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the Senate and committee hearings are available at

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RADIO BROADCASTS
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FORTY-FIRST PARLIAMENT
FIRST SESSION—EIGHTH 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. Nigel Gregory Scullion
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 Stephen Parry
 Nationals Whip—Senator Fiona Joy Nash

Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

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

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

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

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

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

Minister for Justice and Customs and Manager of Government Business in the Senate
Senator the Hon. Christopher Martin Ellison

Minister for Fisheries, Forestry and Conservation
Senator the Hon. Eric Abetz

Minister for the Arts and Sport
Senator the Hon. George Henry Brandis SC

Minister for Community Services
Senator the Hon. Nigel Gregory Scullion

Minister for Revenue and Assistant Treasurer
The Hon. Peter Craig Dutton MP

Special Minister of State
The Hon. Gary Roy Nairn MP

Minister for Vocational and Further Education
The Hon. Andrew John Robb MP

Minister for Ageing
Senator the Hon. Santo Santoro

Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP

Minister for Local Government, Territories and Roads
The Hon. James Eric Lloyd MP

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. Bruce Frederick Billson MP

Minister for Workforce Participation
The Hon. Dr Sharman Nancy Stone MP

Assistant Minister for Health and Ageing
The Hon. Christopher Maurice Pyne MP

Assistant Minister for the Environment and Water Resources
The Hon. John Kenneth Cobb MP

Parliamentary Secretary to the Minister for Finance and Administration
Senator the Hon. Richard Mansell Colbeck

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Robert Charles Baldwin MP

Parliamentary Secretary to the Minister for Defence
The Hon. Peter John Lindsay MP

Parliamentary Secretary to the Minister for Transport and Regional Services
The Hon. De-Anne Margaret Kelly MP

Parliamentary Secretary to the Minister for Immigration and Citizenship
The Hon. Teresa Gambaro MP

Parliamentary Secretary to the Prime Minister
The Hon. Anthony David Hawthorn Smith MP

Parliamentary Secretary to the Treasurer
The Hon. Christopher John Pearce MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
The Hon. Sussan Penelope Ley MP

Parliamentary Secretary to the Minister for Education, Science and Training
The Hon. Patrick Francis Farmer MP

Parliamentary Secretary to the Minister for Foreign Affairs
The Hon. Gregory Andrew Hunt MP
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition, Shadow Minister for Employment and Industrial Relations and Shadow Minister for Social Inclusion
Leader of the Opposition in the Senate and Shadow Minister for National Development, Resources and Energy
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Shadow Minister for Infrastructure and Water and Manager of Opposition Business in the House
Shadow Minister for Homeland Security and Shadow Minister for Territories
Shadow Assistant Treasurer and Shadow Minister for Revenue and Competition Policy
Shadow Minister for Immigration, Integration and Citizenship
Shadow Minister for Industry and Shadow Minister for Innovation, Science and Research
Shadow Minister for Trade and Regional Development
Shadow Minister for Service Economy, Small Business and Independent Contractors
Shadow Minister for Multicultural Affairs, Urban Development and Affairs
Shadow Minister for Transport and Roads and Shadow Minister for Tourism
Shadow Minister for Defence
Shadow Minister for Climate Change, Environment and Heritage and Shadow Minister for the Arts
Shadow Minister for Veterans’ Affairs, Shadow Minister for Defence Science and Personnel and Shadow Special Minister of State
Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate
Shadow Minister for Sport, Recreation and Health Promotion and Shadow Minister for Local Government
Shadow Minister for Families and Community Services and Shadow Minister for Indigenous Affairs and Reconciliation
Shadow Minister for Foreign Affairs
Shadow Minister for Ageing, Disabilities and Carers

Kevin Michael Rudd MP
Julia Eileen Gillard MP
Senator Christopher Vaughan Evans
Senator Stephen Michael Conroy
Anthony Norman Albanese MP
The Hon. Archibald Ronald Bevis MP
Christopher Eyles Bowen MP
Anthony Stephen Burke MP
Senator Kim John Carr
The Hon. Simon Findlay Crean MP
Craig Anthony Emerson MP
Laurence Donald Thomas Ferguson MP
Martin John Ferguson MP
Joel Andrew Fitzgibbon MP
Peter Robert Garrett MP
Alan Peter Griffin MP
Senator Joseph William Ludwig
Senator Kate Alexandra Lundy
Jennifer Louise Macklin MP
Robert Bruce McClelland MP
Senator Jan Elizabeth McLucas
Shadow Minister for Federal/State Relations and Shadow Minister for International Development Assistance
Robert Francis McMullan MP

Shadow Minister for Primary Industries, Fisheries and Forestry
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Human Services, Housing, Youth and Women
Tanya Joan Plibersek MP

Shadow Minister for Health
Nicola Louise Roxon MP

Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services
Senator the Hon. Nicholas John Sherry

Shadow Minister for Education and Training
Stephen Francis Smith MP

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Minister for Finance
Lindsay James Tanner MP

Shadow Attorney-General and Deputy Manager of Opposition Business in the House
Kelvin John Thomson MP

Shadow Minister for Public Administration and Accountability, Shadow Minister for Corporate Governance and Responsibility and Shadow Minister for Workforce Participation
Senator Penelope Ying Yen Wong

Shadow Parliamentary Secretary for Foreign Affairs
Anthony Michael Byrne MP

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

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

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

Shadow Parliamentary Secretary for Industrial Relations
Brendan Patrick John O’Connor MP

Shadow Parliamentary Secretary for Industry and Innovation
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP

Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)
Senator Ursula Mary Stephens
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 9.30 am and read prayers.

CUSTOMS LEGISLATION AMENDMENT (BORDER COMPLIANCE AND OTHER MEASURES) BILL 2006

In Committee

Consideration resumed from 6 February.

Senator MURRAY (Western Australia) (9.31 am)—I move Democrat amendment (2) on sheet 5015 revised:

(2) Schedule 2, page 6 (after line 32), after item 4, insert:

4A After subsection 234A(1A)

Insert:

(1AA) A decision by the Collector under this Act is subject to judicial review under the Administrative Decisions (Judicial Review) Act 1977.

Briefly, following on from the provision of a statement of reasons, the purpose of this amendment is that those reasons are subject to judicial review. I do not accept the real-time argument put forward by Customs as a good enough reason to deny people natural justice when they are being subjected to search and seizure conditions, as they are under these provisions. I do believe that there should always be a process of review for decisions which are made at the absolute discretion of any officer in any place.

Senator LUDWIG (Queensland) (9.32 am)—Whilst Labor supports the ability for matters to be reviewed where appropriate and necessary, one of the difficulties with this amendment is that, unfortunately, it probably goes beyond what was considered in the committee as to how it would apply and obviously it goes beyond the ability for Customs to provide an answer. I wanted to ask one clarifying question as to whether this would apply to all decisions by the collector under the Customs Act or whether it would only apply to the section 234AA areas. It seems to state, ‘A decision by the collector under this act is subject to judicial review.’ If that were the intent then it goes beyond what the bill would otherwise seek to do. If you are now seeking that all collector’s decisions be subject to judicial review, that is a matter which, I would think, could be subject to greater scrutiny by the Senate Standing Committee on Legal and Constitutional Affairs. The collector makes a wide range of decisions, not just those in the section 234AA areas. I will not foreshadow it on your behalf but I suspect there are other ways to amend it to accord to your desire—if it were to be a more narrow application. I am not minded to make amendments on the run and so therefore I agree with the principle but, in this instance, I am not prepared to go the extra mile and agree with the amendment.

Senator MURRAY (Western Australia) (9.34 am)—The shadow minister for justice and customs makes the right point, of course, which is that this is more broadly drafted and it is deliberately so. However, if the minister were to accept such a principle with respect just to subsection 234A(1A), I would be more than happy to move an amendment on the floor to this amendment to change it to ‘a decision by the collector under this act with respect to subsection 234A(1A) is subject to judicial review’. It is not my original intention but I would certainly accept a narrower approach.

However, I suspect, based on my experience of the government since they took control of the Senate, that they are not minded to have any amendment ever accepted which does not derive from the government. I think the government’s record so far, Minister Ellison, is that you have accepted about four or
five amendments from non-government parties since you took control of the Senate, which reflects your view that all wisdom resides in the government. You might have what you consider to be valid reasons for rejecting this particular amendment in principle, so my sense of things is that you are likely to reject this anyway, but if you were minded to accept it more narrowly defined then I would so move. I gather from the remarks of the shadow minister that he would in fact welcome a more narrowly crafted amendment. I am not going to change it just yet, because if the minister were to reject either proposition then there is no point; but if he were so minded then I would indeed be prepared to accept a narrower casting.

**Senator ELLISON** (Western Australia—Minister for Justice and Customs) (9.36 am)—I certainly take issue with one thing that Senator Murray has raised, and that is the notion of the government not accepting proposed amendments which do not originate from the government. I stand by my record as a minister who has looked closely at Senate committee recommendations and accepted them for legislative amendment where they were considered to be of value. I think that there have been many occasions in my ministerial responsibility where I have accepted the recommendations of Senate committees and then had them drafted in an appropriate form by way of amendment to government legislation. Of course, amendments from other parties in the chamber which do not necessarily reflect Senate committee recommendations are another issue. I think it is unfair to say that the government just does not accept any suggestions which are not of government origin. I look very closely at Senate committee recommendations and I think I have a strong record of taking them on board and putting them into government amendments.

In this case, I have outlined the reasons why the two recommendations cannot be accepted. Democrat amendment (2) is not considered appropriate because, under the Administrative Decisions (Judicial Review) Act 1977, all decisions of Customs are subject to judicial review unless specifically excluded. That means that these decisions are subject to the Administrative Decisions (Judicial Review) Act. There is nothing in this bill which excludes those decisions; they are subject to that review. I sought advice, especially in view of the proposed amendment, and I have been advised that that is the position. It is the view of the government that the very principle that Senator Murray is pursuing here is provided for in current law. That is why the government does not agree to the Democrat amendment either in its current form or in the other form that has been foreshadowed. But I remind the Senate that there have been many occasions over the years where I as a minister have accepted Senate committee recommendations which have been supported by other non-government senators and they have been put into government amendments to legislation.

**Senator MURRAY** (Western Australia) (9.40 am)—I accept the minister’s rebuttal. I was referring to non-government amendments that are moved in the chamber as opposed to those suggested by committees. I acknowledge for the record that the minister has been responsive to committee recommendations. Of course, responsiveness to committee recommendations depends on both the minister responsible for particular bills and the chairs of particular committees. Not all ministers are responsive to committee recommendations and in trying to insist that the government attend to them. This particular minister deserves credit for positive reaction on a number of occasions. I would point out that, as the minister...
well knows, the chair of the Senate Standing Committee on Legal and Constitutional Affairs is a member of the government, in the broad sense of the meaning, and so I was accurate in my overall remarks. However, that does not mean that I should be ungracious to either the minister or his department in reacting positively in their approach.

I based my remarks on the clear knowledge that literally hundreds of amendments which were passed in the Senate, which were not necessarily derived from committee findings and which were previously accepted by the government when it did not have control of the Senate, have not been overturned by the government since it took control of the Senate because they have been found to be workable and effective. In most cases, the amendments that were accepted by the government in the House of Representatives were, on reflection, regarded as valuable contributions to change.

I do not claim great virtue with respect to my particular amendment at this time, but I do want to make the point that it seems odd to me that when the government had the opportunity before the Senate was in its control to ask the Senate to not insist on amendments, and many amendments were not insisted on, it still nevertheless accepted hundreds and hundreds of amendments which are in law and they have not been overturned or subsequently done away with. That is because they have been found to be sensible and to have substance. I am quite prepared to give the minister credit and, indeed, give credit to the government chair of the legal and constitutional affairs committee but, nevertheless, I think my general point applies. However, I will not detain the Senate any further. It is quite apparent, shadow minister, that the minister will not accept this amendment in either form, so I think we should just move on.

Question negatived

Senator MURRAY (Western Australia) (9.43 am)—I move Democrat amendment (6) on sheet 5015 revised:

(6) Schedule 5, item 1, page 12 (line 7 and 8), omit the definition of accredited client, substitute:

accredited client means a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with World Customs Organization or equivalent supply chain security standards, including manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses and distributors.

This amendment is to the definition of 'accredited client'. I noted that the Senate Standing Committee on Legal and Constitutional Affairs did not choose to make a recommendation on the ACP or to take up the definitions proposed by those who made submissions to the committee. However, I think that the submissions had merit and the proposed amendment is designed with that in mind.

As the Law Council of Australia pointed out in its submission, the framework is intended to afford benefits to all interested parties in the supply chain, not simply those who have entered into an import information contract. This would extend to transport companies, customs brokers and freight forwarders. Therefore, I propose to extend the definition in the bill to cover all those other entities so they are able to take advantage of the Accredited Client Program.

Before I resume my chair, I would just like to remind the Senate that, although I have a long portfolio interest in Customs matters, as the minister and the shadow minister are aware, I have many other committee

CHAMBER
duties and, therefore, I am not a full member of the legal and constitutional committee. Neither am I able to attend all their committee hearings or meetings, as was the case with this bill. I probably do 50 or 60 inquiries a year through my other committees, and I work as hard as I can on those. In this case, although I was not able to attend the hearings, I have had regard to the submissions. We have made these amendments with those in mind.

Senator LUDWIG (Queensland) (9.45 am)—Just so the record is plain on this, there was no criticism from the Labor Party about your attendance at committees and your diligent work on committees. I do understand that you have to spread yourself quite thinly with the workload that you have in the portfolios in your area. The comments I make do not go to a criticism of you not attending inquiries or you not being aware of the submissions or the reports. I think it is worth while putting that on the record.

We do understand the point that you make in relation to this issue. The Labor Party have had criticisms of the Accredited Client Program for some time now. We still think that the model that Customs has now is deficient. We have a difficulty with you trying to put a definition into this area. Labor cannot agree at this stage with changing the definition to rely on the World Customs Organisation standards and going through that process. What we really have instead is a model—that is, the Accredited Client Program—which is not complete. It seems that it is only half the program. In our view, you would need to fundamentally overhaul the current government’s direction in this area to be able to rely on your definition.

We intend to do that at some point. We will look forward to your support in this area. If you look at what the government are fundamentally doing, they are not implementing the Accredited Client Program in a holistic way. It is going to end up without the security components. In many instances, I suspect that not too many people are going to sign up to it. I wonder how successful it will be in the short term, but I do not want to second-guess what might happen to it. But, at this point in time, I do not think that expanding the ACP through the definition is a successful way of bringing about an accredited client program to meet all these things.

This is a matter that government should be pushing. The government should be developing a true accredited client program, with trade facilitation and trade security as the two sides of the one coin. They should then work with the clients to expand it to ensure that it has benefits for industry—the importers, the brokers and everyone else associated with the industry—and that Customs then obtains some benefit out of it. That is a program I think they thought they were developing; it is certainly not one that they have finally developed, especially when you look at the duty deferral issue.

Originally it was promised that we would have a duty deferral system. That fell over for a range of reasons I will come to shortly.
We now have a system which I think adds red tape to the overall system. That is a roundabout way of saying that we are not going to support your amendment because it tries to do all of that. It tries to put a framework and an accredited client program in place that just does not exist. The government really needs to do the groundwork first before we will have a true accredited client program that will provide benefits to importers, exporters, brokers and Customs themselves.

I understand the principle; I understand the direction you are going in. I agree with the principle and I agree with the direction you are heading in. In this instance, it is putting in the provisions before the government has even got a system in place, unfortunately. Certainly we will be watching this from our perspective, and we intend to work towards an accredited client program that in fact will work.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.51 am)—We have here an amendment from the Democrats, in relation to the Accredited Client Program, which is somewhat different from what the opposition is proposing by way of duty deferral in subsequent amendments. Nonetheless, both the opposition and the Democrats have indicated that they believe the government’s Accredited Client Program is not adequate and that there should be changes to it.

I have outlined to the Senate the benefits, as we see them, of the Accredited Client Program and how we propose it will work. I would certainly say to the Senate and those here today that I am going to watch very closely how the Accredited Client Program works—in particular, the benefits it delivers to industry. I am very keen to get feedback from industry. I have met on several occasions with industry stakeholders in relation to this program. The government have made a decision in relation to this program and we are putting it forward in the form presented. I have outlined the benefits as we see them.

I will leave for a moment my comments about duty deferral and the opposition amendments. In relation to the Democrat amendment, can I point out that the program was designed to apply only to highly compliant companies whose internal systems and practices would be able to take advantage of streamlined import and export processing arrangements. On the face of it, that is fairly straightforward. The program will also apply only to goods that are considered low risk in terms of protection of revenue, border security and quarantine interests. Again, that is fairly straightforward. Entry into the Accredited Client Program is dependent upon the chief executive officer of Customs entering into an import or export information contract with a person upon being satisfied that the person meets the requirements of the business rules. There is some scrutiny by the CEO of Customs in relation to whether or not the company concerned is appropriate for this program. This sort of control ensures that only the most highly compliant companies will be accepted into the program. I think that is a fairly straightforward and sensible premise.

While this program has been designed to facilitate trade, the World Customs Organisation framework of standards to secure and facilitate global trade, which primarily addresses terrorist threats, will be incorporated into the Accredited Client Program business rules. We are taking note of the World Customs Organisation but we are still mindful of the threats posed at our border and we have to balance those against the facilitation of trade. We believe the proposed amendment by the Democrats to the definition of ‘accredited client’ undermines those requirements by allowing any foreign customs ad-
administration to decide if a company is an accredited client for the purposes of the Customs Act. This would take control of the Accredited Client Program out of the hands of the Australian Customs Service and the Australian government.

The amendment also proposes extending the participation of the Accredited Client Program to any party involved in the importing or exporting of goods. Again, we believe this would undermine the work of the Australian Customs Service by severely limiting its ability to risk-assess the information received with regard to goods and, if necessary, examine the goods while they are subject to the control of Customs. The government, therefore, cannot accept the proposed amendment to the definition of ‘accredited client’. We believe this amendment looks more at the supply chain security requirement of the World Customs Organisation. We believe it takes away from Customs the ability to address the border threat, which we have to balance against the facilitation of trade. We believe the definition as proposed by this amendment would therefore be too broad. We believe we have the balance right. We have carefully considered it and, on that basis, the government do not support the amendment.

Question negatived.

Senator LUDWIG (Queensland) (9.56 am)—There are a couple of matters I would like to deal with first by way of questions. Having heard what the minister has said today, I have waited for the most relevant area, the Accredited Client Program. But a couple of issues remain outstanding in respect of how the Accredited Client Program is now going to operate. In terms of the minister’s department—and I think the minister is aware of the debate—it hinges a lot on the Treasury costings that were originally done on duty deferral. The minister might recall that the figure was $89 million. In short, Treasury did not accept that that was reasonable and asked you, Minister, to come back with a different proposal. You subsequently came back with the current system. Minister, were Treasury’s costings accepted at face value by you or your department?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.58 am)—As I understand it, Customs and Treasury worked together on these figures. Customs provided information to Treasury and Treasury would have looked at those figures and then made an assessment. What I am saying is that I do not think this figure is disputed; it was arrived at by Customs and Treasury working together. It was not as if Treasury came to Customs and said, ‘This is what we believe the position to be.’ The figure was arrived at by the two working together.

Senator LUDWIG (Queensland) (9.59 am)—Minister, as you would obviously be aware, I have been following this matter for some time in a series of exchanges between you and me in respect of the Treasury costings of the original Accredited Client Program. At budget estimates last year, you said: I will be watching the answers more closely than anyone, I can tell you!

It is a given that you have been following the proceedings. I had the opportunity to go to those estimates hearings and to at least ask questions of Treasury—although maybe as an aside I can say I think I like legal and cons better! When I asked about Treasury’s costings as to the original proposal for full duty deferral, the response was that Treasury ‘would have costed a number of options around that’. Is it the case that there are other options that might have been costed? As far as I am aware, there were only two options. There was the latest one, which was the one we have now that did not apparently require
a costing, as I am advised, and of course there was the original proposal, which required a costing. You have indicated that there was a costing in the order of $89 million. The question is whether there were in fact any alternative options canvassed at that time. If so, is the minister able to say what those other canvassed options were?

The written answer that ultimately came back from Treasury stated that the government ‘does not generally provide details of the costings of proposals that are not government policy and which may or may not have been considered in the policy development process’. It would be remiss of me not to add that. That is what the answer from Treasury was, because I asked them those questions as well. I have asked whether the full duty deferral was actually considered in the policy development process, because Treasury do not appear to be so sure. Therefore, what I am also concerned about, Minister, is how hard this has been pressed if Treasury’s answers seem so inconclusive, if I can put it in that way. They are two questions for which I seek answers.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.01 am)—As Senator Ludwig would know from extensive experience at estimates, we do not discuss the advice given by departments to ministers or the options which are considered other than those which are government policy. I am not going to go into the discussions between Treasury and Customs other than to say that this matter was considered carefully, there were views put, different considerations as put by various stakeholders were considered very closely and protection of revenue is of course an overriding factor. But I can say that you have the duty deferral which obviously was considered, you have the proposal that we have here, and no doubt there would have been other discussions. As for discussions of in fact doing nothing as an option, I am not going to go into all of the discussions between Treasury and Customs. What I can say is that the government has considered very carefully the proposals put by industry, and I think my previous remarks indicate my interest in this program. It will continue to be a close interest. I will be watching closely how it works. I have had many discussions with industry stakeholders and I am aware of the concerns, but I do not think I can take it much further than that. As to getting into explaining Treasury’s answers, I do not have responsibility for Treasury. I will take it on notice and see if Treasury wants to add anything further.

Senator LUDWIG (Queensland) (10.03 am)—That is probably where I was heading. I have not been able to get much out of Treasury. Quite frankly, I am going to see if I can persist with them a little more. But ultimately it is your department that has responsibility for Customs and the duty deferral so I thought it would be worth while to at least give you the opportunity to explain why Treasury knocked back the duty deferral, the basis of the $89 million figure that they arrived at—how they arrived at the $89 million on the duty deferral system itself—and whether any other options were canvassed before coming up with the revised current system, which appears not to have been costed. That is the general thrust of the issue. I would have thought that it was a matter that you, Minister, would have wanted to find out about. You may already have done that but are unable to say, in which case, because I do not understand it, I will continue to press for clarity in this area. Is the minister aware of how many companies have expressed an interest in signing up to the Accredited Client Program at this point and have been able to meet the requirements or have indicated that they will be pursuing it?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.05 am)—
— That is contained in the business group, which is outlined in the act. I am just obtaining a copy of that from my advisers. Perhaps we can return to that shortly.

Senator LUDWIG (Queensland) (10.05 am)—During the second reading debate on this bill, Minister, you referred to a committee recommendation that ‘an independent cost-benefit analysis of the Accredited Client Program be undertaken which takes into account the removal of the duty deferral mechanism’ from the proposed program. You said:

It is considered a poor use of public money to fund a cost-benefit analysis of the revised Accredited Client Program when the outcome is already known ...

If that is the case, can the minister confirm the budget savings associated with moving from duty deferral to the revised program? What in fact are the savings to Customs when you move from duty deferral to the now revised proposal?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.06 am)—There is a reduced cost of compliance. We will take that on notice and assess that for you. The following 15 companies are specified for the purposes of subsection (2) in relation to the Accredited Client Program:

Colorado, DuPont, Ericsson, Grocery Holdings, Kmart, Kodak, LiquorLAND, Mycar Automotive, Myer Stores, Nortel Networks, NS Komatsu, Officeworks Superstores, Panasonic Australia, Target Australia and Tyremaster. They are all pretty big companies and very much involved in importing. I would refer to that list. I will take on notice the question on compliance savings and get back to Senator Ludwig.

Senator LUDWIG (Queensland) (10.08 am)—Is there a time line for when the Accredited Client Program is likely to be expanded? This was a matter canvassed in part earlier by Senator Murray implicitly in his amendment seeking to expand it to all brokers, importers and exporters. Is there a time line for when this scheme is likely to be expanded to include brokers, importers and exporters—more widely than the narrow group that has been read out?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.09 am)—There is no time line, to answer the question put by Senator Ludwig, but I think the pilot program that Customs is operating and the detail of that might be of interest. I will see if I can get something in the course of this committee stage and provide that to the Senate—if it does have some detail to it. It might be later, but we will try to do it as soon as we can.

Senator LUDWIG (Queensland) (10.09 am)—This question goes to the cost-benefit analysis again. I know I have been pursuing it, but have others been raising that with Customs? Has the BPG itself or other interested parties sought a cost-benefit analysis of the current scheme to see what the savings or the costs or benefits might be? It is not about the cost benefit itself. I think you have given me an indication of what your answer is about that. This is about whether other groups have been raising it as well, such as the BPG, which you referred to earlier.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.10 am)—The advice I have seems to be at odds with what Senator Ludwig understands about the BPG—the Business Partner Group—raising this. Certainly no-one else has raised it. That is the advice I have. We will have to check whether the Business Partner Group has raised it with Customs, because my understanding is that it has not. I will check that, because Senator Ludwig understands it differently. Leaving that to one side, we understand that no-one else has raised it.
Senator LUDWIG (Queensland) (10.11 am)—It was a question. I do not know whether the Business Partner Group have raised it or not. They would be the obvious group. I could surmise that they would be likely to raise it, but they may not have. Could you confirm whether or not they have raised it? Perhaps the way I constructed the question was a little poor or unclear.

We have moved from a full duty deferral scheme to a revised scheme; we have moved from one to the next. Will the minister write to Treasury to request the costings of the original proposal and the current proposal so that Australian business can understand what the benefit was, what the benefit now is and what, as the case may be, has not been able to be delivered?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.12 am)—That is the same question in a different form, and I said that we will be taking that on notice. Certainly we are going to do that. As to what I then do with the information—I am taking the question on notice and providing that answer, but I think it is fair to say that a number of companies—and I have just outlined them—are involved, and I want to see how this works. To start revisiting this so soon is indeed premature. I want to see how the program works and I want to assess it. As to whether or not I take the matter up with government, again that remains to be seen. Suffice to say I will be looking at the program and how it works and getting feedback from industry. As to the cost savings, I have covered that previously and we are giving that detail on notice.

Senator LUDWIG (Queensland) (10.13 am)—by leave—As there is nothing more in that area that I can usefully explore, given the time available, I move opposition amendments (1) and (2) on sheet 5175:

1. Schedule 5, item 2, page 12 (line 12), omit “15th”, substitute “7th”.
2. Schedule 5, item 6, page 13 (lines 1 and 2), omit “accredited client monthly duty estimate.”.

Obviously, not everyone listening can see the explanatory memorandum for the Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006, but if they could they would look in horror at a map which provides for how the accredited client payment structure will in fact work. Attachment A gives a good indication of the confusing way in which industry will have to use the accredited client payment structure. On the 15th of the first month, you can lodge your RCR for each shipment—that is, the payment covering estimated duty of all imports for month 1. Then we move to the second month, when you can lodge your RCR for each shipment—you can continue to do that work—and, when the 7th turns up, you can lodge your periodic declaration for month 1. So in the next month you lodge your periodic declaration. Then on the 15th—a short time later in that same month—you can reconcile payment of the estimate from month 1, plus or minus, as the case may be, payment of fees for the RCR and payment of fees for periodic declaration and then a payment covering estimated duty for all imports for month 2. By the time that business has got to month 3, they can continue to lodge their RCR for each shipment, and again on the 7th they lodge the periodic declaration for month 2. Then on the 15th they lodge the reconciliation payment estimate for month 2, plus or minus, and the payment of fees for the RCR, the payment of fees for periodic declaration and then a payment covering estimated duty for all imports for month 3. And so it goes on.

If that sounded confusing, it is. There is a simpler system and it is a duty deferral system. If the government is not prepared to
provide for it, that is what these amendments seek to do. What this will mean for industry is that they will have a number of transactions, but those transactions will mean that they will have to not only lodge the RCR and then work out an estimate in the first month—so halfway through the month they have to provide at least a best guess of what the payments are going to be for the period from the 15th to the end of the month and pay that, so they have to make an up-front payment—but also in the next month continue their lodgement, as they would do. On the 7th they would lodge their declaration for month 1, because of course then they would have at least an idea of what it was, and then on the 15th, a short time later, they have to do a reconciliation to work out whether Customs owes them money or they owe Customs money. This would continue for each month.

I do not know of too many systems in business that use these types of systems that provide for guesstimates. It might be easy for some businesses—they could automate it and they could find that it may or may not work—but it would depend a lot on your seasonal variation, your high and low time and your historical data to be able to guesstimate, because the last thing you want to do is pay money that might be more than you need to pay at any particular time, because then it is not in your hands but in Customs’ hands. Of course, you then have to go through a reconciliation process with Customs, which may in fact be a simple process or sometimes it may be a little bit more complex. Looking at the system that they now have, I cannot see why you could not adopt a much simpler process. It would have been more beneficial to all if Customs and the minister had worked towards a simplified system rather than creating what can only be described as more red tape for industry—more processes and more transactions—which will, more likely, add to their cost structure. Of course, the short answer might be that it will all be automated and businesses will get used to it. I guess they do not have much choice in that instance but to get used to it, if they want their imports and exports dealt with. When you are dealing with a monopoly, I do not know whether that is a fair reply.

Hopefully the minister can support these amendments. I foreshadow that I will move amendments (3) and (4) but I will not talk to them now. They go to the same issue of creating a simpler duty deferral system, which the minister should have looked at in the first instance in order to try and ensure that result for business. Certainly, when business is operating in the usual way, there is usually provision of bills and a payment of those. Quite frankly, I admire the person who came up with such a strange system. It certainly took a bit of forethought to come up with a system whereby, halfway through the month, you have to guess what you will import and pay for it accordingly, when you do not know what it is. It might be on a ship yet to arrive here or it might not be. It might not have left the port if the port is not that far away. But, in any event, that is the system business is now going to have to work with. I do not agree with it and these amendments will seek to fix it.

Senator MURRAY (Western Australia) (10.21 am)—I will make a few comments before the minister responds. My initial reaction to seeing these amendments was: what really hinges on the choice of a date in the eight days between the 7th and the 15th? Not much is affected by it. Incidentally, I do not really accept the idea that the particular dates affect revenue protection, provided reconciliations of payments are made monthly. I cannot see that those issues apply, so for me the key thing is: what is the simplest, easiest and most flexible system which suits both industry and Customs equally? I am quite
attracted, of course, to the views of working groups with respect to this.

It seems to me that there are a couple of key matters. The first is that, from the perspective of business and industry operating efficiently and effectively, obviously the lodgement of the request for cargo release should occur at any time which suits the business concerned. That is what is meant—that the containers or whatever they might be are released and are able to move into general trade. Obviously, from the perspective of Customs, you have to have reconciliations and periodic declarations and so on, but my view is that all those should be done by a certain date and not necessarily on a certain date. I would have thought that is the most effective way. If the date chosen was the 7th or the 15th, as long as the lodgement of periodic declarations and reconciliation payments and so on occurred by those dates each month, I think that should be at the discretion of the business—provided, of course, it happens at least once a month.

If I understand the shadow minister’s proposal, it is essentially that there be two steps, not three. In other words, only one date is specified and that is the 7th; whereas the government’s proposal is that two dates are specified—both the 7th and 15th—for the lodgement of periodic declarations and the reconciliation payment. My common sense, as opposed to my detailed industry understanding, would suggest that it should simply happen by a certain date. I would not much mind if the government chose any date, but I do think that having two separate dates on which people must take certain administrative actions is unnecessarily restrictive.

That is my thinking with respect to this issue as it has been put to me. I would appreciate it if the minister would indicate whether he thinks the opposition has a point—that you should have just one specified date, namely the 7th, and not two. Secondly, my own question is whether it should occur ‘by’, not ‘on’, so that, provided it occurs once monthly, that is sufficient.

**Senator LUDWIG** (Queensland) (10.25 am)—Section 71DF(b) does stipulate ‘not later than’. I will go back to taws; this has been in place so long. What happened was that the government did put in place a scheme. A bill passed through the parliament. We had a duty deferral system, which was effectively a trading account for 30 days—you get the bill and you pay it. I am sure Senator Murray is familiar with that in business: you get a bill, you have 30 days to pay it and you pay it within that period. It was simple for business to understand, when they could pay the relevant account no later than a certain date.

Now Treasury have effectively come back and said that that was not a flyer, so the minister had to jettison the scheme and come back with this one, which provides for a revenue neutral system, so to speak. In doing so, the government has had to split the way it will operate, so that in each month it is revenue neutral. Originally, you would pay your duty. In the first month you would know what your duty was and you would pay it in the next month—like the operation of any business, where you have a 30-day trading account. For instance, as a tradesperson you go to the hardware store and pick up your goods. A couple of days into the next month—maybe by the 7th—the hardware store sends you the bill and you pay it, so that it rolls through. Each tradesman, business or whatever effectively has a 30-day trading account. I am sure Senator Murray is familiar with that.

That was the scheme that was originally proposed. It came to this place and we looked at it. Treasury said that it would cost $89 million, and therefore they did not want
to look at it. As far as I can see, the minister agreed that that system was not going to fly. We have a system now which tries to confine each month in isolation. If it sounds confusing, unfortunately it is. It is terribly confusing, and if I have misrepresented how the scheme works then I am happy for some of that confusion to be swept aside by the minister. It is confusing in the way it is written; it will be confusing in the way it operates, because what they are trying to do now is confine it to each month so you will pay everything within the month.

Let us use the tradesman analogy again. A house builder goes to the hardware store and says, ‘I need this material today,’ and the store provides the material on account. Halfway through the month, on the 15th, the hardware store says, ‘We need you to estimate what you are going to get from here for the next 15 days until the end of the month.’ The tradesman says, ‘I’m not sure what work I might have on or what material I might need.’ The hardware store wants him to guess it, reconcile it and pay it. So you do not end up having a 30-day trading account; you are effectively confining the payment to the month itself.

Businesses do not operate like that, in my understanding. You could have a system where each transaction gets paid for immediately—in a consumer context—but most businesses work on 30-day, 60-day or 90-day credit, depending on the industry and on the business. The system that this legislation will put in place is not even a hybrid; it just does not make sense. It is not explained very well in the EM and I do not know whether it is going to work very well in practice. It is trying to confine it all and businesses will have to guess what is likely to happen, use an estimate, and then reconcile it in the next month. There is provision for it to be done by no later than a certain date. They could do it earlier, but why would they in this instance, because they still have to do a reconciliation with Customs in the next month.

I hope I have been able to add a little to that issue. I will not say I have made it any clearer. For those who might be listening to this, Labor certainly do not agree with the scheme. We think it is going to add red-tape cost to business and will be a confusing and difficult scheme to operate.

Senator MURRAY (Western Australia) (10.31 am)—My apologies, Minister, but I would expect that you are caught between a rock and a hard place, because the Treasurer and the Treasury certainly outrank you. It seems to me that we are in the middle of a very strong campaign by business—and which is accepted by government—that regulation and red tape need to be regularised, harmonised, minimised and rationalised. This is a red-tape and regulatory system which seems to me to be designed to limit the cashflow costs to government of accepting a deferred payment system, which used to operate on a more flexible basis. If you spin that around as a policy issue, there is not only the policy issue with respect to trying to minimise red tape but there is also of course a general policy: if suppliers to government took the same view that they were carrying costs because government were paying after the event—in other words, they had to carry the cost of supplying goods and services—everything would move to a cash basis. The fact is that the government makes money from paying suppliers on 15 days, 30 days, 45 days or whatever the terms are. Equally, it costs the government money when it receives money later than it would expect.

I do not want to be overly determinative about exactly how this is organised, but it does seem to me that it is unnecessarily complicated and lacks flexibility and efficiency, which we should look for in modern processes. I suspect the minister is without
power in this matter and has simply been
told what to do by the Treasurer and Treas-
ury. Maybe he can say otherwise—that he is
independent of that and has taken his own
view. This seems to me to be the wrong way
to go. As a person with extensive business
experience, I certainly would not like to have
this kind of system imposed on me. I would
prefer a flexible system which simply says,
‘By such and such a date every month, you
must provide these things and allow me to
find within my own business structure how I
organise that requirement.’ That is as far as
compliance should go. Frankly, when the
sum at hand is just $89 million, in the con-
text of the way our modern accounts operate,
that is but a snip. And it is not at risk; it is
simply deferred. It is not as if it is lost. I
must say I am uncomfortable with what is
being discussed here.

Senator ELLISON (Western Australia—
Minister for Justice and Customs) (10.34
am)—At the outset, to take up Senator
Murray’s last point: Treasury has policy re-
sponsibility for deferral of duty. It is a matter
which goes to revenue and it is a Treasury
decision. That has been fairly clear from the
start. Industry wanted duty deferral. We went
through all the issues with industry. The is-
issues raised by Treasury were put to industry.
This proposal is a compromise on that, if you
like. I would also remind the Senate that this
is only for highly compliant importers. It is
not for small to medium enterprises. It is not
for your average tradesmen. It is not for your
average business. I have outlined to the Sen-
ate the 15 businesses which are mentioned in
the act. I am talking about Myers, Target and
Kmart. These are very big entities indeed,
which Customs will work with on a one-to-
one basis to ensure that not only do they get
streamlined importation of goods but also
this payment system works for them.

Customs will sit down with each one of
these companies, and estimates of duty will
be reached. An agreement with the importers
will be based on historical data from impor-
tations in the same period in previous years,
with allowances for changes, peaks, seasonal
adjustments and other things. The amend-
ments require Customs and the accredited
client to agree, in the import information
contract, on the method of calculating the
duty estimate. Provided that the importer
complies with the methodology, then it will
not matter if the estimate is inaccurate.

So what we have here is a very small
group of importers—15 in number, and it
could grow, but I do not see it growing
greatly. Certainly one would expect it to re-
late to the larger importers in Australia. I
think, and I am open to correction on this,
around 20 importers account for 80 per cent
of imports of goods into this country. So
what you are talking about is really the very
big end of town. Let us get that very clear.
This is not something which is going to fall
upon the vast business community of Austra-
lia. It is in relation to a very small group in-
deed, and there will be that one-to-one basis
between Customs and these businesses—to
such an extent that the CEO of Customs will
agree with them in the contract as to the
methodology of assessment of duty.

Senator Ludwig has outlined the situation
in relation to manner of payment, and that
has been an accurate reflection of how it
works. Of course, you have to have a period,
point of lodgement, and that is the seventh
day of each month. You consolidate your
imports for the previous month. Then on the
15th, eight days later, an assessment is made.

For each import there is an RCR, a request
for cargo release. Every one of them has to
have that. It is a very much smaller compli-
ance in that it accompanies the import at the
time, it relates to more border security issues
and the information sought is much less in
that RCR. So the participating company
lodges a request for cargo release for each shipment; it makes a mid-month payment of duty based on an estimate of anticipated imports in that month; it lodges a periodic declaration on a monthly basis; and, in the following month, it makes a payment, either more or less, to reconcile, according to whether that estimate was correct or not.

The methodology I have mentioned will be agreed with each one of these companies. Their size and number is such that Customs will be able to deal with their particular situation. The government sees, as far as the red-tape aspect is concerned, that we can accommodate, within reason, the various requirements of those companies.

I stress this is a system which will not apply across the board. In fact, it will apply to a few companies—15 at the moment. We hope it will grow over time; a figure in excess of 50 has been mentioned in the past. I think that, as people get the benefit from this program—and they should get the benefit—others will want to join. The benefit for these large importers is the streamlined importation of their goods.

So that is the accredited client program. We believe that, in the absence of a duty deferral program, this is a compromise which can offer benefits to industry. As I said earlier, I will be watching it very closely. I only have to look at the 15 companies that we have at the moment—hopefully that will grow—so we will be able to get a very good grasp on how it is operating for those companies.

To use the analogies of the average tradesman and the average businessman I think misses the point that we are dealing with this on a one-to-one basis. It was always intended that it would only relate to those highly compliant and high-volume importers. And of course the vast majority of Australia’s imported goods are handled by, really, a handful of companies. Then, after that, you get your small and medium enterprises which pick up a much smaller percentage of Australia’s imports. So this is not something which is going to widely affect the importing community. It is very much a focused program and we believe that we will be able to pick up any reasonable adjustments for those companies involved.

**Senator LUDWIG** (Queensland) (10.42 am)—Minister, the Accredited Client Program as originally devised: was that open to all businesses, or was it only ever going to be for the big end of town—that is, when we had full duty deferral? I imagined that the Accredited Client Program was going to be available for those who could comply with the system. What you have now outlined is really a two-tiered system: the big end of town is going to get a streamlined system if they comply; the small to medium sized enterprises are not going to get access to this system. So what we now have is really a closed system, where the big end of town only is going to benefit. You might have small to medium sized enterprises that do want to and can comply and want to participate but, effectively, will not be able to, given the way the system is now going to be devised and the complexity that is going to surround the system where you have Customs entering into one-to-one relationships with the big end of town.

It does sound like the Howard government, quite frankly; it really does. I would have thought that the whole idea of an Accredited Client Program ultimately was to ensure that you would have a simple, easy system, a flexible system, for those who could comply to do two things: facilitate trade and secure the supply chain. And if they can meet the criteria they should be able to join in the system. But I will let the minister answer that shortly.
Another aspect worries me. You also indicated that the system will be that the accredited client will devise a system for the estimation jointly with Customs. Is that going to be a confidential agreement between the two, or are others going to understand how that estimation process is going to work? It could lead to favouritism by one against the other when you have those sorts of arrangements put in place. And, if it is, where are the safeguards?

Will it be transparent as to how those estimations work for one company and the next, or will that simply be confidential between the parties and they and Customs alone will know how that estimation will work? A lot will turn on how that estimation works: for instance, how much is being held in escrow by Customs on behalf of the client. Those types of arrangements can in fact mean quite a lot of money is involved in the scheme itself.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.44 am)—The way the Accredited Client Program has been described is that anyone is available to apply to be part of the program. But the commercial reality is that you will not get the benefit from it if you are a small importer, because you have to have the volume of importation to get the benefit out of the Accredited Client Program. We have never made any secret of that. We have said that if you have that volume and, of course, you are a client who has shown high compliance, you can get the streamlined importation. So anyone can apply, but you first have to show that you are highly compliant and then you have to make a decision as to whether you have sufficient volume of importation to benefit from becoming part of this program. There would really be nothing in it for a small importer, because they would not get the benefits of a large-scale importer.

This was always designed to accommodate highly compliant importers and those people who could economically benefit from the streamlined approach to high volume. It is more than open to small to medium enterprises to come to Customs—and many of them could be highly compliant—but with what they have to do in this program they would not get the economic benefit of a larger importer. It was always designed that way. It is a commercial decision for the importer as to whether or not it offers them that benefit. They will vote with their feet and say, ‘It is obviously of commercial benefit to me to participate in,’ or, ‘It is not of commercial benefit.’ You could have no better way of letting the market determine its own benefit.

The contract is commercial-in-confidence. We do not publish the details about our contracts with companies. I totally reject any allegation of favouritism. The Taxation Office enters into confidential arrangements with taxpayers. I think we can have every confidence that the tax office is always looking out for revenue and that Customs equally shares that responsibility and that any arrangement would be to the benefit of protecting revenue. I think Customs has a fine tradition in that regard and so does the Taxation Office. I hardly see a situation where that would be disadvantageous to the Australian taxpayer. But for commercial reasons obviously you would want to keep that confidential.

I stress again that the Accredited Client Program is open to anyone, but it is for that person to work out whether it is the program for them and whether it suits their needs. We always said that the benefit would be to the high-volume importer. By natural definition, if you are a high-volume importer you tend to be a larger company.
The TEMPORARY CHAIRMAN (Senator Moore)—The question is that schedule 5 stand as printed.

Question agreed to.
Bill agreed to.
Bill reported without amendment; report adopted.

Third Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (10.52 am)—I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

AUSTRALIAN CITIZENSHIP BILL 2006

AUSTRALIAN CITIZENSHIP (TRANSITIONALS AND CONSEQUENTIALS) BILL 2006

Second Reading

Debate resumed from 30 November, on motion by Senator Ian Campbell:

That these bills be now read a second time.

Senator LUDWIG (Queensland) (10.52 am)—I rise to speak on the Australian Citizenship Bill 2006 and the Australian Citizenship (Transitionals and Consequentials) Bill 2006. The Australian Citizenship Bill 2006 replaces the current Australian Citizenship Act 1948. While most of the bill, along with the transitionals and consequentials bill, is designed to make welcome changes such as unscrambling the provisions and making them more logical and easier to understand—and I do not make that comment as a criticism of the drafters of the 1948 bill—the government has also sought to make some substantive policy changes. Some of these are minor and uncontroversial. However, some of them are more than minor and are controversial.

The government has sought to make two changes to our citizenship law which Labor
find unacceptable, and I foreshadow that we will be seeking to move amendments in the committee stage and to divide on those because of the strength of feeling we have about them. Labor also had originally introduced an amendment to seek to rectify a ridiculous and offensive policy that the government was seeking to introduce in this bill. However, I can say that, happily, at the eleventh hour, the government introduced an amendment and adopted Labor’s position. I will not congratulate the government on moving; it certainly could have moved a lot earlier and seen that it was in fact ridiculous. Labor’s amendments that I foreshadow we will be moving in the committee stage deal with the resident requirement and children applying for citizenship when parents are former citizens. Labor’s resident requirement amendments are (4) to (7), but I will not go into them at this point.

Labor opposes the changes to the resident requirement because we believe that you should not depart lightly from the advice of ASIO. As the law currently stands, the general resident requirement for acquiring citizenship as an adult is two years living permanently in Australia out of the last five years. This time must include a total of one year, in the two years living here, as a permanent resident immediately before applying for citizenship. I can see there is some sense in the way that has worked. The government originally wanted to change this requirement to three years living in Australia with one year of permanent residence.

This bill was first proposed following the London bombings. When it was introduced in the House of Representatives, the Council of Australian Governments, usually referred to as COAG, had met and the leaders of the governments around Australia had decided that, according to available security intelligence, a three-year resident requirement would strike the right balance. This became one of the points in their 10-point counter-terrorism plan promulgated at that time. The governments of Australia, including the Howard government, unanimously agreed that there needs to be a balance between two competing concerns. The first is that Australian citizenship is a pledge that must not be taken lightly and that citizenship should not be too easily acquired. The second consideration is the importance of integrating people into our society and making sure they become part of the Australian community. So the Prime Minister and every premier of this country decided that moving the resident requirement from two years to three years would strike the best balance in the interests of Australia and national security. Labor supported this proposal on the grounds that national security is critical. Frankly, I think the government was disappointed that Labor supported the proposal.

It was more than a year from the time the bill went on the Notice Paper until the government changed its indolent stance and bothered to introduce the bill. In that time, 117,000 people were granted citizenship—many, of course, under laws the governments of Australia all agreed needed to be improved on national security grounds. In the context of the heightened security concerns following the London bombings it was praised as extremely important, but this government left it languishing in the bills office without any action. It was apparently so important for national security reasons, but just not important enough for the government to actually implement it. When this bill was finally introduced, the then parliamentary secretary to the then minister for immigration, the member for Goldstein, decided that it would be great to push the residency requirement up to four years. It had not gone back to COAG; it was, it seems, a thought bubble, because he knew Labor would not
support something that flew in the face of what intelligence analysts were advising.

Instead of adopting the best laws for our national security, both the member for Goldstein and now the new Minister for Immigration and Citizenship sought to use citizenship as—let us call it for what it is—a political wedge. It is a shameful thing to do because citizenship is an important issue for us all as a nation. There is no doubt about that. On whose advice was this member acting? Was it the department’s advice? Was it the Prime Minister’s advice? I am hopeful that we might hear the answer today, because the advisers certainly can provide that answer in the committee stage. I look forward to the minister with carriage of this bill giving that answer. We can assume, though, it might have been the pollsters themselves—although I would be disappointed if the Howard government were poll driven on this. I can only say that you have to worry when good policy that has been ticked off as being in Australia’s best security interests is dumped because the former national secretary’s desire seems to be to outbid Labor. The member succeeded, because Labor will not go against ASIO’s advice.

ASIO is our premier intelligence organisation. Its advice is taken not lightly but seriously by all. There is bipartisan support on the parliamentary committee that looks into ASIO, and all members of the Australian parliament take some pride in ASIO’s work.

This seems to be a clever political stunt by this government, although they will get the opportunity to deny it and perhaps explain their argument. While the government bothered to consult with COAG on increasing the period before citizenship is granted from two to three years on national security grounds, it seems they did not bother consulting anyone else. However, we can find out whether they did otherwise consult. I will certainly be able to explore that in the committee stage. The Prime Minister has not given any salient reason at all for the increase from three to four years.

Labor would like to know whether there is new intelligence that says the resident requirement for citizenship needs to be upped to four years. Only a year prior to the bill being introduced, all governments advised that three years was an optimum period. Labor is foreshadowing an amendment to return the resident requirement to one that is based on national security briefings. It does require a government to take these matters seriously, to take deliberate steps and to walk through the process rather than to introduce what seems to be a process with no transparency.

I foreshadow a second amendment to fix the situation that is troubling those Australians of Maltese background. The problem is not specific only to the Maltese community, but it is an issue about which the Maltese community in Australia have approached the members for Gorton and Prospect seeking some assistance—and in fact, when I was the shadow minister for citizenship and multicultural affairs, they approached me as well. It has been a long battle by the Maltese community to air these issues and I congratulate them for their perseverance. They have been very diligent and very careful in the way that they have articulated their issues and pursued the debate.

The situation faced by some of the Maltese community is this: their parents were once citizens of Australia but, when they moved back to Malta or sought to claim property in Malta, they were forced under Maltese law to renounce their citizenship, which they did under section 18 of the current act. In March 2005, the Senate Legal and Constitutional References Committee recommended that children of people who
renounce their citizenship under section 18 should be eligible to apply for Australian citizenship. The government has already gone to some lengths to ameliorate the problem.

The bill that we are debating incorporates a government amendment to address the problem of children whose parents lost their citizenship under section 17 of the act. This section, now repealed, stipulates that, if a person acquired the citizenship of another country, their Australian citizenship would automatically cease—that is because Australia would not allow dual citizenship at that time. However, children of people who lost their citizenship under a different section—that is, under section 18, which is renunciation of citizenship—are left out. The government argument is that these children do not have a sufficient connection to Australia. I think that is absurd; the connection is called mum and dad. I foreshadow that Labor will move a simple amendment to rectify that discrepancy—maybe it is an oversight—that the government might be minded to accept. It affects a small number of people but it makes a powerful difference to their lives. I hope this amendment will achieve bipartisan support.

One of the policies that the bill introduces renders certain types of stateless persons ineligible for citizenship if they have been convicted of an offence under a foreign law for which the sentence was five years imprisonment or more. The minister in such a case had to refuse them citizenship. There is nothing more appalling than this government allowing another country to determine our citizenship laws. Iraq under Saddam Hussein, Chile under Pinochet, Burma—why should these tyrants be allowed to knock back people possibly of outstanding character? Under the government’s proposal, somebody of the stature of many of the people who have made a significant contribution to Australia would have been refused Australian citizenship. Yes, conviction under foreign laws should definitely raise alarm bells, but it should not determine our citizenship laws. It is wrong and deeply offensive for the government to outsource citizenship to some of the worst regimes in the world.

At the eleventh hour the government introduced an amendment to add a test of reasonableness, which Labor had been calling for. We are pleased that the government actually paid attention to this issue. It took up Labor’s concerns about what can only be described as outrageous policy becoming law. It saw the better course, adopted our position and did not pursue it. But this was not a solution that the government quickly adopted. As I understand it, there was significant debate in the House of Representatives before the government capitulated on this issue. I will not then give it the credit which I would otherwise generally extend where the government has seen the light and amended bills to accord with common sense. I do not think in this instance that the government deserves the credit. I can thank it, though, for at least seeking the amendment. It does have the numbers in this place, so it would have been able to push that through if it had insisted.

Labor will be moving these foreshadowed amendments because we believe that citizenship and our national security are too important to play political football with. It is important that we get the balance right; there is no argument there, especially when we have national security at stake. But you also have to look at the whole of the argument about citizenship and the history of citizenship to see how it has operated in this country.

Labor are glad that the government has pulled itself together to bring this bill before the parliament in 2007—although it had been sitting around for some time. We are pleased
to see that common sense has prevailed and that the government has agreed that the minister should retain some discretion when it comes to determining whether foreign law should decide Australian citizenship. In this instance, though, I hope that the government does the right thing by the Maltese community and accepts Labor’s foreshadowed amendment. I have raised it during the second reading debate to give the government time before the committee stage, if it is minded to change its position, to amend the bill accordingly.

If the amendments that we have foreshadowed are not supported, Labor will not oppose this bill; the bill will pass. There is much in the Australian Citizenship Bill 2006 that is beneficial. I have used my available time today to centre on some of its undesirable aspects, but it is worth indicating that this bill does contain policy that is supported by Labor. It will move us forward. There are of course many bills that go through here that Labor support. This is one of them. It does have merit. Both the government and the opposition see that it entails good policy, albeit with some problems that should be rectified. We will support the bill, as I have indicated, and we will support the Australian Citizenship (Transitional and Consequentials) Bill 2006 as well.

However, I think the government could learn much from a different process. If it is going to bring bills forward, it should do so in a sensible and reasonable way. If it is going to announce that it is going to bring legislation forward following COAG then it should do so in a reasonable time to indicate to all of the other members of COAG that it is serious about these things, rather than allowing legislation to languish in the bills office or on the Notice Paper for some time before it is brought forward. I think that is a fair criticism. This government should explain why it has not done that. In conclusion, I express disappointment in this government for using, or appearing to use, citizenship as a political football—or a wedge, as others might call it—to try to come up with a reason for that. I look forward to hearing why it has moved the resident requirement from three to four years. I look forward to an explanation for that and for why it did not go to COAG. There may be a reasonable one; I look forward to hearing it. (Time expired)

Senator BARTLETT (Queensland) (11.10 am)—Australian citizenship is a very important issue that merits a lot more genuine debate than it has had. It is an important area of law. It is a bit similar to the wider issue of migration law, where there is a lot of jingoistic rubbish said, a lot of political point scoring and a lot of very narrow focusing but very little consideration of the totality of the issue, the real details of what it means and the potential for using this issue to genuinely build a much better nation. Of course, the flip side is the danger that can arise when this issue is misused and the damage it can cause to our nation.

The legislation before us, the Australian Citizenship Bill 2006 and the Australian Citizenship (Transitional and Consequentials) Bill 2006, seeks to replace the existing Australian Citizenship Act, which has been in place since 1948. As a member of the Senate Legal and Constitutional Affairs Legislation Committee that looked into this legislation quite a long time ago, I welcome many of the changes, upgrades and updates. It is worth noting at the start of any debate about citizenship issues that the Citizenship Act itself and the new version before us today specifically talk about citizenship representing membership of the Australian community and a common bond that unites all Australians in a reciprocal relationship of rights and obligations while respecting each other’s diversity. It is important firstly to emphasise that part of the recognised intent
of Australian citizenship is to respect diversity—and, I would add, to recognise the enormous value that diversity provides to Australia.

I also want to emphasise that the act and the bills specifically talk about the reciprocal relationship of rights and obligations. Towards the end of last year, we had a very brief and fairly farcical consultation process around a government discussion paper on the concept of a citizenship test. The Democrats genuinely engaged with that process and put forward a considered submission in what I thought at the time was probably a vain hope. Nonetheless, it was done in the hope that there was going to be genuine debate and that we were going to consider some of these issues as part of a genuine community engagement. It was a vain hope. The process was a political stunt. It was a deliberate, cheap, pathetic wedge. The consultation process was simply a farce to cover the predetermined position of the government to try to bring in a citizenship test, without in any way indicating how there were any current problems, as a way of trying to score some political points to abuse and misuse citizenship.

The interesting thing about that government discussion paper—which I thought was quite poorly written, perhaps reflecting the fact that it was just a short-term political stunt—was that there was a lot of focus on the obligations of citizens and very little on the rights of citizens. I agree that there are mutual obligations, rights and responsibilities, but there is no point trying to emphasise the obligations of people who are becoming citizens to do A, B, C, D and E whilst completely dismissing the rights that attach to citizenship and the obligations of government to ensure that those rights are upheld.

Unfortunately, what we are actually seeing is that this government is ignoring the rights of citizens and, in some cases, seeking to take them away. That to me is an indication that if there is any problem with the compact of citizenship it is not with people who are potentially considering becoming Australian citizens; it is with this government and the way they are treating some citizens, the way they are willing to sacrifice people for political advantage and the way they are willing to use citizenship itself as a political football.

Look at what the Prime Minister said just recently. When he was announcing his reshuffle, he changed the name of the immigration department to Immigration and Citizenship rather than Immigration and Multicultural Affairs. He said it was:

…in recognition of the obvious fact, and obvious belief on the part of the entire Australian community, that immigration should lead to citizenship.

He also said:

…the desired progression is that an immigrant becomes an Australian.

That seems like a self-evident statement, but look at the government’s policies and actions in this area. Under this government there has been a dramatic increase in the number of people who get temporary residency visas in Australia. Far more people now get temporary residency visas than get permanent residency visas.

There is no direct path from being a temporary resident to becoming a citizen. You have to become a permanent resident first and then serve out some further residency requirements before you can become a citizen. So this notion that all people who come to reside here should be, in the Prime Minister’s view, on this nice, clear, straight path through to citizenship is belied by his own policies and his own record in recent times.

You only have to look at the dismissive treatment that the Prime Minister has given to this whole area in his ministerial appointments. In the last 2½ years we have had five
different ministers responsible for this crucial area of public policy. It has gone from Mr Hardgrave to Mr McGauran to Mr Cobb to Mr Robb and now, with the new ministerial arrangements, to Mr Andrews or Ms Gambaro. I do not know which of those two has responsibility for it. Perhaps the government could enlighten us on that. But responsibility was with the parliamentary secretary, Mr Robb, before. I presume it would stay with the junior minister—and the junior ministers have been continually shuffled and moved around.

This year Mr Howard may have put ‘citizenship’ into the name of the department, but last year, when he had a reshuffle just before Australia Day—when he had a minister for citizenship, Mr Cobb—he scrapped the title of minister for citizenship altogether. The Prime Minister’s own record shows that he has no interest in this area. This legislation, and the lack of its passage, shows that the government has no interest in and no genuine commitment to progressing these issues.

As Senator Ludwig mentioned, many of the changes in this legislation result from decisions and announcements that were made back in 2004—a whole range of positive improvements that would actually enhance people’s ability to become Australian citizens, as Mr Howard says he wants them to do. Yet it has taken till now for them to come before the Senate. The legislation originally appeared in 2005. The Senate committee inquiry that looked into it, as usual, had to do a quick job because it was important that we got the report back so that the government could progress the legislation. We reported in February last year, and it is only now that the legislation is before us. Now, suddenly, the Prime Minister wants to pretend that he is all concerned about citizenship and that he thinks it is absolutely vital and important. What a joke!

You only have to look at the sudden decision out of nowhere to extend the residency period to four years. Mr Howard supposedly wants to encourage people to become citizens and yet, out of nowhere, with no consultation, he puts in an extra barrier for them. We all know that people can be permanent residents indefinitely. There are hundreds of thousands of people living in the Australian community who have been permanent residents for decades and decades. I might say that, proportionally, the majority of them are from the UK and New Zealand. They live in the community and they do not, for whatever reason, become citizens—they do not wish to become citizens, they cannot be bothered or they do not get around to it. If, as the Prime Minister says, we want to ensure this desired progression from immigrating to becoming citizens, why is he making it harder for people? Why is he making it more likely that people will go, ‘I can’t be bothered; there’s no point’? And why are those extra rights attached to becoming a citizen being eroded along the way?

Let me emphasise that I do not reject on a policy ground—and the Democrats are on the record with this—the notion of extending the residency requirement from two years to three, as was originally proposed in this legislation. The purpose of my previous comments was to emphasise the government’s hypocrisy—the difference between their statements and their actions. Whilst we do not reject extending the residency requirement from two years to three, we have seen no reason at all as to why it should be extended to four years. But the reason that was given for extending it to three years was ludicrous. How could anybody suggest that it is in any way a national security measure to make people have to wait three years instead of two years to become a citizen? We all know that anybody who becomes a citizen has to have already been a permanent resi-
dent. They already had permanent residency entitlements. The only way they can be deported and have their residency cancelled is if there are serious character issues or serious convictions.

The notion that making the residency requirement a year longer before people can become citizens is being put forward as a genuine response to the London bombings is ludicrous. The fact that the government can put this forward as a genuine response to the threat of terrorism and get away with it shows how poor the debate around these issues is.

I went to a number of citizenship ceremonies around Australia Day, as I am sure many of us in this chamber did. I went to four different ones. I always find citizenship ceremonies a positive experience. They are very uplifting. They have a great vibe about them: people wanting to become Australian are recognising the positives of our nation. There are always a lot of differences in the way those ceremonies are run. Without in any way wanting to be critical of some of the people also at some of those citizenship ceremonies, it was very clear from some of the speeches that were given at those ceremonies that there was almost a subconscious assumption that half of these people had just stepped off the plane. When people become citizens, they have been permanent members of the Australian community for a number of years and who, for a whole range of different reasons, are choosing to become citizens. That is a positive for us. We should not begrudgingly say, ‘We’ll only let you in if you know what day the Melbourne Cup is on.’ That is ludicrous.

To some extent, having citizenship tests with these Trivial Pursuit type questions in them is, I am afraid, the way the debate has been framed. If the minister and the parliamentary secretary could have come up with anything more substantial than this sort of thing—this vague button-pushing and dog-whistling about Australian values—then maybe we could have had a genuine, robust debate. I saw an article in a newspaper a week or so ago in which someone genuinely suggested that the government think about making it an extra help in respect of your ability to become an Australian citizen if you become a member of a footy club. How ridiculous! What are we reducing citizenship to when that is the level of the debate about citizenship? It is an important issue. It just disgusts me.

Senator Marshall—Who won the Allan Border Medal?

Senator BARTLETT—What is the Allan Border Medal? All right, I’m an Aussie; I know what the Allan Border Medal is! Good ol’ Punter.

