislation was wrong, it was wrongly based, and even the government’s own members came to that view. That is the sort of process we want in our democracy. That is the sort of process that the committee system of the Senate has done well. That is what has served parliament and this chamber well over the years as the system has developed.

For the government to try and wipe that out is a very retrograde step. They stand condemned for it because it is not what the Australian people want. The government have overreached. It is often a sign of a decaying government that they seek to entrench their power when they cannot win the political arguments. They seek to abuse the system, to change the rules, to express their contempt for debate and criticism by seeking to shut down that debate and criticism. What we have seen in recent times is the government increasingly inclined to do that because they cannot win the debate. They have run out of ideas, they have run out of an agenda, and the decay is eating away inside the government. How do they deal with that? They deal with it by trying to shut down criticism and trying to shut down the debate: if you cannot win the argument you end the argument. This is what this is about. The government seek to end the debate, they seek to end the argument, by removing the mechanisms that allow the Senate to do that.

It is a most important matter. I know that the Procedure Committee report will be carried. The work that the committee has done on the minutiae of the processes is important because it will allow the committees to function within the constraints of what the government is doing. But make no mistake: this is about removing the capacity of the Senate to act as a check on the executive. This is the legislature being restricted in its capabilities. It is about the Senate being prevented from doing the sort of work that has proved so effective as a check on the executive power in this country. The Senate’s ability to do its work and the Senate’s ability to do what it does best is being seriously curtailed.

I know that we will not win that debate inside the chamber. We cannot win that argument with the government, because the government is too fixated on its own needs and its self-interest. It thinks that, by changing the rules, it will entrench itself and cling to power. But it will have exactly the opposite effect. Whenever governments have gone down this path, it always turns against them, because people recognise it for what it is.

I have been talking to a lot of people about what has been happening in the Senate in recent months—a lot of people who are not Labor supporters; a lot of people who take an interest in public policy, in governance and in the national life. They are all expressing concern to me about these types of measures. They all know that no government ought to be totally unchecked. They all know that a government that is allowed to operate in the shadows, in darkness and without being held accountable is good for neither governance nor democracy.
I think people will consider these issues very seriously when the next election occurs. People will examine whether it is smart to allow any government to have a majority in the Senate. Certainly no matter what will happen in the next election—and I hope and will be working for a Labor victory—it is important that people examine closely whether having a coalition majority in the Senate, be it with a conservative or a Labor government, is a good thing.

I would argue very strenuously that it is not a good thing and this sort of step proves that argument. This sort of measure shows that a government that is unchecked will seek to entrench its power and will seek arrogantly to abuse the processes and change the rules in furtherance of one end and one end alone—preservation of its power. That is all this is about—preservation of the government's power.

We think there is a better way and that we can do much better than this—that the Senate can continue to play its proper role, the role that it has taken on in recent years, and that we can make a useful contribution to the parliamentary process and to Australian democracy. But these sorts of measures will make that very difficult indeed. These measures, combined with the restriction in the number of questions, the control over the legislative process and the failure to allow proper debate in a whole range of areas, mean that the government and the executive are getting a tighter grip increasingly on the parliament. They are getting a tighter grip on the capacity to hold them to account. That is not good for our democracy and it ought to be opposed.

Labor will be opposing the measure that lies at the heart of the government's grab for power and the government's attempt to entrench in the standing orders of the Senate its control over all the Senate's activities. The things that the Senate has done best will be severely curtailed. The role of the committees in holding the government to account and in shining the light into areas of government administration where governments prefer there not to be a light shone will be restricted by the measures contained in this Procedure Committee report.

The government is entrenching its control over what the committees inquire into, how they inquire into matters of public importance, when they do it and whom they may speak to. We have seen already in the legislation committees the government trying to restrict who may appear as witnesses, to restrict the time available to committees to a day in Canberra when they are matters of great importance around the country, to restrict what we may look at and to restrict how we might look at those things. That is not good for our democracy. That is not good for the ongoing role of the Senate.

The Senate ought to be able to act as a check on government and act as a strong accountability mechanism. The government seizing control of the committee system will not allow Liberal senators to be more independent, which is the perverse argument some have advanced. It will allow the executive and the government to determine what work the committees do, how they do that work, when they do that work and whom they speak to. The executive and the minister will have total control over the work of the committees and their areas. That means the government will not be held to account as it should be.

Labor are strongly opposed to the changes to the standing orders that flow from this Procedure Committee report. We think they are a backward step. We pledge to reverse them. We hope that, following the next election, the Senate is composed in such a way that the coalition will not have the numbers
to continue down this path of seeking to entrench measures which work against the Senate’s important accountability role. We hope that these will be reversed quickly.

(Time expired)

Senator EGGLESTON (Western Australia) (6.28 pm)—It has been interesting to listen to what has been said by members of the opposition about these proposed changes, but I have to say that their comments have been very misleading and they have misrepresented in the grossest way the intentions of the government.

Senator Santoro—That is not unusual, is it?

Senator EGGLESTON—Not at all unusual. The Senate is a great institution that is recognised as a house of review around the world and it will continue to play that role in the Australian parliament when the changes which the government proposes to the Senate committee system are implemented and put in place. I am sure that in reality Senator Chris Evans knows full well that what the government is doing is no more than bringing the Australian Senate committee system into line with the committee systems which exist in other great parliaments of the world, including the United States Congress, the House of Commons and other congresses such as the National Assembly of Indonesia, where there is a single committee system in place. The dual committee system which we have had in this country to this day has been something of an aberration, not duplicated and not found anywhere else in the world.

Sitting suspended from 6.30 pm to 7.30 pm

Senator EGGLESTON—When Senator Evans was speaking, he talked about how the government will determine the ‘what’—that is, what is inquired into; the ‘how’—that is, what an inquiry is about; the ‘when’—that is, when the committees hold meetings; and the ‘who’—that is, who would be there—under this new system. He seemed to imply that somehow the ‘what’, the ‘how’, the ‘when’ and the ‘who’ would be different with our new system from what they were under the old system. I really do not think that is the case at all.

The Senate carries out its house of review functions through the committee system. If you think about it, the estimates process is not going to change at all under this new system. We will still have three lots of estimates during the year. In fact, in the last lot of estimates, in May, there were eight committees and they each had four days of hearings. So, effectively, there were 32 hearing days on which to question the government at budget estimates. At estimates we are still going to have the heads of the departments and the head of each program. The senators, just as they usually do and have for all of the eight years that I have been here, will be free to ask any question they like, more or less, of the heads of every program within every department.

So the estimates process is not going to change at all. Estimates will be there. It is one of the great features of the Australian parliament that we do have this very rigorous budget estimates system. It is, I believe, not equalled anywhere else in the world. That is not going to change. I cannot see that the proposed alterations to the committee system will in any way diminish the effectiveness of the estimates process.

Then there is the question of referrals of matters to the committees for investigation. Let us look at how that process works. Senator Evans talked about the ‘what’—that is, what is referred to committees. What is referred to committees—the subject of referrals—is determined by the Senate. The Senate refers matters to committees. That process will continue. It will be the Senate that
refers subjects to the committees for their inquiries.

Senator Evans’ next heading was the ‘how’—how the inquiries are conducted. The manner in which they are conducted now is very much a matter for the individual committees to decide. The committees decide where they will hold their hearings, where they will travel to and who they will invite to come along as witnesses. Usually, when you think about it, the secretariats have a suggested list of people who might be good witnesses because they are the people who are known to be involved in whatever the subject matter of the inquiry is.

The Senate committees advertise, as we all know. In a big advertisement in the Australian every two weeks, every Senate inquiry is advertised. People who are interested in whatever the subject is are invited to make submissions. That process will continue to apply under this new system. The committees will decide how their inquiries are conducted. Senator Evans’ question about the ‘how’ and his implication that, under this new system, the method of conducting inquiries will somehow be corrupted is quite wrong. Nothing, in my opinion, will change very much at all.

Then there is the question of the ‘when’. Senator Evans raised the ‘when’ question—that is, how often the committees meet. Again, how often the committees hold hearings is a question for the members of the committees, Madam Acting Deputy President Moore, as you well know. The committees determine how often they will meet. Just as they do now, so they will continue to do in the future.

Senator Faulkner—Rubbish! Absolute rubbish!

Senator EGGLESTON—Senator Faulkner says that is rubbish, but he must have served on—

Senator Faulkner—Committees do not decide when estimates committees meet.

Senator EGGLESTON—No, you should have listened a little longer, Senator Faulkner. We have dealt with estimates. We are now talking about references to committees. When the committees hold their hearings is very much determined by the membership of the committees.

The other heading Senator Evans had was the ‘who’—that is, who comes to the committee hearings. Again, that is determined by the committees. The committees select the witnesses who will appear before them on the basis of their knowledge, expertise and point of view. We all know, having been on lots of committees—all senators do serve on lots of committees—that after a while there is a pattern. There are people with one point of view and people with a different point of view, but they tend to fall into little groups. That pattern, I am sure, will continue. There will be witnesses invited to appear before these committees who will have a broad spectrum of points of view.

So, in fact and in practical reality, there will be very little change to the way the committees work and the Australian Senate will continue its grand tradition as a house of review. The Senate, I must say, has not always done that as well as it has done it in recent years. The Senate committee system was only established in 1970, I am told. It is a bit hard to know what senators did with their time before that. Certainly in the far distant future, when the electoral system was very different to that which exists now, the proportional system, there tended to be an all-or-nothing principle in the Senate, so that you would get—

Senator Faulkner—You mean ‘in the far distant past’, not in the future.

Senator EGGLESTON—I said ‘in the far distant past’. Senators tended to all have
one point of view. But, under the proportional system, we have a spectrum of views in the Senate, representing, perhaps better than the House of Representatives, a broader spectrum of points of view in Australian politics. Because of that, that broader view will be reflected in the composition of the Senate committees. I am sure that they will continue to conduct inquiries in the manner they have in the nine-odd years that I have been here.

Then there is the question of reports. Senator Evans seems to think that, because the government would chair those committees, the reports would be radically different from the reports produced by Senate committees now. I must say that I find that very hard to comprehend, because Senator Evans knows as well as I and Senators Moore, Abetz and Faulkner that all parties in the Senate will be represented on the committees. Of course, in writing their reports, the senators will again form opinions and no doubt they will fall into party groups. At times there will be unanimous reports and perhaps on many other occasions there will be majority reports and minority reports. If you thumb through the reports that have been presented to the Senate over the last 10 years you will find, surprise, surprise, that that is the way things usually go: you get majority reports, dissenting opinions or minority reports and, every so often, unanimous reports. In terms of the content of the reports and their recommendations, I do not think anything is going to change greatly under this system.

I happen to know that Senator Evans has written a letter to all chambers of commerce in Western Australia, and no doubt to many other bodies around the state, telling them that the government is about to emasculate the Senate committee system, that the Senate will no longer be a house of review—

**Senator Faulkner**—Sounds like a good letter.

**Senator Abetz**—Remember, Senator Faulkner, that he voted for Mr Latham.

**Senator EGGLESTON**—Yes, indeed. I think that Senator Evans is guilty of gross misrepresentation, for the reasons that I have already been through in this discussion. The Senate is going to be preserved and protected in its role as a house of review. As I said, we will still have Senate estimates hearings and the Senate committees will still conduct inquiries into various matters. The fact that we are amalgamating the Senate legislation and references committees is really taking the Senate committees back to how they were when they were first introduced in 1970 and as they remained until the mid-nineties.

As I said before dinner, around the world, the concept of having a dual committee system under a single name or heading is something of an aberration. If you go to the United States Senate you will find that there is the United States Senate Foreign Relations Committee and the Committee on Ways and Means, but there are not separate legislation and references committees; there is just one committee. Likewise, the House of Commons in the United Kingdom does not have a dual committee system. There are select committees which cover portfolios—an education committee, a defence committee or a health committee—and it is a unitary system. In Jakarta, at the National Assembly of Indonesia, interestingly enough they have what they call commissions, which are essentially the same as our committees. They do not have a references commission and a legislation commission for health, education or defence; they simply have commissions with numbers—commissions one to nine—and designated purposes. The members of those commissions, who come from all parties,
contribute to the deliberations of those commissions.

It is very hard to find anywhere else in the world which has the rather curious dual system that we have in the Australian Senate. Even though the system is unique, it has to be considered something of an aberration. In fact, it must be regarded as a very inefficient way of doing things. Why have two lots of committees covering the same ground when you could have one committee, which would obviously have great efficiencies? It means that it would be easier for the staff. In fact, under our system we will expand the membership of each of the committees so that the senators who are on both committees, the references and the legislation committees, will very largely fit into the new committee system. The fact that we are bringing our committee system into line with those of parliaments around the rest of the world is really a very important point to bear in mind. As I have said, our whole committee system has been something of an aberration. We are simply streamlining it and making the system more efficient.

I find that the whole approach of the Labor Party to this matter does not seem to ring true. After all, from 1970 through the era of the Whitlam government and then through almost the whole era of the Hawke and Keating governments, the Labor Party was content to have a unitary committee system. It was a system which set up the house of review function of this Senate and which was regarded as working very well.

Just to summarise, in my opinion the role of the Senate as a house of review will continue under this new arrangement in a very effective way and the Australian Senate will continue to be respected around the world for the role that its committee system plays, especially in estimates, in examining the executive and in calling to account the expenditure of the government. As I have said, the changes will bring Australia’s legislature into line with other important legislatures, including the United States Senate, the House of Commons and many other legislatures around the world which have unitary systems. It is very interesting: no-one at all in this debate has come up with the name of another parliament which has a duplicate committee system of the kind which the Australian Senate has had up until this legislation was proposed. With that, I conclude: I believe that this committee system will work effectively, well and in the best interests of the Australian people.

Senator FAULKNER  (New South Wales) (7.45 pm)—There is nothing worse, is there, than receiving a history lesson from an ignoramus.

Senator Minchin—Madam Acting Deputy President, I rise on a point of order: that was quite unparliamentary.

Senator FAULKNER—I think ‘ignoramus’ is perfectly parliamentary.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator Faulkner, I do not agree; I think you should withdraw that.

Senator FAULKNER—If you do not agree, I will have to withdraw it: I withdraw it. There is nothing worse, is there, than receiving a history lesson from somebody who knows nothing about history. That, unfortunately, is the situation we have with Senator Eggleston, who imagines, who dreams about, what it must have been like in the Senate prior to the massive changes to the committee system, the introduction of proportional representation in 1949 by a Labor government, the Chifley government. He dreams about what it might have been like as far as the activities of senators were concerned prior to the introduction of committee system, driven by the Labor Party in the very early 1970s. The person who is
properly given credit for that is former Labor senator Lionel Murphy, who drove those reforms at that time.

There is nothing worse than a person who talks about the appropriate role of the Senate as a house of review but fails to understand that that is precisely the role that the Labor Party has always believed that this Senate should pursue: a house of review, a house of scrutiny. The speaker prior to me failed to mention the abuse of process driven by the Liberal Party in 1975, when the whole history of this chamber was turned on its head with the most massive abuse of Senate powers we have ever seen in the history of the Commonwealth of Australia.

It is very unfortunate to hear someone speak about a committee system when they do not really understand the background to its introduction. There was no understanding from Senator Eggleston that this original duality, the paired committee system, was something that was very warmly welcomed by the opposition of the day—again, in the early 1990s, the Liberal opposition of the day—as around the chamber these changes were negotiated. It was the Liberal Party—the coalition—that has changed its view so massively in relation to the way the Senate committees should work. It was the Liberal Party that gave great support to the paired committee system that Senator Eggleston now tells us the coalition is so opposed to and never supported in the first place. It is appalling to receive a history lesson from someone so ignorant.

This is a very unusual Procedure Committee report that we have before us today. The motivation for the report? Venality. The justification for the report? Non-existent. The content of the report? Realistic, I would say, in the circumstances—the unacceptable circumstances—that the Senate faces. I believe it would be a very good analogy to say that the Senate Procedure Committee report proposes a well-designed procedural house but one built upon the sand, because there is no need for this report and the changes that it contains. It is very important—and I want to draw the attention of the Senate to the fourth paragraph of the report. It says:

However, Opposition and Australian Democrat members of the committee indicated that their participation in this inquiry should not be taken as support for the restructuring of the committee system with which they strongly disagreed in principle. Having considered the mechanics of the restructure, the committee leaves it to the Senate to determine its merits.

I want to make it absolutely clear: there is no need for these changes at all. These are the changes we did not have to have except for the fact that a couple of greedy people in the government wanted to filch committee chairs—that is why I described this earlier as venality. It is all about money—a couple of coalition senators getting their hands in the taxpayers’ pockets, a couple of coalition senators wanting to be chairs of committees. This drove the original proposition grandly presented by Senator Minchin, the Leader of the Government in the Senate, and Senator Coonan, the Deputy Leader of the Government in the Senate. Again, it is very well described in the Procedure Committee report, so I will present it, as I so often do, to the Senate without spin. Let me quote the third paragraph of the Procedure Committee report. It says:

The Leader and Deputy Leader of the Government in the Senate had proposed that legislation and references committees be amalgamated, into legislative and general purpose committees, and that ten such committees be established.

That is right. They proposed amalgamation, which you have heard about, and they proposed that the number of committees be increased from eight to 10. As I say, the motivating factor is greed—another couple of
coalition senators trying to get a committee chair position.

It is not just a power grab. It is not just an abuse of power. It is true to say, of course, that it is driven by the fact that the government now has a majority in the Senate. That is what has driven Senator Minchin and Senator Coonan’s change, and hasn’t it been an own goal! It has really blown up in their faces. What they have had to do is try and scramble around and use the experts that the Labor Party provide on the Procedure Committee to dig them out of this hole, to see if we can try and establish a reasonable outcome from this terrible abuse and this power grab and money grab of the coalition. The Procedure Committee has done its best, but it is a procedural house built upon the sand. There is no need for these changes and we should not be debating these changes now.

Yes, there is a proposal to extend the number of committees from eight paired committees to 10. That was the original proposal. You can read about it in the committee report. When the pressure has been put on the government to explain, at any stage, what the extra two committees might do, there has never been an answer. No-one had ever thought of that. They had only thought about the dollars and cents going into the pockets of the chairs. No-one had ever thought about what these two committees might do. No, they only thought about the fact that there would be two extra chairpersons from the coalition parties. No proposals at any stage were developed. No-one had bothered to check at any stage with the Department of the Senate or the Department of Parliamentary Services whether in fact it was achievable to extend the number of committees from eight to 10, whether we could do it, whether the logistics actually allowed it to be done.

I want to commend to any interested senators or members of the public two reports which have been tabled in the Senate. One is a report from Mr John Vander Wyk, Clerk Assistant Committees. Mr Vander Wyk, I know, is about to retire. We wish him well in his retirement and commend him for his report dated 26 July 2006 about the proposal to alter the Senate committee system. I merely draw attention to this particular report because it talks about the difficulties in terms of the current arrangements—the accommodation problems, the staffing problems, the broadcast problems and the like. It is worth reading. It is only a couple of pages and I commend it to senators.

Then of course we also had a report from the Department of Parliamentary Services. That report was provided originally to the Procedure Committee, and now it has been tabled in the Senate, under the hand of Ms Hilary Penfold QC, the Secretary of the Department of Parliamentary Services. I have a little time available to me to talk about this report because the legislation program has been changed in the Senate, because Mr Howard has been humiliated by the withdrawal of the unauthorised arrivals bill. We have a little time on our hands. The government were very keen to have this debate because they have no idea what else they might wish to debate this evening.

Senator Minchin—There are plenty of other bills; don’t worry.

Senator Faulkner—You finally have a bill to bring on, do you, Nick? Very well done! So it is not a complete crisis around there at the ministerial wing. You are starting to get your act into gear. It has only taken you a few hours since the bill was pulled this morning. Let me quote what Ms Penfold QC said in this letter that has been tabled. Paragraph 3 is about proposed changes to the committee system. It states:
To provide transcription, broadcasting and security services for the proposed fifth committee—
I interpolate: this is Senator Minchin’s fifth committee—

DPS would require additional resources to cover costs associated with increased overtime, employing and training additional casual staff, or increased outsourcing of transcription work.

What a pity that Senator Minchin and Senator Coonan did not think of any of that before they went for the money grab for the two extra chairs. Nobody bothered to think of that. Then there is paragraph 5 of Ms Penfold’s quite interesting letter to the Procedure Committee. It states:

Even using the current staffing and panel arrangements to full capacity, if the Senate committees convene during a House of Representatives sitting period (when a variable and unpredictable number of House committees also convene), it will not be possible to meet current transcript turnaround timeframes. Further research would be needed to determine whether it is possible to extend the present panel arrangements to new companies, but it might also be necessary to renegotiate transcript turn-around times.

Nobody thought of that either. After all, when you go in the dash for cash, you do not worry about all these logistical issues of whether the committees can actually meet. Then Ms Penfold went on to say:

If television broadcasting of the fifth committee is required, there may not be a suitable room available.

We will have the committee meet out on the lawn if there is no suitable room available! She goes on to say:

The current four estimates committees are televised from committee rooms 2S1, 2S3, 2R1 and the Main Committee room. The only other committee room that has television broadcasting equipment is committee room 2R3—which is used by the House of Representatives Main Committee. In time, it may be possible to fit out another Senate Committee room to provide televised broadcasting capacity but this work is not currently included in DPS forward work plans, and any such proposal would require appropriate funding support.

Nobody thought about that. No-one worried about the logistics of whether you could actually have the committees meet, whether you would have the rooms available, whether there would be staff available, whether you could have transcript and Hansard services available, whether you could broadcast them or whether there would be the usual audio-visual services—no-one gave a damn about any of that. After all, when you are in the big race for the money, the big race for the brown paper bag, why would you worry about that sort of thing? Senator Coonan and Senator Minchin have been badly exposed on these matters.

I am pleased, I have got to say, that Senator Minchin has backed down on this—that is, he is showing a bit of leadership. It is becoming a pattern. It is the second backdown of the day. We have had Mr Howard’s backdown on the unauthorised arrivals bill and now we have had Senator Minchin’s backdown on the Senate committee issue; and it was the right issue to back down on. I have heard some nonsense in my time, but the speeches I have heard from coalition senators about the way the Senate is working since the government majority are absolute rubbish—absolute nonsense. We know, Madam Acting Deputy President Moore, that we do not have referrals to existing committees on any matter that is contentious. Forget that; it does not happen anymore. We do not have the establishment of select committees on any matter that is contentious. The sort of Senate inquiry we had into a certain maritime incident—the lies of ‘children overboard’—will never happen while there is a government majority in this place.

We have had the rotting of question time—the order of questions in question time—to get a few extra Dorothy Dix ques-
tions for the government. And how bad those dorothy dix questions really are! What benefit does it really give to have a couple of ministers get up and make a complete goose of themselves during question time? For example, consider the puerile performance of Senator Ian Campbell in question time today on the scientific basis for environmental decisions. It was a bit of a laugh. We were laughing. His own team were laughing at him. Everyone was laughing at him. But it is a real waste of time, when it is all said and done. And, of course, we do not have orders for the production of documents passed in this chamber anymore. There are no more returns to order. You do not see that happen anymore.

The accountability mechanisms of the chamber have been massively watered down. What was said by the previous speaker about estimates committees is not true. Estimates committees are meeting for fewer days; have a look at the pattern. They are meeting for less time and there is less opportunity as a result to hold the government and the executive accountable. I happen to believe that the Senate committee system is the best accountability mechanism we have in this parliament. The Senate committee system working well is the Senate at its best. And it is not only the best accountability mechanism in this parliament; it is the best accountability mechanism in any parliament in this country.

