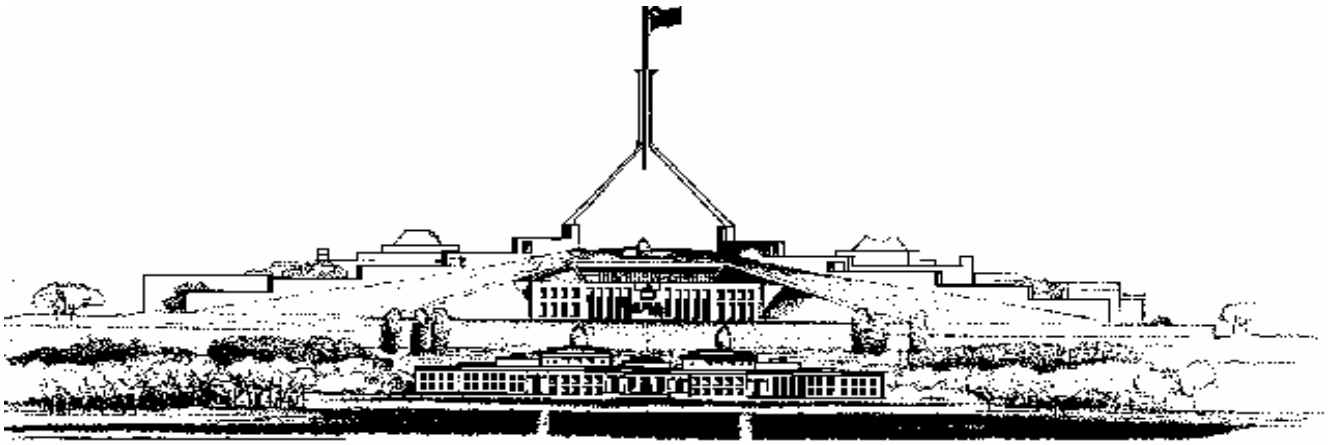
COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



SENATE

Official Hansard

No. 8, 2003

MONDAY, 11 AUGUST 2003

FORTIETH PARLIAMENT
FIRST SESSION—SIXTH PERIOD

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2003

Month	Date
February	4, 5, 6
March	3, 4, 5, 6, 18, 19, 20, 24, 25, 26, 27
May	13, 14, 15
June	16, 17, 18, 19, 23, 24, 25, 26
August	11, 12, 13, 14, 18, 19, 20, 21
September	8, 9, 10, 11, 15, 16, 17, 18
October	7, 8, 9, 13, 14, 15, 16, 27, 28, 29, 30
November	3, 4, 24, 25, 26, 27
December	1, 2, 3, 4

RADIO BROADCASTS

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

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SYDNEY	630 AM
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BRISBANE	936 AM
MELBOURNE	1026 AM
ADELAIDE	972 AM
PERTH	585 AM
HOBART	729 AM
DARWIN	102.5 FM

FORTIETH PARLIAMENT
FIRST SESSION—SIXTH PERIOD

Governor-General

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

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert

Deputy President and Chairman of Committees—Senator John Joseph Hogg

Temporary Chairmen of Committees—Senators Hon. Nick Bolkus, George Henry Brandis, Hedley Grant Pearson Chapman, John Clifford Cherry, Hon. Peter Francis Salmon Cook, Alan Baird Ferguson, Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles, Philip Ross Lightfoot, John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall, Jan Elizabeth McLucas and John Odin Wentworth Watson

Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill

Deputy Leader of the Government in the Senate—Senator the Hon. Richard Kenneth Robert Alston

Leader of the Opposition in the Senate—Senator the Hon. John Philip Faulkner

Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy

Manager of Government Business in the Senate—Senator the Hon. Ian Gordon Campbell

Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill

Deputy Leader of the Liberal Party of Australia—Senator the Hon. Richard Kenneth Robert Alston

Leader of the National Party of Australia—Senator the Hon. Ronald Leslie Doyle Boswell

Leader of the Australian Labor Party—Senator the Hon. John Philip Faulkner

Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy

Leader of the Australian Democrats—Senator Andrew John Julian Bartlett

Printed by authority of the Senate

Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	Tas.	30.6.2005	LP
Allison, Lynette Fay	Vic.	30.6.2008	AD
Alston, Hon. Richard Kenneth Robert	Vic.	30.6.2008	LP
Barnett, Guy [5]	Tas.	30.6.2005	LP
Bartlett, Andrew John Julian	Qld	30.6.2008	AD
Bishop, Thomas Mark	WA	30.6.2008	ALP
Bolkus, Hon. Nick	SA	30.6.2005	ALP
Boswell, Hon. Ronald Leslie Doyle	Qld	30.6.2008	NP
Brandis, George Henry [2]	Qld	30.6.2005	LP
Brown, Robert James	Tas.	30.6.2008	AG
Buckland, Geoffrey Frederick [4]	SA	30.6.2005	ALP
Calvert, Hon. Paul Henry	Tas.	30.6.2008	LP
Campbell, George	NSW	30.6.2008	ALP
Campbell, Hon. Ian Gordon	WA	30.6.2005	LP
Carr, Kim John	Vic.	30.6.2005	ALP
Chapman, Hedley Grant Pearson	SA	30.6.2008	LP
Cherry, John Clifford [3]	Qld	30.6.2005	AD
Colbeck, Richard Mansell	Tas.	30.6.2008	LP
Collins, Jacinta Mary Ann	Vic.	30.6.2005	ALP
Conroy, Stephen Michael	Vic.	30.6.2005	ALP
Cook, Hon. Peter Francis Salmon	WA	30.6.2005	ALP
Coonan, Hon. Helen Lloyd	NSW	30.6.2008	LP
Crossin, Patricia Margaret [1]	NT		ALP
Denman, Kay Janet	Tas.	30.6.2005	ALP
Eggleston, Alan	WA	30.6.2008	LP
Ellison, Hon. Christopher Martin	WA	30.6.2005	LP
Evans, Christopher Vaughan	WA	30.6.2005	ALP
Faulkner, Hon. John Philip	NSW	30.6.2005	ALP
Ferguson, Alan Baird	SA	30.6.2005	LP
Ferris, Jeannie Margaret	SA	30.6.2008	LP
Forshaw, Michael George	NSW	30.6.2005	ALP
Greig, Brian Andrew	WA	30.6.2005	AD
Harradine, Brian	Tas.	30.6.2005	Ind.
Harris, Leonard William	Qld	30.6.2005	PHON
Heffernan, Hon. William Daniel	NSW	30.6.2005	LP
Hill, Hon. Robert Murray	SA	30.6.2008	LP
Hogg, John Joseph	Qld	30.6.2008	ALP
Humphries, Gary John Joseph [1][7]	ACT		LP
Hutchins, Stephen Patrick	NSW	30.6.2005	ALP
Johnston, David Albert Lloyd	WA	30.6.2008	LP
Kemp, Hon. Charles Roderick	Vic.	30.6.2008	LP
Kirk, Linda Jean	SA	30.6.2008	ALP
Knowles, Susan Christine	WA	30.6.2005	LP
Lees, Meg Heather	SA	30.6.2005	APA
Lightfoot, Philip Ross	WA	30.6.2008	LP
Ludwig, Joseph William	Qld	30.6.2005	ALP
Lundy, Kate Alexandra [1]	ACT		ALP
Macdonald, Hon. Ian Douglas	Qld	30.6.2008	LP

Senator	State or Territory	Term expires	Party
Macdonald, John Alexander Lindsay (Sandy)	NSW	30.6.2008	NP
McGauran, Julian John James	Vic.	30.6.2005	NP
Mackay, Susan Mary	Tas.	30.6.2008	ALP
McLucas, Jan Elizabeth	Qld	30.6.2005	ALP
Marshall, Gavin Mark	Vic.	30.6.2008	ALP
Mason, Brett John	Qld	30.6.2005	LP
Minchin, Hon. Nicholas Hugh	SA	30.6.2005	LP
Moore, Claire Mary	Qld	30.6.2008	ALP
Murphy, Shayne Michael	Tas.	30.6.2005	Ind.
Murray, Andrew James Marshall	WA	30.6.2008	AD
Nettle, Kerry Michelle	NSW	30.6.2008	AG
O'Brien, Kerry Williams Kelso	Tas.	30.6.2005	ALP
Patterson, Hon. Kay Christine Lesley	Vic.	30.6.2008	LP
Payne, Marise Ann	NSW	30.6.2008	LP
Ray, Hon. Robert Francis	Vic.	30.6.2008	ALP
Ridgeway, Aden Derek	NSW	30.6.2005	AD
Santoro, Santo [6]	Qld	30.6.2008	LP
Scullion, Nigel Gregory [1]	NT		CLP
Sherry, Hon. Nicholas John	Tas.	30.6.2008	ALP
Stephens, Ursula Mary	NSW	30.6.2008	ALP
Stott Despoja, Natasha Jessica	SA	30.6.2008	AD
Tchen, Tsebin	Vic.	30.6.2005	LP
Tierney, John William	NSW	30.6.2005	LP
Troeth, Hon. Judith Mary	Vic.	30.6.2005	LP
Vanstone, Hon. Amanda Eloise	SA	30.6.2005	LP
Watson, John Odin Wentworth	Tas.	30.6.2008	LP
Webber, Ruth Stephanie	WA	30.6.2008	ALP
Wong, Penelope Ying Yen	SA	30.6.2008	ALP

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

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

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

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

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

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

(7) Chosen by the Legislative Assembly of the Australian Capital Territory to fill a casual vacancy vice Hon. Margaret Reid, resigned.

PARTY ABBREVIATIONS

AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; APA—Australian Progressive Alliance; CLP—Country Labor Party; Ind.—Independent; LP—Liberal Party of Australia; NP—National Party of Australia; PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments

Clerk of the Senate—H. Evans

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

Departmental Secretary, Parliamentary Library—J.W. Templeton

Departmental Secretary, Parliamentary Reporting Staff—J.W. Templeton

Departmental Secretary, Joint House Department—M.W. Bolton

HOWARD MINISTRY

Prime Minister	The Hon. John Winston Howard MP
Minister for Transport and Regional Services and Deputy Prime Minister	The Hon. John Duncan Anderson MP
Treasurer	The Hon. Peter Howard Costello MP
Minister for Trade	The Hon. Mark Anthony James Vaile MP
Minister for Foreign Affairs	The Hon. Alexander John Gosse Downer MP
Minister for Defence and Leader of the Government in the Senate	Senator the Hon. Robert Murray Hill
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate	Senator the Hon. Richard Kenneth Robert Alston
Minister for Employment and Workplace Relations, Minister Assisting the Prime Minister for the Public Service and Leader of the House	The Hon. Anthony John Abbott MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation	The Hon. Philip Maxwell Ruddock MP
Minister for the Environment and Heritage and Vice-President of the Executive Council	The Hon. Dr David Alistair Kemp MP
Attorney-General	The Hon. Daryl Robert Williams AM, QC, MP
Minister for Finance and Administration	Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry	The Hon. Warren Errol Truss MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women	Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training	The Hon. Dr Brendan John Nelson MP
Minister for Health and Ageing	Senator the Hon. Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources	The Hon. Ian Elgin Macfarlane MP

(The above ministers constitute the cabinet)

HOWARD MINISTRY—*continued*

Minister for Justice and Customs	Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation	Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport	Senator the Hon. Charles Roderick Kemp
Minister for Small Business and Tourism	The Hon. Joseph Benedict Hockey MP
Minister for Science and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Regional Services, Territories and Local Government	The Hon. Charles Wilson Tuckey MP
Minister for Children and Youth Affairs	The Hon. Lawrence James Anthony MP
Minister for Employment Services	The Hon. Malcolm Thomas Brough MP
Special Minister of State	Senator the Hon. Eric Abetz
Minister for Veterans' Affairs and Minister Assisting the Minister for Defence	The Hon. Danna Sue Vale MP
Minister for Revenue and Assistant Treasurer	Senator the Hon. Helen Lloyd Coonan
Minister for Ageing	The Hon. Kevin James Andrews MP
Minister for Citizenship and Multicultural Affairs	The Hon. Gary Douglas Hardgrave MP
Parliamentary Secretary to the Prime Minister	The Hon. Jacqueline Marie Kelly MP
Parliamentary Secretary to the Minister for Transport and Regional Services	Senator the Hon. Ronald Leslie Doyle Boswell
Parliamentary Secretary to the Treasurer and Manager of Government Business in the Senate	Senator the Hon. Ian Gordon Campbell
Parliamentary Secretary to the Minister for Foreign Affairs	The Hon. Christine Ann Gallus MP
Parliamentary Secretary to the Minister for Defence	The Hon. Frances Esther Bailey MP
Parliamentary Secretary to the Minister for the Environment and Heritage	The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Finance and Administration	The Hon. Peter Neil Slipper MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry	Senator the Hon. Judith Mary Troeth
Parliamentary Secretary to the Minister for Family and Community Services	The Hon. Ross Alexander Cameron MP
Parliamentary Secretary to the Minister for Health and Ageing	The Hon. Patricia Mary Worth MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Warren George Entsch MP

SHADOW MINISTRY

Leader of the Opposition	The Hon. Simon Findlay Crean MP
Deputy Leader of the Opposition and Shadow Minister for Employment, Education and Training and Science	Jenny Macklin MP
Leader of the Opposition in the Senate, Shadow Special Minister of State and Shadow Minister for Home Affairs	Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition in the Senate and Shadow Minister for Trade, Corporate Governance, Financial Services and Small Business	Senator Stephen Conroy
Shadow Minister for Employment Services and Training	Anthony Albanese MP
Shadow Minister for Veterans' Affairs and Shadow Minister for Customs	Senator Mark Bishop
Shadow Minister for Industry, Innovation, Science and Research and Shadow Minister for the Public Service	Senator Kim Carr
Shadow Minister for Children and Youth	Senator Jacinda Collins
Shadow Assistant Treasurer	David Cox MP
Shadow Minister for Ageing and Seniors and Assisting the Shadow Minister for Disabilities	Annette Ellis MP
Shadow Minister for Workplace Relations	Craig Emerson MP
Shadow Minister for Defence	Senator Chris Evans
Shadow Minister for Citizenship and Multicultural Affairs	Laurie Ferguson MP
Shadow Minister for Urban and Regional Development and Shadow Minister for Transport and Infrastructure	Martin Ferguson MP
Shadow Minister for Resources and Shadow Minister for Tourism	Joel Fitzgibbon MP
Shadow Minister for Health and Deputy Manager of Opposition Business	Julia Gillard MP
Shadow Minister for Consumer Protection and Consumer Health	Alan Griffin MP
Shadow Treasurer and Manager of Opposition Business	Mark Latham MP
Shadow Minister for Information Technology, Shadow Minister for Sport and Shadow Minister for the Arts	Senator Kate Lundy
Shadow Attorney-General and Shadow Minister for Justice and Community Security	Robert McClelland MP

SHADOW MINISTRY—*continued*

Shadow Minister for Cabinet and Finance and Shadow Minister for Reconciliation and Indigenous Affairs	Bob McMullan MP
Shadow Minister for Heritage and Territories	Daryl Melham MP
Shadow Minister for Primary Industries	Senator Kerry O'Brien
Shadow Minister for Regional Services, Shadow Minister for Local Government and Shadow Minister for Housing	Gavan O'Connor MP
Shadow Minister for Population and Immigration and Shadow Minister Assisting the Leader on the Status of Women	Nicola Roxon MP
Shadow Minister for Foreign Affairs	Kevin Rudd MP
Shadow Minister for Retirement Incomes and Savings	Senator the Hon. Nick Sherry
Shadow Minister for Family and Community Services	Wayne Swan MP
Shadow Minister for Communications	Lindsay Tanner MP
Shadow Minister for Sustainability and the Environment	Kelvin Thomson MP
Parliamentary Secretary (Manufacturing Industries)	Senator George Campbell
Parliamentary Secretary (Defence)	The Hon. Graham Edwards MP
Parliamentary Secretary (Family and Community Services)	Senator Michael Forshaw
Parliamentary Secretary (Sustainability and the Environment) and Parliamentary Secretary (Heritage)	Kirsten Livermore MP
Parliamentary Secretary (Attorney-General) and Manager of Opposition Business in the Senate	Senator Joseph Ludwig
Parliamentary Secretary (Leader of the Opposition)	John Murphy MP
Parliamentary Secretary (Communications)	Michelle O'Byrne MP
Parliamentary Secretary (Primary Industries)	Sid Sidebottom MP
Parliamentary Secretary (Northern Australia and the Territories) and Parliamentary Secretary (Reconciliation)	The Hon. Warren Snowdon MP
Parliamentary Secretary (Regional Development, Transport, Infrastructure and Tourism)	Christian Zahra MP

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MONDAY, 11 AUGUST

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CONTENTS—*continued*

Monday, 11 August 2003

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

PARLIAMENT HOUSE: NEW PAGER SYSTEM

The PRESIDENT (12.31 p.m.)—I advise honourable senators that a new pager system for senators will be introduced in Parliament House during the current sittings. The present pager system is more than 15 years old and has reached the end of its serviceable life. The pagers are no longer manufactured and are becoming increasingly unreliable. The unavailability of components makes repairs difficult and at times impossible, and the number of spare pagers available is rapidly diminishing. The Whips' offices have played a major role in the selection, testing and implementation planning for the new system. The roll-out for senators started today, with pagers being given to the Democrats, Greens and Independent senators. Government and opposition senators will progressively receive new pagers from 27 October 2003.

Individual training will be offered to all senators before they are issued with the new pagers. Documentation will be provided and, on the day of each roll-out, senators will have easy access to support staff should assistance be required. The Department of the Parliamentary Reporting Staff is responsible for the new pager system. Should honourable senators have any questions on the planned roll-out, advice is available from the department's client services desk, on Parliament House extension 2020.

AUSTRALIAN LABOR PARTY

Leadership and Office Holders

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (12.32 p.m.)—I seek leave to incorporate in *Hansard* a revised list of the shadow ministry, including shadow parliamentary secretaries and representation in both chambers.

Leave granted.

The document read as follows—

SHADOW MINISTRY

2 July 2003

PORTFOLIO	SHADOW MINISTER[1]	OTHER CHAMBER
Leader	The Hon. Simon Crean MP	Senator the Hon. John Faulkner
- Parliamentary Secretary	John Murphy MP	
Deputy Leader.	Jenny Macklin MP	Senator Kim Carr
Employment, Education and Training		
Leader of the Opposition in the Senate. Special Minister of State;	Senator the Hon. John Faulkner	Daryl Melham MP
Home Affairs		Robert McClelland MP
Deputy Leader of the Opposition in the Senate. Trade,	Senator Stephen Conroy	Craig Emerson MP
Corporate Governance, Financial Services and Small Business		David Cox MP
Employment Services and Training	Anthony Albanese MP	Senator Kim Carr
Veterans' Affairs;	Senator Mark Bishop	The Hon. Graham Edwards MP
Customs		Robert McClelland MP
Industry, Innovation,	Senator Kim Carr	Craig Emerson MP
Science and Research; Public Service		Anthony Albanese MP
- Parliamentary Secretary (Manufacturing Industries)	Senator George Campbell	

PORTFOLIO	SHADOW MINISTER[1]	OTHER CHAMBER
Children and Youth	Senator Jacinta Collins	Nicola Roxon MP
Assistant Shadow Treasurer	David Cox MP	Senator the Hon. Nick Sherry
Ageing and Seniors;	Annette Ellis MP	Senator Michael Forshaw
Disabilities		Senator Jacinta Collins
Workplace Relations	Craig Emerson MP	Senator Jacinta Collins
Defence	Senator Chris Evans	The Hon. Graham Edwards
- Parliamentary Secretary	The Hon. Graham Edwards	
Citizenship and Multicultural Affairs	Laurie Ferguson MP	Senator the Hon. Nick Sherry
Urban and Regional Development;	Martin Ferguson MP	Senator Kerry O'Brien
Transport and Infrastructure		Senator Jacinta Collins (Urban Development)
- Parliamentary Secretary (Northern Australia)	The Hon. Warren Snowdon MP	
- Parliamentary Secretary (Regional Development, Transport, Infrastructure and Tourism	Christian Zahra MP	
Resources; Tourism	Joel Fitzgibbon MP	Senator Kerry O'Brien
Health	Julia Gillard MP	Senator Chris Evans
Deputy Manager of Opposition Business		
Consumer Protection and Consumer Health	Alan Griffin	Senator Michael Forshaw
Treasury	Mark Latham MP	Senator Stephen Conroy
Manager of Opposition Business		
Information Technology; Sport; The Arts	Senator Kate Lundy	Lindsay Tanner MP
Attorney-General; Justice and Community Security	Robert McClelland MP	Senator Joseph Ludwig
- Parliamentary Secretary (Attorney-General); Manager of Opposition Business in the Senate	Senator Joseph Ludwig	
Cabinet and Finance;	Bob McMullan MP	Senator Stephen Conroy
Reconciliation and Indigenous Affairs		Senator Chris Evans
- Parliamentary Secretary (Reconciliation)	The Hon. Warren Snowdon MP	
Heritage and Territories	Daryl Melham MP	Senator Kate Lundy
- Parliamentary Secretary (Heritage)	Kirsten Livermore MP	
Primary Industries	Senator Kerry O'Brien	Joel Fitzgibbon MP
- Parliamentary Secretary	Sid Sidebottom MP	
Regional Services; Local Government;	Gavan O'Connor MP	Senator Kerry O'Brien
Housing		Jacinta Collins
Population and Immigration;	Nicola Roxon MP	Senator the Hon. Nick Sherry
Assisting the Leader on the Status of Women		Senator Kate Lundy
Foreign Affairs	Kevin Rudd MP	Senator the Hon. John Faulkner
Retirement Incomes and Savings	Senator the Hon. Nick Sherry	David Cox MP
Family and Community Services	Wayne Swan MP	Senator Mark Bishop
- Parliamentary Secretary	Senator Michael Forshaw	
Communications	Lindsay Tanner MP	Senator Mark Bishop
- Parliamentary Secretary	Michelle O'Byrne MP	
Sustainability and the Environment	Kelvin Thomson MP	Senator Kate Lundy

CHAMBER

PORTFOLIO		SHADOW MINISTER[1]	OTHER CHAMBER
- Parliamentary Secretary		Kirsten Livermore MP	
Chief Opposition Whip	Janice Crosio MP	Senate Whip	Senator Sue Mackay
Whip in the House of Representatives	Michael Danby MP	Deputy Senate Whip	Senator Trish Crossin
Whip in the House of Representatives	Harry Quick	Deputy Senate Whip	Senator Geoff Buckland

1 Parliamentary Secretaries are shown in italics.

PRODUCT STEWARDSHIP (OIL) LEGISLATION AMENDMENT BILL (No. 1) 2003

Second Reading

Debate resumed from 24 June, on motion by **Senator Abetz**:

That this bill be now read a second time.

Senator LUNDY (Australian Capital Territory) (12.32 p.m.)—The bill before us is the Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003, which will be supported by Labor. The product stewardship arrangements for waste oil are part of the Measures for a Better Environment package, which forms a key part of the Democrats' GST deal. This package includes the Greenhouse Gas Abatement Program, the Renewable Remote Power Generation Program, CNG and LPG vehicle conversion, the development and commercialisation of renewable energy, and diesel and oil recycling measures. Although Labor will support this bill, we do not support the fact that the MBE package has been consistently and massively underspent, a point I will get back to in a moment.

The Customs Tariff Amendment (Product Stewardship for Waste Oil) Act 2000 and the Excise Tariff Amendment (Product Stewardship for Waste Oil) Act 2000 impose a levy on certain petroleum based oils and greases and their synthetic equivalents to fund the development of a recycling program for waste oil—the product stewardship arrangements for waste oil, known as the PSO. The intention of the product stewardship arrangements for waste oil is to reduce the environmental impact of waste oil by imposing a levy on virgin oils and lubricants. The levy is used to fund a benefit scheme designed to encourage the recycling of waste oils. Benefits are paid on a six-tiered differentiated scale, with differing benefit rates for various waste oil recycling activities. Multi-use oils that are used in a specific way, either in the manufacture of another product or in a process that does not create a recyclable waste oil stream and is considered to present a low level of risk to the environment, are outside the original policy intent of the product stewardship arrangements for waste oil. This bill provides the mechanism for exempting such oils from the levy.

To effect this exemption, a new category of benefit, to be known as the category 8 benefit, will be paid under the Product Stewardship (Oil) Act 2000 at the same rate as the levy for uses of oil approved by the Minister for the Environment and Heritage by *Gazette* notice. The purpose of this bill is: to amend the Product Stewardship (Oil) Act 2000 to provide an effective exemption for certain multi-use oils and uses of multi-use oils from the product stewardship oil levy; to introduce a mechanism that will allow the Minister for the Environment and Heritage to approve the uses of certain oils as eligible for the category 8 benefit; and to implement consequential amendments to the Product Grants and Benefits Administration Act 2000 to enable

category 8 claimants to register for PSO benefits.

Clearly, the destination of waste oil in Australia is a cause for concern—quite simply, it appears that we do not seem to know where it is going, so it is highly appropriate that measures are taken to address this issue. In her press release of 11 June, Dr Sharman Stone, the Parliamentary Secretary to the Minister for the Environment and Heritage, outlined the scope of the problem. She said:

> More than 500 million litres of lubricating oil is sold each year in Australia, over half of which is collected and recycled after use. Still, a large percentage of this used oil remains unaccounted for, and it could be hurting our environment.
>
> Waste oil contains hazardous materials that are toxic and carcinogenic, and is harmful to the environment when irresponsibly discarded. These materials include benzene, toluene, dioxins, and other light hydrocarbons.

Dr Stone went on to say:

> Recent figures suggest that more than 100 million litres of waste oil goes missing each year, which can be harmful to humans and the environment. It takes only one litre of oil to contaminate a million litres of drinking water ...

Naturally this is of concern to the Labor Party, and that is why we are supporting the bill. However, Dr Stone's next statement in the same press release highlights one of the reasons why the Australian Labor Party keep finding ourselves in conflict with the coalition over environmental issues—that is, the practice of the Howard government to consistently underspend on their environmental promises. They say one thing and do another. Dr Stone went on to say:

> The Howard Government has allocated $60 million to the Product Stewardship arrangements for waste oil, which began in January 2001.

No doubt the coalition thought that this would have been well received by Australians genuinely concerned about the impact that waste oil is having on our environment. However, we will never get a chance to find out, because it did not take long before these commitments were exposed as mere rhetoric and hollow promises of funding which were broken.

In this year's budget the government cut $40 million from the original $60 million transitional assistance component of the federal government's used oil recycling scheme, as the funding was considered no longer necessary for program implementation. The *Environmental Manager* journal of 20 May 2003 reported:

> A 'reprioritisation' will see some funds originally intended for the $60m transitional assistance component of the Fed Govt's used oil recycling scheme now go to other environment protection initiatives, the Budget papers show.
>
> An EM source said the oil stewardship advisory council had been assured funds would not be redirected. However, the minister's office said no such undertaking was given and the council has been informed the scheme may be amended.

This latest cut to environment spending by the Howard government is, sadly, but one of many examples of the government's record of cuts and underspending.

I opened my comments on this bill reflecting on the fact that the government's Measures for a Better Environment package has been consistently and massively underspent. The original MBE commitment was $896 million over four years from 2000-01 to 2003-04. However, we have now discovered that this commitment, like so many of the coalition's commitments, has been watered down by the Howard government. For a start, funding over the life of the program will also be cut from a promised $896 million down to $812 million, a cut of some $84 million. It may seem like a proportionally small cut, until one realizes that the total funding period has been pushed out until 2014. In other words, funding intended to last four years will now be stretched to 14

years. That is a significant change. So the funding over the original four-year period has been revealed in Senate estimates hearings to be, in reality, only $297.6 million, a cut of 67 per cent.

It is a very cynical trick from this government to promise a huge amount of funding, undoubtedly to win the support of Greens colleagues on the crossbenches, and to then hold it back and say to the Australian people, who want to live in a clean environment and who want Australia to play its part in reducing greenhouse emissions, 'You can't have this money for another 10 years beyond what we originally promised.' I certainly hope it will not turn out that this money, which was pencilled in to fund measures to protect the environment, has been siphoned off to fund the government's profligate spending in Iraq regarding nonexistent, it seems, weapons of mass destruction.

When the government is not cutting the environment budget, it seems as though all sorts of rorting activities are going on. Earlier this year, my colleague in the other place Kelvin Thomson revealed how the federal Liberal-National Party government has directed over 76 per cent of the $20 million Envirofund, a Natural Heritage Trust program, to Liberal and National Party electorates. In fact, Liberal and National Party electorates received 76.28 per cent of the Envirofund grants; Labor electorates, 17.88 per cent; and the Greens and Independent electorates, 5.84 per cent. This allocation cannot be defended on the grounds that the grants were allocated evenly around the country and that the Liberal Party and the National Party represent a larger land mass. The distribution of Envirofund grants was not area based. Queensland projects received less than half the funding of New South Wales, yet Queensland has a much larger area. Western Australia got even less, despite having a larger area than both of them. The Minister for the Environment and Heritage, Dr David Kemp, responded to these revelations. He said:

> An Australian National Audit Office report of late 2001 found no bias. They are assessed in an apolitical process on their merits.

In fact, the Envirofund was announced on 4 April 2002, when applications were first invited—more than a year after that ANAO audit! I believe the environment minister, Dr David Kemp, has misled the public and the media about the auditing of the Natural Heritage Trust's Envirofund by the Australian National Audit Office. Under the Howard government, Natural Heritage Trust funding has never been about achieving the right outcomes—that is, halting salinity, stopping land clearing and protecting threatened species. Instead, the focus seems to have been as a tool of the coalition to buy votes. Dr Kemp should have had the ANAO conduct an audit into what has all the hallmarks of a very big $20 million pork-barrelling exercise.

However, I think these failures pale in comparison with the Howard government's irresponsible and illogical position on the Kyoto protocol, and I take this opportunity to make a comment on this matter. I mentioned before how the coalition has diluted funding to the Measures for a Better Environment scheme, part of which was the Greenhouse Gas Abatement Program. But the coalition's disregard for global warming does not end there. Over 100 countries have now ratified the Kyoto treaty, and the ratification by the Russian Federation, expected later this year, will ensure that the protocol will come into international force this year. Australia has been deliberating for far too long.

With the Kyoto protocol on the verge of coming into force, even Australia's peak business lobby, the Business Council of Australia, has reconsidered its opposition to the

ratification of the protocol. It now declares itself neutral, and many of its members publicly support the ratification. Early action will allow Australian industry to take advantage of growing global markets for environmental goods and services and to prepare for the reality of a carbon-constrained future.

In May this year Kelvin Thomson, the shadow minister for the environment, introduced into federal parliament a private member's bill to ratify the Kyoto protocol on climate change. If passed, this bill will give legal effect to Australia's Kyoto target and will ensure that Australian industry can take advantage of emerging new markets when the treaty comes into international force. Labor is serious about tackling climate change. Labor would ratify the Kyoto protocol on climate change. Labor is also committed to domestic action on greenhouse.

On World Environment Day, Labor pledged to increase Australia's use of renewable energy sources such as wind and solar power by an additional five per cent by 2010. A news poll released soon after, on 11 June, showed that 83 per cent of Australians would be willing to pay extra if they got their power from renewable sources. This represented a clear endorsement of Labor's policy. Such a commitment would help Australia meet its Kyoto target, create thousands of jobs and attract investment and is estimated to reduce some 17 million tonnes of greenhouse gas emissions. The five per cent mandatory renewable energy target has been supported by the Business Council for Sustainable Energy and represents a significant increase to the Howard government's existing target. The Prime Minister originally committed to only a two per cent increase, but, since the Howard government announced that in 1997, the contribution of renewable energy has actually fallen by two per cent.

The MRET is presently under review. This provides a perfect opportunity for the government to respond to the overwhelming community support to increase it. Labor's commitment to an additional five per cent of renewable energy in Australia's electricity supply mix will help Australia meet its Kyoto target, create thousands of jobs, attract investment and reduce greenhouse gas emissions. Labor believes the sustainable energy sector is a growth industry of the future, and by supporting Labor's five per cent target the government can ensure this is the case.

In conclusion, having taken the opportunity to reflect on a number of current environmental issues, I call on the Howard government to get serious about environment protection and repair, and to spend less time on self-congratulatory backslapping and more time on seeing that money allocated for the environment is actually spent on the environment. On that note, I reaffirm that Labor will be supporting this bill.

Senator ALLISON (Victoria) (12.47 p.m.)—The Democrats will also support the Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003. The bill grants relief from the product stewardship oil levy for certain uses of multipurpose oils. That is, the bill will apply to multipurpose oils which, when used in a particular way, cannot be recycled and present only a very low risk to the environment—so-called category 8 oils. The government is seeking to exempt the use of these particular oils from the levy because it argues that their inclusion was outside the policy intent of the original product stewardship arrangements for waste oil.

The treatment of waste oil can pose a very significant environmental risk, including to humans. This was identified during the inquiry into the government's legislation which reduced diesel excise. When used in vehicle

engines, transmissions and electrical equipment, lubricating oil collects hazardous contaminants that are toxic and often carcinogenic. These hazardous contaminants include metals such as lead and zinc, dioxins, toluene, chlorine, benzene and sulfur. If inappropriately collected, treated and disposed of, waste oil can pollute land, inland waters, including ground water, and the marine environment.

Taking dioxins as an example, once in the environment dioxins accumulate in the fatty tissues of many species and are known to cause health effects such as cancer, birth defects and reproductive and developmental problems. Their capacity to harm is assisted by the fact that, once in the environment, dioxins break down very slowly and they can travel large distances. For humans, short-term exposure to a high level of dioxins may result in skin lesions and altered liver function. Long-term exposure has been linked to impaired function of the immune, nervous, endocrine and reproductive systems.

In the main, this amendment bill is intended to apply to paraffinic and naphthenic process oils. These are oils that are included in formulations for personal care products, explosives, paints, agricultural sprays and printing inks. As mentioned, the advice is that the oils for which this amendment bill is likely to apply will present a low level of risk to the environment. That is because there is minimal chance of these oils entering the environment through direct spillage, for example. These oils involve oil formulation that is typically bound to the product and cannot be released for recycling. With respect to printing ink, the oil and other components in the ink are bound to the paper and cannot be recovered. In relation to rubber, once the oils are chemically bound into the rubber they cannot be readily extracted.

The department informs me that agricultural sprays and explosives use small amounts of the oils of which we are talking. According to the department, the environmental impact of agricultural sprays which are assessed by the Australian Pesticides and Veterinary Medicines Authority will be low because of the low toxicity of the oils used and the low application rates. These oils, again, are not recoverable because they are widely dispersed into the environment.

The oil levy was developed as part of the Measures for a Better Environment package and is used to fund benefit payments for waste oil recycling and reuse. In addition to the levy benefit scheme, the Democrats negotiated additional funding for transitional assistance to ensure greater collection and recycling of waste oil. The levy is paid by oil producers and importers at a rate of 5.449c per litre on domestic and imported petroleum based oils and 5.449c per kilogram for petroleum based greases. In 2001-02, the levy raised was $25 million, with $8.2 million paid in benefits to oil recyclers. The current benefit rate for rerefined oil products is between 3c and 50c per litre, the highest benefit being 50c per litre for rerefined base oil—that is, oil that is used as a lubricant, hydraulic or transformer oil.

Each year in Australia, around 500 million litres of lubricating oil are sold, and of these 500 million litres at least 100 million litres are unaccounted for. We simply do not know where that oil is, but the most likely scenario is that it is being stockpiled in garages and sheds, retained in scrap equipment such as old vehicles, put out for rubbish collection, lost through leaks and spills, or illegally and deliberately dumped.

Since the introduction of the waste oils recycling program, an extra 30 million litres of waste oil has been recovered each year. That represents an 18 per cent increase in the

amount of waste oil that was previously being recycled. Oil-recycling facilities have been established in most local government areas. So I think the program is a success. There is more room to move, but so far I congratulate the government on the implementation of the program. The Democrats are, as I said, relatively pleased with the progress and that is why we accepted the government's proposal that $20 million of the funding originally allocated to transitional assistance be redirected to support other so-called sustainable cities initiatives. However, we do have some concerns with the current benefits schedule from discussions that I have conducted with oil recyclers. The current benefits payments for rerefined oil at 5c per litre would still appear to be too low—that is, it does not fully reflect the cost of collecting and rerefining that oil. As such, the grant does not provide the incentive that it should in order to ensure the greater reuse of waste or, more appropriately, used oil in this country. I think there is also an issue with the distance that is now required to be travelled to extract some of that last remaining used oil from storage places.

I seek assurances from the minister in this debate that the current review, which I understand is under way, looks at these questions. We do not want to obviously set up disincentives for full scale rerefining with possible reuse at the end of that process as lubricating oil, but we do want to make sure that the price incentives are in place which would ensure that we maximise the amount of used oil that is collected. I am also pleased that, as a result of our talks with the government, the department will be addressing the problem of oil bottoms, which is the material that is left over after rerefining and other processes. It represents a major cost to oil recyclers. The more we rerefine the more oil bottoms will be there and will need to be disposed of. This is another issue I would like to see resolved by the minister and by the department. On that note, I again indicate that the Democrats will be supporting the bill.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (12.55 p.m.)—I thought that, as a young mother, Senator Jacinta Collins might get up and talk about oil and bottoms—I think of Johnson and Johnson's baby oil.

Senator Jacinta Collins—You will have to ask my husband about that!

Senator IAN CAMPBELL—That is right. I thank all senators who have contributed to the debate on the Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003. I was not going to spend more than a couple of minutes summing up, but there have been a couple of issues raised during the second reading debate which was, with Senator Lundy's assistance, a wide-ranging one. In response to Senator Lundy's comment about the Commonwealth government's handling of environmental issues since we were elected in 1996, it must be a struggle for the Labor Party. They have had a number of shadow ministers in the portfolio. I did not know—it is not his fault but mine—that Kelvin Thomson was the shadow minister before then. I think Carmen Lawrence may have been a shadow minister at some stage and also Senator Nick Bolkus. I do congratulate Senator Lundy on her promotion to the environment portfolio. I have no doubt that she will put a lot of energy into it.

Senator Lundy—But only in the Senate.

Senator IAN CAMPBELL—Who is the shadow minister?

Senator Lundy—Kelvin.

Senator IAN CAMPBELL—Now I know. The problem for Labor of course is that the coalition in government have put a lot of energy and a lot of money—more

money than any other government in the history of Australia—into this portfolio. This bill amends a product stewardship regime that I am informed by the advisers did not exist. This is a very practical measure. It is not a measure where you would have the minister, as with former environment minister Graham Richardson, going and getting the TV cameras in and saying he is going to plant a million trees, having his picture taken with Sting or undertaking some sort of publicity-grabbing exercise. These are real measures that assist the environment. It is pretty hard to get Channel 9 or Channel 7 interested in taking a picture of Dr Kemp looking at some recycled oil—it is not a pretty picture. But this very program, which did not exist under Labor, is a fantastic example of a government working, and I give credit to Senator Allison—with the support of the Democrats in some of these measures—to make a substantial difference and significantly increase the amount of oil that is recycled in Australia. In fact, the information that I have is that, since the program began, we have achieved an 18 per cent increase: 194 million litres of oil recycled last year compared to 165 million the year before. We have seen $6 million of Commonwealth money spent to assist 270 local councils to build 458 used oil collection facilities. It is probably not even something that you would get the local paper to come and take a picture of, but when you look at those massive quantities of oil that would otherwise potentially harm the environment it is a huge achievement and this bill builds on that success.

The federal government has, across the environment portfolio, massively increased funding to a whole range of programs. I was in the portfolio when we first came into government in 1996. Senator Robert Hill and I sat down with former minister Warwick Smith, who was also in the portfolio, and we went through this plethora of Labor programs. They were probably created in that famous Ros Kelly era when to design programs you figured out where the marginal seats were, you got a whiteboard out and you decided where you were going to spend the money. There was no strategic direction. There was no scientific basis to it. It was all emotionally and politically driven. We saw through the forest debate poor old Senator Faulkner, when he was the minister trying to defend his forest policy, going through day after day of excruciating questioning about which particular forest coupe he was going to protect that day or whatever. It was an excruciating sight during the dying days of the Keating government.

We inherited this political and emotional imbroglio of policy confusion. We looked at all the programs, we got the best scientific advice from around the world and we put structure into the environment portfolio. As a result of the incredible work done by Robert Hill and his exceptional parliamentary secretaries over time, and the work that is being carried on so successfully by Dr David Kemp, we have achieved real success across a whole range of areas, including endangered species and some of the world's leading programs to address salinity. We are improving in the forest area, where we have had to do the very hard yards of getting sustainable forestry regimes across all of the states—often with no assistance from state Labor governments, which pretend to be green but are usually only green when it suits them for a couple of cheap headlines.

The coalition does have the runs on the board. In fact, in her speech Senator Lundy referred to the measurement by Newspoll of the propensity of Australians, as polled by that organisation, to pay extra for cleaner fuels. We are not surprised at that, because Australians have indicated year in, year out that they are prepared to support environ-

mentally friendly measures. At about the same time, Newspoll also showed that the coalition was a clear leader over Labor in voter perception of which party is preferred to handle the environment issue.

That is a historic political shift in this country. I think we all have to be cautious of what the Newspoll tells us about leadership, preferred parties and two-party preferred indications. I tend to agree with Labor leader Simon Crean that, ultimately, the only poll that counts is the one on election day. But, historically, for the Liberal Party and the coalition to be seen to be better managers at the Commonwealth level—better able to deliver environmental outcomes—is a great result. That change took place under Robert Hill's leadership as Minister for the Environment and Heritage and has continued under David Kemp. I think the reason for that is that Australian voters are not mugs. Through the Natural Heritage Trust funding, they have seen over $1 billion worth of extra funding put into the environment portfolio, which is being spent cautiously. It is being targeted, it is based on good science and it is based on sound principles and policy administration.

That funding involves a series of programs that capture the enthusiasm of local communities, effectively target environmental problems where they occur at the local level and engage communities in solving problems at a local level. These people in the community will not be sold a pup. They know very well, as many of us here know, that you do not solve the world's greenhouse gas problems by flippantly signing a protocol. They know that because they are not silly. They know that a bunch of old European nations and a few others joining together for short-term political reasons to sign a protocol and say it will all be right is not going to solve the problem—unless that agreement and the protocol incorporate and capture the emerging nations and rapidly developing industrial nations, particularly in the Asian region.

Those communities also know that, unless America signs up to the agreement, it is not going to be effective. You would effectively be drawing up an agreement that excluded two of the greatest causes of greenhouse gas emissions on the globe. If you have an agreement that turns a blind eye to the fact that Australia not only is a very large energy producer and a large per capita greenhouse gas emitter but also produces very high energy efficiency outcomes and exports enormous amounts of clean energy into those newly industrialising countries—therefore making a special contribution to reducing greenhouse gases in those emerging economies—and you have a protocol that pays little cognisance of Australia's special circumstances, then the Australian people know that it is not a good idea to just sign the protocol to make us look greener than we are.

It is a very cheap thing politically to sign onto an agreement that you know in your own heart is not good for Australia. It is not good for all of those reasons. It is not good because it does not look at the special circumstances of the emerging economies that are not included in it. It is also bad for Australia because it unfairly hurts working men and women who rely on those energy-exporting industries—be they the people who rely on the great gas projects in the north-west of my state of Western Australia or the many families who rely on the coal exporting communities around the eastern seaboard who produce energy which is very efficient greenhouse gas wise compared to the countries we export it to.

That is one of the reasons the coalition and the Liberal Party in particular—but the coalition government, to be fair to my coalition colleagues—is held in such high regard

by the Australian people when it comes to environmental management. We do the hard yards. We do not just sign up to the latest trendy idea, which is not always popular. It would be very popular for Prime Minister Howard to say, 'Right, we are going to sign up to the Kyoto protocol now that we are green,' but he does not do that because he knows it is bad for Australia, it is not the solution for the world environment and we have to work a little bit harder to get a good agreement that the United States and China will be part of and which all the emerging nations will be part of. That is the cold hard fact. Either you have to do the hard work and get the results—and that is what this government has been doing—or you just do the easy thing and sign up without much thought and, in the process, jettison the economic hopes and opportunities of thousands of working Australians who rely on the coal industry and who rely on Australia's massive natural gas and gas export industry.

Senator Allison raised a couple of questions in relation to the review of the PSO funding arrangements. In response to Senator Allison seeking an assurance that the review will consider price, I am informed that the review of the PSO funding arrangements will fully evaluate the existing funding rates, with particular emphasis placed on burner fuel funding rates, as asked by Senator Allison. The government is also committed to working to find a solution to oil bottoms—the residues resulting from processing waste oil. On that note, I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator ALLISON (Victoria) (1.09 p.m.)—I was wondering whether the Parliamentary Secretary to the Treasurer would give me the assurances I sought, which he has done and which I thank him for, but I have been prompted by his speech to correct the record and to indicate that this was not the government's initiative. The reason we had to do this was that reducing the excise on diesel would have put oil recyclers out of business. This is what came up in the inquiry process conducted by the Senate committee. I am sure it is useful to have this on the government's great list of environmental achievements—and, indeed, it is one—but it was necessitated by the reduction in excise. I am quite sure the government would not have done it of its own volition. I just want to put on the record that it was, in fact, the Democrats' achievement by insisting that this very serious problem be dealt with; otherwise, we would have seen 300 million litres of used oil dumped in the nearest creek.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.11 p.m.)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (1.12 p.m.)—I move:

That government business order of the day no. 2 (Customs Tariff Amendment Bill (No. 2) 2003 and a related bill) be postponed till the next day of sitting.

Question agreed to.

WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2002

Second Reading

Debate resumed from 16 June, on motion by **Senator Kemp**:

That this bill be now read a second time.

Senator JACINTA COLLINS (Victoria) (1.12 p.m.)—With the Workplace Relations Amendment (Termination of Employment) Bill 2002, the Minister for Employment and Workplace Relations has failed to demonstrate that the bill will provide for a unified national workplace relations system. The area of termination of employment at the federal level—and before this parliament—has a very lengthy history which I will not revisit today, as I think I have on seven or eight previous occasions, other than to say that on this occasion there is no reason to regard this bill any less suspiciously than some of the earlier attempts by this government. I will, however, discuss that the minister has simply added another layer of complexity to an already complex system of regulation. It is clear that this bill is an ill thought out, cheap political stunt cobbled together without the approval of the states in a shifty attempt to steal their industrial powers and entrench them in a substandard—and I stress substandard—federal system.

The principal purpose of the bill is to expand the reach of the jurisdiction of the Australian Industrial Relations Commission over unfair dismissals to all employees in constitutional corporations. In addition to groups such as Commonwealth employees, waterside workers, Victorian and territory workers presently, the Australian Industrial Relations Commission has coverage of unfair dismissals for employees who work in a corporation and under—and I stress under—a federal award. The key to the expansion of the federal unfair dismissal jurisdiction in the bill is the removal of the requirement that a person working for a corporation must also be a federal award employee. The deletion of the federal award criterion would mean that all state award employees who work in corporations would find their primary remedy for an unfair dismissal would lie with the Australian Industrial Relations Commission. According to the explanatory memorandum, this would result in the Australian Industrial Relations Commission's annual case load in unfair dismissal applications increasing from about 8,000 to 14,000. As well as centralising jurisdiction over unfair dismissals, a secondary purpose of the bill is to effect various changes over the processing of unfair dismissal claims, altering the eligibility for applicants and reducing the remedies available, especially for small business employees.

With respect to a unitary system, the complexities of federalism have provided for constant debate on both sides of politics—this has not only been an issue for the current government. In the year 2000 Peter Reith favourably explored the concept of the federal government using the corporations power as the principal constitutional plank for workplace relations legislation in his series entitled 'Breaking the gridlock—discussion paper 2: a new structure'.

A fuller use of the corporations power, together with other selected heads of constitutional power, would give the federal government direct legislative control over the wages and working conditions of 85 per cent of Australia's work force. Further, it would allow the federal government to make extensive inroads into the states' industrial relations systems, creating an opportunity to achieve a relatively high degree of centralisation and uniformity. Again I would regard this somewhat suspiciously in relation to the terms and conditions of employment that apply to Victorian workers now caught up within the federal jurisdiction.

If the Commonwealth wishes to establish a unitary system, the corporations power goes a long way toward that goal. The only other serious rival is the external affairs power; however, the coalition has traditionally shied away from the use of the external affairs power—ironically, because of its potential to undermine the federal balance. Notably, during the debate regarding the Industrial Relations Reform Bill 1993, the member for Bennelong, Mr Howard, the now Prime Minister, said:

> The other objectionable feature of this bill is the unnecessary use of the external affairs power of the constitution. This government has perverted and undermined the constitutional balance of this country by its remorseless use of the external affairs power.

Contemplate that with respect to the corporations power. Clearly, when the coalition is in federal opposition but holds many state governments, federal and unified industrial laws are objectionable; however, when the coalition is in federal government but state opposition, it is in favour of federal and unified laws.

This government is not motivated by a desire to positively reform the Australian system of industrial relations for the betterment of all parties. This government is simply motivated by the fact that it cannot control state industrial relations systems. Serious reform of state and federal industrial laws designed to harmonise workplaces must be through cooperation between state and federal governments. Such cooperation involves consultation, negotiation and compromise.

With respect to consultation with the states, the explanatory memorandum of this bill cites a speech by the President of the Australian Industrial Relations Commission, Justice Giudice, in support of a move towards a unified system for unfair dismissal claims. It is true that the president of the commission did call for serious debate regarding this significant issue. Indeed, he emphasised the importance of consultation and cooperation in achieving greater uniformity in industrial laws. Among other things, he makes reference to how the Hancock report suggested greater comity in industrial laws be achieved. For instance, he said:

> The Australian Government should seek the co-operation of the States in establishing, in both the short term and the long term, a viable, co-ordinated, acceptable and effective industrial relations system.
>
> As to the long term, the Australian Government should initiate discussions with the States with a view to putting an integrated system of industrial relations into place. The matter is of such importance that it should be raised initially at a Premier's Conference.
>
> The matter should be treated as a priority item in the Premier's Conference and pursued through the Conference of Labour Ministers. A Steering Committee of the Conference of Labour Ministers should be established to give directions to a Working Party consisting of Commonwealth and State officials and representatives of the industrial parties.

The president also recounts how a uniform companies law came about: by consultation and cooperation, not by legislative fiat. Notably, the minister's consultation process on this occasion has not in any way reflected the sentiments of the President of the Australian Industrial Relations Commission. The minister has seemingly deliberately avoided any real or serious consultation with the state governments. Indeed, this too is evidenced in the explanatory memorandum under the subheading 'Policy development and consultation'. It is clear that the government has simply relied upon unidentified submissions to a Senate committee regarding another bill, the 'Breaking the gridlock' papers—a product of the government's former Minister for Workplace Relations and Small Business, Peter Reith—a summit held by the Business Council of Australia over two years ago and

a speech by the minister to the Australian Food and Grocery Council in May last year.

Significantly, there was a meeting of the Workplace Relations Ministers Council two days prior to Minister Abbott outlining the essence of this bill to the press. However, despite the fact that this bill had the potential to effect one of the most drastic shifts in state and federal industrial law since 1904, the state workplace relations ministers were given no indication of the federal minister's intentions in relation to this bill.

It should also be noted that on this occasion the government even seeks to contradict the views of the former New South Wales opposition spokesperson on industrial relations Mike Gallacher, who in 2002 twice publicly expressed support for New South Wales retaining its own industrial relations system. One wonders what Liberal Party New South Wales policy is today.

This bill is also yet another attack by the government on the rights of Australian working people. The bill reduces the amount of compensation that can be awarded to an unfairly dismissed employee of a small business—that is, a business with fewer than 20 employees—from 26 weeks pay to 13 weeks pay. The bill extends the qualifying period of employment before an unfair dismissal action can be brought by an employee of small business, from three months to six months. The bill narrows the scope of an employee made redundant by her or his employer to mount an unfair dismissal action. The bill reduces the amount of back pay available where reinstatement is ordered for employees who have mitigated their loss by requiring the Australian Industrial Relations Commission to take into account income earned from other employment.

Notably, however, the bill also contains some measures that appear to borrow from Labor's policy of reducing costs and simplifying procedures for all parties in the unfair dismissal system, such as making reinstatement the primary remedy and discouraging lawyers and agents from taking on speculative claims. While Labor would support these measures, it would be more appropriate for the government to deal with them by supporting the Workplace Relations Amendment (Unfair Dismissal—Lower Costs, Simpler Procedures) Bill 2002, a private member's bill introduced by the member for Hotham.

Regarding uniform unfair dismissal laws, when a comparison is made of the key features of the unfair dismissal regimes that apply across the states as well as the Commonwealth, one finds—surprisingly, to some—that a relatively high degree of regularity already exists. A comprehensive comparison is in fact contained in an attachment to the Senate committee's report on this bill. Under the different systems, salary caps on claimants are relatively uniform, exclusions for casuals do vary but compromise would not be impossible to bring them into line, and probationary periods and processes generally are similar. Overall, with some goodwill, there would undoubtedly be scope for a lining up of legal remedies for unfairly dismissed workers.

However, the issues become more complex. Often an unfair dismissal claim may be wrapped up with other matters such as recovery of wages or insufficient notice. In this regard, to effect optimal uniformity there needs to be a voluntary transfer or referral of power from the states to the Commonwealth. Until that happens, an aggrieved employee would be forced to take separate actions under different jurisdictions. This could hardly be considered a simplification of the process.

The Senate report also contains an extract from the Queensland government's submission that highlights the flaws in this bill inso-

far as it attempts to create a uniform system. They are:

• two different sets of federal laws and procedures governing unfair dismissal matters, depending on the size of the respondent;

• different federal and state unfair dismissal regimes for incorporated and unincorporated entities;

• different federal and state unfair dismissal regimes for incorporated entities, depending on whether they meet the definition of a 'constitutional corporation';

• concurrent but separate federal and state jurisdiction over different aspects of workplace relations in the one business, for example a federal regime governing a business' unfair dismissals and a state regime governing workplace harassment and industrial disputes; and

• concurrent but separate federal and state jurisdiction over different aspects of the one employee's claim (for example, the federal regime for unfair dismissal and the state regime for insufficient notice or unpaid entitlements).

A leading labour law scholar, Professor Andrew Stewart, makes a compelling argument. Many employers have historically operated solely or predominantly under state awards and are familiar and comfortable with state laws and procedures. However, under the government's approach, they would have their industrial relations regulations bifurcated: award and agreement matters would continue under state law, and unfair dismissals would become the subject of federal law.

Another consideration is the cost of pasting a new system on top of an existing structure. The government has allocated close to $17 million to fund an expansion to the Australian Industrial Relations Commission to cope with the expected increased workload. But it makes little sense to expand the Australian Industrial Relations Commission and the Australian Industrial Registry when this would leave many state commissioners idle. Of course, state commission members have life tenure, and the state governments would be required to continue to pay their commission members even if the federal government took away many of their powers and responsibilities. A far more sensible arrangement would be to reach agreement with the state commissions to participate in administering the system. There are already arrangements in place that allow state and federal commission members to work cooperatively, but that should be cooperatively with the state governments. This commonsense approach evades the government's thought processes in this matter.

In conclusion, this bill is an inept and clumsy attempt to reach a noble objective. A uniform industrial relations system has the potential to save time and resources for industrial associations, employers, employees and taxpayers. A unitary system could simplify the nation's overly complex maze of industrial regulation and bring fairness and uniformity to workers and employers. However, it is not just a matter of a uniform system for the sake of a uniform system. The content of a system—both procedural and substantive—is just as important, if not more important, than the structure. In both these regards, this bill fails the test. Not only does this bill reduce workers' rights and protections but it does not even achieve its stated object of uniformity. This bill fails to meet the requirements of sound public policy and should be rejected—and Labor will reject it.

Senator HUTCHINS (New South Wales) (1.27 p.m.)—It is with pleasure that I follow my colleague Senator Collins today in this debate on the Workplace Relations Amendment (Termination of Employment) Bill 2002. You would think that we are discussing something of national importance here that may see the wheels of administration or government grind to a halt. You might think that we are going to discuss a problem with the standard railway gauge or salinity on the

Murray, but no—we are talking about some shabby, contemptible attempt by the coalition government to deny workers and their families in the states that have a state jurisdiction for unfair dismissal their ability to go to that commission or court and argue their case. This is the first shot across the bows of the state industrial relations regimes—ones that have ably and fairly looked after the interests of employers and employees for well over a century. It will effectively take away from those jurisdictions the ability to hear unfair dismissal claims.

In my own state of New South Wales, we will be worse off as a result of this, because our unfair dismissal regime—and, as a Labor senator from New South Wales, I am proud of this—is fairer, simpler and easier to use than the federal jurisdiction, and there is much more history and institutional experience with unfair dismissal regimes in New South Wales. Unfair dismissals make up the bulk of the work for the state industrial relations tribunals. If this is taken away from them, undoubtedly the size of resources directed to state industrial relations tribunals will be lessened and their future viability will be in jeopardy. This will be bad for the workers of New South Wales, because the impact will be that the much fairer system will be taken away from them. There are fair provisions in the New South Wales jurisdiction for state enterprise bargaining agreements. Traditional areas of state regulation and enforcement—for example, occupational health and safety and leave entitlements—will be taken away from them. Other unique features of the New South Wales system, such as unfair contract provisions and contracts of carriage provisions, will be denied to them.

The effects of this bill will be that the federal jurisdiction for unfair dismissals will be extended from four million to seven million Australian workers, and a single dismissal jurisdiction for all companies under the corporations power of the Constitution with the exclusion of state tribunals from hearing most unfair dismissal cases. State termination of employment regimes cover about 40 per cent of employees, with the federal regime covering just over 50 per cent. It is important to note that the federal coverage is so broad mainly because Victoria does not have a state industrial relations system. The bill will remove all employees of constitutional corporations—that is, limited and proprietary limited companies. The only groups still under the state system will be state public servants and employees of non-incorporated businesses, of which there are only something like 1.5 million out of about eight million Australian workers. The immediate effect of these changes will be to make state unfair dismissal regimes unviable. The net effect of this bill will be to create a single system of unfair dismissal laws under the currently less fair and complex federal regime.

Workers in my home state of New South Wales will be much worse off under this bill. The majority of workers in New South Wales have recourse to a much fairer and simpler New South Wales system. If this bill is passed, most of them will immediately have recourse only to the federal system and, over the longer term, arguably all workers in New South Wales will have no choice but to make a claim under the federal system. The unfair dismissal system in New South Wales is fairer, simpler and easier to use than the complex federal system. Senator Collins quoted Professor Andrew Stewart, and I will quote him again. He remarked:

> The provisions of ... the Workplace Relations Act ... are ... unnecessarily complex and unduly prescriptive. They are very hard for ordinary workers or managers to understand, necessitating legal advice for even the simplest procedures. Instead of simply empowering the Australian Industrial

Relations Commission to deal with certain claims and providing broad guidance as to how to do so, as most State laws do, the legislation seeks to regulate each step of the process in ever-increasing detail. As is generally the way when parliament tries to anticipate and counter every eventuality, this level of detail simply creates potential gaps and uncertainties for litigants and their lawyers to exploit.

In addition, the federal provisions exclude a broader group of employees—casual employees. The New South Wales exclusion period is six months; the federal exclusion period is 12 months. There is also the continuing drive of the federal government to exclude all small business employees from accessing the federal unfair dismissal laws. Professor Ron McCallum of the University of Sydney has estimated that, if this bill is passed, only 70 to 75 per cent of Australian employees will have access to unfair dismissals of any kind. As I have already outlined, it is complex.