Senator Brandis—Shame on you, Senator Bartlett.

Senator BARTLETT—Let me assure you, Senator Brandis, Minister for the Arts and Sport, that I am fully aware of who won the Allan Border Medal—and I am very
proud of Punter—but I do not think people should be prevented from becoming a citizen just because they do not know who won it. I am sure that is not the intent but, seriously, it demeans citizenship to have that sort of stuff even floated as a possibility. Also, when newer migrants who are thinking about becoming citizens, and people who have migrated and become citizens, read that stuff, it sends the message: ‘Maybe you are not a real Aussie. Maybe we need to look at you suspiciously.’ You cannot dismiss the potential harm of that to the community fabric. At one level, it is appropriate to have a joking debate about the sorts of questions that could go in a citizenship test, but, at a serious level, this is damaging stuff. I can see that it is good politics and it is an easy thing to do—everyone can see that—but it is damaging to the Australian community.

When I was deluding myself that the government’s consultation about the citizenship test was genuine, in the very short period we had to consider the discussion paper I went around and talked to a lot of people in migrant communities around Brisbane and I found there was genuine concern. It is not good enough to just say that they are all wrong or that they are all lefties or something. They are feeling that way as members of the Australian community, and telling them they are wrong to feel that way is not good enough. They are getting those feelings because of the way this issue has been presented and discussed, and that is not positive for the fabric of the Australian community. I urge the government and the new minister—and whoever now has responsibility for this area—to steer away from this and do some repair work in terms of detailing how all of this is going to work.

There are a number of amendments, so there are other issues that I can raise in the course of this debate, but one thing I would like to mention now is the right to vote, which is one of the key rights of citizenship. It is worth noting that this right is not unconditional. Specifically, it has been taken away from one group of people—prisoners—by a deliberate decision of this government. It has, de facto, been put at risk by other changes to the Electoral Act that make it easier for people to be knocked off the roll and harder for people to get on the roll. Also, there is a significant group of people in the Australian community who are not Australian citizens but still have the right to vote: British subjects who were eligible to be on the roll prior to 1984. I am not seeking to play one group off against another, but if you want to sell Australian citizenship as a rolled gold membership of the Australian community with a special right to vote, yet you still have, under the Electoral Act, a bunch of people who are not Australian citizens but can vote, where is the motivation to become a citizen and where is the consistency? I can understand why that was put in the act as a grandfather clause back in 1984, but I think it is time to revisit that issue.

Another related issue, which I accept is a bit harder to resolve, is that, under the Australian Constitution, people who are dual citizens are prevented from being nominated for election to the federal parliament. I have discovered that we do not know how many people are dual citizens, but it is estimated to be about 20 per cent and growing. That figure will grow even more after this legislation has been put through because it will enable more people to become citizens who were previously excluded for various reasons. We will have a greater proportion of people who are dual citizens. I think that is a positive. I know that some people do not like it, but I do. We have a growing group of people who are disenfranchised from being able to nominate for election to the federal parliament. I think it is unfair on them, but it also means we are denying ourselves the opportunity of
tapping into the talents of perhaps a quarter of the Australian citizenry. They cannot even nominate as candidates in an election campaign, let alone become members of parliament, so a whole lot of people are being locked out of a key part of the electoral process.

A little while ago I was looking through some old papers that my mother had dug out and I found a resume that my father had made back in the 1940s. It detailed some of the things that he had done—he was in his early 20s at the time—and some of his qualifications and a bit of his work experience. In amongst that information, date of birth etcetera, was ‘Nationality: British’. That floored me at the time. He had been born in Australia, as had his parents. He had never even left the country at that stage yet his nationality was British. It is a reminder to us of how citizenship is a continually evolving thing. Until 1948 we did not even have Australian citizens—we were all British subjects—and even after the Citizenship Act in various ways we were still British subjects despite being Australian citizens. So this is a continually evolving area, and this legislation is part of that process. As we continue to evolve, refine and improve the notion of Australian citizenship and the value of it, we need to make that debate as genuine and serious and robust as possible and try to move away from the jingoism and the dog-whistling that can infect such an important issue. I urge people to do that. I now move a second reading amendment that goes to some of the issues that I have just spoken about:

At the end of the motion, add:

“but the Senate:

(a) recognising that:
   (i) dual citizenship is part and parcel of Australian society,
   (ii) a significant proportion of Australians hold dual citizenship, and
   (iii) these Australians are disenfranchised in the sense that they are not able to run for election to the Federal Parliament without relinquishing their dual citizenship;
(b) calls on all parties in the Parliament to support, as a matter of urgency, legislation to initiate a referendum to remove the prohibition on dual citizens being able to run for Federal Parliament; and
(c) calls on the Government to:
   (i) instruct the Department of Immigration and Citizenship to develop and implement a comprehensive public information campaign to describe and promote the operation of the new Australian Citizenship Act,
   (ii) allocate sufficient funds for a television, radio and newspaper advertising campaign in Australia and overseas about the operation of the new Act,
   (iii) require the Department of Immigration and Citizenship and the Department of Foreign Affairs and Trade to coordinate the dissemination of written information about the operation of the new Act to be available in Australian diplomatic posts overseas, and
   (iv) require the Department of Immigration and Citizenship to work closely with the Privacy Commissioner, to restrict to the maximum extent possible the collection, access, use and disclosure of personal identifying information.”

Senator NETTLE (New South Wales) (11.30 am)—On Saturday I attended a friend’s wedding. It was on Haldon Street in Lakemba. The bride was a Peruvian-Australian citizen and she was marrying a Greek-Australian citizen. I sat at a table next to my Lebanese friend and her Jewish part-
ner, both of whom are Australian citizens. Also at the table were an Italian friend of mine, an Australian citizen, and a guy I went to uni with who is a from the former Yugoslavia. He is also an Australian citizen. It was a great Australian wedding. There was fantastic salsa dancing and fantastic Greek dancing going on.

Australia is absolutely a multicultural country, yet recent government moves that we have seen—for example, the departmental name change, dropping the idea of having a minister for multiculturalism and removing the word ‘multiculturalism’ from Australia’s multicultural policy—not only signal an attempt to deny the reality that we live in a multicultural society but, unfortunately, are also, I think, part of a concerted campaign which seeks to attack multiculturalism and the benefits that the Australian Greens certainly believe it has brought to the Australian community. Unfortunately, we have seen the opposition join in doing this. They have now got a new shadow minister for integration who, in my town’s daily newspaper, the Daily Telegraph, has been talking about his catchcry of the need for ‘integration, integration, integration’, so I think their attitude is also concerning.

The Greens see the Australian Citizenship Bill 2006 as being a part of that attack on multiculturalism. Unfortunately, as we have already heard, the government’s attack has the support of the opposition. We have seen this kind of campaign, the demonising of migrants within our community, in the past, particularly during election years. The Tampa election, as it was called, in 2001, when I was elected, is of course the most recent example that everyone is aware of. Ostensibly, I was elected because both of the major parties agreed that we should reject and turn around those asylum seekers who were rescued by the MV Tampa at that time. People in the electorate were looking for a political voice that brought some compassion and humanity into that debate. They found it in the Greens, and that is why I am in parliament.

We have had a number of comments, which I agree with, that this election is shaping up to be somewhat similar. In a speech at the end of last year, Malcolm Fraser said:

There are already suggestions that this next election will be a ‘Muslim election’ as a while ago it was the Tampa election.

The Greens believe that our political leaders should be speaking out about the great benefits that multiculturalism has brought to our shores. This country has been made rich by the multicultural immigration that we have had, both economically and culturally. In my electorate of New South Wales, Western Sydney is a living example of the globalised world that we are a part of and the way in which our society has been made rich by multiculturalism. I can walk down Haldon Street in Lakemba, the one I was talking about earlier, past the printing shop that is owned by my Palestinian friend. He is an Australian citizen and he has made a tremendous contribution to his local community and more broadly. There is a Greek nursing home on that street. There is an Italian hairdresser, there is a grocery store owned by a Pakistani, there is a Lebanese sweets shop and a Chinese bakery, there is a cocktail bar run by an Iraqi guy and there is a Moroccan coffee shop. All are within the space of a couple of hundred metres on Haldon Street. The contribution that all of these people make to our community, the society that we live in, makes this country great. I am proud to be able to walk down a street like that and say hello to all those Australian citizens who are contributing to our community.

I want to hear Australia’s political leaders talking passionately about the beauty of such experiences that have been brought into their
lives by the many people from different cultures who have made their lives interesting and made this country great. At the end of last year I attended a presentation day for Auburn Girls High School. All of the girls were beaming with pride when they came up onto the stage to receive certificates. There were a number of Samoan girls getting prizes for a range of activities, including some fantastic sporting achievements. There were Chinese, Turkish and Lebanese girls coming up to get academic awards. If you looked at the program for that presentation day, you would see there were challenges for people in pronouncing all the surnames, because there were no Anglo surnames at all; they were all multicultural Australian ones. When I left I felt so confident about the contribution that these girls were going to make and the sorts of attitudes that they were going to have towards our country while building the future of this great country that we live in. That is the sort of story, one about all the contributions that people are making, that I would love to hear politicians talking about. Unfortunately, what we have heard most recently from our Prime Minister is an attempt to make political mileage out of targeting or demonising certain sections of our community.

I want to look at examples around the idea of bringing in a citizenship test and an English-language test. Everyone agrees that it is much easier for people to make their own way in this country if they are fluent in English. I imagine that all Australians would support making sure that people have available to them adequate services to help them improve their English or learn English, which they might not have when they arrive in Australia.

Rather than ensuring that the support is available, the proposals we are seeing from the government are about putting in place a divisive test designed to separate people into one group that is deserving of Australian citizenship and another group that is not deserving. For example, a newly arrived young man from Sudan has never learned to write in any language, let alone English, and has no English when he arrives. He is expected in less than 10 hours a week to learn English and computer skills to the point where he is able to pass an English-language test on the computer. He is expected to do all of this—an incredible feat for anybody, let alone somebody who has never learned a formal written language—at the same time as he is going out and trying to find a job in the Australian community to earn the money to have a roof over his head. He is also expected to understand how the traffic lights work, so that he can get across the street easily, and how to contribute to and be a part of Australian society and Australian culture.

Leaving your home country—all your friends, your family and the traditions you are used to—is extraordinarily difficult for anybody, even the wealthiest, most well-adjusted Westerner. For those people who have had a lot of hardship—perhaps they have been child soldiers in Africa or have seen family members imprisoned or killed before their own eyes—we as a country should be not only throwing down the welcome mat but also making sure that they have access to all the services that they need in order to rebuild their lives here in this country. Instead, what we are seeing with the proposals from the government is the Prime Minister seeking to create these barriers that new migrants have to climb over before they can be accepted into the Prime Minister’s idea of a white picket fence Australia. I happen to know what Don Bradman’s batting average is, but I do not think that the Vietnamese single mother who lives down the street from me should have to know it before she can become an Australian citizen and
before she can fully participate in the new country that she calls home.

The Prime Minister and the Treasurer have sought to target certain sections of our migrant community as not integrating enough. They have used anecdotal stories as a justification for placing new barriers in front of all migrants. I set out to find the basis of the Prime Minister’s criticism, particularly with regard to the Muslim community, whom he chose to single out in his comments about integration and the English-language test. The figures that I have found—government figures—painted a very different picture to that painted by the Prime Minister. I found that the Prime Minister’s rhetoric on English-language proficiency in the Muslim community is dead wrong. During his time as Prime Minister, English-language proficiency for all new migrant groups has improved and Muslims are more fluent in English than ever before. In fact, the English-language skills of new migrants since the Howard government has been in power have improved so much that the government’s own department of immigration have had to restructure the categories that they use for measuring English-language proficiency. They have dropped the bottom two categories because people’s English has improved so much that those two categories are no longer useful in their measuring of English-language proficiency.

The Prime Minister’s decision to point out the lack of English-language proficiency amongst Muslim communities was also not based on fact. If you look at English-language proficiency by religion, you find that Muslims are not the religious group with the poorest English-language skills. In fact, in total numbers, that honour goes to Western Catholics, as defined by the census, and, by proportion, it goes to Buddhists. Yet these groups were not singled out for special criticism by the Prime Minister. Muslims are fourth in a list, by proportion, of the poorest English-language skills, but they would be fifth if the table included that group which has the poorest English-speaking skills—Indigenous Australians. Anybody would be hard pressed to substantiate an argument that the latter group of Australians was somehow un-Australian and not worthy of Australia’s citizenship. Indigenous Australians are the largest group in terms of poor English-language skills.

The Prime Minister’s comments, therefore, seem to be based more in the realm of political point-scoring than on the data that is available to him. It is extremely worrying to have the Prime Minister expressing such falsehoods, particularly so publicly, in the lead-up to a federal election. It reminds me of the sorts of comments we have seen before in trying to target particular groups—the infamous ‘children overboard’ comments that we saw in the lead-up to an election—and information put forward by political leaders that are not based in truth.

The other point to make when looking at the government’s latest proposals about English-language tests is that migrants and prospective citizens already are required to learn English. The main group of visa applicants that are not required to pass an English-language test are humanitarian entrants—that is, refugees. The idea that we as a nation would go through a divisive and destructive debate—and the rhetoric that we have heard from our leaders on this issue has been so—in order to justify imposing an English-language test on people who need our protection and come through on humanitarian visas—that is, more barriers on refugees, the only group that does not currently already have an English-language test—is appalling.

Australia’s secret police, ASIO, have grown in power and resources under the Howard government. Increasingly they not
only advise the government on matters of national security but they also wield a veto over significant government decisions, such as the issuing of a visa. We saw how dangerous this can be in the case of American activist Scott Parkin, who was detained and then deported at the say-so of ASIO. His capacity to appeal that decision was hampered by the Attorney-General’s power to keep secret from the courts and the public eye any information about ASIO’s decision. This piece of legislation will mean that ASIO can apply its national security veto to the minister’s decision to approve someone’s application for citizenship. Sections of the bill say that the minister is banned from approving a citizenship application if an ASIO security assessment is in place. This requirement will apply to all applicants for Australian citizenship. In effect, it hands ASIO the power to veto somebody’s citizenship.

The Greens believe that the power to grant citizenship should reside only in the hands of a democratically elected government, not in the hands of a secret police. It is a view that is shared by many legal organisations, including the New South Wales Council for Civil Liberties. In their submission to the inquiry into this bill, they call it:

... an unwelcome intrusion of faceless secret agents into the process of defining who is a citizen in our free and democratic society.

They go on to say:

The proposal violates the Statelessness Convention because the Minister will not be able to prevent a person from becoming stateless—

and that they are:

... concerned that, in the current political climate, this proposal will disproportionately impact upon the Muslim community. This could undermine the desirability of Australian citizenship in the eyes of some, rather than fostering a strong multicultural community of citizens—our strongest defence against terrorism.

The Greens will move an amendment to remove ASIO’s citizenship veto from this piece of legislation, when we get to the committee stage.

It is interesting to note that all of the asylum seekers on record who have received adverse security assessments by ASIO have had them overturned—that is, the initial assessments by ASIO were incorrect. In all of these instances their names were Mohammed. Last week, a prominent refugee advocate wrote:

It seems all it takes for a refugee to get an adverse security assessment is to be called Mohammad. There have now been four Mohammads who were designated security risks and then at political whim found not to be security risks.

She continued:
What ASIO giveth they can also taketh away at a word from government. It would seem that these men have been victims of the Australian government’s instructions to ASIO to find a few security risks to shore up fear in the Australian electorate.

That is a horrible thought and let us hope, for all our sakes, that it is not true. We are a multicultural country and always have been.

The Australian of the Year, Tim Flannery, wrote in his book *The Birth of Sydney*:

One might imagine that Sydney was a purely British creation, but that would be quite wrong. Quite apart from the Aborigines who had been there for 50,000 years, the Maoris and Pacific Islanders, West Indians and Americans, Malays and Greeks put in early appearances, just to name a few.

He went on to say:

Within a few years, Muslim sailors would be constructing extravagant temples and filling the streets of the town with exotic Eastern Festivals. Let us not allow the government of the day, whomever it may be, to return us to the dark old days of the White Australia policy. There is something eerily familiar in the ALP’s immigration policy of 1966 which outlines how it is based on ‘the need to avoid the in-
introduction into Australia of the difficult social and economic problems which will follow from an influx of people having different standards of living, traditions and customs. As a nation we should be coming together to shout from the rooftops about how multiculturalism has made this country great.

The original draft of this bill extended the residency requirement for citizenship from two years to three years. The government claimed this was necessary to protect us from terrorism. Now the government has amended its own bill to raise the threshold to four years of residency. This is part of the government’s campaign to make citizenship more exclusive. There is no evidence that people do not already value Australian citizenship. But this government has never let facts get in the way of exploiting the fear of migrants for political gain. That is its track record.

The government’s current actions on this front are not a great advertisement for people taking out Australian citizenship. It is almost like they are sending a message to say, ‘Take out Australian citizenship or we’ll deport you.’ In the case of Robert Jovicic, the message is, ‘Take out Serbian citizenship so we can deport you.’ But if your name is David Hicks or Vivian Solon, Australian citizenship does not stop you from being locked up or deported. Those are not the only instances. The Department of Immigration and Multicultural and Indigenous Affairs, as it was at the time, reported that 26 Australian citizens had been incorrectly put into detention in Australia.

This whole drive on citizenship is about defining the ‘other’—dividing us into citizens and noncitizens, Australians and non-Australians, us or them. Underneath the debate about the value of citizenship—the tests, the language requirements, the security assessments—lurks the real message of the Howard government. That real message, being dog-whistled by Mr Andrew Robb, Mr Howard, Mr Costello, former Minister Vanstone and now Minister Andrews, is: ‘Some ethnic communities aren’t like us and they don’t fit in. They should be excluded from our community.’ The government wants to impose a dominant monoculture that excludes certain communities from its ranks. Multiculturalism is a fact and something that our political leaders should be promoting. The Greens will certainly continue to talk about the benefits and, unfortunately, the need to defend multiculturalism in this current electoral climate.

I just want to foreshadow that the Greens have a second reading amendment to this bill. It condemns the government for promoting legislation that is aimed at dividing the Australian community and creating suspicion of certain migrant groups. We call on the government to rename its new department so that we have a department of multicultural affairs. (Time expired)

Senator HURLEY (South Australia) (11.50 am)—The Australian Labor Party supports the Australian Citizenship Bill 2006 and the Australian Citizenship (Transitionals and Consequentials) Bill 2006. I certainly welcome the legislation. It delivers on some long-promised changes that came about partly as a result of a Senate inquiry in 2003 in which the needs of a number of people born in Australia and who are currently living overseas, or indeed are in Australia, were addressed. These changes provide certainty for those people and clarify their situation. It is very important that this legislation is dealt with speedily. Unfortunately, there has been a series of delays in bringing this bill forward. The promises were first foreshadowed on 7 July 2004 by the Hon. Gary Hardgrave, who was Minister for Citizenship and Multicultural Affairs at the time, and finally this bill was first introduced in November 2005.
So there has been considerable delay and some changes have been made to this bill along the way. A number of the negatives have been discussed here today and that discussion has overshadowed a lot of the very positive changes that are to occur with this bill. Those positive changes have been awaited by many people living overseas, particularly in countries like the United States of America, Papua New Guinea and Malta. Many people have been waiting on the changes that facilitate dual citizenship and rectify a number of problems for those who took out Australian citizenship and consequently lost or had to renounce it.

For example, I have had correspondence from several war brides in the United States. They left Australia with their husbands and went to the United States of America, where they were required to renounce their Australian citizenship. Those people are now in their 80s and 90s. One woman in particular is 81 and her husband is gravely ill. Once he has died she intends to return to Australia, resume her Australian citizenship and reconnect with her family. But she would have to come as a visitor to Australia were it not for this bill, which will now allow her to resume her Australian citizenship.

So, with all of the controversies that have arisen since the introduction of this bill, we must not lose sight of the fact that it is actually a very positive bill that has been awaited for a long time. It is really the delay in passing it that has caused great problems. For example, Mr Steve Schembri is living in Australia at the moment. He is one of the skilled tradesmen we so clearly require in Australia. He is of Maltese origin and his local member, Mr Brendan O’Connor, raised the point that, until this bill is passed, he cannot stay in Australia permanently. In fact, his visa expired late last year and I am not sure whether he has been allowed to stay in Australia. He may have had to return to Malta until this bill passes and he can resume his Australian citizenship. For him and his wife and two children, this delay has been very poor.

However, that is why the Labor Party is supporting this bill. It does include many positive measures to support dual citizenship and give certainty to the something like one million expatriate Australians overseas and to people who were born in Australia but have lost their Australian citizenship. So I welcome the fact that we are now debating this bill in the Senate, and hopefully it will not be long before it becomes law.

There are certainly some significant changes in this bill. Some of them have been canvassed—for example, the extension of the permanent residency requirement and the fact, which I have alluded to, that Australian citizens who renounced their citizenship under section 17 can resume their citizenship if they are of good character. Another section, which is perhaps a little more controversial, provides that the minister can refuse approval to a person becoming an Australian citizen despite the person being eligible for approval. Children of former Australian citizens who have lost their citizenship under section 17 can acquire citizenship by conferral. There are a number of other significant measures in this bill, including that the age for exemption from the requirement to have a basic knowledge of the English language has been raised from 50 to 60 years of age, which is another very substantial change to the citizenship provisions.

I do want to dwell a little on those section 17 citizens who lost their Australian citizenship by acquiring citizenship in another country. They are very well catered for under these changes and I congratulate the government on that. Regulations in Australia and in other countries relating to dual citizenship change all the time. Some countries do not
allow it, so citizenship of a country can be lost if citizenship of another country is acquired. I particularly want to mention those people affected by section 18 who, certainly in one sense, are covered by this bill. If they had to renounce their Australian citizenship—that is, they took that positive step to renounce their Australian citizenship at the time they took citizenship of another country; for example, the war brides in the United States and many people from Malta—recovery of citizenship is now allowed under this bill.

The issue that I want to discuss in relation to these section 18 people has been well canvassed in the lower house by a number of members, but I would like to explain to the Senate how it affects some. Even though it is quite long, I would like to read onto the record a letter from Mr Norman Bonello, who is the Southern Cross Group’s volunteer coordinator for Malta. The Southern Cross Group are a group of volunteers who look after the interests of expatriate Australians overseas. They do an excellent job and have been major lobbyists behind some of the changes introduced in this bill, though they have also expressed some reservations. I will read Mr Bonello’s story because I think it illustrates very clearly what we are talking about. He says:

I was born in Sydney on 18 April 1957, the youngest of four children. When I was about fifteen my parents, both Maltese, who had migrated in Australia in 1955, decided that we would move back to Malta. I didn’t have any say at the time. My older sisters Carmen and Monica, who were already married and had moved out of home, stayed in Australia.

We came back to Malta, and when I was 18, around the time I was finishing high school and starting university in 1975 or 1976, I got a letter from the Maltese authorities. They knew that I was both an Australian citizen and a Maltese citizen. At that time Maltese law prohibited dual citizenship in adulthood. They told me that if I didn’t prove to them I had divested myself of my Australian citizenship before I turned 19, then on my 19th birthday I would automatically lose my Maltese citizenship.

I was still living at home with my parents, and was financially dependent on them. I could not have afforded to finish my tertiary education in Malta without Maltese citizenship. Foreign student fees at that time were more than my father’s income for an entire year. If I had not renounced my Australian citizenship, I could not have stayed in Malta as a foreigner. Even if I had managed to pay foreign student fees, or had not continued my education, I could not have worked in Malta as a foreigner, and any residency permit would have continually had to have been renewed. I wouldn’t have had access to Maltese health care, bank loans or mortgages or government student scholarships.

If I had opted to keep Australian citizenship at the age of 18, I would have had no option but to return to Australia almost immediately by myself as a teenager with an unfinished education. Financially this was out of the question, and although my sisters were there, even if I could have come up with the fare to get there, it would have been too much to expect my sisters to take responsibility for me. They both had young families to support and lives of their own.

So with a very heavy heart I renounced my Australian citizenship. I was just a naive kid. When we’re 18 we think we know everything but we have so much to learn. The full ramifications of the step I was being pushed into taking as regards my citizenship weren’t clear to me at the time. I suppose somewhere in the back of my mind I thought or hoped that somehow it would all be able to be sorted out later on, and that once I had finished studying I could go back to Australia then.

I will skip a little because it is a long letter. He goes on to say:

In 1995 I married my wife Mary, who is a Maltese citizen and a graduate primary school teacher. We have two beautiful daughters, Kim, 8, and Claire, 6, full of life, energy and hope. As children born overseas to an Australian-born per-
... ... ...

I’m deeply pleased that I’ll shortly be able to apply to resume Australian citizenship. I have always felt Australian inside and it’s part of my identity. Having my citizenship back, and being able to carry an Australian passport again is of huge symbolic significance to me.

Again, I will skip a little. He goes on:

When the Bill was finally tabled last November, though, it was a bittersweet moment, as I realised that Kim and Claire—his children—had been explicitly excluded. Of course, once I’m a citizen again, I could sponsor my wife and children for migration to Australia, and they could eventually become naturalised Australian citizens that way. But I just don’t think it’s going to be feasible for us to move as a family to Australia once I’m a citizen again, at least not in the foreseeable future.

... ... ...

In his letter, he further says:

So on a practical level, for myself and my wife, the fact that the Government is going to allow me to get my citizenship back has probably come too late to change the course of our lives. It’s far more important to Mary and myself that Kim and Claire be given opportunities that I was denied. We want them to have Australian citizenship so that they’ll be able to enjoy their Australian heritage in whatever way they decide is appropriate when they leave the nest.

In a nutshell, that is the problem the Labor Party have with what are otherwise very significant and good changes in this bill. We want the children of those Maltese citizens to be able to take up Australian citizenship without having to go through the process of returning to Australia and applying for their spouse and their children to become Australian citizens. I think dual citizenship is on the increase around the world. Most countries encourage it. It provides an important flow of skills and an important flow of people. They may have a commitment to perhaps two countries, but it allows them to come back to a country to which they feel they have strong ties and give their skills to that country.

I think the government needs to recognise that it probably will in the end—as it had to with the changes for those section 17 people who lost their citizenship—have to do something to assist people who have lost their citizenship under section 18. I urge the government to accept the Labor Party’s proposed amendment on that score and I certainly hope that that will be the result of the Senate’s deliberation on the bill.

I also want to talk a little about some of the amendments brought in by the government following the introduction of the bill—and they have been canvassed to some extent by speakers already. They relate to the security measures that came in as a result of the government’s concern about world terrorism, and to increasing the residency requirement to three years and four years. As our shadow minister has stated, the four-year requirement has not been clarified. On the one hand the government is encouraging people to come to this country to increase our population—which is much needed—and to improve skill levels to fill critical requirements if we want our economy to continue to grow. Yet on the other hand the government it is increasing the length of time they have to stay before they are able to make that positive commitment to stay permanently in Australia and be recognised as Australian. It seems to me very contradictory.

I think it is something that people do consider when they come to this country. We have to recognise that it is not only Australia but a number of countries around the world that want highly skilled people, and people have a choice of where they want to go—do
they want to go to the United States, to Canada, to European countries, or do they want to come to Australia or perhaps New Zealand? Certainly, other countries have longer periods of residency as a requirement. But it may be that one of the factors that people have in mind when deciding to which country they will eventually bring their skills is that there is a shorter residency period required before they can become citizens and get an Australian passport. And unless we have a cogent, clear and strong reason why we need to increase that period to four years, it is difficult to see why the Senate would agree to that.

Security checks and stronger personal identifiers are very important in today’s uncertain world, and at the COAG meeting the premiers quickly agreed to that. I think that the Labor Party is required to acknowledge those recommendations and agree to those security checks. I think it is critical that those checks happen before people come to this country rather than at the citizenship stage, but I do see the importance of that backup check before we make the final commitment and allow people to become Australian citizens.

So, generally speaking, the Labor Party and I welcome a lot of the changes to the citizenship legislation. In a way, I am a bit dismayed that we probably will face another citizenship bill as other proposals for citizenship tests and so on flagged by the government will cause other changes in this legislation. Of course, we need to constantly update legislation. But I would have hoped that, in this large and comprehensive bill, we might have reached some finality so that people overseas who may be affected by this could have had some certainty and clarity about what was going to happen—what checks would be required, what the requirements were going to be and how they would operate. Then we could have disseminated that information and have had an education campaign about citizenship requirements so that we could have let everyone know what Australia’s attitude to those requirements was. While we get different ministers shifting every time, that makes that very difficult. But I am pleased to support the bulk of the bill.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (12.10 pm)—I rise to speak on the Australian Citizenship Bill 2006 and the Australian Citizenship (Transitionals and Consequentials) Bill 2006. The most serious problem with this legislation is that it seems to be delivering what I perceive to be the Prime Minister’s desire—an unrealistic and undesirable desire—for Australia and Australian culture to be homogeneous. It is in my view a backward-looking view of the world from behind the picket fence of the 1950s, the time when I grew up, when Australian society was largely conformist, fewer people went to university and many more people went to church.

Even in the 1950s, however, not all Australians shared the same values and not all Australians spoke English. My primary school in Melbourne was full of Greeks and Italians, some of whose parents certainly had no English on arrival and made do with only halting verbal communication in the language of their new country. They still made a huge contribution to this country and in fact their lack of language skills probably made them exploitable in factory work and as builders’ labourers, for instance. Not so, of course, their sons and daughters, many of whom went on to be teachers and doctors and lawyers.

The Prime Minister said:

... it’s very important that we embrace as our common method of communication with each other a single language, and that is the English language...
There was no mention of Indigenous languages, or of the wealth of languages brought to Australia by newcomers, many of whom speak more than one language. There was no acknowledgement of the fact that Australians are, despite their immigrant make-up, one of the most monolingual countries in the world, unlike countries in Europe, for instance. There was no recognition of the importance of learning other languages, if only to better understand our own.

The Prime Minister said:

... citizenship and interaction with each other is impossible unless we can effectively communicate with one another.

It was not impossible for the Greeks and Italians who came here in the 1950s to communicate amongst themselves or beyond. Often, they used their children as mediums for that communication. Does our Prime Minister communicate ‘effectively’ with the Prime Minister of Japan, for instance? Do we expect delegates to the United Nations to communicate in the one language? No, we do not.

Of course it is desirable to have good English if you come to live in Australia, or any other country where English is most commonly spoken, but many will struggle, particularly those not literate in their own tongue. And shouldn’t we be making it easier to learn, rather than punishing people who haven’t attained the very difficult skill of another language, as most of us who struggled through French and other languages in secondary school would know?

But today I want to focus on the question of values. I know this legislation does not spell out precisely what values new citizens will have to sign up to, nor how citizens will be tested on them, but the Prime Minister has given us enough hints on what they will look like. Part of the problem with the government’s approach is its inherent jingoism. In referring to Australia the Prime Minister says:

It’s a wonderful nation, it’s the greatest on the earth, we think we’re pretty good and we are.

The greatest on earth? Measured against what, I would ask? Greenhouse emissions? Protection of human rights? Treatment of our Indigenous citizens and refugees? Protection of our natural environment and its endangered species? I don’t think so. This is undoubtedly a good place to live and we are, by and large, more privileged than most of the rest of the world—but are we truly the greatest on earth?

The Prime Minister says immigration should lead to citizenship. The path is that you come to this country, embrace its customs, values, and language, and become a citizen:

...the dominant consideration must be the integration of people into the Australian family. That’s always been my belief.

The Prime Minister dislikes what he calls ‘zealous multiculturalism’, claiming it is divisive and confusing. Thirty questions put to prospective citizens will cover history, our system of government, sporting traditions and mateship—an Australian concept, he says, of everyone pulling together. I do not subscribe to mateship. To me, as a woman, mateship means something quite different from what it means to many men. I know a lot of women who actually feel quite threatened by that prospect. If they had too many questions about sporting achievements or traditions in this country in a test of 30 questions, I would fail on those questions as well. I have very little interest in spectator sports. I like playing sport myself, but I could not tell you who captained the last test and I have no intention of swatting up on that subject.

On the question of mateship, how can you test someone’s ability to pull together? It is a ludicrous suggestion that you would be able
to. Are we really all pulling together in any case, and what does that mean? Are we pulling together on climate change? Not if the Prime Minister has anything to do with it. More people than ever are pulling together to bring David Hicks back to Australia and to protect our age-old values of a fair trial and no detention without charge—values the Prime Minister himself seems to have ditched. Mr Howard has singled out Muslim migrants for refusing to embrace Australian values. He says integration:

… means understanding that in certain areas, such as the equality of men and women … people who come from societies where women are treated in an inferior fashion have got to learn very quickly that that is not the case in Australia.’ That is interesting coming from a Prime Minister who has just reduced the already very small number of women in cabinet.

The Prime Minister’s own Islamic advisers have accused Mr Howard and his senior ministers of fuelling hatred and mistrust by using ‘inflammatory and derogatory’ language. Article 18 of the Universal Declaration of Human Rights defines freedom as ‘freedom of thought, conscience and religion’, but the Prime Minister says that our values have their roots in Christianity. This is no doubt partly true, but there are plenty of references in the Bible, as there are in the Koran, to the inferiority of women. Various church organisations practise discrimination against women—the ordination of women continues to be resisted by the Anglicans and the Catholic churches.

Religions are not always charitable or beneficial to human welfare. Too many wars have been motivated by religious difference. Religions have held back development in science and technology and, therefore, economic prosperity. It is still the case in many Islamic countries, and here in Australia the objection to stem cell research last year stemmed from Christian religious positions.

There is fortunately not much in the Bible about mateship, and our rule of law probably owes more to the Ancient Greeks than to anything the Old Testament or New Testament might tell us, so I would argue that any set of values is going to have to look beyond religions established centuries ago that rely on beliefs in devils, spirits, angels and gods. Instead, I would argue that values in the 21st century should derive from humanism and morality—for instance, human rights, democracy, liberty, social responsibility and scientific method.

I oppose the values test for a range of reasons. It seems to me to be unworkable and ridiculous to imagine that there could ever be universal agreement on what these values should be. However, I do think it is good to have a debate about values and to identify those that we as a country would like to promote and, in particular, that we would like our governments to adhere to. Values can come from a sort of commonsense guide to behaviour—such as treating others as you would like to be treated, keeping your promises, being fair and doing your best. There are also good values like happiness, honesty, justice, charity, courage, integrity, community, love, knowledge and freedom, but I would point out that none of these is necessarily reliant on religions or the commands of a god. I think that, rather than an arbitrary set of values that the Prime Minister can relate to, we should be working towards a comprehensive set of basic principles that we could reach agreement on as having general moral value. These values could be based on the Universal Declaration of Human Rights.

I seek leave to incorporate a draft universal statement of moral obligations that was put together by Dr John Perkins, who is a Melbourne economist, mathematical modeler, software developer and writer.

Leave granted.
**Universal Statement of Moral Obligations**

(The style of this draft is based on that of the Universal Declaration of Human Rights - see notes)

**Preamble**

Whereas the welfare of the people of the world is dependent on the most desirable moral behaviour of all individuals and organizations

Whereas disagreement between peoples may arise due to different views on the nature of forms of behaviour that are considered to be morally desirable

Whereas it is desirable that the peoples of the world should have a common basis for the determination and identification of behaviours that are considered morally desirable

Whereas there are certain principles that may universally be presumed, in general, to describe behaviour that may be regarded as morally desirable

Whereas such principles may be regarded as universal because every individual may be universally presumed to desire to be treated in accordance with such principles

Whereas a set of such principles may be described as follows:

<table>
<thead>
<tr>
<th>Principle</th>
<th>Description</th>
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<tbody>
<tr>
<td>Non-malificence</td>
<td>Do not harm yourself or other people</td>
</tr>
<tr>
<td>Beneficence</td>
<td>Help yourself and other people</td>
</tr>
<tr>
<td>Autonomy</td>
<td>Allow rational individuals to make free and informed choices</td>
</tr>
<tr>
<td>Justice</td>
<td>Treat people fairly: treat equals equally, unequals unequally</td>
</tr>
<tr>
<td>Utility</td>
<td>Maximize the ratio of benefits to harms for all people</td>
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<tr>
<td>Fidelity</td>
<td>Keep your promises and agreements</td>
</tr>
<tr>
<td>Honesty</td>
<td>Do not lie, defraud, deceive or mislead</td>
</tr>
<tr>
<td>Privacy</td>
<td>Respect personal privacy and confidentiality</td>
</tr>
</tbody>
</table>

Whereas a knowledge of these principles and the method of their application is desirable in avoiding behaviour in contravention of these principles

Whereas a process of moral reasoning should be employed as a guide to behaviour that best implements a balance of these principles

Whereas in this process all the available relevant information should be sought and utilized

Whereas a common observance of these principles is of the greatest importance for the full realization of this pledge

**It is therefore here stated**

This Universal Statement of Moral Obligations as a common guide to behaviour for all peoples in all nations, to the end that every individual and every organ of society, keeping this Statement constantly in mind, shall strive by teaching and education to promote respect for these Obligations, national and international, to secure their universal and effective recognition and observance.

**Article 1**

All human beings are obliged with the responsibility to act in accordance with a balanced consideration of all moral principles, seeking to fulfill each of the principles to the maximum degree warranted by circumstances, in a spirit of brotherhood

**Article 2**

Everyone is obliged to act reasonably in accordance with the moral obligations set forth in this Statement without exception of any kind with respect to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 3**

The administration of justice requires an obligation to obey the law. Laws should not violate any reasoned and balanced interpretation of moral obligations formulated in accordance with this Statement. If any law is reasonably considered to pose such a violation, it is the duty of everyone to seek to change that law in accordance with the lawful means provided. Only in exceptional circumstances, determined by clear and unequivocal imperatives implied by conformity with these obligations, should any law be disobeyed.

**Article 4**

The moral obligations and practices implied by belief in any particular religion should not be considered to precede, override or surpass a balanced interpretation of the eight moral principles set forth in this Statement.
Article 5
Where contradictions occur in the simultaneous fulfilment of different moral principles, such that one of more the principles is violated, it must be reasonably demonstrated that exceptional circumstances prevail, necessitating the violation of that principle or principles in favour of other principles.

Article 6
All relevant information necessary for the conduct of moral decision making in accordance with this Statement should be provided and not unnecessarily withheld from those who would benefit from such information.

Article 7
It is an obligation of those in positions of power and authority over others not to exploit their power and authority for personal gain, nor use it in favour of any particular religion, in violation of the intentions of this Statement.

Article 8
Parents have an obligation to their children to educate their children the principles or moral behaviour and reasoning set out in this Statement and to provide by their own conformity with these principles an example that their children may follow.

Article 9
The obligations of beneficence, non-maleficence and justice set forth in this Statement, imply a duty to our children and to future generations, to respect nature and the environment.

Article 10
An individual’s autonomy regarding choice of attire should be exercised with regard to the situation in which the attire is to be worn and in accordance with the principles set forth in this Statement.

Article 11
Acts of a sexual nature should be conducted in private between consenting adults in accordance with the principles and articles set forth in this Statement.

Article 12
It is an obligation of all people and authorities to respect and honour the individual human rights as set out in the United Nations Universal Declaration of Human Rights. In relation to the freedom of thought, conscience and religion therein declared, the universal moral principles here declared, in particular those relating to autonomy, justice and honesty, evaluated in the light of all scientifically verifiable information, shall prevail over any right implied by the freedom of religion.

Explanatory notes:
The preamble and proclamation are derived in similarity to the Universal Declaration of Human Rights. Articles 1 and 2 are based on UDHR 1 and 2. Article 3 is intended to correspond with legal considerations specified in UDHR 6-11. Article 4 implies priority over religiously derived morality. Articles 5 and 6 relate to method of implementation of the eight moral principles. Article 7 is directed against corruption and the interference of religion in politics. Article 8 is directed against religious indoctrination. Article 9 expands the notion of “people” referred to in the preamble to include future people. Article 10 is meant to suggest that the principles of autonomy and privacy, for example, and respect for the utility of others, should be exercised when deciding to wear, for example, a bikini or a burka in a bank. Article 11 is intended to suggest that sex should be conducted with regard to fidelity, honesty and privacy, and should be limited to adults. Article 12 links obligations to rights of the UDHR and clarifies the contradiction in UDHR 18.

This is a draft paper prepared by John L Perkins
Updated January 2004. Please direct comments to the author.

Senator ALLISON—Thank you. This universal statement of moral obligations sets down eight principles, a common guide for the behaviour of all people in every nation, which I urge the Prime Minister to consider. I will not go through the whole statement but I will refer to these eight principles:

Non-maleficence—Do not harm yourself or other people.
Beneficence—Help yourself and other people.
Autonomy—Allow rational individuals to make free and informed choices.
Justice—Treat people fairly: treat equals equally, unequals unequally.

Utility—Maximize the ratio of benefits to harms for all people.

Fidelity—Keep your promises and agreements

Honesty—Do not lie, defraud, deceive or mislead.

Privacy—Respect personal privacy and confidentiality.

So, instead of proceeding down the path of an arbitrary set of values that does not have universal application and is not agreed to by all Australians, I urge the Prime Minister to rethink this. I certainly would not agree with values such as those expressed so far, and I put it to the Senate and the government that this is an impossible task in any case. I urge the Prime Minister not to set values as a test of citizenship but to open up a broader debate about a statement of moral obligations such as I have referred to. We hear a lot about obligations from this government and I think that is not a bad thing. I agree that citizens should behave with respect for one another and that there are obligations in living in this wonderful society of ours. We may not agree on what those obligations are; however, I think this is a very good start in establishing a dialogue and a debate about what values Australia truly subscribes to.

Senator MURRAY (Western Australia) (12.22 pm)—My interest in the Australian Citizenship Bill 2006 emanates from two forms of discrimination associated with citizenship that I want to deal with here today. The first relates to how the Citizenship Act has impacted on former child migrants. The second form of discrimination concerns how pre-1984 British citizens—that is, they are non-Australian citizens—continue to remain on the Australian electoral roll while post-1984 British noncitizens and other noncitizens are not allowed the vote.

First to citizenship and former child migrants. Australia has a history of successful migration programs, but there was one program that was not so successful. That was the Commonwealth child migration scheme that operated from early last century, but mostly in the postwar period, up until the early 1970s. Until a few notable books published in the mid-1990s and the 2001 Senate Community Affairs References Committee inquiry into child migration, this dark episode of Australian history had remained largely unknown. It is the story of the thousands of so-called orphaned children from the United Kingdom, Ireland and Malta sent often illegally to Australia early last century without parental consent, peaking in the 1940s and 1950s and ending in the 1970s. Some of these thousands have fared well in their lives since then. However, most have not, at least in important aspects of their lives. It is also the story of a scheme perceived as being right at the time but one that has come back to haunt Australian and British governments and the various receiving agencies. I do not intend to elaborate on the nature of this haunting, only to say it has recently involved moneys being committed to right the record, so to speak. Not sufficient moneys, I might add; nor a sufficient addressing of the issues requiring much greater reparation measures.

One of the issues I want to draw attention to in respect of this bill is that of identity, of which citizenship plays a vital part. Actually, I should say noncitizenship. Evidence to the Senate child migrant inquiry revealed the shock and bitterness felt by many former child migrants when discovering they were not citizens of Australia. To learn they were regarded as aliens in the country they had lived in since they were young children was less than easy, as was the process of later applying for citizenship. I will describe one such case—one of many, I might add.
A former child migrant in his late 50s discovered he had some family contacts back in the United Kingdom. He decided to return there to visit them, which required a passport. In the process of obtaining one he was told he was not an Australian citizen. He set out applying to become one, and subsequently the department of immigration sent him a notice of intention to deport him because he had a criminal record. Here was a man who had been sent to Australia as a young boy, had been raised as an Australian, had been abused by Australians in Australian institutions and had had his life altered and determined by that abuse. He left care as an ill-prepared, uneducated, unsupported and damaged 15-year-old. Little wonder his scrapes with the law landed him in prison.

His story is typical. Another who contacted me pleading for help late last year actually wrote from the Villawood detention centre, where he was awaiting deportation. There are even former child migrants who served and fought for Australia in Korea and Vietnam, or both, but when they later wanted to claim social security they were told they were aliens, not Australian citizens, and if they could not prove how they arrived in Australia and who they were they would be deported. Proof is easier said than done. Anyone who knows anything about the abominable practices of some of the awful priests, nuns and others who ran many of these institutions would know that they not only destroyed key records of the helpless children left at their mercy but it was not uncommon for them to give the children wrong names, wrong dates of birth and wrong family details.

One particular case springs to mind. Although not a child migrant, this man was in institutional care in my home state of Western Australia as a child for many years. Because of the abuse and neglect he experienced, he ran away from his particular institution. Many years later he applied for a passport under what he thought was his name and birth date, only to be told that he already had a passport under that name and birth date. After numerous interviews, including a visit by two federal police, and much pain and humiliation he did receive a passport. But this was just the beginning of his troubles. When he travelled overseas to meet his fiancee’s parents, his passport was stolen in the United Kingdom. When he went to collect a replacement passport he was instead given a new identity document as the authorities believed he had a different name to that which he thought he had. Then, when booking to come back to Australia, he was told that there was no record that he had actually left Australia. Back to the authorities again, and he was issued with a travel document to return to Australia but under yet another name. He accepted this, but under protest.

His drama continued. On arrival back in Australia he was arrested at the airport, detained and then transferred to a lock-up in Melbourne. He was charged with being actively involved in obtaining passports under false names. He appeared before the Melbourne Magistrates Court the next morning where his lawyer applied for bail. This was denied on the grounds that he represented a flight risk. Some six weeks later the matter was finally concluded and he was released as having been caught up in a case of identity confusion.

To some extent you can understand the authorities. But if they do not pay attention to Senate reports and to the history of people from institutions who do not know who they are, where they came from or what their family details are, and who have no records, then this sort of thing can occur. To address such identity and citizenship problems, one of the unanimous 33 recommendations of the child migrant report, Lost innocents: righting the
Recommendation 17 recommended that the Commonwealth confer automatic citizenship on all former child migrants, with an opt-out provision for those who did not want Australian citizenship. The coalition government refused that recommendation, which—I repeat—was unanimous. What the Commonwealth government did do was agree to fast-track applications, which would be exempt from fees, and to hold special citizenship ceremonies for former child migrants. A number of child migrants have benefited accordingly and are grateful for these concessions by the government.

In spite of these positive concessions, individuals in the department continue to display little, if any, knowledge, flexibility or compassion about the citizenship problems facing institutionalised children. I remind the Senate that there were over 500,000 institutionalised children last century. Ministers and their officers are not familiar with the reports of the Senate. Deportation notices and problems persist, quite a number of which I have attempted to intervene on. The latest case I am involved in concerns a 62-year-old former child migrant who found and visited his mother in the United Kingdom in 1995. He was her only son and she was living an isolated life in Britain, so she came out to Australia to live near him on a temporary residence visa in 2001. She applied for permanent residency one year later. As an 84-year-old mother, her greatest wish was to live out her remaining years near a child she thought had been lost to her forever. The latest development is that the department has informed her that her application is not likely to be considered within the next 47 years—47 years for this 84-year-old lady. However, should she pay about $35,000, her application will be prioritised. This is just shameful. It illustrates a discriminatory and hard-edged attitude to cases deserving of serious and just consideration. It is a far cry from what the then Minister for Citizenship and Multicultural Affairs, Mr John Cobb, claimed in the House on 9 November 2005. He said:

Citizenship is readily available to those who make their home here and who are prepared to commit to our common future. ... As Australia has matured, the inclusive and non-discriminatory approach which has developed has seen citizenship become a powerful force in the creation of a united and cohesive society.

Tell that to kids who came here, who were deported here, and then were unable to confirm citizenship. What hollow words for so many former child migrants. They made their home here, they are committed to this country, they have adopted our values and way of life, they are as Australian as could be and yet some have been shunned by their own government.

By allowing their often appalling treatment as children, Australia is, in my view, largely responsible for the adults that former child migrants have become, as well as for any antisocial behaviour that is a direct consequence of their treatment. It is an abrogation of culpability for the government of the day to use the pretext of their birth as foreigners to avoid the expense and trouble of accommodating former child migrants as Australians.

I think two things are essential. The first is that the department put in place a system whereby any matter concerning a former child migrant is automatically red-flagged to be dealt with by officers who have read the Lost innocents report and have an understanding of their issues. It is obviously not possible for the whole department to be across it, but they could do that. What is definitely not appropriate is for such persons to be dealt with by rote. I have suggested that in previous correspondence to the department and the minister but apparently to no avail. The second thing I think is essential is
that the government desist from deporting persons who in every other respect are Australian. They have been raised in Australia, they have paid their taxes as Australians and they have often fought in the armed services for Australia. They are ours and our responsibility.

I want to turn now to Australian citizens and their democratic requirement to enrol and cast a ballot at federal elections. Citizens over the age of 18 are entitled and required to enrol; indeed, you can pre-register at the age of 17. There is an exception to this, though. Under section 93 of the Electoral Act, British subjects who were enrolled as at 25 January 1984 are also eligible to vote. According to the Australian Electoral Commission, there were a total of 164,451 British citizens coded as being eligible to vote on 25 January 1984. Granted, there could be some overestimation with this figure, as some may have since become Australian citizens and I presume a number have died. So perhaps the figure is much less today, but it is very difficult to know. At the same time, there might be some underestimation because of some people on the roll on this date not being captured by the Electoral Commission at the time. I acknowledge the figures are bound to be rubbery.

To persist with this anomaly is to persist with a discriminatory approach, since voting is regarded as a consequence of citizenship in Australia. Some British citizens can vote because of this provision, some British noncitizens cannot vote, some Australian noncitizens can vote in local elections and most Australian noncitizens cannot vote at all. Questions arising from this situation do need to be asked. Does the government think that resident noncitizens should be allowed to vote—and in what circumstances? Does the government think it is still valid to apply the rationale advanced by the then government and parliament of allowing pre-1984 British citizens to stay on the roll even though they are not Australian citizens? What is more, given that over two decades have passed, is that not enough time for those British citizens then enrolled to vote to decide whether they want to be dual British-Australian citizens or not? If they cannot be bothered to become citizens after several decades of residence, should they still be given the citizen’s right to vote?

In view of the current interest in and debate concerning Australian values and commitments to Australia, should not voting in federal elections only be available to Australian citizens? What is the opinion of the people of Australia, the parliament of Australia and the government of Australia? The alternative would perhaps be to allow all permanent residents to vote. That is an issue worthy of inquiry as well. For instance, in New Zealand all permanent residents may vote for parliament or local government. In the UK, citizens of 75 countries may vote in local government and some other elections. The general trend in Europe is towards extending the right to vote in local and national elections to all residents, not just European Union citizens, which recognises that taxpayers have a right to a say in how they are governed. That is already the case in the Nordic countries, Ireland, the Netherlands and a number of Eastern European countries.

Should this also be the case in local government elections? With Australia being an advanced democracy, it seems to many of us that property voting rights are somewhat archaic and yet they still flourish in a number of local government jurisdictions. In all states, except Queensland and the territories, non-resident owners and occupiers have the right to vote at the local government level. Additionally, in Western Australia and Tasmania, non-resident property owners enjoy plural votes by being able to vote in each
ward in which they have property. In Tasmania, though, this is restricted to two votes.

What I am on about here is that the consequence of the right to citizenship is regarded as the right to vote, and that is why I am raising these issues. What is of interest in these property voting rights for local elections is the question of property owners who are foreign nationals. Resident voters usually have to be on the state roll and hence citizens. A positive view of this can be taken: at least property voting rights have enabled noncitizens to enjoy the municipal franchise and have a say in how their municipal governance operates.

However, a more negative and credible view was put forward last year by Professor Marian Sawer of the Australian National University. In a piece she wrote for the Democratic Audit of Australia entitled ‘Property votes—OK?’, she points out that a significant shift occurred in the 1970s in the functions of local government in Australia. This shift was one away from being primarily a provider of services to property, largely funded by property rates, to being a provider of community and human services for the resident population. She states:

The changing role of local government undermines any argument that it is simply for and about property. It raises serious concerns over non-resident property owners having a say in how local government goes about delivering services to its resident population or protecting the local environment.

The political access and influence of those who can vote in local elections is also relevant to the power exercised by some property developers over certain municipal councils. This was revealed in the 2005 inquiry of the New South Wales Independent Commission Against Corruption into the Tweed Shire Council and the 2004 inquiry of the Queensland Crime and Misconduct Commission, an anti-corruption body, into the Gold Coast City Council. Sawer concludes her article by noting:

While attention has been fixed on moves at the federal level to make it more difficult for eligible voters to enrol and to make it easier for property to make secret donations to political parties, the problematic character of the local government franchise might will be revisited by those concerned about the future of Australian democracy.

Overall, I think it is time the government, perhaps through the Joint Standing Committee on Electoral Matters, reviewed discriminatory laws that entitle some noncitizens to vote at federal, state, territory and local levels when all other noncitizens are excluded from this democratic entitlement or have specific inclusion only in a local government context.

I have taken the opportunity of the debate on the Australian Citizenship Bill 2006 to draw attention to two matters. The first one is the unfair and unjust treatment of many child migrants who consider themselves Australians and who have been dealt with harshly because the department, when it has suited it, has taken the view that they are aliens. That is in contrast to the way in which the Senate conducted its inquiry and to the recommendations of the report. It is also, quite frankly, contrary to the way in which the government have reacted to that report. At least on the floor of the Senate, they have been sympathetic to its concerns. The second matter I have taken the opportunity of this debate to outline is a problem with the extension to us all of what citizenship means. To me, one of those primary considerations is the issue of a vote. It seems odd to me that some noncitizens get the right to vote and others do not.

However, I want to conclude my remarks on a positive note. I recently attended an Australia Day citizenship ceremony. The matter was extremely well organised. It was conducted in a thoroughly productive and
positive manner. The reaction of those who became new citizens was absolutely joyful and positive. Australian citizenship is something highly valued, and in many respects the department does a terrific job in giving new citizens empowerment through this great privilege of belonging to this country. However, you also have to attend to the warts, not just the good side of what you do. I am afraid that the warts are very uncomfortable, very large and very ugly at times. I would like to see them resolved, and resolved positively.

Senator WEBBER (Western Australia) (12.41 pm)—Considering I have a brief amount of time available to me now, I will commence by thanking Senator Murray for his remarks. As usual, he has brought a very eloquent and thoughtful contribution to the chamber, particularly when outlining yet again some of the effects that our legislation has on child migrants and also the good work that the Senate has done in trying to grapple with some of the horrendous consequences that those people have faced. Yet we still have some legislative discrimination against them and they find themselves in a situation that is absolutely no fault of their own.

Like Senator Murray, I was at a citizenship ceremony on Australia Day. In fact, I went to more than one. Perhaps it is somewhat topical that we are debating the whole issue of citizenship so close to Australia Day. I would like to take this opportunity to place on the public record my thanks to both the City of Stirling and the City of Wanneroo for the excellent job that they do. In fact, the City of Wanneroo goes out of its way to ensure that the whole day is dedicated to celebrating the joys of Australian citizenship and the advantages of being involved in your local community. When discussing the issue of Australian citizenship and the value we place on it, like with all things to do with values, actions speak louder than words. I think a debate like this is really the time to have a look at some of the actions of the government, but that is for later on in my truncated contribution to this debate.

As has been said by others in this debate, this legislation, the Australian Citizenship Bill 2006 and the Australian Citizenship (Transitionals and Consequentials) Bill 2006, consolidates and rewrites the old Australian Citizenship Act 1948. Most of this bill facilitates taking up citizenship according to the recommendations of the report of the Australian Citizenship Council released on 18 February 2000, which has been dealt with previously. Both the Labor opposition and the Council of Australian Governments supported the increase of the citizenship waiting period from two to three years based on the government’s security package. Whilst I accept that that is controversial in some places, it was supported. This decision was seen as striking the correct balance after receiving the necessary information on the security issues concerned. However, the government has not convinced those of us on this side that the need for a further change from three to four years is all of a sudden necessary.

We on this side have therefore indicated that we are not in position to support a shortsighted policy that delays people committing to our values, Australian values, which those on the other side would like to herald so loudly and for so long. To further delay people seeking to become Australian citizens and committing themselves to those values would seem to be unnecessarily harsh.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! It being 12.45 pm, I call on matters of public interest.

Water

Senator FIFIELD (Victoria) (12.45 pm)—Many of us in this chamber have de-
veloped a relatively new policy focus and interest of late. I speak of water resource policy. I say ‘a relatively new interest’ not as a criticism of anyone on either side of the chamber but for the simple reason that water has historically been the responsibility of states. In our minds, and in the minds of the public, if state governments are responsible for anything at all it is for the provision of the most basic services: electricity and water. Quite frankly, we did not think of water as a core Commonwealth responsibility, but circumstances and public expectation have dictated otherwise.

We have seen the Prime Minister recently seek to exert Commonwealth influence to take control of the Murray-Darling system to bring the national interest to bear. We did not create the Murray-Darling mess, but we are determined to fix it. We all hope that the water summit this week confirms the Prime Minister’s plan. The plan will address one part of Australia’s water crisis. It will bring rationality and more certainty to water supply for agriculture for many towns and indeed for the city of Adelaide as well.

But there is another element to the crisis which is, and will remain, the responsibility of Labor states to address: the water supplies for our great capital cities. Some critics of the state Labor governments have advanced the idea that the likes of Premier Bracks and Premier Iemma do not have a metropolitan water policy. I actually think that is unfair! I wish to rise to defend those state Labor premiers! State Labor do indeed have a water policy for the capital cities. It is a two-point policy. It is a policy to transfer guilt and it is a policy to transfer responsibility. As far as Labor are concerned, our current water shortage is caused not by a complete failure to invest in infrastructure but by the irresponsible wastage of water by ordinary householders. It is their fault—not the governments’—that we are in this position and it is up to them to fix it. Everyday Australians are Labor’s scapegoats.

Let us take a bit of a look at Labor’s approach. First, they shift the guilt. State Labor governments, we know, are guilty of enormous incompetence for not investing in the infrastructure that our cities need to supply enough water. But Labor would prefer that ordinary Australians carry that guilt, so they blame them. They say they use too much water. They say their showers take too long, they water their gardens too often, they fill their pools too much, they should not wash their cars and they should not have green lawns. All of these activities are a waste of water, they say.

Rather than building and managing the infrastructure needed to supply urban areas with adequate water, state Labor governments are engaging in what they term ‘demand management’. Like some Stalinist command-and-control regime, they restrict supply, impose restrictions and tell ordinary Australians what they can and cannot do with their water. People are being made to feel guilty for wanting to use their water in completely legitimate ways. There is absolutely nothing wrong with wanting to have a nice, lush, green garden. There is nothing wrong with topping up swimming pools or having a clean car. Why shouldn’t people have long showers if they want to? Why shouldn’t kids run through sprinklers on a hot summer day? Under the Labor policy of shifting guilt, these perfectly normal activities almost become crimes and ordinary Australians almost criminals.

The second plank of state Labor water policy is the shifting of responsibility. Not content to make us feel guilty for causing the current water crisis, state Labor governments put the responsibility on citizens to fix it. You ask a state government what they are doing to fix the water crisis and they will tell
you that they have introduced stage 3 or stage 4 water restrictions. They will tell you what those water restrictions involve. They will tell you on which days odd-numbered and even-numbered houses can water, at what time and for how long. In my own state of Victoria, they will tell you that you cannot fill a new pool and that you can top up an existing pool but only using a bucket. They will tell you what the trigger point is for the next stage of water restrictions. In Victoria, water minister John Thwaites has promised that Labor will legislate to require all homes to have low-flow shower heads and dual-flush toilets before they are sold. And, following this ‘demand management’ mantra, Victorian Labor want to ban the sale of full-flow shower heads altogether.

Water restrictions are not the state government doing something about water; water restrictions are the public doing something about water. Making citizens feel responsible for state government failings, though, can potentially be a dangerous thing. It can put some people at risk. Many elderly people now feel compelled to shower with buckets for use on their gardens. One wrong step in the shower and our elderly are liable to suffer serious injury. But, if they survive the shower, they risk injuring themselves whilst carrying the full bucket of water outdoors to tip on their dying gardens. They have the weight of Labor’s guilt on their shoulders as well as the weight of the heavy buckets in their hands.

An often forgotten fact in all of this is that Labor’s focus is on ‘demand management’ of households, which account for only 11 per cent of Australia’s overall water consumption according to the ABS water account stats for 2004-05, and these measures are producing dismally small savings. Rather than focusing on what needs to be done on building the major water infrastructure that is desperately needed, Labor prefers cheap media stunts with little actual effect on the water supply.

Again in Victoria, the Bracks Labor government will spend at least $100,000 to cart six million litres of water from the temporary World Championship swimming pool at Rod Laver Arena for use on the city’s historic trees in Melbourne’s magnificent gardens, with fantastic ancient European trees. I guess that is a bit of an improvement on Labor’s previous policy, which was to chop those trees down. On 1 February this year, Premier Bracks announced that $1.2 million would be spent to capture 20 million litres annually from the roof of Spencer Street Station. That is less than half the water lost through leakage in Perth’s southern suburbs in a single day alone.

These little stunts and severe water restrictions constitute Labor’s response to this serious crisis in our capital cities. Rather than treating water restrictions for what they are—a short-term measure—Labor see them as a long-term excuse not to properly invest in water. And Labor’s water investment record is a disgrace. They cancel major infrastructure projects and criticise the constructive solutions put forward by others. To top it all off, they have been pocketing billions of dollars from water authorities—not to mention the GST windfall. In Victoria alone, water companies have paid out more than $1.8 billion over the past seven years, yet hardly a cent is spent on water infrastructure.