What we have now is the government using its majority in this chamber to literally run wild and change these accountability mechanisms as best it can. The government has been very embarrassed by these changes to the Senate committee system; Senator Minchin, who can be quite a smart political operator at times, realised this, so he pulled stumps, decided to get the best possible system—that is, eight committees and not the 10 he originally proposed—and called it quits. These changes are unnecessary; they should not have occurred. They represent nothing else but an unnecessary power grab by a power-hungry and manipulative government. (Time expired)

Senator MINCHIN (South Australia—Minister for Finance and Administration) (8.05 pm)—After that rather unfortunate and disappointing display of bile and vitriol from Senator Faulkner, could I just say, on a positive note, that I am pleased that these changes were referred to the Procedure Committee, the report of which we are now considering. I appreciate the cooperation of non-government parties in the operation of the Procedure Committee and the deliberations that occurred. I appreciate the fact that at the meeting, which was in fact the first meeting of the Procedure Committee that I had ever attended, it was agreed at the outset that, while the opposition parties could not—and I accept this—agree with the direction of the government’s proposals, they wished to discuss positively the best way to implement the arrangements. On that basis, I think it was a very constructive operation.
This is a very good report. Indeed, we were persuaded by the opposition parties that, as the committee recommends, the proposal to have eight committees with eight members was the most sensible way to proceed. I want to thank all members of that committee. I want to thank the members of the Senate staff who supported that committee in their work in ensuring that the report was produced. It is a very helpful, productive and good report. I commend it to the Senate and I trust that its recommendations will be supported by all.

I turn to the substance of the proposed changes, and I will get to Senator Faulkner’s rather unfortunate remarks in due course. There has been a significant amount of hysteria generated about what the government is proposing, and I would like to respond to some of the criticisms and hysteria. Firstly, I make the point that, contrary to speculation by some, these proposed changes did not originate in the Prime Minister’s office. They originated in the backbench of the coalition. The coalition members brought to the attention of the coalition Senate party room the proposals that you see before you, which did ultimately receive the support and endorsement of the Prime Minister. The initiative came very much from our backbenchers.

They were motivated I think by the regrettable abuse of the current arrangements that has occurred. I came into this place just at the time that the current arrangements were put in place. At the time, as a lowly coalition opposition backbencher, I could not quite understand their motivation or their purpose. I think the proper explanation for the current arrangements was that at that time you had a governing party in the Senate with probably the lowest number of senators any governing party has ever had—only 30 of the 76 senators, I think—yet it chaired all the committees. There was a majority of the Senate not particularly happy with that arrangement.

For our part, we have always said that the government should chair the main committees of the Senate, the portfolio committees. But an arrangement was agreed to that reflected the plurality the coalition then had in the Senate—that is, it had 36 senators compared to the ALP’s 30—and that created the duplicate committees, the references committees. I always found that system rather odd, but it could work if there were genuine regard for it. But the fact is that since 1996, on 46 separate occasions prior to the coalition majority being achieved, legislation has been referred by this Senate to references committees—a complete corruption of the current system. The current system can only operate if everybody is prepared to accept the difference and the separation between a legislation committee and a reference committee. But, once this Senate began to corrupt and abuse that arrangement by referring bills quite deliberately to references committees with a complete disregard for the Senate’s original decision to split these committees between legislation and references, the whole house of cards crumbled. What you see before you is very much a consequence of that corruption and abuse of the current arrangements by the Senate over the last 10 years in sending bills to references committees—obviously, for purposes that we all know.

The other very odd thing about the hysteria surrounding these very moderate and sensible proposals is that they return the Senate committee system to exactly the system that prevailed for the whole of the 13 years of the Hawke and Keating governments. So, for all the fire and brimstone that we hear from the Labor Party about how dreadful these changes are, they are a return in effect to exactly the arrangements we had for the 13 years when Labor was in office. In itself that totally exposes as a farce the ar-
arguments that we have heard from the Labor Party.

In that vein I want to reject out of hand the other straw man that has been erected, that somehow this is a reflection of what is described as the coalition’s ‘abuse’ of its Senate majority. It is said that we control the Senate. May I say quite openly and honestly that I think the events of today are evidence in themselves that the coalition does not control the Senate. That is a function of the very proud tradition of the Liberal and National parties of according to all members and senators the ultimate right to express their views openly on the floor of the parliament and without fear of retribution. So it is that Liberals and Nationals are able on occasion to cross the floor and vote against their party if they believe the circumstances warrant it. It is rare but it is something that the Liberal and National parties have always had as part of their tradition and one that is defended by us. It is quite unlike the Labor Party, where anyone who dares to do such a thing is subject to expulsion from the party. So by definition the government does not control the Senate.

Indeed, the coalition parties are the great defenders of the Senate. It has been part of our political philosophy for all of our existence, for the history of the Federation, to support the upper house, to support the Senate and to support the house of review. Since the coalition gained a technical majority in this place on 1 July last year, I think we have acted with due caution, responsibility and moderation. We have retained the tradition that an opposition party member occupies the position of Deputy President. If we had wanted to we could have used our numbers to end that tradition. I think that it is admirable that we resisted any temptation to do so. May I say, it was made easier by the fact that the Labor Party has put up one of its best senators for the position, and I commend Senator Hogg for the job that he does as Deputy President. But the fact is that if we were into abuse of our majority we could have easily ended that arrangement. We have respected question time throughout with equal numbers of questions—indeed, on balance, more questions for non-government parties, although we are in a majority in this place.

We have respected the proper place and role of estimates committees. I agree with Senator Faulkner: I think that the estimates system is a good process for governance, obviously for oppositions, but it is also good for public servants and ministers to know that they must run the gauntlet of estimates committees—and we have retained them in full. We have also retained the practice of referring legislation to committees.

It is my profound belief that with these changes you will see many more references going to committees as well. It is by definition the case that, with references committees controlled by minority parties in the Senate, the majority parties in the Senate are going to be less inclined to send references to committees, knowing that they will be political witch-hunts and that there will be abuse of the reference. I think you will find much more legitimate, objective consideration of significant national issues by Senate committees as a result of the changes we propose to make, as outlined in the committee report.

I want to refer to the unfortunate remarks made by Senator Faulkner and, at the outset, reject the outrageous abuse that he directed at Senator Eggleston. It was quite uncalled for, and I thank you, Madam Acting Deputy President, for correcting him. Senator Faulkner talked about history. I am very happy to take him up on that, because we on this side know all too well that it is the history of the Labor Party to have opposed the very existence of the Senate. For 60 years of the Labor...
bor Party’s existence, it has been part of its platform and constitution that the Senate should not exist. It has been totally opposed to it and has campaigned on that basis for most of its existence.

Two Labor Premiers at the moment are totally opposed to the equivalent of the Senate, the upper house, in their states. The Premier of my state, South Australia, is openly campaigning for the abolition of the Legislative Council in South Australia. Labor has never liked upper houses, and we have a modern-day Labor Premier campaigning openly to remove my state’s upper house. It was the Labor Party that got rid of the upper house in the state of Queensland, the only state not to have an upper house. It was removed by the Labor Party, which stacked that upper house with people who were prepared to vote to abolish it, and Mr Beattie, the current Labor Premier, dismisses with scant disregard anybody who suggests that Queensland should have an upper house. I believe that Queensland would be a much better state—a more accountable and more democratic state—if it had an upper house, and I long to see that day. The behaviour of Mr Rann and Mr Beattie exposes the underlying antipathy of the Labor Party to upper houses, and it is completely unacceptable for our side to be lectured about the Senate by the likes of Senator Faulkner. As a historian of the Labor Party, he knows better than most the long-held tradition in the Labor Party of opposing upper houses.

Senator Faulkner also regrettably descended into personal abuse of coalition senators by describing as venality and greed the motivation for our original proposal that there be 10 of these portfolio committees. I am sorry he made those remarks. They are quite untrue and unfair and an unacceptable reflection on members of the coalition. Indeed, one of the motivations for us originally recommending 10 was that we anticipated that the likes of Senator Faulkner would mount their criticism of these proposals on the basis that there are currently 16 committees and that, if we were to propose that there be only eight, they would say that this is a disaster and dreadful and that we are cutting the number of committees in half. There are really only eight committees, but there are two subsets of those eight committees. That is the current system, but it can be said that there are 16. In the face of what we anticipated would be violent attacks on cutting the number of committees in half, we thought that perhaps there is an argument for having 10 portfolio committees to mitigate the degree of criticism of the apparent reduction in the number of committees. We also thought that it was not unreasonable to suggest, in deference to those who uphold the virtues of Senate committees, that this would provide for an additional two Senate estimates committees and that that might be welcomed by those in the opposition. We were not to know that we would be roundly attacked in the way that we have been by Senator Faulkner for proposing that there be 10, not eight, of these committees. It just shows that with Senator Faulkner you can never win.

Senator Faulkner is also wrong to suggest that we had not given thought to the portfolio responsibilities of these two extra committees. Indeed, we discussed in the Procedure Committee, I recollect, the possibility of one of the subjects of employment and environment being given to these two committees so that those very important issues can be given more detailed consideration than is currently possible. We also gave consideration to the physical issues surrounding having two extra estimates committees, and we are satisfied that there may be some difficulties but that they can be overcome. Poor old Senator Faulkner was reduced to spending much of his speech simply reading out Ms Hilary Penfold’s letter. I mean no criticism of her. It
is her proper responsibility to outline the difficulties, but I have no doubt that if we were to proceed with 10 committees those difficulties could easily be overcome with the proper application of the requisite resources. Nevertheless, we acknowledge that the Labor Party in particular mounted a constructive argument as to why eight committees would be more functional. We have accepted that recommendation in good spirit and in order to properly achieve consensus around the way in which this new system should operate, conceding of course that the non-government parties would prefer to keep the current arrangements.

I think Senator Faulkner is the one who should look back on his history with embarrassment and shame because of the Labor Party’s antipathy to upper houses and not abuse people like Senator Eggleston. I think the changes that are proposed are moderate, reasonable and sensible and will result in more functionality, efficiency and effectiveness for the portfolio committee system that operates in the Senate. I again remind the Labor Party and anyone listening that what we are proposing is essentially a return to the Senate committee system that operated for 13 years under the previous Labor government effectively and without any criticism from the Labor Party government at that time. In closing, I commend all those involved in the Senate Standing Committee on Procedure report—all members of the committee and the staff who supported it—and I look forward to the adoption of the report by the Senate.

Senator MILNE (Tasmania) (8.22 pm)—I rise tonight to say how disappointed I am that these changes are being proposed and will be forced through by a government with a majority. I say that because of my previous parliamentary experience in Tasmania, where we worked very hard to establish a committee system that was effective. We worked with the Reform of Parliament Committee between 1992 and 1996, when there was a majority Liberal government in Tasmania, to look at the way the parliament operated. The motivation for it was that the Liberal majority wanted to increase the pay of politicians by 40 per cent in one go. However, they had to have some justification for this incredible increase in remuneration and so they came up with the idea of a Reform of Parliament Committee. I served on that committee for those four years and it was incredibly important because it led to recommendations that took the Tasmanian parliament from the last century, that is, the 19th century, into the 20th—certainly not into the 21st but into the 20th.

The reform committee recommended that we have estimates committees in Tasmania. Up until that time there were no estimates committees in the parliament. It recommended pre-legislation committees of the type the Senate knows as legislation committees. It recommended that the Parliamentary Library employ researchers. This was a wild idea, opposed by the Legislative Council in Tasmania, who felt sure that too much information would undermine the prejudiced positions they had held for many years. They could not see the point of researchers and did not need them. Anyway, we proceeded with researchers in the library. We proceeded with the notion that question time could be televised on some occasions, providing the bald spots of some members were not shown—we got down to that level of detail. The point is that there was great excitement about at last having estimates committees and pre-legislation committees that would involve the community in being able to improve legislation before it came before the House of Assembly in Tasmania and start getting an active, participatory democracy. We succeeded in getting those changes.
But then, tragically, when it became apparent that the Greens would maintain the balance of power in Tasmania, both the Liberal government and the Labor opposition got together to reduce the numbers in the Tasmanian parliament in both houses and in so doing they destroyed the whole thing. The estimates committees still operate in Tasmania; the pre-legislation committees went west. It is a case of every player wins a prize in Tasmania now. With 25 members in the House of Assembly—for a critical mass in a parliament—by the time you get a ministry and a speaker you do not have very many people left on the backbench to serve on committees. So the whole thing was lost. What we see in Tasmania is a return to majority governments, rubber-stamping and all that characterised the poor governance of the preceding period.

When I came here to the Senate, having worked previously with Senator Brown in his office in Hobart and then having observed the Senate, I saw that the Senate committee system was at least an opportunity where the non-government parties could seriously engage in review. This house, having originally been a states house, has transformed itself over the years and is no longer a states house but is being seriously seen as a house of review—a check on the government of the day.

I was very interested listening to Senator Minchin because I was waiting to hear the motivation. The fact that the government can do it is obvious, because it has the numbers. The question is: why would you do it? Why would you change the committee system? So far the only explanation for the number 10—pick a number between eight and 16—is, as Senator Minchin told us a moment ago, nothing other than, in order to anticipate the Labor opposition’s attack that eight would be half, the government said 10. We are seeing the way that governance is carried out in Australia; it is based on anticipating a number between eight and 16 that the Labor Party might pick. So it was 10. The other two committees? No idea. As Senator Faulkner said earlier in this house, there is no idea at all what they might do, except it is more of every player wins a prize because allocating the chairs of all the committees to government members increases the loyalty of government backbenchers to the leader of the day, who appoints the chairs of those committees and the perks that go with the position of chair. It is also guaranteeing, of course, that the reports of those committees are sympathetic to the government of the day. I can anticipate that government members might say: ‘No, look at the current reference of the committee looking into the immigration bill. They came up with the wrong answer and yet they had a government chair.’ Yes, and look at the preselection processes around that particular chair. Look at the preselection in Western Australia, with a member of the House of Representatives, Judi Moylan. Let us have a look at those preselection processes.

Senator Heffernan interjecting—

Senator MILNE—I am delighted that Senator Heffernan has entered the chamber and I am happy to debate those issues. Let us not pretend that allocating all the chairs of these committees to government members is not about taking away effective review of legislation. That is precisely what we are going to see under this new system.

We had Senator Minchin talking about the proud tradition of the Liberal Party, and yet we have seen the proud tradition engaged in bullying and abuse—no doubt, we will cop some of that shortly. A bit of abuse does not go astray in these processes, either. What we are seeing here is part of the hubris of the government. The government has the numbers; it can take control of the committees, it
is going to take control of the committees and it is going to undermine the democratic process in this house of review.

We have also heard from Senator Minchin where this came from. It came from the backbench of the coalition, supposedly because too many references were being made to references committees instead of legislation committees. The reason given for that was that the references committees were chaired by non-government members and could effectively mount an investigation. Earlier this evening, Senator Minchin said that that was precisely the motivation for taking over the chairs of these committees. We were told that we are going to see effective and efficient operation of the Senate, but we are not. We are going to see what we have been experiencing in the last 12 months: you can no longer get what you need in order to scrutinise government. There are no more returns to order. We are not going to get the kind of scrutiny we have seen in some of the Senate committees during the 10 years of the Howard government. What we are going to get is an Australian community that is more and more sceptical about the Howard government exercising total control over both houses.

Earlier this evening Senator Minchin said that the fact that it has not got total control is demonstrated by the behaviour of the backbench in relation to the proposed immigration legislation, and that the fact that the Prime Minister has lost control of his backbench demonstrates that there is not this capacity to overwhelm any legislation or decisions in the Senate. But the Australian community ought not to have to rely on the courage of a few backbenchers in order to get appropriate review and scrutiny of legislation. The Australian community is entitled to have qualified, talented and interested senators taking the chairs of these committees, regardless of whether they come from the government or the opposition benches. I think it is entirely appropriate that some non-government senators chair some of these committees. With the government not only having the chair but also having the majority of members on these committees, we are going to see people giving up on the Senate committee system. That in itself will be very sad.

I will be interested to see just how enthusiastic some of the government backbenchers are about coming along to maintain a quorum in these committees as they are going to operate under the changed rules, because I think it is going to be quite interesting to see whether there is that level of commitment now that the two additional chairs have been taken away from the backbenchers who thought that they might get those rewards of office.

The other thing that is of concern is the fact that the committee may appoint a sub-committee consisting of three or more of its members and refer to any such subcommittee any other matters which the committee is empowered to consider. What is to stop a government dominated, government chaired committee setting up a subcommittee of its own members? That will be an interesting phenomenon, and we will see even less scrutiny than we already have.

I have seen what happens when governments decide to manipulate longstanding parliamentary processes to their own advantage. Ultimately it comes back to bite them. Ultimately that occurs, and it will occur in the Tasmanian parliament given enough time. But in the meantime the people of Tasmania have been seriously short-changed by the reduction in the numbers that has taken away serious democratic representation in that state. Just as the people of Tasmania are now acknowledging that, the height of hypocrisy I have to comment on
here is that of the member for Denison, Michael Hodgman. He was the one who threatened Tony Rundle—the then Premier—with crossing the floor unless Tony Rundle supported the Labor Party’s motion to reduce the numbers. The reason for that was that Bob Cheek, who was also a Liberal member for Denison—as you would well know, Mr Acting Deputy President Barnett—had already said he was going to cross the floor. The member for Denison, Michael Hodgman, was terrified that he would lose out in the deal. They both threatened Tony Rundle with crossing the floor, which was the motivation for Tony Rundle to embrace the cut in the numbers in a way that would disadvantage the Greens, who in this case were the minor party.

Now the member for Denison, Michael Hodgman, makes speech after speech everywhere saying, ‘Oh dear; democracy in Tasmania has been undermined by these changes.’ He now realises it was a mistake, because the Liberal Party are going to be in opposition forever at this rate because of what they did to themselves. Now he wants it changed again, without acknowledging any of his own responsibility in having forced the absolute gutting of the Tasmanian parliament. He stands condemned for his role in it. At the time I said to the then Premier of Tasmania, Tony Rundle, that he might think he was doing in the Greens, but he was destroying the Liberal Party forever because the Liberal Party could never be in government in Tasmania if they got rid of the Greens, because the only thing that kept Labor from having a majority in Tasmania was Green representation in the parliament. But they would not have a bar of it, and one only has to look at the consequent years to see that that was the case.

That is why I am standing here today saying that governments who get majorities and decide to undermine democratic institutions and democratic processes, change the system to their own advantage, remove the possibility of opposition members chairing committees and remove genuine scrutiny have the boomerang come back and hit them in the head. The Australian people deserve a house of review. A house of review means appropriate scrutiny of legislation and appropriate scrutiny of governments. You achieve that through estimates committees, through Senate references committees and through Senate legislation committees. You achieve it through returns to order. You achieve it through getting references up.

Only a few months ago I moved in this Senate for a reference to look at all of the energy options for Australia because of growing greenhouse gas emissions and increasing oil prices. The government was having an investigation into uranium. I moved for the whole range of energy options to be considered, and it was defeated. It was defeated on the numbers. Nothing will be referred unless the government decides that it wants a reference to proceed, and that is not the best interests of good governance in this country.

However, the hubris that has set in with the government will mean that at next year’s federal election the Senate will become the focus of the election, which it has not been for many years. Control of the Senate will become a major election issue. Rescuing the Senate from the autocratic way in which the government is treating it will be something on the minds of the Australian people. They will realise that today there was a lucky escape for this country where the Howard government tried to excise the whole mainland of Australia, when the Prime Minister said only a couple of years ago that it was a complete nonsense to suggest that he would ever try something like that. It was an attack on the sovereignty of Australia. It was kowtowing to Indonesia. It was pathetic.
The Australian people are going to say to themselves, ‘We do not want this government to control both houses.’ There will be a backlash and there will be a balance of power in the Senate after next year’s federal election. We will change it back again to give appropriate scrutiny to government legislation—appropriate scrutiny that is afforded by the committee system—and we will return to having non-government chairs on some of the committees, as ought to be the case.

Talented people in this Senate deserve the opportunity to represent their country in the best way that they can. The denial of that is to the benefit of the backbench of the governing party, in this case the coalition, whose hands were out for two extra Senate chairs for no better reasoning than: ‘Pick a number between eight and 16. Ten’s good; it’ll give us two extra chairs. Pay off two extra backbenchers to effectively chair those committees.’ What sort of reasoning is that for taking away the scrutiny that ought to be here with this house of review?

I want to conclude by reinforcing that the opposition parties in no way wanted their participation in the committee looking at these changes to be taken as support for the restructuring of the committee system, which they strongly disagreed with in principle. It is absolutely clear that this is simply a grab for power which is going to backfire on the government and make rescuing the Senate the priority in next year’s federal election.

Senator LUDWIG (Queensland) (8.41 pm)—I rise to speak this evening on the Procedure Committee report on the restructure of the Senate committee system. As we know, at the last election the government was able to win a majority in the Senate in its own right effective from 1 July last year. The government, in the months leading up to their assumption of control, went to great lengths to talk down their plans for the Senate—surprisingly!—and to try and assure Australians that they had only honourable intentions. The Prime Minister, Mr John Howard, told the Australian people, to quote from him on a doorstop from 28 October 2004:

... I want to assure the Australian people that the government will use its majority in the new Senate very carefully, very wisely and not provocatively.

We intend to do the things we’ve promised the Australian people we would do, but we don’t intend to allow this unexpected but welcome majority in the Senate to go to our heads.

And he said:

We certainly won’t be abusing our newfound position. We will continue to listen to the people and we’ll continue to stay in touch with the public that has invested great trust and confidence in us.

We had Mr John Howard running around the country telling anyone who would listen that they had no plans at all to abuse their power in the Senate, that they would not let the temptation go to their heads.

But before long—not very long at all—the temptation became too much to resist. Since 1 July last year, contrary to Senator Ellison’s claim, we have actually seen a massive increase in the government’s share of allocated questions during question time. Senator Ellison, vainly, I put it, but magnificently, tried to argue that, of the 1,000 questions asked since 1 July 2005, 800 were from non-government senators. Of course, Senator Ellison was being a tad—perhaps we could use this word—devious, or not giving us the whole picture, since he was double-counting by including supplementary questions. We all know that the government do not attach supplementary questions to their dorothy dixers. The more interesting statistic is this: of the 350 allocated questions asked during this parliament before 1 July 2005, just 25 per cent were dorothy dixers from the government backbench. Since 1 July, of the 623
questions asked, 39 per cent were dorothy dixers from the government backbench. If that is not a reduction in the Senate’s ability to hold the government to account then I do not know what is.

Secondly, there has been a 400 per cent increase in the rejection of inquiries proposed for references committees. These have leapt from three to 15 and, in many cases, they have been rejected without any justification given. Thirdly, the length of committee inquiries has been slashed. From the beginning of 2004 up to 30 June last year inquiries had an average length of 39 days. Since the government assumed control of the Senate that number has crashed to 27.5, so we have had nearly a full two weeks shaved off the average length of an inquiry. Amazingly, though, this figure would have been even lower if the government had had its way. If you cast your mind back to the end of last year you had the government proposing a miserable one-day inquiry into the Anti-Terrorism Bill (No. 2). I will add that the government is now coming back to parliament to amend that legislation which it rammed through parliament, to amend it even before it becomes law.