Under New South Wales law, there is no sharp distinction between unfair dismissal and discriminatory determination. In New South Wales, all matters may be determined simply and centrally by the commission. Under the federal system, only unfair dismissals may be finally determined by the commission—unlawful dismissals or discriminatory determinations may finally be determined by the Federal Court only. This bill seeks to impose on the majority of Australian workers a system that is plainly unfair and unnecessarily complex.

If you look at the history of the state jurisdictions, you will see that the six different states created their industrial relations systems in different ways, which I think is silly. In New South Wales—and this was explained to me by former Justice Macken—the industrial relations system came about because there were a number of disputes at the turn of the 20th century. Those disputes occurred because of people being unfairly dismissed, mainly on the waterfront. So the New South Wales parliament dealt with it. The first dispute was dealt with in 1896 through 'the Wise's Act', which contained unfair determination provisions. In the year 1902, the first unfair dismissal decision, between the Newcastle Labourers Union and Newcastle and Hunter River Steamship Company Ltd, came before what was known as the Industrial Arbitration Court of New South Wales. In 1912, the Industrial Arbitration Act created a power to make an award determining any industrial matter—where 'industrial matter' was defined to include dismissal. This jurisdiction was widened and recognised in the Re Bank Office (State) Board decision of 1921.

So in the early days of the Commonwealth, unfair dismissals in a state jurisdiction like mine came about because of industrial action and they were dealt with by the industrial commission because it was action taken in that state. But in the history of states like South Australia or Tasmania—or maybe even your state, Mr Acting Deputy President Cook—the industrial tribunals there were simply wages boards, whereas in the other states they came about because of unfair dismissals, in effect, and having to deal with them. I may be taken to task on that, but essentially there have been different pathways in the states leading to an industrial arbitration tribunal of sorts—one dealing with wages and one dealing with how to govern the relationship between the employer and the employee. The paths have been entirely different. So if you try to prescribe or come up with some sort of unique scheme federally, you dismiss the history of over a century of federation in dealing with this matter.

Let us go to 1971. I know that Senator Forshaw is going to speak later in this debate, and he—like I—would remember a number of the participants in a case where

the principle of 'a fair go all round' was established. The case was presided over by Mr Justice Sheldon; it was Loty and Holloway v. Australian Workers Union. Then, in 1978, section 20A was inserted into the Industrial Arbitration Act 1940 of New South Wales, establishing the jurisdiction's right to hear unfair dismissal claims. Up until this time reinstatement or compensation was granted only through the dispute settling powers of a New South Wales court or tribunal. In 1991, a simple and easy system to operate unfair dismissal regimes was brought in by a coalition government: the Industrial Arbitration (Unfair Dismissal) Amendment Act 1991.

It has been a desire of the coalition's to go after some sort of unitary system while they are in power. In fact, former Minister Peter Reith repeatedly argued for a national system of industrial relations. In October 2000 he released a serious of discussion papers entitled 'Breaking the gridlock', which argued for a single system. I find it interesting, given the Liberal Party's strong attachment to federalism and championing of states' rights, that they are pushing this. Their only drive must be the fact that, in the Commonwealth of Australia, all the states and territories have Labor governments, and their systems are much fairer, easier and less complex for people who find themselves in the position of having been unfairly dismissed. The Workplace Relations Amendment (Termination of Employment) Bill 2002 is an attempt to undermine those systems. As I said, it will make sure that people in those systems are much less well off.

What I want to talk about in particular in the time I have left is that, in my own state of New South Wales, there are two groups of workers—I suppose that is the right way to refer to them—who do not seem to be covered by the jurisdiction in this proposed legislation. The first are outworkers and the second are what we would call contract carriers or lorry owner-drivers. Under New South Wales legislation, clothing outworkers are included in the definition of an employee under section 5 of the act. The federal Workplace Relations Act does not include clothing outworkers in its definition of an employee. I do not think that anybody would disagree that clothing outworkers are amongst the most exploited and mistreated employees in Australia. Yet there is no reference in this legislation to that particular classification or class of employee—not one reference.

There is another particular difference in the jurisdiction in New South Wales—which, as you would expect from my background, I am quite familiar with. That is the position of lorry owner-drivers before a state tribunal. New South Wales, as far as I am aware, is still the only state in the Commonwealth in which lorry owner-drivers can have their rates of pay and conditions regulated by a state tribunal. I am not aware that any other state allows that to occur. People are required to present to a company a certain class of vehicle design or type of truck; they are required to paint it; and they are required to present themselves at a certain time every day—maybe every day of the week. From 1978, under New South Wales legislation, a tribunal has been able to regulate their rates of pay and conditions. These people are painted in whatever colours—as we may recall, it goes from TNT to Boral to Readymix.

Secondly, under chapter 6 of the New South Wales Industrial Relations Act, unfairly dismissed owner-drivers can go before the commission and be compensated for their goodwill. That has not been mentioned in this area at all. You may be aware, Mr Acting Deputy President, that I have before the parliament—it is in the process of wending its way through the system—a private member's bill to deal with compensation of lorry owner-drivers for goodwill, particularly in

the Canberra region. Under the New South Wales legislation, if a lorry owner-driver is unfairly dismissed, he or she may go and argue the case for his or her reinstatement or compensation. I recall that bill being passed, because it was drafted by the Labor member for Auburn, Mr Peter Nagle, and it was passed while the coalition was in power in New South Wales. But, because we do not have that legislation in Canberra, drivers for Boral are involved in a protracted dispute here. Because of the absence of that provision in the Workplace Relations Act they have no recourse to compensation for goodwill or opportunity to be reinstated where they have been unfairly dismissed.

So I put it to you, Mr Acting Deputy President, that there are just two areas that are open to exploitation by employers: outworkers, and lorry owner-drivers or contract carriers. They clearly have been and are—and will be—exploited unless the legislation is changed, and there is no reference to that in this bill at all. So, as Professor Stewart said, when you come up with a bill to try to come to some sort of all-embracing, all-knowledgeable bit of legislation that will cover everything, it is not there. Maybe that will be answered when the government has its opportunity to speak. But, in New South Wales—one state—if you are an outworker or a contract carrier, you can be reinstated. I do not know how it is in the other states; maybe my colleagues in the other states will make reference to it. But you can be reinstated in New South Wales.

If we pass this legislation, we will cut away the ability of people who work for corporations—that is, who will be covered by it—to access justice. We will cut away the ability of those men and women and their families to access justice. We will cut that away from them; it will be gone. For what? For some ideological pursuit—for the belief that it is in the interests of our nation to have a unitary system. I do not believe that is the case. It would be just madness for anybody to even consider supporting this bill and consider a situation where, as I said, these men, women and their families would be denied justice. They have it under one jurisdiction, and maybe they will get it under another jurisdiction as those good state Labor governments move to operate in that area. You would have to be mad and bad to support this legislation, as it excludes this class of people. There are already men and women and their families in this capital territory suffering because they do not have access to the justice they would have if they moved and operated a few kilometres across the border.

Senator GEORGE CAMPBELL (New South Wales) (1.46 p.m.)—The Workplace Relations Amendment (Termination of Employment) Bill 2002 is part of a package of bills put forward by this government that again seeks to tip the scales in industrial relations even further in favour of the employer. It is apparent whom this government represents and it is not the working people of Australia. At least the former workplace relations minister, Peter Reith, had the honesty to state that he was there simply to serve the interests of employers and no-one else. This bill, in its attempt to force unfair dismissal coverage from the states to the federal system, is fundamentally misconceived. There are four key problems with the bill. One, there has been a complete lack of consultation with the states. Two, there has been insufficient attention given to costing and administrative arrangements. Three, the bill will result in a reduction in rates for workers with unfair dismissal claims. Four, the absence of a cooperative approach means a substantial sector of the work force will remain beyond the reach of federal law. These flaws make this bill untenable, and the reality is that this bill will not result in one new job.

Fundamentally, the federal government has failed to justify any problems with the operation or application of the current state unfair dismissal system. It must be said from the outset that I am sickened by the coalition's hypocritical stance on this issue. For years, a unitary system that upholds employee rights has been the policy province of Labor. The benefits of a unitary system have been ignored by conservatives, who have been obsessed with defending state rights. Now that all state governments are Labor, we find the coalition more interested in industrial relations reform than in state rights. If the government were making a constructive move towards a unified and simplified industrial relations system, Labor might well be interested. But this bill is nothing more than an attempt to reduce the rights and protections currently enjoyed by many workers under the state industrial relations system.

A speech by the President of the Australian Industrial Relations Commission, Justice Giudice, was cited in the explanatory memorandum in support of a unified system for unfair dismissal claims. However, this speech emphasised the need for consultation and cooperation to be embedded in any attempt to pursue a national system of unfair dismissals. Justice Giudice went on to recount how a uniform companies law came about—by consultation and cooperation, not by legislative fiat. There has been minimal consultation on this bill. In fact, the Workplace Relations Ministers Council met two days before Minister Abbott outlined the essence of this bill to the media and the minister gave no indication to his state counterparts of this bill's existence. I find this particularly outrageous. It simply confirms our claim that this is a political bill rather than a serious attempt to improve the industrial relations system. Interestingly, Minister Abbott's proposal runs contrary to the views of the New South Wales opposition spokesman on industrial relations, Mike Gallacher. He has twice this year publicly expressed support for New South Wales retaining its own industrial relations system.

Very little work has gone into analysing the financial impact of this bill. There will be a considerable increase in work for the commission, leading to greater demands being placed on registry staff and resources and the need for additional courtrooms, facilities, court reporting services and so on. The government has largely ignored the impact of the proposed changes. Furthermore, the Employment, Workplace Relations and Education Legislation Committee produced a report on the bill. The Labor senators' report concluded:

> ... the bill will actually increase the industrial relations costs borne by business because many who choose to use the state system will now be forced to operate in two systems, a unitary system will not result, and workers will be discouraged from working for small businesses because it offers them less security and fewer rights.

This bill: one, reduces the amount of compensation that can be awarded to an unfairly dismissed employee of a small business; two, extends from three months to six months the qualifying period for employment before an employee of small business can bring an unfair dismissal; three, narrows the scope for an employee made redundant by her or his employer to mount an unfair dismissal action; and, four, reduces the amount of back pay available where reinstatement is ordered.

Just briefly, on the changes to small business employees, this bill suffers from the same problem plaguing the countless workplace relations bills put forward by this government, and that is that there has never been a strong case made for the proposition that employees in the small business sector should possess fewer rights and legal safeguards than people who work in other employment sectors. The references committee

conducted a serious inquiry into small business employment and found that the preoccupations of small business differed very little from those of large and medium business—having to do with business cycles, taxation, regulations and general economic conditions. Small business employs to the extent that business levels and business growth strategies determine, not the unfair dismissal laws. Any connection between the fear of unfair dismissal claims and the rate of overall small business employment is extremely tenuous. The Labor Party believe in equal rights; therefore, we believe that, for an employee who is dismissed, the size of the business should not be the determining factor.

A number of submissions made scathing comment on the methodology of the Harding survey, which was the basis for the government's claims about unfair dismissal laws constraining employment. These submissions found that the conclusions of the survey were badly flawed. Professor Andrew Stuart found that the figure of 77,482 job losses due to these laws was an estimate based on a series of estimates, and a curious exercise providing a weak foundation for government pronouncements on the benefit of the legislation. The onus of proof must always remain with those who desire to strip employees of legal rights to fairness, and this government has failed to satisfy this onus.

The Democrat senators' report agrees with the view that no hard evidence has been put forward. In fact, Senator Murray stated:

> The experiment under Queensland State laws, when their then Coalition government introduced an exemption for small business, had no evident effect on job creation.

Even if these laws represented an increase in labour costs, the same could be said about superannuation and occupational health and safety laws. Are we to conclude that these are next on the government's hit list? The references committee's inquiry into small business employment found that:

> Consistent with survey rankings of small business concerns, unfair dismissal did not arise as a major issue during the inquiry ...

The changes to redundancy obligations are very worrying. Many employers use redundancies to get rid of workers they consider troublesome. Employers must use an agreed and transparent process, otherwise unfair dismissal claims are almost inevitable. There is no guarantee that this bill will finish debate on termination of employment. The federal scheme does not purport to provide a national scheme in which all employees have access. If this bill passes, state termination jurisdictions will need to remain to provide for employees of non-incorporated businesses, and the state appears to have a role, potentially, for 1.5 million or so employees, including state public servants. This bill will simply create another tier of employees with yet another level of rights and protection. The government has asserted, without explanation or justification, that the proposed Commonwealth legislation will be better balanced than current state laws that, according to the explanatory memorandum, contain inequalities which, however, are not identified.

Furthermore, this bill—overriding state legislation—has been produced without consultation with the states. Hence this bill shows all the signs of failure to deal cooperatively with the states. The bill seeks to override state unfair dismissal laws in favour of a federal regime that is inferior in both design and operation. The proposed amendments would not in fact contribute to the goal of simplifying the coverage of federal and state labour laws. As the Democrat senators' report stated:

> ... relying on the Corporation's power alone will still leave large chunks of employees working for

non incorporated business, many of these small business, with no protection from State or Federal laws.

In conclusion, this bill is both a limited and blunt instrument of legislation. It leaves a small but significant group of workers beyond its ambit and it creates legal complications in cases where current state legislation covers regulatory matters affecting unfair dismissal. Labor are not opposed to a more coherent system per se. What we are opposed to, however, is this government's arrogant and unilateral approach and its determination to attack working people's rights and their protection.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Fuel: Ethanol

Senator FAULKNER (2.00 p.m.)—My question is directed to Senator Coonan, Minister for Revenue and Assistant Treasurer. I refer the minister to her answer to a question last year, in which she advised the Senate that the Prime Minister had not spoken to Mr Dick Honan on the matter of ethanol excise or domestic industry protection. On what basis did the minister make this claim? Was the information she provided to the Senate contained in a formal brief to the minister? Is the minister aware of her obligations under the Prime Minister's code of ministerial conduct? Will the minister now correct the record?

Senator COONAN—I do not have to correct the record. I refer to the detail of a letter from the Prime Minister that was published in the *Australian Financial Review*, in which the Prime Minister gave a chronological account of the conversation he had with Mr Honan on 1 August and referred to all subsequent correspondence in relation to all of the matters that were discussed in parliament at the time. He referred to the first question from the opposition on 17 September. My recollection was that similar questions were asked in the Senate. The Prime Minister has refuted the suggestion that he misled parliament. Certainly in those circumstances there is no reason for me to retract anything that I have said, and I stand by my answers given on that occasion.

Senator FAULKNER—Mr President, I ask a supplementary question. Can the minister confirm that a meeting did in fact take place between the Prime Minister and Mr Honan on 1 August 2002? Can the minister confirm that, in answer to a question in this chamber on 9 December last year, she advised the Senate that the Prime Minister had not spoken to Mr Dick Honan on the matter of ethanol excise or domestic industry protection? Can I ask the minister how she was advised that this meeting had occurred. I would be amazed if it were just through a letter to the *Financial Review*. Again I ask the minister what actions she will take to correct the inaccurate and misleading information she provided to the Senate last year.

Senator COONAN—I have already indicated that, as previously advised, the Prime Minister had a meeting on 1 August 2002 with Mr Honan, the Chairman of the Manildra Group. It was not a secret meeting—there were others present—and there was a record of the meeting. As I understand, at no time during the meeting was the issue of the overseas shipment raised. The record of the meeting shows that there was a general discussion about ethanol production and the importance of that to the sugar industry. I was not at the meeting, but I can advise the Senate that that meeting took place on 1 August. From the tenor of Senator Faulkner's question, and indeed from any of its detail, I cannot see that there is anything to retract.

Solomon Islands

Senator PAYNE (2.04 p.m.)—My question is to the Leader of the Government in

the Senate and Minister for Defence, Senator Hill. Will the minister update the Senate on Australia's efforts to assist the people of the Solomon Islands to restore law and order to their community?

Senator HILL—I thank the honourable senator for her question. It is good to have her back in the chamber. The Regional Assistance Mission was deployed on 24 July. Years of lawlessness have had a devastating effect on the Solomon Islands people. The mission's key priority is to support the efforts of the Solomon Islands authorities to restore law and order. The mission comprises police, military and civilian personnel from Australia, Fiji, New Zealand, Papua New Guinea and Tonga. At full strength, the mission will build to about 2,000 personnel. It was put together very quickly and effectively, which highlights both the commitment of countries across the South Pacific to stabilising the situation in the Solomon Islands, and the professionalism of the agencies involved. The ADF's role is to provide protection for the police contingent as well as logistic and operational support.

Currently, Australia's military contribution numbers approximately 1,500. This includes troops deployed in the capital, Honiara, and on the Weather Coast, troops onboard HMAS *Manoora*, and maritime elements conducting border patrols in the Bougainville Straits. The operation is going very well. A 21-day weapons amnesty has been announced. Almost 400 weapons have been handed in or otherwise secured, and many of these have been destroyed. Joint police patrols have begun. Two police posts have been opened in the provinces, and work is under way to complete a new prison at Rove. Contact has been established with key militant leaders to urge them to hand in weapons before the deadline. As I said, Mr President, this is a very good start and a tribute to the different agencies involved, including the Australian Federal Police, the ADF, the Department of Foreign Affairs and Trade and their regional counterparts. It means government leaders and public officers can go about their duty, free from intimidation. Members of the community feel safe to report past offences.

The Solomon Islands remain a difficult and risky operating environment, and there is still a long way to go. We do not underestimate the complexity of the task or the challenges ahead. All armed groups must hand in their weapons before the amnesty expires, including Harold Keke, who must now deliver on the undertaking he gave Special Coordinator Warner on 8 August. Those who have committed serious offences must be brought to justice, and the Solomon Islands government must press ahead with the difficult institutional and other reforms required for a lasting improvement. Australia will continue to support those efforts but, at the end of the day, the Solomon Islands problems can only be addressed if all of its people make the necessary commitment to stability and prosperity.

Manildra Group of Companies

Senator O'BRIEN (2.07 p.m.)—My question is to Senator Minchin, representing the Minister for Industry, Tourism and Resources. Can the minister confirm that, in the last financial year, the government made total ethanol subsidy payments of $21.7 million to just two producers? Can the minister confirm that $20.9 million, or 96.1 per cent, of those payments were made to Manildra? How has this massive and disproportionate handout to Australia's near-monopoly producer helped to create a more sustainable alternative fuels industry?

Senator MINCHIN—I do not have the exact figures in front of me, but I did answer a question on notice from Senator O'Brien in the last session in relation to the payment of ethanol subsidies to Manildra. I think at that

time I quoted an amount of $17-odd million between 17 October 2002 and 30 May 2003. I can check whether that is the exact figure for the time period referred to.

As Senator O'Brien well knows, the government made a formal decision that, rather than ethanol being excise free, we would introduce a mechanism whereby excise would be paid on all ethanol but that domestic producers would receive a production subsidy equivalent to the excise to sustain the excise-free status of ethanol while ensuring that the domestic industry had an opportunity to develop without being destroyed by competition from cheap imports from Brazil, where the industry is very heavily subsidised by the Brazilian government, with its very big sugar industry.

We think that was an appropriate decision. All it did was maintain the excise-free status of domestic production: producers would pay out the excise but would get a production subsidy equivalent. It is not really a subsidy in that sense; it just means they do not pay the tax that is applied to petrol in this country. We do believe, as the former Labor government did with its assistance to the alternative fuels industry, that we should provide some mechanism—which is effectively an excise-free mechanism up until about 2008, when it will start to wind down—by which the ethanol industry can be given the opportunity to establish itself in the marketplace.

It so happens that, at the moment, Manildra is by far the biggest producer and supplier of ethanol in this country. CSR is also a supplier. In the parliamentary recess the government announced on 25 July the decision to allocate some $37 million to fund one-off capital subsidies for projects that provide new or expanded biofuels capacity. That is very much in line with our election commitment and, of course, will ensure that there is a greater diversity of production of ethanol in this country. It will give an opportunity for others to enter the ethanol industry.

As you know, we have also set a 10 per cent limit on ethanol blending into petrol to restore consumer confidence in this product. In the recess we also announced the commissioning of a report on the objective of 350 million litres of biofuels that we had set. We want to look at that target in the light of the latest evidence in relation to the environmental and other benefits that are asserted in relation to biofuels. We are not in the least embarrassed by our continuation of the support which the previous government provided for the development of the alternative fuels industry in this country. We took steps during the recess to increase the likelihood of other producers entering this field. All of the assistance we provide is company neutral and it is available to anyone in this business. But it is an obvious statement of fact that Manildra is by far the biggest producer and therefore, to the extent that we are paying a subsidy to equate to the excise, it is the greatest recipient of that subsidy.

Senator O'BRIEN—Mr President, I ask a supplementary question. Can the minister confirm that, despite the payment of $21.7 million in ethanol production subsidies in the last 10 months of 2002-03, no additional ethanol production capacity has been generated? Does the minister envisage that additional capacity will be generated and that the level of ethanol production will be maintained? Hasn't the government paid out tens of millions of dollars to Manildra to do the same thing it did in the previous year—that is, make money for Mr Dick Honan, one of Australia's richest men?

Senator MINCHIN—The question is premised on a furphy in that there is suddenly some new payment being made. I can only repeat: rather than the industry being excise free, as it was under Labor and in our

early period of government, we have applied an excise but, in relation to domestic producers, we pay a subsidy equivalent to the excise. So in that sense they are no better off. They are in no different position, except in respect of competition imports of subsidised and cheap ethanol from, in particular, Brazil. That is the only difference made in this case.

As I have said, the government have just announced a production subsidy for capital projects of 16c per litre to new or expanded projects, and that is available to whoever meets the qualifications for that, whether it be Manildra or other entrants into this industry. We do expect other entrants to take advantage of this offer. *(Time expired)*

Indonesia: Terrorism and Transnational Crime

Senator McGAURAN (2.13 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the strong cooperation between Australia and Indonesia to combat terrorism, people-smuggling and other transnational crimes?

Senator ELLISON—This is a timely question in view of the tragic events that occurred in Jakarta last week. The bombing in Jakarta serves to remind us that we cannot be complacent about the fight against terrorism. Our cooperation with Indonesia in this regard continues. As a result of that bombing, the Prime Minister contacted President Megawati Sukarnoputri of Indonesia and offered assistance to that country in relation to this outrageous attack, and he conveyed our condolences to the Indonesian people. The Commissioner of the Australian Federal Police, Mick Keelty, has been in close touch with General Da'i Bachtiar, the head of the Indonesian police. At the moment we have 23 Australian Federal Police personnel cooperating with Indonesian authorities investigating this outrageous attack. They are at the bomb scene and we have provided experts, forensic and otherwise, in relation to this task.

This follows the close cooperation we have had with Indonesia in the Bali investigations. We saw recently the first conviction and sentencing of one of the people who have been charged with the Bali bombings. Amrozi has now been convicted and sentenced to death and the trials of Samudra and Ali Imron are nearing completion. A further 33 individuals are still to face trial. I stress that the investigation into the Bali bombings is by no means complete. The Australian Federal Police continue to work closely with the Indonesian authorities to bring to justice all perpetrators of the outrageous bombing which occurred last year.

Coincidentally, the day after the Jakarta bombing I was in Fremantle for the formal handover of five patrol boats to the Indonesian police. Commissioner Keelty and I handed over five purpose-built patrol boats to the Indonesian police. These were the subject of a statement by the Prime Minister last year when he announced that this assistance would be given. These vessels are state-of-the-art patrol chase boats, constructed in Western Australia. They can perform up to 15 nautical miles out and have a maximum speed of 45 knots. They are ideal for the purpose for which they are built—chasing transnational criminals, people who smuggle people, guns and drugs. All those things are of vital interest to the region, and especially Australia, when you consider how the Indonesian archipelago and its islands can offer refuge to organised criminals. We believe this is an excellent measure. It indicates the close relationship we have with Indonesian law enforcement.

As well as this, Australia has co-hosted two regional conferences on people-smuggling—last year and this year. They

have been very successful in bringing together countries in the region in the fight against people-smuggling and transnational crime. Much has been done but we realise that the fight against terrorism and transnational crime lies before us. We will continue to work closely with the Indonesian government. We value the cooperation we have received to date.

Manildra Group of Companies

Senator O'BRIEN (2.17 p.m.)—My question is again to Senator Minchin, representing the Minister for Industry, Tourism and Resources. Can the minister confirm that Minister Macfarlane's ministerial office commissioned a special report by KPMG into the profitability of Australia's dominant ethanol producer, Manildra? Why did Minister Macfarlane's personal staff commission a secret report related solely to Manildra? Did the contents of this report provide the foundation for the government's appointment of an exclusive facilitator to advance Manildra's interests? Is it the case that KPMG found Manildra already profitable but, despite this finding, the government has proceeded to enhance Manildra's subsidy package by expediting up to $10 million in subsidy payments and introducing capital grants?

Senator MINCHIN—It is certainly true, as we announced, that we are providing short-term assistance to all existing fuel ethanol producers to assist in the transition to the recently announced limit of 10 per cent ethanol content in blended fuels. That will, in effect, allow the current production subsidy to be paid in advance of the payment of the excise. So it is an issue of cash flow—that is all. It is to be in place until 31 December 2003, or until a $10 million financial cap is reached. So it is simply a reprofiling of existing production subsidies for existing producers in recognition of the fact that, in order to restore confidence in the ethanol products, we brought in the limit of 10 per cent. That obviously had some impact on the ethanol industry. There was a loss of confidence in the industry, with varying reports—well placed or not—about content higher than 10 per cent and about whether that was causing damage to engines. So we did the right thing by bringing in the 10 per cent limit. That has caused some short-term difficulties for existing ethanol producers. In recognition of that, we have brought in this short-term measure, which, as I say, is just a reprofiling of an existing payment mechanism.

To the extent that Manildra, which is the majority producer, is having some difficulty persuading Australia's major oil companies that they should deal with Manildra and accept its product, we have agreed to provide a facilitator on a short-term basis to see whether or not we can play a role in ensuring that ethanol can properly take its place in the fuel market in Australia. The facilitator will assess the extent to which we can overcome any difficulties there may be between the major petrol companies and, in this case, Manildra, as by far the biggest producer of ethanol. Those are important short-term measures which will, we hope, help overcome the consequence of our action—quite properly taken—to bring in a 10 per cent limit on the blending of ethanol into petrol.

Senator O'BRIEN—Mr President, I have a supplementary question. I ask again: can the minister confirm that Minister Macfarlane's ministerial office commissioned a special report by KPMG into the profitability of Australia's dominant ethanol producer? Didn't that report find that Manildra was already profitable? Is it true that the commercial facilitator for Manildra will be solely devoted to advancing Manildra's interests? Can the minister advise of the cost of this cosy arrangement? Finally, can the minister advise when the government will stop

pretending that it has any interest in developing a diverse alternative fuel sector and will move to appoint a 'minister for Manildra mates' to consolidate the current informal arrangements?

Senator MINCHIN—It is regrettable when the opposition is reduced to this sort of muckraking and attack on someone who has built a very substantial business in this country, who employs hundreds upon hundreds of Australians and who is doing a tremendous job to create wealth and jobs for people who might well vote Labor. I find it extraordinary that, on the first day back, this policy vacuum opposite should be reduced to that sort of muckraking and dragging of a decent Australian through the entrails of this sort of inquiry. We are doing what we can to ensure that biofuels in this country have the opportunity to demonstrate their place in the fuels market. It does so happen that Manildra, taking considerable risks, has invested a great deal in the development of the ethanol market. It has suffered recently from not only our action in bringing in the E10 limit but other stories that have affected consumer confidence. *(Time expired)*

Health: Indigenous Australians

Senator ALLISON (2.22 p.m.)—My question is to the Minister for Health and Ageing. As the minister will be aware, in 2003 Indigenous health is still on average three times worse than the health of all other Australians. Why is it that spending on Medicare and the PBS for Aboriginal people is only a third of that spent on non-Indigenous Australians? Now that the Prime Minister has been out into Aboriginal communities, will we see the Commonwealth support increase to reflect the seriousness of the situation?

Senator PATTERSON—I thank Senator Allison for her question and thank her for her recognition that I have been out into Indigenous communities—

Senator Allison interjecting—

Senator PATTERSON—The Prime Minister—I thought you were acknowledging that I had been out into Indigenous communities as well. I have been into Indigenous communities. Only last week I was in Tennant Creek where we were celebrating a Croc festival, which is, for those of you who have never been to a Croc festival, an outstanding program, as part of our drugs program, to give young Indigenous people an opportunity to express their skills through dance and music, and also during the daytime having programs on health, education et cetera. All those things lead to them having better health in the end. Before that I did a major trip through the Northern Territory, across the Top End down through Thursday Island, Palm Island, Cairns and Townsville, and across to the Pilbara and the Kimberley and, as I just said, back then into the Northern Territory last week.

In fact, we have almost doubled our spending on Indigenous health—a 90 per cent increase. Only a few weeks ago I announced—I will be corrected—additional funding of around $6 million or $6½ million to assist the upgrading of Aboriginal health services in the Northern Territory. I also announced funding to build accommodation for staff. One issue in attracting people into remote areas to work in Indigenous health services is the lack of accommodation. We are doing a couple of these projects in cooperation with the Northern Territory government. We have increased access to PBS and MBS in Indigenous communities. We have a program to enrol Indigenous people in Medicare. We have a program to enable people in Indigenous communities to access pharmaceutical benefits through the pharmaceutical S100 scheme—I think it is called—where

now Indigenous health services can have pharmaceuticals located in locked areas, which was not the case before when people had to get a script, send it off and sometimes wait weeks for it to come back through the mail. Now the most commonly used medications are available in the Aboriginal health services through the S100 program. That means people get access to antibiotics and other forms of pharmaceuticals that they need quickly to treat conditions in a much more timely way than they were receiving before.

If Senator Allison were to go out to some of these communities and if she were to go to one such as the Townsville Aboriginal and Torres Strait Islander Health Service, she would see some of the most outstanding primary health care in the world, better than you get in some general practices in inner city areas. The Aboriginal and Torres Strait Islander health services have an extension program for mums and babies, which we have funded. We have seen increased improvement in Indigenous children's health. I have not got the figures here to indicate to you the reduction in the number of children who have had pneumococcal meningitis as a result of the program that we have run with the pneumococcal vaccine for children in Indigenous communities in Central Australia. There are a number of other measures which have demonstrated changes in Indigenous health, particularly in Indigenous children. We have a long way to go. I have talked at length to Minister Aagaard. It is an issue that we are working on together. I hope to have a meeting with Lee Stevens very shortly. We are working on a project in the Pitlands as one of the eight projects that COAG has identified. Minister Ruddock and I were visiting there recently and opened a new medical centre in Kintore. *(Time expired)*

Senator ALLISON—Mr President, I thank the Minister for Health and Ageing for her answer and ask a supplementary question. Minister, can you guarantee that Aboriginal Australians will not continue to die from easily preventable diseases because they have no access to GPs under the programs you have described? Isn't it the case that primary health care for Indigenous people is largely funded by the states and then only marginally better funded per capita than non-Indigenous Australians, despite the very serious and great need? Will you accept that the fee-for-service mainstream market forces model does not work to get GPs into remote areas? When will the government consider returning to community health programs for Indigenous Australians so we can target the poorest and the sickest in our community?

Senator PATTERSON—I can guarantee that the spending on Indigenous health under this government has increased by 90 per cent over and above the spending under the Labor Party. I can guarantee that health outcomes for Indigenous communities are better than they were under Labor. I can guarantee that we will provide more accommodation to get those doctors out into those rural areas. I can guarantee that when we increased the number of medical student places by 234, against all the odds, I asked the dean of the school of medicine in South Australia to commit to taking 15 students from the Northern Territory. I spoke to the people in the Northern Territory on Tuesday or Wednesday asking them to identify young people who lived in the Northern Territory and who had completed their first degree, undertaken nursing or undertaken their training to be able to undertake medicine to ensure that we have a deep change in the supply of doctors. You cannot turn these things around overnight. We need a deep structural change to ensure that we educate young people from the Northern Territory so that they will go back and work with people in Indigenous communities. *(Time expired)*

Fuel: Ethanol

Senator STEPHENS (2.30 p.m.)—My question is to Senator Minchin as Minister representing the Minister for Industry, Tourism and Resources. Can the minister confirm that his department has established no performance benchmarks to test the effectiveness of the government's ethanol subsidy regime in maintaining and promoting the use of alternative fuels?

Senator MINCHIN—As I indicated before, the government have basically continued what has been the case for a very long time—indeed, under the previous government—whereby alternative fuels are excise free. So ethanol has been excise free for a very long time. Faced with the prospect of the substantial importation of cheap subsidised Brazilian ethanol, which would have caused considerable damage to the domestic industry, we did make the decision to provide a regime whereby excise was payable on ethanol but that domestic producers would have that excise effectively rebated through a subsidy. These silly questions keep operating on the presumption that there has been a sudden windfall for ethanol producers, which is completely contrary to the facts. I can only repeat that what we have done is provide a neutral position for domestic producers of ethanol by rebating the excise they now pay in the form of a production subsidy and that, quite openly, was because of the threat to the domestic industry and the potential to supply Australia with alternative fuels, from subsidised and cheap importation, particularly of Brazilian ethanol.

As for all this talk about doing analyses and those sorts of things, we were quite upfront about what we were doing and why we were doing it. We believe there is a place for ethanol in the fuel mix in Australia and that domestic producers ought to be given a window of opportunity to develop their capacity to provide ethanol to the Australian fuel industry, albeit now with a 10 per cent cap. We have proposed some short-term measures to enable the industry to adapt to that short-term cap. Our assistance is no different, in the sense that the excise-free regime is maintained in another guise, albeit in a way that ensures this industry cannot be destroyed in the short term by cheap Brazilian imports from a heavily subsidised industry in that particular country.

Senator STEPHENS—Mr President, I ask a supplementary question. I thank the minister for his answer, which seems to me to confirm that there are in fact no performance benchmarks. Can the minister further confirm that the department has undertaken no analysis or established any benchmarks for the diversification of biomass feedstock in ethanol production, including sugar and its by-products? Can the minister advise the Senate why the government committed to the payment of millions of dollars to Manildra without giving thought to the effectiveness of its subsidy regime in promoting a diverse and sustainable domestic alternative fuels industry?

Senator MINCHIN—Ethanol can be made from either sugar or wheat. It so happens that the biggest producer of ethanol does use wheat as the foodstock but, as I said, we have recently announced $37 million to fund one-off capital subsidies for new producers who will, if they enter the market, obviously compete with Manildra. So we are actively facilitating a competitive market and the entry of new producers that can and will be using sugar, as CSR do, to produce ethanol in competition with Manildra, but in a way and under a regime that ensures this quite important regional industry cannot be destroyed by the importation of cheap product that is heavily subsidised from overseas.

Indonesia: Kopassus

Senator NETTLE (2.34 p.m.)—My question is to the Minister for Defence, Senator Hill. In light of comments made by the Chief of the Defence Force, General Peter Cosgrove, can the minister confirm whether the ADF will be re-establishing a cooperative relationship with the Indonesian special forces, Kopassus? Can the minister inform the Senate what form the relationship will take and whether the government has information that this controversial regiment has reformed since its involvement in East Timorese militias and the murder of West Papuan independence leaders?

Senator HILL—There has been quite a deal of public discussion of this matter; I have been questioned on it several times. I have said that Australia has an interest in protecting Australians and we therefore have an interest in working with Indonesians in protecting Australians. The part of the Indonesian force structure best able to provide counter-terrorism capabilities is within Kopassus. On that basis, we have commenced some discussions with Kopassus as to how we may work with them to protect Australians in the way I have just mentioned. We have also been pleased, I might say, at the response of the Indonesian police to terrorist activities in recent times, and we are working closely with the Indonesian police as well. Whether it is with the police or with Kopassus, we will work with those Indonesian force elements as is necessary to best ensure the safety of Australian citizens.

Senator NETTLE—Mr President, I ask a supplementary question. Is the minister aware of current accusations that the Indonesian military, particularly the two battalions of Kopassus troops that were deployed in Aceh province from 19 May this year, have been involved in numerous human rights abuses during the continued imposition of martial law in the province, including kidnapping and the burning down of community buildings, resulting in the deaths of civilians? Given General Cosgrove's announcement of the ADF's intention to re-establish military ties with Kopassus, can the minister tell the Senate whether this indicates a willingness on behalf of the government to sacrifice the human rights of Indonesians in the pursuit of closer security ties in the region?

Senator HILL—There is no issue of sacrificing the human rights of Indonesians. We have on many occasions made representations in relation to human rights issues in Indonesia and, in appropriate circumstances, will continue to do so. We are also happy to work with Indonesia and with its force elements to achieve a better human rights outcome. You can, we believe, do both: you can have that objective in mind whilst at the same time look to protect the interests of Australians and citizens of other countries, including Indonesia, from terrorist operations. We, apparently contrary to Senator Nettle's view, believe that that is a very worthwhile priority.

Social Welfare: Carer Allowance

Senator JACINTA COLLINS (2.37 p.m.)—My question is to Senator Vanstone, as Minister for Family and Community Services. Given that the minister has put the review of carer allowances for disabled people on the backburner, can she explain why a parent like Linda Watson, who has an eight-year-old son with cerebral palsy, has lost her carer allowance and the health care card? Is the minister aware that Ms Watson told the ABC's *PM* program last Thursday:

> He wears splints on his right arm, his right leg and he wears one on his left foot as well, and he needs assistance to get dressed—
>
> and to cut up his tea—
>
> he can't do up buttons, zips.

… … …

My carers' allowance has been cancelled because they say he doesn't meet the needs anymore ...

But in my opinion his condition hasn't changed for eight years. I mean, you just can't find a cure for Cerebral Palsy overnight.

What possible excuse does the minister have for cutting Ms Watson's carer allowance?

Senator VANSTONE—I thank the senator for the question, albeit I would not have phrased the question the way she has. It does at least give me the opportunity to address this issue, which has, I think, received some publicity which has not helped the parents of children with disabilities who would maintain their allowance. By way of background, there are some 70,000 people now on a carer allowance who were previously on a child disability allowance some five years ago. Changes were made to the allowances, and all the people who were on the different, older allowance were told that they would be quarantined for five years, with no further reviews in that five-year period.

The new carer allowance, which has now been operating for that period of five years, has two elements to it. First, there is a list of recognised disabilities—or they might be better described as medical conditions—and if you have a child who has one of these then the medical aspect is automatically satisfied. However, if your child has another medical condition—that is, one not on the list of recognised disabilities—then you, on behalf of the child, need to have the child assessed against the capability of a child at that age without any disability. The reason for that is that some specialists who put this together, as I am advised—medical experts, mental health experts and some people involved in the disability area—concluded that there are some medical conditions where it is perfectly clear that you will need this extra assistance and there are others where, perhaps, with age the condition or the capacity to handle the condition improves, or medical science improves.

Some classic disabilities that might come under that category would be attention deficit disorder—I do not know anyone with it at 25. Kids do tend to grow out of this and to receive medical assistance that helps. Similarly, with asthma—which can of course be terrifying for a young child who does not understand and is not capable of handling the medical assistance that is required—when that child is eight, nine or 10 and at school they may well be able to handle their asthma perfectly well and perform as a normal member of the community. In addition to attention deficit disorder and asthma I would add diabetes as another example of the sorts of things that would be in the latter category. That list of recognised disabilities was reviewed in 1999-2000; some very minor changes, I am advised, needed to be made.

What I have said is that there are two things happening. Firstly, we will have another review of the recognised disabilities list, and that will be finished by Christmas. That happens every couple of years and is unrelated to matters currently being discussed about this particular group of carers; that would happen in any event. And, in relation to this particular group of carers, no-one will be put off on the basis of medical grounds until the government has had a look to see if we can find a better way. As to specific cases, I will check with my department on the one that you raise. There was one given much publicity last weekend, about a child that had, in effect, blindness. I did not see much publicity given to the fact that the doctor ticked the wrong box. *(Time expired)*

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. Given that the minister's office told the ABC's *PM* program that 'Centrelink won't make any decision to cancel payments on

medical grounds until the government has examined the review process', who on earth made the decision that Ms Watson's carer allowance should be cut? If Centrelink did not make this decision, who did, and what happens to the families on these supposed 'quarantines'? Are they still exempt from the review you are conducting about these families?

Senator Abetz—Mr President, the rules for questions are quite clear. Standing order 73(1) says:

The following rules shall apply to questions:

questions shall not contain:

(a) ... names of persons unless they are strictly necessary to render the question intelligible ...

Senator Collins did it in her first question. She has also offended against the standing orders in the supplementary question, and I believe that the question should be ruled out of order, or that aspect of the question should be ruled out of order.

Senator Robert Ray—On that point of order, Mr President: ministers constantly question the veracity of questions asked by opposition members, saying, 'I don't believe I should be dealing with a hypothetical case,' and we have been forced, over the years, to specify the actual case and individual before we can get a creditable answer. That is the reason why it is necessary to identify an individual to make the question understandable—because of that response of ministers over the last five years.

Senator Vanstone—On the point of order, Mr President: I have no problem in answering this question, albeit I accept that the point of order is a correct one. By way of assistance: I was advised when this was introduced that it was to encourage members who have specific cases, especially ones that might be as difficult and personally sensitive as this one obviously is, to raise them directly with the minister privately and see if they can actually get something done, rather than using them as political battering rams to advance themselves.

Senator Faulkner—On the same point of order, Mr President: Senator Vanstone's understanding may be correct but there is a very important point here. In this particular case the individual concerned has raised these concerns in the national media, and surely to make the question intelligible it is completely appropriate for Senator Collins to ask the question and the supplementary question in the way she did. You do have to look at the full context of these issues, including the fact that public debate about this was raised on national ABC radio last week.

The PRESIDENT—I rule the question in order because it was about a particular case and the question was answered in accordance with that, so there is no point of order. Senator Vanstone, do you wish to add a supplementary answer?

Senator Faulkner interjecting—

Senator VANSTONE—Thank you, Mr President. I am sorry; I do not think the Leader of the Opposition realises he does not have the call. As I have said, I will have a look at this case. My clear understanding is that no people will be put off on medical grounds while the government has a look at this. I do not know when this woman had her payment cancelled. It may have been in train before we said that, and I do not notice you indicating by facial gesture that you have a clue in respect of that either. But nonetheless we will have a look at that.

The government needs this opportunity to see if there is a better way. I do not think anybody wants to say that kids with attention deficit disorder should stay on until they are 16 and be quarantined forever. I assume that the Labor Party do not want to say that a third of the people who because of review have been put off and have self-assessed as

being not entitled should stay on. But I will have a look at each and every individual case you choose to raise with me. Senator, I say to you again, as I have said to people time and time again, if you have a sensitive issue in relation to a client—*(Time expired)*

Australian Broadcasting Corporation: Funding

Senator EGGLESTON (2.47 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. Has the Howard government maintained the ABC's triennial funding in real terms, with the ABC receiving $760 million in the year 2003-04? Do recent estimates questions indicate ways in which the ABC could reduce its expenditure to fund programs such as *Behind the News*? And what has been the reaction to the ABC being asked such questions?

Senator ALSTON—I thank Senator Eggleston for that very comprehensive question because it draws attention to the fact that prior to the last election we gave a commitment—

Senator Faulkner—Probably the ABC will give it a run.

Senator ALSTON—They may well do.

Senator Faulkner—But it would be unfair if they did that. It would be biased.

Senator ALSTON—I think your only fear is that they might actually show you as you are. Prior to the last election we committed to maintain funding for the ABC in real terms for the next triennium, and that is precisely what we did in the May budget. That means that both the ABC and SBS have had equality of treatment. As a result, the ABC is receiving in excess of $760 million a year, as Senator Eggleston rightly pointed out, for each of the next three years. That is about $2.2 billion. Not only have we maintained the ABC's funding but also we gave it an extra $72 million a year or so back for additional regional programming—and that was the first time in 20 years that content programming was increased outside the budget context. And of course we have given it additional funds for Asia-Pacific television and something like $700 million for the digital transmission and infrastructure program.

What was announced last week by the ABC was not, as some people seem to have interpreted it, some sort of cut imposed by the government. The government maintained funding in real terms. The ABC chose to reprioritise. In fact, shortly prior to the budget they asked us for an extra $15 million and yet they have now announced that they are rebalancing something in the order of $26 million. We do not know what that is for. There have been a couple of suggestions that it might have been for things like captioning and online services, but they have been funding those in recent years in any event. So there is still a lot to be explained on that front. More importantly, *Behind the News* has a cost of about $800 million a year—

Senator Sherry—$800 million a year?

Senator ALSTON—Sorry, $800,000.

Senator Sherry—A big difference!

Senator ALSTON—There is a difference. Some 1.3 million students a week watch that program, and it has been going for some 34 years. It is entirely a matter for the ABC what it decides to cut back on and what it decides to increase in terms of funding, but the government takes the view that it ought to explain its priorities. What emerged at the Senate estimates committee as a result of a number of questions put on notice by Senator Santoro was that the ABC is spending close to $1 million a year on international conferences for senior staff and clothing allowances and some $3 million on motor vehicle allowances. Its self-promotion and advertising budget has more than doubled from $4.1

million to $8.4 million over the last four years. So there is a capacity there to rebalance, and I think the public are entitled to understand why it is that those changes were made.

I was also asked about the reaction to other estimates committee questions. Mr Tanner put out a press release last Friday labelling a number of these questions as baseless and outrageous slurs. He said:

> Senator Santoro also incorrectly claimed the ABC interrupted footage of the toppling of the statue of Saddam Hussein. Answers have shown these ridiculous claims to be completely incorrect.

In fact, they showed that those completely incorrect claims that he said were made by an attack dog were questions asked by no less than Senator Mackay. This is a classic example of in-house factional savaging by one attack dog who happened to have a big win against Mr Tanner when she persuaded him to call off his silly structural separation inquiry. I think Mr Tanner ought to be told that not only does he not understand what is going on but he owes a very profound apology to Senator Mackay. But, given the way he has behaved in recent times—and certainly in relation to Mr Walker; he was quite happy to defame him—I do not think Senator Mackay is going to get what she is entitled to on this occasion. *(Time expired)*

Social Welfare: Carer Allowance

Senator MARK BISHOP (2.52 p.m.)—My question is to the Minister for Family and Community Services, Senator Vanstone. How can the Minister for Family and Community Services justify the government's cold-hearted reviews of carer allowances for 70,000 families who care for children with disabilities? Haven't families like the Martins in Brisbane, who care for their six-year-old who has Down syndrome, gone through enough without the government questioning whether they deserve the $87 per fortnight payment? Minister, why is it that, when the Howard government is out to save a buck, it picks on the most vulnerable groups in Australian society? What answer does the minister have for the Martin family in Brisbane?

The PRESIDENT—Before the minister answers, I will just clarify something. In the previous ruling I gave on the point of order raised by Senator Abetz, I ruled that point of order out because it was a particular case. In this case, Senator Bishop, you are throwing in a name on a particular issue which I think fits within the previous rulings I made about this issue, but I would ask the minister to answer the parts of the question that are relevant.

Senator VANSTONE—Senator, there are a couple of things I would like to say in response to your question. There are very, very few people who get any form of welfare who do not on some occasion find themselves subject to a review. There are some people on the disability support pension who are marked for no review—and they are very, very tragic cases—but nearly everyone else who gets some form of allowance should expect at some point to have a review. That would include people who care for children with attention deficit disorder; for children with asthma who, when they are in grades 6 and 7, can handle it quite easily; and for children with diabetes, which you could not expect a baby to handle but which kids, once they are at school, can and do.

You ask how to justify a cold-hearted review as though any review is cold-hearted, when in fact what we are talking about here is a review of a wide range of cases with a wide range of disabilities and, within each disability, a range of levels of disability. That is why the advice I have at the moment on the people who have had their payment cancelled is that one-third of them have self-assessed as not being entitled. Something

like 80 per cent of the carers who are caring for asthmatics and who have been assessed have been assessed as no longer being entitled. Why? Because a child of three or four would be terrified by asthma, but a kid who is eight or nine might be handling it very well. You describe any review as a cold-hearted review; I think it is a fact of life that these things have to be looked at.

As to Down syndrome, there are three things I would like to say about that. Firstly, the list of recognised disabilities that says Down syndrome is such a disability up until age six was made by people with far more medical expertise than any of us could put together. They reviewed it again in 1999-2000 and still did not increase that age. The second thing to say to people with Down syndrome is that, of those who have been looked at so far, 98 per cent have maintained their payment. I am sorry that all of them thought that the payment was going to be cut as a consequence of remarks by your colleagues, Senator Bishop, and in particular Mr Swan. Some people will use people with a disability to advance themselves, and Mr Swan has never shown any reluctance whatsoever to do that. But for the cold-hearted government that wants to cut off people who have children with Down syndrome: 98 per cent of those cases have been put back on payment. I am advised that, of the two per cent that have not, they have not been for medical reasons—it might be that the child is no longer in care.

Senator Mark Bishop—What's the value in it then? What's the value of the review?

Senator VANSTONE—Senator Bishop rightly, in a sense, interjects and says, 'What's the point?' Indeed, you may ask that when experts have put this together and have twice decided that, after year 6, there would be the possibility of such a level of difference between one Down syndrome child and another. But that would tell me that the next time that group report, they will have the advice from my department about the reviews that have taken place so far—namely, that 98 per cent of those with Down syndrome, who would necessarily be up to 10 years old because of when these cases were saved, have in fact been put on. I think that therefore makes a very good case for Down syndrome for those aged over six up to another age—I am not sure what, because I do not have the age group of people who have been reviewed—to be put on as a recognised disability. My particular concern, as I say, is that Mr Swan has chosen to tell Australia that people with Down syndrome children are necessarily being kicked off when the facts show that 98 per cent of them are not—and, for those that have lost payment, it is because the child is no longer in care. *(Time expired)*

Senator MARK BISHOP—Mr President, I ask a supplementary question. I would have thought that, if 98 per cent are going to be maintained on their allowance, there might be a respectable argument for doing a pilot review or for, the second time around, not even doing a review. Nonetheless, the supplementary question to the minister is: is the minister aware that her department has prepared figures on the average number of carer allowance recipients which show a decline of 30,000 this year compared to previous estimates? Isn't this quota of 30,000 the number of families who will lose their payments under the current review? If, as the minister claims, only a few families may lose the carer allowance, will she now release new figures on customer numbers and revised budget estimates?

Senator VANSTONE—To answer that I would need to get advice from the department as to why the numbers vis-a-vis carer allowance have reduced by that amount. The figures that I have seen of the cases done so

far—which are a third of them—would produce nothing like that at all. I thank you for raising that point, because again Mr Swan has gone around and said that many people will lose their payment and that that is what the government wants to do. It does happen, of course, that some people lose carer allowance—this might not have occurred to Mr Swan—because—

Senator Mark Bishop—But they're your figures.

Senator VANSTONE—Let me tell you why: some people turn 16, get the disability support pension, become independent and do not have a carer. People actually get older, and that obviously has not occurred to Mr Swan. The other point, Senator Bishop—which you might ask Mr Swan and the others who were here at the time—is that, if they did not approve of this process, if there was a better system for sorting out who got it, if there was a system where many more people got it and in fact the payment was higher, and if they did not want these people quarantined for five years but forever, why didn't they say so at the time the legislation went through? It went through on the voices. *(Time expired)*

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Fuel: Ethanol

Manildra Group of Companies

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.00 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) and the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Faulkner, O'Brien and Stephens today relating to the subsidy on the production of ethanol.

Today in question time a situation was exposed in which not only has the Prime Minister, Mr Howard, been caught out yet again in relation to the ethanol issue but also Senator Coonan has been caught up in the web of this dodgy deal-for-mates issue. You have to feel sorry in a way for Senator Coonan—she forgot to double check with Mr Howard that he was telling the truth about the meeting with Mr Dick Honan before she recounted in the Senate the Prime Minister's false assurances to the House of Representatives. That is what Senator Coonan failed to do and she—as well as Mr Howard—stands exposed on this issue.

This issue goes to a question asked in the House of Representatives by Ms Anna Burke on 17 September last year. The first part of the question was:

Prime Minister, was the government contacted by the major Australian producer of ethanol or by any representative of his company or the Industry Association before its decision to impose fuel excise on ethanol?

The second part was:

If so, when?

And there was a third part to the question:

Was the government urged to take action to prevent Trafigura Fuels Australia from importing a shipment of ethanol from Brazil at a commercially competitive price?

What was the first part of Mr Howard's answer to these questions?

Speaking for myself, I did not personally have any discussions, from recollection, with any of them.

That is what the Prime Minister told the Australian parliament about possible meetings. Two days after that, the Prime Minister told the parliament that he had checked his records and that he had not spoken with the ethanol producer, Mr Honan.

We all know—courtesy of an FOI document obtained by my colleague Senator O'Brien—that indeed Mr Honan did have a secret meeting with Mr Howard six weeks before Mr Howard's misleading statement to the parliament. We know that the meeting was attended also by a PM&C note-taker. This situation was made even worse, in relation to misleading the public, when Mr Howard was asked in Darwin about the question. He said:

> But it's false. I haven't misled Parliament. The answer I gave related to the question I was asked, and the question I was asked was in relation to a particular shipment of ethanol from Brazil and at the time I had the meeting I didn't know about the shipment.

But he was pressed by a journalist on this issue and on the actual question. The journalist asked:

> There were parts to the question though, weren't there? You're talking about the last part of the question.
>
> PRIME MINISTER: No, I'm talking about the first question that was asked of me.

Of course, the first part of the first question asked of Mr Howard was about a meeting. The second part asked when the meeting took place. Only the third part mentioned the ethanol shipment to Brazil. Again, Mr Howard has misled the parliament and the public. This is a situation which you get used to, I suppose, with Mr Howard. This is another case of truth overboard from the Prime Minister. His code of conduct—much vaunted when it was tabled in the parliament and now much discredited—provides for any minister or prime minister who misleads the parliament or the public to correct the record. They must not intentionally mislead the parliament or the public. We now know that these misleadings of the parliament and the public remain uncorrected—they stand uncorrected. Mr Howard thinks he is above all the parliamentary and the Westminster conventions—the morality and the proper political process. But I say he is not. He stands exposed and he ought to be man enough to acknowledge the mislead and to correct the record.

Senator McGAURAN (Victoria) (3.05 p.m.)—In response to Senator Faulkner's motion to take note of answers, the dust has settled on the Labor leadership, six weeks of the winter break have gone by, the Labor Party have returned to parliament for the new session and they have learnt nothing. They have not reassessed or attempted to learn the lessons of their disruptive leadership or their slump in the polls. They have learnt nothing in the six weeks break at all. They have walked straight back into parliament and, in the very first question time, they have returned to their old modus operandi, led no less than by their A1 head kicker, Senator Faulkner. It is slur, it is slander or it is personal attacks on the Prime Minister or any of his associates—no matter how far and distant; it could be anyone who has ever met the Prime Minister. It is slur and slander with absolutely no policy. There is no policy at all.

What we are dealing with here is a policy of support for an industry that the government is injecting hundreds of millions of dollars into. Yet all we get is an attack from the Labor Party upon this somewhat Keynesian policy, which I would have thought would have appealed to some of those on the other side of the chamber. It is government support of an industry, and all we get is the slur and slander led by Senator Faulkner. In question time it was led by the shadow minister, Senator O'Brien, who is, obviously, poorly attempting to rehabilitate his career, which had a near-death experience over the winter break.

The government has always been up-front about its ethanol policy. It has nothing to hide at all. There is no trick to our policy. It

is an out-and-out injection of government funds into an industry so as to produce a clean, green fuel for the future and support the sugar farmers. I should add, Senator O'Brien, that the sugar industry called for this policy, and we delivered it. It is a policy for the long run. In the long run CSR will enter the ethanol market and be in competition with the Manildra Group. In the long run those who will benefit most will be not just the farmers down at the farm gate but the consumers. The consumers will benefit from an alternative fuel that competes against the oil industries—that will, in fact, affect petrol prices. It should make petrol cheaper.

But not only has Labor come into this chamber and thrown slurs and slanders—weak attempts to accuse the Prime Minister of misleading the parliament—but also it has learnt nothing. It has not learnt that it is not working. What the public want from the opposition is policy—hard policy. You have had the whole winter break to think about that and you have had a leadership challenge to reassess all that, but you have just come straight back in and done the same thing all over again. You will be condemned to opposition for many years to come and you will be a poor opposition for it. The government's policy is one that we are quite proud of. As I say, it is one for the future. It is one that we have been open about. Moreover, it supports the sugar industry, the sugar farmers and the consumer, and it introduces a clean, green fuel.

Senator Ludwig—Not for ethanol; it's plant based!

Senator McGAURAN—It can be both sugar based and wheat based.

Senator Ludwig—Which are you giving the subsidy to?

Senator McGAURAN—The subsidy is to the industry as a whole. As the interjector obviously would want to know—

The DEPUTY PRESIDENT—Ignore the injector, Senator McGauran. You will address your comments through the chair. Senator Ludwig, refrain from injecting on Senator McGauran's speech.

Senator McGAURAN—If the interjector is not interested, I am sure that the chamber is interested, in the short time I have, in what is this government policy—this injection of funds to introduce new players into the market. It is, in fact, a subsidy. We will provide 16c per litre to new or expanded projects—a minimum of five million litres of biofuel with a maximum grant of $10 million. This is in addition to the existing production subsidy. *(Time expired.)*

Senator O'BRIEN (Tasmania) (3.10 p.m.)—Senator McGauran referred to my political career as being near death; I thought that I should note that his has, apparently, been mummified. In terms of the matter we are debating, the Howard government's ethanol policy is built on a lie. It is a lie about benefits to regional Australia; it is a lie about benefits to the sugar industry most particularly, and it is a lie about the government's consideration of Manildra's interests ahead of other ethanol products.

Senator Hill interjecting—

Senator O'BRIEN—First of all, I want to dispose—and I am interested in the Leader of the Government's interjections—of the alleged benefits of the government's subsidy for regional Australia. A diverse alternative fuels industry in Australia can only be sustained if Australian consumers agree to use fuel containing an ethanol blend. By refusing to cap ethanol content in fuel last year—despite the insistence of the motor vehicle industry, motoring groups and Labor—the government did extraordinary damage to the reputation of ethanol in the Australian marketplace. Its ethanol subsidy regime has done nothing to address that extraordinary dam-

age. A few weeks ago the dominant ethanol producer, Manildra, was threatening to close plants because of the 10 per cent limit, which it said would further dampen demand. But, at the same time, some members of the government and industry representatives are promoting the idea that more plants up and down the east coast are desirable and feasible under the government's expanded ethanol subsidy regime.

The second matter I want to turn to is the alleged benefit to be derived by the sugar industry from the government's package—a matter referred to by Senator McGauran. We should not forget that the government used the plight of the sugar industry as the basis of its changes to ethanol policy late last year. Yet, in answer to a question on notice, Senator Minchin has revealed that more than 96 per cent of ethanol subsidy payments made by the government last year were made to Manildra. What does Manildra produce ethanol from? Wheat, predominantly—grains, generally, but wheat predominantly. The only ethanol producer to use sugar byproducts, CSR, got less than four per cent of subsidy payments from the government last year. The woes of sugar growers have been used to cloak the government's massive handout to a producer that uses wheat, not sugar, to produce ethanol.

Finally, I turn to the greatest lie of all—that is, the suggestion that the government did not have Manildra's interests at the centre of its thinking when it developed and expanded its ethanol package. The first matter of note is the prime ministerial denial in the other place of a meeting with the Manildra chairman, Mr Dick Honan. Mr Honan had a private meeting with the Prime Minister on 1 August last year. The formal record of that meeting reveals that Mr Honan and the Prime Minister discussed ethanol excise and protection for the domestic industry from Brazilian imports. There is nothing wrong with a businessman seeking a meeting with the Prime Minister. If the Prime Minister chooses to provide privileged access to political donors, that is a matter for him. But the Prime Minister is not entitled to deny the existence of that meeting or to pretend that it did not relate to matters addressed by a major policy announcement six weeks after it took place.