In New South Wales the Iemma government scrapped a plan to raise Tallowa Dam by seven metres. Former Premier Bob Carr took land that had been set aside for the Welcome Reef Dam and turned it into a nature reserve. In Victoria, residents in many regional centres are on even harsher restrictions than Melbourne. Lawns, gardens and sports fields there are shrivelled and as good as dead. When Ted Baillieu and the Victorian
opposition put forward a plan at the last election for a new dam in Melbourne’s northwest, John Brumby could only criticise. Critics might ask what good a dam is in a drought, when the storages are less than half full, but two half-full dams are always better than one half-full dam. In Queensland’s south-east the cancellation of the Wolffdene Dam in 1989, by the then Labor Premier, Wayne Goss, stands out as one of the worst water-planning decisions ever made by any government. I think all senators know that Wayne Goss was advised by Kevin Rudd at that time.

We have seen Labor’s poor record on major water infrastructure, but let us look at some of the serious impacts of their approach. Tens of thousands of jobs in water-dependent industries either have been lost or are under serious threat. In Victoria alone, 10,000 jobs in the swimming pool and spa industry are at risk, with water restrictions preventing the filling of new pools and spas. This is despite the fact that water used for pools accounts for less than one per cent of total state domestic water use. In the ACT, a further 150 jobs in the pool industry are at risk and $40 million in annual turnover could be lost to the territory’s economy. Lives will be ruined and family finances destroyed, all for the sake of an industry that accounts for less than half a per cent of water used.

In South Australia, the state’s largest grower and supplier of instant lawn has gone broke after 25 years in business. Victorian turf growers estimate that 15,000 jobs could be lost across that state. There are numerous other examples—from landscape gardeners to window washers. Tens of thousands of livelihoods will be destroyed because of state government incompetence.

Sporting competitions are shutting down across the country as sports clubs are banned from training and competing on parched, rock-hard sports fields. State government restrictions prevent local governments from irrigating most of their sporting assets, and ratepayers face massive bills to repair the damage that is being done.

But perhaps most disturbing of all is the effect that these Labor failings are having on the fabric of Australian society itself. Gone, potentially, are the days of friendly neighbourhoods built on trust and goodwill. Nowadays, ordinary Australians are being encouraged to spy on their neighbours and dob them in for wasting water. The Victorian government has even set up a hotline so that people can ‘dob in a water cheat’. Labor wants our communities to be the barracks for a new army of water vigilantes.

Margaret Norris, a retired teacher living in Melbourne, told the Sunday Age of her daily paranoia and fear. She, like many Australians, has been using water from a rainwater tank to water her garden for some time. In the current climate of harsh restrictions, her green lawn raises suspicions. When watering her front garden, she cops abuse, shouted at her from passers-by, and dreads a visit from the so-called water police. She has even taken to hanging a sign on her front fence to inform others that she is using not drinking water on her garden but tank water.

David Dunstan, of Monash University, has described this situation emerging across Australia as ‘unhealthy and potentially dangerous’, with neighbourhoods now shrouded in ‘a climate of suspicion’. Who knows when the Victorian government’s new army of 140 water inspectors will come knocking?

Even the federal parliament has not escaped the clutches of the restrictions inspired by the state and territory governments. With severe water restrictions having been imposed in Canberra, there was a recent trial in which the Parliament House air-conditioning system was running at two degrees higher.
than normal to save water. Members and senators received an email from the Secretary of the Department of Parliamentary Services advising them that they should consider carefully how they dress during the trial and choose suitable clothing. As fond as I am of my colleagues, the prospect of seeing them in sarongs and shorts does not overly impress me!

We are, however, in a serious crisis, and the state Labor governments are the real culprits. They have failed to invest in the infrastructure needed to supply Australians with the water they need. Instead, they shift guilt and they shift responsibility: it is everyone’s fault but theirs. So much for the new Leader of the Opposition’s ‘ending the blame game’ rhetoric. His state colleagues are doing nothing but shifting the blame—blaming ordinary Australians for Labor’s dismal failings. Will Kevin Rudd have the courage to confront the state premiers about their alarming stuff-up?

No-one can make it rain, but Australia has always been drought prone and governments need to plan ahead and invest properly to ensure that, when there is a drought, its effects on our lives are minimised. State Labor governments need to plan for the fact that cities grow. If a city grows, you need to increase the capacity of its water supply

The Howard government has a plan to save the Murray-Darling Basin, with the Prime Minister committing $10 billion to solve the problems created by the states in that area. That includes $3 billion to save up to 1,500 gigalitres of water per year, simply through a program of piping and the lining of irrigation channels. This measure alone will dwarf the dismal impact of the water restrictions in capital cities.

But responsibility for ensuring adequate urban water supplies rests solely with the state governments. It is time they stopped shifting guilt and responsibility and got on with the job of building the major infrastructure needed to provide long-term water security for Australia’s great cities. Australians deserve much better. The Daily Telegraph editorial of 2 November last year said it best: You can’t blame them for the weather. You can blame them for rank incompetence.

Climate Change

Senator STERLE (Western Australia) (12.59 pm)—I rise to make a few remarks on a matter of public importance, but before I do I cannot let Senator Fifield escape, given some of the untruths that spilled out of his mouth in the speech he just gave. Firstly—and this must be corrected for the record—Senator Fifield failed to remind or to tell everyone that it was his Liberal government that opposed the construction of the Wolffdene Dam back in the 1989 election, yet he has conveniently tried to blame Mr Rudd and Mr Goss. Also, and I am commenting on part of Senator Fifield’s contribution, while it is very easy for the Howard government after its 10 long years in power to blame state Labor governments for job losses, why the heck have we got the greatest skills crisis in history? Their solution is to flood the country with subclass 457 visa workers. So, Senator Fifield, that was a wonderful contribution, but it was a shame that you failed to tell the truth.

Yesterday, in the other place, the Prime Minister was asked by the Leader of the Opposition:

Does the Prime Minister recall his industry minister saying just six months ago: ‘I am a sceptic of the connection between emissions and climate change’? Does the Prime Minister support this statement?

In answering this important question, the Prime Minister said ‘the jury is still out’, indicating that he did not believe that there was a link between human produced carbon emissions and climate change. But, lo and
behold, just four hours later the nonbeliever slunk into the near-empty chamber, like a flea-ridden dog banished from the neighbourhood pack, to declare that he had seen the light; he was a believer after all. But one has to ask: how did this happen? While you may call me a sceptic, it is very hard to accept the Prime Minister’s explanation that he mistook the question from the Leader of the Opposition to be about the link between climate change and drought.

Madam Acting Deputy President, you may find this very hard to believe but I am not a Rhodes scholar! In fact, I am not even a university graduate. But even I know the difference between the word ‘emission’ and the word ‘drought’. I suspect the truth of what happened was nothing to do with confusing two words and more to do with the ambush and bombardment of nervous senior political advisers after question time in the Prime Minister’s office. I have a vision: I see these advisers armed with baseball bats and thesauruses, waiting to whack their confused leader who had just made a titanic blunder. We know the Prime Minister spent the whole summer finding a more obliging gumby to keep his lack of action on climate change off the front pages. And then, after all his hard work and forward planning, he—none other than the Prime Minister—blew it on day one of an election year.

This is a Prime Minister under pressure. Is he past it? Is he running out of puff? It reminds me of reading books to my children when they were little, and the one that jumps out at me is about Puffing Billy. The little old red-faced engine—under extreme pressure and bursting at the brow, struggling to climb his hill—just kept saying to himself, ‘I think I can, I think I can, I think I can.’ But Puffing Billy did not have nervous backbenchers in marginal seats and an ill-disciplined pack of social agrarians as part of his load, weighing him down. I would not be surprised if all the little wagons behind the Prime Minister started to hear a loud voice in their heads yesterday that said, ‘I think he can’t, I think he can’t.’

It has been concluded by no fewer than 600 scientists representing 113 governments that the impact of climate change is obvious. Maybe I am being a bit unfair on the Prime Minister. He had a busy time last year and after consecutive days with other world leaders overseas, wearing matching outfits, he took some time out—which no-one would deny him or any other Australian worker. But I can imagine the Prime Minister’s angst as he strolled along the pristine sands of Cable Beach, in that fine home state of mine and Senator Webber’s, because the then minister for the environment, Senator Ian Campbell, had started to ‘fess up about climate change and carbon emissions. In a speech in this place on 1 December 2006, Senator Campbell, when speaking to the Environment and Heritage Legislation Amendment Bill (No. 1) 2006, said:

The International Energy Agency says that we will need to roughly double the amount of energy produced in the world in the next 30-odd years. However, we also know from science and particularly the work of the Intergovernmental Panel on Climate Change that, while we go down the path of producing substantially more energy, we will have to do so with substantially reduced greenhouse gas emissions. We know that to just stabilise greenhouse gases where they are at the moment—and we know that that is already causing climate change at an unprecedented rate in human history—

‘an unprecedented rate in human history’! Later that day, Senator Campbell stated:

I have the difficult job, and the government has the difficult job, of telling the truth to the Australian people …

They are the important words straight out of Senator Campbell’s mouth—‘telling the truth to the Australian people’. Senator Campbell
spilt the beans on the link between emissions and climate change. But obviously, just like other Western Australian Liberal members of the Howard government, Senator Campbell’s voice carried no weight in the party room. So, as the sun set on the Pearl Coast, the Prime Minister must have been tearing himself apart, knowing that one of his own cabinet ministers had started to chip away at the deception on the link between emissions and climate change.

Being ever the opportunist and one who governs for contemporary electoral fortunes above the future of this country for generations to come, the Prime Minister had to resolve the burning issue of who to cull from his front bench and which egos he would have to appease. I don’t know, but one can only imagine that he had to weigh up whether it was going to be the incompetent, the lazy or the one who had started to stray from the script of deceit and denial on climate change. But—happy days!—the Prime Minister ended up with the trifecta: the back of the axe came down on some of the incompetent, some of the lazy and the one who was off message.

What the Prime Minister had not gambled on, though, was getting the quartet with his choice of replacements for the underperformers. In the elevation of the millionaire from Bondi, the member for Wentworth, the Prime Minister guaranteed that his front bench would be out of touch with ordinary Australians. With the former environment minister silenced, the truth will again be blurred on the very real and devastating effects of climate change. Within a couple of days of being sworn in, the Minister for the Environment and Water Resources wasted no time shoving his foot in his mouth when he said on AM on Saturday, 3 February 2007 that ‘the geology of the east coast is adequately elevated to deal with a one-metre sea rise’. He also said that claims about rising sea levels are ‘very exaggerated’.

What an inglorious commencement of a ministerial career. While millions of ordinary Australian are doing their bit to reduce energy use, cut down greenhouse gas emissions and recycle—to protect our great country for the kids they are raising—we have a senior member of the government off with the fairies. The Australian public will not be fooled. They can see through this government’s deceit and glossing over of the truth on the environment. As much as the government hate to admit it, even they know the game is up. The Australian public want real solutions on climate change. They do not want, and will not have, the wool pulled over their eyes by a Prime Minister under pressure at the end of his career. Nor will the Australian public fall for a distraction that the sky will fall in on the economy if we start to look at real solutions to climate change.

While distractions might work for the fictitious President Bartlet treading the carpet in The West Wing in his final term in office, they will not work on the Australian public, who have worked this government out. The Prime Minister talked about the red devil of interest rates in the hands of Labor at the last election—and what happened? In the so-called steady hands of the Prime Minister, interest rates have risen four times since the last election. Thanks to the Howard government, Australians now spend a record share of their income on mortgage interest repayments. That is not what Australians voted for. Nor did they vote for a government that is doing all it can to hide the truth about climate change and its triggers whenever asked. The lies have got to stop, and the Prime Minister has to start telling the truth on climate change.
Senator MILNE (Tasmania) (1.09 pm)—
I rise today to remember the Black Tuesday bushfires in Hobart. Today is the 40th anniversary of those fires on 7 February 1967. For those who are unaware of the extent of the tragedy, 110 separate fires were burning in southern Tasmania on that day. Many of them joined together to form an inferno. In just five hours, 62 people lost their lives, 900 were injured, at least 1,300 homes were destroyed, 7,000 people were left homeless and half a million acres were burned. It was the largest loss of life in a single day in Tasmania’s history from such an event. It was a trauma for Tasmania. It is a small community and everybody knew someone who was in some way affected.

I was a boarder at St Mary’s College in Hobart at that time. I recall that particular day vividly because the city was completely shrouded in smoke, the sun was red and the winds were very strong. We knew the fires were close, but we did not know how close. In fact, they came to within two kilometres of the post office, so right into the city. There in part lies the significance of the 1967 fires in Hobart, because until then around Australia there had been a view that fires were bushfires—they occurred outside large urban areas. The Tasmanian fires were the first time that such fires swept into the suburbs in a way that encroached almost on the heart of the city. In fact, in Forest Road in West Hobart 16 homes were destroyed.

We had a situation—this was of course long before mobile phones—where all communication was cut, because the phone lines went down at the same time as the power. We had the radio stations out of action. In the boarding school and in the day school we had students who did not know if their families were safe, who did not know what had happened on the farms to the stock and to their pets. We had people not knowing about their relatives and no way of finding out. People were just left confused about the extent of the tragedy unfolding and confused about whether they were impacted and to what extent.

Afterwards there were the tears, of course, and terrible sadness and trauma about the loss of life. The lesson from that was that many of the people who died had died trying to get away from the fires. They died in the open or in their cars trying to escape the radiant heat. What we have learned since then in bushfire management is that you either stay and defend your property or you get out early, but you do not get caught in the open. That is something that we all understand now. But in Hobart in 1967 we did not understand that. Bushfire understanding then, at a community level, was nothing like it is today.

There were some incredible stories of bravery. In Snug, the schoolchildren assembled in the hall and were singing as the fires were burning down the town. You had people escaping to the beaches—people in Kettering and in Margate watching the fish processing plant go up—and people not far from service stations wondering if there was going to be a mega explosion of the tanks to wipe out all within the area.

The tragedy was not only loss of life, loss of property and loss of a sense of place; incredible, irreplaceable treasures were lost. That is what people return to after knowing that families are safe and secure. Collections were lost, like that of Olegas Truchanas, one of Australia’s most renowned wilderness photographers. His was probably the most comprehensive collection of wilderness images of its time. That collection was lost in the 1967 bushfires.

Looking back on that period it is interesting that, of the 110 fires that were burning on
7 February 1967, 88 had been deliberately lit and were already burning prior to 7 February. In fact, the report prepared by the Solicitor-General of the day, DM Chambers, and the Master of the Supreme Court said that many of these fires were caused by escapes from incinerators, breakaways from rubbish dumps, arson or landowners burning off without permission from a fire warden or in defiance of a permit being refused.

Most of the destruction was caused because fires were either permitted to burn free or thought to be under control but were not out. The practice had grown up over the years of permitting fires in bush and scrub country to burn free so long as they were not menacing lives or property. In normal circumstances it was not considered economic or necessary to move necessary resources into the area to combat such fires. However, under the extreme conditions of the morning of 7 February most of the free-burning fires spread rapidly. Looking back on it now with the perspective of hindsight, the idea of people lighting incinerators, burning off and so on in extreme fire conditions is highly irresponsible. At that time it was part of the culture. As I indicated earlier, it was because people thought of fires as things that happened in the bush and in outer locations, if you like, and did not actually threaten large population centres.

The other thing that has changed, although in my view it has not changed enough, is the idea that if the bush is burning then it is not threatening any valuable property. Australians now recognise that the biodiversity in the bush is extremely valuable, and we think of wild places as valuable for their absolute integrity. When thinking about fires, I would like there to be more recognition that burning natural areas is a threat to property and a threat to our natural heritage.

When the fires were over and many of the students went home, both boarders and day scholars, the stories came back of trying to cope and of the incredible generosity of the community. Tasmanians faced with a large natural disaster or a disaster of any kind are incredibly generous, and at that time we were supported by the generosity of many people from the mainland. I would like to acknowledge that at this time. We were overwhelmed by people sending clothes and the necessities of life. People gave up their shacks and any other accommodation they might have had to house people in the interim while they rebuilt their properties.

I also want to acknowledge the fantastic efforts that community members and volunteers generally made, risking their own lives in many cases to help others. That certainly still occurs, but it occurs in a much more organised and informed way than it did then. People just did not know what to do. There was incredible confusion, virtually no organisation and no communication. In that circumstance, people were rushing back to help people, having no idea of the consequences or of how close they were coming to destruction and to what could have been a tragedy for them and their families. I would like to put on the record today the gratitude that I know all members of the Senate feel for the magnificent efforts of those volunteers who risk their lives to help others.

Out of the Tasmanian fires came the development of the Rural Fires Board, which eventually meshed with the professional fire service. In Tasmania we now have an excellent capacity to respond to fire, and we have a wonderful volunteer service as well as a professional service. But it has to be said that Australians love to live near the bush. We now have more people living in the interface between suburbs and the bush than ever before, whether in Tasmania, the Blue Mountains or wherever you look around the coun-
try. People have also embraced Australian native vegetation in a way that they did not previously. Where the backyard might have been just a lawn and a fence, now it is likely to have a considerable amount of native vegetation, with leaf litter and so on because of that. Therefore we have all come to an understanding that we have to take personal responsibility for the management of our own properties when it comes to fire.

That is a message that the fire services are trying to get out—that we all must get out there. We are listening to the stories of what happened to people in Hobart in 1967, in Canberra in 2003, in Sydney in 2001 and down on the Eyre Peninsula last year. We have to help the people who are prepared to help us in the event of fire. People have a responsibility to maintain the setback from native vegetation on their own properties. Local governments have a responsibility when issuing building permits to take fire risk into account. We need a situation where people look at their gardens, get rid of their rubbish, make sure they know how to defend their properties in the event of fire and work in a cooperative and collaborative manner. We know we are going to have greater fire risk into the future. We have been told by scientists that as a result of climate change we are going to have hotter days and more of them in the coming years. Therefore it behoves us all to start thinking very carefully about how we can assist the community to be better prepared—to make sure they have the equipment they need, the support they need and the information they need to be prepared to fight fires.

I congratulate the members of the Snug District Disaster Appeal Committee, who have been working consistently for a new memorial to be established in Tasmania, not only to remember the victims but to tell the stories of the 1967 fires. I particularly congratulate its chairperson, Mrs Norton, who wrote to me last year about the memorial and pointed out that they do have the money for the new memorial, which is going ahead. She said they thought it would be appropriate for the fire victims to be remembered in the federal parliament, as the 62 deaths represent the greatest number to perish as a result of a one-day natural disaster in Australian history. I am pleased that later this afternoon, as I have been led to understand, there will be support from all political parties in remembering the events in Tasmania of 7 February 1967 and in extending sympathy and condolences to the victims and to the general Tasmanian community for the trauma that occurred, as well as an expression of gratitude for all those who helped to do what they could on such a disastrous day in Tasmania.

**Western Australia: Tourism**

*Senator JOHNSTON (Western Australia)*

(1.23 pm)—The Premier of Western Australia, Alan Carpenter, reshuffled his cabinet at Christmas following a number of scandals engulfing his government—a government that has become cocky and arrogant. We have seen over the past 12 months two ministers in the Carpenter government resign—the Minister for Police, John D’Orazio, and the Minister for Small Business, Norm Marlborough. They both resigned in disgrace, having been embroiled in Corruption and Crime Commission hearings, and both were cabinet ministers. Messrs D’Orazio and Marlborough are just the tip of a very ugly iceberg.

For the six years in which we have had a Labor government in Western Australia there has been a succession of underperforming tourism ministers, including the latest Minister for Tourism, Culture and the Arts, the hapless and inept Sheila McHale. In her relatively short time as minister she has demonstrated that she is utterly incapable of delivering any semblance of efficient ministerial
administration. She is the most incompetent of the Carpenter ministerial pack and once again she has survived this Christmas reshuffle and ongoing reshuffles, despite having the dubious honour of taking every ministerial portfolio she has ever touched into a twilight zone. She was moved sideways into the tourism portfolio when Alan Carpenter became Premier because she had been a total disaster as the Minister for Community Development. Within this crisis-ridden department, under her five-year stewardship, the people of Western Australia saw 214 deaths of children who were under departmental care. This was a national scandal and she presided over it. Her performance as a minister in this critical portfolio was shameful and a disgrace.

So we now see the WA Premier treating the tourism portfolio as a repository for failed and failing ministers, all of whom he would want to see removed from public view but, at the same time, he keeps party backers and factional bosses on board by keeping them in cabinet. The consequences of treating this very important tourism portfolio with contempt are beginning to be felt on the ground in our once great Western Australian tourism industry. The tourism industry is being decimated and the Premier and his party hack ministers are to blame and should hang their collective heads in shame.

Tourism is the third largest economic contributor in Western Australia, yet it has largely been ignored and ‘put on the back-burner’ by the Carpenter government. Without the economic boom associated with the resource industries, fuelled by the ever-increasing demand by the Chinese, Indian, Korean and Japanese economies, the Western Australian economy, already preyed upon to fund an ever-increasing and bloated state public service, would be in serious trouble.

The Western Australian resource industry, on the other hand, is in great shape. However, I must point out that the Carpenter government has a duty in this instance to provide strength and diversity in our state’s economy, not to simply rely totally upon the mining industry, which is subject to volatility and commodity price fluctuations. So disillusioned are our tourism operators and participants in Western Australia that they have formed their own representative group, oblivious to and away from government, to effectively promote the industry in Western Australia. The new group, the Western Australian Tourism Owners Group, WATOOG, has emerged as an industry alternative to the Tourism Council. It is independent of the government and has filled the void as the principal lobby group for the tourism industry in Western Australia.

The situation in respect to tourism in Western Australia is dire for tourism operators. The official figures released by the government, in the very best public service ‘Yes, Minister’ speak, will show that tourism numbers were up by nine per cent in the past year. However, what is hidden within this number by a very deceptive and spin-conscious government is that all visitors to Western Australia are included in these figures. The problem for the tourism operators in Western Australia is that a very large slice of these visitors are business visitors who are engaged in the booming resources industry and associated engineering and other industries. For those who are unaware, mining companies around Western Australia have purchased or booked out entire hotels, hostels and motels to accommodate their workers. Can anyone begin to comprehend how bad the figures would be if mining business was not included in official Western Australian tourism figures? Manny Papadoulis, CEO of the Western Australian Tourism Owners Group, said recently:
The problem is business visitors stay a shorter time and they don’t do regular things like boat cruises, bus trips to the regions and that sort of thing.

Compared with other states, in the past year our total market share is down 2.5 per cent, visitor nights have declined 9 per cent and visitor expenditure is down per cent.

Western Australia is scheduled to hold the most important national industry event, the Australian Tourism Exchange in 2008. As it stands, Western Australia is going to be not just the laughing stock of the rest of the country, given those figures, but also the laughing stock of the global tourism industry.

Ian Dawson, the Managing Director of Australian Pinnacle Tours, one of Western Australia’s largest tourism operators, said recently that in 27 years in the industry he could not recall ‘worse mismanagement of state marketing’. Misguided promotional campaigns by the Labor government in Western Australia have been an unmitigated disaster. $6.3 million went down the drain on the ‘Real Thing’ tourism campaign—it was a total dud and a fizzog. It has been such a dud that there has been a nine per cent decline in international visitors and a 1.3 per cent drop in the number of domestic visitors into my home state of Western Australia—in all a massive drop of one million fewer bed nights of visitors to Western Australia. This has got to be an absolute unmitigated disaster.

As the tourism operator at the internationally renowned Monkey Mia Resort, one of our world renowned resorts, Dean Massie said:

The way Tourism WA is going about their marketing and their lack of communication with industry and their arrogance is really disconcerting. Tourism WA’s marketing is not stimulating people to come to this state.

The net result for Western Australian tourism is: firstly, domestic tourism is the worst it has been in seven years, inside an absolutely booming economy; secondly, WA was the only state to have a decline in backpacker numbers last year; and, thirdly, WA was the worst performing state in attracting international visitors last year, with Japan down 13 per cent, Singapore down 5.6 per cent and Malaysia down 17.3 per cent—all of which are important top 10 markets for WA.

The Perth Convention Bureau estimates that over the next five years it will forgo 63 national conferences, 102 international conferences, 105,000 delegates and $193 million in direct delegate expenditure because of a lack of government funding. Spike funding of $50 million a year finishes this financial year with no government guarantees over the tourism budget in future years. This year’s state budget clearly indicates that the tourism budget for WA will drop from $50 million this year to $41 million in two years time. It is unbelievable that a state government, bulging with funds—a $2 billion surplus driven by Asia’s thirst for resources—is planning to cut the tourism budget.

The real cause of the poor performance in domestic tourism in WA is Minister McHale’s lack of commitment and total lack of understanding of targeted and effective marketing. I cannot remember the last time I saw media advertising encouraging me to explore the magic of the Kimberley, to uncover the treasures of Karijini or to visit the beautiful white beaches of Cape Le Grand National Park in Esperance. Tourism is a commercial product like plasma TVs and imported motor vehicles. If you do not advertise and stimulate people’s buying behaviour in a competitive market then obviously consumers will not purchase the WA tourism product.

Compounding the problem is the state government’s decision to sacrifice their marketing offices in Melbourne and Brisbane. It is quite unbelievable that in this climate and
this economy the state government is terminating the offices in Melbourne and Brisbane and marketing the entire east coast from one office in Sydney. I am not an expert in destination marketing; however, common sense and expert opinion will tell you that if you are confined to one city at the expense of other important capital cities, Brisbane and Melbourne in this instance, then interstate tourism numbers will suffer, and certainly they have.

Although closing offices in the eastern states was misconceived, the worst example of misguided policy to hit WA tourism was Tourism WA’s logic-defying decision to close marketing offices around the world. Not only did they close interstate offices; they decided to extend the policy across the globe. The decision to close trade offices in Japan, Singapore and Malaysia was made against the express wishes of the industry and is a glaring example of how the state government lacks experience and expertise in critical decision making, and of their unwillingness to listen to industry. Closing the marketing offices that sell WA to the world was a disaster and the WA tourism industry lost the professional staff in those countries and their expertise, experience and business relationships forever. Once again it was an unmitigated disaster for the industry and, realising their mistake, the government set about reversing their decision behind closed doors—a government of spin and misdirection.

Japan, obviously a very important office, was quietly reopened within a few months of closure. The question I ask is: why isn’t the Premier desperately concerned about this dire situation? The WA government needs to give tourism the profile and leadership it deserves. It would be a great idea if they followed the Queensland government’s lead, where Premier Beattie has responsibility for the tourism portfolio. That is how important Queensland views this matter. Western Australia needs to take a leaf out of that book.

Arguably, the worst performing sector out of a poor performing industry is the backpacker segment. As I mentioned earlier, Western Australia was the only state or territory in the entire country to suffer a decline—a 9.3 per cent decline—in backpacker numbers last financial year. According to research at Murdoch University, backpackers contribute four times as much as mainstream visitors, so any decrease—let alone a massive decrease—will hurt hostels, tour operators and the broader tourism industry. The neglect of the backpacker segment represents a lost opportunity for the WA economy, which is suffering huge labour constraints. If the Carpenter government gave tourism a higher priority they would recognise the potential of the huge labour pool of 500,000 backpackers who visit Australia each year, many of whom have working holiday visas and are desperately looking for work to pay for further travels. More concerning is that backpackers are considered an indicator for broader market trends. Backpackers are the first to change their travel patterns and then the wider market tends to follow. This is a very, very serious sign for WA tourism.

The tourism minister uses fuel prices and a raft of other excuses to explain why domestic tourism is doing poorly in WA. The truth of the matter is that Western Australia is booming and Western Australians are cashed up. Even when fuel prices were at their highest, retailers were doing a roaring trade in WA, with consumers continuing to spend.

By way of background, the single largest failure by the WA state government in tourism was tabled in the WA parliament in 2003. Then tourism minister Bob Kucera, another hapless relic of the Gallop government, tabled the unrealistic Pathways forward: strategic plan 2003-2008, which had
the key objective of growing WA tourism by 10 per cent faster than the national average as measured by visitor expenditure. That was the objective. The reality after four years is blatantly obvious—this strategic plan has been an embarrassment and a failure for the WA government, but they have kept very quiet. They simply pretend that plan was never released. After quietly changing the strategic plan they came up with a mere 21-page replacement, including big pictures. I have seen travel brochures that have more depth than WA Tourism’s strategic plan!

I fail to understand how this state government intends to build a healthy business environment for tourism to flourish if they have such an inadequate policy framework. This is not rocket science; it is fundamentally obvious. Unfortunately, the tourism industry cannot invest in private market funds or make long-term investment decisions with such uncertainty and high chances of governmental failure. What I find truly disturbing is the arrogance of the WA government. It is a major complaint by all sectors of the tourism industry that Tourism WA and Minister McHale simply do not listen to or even take heed of the advice provided by the industry, the very people they are meant to be marketing and supporting.

The shadow tourism minister, Katie Hodson-Thomas, is doing a remarkable job communicating and talking with industry, and she assisted me with this speech. It is a dire circumstance; many operators are on their knees in Western Australia, desperate to see some government action and energy. It is a shocking indictment on this government that tourism is so disregarded at a time when our economy is absolutely booming. (Time expired)

Civil Partnerships Bill
Googong Dam

Senator LUNDY (Australian Capital Territory) (1.38 pm)—Yesterday the Howard government yet again showed that it is prepared to have its extreme ideology override what is fair, equitable and democratic. I condemn the Howard government’s moves to override the otherwise legitimate ACT legislation in order to prevent same-sex couples in the ACT from being able to have their relationships legally recognised. Yesterday the Attorney-General, Mr Philip Ruddock, told the ACT Legislative Assembly that he would advise the Governor-General to disallow the ACT Civil Partnerships Bill before the legislative assembly even had time to debate the bill. This is clearly a political stunt by a government that knows it is lagging in the polls.

I have no doubt that the Prime Minister and Mr Ruddock saw an opportunity to once again cause division and give prejudice some oxygen as a distraction to their poor performance on critical issues like climate change. I would like to take this opportunity to remind Mr Ruddock and his colleagues in this chamber that the ACT government was democratically elected by the people of the ACT to govern in the interests of ACT residents. In fact a majority Labor government was elected by the people of the ACT, having promised to legislate for same-sex couples to be legally recognised. But this government has form on interfering in ACT matters, particularly when it is a Labor government at ACT level. The local Liberal government did not seem to attract quite the same attention.

In June 2006 the Howard government used section 35 of the ACT Self Government Act to overturn a previous attempt at legislating in this area—the Civil Unions Act. This was a triumph of arrogant disregard for democratic processes and this government did

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it then because they could, and they will do it again because they can. Mr Ruddock cannot pretend to represent the people of the ACT—that is what the assembly is for. He disregards the views of all of the federally elected representatives of the ACT by taking this action. I call on him to reconsider his plan to recommend that this bill be disallowed.

I am also very disappointed, and think it is worth highlighting the fact, that this government has absolutely refused to consult with the ACT government on this matter. I think this is further evidence that it is a political stunt. The ACT Attorney-General, Mr Simon Corbell, wrote to the minister twice to discuss the Commonwealth’s problems with the original bill so that the Civil Partnerships Bill—this second attempt—could proceed without Commonwealth interference. Mr Corbell did not receive a response from the minister and yet on local ABC radio this morning Mr Ruddock said that the legislation would be disallowed because changes ‘should have occurred but didn’t’. Mr Ruddock’s refusal to constructively talk to the ACT government about what changes would be suitable makes it very obvious that this matter is not just about the legalities; this is a matter where Philip Ruddock’s and the Howard government’s extreme ideology has won over yet again. It also demonstrates how brutally they are prepared to treat the rights of same-sex couples in pursuit of an ideology and exploit their pain as part of a political stunt. Quite simply—and I say it again—the ACT government should be allowed to make laws with respect to same-sex couples as it is entitled to do under the ACT Self Government Act.

I would also like it noted that I absolutely support the contents of this bill. The ACT Civil Partnerships Bill is intended to ensure that everyone receives equal treatment under ACT law. The bill would have allowed a couple to establish a domestic partnership by making a formal declaration of their intention to do so. The bill is non-discriminatory in that anybody could access a civil partnership in the ACT regardless of the gender of their chosen partner. Mr Ruddock told local Canberra radio this morning that his ‘primary concern is to remove discrimination’, yet he is refusing to allow the Civil Partnerships Bill to proceed. I think this is blatant discrimination and, hence, blatant hypocrisy from the minister.

The ACT Labor government is committed to ensuring that everyone has the dignity and respect they are entitled to and deserve—that is, a commitment to protecting everyone’s right to participate in society and receive the full protection of the law. These aspirations have yet again been undermined by the Howard government. The minister has failed to give any substantive reasons for recommending this bill be disallowed except some vague reference to the ‘cultural institution of marriage’ and looking out for the interests of children. This is not a substantive reason; they are weasel words. There is no substantive reason, and I take offence at his implication that same-sex couples cannot provide supportive, loving and safe homes for children. It is possibly the most shameful and ignorant thing I have heard the minister say on this matter to date.

I would like to draw to the Senate’s attention some letters I have received only today from same-sex families outlining their desire to be legally recognised. One of them says: I am a 30-year old lesbian and have been with my partner for 12 years. I have two beautiful young children whom we both cherish and adore. We like most parents wish nothing but the best for our children but we sometimes find this difficult to carry out when society in general does not validate the family system which my two daughters come from.

That really encapsulates the ongoing frustration of many of the couples who find them-
selves continually confronted by what they see as a prejudiced position emanating from the Howard government. For these letters to come in so quickly and so personally clearly shows that there is a great deal of feeling in the Australian community still. These letters came from around Australia, not just the ACT. We are being watched very closely as to how we stand on issues relating to same-sex couples.

Why should these parents be denied the same rights and privileges that other families have? It is a reasonable question to ask. Labor does not believe they should be denied those rights. Whilst all of us in this place have agreed that marriage is sacrosanct for heterosexual couples, that is not what we are talking about here: the ACT has proposed a civil partnership.

I would also like to recognise that Senator Humphries, the Liberal representative of the ACT in the Senate, did cross the floor on this matter. I call on Senator Humphries to show the courage that he has shown previously on this matter and speak out. I mentioned earlier that all four ACT federal representatives, Senator Humphries and me in this place and Mr McMullan and Ms Ellis in the other place, have supported the attempts by the ACT government to legislate in this area. I think that has been ignored unreasonably by the minister. All this points to another distraction, another stunt. That is unfortunate. I think it is very sad for the people who are affected, who were hoping that this would be able to be proceeded with. I call on the Attorney-General to reconsider his plan to disallow the Civil Partnerships Bill of the ACT. I urge him to allow it to proceed.

In the time available to me in this discussion of matters of public interest, I would like to raise another matter, which, sadly, is of a similar theme. It is another example of where the federal government has treated the elected government of the ACT with contempt. It fits well with the topic of political stunts. I am referring, of course, to the slimy deal that the Prime Minister and the Howard government have made with respect to Gogong dam. The deal renews a longstanding agreement, in place since 1988, that would have seen the ACT’s ownership and control of Gogong dam confirmed if not for the Prime Minister’s intervention. It appears that the intention of the federal Minister for Local Government, Territories and Roads to confirm the long-term arrangement with the ACT government as recently as August 2006 has been overturned by the Prime Minister’s office in order to give his mate Pru Goward a leg-up in her bid to get elected to the New South Wales parliament in the forthcoming New South Wales election. Unfortunately, this sneaky deal has confirmed suspicions that I have held. It obviously robs the ACT of its water security for the long term. Water is important and it ought not be used as a political tool by the Howard government to manipulate votes for the New South Wales election or, indeed, the next federal election.

As the ACT Chief Minister has already outlined, the ACT government—successive governments, I might add, not just the current government—has spent millions of dollars on Gogong infrastructure by raising the wall and building a sophisticated treatment plant. The ACT has spent millions of dollars on the bulk transfer scheme that sees water from ACT catchments transferred to the dam to boost its drought affected storage. Yet the announcement that a pipeline will be built from the Googong to Goulburn was made without any consultation with the ACT or with the water authorities who manage the Googong dam. Obviously, the announcement to retain ownership was also made without consultation. So I, along with my ACT colleagues, Mr Bob McMullan and Ms Annette Ellis, will be standing by the ACT Chief
Minister and the ACT government’s efforts to secure our region’s water supply. We would like to note their efforts to date not only to achieve water security for Canberra but also to assist towns like Yass and Goulburn—the very town that the Howard government purports to be trying to assist through this stunt. I and my colleagues condemn the Howard government for preventing this long-term sustainability strategy from being deployed by the ACT government, hence robbing the ACT and the region of a long-term solution.

Once again, the Howard government’s action is insulting and arrogant towards Canberrans, who have worked hard to conserve water. They have grappled for many years with all sorts of water restrictions, and we are facing even tighter restrictions because of the continuing low level of rainfall in our catchment areas. Senator Humphries has not shown the same amount of courage on this issue as he has shown on previous issues. I call on him to condemn this arrangement and to stand up for the ACT’s long-term water security, in the same way that he was previously prepared to cross the floor on the ACT’s right to legislate for civil unions. There is a bit of a theme developing here, and it relates to interference in legitimate ACT matters. I believe—and I think Senator Humphries understands the point I am making—that he has an obligation to stand by the democratic processes of the ACT government, albeit that it is not of his political flavour at the moment. Overriding this long-standing deal on the Googong dam is further evidence of the complete contempt the Howard government has for the ACT government.

I would like to make a general comment about the conduct of the Howard government in all these matters. It is not only extremely frustrating for the people of the ACT and the ACT government, which has worked hard on a range of policy issues; it also shows that the Howard government applies their thoughts, their energy and the Prime Minister’s much-vaunted political cleverness to strategies that are highly manipulative and exploitative of divisions in our society, rather than to all the good things one would normally apply cleverness to, like preparing a long-term vision for Australia—particularly on the issue of climate change, which will obviously always be a very important topic for Australia. I find it profoundly disappointing that so much of this government’s energy is directed towards creating division and manipulating public opinion. I refer both to the issue of overriding the Civil Partnerships Bill in the ACT for same-sex couples and also to what I call a slimy deal on the treatment of the Googong dam and the refusal of the Commonwealth government to proceed with the transfer of ownership in relation to the Googong dam.

It is characteristic of the nature of this government that leaves many, many people—not just Canberrans—with a bad taste in their mouth. It is a bad taste that I do not think will go away. It is a bad taste in their mouths that has been getting worse for a number of years because we are stuck with—at least until the next election—a government that uses its political nous for manipulative and divisive purposes rather than nation building and creating forward-thinking strategies in everyone’s interests.

Water

Senator BARTLETT (Queensland) (1.52 pm)—In the brief time available before question time, I would like to speak once again on an issue of great importance to my state of Queensland, particularly the region I reside in—south-east Queensland. The water policies of the Beattie Labor government in Queensland have been a matter of great public debate and controversy and criticism over
recent years. I have certainly been one of those critics.

I would like to start by praising the somewhat belated decision of the Beattie government to proceed with full recycling of purified waste water, or indirect potable reuse of water as it is sometimes called. It is unfortunate this decision was not made a couple of years ago, perhaps around the time that Toowoomba City Council was putting forward the idea. If it had and action had started then, then the water would be available about now and we would have less of a crisis mentality around decisions relating to water in Queensland.

It is one that I and the Democrats in Queensland have been campaigning for as a lower environment risk option for a long time. Economically, it is a more sensible option than some of the other approaches that are being put forward and pursued by the Beattie government. I do acknowledge that and I do congratulate them for doing that.

In doing so, I urge other state governments to follow suit in places where it is appropriate. Recycling is not economically viable in all locations because there are costs involved, energy consumption is involved and there is pumping of the water back to the reservoirs involved. So it does depend on the relevant locations of various places, but where the economics stack up then it should be pursued. It does stack up in many areas in the southern states. Complete lack of political courage was the only real reason behind the reluctance to proceed down this path, which is very disappointing. Basically we are seeing state governments deciding to take options that are far more expensive and have a greater environmental impact purely because of the lack of political will involved. I voice support for not just Mr Beattie but also Mr Howard, who has made a number of positive statements about the importance of pursuing the full recycling of water.

Having made that positive comment, I would nonetheless like to repeat some of my strong criticisms about the state Labor government with regard to its continued insistence to proceed with dams at both Wyaralong and Traveston, just south of Gympie. In doing so, I would like to draw this to the attention of the Senate and the new minister. Minister Turnbull has responsibility for this issue, both as the environment minister, who will be making a decision down the track under the federal Environment Protection and Biodiversity Conservation Act about the impact on endangered species of the Traveston and Wyaralong dams, and also as part of his broader responsibility as the minister responsible for water resources.

We have a lot of money now being put in at the federal level through the National Water Initiative and other means to ensure proper water resource security. In that circumstance, there needs to be much closer attention paid by federal ministers and the federal government to the decisions being made by state governments. When state governments are making decisions, as the Queensland government is, that are clearly ridiculously expensive, that are high risk, that are immensely destructive socially as well as environmentally—that, in a nutshell, are stupid decisions from the point of view of water security—then the federal government needs to be aware of that and take account of it accordingly.

I would like to draw the attention of the minister and the Senate to the executive summary of a report that was released yesterday by the Mary River Council of Mayors—that is, the mayors and local councils that are upstream of the proposed dam on the Mary River at Traveston Crossing as well as
those downstream. We should not forget about the downstream impacts. They might not be flooded out downstream, but they are certainly going to have other impacts. That executive summary of the review of water supply and demand options for south-east Queensland, the draft report, was released yesterday. It was done by the Institute for Sustainable Futures through the University of Technology in Sydney. The executive summary stated:

... a clear conclusion of the study was that the proposed dam at Traveston Crossing on the Mary River is neither necessary nor desirable as a part of the portfolio for ensuring supply security—that is water supply security—to the year 2050. The objective of urban water planning is to ensure that availability of water meets the demand for the planning period at the least economic, environmental and social cost. The fact is that the proposed Traveston dam is at the other end of the spectrum—of the highest economic cost, the highest environmental cost and the highest social cost. When people say, ‘Don’t build this dam; don’t do this action,’ it is an appropriate question to ask, ‘What’s your alternative?’ The report and the councils should be congratulated for going to the trouble of providing alternatives.

This report lists a number of alternatives which, in their view and their assessment, have the potential to save over 190 gigalitres per annum of water by 2050 at an average unit cost of $1.15 per kilolitre. By comparison, the Traveston Crossing scheme will supply, if the rainfall estimate is accurate, which is always a big if, approximately 150 gigalitres per annum—that is 40 gigalitres less—by 2050 at a unit cost of approximately $3 per kilolitre. So we have 40 gigalitres less per year at a unit cost of more than double—$3 per kilolitre rather than $1.15. Further, the proposed alternative put forward here would reduce greenhouse gas emissions relative to the Traveston Crossing scheme by more than one million tonnes per year.

So there are alternatives that are lower risk, lower unit cost alternatives that are not rainfall dependent. It is about time the Queensland government recognised this. I call on them to put a halt to pushing people in the local area to have their properties resumed. The social damage is already going ahead, even before the decision has been made by the federal environment minister as to whether the dam should proceed. There should at least be a moratorium on resumptions until the fate of the dam is clear.

THE NATIONALS

Leadership and Office Holders

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (2.00 pm)—by leave—At a meeting yesterday, Senator Nigel Scullion was elected Deputy Leader of the National Party in the Senate.

QUESTIONS WITHOUT NOTICE

Climate Change

Senator O'BRIEN (2.00 pm)—My question is to Senator Minchin, representing the Minister for Industry, Tourism and Resources. Is the minister aware of comments by the minister for industry, reported today, that it is worth looking at implementing a national carbon emissions trading scheme? Hasn’t Mr Macfarlane indicated that such a scheme would function as an interim before any global scheme is implemented? Does the minister have an open mind on the implementation of a national carbon trading scheme, like his cabinet colleague, or does the minister maintain, as he said yesterday, that it is a fallacy that any national scheme will not significantly damage our international competitiveness?

Senator MINCHIN—The government position remains as I indicated to the Senate yesterday, that we do not agree with the La-
abor Party that Australia should unilaterally introduce a domestic emissions trading scheme in the absence of movement in the international community, involving the major emitters, to bring in carbon emissions trading. Any such scheme introduced unilaterally, as proposed by the Labor Party, will do enormous damage to the Australian economy and to the workers that the Labor Party professes to represent. So it remains the position of the government, as enunciated over several years, contrary to that adopted by the Labor Party, that, while there are a whole range of things that we are and should be doing about global warming and greenhouse gas emissions, the introduction unilaterally of a domestic emissions trading scheme is not one of them.

I would draw to the Senate’s attention evidence of the damage that such a scheme, as proposed by the Labor Party, could do to this country. I refer to a letter, dated 15 December 2006, from the Federal Chamber of Automotive Industries to the Labor states’ trading task force secretariat which notes: The task force discussion paper estimates that, that is, domestic emissions trading—over the period 2010-30, wholesale electricity prices across the national electricity market in each year are expected to be on average 17 to 22 per cent higher than they otherwise would be. To quote the FCAI, the car industry group in Australia:

This is a significant increase and, if not matched by similar arrangements in other key automotive producing markets, would have a material impact on the competitiveness of Australian automotive manufacturers employing lots of Australians.

It goes on to say:

The FCAI believes that it is essential that any proposal for development of an emissions trading framework in Australia must be considered as part of a broader global approach to climate change policy. Unilateral measures by Australia in isolation will inevitably have little or no impact while potentially imposing significant costs on the Australian economy.

There is the FCAI, the employers of thousands of Australians in manufacturing, and Senator Carr is going around saying he wants to stand up for workers in Australian manufacturing. They are saying that your proposal would do enormous damage to that industry and do nothing for the environment but put at risk thousands of Australians’ jobs. That is our position; it is very clear: we are in favour of jobs and you are not.

**Senator O’BRIEN**—Mr President, I ask a supplementary question. I take it from the minister’s answer that he is critical of Mr Macfarlane’s statements, because Mr Macfarlane says that he has an open mind on just such a scheme. Does the minister agree with Mr Macfarlane, who has said that there is no prospect of a global carbon emissions trading scheme being in place before 2012? Isn’t that why Mr Macfarlane is now advocating the need for an interim scheme at a national or regional level, which the minister apparently disagrees with? When does the minister think that a global trading scheme is likely to be in place? And does he maintain that Australia should do nothing until then?

**Senator MINCHIN**—The Labor Party likes to pretend that nothing has been done. We have been working for 10 years to reduce Australia’s greenhouse gas emissions. Our actions over the last 10 years have reduced greenhouse gas emissions by 87 million tonnes. We have spent $2 billion on a whole range of programs to reduce Australia’s greenhouse gas emissions. We set up the world’s first greenhouse gas office to do just that. So our record on this is a proud one, a good one, and we have done it without damaging the Australian economy, which is what your policies would do.
Senator PARRY (2.05 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Will the minister please inform the Senate how the government is ensuring Australians have adequate and affordable access to telephony and internet services? Further, is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Parry for the question and for his ongoing interest in the availability of first-class communications services to all Australians, regardless of where they live. Our investment in telecommunications services has delivered Australians a world-class mobile phone service and fast internet connections and has ensured basic services, such as home phones and payphones, are available to individuals and communities. Our strong consumer safeguards ensure Australians enjoy untimed local calls and can get their phones connected and repaired straightaway. And by encouraging competition and responsible regulation, we have ensured that prices for telecommunications services have been slashed by more than 25 per cent since 1996.

I am asked about alternative policies. Yesterday, I outlined to the Senate Labor’s irresponsible and secret plans to scrap regulation of the telecommunications industry to meet the demands of the Communication Workers Union and the Community and Public Sector Union. Yesterday, I outlined to the Senate Labor’s recklessness in abolishing the safeguards that have delivered choice and better services to Australian consumers.

Today I am fascinated to learn, through the Financial Review, of another secret plan by Labor, Senator Abetz, many times before—they tell the consumers one thing and tell business another, but they always end up telling the unions, ‘Yes, whatever it takes.’ Isn’t that the well-worn Labor mantra: just say whatever it takes to get elected, make no real promises, don’t do any hard work, make no tough decisions, give no funding to pay for promises—just tell everyone what they want to hear and do whatever your trade union mates tell you if you land in the job.

I have to ask myself whether there is not some manual in the Leader of the Opposition’s office which is handed from leader to leader—from Mr Beazley to Mr Crean, from Mr Crean to Mr Latham, from Mr Latham back to Mr Beazley and now on to Mr Rudd—called the ‘Do and Say Anything to Get Elected Manual’. Chapter 1 is economic policy: ‘Tell the business community you are going to listen to their concerns, attend high-powered gatherings, listen sympathetically and then deliver the media lines.’ Chapter 2 is to knife business in the back and promise the unions they will get everything they demand if they keep quiet, listen sympathetically and deliver the media lines. Chapter 3 is telecommunications policy: ‘Meet with the telco giants, plan to do over consumers and remove safeguards protecting their rights, listen sympathetically and deliver the media lines.’
So it goes on in health, in education, in aged care, in transport and in roads. We see it in my state of New South Wales, with Premier Iemma and his rapidly disappearing frontbench promising the world and delivering very little to the people of New South Wales. The economy of my home state of New South Wales is on its knees at the hands of the Labor government, and now Labor want the people to trust them as a federal government to fix the mess that wall-to-wall state governments have delivered. *(Time expired)*

**Senator PARRY**—Mr President, I ask a supplementary question. Minister, like all Australians, Tasmanians have benefited from the government’s consumer safeguards, which protect basic telecommunications services. I am certainly concerned that in your answer you have stated that these safeguards may be under threat. I would appreciate further information about this threat and what can be done to ensure consumers continue to receive the protection they deserve.

**Senator COONAN**—Senator Parry is quite right to identify a real threat to consumers of Labor’s secret plans to do deals and to roll back regulation. It is a bit like putting the vandals in charge of the vault. We have seen it time and time again with this Labor opposition: whatever it takes, say and do anything to get elected. I am afraid I have to say this to Senator Parry: the mantra does not change for Labor, only its leaders. I have to ask myself: when will the Labor Party come clean and tell the Australian people the real truth about its plans?

**Climate Change**

**Senator CROSSLIN** *(2.10 pm)*—My question is addressed to Senator Abetz, the Minister representing the Minister for the Environment and Water Resources. Is the minister aware that the Prime Minister’s discussion paper on carbon emissions trading states that it is unlikely that a global scheme will emerge in the near future? Doesn’t the paper also indicate that any international scheme might evolve from national or regional trading schemes? Isn’t that why the paper explicitly canvasses the possibility of Australia introducing a national carbon trading scheme and its potential to provide a more cost-effective framework for implementing climate change measures? Can the minister also explain why the task force is going through the motions of consulting on the establishment of a national trading scheme when the Minister for Finance and Administration only yesterday reiterated that the government will not be introducing such a scheme?

**Senator ABETZ**—What the Prime Minister has said is that, as a matter of principle, Australia would be prepared to participate in a truly global emissions trading system. In support of this, the Prime Minister established the joint government-business task group in December 2006 to advise on the nature and design of a workable global emissions trading system in which Australia would be able to participate. The focus on a global system reflects the government’s recognition that Australia cannot solve climate change alone and that an environmentally-friendly, effective response must include all emitters.

Market mechanisms, including emissions trading, will be integral to any long-term solution on climate change. It is important that any future emissions trading system protects Australia’s natural advantages in the resources and energy sectors. The government will not introduce a national emissions trading scheme which damages Australia’s international competitiveness. In determining whether such damage might occur, we must necessarily pay regard to the responses of other nations to the issue of emissions trading.
At the same time, the government continues to support the development of low-emission technologies, including renewables and clean coal, that are needed to bring about low-cost emission reductions over the long run.

Senator Bob Brown—You defunded solar research!

Senator ABETZ—Everyone agrees that they will be needed to deal cost-effectively with climate change. All options need to be considered, including—I remind those opposite, especially in the far corner—nuclear energy. The task group released an issues paper on 7 February, and it identifies key questions for consideration in advising the Prime Minister on a workable emissions trading system in which Australia would be able to participate. Submissions responding to the issues paper are open until 7 March, and the task group will report to the Prime Minister by 31 May this year.

Senator CROSSIN—I ask a supplementary question, Mr President. Minister, will the government in fact support a national carbon emissions trading scheme rather than a regional one—not a global one? Given the comments over the last few days from the Prime Minister, the Treasurer and other ministers, just what is this government’s position on the issue? If it does now support such a scheme, a national scheme, will the minister tell the minister for finance of the change?

Senator ABETZ—First of all, there is no change, so there is nothing that I need to say to the Leader of the Government in the Senate. One of the principles that we as a government will apply will be to ensure that, as a result of any proposed scheme, we do not export Australian jobs and Australian wealth to other countries with no benefit for the global environment. The Labor policy and the Greens policy quite clearly is that we should unilaterally take action and see the export of wealth and jobs to other countries which are not signing up to reducing greenhouse gases and dealing with the problems of carbon dioxide, CO₂, emissions. As always, we have the balanced approach of being concerned about the environment and jobs, unlike those opposite, who are now trying to paint themselves more green. (Time expired)

Economy

Senator FERGUSON (2.16 pm)—My question is to the Minister for Finance and Administration and Leader of the Government in the Senate, Senator Minchin. Will the minister inform the Senate of recent data indicating the state of the Australian economy? Is the minister also aware of recent international rankings dealing with aspects of the Australian economy and economic policy?

Senator MINCHIN—I thank Senator Ferguson for that very appropriate question. As we commence this year of 2007, the outlook for the Australian economy is actually very bright. In January, we saw two key pieces of data from the Bureau of Statistics confirming that very good outlook. Firstly, the labour force figures for December show that unemployment remains at its historic 30-year low of 4.6 per cent—a level never reached under the previous Labor administration—with 44½ thousand new jobs created in that month. The second piece of data was the December quarter consumer price index, which shows that the headline rate of inflation was actually negative in the quarter—the first time in nearly eight years that that has occurred. More importantly, underlying inflation, which is the key measure and which strips out volatile items like petrol, rose by 0.5 per cent in the quarter. That did represent quite a moderation of inflationary pressures in the Australian economy.

Of course, we welcome the fact that today the Reserve Bank board has decided to leave
official interest rates steady. In other words, the Australian economy is seeing a continuation of what was once regarded as the impossible double: low inflation combined with low unemployment. Labor of course could never achieve that double. In the mid-1980s, they got unemployment down to around six per cent—as I said, never as low as we have now got it—but they could only achieve that with annual inflation running close to an unbelievable 10 per cent. In the early 1990s, Labor managed to get inflation down, but only achieved that through the recession we had to have and by putting a million Australians out of work.

I was also asked by Senator Ferguson about recent international rankings for the Australian economy. I am pleased to inform the Senate that the Washington based Heritage Foundation ranks Australia third in the whole world for economic freedom. Australia scored highest in the categories of business freedom and labour freedom. In relation to labour freedom, the Heritage Foundation said:

The labor market operates under highly flexible employment regulations that enhance employment and productivity growth.

Another recent set of international rankings was the UN human development index, which judges countries’ quality of life, averaged by life expectancy, educational attainment and average incomes. Again, in this UN index, Australia ranks third in the world, aided in particular, they said, by our very high levels of educational attainment. We also finished second on the UN’s measure of gender equality.

Not only has Australia achieved that great double of low unemployment combined with low inflation but we have another golden double: a top three ranking for economic freedom and, on broader measures, for quality of life. It is results like these which show how empty the Labor Party’s attempt is to portray the Howard government as incompetent economic managers. Nothing could be further from the truth, and the Australian people know it very well. The Labor Party have opposed virtually every single measure over the last 11 years which has contributed to our current enviable position. They still have a plan of their own as to how to maintain this strong economic performance. The only policy we know of that they have is to rip up Work Choices, which would do significant damage to the Australian economy.

Weed Management

Senator CARR (2.20 pm)—My question is to the Minister representing the Minister for Education, Science and Training, Senator Brandis. Is the minister aware of the argument his colleague Senator Abetz put to the Senate yesterday. He said:

I know of no scientist—no person—that believes that weeds are not a direct and present threat to the biodiversity of this country ... There is no dispute about that.

Given those comments, can the minister explain the government’s decision to stop funding the highly successful weeds cooperative research centre? Why did the government shut down the weeds CRC when it had universal industry support and was delivering significant benefits at farm level? Why has the education minister ignored something that her ministerial colleagues described as a direct threat to our biodiversity?

Senator BRANDIS—I thank Senator Carr for the question. I tend to agree with all things Senator Abetz says—on this topic and all others.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left!

Senator BRANDIS—I find myself in agreement with the wisdom of Senator Abetz on all matters, Senator Carr, which is more
than can be said for your attitude to your frontbench colleagues. Nevertheless, let me inform the honourable senator of the following matters concerning Australian weed management.

The Cooperative Research Centre for Australian Weed Management’s bid for a further seven years of funding from July 2008 has, I can inform the senator, not been successful. It will continue to commission research until June 2008. The weeds CRC, which has received $33 million in funding in two previous CRC rounds, has undertaken important research and development which is helping to tackle one of Australia’s most significant natural resource management issues—namely, weeds.

It is estimated that weeds cost the Australian economy $4 billion annually. It is thought that they are costing the environment a similar amount, but this is very difficult to quantify. Whilst I acknowledge that this is a very difficult job in deciding on successful candidates, I am very disappointed at the decision, as there is significant research required to tackle the issue. I am aware that the Productivity Commission, in a recent draft report, *Public support for science and innovation*, criticised the criteria for determining which applications for CRC funding are successful.

Senator Wong interjecting—

**Senator BRANDIS**—I can inform the honourable senator, who asks about additional measures that the government is taking, that the government is investing $44 million in the Defeating the Weed Menace Program.

Senator Carr interjecting—

**Senator BRANDIS**—The government, Senator Carr, if you cared enough about the issue to listen to the answer, has invested in a specific program, the Defeating the Weed Menace Program—$44 million this year. It is not the case, as you well know, Senator Carr, that every application for a renewal of funding under a CRC is successful. You well know that programs expire from time to time but, on another front, in a stand-alone, dedicated program, the government is investing $44 million on the very menace that you identify.

**Aged Care**

**Senator ADAMS** (2.25 pm)—My question is to the Minister for Ageing, Senator Santoro. Would the minister outline to the Senate what measures the Howard government is putting in place to enhance the security of residents in Australia’s aged care facilities and the quality of care being provided in these facilities?

**Senator SANTORO**—I thank Senator Adams for her continuing interest in matters
of ageing, particularly the quality of care that is provided within Australia’s Commonwealth-funded aged care facilities. I think it is fair to say, and I am not overstating my own case, that since I became Minister for Ageing about a year ago I have seen my primary mission, my major objective, as enhancing and securing the safety and the quality of care of the residents. There are approximately 170,000 residents within our aged care facilities. Since that time, we have secured $100 million in new money to bring in a quality enhancement and security package of additional measures to bring about that enhanced security. That particular regime is now beginning to kick in, and I want to inform the Senate of some of the very significant parts of that regime.

The first relates to unsupervised access to residents. To protect residents from any undesirable unsupervised access, we have instituted a system of police checks. That means that new staff and volunteers will have to have police checks from 1 March 2007. Existing staff will have to have had a police check or to have lodged an application with police from 1 June 2007 and all existing volunteers will have to have had a police check or to have lodged an application by 1 September 2007. By 30 September 2007 all approved providers must submit a declaration to the department stating that they have met the police check requirements. That is a very significant regulatory regime which the vast majority of the industry accepts has been—although a burden and a small extra cost—very desirable from the point of view of looking after our most precious citizens, the nation builders, the people who are ageing within our aged care facilities.

Amendments to the aged care principal legislation, which will be dealt with within this chamber very shortly, also require police checks for contractors who may have unsupervised access to care recipients, including, I should stress, aged care personnel who were brought on by being hired through agencies.

So you can see that, without wanting to be overly prescriptive or restrictive, we have sought to cover the bases, again, in very strong consultation with the industry—particularly the leadership of the industry—but also talking to specific providers. We have sought to finetune our arrangements in a way that is satisfactory to the industry, while still looking after the very real needs of the people in our aged care facilities.

Also, as many senators would know, from July last year the government significantly increased random spot checks. And they are random spot checks. In fact, I have been advised that between July and December 2006—and this will be of great interest to senators—there were 1,543 random checks. The significance of that figure will be very fully understood by all senators when I say that this compares with 886 for financial year 2005-06. That is a most significant achievement by this government, and we are very grateful for the understanding of the industry. It has subjected itself to that extra but necessary regulatory burden which, more than just about anything else that we have done, guarantees security and helps to maintain confidence within the aged care industry. I thank the industry for its mature and supportive approach to these very significant government measures.

**Smartcard**

**Senator NETTLE** (2.30 pm)—My question is to the Minister for Human Services, Senator Ian Campbell. Given that the government plans to issue 16.5 million access cards and that the card will be needed for any Australian to access medical benefits or other government services, why does the government continue to peddle the myth that the new access card is voluntary? Why won’t
the minister be honest with the Australian people and admit what his own backbench is saying—that is, that it is an ID card for all Australians? Does the government acknowledge that the biometric photo and the microchip on the proposed access card will hold more information than was ever proposed with the Australia Card?

Senator IAN CAMPBELL—I thank Senator Nettle for what is a very important question. We have, as a government, introduced legislation into the other place today to meet the concerns of those who continue to hold fears that the new Smartcard to replace the 1984 Medicare card, which is the subject of substantial fraud against Australian taxpayers, could in some way be related to the Labor Party’s proposal for an Australia Card back in the 1980s. I think they are legitimate fears because Australians do not want an ID card; they do not want to be forced by third parties, as Labor’s proposal for the Australia Card would have done, to produce an ID card if they are to get a mortgage or a bank loan or a range of other services. The draft legislation, if Senator Nettle wants to find it, was released before Christmas when Mr Hockey was the minister, so it has been open for public consultation. I am very keen to maintain a strong and high-quality public consultation because I want to make sure that all 16 million to 17 million Australians who receive this card feel secure that their information is going to be kept private and that this will be an improvement on the level of service that is received. It is very different to the existing Medicare card. The existing Medicare card was designed in 1984. A lot has changed since then. I remind people that back in 1984 the Datsun 200B was a very popular car—and a very good car at that, I am sure—

Senator Carr—You were in the Democrats then.

Senator IAN CAMPBELL—No, not in 1984. Back in those days I was an active member of the Liberal Party campaigning against the Australia Card, as I would continue to do.