Fourthly, debate on legislation has been continuously guillotined or gagged in this chamber. The Senate was guillotined last year when debating the workplace reforms—legislation which has been shown to be the most drastic and wide-ranging change to Australian workplaces and home life in decades. On the other hand, when it comes to Australia’s migration laws, the government is more than happy to hear from Indonesia. It will listen to the Indonesian government but not to the elected representatives of the Australian people. Just this morning the government pulled its controversial Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 with less than a minute’s notice. In fact, it pulled it while the bells were ringing. The inability of the government to control its own ranks is not a legitimate reason for showing the Senate such flagrant disregard.

I could go on with other abuses. I have certainly catalogued many of them. Other abuses include the unilateral decision of the government to refuse to allow public servants to speak about the Australian Wheat Board in estimates and spillover days being cut from estimates schedules—days which in the past would have been used to explore issues such as the Cornelia Rau matter, which the immigration minister should be ashamed of, and the Vivian Alvarez matter. There are many other matters that spillover days would have been used as an opportunity to explore and to hold this government to account on.

We now arrive at the latest chapter in the Howard government’s ongoing sabotage of the Senate: the restructure of the Senate committee system. But it is not a restructure; it is a sabotage of the Senate committee system. This system will ensure that we really do have a different outcome. We first heard about this restructure through a letter from Senator Minchin on behalf of the government on 20 June this year. The key elements of the restructure were the collapsing of the reference and legislation committees into a single committee for each portfolio area, the assigning of all committee chairs to government senators and the creation of two new portfolio areas as part of a wide streamlining of the portfolio areas. These were the matters that were proffered. The changes were, according to Senator Minchin at the time, designed to achieve greater efficiencies and effectiveness, and rebalance the existing disparate committee workloads. That was the thin veil that was flicked up.

The proposals were then debated in the Senate in a motion referring the matter to the
Procedure Committee for inquiry. The key arguments made by the government at that time included: that the changes would lead to greater efficiency and accountability, apparently through increasing the number of estimates committees available—although never mind that the government has consistently acted to curtail the power of the estimates committees this year anyway; that the proposals were returning us to the previous systems of committees which ran up until about 12 years ago; and, lastly, that the rearrangement of committees would rebalance the workload between the existing ones. Those were the arguments that were proffered at the time. To put it bluntly, I do not believe that these were the government’s true motives. At best they were a convenient smokescreen, a post facto justification for a proposal that had quite a different intent and purpose.

Perhaps I could explore the true motives for the sake of the government. To begin with we only need to look at the final outcome to see what the government’s true priorities were. Of the government’s proposals the only parts to stay standing are the abolition of references committees and that all remaining committees are to be chaired by government senators. The proposal streamlining the portfolio areas has been scrapped in this latest version. We can see now that this was only ever included so that the government senators could stand up in this chamber in June and defend the overall package. Without it they had very little to hide behind. There was no intention to keep it. It was part of a convenient smokescreen. By suggesting two additional portfolio areas the government was able to say that there would be a 25 per cent increase in estimates hearings. Of course, anyone who has ever participated in or observed closely the estimates process will know this is complete baloney. It would have left individual senators stretched between five concurrent sets of hearings, forcing them to forgo questions if there was a clash between agencies or to put them on notice and suffer the government saying: ‘You have put too many questions on notice. You were not there at the committee,’ and all of the other issues the government would raise to complain about. At the same time it would mean that the people who are interested—observers, media and people who have a general interest in understanding some of the content—would also be stretched while they tried to keep an eye on that many sets of different hearings. I suspect the government was simply trying to achieve less, rather than more, scrutiny.

But regarding spillover days, Labor saw through that government furphy. Why didn’t they just leave the spillover days in place? The government could easily have left those in place to deal with the Senate estimates process. Bringing them back would lead to a potential 25 per cent increase in scrutiny, if that is what the government wanted or was serious about enjoying—but no. So I say to the government: ‘Show us that you’re genuinely interested. This is part of your overall ability to bring efficiency and effectiveness into the chamber. Give back all the Senate estimates spillover days. With the spillovers back you will genuinely get an increase in scrutiny. You will genuinely have a situation where cases like those of Cornelia Rau and Vivian Alvarez, to give examples, are brought to light.’ But of course we know that the government will not do this because we know that the commitment to scrutiny is not real; it is illusory.

The government does not want cases like those of Cornelia Rau and Vivian Alvarez to come to light. It does not want the committee system looking into matters of the day such as the Australian Wheat Board scandal. No, you did not want anyone to look into that mess. It wants a committee system that holds one-day inquiries on important, complex
legislation. Why? So that the legislation does not get the scrutiny that it should. You want the government position to be rubber-stamped with no genuine oversight and no scrutiny at all.

I turn to another issue, and that is the government’s argument about disparate workloads of the committees. But when you look at the proposal there is no substance whatsoever in that claim. If the government really believed or cared about the workload of the committees, they would have pressed ahead with the restructure of the portfolio areas. But they have not. The committees have been collapsed from 16 legislation and references committees to eight amalgamated ones, but the portfolio areas have not been touched. The reality is that this disparity will always evolve as the government’s legislative priorities change. It would seem to be common sense to this side of the chamber but it apparently escapes the members of the government for them to argue that. Of course workloads will change depending on the legislative priorities of the particular government and the bills they bring forward. That stands to reason.

In addition, one should not be surprised if an increased number of references are being sought, given this government’s poor record on allowing itself to be held to account. There are many areas where references committees will serve a useful purpose in exploring this government’s mismanagement and bungles. The disparity that occurs is not unusual. Priorities do change over time. As for disparities between legislation and references committees, these merely reflect the different purposes of the committees and, as I said earlier, the fact that the government has used its majority to block references. The number of rejected references has skyrocketed from three to 15 in the time that the government has had control of the Senate. If there is a disparity between the workloads of the legislation and references committees then the government might want to rectify this by approving some of the references. Of course, any efficiency benefits that might have come from consolidating the two committees have already been realised, given that each pair of committees already has a shared secretariat. The only potential gain left perhaps might come from cheaper letterhead or stationery, but I doubt that it would be significant.

Let us go back for a brief moment to the situation prior to 1994. The only argument the government has raised in support of this proposal that might be able to be argued, although I think it is still far from justifiable, is that the proposed changes to the committee system take us back to the situation we had prior to 1994. Senator Ellison described this as part of the evolving processes of the committee system. All I can say is that going back in time looks more like devolution than evolution to me. In any case, if you have a look at what coalition senators had to say about those changes at the time, it becomes patently obvious that it was all about reducing accountability, not increasing it.

Looking at some of the Liberals’ arguments in 1994, firstly, we have Senator Hill, as Leader of the Opposition in the Senate, arguing that:

... there is no reason why more than half the Senate should be excluded from having the responsibility of chairing, and the opportunity to chair, these committees.

Yet the changes that his party is now proposing will achieve almost exactly that, with 37 of 76 senators now barred from chairing a committee. At the time, the Liberal Party’s argument was based on the fact that the Labor government itself did not have a majority and therefore should not have all the chairs—it is an interesting argument that was put. It is a shame that now those opposite
have tried to spin that the other way. I refer to former Senator Teague from South Australia, who provided the following comments on the same debate:

What we are moving to now is the kind of maturity which Australia is ready for, whereby the control of the Senate committee system is by the Senate itself, but where the chairmanship of particular committees is in the hands of senators in a manner which is directly proportional to the composition of the Senate as elected by the Australian people. ... That is one of the major steps forward in sophistication and maturity...

So why these steps backwards? Why this reduction in maturity and sophistication? We come from a crass government. Senator Ferguson told us last week that 12 years ago he was not outspoken because he really did not know enough about the committee system at the time. One thing he did say was that he was in favour of the whole idea of having references committees separate from other committees. I ask Senator Ferguson: why, if he thought it was a good idea when he was in opposition, is it no longer a good idea now, or has the government’s view now changed?

Turning to the real motives: every person sitting in this chamber knows that the reason the government is foisting this restructure of the committee system onto the Senate has nothing to do with disparate workloads and nothing to do with improving the accountability and oversight of the Senate. It has everything to do with entrenching the dominance of this government in every way possible in every part to ensure that there is no scrutiny, no ability for this Senate to hold this government to account and no genuine check on the government’s powers and legislation. That is what this government is trying to achieve. It will not achieve that. History demonstrates that where there is a will there is a way to hold this government to account. Be it in this chamber or outside this chamber, it will still happen. It is both an illusory change and a useless change and it is one that does not reflect well on government at all. It does not reflect well on government to try to curtail the ability of this Senate to hold this government to account through the committee system. What this proposal will do ultimately is force it out elsewhere, because these matters will come to light.

There will be a need for the government to be held to account for matters that come up. We do not know what those matters could be. They could pop out from any direction, from any portfolio area, from any quarter. But they do fall out of government every now and then. The committee system is ably served to be able to look at such matters and throw light on them. And sometimes, although you may not like it, if you reflect upon it as a government it is helpful to have matters of mismanagement, even incompetence, pointed out because it gives you an ability to change things.

What you are now enforcing upon yourselves is the ability not to change and not to remedy deficiencies or bungles but, rather, to ignore them, to sweep them under the carpet. That is what you are now enforcing upon yourselves. It is not good governance. You know it, but you cannot help yourselves because you think you have the numbers today. It was also demonstrated today that you do not always have the numbers. So it is also poor foresight.

These retrograde reforms are ultimately short-sighted and they are not in the long-term interests of this country or any government. Indeed, the governance of this country will be the poorer for it, as maladministration and mismanagement will take longer to be exposed and addressed. It is not too late for these changes to be stopped. Backbenchers have already demonstrated a willingness not to support the government’s mad ideas.
There is the ability for this not to be passed. Probably, though, the die has already been cast. But, after abolishing reference committees, this government will deny itself the important measure—(Time expired)

Senator SIEWERT (Western Australia) (9.01 pm)—I have been in this place for a year. During that time I think it is fairly safe to say that I have been fairly active in the committee process. It may sound a bit strange, but it is some of work that I have enjoyed the most. It is parliament at its best. In most of the committees that I have been on there has been more of a sense of collaboration and congeniality, less of a sense of confrontation. It has been dialogue rather than diatribe.

I may have misheard what Senator Minchin just said about Senator Faulkner making an unacceptable reflection on the coalition. I think I heard him make an unacceptable reflection on the minor parties by saying that one of the good outcomes of the changes concerns the public not taking committees’ involvement with minor parties very seriously, and that we may be attempting to use the committee system. I take that quite a bit to heart. At the moment I am chairing an inquiry into Australia’s future oil supplies. Let me tell you that the community is taking that committee very seriously. We have had over 200 high-quality submissions and a large number of days of public hearings. We have collected a vast amount of information that, if not for this committee, would not now be available to members of this chamber and this place and to the broader community.

I suppose I could reflect that the government does not like being confronted with information like this. It is quite confronting for the government that they have been asleep at the wheel on this issue. So it does not surprise me that they may try to get further control of the committees, where they can restrict some of the process and some of the information gathering that goes on.

I would like to take a short time to look at some of the achievements in committees that I have seen in my short time in this place. I will start with the inquiry into petrol sniffing. I was very pleased to be part of a unanimous report that looked at this issue of national significance that governments have known about for some time. This is what I hope is the last ever report on petrol sniffing. It was very pleasing that the government actually responded to at least one of the findings of this report. It rolled out Opal across a broader area of Central Australia. That was one of the very recommendations that the committee made. It is very true to say, I think, that all of the senators on that committee enjoyed that committee and found it very useful, and it was a very collaborative approach. In fact, it would also be fair to say that it was probably very difficult to tell, between the coalition members, the ALP members and the minor party members, who was the strongest on this issue, we were so unanimous in our views on this topic. Look at the salinity inquiry. Again, that was a unanimous report. We canvassed the latest information and science on salinity—information that had not been collected at that stage.

I would like to go back to the oil inquiry, which was initiated by Senator Milne—or the idea was generated by Senator Milne, who is from a minor party. That was accepted in this place and sent to the Senate Rural and Regional Affairs and Transport References Committee. As I was saying, we have generated a vast amount of information. I do not think it has been collected anywhere else in this country. It highlights this extremely important issue. This is at the cutting edge. This information about rising oil prices
and the potential scarcity of oil is extremely topical. It also allowed us to gain information from government agencies. ABARE is a classic example. It has actually been shown that this particular agency is in fact not serving our country well with the information that it has been providing. That might also prove to be slightly embarrassing to the government.

There are ongoing inquiries at the moment into national parks and marine protected areas and water. A number of legislative inquiries, I must say, have brought out information that the government in some cases has responded to and in other cases has not. But they actually more fully inform the community. For example, when we were looking at the Welfare to Work legislation it became very obvious that the government had not dealt with the issue of family carers. That is one issue that I have spoken about at length in this place. It is fair to say that the government has taken action on this issue. It has not taken action as fully as I would like it to, but it has taken action. I doubt this information would have come to light if it had not been for the committee inquiry process.

There was the clothing workers issue during the Work Choices inquiry. There were plenty of other issues that came up that the government did not deal with, but it did deal with that one. In the inquiry into carers’ back pay it came out that not enough information was being provided to the community to enable carers to have access to the various benefits that they can have access to. On the land rights inquiry, although the recommendation was not as strong as I thought it should be, the information in that report was provided to the community.

It is also fair to say that the government does not respond to all of the committee inquiries as it should. In fact, I spoke in this place last week on the government’s lack of support for the recommendations in the Senate Community Affairs References Committee poverty report. Again, that information is out there and is used in various forums.

By combining the committees in the way that the government have, they are reducing the number of committees but increasing the workload of all the committees. Therefore, the committees cannot possibly cover the same amount of work that two committees used to do. They cannot possibly adequately cover the work of the reference committees on broader inquiries and the work of the legislation committees. With this proposal, the government are reducing the amount of work that committees can do. How can eight committees possibly do the work that 16 used to do? There is no doubt in my mind that the work of committees will be reduced. The number of issues that they can cover and the number of reviews and inquiries that they can carry out will be reduced through this process.

Committees provide forums and avenues that encourage collaboration and a good working environment across parties, which I believe results in good outcomes for this nation. It is a very significant opportunity for senators to contribute to the good of the nation. I believe that unanimous committee reports are an example of this place working at its best. Senators take on difficult issues, very often at the cutting edge. Australia’s future oil supplies, our water resources, petrol sniffing and salinity are but a few that I have been involved with, and there are many others. The system respects that not all senators are yes-men or party hacks; some have a real desire to advance the wellbeing of our nation and our states. The system represents the needs and concerns of our constituents. It is a chance to diversify interests and learn more about areas in which we are not experts and have little knowledge. Probably one of the reasons why the government is moving to
contract the committees is that cabinet and caucus increasingly dominate the views and actions of backbenchers. Committees are a way for people to work outside those processes for the good of the country.

I believe that the role of committees in terms of community consultation and developing good public policy is essential. Committees enable committee members—senators—to be more in touch with the community. They also give community members and groups an opportunity to engage in the political process. Very often people feel alienated by the political process, but when committee members get out into the community and take evidence it enables an opening up of the political process. It gives members of the community a chance to have their say and senators a chance to understand issues in much more detail. It provides an opportunity for much more detailed review, analysis and debate. It is a chance to take issues to the people in capitals, towns and remote communities. It is very important that senators get out of Canberra and their home states and look at the rest of Australia. Committees provide an opportunity to do that. Doing that provides a much better opportunity for open governance and independent review. Surely the real purpose of government is to make good laws for the benefit of the nation. Committees help facilitate that process.

Anybody in a position of power or authority faces real issues in getting good information because of what is known in America as the SNAFU principle: situation normal, all ‘fogged’ up. I understand that in America they use a term other than ‘fogged’, but I thought that I should substitute that word for the other. This principle was developed in the process of looking at research into failures of communication and command in the US military. It became apparent that you do not want to hear when they hold the purse strings or can make your life a misery. Therefore, I believe it is very important that we have an open process where the people in power who hold the strings and have power over us are not solely in control of the process by which they hear the information. Senate committees provide an ideal opportunity to get around the SNAFU principle.

It is also important that we are seen to have an open process and that we increase public awareness and trust of the parliament, which, I think it would be fair to say, has been eroded substantially. We need to have the ability to elicit evidence and testimony. Committee inquiries often result in recommendations or amendments that improve legislation or policy. There are a number of examples. The petrol sniffing issue is a very good example of where government policy has been improved as a result of the committee process. Legislation has also been improved. When this place sees legislation, very often it has been put together hurriedly and, in some cases, with very little attention given to unintended consequences, let alone intended consequences. The land rights legislation is a very good example of where the government has brought in a raft of amendments that deal with unintended consequences. I know that committees will still have legislation referred to them, but with their increased workload I believe they will not be able to carry out the sufficiently detailed examination of legislation that should take place. They need time to be able to scratch the surface and look into the real issues so that committee inquiries are not seen to be a whitewash—which would increase public distrust, not trust, in the parliamentary process. Committee inquiries need to be open and consultative in order to enable the community to access the process and give us their thoughts.
This place, I believe, will be a poorer place as a result of this attack on committees. In fact, we should be supporting the work of committees more broadly in order to increase the collaboration and collegial work that goes on in committees so that they are given the support that they actually need. I do not support the amalgamation of the committees. I think the government should be reconsidering this so that they are not downgrading the role of committees and are not impacting on what I believe is the democratic work of this place.

Senator NETTLE (New South Wales) (9.14 pm)—Democratic governments want to hear all the different voices in the community. They want to hear from people. They want to hear a diversity of views and perspectives on issues. Anyone knows that, in making a decision, hearing the views of a range of different people allows one to make a better decision. Our current committee structure allows us—allows the parliament, allows the government—to have not just government chairs but chairs from other parties that can drive a discussion in a different direction, put forward a different perspective and be used to inform and assist the government in making the very best decisions for the whole community. The path that the government wants to take us down is going to narrow the voices that we hear from and narrow those opportunities.

Other senators have spoken about the importance of getting out and hearing from a whole range of different people across the country, inviting different witnesses from different places. If we narrow the perspective of what our committees do, we will not have those same opportunities. We already see—and lots of us have seen it here—legislation being rushed through the parliament. In particular, legislation committees are given very short time frames for making decisions. There is a push to get legislation straight through without the opportunity for review and scrutiny. I can think of a number of pieces of legislation recently—terrorism, health legislation that I have been involved in—where there has been an absolute rush to get them through. If we do not have a diversity of voices being heard in those committees and in the committee process, we will not have the same capacity to ensure that full and proper decisions are made. When the government has a majority in both chambers but particularly in the Senate, it is important that the different voices are heard. The committee process, as it exists, is an opportunity for that to happen.

The current references committee process also allows us to look at government accountability—issues that the government may choose not to shine the spotlight on; the way in which the government is carrying out particular processes—including different types of scandals and transparency issues. We will not have the same capacity to do that with the new proposals. This move is designed to narrow the range of voices that are heard from, narrow the range of members of the community who the government listens to and narrow the range of those people who are able to lead and drive those discussions, and to simply knock out voices, positions and opportunities to be heard by the government of the day. The government of the day will suffer as a result, because there will not be that same diversity of people, speaking on issues, that we see in our current committee system. These changes will be to the government’s own detriment because they will limit the range of people they hear from and the opportunity for people in the community to be involved in the parliamentary process, the democratic process, such as through writing submissions to committees. That opportunity is being narrowed because of this proposal.
The Greens want a diversity of voices represented and heard as they are in our existing committee process. We do not support the changes, because we want to celebrate the different views. We recognise that governments are able to make better decisions when they hear that full diversity of views. When the government has control in the Senate, it is even more important that that diversity is represented.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.18 pm)—The government are proposing to combine the Senate legislation and references committees so that they chair each and every committee. That means they will control all the Senate committees and the work that committees do. Family First believes that the changes being made by the government are an abuse of power. These changes are yet another example of why no government should have control of the Senate. When a government has control of the Senate, there is the temptation to use that power and control to weaken what the Senate is supposed to do—that is, to be a house of review. There is always the temptation to try to stifle dissent and the views of your opponents. I can understand that; no one particularly likes being criticised or having their faults shown up.

But, while the Senate is often used for political point-scoring and cheap shots, it can also be used to the great benefit of Australia. The committee system can be used to improve our understanding of important issues and find and fix flaws in legislation. When the government of the day has total control, it is easy for that control of the Senate to go to the government’s head and for that power to be abused. I think that is happening here tonight. I do not want to oversell the point but I think that a committee system which shares the power more proportionally is a better system than what is proposed here.

Family First thinks that a Senate committee system where the chair of every committee is a government senator does not reflect a reasonable sharing of power. It is ‘winner takes all’. The current system, where legislation committees are chaired by the government and reference committees by the non-government parties, seems to strike a good balance and make commonsense. So why is the government making these changes? It is clearly an attempt to use its power to stifle debate, reduce scrutiny of issues and diminish any view other than its own. All this is designed to make the government’s life a little easier. But I would suggest that weakening the role of the Senate is a false economy and that the government may come to miss the discipline of a strong and accountable Senate. I think the government needs to be challenged so it stays on its toes. Family First believes this is another step in seeing the Senate move from a house of review to a house of one view. Family First will oppose this move.

Question put:
That the motion (Senator Ellison’s) be agreed to.

The Senate divided. [9.25 pm]
(The President—Senator the Hon. Paul Calvert)

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AYES

Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Boswell, R.L.D. Brandis, G.H.
Calvert, P.H. Colbeck, R.
Eggleston, A. Ellison, C.M.
Ferguson, A.B. Ferris, J.M. *
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Joyce, B.
Kemp, C.R. Lightfoot, P.R.
Macdonald, I. Macdonald, J.A.L.
The TEMPORARY CHAIRMAN (Senator Moore)—The committee is considering the Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 and government amendments (4) and (8) on sheet PF377, moved by Senator Kemp.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (9.30 pm)—I forget when it last was that we were debating this; this bill seems to be a bit of a stop-start affair. In relation to the government amendment that seeks to remove the five per cent cap on financial benefits on the annual rent under the 99-year headlease, I want to indicate that Labor are going to support it. It is something we argued for at the start of this process. We could not understand why the artificial cap was being imposed.

There are two concerns that have been raised with us. One concern is the question of the cap and the attempt to limit the potential financial benefit that might flow to Indigenous people from a lease arrangement. The second concern is why anything other than rent was excluded. Even though we have fundamental difficulties with the model being used, we took the view that, if there were to be development on leases granted under this proposal, people ought to be capable of negotiating at, if you like, the going rate—that is, at what something is worth—rather than at some artificial limit being imposed by the government saying, ‘We are going to take your land, we are going to insist on a leasing arrangement and we are going to limit how much money you can make out of that arrangement.’ That seems to us to be manifestly unfair.

I know the government have changed their approach for other reasons. They have seen the light because, I think, the Northern Territory government and others have realised that the placing of a cap might restrict the capacity to do the deal—to get agreement to the lease in the first place. That reflects the fact that there was not enough negotiation with Indigenous interests about how to progress on these issues. Clearly, from the government’s point of view, if they want to get the leasing arrangements in place, they have to get a deal. I have expressed my concerns about the way the government are going about promoting the leases and the fear that...
they will be linked to services that Indigenous people have as a right of citizenship, such as access to education, health and housing. Nevertheless, in terms of this issue, Labor believe the cap was unnecessary and counterproductive to the government’s intentions.