How the other place deals with the Prime Minister is a matter for that place, but it is important that the Senate notes two matters: first, the meeting was revealed only through an application under the Freedom of Information Act, not through answers to questions in the parliament about meetings between the Prime Minister and Manildra; and, second, today's failure by the Assistant Treasurer and Minister for Revenue to correct the statement she made to the Senate on 9 December last year when she repeated the Prime Minister's false denial of communication with Mr Honan in relation to ethanol policy. It is not just worth considering the false denial; it is important to look at the range of benefits this government has delivered to Manildra, and I have referred to the 96 per cent of subsidies paid to producers last year going to Manildra—that is, $20.8 million from $21.7 million. Last month, Manildra received an expedited production subsidy arrangement and an exclusive commercial facilitator. Prior to the latest series of announcements, Manildra received $1 million in payments to assist it to develop its fuel ethanol production capacity. In April this year, in the midst of the ethanol funding bonanza, the minister for agriculture announced an $885,000 grant for Manildra under the food industry grants program. *(Time expired)*

Senator COLBECK (Tasmania) (3.15 p.m.)—Again we have a demonstration of the double standards Labor apply to their policy and to their treatment of regional Australia. Continually, they say one thing and do

another. They set up Country Labor in a cynical attempt to woo the country vote—something that is obviously quite transparent to regional Australia—and they complain about government not supporting regional business and regional Australia.

I had the opportunity last week to attend a rally in regional Australia, where the Labor Party were lining up to rail against the government and its non-support of regional Australia and the industries that exist there. They were railing against a Productivity Commission report on the textile, clothing and footwear industry. The members were all eager to get onto the platform to complain about the Commonwealth government and about the fact that the Productivity Commission report was going to promote a reduction in tariff levels for this industry and to say that the Commonwealth government should not support the Productivity Commission report. They were standing in line and eager to get up there to make their point. They failed to recognise that this Commonwealth government is the only one that has provided a freeze in support of the textile, clothing and footwear industry.

A similar situation exists with the biofuel industry in Australia. The Commonwealth government is prepared to provide support and assistance where it sees a problem, and the opposition is prepared to rail against that and is not prepared to provide that support. The Commonwealth government has an objective to see a productive and competitive biofuel industry exist in this country. It saw a problem, it saw a threat in the form of highly subsidised biofuels out of Brazil and it acted. It made the decision to support a sustainable industry with a sustainable fuel that will provide long-term benefits and assistance to the economy, to Australian industry, to rural Australia and to the environment and to provide assistance to regional Australia and rural Australia. That is quite the contrary to what Senator O'Brien just said.

The government's decision provides farmers with an alternative market for their product and the general public with an opportunity to purchase a clean, green, domestically produced and, most importantly, renewable alternative to our finite reserves of crude oil. It provides further benefits to the environment through improved air quality and lower greenhouse gas emissions and is a safe replacement for toxic octane enhancers in gasoline, such as benzine, toluene and xylene.

This government have consistently made a feature of looking after regional Australia and make no apology in this instance for providing a source of support for regional industry, regional businesses and farmers that require that support. As Senator McGauran said, this industry both supports the sugar industry and provides an alternative market for the wheat industry. We make absolutely no apology for that. We have been quite open, quite frank and quite honest about the outcomes and the reasons for supporting this industry. Like when we froze tariffs for the textile, clothing and footwear industry back in 2000—when every single tariff reduction had taken place under the regime of a Labor government—we make no apology for supporting this industry in this circumstance. This issue clearly demonstrates the policy vacuum the Labor Party exist in. It clearly demonstrates the double standards of Labor in their assessment and their approach to regional Australia. *(Time expired)*

Senator STEPHENS (New South Wales) (3.20 p.m.)—I too rise to take note of the answers to questions asked of Senator Minchin and Senator Coonan this afternoon in relation to the whole issue of ethanol funding. My concerns are twofold: firstly, the Prime Minister's direct interference in

the debate and the decision making on providing the subsidy to the ethanol industry; and, secondly, the fact that his interference will do untold harm to the ethanol industry, which previously held significant hope for both Australian agriculture and the alternative biofuels industry.

I think it is important to place on the public record that Labor is intent upon—and definitely supportive of—having an alternative biofuels industry, but this is not the way to do it. The government's subsidy has certainly been criticised by other players—other than Manildra, that is, of course—notably CSR, which is the other main domestic producer of ethanol. Recently CSR's managing director, Mr Alec Brennan, was on the record as saying that the government's package provides no long-term certainty for the Australian industry at all, and CSR has indicated that it is unlikely to proceed with plans for another ethanol plant under the current regime.

The real problem that we have is that, despite all the claims of the government, ethanol may not deliver environmental benefits. Certainly, this proposal does nothing to help struggling sugar growers. It actually supports just one key player in the market, and that is Manildra. Ethanol is actually three times more expensive than ordinary petrol, and so the idea of being able to encourage people to take up ethanol as an alternative fuel is one that both Shell and Caltex have been warning about for some time. They both have said there are significant problems remaining that prevent ethanol being accepted by motorists. Last year we heard all of those complaints about the damage that ethanol was doing to motor vehicles.

Senator Minchin today was being a bit too clever by half in his response to the questions I asked him about the government's modelling of the ethanol based industry and the decisions of his department. He acknowledged, I think, that there were no benchmarks, no analysis done of the alternatives and no modelling taking place about this process and how this would actually deliver some benefits to the industry at all. This hardly passes the test of good public policy.

CSIRO, ABARE and the Bureau of Transport and Regional Economics are about to embark, or have just embarked, on an investigation of the environmental benefits of ethanol. It would seem very sensible to me that any decision on the precise nature of government support for ethanol production should sensibly await the outcome of that research. That to me would be the foundation of some good public policy for an important environmental industry that we want to promote and support. So rather than being so clever and evading and skirting around the whole issue of accountability by the Prime Minister, and the protection that has been afforded to the Prime Minister by Senator Coonan and Senator Minchin in this chamber today, we need to be very mindful that there are broad ramifications for the kind of interference that has taken place in this debate. We need to be very careful of the increasing power of executive government in making those decisions and overruling and overriding the important work of government departments to ensure that there is some transparency in the processes of decision making. These are the kinds of issues the Labor Party will be taking up at Senate estimates.

Question agreed to.

Health: Indigenous Australians

Senator ALLISON (Victoria) (3.26 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Health and Ageing (Senator Patterson) to a question without notice asked by Senator Allison today relating to health care for Indigenous Australians.

I pointed out to Senator Patterson that, on average, Indigenous health is three times worse than the health of other Australians. Commonwealth spending on PBS and Medicare for Aboriginal people is less than that spent on non-Indigenous Australians. The minister outlined some programs which are worthy and I congratulate her for going into Indigenous communities—I have done so myself on numerous occasions—and she must have been impressed about the seriousness of the problems in those communities.

Nonetheless, I do not think we are seeing priority being given to this sector of our community. They are the most vulnerable group in society. As was reported in the *Age* last week, doctors are being consulted about the so-called Fairer Medicare package to finetune it, in Senator Patterson's words. We have also had statements about the PBS, but whether or not it is on the agenda at the free trade talks with the US is still unclear. But I think it is fair to say that, in terms of priorities, we are not seeing Indigenous health up there with the best of them.

In fact, reports on Indigenous health continue to be shameful to what is a rich country. It is difficult to improve the health of people whose education and employment levels are so low and whose housing provisions are so poor and so on. It is not simply a case of throwing money at health programs per se to improve health services or health outcomes. But it is the case that simply funding health for Indigenous people at a constant level—or improving it only marginally here or there—means that Indigenous people are unlikely to see any great improvement in their health.

The health budget this year contained no new money for Indigenous health, nor did it anticipate any new evaluations of existing programs. Does the minister, from that budget provision, suggest that Aboriginal health is fixed and that we have already got the solutions? I think it is clear that we do not. We need to put a few of the facts on the table. According to the last available expenditure report from the Australian Institute of Health and Welfare, 406,000 Aboriginal and Torres Straight Islander people—over a quarter—in 1998-99 lived in remote Australia. That compares with 2.6 per cent of the total Australian population. So we can already see that remoteness and distance are likely to be differential factors in the delivery of health services.

Total Commonwealth funding for recurrent health services expenditure for Aboriginal and Torres Strait Islander people, excluding transfers to the states, was estimated to be $267 million. Of this, around one-fifth was for GP services, eight per cent for PBS services and around 45 per cent for Indigenous-specific health services. The remainder—25 per cent, or $66.3 million—was for other health services, including general administration. Per person, expenditure by the Commonwealth for Aboriginal and Torres Strait Islander people, excluding payments to the states, was $658 compared with $786 for non-Indigenous people. Of the $658 spent on Aboriginal and Torres Strait Islander people, the Commonwealth contributed $146 to medical services, $50 to PBS and $298 to Indigenous-specific programs. Combined Commonwealth funding for these programs was $495 per person, or approximately 75 per cent of total Commonwealth per person expenditure for Indigenous people. The remaining $163 was spent on high-care residential aged care, the Royal Flying Doctor Service and other health services.

Of the total $786 spent per non-Indigenous person, almost two-thirds of health funding is through benefits paid for medical services and the PBS, but we know that Indigenous people are more likely to die 20 years earlier than their non-Indigenous

counterparts and the infant mortality rate is over three times the rate for all Australian infants. Kidney failure, trachoma, nutritional and drug and alcohol related health problems are manifestations of poor living conditions, much of which can be attributed to structural inequity. I visited the Northern Territory and went into a community health centre a couple of years ago. I asked what the main problem was, and it turned out to be scabies. *(Time expired)*

Question agreed to.

CONDOLENCES

Jones, Hon. Charles Keith, AO

The DEPUTY PRESIDENT (3.32 p.m.)—It is with deep regret that I inform the Senate of the death on 7 August 2003 of the Hon. Charles Keith Jones AO, a member of the House of Representatives for the division of Newcastle, New South Wales, from 1958 to 1983 and at various times in that period Minister for Transport and Minister for Civil Aviation. I call the Leader of the Government in the Senate.

Senator HILL (South Australia—Leader of the Government in the Senate) (3.32 p.m.)—by leave—I move:

That the Senate records its deep regret at the death, on 7 August 2003, of the Honourable Charles Keith Jones, AO, former federal minister and member for Newcastle, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

Charles Keith Jones was born on 12 September 1917 at Newcastle, New South Wales. He was educated at Cooks Hill High School and Newcastle Technical College. He married Doreen Wright in 1939. A boilermaker by trade, Charles was an apprentice at the BHP Steelworks before taking up employment at Stewarts and Lloyds. He became a member of the Boilermakers Union and was involved with the Metal Trades Federation and Trades Hall Council. Charles joined the ALP in 1941 and was a committed Labor man throughout his life, always remaining active in party affairs.

He joined the State Dockyards as a boilermaker in 1943, where he remained for 13 years. Mr Jones was elected to the Newcastle City Council in 1946 and rose to be Lord Mayor of Newcastle from 1956 to 1957. He was 39 years old—at that time, the youngest person to hold the office. He was an inaugural councillor of the Shortland County Council from 1957 until being elected to federal parliament. In 1958 Mr Jones was elected to the House of Representatives seat of Newcastle, holding the seat until his retirement prior to the general elections in 1983. He was Minister for Transport from 1972 to 1975 and Minister for Civil Aviation from 1972 to 1973, and he held several party positions whilst in opposition.

Mr Jones represented the old-style trade union trained politician and did his job well. His colourful use of language is well known—in 1966, he called Harold Holt a ‘dirty old mug’ and in 1976 he earned a suspension from the House for 24 hours after he called the then Treasurer, Mr Lynch, a ‘dingo’. He served on several parliamentary committees, including those on printing, road safety, aircraft noise and tourism. He was the Deputy Chairman of Committees from 1964 to 1967 and 1980 to 1983. He also attended several overseas parliamentary delegations and conferences and travelled overseas on official visits.

Mr Jones was made an Officer of the Order of Australia in the 1984 Australia Day honours list, for service to politics and government. He was presented with the Queen Elizabeth II Silver Jubilee Medal in 1977 and, more recently, with the Centenary Medal for service to the community. On behalf of the government, I extend to his wife,

Doreen, to his children and to other family members and friends our most sincere sympathy in their bereavement.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.35 p.m.)—On behalf of the opposition, I support the condolence motion moved by the Leader of the Government in the Senate on the death of Charlie Jones. Born in Newcastle in 1917, Charles Keith Jones was educated in public schools and apprenticed as a boilermaker. He was an executive member of the Boilermakers Union for 14 years. He was also an official of the Metal Trades Federation and the Newcastle Trades Hall Council. He was an alderman on Newcastle City Council from 1947 to 1959, including two years as Lord Mayor in 1956 and 1957, and an inaugural councillor of Shortland County Council between 1957 and 1959.

Charlie Jones was elected to parliament as the member for Newcastle in 1958. Newcastle is, of course, a seat of great significance and importance to the ALP, having been held continuously by Labor since Federation. Newcastle is the only seat in the House of Representatives to have been continuously represented by the same political party since Federation. Charlie Jones, elected in 1958, was the third member for Newcastle, and a very important part of that great tradition. It is worth noting that Sharon Grierson, the current member for Newcastle, elected in 2001—just over 100 years since Federation—is only the fifth member for Newcastle in that period of over a century.

Charlie had to wait until 1959 to make his first speech, and in it he was largely concerned with the impact of changes in the coal industry on his electorate and the devastating effect of pit closures and job losses on working men and women in Newcastle. He argued the long-held and still-held Labor Party belief that the benefits of increased productivity ought to go to workers, to employees, as well as to owners and shareholders. Improved technology and greater mechanisation, Charlie said, should lead to shorter working hours, not longer dole queues.

Among the committees Charlie served on were the House of Representatives Standing Committee on Road Safety in 1972, prior to the election of the Whitlam government, and the House of Representatives Select Committee on Aircraft Noise, from 1968 to 1970. He was the opposition spokesman on transport from 1967 to 1972. All of this meant that he was very well prepared when he became the Minister for Transport and Civil Aviation in the second Whitlam ministry in December 1972. He was so well prepared that Gough Whitlam later described him as 'the most effective and creative transport minister in Australian history'.

One of his achievements was the passing of the National Roads Act in 1974, the legislation that authorised a Commonwealth-funded national highway system linking all capital cities—a total of 15,800 kilometres of highway. Of course, Charlie's achievements with road and rail were somewhat overshadowed by controversy over Sydney's airport—I suppose there are a few of us who probably could sympathise. In August 1973, Charlie announced that Galston had been chosen by the Australian government as the site for a new Sydney airport. The Parramatta by-election later that year, lost by Labor in no small part because of the backlash against the airport, saw the end of the Galston airport proposal. A feasibility study in 1975 into the possibility of a Goulburn airport—and Gough did say Charlie was creative—discovered that that was not feasible either. Charlie's plan to reduce aircraft noise in Sydney by asking new applicants for flights into Australia to use Tullamarine rather than Kingsford Smith was greeted with horror by the New South Wales government, as they

watched tourism dollars roar overhead, bound for Melbourne.

Charlie was notoriously plain spoken. Charlie was able to get the last word in, even at times against Gough Whitlam. Former Prime Minister Gough Whitlam tried to subtly—if that was possible—rebuke Charlie for turning up late to a cabinet meeting, remarking, 'We were hoping to complete this item before you arrived.' Charlie retorted to Gough, 'I was hoping you would too.' Charlie was twice suspended from the House of Representatives: once for calling Phillip Lynch a dingo, and the *Australian* published a cartoon of two affronted dingoes vowing revenge; and once for calling Harold Holt a 'dirty low mug'. His most memorable parliamentary remarks were not unparliamentary. Explaining PNG aviation policy, Charlie declared, 'I told Michael Somare, "Look, Michael, you can argue till you're black in the face, but it's that Ansett who's the nigger in the woodpile."' Many politicians, of course, have dreamed of bringing the House to absolute silence—Charlie Jones achieved it.

After Kerr, Barwick and Fraser conspired to bring down the Whitlam government in 1975, Charlie remained in parliament, representing the seat of Newcastle until 1983. When he retired from parliament, he became an official of the retired members association. I know Charlie loved fishing, so I suppose he took time off from that important activity. But he also kept up his interest in transport and civil aviation and, on a number of occasions, carpeted retired members he felt were misusing their gold passes.

Today in this condolence debate I want to thank Charlie and acknowledge his personal support, particularly during the late 1970s and 1980s. Charlie could be a very difficult character to deal with: stubborn, curmudgeonly and inflexible, he held some quite old-fashioned views. Many could not understand him. Always loyal to the Left of the Labor Party, he was more than capable of expressing quite right-wing views. Charlie explained this approach once to a colleague: 'Think Right, vote Left.' When I was the Assistant General Secretary of the New South Wales Branch of the ALP, Charlie would often be in contact over the labyrinthine intricacies of Labor politics in Newcastle, which are far too complex to explain here in the Senate chamber—actually, Mr Deputy President, I would have to admit that I have never quite understood them myself.

The best thing I can say about Charlie, and the thing I am sure that he would want someone to say in this condolence debate, is that no-one could question his loyalty to the Labor Party. He remained a party activist until his death last week. Charlie Jones served the labour movement and the people of Newcastle in many different capacities from 1943, when he first became a member of the executive of the Boilermakers Union. After 40 years of public service, in his retirement he continued to be active and engaged. He was always motivated by his desire to serve and to help the working men and women of Newcastle and their families, whether as a unionist, an alderman or a member of parliament. I will certainly miss him. Many other members and supporters of the Labor Party will miss him. On behalf of the opposition in the Senate, I express our deep regret at Charlie's death and offer sincere condolences to his wife, Doreen, his children, Fay and Ken, and his many grandchildren and great grandchildren.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.46 p.m.)—I would like to associate the Australian Democrats with this condolence motion. Charlie Jones obviously made a mark on his country, and his friends and family have great reason to be proud of all that he

achieved and all the effort he put in. He was elected to the seat of Newcastle in 1958 and served in that seat until 1983. That 25-year service in the House of Representatives is of itself worth noting. Very few senators have served this chamber for 25 years, and I think only a handful of the current members of the House of Representatives have served for that length of time. Twenty-five years is certainly up there in the higher ranks of length of service.

Prior to entering the federal parliament, Charlie Jones was active in the Newcastle City Council as an alderman and then as lord mayor, his service there stretching back a further 12 years. Clearly, he served his community with great diligence and effectiveness and, from the tone and detail of the contribution of Senator Faulkner—who is in a position to know—obviously he was viewed with a great deal of affection by many in his party. To serve a party and a community for that length of time and still be recognised at the end as someone who has done a good job is the sign of a task well done.

The time of Charlie Jones as transport minister perhaps has had the most focus in terms of the role he played in parliament. As Senator Faulkner mentioned, some of the issues of that period—30 years ago now, when Charlie first became a minister in the Whitlam government, at the end of 1972—are still around today in varying forms. The second airport in Sydney is one such issue that Senator Faulkner mentioned. Some of the trials and tribulations involved in trying to get decisions on that issue continue to this present day. Many an aviation minister—not to mention an opposition leader and various representatives of Sydney based seats—has been caused a lot of angst by the varying proposals for further airports and air traffic in Sydney and the Sydney basin.

Mr Jones also served as transport minister during the difficult period when the world was confronted by the oil crisis of the early 1970s. Airlines around the world were suffering, as many of them are now. There was talk at the time of merging Qantas with what was then TAA, a move which eventually became reality some 20 years later, although of course under very different circumstances, in a deregulated market. The Hon. Mr Jones was also the minister responsible for making the decision to allow the supersonic Concorde to fly to Australia. It subsequently did make a number of visits to Australia—although, as senators would be aware, there shall be no more Concordes flying into Australia. But Charlie Jones was the person who gave permission for them to come here for the first time.

Also in the area of aviation, long before smoking was banned on all domestic and international flights, Charlie Jones recognised the health implications of smoking on passenger aircraft and suggested that smoking seats should be segregated from non-smoking seats. This was a forerunner to the subsequent government's later legislative segregation, which effectively banned smoking on domestic flights. So clearly, even in that small number of years as minister, he had a significant role in some issues of the aviation and transport industries that we are still wrestling with today. I am sure that his local community, the proud community of Newcastle—although I must say that after 100-plus years of electing a Labor Party member they might want to consider some alternatives—

Senator Faulkner—I doubt it; certainly not the Australian Democrats.

Senator BARTLETT—You never know; just you wait and see. I am sure many people in that community are very proud to be a part of it. For Charlie Jones to have been able to

serve that community for a quarter of a century in the federal parliament is a great achievement and, I am sure, a source of pride to his family and friends. On behalf of the Australian Democrats, I pass on my condolences to them, recognising the importance of acknowledging in a condolence motion not just our sorrow at the passing of a person but our recognition of the achievements of their life.

Question agreed to, honourable senators standing in their places.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Defence: Australian Involvement in Overseas Conflict

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

The Petition of the undersigned calls on the members of the Senate to support the Defence Amendment (Parliamentary Approval for Australian Involvement in Overseas conflict) Bill introduced by the Leader of the Australian Democrats, Senator Andrew Bartlett and the Democrats' Foreign Affairs spokesperson, Senator Natasha Stott Despoja.

Presently, the Prime Minister, through a Cabinet decision and the authority of the Defence Act, has the power to send Australian troops to an overseas conflict without the support of the United Nations, the Australian Parliament or the Australian people.

The Howard Government has been the first Government in our history to go to war without majority Parliament support. It is time to take the decision to commit troops to overseas conflict out of the hands of the Prime Minister and Cabinet, and place it with the Parliament.

by **Senator Bartlett** (from 11 citizens).

Petition received.

NOTICES

Presentation

Senator Cook to move on the next day of sitting:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 20 August 2003, from 7 pm to 10 pm, to take evidence for the committee's inquiry into an examination of the Government's foreign and trade policy strategy.

Senator Cook to move on the next day of sitting:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on an examination of the Government's foreign and trade policy strategy be extended to 16 September 2003.

Senator Brandis to move on the next day of sitting:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 12 August 2003, from 5 pm, to take evidence for the committee's inquiries into the provisions of the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 and the provisions of the Financial Services Reform Amendment Bill 2003.

Senator Lightfoot to move on the next day of sitting:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold public meetings during the sitting of the Senate:

(a) on Wednesday, 13 August 2003, from 6 pm to 8 pm, to take evidence for the committee's inquiry into pay parking in the parliamentary zone; and

(b) on Thursday, 14 August 2003, from 10 am to 1 pm, to take evidence for the committee's inquiry into governance on Norfolk Island.

Senator Watson to move on the next day of sitting:

That the Select Committee on Superannuation be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13 August 2003, from 4 pm to 7 pm, to take evidence for the committee's inquiry into the draft Superannuation Industry (Supervision) Amendment Regulations 2003 and draft Retirement Savings Accounts Amendment Regulations 2003.

Senator Chapman to move on the next day of sitting:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 August 2003, from 4.30 pm, to take evidence for the committee's inquiry into Australia's insolvency laws.

Withdrawal

Senator TCHEN (Victoria) (3.51 p.m.)—Pursuant to notice given at the last day of sitting on behalf of the Regulations and Ordinances Committee, I now withdraw business of the Senate notice of motion No. 1 standing in my name for six sitting days after today.

Senator BROWN (Tasmania) (3.52 p.m.)—Pursuant to standing order 78(1), I give notice of my intention before the resumption of business at 7.30 p.m. this evening to withdraw business of the Senate notice of motion No. 1 standing in my name for today relating to the Space Activities Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 33 and made under the Space Activities Act 1998.

Presentation

Senator Brown to move on the next day of sitting:

That the Senate—

(a) notes the international conference on West Papua being held in New Zealand in the lead up to the 2003 South Pacific Forum;

(b) calls upon the Australian Government to support granting West Papuan leaders observer status at the forum;

(c) urges members of the Pacific Islands Forum to remember the unresolved tragedy of the Pacific people of West Papua; and

(d) urges the forum to support calls from the West Papua conference to:

(i) send a fact-finding mission to West Papua to investigate the human rights situation there, and

(ii) to press forum dialogue partner Indonesia to:

(A) end military operations in West Papua, and halt the activities of Laskar Jihad and all militia forces, and

(B) bring to justice those responsible for serious crimes committed in West Papua, including the killing of Papuan leader Theys Eluay in November 2001.

Withdrawal

Senator LEES (South Australia) (3.53 p.m.)—I withdraw business of the Senate notice of motion No. 2 standing in my name for 19 August 2003.

Presentation

Senator Brown to move on Wednesday, 13 August 2003:

That the Senate—

(a) views, with due gravity, the mounting evidence for global warming including:

(i) a sea level rise of 10 to 20 centimetres since 1900,

(ii) nine of the world's ten hottest years (since temperature records began) have occurred since 1990,

(iii) the rapid melting of glaciers in Greenland, Alaska, and the Himalayas,

(iv) the record frequency of tornadoes in the United States of America,

(v) the average 1.2 degrees Celsius higher temperature across the Murray Darling basin in the 2002-03 summer, worsening drought and bushfires, and

(vi) Europe's heatwave;

(b) recognises global warming's catastrophic potential for the Australian and global economies, society and environment;

(c) accepts that global warming is being induced by human activity which is both identifiable and able to be modified;

(d) calls on the Prime Minister (Mr Howard) and his Cabinet to:

(i) acknowledge the need for much greater national action to curb the release of greenhouse gases from Australian sources, well beyond the goals of the Kyoto Protocol, and

(ii) take an urgent lead in the international effort to reverse global warming, including at the forthcoming Forum of South Pacific nations (some of which face obliteration from the rising sea levels).

COMMITTEES

Economics Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.55 p.m.)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the time for the presentation of reports of the Economics Legislation Committee be extended as follows:

(a) Late Payment of Commercial Debts (Interest) Bill 2003—to 15 September 2003;

(b) provisions of the Taxation Laws Amendment Bill (No. 5) 2003—to 21 August 2003; and

(c) New Business Tax System (Taxation of Financial Arrangements) Bill (No. 1) 2003—to 13 August 2003.

Question agreed to.

Legal and Constitutional References Committee

Extension of Time

Senator MACKAY (Tasmania) (3.56 p.m.)—by leave—At the request of Senator Bolkus, I move:

That the time for the presentation of the report of the Legal and Constitutional References Committee on progress towards national reconciliation be extended to 16 September 2003.

Question agreed to.

Australian Crime Commission Committee

Meeting

Senator FERRIS (South Australia) (3.57 p.m.)—by leave—I move:

That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate today, from 8 pm to 10 pm, to take evidence for the committee's inquiry into the 2001-02 annual report of the National Crime Authority.

Question agreed to.

NOTICES

Postponement

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for 13 August 2003, relating to the disallowance of the Migration Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 57, postponed till 19 August 2003.

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the disallowance of items [2] to [6] of Schedule 1 of the Migration Agents Amendment Regulations 2003 (No. 1), postponed till 20 August 2003.

Business of the Senate notice of motion no. 3 standing in the name of Senator Tierney for today, relating to the reference of a matter to the Employment, Workplace Relations and

Education References Committee, postponed till the first sitting day in 2004.

NATIONAL ANIMAL WELFARE BILL 2003

First Reading

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.58 p.m.)—I move:

That the following bill be introduced: A Bill for an Act to promote humane, responsible and accountable care, protection and use of domestic animals, livestock, wildlife and animals kept for scientific purposes, and the standards required to achieve this end, and for related purposes.

Question agreed to.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.59 p.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.59 p.m.)—I move:

That this bill be now read a second time.

I seek leave to table the explanatory memorandum and to have the second reading speech incorporated in *Hansard*.

Leave granted

The speech read as follows—

The National Animal Welfare Bill 2003, a private member's Bill, is introduced in my capacity as Leader of the Australian Democrats and Animal Welfare spokesperson.

The purpose of the Bill is to identify animal welfare as a national issue of concern, and to institute comprehensive and proactive legislation that promotes humane, responsible and accountable care, protection and use of domestic animals, livestock, wildlife and animals kept for scientific purposes, and the standards required to achieve this end, and for related purposes. This initiative is long overdue.

The Bill will provide the means by which the care, protection and use of animals can be coordinated, monitored and reviewed nationally, with the establishment of a National Animal Welfare Authority that has the power to do whatever is necessary in order to achieve a reasonable balance between the welfare needs of animals and the interests of people who use animals for a livelihood; reflect human community attitudes and expectations as to how animals should be treated; and acknowledge advances in the scientific knowledge of animal biology, psychology and behaviour in respect to their needs and care.

The Democrats' Bill also seeks to regulate the use of animals for all private, commercial, institutional, educational and government research and experimentation to ensure the use of animals for such purposes are accountable, open, ethical, humane and responsible.

This Bill, in essence, is an extension of the extraordinary work of the Senate Select Committee on Animal Welfare. The Bill expands on the legislative reforms and recommendations of that Committee, and brings into focus the major advances in our knowledge and understanding of animal biology, psychology and behaviour.

In 1982, the then Leader of the Australian Democrats, Senator Don Chipp, Senator to Victoria, initiated and founded the Senate Select Committee on Animal Welfare, with Senator George Georges, ALP Senator to Queensland, in the chair—a role he pursued with great commitment.

Over the course of the Committee's lifetime, it pursued significant and varied animal welfare issues and concerns under its terms of reference, producing 10 substantiative reports during its 8-year lifespan. The more influential of these reports were: Export of Live Sheep from Australia (1985), Dolphins and Whales in Captivity (1985), Animal Experimentation (1989), and Intensive Livestock Production (1990).

Twenty years on, it's clear that animal welfare needs to, once again, become a Commonwealth priority.

Animal welfare as practised in Australia is a dog's breakfast of policies from state to state; however, this needn't have been the case.

The Australian Democrats have, throughout their political life, successfully used Federal Parliament to highlight numerous animal welfare issues.

The Democrats have been active. They have shown the way on numerous occasions; they have set the lead but too few have followed.

The Democrats have called for action on: the inhumane culling of New South Wales brumbies; intensive and inhumane farming practices, such as the size of battery hen cages and single sow stalls; the lack of protection for the world's great apes and Australia's cassowaries; the need to ban the elephant ivory trade; calls for an investigation into live animal exports and the commercial utilisation of wildlife; the failure of research institutions to seek alternative methods to animal experimentation; and the importance of protecting our and the world's threatened species.

On 25 March 1998, the Democrats' Senate motion calling on all State and Territory Governments to ban the cruel and environmentally damaging practice of duck hunting was passed. And, although, the Senate motion was unenforceable, the decision saw a number of states and territories becoming more mindful of their environmental and welfare responsibilities. The Democrats' motion against cattle face branding successfully passed on 7 April 1998. All cattle face branding in Australia ceased soon after.

In early 1999, 800 cattle died of asphyxiation on a short journey from Darwin to Irian Jaya; again it was the Democrats who raised the issue in the Parliament, resulting in the Australian Maritime Safety Authority undertaking a full investigation into the tragedy.

Late in 1999, the Senate supported another animal welfare-related Democrats' motion. This time the Democrats called on the Australian Government to protect great apes, ensuring that none would be involved in medical or scientific experimentation or research in Australia. And around a year later, the Senate successfully passed a Democrats' motion calling for the protection of cassowaries and their habitats from destructive land clearing.

But possibly one of the most significant Democrats' campaigns was the call for a ban on battery cages through the Free Chook campaign, which was organised in collaboration with many animal welfare groups and The Body Shop. When Australian state and territory agricultural ministers met in August 2000, they did not ban the battery cage, ignoring the concerns of the majority of Australians.

Egg carton labelling was subsequently introduced nationally which, while not perfect, now makes it easier to find those genuine free-range and free-range organic eggs.

If the political climate and will had been different, a national approach to animal welfare, care, protection and use could have been realised over 10 years ago, possibly around the time of the cessation of the Senate Select Committee on Animal Welfare.

In May 1999, RSPCA National President Dr Hugh Wirth, said, that the RSPCA was dismayed with the Government's attitude towards animal welfare. The RSPCA President continued: "Does the Prime Minister and his coalition give a damn about animal welfare in this country? The Democrats do, and have offered the RSPCA assistance on several occasions, but the RSPCA National Council has resisted the temptation to play politics."

The lack of interest in animal welfare at a federal level meant Australia was forced to continue with its hodge-podge of state and territory animal welfare legislation. Changes, progress and review of state and territorial animal welfare legislation have been slow…almost glacial, in fact. It took Queensland 15 years to finalise its amendments to its 75-year-old legislation, and now it has the most progressive legislation in Australia.

The vagaries of each state's and territory's animal welfare legislation, and its application, make it virtually impossible for there to be any rapid advancements in animal welfare—a situation that could be improved immeasurably through the introduction of a national approach on animal welfare. Diverse and incongruent state and territorial legislation minimise the opportunity for creating binding codes and practices, reduce knowledge-sharing, render comprehensive monitoring impossible, ensure "uniform standards"

remain anything but, and put comparative state-by-state reviews out of the question. But the greatest loss perhaps is in the area of statistical gathering, for without this there will never be a national database on animal experimentation, which would enable researchers to share information across institutions and state and territory borders. And neither will it be possible to establish a national tissue bank, which would've allowed for a significant reduction in the number of animals required for medical and scientific research.

Much is jeopardised for the sake of maintaining state and territorial political and administrative integrity. Despite most states and territories having revised or enacted their respective animal welfare legislation, it largely remains reactive. Emphasis is on punishing acts of cruelty to animals after the event rather than striving to prevent them, which is not surprising considering the age of some of the legislation.

The ACT's Animal Welfare Act was last updated in 1992, the Northern Territory's in 1999, Tasmania's in 1993, and Western Australia's in 2002. New South Wales, South Australia and Victoria, in contrast, developed a Prevention of Cruelty to Animals Act; New South Wales' Act is the oldest having been developed in 1979, followed by South Australia in 1985 and Victoria in 1986. Queensland's unique Animal Care and Protection Act was enacted in 2001.

Individual state and territory legislation is further complicated by the fact that their animal welfare legislation has a large criminal component within it but, strangely, it is the only legislation that is not driven by their respective state or territory police forces. Instead, we see animal welfare legislation largely being enforced by the RSPCA Inspectorate, with some states and territories also granting special constable status to officers within a state Department of Primary Industries or equivalent authority.

Despite growing community interest and concern for animals, state and territorial governments largely continue to ignore or push aside animal welfare legislation. It is only in recent years that these governments have started to recognise their responsibilities to animals, and that legislation needs to be broader than just enforcement. And enforcement is impossible when little or minimal resources are made available.

Lack of resources sees the RSPCA Inspectorate currently consists of approximately 75 full-time and 75 honorary or part-time inspectors Australia-wide. This number is absolutely inadequate considering Australia's extraordinarily high number of domestic animals and production livestock, and knowing that Australia is a vast and challenging continent at the best of times—least of all when there are periods of drought and floods or a combination of both.

Unremittent drought together with the associated economic downturn has put enormous and unbearable pressures on many rural and regional communities in recent times. This has, in turn, had dire consequences for some domestic animals and production livestock. It is obviously difficult to provide food, shelter, comfort and protection in financially impoverished communities.

And then there is the matter of Australia's live export trade; this industry I believe should never have gotten off the ground. The live export trade has never been appropriately managed, monitored or enforced, and now grows worse with every passing day. The Howard Government's decision to deregulate the industry in 1998 and its establishment of Livecorp, as the industry management body, has only served to exacerbate the industry's problems.

Livecorp has repeatedly failed to provide and enforce the most basic of animal welfare standards. And it could be argued that Livecorp itself has been complicit in the maiming, torture and unnecessary deaths of thousands of livestock animals annually and, as such, is in breach of many of Australia's state animal welfare laws and animal welfare codes of practice.

The application and enforcement of animal welfare legislation is vitally important in the protection and care of all animals, whether they are domestic pets or livestock destined for the dinner table. But the application and enforcement, if and when these incidents are reported, does vary significantly. Variation in the application of animal welfare legislation comes down to self-regulating bodies like Livecorp, individual RSPCA inspectors, Department of Primary Industry (DPI) officers and special constables pursuing enforcement

in accordance with their own individual state and territorial legislation.

Clearly there is a need for proactive intervention—and it is the belief of the Australian Democrats that this can only be provided at a national level.

Commonwealth legislation would ensure consistency, effectiveness and efficiency. For the first time, states and territories would be able to engage in mutually beneficial transactions that would have an immediate impact on Australia's ever expanding international trade and treaties involving domestic animals, livestock and wildlife. Wherever there are inconsistencies, there are unnecessary complications, confusion, duplications and inefficiencies, none of which are conducive to improved productivity and economic growth, as to optimum animal welfare outcomes.

The Australian Democrats' National Animal Welfare Bill 2003 would provide all those involved with animals and animal by-products a substantial foundation on which to build a workable and flexible approach to animal welfare nationally.

On a state and territorial level, the Bill would operate concurrently with state and territorial laws, but where the state or territory laws were deemed more stringent by the Commonwealth Minister, those provisions would prevail over those of the Bill.

In theory, these measures would make it easier for the Bill to leap the procedural and bureaucratic barrier, particularly if support for the establishment of the National Animal Welfare Authority—a regulatory authority with overarching responsibility for the legislation, its application and implication—is forthcoming.

The Authority should comprise 13 members—all of whom are to be appointed by the Minister. Three members will represent the Commonwealth; 2 members will represent commercial producers or users of animals and animal products (one intensive and one extensive); 2 members will represent animal welfare NGOs; 2 members will represent community groups; and 4 other members, of which 2 will be scientists; and 1 an animal ethicist.

The functions and powers of the National Animal Welfare Authority are:

(a) the coordination, monitoring and review of Commonwealth responsibilities for animal welfare;

(b) functions and powers conferred on it by or under the Act;

(c) functions and powers conferred on it by or under other laws of the Commonwealth;

(d) functions and powers that are, with the consent of the Ministerial Council, conferred on the Authority by writing signed by the Minister.

It would also have the power to "do whatever is necessary for, or in connection with, or reasonably incidental to, the performance of its functions" but it must perform its functions and exercise its powers in accordance with the Agreement, and is to comply in all aspects with the provisions of that Agreement. As is appropriate for the success of such an Authority, it would have far-reaching functions and powers.

The most invaluable undertaking of the Authority would be the appointment of national animal inspectors, many of whom would be drawn from the existing RSPCA inspectorate and the officers within the various Departments of Agriculture and Primary Industries, and organisations external to these entities, such as Animal Liberation. The appointment of animal inspectors, with functions and powers that go across state and territorial borders, ensures the Bill is not a toothless tiger. Each and every one of the inspectors would have the means by which they could circumvent out-of-date and irrelevant legal obstacles. The focus of the Bill, the Authority and the inspectors is animals—their welfare, protection and rights.

Authority inspectors require the following powers and need to exercise these powers to fulfil the requirements under the Act:

(1) inspectors may undertake random inspections of animals;

(2) a person with an animal in their care must permit inspection of the animal as well as of housing, foodstuffs and equipment intended for use with the animal;

(3) the animal keeper must be advised of the inspection before or on the occasion of the visit;

(4) an inspector may:

(a) inform the animal keeper that he or she has 12 hours in which to take action or their animals will be seized; or

(b) immediately seize animals; or

(c) humanely kill an animal, or take any other necessary steps to relieve an animal from suffering; or

(d) administer analgesics to animals.

Animals used for scientific, educational and research purposes, for example, would benefit greatly from a proactive national approach to animal welfare. Community concerns for animals used in this area are on the increase with the expansion of biotechnology research, and it is incumbent upon the Commonwealth to address these concerns. But aside from the National Health and Medical Research Council's (NHMRC) Animal Welfare Code of Conduct, which is only applicable to NHMRC funded projects, there is currently no means by which animals subjected to such use can be readily managed, monitored and reviewed on a national scale.

The Australian Democrats' National Animal Welfare Bill 2003 emphasises the monitoring of all animals used for scientific, educational and research purposes, irrespective of how the research is funded. Much would be achieved by extending the application of the NHMRC's Animal Welfare Code of Conduct—including meeting many of the community's concerns about the issues of transparency and accountability in research and experimentation.

Currently, much of the research involving animals used for scientific and research purposes, falls under the 'commercial in confidence' category, which denies the community the opportunity to scrutinise the processes and practices employed. The Australian Democrats' National Animal Welfare Bill 2003 seeks to address this and other issues and provides an appropriate legislative framework for investigating and dealing with this and other animal welfare issues at a national level.

The Bill gives consideration to breach of duty of care, cruelty offences, prohibited conduct (including unreasonable abandonment, prohibited release, baits or harmful substances, and debarking operations), prohibited events (such as cockfights and dogfights), regulated conduct (such as obligation to exercise closely confined dogs, and animals used to feed another animal), live exports (including a limit on live exports, duties of the veterinary surgeons and liability), import of animal products, labelling of animal products, animals used for experimental purposes (including establishment of a data bank, licences, acquisition of animals for research and pain management), funding for animal research, and the administrative provisions relating to the Authority administration and staff.

The legislation seeks to establish a databank of all experiments using animals carried out in both Australia and overseas, and another dedicated to alternatives to animal research and experimentation.

This legislation is about recognising the importance, contribution and sacrifice of animals; we, as humans, rely on animals and their products for survival and profit. We are beholden to them, just as they are to us, but unlike animals, humans are in a position of power and influence. Let's use that power and influence wisely. Let's provide animals with greater protection and care for the duration of their lives.

The successful passage of the Australian Democrats' legislation would demonstrate to the Australian community and our international trading partners that this country and its peoples are committed to meeting community expectations and market obligations in relation to animal welfare issues.

In the 21st Century, this country's values and our collective community conscience demand better welfare, care, protection and rights for all animals.

I commend the Bill to the Senate.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

HUMAN RIGHTS: BURMA

Senator BROWN (Tasmania) (4.01 p.m.)—by leave—I move the motion as amended:

That the Senate—

(a) notes the ongoing imprisonment of Daw Aung San Suu Kyi and calls on the Minister for Foreign Affairs (Mr Downer) to urgently increase pressure on the military regime in Burma to release Daw Aung San Suu Kyi and to restore democracy; and

(b) calls on the Government:

(i) to amend its policy of 'constructive engagement' with the current State Peace and Democracy Council (SPDC) regime in light of ongoing human rights abuses, and

(ii) to consider targeted sanctions against members of the SPDC regime, including restrictions on their international financial transactions, a freeze on assets overseas, and travel restrictions against senior members of the regime travelling to Australia.

Question agreed to.

GENETICALLY MODIFIED ORGANISMS

Senator BROWN (Tasmania) (4.02 p.m.)—by leave—I move the motion as amended:

That the Senate—

(a) notes:

(i) the Australian Broadcasting Corporation's *7.30 Report* investigation into the planned field trials of a genetically-modified herpes virus to sterilise mice and thereby reduce their numbers,

(ii) that the mouse plague of 1993, which affected much of Victoria and South Australia, cost in the vicinity of $65 million in lost rural production,

(iii) that mouse plagues often follow drought cycles, placing an extra burden on grain growers and users as they are trying to rebuild after drought, and

(iv) that earlier this year, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) advised that the Wheat Streak Mosaic Virus which had been under experimentation by the CSIRO had escaped from CSIRO research facilities in Canberra, and further, that the CSIRO is unsure how and when the virus entered and escaped its facilities; and

(b) calls on the Government not to release genetically-modified materials to sterilise pest species until the Parliament can be assured that other species, including native fauna and Australia's human and livestock populations, are safe from their effects, and to ensure that research quarantine breaches such as that which occurred with Wheat Streak Mosaic Virus at the CSIRO will not happen again.

Question agreed to.

PAN PHARMACEUTICALS LTD

Senator BROWN (Tasmania) (4.02 p.m.)—I move:

That the Senate calls on the Government to implement urgent measures to assist the complementary healthcare industry to recover from the effects of the Pan Pharmaceuticals affair, including streamlining of approvals to replace products.

Question put.

The Senate divided. [4.07 p.m.]

(The Acting Deputy President—Senator A.B. Ferguson)

Ayes……	8
Noes……	40
Majority……	32

AYES

Allison, L.F. *	Bartlett, A.J.J.
Brown, B.J.	Cherry, J.C.
Greig, B.	Murray, A.J.M.
Nettle, K.	Stott Despoja, N.

NOES

Abetz, E.	Barnett, G.
Bishop, T.M.	Boswell, R.L.D.
Buckland, G. *	Campbell, G.
Carr, K.J.	Colbeck, R.
Collins, J.M.A.	Conroy, S.M.
Cook, P.F.S.	Crossin, P.M.
Denman, K.J.	Eggleston, A.
Evans, C.V.	Ferguson, A.B.
Forshaw, M.G.	Heffernan, W.
Hogg, J.J.	Hutchins, S.P.
Johnston, D.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Mackay, S.M.	Marshall, G.
Mason, B.J.	McLucas, J.E.
Moore, C.	O'Brien, K.W.K.
Patterson, K.C.	Payne, M.A.
Ray, R.F.	Sherry, N.J.
Stephens, U.	Tchen, T.
Tierney, J.W.	Watson, J.O.W.
Webber, R.	Wong, P.

* denotes teller

Question negatived.

LIVE ANIMAL EXPORTS

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (4.07 p.m.)—by leave—I move the motion as amended:

That the Senate—

(a) notes that:

(i) the June 2003 edition of the Australian Veterinary Association Journal contained a report from a veterinarian, Dr Petra Sodom, entitled 'Welfare of cattle transported from Australia to Egypt',

(ii) the report described thousands of animals enduring overcrowded and filthy conditions and inadequate ventilation while aboard the livestock carriers at sea,

(iii) the report also detailed that those animals that did survive the journey to Egypt were, upon arrival, turned over to ill-prepared and inexperienced stockmen and slaughter men, resulting in extreme cruelty and suffering, and

(iv) the author's statement that she 'negotiated a range of measures to improve the situation with representatives of Lovelorn, but none has yet been put into practice';

(b) condemns the Government for its failure to enforce minimum animal welfare standards in the live export industry; and

(c) demands the Government immediately:

(i) adopts the key recommendation of the Independent Reference Group and enforces a risk management approach to all live animal shipments,

(ii) takes action against exporters responsible for repeated poor animal mortality events,

(iii) improves support for the development of Australia's trade in chilled and frozen meat, and

(iv) initiates consultation with countries importing Australian animals to ensure appropriate protocols for the handling and slaughter of animals are developed, implemented and enforced.

By way of brief explanation, whilst I preferred my original motion, in order to get the support of the ALP I amended it in terms that I hope they will now support.

Question agreed to.

Senator Boswell—Mr Acting Deputy President, I ask that it be recorded that I voted against the motion.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Pursuant to standing orders 38 and 166, I present documents listed on today's *Order of Business* at item 12(a) to (d) which were presented to the President, the Deputy President and a temporary chair of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. In accordance with the usual

practice and with the concurrence of the Senate I ask that the government responses be incorporated in *Hansard*.

The list read as follows—

COMMITTEE REPORT PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

1. Select Committee on Superannuation—Report, together with documents presented to the committee, entitled Planning for retirement (presented to the President on 29 July 2003).

GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

1. Employment, Workplace Relations and Education References Committee—Report entitled Education of students with disabilities (presented to temporary chair of committees, Senator Cherry, on 9 July 2003).
2. Rural and Regional Affairs and Transport Legislation Committee—Reports entitled Allocation of the US beef quota and Existing government advisory structure in the Australian meat industry (presented to the President on 29 July 2003).
3. Rural and Regional Affairs and Transport Legislation Committee—Report, entitled Introduction of quota management controls on Australian beef exports to the United States (presented to the President on 29 July 2003).

GOVERNMENT DOCUMENTS PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

1. National Health Act 1953—A review of the Private Sector Outreach Services Legislation (presented to the Deputy President on 30 June 2003).
2. National Health and Medical Research Council—Report from the NHMRC Licensing Committee for the period 19 December 2002 to 31 March 2003 (presented to the Deputy President on 30 June 2003).
3. Quarterly report of the Gene Technology Regulator for the period 1 January to 31 March 2003 (presented to the President on 8 August 2003).

REPORTS OF THE AUDITOR-GENERAL PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

1. Report no. 59 of 2002-03—Performance Audit—Administration of Australian Business Number Registrations: Australian Taxation Office (presented to the President on 27 June 2003).
2. Report no. 60 of 2002-03—Business Support Process Audit—Closing the Books (presented to the President on 27 June 2003).
3. Report no. 61 of 2002-03—Financial Statement Audit—Control Structures as part of the Audit of Financial Statements of Major Commonwealth Entities for the year ending 30 June 2003 (presented to the Deputy President on 30 June 2003).
4. Report no. 62 of 2002-03—Performance Audit—Management of Selected Aspects of the Family Migration Program: Department of Immigration and Multicultural and Indigenous Affairs (presented to the Deputy President on 30 June 2003).
5. Report no. 63 of 2002-03—Performance Audit—Administration of the Automotive Competitiveness and Investment Scheme Department of Industry, Tourism and Resources and Australian Customs Service (presented to the Deputy President on 30 June 2003).
6. Report no. 1 of 2003-04—Performance Audit—Administration of Three Key Components of the Agriculture–Advancing Australia (AAA) Package: Department of Agriculture, Fisheries and Forestry-Australia; Centrelink and Australian Taxation Office (presented to the President on 31 July 2003).

Ordered that the report of the Select Committee on Superannuation be printed.

The government responses read as follows—

GOVERNMENT RESPONSE TO THE SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE'S REPORT

Education of students with disabilities

July 2003

LIST OF ACRONYMS AND ABBREVIATIONS

AESOC Australian Education Systems Officials Committee

ANTA Australian National Training Authority

ASSDP Additional Support for Students with Disabilities Programme

DCO Disability Coordination Officer

DDA Disability Discrimination Act 1992

DEST Department of Education, Science and Training

ECEF Enterprise and Career Education Foundation

HEEP Higher Education Equity Programme

ISCA Independent Schools Council of Australia

MCEETYA Ministerial Council for Education, Employment, Training and Youth Affairs

NCEC National Catholic Education Commission

NCISA National Council of Independent Schools' Associations

NHMRC National Health and Medical Research Council

NLNSP National Literacy and Numeracy Strategies and Projects

OATSIH Office for Aboriginal and Torres Strait Islander Health

OHS Office of Hearing Services

PMRT Performance Measurement and Reporting Taskforce

QOP Quality Outcomes Programme

QTP Quality Teacher Programme

RDLO Regional Disability Liaison Officer

RIS Regulation Impact Statement

SAISO Strategic Assistance for Improving Students Outcomes

SGA States Grants (Primary and Secondary Education Assistance) Act 2000

Standards Disability Standards for Education

SWL Structured Workplace Learning

VET Vocational Education and Training

INTRODUCTION

The Senate Committee's report provides a comprehensive assessment of current policies and programmes designed to meet the education needs of students with disabilities and highlights a range of issues and challenges associated with educating these students.

While the Inquiry covered all sectors of education, the main focus of the report is on students with disabilities in the school sector and most of the recommendations relate to that sector. The main areas of concern identified in the report are:

- the failure of the Commonwealth, States, Territories and the non-government sector to reach agreement on the Disability Standards for Education (the Standards) under the Commonwealth's Disability Discrimination Act 1992 (the DDA); and
- that because of inadequacies in university teacher training courses and limited professional development opportunities, many regular classroom teachers do not have the skills or confidence to involve students with disabilities in the full curriculum.

The Senate Committee made a number of recommendations relating to these issues which together with the other recommendations in the report have been considered fully by the Government in formulating this response.

The Government has been a driving force in developing draft Standards and welcomes the Committee's call for their finalisation. It is committed to improving the education and training outcomes for all students and people with a disability and ensuring maximum compliance with the DDA.

The Government is working closely with education providers and stakeholders to address outstanding legal and financial issues associated with the draft Standards with a view to achieving agreement to their implementation.

Overall, the Government considers that many of the recommendations should be pursued, particularly those concerning definitional issues, issues relating to teacher training and development and the provision of services for school students with disabilities living in rural or remote areas. While these matters are not ones for which the Commonwealth has direct responsibility or could act on alone, the Government undertakes to work with the States and Territories to achieve a more consistent and focussed approach to supporting students with disabilities across jurisdictions, particularly in the school sector. This reflects the Government's ongoing commitment to this group of students.

School education

In the school sector, improving the learning outcomes of educationally disadvantaged students, including students with disabilities, is a major priority of the Government. The Government makes a significant financial contribution to States and Territories through the States Grants (Primary and Secondary Education Assistance) Act 2000 (the SGA) to assist government and non-government schools to achieve this purpose.

Commonwealth funding for school students with disabilities is provided primarily through a combination of General Recurrent Grants, the principal source of Commonwealth funding for all students, and additional targeted assistance under the Strategic Assistance for Improving Student Outcomes (SAISO) Programme which education authorities may use to improve outcomes for educationally disadvantaged students, including students with disabilities. The Government is providing $1.4 billion under the SAISO programme over the 2001-2004 quadrennium and in the 2003-04 Budget announced some $172.3 million over the next four years to continue funding at existing levels. State and Territory government and non-government education authorities are responsible for the detailed administration of the SAISO programme in their systems and schools, including the quantum of funding allocated to support students with disabilities.

In addition, the Government is providing approximately $100 million over 2001-2004 under the Special Education—Non-government Centre Support Programme for non-government centres that provide services to improve the educational opportunities, learning outcomes and personal development of children with disabilities. Funding is targeted to a range of purposes including supporting learning and educational development for below-school-age children (0-6), improving school-age children's access to educational programmes and assisting children with disabilities in residential care.

The Quality Outcomes Programme (QOP) and the National Literacy and Numeracy Strategies and Projects (NLNSP) Programme support strategic and collaborative initiatives to further the Government's agenda for schools.

- The Quality Teacher Programme (QTP) component of QOP, is a key element of Teachers for the 21st Century which is the Government's initiative to improve teacher quality and increase the number of highly effective schools. The programme has been extended until June 2005 bringing the Government's commitment under the programme to $159.2 million. The QTP provides for teachers in disadvantaged schools, as well as other teacher target groups.
- In 2002, the Government announced a major initiative to be funded under the NLNSP programme that will focus on more effective teaching and learning practices for students with disabilities and learning difficulties. Funding of $4.5 million will be provided for projects at the national and State levels. The initiative, which will build on recent research projects which have explored issues relating to students with specific educational needs, is currently being implemented. Projects that focus on "what works", that is, effective classroom practice are being given priority.

Commonwealth funding for the non-government school sector

Chapter 7 of the Senate Committee's report includes a discussion of arguments put by the National Catholic Education Commission (NCEC) and the National Council of Independent Schools' Associations (NCISA) for revised funding arrangements to support the education of students with disabilities in the Catholic and independent sectors respectively. The Committee noted that

implementation of the proposed funding models would result in significant funding increases to the non-government sector.

Appendix 6 of the report contains an analysis of the total resourcing for non-government schools. Based on estimates of enrolments and projected levels of total income for the Catholic and independent sectors compared with the recurrent costs of educating an equivalent number of students in government schools, the Senate Committee extrapolated that the Catholic and independent sectors will, in 2004, have a level of total income some 11.7% and 7.8% respectively above the resourcing of a comparable number of government school students. (A Corrigendum issued by the Senate Committee revised these figures to 15.2% and 52.2% respectively).

The Department of Education, Science and Training (DEST) has examined Appendix 6 and considers that its conclusions are based on a methodology that is significantly flawed. In particular:

- the private and state government income for the Catholic and independent sectors has been understated;
- figures on total income (Commonwealth, state government and private) for the non-government sector and the government sector are not compiled on a completely comparable basis, in particular, the total income for the non-government sector includes capital funds which is not included in the income for the government sector;
- private income to government schools, although modest, has not been included in the figures for the government sector;
- supplementation estimates used in calculating the 2001-2004 government funding are conservative; and
- the enrolment estimates used were not the latest available at the time.

Using the underlying methodology in Appendix 6, adjusted for the above factors, DEST estimates that, in 2004, the independent sector will receive total recurrent funding from all sources on par with the government sector, while the Catholic sector will be funded at a level some 20% below the government sector.

While the DEST analysis presents a very different picture to that in the Senate Committee's report, the Government does not accept that this necessarily lends support to claims for additional Commonwealth funding to be provided to the non-government sector for students with disabilities.

Nevertheless, the Government acknowledges the concerns expressed by the Catholic and independent sectors in relation to the Senate Committee's comments about the income available to their respective sectors and the sectors' capacity to adequately address the needs of students with disabilities. The sectors will have an opportunity to raise issues relating to Commonwealth funding for students with disabilities in non-government schools in the context of planning for the 2005-08 quadrennium.

Post-school education and training

In 2000, the Australian National Training Authority (ANTA) agreed to Bridging Pathways, a national strategy and blueprint for 2000-2005 with the aim of increasing opportunities for people with disabilities in vocational education and training (VET). The Government has provided $2 million to ANTA for national actions outlined in the Disability Blueprint. Funds have also been provided for ANTA to manage the Commonwealth's Equity Development and Training Innovation Programme which is being used to achieve the outcomes of the Blueprint.

In addition, the Government funds a range of initiatives to improve access by people with disabilities in VET. These include the Disabled Apprenticeship Wage Support Programme which provides weekly wage support to employers who take on an apprentice with a disability and the New Apprenticeships Access Programme which is designed to assist job seekers, including people with disabilities, who experience barriers to skilled employment. As part of the Australians Working Together package announced in 2001, the Government is providing

$28.2 million over three years from 2002 to increase participation by people with disabilities in mainstream VET and to improve service coordination. This includes $3.7 million to establish a Disability Coordination Officer (DCO) Programme to assist people with disabilities move

between school, VET, higher education and employment, and to succeed in their chosen studies. The programme, which commenced in July 2002, is aimed at increasing the awareness of post-school options, supports and services available for people with a disability, their families and support networks.

The Commonwealth Government provides the bulk of public funding for universities which are responsible for ensuring that higher education is accessible to people from all equity groups, including students with disabilities, and that these students receive a quality education. Universities are required to report to the Commonwealth as part of accountability arrangements.

In 2003, the Government is providing $6 million in supplementary funding under the Higher Education Equity Programme (HEEP) to encourage universities to undertake strategies aimed at increasing the participation of higher education students from equity groups, including students with disabilities. As part of the Backing Australia's Future initiatives announced in the 2003-04 Budget, additional funding of $2.3 million per annum will be provided through HEEP from 2005.

The Regional Disability Liaison Officer (RDLO) Programme, which is funded under HEEP, provides practical support and assistance to students with disabilities making the transition from school to university or TAFE and then on to employment.

Supplementary funding has also been provided under the Additional Support for Students with Disabilities Programme (ASSDP) to assist universities with the costs of providing high-cost support, such as specialist services or equipment, to the growing number of students with disabilities who are participating in higher education. In the Backing Australia's Future package, funding for this programme has been increased by $1.1 million per annum from 2005, which will take the total funding to $4.1 million per annum.

Response to recommendations in the report

The Government's response to each of the recommendations contained in the Senate Committee's report is set out below. Seven of the recommendations propose that action should be taken under the auspices of the Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA). The Government will formally refer these recommendations to MCEETYA, or, where considered more appropriate, to school education authorities and/or peak bodies in the higher education sector. In addition, the Government will refer a number of the other recommendations in the report to relevant bodies for consideration.

Recommendation 1

The Committee recommends that:

Within a reasonable period, all teacher aides working with students with disabilities should be qualified in special education from an accredited teacher aide training course, and that this should be a condition of additional Commonwealth funding for disability education.

Response

The Government supports, in principle, training programmes for teacher aides. Accredited training courses for teacher aides represents one means of producing a more knowledgeable and skilled pool of people to support teachers in the classroom.

State and Territory government and non-government education authorities are responsible for the employment of school staff and for determining the qualification required for different categories of staff. Accordingly, the Government will refer the first part of the recommendation to the heads of education departments in each State and Territory, the NCEC and the Independent Schools Council of Australia (ISCA), formerly known as NCISA, for consideration.