This is a card that will bring Australia into the new millennium. The Greens probably still have a lot of supporters who drive around in Datsun 200Bs, but we believe that the Medicare card needs replacing. We need to ensure that people can get access to their entitlements in a secure environment. We know that the Greens and the Labor Party have defended welfare cheats and welfare fraud day after day in this parliament. They have opposed the Welfare to Work reforms. We are trying to get people off welfare and into work and Labor, through their economic policies and their welfare policies, want to leave them on welfare. We want to ensure that people who are entitled to Medicare get access.

No Australian wants to have a repeat of some of the fraud that has occurred under the existing Medicare card. Maybe Senator Nettle supports it, but only last year a lady—in Victoria, I think it was—produced false identities for 18 phantom children and ripped over $600,000 off the Commonwealth taxpayer. It was fraud against the Commonwealth because the Medicare card does not have the secure environment that is required to protect people’s privacy and to ensure that they get the payments they deserve when they deserve them.

So this is a very important measure. Senator Nettle will see from the legislation introduced in the parliament today that, if anyone sought to use this enhanced Medicare and Centrelink card as an ID card, they would be subject to a five-year jail term or a substantial fine. The legislation we have brought in is actually to ensure that it is not an ID card; it is a Smartcard. (Time expired)
Senator NETTLE—I ask a supplementary question, Mr President. Does the minister agree with Mrs Bronwyn Bishop, who in today’s Australian is reported to have asked whether the ID card would have helped the Nazis kill Jews? What is to stop some future government using the ID card and its national database of information to crack down on Australians who dare to criticise its actions?

Senator IAN CAMPBELL—What we are putting in place, if the Senate will pass this legislation, is a law that will make it an offence to use it as an ID card. I urge the Labor Party to put aside their spokesperson on this issue, Tanya Plibersek, who is basically saying they would tear up the access card and that they are not supporting a measure to end fraud. We hope the legislation will pass with the support of the Greens and Labor but they will have to dump Ms Plibersek if they are to do that, because she is opposing it. If a future government, a Labor Party government, comes in and wants to bring in an Australia Card again, as they did last time, they would have to come in here and pass a law to do so. They would have to overturn this law to do so, so it is a democratic process. The Liberal Party remains opposed the Australia Card. You would have to ask Labor if they have a proposal to bring in an ID card.

QUESTIONs WITHOUT NOTICE
Illicit Drugs

Senator PAYNE (2.37 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on new regional initiatives being taken by the Australian government to address the problem of illicit drugs?

Senator ELLISON—I thank Senator Payne for what is an important question and for the role that she plays as Chair of the Legal and Constitutional Affairs Committee, which does such a great job. This is a vital question. Recently we have had a range of announcements of initiatives which have, I think, taken our fight even further in relation to illicit drugs in our region. I announced last week that we will be deploying to Afghanistan four Australian Federal Police officers; we will have two in Kabul and two in Jalalabad. This follows on from a request from the United Kingdom Foreign and Commonwealth Office last year. It has been a work in progress which has been ongoing for some time now. Due to the dangerous nature of this mission and the logistical aspects to this deployment, we have had to ascertain closely the security arrangements for these officers. We have now reached a point where they can be deployed and we are looking to deploy them in March this year.

Two of the agents will be in Kabul and they will be working in a role of mentoring senior police and acting as high-level advisers to the Afghan national police. The other two will be in Jalalabad and will be working with the counternarcotics police of Afghanistan, playing a vital role in the fight against illicit drugs in that country. It is no secret that Afghanistan is the largest producer of heroin in the world today. Although the vast majority of heroin in Australia comes from the Golden Triangle, we dare not be complacent that in future markets it may come from
Afghanistan. Traditionally it has come from the Golden Triangle.

Of course we have to look to our local region in South-East Asia. Since my setting up of the Asian working group on precursor chemicals—these are the chemicals that go to make up amphetamine type stimulants and also ice, which we are experiencing in Australia today—we have experienced that in our region we need to work with our neighbours to enhance awareness and to bring in measures and controls on the trafficking of precursor chemicals. I am pleased to say that the group that I set up will be meeting in Japan next week and that Japan has agreed to co-host this group. I think it is significant that such a key player as Japan has recognised this Australian initiative and is working with us. We want to bring more of our South-East Asia neighbours on board and make this a truly regional effort in the fight against those precursor chemicals which go to make up amphetamine type stimulants. After all, the largest seizures in the world are taking place in our neighbourhood of South-East Asia.

In relation to the Pacific collaborative group, which we have also set up, I am pleased to say that will be meeting at the end of February. That will involve Pacific nations again in the same sort of work of bringing in precursor controls and also police-to-police assistance in relation to work to crack down on the trafficking of these precursors, specifically ephedrine and pseudoephedrine, but there are others, such as PN2, which are used in the making of amphetamine type stimulants. So it is essential that we are out there in our region tackling at a grassroots level the trafficking of precursor chemicals.

As well as that, we have announced that we have had workshops in Phnom Penh just in the last couple of days and in Ho Chi Minh City, working with the authorities there to combat the upswing we have seen in internal couriers—people who bring into Australia illicit drugs which are secreted internally on them. We have seen 28 people arrested in relation to this method of drug smuggling in the last year, 22 of them in the last six months, demonstrating a significant increase in this area. The AFP are working very well with those two countries in combating this trade.

**Australian Football League Television Broadcasts**

Senator CONROY (2.41 pm)—My question is to Senator Coonan, Minister for Communications, Information Technology and the Arts. Has the minister seen reports of a new deal for the broadcast of AFL matches negotiated between the Seven and Ten networks and Foxtel? Is the minister aware that under this arrangement there will be 22 fewer AFL matches shown on free-to-air television this year? Is the minister also aware that, for the first time, football fans in Adelaide and Perth will have to pay to watch live broadcasts of matches involving teams from their cities? Does the minister agree that the AFL and free-to-air networks have sold out football fans by agreeing to this arrangement? Does the minister also agree that the deal negotiated by the Seven and Ten networks shows a complete contempt for the intention of the antisiphoning list?

Senator COONAN—No, I would not agree with Senator Conroy’s last proposition. I am, however, aware of press reports that the broadcast rights holders to the AFL from 2006 to 2011, the Seven and Ten networks, have been in discussions with various television broadcasters to on-sell the rights to televise up to four AFL matches each round. I also note that there has been press speculation that a deal has been struck between Foxtel and the Seven and Ten consortium. However, of course it is not my role to speculate...
before there is an announcement about these matters. What I can say is that under the government’s antisiphoning scheme AFL premiership matches are protected, which reflects, of course, their strong community support. The AFL’s deal with the Seven and Ten networks saw the antisiphoning scheme work precisely the way in which it is intended by giving free-to-air broadcasters first access to rights that are listed.

Recently I announced the introduction of a ‘use it or lose it’ scheme to ensure that the free-to-airs do not acquire events and either hoard them or show them with excessive delays. This new scheme commenced on 1 January this year. So although I am not privy to the details of the AFL’s agreement with the two networks—

*Senator Conroy interjecting—*

*Senator COONAN*—which—as Senator Conroy quite rightly interjects—is due to be announced tomorrow, I do understand that under the terms of the five-year agreement a maximum of four matches per round may be on-sold by the Seven and Ten networks to subscription TV broadcasters and that if no agreement is reached with subscription television the networks must ensure the broadcast of all eight games per round, which may of course involve other free-to-air broadcasters. I also understand that Network Ten will broadcast the 2007 AFL grand final after winning a coin toss for the right to screen the match. Network Seven will broadcast the following grand final. Any negotiations between Seven and Ten and other broadcasters is of course a matter for the parties involved and subject to the terms of the contract agreed with the AFL. Certainly the government would not be seeking to interfere with negotiations.

As with all events on the list, the Australian Communications and Media Authority will monitor the use of the rights acquired by the broadcasters and report back to the government. These reports will guide future action in relation to the list. I am aware of reports suggesting that the proposed deal will lead to a reduction in the number of games broadcast free to air in Victoria, South Australia and Western Australia—and I should say that the AFL is one of the cornerstone sports of the anti-siphoning list. Australians do love their sport and their various footy codes, and that is why the government has directed that the regulator monitor the way sports on the list are shown by broadcasters. Under the rules, broadcasters do need to demonstrate that sports on the list are being shown live to fans. It is precisely the reason for the list and we will watch closely how the games are used throughout the year so that it can inform the way in which the government deals with this list.

*Senator CONROY*—Mr President, I ask a supplementary question. Can the minister explain why families like Senator Minchin’s or Senator Ellison’s will be forced to choose between paying $600 to watch Crows and Port Power matches live or keeping their children up to watch a replay starting at 10 pm on free to air? Will the government look at strengthening the anti-siphoning list to ensure that free-to-air coverage of major sports is maintained? It will apply to the Eagles and Dockers matches as well. Alternatively, will the government continue to allow broadcasters to exploit the protection given to them by the anti-siphoning list to extract additional revenue from pay TV by selling out sports fans?

*Senator COONAN*—I thank Senator Conroy for the supplementary question. I sincerely hope when it comes to the AFL that Senator Conroy does support the game instead of supporting England, as we know he does with the cricket! The important thing is that we have to see what this deal entails. It is quite inappropriate to speculate on the de-
tails. No doubt, if Senator Conroy asks me tomorrow, I will be able to elaborate further.

**Corporations Law**

**Senator MURRAY** (2.47 pm)—My question is to Senator Coonan with respect to Corporations Law. Minister, are you aware that there is concern that business standards are slipping again and that last weekend the *Financial Review* had a headline ‘Back in the west the wild boys are back’? Is the minister aware of the article by Allen Kohler in the *West Australian* dated 24 January 2007 regarding conflict of interest matters arising from the mooted Alinta gas management buyout? In particular, does the minister recall Mr Kohler saying:

Apparently it’s now OK for a chairman to join a management buyout, for both the CEO and chairman to keep running the company while at the same time trying to take it over, for the company’s adviser—he means Macquarie Bank—to look at supporting this and for the board to keep it secret.

Does the minister agree with Mr Kohler that:

It clearly cannot be left to the marketplace to work out.

**Senator COONAN**—I thank Senator Murray for the question and I am certainly excluding him from any allusion to being a ‘wild boy from the west’! I note that he certainly does take a very keen interest in these matters. I do not want to comment too much on the specifics of Alinta and the proposed management buyout of that company, although I do agree that some of the matters in respect of the Alinta arrangements are certainly ones that are now under scrutiny—at least under investigation—by the regulator. I am aware that Alinta’s chair, CEO, three other executives and the company’s former adviser, Macquarie Bank, were involved in a proposal for a management buyout of Alinta and that the CEO and chair resigned as directors in response to concerns about possible conflicts of interest. Those conflicts apparently look to be very real. Macquarie, of course, has publicly denied that it used any information obtained in its advisory role to further the management buyout proposal. I am also aware that questions have been raised by commentators, including Mr Kohler, as to whether the Alinta board disclosed the offer to the market soon enough to meet continuous disclosure obligations, so that is obviously another matter under scrutiny.

The regulator announced on 18 January 2007, and this has now been put on its website, that it had been making appropriate inquiries regarding developments with Alinta and Macquarie. It believes the laws in relation to directors’ duties—that is, the framework—are clear and they apply to all forms of takeovers. A very key aspect of those duties is that it is the responsibility of directors to ensure the market is properly informed and that people act appropriately, that directors have a duty to avoid creating a conflict of interest between the directors’ personal interests and those of the company and shareholders. The law also requires financial service licensees and, in this case, Macquarie to manage any conflicts of interest. When ASIC identifies any conduct it reasonably believes might step outside the boundaries of the law, it can and will act. This certainly flags that ASIC is on the case, and it is a matter for ASIC, with great respect, to determine whether contraventions of the Corporations Act have in fact occurred and to take appropriate action based on the evidence before it. It is clear, I would submit to the Senate and to Senator Murray, who has asked the question, that there are very clear provisions in the existing law that deal with directors’ duties, disclosure and conflicts of interest. It is a matter that I think is entirely and appropriately a matter for the regulator. There does not appear to be any doubt as to
the legal obligations and clarity of the law surrounding directors’ duties. It is appropriate that ASIC should do its work.

Senator MURRAY—Mr President, I ask a supplementary question. I appreciate the minister’s answer and I am aware that ASIC are looking into the matter but I am not satisfied that the law is as clear as the minister might hope. In view of the problems identified in Mr Kohler’s article and general disquiet over matters like these, will the minister undertake to strengthen Corporations Law if ASIC finds that its current powers to investigate and act on conflicts of interest, the actions of directors and the level of management fees involved in these types of transactions are unclear or inadequate? In that case, will the government consider asking ASIC or CAMAC or both to formally review these and similar issues?

Senator COONAN—I thank Senator Murray for his supplementary question. I think it is appropriate that ASIC should continue to do its work in the way in which it has indicated it will on this and other matters. The general proposition is that the government will continue to ensure that regulatory settings are appropriate in the light of both market developments and investigations that might indicate any lack of clarity, certainty or reach where it is appropriate. That is an affirmative that the government will continue to ensure that the settings are appropriate as matters unfold.

Aged Care

Senator WORTLEY (2.53 pm)—My question is to Senator Santoro, the Minister for Ageing. Has the minister seen reports in the *Adelaide Advertiser* today that describe a four-year study of Adelaide nursing homes where academics witnessed widespread abuse such as a resident being forced to sit in a urine-soaked bed and nightgown while eating her breakfast, residents being forced to sit in their own faeces for long periods of time and requests by people to go to the toilet being rejected on the basis that it is not their toilet time? Is it true that all Adelaide nursing homes are accredited and have been so for the entire four-year period of the study? Is it also the case that only one Adelaide nursing home, Barton Vale, which failed 27 of the 44 accreditation criteria, was sanctioned during the period of the study? Can the minister now explain how it is possible for abuses of this nature to occur under the government’s aged-care system?

Senator SANTORO—I can inform Senator Wortley that I have seen the front page of the *Adelaide Advertiser*, and let me make it very clear right from the outset that it is our main goal as a government to protect the most vulnerable in our society and we on this side of the chamber take our responsibilities, particularly when it comes to the venerable and vulnerable ageing Australians in our aged-care facilities, very seriously. When I saw the headline, I was very angry. I felt angry that that sort of psychological abuse could again be inflicted on the residents, the relatives and the carers of the people whom we care for.

Senator George Campbell—What did you do?

Senator SANTORO—I will answer that interjection. I will say precisely what I did. I immediately instructed my department and the accreditation agency to make contact with the people who did the research which was published on the front page of the *Adelaide Advertiser*. I did four radio interviews explaining precisely what I am about to tell the Senate now in greater detail. I asked my departmental people to make contact with those people and I can advise the Senate that the author of this report has advised the Department of Health and Ageing that her ‘first-hand knowledge’ of these issues relates to
her study of just three residents in one nurs-
ing home four years ago.

Senator Abetz—That is four years ago, not over four years.

Senator SANTORO—I repeat: that was three residents in one nursing home four years ago.

Senator Wong—That makes it okay, does it?

Senator SANTORO—No, it does not make it okay. My departmental officers were advised that the other comments were based on anecdotal evidence and third-hand information heard about over the last three years. That was the advice, and my officers are happy to sign statutory declarations that that was the advice that was provided. We are reduced to hearsay on the front page of the Adelaide Advertiser and in a question asked in the Senate. That is what I have been talk-
ing about. Senators opposite have accused me of overstepping when I say that the head-
line that appeared on the front page of the Adelaide Advertiser is the worst psychologi-
cal abuse that we can inflict on our residents in aged-care facilities. And the sooner news-
papers like the Adelaide Advertiser and the sooner some senators opposite start behaving in a responsible way, the better off our nation builders in our care in Australia’s aged-care facili-
ties will be. I implore the opposition and newspapers to do what is decent, and that is to report accurately and to try to find out the facts and to verify them, as we were very quickly able to.

Furthermore, I can inform the Senate that the academics have refused to identify any homes of concern for further investigation of these claims. I said immediately to my de-
partment, ‘Get in there as quickly as possible and let’s see if there is a systemic problem and if there is an issue that we really should be worried about.’ I am further advised by the department that the academics involved did not report these alleged cases of neglect under the Aged Care Complaints Resolution Scheme at any time over the last four years. I believe that it is incumbent upon everybody, whether it is the minister, an opposition sena-
tor or anybody else out there within our community, to report cases of neglect such as those described. (Time expired)

Senator WORTLEY—Mr President, I ask a supplementary question. How can the minister defend this system when elderly and frail Australians and their families have to rely on the media and independent academ-
ics rather than the appropriate authorities to detect abuse in aged-care facilities?

Senator SANTORO—With respect, Senator Wortley was not listening to the an-
swer. We have an accreditation agency, a complaints resolution scheme, a department, and shortly we will be introducing whistle-
blower protection legislation so that people do report the rare instances of neglect and abuse. I again remind Senator Wortley and the Senate that close to 170,000 ageing Aus-
tralians are in full-time care in over 3,000 facilities. No government, no opposition and nobody else involved in the aged-care indus-
try of Australia can give a rock-solid guaran-
tee that not one resident over 365 days of the year will suffer some mishap. No-one can guarantee that, but to have that scurrilous headline psychologically damaging our age-
ing Australians is a very sad indictment.

Bushfires

Senator BARNETT (2.59 pm)—My question is to the Minister for Fisheries, For-
ery and Conservation, Senator the Hon. Eric Abetz. I note that today is the 40th anni-
versary of the 1967 bushfires in Tasmania, which took a terrible toll on life, liberty and property in our home state of Tasmania. Will the minister update the Senate on the current bushfire season and, in particular, will the minister outline to the Senate the impact that
these bushfires are having on greenhouse gas emissions and upon water resources, and what actions can be taken to alleviate these impacts?

Senator ABETZ—Senator Barnett is correct: today is the 40th anniversary of the devastating 1967 bushfires in Tasmania which killed 62 people and destroyed 1,400 homes. As somebody who lived through that—I remember being a primary school child at the time—it was a very serious event and it is something that is entrenched in the mind of every Tasmanian who lived through it. Although we can be thankful that we have not seen the likes of such fires in Tasmania since, we have seen similar events in other states, including Ash Wednesday in Victoria in 1983 and the 2003 Canberra bushfires. And just a few short months ago in Tasmania we saw homes destroyed on Tasmania’s east coast—and just this week in Western Australia too. Indeed, this bushfire season is shaping up to be one of our nation’s worst. Already well over one million hectares of forest has been burnt in Victoria, along with hundreds and thousands more burnt in New South Wales, Tasmania, South Australia and Western Australia, with often devastating effects on both life and property.

But I was asked specifically about the impact of these fires on greenhouse gas emissions and upon water resources. The effect is real and it is significant. Best available estimates suggest that so far this bushfire season more than 40 million tonnes of carbon dioxide have been emitted into the atmosphere. The 2003 bushfires, which burnt some three million hectares, emitted an amazing 130 million tonnes of carbon dioxide. That is more greenhouse gas emitted than from all the cars on Australia’s roads in one year. In fact, it is second only to power generation in terms of CO2 emissions in this country. As for the effect on water resources, we only need to look at the same 2003 bushfires, which burnt much of the Murray-Darling catchment. As a result of the forest regrowth from these fires, there is now an estimated 430 billion litres less water in the Murray-Darling than there otherwise would be. That is some 20 per cent of the total inflows for the river.

Numerous inquiries, including the report immediately after the Canberra bushfires, have found that these bushfires are being exacerbated by state government mismanagement of our forests and our forest reserves. So let me make this challenge. Those on the other side like to make a lot of noise about climate change and water security, and I note that the Leader of the Opposition has announced he will be holding a climate change summit, no doubt with his state Labor colleagues. I simply say to the Leader of the Opposition: if he is genuinely serious about reducing Australia’s greenhouse gas emissions, a very good starting place would be to convince his state Labor colleagues to ensure that they manage their national parks properly by reducing the fuel load in them to spare the sorts of catastrophes that we experienced in Tasmania in 1967, in Victoria in 1983 and in Canberra in 2003. That is a real, sensible, practical solution that Mr Rudd might be able to deliver, for the benefit of the people of Australia, through his state Labor colleagues.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Climate Change

Senator CROSSIN (Northern Territory) (3.04 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to
questions without notice asked by Senators O’Brien and Crossin today relating to climate change.

This government has made a shambles of this debate over whether or not we should have a national carbon emissions trading scheme and the link between emissions and climate change. It also goes to the comments that the Prime Minister made—or failed to make—yesterday and to the commitment and change of heart from the Minister for Industry, Tourism and Resources, Ian Macfarlane.

Let me go to yesterday. I have in my mind a picture, late at night, of the Prime Minister sitting down on the sofa. I am sure that Mrs Prime Minister probably said, ‘How was your day, darling?’ It was the first day of the sittings, the parliamentary New Year. I think he probably would have said: ‘Well, church was pretty good in the morning, except I didn’t know all the words to the hymns. That new Leader of the Opposition could sing every one of them without looking at the songbook, so I’d better lift my game there. It was going pretty well, actually, till they asked me a question about climate change and the emissions trading scheme. But I stuffed it up. I didn’t quite get it right. But it’s okay: when I got back to my office, I pretended my lack of hearing had done me wrong and that I mistook the question to be about drought and climate change and I just trotted back into the chamber and I rectified my problem.’

All up, it was probably not a really great day. In fact I think one of the papers gives his performance as a six out of 10. It was not a great day for this government for two reasons. Firstly, they have suddenly discovered that climate change is actually an issue in this country, and it has been an issue for a long time. I think it was Senator Minchin who said today that they had actually been working on the issue of climate change for 10 years. Ten seconds, I think, would probably be the more correct answer if he had been honest with the Senate. This is a government that has failed to believe the words ‘climate change’ even existed, let alone what they meant to this country. But we are in an election year, so I guess they have probably got their radars out and have decided they had better get on board—to start to use the words and to come up with a position.

But there is a bit of a problem, isn’t there? The Minister for Industry, Tourism and Resources, Ian Macfarlane, is saying: ‘Wait a minute, maybe we should actually have a look at this. Perhaps there is a link between emissions and climate change.’ Some people in this chamber still refuse to believe that there is a link. But then they say, ‘If the rest of the world get on board, we might follow them.’ The government’s problem is that it has always been a follower when it comes to dealing with the issue of climate change. It always has to march behind. It always has to step in line. It always has to wait to see what the rest of the world does before it actually takes any action. It takes no initiatives and has no new ideas. There is nothing creative about Australia when it comes to the international scene and dealing with climate change. So what do we get today? The government says: ‘We’re not actually going to initiate any national scheme, or even a regional scheme, unless it is truly global. Let’s sit back and see if the rest of the world is going to get on board and then we might make up our mind.’

It is the same with the Kyoto protocol: while the rest of the world is talking about stages 2 and 3, this government has not even signed on to stage 1. There is no guarantee, even if the rest of the world gets on board with an emissions trading scheme, that this government will get on board. That is their excuse. They do nothing. They get it confused with the link between drought and climate change and then have the Prime Minis-
ter toddle into the House late at night to say, ‘Mea culpa; I got it all wrong.’ Poor thing! It is a wonder they did not send someone else in to apologise for his mistake.

This government does nothing. It is a follower, not a leader. It does not take initiatives in this country or internationally. It is going to sit back and wait until the rest of the world gets onto the starting blocks. This government has had report after report after report on the impact of climate change, and the most recent report from the Intergovernmental Panel on Climate Change clearly shows there is a direct link between human activity and climate change. *(Time expired)*

**Senator McGauran** (Victoria) *(3.09 pm)*—What we have just heard from Senator Crossin was extremely shallow and it was condescending towards the Prime Minister. She sought to use the Prime Minister’s hearing difficulty as a debating point, which is pathetic; it says more about the speaker than about the incident itself. If the Labor Party wants to engage in this very scientific, complex and multilayered debate which the public sometimes finds difficult to get to grips with, it should not do it in here through a lightweight like Senator Crossin. Labor ought to take it a little more seriously than the previous speaker, with her lightweight, unsophisticated and condescending approach. This debate deserves more.

The other side do not care to listen. I guess that is their job in opposition. May we never return to opposition! They asked several questions of Senator Minchin at question time on the issue of a national carbon emissions trading scheme. The answer was quite clear, categorical and black and white: this government does not support a domestic carbon emissions trading scheme for the good reason—backed up by research—that it would not be in this country’s national interest. We said some three years ago, in the national white paper *Securing Australia’s energy future*, that we would support and work towards an international carbon emissions trading scheme. We will say that until we are blue in the face, until the other side accept that this government’s policy.

I take it that the opposition’s policy is to introduce a national—that is, domestic—carbon emissions trading scheme. Well, go ahead! Try and sell that to the business community and those who will lose their jobs as a consequence! I know that you have recently appointed a new business liaison manager; he will have his fingers crossed even before he has heard of your absurd policy. On behalf of the Labor Party, this man is meant to liaise with big business, the energy producers of this country, and present a good face that says Labor, if they ever get into government, will listen to business and be business friendly. Well, try and sell that policy! Go and get your liaison officer to sell this policy. He will have more than his fingers crossed.

There are several other myths that the other side try to sell on this issue, including that the government are still sceptics—that we are late to the issue. I say to the other side that that is far from the truth; it is a myth I would like to put to rest. In 1996, our first year in government, we initiated a major review of the National Greenhouse Response Strategy. The strategy was completed in 1996 and was developed throughout 1997. I stress that it was during our first term in government, in 1997, that we established the Australian Greenhouse Office, the world’s first ever greenhouse office. That office coordinated a national greenhouse approach with the states and local government. I will read from a press release from the then Minister for the Environment, Senator Robert Hill, dated 20 November 1997—so you cannot say we are Johnny-come-latelies on this issue. He said:
A new Commonwealth Greenhouse Office is to be established in the Department of the Environment to galvanise the drive to improve Australia's greenhouse performance.

Through the Greenhouse Office, back in 1997, we put down a policy and a strategy—fully funded, I should add.

There are several other myths with regard to this issue—and, no doubt, I will have more time to speak on the matter because it has been the issue of the week. I suspect it will be the issue of the year, seeing that the Labor Party have now dropped and run away from their industrial relations strategy leading up to the next campaign. But I just want to point out that this government had a policy, strategy and funding for the greenhouse gas emissions problem in its first term of government. (Time expired)

Senator WORTLEY (South Australia) (3.14 pm)—No doubt Senator Abetz, the Minister representing the Minister for the Environment and Water Resources, would have been expecting such a question on climate change today, given the embarrassment this government is experiencing on the issue of the environment. I refer specifically to its lack of action on climate change and the confused message it has been sending out, with the Prime Minister, the Treasurer and other ministers appearing to have different views on what the government's position is on carbon emissions trading. Given that the Prime Minister's discussion paper on carbon emissions trading indicates that it is unlikely that a global scheme will emerge in the near future and given the apparently different views of members of the government, it is likely that inaction will be the outcome under a Liberal-National coalition government. This seems a fair assessment, given the way that the government has equivocated on climate change while global warming has made its impact.

The Australian public, our constituents, are genuinely concerned—concerned about the impact climate change has already had, the impact it is having today and the impact it will have tomorrow on our planet and future generations. They should be concerned, given that 600 scientists, including 42 Australian scientists, representing 113 governments on the UN Intergovernmental Panel on Climate Change have found that warming of the climate system 'is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice' and rising sea levels. The public are concerned, knowing that this government, after 10 long years in power and after years of denial, has fallen well short of addressing the issue.

In the last parliamentary session of 2006, the government pushed through the Environment and Heritage Legislation Amendment Bill (No. 1) 2006. What a missed opportunity that bill turned out to be for the government to address the very real challenge of climate change if it believed climate change was a serious and genuine concern. Those opposite cannot get away from the fact that this bill was made up of 409 pages of amendments without a single mention of protecting Australia from dangerous climate change; nor was there any measure to cut Australia's greenhouse gas pollution.

Regardless of what the senator said today, for 10 years the Howard government has failed to listen to the concerns of the experts—the scientists—and the Australian people on environmental issues, failed to provide solutions and failed to provide hope for the future. It is a government without answers led by a Prime Minister who has been a climate change sceptic. We have the Prime Minister leading a government that has failed to deliver climate change solutions for 10 years and claiming on Lateline to be a realist on climate change and not prone to
exaggeration. Yesterday during question time we had him saying ‘the jury is still out’ on the link between greenhouse gas emissions and climate change but then, following the nightly news, returning to the chamber to correct his statement.

What the Australian public is seeing is a government that does not know what it believes on the issue of climate change and emissions trading. On Monday the Prime Minister said Australia could implement a domestic scheme if there was ‘reasonable anticipation of activity on the global level’ and then yesterday we had the Minister for Finance and Administration, Senator Minchin, saying that the government continues to be opposed to Australia acting unilaterally to tax Australian industry by way of a domestic emissions trading scheme, or carbon tax, in the absence of any action by our trading partners or other major nations in the world. This government has been backed into a corner on climate change and has been well and truly exposed as a government that cannot be trusted when it comes to dealing with our environment and as a government with a decade of climate change scepticism, policy inaction and complacency.

Throughout that time Labor has been asking the questions, putting forward ways to address environmental issues, moving amendments and introducing bills. This week, Labor’s leader, Kevin Rudd, announced he will convene in the coming months a national summit on climate change. The summit will be designed to bring together Australia’s best scientists, with a view to shaping a national consensus on the best way forward for Australia to deal with climate change over the next decade. (Time expired)

Senator BERNARDI (South Australia) (3.19 pm)—It is amazing to listen to the concocted outrage of people on the other side of the chamber saying that climate change is worth destroying Australian industry for and that we need to take measures that are going to dislocate industry across this nation and effectively cause economic paralysis. I am a climate change realist. Like the Prime Minister, I acknowledge that our climate is changing. It has been changing for centuries. We have had warmer periods and we have had cooler periods. We are currently in a warmer period. There is no doubt that the scientific evidence does demonstrate that greenhouse gases are making a contribution to this. We as a government acknowledge this, which is why we established in 1997 the Australian Greenhouse Office, the first agency dedicated to addressing climate change.

Whilst we have not signed the Kyoto protocol, we have not done so just so that we can ignore it like other countries have done—which is apparently what you lot opposite want. We have sought to reduce our greenhouse gas emissions, and we are expecting that reduction to be within one per cent of our stated Kyoto protocol target in any event. By 2010 we will have reduced our emissions by some 87 million tonnes, which is equivalent to the emissions from our entire transport sector; that is our goal. This is a reasonable response to an issue that the world is confronting: a world where we have to compete at an economic level and a nation where we need to provide jobs and a growing economy for Australian workers.

The UN Intergovernmental Panel on Climate Change report has generally been accepted as a definitive statement on climate change and on the severe impacts it may have on the global economic environment and humans’ living conditions. But one thing that has gone quite underreported about that report is that, whilst it acknowledges man’s contribution to global warming, greenhouse gases and climate change, it also says that some of the more alarmist theories that have
been peddled in an attempt to score cheap political points are simply not true. Antarctica is not warming, I read in this morning’s paper. It is not melting away and going to drown us all under metres of water. No, the Gulf Stream will not stop. Europe will not fall into a new ice age as a result of climate change. No, climate change is not responsible for more hurricanes—or cyclones, as we call them here in Australia. The IPCC report also suggests that Sydney will not be under water in just a couple of decades time, which is what some of the more alarmist people are peddling.

This government has been committed for 10 years, since we established the Greenhouse Office, to examining renewable technologies—investing in energy options that can produce a viable, profound change in Australian emissions for the future. As I said earlier, the latest projections of Australian emissions say that we are within one per cent of our Kyoto protocol target. To achieve this, the government have done many different things. We have established the largest renewable energy project in solar panels, in the seat of Makin in Adelaide, which Senator Wortley would be well aware of. We have done this to reduce our reliance on fossil fuels and to reduce emissions.

Imagine for a moment if we did what the Labor Party and some of the more extreme fringe parties would advocate and we actually shut down our coal industry. How many thousands of jobs would be lost as a result of that? How many jobs are you prepared to give up, Senator Wortley? How many coal stations are you prepared to close in order to achieve a further reduction, even though we are within one per cent of what our Kyoto protocol limit would be? The fact is that we are looking at something that is sustainable for this country. We have to do what is in the best interests of not only the workers but our environment in this country. This government is working very hard towards that strategy. We are working with key allies in our region and with our competitors. (Time expired)

**Senator McEWEN** (South Australia) (3.25 pm)—I note that in discussing this very important issue of climate change there are five senators from South Australia in this chamber. That is entirely fitting, because of course South Australia is the driest state in the driest continent in the world and what happens in the matter of climate change is particularly important to the people of South Australia.

I am addressing my comments to the responses by Senator Abetz, the Minister representing the Minister for Environment and Water Resources, to questions today. I note Minister Abetz’s failed attempt to try to defend his government’s activity in the area of climate change and in particular his failure to defend the Prime Minister, who yesterday blistered and blundered when trying to articulate his government’s position on climate change. The Prime Minister, as we saw, had to scuttle back into the House and recast his incredible statement that ‘the jury is still out on the degree of connection’ between carbon emissions and climate change.

It may be that the Prime Minister did not hear the question that gave rise to that ridiculous response, but he has certainly heard the Australian public, who are asking loud and clear, ‘What has this government done and what is it doing about climate change?’ He has heard the criticism levelled at his tired, out-of-touch government, because he has read the polls. We know now that the polls are bad for the Prime Minister, because suddenly he is all about talking about climate change. He has dumped one dud environment minister and he has put the latest prime ministerial wannabe into the firing line.
So, instead of Senator Ian Campbell’s failed global quest to save the whale, we have ‘Malcolm in the muddle’ trying to cobble together a coherent government response to climate change—except that it is not coherent, as Minister Abetz so eloquently showed us, because the government is still full of climate change nonbelievers. They refused to sign up to Kyoto and they are still umming and ahing about whether or not Australia should have a national carbon emissions trading scheme. ‘Maybe we should wait for a global scheme to come into place,’ they say. How much longer are we going to wait for a national carbon emissions trading scheme? This government has still got the blinkers on as far as carbon pollution and climate change go, despite the stream of reports coming from eminent scientists that Senator Crossin and Senator Wortley mentioned earlier in this debate, such as the reports from the Intergovernmental Panel on Climate Change, the highly esteemed Wentworth Group of scientists and the Australian of the Year, Dr Tim Flannery, a fine South Australian, who has dedicated a lot of his life to the issue of saving our planet.

This government has had more than a decade in office to do something to reduce the emissions that contribute to climate change and to mitigate the effects of climate change, and what do we hear today? ‘We set up an office called the Greenhouse Office. We did it 10 years ago.’ What has it done? Where is the evidence of anything that it has done? I am sure that it is a very nice office, but I have not seen any evidence of what it has done. What is the Greenhouse Office doing to mitigate what could be a potentially disastrous situation? We are looking at our magnificent natural heritage in Australia coming under threat because of climate change—the Great Barrier Reef; Kakadu; the Murray-Darling Basin, as we know; and the magnificent Coorong in my state, which is already in a diabolical situation and is apparently headed for an even worse environmental situation unless something is done quickly. What are we going to do when the alpine zones just a few hours from this place are affected by climate change? It will be too late then.

I noted that Senator Bernardi in his comments raised the issue of the environment versus the economy—that we cannot have a national emissions trading scheme because it might have an economic impact. Of course it will have an economic impact. We know that. We know that it is going to have an economic impact, but we have got to deal with that fact. The two things are not mutually exclusive. What is Senator Bernardi going to do when the agricultural and horticultural industries in South Australia, upon which the state heavily relies, are affected by increases in temperature and even less rainfall, as is predicted? I know Senator Bernardi is intimately involved in the wine industry. What is he going to do when the grapes stop growing in the Barossa and the Coorong and what is he going to tell the South Australian growers in the Riverland when there is not enough water to keep their crops growing? I know Senator Bernardi is intimately involved in the wine industry. What is he going to do when the grapes stop growing in the Barossa and the Coorong and what is he going to tell the South Australian growers in the Riverland when there is not enough water to keep their crops growing? What does this government do? ‘It’s somebody else’s fault. We set up a Greenhouse Office, but it hasn’t actually done anything. We are not actually convinced.’ (Time expired)

Question agreed to.

Smartcard

Senator NETTLE (New South Wales) (3.30 pm)—I move:

That the Senate take note of the answer given by the Minister for Human Services (Senator Ian Campbell) to a question without notice asked by Senator Nettle today relating to a proposed access card.

I asked the government to come clean on the access card and admit that it really is the be-
ginning of what could be a national ID card for Australians, but I did not hear that from the minister in his response. I think the facts speak for themselves to a large extent because the ID card that the government intends to issue to 16.5 million Australians—that is the government’s estimate—will be required to access all government services, including Medicare and Centrelink, so virtually every adult Australian will be carrying one.

The cards will carry extensive information on individuals, far more than was ever proposed with the controversial Australia Card, which of course the opposition proposed when they were in government. The Labor Party dropped the proposal after public opposition. The access card will include the person’s name, date of birth, gender, residential address, digitised signature, ID number, welfare status and Medicare information, as well as a range of other information, including information people choose to put on it. It will also include a biometric photograph, used in 3D facial recognition technology, allowing the image to be matched with camera scans. According to today’s Australian, some Muslim women will be required to remove their head scarf in order for such photographs to be taken.

The Greens are opposed to this ID card. We certainly see it as an ID card, because, as I said, the biometric photo and the microchip on it will contain much more information than was ever proposed with the Australia Card. Whilst the government claims that it is a voluntary card, if you need it to access all government services it effectively becomes a compulsory card. So it is really semantics to continue to try to argue that it is a voluntary card.

It is opposed by the Australian Privacy Foundation and a number of other legal and community organisations. Many of them have described the card as a major assault on the privacy of all Australians. The threat could be even greater because, as I said in my question today: what will prevent any future government from using the card and the national database of information that is associated with the card to target or crack down on Australians who express a particular political view? As I indicated in my question, Bronwyn Bishop is reported in the Australian to have asked whether the card could have been used by the Nazis to kill Jews. That is how she phrased that.

The advertised savings to the government of around $3 billion over 10 years are not firm figures. Once the costs of the implementation of the system are subtracted, we could see no financial benefit at all by adopting the card. From a security point of view, ID cards represent a double-edged sword that I think everyone acknowledges. It would make assuming a fake identity harder but would also make successful fake identities involving fake cards much more effective and therefore dangerous. The Greens are opposed to setting up a national ID card infrastructure which would threaten privacy and allow government agencies and also commercial interests to track a citizen’s status and behaviour. The access card will also pose a threat to identity security, as I said. It could effectively define a person’s identity in a way which could be very damaging if the information on the card were misused, corrupted or simply wrong, as does happen from time to time, and people accept that.

Unfortunately, the public has not had a great deal of opportunity to look at this plan because the exposure draft for the bill came out just before Christmas, and that is a busy time of the year for people to have the opportunity to have input into it. The government at the time flagged that there would be a public inquiry, but I am not really sure that the
Christmas break in January should be considered a time for public inquiry.

Now, of course, we have the legislation and there are proposals to send it to a Senate inquiry, which the Greens are happy to support. No doubt, a Senate inquiry would allow the process for making suggestions on improving the proposal, but we say that no amount of tinkering can change the fundamental problem with the government’s plan. The Greens do not support putting in place the infrastructure for a national ID card, and that is what we see as being fundamental and central to this proposal. It creates dangers in terms of people’s privacy and the Greens do not believe we should go down that path. We do not think it is a path that we should be pursuing.

Question agreed to.

NOTICES

Presentation

Senator Troeth to move on the next day of sitting:

That the Employment, Workplace Relations and Education Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 8 February 2007, from 4.30 pm, to take evidence for the committee’s inquiries into the provisions of the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006 and the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2006.

Senator Eggleston to move on the next day of sitting:

That the Environment, Communications, Information Technology and the Arts Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 8 February 2007, from 1 pm.

Senator Allison to move on the next day of sitting:

That the Senate—
(a) notes with concern new research from Europe indicating that:
(i) the long-term use of mobile phones results in a 40 per cent likelihood of developing a type of nervous system tumour near the phone ear,
(ii) researchers found those who had used a handset for more than 10 years were 39 per cent more likely than others to develop a tumour,
(iii) the authors of the study believe that there is a need for further exploration of the effects of long-term mobile phone use, and
(iv) in the United Kingdom a new study has recently been ordered where more than 200,000 volunteers, including long-term mobile phone users, are to be monitored for at least 5 years to plot mobile phone use against any serious diseases they may develop, including cancer, Parkinson’s disease and Alzheimer’s disease; and
(b) recommends that the Government implements a similar long-term study in Australia.

Senator Stephens to move on the next day of sitting:

That the Senate—
(a) notes that:
(i) child care costs are continuing to rise, with the average cost doubling under the Howard Government, and
(ii) a recent report from the Department of the Treasury denies there is a crisis in accessible and affordable child care, instead saying that parents are too choosy; and
(b) calls on the Government to improve the accessibility and affordability of child care for Australian families.

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

(a) notes:

(i) the continued scepticism of the Prime Minister (Mr Howard) over the link between human activity and climate change,

(ii) that the Howard Government has dragged the chain on climate change for more than 10 years, and

(iii) the environmental and economic cost of past inaction and any future delays in tackling this challenge; and

(b) calls on the Government to recognise the link between human activity and climate change and join in the efforts of the international community by ratifying the Kyoto Protocol.

Senator Ellison to move on the next day of sitting:

(1) That, in accordance with section 213 of the Law Enforcement Integrity Commissioner Act 2006, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity shall be as follows:

(a) That the committee consist of 10 members, 3 members of the House of Representatives to be nominated by the Government Whip or Whips, 2 members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent member, 2 senators to be nominated by the Leader of the Government in the Senate, 2 senators to be nominated by the Leader of the Opposition in the Senate and 1 senator to be nominated by any minority group or groups or independent senator or independent senators,

(b) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives,

(c) That the committee elect a member nominated by the Government Whips or the Leader of the Government in the Senate as its chair,

(d) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting,

(e) That, in the event of an equal vote on a question before the chair, the chair, or the deputy chair when acting as chair, have a casting vote,

(f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House,

(g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine,

(h) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting,

(i) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 Government member of either House and 1 non-Government member of either House,

(j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote,
move any motion or be counted for the purpose of a quorum.

(k) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(l) That the committee or any subcommittee may conduct proceedings in any place it sees fit.

(m) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(n) That the committee may report from time to time.

(o) That, in carrying out its duties, the committee or any subcommittee, ensure that the operational methods and results of investigations of law enforcement agencies, as far as possible, be protected from disclosure where that would be against the public interest.

(p) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(2) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

**Senator Ellison** to move on the next day of sitting:

That—

(1) The order of the Senate of 7 December 2006 relating to committee groupings for estimates hearings be modified as follows:

**Group A**

- Community Affairs
- Environment, Communications, Information Technology and the Arts
- Finance and Public Administration
- Legal and Constitutional Affairs

**Group B**

- Economics
- Employment, Workplace Relations and Education
- Foreign Affairs, Defence and Trade
- Rural and Regional Affairs and Transport.

(2) The continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

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

**Community Affairs**
- Families, Community Services and Indigenous Affairs
- Health and Ageing

**Economics**
- Treasury
- Industry, Tourism and Resources

**Employment, Workplace Relations and Education**
- Employment and Workplace Relations
- Education, Science and Training

**Environment, Communications, Information Technology and the Arts**
- Environment and Water Resources
- Communications, Information Technology and the Arts

**Finance and Public Administration**
- Parliament
- Prime Minister and Cabinet
- Finance and Administration
- Human Services

**Foreign Affairs, Defence and Trade**
- Foreign Affairs and Trade
- Defence (including Veterans’ Affairs)

**Legal and Constitutional Affairs**
- Attorney-General
- Immigration and Citizenship

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**CHAMBER**
Senator Siewert to move on the next day of sitting:
That:
(a) the Senate notes the likely impacts on agriculture, the community and the environment of the proposed dam on the Mary River at Traveston Crossing in Queensland; and
(b) the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 27 March 2007:
(i) the impact on the Mary River, its dependent species and environs of the proposed dam,
(ii) the implications for communities living along the Mary River of the proposed dam to their livelihood and lifestyle, and
(iii) the balance of other options available to meet the regions water resource needs.

Senator Nettle to move on the next day of sitting:
That the Senate notes the right of the Australia Capital Territory Government to legislate for the legal recognition of same-sex relationships.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (3.35 pm)—I, and also on behalf of Senators Joyce and Trood, give notice that on the next day of sitting, I shall move:
That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report:

The examination of all reasonable options, including increased dam capacity, for additional water supplies for South East Queensland, including:
(a) the merits of all options, including the Queensland Government’s proposed Traveston Crossing Dam as well as raising the Borumba Dam; and
(b) the social, environmental, economic and engineering impacts of the various proposals.

Presentation

Senator Bob Brown to move on the next day of sitting:
That the following matter be referred to the Community Affairs Committee for inquiry and report by 12 June 2007:
The role of the Exclusive Brethren, including its leadership, in:
(a) breaching Australian Family Court agreements and denying access by ex-Brethren parents to their children;
(b) ex-communicating family members;
(c) prohibiting children from their Australian right to a university education;
(d) banning unions from Exclusive Brethren workplaces;
(e) discriminating against women in Australia;
(f) the use of public monies; and
(g) any related matters.

Senator Nettle to move on the next day of sitting:
That the Senate:
(a) notes the rising tide of public protest in support of a fair go for Mr David Hicks who has been detained for 1890 days; and
(b) calls on the Government to return Mr Hicks to Australia to face justice.

Senator Milne to move on the next day of sitting:
That the Senate:
—
(a) notes:
(i) that the Marrickville Council in Sydney has adopted the Oil Depletion Protocol which seeks to address the impact of peak oil by steadily reducing oil usage,
(ii) the council will reduce its oil usage by 3 per cent per year; and
(b) calls on the Government:
(i) to adopt the Oil Depletion Protocol to reduce Australia’s dependence on oil and ensure an orderly restructure of the economy and society for the post-oil era, and
(ii) encourage state and local governments to adopt the protocol and reduce oil usage.

Senator Nettle to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the internationally significant Ramsar-listed wetlands, the Macquarie Marshes in New South Wales are dying because of a lack of water,
(ii) water for cotton irrigation upstream on the Macquarie River has been over-allocated and has starved the Macquarie Marshes of water, specifically the periodic flooding necessary for the marsh flora and fauna to survive, and
(iii) if there is not a substantial flood in the Macquarie Marshes in the near future, a substantial area of the marsh will be permanently damaged; and
(b) calls on the Government to:
(i) prioritise, for immediate buy-back, the over-allocation of water licences on the Macquarie River, and
(ii) ensure that a substantial and immediate environmental flow to save the marshes is allocated as soon as the drought breaks and water is available.

Senator Nettle to move on the next day of sitting:
That the Senate—
(a) notes the statements by Clean-Up Australia Day founder, Mr Ian Kiernan, regarding the ‘absolutely frightening’ contribution of Australia’s coal exports to greenhouse gas emissions and climate change; and
(b) calls on the Government to work with state governments to reduce coal exports and provide a just transition for workers in the coal industry.

Withdrawal

Senator WATSON (Tasmania) (3.36 pm)—Following the receipt of satisfactory responses on behalf of the Senate Standing Committee on Regulations and Ordinances, I now withdraw business of the Senate notices of motion Nos 1 and 8 standing in my name for eight sitting days after today for the disallowance of A New Tax System (Commonwealth-State Financial Arrangements) Amendment Regulations 2006 (No. 1) and Select Legislative Instrument 2006 No. 258. I seek leave to incorporate in Hansard the committee’s response concerning these instruments.

Leave granted.

The document read as follows—

A New Tax System (Commonwealth-State Financial Arrangements) Amendment Regulations 2006 (No. 1), Select Legislative Instrument 2006 No. 258
9 November 2006
The Hon Peter Costello MP Treasurer
Suite MG47
Parliament House
CANBERRA ACT 2600
Dear Treasurer
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 definition of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out or, if there has been no consultation, to explain why none was undertaken. The Explanatory Statement that accompanies these Regulations makes no reference to consultation. The Committee therefore seeks your advice on whether consultation was undertaken and, if so, the nature of that consultation.

The Committee 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 24 November 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 November 2006
Senator John Watson
Chairman
Senate Standing Committee on Regulations and Ordinances Room SG49
Parliament House CANBERRA ACT 2600

Social Security (Public Interest Certificate Guidelines (DEWR) Determination 2006
9 November 2006
The Hon. Kevin Andrews MP
Minister for Employment and Workplace Relations Suite MG48
Parliament House
CANBERRA ACT 2600

Dear Minister


The Committee notes that this Determination specifies guidelines for the exercise by the Secretary of the Department of Employment and Workplace Relations of the power to issue certificates that permit the disclosure of protected information about individuals. The Explanatory Statement notes that, with one exception, the Determination is similar to a previous Determination that is repealed by this present Determination. The exception is the inclusion of a new section 11 which permits the disclosure of information in the
context of a Ministerial briefing. The inclusion of this new section raises two questions. First, it is not clear from the wording of the section whether the disclosure of information is restricted to the briefing that is given to the Minister, or whether the section also authorises the subsequent disclosure of that information by the Minister as a consequence of the briefing. Second, given the wide ambit of circumstances described in section 11, it is not clear why there was no consultation undertaken with the Privacy Commissioner concerning this Determination.

The Committee would appreciate your advice on the above matters as soon as possible, but before 24 November 2006, to enable it to finalise its consideration of this Determination.

The Guidelines themselves do not authorise disclosure but provide parameters for when the Secretary can certify that disclosure is in the public interest. Certification may be given if the person to whom the information will be disclosed has sufficient interest in the information and it is for one of the purposes contained in the Guidelines. A person has sufficient interest if in relation to the disclosure he or she has a genuine and legitimate interest in the information or the person is a Minister. Minister is defined in the Guidelines and means the Prime Minister and a Minister administering the policy or service delivery of the social security law.

The underlying objective of the amendments to the Guidelines is to put beyond doubt the ability of the Secretary, where appropriate, to disclose protected information to Ministers with responsibility for social security matters to ensure they are properly briefed on such matters. I consider proper briefing of Ministers to be critical to discharging their responsibilities in the public interest.

Question 1

In response to the Committee’s first question, if a certificate has authorised the disclosure of protected information to brief the Minister, the information could only be subsequently disclosed in accordance with the social security law.

Question 2

The information that is disclosed under subparagraph 208(1)(a) of the Administration Act, the Secretary must certify it is in the public interest for the information to be disclosed. Once the information has been disclosed pursuant to certification, the information may only be subsequently disclosed if it is in accordance with the social security law.
ity provisions in the social security law and accordingly the Privacy Commissioner’s views were not sought in amending the Guidelines.

Thank you for bringing these matters to my attention.

Yours sincerely

Kevin Andrews
Minister for Employment and Workplace Relations

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the names of Senators Siewert and Milne for today, proposing the reference of matters to the Rural and Regional Affairs and Transport Committee, postponed till 8 February 2007.

General business notice of motion no. 685 standing in the name of Senator Murray for today, relating to accountability and transparency in government operations, postponed till 8 February 2007.

General business notice of motion no. 692 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Australian Territories Rights of the Terminally Ill Bill 2007, postponed till 8 February 2007.

COMMITTEES

Membership

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

That the following operate as a temporary order until the conclusion of the 2007 sittings:

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.

Question agreed to.

Privileges Committee

Reference

Senator FORSHAW (New South Wales) (3.41 pm)—I move:

That the following matter be referred to the Committee of Privileges:

Having regard to the material presented to the Senate by the President on 6 February 2007, whether any false or misleading evidence was given to a Senate committee, whether there was any improper refusal to provide information to a committee, and whether any contempt was committed in that regard.

Question agreed to.

Finance and Public Administration Committee

Extension of Time

Senator FERRIS (South Australia) (3.42 pm)—At the request of Senator Mason, I move:

That the time for the presentation of the report of the Finance and Public Administration Committee on the transparency and accountability of Commonwealth public funding and expenditure be extended to 1 March 2007.

Question agreed to.

WORLD WETLANDS DAY

Senator SIEWERT (Western Australia) (3.42 pm)—I move:

That the Senate:

(a) notes 2 February 2007 was World Wetlands Day;
(b) understands that this date marks the anniversary of the signing of the Convention on Wetlands of International Importance (Ram-
sar Convention) in Ramsar, Iran on 2 February 1971;
(c) notes, with concern, that the Australia state of the environment 2006 report found that as many as 231 nationally important wetlands are under pressure across Australia, and that of our 64 Ramsar wetlands, 22 have changed in ecological character or have the potential to change;
(d) notes that a recent report by the Inland Rivers Network on wetlands in crisis found that ‘changes in river flows have resulted in the loss of 90% of floodplain wetlands in the Murray-Darling Basin’;
(e) recognises that the ongoing degradation of wetlands, particularly those listed as Ramsar Wetlands of International Importance, is a cause of national concern;
(f) expresses concern that the continuing drought and the longer term impacts of climate change could cause further degradation of wetlands; and
(g) calls on the Government to prioritise returning water flows to the degraded wetlands of the Murray-Darling system.

Question agreed to.

PEOPLE WITH DISABILITIES

Senator SIEWERT (Western Australia) (3.43 pm)—I move:
That the Senate:
(a) welcomes the adoption in December 2006 by the United Nations of the Convention on the Rights and Dignity of Persons with Disabilities; and
(b) asks the Government to show leadership at home and to the international community by being one of the first countries to be a signatory to the Convention when this is possible after 30 March 2007.

Question agreed to.

BLACK TUESDAY BUSHFIRES

Senator MILNE (Tasmania) (3.43 pm)—I, and also on behalf of Senator Parry and Senator Carol Brown, move:
That the Senate:
(a) recalls that:
(i) 7 February is the 40th anniversary of the Tasmanian 1967 Black Tuesday bushfires, one of the worst disasters to have occurred in Australian history,
(ii) the Black Tuesday fires tragically killed 62 people, injured approximately 900 more, directly affected 35 000 people and left 7 000 homeless,
(iii) the Black Tuesday fires were the first in Australia to devastate suburbs of a capital city and caused extensive property loss, destroying approximately 1 300 homes in and around Hobart,
(iv) the worst of the fires was the Hobart fire, which burnt suburbs of Hobart killing 52 people, and
(v) the Black Tuesday fires caused extensive damage to agricultural property and livestock;
(b) remembers the victims and their families and extends to all who suffered, profound sympathy and deepest condolences; and
(c) also remembers the toll that the fires took on the Tasmanian community and expresses gratitude for the magnificent efforts of the volunteers who risked their own lives to help others.

Question agreed to.

COMMISSION ON THE STATUS OF WOMEN

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.44 pm)—I, and also on behalf of Senator Stott Despoja, move:
That the Senate:
(a) welcomes the fifty-first session of the Commission on the Status of Women taking place from 26 February to 9 March 2007, with a theme of ‘The elimination of all forms of discrimination and violence against the girl child’;
(b) acknowledges the vital role of the Commission in bringing the concerns of women and girls to the attention of the world community and in promoting women’s rights;
(c) stresses that it is important for world democracy that women should take a full and equal part in political, social, economic and cultural life;

(d) condemns the continuing grave violations of the human rights of women and girls throughout the world;

(e) expresses grave concern over continued restrictions on women’s access to education and health care, employment outside the home, freedom of movement and freedom from intimidation, harassment and violence in many countries;

(f) notes that women in many parts of the world still lack the capacity and support to speak out against violence and discrimination;

(g) emphasises that violence and discrimination against women and girls is a public issue and societal responsibility and that the education and development of men and boys is inextricably linked to advancing the rights and well-being of women and girls;

(h) encourages the Government to expand its support and funding for international organisations and programs providing high-quality education for girls, nutrition for early growth and development, sexual and reproductive health services, and safe spaces, legal structures and advocacy for girls;

(i) urges the Government to support organisations and programs that engage men in tackling discrimination and violence against women and girls, including changing harmful traditions and practices; and

(j) calls for Government leadership to end gender-based violence and eliminate discrimination against women and girls in Australia.

Question put.

The Senate divided.  [3.49 pm]
Question negatived.

UNITED STATES MILITARY COMMISSIONS ACT (2006)

Senator STOTT DESPOJA (South Australia) (3.52 pm)—I move:

That there be laid on the table by the Minister representing the Attorney-General (Senator Ellison), no later than the end of question time on 8 February 2007, any legal advice the Australian Government has received regarding the legality of the United States of America’s Military Commissions Act (2006).

Question put.

The Senate divided. [3.56 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes…………… 33

Noes……………. 35

Majority……… 2

AYES


PAIRS

Carr, K.J. Evans, C.V. O’Brien, K.W.K. Wong, P.

* denotes teller

Question negatived.

WIND ENERGY

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.59 pm)—I move:

That the Senate:

(a) notes that:

(i) the World Wind Association has reported that the global installed capacity of wind energy at the end of December 2006 was 73 904 MW,

(ii) based on the accelerated wind development in 2006, the World Wind Energy Association has increased its prediction for 2010 and now expects 160 000 MW to be installed by the end of 2010,

(iii) the wind industry worldwide between 1997 and 2006 experienced a tenfold increase in installed capacity worldwide,

(iv) the currently installed wind power capacity generates more than 1 per cent of global electricity consumption,

(v) Germany has the highest proportion of installed capacity, where 5 per cent of electricity consumption is from wind, while Denmark’s is as high as 20 per cent, and

(vi) this compares to wind energy in Australia in 2006 representing only
(b) calls on the Government to increase and extend the Mandatory Renewable Energy Target to support wind energy and other renewable technologies in order to meet with world minimum practice and to strive to world best practice.

Question put.

The Senate divided. [4.00 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes............ 33
Noes............ 35
Majority......... 2

AYES

Allison, L.F. Bartlett, A.J.J. Parry, S.*
Bishop, T.M. Brown, B.J. Payne, M.A.
Brown, C.L. Campbell, G.* Santoro, S.
Conroy, S.M. Crossin, P.M. Scullion, N.G.
Faulkner, J.P. Fielding, S. Troeth, J.M.
Forshaw, M.G. Hogg, J.J. Watson, J.O.W.
Hurry, A. Hutchins, S.P.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McClucas, J.E.
Milne, C. Moore, C.
Murray, A.J.M. Nettle, K.
Polley, H. Ray, R.F.
Sherry, N.J. Siewert, R.
Stephens, U. Sterle, G.
Stott Despoja, N. Webber, R.
Wortley, D.

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.
Eggleston, A. Ellison, C.M.
Ferguson, A.B. Ferris, J.M.
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Humphries, G.
Johnston, D. Kemp, C.R.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.J.
Minchin, N.H. Nash, F.

PAIRS

Carr, K.J. Vanstone, A.E.
Evans, C.V. Coonan, H.L.
O’Brien, K.W.K. Lightfoot, P.R.
Wong, P. Joyce, B.

* denotes teller

Question negatived.

MR DAVID HICKS

Senator NETTLE (New South Wales)

(4.03 pm)—I move:

That the Senate:

(a) notes:

(i) that Australian citizen, Mr David Hicks has been detained for 1 889 days,

(ii) retrospective charges against Mr Hicks have been proposed by United States of America prosecutors, and

(iii) further reports of mistreatment of Mr Hicks, including punishment for meeting with Australian officials; and

(b) calls on the Government to return Mr Hicks to face justice in Australia.

Question put.

The Senate divided. [4.04 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes............ 33
Noes............ 35
Majority......... 2

AYES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.*
Conroy, S.M. Crossin, P.M.
Faulkner, J.P. Fielding, S.
Forshaw, M.G. Hogg, J.J.
Hurry, A. Hutchins, S.P.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McClucas, J.E.
Milne, C. Moore, C.
Murray, A.J.M. Nettle, K.
Polley, H. Ray, R.F.
Sherry, N.J. Siewert, R.
Stephens, U. Sterle, G.
Stott Despoja, N. Webber, R.
Wortley, D.

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.
Eggleston, A. Ellison, C.M.
Ferguson, A.B. Ferris, J.M.
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Humphries, G.
Johnston, D. Kemp, C.R.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.J.
Minchin, N.H. Nash, F.
Senator MILNE (Tasmania) (4.07 pm)—

I move:

That the Senate:

(a) notes that on 2 February 2007 the world's foremost authority on climate change, the Intergovernmental Panel on Climate Change, released a review of the state of climate change science, including the important conclusions that:

(i) most of the global warming over the past 50 years is very likely (at least 90 per cent chance) to be due to human activity, and

(ii) the ‘likely range’ of temperature increases by 2100 for the range of modelled business-as-usual scenarios extends from 1.1°C to 6.4°C with ‘best estimates’ ranging from 1.8°C to 4°C;

(b) recognises that a global temperature increase of above 2°C would pose an unacceptably high risk of dangerous climate change impacts; and

(c) calls on the Government to introduce a policy framework that is underpinned by a commitment to contribute fairly to global efforts to constrain temperature rise to 2°C or less.

Question put.

The Senate divided. [4.08 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes…………… 8
Noes…………… 58
Majority……… 50

AYES

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

NOES

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.
Eggleston, A. Ellison, C.M.
Ferguson, A.B. Ferris, J.M.
Fierravanti-Wells, C. Fifield, M.P.
Heffernan, W. Humphries, G.
Johnston, D. Kemp, C.R.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.J.
Minchin, N.H. Nash, F.
Payne, M.A. Patterson, K.C.
Santoro, S. Scullion, N.G.
Troeth, J.M. Trood, R.B.
Watson, J.O.W.

PAIRS

Carr, K.J. Vanstone, A.E.
Evans, C.V. Coonan, H.L.
O’Brien, K.W.K. Lightfoot, P.R.
Wong, P. Joyce, B.

* denotes teller

Question negatived.

CLIMATE CHANGE

Senator MILNE (Tasmania) (4.07 pm)—
I inform the Senate that I have received the following letter, dated 7 February 2007, from Senator Milne:

Dear Mr President,

Pursuant to standing order 75, I give notice that today I propose to move “That, in the opinion of the Senate, the following is a matter of urgency: The need for the Australian Government to set clear medium- and long-term greenhouse gas emission reduction targets to underpin national carbon pricing mechanisms such that deep cuts are achieved by 2050.