Labor have also been strongly in favour of the capacity for traditional owners to negotiate pecuniary benefits other than annual rent. One of the key concerns in economic development issues in Indigenous communities is that, where economic development has occurred, very little benefit has flowed to Indigenous communities. We have had people—developers, miners—that have brought economic development to areas where Indigenous people live or to Aboriginal land, yet we have not seen the trickle-down effect in jobs and other benefits that should come, and are always alleged to be coming, from industry and economic development on Indigenous land. One of the key concerns that ought to be raised, and which Labor are focused on, is that, if there are to be these arrangements with leasing on town sites, one should hope to achieve Indigenous employment outcomes. If Woolworths were to set up a store in an Aboriginal community then one of the things one would want to talk to them about would be employing young Aboriginal people in the store and that sort of employment objective. The social benefits of that are, I think, quite critical to the hopes for economic development.

What worries me about the whole framework the government has adopted is that those things I have mentioned seem not to be able to be negotiated by Indigenous people. The government’s model is: sign up for the 99 years, lose any control over what happens and let things be determined by others. It seems not to be a model that allows Indigenous people to have some say over things. Their being able to identify the priorities that they want from any economic development on their land should be part of any model we adopt. It is certainly part of the government’s rhetoric and everything else, such as shared responsibility agreements and COAG trials. They are all wrapped in this sort of rhetoric about Indigenous communities’ priorities and identifying economic opportunities. But this model, it seems, is not. It is the rigid approach: ‘Hand over the 99-year lease, get the people out of there; the entity runs the lease now.’ We have no detail about how that entity will work or whether or not traditional owners will have any say in how it works, whether they will have any say in the priorities or whether they will have any say in aspects of economic development that occur on their land. As I have said, one of the things that has been raised most often with me is the question of employment—that if there is to be economic development then Indigenous people ought to be able to negotiate employment outcomes for Indigenous people in those communities.

So I welcome the loosening up of these provisions in the sense of the cap being removed and the concession that there might be benefits other than purely rent that can be negotiated. I think that does improve the bill; I commend the government for accepting that change. I know the land council and others think that it will make it a better proposition if that occurs. As I have said, I still have basic problems with the model—concerns about the lack of Indigenous input into how things proceed once the leases have been signed over—but I think that the change that has been made does at least increase the capacity for better and broader outcomes, and for that reason we support it.

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.37 pm)—I want to report that I welcome the comments generally by Senator Evans. A view was put in this chamber that the government was not con-
sultative and was not listening. Senator Evans has just made a very valuable point that we were listening and we did change. We welcome that. I think that it does show that this is a government that does consult and does listen to people, Senator Siewert, and, where appropriate, does make changes.

**Senator SIEWERT** (Western Australia) (9.38 pm)—I cannot really let that one go by. The Greens do support this particular amendment because it is a small step by this government towards taking into account what the traditional owners have said. However, as I have said in this place and have read out from the *Hansard* transcript, the traditional owners and the land councils do not believe they have been adequately consulted on significant areas of this legislation. So, yes, you can score a cheap point by saying that you have listened, but you have not listened to the bulk of what they said about these contentious amendments. You have not listened and you have not taken it on board, because if you were taking it on board you would split this bill to deal separately with the bits to do with mining that everybody agrees to.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (9.39 pm)—Normally I would not respond to abuse in this chamber. As people know, I am very restrained in relation to that. But, Senator Siewert, I think you have got to be generous. This was an important amendment. I think that this was an issue that was well explained by Senator Evans. The government did move on it and I think that you have to give credit for that rather than raising your voice and arguing that some people differ on other matters. Of course they differ on other matters; no one argues that. We are all coming to this debate from a position that we want to achieve significant outcomes for the Indigenous people. You have a particular view and you are entitled to your view. I do not abuse you for your view. You are absolutely entitled to that view. But we do not agree with you and we have consulted with a large range of people that agree with our view. Therefore the government in the end has to make a decision. I think that it is unfortunate that you attempt to politicise a very important debate in this manner. This is a balancing of issues and the government has done the right thing.

The **TEMPORARY CHAIRMAN** (Senator Moore)—I remind all senators to address their comments through the chair in future.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (9.40 pm)—I do not want to delay the Senate on this particular matter other than to say that I know that Senator Kemp looks to put the best light on it. I think that it is also true that he would remember that I made the key point: the government had received advice that the system was not going to work unless they agreed to this concession. The hard-edged opinion in the Northern Territory was that, on the basis that you set it up, you would not be able to sell it to anybody and that you needed to make some concessions to sell it to a few people. On the basis of that rather pragmatic advice you had a change of heart on the principle at stake.

I do not care why you did it but I would not want you to get away with the suggestion that there was some broad consultation and that somehow that you had been listening to people who agree with you. I would be happy for you to name the people who agree with you, because they certainly did not come before the Senate committee inquiry. I know that you will want to fall back on the Northern Territory government because, quite frankly, that was the only submission that was vaguely supportive, and I understand why. The point is that, if you had been consulting more widely, you would have
found that there was not a great deal of support out there among those groups that took an interest and made a submission on the bill, including the Law Council and the Minerals Council, not just your usual suspects.

So I think that the government has seen an opportunity to remove the cap and perhaps make the proposition more saleable. But I would also point out that it was not a conclusion that the government came to when they debated it in the House of Representatives. You can characterise it as listening of late to later and better advice or you could attribute it to making policy on the run, making it up as you go and trying to fix up obvious deficiencies in a scheme. Had it been debated and discussed with the parties who have the most interest in these matters, you may not have had to do it on the run. There are two substantial amendments which we think improve an otherwise difficult proposition, and this is one of them. But I would not want the characterisation that Senator Kemp put on it to go unchallenged. I think that we all know it was done because it is hoped that this will make it more easily agreed to by various Indigenous communities. It is an improvement, but I still have fundamental problems with the structure of the leasing arrangement and the loss of Indigenous control over their land that is envisaged in that arrangement. But, because of the lateness of the government coming to that position, I understand that the bill will have to go back to the House of Representatives so that they can reconsider the merits of that particular proposition.

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.43 pm)—It is a pity that the hour is late, because it does allow people perhaps to vent some spleen, which they would not normally do. Senator Evans, when you mentioned that you agreed with us you did mention the Northern Territory government that agreed with us. But you did not mention another group that agreed with us on this, the Northern Land Council.

The government is between a rock and a hard place. If we do not accept something, Senator Evans and Senator Siewert stand up and say how terrible we are that we do not agree. When we do agree, Senator Evans and Senator Siewert stand up and say: ‘Isn’t it terrible? They are making policy on the run.’ It is a bit hard to satisfy people who behave in this fashion. But, from the government’s position, let me say that we have listened. This is an improvement to the bill and we are very happy with this improvement.

Question agreed to.

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.45 pm)—by leave—

The government opposes schedule 1 in the following terms:

(5) Schedule 1, item 46, page 24 (lines 15 to 20), section 19B to be opposed.

(14) Schedule 1, item 201A, page 80 (lines 14 to 19), to be opposed.

These are essentially the same issues. They give effect to the amendments that, as I understand it, have just been passed by this chamber, so I think they should be supported, as were the previous amendments.

The TEMPORARY CHAIRMAN (Senator Moore)—The question is that the section 19B of item 46 and item 201A stand as printed.

Question negatived.

Senator KEMP (Victoria—Minister for the Arts and Sport) (9.45 pm)—by leave—I move government amendments (1) to (3), (6), (7), (9) to (13) and (15) to (17) on sheet PF377:

(1) Clause 2, page 3 (table item 20), omit “201A”, substitute “201”.

CHAMBER
(2) Schedule 1, page 7 (after line 25), after item 4B, insert:

4BA Subsection 3(1) (subparagraph (a)(ii) of the definition of intending miner)

Omit “exploration retention lease or exploration retention licence, or has made an application for the grant of such a lease or licence”, substitute “exploration retention licence, or has made an application for the grant of an exploration retention licence”.

(3) Schedule 1, item 46, page 22 (line 20), omit “person”, substitute “approved entity”.

(6) Schedule 1, item 61, page 33 (after line 15), after paragraph 28(3)(b), insert:

(ba) section 19A (about grant of township leases);

(7) Schedule 1, page 60 (after line 29), after item 124C, insert:

124D Subsection 46(1)

Omit “exploration retention lease (whether that licence or lease”, substitute “exploration retention licence (whether that exploration licence or exploration retention licence”.

(9) Schedule 1, item 189, page 71 (line 28), omit “, (13)”.

(10) Schedule 1, item 192, page 74 (line 16) to page 75 (line 9), omit subsections 67A(12) and (13), substitute:

(12) This subsection applies in relation to an application:

(a) that was made under section 50 before the commencement of this subsection by or on behalf of Aboriginals claiming to have a traditional land claim to qualifying land (whether or not recommendations of the kind referred to in subparagraph 50(1)(a)(ii) have been made and whether or not the application covers other land); and

(b) that was given the land claim number prescribed by the regulations.

The traditional land claim is taken to have been finally disposed of:

c) to the extent that it relates to qualifying land that is described in the regulations; and

d) on the day on which the regulations take effect.

(13) To avoid doubt, if regulations are made for the purposes of subsection (12) in relation to a particular application, then later regulations may also be made for the purposes of that subsection in relation to that application.

(11) Schedule 1, item 192, page 75 (line 10), omit “subsections (12) and (13)”, substitute “subsection (12)”.

(12) Schedule 1, item 192, page 75 (line 17) to page 76 (line 13), omit subsections 67A(15) and (16).

(13) Schedule 1, item 193, page 78 (lines 8 and 9), omit “Aboriginals claiming to have the traditional land claim”, substitute “traditional Aboriginal owners of the area of land, or the part of the area of land, referred to in subsection (2)”.

(15) Schedule 1, item 202, page 80 (line 24), omit “a person”, substitute “the Secretary of the Department, or an SES employee or acting SES employee in the Department.”.

(16) Schedule 1, item 202, page 80 (lines 27 to 30), omit subsection 76(1A).

(17) Schedule 1, item 228, page 91 (lines 8 and 9), omit “, (9), (12) and (13)”, substitute “and (9)”.

Government amendment (6) refers to the delegation of power to grant township leases. Under the new section 19A of the bill, a land trust may grant a lease for township at the direction of the relevant land council. The bill allows a land council’s power of direction in relation to granting of township leases to be delegated to committees of the land council but not to an incorporated regional body. Consistent with the fact that land councils can delegate decisions about other land use matters to incorporated regional bodies, this amendment will allow the dele-
gation of decisions on township leases to such bodies.

I now turn to government amendments (9) to (12) and (17), which are about the disposal of certain land claims. The bill currently provides for the disposal of certain land claims to the intertidal zone and to beds and banks of rivers which are not contiguous with Aboriginal land. The claims are being disposed of because they cover narrow strips of land for which it is inappropriate to grant land claims. The amendments redraft the provisions in the bill to clarify and simplify them and to ensure that the intent is achieved. The details of the claims to be disposed of will be set out in regulations; I make that important point. Again, this is in line with the proposal put by the Northern Territory Labor government.

Government amendment (15) deals with delegations. It is being proposed to meet concerns expressed by the Senate Standing Committee for the Scrutiny of Bills that, for the delegation of powers, the bill does not specify attributes or qualities which a delegate must possess. The amendment specifies relevant attributes and qualities for delegates. Senator Siewert will be very supportive of that, I am sure. Government amendments (2), (3), (7) and (13) are consequential amendments. They make minor changes to the bill to ensure clarity and consistency.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (9.48 pm)—Before we move to debate these amendments, I want to ask about the intertidal zone matters that the minister just referred to. As I understand it, this provision will rule out not only prospective claims but the claims that have already been heard by the Northern Territory Aboriginal Land Commissioner and recommended for approval but are waiting for ministerial sign-off. Given that these are claims where the commissioner has made a finding that the intertidal zones ought to be recognised as being Indigenous land as per the application, I am interested to know what procedural fairness has been offered to people in that situation, what steps the government has taken to discuss the legislation, which will effectively veto their rights—rights that have already been found to exist by the Northern Territory Aboriginal Land Commissioner—and whether the government has any legal advice that acting in such a way will not incur compensation, given that, as I understand it, there have been no negotiations or discussions with those groups and, in fact, many people may be unaware that you are about to legislate away those rights.

Progress reported.

**ADJOURNMENT**

The PRESIDENT—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

**Middle East**

**Senator MASON** (Queensland) (9.50 pm)—I am saddened by the terrible toll of civilian lives that have been claimed by fighting in the Middle East. Southern Lebanon and northern Israel are these days not only joined by a common border; they are united by the suffering of innocents who have needlessly been killed and maimed. But I move from sorrow to indignation when I think of how this conflict started and the nature of those who started it. I am angry at the act of unprovoked Hezbollah aggression that triggered this unnecessary bout of destruction. I am livid that this attack took place across a border that is clearly delineated and internationally recognised. I am disgusted that Hezbollah fired scores of rockets at Israeli civilian targets in the Galilee to cover the retreat of its raiding party back into Lebanon. Let me stress that these acts of ji-
hadist violence all took place before a single Israeli shot was fired in response.

Since this conflict began, we have seen a parade of media pundits blather on about proportionality as a means of lambasting Israel. Too many of these commentators are equivocators who insist on seeing nuance where there is none to be had. They are moral relativists who swear that Western democracy and jihadist totalitarianism are equally worthy ideologies. They are muddle-headed peaceniks who contend that bin Laden and Nasrallah would like us if only we were a bit nicer to them.

But I have a newsflash for those who think that all the world’s problems can be solved through one big group hug. I have a bit of advice for the excusers and the abusers who are delusional enough to think that we should shake the bloody hand of jihadist Islam. Sigmund Freud once said that, in psychoanalysis, sometimes a cigar is just a cigar. I am here to tell the Senate that sometimes black is black and white is white. Sometimes it is a question of right or wrong and of good versus evil, and now is one of those times.

The stark reality of what is going on in Gaza and Lebanon is really quite elementary. Israel has twice been subjected to unprovoked attacks that have violated its national sovereignty. Israel has twice been the victim of armed cross-border aggression. Israel’s towns and cities have been pounded by thousands of enemy rockets. Over 100,000 Israeli civilians have been forced to flee their homes. The damage to Israel’s economy has been incalculable. Businesses have been closed, hotels are empty and lives have been ruined, and all because of the megalomaniacal and genocidal ambition of the Hezbollah jihadists and their masters in Tehran.

You see, on a legal and moral level this is not a question of nuance, this is not a question of shared responsibility. Hezbollah started this war, and once the jihadists cried ‘havoc’, Israel was entirely justified in letting slip its own dogs of war in self-defence. But, in their haste to blame the victim, Israel’s critics have lost sight of an even larger picture: this is all part of a larger war. From New York City to Bali, the globe has become a battlefield in a violent jihadist campaign to impose its medieval values at the point of a gun. And the wave of Islamic radicalism that is sweeping through all six inhabited continents has placed Israel and Australia squarely in the middle of that fight.

The same Iranian government that has armed Lebanon’s Hezbollah to the teeth is supplying sophisticated shaped-charge explosives that can penetrate the armour of coalition vehicles in Iraq. In recent years, the Shiite Hezbollah has been providing weapons and training to Sunni Palestinian terrorists of Islamic Jihad and Hamas. Hatred of Jews and Westerners is powerful enough to bridge even the deep and often violent religious divide that exists within Islam.

Australian diggers in Iraq and Afghanistan are fighting against the same enemy that is still threatening Israel. While the guns fell silent at 3 pm today, the terrorist threat remains. Hezbollah, al-Qaeda and Jemaah Islamiah might be different divisions of the jihadist franchise, but these terrorist groups share the same goals and the same willingness to achieve them by shedding innocent blood. From blowing up beachside resorts to bombing commuter trains, the agents of jihad see the deliberate slaughter of innocents as a legitimate tactic of war. As we speak, we see Hezbollah deliberately putting the Lebanese population at risk in order to score cheap PR points. These jihadists are willing to sacrifice their friends, their families and their people for the sake of holy war against the West.
UN humanitarian chief Jan Egeland was disgusted by Hezbollah’s human shield tactics, which he witnessed during a recent visit to Beirut. Egeland was so upset that this senior diplomat expressed himself in a most undiplomatic manner. Without mincing words he declared: ‘Hezbollah, stop this cowardly blending in among women and children!’ Egeland’s message is reinforced by a letter to the editor that appeared last week in a Berlin newspaper. Dr. Mounir Herzallah is a Shiite Muslim who currently lives in Germany. He wrote:

I lived until 2002 in a small southern village near Mardshajun that is inhabited by a majority of Shi‘ites like me. After Israel left Lebanon, it did not take long for Hezbollah to have the say in our town and all other towns. Received as successful resistance fighters, they appeared armed to the teeth and dug rocket depots in bunkers in our town as well. The social work of the Party of God consisted in building a school and a residence over these bunkers! A local sheikh explained to me, laughing, that the Jews would lose in any event because the rockets would either be fired at them or if they attacked the rocket depots, they would be condemned by world opinion on account of the dead civilians. These people do not care about the Lebanese population, they use them as shields, and, once dead, as propaganda. The doctor finishes by saying:

As much as this is a clash between Islamic radicalism and the West, it is also a civil conflict within Islam. The vast majority of Muslims give short shrift to the doctrines of bin Laden and Nasrallah. Both within and without the Middle East, the vast majority of Muslims are normal people with normal ambitions. A Taliban-style sharia regime holds absolutely no attraction for them. We must do what we can to help the moderates win this intra-Islamic war of ideas against the jihadist radicals. That doctrinal battle must be fought by mainstream Muslims on behalf of mainstream Islam. And in this theological contest of concepts we non-Muslims can play, at best, only a supporting role. But while this clash of religious creeds rages within the Islamic world, the West must hold the line against the armed depredations of the jihadist fringe.

During the American Revolution, Benjamin Franklin warned squabbling Yankee colonists: ‘We must all hang together, or assuredly we shall all hang separately.’ The democratic world must maintain solidarity in the face of this Islamic radical menace to its principles and way of life. While al-Qaeda et al. may not constitute an existential threat to the West as things stand now, it is not for want of effort on the part of the jihadists. The plot to blow up civilian airlines, uncovered last week in Britain, is just the most recent chapter in this ongoing war. There is ample evidence of the bin Ladenists’ desire to obtain chemical and biological weapons, and the primary sponsor of radical Islamic terrorism—Iran—is working overtime to develop a nuclear bomb. Thus Gaza, Lebanon, Iraq and Afghanistan are all part of the same war.

As a fellow democracy, Israel has a legitimate claim on the sympathies and affections of free people everywhere, but, beyond any moral values and sentimental considerations, Australians should support Israel out of a sense of self-interested calculation as well. The Israelis have long been on the front line of the battle against jihadist Islam. The Jewish state should be seen as a valued ally in our fight to preserve liberty in the face of jihadist aggression.

**Immigration**

Senator Hurley (South Australia) (10.00 pm)—Today Mr Don Randall, the member for Canning, linked the migration bill with last week’s events in Britain. He believes that the threat of terrorism means that all boat people should be turned away.
This attitude, which harks back to the old days of the Tampa bill, is something that I believe the government has been trying to revive. Yet it is funny that only last week Mr Don Randall himself, in his local newspaper the Canning Examiner, was exhorting groups in his electorate to apply for federal government funding under the Living in Harmony Program. He said this would:

... promote Australian values, address intolerance and build mutual respect.

He said that Canning was a diverse region and home not only to Indigenous Australians but to people of many different nationalities and faiths. It is this kind of mixed message that is making life very difficult for migrants and refugees in Australia today.

I think a lot of people in Australia do not realise the extent of the refugee problem around the world. In fact, Australia gets very few refugees in the way that the West Papuans came to Australia—directly, as a first port of call. Australia does get the opportunity to pick and choose the refugees and humanitarian entrants it brings in from refugee camps around the world. Sure, Australia is a very generous country; it does bring in 12,000 to 13,000 migrants, and compared to our population that is a reasonable number. But I think we should learn to be a bit more generous in our attitude to refugees and understand how many countries around the world are in receipt of refugees in dire circumstances. I heard the Minister for Immigration and Multicultural Affairs, Amanda Vanstone, say that the refugees from West Papua should go to Papua New Guinea because that was their closest country. But, according to the UNHCR, by early 2005 there were 2,677 West Papuans at the East Awin camp in Western Province, 138 stateless persons in Daru, Western Province, another 5,400 people dispersed in five unofficial camps along the border and a handful of refugees in other urban centres. So this country, Papua New Guinea, is taking many thousands of refugees. It is not a rich country; it receives a great deal of aid from Australia, in fact. It struggles with infrastructure and it struggles to feed, house and clothe those refugees. This government baulks at bringing in 43 refugees from West Papua who managed to make it in a boat.

In our region we are not the only ones who have refugees, and in other parts of the world there are a great many refugees. For example, in Malta, data from the National Statistics Office show that last year 48 boats brought a total of 1,882 irregular immigrants to the tiny island, which I believe only has about half a million people. So this small island has to cope with that kind of influx. Not far away, Spain had nearly 12,000 people, mainly sub-Saharan Africans, arriving by boat this year. So our refugee intake in Australia is matched in one year by the number of illegal refugees pouring into Spain. An article by Fiona Govan in London’s Daily Telegraph referred to this in a very personal way. She wrote about people in Tenerife:

The sun was sinking and the bathers were packing up and gathering in a bar at the end of the beach for a chilled beer when someone shouted: “Oh my God, there’s another boat.”

Within moments the calm of the beach was shattered as a large canoe-shaped fishing vessel pitched through the breakers and ran aground, tipping its cargo of African migrants into the surf. Later in the article, she writes that the captain of the port authority rescue boat in Los Christianos, Tenerife’s southern port, said:

... help cannot come soon enough. “We are struggling to cope,” he said.

Many countries are struggling to cope with refugees, and they do the best they can. In the European Economic Community countries such as Spain, Malta and Great Britain are struggling to stem the tide of irregular arrivals. They are attempting to turn the boats back because many hundreds of people
die each year attempting to get to some safe haven.

I think that the government should be educating Australians about the situation of refugees. There are many conflicts going on around the world and many refugees who are escaping terrible situations and terrible torture and trauma, as well as great disruption to their lives. The minister for immigration has been failing significantly in this area in not standing up for the people who she brings into this country. The refugees and humanitarian entrants who make it to this country and who should form part of our country’s future are getting these mixed messages from government members instead of the welcome which on one hand many government members say that they are giving refugees; but on the other hand these government members make off-the-cuff statements linking them with terrorism. I think this is something that is impacting on all migrants to Australia. In my experience going around the country it is not only refugees and humanitarian entrants who resent this kind of mixed message; it is also the skilled migrants.

The government has made much of the Labor Party attacking aspects of the skilled migration program when we believe that skilled migrants are being underpaid or not being given the same conditions as normal Australian workers. But we do need skilled migrants in this country, and this government should perhaps pause to think that some of its mixed messages are not going unnoticed among those people who are considering migration to Australia—especially those people that feel they might be a target for some of the distrust that is being fermented in the Australian community by some members of the government.

Indeed, the minister has had the temerity to accuse the Labor Party of some form of racism in our attack on the 457 visas. If she goes around and talks to members of many communities, she will see that they feel that they have been profiled and that they are not getting the support that they deserve from the government of Australia. It is all very well to say that we are generous and take in 12,000 or 13,000 refugees, but we need to also extend that generosity to our dealings with them when they come into the country and to our attitude towards refugees. It is the responsibility of the government through initiatives like Harmony Day to ensure that this is widespread and to not allow their own backbenchers to go out and give mixed messages to the community.