The Government does not support the second part of the recommendation to impose a condition on Commonwealth funding for special education linked to reporting about teacher aide qualifications as this runs counter to the emphasis on student outcomes which has become a key feature of Commonwealth programmes and State-Commonwealth relations in school education.

Under the SGA, all State and Territory education authorities are required, as a condition of funding, to commit to the National Goals for Schooling in the Twenty-First Century and achieve any performance measures, including targets, incorporated in the SGA. The Government will continue

to support the development and implementation of comparable performance measurement and reporting for students with disabilities through MCEETYA.

Recommendation 2

The Committee recommends that:

The Commonwealth should commission a study to develop a best practice funding model to support the needs of students with disabilities in schools.

Response

The Government is providing $1.4 billion over the 2001-2004 quadrennium to school education authorities under the SAISO programme to provide for educationally disadvantaged students. In the 2003-04 Budget, the Government announced some $172.3 million over the next four years to continue funding at existing levels.

A significant portion of the money provided under the SAISO programme is used by school education authorities to provide additional support for students with disabilities. Moreover, Commonwealth targeted funding is only one source of assistance available to education authorities to provide for educationally disadvantaged students and constitutes a small component of the total resources used to support them.

The allocation of funding to support the needs of students with disabilities in schools is the responsibility of State and Territory government and non-government school education authorities. While recognising this, the Government believes that processes used by jurisdictions to distribute assistance for students with disabilities should maximise the effectiveness of this assistance for those students most in need of additional assistance and to improve student outcomes.

The range of models in place across jurisdictions to allocate support to schools reflect the diversity of influences and issues that education authorities must take into account in providing support for this very heterogenous group of students, not least the available resources within a sector to support these students.

Given the above, the Government believes that the appropriate course of action would be for State and Territory government and non-government education authorities to consider whether a study that informs improvements in the processes used by jurisdictions to distribute assistance for students with disabilities should be undertaken. The Government will therefore refer the matter to MCEETYA for consideration.

Recommendation 3

The Committee recommends that:

MCEETYA should develop nationally agreed definitions of disabilities.

Response

The Government acknowledges that the lack of consistency in the definitions of disability across jurisdictions has implications for the allocation of resources and therefore for individual students and their families as well. In addition, lack of consistency affects the capacity to monitor the outcomes of students with disabilities at a national level.

With regard to funding for students with disabilities, there are two elements—firstly, which students are accepted as having a disability, which triggers the possibility of additional support and, secondly, how the levels of additional support provided for these students are determined. The two issues are linked in that the provision of additional support is contingent upon an assessment of the existence of a particular impairment and the extent of that impairment. Differences in the levels of support provided for students with disabilities are due mainly to differences in the criteria used to assess a student's impairment and the resources available to the education system or school to provide additional support for students with disabilities.

It would be appropriate for MCEETYA to consider the extent to which States and sectors might be prepared to work towards adopting a more uniform approach to defining disability and assessing student needs.

With regard to the reporting of educational outcomes for students with disabilities, the National Goals for Schooling in the Twenty-First Century provides the framework for nationally comparable reporting of educational outcomes for all students. The intention is that performance information should be disaggregated by various subgroups in the student population, including stu-

dents with disabilities. A nationally agreed definition that can be applied uniformly is needed before comparable data on the educational outcomes of students with disabilities can be collected.

As noted in the report, the MCEETYA Performance Measurement and Reporting Taskforce (PMRT) has commissioned a project to identify definitional issues relevant to nationally comparable reporting of educational outcomes of students with disabilities. The PMRT's objective is to develop a definition of "students with disabilities" as opposed to a definition of "disabilities" as set out in the recommendation. There are major conceptual and practical issues that need to be addressed in seeking to develop a common definition for reporting purposes, and the process is not a simple one.

The Government will refer the recommendation to MCEETYA for consideration.

Recommendation 4

The Committee recommends that:

MCEETYA should investigate the development of teacher exchange programs for staff of 'lighthouse' special schools and mainstream schools.

Response

The Government considers that this recommendation is worth exploring. Programmes of the type proposed have the potential to improve the quality of the teaching workforce, particularly teachers in mainstream schools. They could provide a useful mechanism for teachers in the various educational settings to develop closer links and collaboration and for systems to make better use of available expertise.

Arrangements of the kind proposed are primarily the responsibility of State and Territory government and non-government education authorities who employ teachers. These authorities are best placed to develop exchange programmes to address the needs in individual jurisdictions. Accordingly, the Government considers that this is a matter more appropriate for State and Territory education authorities than for MCEETYA.

The Government supports the thrust of this recommendation and will refer it to the heads of education departments in each State and Territory, the NCEC and the ISCA for consideration.

Recommendation 5

The Committee recommends that:

MCEETYA should commission an assessment of the outcomes of inclusive policies for students with disabilities; and devise implementation and professional development strategies for teachers and school administrators to improve these outcomes.

Recommendation 6

The Committee recommends that:

MCEETYA should develop a policy on inclusive education that recognises the importance of having a range of schooling options for students with disabilities.

Response

With regard to the proposal to assess the outcomes of inclusive policies for students with disabilities, the Government believes that, until such time as reliable performance outcomes data are available for this group of students (currently under investigation through MCEETYA), any broad-level study to investigate the benefits or otherwise of inclusion versus non-inclusion is unlikely to provide useful information.

The development and implementation of professional learning strategies that may flow from such a study would be best undertaken by State and Territory government and non-government school education authorities in consultation with their teachers in order to meet the individual needs of their student communities. The Commonwealth could support that process through its QTP.

The recommendation to develop a national policy on inclusive education needs to be viewed in the context of the fact that individual school authorities already recognise the importance of having a range of schooling options for students with disabilities.

Notwithstanding these concerns, the proposals contained in the recommendations are matters which should be considered by MCEETYA. The Government will refer them to MCEETYA for consideration.

Recommendation 7

The Committee recommends that:

Subject to assessment under Australian trials currently being conducted, routine screening of the hearing of all Australian newborn children should be adopted.

Response

The screening for newborn children is a responsibility of State and Territory governments.

The National Health and Medical Research Council (NHMRC) report, Child Health Screening and Surveillance: A Critical Review of the Evidence 2002, recommended that "Hearing screening before discharge for all neonatal intensive care unit neonates, and preferably all neonates admitted to special care nurseries for more than 48 hours, is now accepted best practice and should become a high priority at State level."

The Australian Health Ministers have requested the Medical Services Advisory Committee to undertake a full health technology assessment, including cost effectiveness of a universal neonatal hearing screening.

In addition, the Commonwealth Department of Health and Ageing is working closely with States and Territories to progress the findings and issues raised by the NHMRC report.

Except for Queensland and Tasmania, all States and Territories have implemented or are planning to introduce universal newborn hearing screening programmes, at least in a pilot form.

The Government supports, in principle, routine screening of hearing of all newborn children and will refer the recommendation to State and Territory departments of health for consideration.

Recommendation 8

The Committee recommends that:

MCEETYA should examine options to re-introduce some form of regular screening for sensory impairment for school and pre-school age children, either within schools or as part of community health and immunisation programs.

Response

Under the Australian Health Care Agreements, service delivery for community child health screening and surveillance are a State and Territory government responsibility. The Commonwealth Government considers that ideally such services are best provided in family focused centres that are multi-dimensional and community based.

The Commonwealth, through the Office for Aboriginal and Torres Strait Islander Health (OATSIH) does, however, provide a specific ear and hearing health programme targeting the 0-5 age group, as well as an eye programme for all Aboriginal and Torres Strait Islander people.

A review of The National Aboriginal and Torres Strait Islander Hearing Strategy 1995-99 released in 2002 has recommended that ear health should be positioned within a comprehensive, population-based approach to family, maternal and child health. The OATSIH and the Office of Hearing Services (OHS) within the Commonwealth Department of Health and Ageing are developing implementation strategies for the report recommendations. It is expected that DEST will participate in this process.

Support for screening for hearing impairment in the pre-school period has received varied support generally but is strongly supported for Aboriginal children. The Systematic Review of Existing Evidence and Primary Care Guidelines on the Management of Otitis Media in Aboriginal Populations (March 2001) recommends routine screening for otitis media in Aboriginal and Torres Strait Islander infants both opportunistically and during well baby clinics. The hearing health of older children falls appropriately within the realm of jurisdictional health service provision in collaboration with schools and Aboriginal Community Controlled Health organisations.

As a result of the findings of the Report on Commonwealth Funded Hearing Services to Aboriginal and Torres Strait Islander Peoples: Strategies for Future Action, the Office of Hearing Services is developing options for lowering the eligibility age for Indigenous Australians to access the Commonwealth Hearing Services Program. The OHS is also considering how to streamline access to the Commonwealth Hearing Services Program for Indigenous Australians and is working with Australian Hearing to simplify the processes required.

In 1998, the Government funded the National Aboriginal and Torres Strait Islander Eye Health Program which seeks to increase the capacity of Aboriginal Community Controlled Health Ser-

vices in eye health. The programme is based on a regional model of eye health service delivery focusing on increasing access to eye health services (particularly specialist support) in Aboriginal and Torres Strait Islander primary health care settings. A review of this programme is currently being undertaken and the report is due in mid-2003.

As this recommendation is primarily a matter for health authorities, the Government will refer it to the Australian Health Ministers Conference for consideration as well as to MCEETYA.

Recommendation 9

The Committee recommends that:

The transition of students with disabilities from school to further study, employment and lifelong learning should be the subject of further inquiry.

Response

In June 2000, MCEETYA made a five-year commitment to improving opportunities for people with a disability in VET by endorsing the Australian National Training Authority Disability Forum's national strategy: Bridging Pathways: national plan of action for increasing opportunities for people with a disability in vocational education and training and the accompanying Blueprint, which provided a clear approach for training providers to accommodate the needs of people with a disability.

The MCEETYA Transition from School Taskforce, which is responsible for undertaking the relevant VET in Schools actions in the Blueprint, is currently undertaking national research into the participation of students with a disability in VET in Schools programmes. The project will assess the current performance and future priorities of these programmes with regard to achieving improved outcomes for young people with a disability.

The Enterprise and Career Education Foundation (ECEF) Disability Initiative, launched in 2000, supported three "lighthouse" projects to increase structured workplace learning opportunities for students with a disability. The projects, which involve an alliance of education, industry and Commonwealth Employment Placement and Training agencies, have identified a range of models that can be incorporated into mainstream structured learning programmes. These projects will continue to be funded under existing Structured Workplace Learning (SWL) contractual arrangements, following the 2003-04 Budget decision which will result in the transfer of all SWL programme functions from ECEF to DEST.

In addition, the Government is providing $3.7 million over three years under the DCO programme to assist people with disabilities move between school, VET, higher education and employment, and to succeed in their chosen studies. The programme, which commenced in July 2002, is aimed at increasing the awareness of post-school options, supports and services available for people with a disability, their families and support networks. This programme complements the RDLO programme which provides practical support and assistance for students with disabilities in higher education.

The Government considers that further inquiry into issues related to the transition of students with disabilities from school to further study, employment and lifelong learning is not necessary at this stage given the body of work already underway.

Recommendation 10

The Committee recommends that:

All university teacher training courses should include a mandatory unit on the education of atypical students (including students with a disability and gifted students), to familiarise trainee teachers with classroom methods appropriate for students across the spectrum of ability.

Response

The provision of pre-service teacher training programmes is largely a matter for State and Territory government and non-government school education authorities.

Pedagogical issues, such as curriculum and course design, are matters for university providers of pre-service teacher training programmes and it could be expected that these providers would be cognisant of employer requirements in determining course content.

As the employers of teachers, State and Territory governments and non-government education authorities are in a strong position to influence

teaching course requirements, including any requirement for a focus on the learning needs of atypical children such as those with a disability or those who are gifted.

While only two States (New South Wales and Western Australia) have mandatory requirements that ensure pre-service teacher training programmes include course components in special education, institutions in other States and Territories provide non-mandatory course components in inclusive education. Consequently, if all State and Territory education authorities were to require new teachers to have received this training it may be a quite straight forward matter to adjust course structures.

The Government will refer the recommendation to the heads of education departments in each State and Territory, the NCEC and the ISCA for consideration. It will also undertake to bring these issues to the attention of the higher education sector through the Australian Vice-Chancellors' Committee and the Australian Council of Deans of Education.

Recommendations 11

The Committee recommends that:

The Teachers for the 21st Century—Making the Difference program should be extended as a national professional development scheme, with funding augmented to target improved performance outcomes for teaching and learning especially for atypical children in all education settings.

Recommendations 12

The Committee recommends that:

The Commonwealth, through MCEETYA, should set out broad guidelines on the duration and structure of courses to be implemented through this national professional development scheme, and establish an appropriate evaluation process.

Response

The central purpose of the Commonwealth's Teachers for the 21st Century initiative is to improve teacher quality and increase the number of highly effective Australian schools in order to maximise student learning outcomes. The QTP, which is the primary funding source for the initiative, primarily seeks to improve teacher quality by developing, refreshing and deepening the professional skills of all teachers through targeted professional development. The QTP has been extended until June 2005, bringing the Commonwealth's commitment to the programme to $159.2 million. The programme currently provides for teachers in disadvantaged schools, as well as other teacher target groups.

The QTP has the flexibility to provide professional learning opportunities for teachers which are intended to improve performance outcomes of students with disabilities. The Government will be examining ways to further support professional learning for teachers of students with disabilities.

Current programme guidelines allow for the structure and duration of courses to be determined by the State and Territory education authorities in consultation with teachers; this ensures the programme is best placed to meet the local needs of teachers, schools and students. Initial outcomes from the programme review indicate that the programme has been successful in increasing teachers' skills and understanding and enhancing the status of the profession. There would be no additional value in seeking to have MCEETYA establish guidelines on the duration and structure of professional learning opportunities. The QTP will continue to be rigorously evaluated over the extended funding period.

It should also be noted that the interim report, Attracting and Retaining Teachers of Science, Technology and Mathematics, which has been released by the independent Committee for the Review of Teaching and Teacher Education, supports career long professional learning both in discipline and pedagogy to encourage, support and improve student learning.

As outlined in the Introduction, the Government is taking specific action to increase teachers' knowledge and understanding of how to enhance the literacy and numeracy development of school students with disabilities and learning difficulties. Funding of $4.5 million is being provided under the Effective Teaching and Learning Practices for Students with Learning Difficulties Initiative for projects at the national and State levels aimed at improving outcomes for students with disabilities in mainstream schools.

As demonstrated by the programmes and initiatives outlined above, the Government is strongly committed to improving professional development opportunities for teachers of educationally disadvantaged groups, including students with disabilities. As the outcomes sought through these particular recommendations are, to a large extent, already being fostered under existing programmes, the Government does not support implementation of the recommendations.

Recommendation 13

The Committee recommends that:

MCEETYA should undertake a study to identify deficiencies in service provision for students with disabilities in rural, regional and remote areas, as part of a project aimed at addressing the overall shortage of specialist educators.

Response

In recent years there have been many studies and inquiries into the needs of rural students and the additional disadvantage experienced by students with disabilities in rural areas continues to be highlighted as a major issue.

It is apparent from previous investigations that it is not just the area of education that needs to be involved. For the needs of rural students with disabilities to be better addressed a more holistic, co-ordinated, cross-government approach should be adopted, including health and community services. The Government acknowledges the need for this approach in developing policy directions in a number of areas.

In 2001, MCEETYA published a report on Demand and Supply of Primary and Secondary School Teachers in Australia which found that there were ongoing recruitment difficulties in a number of specialist areas including for schools in rural and remote regions. In relation to special education teachers, the report noted that recruitment difficulties were being experienced in all States and Territories except New South Wales and Western Australia.

The next MCEETYA report, focussing on 2002, is currently being finalised and is expected to be released later this year.

Given the above, it would be important that any new study should not merely go over old ground in identifying problems, but should develop strategies and action plans for education authorities and other relevant departments and areas of government to make a genuine difference to the educational opportunities of these students.

The Government will refer the recommendation to MCEETYA for consideration.

Recommendation 14

The Committee recommends that:

MCEETYA should commission research to evaluate the effects of changes in the role and employment conditions of special education teachers, and to assess the adequacy and appropriateness of current specialist consultation models.

Response

The Government has a keen interest in shaping future national directions of the teaching profession in a way that will develop a culture of lifelong learning and innovation and strengthen the appeal of a career in teaching in a way that will be of benefit to all Australian school students. The Review of Teaching and Teacher Education, for example, is currently investigating how talented people are attracted to teaching as a career.

The Government is aware that the integration of students with disabilities into mainstream schools in recent years has meant significant changes for many teachers. In addition, more rigorous curriculum requirements, increased parental expectations, the need to manage students from a wide range of social and cultural backgrounds and problems with teacher morale have increased pressure on all members of the teaching profession.

However, as responsibility for determining the specific roles and responsibilities and employment conditions of teachers rests with State and Territory government and non-government school education authorities, the Government believes that it would be more appropriate for any work which examines the changing roles and responsibilities of specialist teachers in a detailed way should be undertaken at the level of individual jurisdictions.

Accordingly, the Government will refer the recommendation to the heads of education depart-

ments in each State and Territory, the NCEC and the ISCA for consideration.

Recommendation 15

The Committee recommends that:

The Department of Education, Science and Training should explore options for the establishment of a scheme designed to assist students with disabilities to purchase assistive equipment.

Response

The issue of providing assistance equipment to support the education of students with disabilities is discussed in Chapter 6 of the Senate Committee's report relating to post-secondary education. Given this, the recommendation has been interpreted to relate to students with disabilities in both VET and higher education, but not schools.

State and Territory training authorities have responsibility for the delivery of VET, including any assistance to individual students. The Commonwealth is providing $24.4 million over 3 years from July 2002 under the Australians Working Together package to increase participation by people with disabilities in mainstream VET. These funds are being distributed to State and Territory training authorities through the Australian National Training Authority to contribute to their efforts to assist people with disabilities to enter and complete VET. The funding covers the cost of training places as well as associated learning supports, including any assistive equipment that may be needed to support students with a disability.

Higher education institutions receive Commonwealth funding to ensure that higher education is accessible to people from all equity groups, including students with disabilities, and that these students receive quality education. In addition to general recurrent funding, in 2002 the Commonwealth commenced the ASSDP. Higher education institutions may apply for additional funding under this programme to assist with the costs of purchasing special equipment, such as assistive technology equipment, for use by students with disabilities. Institutions may choose to lend this technology to students with disabilities for home use, but that would be a matter for the institutions as the owners of the equipment.

While access to assistive technology is an important factor towards achieving successful outcomes for students with disabilities, the Government considers that current programmes and arrangements provide adequate scope for institutions to meet the particular needs of these students.

For the reasons above, the Government does not support this recommendation.

Recommendation 16

The Committee recommends that:

The Commonwealth should fund universities to develop long-term strategies to improve the physical environment and pedagogy of universities to ensure equality of access for students with disabilities.

Response

Under existing arrangements, the Government expects higher education institutions to be taking a strategic approach to ensuring a physical environment and pedagogy that are appropriate to the needs of all their students, including students with disabilities. Funds are provided for the full range of university activities.

In addition, the Commonwealth provides funding to universities under HEEP to reward good practice in assisting disadvantaged students and provides for specific equity initiatives, including work to develop strategies to assist disadvantaged students. HEEP funding is also used to operate the network of Regional Disability Liaison Officers, who work with universities and other service providers in particular regions to coordinate services to students with disabilities.

In the Backing Australia's Future package announced in the 2003-04 Budget, funding under HEEP has been increased by $2.3 million per annum from 2005, which will take the total funding provided for equity initiatives to $8.3 million per annum. In addition, universities will be required to meet minimum criteria in order to receive HEEP funding, including the implementation of outreach and support services for disadvantaged students. Funding will then be allocated on the basis of the participation of, and outcomes for, disadvantaged students.

The ASSDP was introduced to assist universities to provide specific types of educational support

and equipment for students with disabilities. The funding provided under the programme helps defray the costs of providing such support, which for some students can be quite significant. In the Backing Australia's Future package, funding for the programme was increased by $1.1 million per annum from 2005, taking the total amount to $4.1 million per annum.

Given the current level of Commonwealth funding support for students with disabilities in higher education and that programmes are already in place to provide for the outcomes sought by this particular recommendation, the Government does not accept the need for its implementation.

Recommendation 17

The Committee recommends that:

The Attorney-General should formulate the Disability Standards for Education 2002, under paragraph 31 (1) (b) of the Disability Discrimination Act 1992; and the Commonwealth should take the necessary legislative action to put the education standards beyond legal challenge.

Response

As outlined in the Introduction, the Government is working closely with education providers and stakeholders to address outstanding legal and financial issues, with a view to achieving agreement to implement the Standards.

At its July 2002 meeting, MCEETYA "expressed concern over the delay in finalising the Standards but agreed that outstanding legal and financial issues be addressed by December 2002 prior to the introduction of legislative amendments to the DDA if necessary, and to the implementation of the Standards, and urged all jurisdictions to work cooperatively on this matter".

At its meeting on 18 December 2002, the MCEETYA Taskforce on Targeted Initiatives of National Significance, comprising representatives of all jurisdictions and stakeholders, agreed on the final draft form of the Standards. This draft, and the respective positions of the parties, was considered by the Australian Education Systems Officials Committee (AESOC) at its meeting on 21 February 2003. Following a further request from AESOC, the draft Standards have been slightly amended to better reflect the relationship between some key concepts. This version of the Standards will be considered by MCEETYA at its meeting on 10-11 July 2003.

While there was broad support for the Standards at the AESOC meeting, the support of a number of jurisdictions and stakeholders was subject to the finalisation of the Regulation Impact Statement (RIS), particularly in terms of a quantitative analysis of the costs and benefits of introducing the Standards. AESOC agreed that the draft Standards would be used as a basis for an independent analysis of the costs and benefits arising from compliance with the Standards over and above the costs of compliance with the DDA. In line with the Government's position that any further work on the costs of implementing the Standards should be independent, robust and transparent, it commissioned a consultant to undertake the cost-benefit analysis, with a view to drawing upon its outcomes to complete the RIS. This matter is discussed further in the response to recommendation 18.

The major purpose of the Standards is to provide greater clarity of rights and obligations current under the DDA. The draft Standards would vary the operation of the DDA in three areas by extending the defence of unjustifiable hardship beyond the point of enrolment to include other areas of the Standards, by including, in the definition of "education provider", "bodies whose purpose is the development and accreditation of curricula, training packages or courses" (including statutory authorities), and by broadening the scope of the harassment and victimisation provisions. The Government has received legal advice that the Standards are able to validly alter the operation of the DDA in the ways set out above. However, to put these matters beyond doubt, it will consider the need for any minor amendments to the DDA as part of the implementation of the Standards.

Recommendation 18

The Committee recommends that:

Commonwealth, state and territory governments should share the cost of implementing the education standards. MCEETYA is the appropriate forum to determine the extent that these costs should be shared.

Response

In relation to the implementation of the Standards, the Government is aware of the concerns of stakeholders including those of the non-government school sector regarding potential costs to school communities in terms of ensuring access to facilities and supporting the specific educational needs of individual students with a disability. It should be noted that the Standards would only require education providers to take reasonable steps and to make reasonable adjustments. In addition, the Standards seek to extend the 'unjustifiable hardship' provision beyond the point of enrolment (as under the DDA) to also apply to the areas of participation; curriculum development, accreditation and delivery; students support services; and elimination of harassment and victimisation. This provision has the potential to minimise costs for providers.

As the draft Standards would clarify rights and obligations under the DDA in the area of education and would not alter the definition of 'disability', the Government believes that the implementation of the Standards should not involve significant costs for education and training providers who already comply with the DDA.

The draft RIS, prepared in 2002, included cost estimates provided by a number of state jurisdictions, based on the assumption that 18 per cent of school students would fall within the DDA definition of 'disability'. There is no substantiated evidence for this assumption. (State and Territory jurisdictions and the non-government sector currently identify 3.4 per cent of the overall school student cohort as students with disabilities for support under the SAISO programme). As the Standards would not change the definition of 'disability', there should not be an increase in the cohort of students with disabilities, and adjustments beyond current provisions would not be required.

The cost-benefit analysis mentioned in the response to recommendation 17 takes account of both quantitative and qualitative data provided by education providers and stakeholders as well as relevant research and supporting information. In preparing their report, the consultants estimated costs and benefits for each of the areas of the Standards (enrolment; participation, curriculum development, accreditation and delivery; student support services; and elimination of harassment and victimisation), and addressed a number of conceptual challenges in assessing the reasonable marginal costs of the Standards over and above the costs of compliance with the DDA.

In undertaking their analysis the consultants found that as the definition of disability applying to the Standards is identical with that underpinning the DDA, there is no validity in the assumed increase in the size of the cohort of students with disabilities. They also found that many providers attributed to the Standards, costs that should be attributed to compliance with the DDA. Key outcomes of the study are that:

- the net impact of the Standards would be positive with the overall benefits of the Standards exceeding the costs;
- professional development to support the introduction of the Standards is a reasonable cost attributable to the Standards; and
- the principal impact of the Standards would be to provide increased clarity for education providers as to their obligations under the DDA and for students with disabilities as to their entitlements under the DDA.

The Government has referred the findings of the independent cost-benefit analysis to MCEETYA for consideration at its meeting on 10-11 July 2003.

Recommendation 19

The Committee recommends that:

The conditions on which financial assistance is paid to state and territory education authorities, and the supporting guidelines for quadrennial funding, should be strengthened to include reporting processes that ensure that Commonwealth funds for students with disabilities are spent on students with disabilities.

Response

A key priority for the Commonwealth is to drive improvement in learning outcomes through better accountability and reporting. The National Goals for Schooling in the 21st Century provide the framework for nationally comparable reporting of the outcomes of schooling. The MCEETYA Performance Measurement and Reporting Taskforce

(PMRT) is responsible for developing and implementing measures in priority areas identified by Ministers. In relation to literacy and numeracy, minimum standards (benchmarks) for Years 3, 5 and 7 have been agreed by Ministers and students are being tested at these year levels using existing State tests.

Under the SGA, the States and Territories are required to commit to achieving performance targets and measures and to report against these measures through the Annual National Report on Schooling.

Currently, some States/Territories report an individual student's national literacy and numeracy benchmark results to his/her parents. The Commonwealth is committed to securing State and Territory reporting to all parents of their child's skills in literacy and numeracy against national standards.

It has also been agreed that performance information should be disaggregated by various subgroups in the student population, including students with disabilities. Before educational outcomes for students with disabilities could be reported on a nationally comparable basis, an agreed definition for students with disabilities for reporting purposes is required. The PMRT has commissioned a project to examine the feasibility of developing such a definition.

Given these developments, the Government believes that the way forward is not to impose input reporting requirements but to continue with work to develop comparable performance measurement and reporting in relation to students with disabilities, which would provide an indication of the effectiveness of the targeted funding for students with disabilities.

The Government believes that strengthening the financial accountability for Commonwealth funding in the way proposed by the Committee would significantly increase the reporting burden on schools and systems for questionable benefit. It would be possible to require schools and systems to report annually on the expenditure of Commonwealth grants for students with disabilities. However, the reporting process would be burdensome for the schools and systems. It would also present a number of practical difficulties, for example, in estimating what proportion of literacy funding at school level has benefited students with disabilities, or identifying what proportion of total funding supporting students with disabilities was provided by the Commonwealth.

Furthermore, the recommendation runs counter to the broadbanding provisions of the States Grants schools' legislation. It is questionable whether the reimposition of input reporting requirements would assist in ensuring "that Commonwealth funds are being used as Parliament intended" (paragraph 7.54 in the report), given that broadbanding of funds under the SAISO programme is an integral part of the legislation which Parliament passed in 2000. A requirement that schools report to the Commonwealth on expenditure for one specified purpose runs counter to the spirit of operational flexibility contained in the legislation.

For the reasons outlined above, the Government does not support this recommendation.

This response is available in electronic form at: http://www.dest.gov.au/edu/gen_ed_pubs.htm

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GOVERNMENT RESPONSE TO THE SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE Report on the AUSTRALIAN MEAT INDUSTRY CONSULTATIVE STRUCTURE AND QUOTA ALLOCATION

Introduction

On 27 June 2002 the following matters were referred to the Senate Rural and Regional Affairs and Transport Legislation Committee for inquiry:

(a) The performance and appropriateness of the existing government advisory structures in the Australian meat industry; and

(b) The most effective arrangements for the allocation of export quotas for Australian meat, both to the United States and Europe.

The Committee received submissions and heard evidence from interested parties and presented its report in two stages. The first report on the allocation of the US beef quota was tabled in the Senate on 24 September 2002 and the second report on the existing government advisory structures in the Australian meat industry was tabled on 12 December 2002.

The Government response to both reports is as follows.

FIRST REPORT: Allocation of the US Beef Quota

Recommendation 1. The Committee recommends that the following model be adopted as an ongoing model for the allocation of United States beef quota to exporters:

(a) Quota to accrue to the company or group of companies and not to the establishment;

(b) Company performance to determine quota entitlement rather than shipper or processor of record;

(c) The first allocation of quota to a company to be on 1 November, based on the exports for the entire previous shipping year;

(d) Quota to be allocated in three equal tranches, ie on 1 November, 1 March and 1 July, with the allocation of each tranche being based on performance over the preceding 12 month rolling period;

(e) Both performance and entitlement to be tradeable;

(f) Companies to assure AFFA by 1 September each year that their entitlement will be utilised;

(g) Where a company cannot use their entitlement, any unused entitlement to be returned by 1 September to a quota pool for re-allocation;

(h) Re-allocation of unused quota to be consistent with the EU high quality beef quota scheme;

(i) Where a company has failed to notify AFFA and failed to use its quota entitlement, the amount not used in a shipping year will be debited from that company's account in the following shipping year.

Recommendation 2. The Committee recommends the following transition provisions:

(a) As a transition provision for 2003, those companies who were more than 70% reliant on the US market in export year 2001, be allocated the equivalent of their total 2002 US quota allocation, ie their initial allocation and any discretionary allocation that the company may have received;

(b) The remainder of the 2003 US beef quota tonnage be allocated on a global basis;

(c) As a transition provision in 2004, companies who remain more than 70% reliant on the US market in 2003, the 2004 allocation be 85% of the 2003 allocation;

(d) The remainder of the 2004 US beef quota tonnage be allocated on a global basis.

Government Response. Recommendation 1(e) is accepted in part but all other sub-sections of Recommendations 1 and 2 have not been accepted. The Government has accepted the model recommended by the independent Quota Management Panel that was set up to advise on quota allocation arrangements for 2003 and beyond. The components that have been adopted by the 80:20 US-Inclusive Model are:

- Allocation will be based on shipper of record.
- Allocation formula will be 80% US:20% global including US.
- Over-quota shipments in 2002 as part of the 378,214 tonne TRQ have been counted towards the granting of quota. However, out of quota shipments will not be counted towards the granting of quota in 2003 or in future years (except where it contributes to the global component of quota entitlement calculations).
- Quota allocation will be calculated on a three year rolling average based on the previous shipping year (1 November to 31 October). In 2003, the allocation will be based on the average of 2001 and 2002. In 2004, the allocation will be based on the average of 2001, 2002 and 2003. From then on, quota allocation will be based on the three year rolling average.
- As a special "one-off" measure for 2003, 15,000 tonnes of quota will be set aside as a discretionary provision for exporters adversely affected by the change from "processor of record" to "shipper of record" or by abnormal events in the base years.

- Quota will be transferable, except for those related to discretionary quota.
- Where allocation is made to a shipper of record, the shipper needs to hold a meat export licence issued under section 10 of the Australian Meat and Live-stock Industry Act 1997.

Recommendation 3. The Committee further recommends that a review of the necessity for the transition provisions be undertaken within 18 months.

Government Response. Recommendation 3 is accepted in principle with the timing for the formal review of the allocation system to be undertaken in 2005.

CONCLUSION

The Government has not accepted the majority of the Senate Committee recommendations. The Government believes that commercial considerations should drive the establishment of new markets, rather than Government imposed quota allocation systems. A 100% global model would have the effect of forcing costly market diversification practices on certain sectors of the industry and artificially distorting price signals and market forces. In particular, the adoption of the 100% global model would significantly shift quota away from companies that have built a market share in the US and reallocate it to globally oriented companies. A significant number of smaller and mid-sized regional abattoirs with a heavy dependence on the US market would have been particularly affected by this change.

The Government believes the 80:20 Model recommended by the independent Quota Management Panel and implemented from 1 January 2003 to be the most efficient, fair, equitable and transparent system to administer. Industry has generally accepted the 80:20 Model.

SECOND REPORT: Existing government advisory structures in the Australian meat industry

Recommendation 1. The Committee recommends that the Minister initiate discussions with the signatories to the MOU concerning reformed advisory arrangements. The Committee recommends that following these negotiations the Minister engage in detailed and open consultation with all sections of the Australian meat industry on options for a reformed or alternative industry advisory structure.

Government Response. Recommendation 1 is accepted. The Government is aware that industry is considering the Committee's report and has written to industry participants seeking their views on the arrangements. As a signatory to the MOU the Government is willing to participate in industry discussions on options for reform, and to consider views put to it by industry participants. The Government notes nonetheless that the main impetus for change should necessarily come from industry given the principles of industry ownership and self-determination underpinning the existing institutional arrangements.

Recommendation 2. The Committee recommends that any new advisory body established for the Australian meat industry be empowered to initiate advice to the Minister. Notwithstanding this, individual industry participants, whether represented on the advisory body or not, must retain the right to make representations to the Minister on any matter of concern.

Government Response. Recommendation 2 is accepted. All sectors of the industry are currently free to approach the Government on any matters of concern.

Recommendation 3. The Committee recommends that any organisations appointed by the Minister to the list of Prescribed Industry Bodies be eligible for appointment to the industry advisory body, and that the view of existing advisory body members should not necessarily determine the success of the appointment or membership of the advisory body.

Government Response. Recommendation 3 is accepted. All parties appointed by the Minister to the list of Prescribed Industry Bodies are presently eligible for appointment to the industry advisory body. The Government, however, is not able to insist that an eligible Prescribed Body should be appointed to the advisory body. This is a matter for the advisory body to determine and is subject to the Prescribed Body becoming a signatory to the MOU.

Recommendation 4. The Committee recommends that the MLA Board consult with its membership

on democratic reform of the MLA's Articles of Association. In the absence of progress on this matter before the 2003 MLA Annual General Meeting, the Committee recommends that the Minister engage in detailed and open consultation with levy payers on reform options for a more democratic board selection process.

Government Response. Recommendation 4 is accepted in principle noting that any change to the MLA Articles of Association or the board selection processes is a matter for the MLA Board and membership to consider. The Government further notes that MLA is a company formed under the Corporations Act and the Government has no direct power to intervene on these matters. The Government nonetheless has encouraged MLA to consider making the board selection process more democratic and open to participation by MLA members.

Recommendation 5. The Committee recommends that the Minister negotiate with signatories to the MOU on alternative arrangements for the disbursement of earnings of the Red Meat Industry Reserve Fund.

Government Response. Recommendation 5 is accepted in principle. However, the Government notes that, as an MOU co-signatory, the Commonwealth cannot unilaterally instigate changes to the funding arrangements. The Government nonetheless has encouraged the Red Meat Advisory Council (RMAC) and other industry members to examine these matters and the Government is willing to consider advice received.

Recommendation 6. The Committee recommends that the advisory body develop a detailed industry strategic plan, and that consideration be given to the use of competitive contract to deliver elements of the strategic plan.

Recommendation 7. The Committee recommends that the selection committee for the contracts include an independent probity auditor and a representative of AFFA.

Recommendation 8. The Committee recommends that the size and recipient of these contracts, and outcomes delivered, be placed on the advisory body's web site, and reported by AFFA to the Minister.

Government Response. Recommendations 6, 7 and 8 are accepted. The Government understands that RMAC is reviewing the existing industry strategic plan. The Government is willing to consider advice from RMAC on the administrative arrangements for delivery of the strategic plan.

CONCLUSION

The Government notes that the existing arrangements were put in place to provide for greater industry ownership and self-determination on matters relevant to industry participants. The Government believes that any changes to the arrangements are primarily a matter for industry to consider. As a signatory to the MOU the Government is willing to encourage industry to consider ways of improving its consultative arrangements and service delivery. In this context, the Government has written to signatories of the MOU seeking their views on the existing arrangements, and encouraging them to consider reforms, where appropriate.

While the Government accepts that the validity of engaging the industry on the issues raised by the Committee, it notes that any actions it can take are limited and that it is ultimately up to industry to carry forward any reforms.

GOVERNMENT RESPONSE TO THE SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE Report on the Introduction of Quota Management Controls on Australian Beef Exports to the United States

Introduction

On 15 May 2002 the Minister for Agriculture, Fisheries and Forestry announced the introduction of quota management controls on Australian beef exports to the United States. On 16 May 2002 the matter was referred to the Senate Rural and Regional Affairs and Transport Legislation Committee (the Committee).

The Committee received submissions and heard evidence from interested parties and presented its report to the Senate on 26 June 2002.

The Government response to the Committee's report dated 26 June 2002 on the Introduction of Quota Management Controls on Australian Beef

Exports to the United States by the Minister for Agriculture, Fisheries and Forestry is as follows.

Recommendation 1. The Committee recommends that:

a) The proposal for the current quota year formulated by the Minister for Agriculture, Fisheries and Forestry be varied in that a discretionary tonnage be allocated from the remaining unfilled quota to current US suppliers which is sufficient to minimise disruption to the Australian beef industry. The Committee considers this tonnage should be in the order of 30,000 tonnes. This discretionary tonnage approximately doubles and replaces the 'hardship' tonnage allowance contained in the Minister's 2002 scheme.

b) For US beef quota years 2003 and beyond, in lieu of the Minister's May 2002 proposal, a new proposal be formulated by the Minister convening a round-table forum of all industry participants.

c) This forum should have as its principal task the formulation of a management plan for quota year 2003 and following years.

Government Response. Recommendation 1(a) is accepted. The Australian Meat and Live-stock Industry (Beef Export to the United States of America) Order 2002 gazetted on 1 July 2002 specifies an amount of 30,000 tonnes for discretionary assignment in 2002 in accordance with the Committee's recommendation.

Recommendations 1(b) and 1(c) are not accepted. The Government established an independent Quota Management Panel to provide ongoing advice on quota management issues, including the allocation of the discretionary US beef quota. The Panel reported on their assessments and recommended amendments be made to the arrangements for distribution of the 2003 US beef quota.

Recommendation 2. The Committee notes the difficulties that re-allocation of beef quota will pose for industry in the current quota year and recommends that the Australian Government actively pursue with the United States Government the allocation of the US discretionary tonnage of beef to Australia.

Government Response. Recommendation 2 is accepted. The Government has continued to seek the US Government's agreement for additional in-quota access to the US beef market as an ongoing priority.

Recommendation 3. The Committee notes that the United States has been reported as having increased its share of the Japanese beef market recently and the Committee recommends that, in light of this development, and evidence to the Committee during this Inquiry of strengthening demand in Japan, that the Government support intensified Australian beef marketing initiatives in Japan.

Government Response. Recommendation 3 is agreed. On 11 July 2002 the Minister announced that the Government had allocated $5 million to support Meat and Livestock Australia's Japanese market recovery campaign.

Recommendation 4. The Committee recommends that the Australian Meat and Live-stock Industry (Beef Export to the United States of America) Order 2002, when prepared, complies with the recommendations made by the Committee in this report.

Government Response. Recommendation 4 is accepted in part. As noted in the Government response to Recommendation 1, the Australian Meat and Live-stock Industry (Beef Export to the United States of America) Order 2002 gazetted on 1 July 2002 specified an amount of 30,000 tonnes for discretionary assignment in 2002 in accordance with Committee's recommendation. The Order did not comply with Recommendations 1 (b) and 1 (c) as the Government rejected these recommendations. The Government also did not believe it appropriate that the Order include any provisions in relation to Recommendations 2 and 3.

CONCLUSION

The Government's US beef quota management system for 2002 commenced on 15 July 2002. In accordance with the Committee's recommendations the system included 30,000 tonnes for discretionary allocation but no other changes to the proposed allocation system announced by the Minister on 15 May 2002. The Government also established an independent Quota Management Panel to advise on quota issues.

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—I present various responses to resolutions of the Senate as listed at item 12(e) on today's *Order of Business*.

The list read as follows—

Queensland Minister for Innovation and Information Economy, Minister with responsibility for Energy (Hon Paul Lucas MP) concerning photovoltaic energy

Premier of Tasmania (Mr Bacon MHA) concerning the North East peninsula of Recherche Bay

Premier of Victoria (Mr Bracks MP) concerning the reduction of vehicle carbon dioxide emissions

ACT Chief Minister (Mr Stanhope MLA) concerning the reduction of vehicle carbon dioxide emissions

Secretary of the Joint Standing Committee on Treaties (Ms Gould) concerning the status of an inquiry into a proposed agreement between Australia and the United States

Tabling

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—I present documents listed at item 12(f) on today's *Order of Business*.

The list read as follows—

Supplement to the 10th edition of Odgers' Australian Senate Practice—Updates to 30 June 2003

Business of the Senate: 1 January to 30 June 2003

Questions on Notice summary: 12 February 2002 to 30 June 2003.

Treaties Committee: Reference

Senator GREIG (Western Australia) (4.16 p.m.)—by leave—I move:

That the Senate take note of the document.

This letter tabled from the secretary of the Joint Standing Committee on Treaties, Ms Gould, relates to the inquiry which was referred to the committee by the Senate on 2 December last year. The matter referred to the committee was a proposed agreement between Australia and the United States under which Australia would agree not to surrender US nationals to the International Criminal Court if it were alleged that they had committed war crimes, crimes of genocide or other serious crimes against humanity. After waiting an extraordinary eight months for the committee to take any action on the inquiry, the Senate has now finally received this letter from the secretary of the committee advising that as far as the committee is aware, there is no such proposed agreement between the United States and Australia and that it proposes, therefore, to defer the inquiry until the terms of such an agreement have been finalised. This was despite the fact that the committee has conceded that it has the power to inquire into any question referred to it by either house of parliament relating to a treaty or other international instrument whether or not negotiated to completion.

I think it is quite bizarre for the committee to claim that it is unaware of any proposed agreement between the United States and Australia, given that there is overwhelming evidence to show that the government is currently negotiating on such an agreement. I take this opportunity to review just some of that evidence. Firstly, as early as 27 August last year, almost a year ago, the Minister for Justice and Customs, Senator Ellison, indicated to the chamber that Australia had been approached by the US to enter into an article 98(2) agreement and that the government was carefully considering the US proposal. The following day on the *PM* program on ABC radio the Minister for Foreign Affairs, Mr Downer, confirmed that the government was sympathetic to the US request. Then on 8 September last year the Attorney-General, Daryl Williams, confirmed on the *Sunday* TV program that the US request was 'presently under consideration' and that 'in principle, the Australian government have no objection but we are still working out the

details'. Further, the *Age* newspaper reported on 10 July this year that the Attorney-General's office had the day before confirmed that the government was continuing its negotiations with the US to sign an article 98(2) agreement.

There can be no doubt, therefore, that the government is currently negotiating such an agreement with the United States. So I think we can safely conclude that the committee's decision to defer this inquiry is yet another example of the Howard government conducting negotiations with the US behind closed doors away from the scrutiny of parliament and the Australian community generally. The committee's decision to defer the inquiry is unjustified and certainly unacceptable to the Australian Democrats.

Given that the United States has entered into similar agreements with a number of nations, the committee could refer to the terms of those agreements as indicators of the type of agreement that the US might be seeking with Australia. In fact, the input of the committee and the Australian community is I would argue more critical at this point in time than before, when the terms of agreement have been finalised, rather than afterwards.

Leaving aside the exact terms of any such agreement, we Democrats argue that what we have at stake here is a fundamental question of principle—whether Australia should consider entering into such an agreement at all—and it is this issue that should have been the central focus of the inquiry by the treaties committee. There is no good reason for the committee to defer its consideration of this issue. Already there is considerable opposition to such an agreement within the Australian community—voices that the government is refusing to listen to as it continues with secret negotiations and discussions with the Bush administration.

Let us have a look for a moment at the US attitude towards the International Criminal Court and exactly what it is asking Australia to agree to. The ICC was established to put an end to impunity for the worst crimes against humanity, including genocide and war crimes. As Minister Downer has previously observed, the ICC was set up to ensure that the butchers of the future do not get away with the sort of butchery we saw perpetrated by people like Pol Pot and President Milosevic in Yugoslavia. Australia's ratification of the Rome Statute obliges us to hand over those accused of crimes against humanity to the ICC if we are unable or unwilling to prosecute them under Australian law. The US believes that special exemption should be made for American citizens who commit such crimes. It wants its citizens accused of war crimes and of perpetrating genocide to be exempt from that system of justice. The Australian government has made no secret of the fact that it is sympathetic to this US proposal.

There are two more disturbing aspects to this story. Firstly, the US has resorted to bribery and coercion in its attempts to buy impunity for US citizens. Just last month the US suspended $47.6 million in military aid and some $613,000 in military education programs to 35 of the world's poorest countries which refused to enter into article 98 agreements with it. Secondly, the US has passed legislation which enables US military personnel to invade other countries for the purposes of retrieving US citizens who have been referred to the court. Given the location of the ICC, that legislation has been widely dubbed the 'Hague Invasion Act'.

Of course, in recent months, the hypocrisy of the US request has been highlighted by the way in which it has treated Australian citizens David Hicks and Mamdouh Habib. While it wants Australia to simply hand back any US citizens accused of terrorism, it has

absolutely no intention of releasing Australian citizens in the same circumstances. Moreover, the Australian government has been content to sit back and allow its citizens to be locked up in cages for almost two years with no charges being brought against them and, at the very best, the opportunity to be tried before a US military tribunal whose practices and procedures are abhorrent to Australian concepts of justice and a fair trial.

I would argue that the failure of the Joint Standing Committee on Treaties to commence this inquiry is an abdication of its responsibilities and of parliamentary scrutiny and cannot be justified. We Democrats will not let the matter rest here. The Australian people deserve more than to be fobbed off on critically important matters such as this, especially given the key role and enthusiasm that Australia has showed in both initiating the notion of the International Criminal Court and then advocating its necessity and integrity. We will be looking for and, I believe, implementing opportunities for us to do this so that the parliament and the Australian people can know what it is that is being negotiated, for what reasons, by whom and when.

Question agreed to.

CIVIL AVIATION LEGISLATION AMENDMENT BILL 2003

EXPORT CONTROL AMENDMENT BILL 2003

MIGRATION AMENDMENT (DURATION OF DETENTION) BILL 2003

AUSTRALIAN HUMAN RIGHTS COMMISSION LEGISLATION BILL 2003

First Reading

Bills received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (4.24 p.m.)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall be moving a motion to have the bills listed separately on the *Notice Paper*. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator ABETZ (Tasmania—Special Minister of State) (4.25 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CIVIL AVIATION LEGISLATION AMENDMENT BILL 2003

The Civil Aviation Legislation Amendment Bill is an important step forward in the Government's aviation reform agenda. This bill improves aviation safety regulation by allowing benefits and efficiencies to be derived from the existence of similar aviation regimes in the global market.

Specifically this bill brings together a series of amendments that make significant progress towards achieving the Government's objectives of regulatory reform and harmonising Australian aviation legislation with international standards.

In line with the Government's announcement in 1996, the Civil Aviation Safety Authority (CASA) has been conducting a complete review of civil aviation legislation in Australia. The objective of this review was to harmonise Australia's aviation safety regulations with international standards and make them shorter, simpler, and easier to use and understand.

This process of review and re-enactment of civil aviation legislation has been ongoing and the

Government believes it is important that these changes be made as part of a measured approach to aviation safety reform.

This bill brings together a series of significant changes, which will improve and clarify the legislative framework for aviation safety. Specifically this bill will amend and improve the Civil Aviation Act 1988 by:

- assisting in the development of regulations dealing with aircraft maintenance;
- altering certain definitions in the Act, such as those of "Australian aircraft" and "state aircraft", to remove ambiguity and to align them more closely with internationally used definitions;
- appropriately transferring the function of entering into 83bis agreements with other countries, from the Minister for Transport and Regional Services, to CASA as the national airworthiness authority in accordance with the International Civil Aviation Organisation's (ICAO) recommendations;
- amending certain provisions to harmonise these provisions with the Criminal Code; and
- amending other minor provisions, such as those relating to goods seized as part of an investigation, to facilitate smoother operation of CASA. I note that legislative changes to CASA's structure and governance arrangements are contained in the Civil Aviation Amendment Bill 2003, also being introduced into Parliament.

This bill will also amend the Air Navigation Act 1920 to ensure definitions are aligned with those in the Civil Aviation Act 1988, and it will also repeal a redundant section of the Airports Act 1996.

The Explanatory Memorandum sets out the specific amendments to the terminology and definitions which seek to achieve compliance with Standards and Recommended Practices of the International Civil Aviation Organisation (ICAO). These amendments will harmonise provisions with the requirements of other National Airworthiness Authorities by removing maintenance requirements and terminology that are unique to Australia and by aligning definitions with those used internationally. The internationally recognised and accepted terms that will replace existing terminology reflect the requirements necessary for the enabling legislation dealing with aircraft maintenance.

These proposed changes will have no effect on the current aircraft maintenance requirements prescribed by the Civil Aviation Regulations. They will, however, ensure that new Australian regulations harmonise with international standards and practices and promote the maintenance of air safety.

The bill also introduces an important measure, that of giving CASA the function of entering into Article 83bis agreements with the National Airworthiness Authorities of other countries such as the Federal Aviation Authority in the United States and the Civil Aviation Authority in New Zealand.

Under the Chicago Convention a State party to the Convention is generally responsible for the safety regulation of aircraft on that State's register, irrespective of where the aircraft is in the world.

There are, however, some obvious difficulties in administering safety regulations when an aircraft registered in one country is operated in another for a substantial period of time.

Article 83bis enables the transfer of safety regulatory functions from the State of registration to the State of operation, on agreement of both States. While at present there are no 83bis agreements between Australia and another country this provision will facilitate such agreements in the future.

Currently the Minister for Transport and Regional Services has the power to enter into Article 83bis agreements but CASA does not. As ICAO considers that such agreements should be made directly between the relevant national airworthiness authorities, because they are administrative instruments of less than treaty status, this bill appropriately transfers the function to CASA.

Administrative and technical provisions concerning the implementation of these agreements will be covered in regulations to be developed by CASA and the Department in consultation with industry.

The amendment to transfer the function of entering into 83bis agreements to CASA is consistent with Australia's objective of harmonising our legislative framework with international standards of safety regulation. Such agreements could also benefit the Australian aviation industry and the consumer in terms of increased economic opportunities and reduced costs.

For example, domestic operators would potentially have greater flexibility and more cost-effective options in operating their aircraft fleets, and in being able to lease aircraft, that are under utilised in Australia during periods of low demand, to overseas operators. Australian maintenance organisations may also benefit due to increased opportunities to carry out work on foreign aircraft that would otherwise have been carried out overseas.

Other amendments included in this bill will ensure that aviation operations are regulated appropriately and allow operational flexibility, without compromising safety requirements. Specifically, these amendments will correct provisions relating to the retention and disposal of goods seized by CASA during the course of an investigation. These amendments will enable CASA to carry out its responsibilities more efficiently.

The repeal of section 192 in the Airports Act 1996 will provide for a uniform regulatory approach to apply in seeking a 'declaration' of essential, national interest infrastructure for the purposes of the Trade Practices Act 1974.

As of July 2003, Sydney Airport would become the only airport in Australia that would otherwise be subject to section 192. The section has become redundant in the sense that declaration of airport services is currently available under the provisions of Part IIIA of the Trade Practices Act 1974. Repeal of the section will ensure that all airports are subject to uniform statutory provisions in regard to providing access to certain essential facilities.

There will be no anticipated added cost to consolidated revenue due to the amendments of the Civil Aviation Act 1988, the Air Navigation Act 1920 or the Airports Act 1996. There will however, be long term cost-benefits to those aviation industries involved in international trade which will flow from the legislative changes, as Australia's law will reflect the law of major markets for aviation products and services.

Each one of the amendments in this bill is testimony to the Government's commitment to measured reform which ensures efficient and effective regulation, accessibility and a world class standard of safety for operators and consumers alike.

EXPORT CONTROL AMENDMENT BILL 2003

The purpose of this bill is to amend the Export Control Act 1982 (the Act) to:

(a) redraft part of subsection 11Q(5) as a consequence of the repeal of section 16 of the Act by the Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) ACT 2000; and

(b) amend section 23 to allow certificates issued in relation to goods for export to describe goods that originate from Christmas Island or from the Cocos (Keeling) Islands (the Territories) as goods from those Territories.

Section 16 of the Act created an offence of making a false or misleading statement in declarations furnished for the purposes of the regulations. This offence was repealed and replaced by offences in the Criminal Code by the Criminal Code Amendment (Theft, Fraud. Bribery and Related Offences) Act 2000. This bill removes the reference to section 16 in subsection 11Q(5) of the Act and replaces it with references to the relevant offences provided by subsection 137.1 'False or misleading information' and subsection 137.2 'False or misleading documents' in the Criminal Code.

Section 23 is being amended as part of the Government's preparation for the extension of the Act, by regulation, to the Territories. In its current form, section 23 would require that goods exported from the Territories be certified as exports "from Australia". However, as Australia's access to its international markets has been negotiated on the basis of its reputation for freedom from pests and diseases that exist in the rest of the world, including in the Territories, it is important that certificates issued under the Act can make a distinction between goods exported from Australia and goods exported from the Territories. Accordingly, the amendment takes into account the sig-

nificant difference in the pest and disease status between the Territories and the rest of Australia by enabling certificates issued in relation to goods for export to identify whether the goods come from the Territories or from the rest of Australia.

This amendment seeks to preserve the many international trade benefits that arise from Australia's unique pest and disease status while helping to create economic opportunities for the Territories by providing exporters in the Territories with the same framework for regulating their agricultural exports as that which applies to the rest of Australia.

MIGRATION AMENDMENT (DURATION OF DETENTION) BILL 2003

The Migration Amendment (Duration of Detention) Bill 2003 adds four new subsections to section 196 of the Migration Act 1958. These additional subsections reiterate and clarify the Parliament's intention that an unlawful non-citizen is only to be released from immigration detention in the circumstances specified in section 196.

In 1992 the Parliament enacted a series of changes to the Migration Act that introduced mandatory detention. First, changes made by the Migration Amendment Act 1992 introduced mandatory detention of unauthorised boat arrivals. The Migration Reform Act 1992, which commenced on 1 September 1994, introduced mandatory detention of all unlawful non-citizens.

The Migration Reform Act included section 196, which provides that an unlawful non-citizen must be kept in immigration detention until he or she is:

- removed from Australia;
- deported; or
- granted a visa.

Subsection 196(3) specifically states:

"to avoid doubt, subsection (1) prevents the release, even by a court, of an unlawful non-citizen from detention (otherwise than for removal or deportation) unless the non-citizen has been granted a visa."

The intention of section 196 was to make it clear that there was to be no discretion for any person, or court to release from detention an unlawful non-citizen who is lawfully being held in immigration detention.

Mandatory detention remains an integral part of the Government's unauthorised arrivals policy. The Government needs to ensure, as a matter of public policy, that all unlawful non-citizens are detained until their status is clarified. This means that they must continue to be detained until one of three things happens, either that they are removed or deported from Australia or that they are granted a visa. It is not acceptable that any person is, or who is suspected of being, an unlawful non-citizen, is allowed out into the community until the question of their status is resolved.

Since the latter part of 2002, the Federal Court has decided that the Migration Act does not preclude the court from making interlocutory orders that persons be released from immigration detention pending the court's final determination of the person's judicial review application.

Such orders mean that a person must be released into the community until such time as the court finally determines their application. The court's final determination of the case can take anywhere between several weeks and several months. Where the person is subsequently unsuccessful, that person must be relocated, redetained and arrangements then made for their removal from Australia. This is a time consuming and costly process and can further delay removal from Australia.

I understand that there have now been some 20 persons released from immigration detention on the basis of interlocutory orders. In the case of more than half of these persons removal action had been commenced, as they are of significant character concern, and the Government believes their presence is a serious risk to the Australian community.

In its judgements, the Federal Court has indicated that if the Parliament wishes to prevent a court from ordering the interlocutory release of a person from immigration detention it must make its intentions unmistakably clear. This bill is intended to achieve this.

The bill amends the Migration Act to make it clear that, unless an unlawful non-citizen is re-

moved from Australia, deported or granted a visa, the non-citizen must be kept in immigration detention. This applies unless a court finally determines that:

- the detention is unlawful; or
- the person is not an unlawful non-citizen.

The bill ensures that an unlawful non-citizen must be kept in immigration detention pending determination of any substantive proceedings, whether or not:

- there is a real likelihood of the person detained being removed from Australia or deported in the reasonably foreseeable future; or
- a decision to refuse to grant, to cancel or refuse to reinstate a visa may be determined to be unlawful by a court.

The bill puts beyond doubt that section 196 of the Migration Act has effect despite any other law.

I stress that the amendments contained in the bill do not affect the court's powers to finally determine the lawfulness of a person's detention, or to finally determine the lawfulness of the decision or action being challenged.

They are intended simply to clarify the existing provisions of the Act. They do no more than what the courts have said that the Parliament needs to do. That is make its intention in relation to immigration detention unmistakably clear.

The Government believes that it is in the interests of all parties that such cases are finally determined as quickly as possible.

In summary, the bill implements measures to ensure that the Parliament's original intention in relation to immigration detention is clearly spelt out and the integrity of the Act is not compromised.

I commend the bill to the Senate.

AUSTRALIAN HUMAN RIGHTS COMMISSION LEGISLATION BILL 2003

I am pleased to introduce this bill, which will continue the Government's reform of the Human Rights and Equal Opportunity Commission to provide the Commission with a framework to undertake its future work efficiently and effectively.

The bill is the result of a detailed examination by the Government of the structure of the Commission and of a consideration of the responses to past efforts at reform.

The provisions of the bill have already been the subject of inquiry and report by the Senate Legal and Constitutional Legislation Committee.

Before introducing this bill into the House of Representatives the Government was aware of the views of stakeholders subsequently presented to the Committee.

The Government believes that the bill appropriately implements its policy regarding reform of the Commission.

However, the Government is considering the Committee's report and will respond in due course.

The bill implements the Government's 2001 election commitment to reform the Commission 'to ensure that it is efficient and focused on educating the broader Australian community about human rights issues'.

These reforms will build on the substantial focus already given to human rights education by the Commission.

The protection afforded to all Australians under Commonwealth anti-discrimination laws will be fully maintained, and enhanced, under the new Australian Human Rights Commission.

The Government agreed to the name, suggested by the former President of the Commission, which is consistent with the names of other human rights institutions in our region.

The existing Commission's powers to investigate and conciliate complaints will be retained and the bill will complete the task of fully consolidating the complaint-handling functions with the President.

In order to provide a further option for managing complaint-handling workloads, the Attorney-General will be able to appoint legally qualified persons as Complaints Commissioners on a part-time basis to assist the President with these functions.

Work will be allocated to a Complaints Commissioner by the President.

The Government believes that education is the key to a society in which human rights are respected by all.

The bill provides for the re-focusing and enhancing of the Commission's functions to give greater legislative priority to education and the dissemination of information on human rights.

This supports the Commission's existing approach to protecting and promoting the human rights of all Australians by a strong focus on education.

The Commission has also suggested the use of a by-line 'Human Rights—everyone's responsibility' with its name.

The incorporation of a reference to the use of the by-line into the retitled Australian Human Rights Commission Act supports the legislative refocus of the Commission's functions and reflects the common terminology by which the Commission is often referred.

A new executive structure for the Commission, with a strengthened 'collegiate' approach, will assist the Commission in reaching the broad spectrum of Australians.

The bill provides for three Human Rights Commissioners to replace the existing portfolio specific commissioners.

The Human Rights Commissioners and the President will have a common responsibility to protect and promote human rights for all Australians.