Yours sincerely,

Christine Milne
Senator for the State of Tasmania

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator MILNE (Tasmania) (4.12 pm)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Australian Government to set clear medium- and long-term greenhouse gas emission reduction targets to underpin national carbon pricing mechanisms such that deep cuts are achieved by 2050.

I have moved this urgency motion today because I think it is time to cut through all of the talk that has been going on in the last few weeks about emissions trading. Let us make a couple of things very clear from the start. The Prime Minister announced his emissions trading task force because he was about to be humiliated by the Business Council of Australia last year at their meeting where they had informed him they were going to come out in favour of a price on carbon. As a result, at that conference he announced an emissions trading task force and he gave people to understand that this would somehow lead to a national emissions trading system in Australia. But he was very careful to say it was a global system he was talking about, knowing full well that there is not a global emissions trading system unless you ratify the Kyoto protocol, which he says he will not. And we know that, even with the pan-European system, the system that is operating in the north-east states of the United States and so on, there is not going to be a global system for some years and that the most important thing to do is to get started: get a national system going, get a regional system going and make sure they are compatible so that ultimately they can be linked into a global trading system.

So now today we have the release of that task force report—and it is humiliating, actually. I think around Australia today in boardrooms there will be people tearing it up. There will be people unbelievably shocked that, after years and years of discussion and consultation, the best the federal government can do is come up with another set of questions, when the Minister for Finance and Administration has made it clear in the Sen-
ate for two days running now that the government has no intention whatsoever of establishing a national emissions trading system in the absence of a global system. So there is not going to be one.

So what is the point of asking industry for the third time? They were asked in 1999, there was a full consultation, the Greenhouse Office put out its report and it was ignored. Then we had the states going out in consultation and they were ignored. Now we are going to have another round of consultation. Industry want certainty and they want a price today. The key thing we have to remember is that an emissions trading system is to reduce greenhouse gases. Before you can have a trading system, you have to say what level of greenhouse gas emissions is acceptable to Australia. That should be based on the level of climate change you accept.

What I am shocked about, which just happened, is that the Labor Party joined with the government in refusing to commit to restraining global warming by two degrees. What do we know about the target they are going to set? You do not just have a national emissions trading scheme wandering around without an aim in life. Its aim in life is to reduce greenhouse gas emissions. So I would like to hear, in the course of this debate, what level of warming do the ALP and the government accept as their aim for constraining temperature? What does that mean in parts per million? What does that mean in terms of the emissions trading scheme and financial mechanisms that might be required because we need deep cuts by 2050? We do not need any more talk; we all know what has to be done. What we are seeing now is delay, delay, delay. There is a performance going on in the lower house to make it look as if somebody is doing something about climate change, but neither the Liberals nor Labor have stated to what level they would like to constrain warming.

The UK made it very clear that two degrees was too much. They would set up a national emissions reduction target to try and constrain global warming to less than two degrees. The Great Barrier Reef is already dying with the degree of warming we have now. We know that there will be excessive and dangerous climate impacts by the time we get to two degrees of warming. What level is the government prepared to accept for Australia? The Prime Minister, in his ignorance, said that four to six degrees of warming would make some people less comfortable than they are now, whereas in fact it would change the whole human geography of the world. It would be a huge disaster, with six out of every 10 species becoming extinct. Let us have a bit of depth in the policy debate. Stop rolling out the greenwash and stop rushing around the country—both the coalition and the Labor Party. Let us actually have a serious debate. Emissions trading is about achieving an objective—that is, to reduce greenhouse gases. What is the level of warming that you are prepared to accept or not accept, and what is the target? (Time expired)

Senator RONALDSON (Victoria) (4.17 pm)—I have a couple of things to say that arise from Senator Milne’s contribution today. The first is that she must be delusional if she thinks that the business community is going to listen to anything that the Australian Greens have to say about the long-term economic growth of this country, because you are committed to slowing down the growth of this economy, not developing it. For you to come in here today, Senator Milne, and talk about policy debates—

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Senator Ronaldson, you will direct your remarks through the chair, won’t you?
Senator RONALDSON—I will indeed. For Senator Milne to come in here today and talk about policy is an absolute joke. If you go to the Australian Greens website to see what their policies are in relation to this matter, what does it say? Absolutely nothing. There is not one policy on the Australian Greens website. They are making no contribution to policy in this country. At least the Labor Party, although they are confused about this, have the bare bones of a policy. But the Australian Greens do not have a policy. There is not one policy on their website. I am not surprised, because we had the ‘soft on drugs’ policy and they have removed that. There is not one thing on climate change.

In relation to this matter, I am afraid the Australian Labor Party have a very long way to go. Regrettably for them, substance, not rhetoric, is required. The proposed talkfest in April or May is simply not a good enough contribution. You have enormous problems in your own ranks about where you want to go. You cannot get any sort of position at all in relation to nuclear power. This will be fought out at the next national conference. Why do you not at least enable a proper debate to take place in relation to this matter?

I want to go back and talk about some historical aspects of this government’s contribution on climate change, both in a policy sense and in relation to quite specific matters that have been addressed. It was mentioned earlier that the Australian Greenhouse Office, set up by this government in 1997, was the first agency of its type in the world dedicated to addressing climate change. But it was not a matter of setting up an office; it was not a matter of being comfortable with having that office there; it was the action that followed that. We are recognised internationally for the work we are doing in relation to the reduction of greenhouse gas emissions. The head of the Australian Greenhouse Office is co-chairing new international talks on post-Kyoto protocol approaches for long-term cooperative action on climate change. So not only was that group set up in 1997 but in 2007 our leading role in the reduction of greenhouse gas emissions is being recognised internationally.

I want to make this very clear—and I will go through it slowly so that those opposite can hear it and I will repeat it for them just in case: the government recognises that the best scientific advice tells us that globally we need to achieve large reductions in greenhouse gas emissions over the coming decades. This is the consistent approach of this government, and the Australian Greens, and their leader Senator Brown, have been attempting to distort the position of the government on this matter. It has been quite clear for some time and it is fully supported by me.

I will now go to what we have done. We are up there with the rest of the world in meeting our Kyoto obligations. By 2010 we will have reduced greenhouse gas emissions by an amount which effectively equals the greenhouse gas emissions of the whole of the transport sector throughout this country.

Senator Bob Brown—That is very silly.

Senator RONALDSON—It is a real shame that the sceptics in the Australian Greens are not prepared to accept one piece of good news because it does not suit their political purposes. It is the sceptics in the Australian Greens who are losing this debate. There is no clearer evidence of that than the Newspoll earlier this week. With everything that has been going on in this debate, and with the matters that Senator Brown and Senator Milne without any factual basis at all have been peddling to the Australian community, you would think there might have been some rise in support for the Australian Greens. The Newspoll recorded that the Australian Greens have actually dropped by two
points. This is on the back of one of the most disgraceful scare campaigns we have seen for decades. The Greens have dropped because the punters do not believe them.  

Opposition senators interjecting—

Senator Carr—What about the government?

The ACTING DEPUTY PRESIDENT—Order, Senators!

Senator RONALDSON—Thank you. I am in desperate need of some protection, Mr Acting Deputy President. Thank you, most sincerely. I want to talk now about the specific matters the government is addressing to lower our greenhouse gas emissions. Rather than rhetoric, we have put money on the table. We are doing what a good government is obligated to do on these issues—and that is to do something to address them. It is not to have talkfests or run scare campaigns but to put some serious money into serious issues.

The $2 billion climate change strategy was very focused on practical measures to lower greenhouse gas emissions. It included $500 million for the Low Emissions Technology Demonstration Fund. Is it supported by the Greens? No, the Greens do not even support this fund. What about the $100 million renewable energy development issue—do they support that? Clearly, they do not support that either. What about the $100 million fund announced as part of the Asia-Pacific Partnership—do they support that? Again, silence from the Greens. They have not supported three initiatives so far on this matter. What about the $75 million Solar Cities program—do they support that? There is silence again from the Greens. They are damned by silence; they do not support this. Again, the Australian Greens are incapable of putting forward or supporting practical on-the-ground solutions to an issue that we all know must be addressed.

I will turn very quickly now to the support for renewable energy. We are investing hundreds of millions of dollars in renewable energy: $123 million for the expansion and extension of the renewable and remote powered generation program over four years; $100 million for the renewable energy development initiative; $75 million for the Solar Cities initiative; $20 million for the advanced electricity storage initiative; and $14 million for advanced wind forecasting capabilities. Do you support any of those, Senator Milne? Do you support any of them at all? No, you do not support them.

The ACTING DEPUTY PRESIDENT—Order! Senator Ronaldson, I ask you once again to direct your remarks through the chair. You know that it is not open to you to ask questions across the chamber during this debate because other senators are required to remain silent.

Senator RONALDSON—Point taken, Mr Acting Deputy President. I was not expecting a response but I felt moved to ask the question because I knew what the response was. It was an emphatic no—a no by silence. Very briefly, on the 25 October 2006 a $75 million LETDF grant was awarded to Solar Systems Pty Ltd. This grant will support the development in Victoria of the world’s largest solar energy plant. Was it agreed to by the Greens? No, it was not. (Time expired)

Senator WONG (South Australia) (4.28 pm)—I rise to speak on the urgency motion put forward by Senator Milne on climate change. The fourth assessment report released by the UN Intergovernmental Panel on Climate Change has caused a lot of discussion globally and certainly here in Australia. It describes a future in which there is an increase in average temperature by up to three degrees, where there is no snow on many of the mountains, where the Great Barrier Reef is devastated and where many peo-
ple’s lives could be jeopardised by a rising sea level. It also describes significant problems for the global economy. It is clear that this nation has to take decisive action. In fact, decisive action should have been taken much earlier. There is bad news in this report and it comes on top of the Stern report last year, which provided hard economic data about the effects of climate change on this nation and on the world economy. Every day more and more evidence is coming to light, yet the Howard government is only just starting to get it and until now really has not got it at all.

We know today that the Great Barrier Reef Research Foundation has warned that climate change is the No. 1 threat to the reef and could have devastating effects if it is not brought under immediate control. Increases in temperature, the foundation has warned, will cause widespread bleaching that will destroy marine life. This is not ‘uncomfortable for some’, as the Prime Minister has described on television; it is more than uncomfortable for all of us. Frankly, the Prime Minister’s comments show yet again a complete lack of comprehension of the scale and impact that climate change will have on all of our futures. Those comments are yet more evidence of a Prime Minister who simply does not understand the science of climate change.

After question time yesterday, the Prime Minister, when he was embarrassingly forced to retract his statement, said he mistook the question he was asked about climate change. I suggest it is more likely he simply mistook the science. He did not mistake the question; he mistook the science. He mistook the science because his conversion from climate change sceptic is barely skin-deep. His position is about political positioning, not about substance and not about conviction. If we have a Prime Minister who continues to doubt the link between carbon emissions and climate change then Australians really have to ask themselves if that is the sort of Prime Minister they want.

It is important to remember that the Intergovernmental Panel on Climate Change reports tell us that many of the projections are scenario dependent, so the actual warming will be significantly affected by the actual emissions that occur—that is to say, we still have some choices. We still have the opportunity to act now and to act decisively in order to do all that we can to avert a disaster.

It is not just Labor saying this. In fact, the Business Roundtable has been saying for many months now that the government needs to give business what it describes as a long, loud and clear legal signal on the price of carbon. Electricity consumers have signed up to buy green electricity in unprecedented numbers. Increasingly, businesses are aware that sustainability and helping to address climate change are an opportunity to achieve innovations and competitive advantage. The fact is that Australian businesses are increasingly realising that understanding and managing the impacts of climate change are important to ‘business as usual’. It must be factored into their risk management strategies. The chairman of the Business Council of Australia, Michael Chaney, has made precisely this point. He has stated that, regardless of one’s views on climate change, the case is now such that business must ensure against the risk of it with an effective policy response.

We have also had community and church leaders speaking out. For example, Bishop George Browning of Canberra has stated that refusing to do everything within our power to stop the world from heating up is a moral responsibility. The community, business, states and consumers are all crying out for national leadership on this issue. But where is the Howard government? The Howard
government continues to have its head stuck in the sand, hoping the issue will go away and, perhaps more importantly, trying to pretend that it is doing something about it. The government is not doing something about it, and if it does it will only be because it has been pushed to do so for political reasons.

Labor has been saying for some time now that we need a comprehensive plan to address climate change that includes immediately ratifying the Kyoto protocol, cutting Australia’s greenhouse gas pollution by 60 per cent by 2050, establishing a national emissions trading scheme and substantially increasing the mandatory renewable energy target. What is interesting to note, and how you can tell the government’s change is really only skin-deep, is how ministers have not got their lines straight on this issue. We all remember, don’t we, that Minister Macfarlane, Minister for Industry Tourism and Resources, last year described Al Gore’s film on climate change as ‘entertainment’. We all remember him talking in very negative turns about the impossibility—I think he used the word ‘folly’—of a carbon emissions trading scheme. We have seen Minister Macfarlane softening his position. He is now saying that he is keeping an open mind to the prospect.

We also see the Prime Minister softening his position. We have the prime ministerial task force—I think other senators have described this—indicating that it is unlikely that a global trading system will be available in the near future and that the establishment of a national system should be considered. This is a report prepared by the Prime Minister’s own department in circumstances where the Prime Minister and his ministers have previously said that we cannot go it alone, that we have to have a global scheme up and running before we can do anything. We have seen a softening of position by both the Prime Minister’s own department and Minister Macfarlane, but unfortunately people do not seem to have told Senator Minchin.

We all remember that Senator Minchin yesterday—and I think again today, but certainly yesterday—was extremely hard on the issue of whether or not Australia should investigate or establish a national carbon emissions trading scheme. He stated:

The government continues to be opposed to Australia acting unilaterally to tax Australian industry by way of a domestic emissions trading scheme or a carbon tax in the absence of any action by our trading partners or other major nations ...

Senator Minchin is demonstrating yet again that the government are all at sea on this issue, that any conversion is for political purposes only. There is an attempt to look as if they are dealing with the issue but they do not believe it, which is why they cannot get their lines right, why they are inconsistent on this issue and why their policy position is all over the place. (Time expired)

Senator ALLISON (Victoria—Leader of the Australian Democrats) (4.35 pm)—I actually think this urgency motion should go further. We do certainly need medium- and long-term planning and for measures to be put in place, but I would argue that we need immediate steps. This government could take those immediate steps. It could increase the target for MRET, the mandatory renewable energy target. It could do that quite easily. It could take a range of measures, including looking at a carbon levy. Carbon levies have been used in other countries. In the United Kingdom, carbon levies were raised from big industry—quite a small levy, actually—per tonne of carbon emitted and reinvested into those industries in energy efficiency. That has been a hugely successful program. At the end of the day, industry benefits from these kinds of proposals because they become either cost neutral or they make massive savings. So there are many things the government could be doing.
Instead we have long-term solutions from the Howard government. Of course the long term still relies on voluntary measures. There is still discussion about nuclear power. It could be 15 to 20 years before we actually get a reactor, let alone 25. They are still talking about clean coal, even though it is very expensive. It is much more expensive than wind. If we were to have a carbon tax that would facilitate clean coal, then we would certainly have wind in far greater quantities than we have now. Then we had today’s release of the task force’s so-called discussion paper, which, I would argue, poses more questions than it answers on the issue of emissions trading.

I remind the government that the Australian Greenhouse Office prepared a design for a domestic greenhouse gas emissions trading system some six years ago. That is where the government should have gone for advice on proceeding with emissions trading. Instead we have a proposal which purports to be about a global trading system. Instead of going through the Kyoto protocol process and talking with partners in Europe and other parts of the world, we are saying that we will develop the idea for a scheme in the international arena. Instead of going through the Kyotopic process and talking with partners in Europe and other parts of the world, we are saying that we will develop the idea for a scheme in the international arena. These are just more delay tactics on the part of the Howard government. It is a talkfest that makes the Prime Minister look like he is doing something, when obviously he is not.

I think it is all about protecting the coal, gas and oil industries in this country. There is $26 billion earned every year from coal exports. It seems to me that this is about protecting our exports and hoping that we will continue to export our carbon-intensive resources and prop up our own export dollars instead of developing an alternative sustainable industry. Australia is still far too reliant on the ‘dig it up and ship it out’ mentality that has governed this country’s economy for a very long time. Under the Howard government, we have not moved to shift that.

At one stage there was talk about Australia being at the forefront of renewable energy technology—and it was once at the forefront of solar energy technology—and having five per cent of the world market in renewable energy technology. We have lost all that; most of that has gone overseas. We are now exporting a fraction of that amount, and other countries such as Germany and Japan—and, in fact, countries throughout Asia—are catching up with and overtaking Australia.

The government needs clear targets for medium- and long-term greenhouse gas emission reduction and measures to put carbon pricing signals in place. Industry is calling for them, conservation groups are calling for them and we have been calling for them for a long time. The inquiry into greenhouse gas emissions that I chaired more than six years ago made this call, but still the government ignores that and finds ways of putting off the inevitable. (Time expired)

Senator PARRY (Tasmania) (4.40 pm)—I too rise to speak on this urgency motion. Whilst I was very happy and thought it important to support Senator Milne’s motion concerning the Tasmanian bushfires, I cannot agree with Senator Milne’s urgency motion on this occasion. Like the rest of the government, I will be opposing this motion.

It is important to have a bit of historical context about some of the issues. Global warming is an emotive issue. Throughout history, when bits and pieces are leaked into society in one way or another, people exaggerate them and take them completely out of context. Let us consider some of the things that have happened over the centuries. In particular, I will refer to some other ‘end of world’ scenarios. Some 150 years ago, London and other cities were faced with the po-
tentially devastating effects of cholera and typhoid which flowed from untreated sewage. The answer was not to stop citizens from consuming water but to embark on a radical clean-up and transformation of infrastructure. You can relate that to what this government is doing as well.

Similarly, damage to the ozone layer and acid rain were pronounced to be irreversible, yet each problem has largely been addressed through changes in the way we organise ourselves. There has been a cultural change to address these problems. Indeed, the Montreal Protocol on Substances that Deplete the Ozone Layer is one of the most successful environmental protection agreements in the world. The protocol set out a mandatory timetable for the gradual phase-out of ozone-depleting substances internationally. As a result, there is now mounting evidence of a decline in ozone-depleting substances and an increase in the protective ozone in the atmosphere. Similarly, international action on acid rain has been equally successful. Since the 1979 Convention on Long-Range Transboundary Air Pollution came into force, pollution standards have significantly reduced the amount of sulfur dioxide from industrial sources, which has meant a recovery of forests in Europe and North America that were once vulnerable to acid rain.

Governments can effect change, and this government is certainly in the business of effecting change. Climate change has been a moving issue. It has been debated in many countries for a long time, and there has been dissent. It is only in recent years that there has been more global consensus that human activity on this planet has contributed to global climate change. Yes, this government has an attitude of being responsible about that—certainly domestically—but we must remember the international scene. This government can only dictate what happens within its own borders; we cannot change the international environment. How big is this challenge internationally? It is huge. Global demand for power is increasing. Primary energy demand is projected to rise by 53 per cent by 2030, and over 70 per cent of this increase comes from developing countries, led by China and India.

The demand for fossil fuels is expected to rise. By 2030, fossil fuels will provide 81 per cent of global energy needs. This will mean increased CO₂ emissions on a ‘business as usual’ basis of 55 per cent over current levels. More than 75 per cent of this increase is projected to come from developing countries—not from Australia but from developing countries—with China alone to account for almost 40 per cent of the rise in global emissions. Emissions from developing countries are projected to overtake emissions from OECD countries by about 2010.

A lot has been mentioned about the Kyoto protocol and why we have not signed it. The first attempts to address climate change internationally are not proving particularly successful despite being well intentioned. The Kyoto protocol does not and cannot have any real impact on reducing greenhouse gas emissions because developing countries, including the world’s biggest emitters, China and India, have no greenhouse abatement obligations. As a result, greenhouse gas emissions are expected to rise above 1990 levels by some 40 per cent by the time 2012 comes around.

This figure could even be higher because most developed countries are falling well short of their emission reduction targets. For example, Canada had a target of 94 per cent but is projected to reach a 116 per cent increase. France is expected to go from 100 to 109 per cent, Japan had a target of 94 per cent but is projected to reach 106 per cent, Norway is to go from 101 to 123 per cent and Spain is to go from 115 to 151 per cent.
This indicates that Australia alone cannot solve this problem. There has to be worldwide acceptance, particularly by the emerging and developing countries. Australia has not ratified this protocol simply because, while we can deliver and achieve internally, we cannot control those nations that are not members of the Kyodo protocol group or do not have obligations under the abatement program.

Given a poor start on the international front, how might the international regime evolve post Kyoto? It has been suggested that there is no forward movement and that this government is not looking forward. We are certainly looking forward. The Prime Minister has indicated the need for a new Kyoto protocol. Any approach must include big developing countries and the United States of America. Australia is certainly not the only country to recognise the weakness of the Kyoto protocol. Negotiations are under way to create a stronger and more inclusive protocol, and Australia is part of that process, so we are addressing the need for it. An opportunity now exists to create a genuinely inclusive Kyoto type protocol. Australia can and should be one of the drivers of this process. The participation of the US would be critical, but Australia can take a leading role in the region and internationally to push forward a truly global climate change regime engaging the US in particular. That is where our relationships are very important to this particular issue.

Working with private sector partners is going to be equally critical to this issue. There are aims to deliver greenhouse gas emission management, national pollution reduction and energy security through a series of projects that also can support economic development. My colleague Senator Ronaldson addressed some of these issues and some of the things that we have been attending to domestically when he spoke earlier.

What are Australia’s emissions? It is important to understand the make-up of our emissions. Stationary energy—comprising our power stations as well as our aluminium, cement and steel operations—makes up 50 per cent of emissions, or 280 megatonnes of 560 megatonnes of CO₂ equivalent gases.

(Time expired)

Senator MARSHALL (Victoria) (4.48 pm)—We see an absolute crisis of government leadership on this issue. We have ministers putting different propositions forward for the Australian public to consider and we have senators in this debate representing quite different and diverse positions from those of government ministers. Let me take you through some of them before I get to the substantive issues that I want to talk about.

We have the Minister for Industry, Tourism and Resources, Mr Ian Macfarlane, declaring that he now has an open mind about the establishment of a domestic emissions trading scheme prior to a global system being set up. In question time today, when Senator Minchin was asked that particular question, he said the government had no intention of going it alone and setting up an emissions trading scheme unless it is in a global system which everyone has already signed up for. Confused? I think Senator Minchin is being very clear and I think Mr Macfarlane is being very clear, yet they are saying two very different things.

What happened last time the world realised that we needed to address this environmental situation globally? We saw Australia walk away from Kyoto, an international attempt to address greenhouse gas emissions, and we have seen the environmental consequences of that. We saw Australia not want to be part of a global system, yet here is the government now saying that the only thing
they will ever sign up to is a global system. None of us say that the Kyoto protocol is perfect, but it was the first serious attempt by the world to engage the whole of the globe in a system to resolve the issues of climate change and pollution that are affecting this planet. The first time that the international community seriously takes that on we have a government that simply walk away. What is their excuse for doing nothing now? ‘We’re not going to sign on to anything that isn’t a global system.’ They had their chance then, with Kyoto, and they failed to step up to the plate; they are simply failing to step up to it now.

Then we had Senator Abetz talking in question time today about CO₂ emissions from bushfires. We acknowledge that is real. He talked about how these are more than the total greenhouse impact from every vehicle in this country, with the clear implication that the emissions from energy production and vehicle usage really are a second-order issue. As this federal government is addicted to blaming everybody else, he said if only the states would fix up their park management processes we would not have to worry about those CO₂ emissions from bushfires and therefore the second-order issues—and I say this was Senator Abetz’s implication—of energy generation and vehicle transport would not need to be addressed. Then we saw yesterday the very confused message coming from the Prime Minister.

What we see here is a crisis of leadership. We have government members that are not on message, because they do not know what the message ought to be. Not very long ago they did not take this issue at all seriously. They were sceptics and they were happy to run with the odd scientists here and there who said: ‘Well, look, it may not be as bad as they say it’s going to be.’ The government was comfortable pushing that line down the throats of Australians.

The problem for this government now is that Australians have woken up and are far ahead of it on this issue. They can see the overwhelming scientific evidence that says we should have been acting on these things a long time ago. But even if we did not act on it a long time ago—and this government stands condemned for doing so little and not being part of a global solution like Kyoto in the first place—we ought to start doing it now. But again the government’s response is, ‘Let’s wait and see what the global community comes up with and everything will be all right.’

Then we had Senator Parry’s contribution. If he did not reinforce that the government is sceptical about this issue I do not know what other contribution could, because he said that climate change is an emotive issue and it is a moving issue. Senator Parry is dead wrong. It is a scientific issue and the overwhelming weight of scientific evidence says that there is a serious problem that has to be addressed and it has to be addressed now.

The systems that we are talking about to redress the terrible pollution that has occurred over the last 100 years on this planet will be long-term solutions. Unless they start to be put into place now, we will never find the solution. People on the government side say, ‘Let’s wait, because we are not one of the great polluters.’ That is what Senator Parry tells us. ‘We don’t have to worry. It’s China we have to worry about, so unless China is going to do something, let’s not bother. We are small fry.’ This is in absolute contradiction to the argument that they run that we need a global system. ‘We are not going to do anything until China does something. We do not need to, because we are a small polluter,’ according to the government.
‘China is a big polluter and going to be the biggest polluter’—and that is probably true—‘but, unless they are going to do something, being a small polluter we do not need to do anything. But we want a global system.’

One thing is for sure: it will be a long time before you get every country on the globe to agree to a common emissions trading scheme. Unless developed countries pick up their responsibilities, develop these schemes and put them in place as models for the rest of the world and engage constructively with the rest of the world, we will not have a solution.

This government, through a crisis in leadership, is letting every Australian down. Every Australian is being let down by this government’s sceptical approach, even though now they try to tell us that they are realists about it. I am not so sure. I think that it is a little bit more poll driven than reality driven. The only reality that this Prime Minister ever finds is in the polls. When the polls tell him to do something, he will act. The clever politician that he is, he will react to the polls. He is not reacting to climate change; he is reacting to the polls. (Time expired)

Senator EGGLESTON (Western Australia) (4.56 pm)—One cannot let Senator Marshall’s last comments go unanswered. To say that the Howard government is reacting to the polls of the day in addressing climate change does not stand up to any kind of examination whatsoever. Way back in 1996, Senator Marshall, the Howard government established the world’s first government Greenhouse Office. That means that 10½ years ago, when this government came to office, it recognised that the greenhouse gas problem was a problem and set up an agency in the government to deal with it. So your claim that the Prime Minister in particular but also the government in general is just driven by polls in addressing the greenhouse issue is really quite fatuous. The runs are on the board. This government has been concerned about greenhouse problems since it came to office and has put in place a lot of programs to promote renewable energy and deal with the general issue of the environment.

Senator Milne’s motion refers to the Intergovernmental Panel on Climate Change report which was released on 2 February. That is a United Nations report. Just out of curiosity I thought I would look it up on the net today. In the New York Times there was an article which says:

In Paris today the panel will issue its fourth assessment, and people familiar with its deliberations say it will moderate its gloom on sea level rise, lowering its worst-case estimate.

In other words, this panel is obviously a group of people who were doing some scaremongering, shall we say, about the impact of climate change on the world. They in fact modified their earlier predictions.

Senator Marshall—Another sceptic!

Senator EGGLESTON—Let us look at what the Howard government has done. This government has had a lot of strategies to deal with environmental issues. We have had the $500 million Low Emissions Technology Demonstration Fund and the $100 million Renewable Energy Development Initiative. Of course a lot of that money goes towards solar energy development.

Senator Parry interjecting—

Senator Marshall interjecting—

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Excuse me, Senator Eggleston. Senators will not engage in conversations across the chamber. I am having difficulty hearing you speak, Senator Eggleston.
Senator EGGLESTON—I know you will be hanging on every word, Acting Deputy President Forshaw! The people out there in Australia of course are listening because this tells them what a fantastic and outstanding record the Howard government has in dealing with climate change and the environment. This record of concern about greenhouse gases and climate change has been in place since the government came to office. People out there in Australia will be reassured, I am sure, Senator Marshall, to hear this.

As I said, a $100 million fund has been announced as part of the Asia-Pacific Partnership on Clean Development and Climate, which is very relevant to Senator Milne’s earlier motion because in section (c) she calls on the government:

... to introduce a policy framework that is underpinned by a commitment to contribute fairly to global efforts to constrain temperature rise to 2°C or less.

Obviously Senator Milne is referring to the fact that the government has not ratified the Kyoto Protocol. We have signed it but we have not ratified it, because we do not regard it, as other speakers have said, as a mechanism which is going to do anything about climate change. It is a symbolic statement that climate change is an issue and that we are concerned about it. We signed the protocol; we have not ratified it. In other words, we have acknowledged—and that is the point I am trying to make—that climate change and greenhouse problems are issues. But we have not signed onto it, because this protocol is not going to do anything very much to reduce greenhouse gas or prevent climate change, if they are due to carbon dioxide emissions.

The problem with the Kyoto treaty, as I have heard other people say today, is that the great emitters of the world are not parties to it. Senator Milne asks us to introduce a policy framework that is going to contribute fairly to global efforts to constrain temperature rise. We have developed this Asia-Pacific Partnership on Clean Development and Climate. The Asia-Pacific partnership is a key plank of Australia’s international climate change policy. It brings together, unlike the Kyoto treaty, some of the key emitters of the Asia-Pacific region. These include the USA, Japan, Korea and India. It brings them together to focus on practical technology-driven solutions to climate change. This is a much more useful and practical approach than the Kyoto treaty, which you obviously support, Senator Milne. I and the Howard government support it as a statement of concern; it is just that we do not think it is practical, because it would reduce greenhouse emissions, I am told, by about one per cent, which is not going to do very much to solve the problem.

Australia, as I said, has established this Asia-Pacific partnership, which is a real partnership of nations, including some of the big emitters of the world. It will do far more than the Kyoto treaty to reduce the dangers that climate change might bring. In fact, Senator Milne, we are already meeting section (c), the concluding section of your earlier motion. We are already doing something which is practical and will fairly contribute to containing climate change and increases in world temperature. So, with that, I leave you and the people of Australia listening to this with the message that the Australian government, the Howard government, has been concerned about climate change from day one and is continuing to develop policies to deal with this situation.

Senator POLLEY (Tasmania) (5.03 pm)—I rise to speak on the matter of urgency motion moved by Senator Milne. In the last week we have seen the release of a report by the Intergovernmental Panel on Climate Change that not only affirms without
doubt that climate change is a reality but also squarely points the finger at global warming through human-driven carbon emissions. Senator Milne’s motion states:

The need for the Australian Government to set clear medium and long term greenhouse gas emission reduction targets ...

How is this government going to do that when it cannot agree about climate change, even when faced with a report from a panel of international experts that spells it out to them? Yesterday we saw the Prime Minister in question time in the other place state that ‘the jury is still out’ on the connection between greenhouse gas emissions and climate change. But, when he saw the commotion that he had caused amongst the media, he quickly rushed to retract this, saying that of course the two are linked and that he was really talking about the drought and climate change.

This government obviously have no idea when it comes to climate change. Until very recently they have been caught in complete denial. Even now, with the whiff of an election in the air as they rush to appear concerned, they are at complete odds with each other. The Prime Minister has been out spruiking a domestic emissions trading scheme while the Treasurer has said the exact opposite—that we cannot have a domestic scheme; it has to be international. No wonder the community is confused. It is almost like watching a tennis match. If it were not such a serious issue, it would be tiring.

This obvious lack of communication between the Prime Minister and the Treasurer followed the announcement that the government is going to spend $10 billion on their grand water plan. This action has been eagerly awaited by all Australians. We have been waiting for the government to take action on water, and since the announcement we have been looking forward to seeing the costing process, where this money is going to be spent and how the problem is going to be tackled. But then came the news: the department of finance and Treasury have been cut out of the process.

Up until recently, the government have tried to tell us that climate change is a myth—a scare tactic that scientists and environmentalists have created. Despite their efforts to appear as if they have changed their tune in recent days, the Prime Minister and his responsible ministers still do not seem to believe the experts. In so doing, they are putting Australians at risk. The Prime Minister has failed Australians. It is his failure of leadership, indeed his failure to even acknowledge that climate change is real, which has put Australia’s economy at risk.

The Prime Minister coincidentally believes he has the answer to climate change. It is nuclear power, ladies and gentlemen! At the same time as Mr Howard was announcing his $10 billion water package, he was also spruiking nuclear power, which coincidentally was the subject of a recent US report that found that nuclear power stations require more water than any other power station using other forms of energy. That is exactly the solution we need in a country that already struggles when it comes to water. But, according to the Prime Minister and his government, the issues of climate change and water are not even related.

The Howard government has repeatedly shown on this issue that they just do not get it. They do not understand and, once again, they are not listening to experts or to the Australian community. They have refused to ratify the Kyoto protocol. They have put profit before anything else and now the reality of climate change is starting to bite. It is not a myth, it is not a scare tactic; it is a reality and it is happening now.
Australians are concerned about climate change, and rightly so. Unfortunately for Australians, the government has failed to listen to the experts. It has failed to listen to Labor and the other parties in this place. Australia is feeling the effects of climate change right now. The Prime Minister showed just how out of touch he is on this issue when on *Lateline*, in response to a question about six-degree temperature increases over the next century, he said that some people might find that ‘uncomfortable’. The Howard government just does not understand the dire consequences that climate change could spell for our planet. The Prime Minister and the Minister for the Environment and Water Resources do not seem to comprehend that for every one centimetre increase in sea levels, the result will be one metre of coastal erosion. An Australia without its beaches—take a moment to think about that. And the environment minister has suggested that Australians will have to learn to live with climate change!

To put it in terms that the government does understand, climate change will have a far greater effect on our economy than it could ever have predicted. The Howard government has accused Labor of trying to create a debate on climate change. Labor does not want to waste time debating what is fast becoming the most significant challenge facing humanity as a whole. The time for action is now. The time for action is well overdue and there is no more time for the Howard government to waste.

If you listened to the debate in the Senate this afternoon, you would have heard the hypocrisy on the part of the government in stating what they have done over the last 10 or so long years in relation to the environment and you would have heard the concerns that have been raised by environmentalists, panels of experts and the Australian community. At the moment, we can see that the only things driving the Prime Minister and his government are the polls and the threat of an election later this year.

**Senator MILNE** (Tasmania) (5.09 pm)—I thank senators for their contribution to this debate, but people listening would be horrified at the level of ignorance that is being aired this afternoon in the face of a global crisis. I am of the view the many government members are delusional about climate change and the role that Australia is playing. Australia is not a global leader in the climate debate. We are regarded as a global pariah and that is the fact of the matter. No-one has ever heard of this ‘new Kyoto’. People think it is ridiculous. The only role Australia has in the United Nations Framework Convention on Climate Change is chairing the dialogue, which is a side event. The only two things the dialogue does is make a verbal report and then next year a written report. It has no formal access to the Kyoto process, because we have not ratified. The second point: Senator Ronaldson was saying that business does not in fact want action on climate change through financial mechanisms. Quite to the contrary, the Howard government’s failure to have financial mechanisms is driving industry out of the country as we speak. We have had Vestas leave, we have had Roaring Forties go, we have had Solar Heat and Power leaving the country. Week after week, we hear of innovative industries that could create jobs and depth in Australian manufacturing leaving the country because the government prefers coal.

I return to my original premise to cut through all this hot air on climate change. The first is: why would you have an emissions trading system? Answer: to reduce greenhouse gases. That is the whole point of the flexible financial mechanisms—to reduce greenhouse gases. So, in designing the system, you have to ask: what level of greenhouse gases do you want to accept? What are
you prepared to reduce to? And in determining that, you have to decide what level of global warming you will accept.

Today we have heard the government waffle completely and say that their main objection in setting up any emissions trading system is to protect the coal industry. It is impossible to reduce greenhouse gases while preserving Australia’s major competitive advantage, according to the government, of large reserves of fossil fuels and uranium. They cannot have it both ways. If you are going to do something about reducing emissions then you have to deal with coal. You cannot protect coal and then pretend you are doing something about climate change.

Labor has said today, to its credit, that it is prepared to reduce greenhouse gases to 60 per cent of 1990 levels by 2050. That would be stabilising at 550 parts per million. That is saying that they accept a temperature rise of between 1.5 and 2.9 degrees. I can tell you that 2.9 degrees will mean the death of the Great Barrier Reef, it will mean the death of the Murray-Darling system and it will mean the spreading of dengue fever. You have no idea of the impacts at three degrees. That is why the Greens are saying that 60 per cent reduction by 2050 is not enough. The Labor Party has said that that is their target, that they are prepared to accept.

When will the government say what their parameters are? The Prime Minister will have absolutely zero credibility on this whole emissions trading debate until he comes out and says, ‘We the government will accept, on behalf of Australians, this level of global warming’—and clearly it is in excess of three degrees. Four to six is a bit less comfortable for some, according to the Prime Minister. The government is prepared to have any amount of greenhouse gases and to set very lax targets, if any targets, and naturally they will be voluntary. This is a crime against future generations. (Time expired)

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

The Senate divided. [5.18 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes............ 34
Noes............ 36
Majority........ 2

AYES

NOES
Senator FERRIS (South Australia) (5.21 pm)—by leave—I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 8 February 2007, from 9.30 am till 1 pm, to take evidence for the committee’s inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation.

Question negatived.

COMMITTEES

Public Accounts and Audit Committee

Meeting

Senator FERRIS (South Australia) (5.21 pm)—by leave—I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 8 February 2007, from 9.30 am till 1 pm, to take evidence for the committee’s inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation.

Question negatived.

COMMITTEES

Scrutiny of Bills Committee

Report


Ordered that the report be printed.

Rural and Regional Affairs and Transport Committee

Documents

Senator HEFFERNAN (New South Wales) (5.23 pm)—On behalf of the Rural and Regional Affairs and Transport Committee, I present additional information received by the committee in its inquiry into water policy initiatives. I also present an erratum to the report of the committee on the same matter.

Ordered that the document be printed.

Economics Committee

Report

Senator FERRIS (South Australia) (5.23 pm)—On behalf of the Economics Committee, I present the report of the committee on the provisions of the Tax Laws Amendment (Simplified Superannuation) Bill 2006 and related bills, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Legal and Constitutional Affairs Committee

Report

Senator FERRIS (South Australia) (5.24 pm)—On behalf of the chair of the Legal and Constitutional Affairs Committee, Senator Payne, I present the report of the committee on the Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Rural and Regional Affairs and Transport Committee

Report

Senator HEFFERNAN (New South Wales) (5.24 pm)—On behalf of the Rural and Regional Affairs and Transport Committee on Australia’s future oil supply and alternative transport fuels, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator HEFFERNAN—I move:

That the Senate take note of the report.

In tabling this report I would like to make a few quick observations, because it is a
unanimous report and there are various members of the committee who want to make an important contribution. The report represents the views of all the parties represented on the committee. Putting together a set of views that we could all agree on has required compromise and some restraint. I think that it is a balanced and sensible committee report.

This inquiry started out focused on the idea of peak oil, which is the notion that global conventional oil production will reach a peak and then start to decline irreversibly. Some think this might happen soon enough to be of concern, but there are a range of views about timing—probably some time from 20 to 45 years is the variation in the timing. One thing we can be certain of though is that the oil supply will not last forever. We need to start working on this now, because putting replacement technologies in place will take a lot of careful planning over many years. There are certainly no easy solutions and there will be shared pain in the process.

Several technologies are highlighted in this valuable report and I sincerely thank everyone that made a contribution. These technologies are available for producing transport fuels from alternative sources. Some of these are renewable, like ethanol, which I am sure Senator Nash will be keen to have a few words on later. One which both this committee and the PM’s biofuels task force thought shows promise is lignocellulose ethanol production, and we recommend in the report that the government look more closely at research funding in this area. In discussing alternative fuels the committee has tried to present a balanced view of the prospects of various technologies. I would like to thank the committee. It has done a great job. We have come up with a unanimous report and I think that everyone made a valuable and important contribution.

Senator O’BRIEN (Tasmania) (5.27 pm)—I want to concur with Senator Heffernan’s remarks about this report’s production. It was produced in a cooperative atmosphere. Indeed, the committee agreed to extend the reporting date to allow for consideration of amendment proposals from a number of senators to the chairman’s original draft. Because of what was taking place at the end of last year there was inadequate time to do it then and so there was cooperation from the government members of the committee which led to the postponement of the completion of the report. The report, in fact, was concluded at a meeting in this building during January.

Frankly, that is a mark of the sort of cooperation that I can commend to other Senate committees. But it is at complete odds with the way that government members on the economics committee dealt with its report into petrol prices in Australia and I feel that it is important to point to the vast difference in approach. There were three deliberative meetings and an extension of the reporting date for this very important report produced by this cooperative committee. But in relation to the economics committee’s consideration of the petrol prices report—another important subject and related in many ways to other inquiries—there was one deliberative meeting, which lasted a very short time, at which the government members rammed through the committee report.

It was such shameful behaviour that the Labor senators lodged a dissenting report which essentially pointed to the truncation of the consideration process and the inadequate way in which the report dealt with matters. Senator Murray put in a dissenting report which said that basically he had had the report for 21 hours before it was considered—and that was the same for everybody else of course—and that he had not had an opportunity to even read the report before it was
rammed through the committee. I know that Senator Barnaby Joyce, who also dissented, indicated that he had not had a chance to read the report before it was rammed through the committee. Here we have a contrast between proper procedure and cooperation leading to our unanimous report, and a report which has no standing—because clearly it is the view of a part of the committee—and which has been rammed through on the government vote.

As Senator Heffernan said, it is important that it is understood that the report of the Rural and Regional Affairs Transport Committee was produced in a spirit of cooperation and compromise. Indeed, throughout the report there is an element of common view in the way in which the language has been presented, and I think members of the committee of all persuasions have a comfort about the findings of the report, although I am sure that some would have liked some points to have been sharper on a particular subject. Senator Nash may have preferred that the report said something slightly different in relation to mandating of ethanol, but it does not. I and certainly other senators would have much preferred that the report talked about a national responsibility for funding public transport options, but that was not the view of the majority of the committee. This report has within it the element of compromise that is necessary in the process if committees are going to work together. On the other hand, contrast that with what is, frankly, a worthless report into the pricing of petrol by the Economics Committee because of the way it was handled.

I think recommendation 6 of the report should be highlighted:

The committee recommends that the Government, in consultation with the car industry, investigate and report on trends in the fuel efficiency of the light vehicle fleet and progress towards the 2010 target for the fuel efficiency of new passenger cars. If progress under the present voluntary code seems unlikely to meet the target, other measures should be considered, including incentives to favour more fuel efficient cars; or a mandatory code.

Frankly, as we can see from the sorts of vehicles being produced in Australia, there are differing trends by manufacturers in relation to the fuel efficiency of their vehicles. There has been a bit of debate about vehicles produced by General Motors and Ford. Other than the Elgas conversions by General Motors and the factory floor gas-powered model by Ford, the fuel efficiency of the large sedans does not seem to be moving in the right direction. Contrast that with the latest vehicle produced by Toyota, who claim that the fuel efficiency of their six-cylinder vehicle, the Orion, is equivalent to the fuel efficiency of their four-cylinder vehicle, the Camry. That is the sort of direction in which Australian manufacturing needs to be going in an environment where, as evidenced by the statistics, Australia’s motor vehicle fleet is seeing an increase in the number of small cars—which we do not make in this country—and therefore in the number of imports, with the resultant effect on Australian jobs and our balance of payments. With vehicles like the Orion, people can purchase a family-size sedan without making the sort of sacrifice that one would make compared with the fuel efficiency of other vehicles. Obviously other vehicles are very good, but the issue of fuel efficiency is driving motorists and families away from the purchase of those sedans. We are seeing from the statistics that, of cars being purchased in the general groups, there is an increasing volume in the very small vehicles and the more fuel efficient vehicles and a decreasing volume in the larger family sedan.

The other matter that I want to talk about relates to the work that the government needs to do in relation to research. There are a
number of areas in the report that dealt with this. Recommendation 5 reads:

The committee recommends that the Government commission a research group within the Department of the Treasury to identify options for addressing the financial risks faced by prospective investments in alternative fuels projects that are currently preventing such projects from proceeding. This group should determine how these risks might be best addressed in order to create a favourable investment climate for the timely development of alternative fuel industries, consistent with the principles of sustainability and security of supply.

Frankly, that seems to be a very self-evident proposition, one which I would suggest the committee should not have had to make. The government should have acted before this time on this matter. It has been clear that take-up of ethanol production opportunities has not been as great as it could have been—far from it. The need for investment in alternative fuels has been evident for some time, yet we have a very small number of projects that actually look like getting off the ground. A coal to liquids process in Victoria may well proceed to the point of coming into effect by 2016. That is a very long time away. We do need to look at the reasons that these projects have taken such a long time to get on the drawing board and at why there are not as many as there should be, which leaves us in a position of not being able to properly respond to the fuel challenges that this report outlines. I am happy to sit down now. I hope that, at the end of the 30 minutes available to address this matter, it is kept on the Notice Paper so that others can speak to it.

Senator SIEWERT (Western Australia) (5:36 pm)—I will speak for a short time on the report by the Senate Standing Committee on Rural and Regional Affairs and Transport on Australia’s future oil supply; my colleague Senator Milne will speak more extensively. I feel this report is extremely important. It is quite obvious from evidence to the committee that peak oil is a reality. There is a slight disagreement over the timing, but there is no doubt that peak oil is real and that Australia needs to be dealing with oil vulnerability. One of the key learnings, of course, is that we need to start to plan for that. In fact, we should have been planning for it a while ago, but it is urgent that we start planning for it now. Because of the issues around climate change, we need to be adopting strategies to deal with peak oil that also address climate change. It is absolutely senseless if we do not meet these two challenges.

What also became obvious during the hearings is that no planning is going on within government agencies; that our most important economics agency, ABARE, has not been addressing the issue of peak oil, and that it needs to be. More importantly, agencies are not being asked the important questions by government, and that needs to be urgently addressed.

What also became clear during the hearings is that there is no single answer to this issue; that we need to be adopting a multi-pronged approach with a variety of options, including issues around energy efficiency, alternative fuels and, very importantly, public transport. I am disappointed that we did not really address public transport as significantly in the report as I thought we should have. It has also become obvious that some cities around Australia are doing better than others with their public transport, but basically that all cities need to be addressing that issue more significantly.

Many industries are going to be affected by issues around peak oil, but agriculture is going to be significantly affected. Agriculture is going to be affected, but I think it is also going to provide some of the answers, a great many of them in biofuels. But there is no one magic bullet to fix this. We need to be planning carefully for it and adopting a mul-
tipronged approach. I will leave the rest of the comments on this report to my colleague Senator Milne.

Senator MILNE (Tasmania) (5.39 pm)—When I initiated this inquiry into Australia’s future oil supply by proposing it to the Senate last year, it was because I had very real concerns about the fact that people in Australia were not focusing on the fact that we are facing an oil supply crisis—in fact, the whole world is facing that crisis—with the approach of peak oil. Peak oil is not something that has been discussed in Australian parliaments to any great extent, and I think that is what makes this report highly significant.

The committee worked very hard. We got a lot of submissions from around the country, we had a lot of hearings and I think that senators who participated are now a lot better informed about the issues pertaining to future oil supplies and also the issues around what we are going to do to develop some kind of strategy to get ready for a significant reduction in oil supplies. What we learnt is that Australia’s net self-sufficiency in oil is expected to decline significantly, as future discoveries are not expected to make up for the growth in demand and the decline in reserves as oil is produced.

Only this week, there are several reports out suggesting that we have already hit peak oil. Australia does not have a strategy to oil-proof itself, to make the transition to a low carbon economy and to get off its dependence on oil. I hope this report, because it goes into a number of these issues in detail, will go some way to starting people thinking about the need to do that. In last year’s budget, the Treasurer did not mention the need to oil-proof Australia; he did not mention climate change either. It was clear to me that Australia could not afford to be giving away its surplus in tax cuts when it should have been using that to create and implement a strategic plan to deal with peak oil and climate change.

I think the specific recommendations of the report go a long way to addressing a number of problems that the country is facing. The recommendations basically require Geoscience Australia and ABARE to reassess the official estimates of future oil supply and the early peak arguments and report to the government on probabilities and risks, particularly in the light of climate change. And that is the other significance of this report. It says quite clearly that it has been informed by the need to respond to reduced oil supply, to oil depletion, in the light of climate change. You cannot come up with policies that give you an alternative transport fuel if they increase greenhouse gas emissions. There is quite considerable analysis of coal to oil, which is being touted by ABARE, but it is very clear that that is going to be a major greenhouse gas emitter and so it is not the response that Australia needs.

It is very clear there is a huge opportunity in Australia to make much more of alternative fuels. They will provide jobs in rural and regional Australia, they deserve to be promoted and they deserve consideration. Of course there has to be an analysis of the amount of carbon embedded in all the alternative fuels and of course they have to be ecologically sustainable. We were all excited when we heard about what is going on in Western Australia with their lignocellulose research, and the committee recommended that more government effort should go into supporting that research.

The committee also recognised the need to get cities off oil dependence. That would be better for public health and for the amenity of living in the cities, and that means addressing fuel efficiency in vehicles and looking at strategic planning in cities. We recog-
nise the need to get better mass transit systems in Australian cities. We need to review our transport corridors strategies to make sure that they are sustainable and that they recognise this issue of oil depletion, climate change and the need to plan our transport future in a more substantial way.

Some of the other recommendations ask the government to look at investigating the advantages and disadvantages of congestion charges. In fact in London, where they introduced congestion charges, the money was hypothecated to public transport improvements, making a substantial difference to the provision of public transport in London, to air quality and to fuel use. That is something the committee thought the government should investigate. We also thought that the Commonwealth should support the TravelSmart projects and maintain them beyond their planned termination dates. We wanted more use of rail for long-distance freight. We wanted to make sure that the fringe benefits tax on employer provided cars is examined, because we now have a perverse incentive that sees people driving additional kilometres for the sole purpose of reaching a kilometerage level, which wastes fuel and increases greenhouse gas emissions. It is a quite ridiculous situation.

Essentially, what we have said as a committee—which worked very hard and listened to a lot of people—is that we accept that peak oil is coming. We have different views about when it is coming. I would argue that we have reached peak oil, but others would say that it is coming sometime in the future. But there was agreement that this country needs to start planning for reduced oil dependence and for the development of alternative fuels in a sustainable way, because we do not want to facilitate the conflict between fuel crops and food crops into the future; nor do we want to see the production of palm oil if it means the conversion of old-growth forests, as is occurring in the tropics. We want to make sure that any fuel crop is produced sustainably, and that is a key finding.

It is a leap forward in Australia that we can all agree that energy policy needs to be consistent with environmental goals, particularly the need to do more to reduce fossil fuel carbon dioxide emissions. The committee was also prepared to recognise the recommendations of the 2006 World Energy Outlook, which says quite specifically that current trends in energy consumption are neither secure nor sustainable and that energy policy needs to be consistent with those environmental goals, particularly the need to do more to reduce fossil fuel carbon dioxide emissions.

I think this report makes a significant contribution to the debate in Australia, and now hopefully we are not just going to see knee-jerk reactions when petrol prices go up. We need to recognise that oil is going to become more expensive into the future as it becomes much scarcer, and when that happens we have to have a policy framework to get ourselves away from dependence on oil and to not have people clamouring to reduce the price of petrol. That is not a sustainable thing to try to achieve in the long term. The greatest contribution we can make to this country is to give ourselves a strategy to reduce our dependence on oil, not only because that is good for the environment but because in the future we are going to see appalling current account figures because we will be importing oil. I think that $15 billion by about 2015—or something to that effect—is the figure that has been projected, but a huge amount of money is going to be required from the Australian taxpayer and it will cause enormous dislocation.

So if we know that it is coming, why not plan now to get away from the use of oil and
build ourselves a competitive advantage in a carbon-constrained economy by building fuel-efficient vehicles, investing in public transport, getting people healthier and getting people moving more with bicycle lanes and the capacity to walk more safely through cities? Why don’t we get ourselves involved in investment in mass transit, investment in alternative fuels and investment in fuel efficiency, and build up rural and regional Australia and jobs at the same time? In my view it is a win-win strategy. Not to do so is simply going to bandaid the current problems we have and, within a decade, we will face the most appalling costs due to the failure of leadership and foresight at this particular time in dealing with the very real concept and outcomes of peak oil. The whole world is going to face a huge change in the way we currently do business in manufacturing and trade. No-one is starting to project what it means for trade when aviation fuels are so expensive; no-one is looking at what it is going to mean for shipping. We really need to look at what peak oil means for Australia. This report is a significant contribution. I really enjoyed working on this Senate committee, with colleagues from all sides of the parliament involved. I would like to thank all of the people who made submissions.

(Time expired)

Senator NASH (New South Wales) (5.49 pm)—I rise to make just a few brief comments on the report. I echo some of the comments from my colleagues about this being a unanimous report. It was a very wide-ranging report. We covered a lot of areas. There was certainly some thought amongst colleagues that perhaps we could have gone further in some areas, as has been said, but I think we all recognise the importance of having a unanimous report. This is probably one of the most important issues that are going to face this nation over the coming decades. One of the things that we all agreed on in the committee was the importance of reducing our reliance on fossil fuels. No matter which way you look at it—and we talk about peak oil—fossil fuels are finite. So we now need to start looking at alternative fuels: where we are going to be in the future and how we are going to deliver fuel security to the nation.

Part of that of course—and this is an issue I have spoken about in this chamber a number of times—is renewable fuels, in particular ethanol. I noted with interest that US President George Bush, in his State of the Union address, put forward their target of 35 billion gallons of renewable and alternative fuels by 2017. That is five times their current target. In this nation at the moment, our target is 350 million litres by 2010. You just cannot compare that. The only thing I can compare is the dedication and importance that the President of the United States applies to ethanol and how important that is to their nation. Indeed, it does not seem that there is the same level of confidence and dedication in this nation regarding the contribution that biofuels—in particular, ethanol—can make. It is interesting. Obviously the US has a much greater population than we have—and I take into account the fact that the targets I have mentioned are 2017 for the US and 2010 for us—but the US target is around 447 litres per person and the Australian target is around 16 litres per person. To me, that is just not good enough. We had very intensive committee hearings and the report that we put forward really showed how important it is that we get alternative fuels right.

As has been said, it is a unanimous report, though there were some areas where senators would have liked to have gone further. I am certainly in that category. I have said in this place before that the annual biofuel targets are put in place for the fuel companies to meet so that Australia can meet its target of 350 million litres by 2010. I have very
strongly held the view—and I will continue to pursue it; I will not step away from this—that, if the fuel companies do not meet those annual targets, then those annual targets should be mandated. The government has a requirement and an expectation that those oil companies will improve their practice in the area of ethanol. If they do not meet those targets, this government has a responsibility to this nation to find a way to ensure they do. If we do not, we are abrogating our responsibility. It has become all the more clear since the Senate committee brought down this report that we must embrace alternative fuels. We have this alternative fuel right here in front of us—ethanol—and we are not doing enough. We need to do much more to encourage the take-up of this alternative fuel.

As my colleague Senator Milne so rightly said, this is not only about the benefits of using an alternative fuel but also about benefits for rural and regional areas, jobs and opportunities, and health benefits right around the nation, not to mention the fact that it is a cheaper fuel. People right around the country can have the benefit of using a cheaper fuel. Yet here we are with a target of 16 litres per person by 2010.

I just wanted to make those few comments. As I have said, it is very important that it was a unanimous report, because this is one of the biggest issues that this nation is going to face. Having said that, I want to place on record my very strong belief that it is the government’s responsibility to ensure that we do better in utilising ethanol for the benefit of people right around Australia.

Senator JOYCE (Queensland) (5.54 pm)—I also rise in general agreement with this report, but I emphasise the issue outlined on page 131:

7.59 The committee does not consider that there is any point at this time in mandating a minimum percentage of ethanol in petrol.

I want to emphasise this. It was stated by the Prime Minister of this nation at the East Asia Summit, along with the other nations at the conference, that ethanol is not the panacea but a large part of the path forward in the non-fossil fuel world. And it has to be grasped with both hands. There were endorsements by China, India, Japan, Thailand, Australia and Indonesia. They all agreed in unison. It was one of the only things they actually got out of that conference. They all agreed that it is something that they should all move forward with. A lot of those countries are going to have to import ethanol, so there is no vested interest on their behalf. We also heard from Senator Nash that the President of the United States, in his State of the Union address, announced a biorenewable target of 132 billion litres.

In this nation about 60 per cent of our trade deficit is due to the importation of fuel. You just cannot do that. You cannot put on the credit card a fundamental of day-to-day life. It is costing us about $1 billion a month. You just cannot progress down that path. We have to be more decisive in how we move forward in rolling out ethanol. Or we can throw up our hands and say that we are completely and utterly unique in the world. We are the only part of the world that does not think it is important. It would be peculiar, since we could be one of the greatest beneficiaries of it.

What stands between the Australian citizen, the Australian farmer and Australian regional areas and the wealth that can be generated by a biorenewable fuel industry? Unfortunately, it is one thing: the major oil companies. The major oil companies are running the agenda. The agenda should be taken off them and put back in the hands of the Australian people. I make that statement quite clearly, because on their own targets, as pitiful as they are—350 million litres by 2010, or 0.7 per cent as opposed to 20 per
cent in the United States—the oil companies have fallen tragically short. In fact, I think they have only achieved about half of what they should have.

So they are pulling our chain. We have got to wake up to this and send a clear signal that, if they want to do business in our nation, there are some requirements that they must meet. We have tried the voluntary ‘Let’s all have a love-in and agree on something’ approach and it has not worked. Now is the time to move forward with a mandate. A mandate on ethanol is a statement about the authority of this government and its ability to have its word listened to; a mandate on ethanol represents a target that is not the panacea but is part of a suite of measures that take us into this new territory of post peak oil production; a mandate is something that actually delivers wealth back to regional areas—and that is so vitally important.

There is nothing sadder than seeing people who took government grants to produce ethanol plants now handing them back—not because the product is unviable but because no-one will buy it. And who is the no-one? The oil companies. Why? There is an inherent oligopoly in the market and they are exercising their power, discriminating against not just farmers but Australian citizens in general.

I hope that this report is endorsed. It is great to see that within this chamber all senators can come to a common viewpoint, whether from the Greens, the Liberal Party, the Labor Party, the Democrats or the National Party. There is a point of agreement. Now that we have a point of agreement—a belief and an ethos—let us pursue that ethos. That ethos must include ethanol. It is the canary in the coalmine. If you cannot get anywhere with ethanol, do not get your hopes up for any other sort of renewable fuel. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUDITOR-GENERAL’S REPORTS

Report No. 24 of 2006-07

The ACTING DEPUTY PRESIDENT (Senator Watson)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 24 of 2006-07—Performance audit: Customs’ cargo management re-engineering project: Australian Customs Service.

COMMITTEES

Public Accounts and Audit Committee

Membership

Message received from the House of Representatives notifying the Senate of the appointment of Mr Barresi to the Joint Committee of Public Accounts and Audit in place of Mr Anthony Smith.

MIGRATION AMENDMENT (EMPLOYER SANCTIONS) BILL 2006 [2007]

Returned from the House of Representatives

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

TAX LAWS AMENDMENT (2006 MEASURES No. 7) BILL 2006

First Reading

Bill received from the House of Representatives.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (6.01 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 ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (6.01 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

TAX LAWS AMENDMENT (2006 MEASURES No. 7) BILL 2006

This bill implements a number of changes and improvements to Australia’s taxation system.

Schedule 1 to the bill amends the capital gains tax concessions for small business. It will increase the availability of these capital gains tax concessions and reduce the compliance costs of small business.

The amendments will improve the operation of the small business capital gains tax concessions by making changes to the maximum net asset value test, the 15-year exemption, the retirement exemption, the small business roll-over and how the concessions apply to partnerships and deceased estates.

The amendments also replace the controlling individual 50 per cent test with a significant individual 20 per cent test that can be satisfied either directly or indirectly through one or more interposed entities. The significant individual 20 per cent test enables up to eight taxpayers to benefit from the full range of concessions instead of the current limit of two controlling individuals or one controlling individual and their spouse.

Schedule 2 more closely specifies the types of financial instruments that will be eligible for interest withholding tax exemption, provided the public offer requirement and certain other conditions are met.

These amendments are not intended to upset the long held and accepted market views as to what constitutes a debenture.

They will ensure the Government’s policy intent is met when providing interest withholding tax exemptions. The policy intent is, provided certain conditions are met, to ensure Australian business does not face a greater cost of capital as a consequence of the imposition of interest withholding tax.

Schedule 3 gives effect to the Government’s announcement in the 2006-07 Budget that it will enhance philanthropy by streamlining the deductible gift recipients (DGR) integrity arrangements and reduce compliance requirements of DGRs. This is achieved through removing the gift fund requirement for certain DGRs and allowing the consolidation of multiple gift funds for others, while making it a requirement for all DGRs to maintain adequate records to show the deductible public donations they receive and their use.

The amendments also align the integrity arrangements across all DGRs by allowing the Commissioner of Taxation to review whether an entity listed in the law continues to be eligible to receive deductible gifts, in the same way that the Commissioner can review the eligibility of those entities that require the Commissioner’s endorsement.

Schedule 4 of this bill amends the list of deductible gift recipients in the Income Tax Assessment Act 1997, by extending the time period for which four entities can receive tax deductible donations. Extending the deductible gift recipient status will assist the listed organisations to attract public support for their activities.

Schedule 5 of this bill preserves the current effective life depreciation arrangement that applies to tractors and harvesters used in the primary production sector. The measure will provide certainty to farmers in this time of drought.

Schedule 6 will amend the farm management deposit scheme to increase the non-primary production income threshold from $50,000 to $65,000 and the total deposit limit from $300,000 to $400,000. Increasing these thresholds will assist primary producers to cope with the ongoing drought.