Immigration

Senator BARTLETT (Queensland) (10.09 pm)—We have had quite a lot of debate in recent times in this place and in the wider community about asylum seeker issues and so-called boat people. Whilst I welcome the outcome of the latest legislation being withdrawn, I do have a concern that with so much political and public focus on boat people we are actually ignoring a much wider issue that needs the attention of all of us. It should be remembered how many people are entering Australia now through our various migration programs as well as on visitor visas.

I will look at the numbers of people that arrived just in the 2004-05 financial year. There were nearly 78,000 permanent economic entry visas, and that increased to nearly 100,000 in the following year. In the family stream there were nearly 42,000 people. In the humanitarian offshore stream there were over 13,000 people. Only around 5½ thousand of those, I might mention, were actually refugees; the other 7½ thousand were broader humanitarian cases. That is the permanent intake, which was already close to 135,000 people—and growing. Add on top of that people coming in on temporary resi-
dency visas, which can be for as long as four years. We had nearly 94,000—mainly skilled workers. We also had 175,000 student visas, which, again, can be for a long period, and 105,000 working holiday visas. That adds up to over 500,000 people coming here in a single year on various forms of either permanent or temporary residence.

Compare that with the number of people that arrived by boat, which was under 100. So, looking at what area we need to be devoting our focus to in properly handling and examining people coming into this country, and dealing with them effectively when they are going to be living here for prolonged periods of time, we really have our focus on completely the wrong area.

As we heard from the previous speaker, suggestions were made by a government member in the other place linking boat people with terrorist threats that are happening at the moment. Every single one of that group of fewer than 100 people that arrived here by boat sought to be detected and declared their presence as soon as possible, and every single one of them would have had their circumstances more closely assessed than virtually every single one of the half a million people that came here on various forms of residency visas.

I am not trying to transfer a scare campaign to the half a million people; nor am I trying to suggest that that is an inappropriate number. Unlike some in the community, I am unashamedly in support of the high migration intake. What I am saying is, with such a large number of people coming here from all over the globe—including those trying to fill labour market vacancies in various parts of the country, in skilled and, indeed, unskilled positions—it is in our interests, for social harmony purposes, economic purposes and environmental purposes, that we put a lot more effort into engaging with and assisting those people and getting our settlement services working effectively.

I believe we need to be devoting much more attention to that area instead of focusing all the political energy on a very small number of asylum seekers who should just be dealt with according to law—who should have their claims for protection assessed and be able or unable to stay on the basis of whether their claim for protection is genuine. That should be cut and dried. Instead of having all the energy and all the angst focused on them, with all of the completely misleading suggestions that they are any sort of security risk, we should be looking at the half a million people that come in here as residents, let alone the 3½ million that come here as visitors each year. In terms of border protection and border security, it is not asylum seekers who are a threat to the border. They declare themselves straight away and they are assessed more thoroughly than anybody else. The issue is the millions of people that come here each year on visitor visas and the half a million who stay for prolonged periods on various forms of residency visas.

We already have settlement programs for migrants and refugees, and I am quite willing to acknowledge that in many cases they have worked relatively effectively. Since 1945 Australia has taken around six million permanent migrants, including over 645,000 refugees. That is quite a lot. But, comparing that to the half a million people we now take each year in permanent and temporary residency, we are actually taking a much greater proportion of people each year than we have had historically. We are at historically high levels of intake at the moment.

When we already have 24 per cent of Australia’s population who are overseas born and 40 per cent with at least one parent born overseas, then any suggestion that we can somehow quarantine ourselves off from the
world and only take people from a certain area, a certain religion or a certain background to keep ourselves safe in some way is simply farcical. Even if you were to suggest it was desirable, and I am not, it is just not attainable. If we want to engage with the world culturally, socially and economically, in all those sorts of open ways in a globalised world, then you cannot exclude people from that.

What we must be doing is focusing our attention on dealing with the huge numbers of people who are coming here each year and ensuring that they get better assistance in settling, even if they are only coming here as a student or on the skilled visas for three or four years. Many of those people then stay on and transfer to permanent visas and end up becoming citizens. Even for those who do not, it is much better for us to be ensuring that none of them fall through the cracks and that all of them have the opportunity to engage more effectively with Australian culture, Australian society and Australian understandings of things. I do not think we are doing that job effectively enough. Perhaps what we have done in the past in settlement services has been adequate for the style and nature of our migration and refugee intake, but I think we need to dramatically upgrade it to deal with these new circumstances: the breadth of areas we are taking people from, the wide diversity of reasons that people are coming here and the significant numbers of people who are coming here.

We have areas like the provision of English language tuition through the Adult Migrant Education Program, on site and telephone interpreting and translating. We have some grants to community and service organisations such as migrant resource centres and the Community Settlement Services Scheme. We have an Integrated Humanitarian Settlement Strategy. All of these things have definitely been beneficial. I acknowledge that the actual expenditure on settlement services has gone up in recent years. It has gone up to over $78 million in 2004-05 and that is to be welcomed. But we need to recognise that we are taking in such dramatically increased numbers that the amount spent on settlement services needs to be increased proportionally as well.

Whilst there are clearly special needs for humanitarian and refugee intakes, and we need to be tailoring our services better to meet those needs and those people, we should not forget the needs of the wider migration intake. There is a problem sometimes with settlement services and assistance being too short term and not following through with people to make sure that, in the longer term, their settlement is going well. There is also a problem with some of the settlement services not being tailored enough to the specific needs of where people have come from. We have seen that in recent times with the greater intake of people from Africa who have very different backgrounds and very different issues to deal with, particularly in the humanitarian area. We have not been able to adequately tailor the services to meet those needs.

What I am calling for is a much greater focus on both the resources provided to settlement services and also the effectiveness, the flexibility and the long-term nature of those settlement services—not just for refugee and humanitarian people, although they particularly need more assistance, but also for recently arrived migrants across the board. That would still be a small investment in relative terms but it would pay huge benefits for Australia in the long term. If we do not do that we are much more prone to getting bitten by some of the difficulties that other countries have. We have a good record with multiculturalism in Australia but it did not come about by accident. It came about through strong promotion and genuine in-
vestment at government level. That is something that I believe we need to reaffirm and, indeed, strengthen with more political will and more public resources. The Democrats will certainly support any attempt to do that.

**Battle of Long Tan**

**Senator BERNARDI** (South Australia) (10.19 pm)—One of Australia’s most significant military events will be commemorated on 18 August—that being the 40th anniversary of the Battle of Long Tan. The Battle of Long Tan is arguably the most famous battle fought by Australians during the Vietnam War. It is certainly the most notable single incident of Australian involvement in Vietnam. It was also the first engagement for soldiers of the 1st Australian Task Force in South Vietnam. In terms of casualties it was the most costly battle of the war. It was an epic battle in which just over 100 diggers fought off an entire Vietcong regiment. The Battle of Long Tan remains of great significance to all Vietnam veterans. Its importance is highlighted by the fact that the anniversary was selected by the Vietnam veterans community to mark Vietnam Veterans Day in Australia.

Much has been written about the Battle of Long Tan in recent days. However, in a few moments let me recap what occurred in this battle and in the lead-up to it. On 17 August 1966 the Australian base at Nui Dat came under attack from Vietnamese forces. Twenty-two Australians were injured as a result of this attack. One later died as a result of his wounds. The 6th Royal Australian Regiment, or 6RAR, patrols were then sent out to sweep the surrounding area. The next day, 18 August 1966, D Company 6RAR, led by Major Harry Smith, were out patrolling. There were three platoons in the company: 10, 11 and 12 platoons. Many of the men in D Company were national serviceman, conscripts who had been called upon by their country to serve. They were, perhaps understandably, not impressed about having to patrol the rubber plantation because, back at the Nui Dat base, Australian singers Little Patty and Cole Joyce were staging a concert for the rest of the troops.

Our soldiers came across a few Vietcong walking along a track, and during the brief engagement one Vietcong was killed and the others ran off. What the Australians did not know was that those Vietcong were on their way back to a much larger force that was camped within the rubber plantation. The large Vietcong force was now aware that there were Australian soldiers nearby. At 4.08 pm D Company came under attack from the Vietcong regiment. The Australians were caught in a perilous situation. Outnumbered and with minimal protection, a number of our diggers were dead or wounded in the first few minutes of battle.

The attacking Vietnamese regiment contained at least 1,500—and some reports say there were up to 2,500 troops—compared with just over 100 Australians. A fierce gun battle ensued. The Australians were in an incredibly vulnerable position and fighting for their lives. Amazingly, the Australian troops were afforded some relief in the form of a monsoonal downpour that swept across the battlefield and provided some cover for the Australians by reducing visibility.

The Vietnamese continued to advance and the battle continued on into the evening. The soldiers in D Company, in a defensive position, held their ground with heroism, courage and determination. At one stage, two RAAF helicopter crews flew over the beleaguered Australian soldiers. They flew in very low, just above the rubber trees, and risked being shot down, in order to deliver some desperately needed ammunition to their mates.

The remainder of the 6RAR battalion, including armoured personnel carriers carrying
more troops, were deployed from the Nui Dat base to assist their fellow soldiers. They discovered more Vietcong who were preparing to assault D Company on another front. Without hesitation, our soldiers attacked the Vietcong and forced the enemy to retreat back into the jungle. The Australian troops stayed at their positions throughout the night fearing further attacks. Fortunately, none came. The Vietnamese had retreated from the battle permanently after suffering heavy losses. Daylight revealed that 18 Australians had lost their lives compared with at least 245 Vietcong soldiers. The Australian soldiers bravely withstood a calculated and powerful attack and emerged victorious, a fact which has only recently been acknowledged by the Vietnamese.

The 40th anniversary of the Battle of Long Tan provides all Australians with the opportunity to reflect on the immense personal sacrifice and brave service that was given to us by all the men and women who went to Vietnam. We had a very long involvement in the Vietnam War. Approximately 50,000 Australians served between 1962 and 1973. Over 500 died and more than 3,000 were wounded. Sadly, for those who served there, some wounds continued to be inflicted upon their return home.

The Vietnam War was a major conflict that polarised the country during the 1960s and 1970s. Unlike the veterans of the two Great Wars and other earlier conflicts, our Vietnam veterans were not shown the respect that they deserved, nor were they afforded the full recognition for their sacrifice, their bravery and their honour. There were no ticker-tape parades, and many were shunned, expected to just get on with their lives as if nothing had happened. Due to this shameful treatment by some in the community, many of our Vietnam veterans bear deep emotional scars, in addition to any physical wounds as a result of their wartime service.

As a nation, we must honour those who gave their lives in service of this country—not only those who died at Long Tan but also all those who served and all those who lost their lives during the Vietnam War. We owe them.

I recall reading last year of an account of a Liberal colleague in the other place, the Hon. Bruce Billson MP, now Minister for Veterans’ Affairs, in which he recalled some words of a veteran named Dave Sabben, who was a platoon leader during the Battle of Long Tan. While I will not repeat it verbatim here tonight, one quote struck me at the time: Please remember us with truth, honesty, accuracy ... We weren’t superheroes, but nor were we scoundrels. We were just men who did our job. And that, Mr President, they did. Our soldiers performed their duty and fought for democracy as was demanded of them by their country—both regular Army troops and national conscripts alike. We owe a great deal to these people. We must continue to educate our future generations as to their service and bravery. We must remember what they sacrificed for us.

While the Australian involvement in the Vietnam War lasted 10 years, the consequences of the war were the most enduring and difficult for those who served there. It is time we adequately recognised these men and women for their contribution not only to the war itself but also to our nation that we as Australians enjoy today.

Tonight I want to record my gratitude to those who fought in Vietnam. The Vietnam veterans’ sacrifice and bravery in battle is every bit as significant as the bravery of our World War I and World War II diggers. We owe them at least that. May I conclude by acknowledging all Vietnam veterans and their families. I trust that this coming anniversary will be a day of reflection and remembrance, and a day of peace and respect.
I hope you can all feel pride in yourselves, as all Australians should be proud of you.

**Senate adjourned at 10.27 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*


Broadcasting Services Act—Variation to Licence Area Plan for Wagga Wagga Radio—No. 1 of 2006 [F2006L02610]*.

Corporations Act—ASIC Class Order [CO 06/636] [F2006L02636]*.

Currency Act—Currency (Perth Mint) Determination 2006 (No. 2) [F2006L02668]*.

Customs Act—Tariff Concession Orders—
0606999 [F2006L02621]*.
0608179 [F2006L02624]*.
0608185 [F2006L02625]*.
0608286 [F2006L02623]*.
0608553 [F2006L02641]*.
0608556 [F2006L02642]*.
0608561 [F2006L02622]*.
0608567 [F2006L02643]*.
0608616 [F2006L02620]*.
0608792 [F2006L02648]*.
0608793 [F2006L02649]*.
0608855 [F2006L02650]*.
0608963 [F2006L02651]*.
0609139 [F2006L02652]*.

Defence Act—Determinations under section 58B—Defence Determinations—
2006/28—Education costs for child.
2006/30—Army—High Readiness Reserve completion bonus.
2006/31—Air Force—High Readiness Reserve completion bonus.
2006/33—Completion bonus scheme—Navy Communication Information Systems category.
2006/34—Army’s Reserve Response Force—annual bonus.
2006/35—Health support allowance and additional risk insurance.
2006/36—Home sale or purchase—amendment.
2006/37—Overseas conditions of service—post indexes.
2006/38—Travelling allowance and compassionate travel—amendment.
2006/40—Reserve legal officer’s sessional fee.
2006/41—Telephone costs, meals and technical amendments.
2006/42—Hardship allowance—amendment.
2006/43—Removal on ceasing continuous full-time service.
2006/44—Cadet forces allowance—amendment.
2006/45—District, Woomera, Port Wakefield, Scherger and Antarctic allowances—amendment.
2006/46—Overseas conditions of service—amendment.

Farm Household Support Act—Select Legislative Instrument 2006 No. 205—Farm Household Support Amendment Regulations 2006 (No. 1) [F2006L02560]*.

Judiciary Act—Select Legislative Instrument 2006 No. 218—High Court Amendment Rules 2006 (No. 2) [F2006L02612]*.

Marriage Act—Select Legislative Instrument 2006 No. 208—Marriage Amend-
ment Regulations 2006 (No. 2) [F2006L02600]*.
Proceeds of Crime Act—Select Legislative Instrument 2006 No. 209—Proceeds of Crime Amendment Regulations 2006 (No. 3) [F2006L02566]*.
Therapeutic Goods Act—Select Legislative Instruments 2006 Nos—
212—Therapeutic Goods Amendment Regulations 2006 (No. 2) [F2006L02573]*.
214—Therapeutic Goods (Medical Devices) Amendment Regulations 2006 (No. 1) [F2006L02575]*.
Therapeutic Goods (Charges) Act—Select Legislative Instrument 2006 No. 213—Therapeutic Goods (Charges) Amendment Regulations 2006 (No. 1) [F2006L02570]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Medicare Offices
(Question No. 1940)

Senator O’Brien asked the Minister representing the Minister for Human Services, upon notice, on 8 June 2006:

1. Can details be provided of all Medicare offices closed since October 1996, including the date of closure, street address, post code and electorate.

2. Can details be provided of all Medicare offices downgraded since October 1996, including the date of downgrading, street address, post code and electorate.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

1. Details are provided in the attachment.

2. There has been no downgrading of services at any Medicare office.

To prepare this answer it has taken approximately 2 hours and 15 minutes at an estimated cost of $132.
<table>
<thead>
<tr>
<th>Medicare Office</th>
<th>Shop Number</th>
<th>Shopping Centre</th>
<th>Street Address</th>
<th>Town/Suburb</th>
<th>State</th>
<th>Postcode</th>
<th>Closure Date</th>
<th>Electorate when office closed</th>
<th>Current Electorate</th>
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<td>2031</td>
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**QUESTIONS ON NOTICE**
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<th>Medicare Office</th>
<th>Shop Number</th>
<th>Shopping Centre</th>
<th>Street Address</th>
<th>Town/Suburb</th>
<th>State</th>
<th>Postcode</th>
<th>Closure Date</th>
<th>Electorate when office closed</th>
<th>Current Electorate</th>
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<td>Deer Park Central</td>
<td>62 Main Street Croydon</td>
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<td>Cloisters</td>
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<td>Cloisters Arcade</td>
<td>865 Hay Street</td>
<td>Perth</td>
<td>WA</td>
<td>6000</td>
<td>Mar-98</td>
<td>Perth</td>
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QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Medicare Office</th>
<th>Shop Number</th>
<th>Shopping Centre</th>
<th>Street Address</th>
<th>Town/Suburb</th>
<th>State</th>
<th>Postcode</th>
<th>Closure Date</th>
<th>Electorate when office closed</th>
<th>Current Electorate</th>
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<tbody>
<tr>
<td>East Victoria</td>
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<td>The Park Centre</td>
<td>Albany Highway</td>
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<td>Park</td>
<td>Shop 28</td>
<td>Innaloo Shopping Centre</td>
<td>Oswald Street</td>
<td>Innaloo</td>
<td>WA</td>
<td>6018</td>
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<td>Stirling</td>
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<td>Maddington Shop 79</td>
<td>Maddington Metro Shopping Ctr</td>
<td>Car Burnslen Drive &amp; Attfield Street</td>
<td>Maddington</td>
<td>WA</td>
<td>6109</td>
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<td>Hasluck</td>
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<td>Yirrigan Drive</td>
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<td>6061</td>
<td>Sep-97</td>
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QUESTIONS ON NOTICE
CRS Australia
(Question No. 1942)

Senator O’Brien asked the Minister representing the Minister for Human Services, upon notice, on 8 June 2006:

(1) Can details be provided of all CRS Australia (formerly the Commonwealth Rehabilitation Service) office closures since October 1996, including the date of closure, street address, post code and electorate.

(2) Can details be provided of all CRS Australia offices downgraded since October 1996, including the date of downgrading, street address, post code and electorate.

Senator Kemp—The Minister for Human Services has provided the following answer to the honourable senator’s question:

(1) CRS Australia has had no office closures since October 1996.

(2) CRS Australia has not downgraded any offices since October 1996. There has been no reduction in service access in any part of Australia.

To prepare this answer it has taken approximately 3 hours and 45 minutes at an estimated cost of $207.

Bushfires
(Question No. 2072)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 16 June 2006:

With reference to the Prime Minister’s statement on 8 September 2004 announcing measures to assist the community to better prepare for bushfires:

(1) By year, what quantum of funding has been: (a) allocated to the Bushfire Mitigation Fund for the life of the fund; and (b) expended.

(2) Can details be provided of all grants made under the Bushfire Mitigation Fund, including: (a) grant recipient; (b) quantum of funding; (c) description of bushfire mitigation work; (d) date of commencement of work; (e) date of completion of work; and (f) electorate(s).

(3) Can an outline of the Bushfire Mitigation Fund assessment procedures be provided.

(4) By year, what quantum of funding has been: (a) allocated to the Bushfire Cooperative Research Centre; and (b) expended.

(5) (a) By year, what quantum of funding has been: (i) allocated to ‘a Bushfire Awareness and Preparedness Day’; and (ii) expended; and (b) how has the funding been expended.

(6) What day is Bushfire Awareness and Preparedness Day.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:

(1) (a) In 2004-05 Programme funding was allocated and expended as outlined:

<table>
<thead>
<tr>
<th>STATE</th>
<th>Initial Allocation</th>
<th>Final Allocation &amp; Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>$1,370,000</td>
<td>$1,581,818</td>
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<tr>
<td>VIC</td>
<td>$965,000</td>
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<td>WA</td>
<td>$550,000</td>
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<tr>
<td>SA</td>
<td>$425,000</td>
<td>$502,000</td>
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QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>STATE</th>
<th>Initial Allocation</th>
<th>Final Allocation &amp; Expenditure</th>
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</thead>
<tbody>
<tr>
<td>TAS</td>
<td>$275,000</td>
<td>$274,750</td>
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<tr>
<td>NT</td>
<td>$250,000</td>
<td>$0</td>
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<tr>
<td>ACT</td>
<td>$200,000</td>
<td>$240,000</td>
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<tr>
<td></td>
<td>$5,000,000</td>
<td>$4,999,750</td>
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</table>

In 2005-06 Programme funding was allocated and expended as outlined

<table>
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<tr>
<th>STATE</th>
<th>Initial Allocation</th>
<th>Final Allocation &amp; Expenditure</th>
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<tbody>
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<td>$5,000,000</td>
<td>$4,944,931</td>
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(1) Attachment A provides full details of projects funded under the Bushfire Mitigation Programme by state and territory in 2005-06. Electorate information and project start, end date is unavailable for projects funded in the first year of the programme, 2004-05. 2004-05 project information is available on the Department of Transport and Regional Services website at: http://www.dotars.gov.au/disasters/bmp/projects/bmp_projects_05.aspx

(2) Applications for funding are assessed and prioritised by assessment committees in each state. State assessment committees consist of representatives from the state lead agencies (usually fire authorities), other agencies that have a role in bushfire mitigation, such as environment and local government. The Australian Government also has observer status on committees.

The assessment committee takes into account the programme’s assessment criteria contained in the application form and other matters, such as consistency with state bushfire management practices and standards.

The state assessment committee makes recommendations to the relevant state Minister on state priorities, who in turn advises the Australian Government Minister of the priority projects for which the state will provide at least matching funding.

(3) Funding (a) allocated to the Bushfire Cooperative Research Centre; and (b) expended is as follows:

<table>
<thead>
<tr>
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<th>2004/05</th>
<th>2005/06</th>
<th>2006/07</th>
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<tr>
<td>Bushfire CRC Allocation</td>
<td>$1 million</td>
<td>$1 million</td>
<td>$1 million</td>
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<tr>
<td>Bushfire CRC funding paid to CRC</td>
<td>$1 million</td>
<td>$1 million</td>
<td>nil</td>
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</table>

(5) (a) (i) The funding allocated to a Bushfire Awareness Day is as follows:

2004 – Nil; 2005 – Nil; 2006 – Nil

(ii) The funding expended on other fire awareness activities is as follows:

2004-05 = $180,639
2005-06 = $3,550,195

(b) The funding has been used to implement a National Bushfire Awareness and Preparedness Campaign.

(6) There is no national Bushfire Awareness and Preparedness Day.

QUESTIONS ON NOTICE
Jurisdictions’ bushfire agencies implement community awareness programs that include bushfire awareness and preparedness days (or weeks) which can vary yearly subject to regional bushfire risk and climatic conditions.