These reforms take into account the possibility of new areas of Commission responsibility (such as age discrimination), the fact that human rights issues increasingly crossover the portfolio specific boundaries of the existing structure (such as issues relating to women with disabilities), and the social and economic environment that faces all levels of government and business.

In addition to the requirements for individual expertise, knowledge or experience, the bill will require that the President and the Human Rights Commissioners, as a group, have expertise in matters likely to come before the Commission.

The Government is confident that these reforms will assist the Commission to build on its already impressive reputation as a centre of knowledge and expertise.

The Commission will also retain responsibility for determining its administrative support structure.

This means that the new Commission can continue to benefit from its specialist policy units if it chooses.

The bill will also provide for the removal of certain statutory consultative mechanisms which are unnecessary.

The provision for the establishment of a Community Relations Council, to which no members have ever been appointed, will be removed.

The provision for the establishment of advisory committees, which has only been used once, will also be repealed.

The Commission will retain its power to work with and consult appropriate persons, governmental organisations and non-governmental organisations.

The bill will require the new Commission to seek the approval of the Attorney-General, as First Law Officer of the Commonwealth, before exercising its power to seek leave to intervene in court proceedings.

This will ensure that the intervention function is only exercised after the broader interests of the community have been taken into account.

This requirement is not intended to prevent court submissions that are contrary to the government's views, but rather to prevent duplication and the waste of resources and to ensure that court submissions accord with the interests of the community as a whole.

Where a federal judge is appointed to the position of President, the new Commission will not be required to seek approval from the Attorney-General before seeking leave to intervene.

In this case, the new Commission will be required to notify the Attorney-General of its intention to seek leave to intervene and its reasons for doing so.

This ensures that there are no constitutional issues arising from the appointment of a federal judge as President.

The provision for notification of interventions would apply during the term of the new President of the Commission, Justice von Doussa, who was appointed President of the Commission from 10 June 2003.

The Commission's function to assist in proceedings, with the leave of the relevant court, as amicus curiae is unchanged.

The Commission will retain its power to make recommendations to remedy or reduce loss or damage suffered by a person as a result of an act or practice inconsistent with a person's human rights or constituting discrimination.

However, this power will no longer include the power to recommend the payment of compensation.

The Government is proud that Australia has a human rights record that is among the best in the world and our national human rights institution is recognised as a leader in our region.

These reforms will ensure that the new Australian Human Rights Commission is able to continue to contribute effectively to this record in the coming years.

I commend the bill to the Senate.

Debate (on motion by **Senator Mackay**) adjourned.

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

ASSENT

Messages from His Excellency the Administrator of the Commonwealth of Australia were reported, informing the Senate that he had assented to the following laws:

Australian Prudential Regulation Authority Amendment Act 2003

Terrorism Insurance Act 2003

Criminal Code Amendment (Hizballah) Act 2003

Taxation Laws Amendment (Personal Income Tax Reduction) Act 2003

Acts Interpretation Amendment (Court Procedures) Act 2003

Maritime Legislation Amendment (Prevention of Pollution from Ships) Act 2003

Intellectual Property Laws Amendment Act 2003

Murray-Darling Basin Amendment Act 2003.

Health Care (Appropriation) Amendment Act 2003

Superannuation (Financial Assistance Funding) Levy Amendment Act 2003

Superannuation Industry (Supervision) Amendment Act 2003

Energy Grants (Credits) Scheme Act 2003

Energy Grants (Credits) Scheme (Consequential Amendments) Act 2003.

Appropriation Act (No. 1) 2003-2004

Appropriation Act (No. 2) 2003-2004

Appropriation (Parliamentary Departments) Act (No. 1) 2003-2004

Export Market Development Grants Amendment Act 2003

Australian Film Commission Amendment Act 2003

National Handgun Buyback Act 2003

HIH Royal Commission (Transfer of Records) Act 2003

Customs Amendment Act (No. 1) 2003

Customs Tariff Amendment Act (No. 1) 2003

Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Act (No. 1) 2003

Taxation Laws Amendment Act (No. 2) 2003

Taxation Laws Amendment Act (No. 4) 2003

Taxation Laws Amendment Act (No. 6) 2003

Governor-General Amendment Act 2003

National Health Amendment (Private Health Insurance Levies) Act 2003

Private Health Insurance (ACAC Review Levy) Act 2003

Private Health Insurance (Collapsed Organization Levy) Act 2003

Private Health Insurance (Council Administration Levy) Act 2003

Private Health Insurance (Reinsurance Trust Fund Levy) Act 2003

Industrial Chemicals (Notification and Assessment) Amendment Act 2003

Migration Legislation Amendment (Protected Information) Act 2003

Workplace Relations Amendment (Protection for Emergency Management Volunteers) Act 2003

Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2003

Wheat Marketing Amendment Act 2003

WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2002

Second Reading

Debate resumed.

Senator FORSHAW (New South Wales) (4.26 p.m.)—The Workplace Relations Amendment (Termination of Employment) Bill 2002 has no redeeming features. Indeed, it is just another in a long line of legislation brought forward by this government to reduce the rights and entitlements of workers and to limit the capacity of the trade union movement to represent workers. Since 1996, when the coalition government came to power, there have been over 50 separate pieces of industrial relations legislation introduced by the coalition government. In nearly all cases they have been directed at reducing entitlements for workers, removing their rights, targeting particular groups of workers—such as those in small business—and creating inequitable situations for them. They have been about promoting non-unionism. They have been about limiting the ability of democratic trade unions to function within the industrial relations system. Many, of course, have been given titles which suggest the opposite of what the legislation has set out to do.

We all recall, of course, the legislation introduced in 1999 called the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill 1999. Somebody in the government had an idea for dramatic irony or a sense of the absurd, because that legislation did exactly the opposite. It did not do anything to create more jobs, and it in fact proposed reduced entitlements and reduced remuneration for workers. We have bills such as the Workplace Relations Amendment (Protecting the Low Paid) Bill 2003 and the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2]. That last bill started out as the Workplace Relations Amendment (Unfair Dismissals) Bill—legislation which, on a number of occasions, has been rejected by this Senate.

One of the ironies of the bill that we are debating at the moment is that the title actually, for once, gets it right. The bill is entitled the Workplace Relations Amendment (Termination of Employment) Bill 2002. It does deal with termination of employment but, if passed, it will terminate the rights of employees under state jurisdictions to seek a remedy for unfair dismissal within those jurisdictions. That is the real impact of this legislation. This, of course, demonstrates the hypocrisy of the coalition government. The Liberal Party particularly, and the National Party, have campaigned for years for the promotion and the protection of states rights. They are the self-appointed protectors of states rights under the Constitution, opposing any concept of centralism, of taking away powers from the states. However, they throw all of that out the window in their ideological pursuit of greater federal control over industrial relations and, in particular in this bill, over unfair dismissal laws.

The main purpose of the bill is to extend the federal unfair dismissal laws by excluding state jurisdictions from hearing such cases in nearly all situations. The bill relies

upon the corporations power of the Constitution. Placitum (xx) of section 51 of the Constitution states:

> The Parliament shall ... have power to make laws for the peace, order, and good government of the Commonwealth with respect to:
>
> (xx) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth ...

The bill does not use as its head of power the section of the Constitution—placitum (xxv) of section 51—which deals with the settlement of industrial disputes by conciliation and arbitration. Placitum (xxv) is the power that has been used historically, since the first Conciliation and Arbitration Act came into being in 1904, to regulate wages, working conditions and employment law at the federal level. Consistent with that, it has always been the case that the states have had the right to regulate industrial relations within their state jurisdictions.

The argument that has been put forward by the minister is that this bill endeavours to bring about a unitary system, a national system, for the country to remove the complexities that are said to exist with six state jurisdictions and a federal system. That is an argument that has gone on for many years. I am sure those who take any interest in, or have looked at the history of, industrial relations issues in this country are well aware of the many arguments that have been advanced over the years and the many reports that have been written on the subject of how we get greater uniformity and a unitary system. There are some who believe that that is a good thing and there are some who argue that it is not, but this bill does nothing at all to advance the cause of a unitary system.

Let us look at some of the reasons why it does not. First, the legislation deals with unfair dismissals. It deals with the situation that arises when an employee is terminated and believes that he or she has the right to pursue a remedy, either for reinstatement or for damages, because it was an unfair dismissal—a breach of the contract of employment by the employer. That is what the legislation deals with. The legislation does not deal with the whole of the contract of employment. The legislation does not seek to bring those employees who are covered under state awards in respect of their wages and working conditions completely under the federal jurisdiction. It deals only with the discrete area of unfair dismissal. The bill in effect says that if you are an employee under a state award—for example, in New South Wales or Queensland—all of your wages and working conditions will continue to be regulated by that state award except if you get the sack. If this bill becomes law and you get the sack, you will no longer be able to seek a remedy through your state commission or your state industrial court. You will have to apply to the federal commission. No ifs, no buts.

So this bill in no way advances the cause of a unitary system of industrial relations; rather, it singles out one discrete area and denies the state jurisdictions the power to continue to deal with that. Furthermore, this legislation does not even really deal with the area which regulates wages and working conditions; rather, it deals with what happens after the employee has been terminated. Rather than simplify matters, rather than remove complexities that may or may not exist in the current situation where you have federal and state jurisdictions, this will create more complexity. It will set up a situation in which many employees will be covered by two jurisdictions. Their wages and working conditions—the things they negotiate about or their employee organisation negotiates about on their behalf with the employer—will continue to be covered by a state award but, if they get dismissed and want to take

action, they will have to go to the federal commission. As I said, that is creating more complexity. It is placing many millions of workers currently covered by state awards, and currently completely covered by a state jurisdiction, under both jurisdictions.

The second point is that this legislation does not actually do what its purpose seeks to do—that is, move all employees from a state jurisdiction to the federal jurisdiction for the purposes of unfair dismissal. The government acknowledges that. As the minister himself said in his second reading speech, this will produce a situation where about 85 per cent of workers will be covered by federal unfair dismissal laws. He said:

> This 'cover the field' provision means that the percentage of employees covered by federal unfair dismissal provisions should rise from about 50 per cent to about 85 per cent and that the number of workers covered by federal unfair dismissal provisions should increase from about four million to about seven million.

So the government, by its own admission, knows that the argument that this will bring about or promote a unitary system is false because this will leave, on its calculations, 15 per cent of the work force either still covered by a state jurisdiction for the purposes of unfair dismissal law or possibly in a state of limbo. I say 'a state of limbo' because this will inevitably create legal argument about whether or not the federal jurisdiction applies in particular cases. When you set out to pass legislation that purports to cover the field, you immediately raise issues about whether or not that objective is achieved in all cases. If the government's own admission is that 15 per cent of employees will not be covered by the federal legislation if it is passed then there is potential for some, if not most, of those employees not to be covered by the federal jurisdiction and at the same time to have their state jurisdiction coverage removed. I can see a lawyers' feast coming up in respect of some of those disputes.

A further point—and again, I am sure the government acknowledges this—is that, as the bill only applies to employees of corporations, it still leaves out people in unincorporated businesses such as many small businesses, institutions such as charities and unincorporated associations, and state instrumentalities. These employees are not covered by the bill. So to suggest that this bill is about bringing in a unitary system is a furphy; it is a nonsense. It does not do that. This bill is about Minister Abbott endeavouring to destroy the structure of the New South Wales Industrial Commission and the Queensland Industrial Commission in particular. Those are the two states where the state jurisdictions cover a large number of employees. This is nothing more than a deliberate ideological attack upon the existence and the work of those state commissions.

It has been recognised by many spokespersons on all sides of the debate—coalition supporters and Labor supporters—over the years that, if you want a unitary system of industrial relations, you have to bring it about by consensus. You have to create it through a cooperative effort. That is the way it has been done in other areas of the law where the corporations power has been used, such as in company law itself. If you are serious about improving the industrial relations framework in this country, you do not do so by trying to ram through the federal parliament legislation which attacks state institutions such as the New South Wales Industrial Relations Commission, which has existed for over 100 years. It is the oldest industrial jurisdiction in this country, predating the federal commission, and it has a proud record of fairness, equity and providing industrial stability in the state of New South Wales. You could not find a better example of that than the construction of the Olympic facilities

only a few years ago on budget, in time and by agreement. The New South Wales Industrial Commission and the employers and unions in that state contributed a great deal in bringing about that result.

But of course Minister Abbott is not interested in any of that. Minister Abbott is only interested in trying to use a form of industrial blackmail upon companies by saying to them, 'You won't get a government contract unless you sign up to our federal construction industry laws.' That is what he is saying to the major construction companies in this country. In other words, you play by his rules or you do not play the game at all. I say to Mr Abbott that we will fight this legislation all the way. There are serious constitutional issues arising out of this bill with potential challenges to the High Court because of its potential invalidity.

In conclusion, if this government are really serious about using the corporations power to bring about some reforms in this country, why don't they use that power to do something about the rights and entitlements of employees who are dismissed and lose their entitlements when businesses and companies such as HIH collapse and millions of dollars of employees' entitlements are lost? Why don't they use the corporations power to do something about protecting those innocent workers in those situations? Why don't they use the corporations power to stop some of the fraud and the criminal conduct that have gone on in companies in this country, such as the one I have just mentioned? Why don't they use the corporations power to do something about stopping some of those obscene payouts to failed chief executives? That is what the corporations power should be used for. *(Time expired)*

Senator MACKAY (Tasmania) (4.46 p.m.)—I rise today to speak in opposition to the Workplace Relations Amendment (Termination of Employment) Bill 2002. Labor opposes this bill because it is yet another example of this government being driven by anti-worker ideology and political expediency. The bill will not even achieve what it ostensibly aims to do—that is, in the words of the Minister for Employment and Workplace Relations, Mr Abbott:

> … a more unified national workplace relations system ...

This would mean, in his words again:

> … less complexity, lower costs and more jobs.

Those are noble sentiments from the minister, sentiments that no-one on this side of the chamber would oppose, obviously. However, we oppose this bill not only because it will not deliver those aims which the minister has set out but also because it deliberately and unfairly sets out to further erode protection for Australian workers.

Let me examine in detail each of the minister's claims about this bill. He claims there will be less complexity. Instead of removing complexity, this bill adds to the complexity of the current situation. As the Queensland government's submission on this bill to the Senate committee pointed out, the bill establishes:

> two different sets of federal laws and procedures governing unfair dismissal matters, depending on the size of the respondent;
>
> different federal and state unfair dismissal regimes for incorporated and unincorporated entities;
>
> different federal and state unfair dismissal regimes for incorporated entities depending on whether they meet the definition of a 'constitutional corporation';
>
> concurrent but separate federal and state jurisdiction over different aspects of workplace relations in the one business, for example a federal regime governing a business' unfair dismissals and a state regime governing workplace harassment and industrial dispute; and

concurrent but separate federal and state jurisdiction over different aspects on the one employee's claim (for example, the federal regime for unfair dismissal and the state regime for insufficient notice or unpaid entitlements).

The Queensland government's submission was far from being the only one to point out the defective design of this bill and the additional complexity that it would bring about for workers and employers alike. Professor Andrew Stewart, in his submission, discussed the complexity of the Workplace Relations Act that many more workers and managers would have to come to terms with should this legislation be passed. In particular, Professor Stewart, writing about the provisions of the act, said:

They are very hard for ordinary workers or managers to understand, necessitating legal advice for even the simplest procedures. Instead of simply empowering the Australian Industrial Relations Commission (AIRC) to deal with certain claims and providing broad guidance as to how to do so, as most State laws do, the legislation seeks to regulate each step of the process in ever-increasing detail. As is generally the way when Parliament tries to anticipate and counter every eventuality, this level of detail simply creates potential gaps and uncertainties for litigants and the lawyers to exploit.

So much for the minister's stated aim of less complexity!

Let me now turn to the alleged aim of lower costs. I do not need to go into the claim of the minister in detail other than to point out that, given the nightmare of complexity that he is apparently hell-bent on creating, there is no hope of lower costs. In fact, the opposite will result: costs will have to increase for workers and employers alike as they will need to seek legal advice for, in Professor Stewart's words, 'even the simplest procedures'.

Lastly, I turn to Minister Abbott's claim that the passage of this bill will mean more jobs. For some time the government has been holding onto the claim that making it easier for the employer to unfairly sack a worker will make the employer more likely to take the step of employing the worker in the first place. We on this side of the chamber have more faith in the employers of this nation than it appears the government does. Nobody believes for a minute that when considering whether or not to take on a new worker an employer thinks, 'No, I won't take someone on because when I treat them unfairly and sack them they might be able to come back at me.' That is not how employers think. That is not how small business employers, whom the government thinks are most likely to want to treat people unfairly, think at all. I think that when deciding whether or not to take someone on a potential employer looks at the turnover of their business and what skills are needed and whether there is sufficient work and resources to allow for an additional worker. But the government does not think that. The government thinks that the only thing holding back small business from taking on more staff is the risk of not being able to unfairly dismiss those workers down the track. I believe that is just not a factor in the minds of small business employers.

The Senate Employment, Workplace Relations and Education References Committee conducted an inquiry into small business in 2002. The committee's findings released in February this year found:

Consistent with survey rankings of small business concerns, unfair dismissal did not arise as a major issue during the inquiry.

The committee found that more pressing concerns for small business were the difficulties they faced complying with the government's new tax system, the need for better business management and problems with recruiting suitable employees. Where unfair dismissal laws were raised as a concern, the committee reported that the main issues were a 'lack of understanding in how to dismiss

staff consistent with the law, the costs and complexities of the current processes for determining claims and the uncertainty for outcomes'.

The committee noted that what was most lacking were personal management skills in the small business sector, and reported a need for more training and support. But the government does not offer this training and support; what it offers through this bill, as my colleague has already said, is a sledgehammer approach: fix the problem by having yet another go at Australia's workers and remove their protection from being treated unfairly, rather than providing the education and training to employers about their obligations.

I do not think anybody has forgotten that it was this government in its previous term who turned dogs onto Australian workers under the previous minister, Minister Reith. That image will be seared forever into the consciousness of many Australians, I believe. But just because this attempt by the government to snatch conditions and protection from workers has a less dramatic modus operandi, that makes it no less abhorrent. Minister Abbott, in introducing this bill, was trying to achieve three things: less complexity, lower costs and more jobs. The minister needs to go back to the drawing board, Labor believes, because this bill demonstrably will not achieve any of those things.

At the risk of teaching the minister how to do his job, Labor suggests that a good place to start would be to consult with the states. This bill will have a considerable effect on states' industrial relations jurisdictions. The rationale for this dramatic change is replete with rhetoric and generalisation but has very little by way of evidence or detailed analysis. As Ron McCallum, Blake Dawson Waldron Professor in Industrial Law and Dean of Law at the University of Sydney, said in his recent speech to the 11th Annual Labour Law Conference:

> If the provisions of this bill concerning the coverage of federal law over employment terminations are enacted into law in their present form, they will strike a blow at the five remaining state systems of employment regulation that may mean the beginning of the end of state employment regulation in Australia.

That is something I would not have thought the federal government would want. Professor McCallum went on to say that, due to the expanded coverage of this legislation with about 85 per cent of workers having recourse to only federal mechanisms, state regulators would be left with very little to do. He believes that this—and I quote:

> …would have a telling impact upon the viability of these state-based systems of labour relations regulation, especially in the smaller states of South Australia and Tasmania.

As these state systems do much more than simply regulate laws governing wages and employment conditions, to leave them gutted and unviable would impact on other areas of state law—areas that the Australian parliament has no interest in. So why would the federal government wish to go down this particular path? Their past record would suggest that having a go at workers may be their main motivation; however, some of the more charitable amongst those on this side of the chamber may suggest that the government is attempting to simplify industrial relations law and create a single, national system. So let us assume that that is the motivation.

Senator Murphy—Like the tax system!

Senator MACKAY—That's right. Thank you, Senator Murphy. However, this bill, whilst achieving the first, certainly fails to do the latter. In my home state of Tasmania, despite the lack of consultation from the federal government, a considerable amount of work has been done to examine the implications of this bill, and I commend the state

government for the quality of their submission to the Senate committee and wholeheartedly support their recommendation to reject these proposals.

As part of the work done on examining the effect of this bill, the Tasmanian Industrial Commission assessed the last 300 filed applications. These 300 applications related to 326 individuals. The results of examining these applications were as follows. Firstly, the Tasmanian Industrial Commission determined that 202 of the 300 applications—67.3 per cent—were possibly applicants employed by constitutional corporations and would therefore be subject to the jurisdiction of the Australian Industrial Relations Commission. Secondly, of the 202 applications, 67—that is, 33.2 per cent—could be excluded from pursuing an application in either the Tasmanian Industrial Commission or the Australian Industrial Relations Commission by regulation 30BA and section 170CC of the Workplace Relations Act 1996. Thirdly, of the 300 applications, 128—that is, 42.7 per cent—also included claims in respect of underpayment of wages, long service leave and/or redundancy entitlements. A number included multiple claims. Fourthly, 93 of the 202 applications—46 per cent—would require applications to be lodged with both the Australian Industrial Relations Commission and the Tasmanian Industrial Commission as they sought entitlements as well as a claim for alleged unfair dismissal.

The Tasmanian Industrial Commission's inquiries indicated that there would be a significant impact on the work of the commission and that the bill would result in a number of potential applicants—33-odd per cent of their sample—not being able to pursue a claim in either jurisdiction. Also, a number of clients—46 per cent of the sample—would need to pursue their claims in both the Australian Industrial Relations Commission and the Tasmanian Industrial Commission. For anybody who is still with me, I think what we have here, from a Tasmanian perspective, is an increase in the complexity of the industrial relations system at both the Tasmanian and Australian level. So much for a more simple method of operating and an aspiration to a unified system. The clear evidence is that this legislation is fundamentally flawed. If Minister Abbott had consulted with the states, including the Tasmanian state government, he would have found this out for himself. I will say again that this bill does not achieve what Minister Abbott sets out to achieve at a practical level. All that we are left with, therefore, is the assumption that this is an ideological obsession with diminishing protection.

So let me now turn to what effect this bill would have on protection for workers in the event of unfair dismissal. The first and most glaringly unjust provision of this bill is its attempt to treat workers employed by small businesses in a different way from workers employed by medium and large enterprises. None of us on this side of the chamber can see any reason why the size of the business that the employee works for should determine their ability to seek redress in the event of unfair treatment. To argue otherwise is to argue for an inequality of rights and sets Australia on a very dangerous path indeed. As the Senate committee found, one of the major issues identified by small businesses was 'problems with recruiting suitable employees'. Creating an environment where there is less security and fewer rights for employees of these businesses will only make it harder, in fact, for them to attract suitable, skilled staff, which is completely contrary to the objective of this bill.

This bill seeks to differentiate between employees of small businesses and those employed by larger businesses in a number of ways. For an employee of a small business the qualifying period of employment before

an application for a remedy can be made will be extended from three months to six months. The maximum compensation payable to a small business employee who has been unfairly dismissed will be reduced from six months remuneration to three months remuneration. I ask why. Is the unfairly dismissed employee of a small business more readily able to find alternative work? Do small business employees have less financial commitments than other employees? Do the children of small business employees have less need for education or health care—things that under this government are costing families more and more each day? Of course they do not. So how can it possibly be fair to discriminate against employees of small businesses in this way? It cannot be. That is why Labor will not be supporting this bill: a bill that attempts to set up two classes of workers in this country and effectively, in the case of small business, an underclass.

Minister Abbott has made some cursory attempt to justify what would seem, prima facie, to be discriminatory treatment of workers by some relatively poorly explained and ill-defined notions of imbalance. Like my Labor colleagues on the committee, I do not accept this attempted justification. As they noted in their report, there were strong arguments put before the committee:

> ... that small business may have compensating advantages that undermine any argument for concessional treatment in regard to employment laws.

In particular, they noted Professor Keith Hancock's submission in which he stated:

> There is a wide variety of forces at work that determine the 'make-up' of the economy between small and large business. Some of these favour large businesses and others small businesses. The oft-cited importance of small business in the overall economy is of itself evidence that by no means all advantages lie with bigness.

So there goes the final of the minister's arguments. Add to that the lack of protection for that substantial proportion of the work force who will still remain beyond the reach of federal law and those for whom the system will become immensely more complicated and you are not left, on the face of it, with much to support. As I said, this is a bad bill that does not achieve even the less distasteful elements of the minister's agenda. The minister, if he is serious about making some changes to bring about a more coherent regulatory system, has to go back to the states.

To finish, I would like to return to the words of Professor Ron McCallum, who said:

> We are a federation and will remain so. It is possible to work towards a national system of industrial relations law: However, such a program requires cooperation, discussion and patience on all sides. If this Bill is enacted into law in its present form, then in my view it will ... set back federal and state cooperation on industrial law reform by several decades.

We cannot afford to do that, so in the interest of future, better-intentioned reform and in the interests of Australian small business workers and Australian small businesses themselves, Labor will continue to oppose this legislation.

Senator MURPHY (Tasmania) (5.03 p.m.)—I rise tonight to make a few brief comments with respect to the Workplace Relations Amendment (Termination of Employment) Bill 2002. I want to take up the point that it is intended to make a simplified process of and to bring uniformity to industrial relations as it goes to the question of unfair dismissal. This is all very good and interesting; I am sure a lot of people would support uniformity and simplicity if it were actually equitable. I am sure there would be many workers in Tasmania who would be more than happy to see uniformity in respect

of wage structures and, in fact, uniformity dealing with the payment systems that some of their mainland colleagues have.

Senator Mackay raised a point with respect to Federation. We are a Federation and it is interesting to note that, in one comment, the Prime Minister strongly supported the issue of Australia being a Federation. He urged Australians to vote against Australia becoming a republic to protect that particular system and yet we have a government minister seeking to undermine it completely in respect of some of the laws that operate within the Federation. It is interesting to note that the government is taking this approach to unfair dismissal laws because it suggests that somehow all of the states' laws in respect of unfair dismissal are fundamentally flawed. Many of them were formulated under conservative governments, so it suggests that the government's own colleagues at a state level have failed miserably to introduce laws that give adequate protection to employees on the one hand and facilitate the process for determining unfair dismissals at the workplace level on the other.

You really do not have to pull away the cloak here to see exactly what the federal government and particularly the Minister for Employment and Workplace Relations are up to. This is a process to try to get at trade unionism in this country. Nothing could be clearer. The facts are that, on the one hand, the minister has introduced bills into the parliament that are inconsistent with bills that he has previously introduced which sought to exempt small business employers from the Commonwealth unfair dismissal laws and yet, on the other hand, here he is seeking to have a cover-all process for unfair dismissal only, which makes it very interesting. He is saying to workers in Tasmania, 'You have to be covered by Commonwealth unfair dismissal laws, but you cannot be covered by payment systems in respect of your wages that might apply at Commonwealth level.' Just that example in itself clearly demonstrates what the government is really on about here.

I think we have had eight attempts to introduce bills in one form or another. Again, I think that is an example of how this government, and in particular Mr Abbott, has been pursuing the issue of trying to reduce the capacity of worker representation in this country. It is clear, both historically and even today, that worker representation is needed. Senator Forshaw may have raised the issue of the use of the corporations power. We did not see the government rushing to use the corporations power in respect of some of the payments that have been made to CEOs, many of whom have proven to be totally inadequate in their job. We do not see an unfair dismissals process applying there to protect the interests of the company or, indeed, the shareholders of the company. No, what we see totally and indifferently is a system whereby these people receive huge payouts for miserable failure. It is hard to see how a government can argue that there is some justice in its approach.

As I said, I just wanted to be brief and say that I do not and will not support this type of legislation in this place. I do not think it is worthy of support. I do not even think it is worthy of an attempt to amend it. I hope that other senators will take that view. There is no purpose in trying to amend legislation that delivers an unfair outcome to the Australian people, particularly Australian workers. If it is fundamentally unfair, which this is, then it is not worthy of any support and it should be sent back to the government. If the government ever decides that it wants to bring in some genuine reform then that is worthy of debate, but there are many more important issues in respect of matters that relate to the operation of business in this country.

I note with interest that the government senators said in their majority report that they saw an 'urgent need to reduce the burden of regulation on small business'. If there is one thing that this government has successfully done it has been to introduce a tax system that has placed a greater burden on small business in this country than any other government, from a historic point of view, has ever been able to achieve. And we all know what that is: the GST and the BAS. If the government was really genuine about looking after the interests of small business—or indeed any business, but particularly small business—in this country it would embark upon a process of introducing legislation and change into this parliament that would ensure that the 20 days, on average, that it takes for a small business to fill in its BAS forms were either reduced significantly or that the burden was removed altogether. If there were a contribution that this parliament could make to the operation of small business in the country, that would be a very significant contribution.

If you read various reports that go to the question of the concerns of small business, unfair dismissal laws per se do not rate highly. It is true to say that there is a general lack of understanding with many employers and with some employees, so a much more useful contribution to make to the Australian business community would be for small businesses, in particular, to be informed—and informed in a way that they could understand—about the requirements in respect of unfair dismissal laws. But, as I said, one of the most significant contributions that this parliament could make in respect of doing something for small business in this country would be to amend the tax system to enable small business to get on with the job of operating a small business and not be bound up by a tax system that requires a significant amount of their time to be spent on filling out forms—time that is totally lost to them—at a significant cost.

Senator MURRAY (Western Australia) (5.12 p.m.)—The Workplace Relations Amendment (Termination of Employment) Bill 2002 represents something of a crossroads in the development of industrial relations law in this country, because it seeks to cover the field in a manner which has not before been attempted in industrial relations law at the Commonwealth level. The provisions covering termination of employment in the Workplace Relations Act do include provisions concerning unfair dismissals, as do the state regimes, and these have been the subject of intense political and policy debate for the past decade. This bill attracts the Australian Democrats qualified support—I say 'qualified' because we are circulating amendments to the bill shortly—because it advances the Australian Democrats philosophy and policy with respect to a unitary industrial relations system. It also revisits a few areas we have previously rejected—and will continue to reject in principle and practice—and it does advance a few process improvements on unfair dismissal.

Schedule 1 of the bill before us is the second major move towards a unitary, or uniform, system. The first was the referral of Victoria's state industrial relations powers to the Commonwealth by former Premier Jeff Kennett and his government. That act of referral will be one of his greatest policy legacies. It is a policy decision that no government in Victoria, whatever the colour, would be keen to reverse. I am sure that every night members of the Labor government in Victoria and countless others in the Victorian community kneel and thank the various gods that industrial relations in Victoria is under one system and not two systems, as it also is in the ACT and the Northern Territory.

For New South Wales, Queensland, South Australia, Tasmania and Western Australia it is still the Dark Ages of industrial relations, each with a state system overlapping and conflicting with our Commonwealth system. As I have argued before, we need one industrial relations system, not the six we presently have. We have a small population of just 20 million people; we have nine governments, 15 houses of parliament and a ridiculous overlap of laws and regulations. There are areas of economy that genuinely require a single national approach, like finance, the Corporations Law, trade practices law or tax law. Labour law is one of those areas too.

Globalisation and the information revolution have created competitive pressures that require us as a nation to be as nimble as possible in adapting to changing circumstances. Whatever the colour of the Commonwealth government, we still require just one set of laws for the country. There are areas of policy and jurisdiction the states no longer have sensible involvement in. It took 30-odd years for tax law to become far more national than had been conceived at the commencement of Federation. After 70-plus years we finally got a unitary system of trade practices law. After 100 years states' rights and vested interests finally gave way to one unitary financial system for Australia and although the process was messy in the execution we do finally, after 100 years, have a unitary system in Corporations Law.

The Australian Democrats have never supported states' rights and, by extension, states' laws therefore, or even the Federation as originally conceived. That long Australian Democrats tradition is repeated in the Democrats' constitutional reform policy balloted in July 2001, which says:

> We strongly hold that the current three tiers of Government in Australia should be replaced by a more representative framework, where the States are replaced by Regional Governments ...

As an automatic consequence of such a policy position long held by the Democrats, there is therefore explicit backing for national laws on, for example, trade practices, finance, corporations, tax and industrial relations. Regional governments would have no part in such law. Obviously there is absolutely no chance whatsoever, given both the views of the Australian community as a whole and the views of the major parties, that our federal system is likely to be revisited. Nevertheless, the central concept that there are laws which are appropriate to be national and laws which are appropriate to be regional or state is entirely accurate.

It is time we moved towards a national system of industrial regulation that will do away with unnecessary replications, conflicts and complexity. Referenda aimed at extending the Commonwealth's industrial relations powers failed in 1911, 1913, 1926, 1944 and 1946. It seems unlikely that anyone will attempt a unitary system by referendum again, or at least in the near future. Does that mean it is a policy we should not pursue? No, it does not.

The referral of the Victorian system to the Commonwealth from 1997 has been a remarkable success with remarkably little aggravation within the community. That is despite the fact that, under section 1A, thousands of Victorian employees still, regrettably, remain under inferior employment conditions. I was very pleased to see that the federal minister had finally agreed with the Victorian minister to end that circumstance. Victoria is much better off, despite the criticisms one might have with parts of the federal legislation, with one system and not two.

This bill does advance unfair dismissal 85 per cent of the way to a unitary system for unfair dismissal. A nearly unitary system for

unfair dismissal would have three prime benefits. Firstly, it would achieve for the majority of Australian workers common human rights across Australia, which differ at present. The second motivation is economic. Common, easily administered rules and laws make for more efficient, competitive and productive enterprises, and this bill moves towards that objective. Thirdly, the bill facilitates more comprehensive coverage for workers. There have been estimates of up to 800,000 employees not covered by federal or state awards or agreements, for example the former employees of OneTel, that would now be covered.

Unfortunately, the bill cannot go as far as it needs to. Constitutional limitations prevent complete coverage. As we have stated earlier, the Democrats are concerned that relying on the corporations power alone will still leave large chunks of employees working for non-incorporated businesses, many of these in small business with still no protection from state or federal laws. The Democrats also recognise that the federal unfair dismissals law is more complex than in a number of the states and that is because of the competing considerations that exist. A simple system allows far too generous an access; a complex system produces its own costs and difficulties.

A number of state governments have raised these issues as a concern but have noted that the federal government has yet to make any genuine efforts to attempt to get a uniform system going. Various state governments have expressed a willingness to be involved in discussions about a harmonised national approach so long as it is done in a consultative and cooperative manner, but attempts to do so have met with little satisfaction. My own experience from my reading of the history of attempting harmonisation is that it is inevitably full of rhetoric and very difficult to achieve. Nevertheless, the Democrats certainly would prefer a cooperative, harmonised national approach to a single IR system.

I must say I find a contradiction in seeking to extend the coverage of federal law on unfair dismissals while simultaneously proposing to exempt small business from unfair dismissal law through the—again Senate rejected—Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2]. Such an inconsistent approach is easily understood when we remember that the sole purpose of the fair dismissal bill, as it is ironically called, is political: to provide an easy double dissolution trigger. We will not support schedule 1 of the Workplace Relations Amendment (Termination of Employment) Bill 2002 because, if there were to be a double dissolution election and the fair dismissal bill were to pass a joint sitting, effectively we would have facilitated the exclusion of a much greater number of small business employees from unfair dismissal remedies as a large number of small businesses would be brought in under the expansion of the federal regime. So, consequently, we have produced an amendment to prevent this bill coming into operation until 11 August 2004, which is after the final double dissolution date.

Concerns have been raised by states, unions, some advocacy groups and some academics that some employees such as short-term casuals, those on fixed-term or task contracts and 'high earning' non-award workers, trainees and managers who in some states are able to challenge their dismissal would not be covered by the federal system. Since the early 1990s employers have increased their use of casuals, contractors and labour hire forms of employment, often on a long-term basis. Between 1998-99 and 2001-02 we have seen a 29 per cent rise in the number of job placement agencies, many of which specialise in temporary placements. The total number of placements from these

agencies comprised 424,400 permanent jobs and a massive 3,314,500 temporary or contract placements.

The growth in precarious and atypical employment has meant that, increasingly, legitimate workers are being excluded from recourse in the unfair dismissal system. While many state unfair dismissal legislation regimes make an effort to cover legitimate employees in precarious employment, the federal unfair dismissal regime does not. One noted academic, Professor Andrew Stewart, who has been quoted here today, has proposed that many of the problems created by the growth in precarious and atypical employment can be dealt with by a redefinition of the term 'employment'. Professor Stewart's definition has been picked up as a key recommendation by the recent Stevens report, which recently reviewed the industrial relations system in South Australia.

In an attempt to address the changing employee landscape as affected by unfair dismissal, the Democrats propose to expand the definition of employee—and we have put that in our amendments—based on Professor Stewart's recommended definition, to cover contractors and other workers who, under the Workplace Relations Act, might not presently be considered employees. One would assume that the federal government would support such an amendment as the federal system has always supported access to genuine employees, so the government should have no objection to provisions that ensure genuine employees—and I stress 'genuine' employees—are captured by the unfair dismissal system. To further make the point: you cannot at one level deem an employee for tax purposes and then for workplace relations purposes exclude them. We have made it quite explicit in our suggested amendments that any person who is categorised as an employee for tax purposes will also fall under this act for unfair dismissal purposes.

While our proposed amendments will address some of the concerns raised in the states, given that the states' regimes are so varied it would be difficult to satisfy everyone. There are good arguments to rationalise state laws. When we first revised the unfair dismissal regime in 1996, casuals were an entirely different proposition from what they are today. Today the estimates are that there are about 2½ million Australians under casual employment, and most of those fall under the state jurisdictions. In Western Australia and in Tasmania there is a very strange provision in that there is no probationary period for casuals, which seems remarkable to me. In the other four jurisdictions, casuals on probation are excluded from accessing unfair dismissal—rightly, I think. In the Commonwealth, Queensland, Victoria, the ACT and the Northern Territory the exclusion period is 12 months. In New South Wales and South Australia it is six months. So the question, in my mind, is not whether there should be a probationary period for casuals but what the length of that period should be. In that respect, if we are going to minimise the angst of the states about those who can presently access their regimes and who should be entitled to have access to the federal regime, we think it is appropriate to produce a compromise. Consequently, we are recommending that the standardised casual probationary period be six months.

Concerns have also been raised that the federal unfair dismissal system would lead to reductions in the resourcing of state industrial tribunals and hence their ability to perform their other roles and that workers in regional and rural areas who currently can attend local courts visited by state commissioners would incur increased costs to attend the federal commission, which some expect will be based solely in capital cities. While parts of the industrial relations system will remain with the states, the Democrats are

sympathetic to the states' concerns and propose that federal unfair dismissal cases should also be able to be heard through state commissioners by having dual state and federal appointments.

In schedule 2 this bill again attempts to differentiate unfair dismissal laws for small business as opposed to large business, provisions that in this case in effect reduce the rights of employees in small business. The coalition has repeatedly sought to justify its attempts to exempt small business from unfair dismissal laws by arguing that they deter small business from recruiting employees and place a greater burden and cost on small business. There continues to be little hard evidence to support the view that fair unfair dismissal laws have an adverse effect on overall employment levels, although there is evidence to show that unfair dismissal laws that are unfair or that allow process abuse do affect business attitudes to employment. Economics aside, fundamentally the Democrats have consistently said that, on both human rights and equity grounds, we will not accept reducing the rights of employees just because they are employed by small business.

One of the amendments in schedule 2 relates to giving the commissioner the ability to dismiss vexatious and frivolous applications on the papers. There are genuine concerns at the cost to employers and the commission of dealing with claims that are frivolous and vexatious. We feel that these concerns are valid for all sizes of business, not just small business, and therefore if enacted should apply to all business, and that is our amendment. Labor have previously expressed willingness to support such an amendment—I refer to the former shadow minister Robert McClelland in *Hansard* on 5 May 2003—and they have said that they are willing to look at amendments that curb frivolous and vexatious behaviour. The provision provides for employees and employers to give any additional information before a decision is made. Some groups have raised concerns that the provision takes away employees' rights to be heard. We have drafted in consultation an amendment that will enable the employee to be heard by either the commission or registrar without the employer being present. The Democrats have consistently supported process improvements to unfair dismissal laws that will increase efficiencies and reduce costs, and have consistently opposed changes that materially impact on the basic rights of employees, especially if one group of employees have rights and another, such as small business employees, do not.

Schedule 3 tightens unfair dismissal processes, sharpens relevant considerations and confirms that reinstatement should be the primary remedy. We agree with reinstatement being the primary remedy.

In summary, where do I get to on this bill? The Democrats are prepared to support the central proposition that the field should be covered. In return, we believe that there has to be an adjustment to ensure that genuine employees are covered and to ensure that standard provisions for casuals reflect the reality of the market as a whole. That is the broad thrust of our approach.

Senator SANTORO (Queensland) (5.32 p.m.)—The principal object of workplace relations legislation is to make it easier for businesses to employ people. It sometimes seems in the national debate over workplace relations and the government's policy that the loud constituency that claims it is actually a measure that assists bad employers become worse employers has indeed taken charge of the debate. It bears repeating, apparently, that it is in no way in the interests of any employer to recruit and then to have to sack unsuitable workers. Neither is unfair

dismissal law any longer naturally an area of big union dominance. Most Australian private sector employees do not belong to unions, and this is something the Labor Party, in particular, really needs to get to grips with.

In speaking to the Workplace Relations Amendment (Termination of Employment) Bill 2002 today, I want to concentrate on the really vital ground in this debate, and that really vital ground is small business. As a general rule, big business is capable of looking after its own interests in relations with its employees. We need laws to govern dismissal primarily to foreclose on what generally are very rare instances of unfairness in dismissals from large companies. The Labor Party might like to think differently—actually, we know that they think differently from everything that they say—but we would all benefit, and the country with us, if, in thinking differently, they also thought logically. I appreciate that this may come as something as a culture shock to those opposite, who seem to think that the Tolpuddle Martyrs were monstered only last week. But the logic of employment today in industries where work is either cyclical or seasonal is that short-term contract employment is a sensible option. Often this is provided by labour hire companies. In single workplaces with long-term employment conditions—and this is the basis of most employment in this country—it makes no sense either for employers to be unfair or for employees to take unfair advantage of their positions. As in most things, in a democratic and socially responsive culture such as ours, we are all in the same boat. Our collective interest lies in ensuring that those who row the boat do so in a coordinated manner, that those who steer the boat take the safest and speediest course to our shared destination, and that those who own the boat ensure that it goes to the destination they desire to sail to.

In Australia the bulk of the employment picture is made up of small businesses. The statistics are so often quoted that it hardly seems necessary to go through them here again tonight, and I will not. It is enough in this debate to say that small business is the real driver of local employment and that it is there that government policy on the workplace should concentrate.

Unemployment in Australia has been a persistent problem for a number of years. It is clear that there are a number of reasons for this, ranging from an awkward fit with emerging commercial and industrial opportunities and markets to that phenomenon of the soft Western world, the workless by choice. It is often useful to pause and think about how lucky we are as people. We live in an advanced economy under a system of government that the people actually control and which provides a welfare safety net that most of the world can only dream about between nightmares. In the workplace relations debate, in particular, I believe we need to recognise the beneficence that we award ourselves. That is not to say that this beneficence should not be removed or even reduced. It is just that on any objective analysis of Australia's workplace relations laws we do have good reasons to be proud.

The business community, and in particular in this instance the Australian Chamber of Commerce and Industry, have voiced some criticisms over what they see as insufficient attention being given to the two core impediments to business growth. Small business employment has been a focus of attention lately. There has been the Senate committee report and the federal Office of Small Business is currently undertaking an evaluation of two of its small business programs that aim to promote business growth and employment. The Senate committee report shows very clearly that the primary employment driver in the small business sector is

business growth spurred by economic growth. Obviously priority should be given to policy that maintains a high level of production.

As well as making it possible for business to maintain high levels of production—and, of course, these are not in any case matters that rest only in workplace relations laws, as Senator Murray suggested—we have to liberate the workplace further to take account of how Australians nowadays want to work. There is a high level of casual employment in the restaurant and cafe sector, which operates on razor thin margins and experiences a high rate of both business openings and business closings. But casual work suits a great many of today's Australians and it is not necessarily something that is of disadvantage to the country, the economy or the people engaged in casual work. Similarly, part-time work is also gaining in popularity and it is not doing so because—although this is what the Labor Party sometimes seem to want to say—that is all people can get.

The Labor Party has for a long time been struggling to get out of its collectivist cave and to come to grips with the reality that a great many Australian people do not want to be busy little worker bees in some vast socialised employment market where the unions tell them what to do and when to do it or what not to do and where not to do it. The primary aim of all business is to grow, and this applies to small business just as much as to big business and global business. It even applies to the growing number of sole business operators. Everyone wants to get ahead; indeed, this is what drives human society.

The role of government in this environment is to facilitate growth—to make it as easy as possible for a business, any business, to grow and to contribute to national growth. We all know, even those opposite, that businesses and the community generally have long held concerns that termination of employment provisions are an employment disincentive for small business. Aside from the general philosophical point that the law should avoid being an impediment to enterprise—and we on this side of the chamber hold that to be an immutable principle essential to the operation of a free society—it is also plain commonsense to liberate the workplace.

These concerns were noted in the *More Time for Business* response from the government in 1997, near the beginning of the liberalising and liberating process that Australia has chosen to go through in the employment area. That report found that termination of employment provisions have a disproportionate impact on small business, which can neither afford the high costs associated with a highly regulated and formally structured system nor find the time to engage in the lengthy processes which ensue. A range of surveys since then has reinforced that point. Small businesses are more likely to employ new staff and employ staff on a permanent basis if freed from what is, in effect, a restrictive trade practice in terms of the prospects of unfair dismissal claims. This survey information was covered by the Department of Employment and Workplace Relations in its submissions to Senate inquiries into bills seeking to exempt small business in 1998 and 2002.

More recently, as I have stated previously, a new Yellow Pages survey report commissioned by DEWR from the Melbourne Institute of Applied Economics and Social Research, with results released in October last year, has found that state and federal unfair dismissal laws impose extra costs of $1.3 billion a year on small and medium businesses and reduce employment for low-paid workers by one per cent. Small business organisations representing a wide range of small businesses, including the Australian

Chamber of Commerce and Industry and the Small Business Coalition, have argued that the laws should be changed to make them less onerous, particularly for small businesses. A major cause for concern, as I briefly alluded to before, is that small businesses are generally unlikely to have dedicated human resource professionals within their management structures, let alone personnel departments to handle recruitment and performance management processes necessary to defend unfair dismissal claims. They are also unlikely to engage outside specialists to assist in this area.

The focus of interest for many in the bill we are now debating is that it proposes to establish a single system throughout Australia at the expense of state jurisdictions. In a federation—and I would venture to suggest particularly in our federation—one should tread very lightly in all areas where the existing rights and obligations of subnational and local levels of government are concerned. I do not believe in the principle of centralism as a force that over time is permitted to take over everything. In Australia, where we have a relatively small population in a relatively large landmass, we must always take proper account of regional differentiation and the commonsense that tells you that things in Townsville, for example, are likely to be very different from things in, say, Traralgon.

But there is a strong argument, and I believe a convincing one, for creating employment conditions on a national basis where the application of the law is concerned. There is no reason why an Australian living in Townsville should be governed in his or her terms of employment in any way differently from an Australian in Traralgon—or, indeed, anywhere else. There is one rider I would put on this condition, however. Universality in employment terms, so far as the law governing dismissal is concerned, works only when the principle that is engaged is the principle of maximum freedom of movement.

It is vital to balance the interests of employers and employees. For the most part, sensible people will come to some mutual arrangement that, provided it is within the employment law, should be nothing to do with anyone else. In the argument that is often advanced from the other side of the workplace relations debate, it too often seems that it should be compulsory for an employer to take on—and keep on, even if unsustainable—a particular person. That is not how the world works, of course. It certainly is not any sort of policy that will assist in maximising profit and thereby contribute to business growth, local community growth and national growth. It is at bottom an anti-consumer market argument and, as such, it should be rejected. The concept of a single market for unfair dismissal relations—the concept that is the fundamental purpose of this bill—does nothing to offend against the single most important element of governance that a free federation such as ours should never surrender: protection of the individual's right to be an individual.

We can expect the Labor Party and the union movement to attempt to demonise any moves towards greater freedom in the workplace. They are so caught up in their time warp that unravelling the web of employment constraints that exists in this country always carries the risk of strangling them. They will escape that fate only by making up their minds to free themselves from commitments to the past that hold no relevance in the 21st century in Australia.

The future legislative amendments proposed to improve the Commonwealth unfair dismissal scheme are an expression of the 'fair go all round' principle on which the existing unfair dismissal provisions are based. It would be very hard to characterise

them as radical, and you would have to be potty indeed to consider them dangerous. They are designed to give the commission stronger direction in cases to allow it to more effectively balance the interests of all parties concerned.

In his second reading speech, opposing the bill, of course—a regrettable but thoroughly unsurprising position—the member for Barton, the opposition spokesman on this area in the House of Representatives, complained that it would lead to duplication of resources, Commonwealth and state. His remarks are worth repeating here. It is refreshing indeed to hear a Labor politician so staunchly defending states' rights, even if in this instance he is completely mistaken in the approach that he has chosen to take. The member for Barton said:

> It is a significant bill. It proposes to override state unfair dismissal laws insofar as those laws apply to corporations. Any instance where this parliament seeks to override state laws is of significance because we are here as part of a federal system of government and we should not ignore the significance of this parliament attempting to override state laws.

The member for Barton is from New South Wales and, as a member of the Labor Party, is presumably happy with the continued restriction of business and employment opportunity represented by his party's long established policy of 'cosyfication'—and I admit that I have made that word up—with the unions. I am from Queensland, where the present government, as its opening act of vandalism on assuming office in 1998, destroyed the sensible industrial relations reforms that I put in place as the relevant Queensland minister in 1996-97. So I declare a particular interest in seeing a continuation of Commonwealth improvements to the workplace environment and to business prospects.

It is, I suppose, possible that this legislation might lead to duplication of resources—I stress, in a very limited area—but there are two things to say about that. The first is that in a federation there will inevitably be some duplication across jurisdictions. The second thing to say about it is that it is a sterile argument and one that is, frankly, not altogether germane to this debate. Passing this bill—which I support as sensible policy and which, ever hopeful, I commend to the Labor Party—would provide better support for small business as a major employer of Australians. State jurisdictions would still have powers in areas where the Commonwealth's writ did not run. That is how we have always run our federation anyway. And I think if they are honest with themselves, honourable members opposite would admit that.

The member for Barton, in the other place, has not persuaded me that he is speaking with anything other than continued repression of small business and enterprise in his mind. I am far more persuaded by the argument of our side: by the argument of this government and of my friend and colleague the Minister for Employment and Workplace Relations. I suggest to honourable members opposite that the sun will still rise—and in the east—and set in the west, and the stars will continue to shine, if we pass this bill, which I support.

Senator HOGG (Queensland) (5.46 p.m.)—I am sure that the former shadow minister in the other place, the member for Barton, would like to know that his words were taken note of in the Senate and I wait with great joy now for the words of the new shadow minister, the member for Rankin, Craig Emerson. We will just have to wait and see, but I am sure that Dr Emerson will say marvellous things about Labor Party policy in this area.

Having said that, I briefly want to address the Workplace Relations Amendment (Termination of Employment) Bill 2002 this

evening. It is a regurgitation of the same old line that this government have put up over a period of time. As some of my colleagues have said, it is a very cynical approach to industrial relations and shows the vacuum there is in government policy when they have to keep turning up bills such as this. If you read the second reading speech you can see the jargon that is in it. One catches on very quickly that this is but another desperate attempt by the government, because in the second reading speech they say:

> A more unified national workplace relations system means less complexity, lower costs and more jobs.

That is as far as it goes. There is no detail, no explanation and no justification—just the rhetoric. Further on in the second reading speech we find a little bit of the reason for this attempt to get uniformity. They quote the Melbourne Institute of Applied Economic and Social Research study which was referred to by the previous speaker. They note:

> Based on a Yellow Pages survey of nearly 2,000 small to medium businesses, the study found that almost a third of businesses did not know whether they were covered by federal or state unfair dismissal laws.

I find that quite surprising. I think 30 per cent is really quite low. I would have thought the figure would be far higher, because my experience in industrial relations has shown that employers, and particularly small employers, invariably are unaware of whether they are covered by a state or federal award. They do not know anything about the industrial relations system whatsoever. So I find it quite surprising that only 30 per cent responded that they were uncertain as to whether they were covered by federal or state unfair dismissal laws.

I would have expected, in responses to questions in that survey, that the survey would have at least found out if the people knew whether they were under a federal or state system. As I said, I think they would have found that a large number of those respondents would not have known what system covered them. That is very important because my ongoing experience in industrial relations—as a former branch secretary of the SDA in Queensland over a 15-year period, and now as the branch president for at least the last seven years—tells me that there are still many employers who do not know the difference between state and federal jurisdiction and do not know the difference between state awards and federal awards.

If one knows the federal system, one knows that there are not a great number of small employers who are covered by federal awards. Invariably they fall through the system and get caught under the state award systems. In Queensland, common rule awards apply so that those employers who fall through the federal award system get caught invariably by state awards. The industry that I have been involved in over a long period of time, the retail industry, covers a large number of small to medium retailers who operate over the state and over a wide span of trading and working hours. They are invariably caught up by the shop assistants award in Queensland. Of course, that is important to the employees who work in many of those places. If one knows anything about the trade union movement, one knows that it is difficult to organise, particularly in those small business areas. Regardless of our ability and capacity as a union to be able to organise in those small business areas—because many of the businesses are owner operated business or they have a limited number of employees who may work casually to assist the owner operator out of a bit of a hole once or twice a week so that the person gets some spare time—invariably where there are employees, they are caught by the state award. We keep the state award up to date. My union in Queensland prides

itself in taking a great deal of care and attention to ensure that the conditions in that award mirror what can be negotiated in many of our enterprise bargaining arrangements through our federal award system. Whilst they are not always to the same level as in the federal awards, they nonetheless maintain very good standards and very good conditions indeed.

We then know that the people that we represent—whilst some of them may not be members of the union, there are those that are—do have access to a range of benefits that are not covered in a federal award or a federal agreement. To people in many of these small enterprises these benefits include having reasonable working hours; having a proper starting and ceasing time; having a roster; having proper leave conditions, such as sick leave and annual leave; and, most importantly, having access to unfair dismissal laws. There is no doubt, based on my experience with many small retailers, that the problem of unfair dismissal does exist and that people are quite unfairly dismissed because it suits the purpose of the employer rather than for any good, cogent reason. The industry churns people over, unfortunately, to the disadvantage of the employees.

The fact that people in these small enterprises can, and have the right to, access unfair dismissal laws is important indeed. But my experience has been that over a long period of time, whilst the access has been there, it has not been overly used by employees in the small business area. It has been quite the opposite: most of the cases that the union—that is the SDA—has been associated with have involved employers that would be quite rightly titled as very large, major employers in the retail industry. I think that in any 12-month period one could reasonably count on both hands cases involving smaller employers that actually get to some formal proceedings in the commission. Those cases that are taken up are invariably resolved in conciliation conferences before the industrial commission.

The government is making much ado about nothing with this piece of legislation. The submission that the SDA, as a national organisation, put into the Employment, Workplace Relations and Education Legislation Committee, which considered this legislation, really gets to the nub of many of the concerns of the SDA. Of course, the SDA is a union that has a highly casual membership content. Part-time work has become popular in recent years. It has become popular with some of the retail firms primarily because of the insistence of the union in negotiations on employee enterprise bargaining agreements. This has been to ensure that the unsatisfactory casual employment which the employers were making available to the employees was changed from that unstable form of employment into a more stable form: part-time employment. No-one should be under any illusion that either part-time or casual employment satisfies the needs of people who want full-time employment.

We have an industry where there are many people who are working in precarious employment, who are working with small employers, who have more than one job and who change jobs on a regular basis because of the mobility within the industry. If this particular bill were to apply to those people then they would see some of their rights immediately ripped right away from them because of the desire in the bill to stretch the probation period to six months—where it is three months for everyone else—and the proposal in the bill that if a person is unfairly dismissed and they seek remedy then the maximum compensation is three months for people in small businesses. So immediately we have, in an industry which is highly casualised, people in highly precarious employment finding themselves the subject of a bill

which could severely disadvantage them. Anyone with a good conscience would have to reject that and say that it is completely unfair to create a distinct second-class group of people in the work force whose rights are fettered by the type of bill that is before the chamber this evening.

What makes it even more concerning is that we are not just dealing with people who are casual employees but we are dealing with many people who are young and who do not have great deal of knowledge about their rights. We are also dealing with a large number of women who are coming back into the work force after having absented themselves in many instances for family duties. They go back into casual employment and so find themselves in precarious employment and we have the government trying to push through a bill that would see these people denied their basic rights. These people are the most vulnerable in the employment market and who could, and would, be quite easily exploited if this legislation were to succeed.

As I said, the SDA made in its submission to the inquiry what I thought was a quite fair and balanced statement. It says:

> The SDA starts from the principle that all people are entitled to fair and equal treatment. This Bill would deny some workers but especially those in small businesses that fundamental right.

We are not dealing with anything trivial; we are dealing with a fundamental right that gives people the dignity that they are entitled to in our society. The submission goes on to draw attention to this fact:

> These amendments would particularly disadvantage young workers and women returning to the workforce after an absence therefrom.

It goes on:

> Every time a worker started a new job, if it was in a small business, the probationary period would apply anew.

So we see that a group is going to be unfairly exposed because of the ideological dictates that rule the people on the other side of this chamber.

Senator Kemp—Oh, Hoggie!

Senator HOGG—Well, Carlton aren't doing any good, and you know that. I want to refer briefly now, in view of my time, to the Queensland government, because it was raised by the previous speaker. It is worth while looking briefly at the submission of the Queensland government to the Employment, Workplace Relations and Education Legislation Committee's inquiry into this bill. I will quote a couple of appropriate comments from that submission which show the attitude of the government. The Queensland government—a fine government under the stewardship of Peter Beattie—claims that it was not consulted properly in relation to this particular bill. The submission from the Queensland government states:

> Despite the repeated claims of the federal Minister, the Bill does not simplify industrial laws for employers or employees but makes a very complex federal system even worse. ... The Bill does not achieve an equitable balance between the rights of employers and employees but strongly favours employers to the detriment of employees. It takes away workers' rights under state laws without consulting the states, seriously compromising the Queensland government's economic, social and labour policies and its mandate to deliver a balanced and fair industrial relations system to the people of Queensland.

That is the Queensland government's view of this piece of legislation. The Queensland government in its submission goes on to outline a number of problems that it sees with the legislation. I will turn to the report of the committee to go through those, because the committee's summing up at the end of those points is particularly pertinent indeed. Page 20 of the report says:

The submission from the Queensland Government points out that far from resulting in improved legislation, as the Government claims, the bill establishes:

- two different sets of federal laws and procedures governing unfair dismissal matters, depending on the size of the respondent—

that is obvious—

- different federal and state unfair dismissal regimes for incorporated and unincorporated entities;
- different federal and state unfair dismissal regimes for incorporated entities, depending on whether they meet the definition of a 'constitutional corporation';
- concurrent but separate federal and state jurisdiction over different aspects of workplace relations in the one business, for example a federal regime governing a business' unfair dismissals and a state regime governing workplace harassment and industrial disputes; and
- concurrent but separate federal and state jurisdiction over different aspects of the one employee's claim (for example, the federal regime for unfair dismissal and the state regime for insufficient notice or unpaid entitlements).

This is the environment that is being created. The report goes on, as I said, to really sum it up:

Therefore, a state award employee of a constitutional corporation with a claim for unfair dismissal and withholding of wages would need to lodge claims in both federal and state jurisdictions, one for the unfair dismissal component, and the other for the wages component. Employers, who complain now about time wasted in court under the current law will find the regime proposed under this bill to be even more onerous.