Schedule 7 aims to ensure that equivalent taxation treatment is given to capital protection on a capital protected borrowing, whether the capital protection is provided explicitly – for example by way of an actual put option – or implicitly through the terms of the arrangement.
This measure will provide legislative certainty to the tax treatment of capital protected borrowings. From 1 July 2007, where the capital protected borrowing is on capital account, the measure will deny deductibility to interest expense to the extent that the interest rate exceeds the Reserve Bank’s indicator variable interest rate for personal unsecured loans. The excess will be treated as the cost of the capital protection feature.

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

I commend this bill.

Debate (on motion by Senator Abetz) adjourned.

COMMITTEES
Economics Committee

Reference

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.02 pm)—by leave—I move the motion as amended, in the terms circulated in the chamber:

(1) That the Senate notes that Qantas:
   (a) plays a unique role in the Australian economy and in Australian society;
   (b) provides an essential service to regional Australia and is a major employer; and
   (c) is the backbone of the Australian tourism industry.

(2) That the following matters be referred to the Economics Committee for inquiry and report by 20 March 2007:
   (a) the proposed takeover of Qantas by the consortium Airline Partners Australia, including:
      (i) the impact on air services to regional Australia and the tourism industry,
      (ii) the implications for Qantas’ 38,000 employees and its customers and frequent flyers,
      (iii) the implications of the proposed executive remuneration,
   (iv) the track record of the potential new owners,
   (v) the competition implications of the sale,
   (vi) the potential taxation implications,
   (vii) the level of debt Qantas will be asked to carry, and
   (viii) the implications for air safety;
   (b) conditions that the Government should require for a sale;
   (c) the need to improve and clarify the regulatory environment covering commercial arrangements which affect the national interest to allay community concerns and provide investment certainty; and
   (d) any other related matters.

I want to speak very briefly to the terms of reference for the inquiry, the parameters of the inquiry and the reasons for it. Last year, the national government was considering selling its shares in the great Snowy Hydro scheme but backed out in the face of community and legal concerns at the time. Now, the nation and this parliament are considering the sale of Qantas—the flying kangaroo. This time it is an $11.1 billion buy-out by a consortium, Airline Partners Australia, from the private equity sector, and it is backed in large part by foreign money, as you will know. Tens of thousands of Australians work for Qantas—in fact, 38,000. Just about every Australian, all but a very small handful these days, has flown with Qantas. For all people in regional Australia, Qantas provides an important link to the rest of the country.

Our parliament has a responsibility to thoroughly investigate the terms of the takeover and to be satisfied that it is indeed in the national interest. The way to thoroughly investigate that is to have a Senate inquiry so that all players can come before that inquiry. That would include members of the public, the business sector, people in the airline in-
dustry, the staff of Qantas, of course the unions and the tourism industry—all players. They would have the opportunity to come before the Senate and put a point of view.

The Greens have several concerns about the sale and we are indeed opposed to it as it stands. These concerns are reflected in the terms of reference. A Senate inquiry would allow all of these matters to be aired and discussed in public—certainly in a much more public manner than the Foreign Investment Review Board investigation which APA has now subjected itself to. That investigation is essentially a secret inquiry. What I am proposing is an open, public inquiry. I do not think the two should be held one after the other. They should be held together because time is running out. If the Foreign Investment Review Board decision is positive and the Treasurer endorses that, there will be a very small amount of time potentially before this Qantas takeover takes effect. APA, the consortium bidding for Qantas, was not required to submit its takeover to the Foreign Investment Review Board, but, as I said, it did so. We are concerned that air services to regional Australia could be under threat and that regional services may require protection in the form of conditions put upon the sale. The competition concerns surrounding Macquarie Bank being a major partner in APA and the owner of Sydney airport need to be thoroughly analysed and investigated.

And then there is the worrying track record of the potential owners—specifically, the US giant Texas Pacific Group. A word on that: this is a Texas based private investment firm with an interesting track record. In 2004, Texas Pacific attempted to buy Portland General Electric, the state of Oregon’s largest power company. Oregon’s law required that any utility sale resulted in a net benefit to customers. Texas Pacific assured people that no specific jobs were threatened, it was no slash-and-burn corporate takeover and they had no plans to sell it off in the near future. They would support the idea of keeping it in local hands.

Despite these reassurances, Texas Pacific refused to reveal the details of its plans to the public but released the plans to several of the parties that would decide on the deal. The details were leaked and, according to Oregon paper the Willamette Week, they revealed that Texas Pacific’s plans for Portland GE directly contradicted their public statements. The documents showed that Texas Pacific planned wholesale lay-offs and dramatic cuts in maintenance to increase earnings. And the planned exit strategy made it highly unlikely that they were not going to act in that fashion.

So we do need an inquiry. We need to know what the plans really are. I do not think we are going to be able to take the word of APA. And, anyway, it is not giving any assurance about employees or employee conditions. That is, to me, a direct public assurance, if you like, that there will be lay-offs at Qantas, and that there will be changes and the loss of the rights and the terms and conditions of current Qantas workers.

So we have a Foreign Investment Review Board investigation—fine. Let that go ahead. Whatever government or financial agency investigates Texas Pacific or APA, it is not going to be a public investigation and on the public record. Let APA come before senators so that the obvious questions can be put to them. Let Macquarie Bank do the same. And, indeed, let us have the board of Qantas before a Senate inquiry so that publicly they can explain the ramifications of this sale and what safeguards there are for Australia, for domestic travel, for international travel, for tourism, for air safety, for the 38,000 employees and a host of other matters that will no doubt arise in the short life of this inquiry.
Let me say again to people who may be concerned in here—and I am hoping that, in particular, the National Party will support this inquiry; I have read that they will do so—that this is an inquiry that is extremely important for rural and regional Australia. But let me also say this: to hold off until after the Foreign Investment Review Board has made a decision and then the Treasurer makes a decision is to give the Senate inadequate time to really feed into the process of the public knowing about the fate of Qantas. It is our responsibility to act on this now, to move expeditiously, to have the inquiry rapidly put into place, to have the information put before the public so that the public—not least those 38,000 employees of Qantas—can have a say in the fate of this great iconic Australian company, this flag-bearer for Australia right around the world. I commend this inquiry to the Senate and I certainly hope that we will see a vote to allow it to come into being later in the proceedings tonight.

**Senator O’BRIEN** (Tasmania) (6.10 pm)—From Labor’s point of view, Qantas is a crucial economic asset as well as a national icon. So we do believe that these financial arrangements, this takeover, warrant extremely close scrutiny. The best way to do this is, without a doubt, through the tried-and-true regulatory processes of the Foreign Investment Review Board and the Australian Competition and Consumer Commission, and we do welcome scrutiny of the Qantas deal by these bodies.

That process should create an opportunity for those who would acquire Qantas to give adequate assurances to, and satisfy the concerns of, Qantas’s staff and the Australian flying public. But we believe that we should look at the principles upon which we should consider this motion in these terms: if a Senate inquiry helps to scrutinise the deal and assist the regulatory process, then we will support it.

Since Airline Partners Australia have notified the Foreign Investment Review Board and supplied it with details of its bid for Qantas, I can see no reason why they would not be prepared to be open and transparent with a Senate inquiry. A Senate inquiry would give Airline Partners and Qantas the opportunity to make their case convincingly and, in this case, in a public forum. It is noteworthy that the Airline Partners bid for Qantas includes commitments to: remain Australia’s national flag carrier, with no intention to break up the airline; continue to employ and train thousands of Australians, with no intention to change Qantas’s existing strategy of continuing maintenance operations in Australia and creating globally competitive maintenance operations; continue its commitment to regional Australia, with no intention to reduce regional services; continue to operate under the same laws and regulations that apply today, including those restricting foreign ownership; continue to provide practical assistance to Australians in times of emergency; and retain Qantas’s highly recognised and regarded brand and logo. If we can rely on all of that, the buyers should probably have nothing to fear and everything to gain by opening the bid to scrutiny and demonstrating to the Australian people that they are serious about their commitments.

There is a matter which, I must say, gnaws at me. I have had occasion to look at matters such as the Qantas Sale Act and the processes that apply in relation to the operations of Qantas, and I had a look at the Qantas press releases about the creation of Jetstar international. Qantas were announcing that that was their new low-cost international operation. There was a problem with that, and the problem was that the Qantas Sale Act and their own memorandum of association,
as I understand it, require that any international operations of Qantas be conducted under the Qantas brand. But this is an operation that is operating as Jetstar international.

How is that done without breaking the act? I am not a legal expert, but probably because Qantas have made arrangements with two citizens of another country to have them own 51 per cent, with Qantas to provide all of the aircraft, services and staff, as I understand it, for Jetstar international. What that tells me is that we need to be particularly cautious about legal arrangements that are in place and commitments that are given, and to understand them fully.

I think the Australian public would like to be assured that, if commitments are given, they are watertight commitments. I think they would like the Senate to look at arrangements which are put in place and make a judgement as to whether they can be circumvented, perhaps in the way that Qantas has found to be able to get out of the obligation to operate Jetstar international as a Qantas brand. That probably is being done for good commercial reasons but, without that arrangement as to ownership, it would breach the Qantas Sale Act. The intent of the Qantas Sale Act was that Qantas operating internationally would be the national flag carrier—it would have that kangaroo on the tail and it would retain that very distinctly Australian flavour.

Having said that, we were of the view—and we are very pleased that Senator Brown has agreed to amend his motion—that this matter pertained more to the Senate Standing Committee on Economics than to the Senate Standing Committee on Rural and Regional Affairs and Transport, which I might say performs very well. Qantas is a key part of our national economic infrastructure and therefore the appropriate forum for the inquiry is the Senate economics committee.

We believe that, in relation to the regulatory environment in which this takeover is occurring, this inquiry could help to clarify the regulation of takeovers and foreign acquisitions and to improve public confidence in the regulatory process. For those reasons, the opposition will be supporting this proposed reference. It certainly is not one that could do any harm and it has the potential to do a great deal of good.

Senator McEWEN (South Australia) (6.17 pm)—I also rise to support this motion for a reference to the Senate Standing Committee on Economics for an inquiry into the proposed takeover of Qantas by Airline Partners Australia. As the motion before the Senate sets out, the terms of reference for such an inquiry go to such important matters as the impact on air services to regional Australia and to the tourism industry; the implications for Qantas’s 38,000 employees and its customers and frequent flyers; the implications of the proposed executive remuneration; the track record of the potential new owners; the competition implications of the sale and the potential taxation implications; and the general public interest.

I appreciate that both Qantas and APA have offered all senators briefings on the proposed acquisition, and I will take up that offer if this motion to refer the matter to a Senate inquiry is defeated. I also note that APA has voluntarily referred the proposal to the Foreign Investment Review Board for scrutiny, which is a necessary and welcome move. However, given what is at stake here, there should also be an opportunity for the Senate to examine the implications of any sale. There should be the opportunity for the Senate to undertake the work on behalf of the people of Australia, who are very anxious about the future of Qantas—and they are anxious with good reason. Qantas is, as we have heard, an Australian icon. It has been around for some 86 years. It is an es-
sential part of our transport system. Australia, more than many other countries, relies on a healthy, competitive airline industry for its economic and community wellbeing. We also need our major carrier to be subject to government control to ensure that it continues to deliver what the nation requires.

Qantas is one of Australia’s biggest employers. Some 38,000 people are employed by Qantas and many thousands more rely on Qantas for their jobs as well. We should not forget that those 38,000 employees also have families who rely on jobs with Qantas. Qantas is also one of the nation’s biggest employers of apprentices and it employs many highly skilled tradespeople whom the nation desperately needs.

Today I attended an event organised by the Qantas unions—the Australian Services Union, the Transport Workers Union and the metalworkers union—at Parliament House. I acknowledge the fine work that those unions do to protect their members’ jobs and interests and to protect the welfare of an important company like Qantas. I know many senators and members have been visited by Qantas employees who are worried that a takeover of Qantas by the private equity investment consortium will jeopardise the future of the airline and its staff. Qantas staff are well aware of the dubious practices of some of the consortium partners in acquisitions of other businesses. Qantas employees do not want to see their jobs go offshore, they do not want their conditions slashed and they do not want skills and opportunities sent to other countries.

We have seen the wreckage of more than one failed airline in this country, and the one we all remember best is Ansett. That cost 16,000 Australian jobs overnight and many Ansett employees are still waiting for their full entitlements five years after the event in September 2001. Ansett’s demise was the result of corporate mismanagement and government inaction. The effects of Ansett’s demise on industry, tourism, skills development, regional air services and the economy was immediate and is ongoing. When Ansett was sold unconditionally we had so-called ‘rock-solid’ guarantees on job security, and then jobs were offshored to Mexico and New Zealand. Finance and administration were offshored to New Zealand and the company collapsed. While Ansett employees have waited years for their entitlements, employees of Gate Gourmet, a dependent company, will never receive any of their entitlements. We cannot afford another Ansett.

The 11 Qantas executives who stand to make some $30 million from this takeover tell us that all will be okay. But we need more than the promises provided so far by APA and Qantas. We need cast-iron, legislated guarantees.

In a recent poll conducted by Auspoll, 79 per cent of those Australians polled said they opposed the sale of Qantas. In that same poll, 75 per cent believed services to regional areas would suffer if Qantas is taken over with no conditions protecting regional services attached to the sale, 70 per cent believed jobs and conditions would be cut and 64 per cent believed aviation safety would be compromised. Australians need to be assured that this bid is not going to be at the expense of Australian jobs, that it protects employee entitlements and that it promotes the highest standards of air safety, regional services and competition. The public are worried, and I believe so are many government members, about this style. The public deserves a Senate inquiry to explore the full implications of the proposed takeover, so I seek the support of other senators for this very important reference.

Senator IAN CAMPBELL (Western Australia—Minister for Human Services)
Of course the proposed changes to the ownership structure of Qantas are a matter of importance and interest to many Australians. I think there is probably a very high level of interest in this building because, amongst us, we probably form an extremely solid customer base for Qantas. Qantas is an outstanding airline by any measure. It is an integral part of Australia’s history and heritage. It has an outstanding reputation internationally. I believe it has served Australia very well. It is in fact internationally a significant part of global aviation and has been for its entire history.

I was reminded of this fact when just before Christmas I was honoured in my former role as minister in charge of heritage to welcome back to Australia the 707 aircraft City of Canberra. The importance of that, Mr Acting Deputy President, if you missed the saturation television coverage of that event, was that it was the first jet airliner to be exported from the United States. Australia and Qantas were the first country and the first company to buy a jet airliner. That was back in 1959. And that purchase of the Boeing 707 by Qantas opened up Australia and opened up opportunities for Australians and for migrants to Australia and other people from around the world to start visiting Australia. It was probably one of the quintessentially important moments in the construction of what is now a phenomenal tourism industry in this country and, moreover, a burgeoning services sector. So there is no doubt whatsoever that the motion that Senator Bob Brown brings before us deals with an issue of great interest to Australians.

I think previous speakers from the Australian Labor Party have made it quite clear that there are a number of very important processes that the proposed change in the ownership structure will have to go through in order to progress. I think it is incredibly important that those processes—the Foreign Investment Review Board process, the procedures under the Foreign Acquisitions and Takeovers Act 1975—are allowed to occur unhindered. That act gives power to the Treasurer to screen foreign investment proposals and to decide whether any particular proposal would be contrary to the national interest. That is what will occur.

Airline Partners Australia Ltd lodged a notification under section 25 of that act on Monday this week—that is, 5 February—and the Treasurer under the law has 30 days to consider that proposal, as he will do and as he has done on previous occasions. It is very important also to understand that the Qantas Sale Act 1992 applies to Qantas and nothing within this transaction lifts the legislated provisions of that act.

I remember for my sins being in this chamber when the Qantas Sale Act 1992 went through. As a young Liberal Party senator then in opposition who had promoted the concept of privatisation from the early years of the 1980s, when I was chairman of the joint policy committee of the Liberal Party of Western Australia and had invited Dr Madsen Pirie from the Adam Smith Institute to do a tour of Australia and promote the benefits of moving government business enterprises and the services of government from the public sector into the private sector, I recall being pilloried. I remember Mr Hawke, Mr Keating and other members of the Labor Party across the length and breadth of this country saying how privatisation was an horrific concept, that the sky would fall in, that all of these national assets would be flogged off—that the Commonwealth Bank and Qantas and Australian Airlines would go. They had that wonderful Australian comedian Graham Kennedy doing lampoons of it: ‘Selling the silver to pay the butler.’

To hear all of that during the 1980s and then come here in 1992 and see a massive
fire sale of iconic Australian companies such as the Commonwealth Bank, Australian Airlines, Qantas and the Commonwealth Serum Laboratories, to mention but a few, was to some extent amusing for me as a new member of the Senate who had been committed to it. And the importance of 1992 is just that, Mr Acting Deputy President Murray, as you would know better than most in this chamber. When the Australian Labor Party, Senator George Campbell and his comrades, came in here and voted to make Qantas a publicly listed company, albeit with strict foreign ownership requirements in place—which remain in place—they ensured that all of the stock in that company, all of the shares, were placed on a public register and allowed to be traded. They put them up in a marketplace known as the Australian Stock Exchange and onto the global marketplace. Of course, when that stock was put up there it made it possible for anyone to go and buy those shares within the law.

So it is a wee bit amusing that we have the Labor Party wearing their union supplied badges in here saying ‘Save Qantas’ or words to that effect. That is cute and populist, but the reality is that those Labor senators should look their union comrades in the eye and say that the reason that this sale is possible now is because of the duplicity and hypocrisy of Labor in power, which put it up on the block for sale.

The good and the reassuring thing for the passengers of Qantas and the employees of Qantas—so many thousands of wonderful Australians who work so hard to provide an outstanding service for Australian and international passengers, providing wonderful services domestically and internationally and running a very successful airline—is that the provisions of the Qantas Sale Act apply. The Department of Transport and Regional Services is going through a rigorous process to ensure that the sale goes through, and I think all Australians can rest assured that very proper processes will be gone through to ensure that this sale is in total compliance with the law. The government believe that is the proper process and that the Senate inquiry proposed for quite populist reasons by Senator Bob Brown is entirely unnecessary and, quite frankly, a waste of time.

Senator BARTLETT (Queensland) (6.31 pm)—The Democrats support having this matter examined by a Senate committee, in this case the Senate Standing Committee on Economics. I agree with some of what Senator Ian Campbell just said—not so much that the Labor Party privatised things like Qantas but, even more unfortunately, that it did so deceptively, not by going to elections and openly saying, ‘We’re going to privatise the Commonwealth Bank; we’re going to privatise other things,’ but by in fact going to elections and saying ‘We won’t’ and then after elections ending up doing it, with the support of the then opposition in the coalition, who at least were ideologically consistent with regard to that particular position.

But that is not really the debate here. It is a worthwhile thing to note and a worthwhile criticism to make, but it is not the debate before the Senate. The debate before the Senate is whether or not it would be beneficial for a Senate committee to examine the issue of the proposed takeover of Qantas and, most importantly, to enable public input and public scrutiny. One of the reasons that it would not be a waste of time, as Senator Ian Campbell quite wrongly suggested, is that it would enable an open process. It would enable much more of the information to get out into the public arena.

One of the downsides of the Foreign Investment Review Board process is that it is not open; it is quite secretive. I do not think it is unreasonable to suggest that there is a degree of public unease, to put it politely. Or
I could probably say there is a lack of public confidence in the Foreign Investment Review Board and, what is more relevant, a lack of confidence in the Treasurer and the decisions he might make. It is very rare for the Treasurer to decide to knock back something that has come through the Foreign Investment Review Board process. Not only is the Foreign Investment Review Board process secretive; it provides a report to the Treasurer and then the Treasurer’s deliberations are secret. It is a very inadequate process in the Democrats’ view.

As a general principle we would normally accept a proposal for a Senate inquiry unless we thought that it was either completely redundant or the committee perhaps had too many other things to do and the reference did not have a high enough priority. Neither of those arguments apply. It is not a duplication for the Senate to examine this issue. There are many issues that need to get out into the public domain that will not get there through the Foreign Investment Review Board process and the Treasurer making the decision.

Let us not forget all the people involved in this. Half of them are part of the government’s mates’ network anyway, so we are asking government people to make judgements about their mates. That is not denying that some people involved in Qantas are already government mates. I am not suggesting that the current system is pristine either, but in effect what Senator Campbell has put forward is that he accepts, as he said at the start, that this is an issue of great public interest, an issue of genuine significance to the Australian community and the Australian economy. The government’s approach is, ‘Just leave it to us; we’ll sort it out behind closed doors and don’t you worry about it.’ That is really the summary of the government’s position here. Whether that is genuinely Senator Campbell’s view or whether he has just been sent in to argue it, I do not know. The government are basically saying: ‘We will decide it behind closed doors. We will decide how many favours we will give to our mates this time round. You just leave it to us and trust us.’ Frankly, whatever the circumstances, whoever is in government, I do not think that any Senate should simply accept that it is okay for the government to say, ‘Trust us, we will decide in secret,’ but particularly not this government with their record around an issue as important as this.

It is understandable in these sorts of circumstances to hear terms like ‘national icon’ used about Qantas. As a Queenslander I take the opportunity to emphasise the ‘Q’ in the name Qantas and point out the origins of Qantas in outback Queensland. It is not just a national icon; I think it is fair to say it is a Queensland icon. It is easy to throw around this label of ‘national icon’ and to then use that as a nice protective wall to hide behind and say: ‘You can’t touch us because we’re a national icon. Let us do what we want.’ I think there are legitimate criticisms about how Qantas operates at the moment. It may be privatised but it certainly operates in a market that is less than open. It operates in a market that is quite comfortable for Qantas, thank you very much.

One thing that I would say, and which I think I can say on behalf of some Democrat colleagues as well, is that if a takeover and a change in the type of ownership regime around Qantas is going to be decided in secret by the Treasurer then there clearly will be a set-up where the new owners will be looking much more at profit and return and much less at the wider iconic role that keeps being talked about and the wider economic and crucial linchpin role that Qantas plays in many aspects of our national economy. If we are going to have a takeover and a move away from the current set-up to quite a different ownership regime then I believe there needs to be a review of the regulatory regime...
for airlines. I have heard similar views expressed by others, including some government senators.

Again, speaking individually and as a Queenslander, tourism is obviously a critical industry for Queensland, and Qantas is the major vehicle for bringing international tourists into Queensland. There is no doubt that the current restrictive arrangements on the route between eastern Australia and the west coast of the United States mean that there is overpricing and a higher cost for people flying into Australia. That undoubtedly has an impact on the tourism industry, not just in Queensland but elsewhere. One can accept that that may be an appropriate price to pay because of the broader social benefit that Qantas provides through its services to regional Australia and through being a major employer, but if it is going to adopt a new ownership regime that puts those things at risk or lower down on the priority chain then I really think that it can no longer expect to argue that it should have some protected arrangement under which to operate.

I should also say, as an aside—it is not directly relevant to the immediate question before the chamber, but I think it is relevant to the broader question—if we are talking about a takeover of Qantas, and obviously those people who are thinking of doing it think that there is good money and good returns to be made here, we need to be cognisant of the greenhouse implications of air travel. I say this in a wider sense. It is something that I think the aviation industry and the tourism industry in particular, as well as some other industries, need to take into account. Currently, emissions from air travel are not counted at all under the Kyoto regime, partly because it was too hard to figure out which country to apply them to. That might be a neat loophole for the purposes of accounting, but it does not make any difference to the environment whether or not we count them; there are still emissions and there is no doubt that greenhouse gas emissions from air travel are a very significant component given the small number of people involved. Per capita, air travel is quite a high emitter, and we have very high growth projections for air travel in Australia, both domestically and internationally.

Indeed, in my home city of Brisbane there is a proposal at the moment to build a second runway at Brisbane Airport. Most of the concerns about that are focused on aircraft noise affecting people living in the vicinity. I am sympathetic to that but I think the much greater issue is that the inevitable consequence of building that second runway will be the increase in emissions that will come from the increased air traffic. That is not being taken into account. Ironically, and in some cases quite bizarrely, it is not even mentioned in the voluminous environmental impact assessment documentation surrounding the second runway. Facilitating the single biggest environmental impact from the second runway, which will be increased greenhouse gas emissions, is excluded from the environmental impact assessment. I know that I am getting a bit off topic here, but I think this is an aspect of the climate change debate that we have not acknowledged enough and it is something that we as a nation—and particularly we politicians, because we do a lot more flying than the average person—need to think about a lot more. I guess that the people who are making these investments will factor in whether there will be higher costs from carbon trading and those sorts of things down the track. If they still think they will be able to make a good return, that is their business decision to make.

To return to the specific topic before the chair, there is no doubt that the sale of Qantas is a matter of significance to the Australian community. There is also no doubt that it
is not significant because it is something people want to chat about over the barbecue but because it impacts on a range of industries in a very significant way. It potentially has quite significant implications. Therefore it is totally unsatisfactory to say that we can just leave this up to some secret project for the Treasurer to work out with some of his business mates, behind closed doors, to come down with a solution that we are all supposed to accept and trust. I think that is grossly inadequate. Frankly, I do not think it is even in the government’s political interest to try to keep this a secret. I think they would also benefit from having much more transparency and much more public debate.

In these sorts of debates, and the campaigns surrounding them, there can be a lot of hyperbole and a lot of issues raised that are not directly related to what is being proposed. I think a public Senate inquiry would flush those issues out and would demonstrate which arguments are furphies, irrelevant or exaggerations and would draw things down to the core issues. Without that, we will just get a shouting match in the media and in question time that will cut out the public and which will mean a far less rational debate. We will have that versus the government’s secrecy agenda on the side. Both of those are inadequate. The ideal approach that is right here before the chamber and that, in normal circumstances—if we did not have a government-controlled chamber—would be adopted without controversy is now at risk of falling over unless there are at least some coalition senators who are willing to act in the national interest.

It is yet another example of what happens when a government gets control of the Senate. I have no doubt at all that there are a number of people on the coalition benches who would strongly support having this inquiry. If the government did not have a majority here, I would also be very surprised if they did not just support this on the voices without even opposing it. But, because they have the chance to stop it, the chance to try to control the debate, the chance to try to put the process behind closed doors, they are going to take it.

That is not good for democracy. It is certainly not good for the role of the Senate. And I do not think it is good for genuine public debate. It is certainly not helpful in trying to resolve what is an important public policy issue for the Australian people. The Democrats strongly support this proposal for an inquiry. We urge at least some coalition senators to recognise the arguments and to vote in favour of it and let the public have their say.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.45 pm)—I will be very brief because I want this to come to a vote and we have just five minutes left. Isn’t it remarkable that not one National Party senator contributed to this debate? In fact, there are none in the chamber. The Minister for Human Services, Senator Ian Campbell, came in and dismissed this motion to refer the matter, the sell-off of Qantas, to the Senate economics committee with the words: ‘It’s populist and a waste of time.’ Has there ever been a better example of the arrogance of the Howard government, now that it has control of both houses of this parliament, than it using this Senate as a rubber stamp to block a short, sharp and public inquiry into the sale of a national icon, with 38,000 employees’ futures at stake, air safety at stake, the tourism industry at stake, regional air services at stake and, internationally, Qantas’s great name as an Australian talisman at stake as well?

What do we have? We have a consortium called Airline Partners Australia, based essentially in Texas, with a record that very much needs to be put under public scrutiny,
about to take over this company. There are many people in the Australian community—I saw one poll showing that 80 per cent of Australians are against it—indicating that they do not want this to happen. Why not? Because this company wants to turn Qantas, with its marvellous record, into a milking cow. They will rough it up. They will cut it back. They will make millions out of it. And the government says: ‘Well, the public can be as concerned as they like about it—the Australian people can be worried about this and the 38,000 employees can be worried about this—but we’ll block an inquiry which doesn’t have the power to alter things.’ It is an inquiry that would not have the power to alter things but that would at least give us transparency into this company: who they are, who’s behind it, who’s going to make money. Macquarie Bank is going to make $100 million simply from its job in the middle. And the government says, ‘We’ll keep that all under the carpet.’

It is an affront to the Senate and it is an affront to the people of Australia that the government is going to vote down an inquiry—not a decision-making process but an information-taking process. The government has put the blinkers on and has shut the public out. What a rotten way to treat the people of Australia, Qantas and Qantas’s 38,000 employees. This government has lost touch with the people of Australia. It will come to rue the day that it took this attitude. ‘A waste of time,’ says the minister. What an affront to the people of Australia, who are concerned and who want information about the potential sale of Qantas.

I have moved this motion as amended and put it to the Senate so that those members opposite can show to what extent they are going to allow the Australian public and the good offices of this Senate to be sold out here tonight.

Question put:
That the motion (Senator Bob Brown’s) be agreed to.

The Senate divided. [6.53 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes............  34
Noes............  35
Majority........  1

AYES

NOES

The PRESIDENT—Order! It being 6.55 pm, the Senate will proceed to the consideration of government documents.

Government Response to Commonwealth Ombudsman’s Report

Senator BARTLETT (Queensland) (6.57 pm)—I move:

That the Senate take note of the document.

This document is a response from the Minister for Immigration and Citizenship to the Ombudsman’s report to him under section 486O of the Migration Act. That report is actually the next document on the list. The new minister’s response, dated 1 February—which I guess makes it one of his very first actions—is very inadequate and has some worrying signs. The document from the Ombudsman is one of a series of reports that the Ombudsman has done on people who are in long-term immigration detention. It refers to personal identifiers 105/06 to 112/06. The Ombudsman and his office have investigated the circumstances behind their detention, examined and reported on some details to do with that, including their conditions, and also made recommendations. When there is a new minister, it is a time to see whether that person will grasp the opportunity of being a fresh face to make changes or immediately become a captive of the department and flow with the advice of department officials.

It should not be forgotten that the reason why these reports from the Ombudsman are coming forward—the only reason why the parliament is getting this information—is that the government made changes to the Migration Act in response to public pressure. This pressure culminated in a laudable stand by a small number of Liberal Party backbenchers who said enough was enough with respect to the number of people who continued to be traumatised and harmed by open-ended, long-term immigration detention. Whilst I did not think the agreement that those Liberal Party backbenchers achieved was sufficient—we still need more change—it did at least mean changes were made that would allow some degree of scrutiny. I think it was about a year and a half ago now, and people may recall some of the controversy around that. That is why we have these reports before us now.

One of the criticisms that was made at the time was that the Ombudsman was empowered to be able to investigate all of these circumstances so that we would get to know what was going on, but all the Ombudsman could do was then make a recommendation and it would be up to the minister to act if they chose. What we are seeing now in this document, which is the minister’s response, is that the minister is choosing not to act. In many cases this is the previous minister, Senator Vanstone, who has chosen not to act.

I draw particular attention to statement 108/06 about a particular detainee. It is a combined second and third report for this person from the Ombudsman. The Ombudsman first reported on this on 17 January last year with regard to this person and the report was tabled in parliament back in March. A person who was at the Villawood immigration detention facility until May 2006 was then transferred to the Toowong Private Hospital in Brisbane, which is where some people with significant mental illnesses caused by their detention are transferred to. He was finally granted a temporary protection visa on 6 October 2006.
The Ombudsman makes three recommendations about that person. In particular, there is the recommendation that the temporarily visa be transferred to a permanent visa. The person in question is from Syria. It is extremely unlikely, as we know from past practice, that the person would ever be able to return to Syria, let alone in a couple of years time. His medical condition, which was already very serious in the first report, the Ombudsman said has worsened since that last report a year ago. He spent nearly six years in detention before being found to be entitled to protection, yet he still only has temporary protection.

As for the minister’s response to that recommendation—and there were two other recommendations with it relating to other things—not only has he not agreed to it but he has not even mentioned it. It is not even acknowledged in the minister’s response that there was even a recommendation. That suggests to me that there are still some cultural changes to be made in the immigration department. That also suggests to me that already there are very early but nonetheless very worrying signs that the new minister is going to acquiesce to that still poor culture within the department. He is going to ignore very clear, very strong and very concerning recommendations from the Ombudsman and just let these very damaged people continue to suffer for no reason at all other than government stubbornness and intransigence. If we have a new immigration minister who is going to accept that, we have still got a problem. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Commonwealth Ombudsman’s Report

Senator BARTLETT (Queensland) (7.02 pm)—I move:
That the Senate take note of the document.

I will continue where I left off because this document and the one earlier are related and it would probably make more sense in a way for them to be dealt with together. As I was saying, the Ombudsman is able to make recommendations but there is no scope for those recommendations to be followed. The example I was just speaking to is a person with the identifier of No. 108. It took six years for them to be found to be entitled to protection, but they are still only on a temporary visa and are still suffering as a consequence of that. That is not just some bleeding-heart assessment; that is a very clear medical assessment. There are already clear medical assessments that the Ombudsman refers to in this and earlier reports about this case of very significant harm being done to this person because of their long-term detention and the things that happen to people in detention.

It is a direct consequence of Australian government policy implementing the laws that were passed by this chamber. I might say that the laws that continue to allow this to happen are still in place. We should not kid ourselves and think that all of this trauma and all of the problems from immigration detention have gone and have been resolved. There have been advances—there is no doubt about that—but the problems have not gone and have not been resolved. The law is still there, it can still happen and it is still happening. It is happening to fewer people but it is still happening, and this Ombudsman’s report is yet another reminder of that. We should not let the frequency of these reports dull us to the shameful contents.

This report deals with, I think, eight different people. They have different circumstances, different stories and different details, which are provided in the report, but the vast majority of these people—not all I would emphasise—have been in long-term detention and have suffered significant health impacts as a direct consequence. It is clear from
the report that for every single one of those there has been no good reason—no adequate public policy reason, no adequate public safety reason, no security reason or any reason—why they needed to be in detention for such prolonged periods of time. In addition to that, some of these cases still detail problems with the way people are treated in detention—specific incidents in detention, specific problems with the delivery of medical services in particular in detention. That is simply not satisfactory.

I know the department of immigration have made a number of changes. I know they have accepted the need for those changes. There has been continual talk by government ministers themselves, with the previous minister, Senator Vanstone, accepting that there is a serious problem with the culture of the department and setting about changing that. I accept that those things do take time. But I also believe that, unless there is continuing pressure for change, it will halt. A new minister is the perfect opportunity to reaffirm, reapply and renew that pressure and that momentum for reform and change. It is the key task, I would suggest, of Minister Andrews, the new minister, to continue to drive and revitalise that reform process because this Ombudsman’s report makes it clear that there is still some way to go. As I said before in talking to the previous document, the minister’s response certainly raises concerns that the new minister is not going to take that approach of reinvigorating the reform process.

Finally, I want to emphasise that a number of cases here, not just the case that I have focused on the most, emphasise the problem with the temporary protection visa. People who have already been traumatised—they were traumatised before they have even got here—have had their trauma magnified a number of times over as a direct result of our laws and government policy and the implementation of them. Just giving them a temporary visa at the end of that process continues the harm—it continues the uncertainty—and does not allow the person to finally get closure to that part of their life and settle stably in the Australian community. Even if you do not care about these people, it is in our interests as Australians and as a nation to have in the community people who are stable and secure and who know they can get on with rebuilding their lives. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following order of the day relating to government documents was considered:


ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Kirk)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Organ Donation

Senator PARRY (Tasmania) (7.08 pm)—I rise to speak on the very sensitive and important issue of organ donation in Australia. Australian Organ Donor Awareness Week 2007, from Sunday, 18 February to Saturday, 24 February, provides the opportunity to articulate what really is involved in organ donation—not only the shortfall in donors but the circumstances required to access a donor’s tissues or organs. This subject is not new to me. As a funeral director I encountered the subject on several occasions when dealing with and assisting bereaved families.
I also have friends who have donated the organs of family members, resulting in the saving of five lives in Australia.

There is a perception that all registered donors will eventually save a life or lives. This is not necessarily the case. Only a limited number of donors will actually achieve this noble goal. My aim is to encourage more people to consider becoming donors and to explain why we have so few. Many Australians carry a card indicating membership of the Australian Organ Donor Register, but in many cases we, or our relatives, do not understand what circumstances are required to allow the harvesting of organs or tissue. A decision to become an organ donor should be shared with family, because permission is requested from the next of kin before donation can be effected. Carrying a card, having it in your will or expressing it in writing by other means is not the only solution; there needs to be family consent at the time the organ donation is to be effected.

It is surprising to many Australians that only one per cent of all hospital deaths occur in such a way that organ donation is medically possible. While some tissue can be taken from the body after the heart stops beating, the requirements for organ donation are more restrictive, with very few people dying in circumstances that allow them to become organ donors. Organ donation is usually only possible in cases where a patient is in an intensive care unit and is determined to have suffered brain death while their heart-lung function is still being maintained artificially. Some health conditions rule out donation. Age can also be a factor, although in the case of kidney and liver donation there is effectively no age limit. It should also be understood that there are critical time frames for various organ transplants.

In 2005 there were 35 organ transplant units in Australian hospitals, comprising 20 renal units, eight liver units, five heart units and two pancreas units. During 2006 there were 738 transplants from 202 deceased donors. The average number of organs transplanted per donor was 3.7. Nevertheless, close to 1,800 people were on a waiting list when this data was compiled in January 2007. The figure still hovers around 2,000. The contrast between the waiting lists and the number of transplants performed indicates the extent of the need for organs for transplant and whether those needs are being met.

Interestingly, you are 10 times more likely to be in need of a transplant than to ever be in a position to be an organ donor. Even if you were a donor, there are a strict set of circumstances which allow a transplant. Data indicates that the largest waiting list by a considerable margin is for kidney transplants and that there is a waiting period of about four years for a transplant from a deceased donor. The average waiting period for a heart transplant is one year and for liver transplants six months. However, waiting times vary greatly for individuals, and patients die before organs become available.

Kidney donation is the only widely practised form of organ transplant from live donors in Australia. Liver transplants from live donors have become an established treatment in some countries, and transplants of parts of the lung, pancreas and intestine are also performed.

Corneal tissue transplants were the first transplant operations to be commonly performed in Australia, and date from the 1940s. Organ transplants did not begin until 1963, when medical advances indicated kidney transplantation was an effective treatment. Transplants of the heart, liver, lungs and pancreas have been developed into effective treatments. Tissue transplants now include bone marrow, heart valves, bone and skin.
Figures released by the Australian and New Zealand Organ Donation Registry show that in 2006 South Australia continued to lead in the number of people who die and become donors, with 23 donors per million of the population—the highest rate of organ donation in the country. This was followed by Tasmania, with 16. With a population of nearly half a million, that equated to eight actual donors. The national average is 10 donors per million. However, it appears that the figure for Tasmania could be an anomaly, given that it has had a very low rate in past years.

Compared with other countries for which information is available, Australia’s donation rate is low. When organ donation rates are compared per 1,000 deaths, the difference between the donation rate for Australia and some other countries is reduced. It is suggested that Australia’s donation rate is comparable with estimated rates for New Zealand and several European countries, including the UK, Ireland, the Netherlands and Germany. Spain has for some years had the highest donation rate. This has been attributed to procedures introduced by a national transplant organisation set up in 1989. These included locating donation coordinators in hospitals, training medical staff in requesting donation and closely monitoring potential and actual donation. There is some evidence to suggest that donation rates in Australia could be increased with appropriate procedures, such as those established in Spain.

Public attitude to donation also needs to be considered. Donors and potential donors need to consider the psychological and emotional challenges that may accompany any decision regarding donation or transplantation. Many philosophical arguments against organ donation stem from the field of bioethics, which has emerged at the forefront of modern clinical science. This encompasses issues such as the moral status of organ donation. Further, it is almost impossible for involuntary organ donation to occur given the issues surrounding patient autonomy, living wills and guardianship. The issue of black market organ donation, generally in impoverished countries, opens up all sorts of moral issues regarding physical exploitation and financial exploitation, not to mention criminal considerations.

The national register of people prepared to be organ donors after death was established in Australia in 2000. More than 850,000 Australians have registered their legally valid consent or objection to organ/tissue donation, but many more are needed. The average waiting period for organs varies from 1.2 years to 3.8 years. Australia has an organ retrieval rate and a transplant survival/success rate higher than any European country and the US. One donor can help up to 10 people in need.

The purpose of organ donation is primarily transplantation. Where, in the uncommon situation an appropriately matched recipient is unable to be found after organ harvestation, separate and specific permission is obtained for donated organs to be used for transplant related research.

Death, or brain death, with organs still oxygenated is a rare occurrence. Often death is sudden or unexpected, so more people need to recognise early that they wish to be an organ donor. Families need to discuss this matter in advance so that when an unexpected decision at a very awkward time in their lives needs to be made—usually during a traumatic and difficult period—they are better equipped to make that decision. It is far better to know that the loved one who is dying—or has died—wishes to have their organs donated. To achieve a higher rate of organ donation, we need to know that every single person who dies in the circumstances that would allow organ harvestation has con-
sented, is aware and knows the implications of what they are consenting to.

With this in mind, I fully support the Australian Organ Donor Awareness Week’s aims, which are: raise donation rates in Australia by focusing on the pressing need for organ and tissue donation; encourage families to discuss their wishes, highlighting the success of organ transplantation in Australia; and, finally, promote the registration of consent on the Australian Organ Donor Register. I hope this clears up many issues surrounding such a sensitive issue as organ donation. If the only aim that is achieved tonight is that people discuss their decision in their homes and workplaces, I feel I have made some contribution.

Blundstone

Senator CAROL BROWN (Tasmania) (7.17 pm)—Before I speak on the matter that I am intending to speak on, I would like to place on record my heartfelt support for Senator Parry’s comments regarding organ donation and also the work of Australians Donate. I remind people that Australian Organ Donor Awareness Week begins on 18 February. I look forward to attending the Tasmanian event, at which I believe Senator Colbeck will be officiating.

I rise today to speak about a world-renowned iconic company in my home state of Tasmania—a company which started around 1870, nearly 138 years ago, with imported materials and a few skilled workers. The decision on 16 January by Australian bootmaker Blundstone to close its Tasmanian operation and go to India and Thailand is a sad one, particularly for a company so steeped in history.

Blundstone began when John and Eliza Blundstone arrived in Hobart town from Derbyshire, England, in 1855. Initially, the Blundstones imported footwear from England, but they were soon crafting boots in Hobart strong enough to handle some of the world’s toughest terrain. Their boots are renowned for their quality and reliability. Blundstone stood proudly with many great Australian products. Whilst Blundstone will continue to be Australian owned, the manufacturing of the famous boots will now be done largely in India and Thailand.

We are all only too well aware of other Australian icons that have left Australia’s shores, such as Uncle Tobys, Arnotts and Bundaberg Rum. Arnotts was sold to the US company Campbell Soup in 1997, Bundaberg went to the UK in 2000, and last year the Swiss company Nestle snapped up Uncle Tobys—just to name a few. So much for enduring Australian icons. I think it is safe to say that there would be very few Australians who have not owned at least one pair of Blundstone boots. Australian backpackers have trekked the world in them and thousands of tradespeople swear by them. Their hardy and long-lasting qualities are sought after worldwide. In the United States the good old ‘Blunnie’ was the preferred choice of scores of Hollywood celebrities. Sadly, the tradition is soon to end in Tasmania.

On the day of the Blundstone announcement, my colleague the member for Denison, Mr Duncan Kerr, and I went to the Moonah Blundstone factory and talked with the Chief Executive Officer, Mr Steven Gunn. Mr Gunn explained that, while it was a sad and difficult decision, Blundstone ‘shares the disappointment many people are feeling’ and that ‘it has been a very difficult decision for us’. The company said that they had tried their darnedest to make a fist of local manufacturing at the expense of profitability. What I and many others would like to know is: did Tasmania’s only federal minister, Senator Eric Abetz, go on site and talk to management or was he too involved in getting approval for his seven-metre floodlit flagpole outside his office in Hobart?
Federal minister Ian Macfarlane was typically vague when the Blundstone closure in Australia was announced. After the announcement, Mr Macfarlane declared: ‘I am confident the 300’—and there are around 350—‘Blundstone workers will find new positions locally.’ I hope the minister is right. I can assure him that my colleagues and I will be keeping an eye on the situation and will be reminding him of his declaration.

The minister seems to have a simplistic approach to the problems confronting the industry, foremost among them the exodus of Australian companies overseas. That was reason enough for Mr Howard to have included him on his reshuffle hit list last month, but, surprisingly, the minister survived. Mr Macfarlane’s approach to Australia’s industry sector borders on Dickensian and, like the thousands of workers in the lost jobs he has overseen, the minister should have been shown the door.

Interestingly, last September the Deputy Prime Minister, Mr Mark Vaile, a staunch supporter of slashing tariffs, was talking up Blundstone’s prospects. Mr Vaile was speaking before the ASEAN meeting in Hobart on the free trade agreement. Mr Vaile said:
The agreement helps great companies such as Blundstone become even more competitive by helping to create a more favourable international trade and investment environment.

It is now time for Mr Vaile to tell the Tasmanian people, and especially the 350 Tasmanian workers who will lose their jobs in the next six months or so, what has happened since he made those comments. What has happened? It would appear that, in this case at least, those words have returned to haunt Mr Vaile. The ‘more favourable trade environment’ he refers to is a myth; the reality is far removed.

Labor has vowed to protect manufacturing jobs. Federal Labor is looking at increasing tax concessions for manufacturing companies that invest in research and development, and would equip them with better skills and training. Federal Labor is all too aware of the pitfalls facing Australian manufacturers. As articulated by my colleague Senator Carr, shadow minister for industry, innovation, science and research, Labor believes: Australian industry should be supported, through the proper industry policy settings, to make things here, and we will work to create an environment in which this can happen.

We believe that government should support industries of strategic interest—industries in which Australia should have a competitive advantage, industries that will create fulfilling jobs for our children.

Why is the Howard government so quick to throw a lifeline to some industries, such as car makers in South Australia, but failed to act on Blundstone? This is a fair question and Tasmanians are entitled to expect the Howard government to answer it. Blundstone reports that it made its decision to move its operations offshore before last November. I would like to know, as I am sure many others would: were the Tasmanian Liberal senators warned of Blundstone’s decision? When did the federal government know of Blundstone’s decision? Did the federal government attempt to convince the Australian icon to stay on home soil? What action, if any, did it take to head off this decision prior to the announcement?

Blundstone’s workforce will join the more than 43,000 textile, clothing and footwear, or TCF, workers who have lost their jobs since the Howard government took office. While some may see it as just another medium sized factory closure, there is a human side that is often ignored. The morning after the announcement, the local newspaper ran a poignant front-page picture of a soon to be released worker with his two young sons,
aged four and seven. As is often the case in company closures, this worker got the message through the grapevine and had dismissed it as a prank by workmates. The young father has a mortgage, and the prospect of mounting debts is a daunting one for a man employed for his boot-sewing skills. They are valued skills for Blundstone, but few if any other Tasmanian employers would require them.

It is hard also on the husbands and wives who worked together at Blundstone to support their families. I understand that, ironically, a number of workers volunteered to cut short their Christmas-New Year holidays to return to work to fill extra production shifts. You can imagine their shock when they were told they would soon be out of a job.

To the credit of Tasmania’s state Labor government it has acted quickly by providing support and will be working hard to get workers back into the workplace. Mr Graeme Sturges, Parliamentary Secretary to the Premier, has been given responsibility for developing a comprehensive response, which hopefully the federal government will be involved in. Mr Sturges says the welfare of the workers and their families is a matter of priority.

It is the state government’s intention to get a positive result for every single Blundstone employee affected by this decision. With that in mind, a network of employers, employee advocates and support groups has begun identifying opportunities in consultation with Blundstone workers, management and unions. These include: direct employee assistance programs helping workers to find employment, working with TAFE on reskilling, workforce transition support, hotline support for businesses affected by the closure, immediate consultation with unions and workers to prepare a way forward, and supporting an application for aid through the TCF structural improvement program.

I understand also that a federal government representative has met with Blundstone to discuss support for workers. The National Secretary of the Textile, Clothing and Footwear Union, Mr Tony Woolgar, wasted no time in getting to Tasmania to talk to workers after Blundstone’s bombshell. Mr Woolgar says only a dramatic shift in government policy can save more industries going the way of Blundstone. Mr Woolgar talked to Blundstone management but says it is too early to say what the future holds for the majority of the workforce given that the company is going to phase out positions over the coming six months or so. I understand that the redundancies will be staggered and occur in groups of anywhere from 20 to 70 to begin in May.

Tasmanian Liberal senators should remember that the No. 1 priority sought by the union is federal government assistance through the TCF structural adjustment package. It is essential that any request for assistance is not hamstrung by red tape and government inaction. I would like to think that Tasmanian Liberal senators will fly the flag for Blundstone workers in Canberra. (Time expired)

Climate Change

Senator ALLISON (Victoria—Leader of the Australian Democrats) (7.28 pm)—This has been a big week, indeed a big six months, for greenhouse. Al Gore’s An Inconvenient Truth, the Stern report and the latest Intergovernmental Panel on Climate Change report by 2,500 scientists worldwide have delivered a wake-up call. Australians are now convinced that serious action is needed from government and it is needed fast. It is no longer tenable, if it ever was, to sit back and wait to see what the rest of the world does to contain emissions.

It is no longer believable that Australia could wait 15 to 20 years for clean coal or
nuclear power to make the sorts of cuts that are going to be necessary. The AP6 agreement, cooked up by Mr Bush, Mr Howard and countries that buy our coal, was criticised because of the gap between emissions reduction activity proposed and the need to prevent global warming from exceeding dangerous levels.

It is also not convincing to suggest, as Mr Howard does, that taking action would harm the economy or our competitive advantage. And it is not satisfactory for Mr Howard’s task force to today release a flimsy discussion paper on emissions trading that purports to be about a global trading scheme that would involve developed and developing countries rather than getting our own house in order. Australians quite rightly see this as yet more procrastination: a knee-jerk response to public criticism that the government is not doing enough—indeed, is not doing anything.

The Prime Minister is slowly moving from being a sceptic on climate change; now he reluctantly accepts the link between human activity, carbon emissions and climate change. He has been forced to eat his words of warning to not be mesmerised by Stern. People were mesmerised and they still are, because Stern showed that the impact of doing nothing was at least 10 times more than the cost of fixing the problem.

The Prime Minister withdrew his answer in question time yesterday saying he thought the question being asked was about the link between greenhouse emissions and drought, and that the jury was still out on that link. This too is rubbish. Reports for 10 years have said we can expect lower rainfall in most of Australia and only the most northern regions will have more rain. This warning has come to pass: they have got floods and we have got drought. He lashed out at what he said were climate change zealots and repeated the mantra that he would do nothing that would damage our economy, intimating that action to reduce emissions would do so. He said he was concerned about the workers in coalmines and power stations. Most Australians understand it is more to do with the $26 billion a year that is earned in the exports of coal. His actions this week proved that he is yesterday’s man, defending and protecting a fossil fuel economy instead of taking Australia into the new world order of sustainability.

Let’s just look at the facts. On average, around 45 per cent of all greenhouse emissions remain in the atmosphere and the rest are absorbed by natural systems. This has been the case for the last 50 years—7.9 billion tonnes of carbon dioxide went into the atmosphere worldwide in 2005. Levels are now 430 parts per million—up from 300 part per million in pre-industrial times. This has already caused 0.9 degrees Celsius warming since 1910. Concentrations of carbon dioxide grew by two parts per million in 2005—the fourth year in a row of above average growth. At this rate, 450 parts per million will be reached within 10 years, bringing a very high probability of a two degrees Celsius increase in temperature. Scientists tell us that a two-degree increase will take the earth into dangerous climate change.

The challenge for Australia and the world is to lower CO₂ concentrations to levels that avoid dangerous climate change and to keep them that way. This means massive and urgent cuts followed by a balance in which CO₂ emissions match the earth’s capacity to absorb them. Most of the action needed will have to happen in the next 10 years. Achieving that sustainable balance is a monumental task and will require an unprecedented level of global cooperation, but it must be done.

The government’s preferred course, to fund research into so-called clean coal tech-
nology—carbon capture and storage—is unproven and expensive, and would be too late to stop emissions escalating. It makes no sense either to promote nuclear power or to say that it is clean. Wind power is already cheaper than nuclear power in the United Kingdom and is far lower in emissions, uses no water, requires little land and produces no waste. It is also wrong to suggest wind cannot provide base load. Australia is the tenth largest emitter in the world and one of the most vulnerable to climate change. Governments worldwide must make it possible for greenhouse emissions to equal the earth’s capacity to absorb them.

Today the Climate Institute circulated a very useful paper which I hope all senators and members will read, and I draw it to the attention of the Prime Minister and members of the coalition in particular. It dispels the myths being put by the Prime Minister and others about carbon trading, and quotes the CSIRO, ABARE, the Australian Business Roundtable on Climate Change, the World Bank, Sir Nicolas Stern and the Australian Greenhouse Office.

Myth 1: that carbon pricing will hurt the economy—wrong. The business roundtable report found GDP continues to grow 2.1 per cent per annum with early action and will increase from $0.8 trillion in 2005 to $2 trillion in 2050. This occurs while Australia reduces emissions by 60 per cent. ABARE expects GDP to grow by 2.1 to 2.2 per cent per annum, even with a 15 per cent to 40 per cent reduction in emissions. Even if Australia cut emissions by 60 per cent, by 2050 real income per person would be more than $15,000 higher than in 2005. The business roundtable say delaying action may lead to a major disruptive shock to the Australian economy. GDP growth would be limited to an average of 1.9 per cent per annum by 2050, compared with that 2.1 per cent for early action. They say delaying action will cost jobs—around 250,000 less than the 3.5 million predicted between 2013 and 2050. CSIRO says the economic impacts of climate change could be between five per cent and 15 per cent of global GDP, compared to around three per cent for early action.

Myth 2: that carbon pricing would make electricity more expensive—again, wrong. The amount that households spend on electricity will increase by between seven per cent and 20 per cent by 2050, while incomes will increase by 100 per cent, according to ABARE and the CSIRO.

Myth 3: that Australia should wait for a global market—wrong. There is already a multibillion dollar international carbon trading market, involving countries like China and India. Access to this market would likely reduce the cost of Australia meeting its Kyoto commitments as companies invest in cheaper reductions in other countries. Exclusion from this trading would add $1.25 billion to the cost of meeting our target. According to the World Bank, in 2005 the global carbon market was worth $13.3 billion. The UN says clean development mechanisms will deliver cuts of nearly 1.5 billion tonnes of emissions in China and other developing countries by the end of 2012—this equals the present annual emissions of Canada and France combined. In the first three quarters of 2006, $2.9 billion was invested, 60 per cent of that in China.

Myth 4: there is no point in Australia doing anything unless China does—again, wrong. Stern said China was amongst those countries with the most ambitious policies to reduce greenhouse gas emissions. China plans to reduce energy used for each unit of GDP by 20 per cent between 2006 and 2010. Its renewable energy target is 15 per cent by 2020. This will avoid almost 400 million tonnes of emissions in 2020—equivalent to shutting down a third of China’s coal-fired
power plants and around three times more than Australia is projected to achieve over the same period.

Myth 5: ratification of Kyoto or carbon pricing will hurt the coal industry. The future of our coal industry will be determined not by Australia’s internal policies but by international action. Most of Australia’s coal is exported, so how much we sell depends on the greenhouse policies of countries like Japan and China.

Mr President, I urge you and the members of the Senate and the House of Representatives to look at that report. It demonstrates absolutely that those myths need to be dispelled and we need to be on a sustainable course of action and we need to be on it now.

**Senate adjourned at 7.37 pm**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- **Australian Broadcasting Corporation**—Equity and diversity—Report for 1 September 2005 to 31 August 2006.
- **Mid-year economic and fiscal outlook**—2006-07—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), December 2006.
- **Migration Act 1958**—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 105/06 to 112/06—Commonwealth Ombudsman’s reports.
- **Commonwealth Ombudsman’s reports**—Government response.
- **Telecommunications Act 1997**—Funding of research and consumer representation in relation to telecommunications—Report for 2005-06.

**Treaties—Bilateral**—

Text, together with national interest analysis and annexures—Agreement between Australia and the Swiss Confederation on Social Security (Canberra, 9 October 2006).


**Tabling**

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

- **Civil Aviation Act**—Civil Aviation Regulations—Instruments Nos—
  - CASA 34/07—Directions – for determining maximum weight [F2007L00226]*.
  - CASA 40/07—Permission and direction – helicopter special operations [F2007L00254]*.
  - CASA EX03/07—Exemption – solo flight training using ultralight aeroplanes registered with the RAA at Cambridge Airport [F2007L00211]*.
- **Customs Act**—Tariff Concession Orders—
  - 0614846 [F2007L00243]*.
  - 0617771 [F2007L00241]*.
  - 0617773 [F2007L00239]*.
  - 0617774 [F2007L00237]*.
  - 0617864 [F2007L00238]*.
  - 0617947 [F2007L00249]*.
  - 0617948 [F2007L00235]*.
Environment Protection and Biodiversity Conservation Act—Amendments of lists of—

Exempt native specimens, dated—

  29 January 2007 [F2007L00228]*.
  29 January 2007 [F2007L00229]*.
  31 January 2007 [F2007L00252]*.

Threatened species, dated 9 January 2007 [F2007L00216]*.


National Health Act—Determination PSO 1/2007 [F2007L00253]*.

Sydney Airport Curfew Act—Dispensation Report 01/07 [7 dispensations].

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Workplace Relations
(Question No. 1243)

Senator Marshall asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 26 September 2005:

(1) For the 2005 calendar year to date, can the names be provided of all legal firms employed by the department to undertake work for the Government on the development or drafting of workplace relations legislation.

(2) For each of the firms listed in the answer to (1) above, can the following information be provided:
   (a) when did the contract commence and when will it end; (b) what service is the legal firm providing to the Government; (c) has the legal firm seconded staff to the department; if so: (i) how many staff members have been seconded, and (ii) for how long are the staff members seconded; (d) has the legal firm seconded staff to the Minister’s office; if so: (i) how many staff members have been seconded, and (ii) for how long are the staff members seconded; (e) what is the value of the contract; and (f) was there a public tendering process for the contract; if so: (i) when was the process advertised and in which publications, (ii) what details were provided in the tendering advertising and documentation, and (iii) can a copy of the tendering documents and relevant advertising be provided.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The Office of Parliamentary Counsel drafts all Government Bills, on instruction by Government agencies. The following legal firms were engaged by the department to assist in its role of providing instruction to the Parliamentary Counsel in relation to the development or drafting of the Workplace Relations Amendment (Work Choices) Bill and the Workplace Relations Regulations in 2005-06:
   • Australian Government Solicitor
   • Blake Dawson Waldron
   • Clayton Utz
   • Corrs Chambers Westgarth
   • Freehills
   • Harmers
   • Minter Ellison
   • Phillips Fox

(2) (a) The following information is provided in relation to the firms listed above:
   The law firms listed at (1) are all represented on the Department’s Panel of Legal Service Providers. This panel was selected through an open tender process. This process was advertised in the Australian and the Canberra Times on 23 April 2005. The tender documentation was provided electronically on the Austender website (www.austender.com.au). The attached documentation (available from the Senate Table Office), includes the advertisements and the tender documentation.
The tender process was finalised on 1 July 2005. Ten firms were selected. The size of the panel reflects the diverse nature of the legal requirements of the department. It will be in place for three years and has an option to extend the term of the panel for a further two years.

The work carried out by the firms in relation to the development of the legislation was underpinned by these arrangements.

(2) (b) All of the firms provided secondees who were engaged by the Department to work on the development of legislation. They worked under supervision of Departmental staff in the Workplace Relations Legal Group who provide legal and policy advice to the Minister and instruct the Office of Parliamentary Counsel in the development of legislation.

- The Department also obtained advice on particular matters that relate to the development or drafting of legislation from some of these firms.

(2) (c) Yes - see above.

(2) (c) (i) A total of 12 secondees worked on the development of the Work Choices legislation:

- three from the Australian Government Solicitor (No.1: 15 June 2005-8 September 2005
- one from Clayton Utz (20 June 2005-31 January 2006)
- one from Corrs Chambers Westgarth (14 June 2005-4 August 2005)
- one from Freehills (27 June 2005-23 December 2005)
- one from Harmers (7 September 2005-3 March 2006)

(2) (d) There are no staff in the Minister’s Office that have been seconded from any of the private law firms listed in (1) above.

(2) (e) The amounts paid under the secondment arrangements with respect to the development of the workplace relations reform legislation were as follows (GST exclusive):

<table>
<thead>
<tr>
<th>Firm</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Government Solicitor</td>
<td>$258 470.76</td>
</tr>
<tr>
<td>Blake Dawson Waldron</td>
<td>$85 501.56</td>
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<tr>
<td>Clayton Utz</td>
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<tr>
<td>Corrs Chambers Westgarth</td>
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<tr>
<td>Freehills</td>
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<td>Harmers</td>
<td>$89 615.61</td>
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<tr>
<td>Minter Ellison</td>
<td>$126 713.28</td>
</tr>
<tr>
<td>Phillips Fox</td>
<td>$75 621.80</td>
</tr>
</tbody>
</table>

Other advice:

- Phillips Fox (content of state awards and agreements): $80 000.00
- Clayton Utz (state laws regulating employment): $40 909.10
- Blake Dawson Waldron (other advice): $10 980.50

QUESTIONS ON NOTICE
• The Department has also obtained additional advice from the Australian Government Solicitor and the Attorney-General’s Department totalling $54,495.00.

(2) (f) See response to 2(a).

Shared Responsibility Agreements
(Question No. 1682)

Senator Chris Evans asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 6 April 2006:

With reference to the Shared Responsibility Agreement (SRA) evaluation process:

(1) Who are the consultants that have been selected to conduct evaluations in the 2005-06 financial year.

(2) What are the criteria against which the SRAs will be assessed.

(3) (a) Will each SRA be assessed to determine whether both the community and Government have delivered their obligations; and (b) how will this be assessed.

(4) Will the evaluations involve an assessment of quantitative data or be more qualitative in nature.

(5) How many evaluations do you expect will be completed in the 2005-06 financial year.

(6) How many final evaluation reports has the Office of Indigenous Policy and Coordination received to date.