### Attachment A

**ACT BMP Projects 2004-05**

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description of activities</th>
<th>Project Start Date</th>
<th>Anticipated Project Completion Date</th>
<th>Total Expenditure</th>
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<tbody>
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<td>EACT</td>
<td>Access upgrade planning and assessments</td>
<td>Namadgi and TNR Trail Assessment</td>
<td>1-Jul-2004</td>
<td>30-Jun-2005</td>
<td>$12,180</td>
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<td>Access upgrade planning and assessments</td>
<td>Burnt Hill &amp; Grassy Creek Engineering Design</td>
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<td>30-Jun-2005</td>
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<td>EACT</td>
<td>Namadgi &amp; TNR road works</td>
<td>Road Maintenance activities in National Parks</td>
<td>1-Jul-2005</td>
<td>30-Sep-2005</td>
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<td>ACT Forests</td>
<td>Widen Charcoal Kln Road Kowen - Float access</td>
<td>Grader / Dozer to widen and improve drainage on trails</td>
<td>11-Mar-05</td>
<td>14-Mar-05</td>
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<td>Kowen fire roads reconstruction</td>
<td>150 hours of D4 dozer</td>
<td>02-May-05</td>
<td>15-May-05</td>
<td>$13,200</td>
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<td>Fire trails - Ingeledeen and Pago</td>
<td>80 hours of D4 dozer</td>
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<td>15-May-05</td>
<td>$7,040</td>
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<td>Hardy Range/Pierce Creek Fire Trails</td>
<td>39 hours of D4 dozer time</td>
<td>05-Dec-04</td>
<td>19-Dec-04</td>
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<td>Hardy Range/Pierce Creek Fire Trails</td>
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<td>05-Dec-04</td>
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<td>Fire Break Watsons Pines</td>
<td>7 hrs D3 dozer</td>
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<td>13 hrs D3 dozer</td>
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<td>23-Nov-04</td>
<td>$1,170</td>
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<td>Uriarra Settlement fire break and helipad</td>
<td>14 hrs D3 dozer</td>
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<td>18-Nov-04</td>
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<td>Fire Access Upgrade and Maintenence</td>
<td>Maintain Bendora Break in accordance with fire trail assessment report</td>
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<td>Upgrade Block 60 No 3 Trail in accordance with fire trail assessment report</td>
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<td>Upgrade Birrigai to Mushroom Rock Trail in accordance with fire trail assessment report</td>
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<td>Upgrade TNR 7 Trail in accordance with fire trail assessment report</td>
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<td>Fire Access Upgrade and Maintenence</td>
<td>Upgrade Ashbrook Trail - along enclosure in accordance with fire trail assessment report</td>
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<td>Fire Access Upgrade and Maintenence</td>
<td>Upgrade Parrot Rd in accordance with fire trail assessment report</td>
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<td>Start Date</td>
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<tr>
<td>EACT</td>
<td>Fire Access Upgrade and Maintenance</td>
<td>Install crossing over Gininderra Creek to enable quicker access to Pervisal Hill Install Tangos Trail at Tidbinbilla to act as a control line for prescribed burning</td>
<td>Jul-05</td>
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<td>EACT</td>
<td>Fire Access Upgrade and Maintenance</td>
<td>Install Camel Back Fire trail in accordance with fire trail assessment report</td>
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<td>Maintain Gibraltar trail in accordance with fire trail assessment report</td>
<td>Jul-05</td>
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<td>Fire Access Upgrade and Maintenance</td>
<td>Maintain Camel Back Fire trail in accordance with fire trail assessment report</td>
<td>Jul-05</td>
<td>Jun-06</td>
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<td>Fire Access Upgrade and Maintenance</td>
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<td>Fire Access Upgrade and Maintenance</td>
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<td>Fire Access Upgrade and Maintenance</td>
<td>Upgrade Fishing Gap Trail in accordance with fire trail assessment report</td>
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<td>Jun-06</td>
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<tr>
<td>EACT</td>
<td>Fire Access Upgrade and Maintenance</td>
<td>Install crossing over cut off drain on Tuggeranong Hill to improve access for fire fighting</td>
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<td>Jun-06</td>
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<td>Upgrade Link Road in accordance with fire trail assessment report</td>
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<td>EACT</td>
<td>Fire Access Upgrade and Maintenance</td>
<td>Upgrade Ashbrook Rd in accordance with fire trail assessment report</td>
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<td>Jun-06</td>
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<tr>
<td>EACT</td>
<td>Fire Access Upgrade and Maintenance</td>
<td>Undertake tree surgery along Smokers Trail to remove obstructions to Tanker travel</td>
<td>Jul-05</td>
<td>Jun-06</td>
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## QUESTIONS ON NOTICE

### ACT BMP Projects 2005-06

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description of activities</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
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<td>Fire Access Upgrade and Maintenance</td>
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**TOTAL** $203,045

### NSW BMP Projects 2005-06

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<th>Project Start Date</th>
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<tr>
<td>Forests NSW</td>
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<td>Maintenance of Western boundary, E and S trails, Glowworm Tunnel Rd, Camp Rd, Northern Boundary Rd, Northern Loop Trail, Eastern Loop Trail, Governors Rd, Warratah Ridge Rd</td>
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<td>Maintenance of Power Line Rd, Gulf Boundary Rd, Meadow Flat Rd, Mt Scholfield Rd, North Gulf Boundary, Eskdale Rd, Reedy Creek Rd, Battery Rd, Stringybark Rd, Tmartins Boundary Trail</td>
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<td>Maintenance of Booyong, Windy Rd, Forest Lodge, Sth Boundary, Springglen rd, Mt Ryan Fire trail, Nth Access rd, Lahn, Olive Glen West, Olive Glen Boundary rd, Nth Traillee Boundary rd, Sth Traillee boundary rd, Lucky Draw rd, Mt David Rd, East Traillee boundary rd, RGC, Sunny Ridge Rd</td>
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### NSW BMP Projects 2005-06

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<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Eden-Monaro</td>
<td>1,666</td>
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<tr>
<td>ernment</td>
<td>N/a</td>
<td>Red Bank Fire Trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Eden-Monaro</td>
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<td>Local Gov-</td>
<td>N/a</td>
<td>Mt Clear Fire Trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>Local Gov-</td>
<td>N/a</td>
<td>Fire Trail Register &amp; Signage Project (40-50 signs)</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Gilmore</td>
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<td>ernment</td>
<td>N/a</td>
<td>Clifton hill fire trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Gwydir</td>
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<td>Local Gov-</td>
<td>N/a</td>
<td>Gibraltar Road construction</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>ernment</td>
<td>N/a</td>
<td>Bell Perimeter Trail maintenance</td>
<td>01/03/2006</td>
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<td>Macquarie</td>
<td>533</td>
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<td>Local Gov-</td>
<td>N/a</td>
<td>Maintenance of Dungowan Dam Trails (Lever Creek to Dungowan Creek, Berry Patch Trail, The Weirs Trail, Bull Gate Trail, Sleemans Heil Pad Trail)</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>New England</td>
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<td>N/a</td>
<td>Narraport Fire Trail grading</td>
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<td>31/12/2006</td>
<td>Parkes</td>
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<tr>
<td>Local Gov-</td>
<td>N/a</td>
<td>Bambilla Fire Trail clearing/grading</td>
<td>01/03/2006</td>
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<td>ernment</td>
<td>N/a</td>
<td>Tarcutta-Ellerslie Fire Trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Riverina</td>
<td>8,080</td>
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<td>Local Gov-</td>
<td>N/a</td>
<td>Daleys Point Fire Trail maintenance</td>
<td>01/03/2006</td>
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<td>Sanitary Depot to Woy Woy Tip maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>Local Gov-</td>
<td>N/a</td>
<td>Manly Dam Main Fire Trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>N/a</td>
<td>Maintenance of Kenthurst Village APZ Trail Network</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Mitchell</td>
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QUESTIONS ON NOTICE
<table>
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<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description of activities</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
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<tbody>
<tr>
<td>Private Land</td>
<td>N/a</td>
<td>Middle Ridge grading</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>Canobolas Zone SF</td>
<td>N/a</td>
<td>Northern Boundary Rd, Western Boundary Rd maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Calare</td>
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<tr>
<td>Evans/Bathurst/Oberon SF</td>
<td>N/a</td>
<td>Spring Glenn Road maintenance</td>
<td>01/03/2006</td>
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<td>Bellingen LANDS</td>
<td>N/a</td>
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<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Cowper</td>
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<tr>
<td>Bega Valley LANDS</td>
<td>N/a</td>
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<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>Eurobodalla DS</td>
<td>N/a</td>
<td>Cranbrook Road Fire Trail upgrade</td>
<td>01/03/2006</td>
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<td>Eden-Monaro</td>
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<tr>
<td>Bombala LG</td>
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<td>Creewah Fire Trail maintenance</td>
<td>01/03/2006</td>
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<tr>
<td>Cooma-Monaro LG</td>
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<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Eden-Monaro</td>
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<tr>
<td>Castleraagh NPWS</td>
<td>N/a</td>
<td>Manser’s Lane, Northeast, Spring Creek, Southern construction</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Gwydir</td>
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<td>Cudgegong NPWS</td>
<td>N/a</td>
<td>Myrtle (Widdon) Trail maintenance and upgrade</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Gwydir</td>
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<td>Kempsey SF</td>
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<td>01/03/2006</td>
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<td>Blue Mountains NPWS</td>
<td>N/a</td>
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<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Macquarie</td>
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<td>Clarence Valley NPWS</td>
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<td>01/03/2006</td>
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<tr>
<td>Corowa-Berrigan Zone SF</td>
<td>N/a</td>
<td>Paradise Beach Rd, River Rd, Baroooga 4 Rd maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Farrer</td>
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<tr>
<td>Far North Coast NPWS</td>
<td>N/a</td>
<td>Garrong Loop Trail, North Boyundary Trail, South Boundary Trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Richmond</td>
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<tr>
<td>Gosford NPWS</td>
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<td>Big Jims Firetrail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Robertson</td>
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<tr>
<td>Greater Taree LANDS</td>
<td>N/a</td>
<td>Tinonee St FT upgrade</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Lyne</td>
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<tr>
<td>Hastings SF</td>
<td>N/a</td>
<td>Blue Creek/Greg’s trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Lyne</td>
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<tr>
<td>Hawkesbury NPWS</td>
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<td>Sullivans Arm Fire Trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Macquarie</td>
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<tr>
<td>Hornsby/Kuring-gai LANDS</td>
<td>N/a</td>
<td>Calabash upgrade</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>Hunter NPWS</td>
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<td>Illawarra LANDS</td>
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<td>31/12/2006</td>
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<tr>
<td>Lake Macquarie LG</td>
<td>N/a</td>
<td>Cooranbong Fire Trail rehabilitation</td>
<td>01/03/2006</td>
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<tr>
<td>Local Agency</td>
<td>Project Name</td>
<td>Description of activities</td>
<td>Project Start Date</td>
<td>Anticipated Project End Date</td>
<td>Electorate</td>
<td>Total BMP Expenditure</td>
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<tr>
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<tr>
<td>Lithgow SF</td>
<td>N/a</td>
<td>McManus, Gulf, Fairview and Abbotsbury fire trails maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<tr>
<td>Liverpool Range LG LANDS</td>
<td>N/a</td>
<td>Stewarts Brook grading</td>
<td>01/03/2006</td>
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<td>Lower Hunter NPWS</td>
<td>N/a</td>
<td>Tuncurry High Perimeter FT upgrade</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Paterson</td>
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<tr>
<td>Mid Lachlan NPWS</td>
<td>N/a</td>
<td>Keewong Firetrail reconstruction</td>
<td>01/03/2006</td>
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<tr>
<td>Mid-Murray Zone SF LANDS</td>
<td>N/a</td>
<td>Bullock Head Rd maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Farrer</td>
<td>900</td>
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<tr>
<td>Nambucca LANDS</td>
<td>N/a</td>
<td>Balance Tank Rd FT upgrade</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>Cowper</td>
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<tr>
<td>New England NPWS</td>
<td>N/a</td>
<td>Maintenance of all trails within Ironbark NR (Northern Boundary FT, Devil’s Hole Creek FT, Middle FT, Yarrabah West FT, Jon’s FT, Spencer Creek FT, Eastern Access FT, Yarrabah South FT, Long Swamp Creek FT, Middle FT, Link FT, Site FT and five yet to be named fire trail</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>New England</td>
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<tr>
<td>Newcastle NPWS</td>
<td>N/a</td>
<td>Bailey’s Fire Trail construction</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>Northern Rivers NPWS</td>
<td>N/a</td>
<td>Rash Trail maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>5,000</td>
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<tr>
<td>Northern Tablelands NPWS</td>
<td>N/a</td>
<td>Maintenance of all trails within Boonoo Boonoo NP. (Falls Road, Link Road, Colongon Road, West Falls FT, Radio FT, Falls View FT, Boorook FT, South East Boundary FT, Hut FT, Casuarina FT, Depot FT, Gilgurry FT, Mount Prentice FT and four minor yet to be named fire trail</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
<td>New England</td>
<td>7,200</td>
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<tr>
<td>Riverina Highlands LANDS</td>
<td>N/a</td>
<td>Batlow Hill FT upgrade</td>
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<td>31/12/2006</td>
<td>Farrer</td>
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<tr>
<td>Shoalhaven NPWS</td>
<td>N/a</td>
<td>Tianjara &amp; Twelve Mile maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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<td>Snowy River LG</td>
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<td>Southern Tablelands P/L</td>
<td>N/a</td>
<td>Marsden Fire Trail UL 31 maintenance</td>
<td>01/03/2006</td>
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<td>Sutherland LANDS</td>
<td>N/a</td>
<td>Chestnut Trail upgrade</td>
<td>01/03/2006</td>
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<td>Hughes</td>
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<td>Tamworth Regional SF</td>
<td>N/a</td>
<td>Brandy Springs maintenance</td>
<td>01/03/2006</td>
<td>31/12/2006</td>
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### QUESTIONS ON NOTICE

**NSW BMP Projects 2005-06**

<table>
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<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description of activities</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
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<tbody>
<tr>
<td>Warringah/Pittwater NPWS</td>
<td>N/a</td>
<td>Cooyong/ Neverfail Fire Trail upgrade</td>
<td>01/03/2006</td>
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<td>Mackellar</td>
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<td>Wingecarribee LG</td>
<td>N/a</td>
<td>Mt Alexandra GMA4 upgrade</td>
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<td>31/12/2006</td>
<td>Hume</td>
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<td>Wyong LANDS</td>
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<td>Lees Trail (primary) upgrade</td>
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### QUEENSLAND BMP PROJECTS 2005-06

<table>
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<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
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<tbody>
<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Esk fire trail construction</td>
<td>Fire Trail construction, pine plantation - Lot 142</td>
<td>01-Nov-05</td>
<td>30-Jun-06</td>
<td>Blair</td>
<td>$1,600</td>
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<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Hardwood Plantation Initiative fire trail construction</td>
<td>21 freehold blocks - fire trail construction and installation of 3 20,000L water tanks</td>
<td>01-Jul-05</td>
<td>30-Jun-06</td>
<td>Blair</td>
<td>$9,884</td>
</tr>
<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Dawson Range Project fire trail construction</td>
<td>Construction/reopening of 14 km of road across the Dawson Range southeast of Blackdown Tableland in State Forest 212</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Capricornia</td>
<td>$3,550</td>
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<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Byfield Paddy’s Plain Project fire trail construction</td>
<td>Establishment of about 1200 ha of pine plantation with all the associated construction of about 63.5 km of fire trails (Boundary roads and internal tracks)</td>
<td>01-Jul-05</td>
<td>30-Jun-06</td>
<td>Capricornia</td>
<td>$26,661</td>
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<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Beerburrum I-Zone Trail Upgrades</td>
<td>Upgrade approximately 72 km of already existing cleared fire trail.</td>
<td>03-Jul-05</td>
<td>30-Jun-06</td>
<td>Longman</td>
<td>$6,277</td>
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<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Mitchell State Forest fire trail construction</td>
<td>Construction of about 40 km of new fire trail on the western boundary of State Forest 14. This new trail will link to the approximate 30 km of fire trail work approved and completed in 04/05 as project 406</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Maranoa</td>
<td>$10,100</td>
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<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Mary Valley fire trails upgrade and construction</td>
<td>To reopen and construct fire trails in the Native Forest Areas between the DPIF Kenilworth and Imbil State owned Hoop Pine plantations</td>
<td>01-Dec-05</td>
<td>30-Jun-06</td>
<td>Wide Bay</td>
<td>$10,850</td>
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</table>
## QUESTIONS ON NOTICE

### QUEENSLAND BMP PROJECTS 2005-06

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Primary Industries, Fisheries &amp; Forestry</td>
<td>Fraser Coast fire trails upgrade and construction</td>
<td>Upgrade (with some new construction) about 87 km of fire trails protecting the I-Zone and particularly the townships of Aldershot, Neerdie, Boonooroo, Tuan, Poona, Tirmaanbar, Howard and the Cooloola Coast developments</td>
<td>01-Jul-05</td>
<td>30-Jun-06</td>
<td>Wide Bay</td>
<td>$36,600</td>
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<tr>
<td>Department of Natural Resources and Mines</td>
<td>Collinsville fire trail construction</td>
<td>A network of fire breaks and trails needs to be established around the USL in these towns. 35% of the total land mass in these towns is USL and the size of these parcels of land range from 1 hectare to 100 hectares</td>
<td>28-Sep-05</td>
<td>23-May-06</td>
<td>Capricornia</td>
<td>$7,500</td>
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<tr>
<td>Department of Natural Resources and Mines</td>
<td>Cooktown fire trail construction</td>
<td>Natural Resources and Mines has several parcels of USL within the Township and I zone area of Cooktown that has the potential to destroy residential homes and property. The Department has another parcel of land due south of Cooktown that has environmental values requiring protection.</td>
<td>28-Sep-05</td>
<td>23-May-06</td>
<td>Leichardt</td>
<td>$15,000</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Lockyer and White Mountain Forest Reserves</td>
<td>Lockyer fire trail upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Blair</td>
<td>$3,550</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Crow's Nest National Park / Perseverance Creek Forest Reserve</td>
<td>Crow's Nest / Perseverance fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Blair</td>
<td>$3,650</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Carbrook Wetlands Conservation Park</td>
<td>Carbrook Wetlands fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Bowman</td>
<td>$7,500</td>
</tr>
<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Mount Archer National Park and Forest Reserve</td>
<td>Mt Archer fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Capricornia</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>D'Aguillar group of reserves</td>
<td>D'Aguillar group of reserves fire trail upgrades (South East District Fire Trails)</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Dickson</td>
<td>$4,905</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>South Stradbroke Island Conservation Park</td>
<td>South Stradbroke Island fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Fadden</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Gold Coast hinterland group of reserves</td>
<td>Gold Coast hinterland group of reserves fire trail upgrades (South East District Fire Trails)</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
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<td>QLD Parks &amp; Wildlife Service</td>
<td>Great Sandy National Park (Southern Cooloola Section)</td>
<td>Southern Cooloola fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
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<tr>
<td>Local Agency</td>
<td>Project Name</td>
<td>Description</td>
<td>Project Start Date</td>
<td>Anticipated Project End Date</td>
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<td>Total BMP Expenditure</td>
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<td>QLD Parks &amp; Wildlife Service</td>
<td>Tewantin Forest Reserve</td>
<td>Tewantin fire trail upgrade</td>
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<td>30-Jun-06</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Noosa National Park</td>
<td>Weyba fire trail construction</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
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<td>South-western Ranges group of reserves</td>
<td>South-western group of reserves</td>
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<td>30-Jun-06</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Boyne Conservation Park, Mt Maurice / Beecher State Forests</td>
<td>Combined Boyne fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Hinkler</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Eurimbul National Park and Forest Reserve, Joseph Banks Conservation Park, Deepwater National Park</td>
<td>Combined Miriam Vale fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
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<td>Millstream National Park</td>
<td>Millstream fire trail upgrade</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Giringun National Park, Mt Fox Forest Reserve, Clement Forest Reserve</td>
<td>Giringun fire trail upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
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<tr>
<td>QLD Parks &amp; Wildlife Service</td>
<td>Hallorans Hill Conservation Park, Herberton Range State Forest, Hasties Swamp National Park</td>
<td>Atherton fire trail upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Kennedy</td>
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<td>QLD Parks &amp; Wildlife Service</td>
<td>Sheepstation Creek Conservation Park</td>
<td>Sheepstation Creek fire trail construction</td>
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<td>30-Jun-06</td>
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<td>QLD Parks &amp; Wildlife Service</td>
<td>Glasshouse Mountains National Park</td>
<td>Coschins Hills fire trail upgrade</td>
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<td>Burleigh Knoll Conservation Park</td>
<td>Burleigh Knoll fire trail upgrade</td>
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<td>30-Jun-06</td>
<td>McPherson</td>
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<td>Venman Bushland National Park</td>
<td>Venmans fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
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<td>QLD Parks &amp; Wildlife Service</td>
<td>Great Sandy National Park</td>
<td>Fraser Island fire trail upgrade</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Wide Bay</td>
<td>$6,500</td>
</tr>
<tr>
<td>Barcaldine Shire Council</td>
<td>Barcaldine Township Fire Trails, Barcaldine Airport, Barcaldine SC Radio Tower No 1, Barcaldine SC Radio Tower No 2</td>
<td>Barcaldine Shire Fire Trails Maintenance</td>
<td>13-Feb-06</td>
<td>26-May-06</td>
<td>Maranoa</td>
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QUESTIONs ON NOTICE
<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaudesert Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Beaudesert shire Bushfire Mitigation Project upgrading and adding fire trails, water access points and signage</td>
<td>01-Nov-05</td>
<td>30-Sep-06</td>
<td>Forde</td>
<td>$43,333</td>
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<tr>
<td>Croydon Shire Council</td>
<td>Bushfire trail upgrade and maintenance around boundary of township</td>
<td>Croydon North Qld Bush Trail upgrade, maintenance &amp; signage project</td>
<td>02-Jan-06</td>
<td>30-Jun-06</td>
<td>Kennedy</td>
<td>$11,967</td>
</tr>
<tr>
<td>Gatton Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Gatton Rural Fire Management fire trail construction and water storage tanks</td>
<td>01-Jan-06</td>
<td>31-Mar-06</td>
<td>Blair</td>
<td>$33,334</td>
</tr>
<tr>
<td>Ipswich City Council</td>
<td>Conservation Estate off Carmichael’s Road, Goodman</td>
<td>Flinders-Goolman Conservation fire trail upgrade, maintenance and signage</td>
<td>06-Feb-06</td>
<td>30-Jun-06</td>
<td>Blair</td>
<td>$10,000</td>
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<tr>
<td>Isis Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Isis Junction fire trail construction</td>
<td>02-Jan-06</td>
<td>30-Apr-06</td>
<td>Hinkler</td>
<td>$17,863</td>
</tr>
<tr>
<td>Kingaroy Shire Council</td>
<td>Construction of fire trails for Booie, Malar, Goodger Reserves, Wooroolin Wetlands and Kingaroy Heights</td>
<td>Kingaroy Shire fire trail construction</td>
<td>02-Jan-06</td>
<td>31-Jul-06</td>
<td>Blair</td>
<td>$14,500</td>
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<tr>
<td>Kowanyama Aboriginal Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Kowanyama fire trail construction</td>
<td>15-May-06</td>
<td>20-Jul-06</td>
<td>Leichardt</td>
<td>$40,000</td>
</tr>
<tr>
<td>Livingstone Shire Council</td>
<td>Various locations throughout Kawarral Reserve</td>
<td>Kawarral fire trail upgrade, maintenance and 3 x turn around points</td>
<td>01-Jan-06</td>
<td>30-Sep-06</td>
<td>Capricornia</td>
<td>$25,000</td>
</tr>
<tr>
<td>Mareeba Shire Council</td>
<td>Reserve 76</td>
<td>Mareeba fire trail construction</td>
<td>01-Mar-06</td>
<td>30-Jun-06</td>
<td>Leichardt</td>
<td>$11,000</td>
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<tr>
<td>Mareeba Shire Council</td>
<td>Mareeba Conservation Estate</td>
<td>Mareeba Conservation Estate fire trail construction</td>
<td>15-Jan-06</td>
<td>12-Jun-06</td>
<td>Fairfax</td>
<td>$45,190</td>
</tr>
<tr>
<td>Mareeba Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Mareeba Fire trail mapping</td>
<td>15-Jan-06</td>
<td>16-Oct-06</td>
<td>Fairfax</td>
<td>$18,815</td>
</tr>
<tr>
<td>Noosa Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Bushfire Management Plans for Noosa Council Bushland Reserves</td>
<td>01-Dec-05</td>
<td>30-Jun-06</td>
<td>Fairfax</td>
<td>$20,000</td>
</tr>
<tr>
<td>Perry Shire Council</td>
<td>Various locations throughout the Shire Townsend Reserve, Mt Brisbane Reserve, James Drysdale Reserve, Bunya Cemetery Reserve, Retreat Court Reserve, Linkwood Reserve, Nullamara Reserve, Burly Road Reserve</td>
<td>Perry Shire fire trail construction and mapping</td>
<td>31-Dec-05</td>
<td>30-Sep-06</td>
<td>Hinkler</td>
<td>$71,500</td>
</tr>
<tr>
<td>Pine Rivers Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Pine Rivers fire trail construction and signage</td>
<td>01-Dec-06</td>
<td>30-Jun-06</td>
<td>Dickson</td>
<td>$66,666</td>
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</tbody>
</table>
### QUEENSLAND BMP PROJECTS 2005-06