I refer back to my opening remark: the claim in the second reading speech was that the reason for the unified national workplace relations system was to take away complexity, lower costs and create more jobs. I do not believe that can be seen to have happened. I believe that if we are to have a system that protects people's basic rights, that is fair, that is equitable, that applies commonsense, that people understand very easily and that lacks complexity then the bill that the government have presented here is not the path to go down. That does not mean to say that there cannot be, and should not be, some form of uniformity. The main thing that the government have got wrong here is the vehicle that they are using to try to achieve it. What they are trying to do is discriminatory to a particular class of workers, which I have a great affection for and have represented over a long period of time. I believe they should not be disadvantaged by the passage of this piece of legislation.

Senator NETTLE (New South Wales) (6.06 p.m.)—The Workplace Relations Amendment (Termination of Employment) Bill 2002 is the latest attempt by the Howard government to undermine the rights of working people. The government seems unable to accept the unequivocal view of the Senate majority. The Senate has rejected its many attempts to erode the rights of people who are unfairly dismissed by small business employers, so the government has dreamt up a new plan of attack.

The bill proposes to extend the Commonwealth's jurisdiction in unfair dismissal laws from 50 per cent of employees to around 85 per cent, or seven million people. At the same time, the Commonwealth government is seeking to diminish the rights of workers who are unfairly dismissed and take away the rights of redress that these workers currently have under state laws. Because the extension of federal jurisdiction relies on the Commonwealth's corporations power in the Constitution, employees of unincorporated businesses will not be covered. This means that around 15 per cent of employees will remain outside the so-called national unified scheme.

The Commonwealth, after having foisted this law on the states without consultation, wants the states to replicate the federal law or refer state powers to the Commonwealth so that these excluded employees can be picked up by the federal scheme. At the same time as the bill seeks to raise additional barriers for employees who make a claim for unfair dismissal, it weakens the remedies for workers employed by small business who are unfairly dismissed and it disadvantages casual employees, who will be subjected to a 12-month waiting period before they can make a claim for unfair dismissal.

The Greens will not support measures to undermine the protection of working people. We have been presented with no evidence that justifies discriminating against small business employees when it comes to protecting them against unfair dismissal, or their seeking reinstatement or compensation for wrongful loss of employment. The Australian Greens support the concept of a national industrial relations system that delivers good outcomes. That clearly is not the case here. We might have been inclined to consider more favourably supporting the part of the bill that extends the Commonwealth's powers had the bill improved protection for all employees and not been linked to another bid to undermine the rights of employees who are unfairly dismissed.

In effect, the government is using the expansion of its powers as a cover for extending its objectionable policies. Given the government's record, it is difficult to imagine that it could propose any industrial relations measures that would deliver good outcomes. The Minister for Employment and Workplace Relations, Tony Abbott, has said:

> Greater uniformity in unfair dismissal legislation will provide substantial benefits for employees and employers through reduced complexity and greater certainty about the application of legislation.

It is worth noting that the Howard government's desire for a unified industrial relations system sits oddly with the government's general approach of divesting itself of responsibility for, and leadership on, a range of policy matters that rightly demand Commonwealth involvement—for example, the protection of the environment. The idea of increasing the role of the Australian Industrial Relations Commission, something the Australian Greens support, is also at odds with the government's history of trying to scale back the commission's relevance by stripping it of powers such as the power to settle disputes.

More significantly, this bill would not deliver what the government and the minister claim to be its main goal: a national system. On the one hand, the government wants to capture most Australian workers within the ambit of the federal scheme while, on the other, it wants to treat some employees—that is, those employed by small business—less fairly than others. This contradiction is another reason the Australian Greens think the minister is simply using the extension of Commonwealth powers as a cover for what he has been unable to achieve through standalone legislation: exempting small business from federal unfair dismissal laws.

The bill certainly does not remove the confusion and complexities of the dual industrial relations system that the minister claims is its driving motivation for the legislation. On the contrary, even if the bill were to pass it would exclude a significant number of employees of, for instance, sole traders, charities, unincorporated companies and state government bodies. In addition, some businesses would be subject to a federal unfair dismissal regime while other aspects of their business would be subject to state law. Then there would be two types of federal unfair dismissal law: a lesser standard of protection for people employed by small

business and another standard for everyone covered by the Commonwealth legislation. Far from being national and unified, the scheme would be fragmented and confusing.

The Greens are also concerned about the lack of consultation with the states on this and Minister Abbott's high-handed approach of imposing this system on the states. Were the federal government genuine about wanting a national scheme, it would have sought to work cooperatively with the states. So what is the government really up to? The Greens believe that it is more of what we have come to expect from the coalition: shifting the balance of power away from employees and in favour of business. Not content with proposing to expand the Commonwealth's jurisdiction in unfair dismissal to seven million employees, the government wants to prohibit those people who are brought within the scope of this bill from seeking remedies for unfair dismissal in state schemes.

This bill would further undermine the rights of all employees covered by the federal regime by restricting the circumstances in which an employee of any business can take action against unfair dismissal, including where an employee is dismissed purportedly on operational grounds. We can find no check proposed to prevent this provision from being abused. This would appear to be a minimum requirement, particularly in light of the ACTU's submission to the Senate Employment, Workplace Relations and Education Legislation Committee inquiry into this bill, which identified employers' use of operational requirements to target particular employees on grounds including age and union activity. The bill also reduces any back pay component of compensation where a dismissed employee has had the opportunity to earn income from another source since being sacked.

Even further restrictions are imposed by this bill on employees of small business. It should be noted, as others have, that the number of unfair dismissal cases against small business has fallen in recent years from 3,218 cases in 1998 to 2,168 cases in the year to last November. Claims against small business as a percentage of all claims also fell, from 40 per cent to 30 per cent, in the same period.

Nevertheless, the government wants to go further, imposing additional restrictions on employees of small business including doubling from three to six months the waiting period before an employee of small business can take action if they are unfairly dismissed; denying an employee their day in court by allowing the Industrial Relations Commission to dismiss an application on the papers while requiring the commission to consider the cost of the employer attending the hearing; halving the applicable maximum amount of compensation that a dismissed employee can be granted to either three months salary or, for non-award employees, $20,400. Also, the commission can be directed to consider an employer's capacity to pay when determining a remedy or an amount of compensation, a provision that those working outside small business do not have to encounter. In addition, there would be the removal of the Industrial Relations Commission's ability to consider whether an employee was warned about unsatisfactory behaviour prior to being dismissed. This is particularly alarming when combined with the absence of a requirement for an employer to warn an employee about unsatisfactory behaviour before sacking a worker. It is only fair and reasonable that an employee has a right to be told that their behaviour is unsatisfactory and be given the opportunity to address an employer's concerns before being dismissed. The absence of such a direction and the removal of the commission's ability to take such a matter

into account further demonstrate how this bill undermines the protection and rights of working people. So the government is trying to raise the hurdle for employees who are unfairly dismissed and reduce the compensation that they may be awarded.

On top of being unfair, the focus of these provisions is misdirected. They are aimed at reducing costs to small business and they do nothing to discourage employers from sacking people unfairly. In fact, these claims that make it harder for an employee to take a claim against their employer where they believe they have been unfairly dismissed could encourage some employers to abuse their power. The New South Wales Labor Council has provided a number of examples about how workers protected by the state unfair dismissal law in New South Wales would be disadvantaged under this bill, and, as a New South Wales senator, I would like to share those with the Senate. One is about an employee who injured their shoulder at home and was given medical clearance to return to work. They were dismissed after the company's nominated doctor said that returning was a safety risk. The employee's union made a successful application for the person to be reinstated under a state provision that protects injured workers. No such provision exists in this bill.

Another employee was moved to a permanent position after working as a casual but was then sacked five weeks later for refusing to move to night shift work. Her letter of employment did not contain a probationary period so she was able to take a claim for unfair dismissal, which she won. Under the federal bill this would have been impossible because of the compulsory three-month probation period when she went to a permanent position.

Under this legislation employees of small business who are unfairly dismissed would be excluded from lodging a claim until they have been employed for at least six months, whilst casual employees would be excluded for 12 months and only eligible if they have been employed on a regular and systematic basis. In New South Wales there was a casual sales assistant in a small bookshop who was dismissed on the basis of a lack of hours available at the same time that the employer was advertising for new casual positions. The employee was able to settle the claim for unfair dismissal under the state scheme but would not have been able to do so under the federal scheme because they had not been employed for 12 months.

In the New South Wales law there is no qualifying period for casual workers who are employed on a regular and systematic basis. For those casual workers who are not employed on a regular and systematic basis the exclusion period is six months. I know that in other states, in Western Australia and Tasmania, there is no exclusion period for casual employees. Given the growth of casual work, and particularly the casual work carried out by female workers, the 12-month exclusion period for casual employees would open the way for unscrupulous employers to exploit casual workers further and encourage greater use of casuals rather than permanent employees so as to avoid the application of this law. In addition, in New South Wales workers in regional and rural areas—and this may apply to other states as well—under this law would have to travel to the capital city to attend hearings before the Australian Industrial Relations Commission, whereas currently in New South Wales the Industrial Relations Commission provides for hearings in towns outside Sydney.

On top of the long list of objections to this bill there is a cost to implement it. The government has set aside $16.8 million over four years for the expansion of the Australian Industrial Relations Commission that would be

required to implement this proposal. The Greens believe this is a terrible waste of public funds not least of all because it duplicates existing state resources that will still be required even if the proposed federal expansion in the area of unfair dismissal laws were to proceed. The Greens say that the $16.8 million could be far better spent investing in job creation and training and it would yield a far better return than investing in a scheme that the government argues with a straight face will encourage jobs growth by making it easier to sack people.

The Minister for Employment and Workplace Relations has made it clear that this bill is the start of the coalition's project to centralise industrial relations under the Commonwealth. Of course his predecessor, Peter Reith, embarked on a similar undertaking, without much success aside from the support that he obtained from the former Victorian Liberal Premier, Jeff Kennett, and many Victorian workers continue to suffer as a result. In the absence of cooperation from the states, Minister Abbott has decided to force this dramatic shift onto the nation. This approach is not conducive to good outcomes. Regulation should protect the rights of the parties to a workplace relationship, guard against exploitation, and deliver fair wages and working conditions. A regulatory regime should act as a counterweight to the power an employer has over an employee, a power imbalance inherent in most working relationships.

The Greens are attracted to the idea of all employees having the same high standards of protection and rights under a national regulatory regime, but we cannot support this move by the coalition government because it does not deliver a unified national scheme; rather, it is a 'not quite' national regime with lots of exemptions. What it does provide comes at too high a price, reducing the protection and rights of working people. That is because the government has confused long-term goals with short-term self-interest and political expediency. The government's determination to force its views on the states rather than to approach such a significant undertaking as a national IR system in the spirit of cooperation strengthens our conviction that the coalition's strategy is counterproductive. As such, the Australian Greens will be opposing this bill.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (6.23 p.m.)—Thank you to all honourable senators for their contributions to this debate. I would like to sum up the debate by responding to a couple of points from other senators that should not go without response. Senator Nettle needs to fundamentally re-evaluate where the Greens are coming from on these issues. They are regarded generally by the government as being irrelevant in this place because 99.98 per cent of the time, or thereabouts, they vote with Labor and they are basically a rebadged radical Left of the Labor Party.

To say with a straight face that 'the federal government should not impose something on the states against their will' is in contrast to virtually everything else they propose in virtually every other policy area. They would love to impose their views about the environment, about taxation, about social policy, about welfare policy, about education policy and about every other policy without any consultation with the states. The truth about this is that it is a measure proposed by a government that seeks not to protect the vested interests of unionised workers and their representatives but in fact to protect the rights of the whole nation and all of her citizens. If the Greens or the Labor Party senators who oppose this legislation would, instead of listening to the same old vested interests, open their other ear and their hearts to the concept of giving someone who is unemployed a chance in life, of giving someone who can-

not get a job and who is not a member of a union a chance of a job, then you could take them seriously. Both the Labor Party—most of their members or many of their members—and the Greens pretend to stand in this parliament for the rights of the downtrodden, yet what they do is make sure that those downtrodden stay down.

All you have to do is read independent research. All you have to do, instead of hanging out in the trendy cappuccino strips up and down the inner suburbs of Sydney or sipping Chardonnay, is to get out and talk to a few small businesspeople who are trying to develop their businesses, which I am sure the Greens and many friends of the Greens in the Labor Party would generally regard as something that they despise. They do not like business, they do not like free enterprise, they do not like Australian companies developing and building international markets. They do not like trade and commerce. They would rather we all lived in recycled tents and did not eat anything that was packaged. That is really what they are on about, but they quite often do not have the honesty to present that to us in the way that I have starkly done so.

If they got out, as I know you do, Mr Acting Deputy President Watson, and talked to small businesspeople about the effect of Australia's unfair dismissal laws and about the effects of the industrial relations regimes that many of the state Labor administrations impose on the societies that they govern, they would know that the laws themselves are stopping thousands of people from having a chance in life, of having what many of us regard as something that you just assume and take for granted. We, as Liberals and National Party members in this coalition, would like to see that all people have that right. And what is that? To get out of bed in the morning, put on a set of clothes and go to a job and, at the end of the week, collect some pay and have the choice of buying a cappuccino if that is what they want. But a lot of these people do not have that. We have got six per cent unemployment in this country and these Lefties on the other side of the chamber will condemn that six per cent to stay there. They say, 'We care about the workers.' Well, you do not. We want to create more workers. The facts are blatantly obvious but the Greens senator over there cannot see them, but not because the facts are not there to see—because you can go and talk to people across the country.

You do not even have to accept the Harding report, *The effect of unfair dismissal laws on small and medium businesses*, from the Melbourne Institute of Applied Economic and Social Research at the University of Melbourne, dated last year. You do not have to accept that report and the work that has gone into it; you can actually leave the cappuccino shop, leave the wine bar—the Chardonnay place—get up from your comfortable stool and walk around and talk to people. This is what Professor Harding did. Don Harding went out there and he spoke to people. Of the people he spoke to, 47.9 per cent reported that their businesses' recruitment and selection decisions are influenced by the unfair dismissal laws. Professor Harding reported changes to recruitment and selection practices, include the following: greater use of fixed term contracts in over 10 per cent of the businesses—11.6 to be exact.

Senator Nettle was talking about the casualisation of the work force and the impact of that. When an employer is so worried about the potential impact and cost of the unfair dismissal laws that they are cautious about putting on a new full-time employee, what is one of the natural reactions? Put them on as a casual. So what happens? Increased employment of casuals, rather than permanent staff, by 21.3 per cent of the businesses—a phenomenal figure.

Sitting suspended from 6.29 p.m. to 7.30 p.m.

Senator IAN CAMPBELL—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NOTICES

Withdrawal

Senator BROWN (Tasmania) (7.30 p.m.)—I withdraw business of the Senate notice of motion No. 1 relating to disallowance of the Space Activities Amendment Regulations 2003 (No. 1).

WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2002

Second Reading

Debate resumed.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (7.30 p.m.)—Before the suspension of sitting for the dinner break we were concluding the second reading debate of the Workplace Relations Amendment (Termination of Employment) Bill 2002. I was drawing the attention of the Senate to the sadness of the position taken by Labor, the Greens and, from time to time but with not as great a degree of severity, the Democrats in relation to reform of unfair dismissal laws and industrial relations laws in Australia and also to the importance of industrial relations laws and the role a good workplace relations environment—not only in the workplace but also in the law, regulations and systems of justice—plays in developing a sound economy and therefore providing employment opportunities for all Australians. It is most important for those Australians—measured by the Australian Bureau of Statistics from time to time, averaging about six per cent—who are classified, for statistical purposes, as unemployed.

There are, of course, people behind those statistics. There are mothers and fathers who hold hopes for their teenage children, having put them through school and sometimes TAFE, and who are sad because their offspring do not have the opportunity to get a job—an opportunity, as I said before the suspension, that most of us in this building take for granted and many of us have taken for granted all our lives because we are the lucky ones. But there are lots who do not have that and they are the people I referred to before—those who get out of bed in the morning and do not have that special feeling of belonging to our society, which is felt by those people who can go to work and share the experiences of the workplace with fellow workers and have the freedom of being remunerated at the end of the week.

It is a tragedy that the majority in the Senate so often say no to opportunity and so often vote against measures in this place which offer to empower those who aspire to work, when the evidence is so stark. Unfortunately it does not matter how much evidence, either anecdotal or through the distinguished work of people such as Don Harding in the University of Melbourne report of last year, shows that this particular provision could make such a significant difference to the employment opportunities and the employment intentions of the employers. The report that I quoted prior to the suspension stated that just over one-third, in fact 33.4 per cent, of businesses reported that the existence of the unfair dismissal laws increased their business costs. The Harding report conservatively estimates that compliance with the unfair dismissal laws costs small and medium businesses $1.329 billion—that is, $1,329 million—and that figure is in table 19 on page 19 of the report. This cost impacts most heavily on businesses with 20 or fewer employees—the total estimated cost of this group being $839.912 million. That figure is

on the following page of that report. That is a phenomenal cost for businesses to bear. When you think of the alternative investments to which that sort of cost can be put, you wonder at the massive unmet potential that this nation has.

In fact, our new Governor-General, in his brief words to the Senate this morning, talked about how great this nation was in terms of its people, but I picked up that he also mentioned the word 'potential'. This government is dedicated to unleashing the potential of this country. The core potential of this country is actually in its citizens. It is a national disgrace that we allow six per cent of the work force to remain unemployed when we have at our fingertips the potential to give those people more opportunities whilst balancing the very important measures contained in the law to protect workers, whether unionised or non-unionised, from a boss who may seek to unfairly dismiss someone. You would think from listening to the senators opposite that we are throwing away all their rights; we are not. We are actually protecting their rights but what we are saying in this bill in particular is: let us move to a simpler and fairer system to extend our protections across the nation by moving towards a single system. Potentially, at the moment, an employer across Australia could be subject to six or seven different jurisdictions and sets of rules; under a single system, they would be subject to only two sets of rules at the very most and possibly only to one. It is a significant move.

The bigger issue is: how long can the Labor Party, with the strong support of the radical left wing faction of the Labor Party who go out and promote themselves—and I steal one of Senator Andrew Murray's lines when he talks about truth in political advertising—have as false and misleading a title as the Greens? These are people who really are opposed to anything. They are opposed to free enterprise; they are opposed to business in virtually all its forms; they are opposed to trade and commerce across borders, which is called globalisation. They are scared of it or they do not like it because it could actually make the economy grow—and they do not like a growing economy. If the Greens had their way, along with their comrades in the Left of the Labor Party, they would actually shrink the economy and shrink living standards. That is one of their unwritten goals: they do not like an expanding economy where people have greater opportunities and where free enterprise and a liberal economy give people opportunities. They would rather shrink the economy. They call themselves the Greens because I guess they have to give themselves a title that appeals to the current political orthodoxy or to a niche that will get them just enough votes to squeeze them into a seat in the Senate. They can only call themselves the Greens because they do not actually follow pro-environmental policies.

I think the Australian Democrats, who are trying to create their own post Natasha Stott Despoja destiny, need to think very carefully about their position on some of these issues. You can in fact care about workers, care about unionised workers and support the reform of unfair dismissal laws. You can care about the environment without taking the same negative, carping antidevelopment attitudes of the Greens. The Greens entered into the realm of hypocrisy in relation to environmental policy when they supported a measure that was defeated in the Senate during our last sitting. On the last day of sitting, we put through a bill and the Greens supported a Labor amendment to effectively drive cargo off coastal shipping and onto Australian roads—in other words, increase the consumption of diesel, if you can believe this, take heavy goods off coastal shipping by taking the rebate off the diesel that gets used in coastal shipping and make coastal

shipping more expensive vis-a-vis trucks on our roads. They actually voted for that.

It was one opportunity where the Greens could have thought about it for a nanosecond and said, 'Hang on. Here's one thing we can vote with the government on.' It was one time when they could have wrenched themselves away from their comrades in the Labor Party and voted with the government. It was an opportunity to say, 'No, Labor Party, you've got it wrong this time. We don't believe you are doing the right thing by the environment. You're actually forcing cargo off coastal shipping and onto Australian roads—chewing up roads, chewing up tyres, chewing up distillate and creating more greenhouse gas emissions.

Senator McGauran—It's bizarre.

Senator IAN CAMPBELL—I could understand Labor doing what they did, Senator McGauran, because they had to vote to support their fraternal brothers in the Maritime Union. They want to destroy coastal shipping and make sure that only ships that are flagged in Australia can run the coastal routes. You can actually understand why Labor did it. They are a wholly owned subsidiary of the union movement and, under their governance structure, effectively have to vote for the self-interest of their fraternal brothers in the Maritime Union. But the Greens say that they are here to help the environment. So we put it to them on our last sitting day here: vote for the environment, vote to ensure as much cargo as possible gets carried across the seas in ships and let us get some of the cargo off the roads and reduce greenhouse gas emissions. No, they voted the wrong way; they voted against the environment.

The same thing occurs with the Greens' approach to forestry. When we are talking about the use of native forests for timber products, the Greens say, 'No, you can't take down a single native tree—not one. What you have to do if you want to use wood is to grow it in plantations.' So they get their way in relation to banning the use of native timber in most states of Australia, and then when someone comes along and says, 'I want to buy a bit of dairy farm in Tasmania to put in some plantation timber,' the Greens say no to that as well. So you start to see this pattern developing.

In Western Australia you see the Greens stopping the Ningaloo Reef proposal, with the support of the Gallop government. A few days after they stopped the proposal to develop the Ningaloo Reef and, in fact, find a way of saving the Ningaloo Reef by developing it sensitively for the environment, they moved up the coast a few hundred miles to Barrow Island and said, 'You can't have any development there either.' The challenge to the Greens and to the Democrats is to find something that they actually agree with. In fact, I challenge the Greens to put a dot anywhere on the Western Australian coast showing where they would actually agree to any development at all. There's a challenge! I think my money would be pretty safe when I say that they would not put a dot anywhere.

I think that challenge links imperatively to this debate about the reform of unfair dismissal laws. If you want a good environment, if you want a healthy environment, if you want a healthy social environment and if you want a stable social environment where people have opportunities, then you need to find ways to develop Australia in an environmentally and socially sustainable way. Having unfair dismissal laws that protect the rights not only of the workers but of those who aspire to work is a vital piece of that. So I make an impassioned plea. As the Deputy President has now returned to the chamber—

The DEPUTY PRESIDENT—I said I'd be back.

Senator IAN CAMPBELL—right on time as usual, I commend this bill to the Senate and look forward to the support of a majority of senators for what should be a historic reform that delivers opportunity to many Australians who do not have jobs.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator MURRAY (Western Australia) (7.45 p.m.)—The committee has before it sheet 2955, which was circulated this afternoon. I commence with an apology to the chamber. Although most participants have known which way we were going in general terms, the specifics and the details of course are much more important than the general inclination. I must say the government took us by surprise by putting this bill down first because our party room had not considered the matter finally and I could not move with these amendments until the party room had met. I am sure the other parties in the chamber are well aware of that protocol. Nevertheless, I do apologise in the broad. However, one of the advantages of the Senate is that if the government ever gets interested in what we say they always have a second bite of the cherry and may come back if they are interested in anything we are offering.

There are 25 amendments on sheet 2955, and there are three schedules. I propose to move most of schedule 1 individually because they are individual items. I have a bit of a plan for schedule 2. If by the time I get to schedule 2 I find the majors have rolled me, schedule 3 will just be bowled up as one group. If you are happy for me to continue with my broad plan I will do it on that basis.

The TEMPORARY CHAIRMAN (Senator Bolkus)—Go ahead, Senator Murray.

Senator MURRAY—Thank you, Mr Temporary Chairman. I move:

(1) Clause 2, page 1 (line 7) to page 3 (line 10), omit the clause, substitute:

2 Commencement

This Act commences the day after 11 August 2004, provided a simultaneous dissolution of the Senate and the House of Representatives in accordance with section 57 of the Constitution has not occurred before that date since this Act received the Royal Assent.

On the face of it, the item is plain. There is currently a bill on the double dissolution list, having gone through all the various backwarding and forwarding, called the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2]—which in our party room is known as the 'fair dismal' bill—which seeks to exempt all small business from unfair dismissal law. The Democrats, the Labor Party and, I think, all non-government parties and Independents—Senator Harradine—oppose this bill as they have its predecessors. If we do support schedule 1 of the bill before us, which the Democrats do with some amendments, and there is a double dissolution election and the fair dismissal bill passes a joint sitting, which I understand from the various notes has only occurred once in 100 years—but I am not sure I am going to try my luck—then effectively we might be facilitating the exclusion of a much greater number of small business employees from unfair dismissal remedies as a large number of small business employees will be brought in under the expansion of the federal regime.

There is an absolute contradiction in the government seeking to cover the field and simultaneously seeking to exclude small business employees from the provisions of the federal law on unfair dismissals. Consequently, this amendment seeks to ensure that it can only commence the day after 11 August 2004, which I am advised is the safe day

after which a simultaneous dissolution of the Senate and the House of Representatives may not occur.

Senator JACINTA COLLINS (Victoria) (7.49 p.m.)—I take this opportunity to make some general comments in relation to the Australian Democrat amendments, and this one in particular. I appreciate Senator Murray's apology in relation to the timing of these amendments but also join with him in his surprise that we are dealing with these details at this stage of the session. In general terms I should indicate the Labor Party's position. We have been unable to work through some of these issues with our state colleagues in terms of the significant impacts some of these measures might have on them. Whilst we appreciate the Australian Democrats' attempt to ameliorate some of the excesses of this bill, given the timing involved in this process we have had limited opportunity to work through and check the impacts of some of the Democrats' proposals.

Certainly at this stage we have a general position, which I have already elaborated on in the second reading debate, and that is that this is bad law and it has been developed through bad process. Successful process is most likely, as I am sure Senator Murray would concur, to be achieved through consensus with state governments. This has not occurred. I am not aware that it has occurred with respect to the Democrats' amendments, although we understand the sentiment in attempting to redress some of the problems.

This particular amendment regarding the commencement date really leaves the government with the choice of two bad bills, in our view. Whilst I can understand that Senator Murray would hope that an amended Workplace Relations Amendment (Termination of Employment) Bill 2002, as suggested here by the Democrats—or perhaps with some even further improvements if we were talking about future second bites—would be an improvement, we would not see at this time this bill being significantly superior to, as Senator Murray has coined it, the 'fairly dismal' bill. For that reason we will be opposing this amendment in particular but also the other amendments put forward by the Democrats.

Senator HARRADINE (Tasmania) (7.52 p.m.)—I have taken the view, when these workplace relations matters have come before us, not to enter into the second reading stage when the issues are being dealt with quite adequately. But I do want to say—and I stand here having a reasonable degree of knowledge about industrial relations over many years—that I am concerned that this legislation is being proceeded with now without the states or the various industrial commissions being consulted. That is of concern to me.

When I was involved in the whole of the industrial relations arena we had a very good record of settlement of industrial disputes and settlement of problems of unfair dismissal. One of the reasons for that was that we believed in the principle of subsidiary function: that power should reside with the smallest group capable of efficiently performing the function for which the power was required. Nearer government is better than government being imposed by the mainland or somewhere else. It is quite clear that these matters are best dealt with on a state basis so that, as I say, democracy is nearer. You are dealing with the same people and you get, not a cosy relationship between the particular tribunals and the representatives of the employer and the employee but an understanding relationship, with the commissions knowing full well that unless justice is done or is seen to be done there will be ramifications from one side or the other. The important thing is that the interests of the employee must come before the inter-

ests, in this particular case, of the organisation or the employer, because if it is a question of unfair dismissal the onus is on the employee to prove that there has been unfair dismissal.

I appeal to the Democrats and to Senator Murray to have regard to that. I know that during his speech on the second reading debate Senator Murray was talking about the Democrats' policy, which really is more of a centralist policy than one which would accept as important the principle of subsidiary function. I do not accept that. I am surprised, actually, that a Western Australian senator should accept that. Certainly I do not, given the experience of attempts from the mainland, if you like, to take over some of the functions that are quite adequately performed by people in those positions in my state. I know, Mr Temporary Chairman, that I am straying slightly, but I would like to offer that as one of the reasons that I am opposing the amendment, although I understand that Senator Murray is trying to alleviate some of the damage that is being done by this piece of legislation. But I oppose the amendment as moved by Senator Murray.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (7.57 p.m.)—I want to respond quickly to some of the points that have been made. Firstly, in relation to the point about consultation that Senator Harradine has made, I think his remarks in relation to the powers of the states are entirely germane to this. I would share with him the philosophy that it is far preferable in a federal system to have decisions made as close to the people as possible and that things should only be brought under the power of the Commonwealth where you can prove that there is benefit to the whole nation and that all people have equal access. A recent example of how that has worked well—and I have to say that I was a sceptic when it was first put through this parliament—was the creation of the then Australian Securities Commission, bringing powers previously exercised by the states in relation to regulating companies under a single national regulatory regime. That has worked particularly well. That was a measure that was supported by the Liberal Party, although I was a less than enthusiastic supporter of it as a new senator in 1990. It was supported by the then shadow spokesman on those matters, a younger Peter Costello.

Senator Jacinta Collins—Did you say you are younger than Peter Costello?

Senator IAN CAMPBELL—No, he was a younger Peter Costello. He is still the same guy. He is still young—he was just younger then. That was one of the important reform measures of the then Hawke government and it was a measure that centralised control and regulation over securities regulation, a regime that had previously been run by six state regulatory corporate affairs offices as well as the National Companies and Securities Commission. The parliament in its wisdom deemed that it would be better to have a single system responsible to the Commonwealth parliament, because we had a lot of businesses that operated across the borders of the states and had to potentially comply with half-a-dozen or more different regimes and quite often had to get registered in a number of different states.

That measure that saw power transfer from the states to the Commonwealth was in fact one such transfer that took place in a successful way. You virtually never hear a complaint from a business in a state that they do not get good access to ASIC or that they do not get decisions made by ASIC close to the ground. You have in your own state, Senator Harradine, an office in Hobart serving the business community. You probably have an office in Launceston as well—I will

have to check on that. I have not had any complaints out of Tasmania about ASIC not serving the people of Tasmania—nor have I in Perth, where the business community were very concerned, as I am sure the Tasmanians were at the time, about transferring that power from the corporate affairs offices to a new national regulator. That transfer served Australia well. It is a very similar concern that you raise here, and it is entirely appropriate for you to raise it in this debate, but it is one that is misplaced, because of the overwhelming benefit of having a single regime instead of half-a-dozen different systems.

Senator Harradine also raised issues about our consultation. We have in fact consulted with the states. We have had these proposals on the table now for three years. They have been raised at workplace relations ministers' council meetings as recently as 28 March. It is fair to say that the states and territories made their view of the bill known very clearly in the communique from that meeting—they were absolutely overwhelmingly opposed to this bill. But, having said that, we did go through the process of trying to get a common position and, as it is—I think it is fair to say on political lines—the state and territory ministers, who all wear the red, white and blue of the Australian Labor Party, oppose the bill and the federal minister, who wears the blue and white of the Liberal Party, supports the bill. We just have to face that political fact. The reality is that the Commonwealth has the power under the Constitution to pass laws for corporations and it is seeking to do that.

Senator Harradine is raising it from his perspective, but the Labor Party senators are saying we need to find this cosy consensus and have due process and allow discussion. It was, in fact, not that many years ago that the former Keating government sought to impose a uniform national system of laws regulating the termination of employment which relied on the external affairs power over the objections of the then states. I am sure Senator Harradine would have raised similar objections then; I cannot remember them, but I am pretty sure he would have. But clearly Labor Party senators would have been totally silent about the use of the external affairs power to achieve an almost identical policy by the previous Keating government.

There was one other important question in terms of process in the Senate; that is, that we had this listed at No. 3 or 4 on the *Notice Paper* but, to assist a request by the Labor Party to delay a couple of other bills, we have brought this one up on the *Notice Paper* quicker than even I anticipated.

Senator Jacinta Collins—Lunchtime today.

Senator IAN CAMPBELL—Exactly, but it brought it up the *Notice Paper*, because we acceded to the Labor Party's request to delay one or two other bills.

Senator Jacinta Collins—By one hour.

Senator IAN CAMPBELL—No, there are measures on the *Notice Paper* that could have taken a day or so to debate, and they have been delayed so you can discuss them at your caucus tomorrow. This bill has been on the *Notice Paper* for quite a while. Having said that about the process, Senator Murray's amendments have been considered by the government, and we are not attracted to them. Our position is that we will not be voting for them.

Senator MURPHY (Tasmania) (8.05 p.m.)—With regard to comments made by Senator Campbell in respect of points raised by Senator Harradine, I have to say I agree with Senator Harradine, but I do not know that Senator Campbell's attempt to draw some correlation between what has happened in respect of the Australian Securities and

Investment Commission—or what was the old ASC—can really be drawn at all because we are really dealing with two separate matters. I suspect—although I cannot say I know—that at the time of bringing the Corporations Law under national law there was probably not too much opposition from the states, for very good reason. There is very good reason for proceeding to have national law apply in that sense. But we are dealing here with a totally different concept. We are dealing here with the dismissal laws that affect employees in different states. If you were to have, as I said earlier, a truly national application of industrial relations laws, then you would have a national set of standards in respect of wages and conditions. But we do not have that; we simply do not have it. It is appropriate that dismissal laws applicable in each state get dealt with at the state level, because that is where it is best understood. That is why not only can I not support the amendment that we are debating at the moment, which is the amendment on the commencement date, but I cannot support any amendment by the Democrats to the legislation—I simply do not support the legislation.

If we were to spend our time effectively in this place, our debate would concern other measures in connection with small business in this country and what we could do for it, such as effect changes to the taxation laws. Such changes might make a far more significant contribution to the wellbeing of small business in this country than anything contained in the bills or the proposed amendments to them.

As I have said, the attempt to give an example of a successful moving of state laws under one umbrella at a national level was a poor one. I have to say that I noted Senator Campbell's remarks about the service of ASIC. I assure Senator Campbell that any number of people would say they have not been well served by ASIC. I can think of a number of companies and businesses in my state that would draw that conclusion. Whilst I agree that we should have a national approach in that respect, its success has been somewhat tarnished in recent times with certain outcomes of regulation and regulatory control over some companies in this country.

I oppose the amendment. As I have said, I do not think the parliamentary secretary's contribution added any argument for the support or otherwise of amendments.

Senator NETTLE (New South Wales) (8.09 p.m.)—I rise to give the Australian Greens' position on this amendment. Before doing so, I would note the comments made by Senator Campbell in the chamber in my absence in that he has misrepresented the Greens' position on issues of small business, trade, development, industry—including the forestry industry—and a whole range of things. I will not dignify his misrepresentation of the Greens' position on all those issues by responding to him now.

I will now address this particular amendment put forward by the Australian Democrats. The Australian Greens have put forward our position on this bill. We recognise that the Democrats are proposing certain amendments, and I intend to remain in the chamber to listen to Senator Murray address them. He apologised before in relation to the timing of these amendments, but we now have the opportunity to listen to what he has to say in addressing them.

The Australian Greens do not feel that even an amended version of this bill would be an improvement on the situation now, given that so much of it is about reducing or limiting the ability of workers, particularly casual workers and those in small business, to access unfair dismissal laws. While we recognise the benefits of a national system—and I have canvassed previously the comments of the Australian Greens in relation to

the unitary IR component of this bill—this bill removes so many rights along the way that we cannot support any national system that brings in across the board a diminution of unfair dismissal laws. Whilst recognising what the Democrats are trying to do, the Australian Greens are not in a position to be able to support this amendment. We do not believe that this bill amended would improve the situation we have now.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (8.11 p.m.)—At this stage, on a head count, Senator Murray does not seem to be doing too well with his amendments. I want to respond very briefly to Senator Murphy's comment. The history books will show that the move to bring corporations regulation and enforcement under the federal government was in fact vigorously opposed by state government throughout the seventies and the eighties.

Senator Murphy—I indicated that I wasn't certain; I apologise.

Senator IAN CAMPBELL—You jogged my memory. I remember a conversation with the Prime Minister on this issue. He proposed it when he was the new Minister for Business and Consumer Affairs—a much younger John Howard—and it was vigorously opposed by probably all of the states at the time. It was pushed for, and it may have been proposed by other people prior to John Howard being the minister, but it did not come to fruition until I think Lionel Bowen got agreement from the states, both Liberal and Labor, at a historic meeting in Alice Springs in about 1989. Up until then, it was opposed vigorously by the states, which for very good reasons generally oppose the centralisation of power.

Senator JACINTA COLLINS (Victoria) (8.13 p.m.)—Briefly at this stage, while we are in the business of responding to senators' contributions, I should highlight that Senator Ian Campbell referred to the Keating government as seeking to bring national uniformity into this area. I hope I did not hear him incorrectly describe the Labor Party policy at that time as being 'identical' to this policy. I am sure Senator Murray would understand why I am at pains to indicate that there were several differences in the way in which the Labor Party sought to bring about national uniformity in this area, although I do thank Senator Ian Campbell for mentioning that national uniformity is an objective we seek when and as appropriate but in an appropriate way—which is not as it has been done on this occasion.

Senator HARRADINE (Tasmania) (8.14 p.m.)—I have a couple of questions for Senator Murray on this particular amendment. But, before doing that, I might mention that I had not entered into the second reading debate on the workplace relations legislation relating to unfair dismissals which was put forward by the government because I assumed, correctly up until now—and I hope I am still correct—that the legislation would get its just desserts and be voted down. But from what I have heard I am concerned now that that may not be the case. I do not know; I will see how things go.

I have a question for Senator Murray. The proposal he has put forward is to omit certain other clauses and substitute:

> This Act commences the day after 11 August 2004 provided a simultaneous dissolution of the Senate and the House of Representatives in accordance with section 57 of the Constitution has not occurred before that date.

I wonder why he has chosen the date 11 August 2004. It might be perfectly obvious to everybody else but it is not terribly obvious to me why that particular date was chosen.

Senator MURRAY (Western Australia) (8.15 p.m.)—Temporary Chair, before I go

back to Senator Harradine's question, I would like to say through you to Senator Collins that when I was thinking about the minister thinking that policies were identical it reminded me of zebras: zebras are identical but they are all different.

The TEMPORARY CHAIRMAN (Senator Bolkus)—It is the first day but it is obviously getting very late.

Senator MURRAY—To the senator for the south island—which is how I sometimes think of Senator Harradine when he adopts his Tasmanian role—I say through the chair that it may be that you were not in the chamber or you missed what I was saying when I introduced the amendment. The date of 11 August 2004 is the day after the last day on which a double dissolution can be called. As you know, there is six months leeway from the very furthest date for an election. If you count back, the advice we have is that 11 August is that date. The reason we have put that amendment is that we could not accept that you can have, on a double dissolution set of bills, a bill which is already there, the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2], which seeks to exempt all small business employees from unfair dismissal law, and simultaneously a bill which covers the field. You would cover the field and then find all those people without any rights. So we simply could not take the risk, and that is why we would delay the implementation of the bill.

The TEMPORARY CHAIRMAN—The question is that Senator Murray's amendment (1) be agreed to.

Question negatived.

Senator Murray—I am getting a feeling as to how this is going to go.

The TEMPORARY CHAIRMAN—Are you considering bundling some of your amendments at this stage?

Senator MURRAY (Western Australia) (8.18 p.m.)—I will later on, but not yet. I seek leave to move amendments (2) and (5) on sheet 2955 together.

Leave granted.

Senator MURRAY—I move:

(2) Schedule 1, page 4 (after line 12), after item 1, insert:

1A At the end of section 14

Add:

(2) Subject to an agreement between the Commonwealth and the States, applications for a remedy for termination of employment received by the Australian Industrial Registrar must initially be considered for conciliation by a person who is both a member of the Commission and a member of the prescribed industrial authority of that State from which the application originated.

(5) Schedule 1, page 4 (after line 30), after item 4, insert:

4B Subsection 170CD(1)

Insert:

Commission also includes state industrial authority.

Concerns were raised by the states—and I say to the chamber that I have consulted with a number of people in the states—that a federal unfair dismissal system which covered the field would lead to reductions in the resourcing of state industrial tribunals and hence their ability to perform their other roles. Apparently unfair dismissal takes up a vast amount of state commissions' times—which is a bit of a shame when you consider that there are much more important things to be done in the field of industrial relations. Concern was also raised that workers in regional and rural areas who currently can attend local courts visited by state commissioners would incur increased costs to attend the federal commission, which some ex-

pected would be based solely in capital cities. My first thought was to mandate that state commissioners would have to deal with these for the Commonwealth, but of course I cannot do that constitutionally. So this really enshrines a principle which is already established: Commonwealth and states share these jurisdictions, I think, in two states. The intention is simply to ask, subject to an agreement—which there would have to be between the Commonwealth and the respective states—that members of those commissions could share the duties in this area.

Senator JACINTA COLLINS (Victoria) (8.20 p.m.)—I would like to make a few comments as Labor's response to Senator Murray's comments on this occasion. We accept that Senator Murray has had the opportunity to consult fairly broadly in relation to his desire to make some sense of the way in which the government has sought to achieve national uniformity. And we accept that one of the important issues that the Democrats have sought to resolve is the amelioration of what may well be the government's agenda in relation to the survival of state industrial relations commissions. Unfortunately, we have had very limited opportunity to see how the proposal put by the Democrats might work in practice, nor indeed have we had the opportunity to consult various state jurisdictions to see their responses.

For instance, Senator Murray says in relation to these amendments that, subject to an agreement, you would ordinarily want to see some sign of good faith before proceeding down a particular legislative path. Unfortunately in this area the 'subject to an agreement' part is fairly void at this stage. I note his comments earlier in relation to what might be possible in the future but at this stage Labor is unable to support his attempt to deal with state jurisdictions.

Question negatived.

Senator MURRAY (Western Australia) (8.22 p.m.)—I wish to move Democrats amendment (3) on sheet 2955. I had some biblical thoughts as Senator Collins was speaking—I thought, 'O ye of little faith'. Perhaps hard experience has taught you otherwise. This is one of the reasons that I want to move these amendments separately. We are taking the fairly brave stand of supporting the intent of the government to have as far as possible just one unfair dismissals jurisdiction for all Australian employees—which I suggest will happen one of these days if not today—but we also need to move forward in terms of the definition of an employee.

One of the dangers of practitioners in workplace relations law, industrial relations law or, indeed, even political parties is that they become stuck in what has been rather than what is. There is a need to constantly move forward in understanding changed employee relationships and to look behind the veils—sometimes in terms of entities, sometimes in the way people work and sometimes in the way they are hired and managed—to see whether the employee relationship is a genuine one. It has struck us for some time—and it probably has struck other senators in other parties—that the definition of employee is extremely poorly developed in federal law. Senators in the chamber will remind me, but I am pretty certain that in the act there is no definition of an employee.

In this there is a strange contradiction. My experience and knowledge is that the government has always supported the notion that genuine employees should have access to unfair dismissals law, except of course with their peculiar small business exemption idea. Once again, I would say that it is also the view of the Labor Party that any genuine employee should have access to the provisions of the law. I dare to suggest, without having asked them, that that would also be

true of the opinion of the Greens and the Independents. You have to say to yourself, 'In what respect is the law deficient?' The law is deficient in the sense that there is a lack of certainty at the edges as to what constitutes an employee. The states have tried to make some inroads on this but in my view are still constrained by past cases and past relationships.

I have tried in this definition to look behind that and to go for principles about the relationship of employee and employer. Of course I have needed some expert help, and in that sense I have turned to Professor Andrew Stewart, who is a real authority in this area. I looked at some work he has done and plagiarised it for the purpose of this amendment. If you are out there, Professor Stewart, thank you very much. Your good work is here and I think it advances the law quite considerably. There are some key elements I would pick up on. For instance, part of the amendment says:

(2) In determining whether a worker is genuinely carrying on a business, regard must be had to those of the following factors which are relevant in the circumstances of the case:

(a) the substance and practical reality of the relationship between the parties, and not merely the formally agreed terms;

A legal construct which is designed to evade the employee relationship you can get around by looking at the actual substance of it. If a person is carrying tools, driving a truck or hired by a labour agency, it does not necessarily make them a contract worker. In many of those cases they will be an employee.

There is another area which I would pick on briefly as I go through this amendment: tax law. This chamber gave all-party support, and I think Independent support too, to the alienation of services income legislation. Under that legislation, the tax office can make a personal services determination in relation to the worker, pursuant to subdivision 87-B of the Income Tax Assessment Act 1997, in connection with work of the client performed by them. That act says that for purposes of tax you can be determined—not deemed, but determined—to be an employee by the tax office, because of the alienation of personal services income. Yet a person who is determined as an employee and who must pay tax as an employee under that legislation might not be determined as an employee under the federal workplace relations act or under some of the state IR acts. That is just crazy. If there is anything which defines you as an employee, it has to be the tax you pay and the way you can make your individual income tax claims under the tax act. I am willing to suggest that this amendment may not be complete and cover every one of the bases, but I think Professor Stewart's proforma that I have used advances matters quite considerably in terms of reaching out and trying to get on the statute a far better definition of a genuine employee.

Before I sit down, I will point out one small change which I think is easy to make to this. On page 2 there is a heading which says '170CBB Definition of employee'. That heading actually repeats a heading that had come earlier. It should have read 'Declaratory orders by the Full Bench'. With that motivation, and unless there are any further questions, I move:

(3) Schedule 1, page 4 (after line 21), after item 3, insert:

3A After section 170CB

Insert:

170CBA Definition of employee

(1) For the purposes of this Division, a person (the worker) who contracts to supply his or her labour to another person is to be presumed to do so as an employee, unless it can be shown that the other person is a client or customer

of a business genuinely carried on by the worker.

(2) In determining whether a worker is genuinely carrying on a business, regard must be had to those of the following factors which are relevant in the circumstances of the case:

(a) the substance and practical reality of the relationship between the parties, and not merely the formally agreed terms; and

(b) the objects of this Division; and

(c) the extent of the control exercised over the worker by the other party; and

(d) the extent to which the worker is integrated into, or represented to the public as part of, the other party's business or organisation; and

(e) the degree to which the worker is or is not economically dependent on the other party; and

(f) whether the worker actually engages others to assist in providing the relevant labour; and

(g) whether the Australian Tax Office has previously made a personal services determination in relation to the worker pursuant to Subdivision 87-B of the *Income Tax Assessment Act 1997*, in connection with work of the kind performed for the other party; and

(h) whether the worker would be treated as an employee under the provisions of any State law governing unfair dismissal which, but for this Act, would otherwise apply to the worker.

(3) A contract is not to be regarded as one other than for the supply of labour merely because:

(a) the contract permits the work in question to be delegated or subcontracted to others; or

(b) the contract is also for the supply of the use of an asset or for the production of goods for sale.

(4) An employment agency which contracts to supply the labour of a person (the worker) to another party (the client) is to be deemed to be that person's employer, except where this results in a direct contract between the worker and the client in relation to that labour.

(5) Where:

(a) an arrangement is made to supply the labour of a person (the worker) to another party (the ultimate employer) through a contract or chain of contracts involving another entity (the intermediary); and

(b) it cannot be shown that the intermediary is genuinely carrying on a business in relation to that labour that is independent of the ultimate employer, on the basis of the factors set out in subsection (2);

the worker is to be deemed to be the employee of the ultimate employer.

(6) For the purposes of this section, ***employment agency*** means an entity whose business involves or includes the supply of workers to other unrelated businesses or organisations, whether through a contract or a chain of contracts.

170CBB Definition of employee

(1) The Full Bench may, on application by an organisation, a peak body or the Minister, make an order declaring:

(a) a class of persons who perform work in an industry under a contract for services to be employees; and

(b) a person to be an employer of the employees.

(2) The Full Bench may make an order only if it considers the class of persons would be more appropriately regarded as employees.

(3) In considering whether to make an order, the Full Bench many consider:

(a) the relative bargaining power of the class of persons; or

(b) the economic dependency of the class of persons on the contract or

(c) the particular circumstances and needs of low paid employees; or

(d) whether the contract is designed to, or does, avoid the provisions of an industrial instrument; or

(e) whether the contract is designed to, or does, exclude the operation of the minimum wage; or

(f) the particular circumstances and needs of employees, including women, persons from a non-English speaking background, young workers and outworkers; or

(g) the consequences of not making an order for the class of persons; or

(h) the requirements listed in section 170CBA.

(4) This section applies to constitutional corporations.

(5) In this section:

contract includes:

(a) an arrangement or understanding; and

(b) a collateral contract relating to a contract.

constitutional corporation means a trading, foreign or financial corporation within the meaning of paragraph 51(xx) of the Constitution.

industrial instrument includes an award or agreement under this Act or a State Act.

Senator NETTLE (New South Wales) (8.30 p.m.)—To give the Australian Greens' position on the amendment, I start by saying that I agree with Senator Murray's comments that we need to have a better definition of employee to deal with the increasing amounts of contracting out of labour and labour hire companies operating in the environment. I congratulate Senator Murray for the work that he has done with contributions for others to look for a more updated definition of employee to fit with current labour market practices. Having not had the opportunity to look through the definition, and as Senator Murray pointed out, there may well be more comments and proposals to be made to refine this area. I am not able to support the amendment at this stage, but certainly the Australian Greens support moves to deal with this complex and ever more emerging issue.

Senator JACINTA COLLINS (Victoria) (8.31 p.m.)—I could simply say 'ditto' in terms of any attempt to establish a simpler, more certain definition of a genuine employee. However, Senator Murray, in your comments you alluded to a few of the issues that are, at this stage, creating problems for the Labor Party. One of those is the inroads that have been achieved in some states and, certainly for me at the moment, a lack of certainty about how what you have put here may impact on arrangements that do currently exist in some states. For instance, Senator Hutchins is far more intimately aware of what can be achieved for contractors in the New South Wales jurisdiction and he may well want to follow through some of those details with you.

Again, without the time to absorb the detailed work that Senator Murray has put into concentrating on the principles of what it is to be a genuine employee, we are left with the position that, at this stage, we cannot support such a move. But we do support the intention of clarifying this very important and, I would argue, emerging area of work. Until we grapple with this area seriously, we will have ongoing problems of regulation of labour relations into the future. I look forward to opportunities in the future to redress some of these issues.

Senator HUTCHINS (New South Wales) (8.33 p.m.)—I share Senator Collins's view on this. I have only had an opportunity in the last half hour or so to have a look at the proposed amendments. From my background, I am familiar with the difficulties of defining a person's position to make sure that they are eligible to seek fairness before a tribunal. Senator Nettle correctly said that, in a rapidly changing environment within the work force, there is a real need to look quickly at how we deal with it, whether it is in the state or the federal jurisdiction. There is an attempt to cover outworkers in the amendments. I understand that only two jurisdictions have a definition of outworkers; the rest of them do not. Particularly in relation to what may be called lorry owner drivers or contract carriers, it does not appear to me to be clear in the proposed amendment that they would be at all allowed access to some jurisdiction. Maybe Senator Murray will answer that, but I know from the New South Wales jurisdiction that it has taken well over 50 years to try to correctly define what may be a lorry owner driver or a contract carrier and to make sure that they have access to a tribunal in relation to unfair dismissal and unfair contracts, or even to argue the situation with goodwill if they are terminated on that basis.

I said in my speech on the second reading debate that I have drafted a private members bill that I hope will address a particular injustice that is occurring in Canberra at the moment, affecting 18 lorry owner drivers who work for Boral. I understand that Senator Lundy may mention this later this evening. I believe that to expand the definition is very important. This is not something that has not been discussed or debated. In fact, in New South Wales the definitions of what an owner driver or a contract carrier may be went twice to the Privy Council in the 1960s. There was a significant debate in the New South Wales parliament to make sure that it was got right. I do not oppose it, but I want to make sure that it is got right and that we do not create problems for ourselves in putting through something that, with all good intentions, may not be the answer.

I have had no lobbying from organisations with interests in this area. They may not be aware or they may not see that this is the answer that has been proposed. If they read the definition they would see that it may well exclude people who own trucks whose trucks are not painted in the company colours. They may not be subject to the direction and control of an employer on a day-to-day basis; nevertheless, under legislation in New South Wales people in that position may be covered by a tribunal that allows them to be reinstated if they are unfairly dismissed. This is not something that can just be done without giving consideration to a situation in one state.

Senator CHERRY (Queensland) (8.38 p.m.)—There is no risk in Democrats amendment (3), and I commend Senator Murray for bringing it forward. The worst that can happen with this amendment is that a person is found not to be an employee for the purposes of section 170CB. If that happens and they are picked up by state legislation, they will have a right of recourse in respect of unfair dismissal under that state legislation. Whilst this is a covering the field piece of legislation, it only covers the field in respect of employees as defined by this legislation. If any categories fall outside the definition in the Democrats amendment, they are picked up under state law.

Having said that, I am quite convinced that the amendment we are moving today goes much further in defining contract employees than the broad definition of employee under the state laws of South Australia, Queensland and New South Wales which I have checked, although I concede Senator

Hutchins's point that the schedule of deemed employees at the back of the New South Wales act does go much further. In respect of that list in New South Wales law, we were conscious of the fact that, whilst the definition of employee in the New South Wales act is fairly old-fashioned and narrow—and I think this definition is much broader—there is that great long list of deemed classes of employees. That is why we put in 170CBA(2)(h), which requires the commission to take into account the provisions of state law which would have applied if this act did not apply. So that large schedule in the New South Wales act is to be taken into account by the commission.

This is a very exciting amendment which we are moving. I do not usually get excited about industrial relations law but this particular provision does excite me as a senator for Queensland. If we pass this bill with this amendment and the next one Senator Murray will move in respect of casual employees, and if we delete the provisions which the Democrats oppose, this bill will create an unfair dismissal jurisdiction better and fairer for employees than the one that currently applies in Queensland. It will also be better than the one that currently applies for employees in Victoria. It will be largely the same for employees in New South Wales, marginally better for employees in South Australia and, arguably, about the same for employees in WA and Tasmania. When you are talking about a system which is going to be better for the states of Queensland and Victoria—about half the population of Australia—and the same, broadly speaking, for employees in two other states, you are really talking about a significant advance. In addition to that, you have the economic efficiency arguments which come into play because of the fact that we are moving to a single system.

I note that the definition we are moving, which arose from the research by Professor Stewart, has been picked up by the independent Review of the South Australian Industrial Relations System. This review, conducted by former Deputy President of the Industrial Relations Commission of South Australia Greg Stevens, reported to the South Australian government in October last year. In that report, former Deputy President Stevens quoted from one of the submissions to the review:

> The fact is that any competent lawyer can take almost any form of employment relationship and reconstruct it as something that the common law would treat as a relationship between principal and contractor (or contractor and sub-contractor), thereby avoiding the effect of legislation ...

The review looked at Professor Stewart's recommendation and reported:

> The Review considers that the proposition raised in this submission provides a positive way of dealing with this issue and provides the capacity to modernise the definition of employment, which has failed to keep pace with contemporary industrial and employment practice. This approach should also allow the distinction between an employee and a true contractor to be more clearly made. If approved by the South Australian Government—

and I am pleased Senator Buckland is here to hear this—

> this, or a similar, definition should remove the need for expanded deeming arrangements under the ... Act and those amendments to the definition of industrial matter, contract of employment, employee and employer ... which are tied to the presence of an employment relationship at common law.

I would also note that the second part of this amendment picks up provisions under the Queensland act which allows the full bench of the commission, at the application of a union, to make general rulings about who is in and who is out. This will allow the crea-

tion of some considerable certainty in this area of law.

So we end up with a broader jurisdiction than we have in the four biggest states in Australia, an up-to-date definition of 'employee' and, in addition, comparing it with my state of Queensland, a higher salary cap and more compensation than is available under the Beattie government's industrial relations reforms. There are also the various other protections which exist in the federal act against abuse of process. So from my point of view, if we pass this amendment and the one that follows it and the deletions which are also in the Democrat amendments, we will end up with an unfair dismissal system which is the best in Australia in terms of covering the widest number of employees, balancing the rights of employees and employers, providing appropriate compensation and having the most up-to-date definitions.

It would be a tragedy if the Greens, the Independents and the Labor Party passed up this opportunity for substantial reform which delivers an up-to-date industrial relations act, leaves the workers in my state of Queensland better off, the workers in Senator Collins's state of Victoria better off, and the workers in Senator Buckland's state of South Australia better off. From that point of view, I commend this amendment, and the Democrat amendments that follow, to the chamber and I commend this particular reform to the chamber.

Question put:

That the amendment (**Senator Murray's**) be agreed to.

The committee divided. [8.48 p.m.]

(The Chairman—Senator J.J. Hogg)

Ayes……	37
Noes……	7
Majority……	30

AYES

Bartlett, A.J.J.	Brown, B.J.
Cherry, J.C. *	Greig, B.
Murray, A.J.M.	Nettle, K.
Stott Despoja, N.	

NOES

Barnett, G.	Bishop, T.M.
Brandis, G.H.	Buckland, G.*
Campbell, I.G.	Colbeck, R.
Collins, J.M.A.	Cook, P.F.S.
Crossin, P.M.	Denman, K.J.
Eggleston, A.	Evans, C.V.
Ferguson, A.B.	Forshaw, M.G.
Harradine, B.	Hogg, J.J.
Humphries, G.	Hutchins, S.P.
Johnston, D.	Kemp, C.R.
Kirk, L.	Knowles, S.C.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	Mason, B.J.
McLucas, J.E.	Moore, C.
Murphy, S.M.	Payne, M.A.
Ray, R.F.	Stephens, U.
Tchen, T.	Tierney, J.W.
Troeth, J.M.	Webber, R.
Wong, P.	

* denotes teller

Question negatived.

Senator MURRAY (Western Australia) (8.52 p.m.)—I move Democrat amendment (4) on sheet 2955:

(4) Schedule 1, page 4 (after line 30), after item 4, insert:

4A At the end of paragraph 170CC(1)(c)

Add "except employees who:

(i) are engaged by a particular employer on a regular basis for a sequence of periods of employment during a period of at least 6 months; and

(ii) would, but for the dismissal, have had a reasonable expectation of continuing employment with the employer;

At the moment the probationary period for casual employees varies enormously between the various jurisdictions. In the Commonwealth jurisdiction, which covers Victo-

ria, the ACT and the Northern Territory as well as those people who fall under Commonwealth legislation, the probationary period during which casuals are excluded from accessing the federal unfair dismissal laws is 12 months. In New South Wales it is six months; in Queensland it is 12 months, excepting for valid reasons; in South Australia it is six months; and in Western Australia and Tasmania there is no exclusion.

I saw a recent figure that showed that the number of casuals nationally has increased very significantly to about 2½ million employees. Many of them you would classify as part-time regulars rather than as casuals, using the old terminology. As far as I can establish, and as the minister's advisers would advise him, it is very difficult to work out where casuals fall in terms of state and federal legislation but mostly it seems casuals fall under state legislation.

It is extremely undesirable for there not to be a common national standard as to when probation applies. When the Democrats agreed with the government originally to establish a probationary period of 12 months, it was regarded as reasonable in the circumstances. However, we think the nature of casual employment has changed so much that it is time to look again at the probationary period. Also, we do need to diminish somewhat any anxiety the states would have at the 'covering the field' provision which may result in numbers of their employees losing access to the unfair dismissal jurisdiction. So we have recommended in this amendment that the probationary period, the period for which people are excluded, be six months.

That would deliver improved access for those under the Commonwealth jurisdiction at present—Victoria, the ACT and the Northern Territory. It would have the same access for New South Wales, improved access for Queensland, the same access for South Australia, and Western Australia and Tasmania would move from a no-exclusion basis to an exclusion basis. Frankly, as I said in my speech in the second reading debate, I have always had difficulty with the idea that there should be no probationary period at all for an employee. I have never understood that and I have not understood why it would be acceptable in the Western Australian and Tasmanian jurisdictions.

Senator JACINTA COLLINS (Victoria) (8.56 p.m.)—Senator Murray, I am sure you will forgive me if I need to ask you for an update on this issue. For the benefit of the committee, could we have some clarity on the federal arrangement of 12 months? As it stands now, is the situation that there is a sunset provision due to expire at a particular point in time, at which stage the 12 months will no longer prevail?