(7) Can copies be provided of any evaluation reports completed to date.

(8) Have the relevant communities been provided with copies of the report.

(9) What are the names of the locations of SRAs that have been evaluated to date.

(10) How many SRAs have been identified through the evaluation process, to date, as involving unmet obligations, either by the community or Government.

Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

The consultants selected to undertake the reviews of individual Shared Responsibility Agreements (SRAs) are: WestWoodSpice; Peter Baran and Associates Pty Ltd; Andrew H West and Associates; Integrated Management Specialists Pty Ltd; Langford; SGS Economics and Planning; MLCS Corporate; Cultural Perspectives Pty Ltd; Colmar Brunton Social Research; and Kate Sullivan & Associates Pty Ltd.

Consultants have not been given set criteria. Rather, consultants have been asked to identify the lessons learnt by parties to agreements during the development and implementation phases and to capture their perceptions of the process, how it worked for the parties, and how it could be improved. Further, consultants are tasked to investigate the extent to which targeted outcomes were achieved, taking into full account the circumstances of individual SRAs.

Only a sample of SRAs will be reviewed, for example the very low cost SRAs will not be evaluated. The SRA reviews are a ‘learning tool’ designed to capture the ‘big picture’ and to help Indigenous communities and ICCs to move forward. They are not designed to be a forensic audit identifying whether every obligation has been met. However, reviewers have been asked to look at whether Government and community obligations are being met, and to report on that if appropriate.

Each consultant is responsible for developing their own methodology.

The reviews are largely qualitative in nature. However, if considered appropriate, consultants will report on data collected against agreed performance indicators and the extent to which specified objectives/community priorities have been achieved.
While the reviews were commissioned in May 2006 none were finalised in 2005/06. OIPC has received 28 final reports.

Individual reviews are unlikely to be released because this may be counter productive to the ongoing implementation of an SRA and would require permission of the parties to an SRA. However, release of a summary of overall learnings will be considered at an appropriate time.

Part of the agreed process of the reviews was to distribute reports to relevant communities. All reports have been sent out to signatories. In some instances, ICC staff are in the process of hand-delivering the reports and to sit down with communities members to explain and discuss the content of the reports.

The names of locations of SRAs that are being reviewed in the first phase are:

- Narrandera
- Muswellbrook
- Tumut
- Barkuma (Kurri Kurri)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Lands
- Bonya
- Kulaluk
- Emu Point
- Barrow Creek
- Wilora
- Tennant Creek
- Gapuwiyak
- Palmerston Indigenous Village
- Alpurrurulam
- Minjilang
- Girringun
- Doomadgee
- Innisfail
- Aroona
- Coober Pedy
- Yalata
- Bayulu
- Derby
- Derby
- Kooljaman Resort at Cape Leveque
- Yungngora
- Kupartiya
- Bidyadanga

The reviews were qualitative ‘snapshots’ in time that reflect signatories’ perceptions of their SRA in its entirety. In some instances these SRAs are still ongoing. Because of this, the review reports paint a ‘big picture’ view, which makes it difficult to determine the exact extent to which obligations were met.
In all 28 reviews the Australian Government was noted as having met its funding obligations as specified in the SRA.

Seven reviews identified SRAs as having partially met obligations:

Two reviews stated that State Government’s had not met their funding obligations; and

Five reviews stated that community signatories had not met all of their obligations as specified in the SRA. In three of these five cases, the causes of not meeting all obligations were beyond the control of signatories, i.e. performance of contracted builders and termite infestation.

**Compensation for Detriment Caused by Defective Administration Scheme**

(Question No. 1977)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 8 June 2006:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme: for each department and agency for which the Minister is responsible, what is the total payment made under this scheme for each financial year since October 1996, by department and agency.

Senator Ian Campbell—The answer to the honourable senator’s question is as follows:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme, the following amounts were paid by my Department and portfolio agencies in the corresponding financial year:

(a) 1996-97:

a. Department of the Environment and Heritage – $11,645.91 was paid during the 1996-97 financial year.
b. Bureau of Meteorology– no amounts were paid under this scheme during the period.
c. Great Barrier Reef Marine Park Authority– no amounts were paid under this scheme during the period.

(b) 1997-98:

a. Department of the Environment and Heritage – no amounts were paid under this scheme during the period.
b. Bureau of Meteorology– no amounts were paid under this scheme during the period.
c. Great Barrier Reef Marine Park Authority– no amounts were paid under this scheme during the period.

d. Australian Greenhouse Office– no amounts were paid under this scheme during the period.
c. Bureau of Meteorology– no amounts were paid under this scheme during the period.
d. Great Barrier Reef Marine Park Authority– no amounts were paid under this scheme during the period.

d. 1999-2000:

a. Department of the Environment and Heritage – no amounts were paid under this scheme during the period.
b. Australian Greenhouse Office– no amounts were paid under this scheme during the period.
c. Bureau of Meteorology– no amounts were paid under this scheme during the period.

d. Great Barrier Reef Marine Park Authority—no amounts were paid under this scheme during the period.

(e) 2000-01:
   a. Department of the Environment and Heritage—no amounts were paid under this scheme during the period.
   b. Australian Greenhouse Office—no amounts were paid under this scheme during the period.
   c. Bureau of Meteorology—no amounts were paid under this scheme during the period.
   d. Great Barrier Reef Marine Park Authority—no amounts were paid under this scheme during the period.

(f) 2001-02:
   a. Department of the Environment and Heritage—$10,506.67 was paid during the 2001-02 financial year.
   b. Australian Greenhouse Office—no amounts were paid under this scheme during the period.
   c. Bureau of Meteorology—$1,750.00 was paid by the agency during the 2001-02 financial year.
   d. Great Barrier Reef Marine Park Authority—no amounts were paid under this scheme during the period.

(g) 2002-03:
   a. Department of the Environment and Heritage—no amounts were paid under this scheme during the period.
   b. Australian Greenhouse Office—no amounts were paid under this scheme during the period.
   c. Bureau of Meteorology—$40.00 was paid by the agency during the 2002-03 financial year.
   d. Great Barrier Reef Marine Park Authority—no amounts were paid under this scheme during the period.

(h) 2003-04:
   a. Department of the Environment and Heritage—no amounts were paid under this scheme during the period.
   b. Australian Greenhouse Office—no amounts were paid under this scheme during the period.
   c. Bureau of Meteorology—$1,024.51 was paid by the agency during the 2003-04 financial year.
   d. Great Barrier Reef Marine Park Authority—no amounts were paid under this scheme during the period.

(i) 2004-05:
   a. Department of the Environment and Heritage (including the Australian Greenhouse Office)—no amounts were paid under this scheme during the period.
   b. Bureau of Meteorology—no amounts were paid under this scheme during the period.
   c. Great Barrier Reef Marine Park Authority—no amounts were paid under this scheme during the period.

(j) 2005-06:
   a. Department of the Environment and Heritage (including the Australian Greenhouse Office)—no amounts were paid under this scheme during the period.
   b. Bureau of Meteorology—no amounts were paid under this scheme during the period.
   c. Great Barrier Reef Marine Park Authority—no amounts were paid under this scheme during the period.
Job Placement, Employment and Training Program
(Question No. 2375)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 14 August 2006:

With reference to funding for the Job Placement, Employment and Training (JPET) program in Central Australia:

1. Can a list be provided of the organisations that have received JPET funding in Central Australia for the period 2006 to 2009.

2. Can the Minister confirm that the Alice Springs Youth Accommodation and Support Service (ASYASS) contract for JPET funding will not be renewed in the period 2006 to 2009; if so, what is the reason for this decision.

3. Can the Minister confirm that the department initially informed ASYASS that its tender had been successful and subsequently withdrew its offer for JPET funding; if so, on what dates did this happen.

4. Has the department received a complaint from ASYASS in relation to the withdrawal of the JPET contract; if so: (a) on what date did the department first become aware of this complaint; (b) what has the department done in response to this complaint; and (c) has the department initiated any review of the process in response to the complaint by ASYASS.

5. Which organisation has been awarded the contract for JPET funding in lieu of ASYASS.

6. On what basis was this organisation given preference to ASYASS.

7. Under the new JPET funding arrangements beginning in the 2006–07 financial year, what service will be providing outreach or evening support services to young people from Alice Springs town camps.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

1. The organisations that received JPET funding in the Alice Spring Employment Service Area (ESA) for the 2006–09 contract period are Industry Education Networking Pty Ltd (ITEC) and Job Futures Pty Ltd.

2. The Alice Springs Youth Accommodation and Support Service (ASYASS) did not receive Job Placement, Employment and Training (JPET) funding through the Remote Services Tender for the 2006–09 contract period. ASYASS had conditionality clauses in its bid which the department was unable to meet.

3. The department did, as a result of a clerical error, initially inform ASYASS on 4 May 2006 that its tender had been successful and subsequently withdrew its offer for JPET funding on 10 May 2006.

4. Yes.
   (a) On 11 May 2006 the department’s probity advisor, the Australian Government Solicitor, received an email from ASYASS.
   (b) The department’s probity advisor responded to this email from ASYASS on 2 May 2006.
   (c) Following a review of questions raised by ASYASS the department’s probity advisor declared that all aspects of the Remote Services Tender were conducted fairly and in accordance with the Request for Tender (RFT). The probity advisor also found that there were no grounds on which to alter the decision made on 10 May 2006.

5. The organisations awarded contracts for JPET funding in the Alice Spring ESA for the 2006–09 contract period are ITEC and Job Futures Pty Ltd.
The Remote Services tender was a competitive exercise governed by strict rules and guidelines as provided for within the RFT. As indicated in the RFT, the department based business allocation decisions on a range of considerations including tenderer’s assessment scores for each service including past performance, the range of services the tenderer’s had bid to provide in a geographic area (bundling) and coverage. Any conditionality clauses placed on bids were also taken into consideration.

ITEC is required to provide a JPET service in Alice Springs. This is a full-time service but does not include outreach or night services to the town camps. Both ITEC and Job Futures are required to service remote communities in the Alice Springs ESA.

Bankstown Airport
(Question No. 2394)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 16 August 2006:

With reference to leases at Bankstown Airport granted and managed by the Federal Airports Corporation (FAC):

1. Between 1996 and the sale of the airport to Bankstown Airport Limited in December 2003: (a) how many initial rental determinations made by FAC were disputed by lessees; (b) which parties lodged these disputes; and (c) what was the outcome of each dispute.

2. Between 1996 and the sale of the airport to Bankstown Airport Limited in December 2003: (a) how many biennial lease renewal rent determinations made by FAC were disputed by lessees; (b) which parties lodged these disputes; (c) what was the outcome of each dispute; and (d) what was the percentage increase applied to each lessee.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

The majority of the files relating to the day-to-day operation of Bankstown Airport, such as lease arrangements, were transferred to Bankstown Airport Limited (BAL) on the sale of the airport. BAL has indicated that to compile a response, it would take 12 weeks of dedicated work by a suitably qualified legal professional at an estimated cost of $44,000. The Department is unable to expend the resources necessary to provide further information in relation to the Honourable Senator’s question.

Commonwealth Funded Programs
(Question No. 2442)

Senator Chris Evans asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 25 August 2006:

With reference to the answer to question no. 62 taken on notice during the 2006-07 Budget estimates hearings of the Community Affairs Legislation Committee, which stated ‘Multi-Agency Common Funding Process – a number of Australian Government agencies have been working through a common funding submission process to put in place a whole of government approach to funding facilities and services for Indigenous communities for 2006-07’:

1. Can more information be provided on the ‘whole of government approach to funding facilities and services for Indigenous communities’.

2. Is this process designed to reduce the amount of funding streams that flow between government agencies and community organisations from multiple streams to a single stream.

3. Will all Federal Government agencies be participating in this process; if not, please list the agencies that will not participate.
(4) Will the Office of Indigenous Policy Coordination (OIPC) administer this common funding process; if not, which agency will administer it.

(5) Does this multi-agency process include funding from state and territory agencies.

(6) Would this process result in a common funding pool for community organisations to access.

(7) Will OIPC administer this common funding pool; if not, which agency will administer it.

(8) On what date will this common funding process begin.

(9) Will this common funding process apply to all communities.

Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

The Office of Indigenous Policy Coordination (OIPC) facilitates and coordinates common funding arrangements through Indigenous Coordination Centres for a core set of Australian Government Indigenous programs. For the 2006-07 common funding round (also referred to as the eSub process) applicants were able to apply for 15 separate programs across six Commonwealth agencies (Department of Employment and Workplace Relations; Department of Communications, Information Technology and the Arts; Department of Environment and Heritage; Department of Families, Community Services and Indigenous Affairs; the Office of Indigenous Policy Coordination; and the Attorney-General’s Department). This process commenced with a coordinated national advertising campaign and managed more than 3,200 funding requests from over 900 Indigenous organisations.

The process is designed to reduce the administrative burden placed on applicants and funded organisations of having to deal with multiple agencies and interpret different forms of funding agreements. Funding recipients receive funding under a common funding agreement which includes schedules for each of the relevant agency programs. The use of a common system enables agencies to coordinate funding to communities and share performance information. There is no common funding pool as a result of this process. The funding continues to be provided under the individual programs administered by mainstream agencies.

Only the six agencies who use the OIPC Grants Management System (GMS) participated in the common advertising and funding processes. Other Australian Government agencies participate as necessary in funding discussions. Where other agencies (including state and local government, non-government organisations and corporations) are involved in SRA funding arrangements (with funding as financial or in-kind). OIPC coordinates the various elements and they are presented as one package.

The present process has been in place since 2004-05, and advertisements are placed in December each year. All communities are eligible to apply for funding.

Disaster Assistance
(Question No. 2578)

Senator McLucas asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 18 October 2006:

With reference to applications for relief and/or assistance under the Cyclone Larry/Monica relief package:

(1) (a) How many applications were received; (b) how many were approved; and (c) what was the total funding approved for each application.

(2) Can a list be provided of the applications that were rejected and the reasons for each rejection.

Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

As at 19 October 2006:
81 applications were received of which 44 have been approved.
Total expenditure was $147,268.31.
Expenditure for each application is based on ex-gratia payments up to the equivalent of the maximum rate of Newstart Allowance:
Single rate: $410.60/fortnight
Couple Rate (each): $370.50/fortnight
Single with dependant child rate: $444.20/fortnight
Due to privacy considerations, it is not appropriate to discuss individual cases.
The reasons for rejections were that the claimants did not meet the Australian Government’s guidelines for assistance.

**International Covenant on Civil and Political Rights**

*(Question No. 2617)*

**Senator Nettle** asked the Minister representing the Attorney-General, upon notice, on 7 November 2006:

1. Is the Minister aware that in a session of the United Nations Human Rights Committee (UNHRC), held in July 2006, a unanimous decision was handed down against Australia (Coleman vs Australia, Communication No. 1157/2003) for a violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

2. Is the Minister aware that the person whose rights were violated, Mr Patrick Coleman a Townsville resident, was convicted, fined and gaol for reading out the Universal Declaration of Human Rights and for criticism of the Government’s treatment of Indigenous people, without a permit under a council bylaw.

3. Is the Minister aware that Mr Coleman was bankrupted as a result of the costs of defending this matter and lost his right as a citizen to stand for political office.

4. Is the Minister aware that the UNHRC has stated that Mr Coleman’s conviction must be quashed, all costs be returned to him and that Mr Coleman must be compensated for the loss of liberty resulting from his arrest and imprisonment.

5. Is the Minister aware that the UNHRC has found that the Commonwealth is liable for the actions of the agents of all levels of government who may have violated the covenant.

6. Is the Government going to withdraw Australia from the first Optional Protocol to the ICCPR; if not, does the Minister regard Australia as being obligated to uphold and implement the decision of the committee in this matter.

7. Given that Mr Coleman has not been contacted by the Government or by any of its agents, what measures will the Government take to: (a) have Mr Coleman’s conviction quashed; (b) return all costs to Mr Coleman; (c) overturn Mr Coleman’s bankruptcy; (d) compensate Mr Coleman for his arrest and imprisonment; and (e) make sure that Australian law complies with Article 19 of the ICCPR and allows for peaceful non-violent political expression without permission or sanction.

**Senator Ellison**—The Attorney-General has provided the following answer to the honourable senator’s question:

1. I am advised that Mr Coleman has made a communication to the UNHRC (Communication No. 1157/2003) under the Optional Protocol to the ICCPR and the UNHRC has responded to it. The views of the UNHRC in relation to a communication do not constitute a binding decision.
Additionally, it is not correct to describe the views of the UNHRC in relation to Mr Coleman’s communication as unanimous. Three UNHRC members issued a separate opinion which concurred with the conclusion of the majority of UNHRC members but for different reasons.

(2) I am advised that on 3 March 1999 Mr Coleman was convicted in the Townsville Magistrates Court for an offence under a Townsville City Council bylaw which prohibited taking part in a public demonstration or public address in the Flinders Pedestrian Mall in Townsville without a permit from the Council, and ordered to pay a fine of $300, with 10 days of imprisonment on default, plus legal costs.

I am advised that prior to Mr Coleman’s communication to the UNHRC this charge was the subject of legal proceedings in Australia including an unsuccessful appeal by Mr Coleman against his conviction to the Queensland District Court and then the Queensland Court of Appeal, and an unsuccessful application made by Mr Coleman for special leave to appeal to the High Court of Australia.

I am further advised that Mr Coleman was subsequently arrested pursuant to a warrant for non-payment of the fine, was charged with obstructing police during this arrest and was held in police custody for 5 days.

(3) I am advised that Mr Coleman made further submissions to the UNHRC relating to the communication on 18 June 2004 and 27 July 2004, which contained copies of court documents. I am advised that these documents indicate that a sequestration order was made against Mr Coleman by the Federal Magistrate’s Court in relation to legal costs of the Townsville City Council which the High Court ordered be paid by Mr Coleman in relation to Mr Coleman’s unsuccessful application for special leave to appeal referred to in the answer to question 2 above.

(4) I am advised that the views of the UNHRC in relation to Mr Coleman’s communication were that Australia is under an obligation to provide Mr Coleman with an effective remedy, including quashing of his conviction, restitution of any fine paid by Mr Coleman pursuant to his conviction, as well as restitution of court expenses paid by him and compensation for his detention.

(5) I am advised that the views of the UNHRC in relation to Mr Coleman’s communication were that in the context of an alleged violation of the ICCPR by Australia, acts and omissions of constituent political units of Australia and their officers are imputable to Australia.

Notwithstanding this, in responding to the views of the UNHRC the Government must recognise the realities of the Australian constitutional system which mean that issues in this matter fall within the jurisdiction of the Queensland Government.

(6) The Government does not intend to withdraw Australia from the first Optional Protocol to the ICCPR.

While views expressed by the UNHRC in relation to communications submitted to it by individuals under the Optional Protocol to the ICCPR are persuasive, they are not binding. However, the Government is currently considering its response to the views of the UNHRC in response to Mr Coleman’s communication and will make this response public once it is finalised.

(7) The Government is currently considering its response to the views of the UNHRC in response to Mr Coleman’s communication and will make this response public once it is finalised. The Government is consulting the Queensland Government in the course of developing its response.

Language, Literacy and Numeracy Program

(Question No. 2626)

Senator O’Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 9 November 2006:

With reference to the Language, Literacy and Numeracy Program:
QUESTIONS ON NOTICE

(1) By region, can details be provided of the recently concluded tender process including: (a) the name of each tenderer; (b) the name of the successful tenderer; and (c) the price tendered by the successful tenderer.

(2) By region, can details be provided of the winning tenders from the previous process, including the tender price.

(3) Was an independent or departmental assessment undertaken on the effectiveness of delivery of the program by the previous successful tenderers; if so, what was the outcome; if not, why not.

(4) Can details be provided of the programs offered by the winning tenders for the current and previous tender round.

(5) By region, were the winning tenders in the current and previous tender rounds the lowest price.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator’s question:

(1) (a) The Department clearly detailed in its Tender Documentation (at Section 4.9) that any details provided by tenderers would be treated as confidential by the Department if it felt there was a good reason to do so, both during the tender process and after the tender process had finished. DEST considers that public release of the names of those tenderers who were unsuccessful may reflect negatively on their position in the market place as potential providers for similar services in the future.

(b) See Attachment A

(c) The Department considers unit cost details contained in the winning tenders as confidential because its release may cause detriment to the providers concerned. The supply contract values of successful tenderers, as notified on the AUS TENDER Website, are set out at Attachment B.

(2) See Attachment A. We are unable to provide the tender price of winning tenderers from the previous process. The Department clearly detailed in its Tender Documentation (at Section 3.4) that any details provided by tenderers would be treated as commercial-in-confidence by the Department if it felt there was a good reason to do so, both during the tender process and after the tender process had finished. DEST considers that revealing the tender price of winning tenderers publicly, may cause detriment to the provider or may reflect negatively on their position in the market place as potential providers for similar services in the future.

(3) An independent evaluation of the effectiveness of the Programme was provided in February 2005 which included information on the delivery of the Programme by providers to participants. The report found that the average cost per training hour was comparable with other similar programmes. It also identified that the cost of the provision of training is lower than the average hourly cost of providing training through the national training sector.

Participant satisfaction with the Programme was found to be high with 90% of clients in the Advanced stream, 87% of clients in the Literacy and Numeracy Stream and 84% of clients in the Basic stream of the Programme displaying satisfaction with staff and the assistance they received while participating in the training.

The Department regularly monitors and assesses provider performance throughout the duration of the contract. The Department utilises an Independent Verifier Service to monitor the provider reported client outcomes. The Independent Verifiers check that the provider assessments are consistent and are supported by adequate client portfolio evidence. The service also provides moderation workshops in each state and territory to assist and support the Professional Development of those who deliver the training. Site visits are conducted by DEST State Office staff members to ensure that adequate accommodation and facilities are made available to clients.
(4) The only Programme offered by winning tenders for the current tender round is the Language, Literacy and Numeracy Programme. In addition to the provision of pre-training assessments and training, 24 of the successful tenderers indicated that they are prepared to provide additional components of the training in the form of either Complementary Training and/or Advanced Vocationally-Oriented Training should a need for the provision of such training be demonstrated.

(5) Both Tender processes were conducted under the overarching principle of achieving value for money. All compliant tenders were assessed on their price, quality, geographical coverage and capacity to deliver a quality outcome for clients. All successful tenders were assessed as providing the best value for money for the Australian Government and the Australian Taxpayers.

Attachment A

Distance Providers

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- Boggabilla

**Attachment B**

**Contract Value of Successful Tenderers (RFT 7767) (GST Inclusive)**

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**Building Industry**

(Question No. 2630)

Senator Marshall asked the Minister representing the Treasurer, upon notice, on 9 November 2006:

(1) What are the reasons for the Australian Prudential Regulation Authority (APRA) and the Australian Securities and Investments Commission (ASIC) granting special exemptions for insurance provid-
ers of mandatory builders warranty insurance in Victoria, enabling non-disclosure of detailed claims and premium data.

(2) Has ASIC and/or APRA conducted any investigations in Victoria into builders warranty insurance policies and their issuers.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator’s question:

(1) There has been no special exemption granted by the Australian Prudential Regulation Authority (APRA) for non-disclosure of detailed information in relation to builders’ warranty business. The Australian Securities and Investments Commission (ASIC) has not granted any special exemptions for insurance providers of mandatory builders’ warranty insurance.

(2) APRA has not carried out any special investigation into builders’ warranty insurance business carried out by APRA authorised insurers. ASIC has concluded the following investigations:

Homesafe Equities Pty Limited (Homesafe)

ASIC conducted an investigation into the activities of Homesafe, Builders & Owners Pty Ltd (B&O) and Home & Renovators Group Pty Ltd (HRG) and alleged that between June 2003 and February 2004, Homesafe issued approximately 790 builders’ warranty and financial guarantee bonds to builders in Victoria. B&O distributed a large number of the bonds. ASIC obtained orders in the Supreme Court of Victoria in August 2004 appointing Mr Gess Rambaldi as liquidator to Homesafe and HRG. In his report to the court, Mr Rambaldi found that both companies were insolvent.

ASIC has charged four directors of the companies involved with criminal offences in relation to this matter; three of these defendants have pleaded guilty to the charges laid against them; the fourth defendant is due to face trial on 14 September 2007. In addition, three of these defendants were banned by ASIC from providing financial services for periods ranging from 3 years to a permanent banning.

Gentry

ASIC banned Dennis Gentry for 5 years. ASIC found that Mr Gentry had engaged in dishonest conduct related to the purported issuing of builders warranty insurance by Contractor’s Bonding Limited.

Transport and Regional Services: Overseas Travel by Secretary
(Question No. 2752)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 13 November 2006:

With reference to the overseas travel by the Secretary of the Department, (Mr Michael Taylor), in November 2006:

(1) On what date did Mr Taylor:
(a) depart Australia; and
(b) return to Australia.

(2) Can a detailed itinerary of Mr Taylor’s trip be provided.

(3) What was the total cost of airfares, disaggregated by sector.
(a) what accommodation was used;
(b) what nights did Mr Taylor stay at each hotel; and

QUESTIONS ON NOTICE
(c) what did each hotel cost.

(5) What other expenses were incurred including:
(a) gifts;
(b) hospitality;
(c) meals;
(d) land transport; and
(e) other expenses not listed above.

(6) What was the total cost of Mr Taylor’s overseas visit.
(a) which officers accompanied Mr Taylor on this trip;
(b) for what period of time did each officer accompany Mr Taylor; and
(c) what was the total cost incurred in relation to the participation of each of these officers.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

Mr Taylor undertook overseas travel on behalf of the Government from Wednesday 8 November 2006 to Saturday 11 November 2006 inclusive. The primary purpose of the visit was to participate in the Singapore-Australia Transportation meeting and to hold discussions with Brigadier-General Choi Shing Kwok, the Permanent Secretary, Singapore Ministry of Transport, to follow up on the April 2006 meeting and progress the cooperation between Singapore and Australia in relation to transport aviation security as well as Singapore’s involvement in the APEC 2007 Ministerial Transport meeting to be held in Adelaide.

(1) Mr Taylor:
(a) departed Australia on Wednesday 8 November 2006; and
(b) returned to Australia on Saturday 11 November 2006.

(2) Below is the itinerary of Mr Taylor’s official engagements:

Thursday 9 November 2006
Mr Taylor met with Brigadier-General Choi Shing Kwok, Permanent Secretary, Ministry of Transport, Singapore. Mr Taylor also attended the Asia Pacific and Middle East Aviation Outlook Summit held at the Pan Pacific Hotel, Singapore.

Friday 10 November 2006
Mr Taylor met with Professor Cheong, President, Singapore Institute of Management and with Brigadier-General Choi Shing Kwok, Permanent Secretary, Ministry of Transport, Singapore and his senior staff. Mr Taylor also attended part of the Asia Pacific and Middle East Aviation Outlook Summit.

(3) The total cost of the airfare was A$6,704.53 (including taxes and fees). The Department’s travel agent, American Express Business Travel (AMEX), have advised that the nature of the fare type used for Mr Taylor’s travel was not based on a sector price construction. Mr Taylor’s fare type was based on mileage calculations. AMEX advise that had the fare been purchased on a sector basis it would have been at a higher cost.

(4) (a) The Conrad Centennial Hotel.
(b) Wednesday and Thursday 8 and 9 November 2006 – The Conrad Centennial Hotel.
(c) SG $333.00 per night.

(5) Other expenses incurred were:
(a) gifts; - Nil
(b) hospitality; - Nil
(c) meals;
In accordance with Schedule 1 of the Tax Determination TD 2005/32, which determines the rates payable for meals and incidentals according to country destination, the total amount paid to Mr Taylor to cover meals and incidental costs was A$250.
(d) land transport;
The land transport transfer costs from Singapore airport to the hotel on Wednesday 8 November cost SGD$35.
(e) other expenses not listed above - Nil
(6) The total cost of Mr Taylor’s overseas trip was A$7,568.49.
(7) (a) Mr Taylor was accompanied by Mr Mike Mrdak, Mr David Hammond and Mr Andrew Byrne. Mr Hammond and Mr Byrne were in Singapore on other business related to the portfolio.
(b) Mr Mrdak, Mr Hammond and Mr Byrne accompanied Mr Taylor for the consultations with officials from the Ministry of Singapore.
(c) Including the costs associated with the other business matters for which Mr Hammond and Mr Byrne were in Singapore, the approximate cost incurred by the participation of these officers was A$15,149 (including fees and taxes).
Note: All figures above are known expenses based on invoices received from overseas to date. The exchange rate used in calculating Mr Taylor’s expenses was obtained from the Reserve Bank website, accessed Tuesday 5 December 2006.

Aged Care

(Question No. 2763)

Senator McLucas asked the Minister for Ageing, upon notice, on 13 November 2006:
(1) Can details be provided of Aged Care Standards and Accreditation Agency (ACSAA) visits to the Netherlands Retirement Village since 2000 including:
(a) how many;
(b) when they occurred; and
(c) the findings of the Agency.
(2) With reference to a report in The Ballarat Courier on 17 July 2006, on a determination hearing conducted by the Aged Care Complaints Resolution Scheme Committee brought by Lindy McGarry on behalf of her mother which was held on 10 May 2006, and which ordered Kirralee Residential Aged Care Facility to develop a written policy and plan of action to measure and record patients’ weights, develop a policy to help staff with effective communication and establish links with palliative care services and develop a policy for palliative care strategies:
(a) how will the ACSAA ensure that the determination is carried out; and
(b) since the facility had an accreditation audit from 31 January to 1 February 2006, has the ACSAA conducted a spot check on Kirralee Residential Aged Care Facility this year; if so, what were the findings.
(3) With reference to a report in The Age on 22 June 2006, that stated ‘the Aged Care Services Australia Group planned to cut the hours of another 34 nurses and 53 personal care workers, according to a company document given to the Australian Nursing Federation and the Australian Industrial Relations Commission’ and a report in the Sunday Herald Sun on 30 July 2006 that stated ‘a nursing
home has sacked most of its experienced nurses and replaced them with workers from the dole queue:

(a) was the ACSAA aware of these reports;
(b) what action did the ACSAA take as a result;
(c) for each of the years 2005 and 2006 to date, can details be provided of: (i) accreditation audits, (ii) support contacts, and (iii) spot checks, for each affected facility; and
(d) what were the results of the three types of activity in part (c).

Senator Santoro—The answer to the honourable senator’s question is as follows:

(1) (a) (b) and (c) ACSAA has conducted a total of 59 visits to the Netherlands Retirement Village since 2000. These included site visits, review audits and support contacts.
   An accreditation site audit was conducted on 15 September 2000 – The home was assessed as compliant with 44 of the 44 expected outcomes of the Accreditation Standards.
   An accreditation site audit was conducted on 16 September 2003. The home was assessed as compliant with 44 of the 44 expected outcomes of the Accreditation Standards.
   A review audit was conducted on 27-29 June 2005. ACSAA assessors identified serious risk to residents. The Agency determined that the home failed to comply with 24 of the 44 expected outcomes of the Accreditation Standards.
   An accreditation site audit was conducted on 17-19 October 2005. ACSAA determined that the home was compliant with 44 of the 44 expected outcomes of the Accreditation Standards.
   A review audit was conducted on 4-7 April 2006. ACSAA assessors identified serious risk to residents. The Agency determined that the home failed to comply with 23 of the 44 expected outcomes of the Accreditation Standards.
   An accreditation site audit was conducted on 31 July-2 August 2006. ACSAA determined that the home was compliant with 44 of the 44 expected outcomes of the Accreditation Standards.
   Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997.
   Following the identification of serious risk, ACSAA undertook daily visits to the home until the risk was mitigated. The Agency undertook regular support contacts to monitor the home’s progress in rectifying the identified non-compliance.

(2) (a) Determinations from the Aged Care Compliant Resolutions Scheme are followed up by Department authorised officers. ACSAA assesses homes against the expected outcomes of the Accreditation Standards.
   ACSAA concluded a site audit at Kirralee Residential Aged Care Facility on 31 January-1 February 2006. The Agency found that the home complied with 44 of the expected 44 outcomes of the Accreditation Standards.
   (b) Yes. Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997.

(3) (a) ACSAA was aware of the media articles.
   (b) ACSAA met with the approved provider and was provided with information about staffing hours and numbers. Unannounced support contacts were undertaken and confirmed the information provided.
(c) and (d)

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<tbody>
<tr>
<td>Mirridong Nursing Home</td>
<td>1 support contact (announced)</td>
<td>Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997.</td>
<td>Accreditation site audit 28 Feb – 1 March 2006 1 support contact (unannounced)</td>
<td>Site audit – 44/44. Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997</td>
</tr>
<tr>
<td>Kelaston Nursing Home</td>
<td>1 support contact (announced)</td>
<td>Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997.</td>
<td>Accreditation site audit 4-5 April 2006 1 support contact (unannounced)</td>
<td>Site audit – 44/44. Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997</td>
</tr>
<tr>
<td>Balmoral Grove Private Nursing Home</td>
<td>1 support contact (announced)</td>
<td>Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997.</td>
<td>Accreditation site audit 27-28 April 2006. 3 support contacts (unannounced)</td>
<td>Site audit – 44/44. Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997</td>
</tr>
<tr>
<td>Ronnoco Private Nursing Home</td>
<td>1 support contact (announced)</td>
<td>Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997.</td>
<td>Accreditation site audit 25-26 July 2006. 3 support contacts (1 announced, 2 unannounced)</td>
<td>Site audit - 44/44. Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997</td>
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<tr>
<td>Narracan Gardens Aged Care Facility</td>
<td>1 support contact (announced)</td>
<td>Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997.</td>
<td>Accreditation site audit 1-3 August 2006. 6 support contacts (1 announced, 5 unannounced)</td>
<td>Site audit 40/44. Non-compliant with 1.6 Human resource management, 2.3 Education and staff development, 2.8 Pain management, and 2.13 Behavioural management. Information regarding support contact visits is protected information under division 86 of the Aged Care Act 1997</td>
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</table>

Aged Care
(Question No. 2764)

Senator McLucas asked the Minister for Ageing, upon notice, on 13 November 2006:
(1) For each aged care planning region: (a) what is the current waiting time for an assessment by an aged care assessment team; and (b) what are the latest vacancy rates for residential aged care facilities.

QUESTIONS ON NOTICE
(2) Can the following information be provided: (a) the de-identified national financial data of the aged care sector once the financial analysis is completed; and (b) any analysis that has been undertaken or commissioned by the department.

(3) (a) Has the department done any analysis of the recently released report by Stewart Brown, Aged Care Financial Services on aged care financial performance benchmarks; if so: (i) does the department’s analysis concur with its findings, and (ii) can details be provided; and (b) if the department has not analysed the report, why not.

(4) For each of the financial years 2002-03, 2003-04, 2004-05 and 2005-06, can figures produced by the Aged Care Standards and Accreditation Agency be provided on the total number of: (a) residential aged care facilities in Australia; (b) residential aged care facilities that underwent an accreditation audit; (c) facilities that did not comply with all 44 quality outcomes; and (d) the number of sanctions imposed.

Senator Santoro—The answer to the honourable senator’s question is as follows:

(1) (a) Reliable data are not available as Aged Care Assessment Team (ACAT) regions intersect and overlap aged care planning regions.

(b) In relation to the latest vacancy rates for residential aged care facilities I refer the honourable senator to the Answer to the Estimates Question on Notice E06-000176.

(2) (a) and (b) Bentleys MRI were commissioned to analyse the General Purpose Financial Statements prepared by aged care providers as part of the eligibility conditions for receipt of the Conditional Adjustment Payment. A copy of the Bentley’s MRI report is available from the Senate Table Office for your information. Additional analyses of profitability and productivity have been commissioned. A report is not available.

The Department does not receive or hold a copy of the de-identified national financial dataset.

(3) (a) and (b) The Department monitors a number of benchmarking surveys of the aged care industry including that produced by Stewart Brown Aged Care Financial Services.

The Department considers that Bentleys MRI’s Analysis of the General Purpose Financial Statements prepared by aged care providers as part of the eligibility conditions for receipt of the Conditional Adjustment Payment provided at (2) above provides the most comprehensive financial performance benchmarks for the residential aged care industry.

(4) (a) to (d)

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<tbody>
<tr>
<td>Number of Australian Government subsidised residential aged care facilities</td>
<td>2,958</td>
<td>2,933</td>
<td>2,930</td>
<td>2,926</td>
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<td>Number of residential aged care facilities that underwent an accreditation audit</td>
<td>1,965</td>
<td>879</td>
<td>339</td>
<td>1,743</td>
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<tr>
<td>Number of facilities that did not comply with all 44 quality outcomes</td>
<td>197</td>
<td>115</td>
<td>33</td>
<td>187</td>
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<tr>
<td>Number of sanctions imposed**</td>
<td>13</td>
<td>19</td>
<td>12</td>
<td>12</td>
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</table>

* Figures provided by the Department of Health and Ageing
** The Agency does not have the authority to impose sanctions. The Department of Health and Ageing may impose sanctions on an approved provider if the approved provider has not complied, or is not complying, with one or more of its responsibilities under Part 4.1, 4.2 or 4.3 of the Aged Care Act 1997.
QUESTIONs ON NOTICE

Airspace Management Contract
(Question No. 2805)

Senator O’Brien asked the Minister for Justice and Customs, upon notice, on 17 November 2006:
With reference to the answers to questions on notice no. 2127 (Senate Hansard, 9 October 2006, p. 160) and no. 2495 (Senate Hansard, 9 November 2006, p. 111), concerning the investigation of matters relating to the airspace management contract between Airservices Australia and the Solomon Islands Government:

(1) On what date were files held by the Australian Federal Police ( AFP) referred to the Regional Assistance Mission to Solomon Islands ( RAMSI) Corruption Taskforce in the Solomon Islands for assessment.

(2) Did the material referred to the RAMSI Corruption Taskforce include all the material in possession of the AFP relating to this matter; if not, why not.

(3) Was the additional material provided to the AFP by Airservices Australia in May 2006 referred to the RAMSI Corruption Taskforce; if not, why not.

(4) Has the Commonwealth received advice on the outcome of the RAMSI Corruption Taskforce assessment; if so, what is the outcome.

(5) Given the alleged authorisation and receipt of third party payments by Solomon Islands officials, why did the AFP fail to interview Solomon Islands officials in the course of its investigations in 2005 and 2006.

(6) Why did the AFP consider whether a breach of Solomon Islands law occurred but fail to reach a conclusion.

Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) 20 May 2005 and 12 July 2006.
(2) Yes.
(3) Yes.
(4) The RAMSI Corruption Task Force evaluated the matter and advised there was insufficient evidence to warrant further investigation.
(5) No breach of Commonwealth law was identified by the AFP.
(6) The AFP referred the matter to the RAMSI Corruption Task Force which is the appropriate organisation to assess the material and to determine what action, if any, is appropriate.

Public Transport
(Question No. 2818)

Senator Allison asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 November 2006:
With reference to the proposed Canadian system of providing tax credits to encourage public transport use:

(1) Will the Government consider instituting a similar system in Australia.
(2) Does the Minister agree that such a system would encourage public transport use.
(3) What other schemes does the Government have in place to encourage public transport use.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
(1) and (2) The provision of tax credits falls within the portfolio responsibilities of the Commonwealth Treasurer.

(3) Public transport operations are a state and territory responsibility.

**Building Industry**

(Question No. 2826)

**Senator Bob Brown** asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 23 November 2006:

(1) What assistance is given to the nation’s domestic builders who are being forced to underwrite insurance policies they purchase on behalf of their clients; if no assistance is given, why not.

(2) Can an insurance company deny insurance to a builder if that builder refuses to underwrite the mandatory warranty insurance policy purchased for the client; if so, why.

(3) Can a builder’s warranty insurer issue demands for funds recovery from a builder who has not been informed of a claim against him, or is not aware that any rectification work was proposed or paid for until the event; if so, why.

(4) Can a builder’s warranty insurer withdraw eligibility for insurance from a builder; if so, under what circumstances.

**Senator Minchin**—The Minister for Small Business and Tourism has provided the following answer to the honourable senator’s question:

(1) The Commonwealth is not responsible for insurance matters related to the building industry. State and Territory governments have statutory authority over these matters.

(2) State and Territory governments have statutory authority over these matters.

(3) State and Territory governments have statutory authority over these matters.

(4) State and Territory governments have statutory authority over these matters.

**Building Industry**

(Question No. 2827)

**Senator Bob Brown** asked the Minister representing the Treasurer, upon notice, on 23 November 2006:

(1) Why does the Australian Prudential Regulation Authority (APRA) grant a special exemption for insurance providers of mandatory builder’s warranty insurance enabling non-disclosure of detailed claims and premium data which is used for other statutory insurance to establish current and ongoing consumer and industry benefit.

(2) Why does the Australian Securities and Investment Commission (ASIC) grant a special exemption for insurance providers of mandatory builder’s warranty insurance enabling non-disclosure of detailed claims and premium data which is used for other statutory insurance to establish current and ongoing consumer and industry benefit.

(3) Why was a royal commission into the state-run national building industry justified, whereas a Senate inquiry was not held into state-run failed building industry insurance.

(4) Since 2000, has ASIC and/or APRA been called on to investigate any Tasmanian seller of builder’s warranty insurance; if so, did any investigations proceed; if not, why not.

**Senator Minchin**—The Treasurer has provided the following answer to the honourable senator’s question:

(1) There has been no special exemption granted by the Australian Prudential Regulation Authority (APRA) for non-disclosure of detailed information in relation to builders’ warranty business.
(2) Australian Securities and Investments Commission (ASIC) has not granted any ‘special exemptions’ for insurance providers of mandatory builders’ warranty insurance.

(3) The Ministerial Council of Consumer Affairs undertook a review into home builders’ warranty insurance and consumer protection in 2002. As home builders’ warranty insurance is regulated by the states and territories, the Australian Government has previously stated that home builders’ warranty insurance is a matter for the states and territories.

(4) APRA has not carried out any special investigation into builders’ warranty insurance business carried out by APRA authorised insurers. Since 2000, ASIC has not investigated any Tasmanian seller of builders’ warranty insurance. ASIC has not received complaints regarding the activities of sellers of such insurance.

Qantas
(Question No. 2829)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 November 2006:

With reference to the statement by Qantas to the Australian Stock Exchange on 22 November 2006, advising that the airline had been approached by Macquarie Bank and the foreign private equity firm Texas Pacific Group on behalf of a consortium and that Qantas was investigating the approach:

(1) (a) When was advice on the approach first given to: (i) the Minister, (ii) the Minister’s office, and (iii) the department; and (b) in each case, can details be provided of the source of the information.

(2) (a) Does the Minister recall conducting a doorstop interview on 22 November 2006 and advising journalists that ‘I’ve only seen what’s been in the media this morning’; and (b) is it the case that prior to the conduct of the interview, no information about the approach from any source other than media reports had been received by the Minister, the Minister’s office and/or the department.

(3) Has the Minister sought any advice from Qantas and/or Macquarie Bank about the terms of any proposal for the purchase of Qantas shares by Macquarie Bank and the foreign private equity firm Texas Pacific Group on behalf of a consortium; if so, when.

(4) Has the Minister, the Minister’s office and/or the department: (a) been asked by Qantas, Macquarie Bank or any other party to review the foreign ownership restrictions imposed by the Qantas Sale Act 1992; if so, can details be provided including the source of the request; and (b) initiated any review of the foreign ownership restrictions imposed by the Qantas Sale Act 1992; if so, can the details be provided including the date the review commenced.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:


(b) The source of the information was media reports and the statements by Qantas and the Macquarie Bank to the Australian Stock Exchange.

(2) (a) Yes.

(b) Yes.

(3) The Department of Transport and Regional Services wrote to Qantas and the Macquarie Bank on 23 November 2006 asking to be kept informed of the status of the proposal. The Department of Transport and Regional Services also wrote to the Macquarie Bank on 29 November 2006 requesting advice as soon as possible on the structure and make-up of any proposed consortium to allow the Department to assess it against regulatory requirements.
(a) Qantas has raised the question of foreign ownership restrictions a number of times over recent years. No request has been made in relation to the current proposal.

(b) No.

Industry, Tourism and Resources: Staffing
(Question No. 2849)

Senator O’Brien asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 28 November 2006:

(1) How many staff are engaged under a Certified Agreement (CA).

(2) How many staff are engaged under the provisions of an Australian Workplace Agreement (AWA).

(3) Does the department portfolio agency have any staff engaged under the provisions of a common law contract; if so:

(a) by level, how many staff are under these contracts; and

(b) for what reason has the department or agency determined that common law contracts are preferred employment instruments over either CAs or AWAs.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) and (2) These figures are based on staffing as at 27 November 2006.

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<th>Department/Agencies</th>
<th>Certified Agreement (CA)</th>
<th>Australian Workplace Agreement (AWA)</th>
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<td>Department of Industry, Tourism and Resources</td>
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<td>248</td>
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(3) These figures are based on staffing as at 27 November 2006.

Tourism Australia have employed staff under the provisions of a common law contract. The Department and other agencies do not have staff employed under the provisions of a common law contract.

Tourism Australia

(a) 11 Staff are employed under a common law contract, of these;

(i) 3 were Band 4 employees

(ii) 3 were Band 5 employees

(iii) 4 were Band 7 employees

(iv) 1 was employed as a Principal Executive Officer Band C

(b) In Tourism Australia common law contracts were offered to senior executives who were outside the scope of the Certified Agreement and were considered appropriate given the seniority of the role and the complexity of the employment arrangements.
Senator Mark Bishop asked the Minister representing the Minister for Defence, upon notice, on 29 November 2006:

With reference to page 248 of the department’s annual report for 2005-06, where the Adjutant General of the British Army is quoted as blaming critics with ‘incomplete knowledge of the facts, and often informed by the media whose agenda runs way beyond the Army…’: (a) is this reference made with direct reference to experience in Australia; and (b) does the department include the parliament and the media for this lack of confidence in the Australian system of military justice; if not: (i) can examples be given where public consideration of military justice has been shown to be unfair or biased, and (ii) what responsibility does the Australian Defence Force accept for the actions on which it is being reported.

Senator Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:

(a) This reference was not made with direct reference to experience in Australia. The reference was made to complement the preceding two sentences contained in the Defence Annual Report 2005-06. These sentences were that “we are particularly mindful of the importance of public awareness of, and confidence in, the military justice system. Low confidence in the military justice system can damage the Australian Defence Force’s image and reputation.” The reference illustrated and emphasized the issue that damage to image and reputation, caused by low confidence in a military justice system was not a unique Australian Defence Force (ADF) perception.

(b) No.

(i) During the reporting period there have been numerous examples of adverse public comment about aspects of the military justice system, including reference to individual cases. The point that Defence wishes to make is that it is often difficult to respond to such comment for reasons of privacy and sensitivity.

(ii) In the Government response to the Senate Foreign Affairs, Defence and Trade References Committee Report on the Effectiveness of Australia’s Military Justice System, it was stated that “the ADF is committed to improving the [military justice] system to address the concerns of Defence personnel, the Parliament and the community.”

Defence: VIP Vessels
(Question No. 2882)

Senator Mark Bishop asked the Minister representing the Minister for Defence, upon notice, on 29 November 2006:

(1) How many vessels are there in the VIP squadron: (a) by type; (b) location; and (c) current value.

(2) (a) What is the purpose of the squadron; (b) how much does it cost annually; and (c) how many personnel are allocated to it.

(3) (a) What purchases of new vessels are planned or underway; and (b) what is the estimated cost of each.

Senator Ian Campbell—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) Two, the Admiral Hudson and the Admiral’s Barge:

(a) The Admiral Hudson is a commercially built Kingfisher 54 and the Admiral’s Barge is a 1994-built replica of the traditional VIP craft;

(b) Both vessels are located at HMAS Waterhen in Sydney; and
(c) The Admiral Hudson is currently valued at $1.1 million, and the Admiral’s Barge is currently valued at $0.094 million.

(2) (a) The VIP Boat Squadron’s purpose is to provide an afloat venue for official entertainment and a relaxed meeting environment for dignitaries of both Australian and foreign dignitaries as determined by the Maritime Commander;

(b) The Admiral Hudson costs $0.032 million and the Admiral’s Barge costs $0.034 million to operate and maintain annually; and

(c) Four staff are permanently assigned to the vessels.

(3) (a) and (b) None.

Office of Film and Literature Classification
(Question No. 2903)

Senator Stott Despoja asked the Minister representing the Attorney-General, upon notice, on 30 November 2006:

(1) (a) Can the Attorney-General explain why it was necessary to remove the classification policy support function of the department’s Canberra operation; and (b) was the Office of Film and Literature Classification (OFLC) advice of inferior quality or was it not in accord with the conservative views of the Government.

(2) Given that the Remuneration Tribunal Determination 2006/13 indicates that the total remuneration packages for the Director and Deputy Director of the OFLC have been reduced, respectively, from $245 000 to $191 370 and $206 490 to $164 510: (a) can the Attorney-General release the submission made to the Remuneration Tribunal; if not, can the review on which the submission might be based be released; (b) can the Attorney-General advise why the Remuneration Tribunal Determination makes the exception of continuing with the higher remuneration for the Director and Deputy Director, despite the downgrading of the remuneration levels; and (c) are the positions now different and simpler and as a result deserve a lower level of remuneration.

(3) Will the cost savings afforded by this new structure be passed on to industry in the form of lower classification fees.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) (a) and (b) It is Government policy in the context of the Uhrig report to review all Australian Government agencies and identify any functions that should be brought back within a Department. The Government decided that the policy and administrative functions of the OFLC, including policy development and advice to Government, should be within the Department. This is consistent with the States and Territories where classification policy advice is provided by government departments. The independent decision-making functions of the Classification Board and the Classification Review Board remain unchanged.

(2) (a) The Attorney-General’s submission to the Remuneration Tribunal noted that the removal of management and administration functions from the responsibilities of the Director and Deputy Director may justify a reduction in their remuneration levels.

(b) The statutory responsibilities of the current Director, including financial management and agency administration, and delegated responsibilities of the Deputy Director, will continue until legislative amendments come into effect. This should occur prior to 1 July 2007. The term of the current Director, Mr Des Clark, expires on 16 April 2007 and the term of the Deputy Director, Mr Paul Hunt, expires on 31 May 2007. It is appropriate that any changes to the remuneration level of the statutory offices should coincide with the new arrangements.

QUESTIONS ON NOTICE
(c) The Director and Deputy Director will continue to have decision-making roles as members of the Classification Board and the Director’s responsibilities for managing the Board will be unchanged. However, neither office will have separate agency or financial management roles.

(3) The costs and savings of the integration will be monitored and any impact on the cost of providing classification services will be considered in future fee reviews.

Mental Health

(Question No. 2909)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 December 2006:

With reference to the new Medicare rebates for focussed psychological strategies and the psychological therapy clinical psychologist services:

(1) Why has the Australian Psychological Society, rather than the state run Psychology Registration Boards, been contracted to administer the assessing of the eligibility of clinical psychologists.

(2) Why is it the case that psychologists with 6 years training will ‘self assess’ their suitability but clinical psychologists with 8 years training will be required to undergo a vetting process with the Australian Psychological Society.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Qualification requirements for clinical psychologists around the world have increased significantly in recent times. Under the Better Access to Psychiatrists, Psychologists and General Practitioners through the Medicare Benefits Schedule (MBS) initiative, the Commonwealth Government is keen to ensure that clinical psychologists receiving fee-for-service payments through the MBS have training and qualifications that are consistent with international benchmarks.

The Australian Psychological Society (APS) credentialing standards most closely approximate those applied internationally and are additional to the state-based registration requirements currently in place for psychologists under the Allied Health and Dental Care initiative.

The APS benchmark ensures that eligible providers have to meet heightened requirements with respect to education, length of work experience in the field and peer supervision.

The APS is the largest organisation representing Australian psychologists, with around 17,000 members. It has the resources and capacity to most effectively and efficiently cope with a credentialing process of this type.

The APS is the professional body represented on the Australian Psychology Accreditation Council (APAC) which accredits all Australian University psychology courses.

The APS is the assessing body used by the Commonwealth Government to assess overseas psychologists applying for migration to Australia under the General Skilled Migration categories.

Assignment of this function to state run Psychology Registration Boards would not be consistent with their roles. Each Board is established as a statutory body and funded by the State/Territory to administer the relevant State/Territory Psychologist Registration Act. None of the Boards take on any function beyond their statutory role.

(2) There is no ‘self assessment’ process. To be eligible to provide services under the ‘Better Access’ initiative, psychologists must be registered with Medicare Australia. To register, the psychologist must be registered with the Psychologists Registration Board in the state or territory in which they are practicing.
All psychologists wishing to provide the clinical psychology Medicare items will need to apply to the Australian Psychological Society for assessment of their eligibility for membership of the College of Clinical Psychologists.

The pathways differ depending on the qualifications of the applicant.

Middle East
(Question No. 2910)

Senator Allison asked the Minister representing the Minister for Foreign Affairs, upon notice, on 4 December 2006:

(1) Is the Minister aware that the situation in the Gaza Strip has reached emergency levels with inadequate water, electricity and medicine, widespread hunger, poverty, and unemployment, schools and other services rendered inoperative and constant bombardments and attacks by the armed forces of Israel.

(2) Does the Minister agree that if this situation continues, there will be spreading disease, malnutrition and more violence.

(3) What steps has the Government taken to bring to an end the: (a) ongoing siege of the Gaza Strip by Israel; and (b) sanctions imposed by the international community on Palestine.

Senator Coonan—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) & (2) The UN Relief and Works Agency (UNRWA) November 2006 Socio Economic report indicated there has been a deterioration in the humanitarian situation in the Gaza Strip. According to the report, the economic, social and humanitarian conditions in the Palestinian Territories have deteriorated at a more rapid pace since the Israeli withdrawal in August 2005.

(3) (a) The Australian Government and the international community have continued to call on Hamas to renounce violence, to recognise Israel and to accept agreements made by previous Palestinian representatives in order to meet its international responsibilities. This will enable it to engage with the international community and help ease the humanitarian situation. The Australian Government remains concerned about the humanitarian situation of the Palestinian people and has allocated $16.2 million in 2006-07 in humanitarian aid to the Palestinian Territories to be provided through UN agencies and Non Government Organisations (NGOs). The Government welcomes the ceasefire in Gaza on 26 November as agreed by Prime Minister Olmert and President Abbas.

(b) The Government is unaware of any sanctions imposed by the international community on the Palestinian Territories. Many donors, including Australia, have policies which prevent the provision of assistance to the Hamas-led Palestinian Authority unless Hamas agrees to renounce violence, recognise Israel and accept agreements made by previous Palestinian representatives. It is against Australian law to provide assets to Hamas which is listed under Australian law as an entity associated with terrorism.

Transport and Regional Services: Travel Entitlements
(Question No. 2915)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 5 December 2006:

With reference to the answer provided on 5 December 2006 to question Corp 01 taken on notice during the supplementary budget estimates hearing of the Rural and Regional Affairs and Transport Committee on 30 October 2006 (Committee Hansard, p. 6):
(1) As the answer provided has not addressed the whole of the question, can the Minister advise
whether any prospective employee has made a request to reside and work temporarily in a city
which is not home base.
(2) What was the nature of the request.
(3) Was the request successful; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided
the following answer to the honourable senator’s question:
(1) The Department has no record of any prospective employee requesting to reside and work tempo-
    rarily in a city which is not their home base.
(2) Not applicable.
(3) Not applicable.

Telecommunications Interceptions and Surveillance
(Question No. 2916)

Senator Bob Brown asked the Minister representing the Attorney-General, upon notice, on
5 December 2006:
For each of the years 2003, 2004, 2005 and 2006 to date: has any member of the Federal Parliament, a
state or territory parliament or the judiciary been the subject of: telecommunications interceptions,
placement of monitoring devices in her or his ongoing or anticipated or unexpected proximity, or sur-
veillance of any other kind, except where a criminal prosecution has ensued; if so, in each case: (i) what
were the circumstances surrounding the surveillance, (ii) who authorised it, (iii) who carried it out, and
(iv) why was it conducted.

Senator Ellison—The Attorney-General has provided the following answer to the honour-
able senator’s question:
Section 63 of the Telecommunications (Interception and Access) Act 1979 and subsections 45(1) and
(2) of the Surveillance Devices Act 2004 prohibit the communication of lawfully intercepted informa-
tion, interception warrant information and protected information. Information may only be communi-
cated for permitted purposes including investigations of relevant offences and matters of national secu-

Road Safety
(Question No. 2917)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 5 December 2006:
With reference to the National Road Safety Action Plan for 2007 and 2008 which notes the following as
a ‘highest-impact action’: ‘Governments to implement vehicle fleet purchasing policies that have high
regard to vehicle safety standards for both occupants and pedestrians, and that promote uptake in the
general fleet of effective advanced safety features such as ESP. Encourage private sector organisations
or adopt similar policies’. As the department has the primary responsibility for the nation’s road safety,
is the department implementing this action; if so, what action is the department taking; if not, does the
department expect private organisations to implement this part of the action plan without any leadership
being shown by the department.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided
the following answer to the honourable senator’s question:
Federal, state and territory governments have a shared responsibility for implementing measures identified in the National Road Safety Action Plan 2007 and 2008, which was approved by all ministers of the Australian Transport Council. In relation to implementing the Action Plan item on fleet purchasing policies: the Department of Transport and Regional Services is taking action within its area of responsibility; the Department is consulting with affected stakeholders on implementation options.

**Mental Health**

(Question No. 2919)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 December 2006:

With reference to the new Medicare rebates for focused psychological strategies and the psychological therapy clinical psychologist services:

(1) Why has no Medicare item number been provided for public hospital psychiatrists to directly refer their hospital psychiatric or medical patients to private clinical psychologists.

(2) What is the anticipated cost to Medicare of the need for people to go to a general practitioner (GP) or another psychiatrist for a referral to a private clinical psychologist.

(3) What was the rationale for the limit on the number of sessions per patient for specialist clinical psychologists (that is, two lots of six sessions, with a further six sessions in exceptional circumstances determined by GPs, in relation to the Medicare rebated 50 sessions per year for private psychiatrists).

(4) What is the rationale for the requirement that GPs must review the therapy and outcome with patients after six sessions with a specialist clinical psychologist, given that GPs are not required in any other health system to do this review of a specialist’s work.

(5) Has the Minister considered the implications of the fact that the ‘mental disorder diagnosis’ is available as a public record and could prejudice patient opportunities to obtain income protection and certain other insurances, especially if the diagnosis is depression.

(6) How will the new system be monitored, particularly with regard to barriers to patient access to psychological therapies and, for instance, the increased paper work required of GPs.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Services provided to public patients are the responsibility of state and territory governments under the 2003-2008 Australian Health Care Agreements. The new mental health care Medicare Benefits Schedule (MBS) items are aimed at providing services to patients in the community. A psychiatrist providing in-hospital services to a public patient is able to refer the patient to their GP in the community for ongoing management and treatment. Under the new items the patient’s GP is able to provide a focus for ongoing coordination of the patient’s care.

(2) The cost to Medicare of (public hospital) patients seeing a GP or another psychiatrist for a referral to a private clinical psychologist is not separately quantifiable. The Better Access initiative enables the provision of integrated services for patients with mental disorders, including the preparation of mental health care plans and referrals for psychological therapies and focussed psychological strategies services. The costs of GP services under the initiative do not represent simply the costs of referring patients to other providers. Eligible patients should benefit from the GP Mental Health Care services in their own right (for example, by receiving an assessment and accurate diagnosis as the basis for the development of a structured plan for ongoing management of their mental disorder).

QUESTIONS ON NOTICE
(3) The limit on the number of sessions of Psychological Therapy that can be delivered by a clinical psychologist was determined after consultation with the GP, psychologist and other allied mental health professions during the development of the Better Access Medicare items. The Better Access initiative was designed for the management of mental disorders that are known to respond well to 12 or less sessions or psychological therapy (such as depression and anxiety). It is up to the referring medical practitioner to determine if the Better Access initiative meets the treatment needs of their patient.

(4) The Better Access MBS items provide for GPs to review the patient’s continuing need for further psychological therapy or focussed psychological strategies services after the initial group of services has been provided. This is based on a report provided by the clinical psychologist or allied mental health professional to the GP. The GP is not required to review the therapy or services provided by the clinical psychologist or allied mental health professional.

(5) The implications of a mental disorder diagnosis were considered in the development of the items and in discussions with mental health stakeholders, including consumer representatives. The Medicare requirements for these items were developed in consultation with the GP, psychologist and other allied mental health professions. ‘Mental Health’ specific items already exist within the MBS in relation to:

• the 3 Step Mental Health Process;
• Focussed Psychological Strategies;
• allied health items for psychologists and mental health workers; and
• services delivered by psychiatrists.

(6) The Department will monitor uptake of the Better Access initiative MBS items on an ongoing basis through Medicare data. As with other major initiatives, new arrangements introduced under the Better Access initiative will be evaluated after a period of operational experience of around 3 to 4 years.

The new mental health care items provide new pathways for patients to access mental health services that were not previously available. These items recognise the importance of a structured plan for the management of patients with a mental disorder to assist in the accurate assessment and diagnosis of the patient’s condition and appropriate referrals for required services. The Medicare requirements for these items were developed in consultation with the profession.

Speedometer Approval Tests
(Standing Order 2926)

Senator O’Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 7 December 2006:

With reference to the answer to question on notice no. 2575 (Senate Hansard, 28 November 2006 p. 91) in relation to Australian Design Rule 18/03 – Speedometers which provided the website of the United Nations Economic Commission for Europe to obtain details of technical services responsible for conducting approval tests and administrative departments as required under Section 9 of this rule:

(1) Can printed copies of ‘screen dumps’ of the website be provided.

(2) What are the names and addresses of the technical services within Australia responsible for conducting approved tests of speedometers.

Senator Ian Campbell — The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:
(1) Excerpts from the relevant documents containing details of technical services notified for the purpose of clause 9 of United Nations Economic Commission for Europe (UNECE) Regulation 39, which forms Appendix A of Australian Design Rule (ADR) 18/03, are attached.

(2) No technical services have been appointed in Australia to date for the purpose of clause 9 of UNECE Regulation 39.