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redland Shire Council</td>
<td>The Southern Moreton Bay Islands consisting of Russell, Macleay, Lamb and Karragarra Islands.</td>
<td>Southern Moreton Bay Islands fire trail construction and upgrade</td>
<td>02-Jan-06</td>
<td>30-Dec-06</td>
<td>Bowman</td>
<td>$30,000</td>
</tr>
<tr>
<td>Toowoomba City Council</td>
<td>South Ruthven Reserve, McKnight Park and Barry Griffiths Park. Privet clearing will be mainly carried out in Redwood Park</td>
<td>Toowoomba Escarpment fire trail construction and maintenance</td>
<td>01-Sep-05</td>
<td>30-Jun-06</td>
<td>Groom</td>
<td>$30,000</td>
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<tr>
<td>Whitsunday Shire Council</td>
<td>Various locations throughout the Shire</td>
<td>Whitsunday Urban fire trail construction</td>
<td>30-Sep-05</td>
<td>30-Jun-06</td>
<td>Dawson</td>
<td>$10,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
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### SA BMP Projects 2005-06

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide Hills Council</td>
<td>Track maintenance</td>
<td>Fire Access Track Maintenance and Improvement</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Mayo</td>
<td>$40,000</td>
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<tr>
<td>Kangaroo Island Council</td>
<td>Kangaroo Island Council</td>
<td>Kangaroo Island Bushfire Mitigation Project</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Environment &amp; Heritage</td>
<td>DEH Kangaroo Island</td>
<td>Upgrade, construction and maintenance of fire track access</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Mayo</td>
<td>$9,000</td>
</tr>
<tr>
<td>Department of Environment &amp; Heritage</td>
<td>Mt Lofty Ranges</td>
<td>Upgrade, construction and maintenance of fire track access</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Mayo</td>
<td>$50,000</td>
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<tr>
<td>Foresty SA</td>
<td>Mt Crawford Forest Reserve</td>
<td>Improving access and signing of strategic fire tracks</td>
<td></td>
<td>Jun-06</td>
<td>Mayo</td>
<td>$40,000</td>
</tr>
<tr>
<td>City of Mitcham</td>
<td>Mitcham Area</td>
<td>Improving Fire Trails in Mitcham Area - Stage 1</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Boothby</td>
<td>$20,000</td>
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<tr>
<td>City of Onkaparinga</td>
<td>City of Onkaparinga Upgrade</td>
<td>City of Onkaparinga Upgrade of Fire Tracks</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Kingston</td>
<td>$20,000</td>
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<tr>
<td>City of Port Lincoln</td>
<td>Fire Proofing Pt Lincoln</td>
<td>Fire Proofing Pt Lincoln through improved access</td>
<td>Jun-06</td>
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<td>Grey</td>
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<tr>
<td>DC of Tumby Bay</td>
<td>Tumby Bay Council Area</td>
<td>Fire track Upgrade - Tumby Bay Council Area</td>
<td>Jun-06</td>
<td></td>
<td>Grey</td>
<td>$3,394</td>
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<tr>
<td>RC of Goyder</td>
<td>Regional Fire Trails</td>
<td>Improving specific purpose fire trail road surfaces/drainage, ensuring safe vehicle turn around points and turn out passing areas, restricted access signage, fencing and gates and concrete floodways.</td>
<td>28-Feb-06</td>
<td>Jun-06</td>
<td>Grey</td>
<td>$20,000</td>
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<tr>
<td>DC of Le Hunte</td>
<td>Gawler Ranges National Park</td>
<td>Construction of fire trail/fuel break</td>
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<td>Jun-06</td>
<td>Grey</td>
<td>$16,667</td>
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## QUESTIONS ON NOTICE
<table>
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<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Environment &amp; Heritage</td>
<td>Mid North and Yorke Peninsula</td>
<td>Upgrade, construction and maintenance of fire track access.</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Grey</td>
<td>$9,000</td>
</tr>
<tr>
<td>Department of Environment &amp; Heritage</td>
<td>Eyre Peninsula upgrade, construction and mainte-</td>
<td>Upgrade, construction and maintenance of fire track access</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Grey</td>
<td>$8,000</td>
</tr>
<tr>
<td>Forestry SA/Department of Environment &amp; Heritage</td>
<td>Southern Flinders Ranges</td>
<td>Southern Flinders Ranges - Fire Track Management</td>
<td>Jun-06</td>
<td>Grey</td>
<td>$50,000</td>
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<tr>
<td>DC Naracoote &amp; Lucindale</td>
<td>Fire Track upgrade</td>
<td>Construction of new, and updating of existing, fire access tracks and areas including fencing in North and South Parkland area.</td>
<td>Feb-06</td>
<td>Jun-06</td>
<td>Barker</td>
<td>$12,500</td>
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<tr>
<td>Auspine</td>
<td>Spelt’s Improvement Project</td>
<td>Upgrade of fire trail to allow all weather access with strategically placed overtaking bays</td>
<td>Jun-06</td>
<td>Barker</td>
<td>$5,000</td>
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<tr>
<td>Department of Environment &amp; Heritage</td>
<td>Murraylands, Lameroo</td>
<td>Upgrade, construction and maintenance of fire track access to Narkat Conservation park</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Barker</td>
<td>$9,000</td>
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<tr>
<td>Department of Environment &amp; Heritage</td>
<td>South East Region upgrade</td>
<td>Upgrade, construction and maintenance of the track access within selected reserve systems</td>
<td>01-Apr-06</td>
<td>Jun-06</td>
<td>Barker</td>
<td>$9,000</td>
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<tr>
<td>Forestry SA</td>
<td>Green Triangle Forest Reserve</td>
<td>Fire Trail Modification Program</td>
<td>Feb-06</td>
<td>Jun-06</td>
<td>Makin</td>
<td>$13,334</td>
</tr>
<tr>
<td>City of Tea Tree Gully</td>
<td>Kadlunga Fire Access</td>
<td>Repair and redefine an overgrown and ill-defined fire access track which provides access to the Government Raid Network and other emergency services transmission tower atop Moun Horrocks</td>
<td>28-Feb-06</td>
<td>Jun-06</td>
<td>Wakefield</td>
<td>$3,000</td>
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<tr>
<td>City of Playford</td>
<td>Playford Fire Track Upgrade</td>
<td>Fire track upgrade and construction program</td>
<td>17-Mar-06</td>
<td>Jun-06</td>
<td>Wakefield</td>
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**TASMANIAN BMP PROJECTS 2005-06**

<table>
<thead>
<tr>
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<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Tourism Parks Heritage and the Arts</td>
<td>Mt William National Park</td>
<td>Extending fire trail system</td>
<td>Jan-06</td>
<td>Apr-06</td>
<td>Lyons</td>
<td>$20,000</td>
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QUESTIONS ON NOTICE
### TASMANIAN BMP PROJECTS 2005-06

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
<th>Project Start Date</th>
<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Expenditure</th>
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<tbody>
<tr>
<td>Department of Tourism Parks Heritage and the Arts</td>
<td>Douglas Apsley National Park</td>
<td>Extending fire trail system</td>
<td>Jan-06</td>
<td>Jun-06</td>
<td>Lyons</td>
<td>$20,000</td>
</tr>
<tr>
<td>Tasmania Fire Service</td>
<td>Mount Faulkner Fire Management Strat-</td>
<td>Fire trail construction, maintenance and infrastructure</td>
<td>2005</td>
<td>Mar-06</td>
<td>Denison</td>
<td>$110,439</td>
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<tr>
<td>Tasmania Fire Service</td>
<td>Perrins Ridge Fire Trail</td>
<td>Extension of fire trail, upgrading existing trails</td>
<td>Mar-06</td>
<td>Aug-06</td>
<td>Franklin</td>
<td>$5,000</td>
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<tr>
<td>Clarence City Council</td>
<td>Meehan range Fire Mitigation Strategy</td>
<td>Fire trail maintenance, construction, signage</td>
<td>Jan-06</td>
<td>Jan-07</td>
<td>Franklin</td>
<td>$10,000</td>
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<td><strong>TOTAL</strong></td>
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### VICTORIAN BMP 2004-05 PROJECTS

<table>
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<tr>
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<th>Description of activities</th>
<th>Project Start Date</th>
<th>Anticipated Project Completion Date</th>
<th>Total BMP Funding</th>
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</thead>
<tbody>
<tr>
<td>Dept of Sustainability and Environment</td>
<td>TV Road Bridges</td>
<td>Replace 1 of 3 bridges</td>
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<td>$60,000.00</td>
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<tr>
<td>Dept of Sustainability and Environment</td>
<td>Thomson River Bridge</td>
<td>Replace 2 span timber bridge</td>
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<td>$65,000.00</td>
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<tr>
<td>Dept of Sustainability and Environment</td>
<td>Gumtop Fire Track</td>
<td>Replace Bridge</td>
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<td></td>
<td>$12,500.00</td>
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<tr>
<td>Dept of Sustainability and Environment</td>
<td>Waterwheel Track</td>
<td>Replace Bridge</td>
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<td>$12,500.00</td>
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<tr>
<td>Dept of Sustainability and Environment</td>
<td>Laviathan Road</td>
<td>Replace Timber Bridge</td>
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<td>15 Mile Road</td>
<td>Replace 2 logfills with 1200 culverts</td>
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<td>Peake Track</td>
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<td>Dept of Sustainability and Environment</td>
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<td>Dept of Sustainability and Environment</td>
<td>Dunghy Track</td>
<td>Replace bridge over Snowy Ck. Realign section of track away from river</td>
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QUESTIONS ON NOTICE
## QUESTIONS ON NOTICE

### VICTORIAN BMP 2004-05 PROJECTS

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description of activities</th>
<th>Project Start Date</th>
<th>Anticipated Project Completion Date</th>
<th>Total BMP Funding</th>
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<tbody>
<tr>
<td>Dept of Sustainability and Environment</td>
<td>Lower Ovens Rock beaching on eroded ford</td>
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<td>Dept of Sustainability and Environment</td>
<td>BS Fireline Replace bridge over Starvation Creek with Box Culvert</td>
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<td>Dept of Sustainability and Environment</td>
<td>Lyrebird Road Replace blocked culvert with larger set</td>
<td>$2,500</td>
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<td>Dept of Sustainability and Environment</td>
<td>Summer Spur Track Realign and resurface 300m section</td>
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<td>Observation Rd Repair major slip.</td>
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<td>Olinda Ck Rd - Track 13 Bridge</td>
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<td>Paddy Track: Jack the Minors Bridge</td>
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<td>FTG Unit: DRNP: Feather Tk, Lyrebird Tk, Macedon Tk</td>
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<td>Western Face DRNP: Fireline Tk, Range Rd, Ridge Tk, Hilton Rd Sheerbrooke Unit</td>
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<td>DRNP: Coles Ridge Rd, Nuemans Tk</td>
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<td>Quarry Track Upgrade track</td>
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<td>Abrahams Track Upgrade track</td>
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<td>Market Garden Track Upgrade track</td>
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<td>Dept of Sustainability and Environment</td>
<td>Scouts Track Upgrade track</td>
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<td>Local Agency</td>
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<td>Dept of Sustainability and Environment</td>
<td>Water Points (x 4)</td>
<td>Upgrade track</td>
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<td>Dept of Sustainability and Environment</td>
<td>New Sultan Track</td>
<td>Replace existing 12 metre timber bridge with a concrete box culvert on New Sultan Track.</td>
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<td>Dept of Sustainability and Environment</td>
<td>Upgrade and Widen Tracks</td>
<td>Upgrade and widen 50 km of existing class 5e tracks to 5d in strategic areas, especially 1983 regrowth areas near towns/settlements.</td>
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<tr>
<td>Dept of Sustainability and Environment</td>
<td>Upgrade and widen various strategic fire tracks</td>
<td>Upgrade and widen 50 km of existing class 5e tracks to 5d in strategic areas, especially key areas near towns/settlements.</td>
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<td>Dept of Sustainability and Environment</td>
<td>Kennett and Grey Roads</td>
<td>Reform badly degraded sections of track, treat verges to allow easy ongoing maintenance.</td>
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<td>Kennett Wye Jeep Track</td>
<td>Reform badly degraded sections of track, treat verges to allow easy ongoing maintenance.</td>
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<td>Dept of Sustainability and Environment</td>
<td>Wye Road</td>
<td>Upgrade sections of track, treat verges to allow easy ongoing maintenance</td>
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<td>Dept of Sustainability and Environment</td>
<td>Garvey Track/Sharps Road</td>
<td>Upgrade sections of track, treat verges to allow easy ongoing maintenance</td>
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<td>Dept of Sustainability and Environment</td>
<td>Delaney Road</td>
<td>Upgrade and gravel sections of road in poor condition.</td>
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<td>Dept of Sustainability and Environment</td>
<td>Wicksom/Ironbark Spur</td>
<td>Upgrade and gravel sections of road in poor condition.</td>
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<td>Dept of Sustainability and Environment</td>
<td>Construct Turn-around points</td>
<td>Construct Turn-around points every 500m along tracks with contract hire of D8 dozer, 50 km</td>
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<td></td>
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<td>Dept of Sustainability and Environment</td>
<td>Replace fire access bridge Creswick State forest</td>
<td>Old bridge has been closed due to unsafe stringers and decking. New bridge required.</td>
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<td>Dept of Sustainability and Environment</td>
<td>Bridge replacement program</td>
<td>Remove and rebuild unusable timber bridges</td>
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<td>Lions Head Rd extension Road</td>
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<td>Pine Plantation (Access Tracks) Clyde Track</td>
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<td>Description of activities</td>
<td>Project Start Date</td>
<td>Anticipated Project Completion Date</td>
<td>Total BMP Funding</td>
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<td>Pine Plantation (Access Tracks) Barringo Road</td>
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<td>Bawden / Douglas Road</td>
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<td>Scout Camp Tracks</td>
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<td>Dept of Sustainability and Environment</td>
<td>Zig Zag Road</td>
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<td>Link Trks 1 &amp; 2</td>
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<td>Francis Trk</td>
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<td>Moola Trk</td>
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<td>Barringo Road</td>
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<td>Replace bridge</td>
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<td>Glenelg River Road</td>
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<td>Mitchell Road</td>
<td>Construct causeway</td>
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<td>Dept of Sustainability and Environment</td>
<td>Serra Road</td>
<td>Upgrade road and culverts</td>
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<td>Dept of Sustainability and Environment</td>
<td>Redman Road</td>
<td>construct 3 causeways</td>
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<td>Dept of Sustainability and Environment</td>
<td>Ironbark Spur Track</td>
<td>Upgrade track and construct new bridge</td>
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<td>Dept of Sustainability and Environment</td>
<td>Blanket Bay Road</td>
<td>Upgrade track</td>
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<tr>
<td>Country Fire Authority</td>
<td>Golden Plains Shire</td>
<td>Construction of a fire access track including crossing over the Warrambine Creek - a water point will also be provided as part of these works</td>
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QUESTIONS ON NOTICE
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Country Fire Authority</td>
<td>Yarra Ranges</td>
<td>Construction of road and maintenance on bridge to replace broken culvert pipe under track - Glen Eadie Road, Badger Creek</td>
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<td>Country Fire Authority</td>
<td>Melton</td>
<td>Provision of low level crossing where low weight rated brigades exist - Mt Aitken Rd, Diggers Rest at Kontrool Creek</td>
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<tr>
<td>Country Fire Authority</td>
<td>Strathbogie Shire</td>
<td>Grading and light surface resheeting at Vidlers Road, Gooram, to and past the cattle grid via Euramansfield Road</td>
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<td>Country Fire Authority</td>
<td>Moyne Shire</td>
<td>Construction of Fire Access Road - MacGillivray Road, Peterborough</td>
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<td>$2,630</td>
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<td>Country Fire Authority</td>
<td>Colac Otway Shire</td>
<td>Replacement of three spans of the Aire River Bridge to allow access and egress via the Sand Road</td>
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<td>Country Fire Authority</td>
<td>Ballarat City</td>
<td>Construction of fire access track (500 metres long) on Eddy Avenue - between Moss Avenue and Hitchcock Road, Bunninyong</td>
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<td>Country Fire Authority</td>
<td>Bass Coast Shire</td>
<td>Construction of fire access track to large storm water dam on south side of large residential housing estate not serviced by reticulated water - Woodland Close Estate, The Gurdies</td>
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<td>Country Fire Authority</td>
<td>Hepburn Shire</td>
<td>Construction of fire access track (800 metres long) and removal of vegetation - Brusachs Road, Chunes</td>
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<td>Country Fire Authority</td>
<td>Benalla Rural City</td>
<td>Construction of all weather ford over Eleven Mile Creek - Glenrowan</td>
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<td>Country Fire Authority</td>
<td>City of Wodonga</td>
<td>Construction of a new fire trail linking the existing stock route - Bears Hill, off stock route off Bochworth Road</td>
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<td>Country Fire Authority</td>
<td>Pyrenees Shire</td>
<td>Construction of a fire access track on Treowen Lane, Barkly</td>
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<td>$2,950</td>
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<tr>
<td>Country Fire Authority</td>
<td>Horsham Rural City</td>
<td>Undertake improvements to Northfields Woolshed Road and Mt Talbot Creek Crossing at Talangatuk for for fire access</td>
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<td>$1,667</td>
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<tr>
<td>Country Fire Authority</td>
<td>Strathbogie Shire</td>
<td>General clean up and repairs to road - site located between Galls and Footers Roads</td>
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</table>
## VICTORIAN BMP 2004-05 PROJECTS

<table>
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<tr>
<th>Local Agency</th>
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<th>Total BMP Funding</th>
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<tbody>
<tr>
<td>Country Fire Authority</td>
<td>Manningham City</td>
<td>Upgrading of reserve access tracks, repositioning and realignment of reserve entrance gates and tracks to allow for safe and rapid access into reserve - 100 Acres Reserve, Park Orchards</td>
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<td>$1,732</td>
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<td>Country Fire Authority</td>
<td>Maroondah</td>
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## Fire Access Roads Projects

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<tr>
<th>Region</th>
<th>District</th>
<th>Location</th>
<th>Description</th>
<th>Fire Road Access</th>
<th>BMP Funding</th>
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<td>GP</td>
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<td>Fire Access Improvement</td>
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<td>GP</td>
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<td>Total Gippsland</td>
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<td>NE</td>
<td>Central FMA</td>
<td>Replace Bridge</td>
<td>Fire Access Improvement</td>
<td>$30,000</td>
<td>2004-05</td>
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<td>Total North East</td>
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<td>SW</td>
<td>Otway</td>
<td>Otway Ranges</td>
<td>Fire Road Access Works</td>
<td>$38,000</td>
<td>2004-05</td>
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<td>SW</td>
<td>Midlands FMA</td>
<td>Ballarat</td>
<td>Fire access</td>
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<td>2004-05</td>
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<td>SW</td>
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<td>Total South West</td>
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## VICTORIAN BMP PROJECTS 2005-06

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<thead>
<tr>
<th>Local Agency</th>
<th>Project Name</th>
<th>Description</th>
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<th>Anticipated Project End Date</th>
<th>Electorate</th>
<th>Total BMP Funding $</th>
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<tbody>
<tr>
<td>Department of Environment and Sustainability</td>
<td>Thomson Valley Rd</td>
<td>Replacement of major bridge on priority access road</td>
<td>Oct-05</td>
<td>May-06</td>
<td>McMillan</td>
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<td>Selma Road</td>
<td>Upgrade road surface</td>
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<td>Department of Environment and Sustainability</td>
<td>Fives Road</td>
<td>Crossing Replacement</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Gippsland</td>
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## QUESTIONS ON NOTICE
## VICTORIAN BMP PROJECTS 2005-06