Senator MURRAY (Western Australia) (8.57 p.m.)—My memory is that you are probably right, and this area will have to be revisited. If you are right, and if even if you are not, what my amendment does is bring certainty to the issue through the legislation rather than through regulations.

Senator JACINTA COLLINS (Victoria) (8.57 p.m.)—I understand that point but I think you will also understand that this is perhaps not the only vehicle available to us to bring about a more appropriate period in relation to casuals. Given the overall package and the broader comments I have made about your amendments and this bill, I am sure you will probably understand that, whilst there is some attraction to bringing about a more appropriate period for casual employees, as it stands in this package—and by that I mean both the bill and your attempt to ameliorate some of its excesses—and at this point in time, we are looking at a situation where, at least in Western Australia and Tasmania,

there would be in a sense a negative change to their circumstances and no opportunity to address this issue in the federal jurisdiction. Quite aside from the context of the other agenda that the government has for this bill, as with your other amendments, Labor will not be able to support this one.

Question negatived.

Senator MURRAY (Western Australia) (8.58 p.m.)—We have reached the end of schedule 1, which is the area with the most important amendments, I thought, in respect of the intent of the bill. By now even I have a clear picture of where this is going. The Democrats oppose schedules 2 and 3 in the following terms:

(6) Schedule 2, item 1, page 12 (lines 6 to 13), **to be opposed**.

(7) Schedule 2, item 2, page 12 (lines 14 to 23), **to be opposed**.

(8) Schedule 2, item 3, page 12 (lines 24 to 29), **to be opposed**.

(14) Schedule 2, item 5, page 14 (lines 10 to 30), **to be opposed**.

(16) Schedule 2, items 6 and 7, page 14 (line 31) to page 15 (line 3), **to be opposed**.

(17) Schedule 2, items 8 to 13, page 15 (lines 4 to 23), **to be opposed**.

(20) Schedule 3, item 2, page 18 (lines 8 and 9), **to be opposed**.

(21) Schedule 3, item 4, page 18 (lines 14 to 16), **to be opposed**.

(22) Schedule 3, item 5, page 18 (lines 17 to 18), **to be opposed**.

(23) Schedule 3, item 6, page 18 (lines 19 to 22), **to be opposed**.

(24) Schedule 3, item 7, page 18 (lines 23 to 25), **to be opposed**.

I also seek leave to move amendments (9) to (13), (15), (18), (19) and (25) on sheet 2955 together.

Leave granted.

Senator MURRAY—I move:

(9) Schedule 2, item 4, page 13 (line 1), omit "**small businesses**", substitute "**frivolous or vexatious claims**".

(10) Schedule 2, item 4, page 13 (lines 7 and 8), omit paragraph 170CEC(1)(b).

(11) Schedule 2, item 4, page 13 (lines 32 to 35), omit "In deciding whether to hold a hearing, the Commission must take into account the cost that would be caused to the employer's business by requiring the employer to attend the hearing.".

(12) Schedule 2, item 4, page 14 (line 7), at the end of paragraph 170CEC(5)(a), add "or may invite the employee, in the time specified in the notice, to be heard before the Registrar or Commissioner without the need for the employer to be present, so long as the employer has the right to provide any further information that is relevant to whether this section requires the order to be made".

(13) Schedule 2, item 4, page 14 (after line 9), at the end of section 170CEC, add:

Note: An employer shall not be required to attend before the Commission merely because an election is made by an employee under this section.

(15) Schedule 2, page 14 (after line 30), after item 5, insert:

5A After subsection 170CG(3)

Insert:

(3A) If the Commission is satisfied that the matters listed in paragraphs (3)(da) and (db) impacted on the procedures followed by the employer in effecting the termination then the termination is not harsh, unjust or unreasonable on the ground of mere procedural defect, if the termination was otherwise fair in substance.

(18) Schedule 2, item 15, page 16, (line 3) omit "(about dismissal of applications relating to small business)".

(19) Schedule 2, item 16, page 16, (lines 7 and 8) omit "(about dismissal of applications relating to small businesses)".

(25) Schedule 3, page 19 (after line 5), after item 8, insert:

8A At the end of section 170CG

Add:

(5) In determining whether circumstances are exceptional in accordance with subsection (4), the Commission must have regard to whether procedures followed by the employer were in accordance with an industrial agreement or any selection criteria agreed to with the employees and approved by the Commission prior to the terminations occurring.

When the minister was saying how uncooperative the Senate has been on IR matters since the 1996 act, I noted that—because I now have a new printed copy that came out in June—the act in the 1997 version was 555 pages long and it is now 830 pages long. If increasing the length represents progress, we have probably done exceptionally well by at least that measure.

Moving to schedule 2 and schedule 3, I have pretty well gutted schedule 2 because it is an attempt to revisit some of the areas which try to differentiate the rights of employees in small business from those in larger businesses. Of course, the Senate has accepted that in some circumstances you should do that. For instance, there are provisions where you take into account the size and sophistication of the business concerned, so it is not a hard and fast rule in every instance. But, even with those general remarks, it should be clear to the government that we are supporting further restrictions on vexatious and frivolous applications. Senator Collins can speak for her party but, as I understand the remarks of the previous shadow minister in the House, the Labor Party has sympathy for having some ability to dismiss applications on the papers. Not everything in that area has been knocked over by us.

We have moved an amendment that will give the employee a right to be heard by either the commissioner or registrar without the employer being present. With respect to schedule 2, I should also say to the minister that we have taken away the idea that only small business employees should be dealt with in a particular way and have suggested in amendments (18) and (19) that all businesses should be dealt with in that way—so in fact we have expanded your approach and your proposal. Many of the items we are opposing in schedule 3 relate to items in schedule 2, but we are supporting items relating to employees' conduct, impact on the health and safety of others, taking into account employees' conduct in determining compensation and taking into account income earned between termination and reinstatement. I should indicate for the record that the Democrats strongly support the provision in the bill which seeks to make reinstatement the primary remedy, and I suspect that is a view shared across the chamber.

Senator JACINTA COLLINS (Victoria) (9.03 p.m.)—As I have already foreshadowed, Labor is opposing all the Democrat amendments. In relation to these, as Senator Murray has already indicated, Labor has put on the record its preparedness to move with appropriate measures regarding frivolous and vexatious behaviour and also that reinstatement should be the primary or the principal remedy. As I outlined in my speech in the second reading debate, we have already cast the approach that we think should occur in relation to those issues in a private member's bill, introduced by the member for Hotham. Our response to Senator Murray on this point is that we join with him in his desire to see those types of changes occur but the vehicle of this bill is not the appropriate way to do it.

I am sure the detail of these amendments, as they have been framed by the Democrats, is probably highly similar to what has been proposed already by the member for Hotham. In the context of this broader bill, where we are looking at a system that will be

imposed on various state jurisdictions and in fact take the work from a number of state jurisdictions, we cannot support attempts to achieve those desirous outcomes through the vehicle of this bill.

The TEMPORARY CHAIRMAN (Senator Brandis)—The question is that schedule 2, items 1, 2, 3 and 5 to 13, and schedule 3, items 2 and 4 to 7, stand as printed.

Question agreed to.

The TEMPORARY CHAIRMAN—The next question is that Australian Democrat amendments (9) to (13), (15), (18), (19) and (25) be agreed to.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (9.07 p.m.)—I move:

That this bill be now read a third time.

Question put.

The Senate divided. [9.11 p.m.]

(The President—Senator the Hon. Paul Calvert)

Ayes……	29
Noes……	34
Majority……	5

AYES

Abetz, E.	Barnett, G.
Boswell, R.L.D.	Brandis, G.H.
Calvert, P.H.	Campbell, I.G.
Colbeck, R.	Eggleston, A.
Ellison, C.M.	Ferguson, A.B.
Ferris, J.M. *	Heffernan, W.
Humphries, G.	Johnston, D.
Kemp, C.R.	Knowles, S.C.
Lightfoot, P.R.	Macdonald, I.
Macdonald, J.A.L.	Mason, B.J.
McGauran, J.J.J.	Payne, M.A.
Santoro, S.	Scullion, N.G.
Tchen, T.	Tierney, J.W.
Troeth, J.M.	Vanstone, A.E.
Watson, J.O.W.	

NOES

Bartlett, A.J.J.	Bishop, T.M.
Bolkus, N.	Brown, B.J.
Buckland, G.	Cherry, J.C.
Collins, J.M.A.	Cook, P.F.S.
Crossin, P.M. *	Denman, K.J.
Evans, C.V.	Forshaw, M.G.
Greig, B.	Harradine, B.
Hogg, J.J.	Hutchins, S.P.
Kirk, L.	Lees, M.H.
Ludwig, J.W.	Lundy, K.A.
Mackay, S.M.	Marshall, G.
McLucas, J.E.	Moore, C.
Murphy, S.M.	Murray, A.J.M.
Nettle, K.	O'Brien, K.W.K.
Ray, R.F.	Sherry, N.J.
Stephens, U.	Stott Despoja, N.
Webber, R.	Wong, P.

PAIRS

Alston, R.K.R.	Faulkner, J.P.
Coonan, H.L.	Campbell, G.
Hill, R.M.	Conroy, S.M.
Minchin, N.H.	Ridgeway, A.D.
Patterson, K.C.L.	Carr, K.J.

* denotes teller

Question negatived.

WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002

Second Reading

Debate resumed from 26 June, on motion by **Senator Boswell**:

That this bill be now read a second time.

Senator JACINTA COLLINS (Victoria) (9.15 p.m.)—As you would expect from its title, the Workplace Relations Amendment (Transmission of Business) Bill 2002 deals with the issue of the transmission of business—in other words, what happens to workers' rights and entitlements when their

employer sells or otherwise passes on the business to another employer. At one level there is an elegant simplicity in the way the law deals with this issue. However, award regulation of employment together with formalised bargaining and resultant certified agreements and an increasing trend to outsourcing, contracting out and labour hire have led to recent judicial attention on the issue of transmission of business from the High Court and the Federal Court of Australia.

From a practical and a legal perspective, there are two interrelated issues that arise for employees and employers in a transmission of business situation. First, what right does an employee have to accept or reject the transmission? Second, if the transmission is effected and the employee starts with a new employer, under what terms and conditions of employment will the employee be engaged?

In relation to the first question, an employee's right to reject a transfer to a new employer, the classic statement in law comes from Lord Aitkin in the 1940 English case of Nokes v. Doncaster Amalgamated Collieries. Lord Aitkin said:

> I confess that it appears to me astonishing that apart from overriding questions of public welfare power should be given to a Court or anyone else to transfer a man without his knowledge and possibly against his will from the service of one person to the service of another. I had fancied that ingrained in the personal status of a citizen under our laws was the right to choose for himself whom he will serve: and that this right of choice constituted the main difference between a servant and a serf.

The essential distinction made in the above passage is that goods, chattels and livestock can readily be sold from one owner to another but a contract of service—a contract of employment—simply cannot be passed from one employer to another. This is because when a worker contracts to a particular employer the personal nature of that relationship requires that the worker should not be compelled, especially against his or her will, to work for another person. It is simply unfair and it affronts the dignity of workers to allow them to be shuffled between one employer and another, and more so if the conditions under which they are expected to work are in any way reduced or compromised.

But with realities of commercial life requiring that businesses pass from one owner to another it is recognised that there needs to be a fair and sensible regime that governs the right of employees in a transmission situation. Indeed, in many instances employees will work from one firm one day and another the next day without noticing much difference at all apart perhaps from the name of the enterprise or a different CEO. Under such occasions the transmission of business is just part of a vibrant and dynamic economy in action, and for the employees the transmission may be to their advantage, opening up new prospects for promotion or enhanced conditions of employment.

Returning to the first question that arises in the transmission of business situation, namely the right of an employee to accept or reject transfer from one employer to another, at common law the ruling in Nokes stands as part of Australian law. This was confirmed as recently as September 2002 by the Federal Court in the case of McCluskey v. Karagiozis. In this matter, the presiding judge, Justice Merkel, not only cited with approval passages from the Nokes case; he stated in relation to the employing bodies that they:

> ... appeared to have pursued their own interest in disregard of the entitlements and interest of their long serving and loyal employees by transferring the employment of the employees, and the responsibility of their entitlements to shell companies thereby treating those employees as if they

were serfs, rather than free citizens entitled to choose their own employer.

This is in 2002. As can be inferred from this passage in the McCluskey case, the purported transmission of the employees' employment was ineffective for want of the employees' assent to the transfer. And, indeed, I am sure that if asked the employees in question would have given only one answer on whether they consented to being transferred from the principal asset holding entity in the business to worthless shell companies.

Herein lies the role of the common law as a real and effective protector for employees in a transmission situation. Before a business can effect a transfer of its employees to another business as part of a sale it must secure the consent of the employees affected. If the employer offers the employees appropriate guarantees as to future conditions and the security of the employees' accrued entitlements, the natural response from employees would be to accept the transfer—and then the issue is disposed of in a fair manner all around.

On the other hand, what happens if the employees take the view that the transfer is not in their interests and they refuse to agree to it? The real prospect is that they will lose their jobs but this may also stand in the way of the employer selling or passing on the business. This then compels the parties to negotiate and reach agreement.

It should be noted that in many federal certified agreements the prospect of a transmission of business is a matter contemplated in advance by the parties, and the obligations on the employer in a transmission situation are well known ahead of the event. For example, clause 9 of the Walkers Pty Ltd certified agreement 2002 reads:

In the event of Walkers Pty Limited (the Company) business or businesses activities thereof is sold or closed leading to a transmission of business and transfer or termination of employment, the company commits to:—

(i) Identify all accrued entitlements of affected employees.

(ii) Consult with the Combined Unions regarding the impact of such a transmission of business on the accrued annual and long service leave entitlements of employees up to the date of transmission.

(iii) Consult with the parties in relation to the extent of any national employee entitlements scheme in place at the time, with a view to agreement between the parties to avail themselves of it, and/or establishing a trust fund into which such entitlements could be transferred. Such trust funds, if used, would be subject to any reasonable legal, accounting, taxation or fiduciary requirements in place at the time.

These provisions show how the parties—in this case Walkers, an engineering firm, and the relevant unions: the AMWU, the AWU, the CFMEU, the CEPU and the TWU—are capable of sorting out their own arrangements. However, under this bill the provision in the agreement I have just cited could be replaced with an order of the commission. Isn't this tantamount to the commission taking on the role of a player and not that of an umpire? Haven't we heard this phrase before, and where did it emanate from? So here is an example of the government throwing out its stated principles where it is convenient or expedient to do so.

For the sake of completeness, there are other issues that arise in the severing of an employment contract in a transmission, such as the possibility of an entitlement to redundancy pay; and, as the Federal Court recently held in the Amcor case, an entitlement to severance pay on redundancy will arise even where employees accept a transmission with continuity of service. This case turned on the natural and literal meaning assigned to the terms in the prevailing certified agreement. Again it demonstrates that, under our current

system, parties to an agreement can expect to get what they agree on—but not if this bill goes through. Furthermore, what is worrying for employees is that this bill proposes that the commission have reposed in it the power and discretion to alter agreed terms on a transmission, but that power and discretion would not be guided to preserving the benefits that accrue to the employees under their agreement.

A second consideration is what conditions of employment apply to employees transferred over to a new business. Here, the existing law is designed to have a certified agreement follow the employee to the new business as long as the test set down in section 170MB is met. This test is not materially different to that found in section 149(1)(d), which deals with when award conditions of employment flow on in a transmission of business. The test that triggers a certified agreement or an award flowing over is whether the new employer is a successor, transmittee or assignee, whether immediate or not, of the whole or a part of the business concerned—that is section 170MB(1)(c). A recent High Court judgment, in the PP Consultants case, emphasised the importance of the word 'business' in that phrase. It is only where the successor takes on the business or a part of the business of the transmittor that the award or agreement flows. This meant in the PP Consultants case that bank employees who transferred from a branch of the bank into the employ of a pharmacy which also carried on banking functions as an agency of the bank were not entitled to the benefit of the relevant banking award. The High Court held that the pharmacy did not carry on the business of banking, notwithstanding its bank agency function, so the award did not transmit.

While this decision is not particularly helpful for outsourced employees, it shows that the existing laws already cater for businesses that divest functions to agencies, contractors or other service providers. Nevertheless, the current law ensures that the primary policy objective of the transmission of business provisions continues—namely, employers cannot avoid their award and agreement obligations simply by transferring their employees to a different employing entity. This means that in conventional situations such as takeovers, buy-outs and other forms of acquisition, one could with some confidence expect the transmission of business provisions to do the work they are expected to do and ensure that the award or agreement conditions of the old employer come across to the new employer.

If a successor finds the conditions of employment that come across with an acquired business objectionable or otherwise incompatible with the successor's other businesses, the successor may enter into negotiations with the employees of the newly acquired business and, if agreement is reached, the new agreement or a variation of an existing agreement can be ratified. Again, the solution to a business's problems in such circumstances lies in the principle so keenly espoused by this government—namely, agreement making between employees and employers. Recourse to the commission in such circumstances, which is what this bill provides for, is the antithesis of the government's stated approach to workplace relations. As was said before, principle is so readily discarded by this government when it impedes business getting its own way over employees and reducing their conditions.

Moreover, if one digs a little deeper into the bill, one can find another example of inconsistency in the government's proposed treatment of employee rights in a transmission of business. The bill only modifies the scheme of succession for the terms of certified agreements and, whilst consistency is one of the stated objectives, does not spread

to Australian workplace agreements. Why the government has left Australian workplace agreements out of the equation is unclear, but one can draw the inference that AWAs are being given special treatment. This issue has, as I recall, been before the government for several years and no clear answer has been supplied to the Senate or to the committees that have investigated these proposals.

On the subject of AWAs generally, I can remark that, for all the government's attempts to promote AWAs, they remain unpopular, with less than two per cent of wage and salary earners on AWAs. Perhaps the government has left AWAs out of this bill because they are so rare that business has not lobbied the government to act on AWA employees. At any rate, without speculating further on the government's motives for leaving AWAs out of this bill, consideration should be given to how the exclusion of AWAs could affect labour law generally. If AWAs are to be afforded greater scope to protect an employee's agreed conditions of employment vis-a-vis collective agreements in a transmission of business, this would amount to discrimination against those who choose to bargain collectively. This principle is repugnant to Labor, and Labor will stick to its principles and give this as sufficient reason by itself to reject this bill.

In conclusion, this bill has the potential to undermine the sanctity and certainty of certified agreements. If it is passed, workers who have bargained and reached a deal with their boss could have the boss trigger a revision of their agreement simply by assigning the business to a new employer. This is unacceptable to Labor. Workers deserve better when they reach agreements. If the prospective purchaser of a business is not attracted to the workers' existing agreement, the purchaser should reconsider the buy or negotiate a new, mutually acceptable agreement with those existing workers.

Senator MURRAY (Western Australia) (9.30 p.m.)—I rise to give the Democrats' opinion on the Workplace Relations Amendment (Transmission of Business) Bill 2002. Like all workplace relations matters, it is far from easy to draw a conclusion on. Transmission of business provisions have been part of workplace relations laws since 1914. At heart, the intention behind these provisions was to provide a protective mechanism for employees, but there has always been a corresponding understanding that business sales should be facilitated. Transmission of business has been the subject of lengthy litigation, and litigation clearly shows the issues are complex and they become more complex as the nature of agreements diversifies, as the nature of work circumstances diversifies and as the nature of sales agreements change. To date, by and large the courts have determined cases in a manner that has been beneficial to the employees. In that regard, a full court of the Federal Court in the Construction, Forestry, Mining and Energy Union v. the Australian Industrial Relations Commission, quoting from an earlier decision, affirmed:

> The first point to be made about the operation of S.149 is that it should be beneficially construed so that employers do not 'avoid the settled rights of employees', see George Hudson v Australian Timber Workers Union (1923) 32 CLR 413 at 435-436, per Isaacs J. Thus, in my opinion, whether there has been succession, transmission or assignment of a business should not be approached on some narrow basis.

A recent article in *Employment Law* entitled 'Transfer of undertaking: international comparisons' notes:

> Over the last couple of years, the Federal Court has significantly expanded the operation of the transmission of business provisions. Under the new approach, a transmission of business may occur wherever there is a "transfer of work" from one employer to another. As a result, the transmission provisions could apply where there is a

substantial identity of work between that performed by employees of the transmittee and that previously performed on behalf of the transmittor. Consequently, a wide range of outsourcing or contracting out situations now fall within the scope of the provisions.

The article further notes:

PP Consultants Pty Ltd v Finance Sector Union [2000] HCA 59 (16 November 2000) increased the uncertainty that has attached to these provisions. In the main judgment of a unanimous decision of the High Court of Australia, it was held that "it was not possible to formulate any general test to ascertain whether ... one employer has succeeded to the business or part of the business of another". However, at least in relation to non-governmental transmissions, the court stated that a comparison of the identification or characterisation of the business (or the relevant part of the business) of the former employer and business activities of the new employer is required. If these bear the same character, there would usually have been a transmission.

It is acknowledged that this has raised further uncertainty and practical difficulties within the context of a complex industrial framework. It was the first wave of industrial relations reform by Keating and Brereton in 1993 and the second wave of the coalition-Democrats law which helped increase this complexity. It did so because it increased the number of industrial agreements and instruments which could operate outside the award system. The consequence is that transmission of business issues have become more particular and more specific to individual circumstances than was the case under the award system.

Businesses naturally want to avoid their original employees being on different wages and conditions to their newer employees in the acquired business. Awards have general application—award conditions easily transfer across businesses—so conditions for old and new workers in those circumstances are more than likely to remain the same. Certified agreements and Australian workplace agreements have specific application. Unlike awards, they are instruments determined by the parties in the business—between the employees and the employer—and are not determined through the Industrial Relations Commission. Consequently, conditions for old and new workers are as likely to be different as to be similar.

Certified agreements continue until their nominal expiry date, which is no less than three years, which means a certified agreement cannot be replaced by another certified agreement until the expiry date has passed. Therefore, on the transmission of business, the new business retains the certified agreements it takes on until their expiry date. On the other hand, one business acquiring another only has to wait out the unexpired portion of the certified agreement before negotiating a new one. Certified agreements can be terminated before their expiry date but only under specific circumstances, including where employees and/or the relevant union have agreed to the instrument being terminated and the termination is then approved by the Industrial Relations Commission.

The key change in this bill is to give the Industrial Relations Commission discretion to review the applicability of existing certified agreements in a new business without employee approval. This is the case at present with awards—as I said earlier, they are not agreements between employees and employers, but general instruments—but it is not so with certified agreements or Australian workplace agreements. It should be noted that certified agreements were regarded as awards under the Industrial Relations Act 1988; thus the transmission provisions applying to awards also applied to certified agreements. This is no longer the case under the Workplace Relations Act 1996—and I suspect it was not the case under the 1993 act, but I am not sure.

This bill has been introduced because employers have expressed concern at the possibility of meeting the obligations of a variety of employment instruments following a business acquisition. The Democrats appreciate the complexities that might arise from multiple agreements for the one work force, especially if those agreements cover performance of the same work. Here you have an odd contest. The chamber as a whole has cooperated in recent years to make the market work very effectively. Corporations Law has been changed to ensure that mergers and acquisitions proceed as easily as possible, with tax law there have been consolidation provisions and there has been general agreement overall that fluidity in business transactions should be encouraged and made easier through law. Here on the employee side there is the impediment of a time frame which, as far as I can see, is of three years or less. It is notable that within the government's bill no real attention is given to the time frames occurring within certified agreements.

Because the concerns that have been raised have some validity, the Democrats consider this issue to be worthy of further consideration. One concern is that there is potential for a seller to offer a prospective employer a 'package' of lower cost operations through the elimination of current terms of employment. Related to this point, the Australian Council of Trade Unions is concerned that 'weakening an already inadequate transmission of business provision will further encourage the types of contracting out and corporate restructuring which we have seen can have such an unfair effect on employees'. The flip side of the coin is that an acquiring business has the right to reshape the new business in the manner which will produce the best outcome for it.

Affording rights to the outgoing employer to make an application to the Industrial Relations Commission about the extent to which a current certified agreement will bind a future purchaser of the business, as this bill does, will only serve to facilitate behaviours which might be regarded as contrary to employees' interests. It should be noted that providing particular rights of the outgoing employer to have a certified agreement not bind a future employer is not available under the award transmission provisions. That surprises me, might I say, where you might have a state award and a federal award circumstance.

The amendments provide no assistance to the commission in determining the relevant circumstances or grounds for making or refusing an order. Also there is no requirement that an order to set aside be subject to a no disadvantage test or some similar mechanism to ensure that, for the short period remaining within a certified agreement, employees are not disadvantaged. Where two awards have 'collided' following a transmission of business, it has been the case that the superior terms have been applied. In the current bill there are no guidelines of this sort for certified agreements. I might add that, in approving a certified agreement, the Industrial Relations Commission does and can apply a no disadvantage test.

Repercussions of the proposed new provisions have been quoted elsewhere. The Australian Rail, Tram and Bus Industry Union, in its submission to the Senate committee inquiry into this bill's predecessor, stated:

> Whilst some may argue that it is up to the Industrial Relations Commission to make any order and that this caveat will protect employees, it will be cold comfort to them. The fact is that the capacity will exist to remove the agreement in whole or in part. Where employees feel threatened or have little confidence in the system, the potential for industrial disputation increases exponentially.

You can understand why it would take that view. In a privatised circumstance, and it does not seem to matter what colour government is doing the privatising, typically the number of employees falls and their wages and conditions change.

Only employers are allowed to make applications; employees and/or their unions are not, which seems odd. The Australian Democrats, however, have a long tradition of supporting the Industrial Relations Commission having an independent discretion to determine industrial relations matters on their merits. What the 1996 act did—and this bill seems to go against that intention—was to try to keep the Industrial Relations Commission out of as much action between employers and employees as possible. The whole basis of the enterprise bargaining system originally introduced in Labor's 1993 bill is to ensure that employers and employees, independent of a third party, work out their own circumstances. This bill takes it back to the Industrial Relations Commission. That is not something we have a problem with, but it does seem a bit of a backtrack in government philosophy.

I have said previously in our minority contribution to the report that discretion is never open-ended. It has long been the Democrats' view that, wherever possible, such discretion is a better guarantor of fairness and flexibility—and, of course, I am referring to the discretion of the Industrial Relations Commission. However, we do recognise that discretion can lead to uncertainty and cost until such time as orders have been made, and that is another characteristic of the transmission of business. Somebody buying a business simply does not want to wait around longer than is necessary for due diligence to ensure the transference of assets and understanding of where they are going, and the employees of course also want certainty.

It seems self-evident that the IRC should have discretion in respect of transmission of employee conditions in business acquisitions, particularly when more than one certified agreement affects 'old', 'transferred' and 'new' employees in a business. This is an alternative to the courts, which are notoriously slow and are a notoriously blunt instrument in these circumstances. The Industrial Relations Commission needs to determine which agreement should prevail—provided, that is, that the Industrial Relations Commission continues to recognise that the intention behind the transmission of business provisions is, in the interests of fairness, to provide a protective mechanism for employees. The IRC must do this while taking into account the need to provide new or reformed businesses with necessary operational flexibility. Whether we keep the current system, which allows employees and employers to terminate the agreement in special circumstances, or whether we introduce a new provision for the Industrial Relations Commission to weigh up the repercussions for both parties does need to be determined. But where does this lead us?

It seems to lead us to this: the government are only going part way along the road. They say that applications should be made to the Industrial Relations Commission. I cannot disagree with that, as a general intent. They say that the Industrial Relations Commission should have arbitration powers—in other words, the Industrial Relations Commission should have a final decision making ability, subject to the normal appeals based on matters of fact which are available. I cannot disagree with that. The whole purpose and basis of the Industrial Relations Commission was that it should have an arbitration ability. They say that employers should have the ability to make submissions or applications. I cannot disagree with that but I would surely envisage circumstances in which unions or

employees would have similar rights, because that allows maximum flexibility.

There is the question of time. I would think that you would need to enforce a rapid process. In the case of the Corporations Law, when you are looking at the merger provisions and the takeover panels there is a speedy fast-track process which you can access. That is desirable in a transmission of business circumstance. When you are dealing with a certified agreement I am not sure you would want these provisions in the bill to operate if the certified agreement had a relatively short period still to run. Why would you want to get into this activity if—within the last year, anyway—the employees were starting to gear themselves up for renegotiating their agreements?

I have an inclination that the government are on the right track in a number of areas but I do not think, to borrow some words we were using in the earlier debate, they have 'covered the field' of their intent sufficiently. I will be very interested to see how the debate stacks up and how we will be able to manage the various amendments, and the bill itself, to reach an appropriate outcome.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—Order! It being close to 9.50 p.m., I propose the question:

That the Senate do now adjourn.

National Museum of Australia

Senator HUMPHRIES (Australian Capital Territory) (9.47 p.m.)—I rise here tonight to reflect on one of Australia's newest but most popular national institutions, the National Museum of Australia. As senators will be aware, a review of the museum's performance, the National Museum of Australia Review of Exhibitions and Public Programs, was handed down recently. Therefore it is timely that I reflect on the review's findings and acknowledge what the National Museum of Australia has achieved in a relatively short period of time.

It will be forever to the credit of the government of John Howard that, after years of grandstanding by the Labor Party, it was this government that finally funded and built this important national icon, the National Museum of Australia. Indeed it was a coalition government that passed the National Museum of Australia Bill in 1980. The genesis of the vision for a national museum is widely, and rightly, regarded as the 1975 Pigott report. In articulating what a national museum should be about, the Pigott report made a comment that is worth repeating today:

> The museum, where appropriate, should display controversial issues. In our view, too many museums concentrate on certainty and dogma, thereby forsaking the function of stimulating legitimate doubt and thoughtful discussion.

'Legitimate doubt and thoughtful discussion' are interesting words in the present context. Whether intentionally or otherwise, the National Museum of Australia has fulfilled this foreshadowed aspect of its mission. It has certainly stimulated passionate debate in some circles. Consider the recent diatribe of a Sydney newspaper columnist. She wrote:

> You just have to look at the National Museum of Australia in Canberra, built with $155 million of taxpayers' money on Howard's watch, with its sneering black armband treatment of our history, its irony overload of upside-down Hills hoists and digger statues, and its Holocaust architecture.

I do not begrudge such sentiments. Supporters of the National Museum—and I count myself in that number—welcome strong reactions to this institution. Without those sorts of reactions we might be accused of erecting nothing more than a warehouse for baubles. However, it would be a shame if this sort of rhetoric, used in the so-called culture war,

distorted the image Australians have of their National Museum.

The reactions of visitors to the National Museum have been overwhelmingly positive. They have found it entertaining and engaging. The exhibitions and programs review concurred, concluding that the National Museum has established itself as a popular and significant attraction in the national capital. I note that the opposition spokesperson on the arts, Senator Lundy, has labelled the review as disappointing. She says that it advocates a 'whitewashing of Australian history'. I do not think that assessment is fair; the review is a much more subtle and balanced document than that description would suggest and ought to be taken seriously, even if we might disagree with some of its findings.

On the issue of bias, the review concluded that political or cultural bias was not a systemic problem at the National Museum but that it existed in pockets. There were elements in some exhibitions that, when taken as a whole, could be construed as characterising Europeans as the 'bad guys'. I have said previously in this place that I have no truck with those who elevate Australia's shortcomings above our successes. Australia has a cohesive society that is the envy of other nations. Our values of tolerance and the fair go have given thousands of new Australians the opportunity to adjust to and to fully participate in Australian life.

We should take pride in the fact that this has occurred without the marked social upheaval and conflict evident in other nations. Yet we should acknowledge that there have been chapters in Australia's history that are, frankly, regrettable. Indeed, one of the criteria which the review panel used was the ability of the National Museum to cover so-called darker historical episodes with truthfulness, sobriety and balance. A significant proportion of Australia's darker episodes relate to the Aboriginal experience since European settlement. One aspect of this is the frontier conflict between Europeans and Aboriginals that occurred until the early 20th century. There is no doubt that this conflict occurred and that there were killings of Aboriginals. But, appropriately, there is ongoing debate on the scale of the violence and the intentions of both parties. Invariably, historical events involve differing interpretations. However, Aboriginal history is often passionately contested because it has contemporary political and cultural implications.

That was evident when the National Museum recently presented its *Contested Frontiers* exhibition in the First Australians gallery. It was accused at that time of being biased, demonising Europeans and being overreliant on oral history. I might note that the review, on that issue, agreed to some extent, stating:

> ... where an issue is likely to attract such public debate and scrutiny, the NMA should be careful to ensure that it is backed by a wider range of sources

Nevertheless, the reaction of the National Museum to the initial criticism should be commended. In December 2001, the National Museum hosted a two-day forum that examined the frontier conflict from widely different perspectives. Speakers included the Left and Right's respective darlings on Aboriginal history, Henry Reynolds and Keith Windschuttle. It was at times a lively, emotional and uncomfortable event. It was also informative, controversial and engaging. Clearly this was an example of the National Museum delivering on Pigott's vision of an institution being able to stimulate thoughtful discussion on controversial historical issues.

The biggest criticism emanating from the review was that the National Museum lacked compelling narratives—in other words, it has

not presented the Australian story in an understandable, chronological and meaningful way. It was also slated for glossing over key themes in the Australian experience. These are substantive criticisms and do deserve honest assessment and some soul-searching—responses which I have no doubt the National Museum will deliver. It will need to consider its use of technology, its collection policy and its commitment to evidence. I do not doubt that there is scope for improvement, but we should put the review into perspective. The National Museum, after all, is only 2½ years old. It is a work in progress. Despite reservations it can claim significant achievements in that 2½ years.

I also point out that the National Museum is the only museum whose role is exploring and exhibiting the history and culture of the entire Australian nation. It is supposed to appeal to diverse audiences by using contemporary and even entertaining techniques. Those are real challenges in any modern institution. We should be careful to ensure that any reforms do not compromise the National Museum's strengths. Some of its defenders have argued that the review signals a desire for the National Museum to take a more traditional and anthropological approach. They fear it would undermine the National Museum's accessibility—what we would call, perhaps, its capacity to educate by entertaining. I think that fear is ill-founded. At the National Museum's opening in March 2001, the Prime Minister said:

> What it does unusually, and I think very attractively is seek to interpret the history of our nation. Not only in terms of events and objects but also in terms of the life experience of people from different backgrounds ...
>
> … … …
>
> But importantly, it represents a quite different way of presenting the history and culture of a nation.

It is the contemporary and, you might even say, lowbrow and sometimes irreverent style of the museum that has made it such a hit with its more than one million visitors, particularly schoolchildren.

I see a great irony in the position taken by certain critics of the National Museum. I am referring to the commentators who promote themselves as defenders of mainstream or middle Australian values. These people have been scathing of some cultural institutions, accusing them of being pockets of political correctness and having a sneering contempt for the lifestyles and preferences of the majority. Yet in the National Museum of Australia we have an institution that is overwhelmingly popular with the general public—there is no doubt about that whatsoever. Above all, the National Museum retains a capacity to be insightful of the Australian character and experience.

My assessment of the National Museum is that it is an inspired and vital element in the notion of a national capital. Its capacity to be fairly criticised in no way detracts from the good job it is doing, and yet it complements and confirms that role. Even at the tender age of 2½, its value to Australian society is difficult to overstate. I extend my congratulations to the staff of the National Museum of Australia and its Director, Dawn Casey, for achieving so much in the first 2½ years of its existence. The National Museum adds to the national capital's reputation as a repository of the finest examples of this nation's achievement and innovation.

Workplace Relations: Boral Truck Drivers

Senator LUNDY (Australian Capital Territory) (9.57 p.m.)—I rise tonight to address the issue of some workers who have been treated badly in this region. I will take a later opportunity to respond to the contribution by the coalition's latest foot soldier in the cultural war. I do acknowledge that indeed this

subscription to the Prime Minister's cause seems to be veiled in support for the National Museum, so I will be interested to see Senator Humphries's ongoing contributions to this debate as the agenda becomes clear, belatedly, to him. But I rise this evening to bring to the attention of the Senate the treatment of David Morgan and 17 other Canberra concrete truck owner-drivers and their families after they were terminated by Boral in September last year. David's story was highlighted in an article appearing on page 3 of the *Australian* newspaper last Monday.

In September last year David and his workmates were terminated by Boral because they would not accept the new contract Boral gave them. The reasons they rejected the contract are obvious when you look at what it would have meant for each of the owner-drivers. For example, it would have meant each driver had to take a cut of about 30 per cent on their current rates. This cut would have been on the back of no rate increase for the past seven years. An independent financial analysis—which the company refused to even acknowledge—showed the drivers could not make a living under the contract proposal, the contract term was reduced to only four years, each driver had to purchase a new vehicle within the first year of the new contract, the contract would have given the drivers very limited rights to on sell their truck and their business, there was no security of engagement and it forced the drivers to forgo any goodwill on their business. It does not sound very reasonable.

Despite this offer the drivers attempted, with the help of their union—the Transport Workers Union—to negotiate a fairer deal. However, after months of trying, the company refused to move in any significant way. Boral were adamant that it was a take it or leave it offer. However, it was an offer the drivers could not afford to accept. In response, Boral made the decision to terminate all the contractors, giving them six months notice, expiring on Friday, 13 September 2002. The fact that the drivers had typically invested between $160,000 and $220,000 to get their contract and their truck did not seem to matter to the company. Nor did the fact that before September last year people bought a contract to deliver concrete exclusively for Boral in the ACT by paying goodwill and purchasing a specially modified truck.

When their contracts were terminated by Boral, the only assets Dave and his colleagues were left with were their trucks. However, even these were virtually worthless due to the special chassis design demanded by the company for their concrete deliveries. Despite years of loyal service and hard work for the company, this is what Dave and his colleagues were left with: virtually nothing. Some have been left with over $70,000 worth of debt due to their contracts being terminated. All of them have lost their investment, their business and their jobs. They received no redundancy and Boral refused to compensate them for goodwill, which averages out at about $120,000 each.

Boral's actions have created serious financial hardship for David Morgan and his family and for all of Dave's workmates and their families. In addition to the financial strain, the personal impact on the drivers and their families has also been devastating. You can imagine the stress and the uncertainty created by their termination and the loss of their goodwill, and how it has strained family relationships and led to many drivers having to reorganise their lives just to cope—just to get by in these circumstances. Families have been forced to sell their homes, and, for some, Boral's actions have led to health problems and nervous breakdowns.

In many families wives have taken on full-time work, not out of choice but to make

ends meet. Most of the drivers have been working in the industry for decades and are now having to start all over again to find a way to provide for their families and save for their retirement. Most of them say they will now have to rely on the pension when before they would have been self-funded retirees. Because of this the drivers feel that Boral's actions have transferred the cost of this from the company to the community.

The Transport Workers Union advises me that Boral's claim is that they need to lower cartage rates in order to remain competitive. But if this were true, why, immediately after the drivers were terminated, did the company put its concrete prices up? With the help of their union the drivers are campaigning for justice. David Morgan and his wife have launched proceedings against Boral in the Federal Court alleging unconscionable conduct under the Trade Practices Act. Dave and his fellow drivers are concerned that the implications of Boral's actions could be far-reaching if the court action is not successful. Other companies could try and follow Boral's lead by offering contractors contracts they know they cannot accept.

Until all owner-drivers have the legislative protection of a goodwill tribunal, the 30,000 Australian transport workers who are contracted under similar arrangements to Dave are at the mercy of this type of corporate thuggery. Conduct like this from one of Australia's largest companies should not be tolerated. I urge senators to support the sort of response, like the adoption of legislative protections for small business operators, that would help prevent the sort of devastating situation faced by the owner-drivers that were sacked by Boral and protect them from the abuse of market power by companies like Boral.

Australian Broadcasting Corporation: Funding

Senator STEPHENS (New South Wales) (10.04 p.m.)—Tonight I wish to raise the escalating politicisation of the Australian Broadcasting Corporation. I am concerned about the damaging game play that appears to be unfolding between the Howard government—in particular the Minister for Communications, Information Technology and the Arts, Senator Richard Alston—and the board and senior management of the ABC, over the issue of funding. Senators will be aware of ABC management's announcement earlier this month of a cut of over $26 million to its program and non-program functions. That announcement was made on the basis of the requirement that the ABC has to operate within its current limited budget structure.

As we know, the Howard government failed in this year's federal budget to acknowledge the very real need for spending on the national broadcaster to be increased. The government expects the ABC to operate over the next three-year period with no new or additional funding. Senators will also be aware of the understandable public outcry that resulted from the ABC management's decision to implement the funding cuts in part by stopping production of the children's educational television show *Behind the News*. Children's programming has also been affected by the axing of the digital multichannel television services Fly TV and ABC Kids.

Additional cuts are to be made to general television documentaries, sports productions and news and current affairs programs, including the award winning international current affairs program *Foreign Correspondent*. Some $2 million is to be removed from the ABC's international news and current affairs operations. There can be no doubt that this

will significantly reduce the ABC's capacity to provide full and comprehensive international news coverage. Of equal concern, and even perhaps more insidious, is the decision to end the ABC's longstanding cadet journalist training program. This program dates back to the 1940s when the ABC first began broadcasting news. Over the years, ABC radio and television newsrooms have been a wonderful training ground for many of the country's leading journalists. It is a real concern to me, as I am sure it is to other senators, that this career pathway of high-level professional training for people in the communication and media industries will no longer be available.

Against the backdrop of virtually nonexistent on-the-job training opportunities for journalists in Australia's commercial news broadcasting, the decision by the ABC to end this important training is an issue for anyone interested in the preservation of standards in Australian journalism. It also comes as a slap in the face for Indigenous Australians, because this program offers the opportunity each year for one young Aboriginal person to gain on-the-job training as a journalist. The training program also provides for the annual induction of a science cadet journalist, and that opportunity will come to an end as well. How much money will be saved by the cut to the ABC's cadet journalist training? Just $530,000 a year. Such penny-pinching measures are certainly disproportionate to the inherent value of the programs that are being lost.

ABC journalists are frequently accused of being partisan and unfair in their reporting of news and current affairs. Most recently it was Minister Alston who claimed bias in the ABC's radio reporting of the war on Iraq. However, the ABC's Independent Complaints Review Panel subsequently rejected those allegations. In fact the ABC is generally acknowledged as setting a high-water mark for journalistic standards and ethics in Australia. The Media, Entertainment and Arts Alliance has expressed its concern about the intention to abandon the cadet journalist training program, with its federal secretary, Mr Chris Warren, describing the decision rather gruesomely as the ABC being 'forced to eat its own future'.

The ABC's charter requires that the corporation broadcast programs of an educational nature and, further, that in connection with the provision of broadcasting of an educational nature it take into account the responsibilities of the states in relation to education. Given the widespread backlash among teachers, parents and schoolchildren against the decision to end production of the *Behind the News* program, one has to question the reasoning behind that particular change to the ABC's television programming. *BTN*, as it is known, has become something of an institution after more than 30 years of production, and it is valued as an effective tool in the teaching of media literacy to primary and early secondary school students.

The decision to cut this popular and worthwhile educational program possibly points to a rather dubious motive of the ABC board and management. I know I am not alone in thinking this. Other commentators and observers have suggested that the ABC board and management are strategically manipulating important program functions as armoury in their battle with the government over funding. The Minister for Communications, Information Technology and the Arts, too, has indicated that he is aware of the gambit, although his comments are to be viewed with the cynicism they deserve. On *The Media Report* on ABC radio last week Glenn Withers, Professor of Public Policy at the ANU, said as much. Professor Withers referred to what is known in US public policy circles as the Washington Monument gambit. Whenever the Department of the

Interior in the US is threatened with financial cutbacks, it closes the Washington Monument as a means of meeting the demand to cut back costs. This of course outrages patriotic Americans, and the decision is inevitably reversed. That is hardly the kind of public policy administration we need or want in Australia.

The ABC management must be feeling very hard-pressed to be engaging in this sort of manoeuvring—and, as we know, they are hard-pressed. The government is clearly intent on starving the national broadcaster of funds, despite the critical role it plays in the intellectual life of the nation. It is understandable if the ABC management feel they have been backed into a corner. We have a government that is prepared to resort to those kinds of tactics to achieve its ends, led by a Prime Minister who is prepared to mislead the parliament, and we all know Australia deserves better. The ABC and the Minister for Communications, Information Technology and the Arts should stop playing games and get down to the business of working to deliver the services expected and needed from the ABC.

This of course begs the question of what will be cut next. Are we going to see the last of *Stateline*, for example, or *Landline*, which provides an essential service across rural and regional Australia? I certainly hope not. When this government came to office in 1996 it promised to maintain existing levels of Commonwealth funding to the ABC. Since then something like $70 million in real terms has been stripped from the ABC's budget. This is having disastrous effects on ABC programs across the board. The refusal of the government to increase funding in the current funding triennium means that core ABC functions will continue to be downgraded and eliminated. That has been the deliberate intention of the federal government—to immobilise or dismantle the ABC. The government's frustration at being unable to impose direct limits and controls on the national broadcaster is palpable and grows daily. What is happening with the ABC is part of an emerging pattern in this government's treatment of the nation's key cultural institutions: milk them dry and starve them of funds until they can no longer function effectively or until they fall into line with the government's own cultural agenda.

This government has no commitment to the notion of a healthy, sustainable public broadcaster that functions to meet the information, entertainment and cultural needs of Australia's diverse contemporary society; in fact, quite the opposite is the case. Despite all its rhetoric, the government refuses to accept and fails to understand the vital role played by the ABC in contributing to the health of Australia's democracy. Instead of wanting to preserve the ABC as a strong, independent broadcaster and a treasured national institution, the government would rather have the ABC commercialised, privatised or sold off.

As a senator representing the people of New South Wales, I have a growing sense of unease about the impact the erosion of ABC programs is having, especially on people in rural and regional areas of that state. There are already too many gaps in the information services available to people in rural and regional New South Wales. In 2001 regional New South Wales suffered cuts to a number of its commercial news broadcasts. Those cuts, combined with these cuts to the ABC, serve to underline the importance of the ABC itself for people in remote areas. It is in fact a lifeline. It is the only reliable, credible source of information and news. It cannot continue to be undermined and undervalued as it currently is. It needs to be preserved and nurtured. There needs to be certainty that the decisions being made by, and on behalf of,

the ABC are made in the best interests of the community that it is meant to serve.

Senate adjourned at 10.14 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

A New Tax System (Australian Business Number) Act—Regulations—Statutory Rules 2003 No. 169.

A New Tax System (Goods and Services Tax) Act—Regulations—Statutory Rules 2003 No. 190.

Aboriginal and Torres Strait Islander Heritage Protection Act—Regulations—Statutory Rules 2003 No. 187.

Aged Care Act—

Committee Amendment Principles 2003 (No. 1).

Determination under section—

44-3—ACA Ch. 3 No. 8/2003.

44-6—ACA Ch. 3 No. 9/2003.

44-8A—ACA Ch. 3 No. 19/2003.

44-12—ACA Ch. 3 No. 10/2003.

44-13—ACA Ch. 3 No. 11/2003.

44-14—ACA Ch. 3 No. 12/2003.

44-16—ACA Ch. 3 No. 13/2003.

44-19—ACA Ch. 3 No. 14/2003.

44-28—ACA Ch. 3 No. 15/2003.

44-29—ACA Ch. 3 No. 16/2003.

48-1—ACA Ch. 3 No. 17/2003.

52-1—ACA Ch. 3 No. 18/2003 and ACA Ch. 3 No. 25/2003.

Airports Act—Regulations—Statutory Rules 2003 No. 155.

Australian Crime Commission Act—Regulations—Statutory Rules 2003 No. 164.

Australian Prudential Regulation Authority Act—

Regulations—Statutory Rules 2003 No. 163.

Variation of instrument fixing charges to be paid to APRA, dated 14 July 2003.

Australian Wine and Brandy Corporation Act—Regulations—Statutory Rules 2003 No. 191.

Banking Act—

Determination of restricted expressions, dated 17 July 2003.

Regulations—Statutory Rules 2003 No. 185

Broadcasting Services Act—

Determination under clause 37FA of Schedule 4 to the *Broadcasting Services Act 1992* (No. 1) 2003.

Regulations—Statutory Rules 2003 No. 146.

Charter of the United Nations Act—Regulations—Statutory Rules 2003 Nos 167 and 168.

Civil Aviation Act—

Civil Aviation Regulations—

Exemptions Nos CASA EX10/2003 and CASA EX14/2003-CASA EX18/2003.

Instruments Nos CASA 267/03, CASA 290/03, CASA 298/03, CASA 299/03 and CASA 319/03.

Statutory Rules 2003 Nos 189 and 201.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105, dated 16, 17 [5], 18 [8], 20, 26 [11] and 27 [6] June 2003.

106, dated 3, 26 [3] and 27 June 2003.

107, dated 26 [3] and 27 June 2003.

Class Rulings CR 2003/45-CR 2003/65.

Commonwealth Electoral Act—Regulations—Statutory Rules 2003 No. 188.

Corporations Act—Regulations—Statutory Rules 2003 Nos 194 and 202.

Corporations (Fees) Act—Regulations—Statutory Rules 2003 No. 159.

Corporations (Review Fees) Act—Regulations—Statutory Rules 2003 No. 160.

Crimes Act—Regulations—Statutory Rules 2003 No. 165.

Criminal Code Act—Regulations—Statutory Rules 2003 No. 184.

Currency Act—Currency (Royal Australian Mint) Determination 2003 (No. 4).

Customs Act—

CEO Instruments of Approval Nos 7-9 of 2003.

Regulations—Statutory Rules 2003 Nos 166, 178 and 186.

Dairy Produce Act—Regulations—Statutory Rules 2003 No. 135.

Defence Act—

Defence Determination 2002 (Employer Support Payments) Amendment Determination 2003 (No. 1).

Determination under section—

58B—Defence Determinations 2003/14-2003/22.

58H—Defence Force Remuneration Tribunal—Determinations Nos 11 and 12 of 2003.

Defence Force (Home Loans Assistance) Act—

Declaration of Warlike Service (Operation Catalyst), dated 16 July 2003.

Declaration of Warlike Service (Operation Palate), dated 18 June 2003.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 26 May 2003 [2]; and 26 June 2003 [2].

Energy Grants (Credits) Scheme Act—Regulations—Statutory Rules 2003 No. 179.

Environment Protection and Biodiversity Conservation Act—Instruments amending list of exempt native specimens under section 303DB, dated 7 [2] and 13 May 2003; and 7 and 21 July 2003.

Excise Act—Regulations—Statutory Rules 2003 Nos 180 and 203.

Export Market Development Grants Act—Determination 2/2003—Determination of the Initial Payment Ceiling Amount for grant year 2002-03.

Family Law Act—Rules of Court—Statutory Rules 2003 Nos 172 and 183.

Financial Management and Accountability Act—Regulations—Statutory Rules 2003 No. 148.

Financial Sector (Collection of Data) Act—

Determination No. 4 of 2003—Determination of reporting standards SRS 100.1, SRS 110.0, SRS 110.1, SRS 110.2, SRS 120.0, SRS 200.0, SRS 210.0, SRS 210.1, SRS 210.2, SRS 220.0, SRS 230.0, SRS 240.0, SRS 250.0, SRS 260.0, SRS 300.0, SRS 310.0, SRS 310.1, SRS 310.2, SRS 320.0, SRS 330.0, SRS 340.0, SRS 350.0 and SRS 010.

Determination No. 6 of 2003—Determination of reporting standard CRS 400.0.

Revocation No. 1 and Determination No. 5 of 2003—

Revocation of reporting standards ARS 113.0, ARS 113.1, ARS 220.0, ARS 220.3, ARS 221.0, ARS 230.0, ARS 320.0, ARS 330.1 and ARS 331.0.

Determination of reporting standards ARS 113.0 (2003), ARS 113.1 (2003), ARS 220.0 (2003), ARS 220.3 (2003), ARS 221.0 (2003), ARS 222.0 (2003), ARS 230.0 (2003), ARS 320.0 (2003), ARS 320.9 (2003), ARS 330.1 (2003) and ARS 331.0 (2003).

Fisheries Management Act and Fishing Levy Act—Regulations—Statutory Rules 2003 No. 134.

Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2003 No. 200.

Health Insurance Act—Health Insurance Determination HS/05/2003.

Health Insurance Commission Act—Regulations—Statutory Rules 2003 No. 161.

Income Tax Assessment Act 1936—Regulations—Statutory Rules 2003 Nos 204 and 205.

Industrial Chemicals (Notification and Assessment) Act—Regulations—Statutory Rules 2003 Nos 150 and 192.

Lands Acquisition Act—Certificates under section 24, dated 7 July 2003 [2].

Luxury Car Tax Determination LCTD 2003/1.

Marine Navigation Levy Act—Regulations—Statutory Rules 2003 No. 156.

Marriage Act—Regulations—Statutory Rules 2003 No. 198.

Medical Indemnity (IBNR Indemnity) Contribution Act—Regulations—Statutory Rules 2003 No. 197.

Medical Indemnity (Prudential Supervision and Product Standards) Act—

Instrument Revoking Guidelines No. R1 of 2003.

Guidelines under subsection 13(9)—

Certification of Funding Plans by Auditors and Actuaries, dated 6 August 2003.

Matters to be Included in a Funding Plan, dated 6 August 2003.

Qualifications and Independence of Auditors and Actuaries, dated 6 August 2003.

Migration Act—

Direction under section 499—Direction No. 32.

Statement for period 1 January to 30 June 2003 under section—

48B [3].

345 [9].

351 [165].

417 [117].

Regulations—Statutory Rules 2003 No. 154.

Military Superannuation and Benefits Act—Declaration—Statutory Rules 2003 No. 133.

National Health Act—Regulations—Statutory Rules 2003 No. 193.

Naval Defence Act—Regulations—Statutory Rules 2003 No. 199.

Navigation Act—Regulations—Statutory Rules 2003 No. 157.

Parliamentary Entitlements Act—Regulations—Statutory Rules 2003 No. 149.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 2003 No. 144.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2003 Nos 138 and 141.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2003 Nos 136, 139, 142 and 145.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2003 Nos 137, 140 and 143.

Product Grants and Benefits Administration Act—Regulations—Statutory Rules 2003 No. 181.

Product Ruling—

Notice of Withdrawal—

PR 2001/88 and PR 2001/142.

PR 2002/8, PR 2002/64, PR 2002/69, PR 2002/71, PR 2002/89 and PR 2002/106.

PR 2002/132 (Addendum).

PR 2003/12 (Addendum) and PR 2003/46-PR 2003/51.

Radiocommunications Act—Radiocommunications (Low Interference Potential

Devices) Class Licence Variation 2003 (No. 1).

Retirement Savings Accounts Act—Regulations—Statutory Rules 2003 No. 195.

Safety, Rehabilitation and Compensation Act—Notice under subsection 26(3)—Notice No. 4 of 2003.

Seafarers Rehabilitation and Compensation Levy Collection Act—Regulations—Statutory Rules 2003 No. 147.

Superannuation Act 1976—

Declaration—Statutory Rules 2003 No. 173.

Superannuation (CSS) (Eligible Employees—Exclusion) Declaration 2003.

Superannuation (CSS) (Eligible Employees—Inclusion) Declaration 2003.

Superannuation Act 1990—Eighteenth Amending Deed under section 5, dated 27 June 2003.

Superannuation (Financial Assistance Funding) Levy Act and Financial Institutions Supervisory Levies Collection Act—Regulations—Statutory Rules 2003 No. 182.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2003 Nos 170, 171 and 196.

Superannuation (Productivity Benefit) Act—

Declarations—Statutory Rules 2003 Nos 174-176.

Determination—Statutory Rules 2003 No. 177.

Taxation Determinations TD 2003/18 and TD 2003/20.

Taxation Ruling—

Old Series—IT 2455 (Notice of Withdrawal).

TR 2000/18 (Addendum).

TR 2003/6, TR 2003/8 and TR 2003/9.

Telecommunications Act—

Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2003).

Telecommunications Numbering Plan Variation 2003 (No. 4).

Telecommunications (Carrier Licence Charges) Act—

Telecommunications (Annual Carrier Licence Charge) Determination 2003.

Telecommunications (Costs Attributable to Telecommunications Functions and Powers) Determination 2003.

Telecommunications (Recovery of ITU Budget Contribution) Determination 2003.

Terrorism Insurance Act—Regulations—Statutory Rules 2003 No. 162.

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2003 (No. 1).

Therapeutic Goods Act—Regulations—Statutory Rules 2003 Nos 151 and 153.

Therapeutic Goods (Charges) Act—Regulations—Statutory Rules 2003 No. 152.

Trade Practices Act—Australian Competition and Consumer Commission (Accounting Separation—Telstra Corporation Limited) Direction (No. 1) 2003.

Transport Safety Investigation Act—Regulations—Statutory Rules 2003 No. 158.

Veterans' Entitlements Act—Instrument under section—

90—Veterans' Entitlements Treatment (Centre for Military and Veterans' Health) Instrument 9/2003.

117—Veterans' Children Education Scheme (Update) Instrument No. 4/2003.

196B—Instruments Nos 25 to 30 of 2003.

Indexed Lists of Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2003—Statements of compliance—

Commonwealth Ombudsman.

National Capital Authority.

PROCLAMATIONS

Proclamations by His Excellency the Administrator of the Commonwealth of Australia were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

Australian Prudential Regulation Authority Amendment Act 2003—Schedules 1 to 3—1 July 2003 (*Gazette* No. S 230, 26 June 2003).

Dairy Industry Service Reform Act 2003—Schedule 1—1 July 2003 (*Gazette* No. S 228, 26 June 2003).

Health Insurance Amendment (Diagnostic Imaging, Radiation Oncology and Other Measures) Act 2003—1 July 2003—

(a) paragraphs (1)(a) and (2)(a) of item 12 of Schedule 1;

(b) paragraphs (1)(a) and (2)(a) of item 13 of Schedule 2.

(*Gazette* No. S 231, 26 June 2003).

Marriage Amendment Act 2002—Schedule 1—1 September 2003 (*Gazette* No. GN 31, 6 August 2003).

Transport Safety Investigation Act 2003—Sections 3 to 71—1 July 2003 (*Gazette* No. S 229, 26 June 2003).

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Defence: Royal Australian Navy

(Question No. 836)

Senator Chris Evans asked the Minister for Defence, upon notice, on 1 November 2002:

(1) What action has the Royal Australian Navy taken to address the significant shortfall of pilots, seaman officers, weapons electrical aircraft engineers, electronic technicians and marine technicians that existed as at 1 July 2001.

(2) How many pilots, seaman officers, weapons electrical aircraft engineers, electronic technicians and marine technicians have been newly recruited to the Royal Australian Navy since 1 July 2001.

(3) How many pilots, seaman officers, weapons electrical aircraft engineers, electronic technicians and marine technicians have separated from the Royal Australian Navy since 1 July 2001 (can the information on separations be broken down to show the length of service of those personnel that separated from the Royal Australian Navy).

(4) Does the Royal Australian Navy conduct exit surveys as a means of determining why personnel with specialist skills are separating from the Royal Australian Navy; if so, what do the findings of these surveys show; if not, why not.

(5) What is the current strength of pilots, seaman officers, weapons electrical aircraft engineers, electronic technicians and marine technicians at navy bases.

(6) What is the required strength of pilots, seaman officers, weapons electrical aircraft engineers, electronic technicians and marine technicians at navy bases.

(7) What action is the Royal Australian Navy taking to overcome the ongoing shortage of pilots, seaman officers, weapons electrical aircraft engineers, electronic technicians and marine technicians.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) The Royal Australian Navy has undertaken considerable effort to identify and rectify problems in these areas.

Pilots. A project has been established to provide the required number of qualified pilots and observers by mid 2013 through a ten-year ramp-up program. The Navy Capability Management Committee recently considered a paper that details a three pronged approach (short-term retention, mid term loans and transfers, and long term rectification of systemic issues).