REGULATION No. 39
Uniform provisions concerning the approval of vehicles with regard to the speedometer equipment including its installation
Date of entry into force of:
Original version: 20.11.1978
Latest (XX) series of amendments: _______

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\* For vehicle installation only.
1) By virtue of accession to the Agreement by the European Community.
2) Approvals are granted by its Member States using their respective ECE symbol.
3) By virtue of accession to the European Community on 1 May 2004.

Annex 1

LIST OF ADMINISTRATIVE DEPARTMENTS AND TECHNICAL SERVICES DESIGNATED BY THE RESPECTIVE GOVERNMENTS, PARTIES TO THE 1958 AGREEMENT

Germany (E 1)

1/A Kraufahrt-Bundesamt
D-24932 Flensburg
Tel: (+49.461) 316-0
Fax: (+49.461) 316-1650

1/B LTIK Lichttechnisches Institut der Universität Karlsruhe
Prüfstelle für Lichttechnische Einrichtungen an Fahrzeugen
Kaiserstrasse 12
D-76128 Karlsruhe
Tel: (+49.721) 608-2551
Fax: (+49.721) 66-1901

1/C VDE-Prüf- und Zertifizierungsinstitut
Merianstrasse 28
D-63069 Offenbach/Main
Tel: (+49.69) 8306-0
Fax: (+49.69) 8306-555

1/D Prüflaboratorium
Verkehrstechnik/Hochgeschwindigkeitsanalyse der Materialprüfungsanstalt
Universität Stuttgart (MPA)
Pfaffenwaldring 32
D-70569 Stuttgart
Tel: (+49.711) 6852-569
Fax: (+49.711) 6852-635

1/E Prüflabor für Sicherheitsglas im Materialprüfungsamt (MPA) Nordrhein-Westfalen (NRW)
Marsbruchstrasse 186
D-44287 Dortmund
Tel: (+49.231) 4502-0
Fax: (+49.711) 4585-49

QUESTIONS ON NOTICE
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<tbody>
<tr>
<td>1/F</td>
<td>Prüflaboratorium des TÜV Thüringen e.V. Ichtershäuser Strasse 32 D-99310 Arnstadt Tel: (+49.3628) 598-516 Fax: (+49.3628) 598-451</td>
</tr>
<tr>
<td>1/G</td>
<td>DEKRA Automobil Test Center der DEKRA Automobil GmbH Senftenberger Strasse 30 D-01998 Klettwitz Tel: (+49.35754) 734-4500 Fax: (+49.35754) 734-5500</td>
</tr>
<tr>
<td>1/H</td>
<td>TÜV Automotive GmbH TÜV SÜD Gruppe Westendstrasse 199 D-80339 München Tel: (+49.89) 5791-2240 Fax: (+49.89) 5791-2234</td>
</tr>
<tr>
<td>1/I</td>
<td>Typprüfstelle für Fahrzeuge und Systeme im Forschungsinstitut für Kraftfahrwesen und Fahrzeugmotoren Stuttgart Pfaffentaldring 12 D-70569 Stuttgart Tel: (+49.711) 685-5600 Fax: (+49.711) 685-5710</td>
</tr>
<tr>
<td>1/J</td>
<td>Prüflaboratorium Fahrzeugtechnik der Technischen Überwachungs-Verein NORD STRASSENVERKEHR GMBH &amp; Co. KG Am TÜV I D-30519 Hannover Tel: (+49.511) 986-1334/1586 Fax: (+49.511) 986-1998/1999</td>
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<tr>
<td>1/K</td>
<td>Labor für Fahrzeugtechnik der Rheinisch-Westfälischen Technischen Überwachungs-Vereins Fahrzeug GmbH Adlerstrasse 7 D-4507 Essen Tel: (+49.201) 825-0 Fax: (+49.201) 825-4150</td>
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<tr>
<td>1/L</td>
<td>Typprüfstelle Fahrzeuge/Fahrzeugteile im Technologiezentrum Verkehrssicherheit der TÜV Kraftfahrt GmbH TÜV Rheinland Group Am Grauen Stein D-51105 Köln Tel: (+49.221) 806-1951 Fax: (+49.221) 806-1309</td>
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<td>1/M</td>
<td>Shell Global Solutions (Deutschland) GmbH PAE-Labor Hohe-Schaar-Strasse 36 D-21107 Hamburg Tel: (+49.40) 756-50 Fax: (+49.40) 7555-4564</td>
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<tr>
<td>1/N</td>
<td>TÜV Fahrzeug-Lichttechnik GmbH TÜV Rheinland Group Rhinstrasse 46 D-12681 Berlin Tel: (+49.30) 6419-7232 Fax: (+49.30) 6419-7233</td>
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<td>1/O</td>
<td>ECE-Prüfstelle der Pneumant Reifen &amp; Gummi Werke GmbH Tränkeweg, PSF 35 D-15517 Fürstenwalde (Spree)-Süd Tel: (+49.3361) 630 Fax: (+49.3361) 633-32</td>
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<td>1/P</td>
<td>SLG Prüf- und Zertifizierungs GmbH Burgstädter Strasse 20 D-09232 Chemnitz Tel: (+49.3722) 732-30 Fax: (+49.3722) 732-399</td>
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<td>1/Q</td>
<td>Automotive TÜV Technische Überwachung Hessen GmbH Rüdesheimer Strasse 119 D-64285 Darmstadt Tel: (+49.6151) 600-0 Fax: (+49.6151) 600-670</td>
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<td>Siemens Restraint Systems GmbH</td>
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<td>IDIADA Automotive Technology</td>
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<td>1/AQ</td>
<td>DLG-Prüfstelle für Landmaschinen der Deutschen Landwirtschafts-Gesellschaft e.V.</td>
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**France (E 2)**

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<td>2/A</td>
<td>Ministère de l’équipement, des transports et du tourisme Direction de la Sécurité et de la Circulation routière Sous-DIRECTION de la Réglementation technique des véhicules L’Arche de la Défense, Paroi Sud</td>
<td>F-92055 Paris La Défense Cedex 04</td>
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<tr>
<td>2/B</td>
<td>Télédiffusion de France Commission d’agrément des dispositifs antiparasitages pour moteurs thermiques 21-27, rue Barbès, BP 518</td>
<td>F-92542 Montrouge Cedex</td>
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<tr>
<td>2/C</td>
<td>Direction régionale de l’Industrie, de la Recherche et de l’environnement de la Région d’Île de France 6-10 rue Crillon</td>
<td>F-75100 Paris Cedex 04</td>
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QUESTIONS ON NOTICE
2/D Laboratoire central des industries électriques (L.C.I.E.)
33 avenue de Général Leclerc
F-92260 Fontenay-aux-Roses

2/E Laboratoire de l’Union technique de l’automobile, du motocycle et du cycle (U.T.A.C.)
Autodrome de Linas-Monthlery
F-91310 Linas Monthlery

2/F Laboratoire national d’essais du Conservatoire des Arts et Métiers
1, rue Gaston Boissier
F-75015 Paris

Italy (E 3)

3/A Ministero delle Infrastrutture e dei Trasporti
Dipartimento per I Trasporti Terrestri
Direzione Generale per la Motorizzazione
Via Giuseppe Caracci 36
I – 00157 Roma
Divisione 3 : Omologazioni (Vehicle Type Approvals)

3/B I Servizi Integrati Infrastrutture e Trasporti (S.I.I.T.) : Lazio, Abruzzo e Sardegna
Settore Trasporti – Ufficio 10: Centro Superiore Ricerche e Prove Autoveicoli e Dispositivi (CSRPAD)
Via di Settebagni, 333
I- 00138 Roma
(b) Servizi Integrati Infrastrutture e Trasporti (S.I.I.T.) : Emilia Romagna e Marche
Settore Trasporti – Ufficio 8: Centro Prove Autoveicoli (C.P.A.) di Bologna
Via Zanardi, 380
I- 40131 Bologna
Servizi Integrati Infrastrutture e Trasporti (S.I.I.T.) : Lombardia e Liguria
Settore Trasporti – Ufficio 11: Centro Prove Autoveicoli (C.P.A.) di Milano
Via Marco Ulpio Traiano 40
I-20149 Milano
(d) Servizi Integrati Infrastrutture e Trasporti (S.I.I.T.) : Campania e Molise
Settore Trasporti – Ufficio 5: Centro Prove Autoveicoli (C.P.A.) di Napoli
Afragola-Contrada Salicelle s.n.
I-80021 Napoli
(e) Servizi Integrati Infrastrutture e Trasporti (S.I.I.T.) : Piemonte e Val d’Aosta
Settore Trasporti – Ufficio 6: Centro Prove Autoveicoli (C.P.A.) di Torino
Strada Cebrosa 27
10036 Settimo Torinese (TO)

Tel: (+39.06) 4158 6169
Fax: (+39.06) 4158 6165
Tel: (+39.06) 8728 81
Fax: (+39.06) 8713 3903
Tel: (+39.051) 6356511
Fax: (+39.051) 6344 108
Tel: (+39.02) 3271 246
Fax: (+39.02) 3921 0023
Tel: (+39.081) 8604611
Fax: (+39.081) 8527 419
Tel: (+39.011) 8953 992
Fax: (+39.011) 8982 232

QUESTIONS ON NOTICE
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<td>Prove Autoveicoli (C.P.A.) di Palermo</td>
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<td>I-90139 Palermo</td>
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<td>Fax: (+39.0471) 469125</td>
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<tr>
<td>(C.P.A.) di Bolzano</td>
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<tr>
<td>Via Amba Alagi 24</td>
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<td>I-39100 Bolzano</td>
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<th>(k) Servizi Integrati Infrastrutture e Trasporti (S.I.I.T.)</th>
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<tr>
<td>Puglia e Basilicata</td>
<td>Fax: (+39.080) 5383 644</td>
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<td>Settore Trasporti – Ufficio 6: Centro Prove Autoveicoli</td>
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<tr>
<td>(C.P.A.) di Bari</td>
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<td>Via Strada Prov. Modugno Palese</td>
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<td>I-70026 Bari</td>
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<th>(l) Servizi Integrati Infrastrutture e Trasporti (S.I.I.T.)</th>
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<tr>
<td>Sicilia e Calabria</td>
<td>Fax: (+39.095) 7139 003</td>
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<tr>
<td>(C.P.A.) di Catania</td>
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<td>S.S. 114 Primosole</td>
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<td>33 loc. Pantano d’Arci</td>
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<tr>
<td>I-95121 Catania</td>
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<p>| Queste informazioni sono fornite a cura della S.I.I.T.     |                         |
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| QUESTIONS ON NOTICE                                        |                         |</p>
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QUESTIONS ON NOTICE

4/Z  Stoomwezen B.V.
     Weena Zuid 168
     Rotterdam
     Postbus 769
     NL-3000 AT Rotterdam
     Tel: (+31.10) 2014200
     Fax: (+31.10) 4117580

4/AA  EMC Test NRW GmbH
      Emil-Figge-Strasse 76
      D-44227 Dortmund, Germany
      Tel: (+49.231) 9742750
      Fax: (+49.231) 9742755

4/AB  CENTEXBEL
      Wetenschappelijk en technisch centrum
      van de Belgische textielnijverheid
      Technologiepark 7
      B-9052 Zwijnaarde, Belgium
      Tel: (+32.2) 2870830
      Fax: (+32.2) 2306815

4/AC  (Not allocated)

4/AD  TNO-MEP (Milieu, Energie en Procesindustrie)
      Business Park E.T.V.
      Laan van Westenenk 501
      Apeldoorn
      Postbus 342
      NL-7300 AH Apeldoorn
      Tel: (+31.55) 54933493
      Fax: (+31.55) 5493390

4/AE  LTC Ltd.
      Ashton Way
      Leyland, Preston PR5 3TZ
      United Kingdom
      Tel: (+44.1772) 422911
      Fax: (+44.1772) 621466

4/AF  Brake Testing International Ltd. (BTI Ltd.)
      3 Jacknell Road, Dodwells Industrial Estate
      Hinckley, LE10 3BS
      United Kingdom
      Tel: (+44.1455) 891222
      Fax: (+44.1455) 891718

Sweden (E 5)

5/A  Vägverket
     (Swedish National Road Administration)
     Vehicle Technology
     S-781 87 Borlänge
     Tel: (+46.243) 75000
     Fax: (+46.243) 75089

5/B  Sveriges Provnings- och Forskningsinstitut AB
     (Swedish National Testing and Research Institute)
     Box 857
     S-501 15 Boras
     Tel: (+46.33) 16 50 00
     Fax: (+46.33) 13 55 02

5/C  AB Svensk Bilprovning
     (Swedish Motor Vehicle Inspection Company)
     Box 508
     S-162 15 Vällingeby
     Tel: (+46.8) 759 21 00
     Fax: (+46.8) 739 05 08

5/D  Statens väg- och transportforskningsinstitut
     (Swedish Road and Transport Research Institute)
     S-581 95 Linköping
     Tel: (+46.13) 20 40 00
     Fax: (+46.13) 14 14 36

5/E  (Not allocated)
### QUESTIONS ON NOTICE

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**Belgium (E 6)**

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<td>Laboratoire des Produits Petroliers, Moteurs et Véhicules (P.P.M.V)</td>
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<tr>
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</table>
QUESTIONS ON NOTICE

6/K ANPI - NVBB
Parc Scientifique
B-1348 Louvain-la-Neuve
Tel: (+32.10) 47 52 71
Fax: (+32.10) 47 52 67

Hungary (E 7)

7/A Közlekedési Főfelügyelet
(General Inspectorate of Transport)
VI. Teréz Körút 38
H-1066 Budapest
Tel: (+36.1) 477 1550
Fax: (+36.1) 477 1537
E-mail: ztoth@uzemeltetes.kff.hu
Homepage: http://www.kff.hu

7/B Magyar Elektrotechnikai Ellenőrző Intézet Kft
(Institute for Testing and Certification of Electrical Equipment Ltd.)
XIII Váci ut 48/a-b
H-1132 Budapest
Tel: (+36.1) 203 7633
Fax: (+36.1) 203 7635
E-mail: testlab@meei.hu
Homepage: http://www.meei.hu

7/C JÁFI-AUTOKUT Mérnöki Kft.
(JÁFI-AUTOKUT Engineering Ltd.)
Csóka utca 7-13
H-1115 Budapest
Tel: (+36.1) 203 7623
Fax: (+36.1) 203 7624
E-mail: zoltan.reinitz@avl.com
Homepage: http://www.autokut.hu

7/D FVM Mezőgazdasági Gépesíseg Intézet
(Hungarian Institute of Agricultural Engineering)
Tessedik S. utca 4
H-2100 Gödöllő
Tel: (+36.28) 511 611
Fax: (+36.28) 511 600
E-mail: mgi@fvmmi.hu
Homepage: http://www.fvmmi.hu

7/E Közlekedéstudományi Intézet Kht.
(KTI-Institute for Transport Sciences)
XL. Thán Károly u. 3-5
H-1119 Budapest
Tel: (+36.1) 371 5959
Fax: (+36.1) 205 5951
E-mail: szabos@kti.hu
Homepage: http://www.kti.hu

7/F Magyar Műszaki Biztonsági Hivatal
(Technical Safety Office of Hungary)
Attila ut 99
H-1012 Budapest
Tel: (+36.1) 488 7800
Fax: (+36.1) 356 7802
E-mail: mbfgen.director@axelero.hu

7/G TÜV NORD-KTI Kft.
(TÜV NORD-KTI Technical Service and Controlling Co. Ltd.)
Thán Károly u. 3-5
H-1119 Budapest
Tel: (+36.1) 205 5881
Fax: (+36.1) 203 1167
E-mail: info@tuvnord.hu
Homepage: http://www.tuvnord.hu

7/H (Deleted)

7/I AVL Autokut Mérnöki Kft.
(AVL Autokut Engineering Ltd.)
Csoka u. 7-13
H-1115 Budapest
Tel: (+36.1) 203 7623
Fax: (+36.1) 203 7624
E-mail: zoltan.reinitz@avl.com
Homepage: http://www.autokut.hu

Czech Republic (E 8)

8/A Ministerstvo dopravy Ceské republiky
(Ministry of Transport of the Czech Republic)
Nábreží Ludvíka Svobody 12
CZ-110 15 Praha 1
Tel: (+420 2) 972 231 480
Fax: (+420 2) 972 231 429
E-mail: posta@mdcr.cz
Homepage: http://www.mdcr.cz
| 8/B | Elektrotechnický zkusební ústav (Electrotechnical Testing Institute) | Tel: (+420) 266 104 343 |
|     | Pod lisem 129 CZ-171 02 Praha 8 - Troja | Fax: (+420) 284 680 037 |
|     | (Electrotechnical Testing Institute) | E-mail: testing@ezu.cz |
|     | Homepage: http://www.ezu.cz |
| 8/C | TUV UVMV, spol. s r.o. (TUV UVMV, LTD) | Tel: (+420 2) 239 046 911 |
|     | Novodvorska 994/138 CZ-142 21 Praha 4 | Fax: (+420 2) 239 046 915 |
|     | (TUV UVMV, LTD) | E-mail: tuv-uvmv@tuv-sud.cz |
|     | Homepage: http://www.tuv-sud.cz |
| 8/D | Ústav silniční a městské dopravy, a.s. (Research Institute of Road and Urban Transport, Comp.) | Tel: (+420) 284 001 211 |
|     | Tůrková 1001 CZ-149 00 Praha 4 | Fax: (+420) 284 890 206 |
|     | (Research Institute of Road and Urban Transport, Comp.) | E-mail: info@usmd.cz |
|     | Homepage: http://www.usmd.cz |
| 8/E | Institut gumárenské technologie a testování, a.s. (Rubber Technology and Testing Institute, Comp.) | Tel: (+420) 577 597 226 |
|     | tr Tomase Bati 299 P.O. Box 73 CZ-764 22 Zlín 4 | Fax: (+420) 577 597 224 |
|     | (Rubber Technology and Testing Institute, Comp.) | E-mail: igtt@igt.cz |
|     | Homepage: http://www.igtt.cz |
| 8/F | Státní zkusební zemědělských, potravinářských a lesnických strojů, a.s. (Government Testing Laboratory of Agricultural, Food Industry and Forestry Machines, Comp.) Tranovského 622/11 CZ-163 04 Praha 6 - Repy | Tel: (+420 2) 235 018 235 |
|     | (Government Testing Laboratory of Agricultural, Food Industry and Forestry Machines, Comp.) | Fax: (+420 2) 235 018 226 |
|     | Homepage: http://www.szlps.cz |

**Spain (E 9)**

| 9/A | Subdirección General de Calidad y Seguridad Industrial | Tel: (+34.91) 349-4135 |
|     | Ministerio de Industria, Turismo y Comercio Paseo de la Castellana, 160 E-28071 Madrid | Fax: (+34.91) 349-4300 |
| 9/B | Laboratorio Central Oficial de Electrotécnica Escuela Técnica Superior de Ingenieros Industriales José Gutierrez-Abascal, 2 E-28006 Madrid | Tel: (+34.91) 562-5116 |
|     | (Government Testing Laboratory of Agricultural, Food Industry and Forestry Machines, Comp.) | Fax: (+34.91) 561-8818 |
| 9/C | Laboratorio del Instituto Universitario de Investigación del Automovil (INSIA) Carretera Valencia, km.7 E-28031 Madrid | Tel: (+34.91) 336-5300 |
|     | (Government Testing Laboratory of Agricultural, Food Industry and Forestry Machines, Comp.) | Fax: (+34.91) 336-5302 |
| 9/D | Instituto Nacional de Técnica Aeroespacial “Esteban Terradas” INTA Carretera de Ajalvir, km. 4 Torrejón de Ardoz E-28850 Madrid | Tel: (+34.91) 520-1737 |
|     | (Government Testing Laboratory of Agricultural, Food Industry and Forestry Machines, Comp.) | Fax: (+34.91) 520-1319 |

**QUESTIONS ON NOTICE**
QUESTIONS ON NOTICE

9/E Instituto de Investigación Aplicada del Automóvil
IDIADA
L’Albomar S/N
Santa Oliva
E-43710 Tarragona

Serbia and Montenegro (E 10)

10/A Institution for Standardization
Stevana Brakusa 2
11030 Belgrade
Serbia and Montenegro

United Kingdom (E 11)

11/A Vehicle Certification Agency
1 Eastgate Office Centre,
Eastgate Road,
Bristol,
BS5 6XX United Kingdom
Tel: (+44.117) 952 4110
Fax: (+44.117) 952 4163

11/B BSI Product Services
Maylands Avenue
Hemel Hempstead
Hertfordshire
HP2 4SQ United Kingdom
Tel: (+44.1442) 27 8537
Fax: (+44.1442) 23 1442

11/C ITS Testing & Certifying
ITS House
Cleeve Road
Leatherhead, Surrey
KT22 7SA United Kingdom
Tel: (+44.1372) 37 0900
Fax: (+44.1372) 37 0999

11/D (deleted)

11/E TÜV Automotive GmbH
Abt: G4-FBT/P
Daimlerstrasse 11
85748 Garching bei Munich, Germany
Tel: (+49.893) 295 0651
Fax: (+49.893) 295 0650

11/F TÜV Nord Stassenverkehr GmbH
Motor Vehicle System and Traffic Routing Technique
Am TÜV 1
D-30519 Hannover, Germany
Tel: (+49.511) 986 1334
Fax: (+49.511) 986 1998

11/G BRE Limited
Bucknalls Lane
Garston, Watford
WD25 9XW United Kingdom
Tel: (+44.1923) 66 5172
Fax: (+44.1923) 66 4797

11/H RWTÜV Fahrzeug GmbH
Institut für Fahrzeugtechnik
Adlerstrasse 7
D-45307 Essen, Germany
Tel: (+49.201) 825 4142
Fax: (+49.201) 825 4150
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<td>RAPRA Technology Ltd</td>
<td>Shawbury, Shropshire SY4 4NR United Kingdom</td>
<td>Tel: (+44.1939) 25 0383</td>
<td>Fax: (+44.1939) 25 1118</td>
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<tr>
<td>11/J</td>
<td>Tun Abdul Razak Research Centre (TARRC) MRPRA</td>
<td>Brickendonbury, Hertford SY4 4NL United Kingdom</td>
<td>Tel: (+44.1992) 58 4966</td>
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<td>TÜV Rheinland Kraftfahrt GmbH</td>
<td>AM Grauen Stein D-51105 Koln, Germany</td>
<td>Tel: (+49.221) 806 1757</td>
<td>Fax: (+49.221) 806 1373</td>
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<td>11/M</td>
<td>TÜV Technische Überwachung Hessen GmbH ATC - Automotive Test Center</td>
<td>Rudesheimer Strasse 119 D-64285 Darmstadt, Germany</td>
<td>Tel: (+49.615) 160 0141</td>
<td>Fax: (+49.615) 160 0670</td>
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<tr>
<td>11/N</td>
<td>UTAC, Direction Technique</td>
<td>Autodrome de Linas-Monthlery BP 212 91311 Montheiry, Cedex, France</td>
<td>Tel: (+33.1) 6980 1731</td>
<td>Fax: (+33.1) 6980 1717</td>
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<tr>
<td>11/O</td>
<td>MIRA</td>
<td>Watling Street Nuneaton, Warwickshire CV10 0TU United Kingdom</td>
<td>Tel: (+44.247) 635 5495</td>
<td>Fax: (+44.247) 635 5486</td>
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<tr>
<td>11/P</td>
<td>SGS UK Ltd</td>
<td>Unit 10 Bowburn South Industrial Estate Bowburn, County Durham DH6 5AD United Kingdom</td>
<td>Tel: (+44.191) 377 2000</td>
<td>Fax: (+44.191) 377 2020</td>
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<tr>
<td>11/Q</td>
<td>TÜV Product Services Ltd</td>
<td>Segensworth Road Titchfield, Fareham, Hampshire PO15 5RH United Kingdom</td>
<td>Tel: (+44.1329) 44 3512</td>
<td>Fax: (+44.1328) 44 3421</td>
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<td>11/R</td>
<td>Radio Frequency Institute (RFI)</td>
<td>Ewhurst Park Ramsdele, Basingstoke, Hampshire RG26 5RQ United Kingdom</td>
<td>Tel: (+44.1256) 85 5472</td>
<td>Fax: (+44.1256) 85 1192</td>
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<tr>
<td>11/V</td>
<td>TRL Compliance Services Limited</td>
<td>Long Green Gloucester GL19 4QH United Kingdom</td>
<td>Tel: (+44.1684) 833818</td>
<td>Fax: (+44.1684) 833858</td>
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<tr>
<td>11/W</td>
<td>3C Test Limited</td>
<td>Lawn Farm Business Centre Nr Aylesbury HP18 0QX United Kingdom</td>
<td>Tel: (+44.1296) 770088</td>
<td>Fax: (+44.1296) 770014</td>
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### Austria (E 12)

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<tr>
<td>12/A</td>
<td>Bundesministerium für Verkehr, Innovation und Technologie</td>
<td>Radetzkystrasse 2, A-1031 Vienna</td>
</tr>
<tr>
<td>12/B</td>
<td>Bundesprüfanstalt für Kraftfahrzeuge</td>
<td>Trauzlgasse 1, A-1210 Vienna</td>
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<tr>
<td>12/D</td>
<td>Technische Universität Wien Institut für Verbrennungskraftmaschinen und Kraftfahrwesen</td>
<td>Getreidemarkt 9, A-1060 Vienna</td>
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<tr>
<td>12/E</td>
<td>Technische Versuchs- und Forschungsanstalt der TU Wien</td>
<td>Karlsplatz 13, A-1014 Vienna</td>
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<tr>
<td>12/F</td>
<td>Technische Universität Graz Institut für Verbrennungskraftmaschinen und Thermodynamik</td>
<td>Infeldgasse 25, A-8010 Graz</td>
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<tr>
<td>12/G</td>
<td>Technischer Überwachungsverein Österreich</td>
<td>Krugerstrasse 16, A-1015 Vienna</td>
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<td>12/H</td>
<td>Österreichisches Forschungszentrum Seibersdorf GmbH</td>
<td>Pottenhauserstrasse 1, A-3250 Wieselburg</td>
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<tr>
<td>12/I</td>
<td>Bundesanstalt für Landtechnik</td>
<td>Pottenhauserstrasse 1, A-3250 Wieselburg</td>
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<tr>
<td>12/J</td>
<td>Fachhochschul-Studiengang Fahrzeugtechnik/Automotive Engineering der Technikum Johanneum GmbH</td>
<td>Alte Poststrasse 149, A-8020 Graz</td>
</tr>
<tr>
<td>12/K</td>
<td>Staatliche Versuchsanstalt für Radiotechnik am TGM</td>
<td>Wexstrasse 19-23, A-1200 Wien</td>
</tr>
<tr>
<td>12/L</td>
<td>Zivilingenieur-Kanzlei Dipl.-Ing. Christof D. Fischer</td>
<td>Argenotstrasse 51, A-8047 Graz</td>
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### Luxembourg (E 13)

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<td>(a) Ministère des transports</td>
<td>19-21 Boulevard Royal, L-2910 Luxembourg</td>
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QUESTIONS ON NOTICE

(b) Société nationale de certification et d’homologation
(SNCH) s.à.r.l.
11, route de Luxembourg
L-5230 Sandweiler

13/B
(a) TÜV Rheinland Luxembourg GmbH
Centre Commercial “Le 2000” Z.I.
L-3378 Livange
(b) Luxcontrol S.A.
1, avenue des Terres Rouges
L-4004 Esch-sur-Alzette
(c) Applus+ Automotive Technology Luxembourg s.à.r.l.
B.P. 11
L-6901 Roodt-sur-Syre
(d) Goodyear International Tyre Technical Centre
L-7750 Colmar-Berg

Switzerland (E 14)

14/A
Office fédéral des routes
Division circulation routière
Homologation des véhicules
(Section of vehicle homologation)
CH-3003 Berne

14/B
metas
Office fédéral de métrologie et d’accréditation
(Swiss Federal Office of Metrology and Accreditation)
Lindenweg 50
CH-3003 Berne-Wabern

14/C
Dynamic Test Center (DTC)
c/o Ecole d’ingénieurs de Bienne
(School of Engineering)
CH-2537 Vauffelin

14/D
(a) Laboratoire fédéral d’essai des matériaux et de recherches
Moteurs (Section of Engines)
Ueberlandstr. 129
CH-8600 Dübendorf
(b) Haute école spécialisée bernoise
Ecole d’Ingénieurs de Bienne
Service des émissions
(University of Applied Sciences; Biel School of Engineering
and Architecture; Emissions)
Gwerdstrasse 5
CH-2560 Nidau

14/E
Office fédéral des routes
Division principale de la circulation routière
Service d’homologation (Section of Type Approvals)
CH-3003 Berne, le lieu de contrôle sera déterminé cas par cas
14/F Association suisse des électriciens
(Swiss Electrotechnical Association)
Luppmenstrasse 1
CH-8320 Fehraltorf
14/G Quinel
Feldstrasse 6
CH-6300 Zoug

*/ Toutefois sans les voitures automobiles lourdes et sans le Reglement No 85.

------------- (E 15)

Norway (E 16)

16/A Vegdirektoratet
Trafikant-og kjøretøyavdelingen
Postboks 8142, Dep.
N-0033 Oslo
16/B Teknologisk Institut
Avdeling for Kjøretøytøymannsk
Postboks 2608 St. Hanshagen
N-0131 Oslo
16/C Televerkets Sentraladministrasjon
Fagenhet for Radiotøy
Postboks 6701, St. Olavs Plass
N-0130 Oslo
16/D SINTEF Delab
Lydteknisk senter-NTH
N-7034 Trondheim

Finland (E 17)

17/A Ajoneuvohallintokeskus
(Vehicle Administration Centre)
P.O. Box 120
FIN-00101 Helsinki
Visiting address:
Fabianinkatu 32
Tel: (+358) 96185 3515
Fax: (+358) 96185 3600
E-mail: ake@ake.fi
Homepage: www.ake.fi
17/B (a) (Deleted)
(b) (Not allocated)
I VTT Building and Transport/
Plastics, Insulation, Metal and Glass Products
P.O. Box 1801
FIN-02044 VTT
Tel: (+358) 9-456 7042
Fax: (+358) 9-456 7042
17/C (Not allocated)
17/D MTT/VAKOLA Maatalousteknologian tutkimus
(Agricultural Engineering Research)
FIN-03400 Vihuri
Tel: (+358) 9-224 251
Fax: (+358) 9-224 6210
17/E VTT Industrial Systems/Intelligent Products and Ser-
vices
P.O.Box 1302
FIN-33101 Tampere
Tel: (+358) 3-316 3111
Fax: (+358) 3-316 3782

QUESTIONS ON NOTICE
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<tr>
<th>17/F</th>
<th>VTT Processes, Engines and Vehicles</th>
<th>Tel: (+358) 9-4561</th>
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<tr>
<td></td>
<td>P.O. Box 1601</td>
<td>Fax: (+358) 9-460 493</td>
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<td>FIN-02044 VTT (Espoo)</td>
<td>Homepage: <a href="http://www.vtt.fi">http://www.vtt.fi</a></td>
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<tr>
<td>17/G</td>
<td>Nemko Oy</td>
<td>Tel: (+358) 4245-4541</td>
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<tr>
<td></td>
<td>P.O. Box 19</td>
<td>Fax: (+358) 95489-6371</td>
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<td>FIN-02601 Espoo</td>
<td>Homepage: <a href="http://www.emcec.fi">http://www.emcec.fi</a></td>
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<tr>
<td>17/H</td>
<td>VTT Building and Transport/</td>
<td>Tel: (+358) 9-4561</td>
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<tr>
<td></td>
<td>Loading/Tests of Structure</td>
<td>Fax: (+358) 9-456 7006</td>
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<tr>
<td></td>
<td>P.O Box 1805</td>
<td>Homepage: <a href="http://www.vtt.fi">http://www.vtt.fi</a></td>
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<tr>
<td>17/I</td>
<td>Test Center Tiililä Oy (TCT)</td>
<td>Tel: (+358) 9-3108 3560</td>
</tr>
<tr>
<td></td>
<td>Eerikinkatu 36</td>
<td>Fax: (+358) 9-3108 3561</td>
</tr>
<tr>
<td></td>
<td>FIN-00180 Helsinki</td>
<td>Homepage: <a href="http://www.testcentertiilila.fi">http://www.testcentertiilila.fi</a></td>
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<tr>
<td>17/J</td>
<td>MTC Ab</td>
<td>Tel: (+46.8) 500 65600</td>
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<tr>
<td></td>
<td>P.O. Box 223</td>
<td>Fax: (+46.8) 500 28328</td>
</tr>
<tr>
<td></td>
<td>(Armaturvägen 1)</td>
<td>Homepage: <a href="http://www.mtc.se">http://www.mtc.se</a></td>
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<tr>
<td></td>
<td>S-13623 Haninge</td>
<td>Sweden</td>
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<tr>
<td>17/K</td>
<td>VTT Industrial Systems/Reliability and Risk Management</td>
<td>Tel: (+358) 3316-3111</td>
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<tr>
<td></td>
<td>P.O. Box 1306</td>
<td>Fax: (+358) 3316-3499</td>
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<td>Homepage: <a href="http://www.vtt.fi/tuo">http://www.vtt.fi/tuo</a></td>
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<tr>
<td>17/L</td>
<td>KEMA Registered Quality B.V.</td>
<td>Tel: (+31.26) 356 2502</td>
</tr>
<tr>
<td></td>
<td>Utrechtsweg 310</td>
<td>Fax: (+31.26) 352 5800</td>
</tr>
<tr>
<td></td>
<td>NL- 6812 AR Arnhem, Netherlands</td>
<td>Homepage: <a href="http://www.kema.nl">http://www.kema.nl</a></td>
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<tr>
<td></td>
<td>P.O. Box 9035</td>
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<td>NL-6800 ET Arnhem, Netherlands</td>
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<tr>
<td>17/M</td>
<td>SGS Fimko Oy</td>
<td>Tel: (+358) 9 696 361</td>
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<tr>
<td></td>
<td>P.O. Box 30</td>
<td>Fax: (+358) 9 692 5474</td>
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<tr>
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<td>Homepage: <a href="http://www.sgsfimko.fi">http://www.sgsfimko.fi</a></td>
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<tr>
<td>17/N</td>
<td>NATLABS Oy</td>
<td>Tel: (+358) 2047 52600</td>
</tr>
<tr>
<td></td>
<td>P.O Box 677</td>
<td>Fax: (+358) 2047 52719</td>
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<tr>
<td></td>
<td>FIN-05801 Hyvinkää</td>
<td>Homepage: <a href="http://www.natlabs.fi">http://www.natlabs.fi</a></td>
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<tr>
<td>17/O</td>
<td>Helsinki University of Technology</td>
<td>Tel: (+358) 9 451 4983</td>
</tr>
<tr>
<td></td>
<td>Lighting Laboratory</td>
<td>Fax: (+358) 9 451 4982</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 3000</td>
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<tr>
<td></td>
<td>FIN-02015 TKK</td>
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<tr>
<td>17/P</td>
<td>Denmark (E 18)</td>
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<tr>
<td>18/A</td>
<td>Road Safety and Transport Agency</td>
<td>Tel: (+45.33) 929-100</td>
</tr>
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<td>Fax: (+45.33) 932-292</td>
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<tr>
<td></td>
<td>Adelgade 13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 9039</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DK-1304 Copenhagen K</td>
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<tr>
<td>18/B</td>
<td>National Telecom Agency</td>
<td>Holsteinsgade 63, DK-2100 Copenhagen 0</td>
</tr>
<tr>
<td>18/C</td>
<td>Light &amp; Optics</td>
<td>Hjortekærsvæj 99, DK-2800 Lyngby</td>
</tr>
<tr>
<td>18/D</td>
<td>Danish Technological Institute</td>
<td>Gregersensvej, Postboks 141, DK - 2630 Taastrup</td>
</tr>
<tr>
<td>18/E</td>
<td>TÜV Automotive GmbH</td>
<td>Ridlerstrasse 65, D-80339 München, Germany</td>
</tr>
<tr>
<td>19/A</td>
<td>Ministerul Transporturilor, Constructiilor si Turismului</td>
<td>Bd. Dinicu Golescu nr. 38, Sector 1, RO-010873 Bucuresti</td>
</tr>
<tr>
<td>19/B</td>
<td>Ministerul Transporturilor, Constructiilor si Turismului</td>
<td>Registru Auto Român - R.A. (Registre Automobile Roumain)</td>
</tr>
<tr>
<td>19/C</td>
<td>Laboratorul Fotometric Electrobanat (ELBA)</td>
<td>Str. Garii Nr. 1, RO-1900 Timisoara</td>
</tr>
<tr>
<td>19/D</td>
<td>Institutul National de Autovehicule Rutiere - INAR S.A.</td>
<td>Str. Poienelor nr. 5, RO-2200 Brasov</td>
</tr>
<tr>
<td>19/E</td>
<td>Centrul de Studii pentru Autoturisme - CESAR S.A.</td>
<td>Str. 7 Septembrie 1485 nr.3, RO-0401 Colibasi - Pitesti</td>
</tr>
<tr>
<td>19/F</td>
<td>Institutul de Masini Termice - MASTER S.A.</td>
<td>Bd. Iuliu Maniu nr. 246, RO-77538 Bucuresti</td>
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QUESTIONS ON NOTICE
### Questions on Notice

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<tr>
<td>19/G</td>
<td>Institutul pentru Cercetare si Prelucrare a elastomerilor - CERELAST</td>
<td>Sos. Oltenitei nr. 181, RO-75651 Bucuresti</td>
<td>(+40.1) 303 4040</td>
<td>(+40.1) 499 0771</td>
</tr>
<tr>
<td>19/H</td>
<td>Institutul National de Cercetare - Dezvoltare pentru Masini si Instalatii destinate Agriculturii si Industriei Alimentare</td>
<td>Bd. Ion Ionescu de la Brad nr. 6, RO-71592 Bucuresti</td>
<td>(+40.1) 230 0160</td>
<td>(+40.1) 230 7858</td>
</tr>
<tr>
<td>19/I</td>
<td>Centrul Tehnic pentru Automobile Craiova (CETAC)</td>
<td>Sos. Caracal km 3, RO-1100 Craiova</td>
<td>(+40.51) 414 540</td>
<td>(+40.51) 414 540</td>
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<tr>
<td>19/J</td>
<td>Centrul de Experimentari si Studii pentru Automobile CESAR S.A.</td>
<td>Str. Traian nr. 223, RO-0425 Campulung - Muscel</td>
<td>(+40.48) 831 062</td>
<td>(+40.68) 150 620</td>
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<tr>
<td>19/K</td>
<td>TUV Rheinland Group</td>
<td>Am Grauen Stein, D-51105 Koln, Germany</td>
<td>See the statement by Romania in document TRANS/WP.29/427, para 69.</td>
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**Poland (E 20)**

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<tr>
<td>20/A</td>
<td>Ministerstwo Infrastruktury (Ministry of Infrastructure)</td>
<td>ul. Chalubinskiego 4/6, PL-00-928 Warszawa</td>
<td>(+48.22) 630 12 43</td>
<td>(+48.22) 830 06 56</td>
</tr>
<tr>
<td>20/A (a)</td>
<td>Transportowy Dozor TECHNICZNY</td>
<td>ul. Chalubinskiego 4, PL 00-928 Warszawa</td>
<td>(+48.22) 811 25 10</td>
<td>(+48.22) 811 40 62</td>
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<tr>
<td>20/B</td>
<td>Instytut Transportu Samochodowego (Motor Transport Institute)</td>
<td>ul. Jagiellonska 80, PL-03-301 Warszawa</td>
<td>(+48.22) 811 09 06</td>
<td>(+48.22) 811 14 21</td>
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<td>20/E</td>
<td>Osrodek Badawczo-Rozwojowy Przemyslu Oponiarskiego (Research and Development Centre of Tyre Industry)</td>
<td>ul. Starolecka 18, PL-61-361 Poznan</td>
<td>Tel: (+48.61) 877 45 11, Fax: (+48.61) 877 45 75, E-mail: <a href="mailto:opony@obrpostomil.poznan.pl">opony@obrpostomil.poznan.pl</a>, Homepage: <a href="http://www.obrpostomil.poznan.pl">www.obrpostomil.poznan.pl</a></td>
</tr>
<tr>
<td>20/F</td>
<td>Instytut Szkl a Ceramic i w Warszawie, Odk?j Z?miej?owy w Krakowie (Institute of Glass and Ceramics – Cracow Branch)</td>
<td>ul. Lipowa 3, PL-30-702 Krakow</td>
<td>Tel: (+48.12) 423 67 77, Fax: (+48.12) 423 58 36, E-mail: <a href="mailto:info@isic.krakow.pl">info@isic.krakow.pl</a>, Homepage: <a href="http://www.isic.krakow.pl">http://www.isic.krakow.pl</a></td>
</tr>
<tr>
<td>20/G</td>
<td>Wydzia? Transportu Politechniki Ska?skiej (Silesian University of Technology Faculty of Transport)</td>
<td>ul. J. Krasinskiego 8, PL-40-019 Katowice</td>
<td>Tel: (+48.32) 603 43 63, Fax: (+48.32) 603 41 08, E-mail: <a href="mailto:intragas@polsl.katowice.pl">intragas@polsl.katowice.pl</a>, <a href="mailto:transport@polsl.katowice.pl">transport@polsl.katowice.pl</a>, Homepage: <a href="http://www.polsl.pl">http://www.polsl.pl</a></td>
</tr>
<tr>
<td>20/I</td>
<td>Instytut Budownictwa, Mechanizacji i Elektryfikacji Rolnictwa, Oddzial w K?l?dzieku (Institute for Building, Mechanization and Electrification of Agriculture – branch in K?l?dzieku)</td>
<td>PL-05-824 K?l?dzieku k/Warszawy</td>
<td>Tel: (+48.22) 724 07 04, Fax: (+48.22) 724 07 04, E-mail: <a href="mailto:lab-bad.ibmerkludzienko@wp.pl">lab-bad.ibmerkludzienko@wp.pl</a>, Homepage: <a href="http://www.ibmer.waw.pl">http://www.ibmer.waw.pl</a></td>
</tr>
<tr>
<td>20/K</td>
<td>Transportowy Dozor Techniczny (Transportation Technical Supervision)</td>
<td>ul. Chalubinskiego 4, PL-00-928 Warszawa</td>
<td>Tel: (+48.22) 630 14 30, Fax: (+48.22) 630 14 31, E-mail: <a href="mailto:info@tdt.pl">info@tdt.pl</a>, Homepage: <a href="http://www.tdt.pl">http://www.tdt.pl</a></td>
</tr>
<tr>
<td>20/L</td>
<td>Politechnika ?wi?tokrzyska, Laboratorium Elektrotechniki Pojazdowej (Kielce University of Technology Laboratory of Car Electrotechnics)</td>
<td>Aleja Tysiaciecia P. P. 7, PL-25-314 Kielce</td>
<td>Tel: (+48.41) 342 41 43, Fax: (+48.41) 342 42 22, E-mail: <a href="mailto:enegs@tu.kielce.pl">enegs@tu.kielce.pl</a>, <a href="mailto:lep@tu.kielce.pl">lep@tu.kielce.pl</a>, Homepage: <a href="http://www.tu.kielce.pl">http://www.tu.kielce.pl</a></td>
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<tr>
<td>20/M</td>
<td>Wojskowy Instytut Techniki Pancernie i Samochodowej (Military Institute of Armoured and Automotive Technology)</td>
<td>ul. Okuniewska 1, PL-05-070 S?lejowek, skr. Pocz. 45</td>
<td>Tel: (+48.22) 783 19 28, Fax: (+48.22) 681 10 73, E-mail: <a href="mailto:sekretariat@witpis.mil.pl">sekretariat@witpis.mil.pl</a>, Homepage: <a href="http://www.witpis.mil.pl">http://www.witpis.mil.pl</a></td>
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**Portugal (E 21)**

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<tr>
<td>21/A</td>
<td>Direcc?o Geral de Via??o DSCV/DV</td>
<td>Avenida da Republica, No. 16, P-1050 Lisboa</td>
<td>Tel: (+351.1) 3122-100, Fax: (+351.1) 3555-097</td>
</tr>
<tr>
<td>21/B</td>
<td>Instituto Português da Qualidade Divisão de Marcas Rua C à Avenida dos Três Vales P-2825 Monte de Caparica</td>
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<tr>
<td></td>
<td>Tel: (+351.1) 2948-100  Fax: (+351.1) 2948-132</td>
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**Russian Federation (E 22)**

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<th>The Federal Agency on Technical Regulating and Metrology 9, Leninsky prospekt RUS-Moscow V-49, GSP-1, 119991</th>
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<tr>
<td></td>
<td>Tel: (+7.095) 236-40-44  Fax: (+7.095) 236-62-31</td>
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22/B Nauchno-issledovatelskij Centr po ispytanijam I dovodke avtomototekhniki (Centralnyj avtopoligon) (The Scientific Research Centre for Automotive Test and Development (Central Proving Ground)) g. Dmitrov-7 RUS-141800 Moskovskaya Oblast’

22/C Nauchno-issledovatelskij I experimentalnyj institut avtomobilnoj elektroniki I elektroborudovaniya (Scientific Research and Experimental Institute for Automotive Electronics and Electrical Equipment) ul. Kirpichnaya, 41 RUS-105187 Moscow

22/D Nauchno-issledovatelskij institut shinoj promyshlennosti (The Science Research Institute of Tyre Industry) ul. Burakova, d. 27 RUS-105118 Moscow

22/E Federalnyy isledovatelsky ispytatelnyy tsentr selskokhozyaistvennogo machinostroenia (Federal Agricultural Machinery Research and Test Centre) g. Chekhov RUS-142322 Moskovskaya oblast’

22/F Gosudarstvennyy nauchnyy centr Rossijskoj Federacii po avtomobilestroeniju NAMI – issledovatelskij centr (State Scientific Centre of the Russian Federation for Automobile Construction – NAMI Testing Centre) 2 Avtomotornaya St. RUS-125438 Moscow

22/G Ispytatelnyy tsentr motortransportnykh sredstv Aktsionernogo obshchestva “Motoprom” (Motor Vehicle Research Centre of “Motoprom”) Borissovskoe shosse, 17 g. Serpukhov RUS-142207 Moscow oblast’

22/H Tsentr “Steklosertifikat” (Steklosertificat Centre) Moskovskoe Sh. 2 RUS-410812 Saratov

**QUESTIONS ON NOTICE**
### QUESTIONS ON NOTICE

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<tr>
<td>22/I</td>
<td>AO “Borsky Stekolny zavod” (Bor Glassworks Joint-Stock Association)</td>
<td>g. Bor RUS, Niznegorodskaya oblast’</td>
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<tr>
<td>22/J</td>
<td>OSPAZ-Teknologiya</td>
<td>RUS-302 000 Orel</td>
<td></td>
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<tr>
<td>22/K</td>
<td>Test Laboratory “Certis”</td>
<td>Bolshaja Pushkarskaja Street, 21 RUS- 197198 St. Petersburg</td>
<td></td>
</tr>
<tr>
<td>22/L</td>
<td>The test laboratory “Sertistek-95”</td>
<td>7, Derbenievskay ulitsa RUS-Moscow 115114</td>
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#### Greece (E 23)

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<tr>
<td>23/A</td>
<td>Ministry of Transport and Communications General Directorate for Transport Vehicles Technology Directorate</td>
<td>2, Anasstasseos &amp; Tsigante Street P.C. 101 91 Athens, GREECE</td>
<td>Tel: (+30.1) 650 8440 Fax: (+30.1) 650 8425 E-mail: <a href="mailto:dto@hol.gr">dto@hol.gr</a></td>
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#### Croatia (E 25)

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<tr>
<td>25/A</td>
<td>State Office for Metrology</td>
<td>Ulica grada Vukovara 78 HR-10000 Zagreb</td>
<td>Tel: (+385.1) 610 6111 Fax: (+385.1) 610 9324 E-mail: <a href="mailto:pisarnica@dznm.hr">pisarnica@dznm.hr</a></td>
</tr>
<tr>
<td>25/B</td>
<td>Koncar – Institut za Elektrotehniku d.d. (Electrical Engineering Institute) Bastijanova bb</td>
<td>HR-10000 Zagreb</td>
<td>Tel: (+385.1) 3667-337 Fax: (+385.1) 3666-357</td>
</tr>
<tr>
<td>25/C</td>
<td>Center for Vehicles of Croatia Approval Testing Laboratory (Centar za vozila Hrvatske d.d., Laboratorij za homologacijska ispitivanja Centra za vozila Hrvatske) Sisacka 39</td>
<td>HR-10410 Velika Gorica</td>
<td>Tel: (+385.1) 6379-200 Fax: (+385.1) 6379-233</td>
</tr>
</tbody>
</table>

#### Slovenia (E 26)

<table>
<thead>
<tr>
<th>Reference</th>
<th>Company/Agency</th>
<th>Address</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>26/A</td>
<td>Ministrazvo promet - Direkcija Republike Slovenije za ceste (Ministry of Transport - Directorate of the Republic of Slovenia for Roads, Vehicle Department)</td>
<td>Trzaska 19 SLO-1535 Ljubljana</td>
<td>Tel: (+386.1) 478-8432 Fax: (+386.1) 478-8417</td>
</tr>
</tbody>
</table>
26/B  RTI d.o.o.  Tel: (+386.2) 450-2600  
Ptujska c. 184  Fax: (+386.2) 461-2374  
SLO-2000 Maribor

26/C  TOMOS-INSTITUT  Tel: (+386.5) 668-4405  
Smarska c. 4  Fax: (+386.5) 668-4417  
SLO-6000 Koper

26/D  HELLA LUX SLOVENIJA d.o.o.  Tel: (+386.1) 520-3334  
Laboratorij za fotometrijo  Fax: (+386.1) 520-3405  
Letališka cesta 17  
SLO-1000 Ljubljana

26/E  (Deleted)

26/F  (Deleted)

**Slovakia (E 27)**

27/A  The Ministry of Transport,  Tel: (+421.2) 5949 4343  
Posts and Telecommunications of the Slovak Republic  (+421.2) 5949 4692  
Nám. Slobody 6  Fax: (+421.2) 5244 2202  
SK-810 05 Bratislava

27/B  VIPOTEST, Ltd., Partizánske  Tel: (+421.42) 4612 903  
Sevice Púchov  Fax: (+421.42) 4613 355  
T. Vansovej 1054/45  
SK-020 32 Púchov

27/C  ZV-Test, Ltd.  Tel: (+421.45) 5320 802  
Buzulucká 3  Fax: (+421.45) 5401 269  
SK-960 01 Zvolen

27/D  Testing Institute for Transport and  Tel: (+421.41) 5000 185  
Construction Engineering  (+421.41) 5000 184  
Kvácalova 11  Fax: (+421.41) 7637 370  
SK-011 23 Zilina

27/E  Electrotechnical Research and  Tel: (+421.42) 4403 600  
Projecting Institute  Fax: (+421.42) 4403 502  
Trnčianska 19  
SK-018 51 Nova Dubnica

27/F  SLOVDEKRA, Ltd.  Tel: (+421.2) 642 88 096  
Poliánky 19  Fax: (+421.2) 642 88 515  
P.O. Box 57  
SK-844 57 Bratislava 42

27/G  EXAKTA, Ltd.  Tel: (+421.55) 6233 934  
Testing Institute for the Transport  Fax: (+421.55) 6233 934  
and Construction Engineering  
Hranici 2

27/H  Transport Research Institute J.S. Co.  Tel: (+421.41) 568 6409  
Veľký diel 3323  Fax: (+421.41) 565 2883  
SK-010 08 Zilina

**QUESTIONS ON NOTICE**
### Belarus (E 28)

<table>
<thead>
<tr>
<th>No.</th>
<th>Organization</th>
<th>Address</th>
<th>Telephone/Fax</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>28/A</td>
<td>Committee on Standardization, Metrology and Certification (Belstandart)</td>
<td>Starovilenskii trakt 93, SU-220053 Minsk</td>
<td>Tel/fax: (+375-17) 233-25-88</td>
<td>E-mail: <a href="mailto:belst@belgim.belpak.minsk.by">belst@belgim.belpak.minsk.by</a></td>
</tr>
<tr>
<td>28/B</td>
<td>Belarusian National Engineering University</td>
<td>Prospect F.Skoriny 65, build. 8, SU-220013 Minsk</td>
<td>Tel/fax: (+375-17) 231-26-93</td>
<td>E-mail: <a href="mailto:rand@bntu.edu.by">rand@bntu.edu.by</a></td>
</tr>
<tr>
<td>28/C</td>
<td>RUE Minsk Automobile Plant “MAZ” Test Centre</td>
<td>Sotsialisticheskaya str. 2, SU-220021 Minsk</td>
<td>Tel/fax: (+375-17) 217-96-02</td>
<td>E-mail: <a href="mailto:ktosjriaz@tut.by">ktosjriaz@tut.by</a></td>
</tr>
<tr>
<td>28/D</td>
<td>Byelorussian Tyre Combine “Belshina”</td>
<td>SU-213824 Minskoe Shosse, Bobruisk, Mogilev region</td>
<td>Tel: (+375-225) 43-43-90, (+375-225) 43-43-50</td>
<td>E-mail: <a href="mailto:belshina@belshina.biz">belshina@belshina.biz</a></td>
</tr>
<tr>
<td>28/E</td>
<td>Byelorussian State Agricultural Machinery Testing Station</td>
<td>SU-223062, Privolnyi settlement, Minsk district, Minsk region</td>
<td>Tel: (+375-17) 501-42-55, Fax: (+375-17) 501-42-58</td>
<td>E-mail: <a href="mailto:belmis@mail.belpak.by">belmis@mail.belpak.by</a></td>
</tr>
<tr>
<td>28/F</td>
<td>Minsk Moped and Velocipede Factory Collective Enterprise</td>
<td>Prospect Partizanskii 8, SU-220765 Minsk</td>
<td>Tel: (+375-17) 298-14-19, Fax: (+375-17) 298-14-53</td>
<td>E-mail: <a href="mailto:ogkjnotovelo@tut.by">ogkjnotovelo@tut.by</a></td>
</tr>
<tr>
<td>28/G</td>
<td>Minsk Motor Factory Production Association</td>
<td>Vaupshasova str. 4, SU-220070 Minsk</td>
<td>Tel: (+375-17) 230-11-24, Fax: (+375-17) 230-81-51</td>
<td></td>
</tr>
<tr>
<td>28/H</td>
<td>“Testmash” Testing Centre</td>
<td>Uliitsa Skoriny 12, Apt. 33, SU-220072 Minsk</td>
<td></td>
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</tr>
<tr>
<td>28/I</td>
<td>“Rudinsk” Joint Stock Company</td>
<td>Leninskaya str. 1, Rudinsk urban settlement, SU-222850 Minsk region</td>
<td>Tel: (+375-1713) 6-31-87, Fax: (+375-17) 210-08-97</td>
<td>E-mail: <a href="mailto:plast.rudensk@rambler.ru">plast.rudensk@rambler.ru</a></td>
</tr>
<tr>
<td>28/J</td>
<td>State Electrical Communications Inspectorate of the Ministry of Communications and Data Processing of the Republic of Belarus</td>
<td>Engelsa str. 22, SU-220030 Minsk</td>
<td>Tel/fax: (+375-17) 222-47-82, E-mail: <a href="mailto:belgie@mail.belpak.by">belgie@mail.belpak.by</a></td>
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<tr>
<td>28/K</td>
<td>OJSC “MAZ-Kupava” (Automobile Trailers and Bodies Plant MAZ-Kupava, Ltd.)</td>
<td>Maschinostroitelei str. 18, SU-220118 Minsk</td>
<td>Tel/fax: (+375-17) 241-55-61, E-mail: <a href="mailto:osis@kupava.by">osis@kupava.by</a></td>
<td></td>
</tr>
<tr>
<td>28/L</td>
<td>Optical and Electronic Instruments Research Centre of the Belarusian National Engineering University</td>
<td>Prospect F.Skoriny 65 build. 17, SU-220013 Minsk</td>
<td>Tel: (+375-17) 232-53-61, Fax: (+375-17) 232-77-61</td>
<td>E-mail: <a href="mailto:ie-ziukov@bntu.by">ie-ziukov@bntu.by</a></td>
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**QUESTIONS ON NOTICE**
<table>
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<tr>
<th>Question</th>
<th>Testing Centre of the Republican Unitary Production Enterprise “Minsk Wheel Truck Plant” (UE “MZKT”) Prospekt Partizanski 150 SU-220021 Minsk</th>
<th>Tel: (+375-17) 238-10-39 Fax: (+375-17) 238-10-35 E-mail: <a href="mailto:rs@mzkt.by">rs@mzkt.by</a></th>
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</thead>
<tbody>
<tr>
<td>Question</td>
<td>Testing Laboratory of the Division of Technical Control Open Joint-Stock Company “Gomel-glass” 25, Gomelskaya St. 247045 Gomel Republic of Belarus</td>
<td>Tel: (+375-232) 97 23 58 Fax: (+375-232) 55 30 87 E-mail: <a href="mailto:gomelglass@mail.ru">gomelglass@mail.ru</a></td>
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<tr>
<td>Estonia (E 29)</td>
<td>Estonian National Motor Vehicle Registration Centre 19 Mäepealse Street EE-12618 Tallinn</td>
<td>Tel: (37.2) 6201-200 Fax: (37.2) 6397-606</td>
</tr>
<tr>
<td>Question</td>
<td>OÜ Tehnomert Suur-Ameerika 35-34 EE-0001 Tallinn</td>
<td>Tel: (37.2) 6500-291 Fax: (37.2) 6500-370</td>
</tr>
<tr>
<td>Bosnia and Herzegovina (E 31)</td>
<td>Institute for Standardization, Metrology and Patents of Bosnia and Herzegovina (Zavod za standardizaciju, meritelstvo i patente Bosne i Hercegovine) Hamdije Cemerlica 2 (Energoinvest bldg.) BIH-71000 Sarajevo</td>
<td>Tel: (+387.33) 652 765 Fax: (+387.33) 652 818</td>
</tr>
<tr>
<td>Latvia (E 32)</td>
<td>Road Traffic Safety Directorate 25, Miera Str. LV-1001 Riga</td>
<td>Tel: (+371) 702-5750 Fax: (+371) 782-8301</td>
</tr>
<tr>
<td>Question</td>
<td>Lauksaimniecibas tehnikas sertifikacijas un testesanas centr (Certification and Testing Center of Agricultural Machinery) Darza iela 12, Priekulu pagasts LV – 4126</td>
<td>Tel: (+371) 413-0532 Fax: (+371) 413-0630 E-mail: <a href="mailto:andris@vbmis.apollo.lv">andris@vbmis.apollo.lv</a> Homepage: <a href="http://www.ltstc.lv">http://www.ltstc.lv</a></td>
</tr>
<tr>
<td>Bulgaria (E 34)</td>
<td>Ministry of Transport and Communications Executive Agency Road Transport Administration 5, Gen. Gurko Street BG-1000 Sofia</td>
<td>Tel: (+359.2) 930-88-40 Fax: (+359.2) 988-54-95 E-mail: <a href="mailto:avto_a@mtc.government.bg">avto_a@mtc.government.bg</a></td>
</tr>
<tr>
<td>Country</td>
<td>Contact Details</td>
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<tr>
<td>Lithuania (E 36)</td>
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<tr>
<td>36/A</td>
<td>State Road Transport Inspectorate Str. Svitrigailos 42/31 LT-2600 Vilnius Tel: (+370.5) 278-5602</td>
<td></td>
</tr>
<tr>
<td>36/B</td>
<td>State Testing Station for Machines at the Ministry of Agriculture Str. Neries 4 Domeikava LT-54370 Kaunas District Tel: (+370.37) 477521</td>
<td></td>
</tr>
</tbody>
</table>

| Turkey (E 37) | |
| 37/A | Ministry of Industry and Trade of the Republic of Turkey General Directorate of Industry Eskisehir Yolu, 7.km No. 154 06520 TR-Ankara Tel: (+90.312) 287-7295 |
| 37/B | Türk Standartları Enstitüsü (TSE) Necatibey Caddesi No. 112 Bakanlıklar 06100 TR-Ankara Tel: (+90.312) 4178-330/281 |
| 37/C | İstanbul Teknik Üniversitesi (ITU) Otomotiv Ana Bilim Dali Gümüşbaşı 80191 TR-Istanbul Tel: (+90.212) 285-3451 |
| 37/D | Tarım ve Köy İşleri Bakanlığı Tel: (+90.312) 315-8574 |
| 37/E | Fren Teknik Otomotiv Sanayi ve Ticaret Limited Şirketi Dolapdere Sanayi Sitesi 17 ada No. 52 34670 Ikitelli/Istanbul Tel: (+90.212) 549-9977 (pbx) (+90.212) 549-9974 (direct) |

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-------------- (E 38)
Azerbaijan (E 39)
F.Y.R. of Macedonia (E 40)

40/A Service of Standardization and Metrology
(Ministry of Economy)
(Samoilova 10
1000 Skopje

40/B Faculty of Mechanical Engineering
(Karpos II bb
1000 Skopje

-------------- (E 41)
European Community (E 42)
Japan (E 43)

43/A Ministry of Land, Infrastructure and Transport
2-1-3, Kasumigaseki, Chiyoda-ku,
Tokyo 100-8918 Japan

43/B Automobile Type Approval Test Division
National Traffic Safety and Environment Laboratory
7-42-27, Jindaijihigashimachi, Chofu,
Tokyo 182-0012 Japan

-------------- (E 44)
Australia (E 45)
Ukraine (E 46)

46/A (a) Ministry of Transport
Schors Str., 7/9
UA - 03680, Kyiv, Ukraine

(b) State Road Transport Research Institute
(Executive Body of the Ministry of Transport)
Peremohy Ave., 57
UA-03113, Kyiv, Ukraine

46/B State Road Transport Research Institute
Road Vehicle Homologation Centre
Peremohy Ave., 57
UA-03113, Kyiv, Ukraine

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QUESTIONS ON NOTICE