<table>
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<tr>
<th>Local Agency</th>
<th>Project Name</th>
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<th>Electorate</th>
<th>Total BMP Funding $</th>
</tr>
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<tbody>
<tr>
<td>Department of Environment and Sustainability</td>
<td>Barmah Forest Boundary Firebreak Rehabilitation</td>
<td>Works include tree clearing for tanker access, drainage works and reforming of the track surface</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Murray</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Porters Bend Bridge Replacement</td>
<td>Replacement of unsafe wooden bridge with box culverts (culverts already purchased). Works include removal of bridge, placement of culverts and abutment works</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Murray</td>
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<td>Department of Environment and Sustainability</td>
<td>Mt Lindsay Fire Trail - Strathbogie Ranges</td>
<td>Works include reforming and drainage works, some realignment of some sections, installation of cross drains, and installation of road closure gates</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Indi</td>
<td>$23,000</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Tallarook SF Water Points</td>
<td>Cleaning out and access improvements to 8 water points in the Tallarook State Forest</td>
<td>Oct-05</td>
<td>May-06</td>
<td>McEwen</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Black Range Water Points</td>
<td>Upgrade and maintenance of numerous water points and signage in the Black Range</td>
<td>Oct-05</td>
<td>May-06</td>
<td>McEwen</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Upper Big River Fire Trails</td>
<td>Upgrade / Maintain Big River Fire Trails - in particular, Boundary Track, Cornhill Track, Ryams Spur Track</td>
<td>Oct-05</td>
<td>May-06</td>
<td>McEwen</td>
<td>$8,800</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Zone 1 Access improvement - Koetong North</td>
<td>Works include reforming of road surface, culvert replacement and drainage works on Red Roster, Grants, East West &amp; Grandfather Tracks.</td>
<td>Oct-05</td>
<td>May-06</td>
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<td>Department of Environment and Sustainability</td>
<td>Realignment of Paddy Hill Track</td>
<td>Realignment of Paddy Hill Track to remove 2 dangerously steep sections.</td>
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<td>May-06</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Edi Upper - Carboor Link</td>
<td>Replacement of a major culvert and minor track upgrades</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Indi</td>
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<td>Department of Environment and Sustainability</td>
<td>Urban interface</td>
<td>Improve various tracks on urban interface for improved fire access</td>
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<td>Department of Environment and Sustainability</td>
<td>Tower Track Casterton</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Wannon</td>
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<tr>
<td>Local Agency</td>
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<td>Description</td>
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<td>Sandy Track Casterton</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
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<td>$8,500</td>
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<td>Department of Environment and Sustainability</td>
<td>Martins track Casterton</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Wannon</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Horsham</td>
<td>Erecting fire access and waterpoint signage</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Mallee</td>
<td>$6,000</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Edenhope Forest Blocks</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Mallee</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Cavendish and Stawell Forest Blocks</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Wannon</td>
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<td>Department of Environment and Sustainability</td>
<td>Camp Hill Track Beaufort</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Wannon</td>
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<td>Department of Environment and Sustainability</td>
<td>Narina Boundary Nerrina</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
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<td>Ballarat - Beaufort</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
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<td>May-06</td>
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<td>Water points Ballarat - Beaufort</td>
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<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
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<tr>
<td>Department of Environment and Sustainability</td>
<td>Fire Tower Access Ballarat - Beaufort</td>
<td>Grade, reform road, drains and verges and gravel some sections as required for improved fire access</td>
<td>Oct-05</td>
<td>May-06</td>
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<tr>
<td>Local Agency</td>
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<td>Department of Environment and Sustainability</td>
<td>Epsom Determination of Fire Access roads using the Guideline established in June 2005. For the Upper Loddon forest determine fire access roads, divergence from classification, mapping and works required to restore to standard.</td>
<td>Oct-05</td>
<td>May-06</td>
<td>Bendigo</td>
<td>$11,250</td>
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<tr>
<td>Parks Victoria</td>
<td>Telegraph Road upgrade Upgrade management vehicle road serving as evacuation route for light station.</td>
<td>Oct-05</td>
<td>May-06</td>
<td>McMillan</td>
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<tr>
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<td>Waterloo track upgrade Upgrade management vehicle road serving as evacuation route for Oberon Bay.</td>
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<td>Parks Victoria</td>
<td>Howitt Road Installation of Guard Rails Regrade and reinstate drainage</td>
<td>Oct-05</td>
<td>May-06</td>
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<td>Parks Victoria</td>
<td>Moroka Road Installation of Guard Rails</td>
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<td>Gippsland</td>
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<td>Cape Conran Road Installation of Guard Rails</td>
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<td>May-06</td>
<td>Gippsland</td>
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<td>Hekarwe Track Surface road and upgrade rock water crossing and install culverts</td>
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<td>Gippsland</td>
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<td>Parks Victoria</td>
<td>Snowy River NP log fill replacement Replace log fill for Deddick, Varneys and Waratah Flat Tracks</td>
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<td>Parks Victoria</td>
<td>BowensTk GarrettsTk and Joes Creek Tk. Drainage reinstatement and grading</td>
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<td>May-06</td>
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<td>Boundary Track Resheeting and crossing stabilisation</td>
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<td>May-06</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Yin Barun Repair &amp; upgrade bridge</td>
<td>Dec-05</td>
<td>Jan-06</td>
<td>Indi</td>
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<td>Apple Tree Lane New fire access track</td>
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<td>Dec-05</td>
<td>La Trobe</td>
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<td>William Street New fire access track</td>
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<td>La Trobe</td>
<td>$1,691</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Garden City Estate Upgrade existing fire access track</td>
<td>Nov-05</td>
<td>Dec-05</td>
<td>La Trobe</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Track - Dunolly/Avoca Rd &amp; Maryborough/St Arnaud Rd Access track</td>
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<td>Oats Gap Road Joint municipality fire access track on common boundary</td>
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<td>Feb-06</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Nth Porneet Rd Fire access road</td>
<td>Dec-05</td>
<td>Jan-06</td>
<td>Corangamite</td>
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<thead>
<tr>
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<tbody>
<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Maggios Rd</td>
<td>Reconstruction of road - currently impassable</td>
<td>Nov-05</td>
<td>Dec-05</td>
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<td>Kings Track Bridge</td>
<td>Currently a 5 tonne load limit exists, this will reinstate the Bridge to a 20 tonne load limit</td>
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<td>Install culverts, gravel sheeting &amp; grading</td>
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<td>Nov-05</td>
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<td>Construct Fire Access Track</td>
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<td>Dec-05</td>
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<td>Fire access track</td>
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<td>Oats Gap Rd</td>
<td>Joint municipality fire access track on common boundary</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Loddon Shire Tracks</td>
<td>Upgrade fire access track</td>
<td>Nov-05</td>
<td>Prior to 05/06 fire season</td>
<td>Murray</td>
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<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Currawong Bush Park 2</td>
<td>Construct emergency fire vehicle access/exit route</td>
<td>Jan-06</td>
<td>Mar-06</td>
<td>Menzies</td>
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<td>Currawong Bush Park 1</td>
<td>Extension of fire access track</td>
<td>Jan-06</td>
<td>Mar-06</td>
<td>Menzies</td>
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<td>May-05</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Park &amp; Robertson St</td>
<td>Construction of ramps over levee bank</td>
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<td>Prior to 05/06 fire season</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Moira Channel</td>
<td>Ramp access to channel</td>
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<td>Fire Access Roads Subsidy Scheme</td>
<td>Tourist Railway</td>
<td>Partial construction of fire access track</td>
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<td>Dec-05</td>
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<td>Fryers-town/Taradale Road</td>
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<td>Dec-05</td>
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<td>Merrifield St/Wényton Rd</td>
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<td>Nth West Fire Access Track</td>
<td>Construct/widen existing access egress track</td>
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<td>Low level access across creek bed</td>
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<td>Modesty Lane &amp; Thompsons Rd</td>
<td>Maintenance on 2 fire access tracks</td>
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<td>Keelo Lane</td>
<td>Upgrade fire access track</td>
<td>Nov-05</td>
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<tbody>
<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Croppers Creek Reconstruction of bridge</td>
<td>Nov-05</td>
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<td>Delaneys Lane Low level crossing</td>
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<td>Toorlem Creek Low level creek construction</td>
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<td>Brodies Rd Road construction</td>
<td>Dec-05</td>
<td>Feb-06</td>
<td>Casey</td>
<td>$2,944</td>
<td></td>
</tr>
<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Heath Rd Upgrade fire access track</td>
<td>Nov-05</td>
<td>Dec-05</td>
<td>La Trobe</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Killeens Rd Construct road &amp; culverts to prevent erosion Killeens Hill Rd</td>
<td>Jan-06</td>
<td>Mar-06</td>
<td>Indi</td>
<td>$13,125</td>
<td></td>
</tr>
<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Seven Creek Construct low level crossing across Seven Creek</td>
<td>Jan-06</td>
<td>Mar-06</td>
<td>Indi</td>
<td>$17,500</td>
<td></td>
</tr>
<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Webster Rd Construct fire access road to static water</td>
<td>Jan-06</td>
<td>Mar-06</td>
<td>Mallee</td>
<td>$13,125</td>
<td></td>
</tr>
<tr>
<td>Fire Access Roads Subsidy Scheme</td>
<td>Old Bringalbert Rd Capping to existing road</td>
<td>Oct-05</td>
<td>Nov-05</td>
<td>Mallee</td>
<td>$1,750</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** $973,654

### WA BMP Projects 2005-06

<table>
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<tbody>
<tr>
<td>Fire Emergency Services Authority (FESA)</td>
<td>Mapping Bush Fire Fuel &amp; Vegetation type, Fire Break Location, &amp; Signposting - Ongoing Project from 2004/05</td>
<td>Ongoing</td>
<td>Jul-06</td>
<td>Statewide</td>
<td>$71,000</td>
<td></td>
</tr>
<tr>
<td>CALM, Wheatbelt Region</td>
<td>32046/Crooks NR 18739/McGlashen NR 29367/Rock View NR 26763/South Bunche NR 26764/Heathland NR 29016/Silver Wattle Hill NR 29019/Breakaway Ridge NR 29023/Lakeland NR 29025/Lake Railway NR 29020/Lake Bryde NR</td>
<td>Reconstruction and maintenance grading of perimeter and internal fire access tracks (213 km), including the removal of vegetation and debris, repairing of erosion and the construction of spoon drains. Works currently underway.</td>
<td>May-06</td>
<td>May-06</td>
<td>O'Connor</td>
<td>$7,000</td>
</tr>
<tr>
<td>CALM, Wheatbelt Region</td>
<td>34776/Needlebori NR 35745/Walpaahshommin NR 44446 NR, UCL</td>
<td>Construction and maintenance of Strategic Fire Access Tracks. Anticipate portion of works will be delayed ($16000) due impact of summer cyclones. 22 km track upgrade completed in Needelbori NR, and 8.5 km upgrades in UCL.</td>
<td>May-06</td>
<td>Nov-06</td>
<td>Yilgarn</td>
<td>$25,000</td>
</tr>
<tr>
<td>CALM, Wheatbelt Region</td>
<td>28047 NR,29110/Lake Lidcombe, Wanneroo NR</td>
<td>Construction of perimeter fire access tracks (38.5 km) currently underway</td>
<td>Apr-06</td>
<td>Jul-06</td>
<td>O'Connor</td>
<td>$20,000</td>
</tr>
<tr>
<td>CALM, Warren Region</td>
<td>28047 NR,29110/Lake Lidcombe, Wanneroo NR</td>
<td>Strategic access, Bridge Construction. Currently underway</td>
<td>Apr-06</td>
<td>Jun-06</td>
<td>Forrest</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
## QUESTIONS ON NOTICE

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</tr>
</thead>
<tbody>
<tr>
<td>CALM, Warren Region</td>
<td>Mindanup Road - Frankland District</td>
<td>Strategic access, Bridge Construction. Currently underway.</td>
<td>Apr-06</td>
<td>Jun-06</td>
<td>Forrest</td>
<td>$10,000</td>
</tr>
<tr>
<td>CALM, Warren Region</td>
<td>Lake Muir/Unicup - Donnelly District</td>
<td>Fire break maintenance and construction due to commence.</td>
<td>May-06</td>
<td>May-06</td>
<td>O’Connor</td>
<td>$10,000</td>
</tr>
<tr>
<td>CALM, Warren Region</td>
<td>Gardner river road - Donnelly District</td>
<td>Strategic access, Culvert installation @ 3 crossings. Work currently underway.</td>
<td>Apr-06</td>
<td>May-06</td>
<td>Forrest</td>
<td>$30,000</td>
</tr>
<tr>
<td>CALM, Warren Region</td>
<td>Rille Range Road - Donnelly District</td>
<td>Strategic access, Culvert installation currently underway</td>
<td>Apr-06</td>
<td>May-06</td>
<td>Forrest</td>
<td>$10,000</td>
</tr>
<tr>
<td>CALM, Warren Region</td>
<td>KTC Road - - Donnelly District</td>
<td>Strategic access, Culvert installation currently underway</td>
<td>Apr-06</td>
<td>May-06</td>
<td>Forrest</td>
<td>$10,000</td>
</tr>
<tr>
<td>CALM, Warren Region</td>
<td>Dickinson Road - Donnelly District</td>
<td>Strategic access, Bridge Construction due to commence.</td>
<td>May-06</td>
<td>Jun-06</td>
<td>Forrest</td>
<td>$5,000</td>
</tr>
<tr>
<td>CALM, Swan Region</td>
<td>Bridges - Helena Valley</td>
<td>Strategic access, Upgrade Bridges. Work completed.</td>
<td>Apr-06</td>
<td>May-06</td>
<td>Perth/Hasluck</td>
<td>$25,000</td>
</tr>
<tr>
<td>CALM, Swan Region</td>
<td>Walungu Fire trail</td>
<td>Upgrade of fire trails. Work currently underway, completion dependent on weather conditions.</td>
<td>Apr-06</td>
<td>Jun-06</td>
<td>Perth/Peacock</td>
<td>$30,000</td>
</tr>
<tr>
<td>CALM, Kimberly Region</td>
<td>Mitchell Plateau Fire Management Program</td>
<td>Area currently to wet to access due to impacts of cyclones. May possibly be delayed to Summer 2007.</td>
<td>Yet to start</td>
<td>Mar-07</td>
<td>Kalgoorlie</td>
<td>$25,500</td>
</tr>
<tr>
<td>CALM, South West Region</td>
<td>South West Fire Trail Upgrade</td>
<td>Upgrade boundary tracks around strategic prescribed burn boundaries to allow these burning activities to take place. Complete</td>
<td>Apr-06</td>
<td>May-06</td>
<td>Forrest</td>
<td>$60,000</td>
</tr>
<tr>
<td>CALM, South West Region</td>
<td>Claymore Rd</td>
<td>Major strategic road upgrade. Realignment of road, forming, surfacing and drainage upgrade. Complete</td>
<td>Jan-06</td>
<td>Feb-06</td>
<td>Forrest</td>
<td>$55,000</td>
</tr>
<tr>
<td>CALM, South West Region</td>
<td>Judy Rd/Blackwood Rd</td>
<td>Strategic access, Drainage control works, road forming and road surfacing. Preliminary work commencement. Complete</td>
<td>Jan-06</td>
<td>Apr-06</td>
<td>Forrest</td>
<td>$20,000</td>
</tr>
<tr>
<td>CALM, South West Region</td>
<td>Trees Road</td>
<td>Strategic access, Machine upgrade of the road. Complete</td>
<td>Apr-06</td>
<td>Apr-06</td>
<td>Forrest</td>
<td>$10,000</td>
</tr>
<tr>
<td>CALM, South Coast Region</td>
<td>Unallocated Crown Land - Ravensthorpe Townsite area</td>
<td>Fire break construction, scrub rolling, slashing and scrub removal. Works complete.</td>
<td>Oct-05</td>
<td>May-06</td>
<td>O’Connor</td>
<td>$15,000</td>
</tr>
<tr>
<td>CALM, South Coast Region</td>
<td>Stirling Range National Park 14792</td>
<td>Repair and maintenance to strategic fire breaks including major reconstruction to crossings and culverts. Works complete.</td>
<td>Jan-06</td>
<td>Mar-06</td>
<td>O’Connor</td>
<td>$25,000</td>
</tr>
<tr>
<td>CALM, South Coast Region</td>
<td>Fitzgerald River National Park 31737</td>
<td>Repair and maintenance to strategic fire breaks within wilderness zone of park. Complete</td>
<td>Mar-06</td>
<td>May-06</td>
<td>O’Connor</td>
<td>$8,000</td>
</tr>
<tr>
<td>CALM, South Coast Region</td>
<td>Unallocated Crown Land - Ravensthorpe Range</td>
<td>Upgrade of strategic fire breaks. Complete</td>
<td>Mar-06</td>
<td>Mar-06</td>
<td>O’Connor</td>
<td>$5,000</td>
</tr>
<tr>
<td>CALM, South Coast Region</td>
<td>Fitzgerald River National Park and Unallocated adjoining Crown Land</td>
<td>Chemical spraying of strategic fire breaks. Complete</td>
<td>Feb-06</td>
<td>Apr-06</td>
<td>O’Connor</td>
<td>$5,000</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

#### WA BMP Projects 2005-06

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</tr>
</thead>
<tbody>
<tr>
<td>CALM, South Coast Region</td>
<td>Fitzgerald River National Park 31737</td>
<td>Upgrade strategic fire access road. Complete</td>
<td>Apr-06</td>
<td>May-06</td>
<td>O'Connor</td>
<td>$10,000</td>
</tr>
<tr>
<td>CALM, South Coast Region</td>
<td>Albany District Nature Reserves 30463, 26688, 26385, 26264</td>
<td>Maintenance and upgrade of strategic fire breaks. Complete</td>
<td>Apr-06</td>
<td>May-06</td>
<td>O'Connor</td>
<td>$10,000</td>
</tr>
<tr>
<td>CALM, South Coast Region</td>
<td>Gull Rock Reserve 27107</td>
<td>Upgrade strategic fire breaks and access. Complete</td>
<td>Feb-06</td>
<td>Mar-06</td>
<td>O'Connor</td>
<td>$8,000</td>
</tr>
<tr>
<td>CALM, Mid West Region</td>
<td>Bumma Road</td>
<td>Upgrade fire trails, construct strategic access in large cells, protection of adjoining assets and internal conservation values. Complete</td>
<td>Mar-06</td>
<td>May-06</td>
<td>O'Connor</td>
<td>$5,074</td>
</tr>
<tr>
<td>CALM, Mid West Region</td>
<td>Beekeepers Project</td>
<td>Install track 75 track signs, Upgrade fire 14 km fire trails &amp; 24 km of fuel modification as an integrated project. Complete</td>
<td></td>
<td>Jan-06</td>
<td>O'Connor</td>
<td>$9,683</td>
</tr>
<tr>
<td>CALM, Mid West Region</td>
<td>Lesueur National Park Water Point</td>
<td>Installation of a concrete tank and supply of water from a pre-existing bore within the National Park to provide a ready and reliable water source for fire control. Complete</td>
<td>Mar-06</td>
<td>Apr-06</td>
<td>O'Connor</td>
<td>$4,500</td>
</tr>
<tr>
<td>CALM, Mid West Region</td>
<td>Moora District Fire Trails</td>
<td>Upgrade strategic fire access and burn trails (137 km) within the Budgingarra National Park, South Eneabba Nature Reserve and Big Soak Plains Reserve to assist fire suppression activities and prior to proposed community protection fuel reduction burning planned 2006, 07 and 08. Works complete.</td>
<td>Jan-06</td>
<td>Mar-06</td>
<td>O'Connor</td>
<td>$5,138</td>
</tr>
<tr>
<td>CALM, Mid West Region</td>
<td>Jurien Townsite Protection Project</td>
<td>Upgrade strategic access, fire trails and establish fuel reduction buffers to protect the adjoining sub division and power supply line within the reserve. Complete</td>
<td>Nov-05</td>
<td>May-06</td>
<td>O'Connor</td>
<td>$2,750</td>
</tr>
<tr>
<td>CALM, Mid West Region</td>
<td>Kalbarri Community &amp; National Park - Fire Trail Upgrade</td>
<td>Upgrade fire trails (85 km) and strategic access within the Kalbarri National Park, adjacent to the Kalbarri Town site. Work complete</td>
<td>Jan-06</td>
<td>Feb-06</td>
<td>Kalgoorlie</td>
<td>$3,500</td>
</tr>
<tr>
<td>CALM, Mid West Region</td>
<td>Mooloogool Fire Protection, Fire Trail Upgrade</td>
<td>Upgrade fire trails (20 km) and the boundary fire break (90 km) of the Mooloogool Reserve. Due to summer flooding (cyclones) commencement of work has been delayed.</td>
<td>Aug-06</td>
<td>Nov-06</td>
<td>Kalgoorlie</td>
<td>$17,500</td>
</tr>
<tr>
<td>CALM, Goldfields Region</td>
<td>Jandair/Mt Elvire Strategic Access Upgrade</td>
<td>Upgrade of 300 kms of boundary and internal fire access tracks. Work complete</td>
<td>Feb-06</td>
<td>Apr-06</td>
<td>Kalgoorlie</td>
<td>$40,000</td>
</tr>
<tr>
<td>City of Bunbury</td>
<td>Coastal Reserves Fire Mitigation Strategy</td>
<td>Upgrade fire trails to allow access around coastal reserves for protection of dwellings. Operational Check list &amp; Agency Agreement compliant. Works complete</td>
<td>Dec-05</td>
<td>Jan-06</td>
<td>Forrest</td>
<td>$19,250</td>
</tr>
</tbody>
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## WA BMP Projects 2005-06

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</tr>
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<tbody>
<tr>
<td>Shire of Augusta Margaret River</td>
<td>Shire of Augusta-Margaret River Street Numbering Project</td>
<td>Implement a simple identification system to assist rapid deployment to combat fires. Operational Check list &amp; Agency Agreement compliant. Works currently underway.</td>
<td>May-06</td>
<td>Jun-06</td>
<td>Forrest</td>
<td>$17,500</td>
</tr>
<tr>
<td>City of Geraldton and Shire of Greenough</td>
<td>Chapman River wildlife Corridor Bushfire Mitigation Plan</td>
<td>Application of limestone road base to turning out bays and corners of fire trails. Continuation of fire trail widening using mulch breaks (8.5 kms). Removal of fuel from north western sectors adjacent residences. Signage to identify fire trails. Mapping for fire service and equipment operators. Reduce weed loads in revegetated and riparian areas as per recommendations from Chapman River Wildlife Group workshop. Operational Check list &amp; Agency Agreement compliant. Works complete.</td>
<td>Dec-05</td>
<td>Dec-05</td>
<td>O'Connor</td>
<td>$5,400</td>
</tr>
<tr>
<td>Shire of Carnarvon</td>
<td>Shire of Carnarvon Bushfire Mitigation Project 1</td>
<td>Creating &amp; Upgrading Fire Trails along the Gascoyne River. Yet to provide Agency Agreement &amp; Operational Check list. Works completed.</td>
<td>Dec-05</td>
<td>Jan-06</td>
<td>Kalgoorlie</td>
<td>$7,500</td>
</tr>
<tr>
<td>Shire of Harvey</td>
<td>Australind Fire Protection Plan</td>
<td>Establish new strategic access, fuel modification (slash/mowing), fuel reduction, upgrade of existing fire trails. Operational Check list &amp; Agency Agreement compliant. Works complete.</td>
<td>Nov-06</td>
<td>Dec-06</td>
<td>Forrest</td>
<td>$12,688</td>
</tr>
<tr>
<td>Shire of Serpentine Jarrahdale</td>
<td>Heritage Strategic Fire Break</td>
<td>Establish 1.2 kms of permanent firebreaks to protect Townsite. Operational Check list &amp; Agency Agreement compliant. Work currently underway.</td>
<td>Apr-06</td>
<td>May-06</td>
<td>Canning</td>
<td>$2,563</td>
</tr>
<tr>
<td>Shire of Nannup</td>
<td>Jaburanup Emergency Fire Access / Exit Rd</td>
<td>Stage one - Gravel sheeting has been carried out for 5 days with a further 3+ drainage works. Stage two Gravel sheeting and drainage incomplete. Operational Check list &amp; Agency Agreement compliant. Works currently underway.</td>
<td>Feb-06</td>
<td>May-06</td>
<td>Forrest</td>
<td>$10,000</td>
</tr>
<tr>
<td>Shire of Woodanilling</td>
<td>Woodanilling Townsite Fire Management Plan</td>
<td>Formulate and Implement a Bushfire Management Plan for Townsite of Woodanilling and surrounding area. Notified of probable carry over due to late notification and resource availability (cropping activities). Agency Agreement compliant, awaiting Operational checklist prior to commencement of operations.</td>
<td>Sep-06</td>
<td>O'Connor</td>
<td>$5,000</td>
<td></td>
</tr>
</tbody>
</table>
Tasmania: Proposed Pulp Mill
(Question No. 2146)

Senator Bob Brown asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 12 July 2006:

(a) What conditions apply to the Government’s offer of $5 million assistance for the pulp mill.
(b) When is the money likely to be available.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(a) The Australian Government would provide up to $5 million plus GST towards the costs of developing a best-practice pulp mill subject to the provision of evidence that the project would be economically feasible.

(b) On 16 January 2006, Gunns Limited was paid $2.4 million plus GST in accordance with the terms of the Funding Agreement between the Commonwealth of Australia and Gunns Limited of 5 January 2006. The balance of $2.6 million plus GST is subject to consideration and the provision of appropriate documentation by Gunns Limited.