Seaman Officers. Significant activity is underway to address the shortfall of Seaman officers including addressing workforce requirements, training throughput and retention issues. A recruiting campaign targeted specifically at Seaman Officers resulted in a significant increase of recruiting, achieving 86% of the original target.

Weapons Electrical Aircraft Engineers. Weapons Electrical Aircraft Engineers are the subject of a number of activities, including the introduction of an "Interim Retention Allowance", continuing professional development programs and the introduction a recognition program as a "Chartered Professional Engineer" with the Australian Institute of Engineers.

Electronic Technicians. The Electronic Technician workforce structure was critically examined with the result of a modest reduction of the workforce requirement, thus effectively reducing the shortfall. Recruiting targets have been set at maximum training capacity levels and a focussed recruiting campaign has produced significant improvements in the achievement rate.

Marine Technicians. In mid 2001, Marine Technicians (MT) were surveyed to identify their reasons for separation or an intention to separate. A working group was established to implement recommendations and to further identify policy and management action that will improve the retention of MTs. The MT recruiting campaign has achieved excellent results with a near 100% achievement of targets now occurring.

(2) The following recruiting achievement has occurred since 1 July 2001

Trade	Number newly recruited (including lateral recruitment and transfer between service)
Pilot	28
Seaman	169
Weapons Electrical Aircraft Engineer	2
Electronics Technician	252
Marine Technician	413

(3) The following separations have occurred since 1 July 2001

Trade	Length of Service		
	0-3 years	3-6 years	> 6 years
Pilot (Trained)	1		4
Seaman (Trained)		4	70
Weapons Electrical Aircraft Engineer (Trained)			2
Electronics Technician (Trained)	1	30	152
Marine Technician (Trained)	10	73	207
Pilot (Under Training)	14		1
Seaman (Under Training)	50	8	5
Weapons Electrical Aircraft Engineer (Under Training)	1		
Electronics Technician (Under Training)	48		
Marine Technician (Under Training)	77		

(4) The Royal Australian Navy conducts voluntary exit surveys. The most recent data available, which was collected during the period January-December 2001, contains 5 respondents from the Seaman Officer qualification, 34 respondents from the Electronic Technician category and 40 respondents from the Marine Technician category. There were no respondents from the Pilot or Weapons Electrical Aircraft Engineer Officer qualifications, so it is not possible to provide reasons for leaving information for the January-December 2001 period for these two trades.

The top five reasons for separation were:

Seaman Officers: (Based on 5 respondents which equates to 5% of those who separated in 2001. All 5 respondents were females which may account for the significant difference between the reasons listed and those of the wider Navy community which are reflected in the Electronic and Marine Technician reasons).

- personal experience of other types of unacceptable behaviour;
- lack of control over life;

- poor leadership by my immediate supervisor;
- conflict with superiors; and
- sea service obligation.

Electronic Technicians: (Based on 34 respondents or 20% of those who separated in 2001).

- desire for less separation from family;
- little reward for what could be considered overtime in the civilian community;
- desire to stay in one place;
- better career prospects outside; and
- lack of recognition for work done.

Marine Technicians: (Based on 40 respondents or 19% of those who separated in 2001).

- desire for less separation from family;
- insufficient equipment or resources to do my job;
- to make a career change while still young enough;
- little reward for what could be considered overtime in the civilian community; and
- lack of recognition for work done.

(5)

Pilots	87
Seaman	773
Weapons Electrical Aircraft Engineer	31
Electronics Technician	1,065
Marine Technician	1,905

(6)

Pilots	141
Seaman	1077
Weapons Electrical Aircraft Engineer	32
Electronics Technician	1,399
Marine Technician	2,286

(7)

Pilots. The short-term plan (1-3 years) is focussed on retention management including re entry and the use of Reserves. All pilots or observers considering discharge are counselled by a senior Aviation manager. A comprehensive on line survey was recently conducted to determine the retention profile of all pilots and observers. An environmental scan of the helicopter pilot and observer job opportunities market, local, regional and globally, for the short, medium and long-term, will soon be undertaken in conjunction with the Army by a commercial company to more fully understand the threat to Pilot and Observer retention. Information obtained will be used to determine what further (if any) short-term retention measures may be required, noting the present maturing of the pilot and observer financial retention incentives.

Seaman Officers. The RAN is undertaking a number of actions to address the significant shortfall of Seaman Officers. These actions include:

- a senior officer has been appointed as Head of Surface Warfare Community to improve Warfare officer and sailor management. A Seaman Officer Management Plan is being implemented;

- improved Seaman Officer recruiting material and maximum Seaman Officer recruiting targets;
- changes to the structure of Seaman Officer training to motivate officers and increase pass rates; and
- the development of a Principal Warfare Officer Retention Allowance to improve Navy's retention of that section of the Seaman Officer community.

Weapons Electrical Aircraft Engineers. Although there are shortages remaining predominantly at the rank of Lieutenant, there are now sufficient trainees coming through the ranks to resolve the shortfalls within the next four years. Improvements to career structures and remuneration will reduce the likelihood of future shortfalls.

Electronic Technicians. ET workforce structural review is ongoing with the aim of optimising the workforce resource. This applies to both sea going and shore positions.

- recruiting targets are being closely managed and the recruiting organisation remains focussed on maximising target achievement;
- the length of initial training for ET sailors is considered too long and results in sailors not commencing a full time sea going billet until over two years has elapsed since joining. This is a de-motivator and is being addressed through a revision of the initial training packages; and
- ET work practices are being altered to make the trade more attractive and rewarding and thus improving retention.

Marine Technicians. MT sailors have a similar initial training time problem as that experienced by ET sailors. The MT initial training packages is being restructured accordingly. In addition:

- Navy is implementing changes to engineering watch keeping practices to significantly reduce the machinery watch keeping requirement, thereby releasing MTs at sea to concentrate on tasks that require maintenance and trade/technical skills. This is being positively received in the workplace and should improve job satisfaction and retention;
- the ANZAC Ship MT workforce arrangements are being modified to create a sustainable workforce structure that meets the maintenance requirement. This initiative is aimed at improving work practice, job satisfaction and retention. It also reduces the MT manning liability to sustain ANZACs by 445 positions; and
- selected ships will trial a significantly reduced engineering duty watch requirement alongside in their homeport over the Christmas leave period. If successful the new routine will be permanently implemented to allow personnel to spend more time with their families whilst in their homeport.

Defence: Manpower

(Question No. 1083)

Senator Chris Evans asked the Minister for Defence, upon notice, on 14 January 2003:

(1) (a) When was the decision taken to extend the pilot trial of Manpower in Victoria and Tasmania past its original completion date of September 2001; (b) who made this decision; and (c) why.

(2) Is the amount paid to Manpower the same for each recruit to the Australian Defence Force (ADF), regardless of the rank or job to be performed by the new recruit; if not, what amount is paid to Manpower for recruits to each different rank, job, geographic location etc.

(3) Can a list be provided of all the ADF recruitment call centres and their locations.

(4) For each call centre what is the number of: (a) Manpower employees; (b) uniformed ADF personnel; and (c) public servants from the department.

(5) (a) Has any decision been made to move the Manpower Defence Recruiting Call Centre from Dickson, ACT, if so; (i) when was the decision made; (ii) to where will it be moved, and (iii) when; and (b) what was the baseline operating cost for the call centre in Dickson.

(6) How much will Manpower be paid automatically under the national recruitment contract awarded in September 2002, and when, for example, what amount will Manpower be paid that is not linked to the number of recruits enlisted, and at what intervals in the life of the contracts.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) (a) 11 July 2001.

(b) The Government.

(c) To incorporate lessons learnt during the initial pilot period and to allow a robust evaluation of the trial.

(2) The amount paid to Manpower per recruit is dependent upon the category of entry. Different rates apply for full-time aircrew ($10,000), officers ($7,000), technical entry ($6,000), general entry ($5,000), part-time officers ($5,000) and part-time general entry ($3,500). The amount reduces by 2.5% per annum over the term of the contract.

(3) There are two call centres used for Australian Defence Force (ADF) Recruitment purposes: the Manpower call centre at Dickson, ACT for ADF recruiting in Victoria, Tasmania and Southern New South Wales; and the Defence Service Centre at Cooma, NSW for ADF Recruiting in the remainder of Australia. The Manpower call centre will close with effect 3 March 2003, at which time all ADF recruiting call centre services will be conducted at the Defence Service Centre.

(4) (a), (b) and (c) The Manpower call centre has 20 Manpower employees, no ADF and no Australian Public Service (APS) employees. The Defence Service Centre has 92 APS employees delivering call centre services–ADF Recruiting represents approximately 85% of the business. There are no Manpower or ADF employees at the Defence Service Centre.

(5) (a) As a result of the decision of 14 November 2002 to progress to national rollout, the Manpower call centre will close with effect 3 March 2003. All ADF recruiting call centre services will be provided by the Defence Service Centre as a Defence retained function under the Contract.

(b) The operating cost of the Manpower Defence Recruiting Call Centre was included in the per recruit rate for Phase 1 and 1A of the project.

(6) Under the national ADF Recruiting Services Contract, Manpower is paid a monthly fixed fee of $499,563.00 that comprises amortisation of set up costs, depreciation of capital expenditure and construction and maintenance of the information technology network, over the period of the contract.

Justice and Customs: Indonesia

(Question No. 1229)

Senator Brown asked the Minister for Justice and Customs, upon notice, on 27 February 2003:

(1) Is the Indonesian Justice Minister correct in saying that the Minister has not approached Indonesia to extradite Abu Quessai to Australia; if so, why did the Minister not approach the Indonesian Government?

(2) Why has the Commissioner of the Australian Federal Police, Mr Keelty, not issued warrants as previously stated?

(3) Does Mr Keelty know: (a) the name of the vessel known as SIEV X; and (b) the names of the victims who died in the sinking of SIEV X?

Senator Ellison—The answer to the honourable senator's question is as follows:

(1) No. This matter has been the subject of sustained and high level contact between the Australian Government and the Indonesian Government since Abu Quassey was arrested by Indonesia in September 2001 for immigration offences. I discussed this matter with the Indonesian Minister for Justice and Human Rights on a number of occasions. On 6 February 2003, at my direction and under the cover of a letter from me, Australian officials presented to Indonesian authorities a request for the provisional arrest of Abu Quassey. The Prime Minister also raised the extradition of Abu Quassey in a meeting with the Indonesian President on 15 February 2003. I wrote to the Indonesian Minister for Justice and Human Rights again about this issue on 17 February 2003 and the Attorney-General raised it with the Indonesian Minister during the Australia - Indonesia Ministerial Forum on 11 March 2003.

Also on 11 March 2003 the Indonesian Minister for Justice and Human Rights sent me a letter formally indicating that Indonesia would not extradite Abu Quassey to Australia.

Following the deportation of Abu Quassey from Indonesia to Egypt on 24 April 2003, the Australian Government sent a request for his extradition to Egypt.

I can assure you that the Australian Government is doing all that it can to secure the prosecution of Abu Quassey. The bringing of Abu Quassey to justice remains an issue of the highest priority for the Australian Government.

(2) It is unclear which warrants Senator Brown is referring to, or what statement apparently made by Commissioner Keelty. Further detail was sought from the office of Senator Brown, but was not able to be provided.

As a point of clarification, the AFP does not issue warrants, it applies for their issue.

As advised in an answer to a Question on Notice from Senate Estimates hearings in November 2002, on 3 June 2002 three first instance warrants for the arrest of Abu Quassey were sworn by the AFP with respect to three suspect illegal entrant vessels (SIEVs) known as the Donnybrook, Gelantipy and the Yambuk. The warrants allege three offences of organising the bringing of groups of unlawful non-citizens into Australia and seventy-two offences of bringing unlawful non-citizens into Australia, contrary to the provisions of sections 232A and 233(1)(a) of the Migration Act 1958 (the Act), respectively.

On 6 December 2002, the AFP swore a fourth warrant, alleging one offence of organising the bringing of groups of unlawful non-citizens into Australia and four offences of attempting to bring unlawful non-citizens into Australia, contrary to the provisions of sections 232A and 233(1)(a) of the Act, respectively. This warrant relates to SIEV X.

A total of four first instance warrants have now been issued for the arrest of Abu Quassey alleging a total of four offences of organising the bringing of groups of unlawful non-citizens into Australia and seventy-six offences of bringing or attempting to bring unlawful non-citizens into Australia contrary to the provisions of sections 232A and 233(1)(a) of the Act, respectively.

(3) (a) No

(b) Ongoing enquiries with survivors are providing details which will assist in the identification of victims who died in the sinking.

A list was provided to the AFP from a confidential source after the vessel sank. Provision of any details of that list would compromise that source. It may also compromise a current ongoing investigation in Indonesia. The list purports to contain some details of passengers, but its veracity has not been tested.

The AFP believes it is unlikely that a full and comprehensive list of those who boarded SIEV X or those who subsequently drowned will ever be available.

Fuel: Ethanol

(Question No. 1275)

Senator O'Brien asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 18 March 2003:

With reference to the production subsidy of 38.143 cents per litre for ethanol use in petrol announced on 12 September 2002:

(1) What companies or industry organisations were consulted prior to the introduction of the production subsidy.

(2) When and in what form did that consultation take place.

(3) On what date or dates were ethanol producers and/or industry organisations informed of the decision to introduce the production subsidy.

(4) How were ethanol producers and/or industry organisations informed.

(5) What is the total amount expended on the subsidy, by month, in the 2002-03 financial year to date.

(6) What costs have been borne by the department in administering the scheme in the 2002-03 financial year to date.

(7) What are the department's projected costs associated with scheme administration, by year, for each of the following financial years: (a) 2002-03; and (b) 2003-04.

(8) Is the total appropriation of $33 184 000 for the subsidy for the financial years 2002-03 and 2003-04 based on forecast ethanol production in the period 17 September 2002 to 17 September 2003; if so: (a) what department, agency, company or industry organisation provided the ethanol production data from which the forecast was derived; and (b) which department or agency provided the forecast; if not, what is the basis of the appropriation.

(9) Have companies other than Manildra Energy Australia Pty Ltd and CSR Distilleries Operations Pty Ltd received production subsidies in the 2002-03 financial year; if so, what are the names of the companies.

(10) Is the Minister aware that his department advised the Economics Legislation Committee during its estimates hearings on 12 February 2003 that Manildra Energy Australia Pty Ltd was in receipt of 90 per cent of expended subsidies under this scheme.

(11) Is Manildra Energy Australia Pty Ltd still in receipt of 90 per cent of expended subsidies under this scheme.

(12) For each company that has received a subsidy: (a) on what date did the company first apply for the subsidy; (b) when did the department enter into a contract with the company to provide the subsidy; (c) what total subsidy has been paid; (d) what volume of subsidised ethanol has been produced; (e) what feedstock has been used to produce the subsidised ethanol, expressed in volume and percentage terms; (f) what are the terms of the subsidy payments; (g) how does the department audit subsidy production; (h) where are the ethanol production facilities located; and (i) has the subsidy resulted in increased production and/or the construction of new or expanded ethanol plants; if so, can this increased production or productive capacity be quantified.

(13) Can the Minister confirm evidence given by the Department of Treasury to the Economics Legislation Committee during its supplementary estimates hearings on 21 November 2002 that the subsidy was introduced without any analysis of whether it would create an expansion in the Australian production of fuel ethanol; if so, why was no analysis undertaken before the government introduced a $33 million production subsidy; if not, what analysis has been undertaken, including the projected expansion of fuel ethanol production, incorporating production volume and value, number of new or expanded production plants, and number of full-time-equivalent jobs generated.

(14) What performance benchmarks have been established to measure the effectiveness of the subsidy in maintaining the use of bio-fuels in transport.

(15) What baseline data was used to establish these benchmarks.

(16) What was the source of this baseline data.

(17) What program has the department established to assess the effectiveness of the subsidy.

(18) What analysis has been done of the scheme's effectiveness.

(19) What consideration, if any, has been given to an extension of the ethanol production subsidy.

(20) If consideration has been given to an extension of the subsidy: (a) what form has the consideration taken; and (b) what companies and industry organisations have been consulted.

(21) Has the department received any representations from companies and/or industry organisations arguing the proposed 12-month life of the production subsidy restricts its capacity to promote the increased production of fuel ethanol; if so, what companies and/or industry organisations have made those representations.

Senator Minchin—The Acting Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

(1) No companies or industry organisations were consulted by my Department prior to the production subsidy being announced by the Prime Minister.

(2) Not applicable.

(3) On 18th September 2002, companies were informed of the proposed introduction of a twelve month subsidy for fuel ethanol.

(4) Companies were informed via an emailed letter from my Department.

(5) The total amount expended per month since September 2002 has been:

September 2002	$961,586
October 2002	$2,156,707
November 2002	$2,336,247
December 2002	$2,826,872
January 2003	$2,378,406
February 2003	$2,224,476
March 2003	$2,491,633
April 2003	$2,237,190
May 2003	$1,680,085
June 2003	$2,409,978
TOTAL	$21,703,180.00

(6) Administrative costs of $92,879.09 have been incurred by the Department of Industry, Tourism and Resources in the financial year 2002-03.

(7) The Department had allocated $128,000 for 2002-03 and has allocated $14,000 for 2003-04 in funds for administering the scheme.

(8) Yes.

(a) Department of Industry, Tourism and Resources

(b) Department of Industry, Tourism and Resources.

(9) No.

(10) The Minister is aware of advice provided by officials during estimates hearings on 12 February 2003.

(11) The Minister is aware of advice provided by officials during estimates hearings on 12 February 2003.

(12) (a) Manildra Energy Australia Pty Ltd 14 October 2002
CSR Distilleries Operations Pty Ltd 8 November 2002

(b) Manildra Energy Australia Pty Ltd 17 October 2002
CSR Distilleries Operations Pty Ltd 7 November 2002

(c) Manildra Energy Australia Pty Ltd $20,857,998 to 30 June 2003
CSR Distilleries Operations Pty Ltd $845,182 to 30 June 2003

(d) Manildra Energy Australia Pty Ltd 54,673,200 litres to 30 June 2003
CSR Distilleries Operations Pty Ltd 2,215,825 litres to 30 June 2003

(e) The fuel ethanol is derived from biomass feedstock. No information is available concerning volume and percentage terms.

(f) For each company, the subsidy is paid for the production of ethanol in Australia from biomass feedstock to be blended into or used as transport fuel in Australia. The initial 12 month subsidy applies from 18 September 2002 to 17 September 2003. Recipients must provide satisfactory evidence that the ethanol for which funding is being claimed has been entered into home consumption under section 58 or 61C of the Excise Act 1901 between 18 September 2002 and 17 September 2003.

(g) The Commonwealth or its auditor may at reasonable times and on reasonable notice enter the recipient's premises and inspect the records kept by the recipient to review the recipient's compliance with the contract.

(h) Manildra Energy Australia Pty Ltd – Bomaderry, New South Wales
CSR Distilleries Operations Pty Ltd – Yarraville, Victoria and Sarina, Queensland

(i) There have been no significant increases in the production of ethanol since the commencement of the subsidy. However, the subsidy has only been in operation nine months. No additional ethanol production capacity has been brought to the government's attention.

(13) I am unable to confirm exactly what analysis was undertaken by the Department of Treasury. This is a matter for the Treasurer.

(14) No specific performance benchmarks have been established.

(15) Not applicable.

(16) Not applicable.

(17) The department closely monitors production volumes and subsidy payments to ensure that there is no unexplained change in production from month to month.

(18) The scheme has only been in operation for nine months. Its effectiveness will be analysed as part of the Government's consideration of longer term biofuels policy.

(19) It was announced in the 2003-04 Budget that the Government will continue to provide domestic production grants for fuel ethanol from 18 September 2003 on the same basis as the existing production subsidy. Domestic ethanol will remain effectively untaxed for five years to 30 June 2008. The grants will be reduced in five equal annual instalments from 1 July 2008 to 1 July 2012. This will result in ethanol receiving the same effective excise treatment as biodiesel, LPG and natural gas when used in internal combustion engines.

(20) The Government decided to extend the domestic production grants through its normal Cabinet consideration processes. Ministers received advice on the matter from the Energy Task Force and relevant Government agencies. The Energy Task Force drew upon a number of sources in preparing

its advice including submissions made to the Fuel Taxation Inquiry in 2001. Stakeholders met by the Task Force included the Australian Biofuels Association, CSR Distilleries and the Manildra Group.

(21) No.

Ministers Responsible for Primary Industries and Agriculture: Overseas Travel Expenses

(Question No. 1320)

Senator O'Brien asked the Special Minister of State, upon notice, on 24 March 2003:

For each of the following financial years: 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02 and 2002-03: What has been the cost met by the department for overseas travel by the minister responsible for primary industries and agriculture.

Senator Abetz—The answer to the honourable senator's question provides payments made by Ministerial and Parliamentary Services as follows:

1996-97	The Hon John Anderson MP	$63,232.00
	Minister for Primary Industries and Energy	
1997-98	The Hon John Anderson MP	$93,862.00
	Minister for Primary Industries and Energy	
1998-99	The Hon John Anderson MP	-$196.00
	Minister for Primary Industries and Energy	
	(1 July 1998 – 20 October 1999)	
	The Hon Mark Vaile MP	$83,313.00
	March 2003:	
	Minister for Agriculture, Fisheries and Forestry	
	(21 October 1998 – 30 June 1999)	
1999-2000	The Hon Mark Vaile MP	$3,795.78
	Minister for Agriculture, Fisheries and Forestry	
	(1 July 1999 – 19 July 1999)	
	The Hon Warren Truss MP	$136,766.12
	Minister for Agriculture, Fisheries and Forestry	
	(20 July 1999 – 30 June 2000)	
2000-01	The Hon Warren Truss MP	$79,713.53
	Minister for Agriculture, Fisheries and Forestry	
2001-02	The Hon Warren Truss MP	$153,724.30
	Minister for Agriculture, Fisheries and Forestry	
2002-03	Costs related to overseas travel for the period 1 July to 31 December 2002 (Tabling 11) will be tabled in Parliament during the Winter Parliamentary Sitting period, and Tabling 12 will be tabled in Parliament during the Spring Parliamentary Sitting period, after the normal confirmation of information has been completed.	

Minister for Agriculture, Fisheries and Forestry: Visit to Sweden and Denmark
(Question No. 1321)

Senator O'Brien asked the Special Minister of State, upon notice, on 24 March 2003:

With reference to Senate question no. 913, (*Hansard* 5 February 2003, page 8659):

(1) Has the department recovered the amount of $12,656 from the Department of Agriculture, Fisheries and Forestry (AFF), for the flight costs of two AFF staff who accompanied the Minister for Agriculture, Fisheries and Forestry on an overseas trip in June 2002.

(2) If so, when was the amount recovered.

(3) On what date did the department first seek to recover this amount.

Senator Abetz—The answer to the honourable senator's question is as follows:

(1) Yes.

(2) 28 January 2003.

(3) 18 December 2002.

Minister for Agriculture, Fisheries and Forestry: Visit to Indonesia
(Question No. 1322)

Senator O'Brien asked the Special Minister of State, upon notice, on 20 March 2003:

With reference to a visit by the Minister for Agriculture, Fisheries and Forestry to Indonesia:

(1) What total travel costs and other associated expenses, if any, were met by the department in respect of the Minister, his staff and family.

(2) What were these costs per expenditure item for (a) the Minister; (b) the Minister's staff and (c) the Ministers family.

(3) What other costs in relation to the trip, if any, were met by the department.

Senator Abetz—The answer to the honourable senator's question is as follows:

(1) As at 24 March 2003, costs of $43.20 have been met by the Department.

(2) (a) Nil.

(b) Travelling Allowance advance of $43.20.

(c) Nil.

(3) Nil.

Health: Hepatitis C
(Question No. 1352 Additional Answer)

Senator Hutchins asked the Minister for Health and Ageing, upon notice, on 26 March 2003:

(1) How much money has been spent over the past decade on programs that trace recipients of blood or blood products contaminated by hepatitis C.

(2) How many recipients of hepatitis C contaminated blood have been directly notified by trace-back programs so far.

(3) Is the Minister aware that: (a) significant numbers of mothers were transfused with contaminated blood during childbirth in the past two decades and that, tragically, some of these women have infected their children; (b) money has been offered by the Australian Red Cross Blood Service in exchange for them signing confidentiality agreements; and (c) these confidentiality agreements

preclude either them or their infected child from openly discussing the circumstances surrounding their infections.

(4) Has the Commonwealth provided funding for compensation payments which require that infected mothers sign secrecy agreements.

(5) If the Commonwealth has provided funding for such payments: (a) how much funding has been provided; (b) how many individuals have received payments from the Commonwealth on the condition that they sign a confidentiality agreement; (c) in what years did these payments occur; and (d) how many payments were made in each year.

(6) Has the department, or any other Commonwealth Government agency, conducted any studies into the number of mothers who were infected with hepatitis C through blood administered during childbirth.

(7) If such studies have been conducted: (a) when did each study occur; (b) which agency conducted each study; and (c) in each study, how many mothers were found to have contracted hepatitis C through blood administered during childbirth.

(8) (a) Is the Minister aware that: (i) American blood banks used a form of blood donor screening for hepatitis C in the 1980s known as 'surrogate testing' and that the American Food and Drug Administration recommended that this kind of testing reduced hepatitis C in blood by as much as 50 per cent, and (ii) instead of following the American lead on screening methods, the Australian Red Cross Blood Service chose instead to study the efficacy of surrogate testing in 1986 in a study which took 4 years; and (b) will the Minister make the findings of this study publicly available.

(9) Will the department call for an independent investigation into claims that thousands of hepatitis C infections through blood transfusions could have been prevented had the Australian Red Cross Blood Service used surrogate testing for hepatitis C in the 1980s.

(10) Has the Australian Red Cross Blood Service or the Commonwealth of Australia made compensation payments to people infected between the years 1986 and 1990; if so, is this because the Australian Red Cross Blood Service failed to use available screening methods for hepatitis C at this time.

(11) Has Professor Barraclough completed his independent review into the possible contamination of blood products.

(12) Has Professor Barraclough presented his findings and report to the Minister.

(13) When did Professor Barraclough present his findings to the Minister.

(14) When does the Minister intend to make the report public.

Senator Patterson—The answer to question 3(b) was provided as follows:

I am aware that settlements are offered to some claimants in relation to hepatitis C from blood in settlement schemes in different States and Territories that require the signing of confidentiality agreements.

Further to the response published in *Hansard* of Thursday, 15 May 2003, the Minister for Health and Ageing has provided the following clarification, to be added at the end of the current answer to clarify matters that have been misinterpreted in the press:

The additional wording is as follows: 'These settlements are not funded by the Australian Red Cross Blood Service (ARCBS). Whilst the ARCBS (or its representative) is a party to some of the settlements, the costs in each jurisdiction are met jointly by the Commonwealth and the State or Territory involved under established indemnity arrangements.'

Environment: Southport Lagoon Conservation Area

(Question No. 1370)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 2 April 2003:

With reference to the answer to question on notice no. 1132 (Senate *Hansard*, 18 March 2003, p.9407):

(1) Can a copy be provided of the advice referred to in the answer to part (1) of the above question which states that the construction of a road through the Southport Lagoon Conservation Area and Extension, as distinct from the use of a road, is in accordance with the Regional Forest Agreement (RFA).

(2) Does the Minister still assert that the construction of a road through the Southport Lagoon Conservation Area, as distinct from the use of a road, is in accordance with the RFA and therefore that the Environment Protection and Biodiversity Conservation Act 1999 does not apply.

(3) Can a copy be provided of the advice referred to in the answer to part (1) of the above question relating to the way in which the design of the road avoids potential damage to the reserve's values.

(4) (a) Is the Minister aware that the Forest Practices Plan for the road failed to identify significant heritage sites including the French garden that was found with relative ease by amateurs; and (b) does the Minister consider that such a manifestly inadequate plan meets the standards expected by the Commonwealth under the Tasmanian Forest Practices Code.

(5) Does the Minister support the acquisition and permanent protection of the privately-owned block of land on the northern peninsula of Recherche Bay, which includes the French garden and other historic and cultural sites.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) A Forest Practices Plan for the road was certified in April 2002. The Plan was certified by the Forest Practices Board as having met the Forest Practices Code. The requirements of the Tasmanian RFA have therefore been met.

(2) Yes.

(3) I understand that design measures to avoid potential damage to the reserve's values include minimising disturbance outside the road corridor, measures designed to manage the spread of Phytophthora cinammomi, and the use of barriers to prevent unauthorised use by 4wd vehicles.

(4) (a) The Forest Practices Plan did not identify the French heritage sites. The sites are currently being assessed by the Tasmanian Heritage Council (THC) and have received interim protection pending completion of the assessment. The Australian Heritage Commission is also assessing the sites in consultation with the THC. (b) The planning process has demonstrated the capacity to respond to new information and the potential heritage sites will remain protected from forest harvesting activities during the THC assessment.

(5) It is premature to consider the issue of acquisition. The significance of the heritage sites has first to be established.

Environment: Mandatory Renewable Energy Target Scheme

(Question No. 1391)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 16 April 2003:

With reference to the review of the Mandatory Renewable Energy Target Scheme:

(1) Is the Minister aware that the review panel has allowed only one month for initial submissions and published no other information about the process for the review.

(2) Will the Minister ensure that the panel allows at least 6 weeks for initial submissions and any later comment opportunities.

(3) Will the Minister ensure that all submissions and other evidence to the review are made public, except where the panel is explicitly requested to make information confidential and gives reasons publicly for agreeing to do so.

(4) Will the Minister ensure that the panel holds public hearings at least in every state from which submissions are received and that the hearings are open to any party that wishes to present evidence.

(5) Will the Minister ensure that the panel publishes a draft report and recommendations with opportunity to comment before finalising the report.

(6) What budget has been provided for the review.

(7) What instructions or guidelines have been given to the panel, apart from terms of reference, about how the review should be conducted.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) That the review would be held this year has been widely known ever since the Renewable Energy (Electricity) Act 2000 was proclaimed in January 2000. The review was also foreshadowed in debate last year on the Renewable Energy Electricity Amendment Bill 2002. The review panel advertised nationally on 5 April 2003 initially calling for submissions by 5 May 2003. In response to several requests, the review panel extended the time available for lodging submissions to 19 May 2003, and indicated that it would consider reasonable requests for further extensions. Information about the review, has been published on the review website at www.mretreview.gov.au since 5 April 2003.

(2) See response to (1).

(3) I understand that the review panel is publishing all submissions received on the review website, except where confidentiality is requested.

(4) The review process is a matter for the review panel. I understand that the review panel has consulted with interested parties in all States and Territories.

(5) In view of the six month timeframe for the review, I have not asked the panel to publish a draft report. It should be noted that the six month timeframe also takes into consideration the fact that industry has expressed a desire for the review and the Government's response to it to be concluded expeditiously so as to minimise uncertainty. The panel's report will be tabled in Parliament after it has been received and considered by the Government.

(6) There is no special budget allocation for the review. Funding to meet the costs of the review will be drawn from within the budget allocation made for the Australian Greenhouse Office.

(7) The conduct of the review is essentially a matter for the Panel. I have asked that the process be as open and transparent as possible by including a formal submission process and consultations with key stakeholders. I have asked that the panel report by 29 September 2003.

Iraq

(Question No. 1422)

Senator Allison asked the Minister representing the Prime Minister, upon notice, on 2 May 2003:

(1) Did the Prime Minister receive a letter from the Australian Institute for the Conservation of Cultural Materials in early March 2003 urging Australian, British and American leaders to form an international taskforce to protect ancient monuments, archaeological sites and museum collections in the event of a war with Iraq; if so: (a) can a copy of the letter be provided; and (b) what action was taken in response to the letter.

(2) Has Australia complied with the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, March 1999.

(3) Are reports that western military personnel were stationed to protect Iraq's oil resources but not its cultural resources accurate.

(4) Will the Australian Government now work to establish an international taskforce, able to enter Iraq as soon as possible, to prevent further looting of cultural property and assess the potential for salvaging cultural artefacts; if not, why not.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator's question:

(1) I received a letter dated 7 March 2003 from the Australian Institute for the Conservation of Cultural Materials.

(a) A copy of the letter is attached.

(b) I am advised that the letter is receiving attention in my Department.

(2) The Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, March 1999, is not in force. Australia is not a party to the Protocol.

(3) No. Both Iraq's natural and cultural resources were afforded protection as soon as possible. Coalition forces were tasked with a number of duties as they moved into Baghdad, with the need to secure the city and ensure the safety of its citizens understandably given the highest priority. The Museum, Iraqi National Library and other buildings where cultural antiquities were stored were ransacked while coalition forces were still heavily engaged in combat apparently against forces loyal to Saddam Hussein. Fortunately, it now appears that initial estimates of the damage done and numbers of treasures lost were exaggerated: as opposed to some alarmist early media reports claiming that many of thousands of items were stolen or damaged, recent checks by curators and Interpol seem to suggest some 38 pieces are now considered missing. Nevertheless, it is regrettable that coalition forces were unable to reach some of these places before looting had taken place. In other instances, it seems looters took advantage of the fact that coalition troops were at times forced to redeploy temporarily to address serious military challenges and to protect the lives of ordinary Iraqis.

(4) The Australian Government has announced the formation of a Cultural Heritage Reference Group, assembled by the Australian Heritage Commission and including representatives from the Department of Defence, the Department of Communications, Information Technology and the Arts, and the National Museum of Australia. The group will consult with professional organisations in Australia, including the International Council on Monuments and Sites (ICOMOS), the Australian Library and Information Association, Museums Australia and the Australian Institute for the Conservation of Cultural Materials, before recommending appropriate activities for further government consideration. The Cultural Heritage Group will focus on practical initiatives to join with other international cultural heritage assistance programmes and to assist with the international effort to track down stolen artworks and artefacts.

JH200308232

AICCM

AUSTRALIAN INSTITUTE FOR THE CONSERVATION OF CULTURAL MATERIAL (INC)

7th March 2003

The Honourable John Howard MP
Prime Minister of Australia

Dear Prime Minister

As a leader of the *Coalition of the Willing* in the war on terror, you will appreciate that each of us in our respective countries is defined by our history. Our heritage sustains us as a community, defines who we are, and helps us to negotiate the future. Without tangible reminders and evidence of our past, we have little to unite us as communities, countries, or indeed as a global village.

For this reason, as well as planning for potential humanitarian issues likely to arise in any war, the ***Australian Institute for the Conservation of Cultural Material Inc (AICCM)*** believes that moveable cultural heritage, monuments, architectural and archaeological sites must also be given significant consideration. AICCM is the peak industry body representing the conservation profession in Australia.

You will be aware that these issues have been foreseen and addressed by The Hague in the *The Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, March 1999.

With a formal process in place, we call upon you to encourage the implementation of the protocol in keeping with global concern for the protection of cultural materials. An international taskforce comprising experts such as conservators, conservation architects, archaeologists and structural engineers, would go some way to ameliorating the losses sustained in any armed combat and assist in restoring some hope and stability for the future.

I ask you to give serious and urgent attention to this matter.

Yours sincerely

Eric Archer
President
Australian Institute for the Conservation of Cultural Materials

CC The President of the United States of America
The Rt Hon Tony Blair MP

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Australian Electoral Commission: 2001 Senate Election

(Question No. 1426)

Senator Allison asked the Special Minister of State, upon notice, on 5 May 2003:

Can details be provided by the Australian Electoral Commission of the reduced values of the following surplus votes at the 2001 Senate Election count:

State	Count	Surplus Votes	Candidate
NSW	227	26,697	Payne
Vic	161	61,988	Patterson
Qld	31	9,688	Bartlett
WA	149	7,041	Lightfoot
Tas	78	4	Brown

Senator Abetz—The answer to the honourable senator's question is as follows:

NEW SOUTH WALES

At count 226, Payne, M. had 26,697 surplus votes to be distributed in count 227, at a transfer value of 0.01580762. 1,688,869 ballot papers (not votes) were involved, from counts 1, 2, 3, 4, 5, 9, 19, 28, 39, 44, 47, 54, 61, 63, 66, 67, 70, 74, 81, 83, 87, 92, 97, 98, 100, 102, 107, 108, 109, 111, 115, 116, 117, 118, 120, 121, 130, 133, 135, 139, 142, 144, 149, 150 and 151.

At count 227, McKinnon, D. received 72,883 ballot papers, Bourne, V. received 5,633 ballot papers, Mundine, W. received 2,911 ballot papers, Gallagher, M. received 1,603,294 ballot papers, Nettle, K. received 3,768 ballot papers, and 380 ballot papers were exhausted, all at the reduced value of 0.01580762.

Because only whole votes are transferred, McKinnon, D. received 1,152 votes, Bourne, V. received 89 votes, Mundine, W. received 46 votes, Gallagher, M. received 25,344 votes, Nettle, K. received 59 votes and 6 votes were exhausted at count 227, whilst the remaining surplus vote from Payne, M. was lost by fraction.

VICTORIA

At count 160, Patterson, K. had 61,988 surplus votes to be distributed in count 161, at a transfer value of 0.04723298. 1,312,388 ballot papers (not votes) were involved, from counts 1, 2, 3, 4, 5, 6, 17, 19, 21, 25, 30, 31, 33, 36, 38, 42, 43, 47, 50, 51, 53, 55, 59, 61, 62, 64, 65, 69, 71, 74, 77, 79, 82, 84, 85, 86, 87, 88, 89, 91, 97, 98, 102, 103, 105, 106, 107, 109 and 111.

At count 161, Murphy, T. received 152,984 ballot papers, Allison, L. received 1,150,684 ballot papers, Kinnear, S. received 7,394 ballot papers, and 1,326 ballot papers were exhausted, all at the reduced value of 0.04723298.

Because only whole votes are transferred, Murphy, T. received 7,225 votes, Allison, L. received 54,350 votes, Kinnear, S. received 349 votes and 62 votes were exhausted at count 161, whilst the remaining 2 surplus votes from Patterson, K. were lost by fraction.

QUEENSLAND

At count 30, Bartlett, A. had 9,688 surplus votes to be distributed in count 31, at a transfer value of 0.01050009. 922,658 ballot papers (not votes) were involved, from counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25 and 26.

At count 31, Boswell, R. received 809,192 ballot papers, Hanson, P. received 4,532 ballot papers, Trood, R. received 108,448 ballot papers, and 486 ballot papers were exhausted, all at the reduced value of 0.01050009.

Because only whole votes are transferred, Boswell, R. received 8,496 votes, Hanson, P. received 47 votes, Trood, R. received 1,138 votes and 5 votes were exhausted at count 31, whilst the remaining 2 surplus votes from Bartlett, A. were lost by fraction.

WESTERN AUSTRALIA

At count 148, Lightfoot, R. had 7,041 surplus votes to be distributed in count 149, at a transfer value of 0.01466135. 480,242 ballot papers (not votes) were involved, from counts 1, 2, 3, 4, 5, 15, 16, 18, 25, 26, 34, 40, 41, 46, 49, 50, 53, 55, 57, 58, 60, 62, 65, 68, 69, 70, 71, 73, 74, 76, 77, 78, 82, 85, 87, 91, 95, 96, 100, 101, 103, 104, 105, 108, 109, 110, 112 and 113.

At count 149, Campbell, G. received 18,227 ballot papers, Murray, A. received 457,866 ballot papers, Cuomo, M. received 926 ballot papers, Siewert, R. received 2,979 ballot papers, and 244 ballot papers were exhausted, all at the reduced value of 0.01466135.

Because only whole votes are transferred, Campbell, G. received 267 votes, Murray, A. received 6,712 votes, Cuomo, M. received 13 votes, Siewert, R. received 43 votes and 3 votes were exhausted at count 149, whilst the remaining 3 surplus votes from Lightfoot, R. were lost by fraction.

TASMANIA

At count 77, Brown, B. had 4 surplus votes to be distributed in count 78, at a transfer value of 0.00008923. 44,824 ballot papers (not votes) were involved, from counts 1, 2, 3, 4, 5, 11, 12, 15, 18, 19, 20, 23, 25, 26, 29, 31, 34, 36, 37, 38, 39, 42, 43, 47, 48, 50, 53, 55, 56, 58, 60, 61, 62, 63, 65, 68, 70, 71, 72 and 73.

At count 78, Crack, M. received 341 ballot papers, Boag, B. received 525 ballot papers, Colbeck, R. received 1,868 ballot papers, Parry, S. received 411 ballot papers, Butler, D. received 8,653 ballot papers, Bilyk, C. received 6,400 ballot papers, Pullinger, P. received 26,567 ballot papers, and 59 ballot papers were exhausted, all at the reduced value of 0.00008923.

Because only whole votes are transferred, Pullinger, P. received 2 votes at count 78, and the other candidates received none, whilst the remaining 2 surplus votes from Brown, B. were lost by fraction.

Environment: Grey-Headed Flying Fox Trial Relocation

(Question No. 1427)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 6 May 2003:

With reference to the answer to question no. 22 taken on notice during the Environment, Communications, Information Technology and the Arts Legislation Committee additional estimates hearings in February 2003:

(1) What is the Commonwealth's role with regard to the attempts that have been, and are being, made to move grey-headed flying foxes out of the Melbourne Botanic Gardens and, more recently, the botanic gardens at Geelong.

(2) Are these operations being monitored by the Animal Ethics Committee and Zoos Victoria.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) The proposal to disperse the Melbourne Royal Botanic Gardens colony of Grey-headed Flying-foxes was referred to the Commonwealth by the Victorian Department of Sustainability and Environment (DSE) on 9 April 2002. The Minister determined the proposal not to require approval under the EPBC Act on 7 May 2002.

Environment Australia (EA) retains an interest in the program, and senior EA officers discuss the progress of the program with the DSE at regular intervals. Officers have visited the relocation site

and were satisfied with the management of the animals by trained Zoos Victoria keeping staff. In addition, future visits to the site are planned by EA officers.

(2) The relocation trial required approval from the Victorian State Animal Ethics Committee. The captive Flying-foxes are being managed by trained Zoos Victoria keeping staff, who are supported by weekly veterinarian checks of each animal. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) Victoria is maintaining close observation of the program, and DSE staff also monitor the site on a daily basis.

Environment: Grey-Headed Flying Fox Trial Relocation

(Question No. 1428)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 6 May 2003:

With reference to the answer to question no. 23 taken on notice during the Environment, Communications, Information Technology and the Arts Legislation Committee additional estimates hearings in February 2003.

What survival rate for animals would be acceptable to the Commonwealth.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

Given the stringent processes by which the animals are being managed throughout the trial, the Commonwealth expects a high survival rate.

Environment: Grey-Headed Flying Fox Trial Relocation

(Question No. 1429)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 6 May 2003:

With reference to the answer to question no. 24 taken on notice during the Environment, Communications, Information Technology and the Arts Legislation Committee additional estimates hearings in February 2003:

(1) What was the location and fate of the grey headed flying foxes fitted with satellite tracking devices and released back into the wild.

(2) Can a copy of the report by the Victorian State Government on these results be provided.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) Early reports of the released Grey-headed Flying-foxes fitted with satellite tracking devices show that a number of animals have arrived in Geelong and others have been located in Warrnambool.

(2) The Victorian State Government has not yet produced a report on the results of the relocation trial as the program is still underway. Senator Allison may wish to contact the Department of Sustainability and Environment (DSE) once the relocation trial nears completion in order to obtain any reports that the DSE produce.

Defence: Property

(Question No. 1438)

Senator Chris Evans asked the Minister for Defence, upon notice, on 7 May 2003:

For the 2001-02 financial year can a list be provided of all property sold by Defence, in the same format as the answer to question no. W10 taken on notice during the estimates hearings of the Foreign Affairs, Defence and Trade Legislation Committee in February 2002, indicating the location (town/suburb,

state/territory, postcode), size of the property, nature of the property (vacant land, facilities), sale price and purchaser.

Senator Hill—The answer to the honourable senator's question is as follows:

In 2001-02, Defence signed contracts for the sale of 29 surplus properties achieving proceeds of $128m, including $99m from the sale of Campbell Park Offices in the ACT. A spreadsheet providing details is attached.

DISPOSALS FOR FY2001-02								
Property Name	Sale Price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
Adamstown	$ 3,200,000.00	30-Mar-02	Lot 101, Adamstown	NSW	2289	5.200	Vacant Land	DHA
Albert Park	$ 1,001,000.00	27-Jun-02	27-31 Albert Dr, Albert Park	VIC	5014	0.900	Signal Depot	Department of Natural Resources and Environment (for Parks VIC)
Alice Springs	$ 371,572.57	11-Jan-02	19 Chewings St, Alice Springs	NT	870	0.114	Accommodation	Robert Boyd Toholke & Maree Grace Toholke
Annerley	$ 1,164,545.45	24 May 02	172 Dudley St, Annerley	QLD	4103	1.133	Army Training Depot	Lanex Pty Ltd
Bandiana	$ 3,000.00	03-Apr-02	Bakers Ln, Wadonga	VIC	3690	0.690	Water Tanks	DE Kerilleau Pty Ltd
Cabarlah	$ 31,835.76	31-May-02	Borneo Brks, Cabarlah	QLD	4352		MQ Area	
Campbell Park	$ 98,780,000.00	14 Jun-02	Northcott Dr, Majura	ACT	2500	16.500	Office	GE Capital (Beldon) Pty Ltd
Canadian Rifle Range	$ 147,592.54	3 Apr 02	Ellsworth St, Ballarat	VIC	3350	39.3	Range	Rifle Range Devlopment Pty Ltd
Cooma	$ 88,604.43	31 Aug 01	38 Bombala St, Cooma	NSW	2630	0.123	Training Depot	Snowy Mountains Business Enterprise Centre
Dundas	$ 12,045,022.32	01-May-02	43 Stuart St, Dundas	NSW	2117	1.545	Married Quarters	37 Individual Purchasers
Gladesville	$ 1,476,146.94	19 Oct 01	144 Ryde Rd, Gladesville	NSW	2111	0.202	Army Reserve Depot	Austfield Group Two Pty Ltd
Highett	$ 1,300,000.00	4 Oct 01	285 Highett Rd, Highett	VIC	3190	0.412	Quality Assurance Laboratory	Highett Apartments Pty Ltd
HMAS Albatross	$ 7,800.00	18 Dec 01	Braidwood Rd, Nowra	NSW	2540		Vacant Land	Shoalhaven City Council
Marrangaroo	$ 420.00	20-Aug-01	Lot 4, Marrangaroo	NSW	2790	0.502	Vacant Land	Margaret Griffith
Marrangaroo	$ 270.00	31-Jul-01	Lot 100, Marrangaroo	NSW	2790	1.068	Vacant Land	Gary & Julie Roberts
Maryborough	$ 149,822.06	16 Jan 02	Goldsmith St, Maryborough	VIC	3465	1.097	Training Depot	Lot 2 - M. Delladova Lot 7 - Selina Jane McKnight, Heath Matthew Palmer
Melbourne	$ 3,154,499.54	22-Sep-01	420 Spencer St, Melbourne	VIC	5000	0.200	Storage Facility	Paul McBain

DISPOSALS FOR FY2001-02								
Property Name	Sale Price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
Mentone	$ 2,226,500.00	20-Mar-02	Levanto St, Mentone	VIC	3337	1.600	Vacant Land	Croft Health Care
Rangar Barracks	$ 590,245.00	12-Oct-01	Cnr Shepperd & Lowe Sts, Ballarat	VIC	3350	0.593	Barracks	City of Ballarat
Rockbank	$ 211,000.00	12-Oct-01	Lot 4 Leakes Rd, Rockbank	VIC	3335	11.000	Vacant Land	Xia Li & Yu When Chao
Rockbank	$ 195,000.00	04-Oct-01	Lot 5 Leakes Rd, Rockbank	VIC	3335	11.000	Vacant Land	Damien & Adrian Fenech
Rockbank	$ 105,000.00	12-Oct-01	Lot 6B Leakes Rd, Rockbank	VIC	3335	2.000	Vacant Land	Milan Atlagic & Sylvia Atlagic
Rockhampton	$ 25,000.00	05-Dec-01	121 Canoona Rd, Rockhampton	QLD	4700	0.100	Depot	BJ & VA Clarke
Singleton	$ 5,700.00	21-Sep-01	Lot 101, Singleton	NSW	2330	5.600	Training Area	Saxonvale Coal Pty Ltd (Bulga)
St Kilda East	$ 1,034,847.75	20-Dec-01	259 Orrong Rd, St Kilda East	VIC	3183	0.100	House	Laserfast Australia Pty Ltd
Torrens	Transfer under Federation Fund Initiative	5 Oct 01	Kintore Ave, Adelaide	SA	5000	1.158	Training Depot	South Australian Govt - Minister for Government Enterprises
Townsville	$ 50,000.00	03-Dec-01	21 Green St, Towns-ville	QLD	4810	1.772	Building	Townsville City Council
Traralgon	$ 120,875.36	4 Jul 01	40-50 Queens Pde, Traralgon	VIC	3844	1.821	Training Depot	Renae Silvester, Robert Downie, David Ian and Jillian Sylvester
Victoria St	$ 1,350,000.00	12-Jul-01	49-53 Victoria St, Melbourne	VIC	3000	0.176	Training Depot	Melbourne City Council

Telstra: Contractors

(Question No. 1440)

Senator Harris asked the Minister for Communications, Information Technology and the Arts, upon notice, on 7 May 2003:

(1) What documents are transacted between the parties prior to, and during, the signing of a contract between a successful contractor and Telstra.

(2) What penalty provisions are included in a Telstra contract.

(3) What notice is given to a contractor that materials provided by Telstra are on site prior to the commencement of a contract.

(4) What process does Telstra follow in relation to non-performance of a contractor.

(5) (a) How does Telstra specify the depth that a cable is to be laid; and

(b) how does it assess compliance with this depth.

(6) How does Telstra monitor the stress on a cable during the laying process when a contractor is involved.

(7) If the stress factor is exceeded what procedure does Telstra follow.

(8) In relation to the fibre optic cable laid in Queensland: how many contracts were let for each of the following years; 1998, 1999, 2000, 2001, 2002.

(9) For each of those years, how many contracts were in default and for what reason.

(10) What action has Telstra taken, or does it intend to take, in relation to any of those contracts.

Senator Alston—The answer to the honourable senator's question is as follows:

(1) Telstra has advised that documents exchanged between the parties in the course of establishing a contract will vary depending on a number of factors, such as the nature of the works, goods or services supplied, the cost, business requirements, complexity and type of activity, common practice of the relevant Telstra business unit, and risk profile. With respect to high value contracts, documents exchanged would normally include :

- request for offer documentation, for example a request for tender document or a request for proposal or pricing
- confidentiality documentation
- administrative documents relevant to the contract process, for example an intent to respond form
- offer documentation, for the contractor's tender or proposal
- contract documentation
- associated correspondence, clarifications

(2) Telstra has advised that some of its contracts include provisions allowing it to claim amounts from contractors in the event of poor performance, non-performance or some other failure to comply with the contract, for example liquidated damages for late completion. Provisions of this type vary significantly depending on the requirements of the specific contract.

(3) Telstra advises that such arrangements would vary on a case by case basis. Without being aware of the circumstances of a particular case, Telstra has indicated that it is unable to provide further information.

(4) As for part (3).

(5) (a) Telstra advises that the depth at which a cable is to be laid is specified in various technical requirements documents, which are issued to the cable installer. For example, the document TM00044 "Technical Requirements Optic Fibre" is used to specify cable installation depths for various categories of Optical Fibre cables to installing contractors. As well as listing the standard depths, the document also specifies the options available, and the required authorisations and recording mechanism, in the event that standard depths cannot be attained

(b) Telstra advises that there are several methods used for assessing compliance to cable depth requirements:

- On-site surveillance by an authorised Telstra agent during the cable installation phase; or
- physical exposure of previously installed cable by an authorised Telstra agent; or
- electronic measurements made by an authorised Telstra agent, using appropriate instruments. This method measures the depth of metallic elements installed concurrently with the cable, in the event that the installed cable is of a non-metallic type.

(6) Telstra advises that contractor equipment used in laying Optical Fibre cable is inspected and certified by an authorised Telstra agent. Part of this certification involves measuring the tensions applied to cables and installing seals and various limiting devices that prevent the equipment installing cables beyond specified tensions. Seals and other limiting devices are inspected and re-certified annually to ensure continuing compliance. It is a condition of the contract that only certified equipment shall be used.

(7) Telstra advises that such cables are generally not accepted for integration within the Telstra network until the affected cable or cable section has been replaced by one installed to specification.

(8) Telstra advises that the following numbers of contracts for the laying of fibre optic cables in the Inter-Exchange Network in Queensland have been let by Telstra in the respective years:

- 1998: 0
- 1999: 3
- 2000: 1
- 2001: 1
- 2002: 8

Telstra advises that no specific optic fibre contracts have been let in the timeframe detailed for the Queensland Customer Access Network.

Telstra has noted that these figures do not include contracts which may have been let by Network Design and Construction (NDC) during the period it operated as a wholly owned subsidiary of Telstra from 1999 until re-integration to Telstra this year. In addition, the figures do not include stances where Telstra has laid fibre optic cable by commercial arrangement on request of individual customers for private use.

(9) Telstra advises that no contracts let in the Inter-Exchange Network were in default. As part of the on-going administration of its contracts, wherever possible Telstra seeks to prevent disputes and to work co-operatively with contractors to ensure best performance and minimise defaults.

(10) Telstra advises that, as stated in response to part (9), no contracts let in the Inter-Exchange Network were in default.

Environment: Wet Tropics World Heritage Area

(Question No. 1446)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 9 May 2003:

(1) Is the Minister planning to change the management structure of the Wet Tropics World Heritage Area by abolishing its independent board; if so, what is the timeframe for this change.

(2) Is the Minister negotiating with the Queensland Government in relation to new World Heritage legislation; if so, what arrangements for the management of the Wet Tropics World Heritage Area are being proposed in the legislation.

(3) Since the changed World Heritage funding arrangements came into effect, what has been the impact on the Wet Tropics World Heritage Area funding.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) No.

(2) I have received correspondence from Minister Wells indicating the Queensland Government is considering reviewing its legislation and management frameworks for World Heritage properties within the State.

Queensland has five World Heritage properties either partly, or wholly within its boundaries. It is the prerogative of the Queensland Government, in consultation with the Commonwealth, to review its management arrangements for the four properties it manages.

Minister Wells has indicated that Queensland will consult the Commonwealth when it has formulated proposals for the consideration of the Wet Tropics Ministerial Council.

I am waiting to see Queensland's proposals before I develop a view on the future management structure for the Wet Tropics of Queensland World Heritage property.

(3) Arrangements for the delivery of the extension to the Natural Heritage Trust provide a comprehensive strategy for funding World Heritage management responsibilities in all of Australia's State-managed World Heritage properties.

The Commonwealth has put in place arrangements for the delivery of the Natural Heritage Trust that will allow funding contributions to flow from all streams of the Trust. I have invited state governments to co-operate in the flexible use of those arrangements to ensure World Heritage priorities are met.

This year, Commonwealth funding for the Wet Tropics has been provided from the National Stream of the Trust. However, additional funding, through the Regional Stream of the Trust, is also potentially available for the Wet Tropics this year.

In 2002/03 total Commonwealth funds available to the Wet Tropics Management Authority are $4,073,758. This is more than has been available to the Wet Tropics Management Authority in previous years.

Immigration: Detention Centres

(Question No. 1450)

Senator Brown asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 9 May 2003:

With reference to the answer to question on notice no.1139 (Senate *Hansard*, 24 March 2003, p.10056):

(1) What is the definition of the word "depression" as used in the answer.

(2) What percentage of detainees have suffered, or are suffering, from depression.

(3) What percentage of detainees are receiving medication for depression.

(4) How many detainees have been diagnosed with depression or a similar condition in the past 5 years.

(5) (a) How many detainees have received medication for such an illness in the past 5 years; and (b) how many of these detainees were: (i) children, (ii) men, and (iii) women.

(6) How many detainees have received other forms of treatment for such an illness in the past 5 years; and (b) how many of these detainees were: (i) children, (ii) men, and (iii) women.

Senator Ellison—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) The word "depression" as used in the answer to the honourable senator's previous question upon notice of 24 January 2003 was a reference to reactive depression, that is, unhappiness or sadness experienced at a time of loss or disappointment. The statistics provided on 24 March 2003 on the number of detainees on medication for a diagnosed psychiatric mental illness (ie 2.9% of detainees at the end of January 2003) did not include detainees suffering from reactive depression but did include the number of detainees on medication for a diagnosed psychiatric mental illness including clinical depression.

The National Action Plan for Depression developed under the National Mental Health Plan 1998-2003, distinguishes between types of depressive disorders in the following way. "Unhappiness or sadness at a time of loss or disappointment is not the same as experiencing clinical depression. The term clinical depression describes not just one illness but a group of illnesses characterised by excessive and long term lowering in mood along with a range of other symptoms that affect the person's lifestyle and ability to manage life."

(2), (4), and (6) The very detailed information sought in the honourable senator's questions is not readily available in a consolidated form. The Department and the Detention Services Provider do not keep consolidated statistics on different categories of medical conditions suffered by detainees. It would be a major task to collect and assemble them. The practice of successive governments has been not to authorise the expenditure of time and money involved in assembling such information on a general basis.

(3) As clarified above, the Department has confirmed that at the end of January 2003 an average of 2.9% of detainees were on medication for a diagnosed psychiatric mental illness, including clinical depression, but not including reactive depression.

(5) The Detention Services Provider keeps records on the use of medication enabling a manual count of persons on a particular type of medication to be extracted at a point in time. However, it does not keep them in a way that allows historical data to be easily extracted and collated. It would be a major task to collect and assemble it. The practice of successive governments has been not to authorise the expenditure of time and money involved in assembling such information on a general basis.

Foreign Affairs: West Papua

(Question No. 1455)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 May 2003:

In regard to West Papua:

(1) What information does the Australian Government have on the torture and killing of Yapenas Murip and the torture of Kanius Murip in Wamena, on or about 15 April 2003; and (b) were military forces responsible for the attacks.

(2) What information does the Australian Government have on the safety of photocopy shop employee Henok Wilil who is reported to be under arrest without charge.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) We have information on recent reported incidents in Wamena, including the cases of Yapenas Murib and Kanius Murib, from the NGO Coalition for the Protection and Upholding of Human Rights in Papua and also from media reporting. Our Embassy in Jakarta has sought clarification of these reports from the Ministry of Justice and Human Rights and the Ministry of Foreign Affairs. The Ministry of Foreign Affairs has sought clarification of the incidents from the Indonesian military. We continue to make representations to the Indonesian government about the importance of upholding human rights, including in Papua.

(2) We have information from the NGO Coalition for the Protection and Upholding of Human Rights in Papua that Henok Wilil is not under arrest without charge and is currently not in police or military custody.

Environment: Climate Change

(Question No. 1465)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 15 May 2003:

With reference to the 2003–04 budget:

(1) For each of the financial years from 2002–03 to 2006–07: can a breakdown be provided of the 'Greenhouse – meeting the challenge of climate change' program in Table A1 of the Environment Statement, in the same format as was provided in Table A2.1 of the 2002–03 Environment Statement (i.e. give the expenditure for each individual activity within the greenhouse program and show the adjustment for the discontinuation of the Capital Use Charge (CUC)).

(2) For each of the financial years from 2002–03 to 2006–07: how much has been allocated to the Natural Heritage Trust and what effect does the discontinuation of the CUC have.

(3) For each of the financial years from 2002–03 to 2006–07: how much has been allocated to the National Action Plan for Salinity and Water Quality and what effect does the discontinuation of the CUC have.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) A table listing the individual programs within the 'Greenhouse – meeting the challenge of climate change' is attached.

Funding for the Capital Use Charge (CUC) and the estimated payment back to the Budget equalled each other, i.e. it had no net impact on the funding for individual programs. The adjustment to both the Appropriation Revenue and Expense estimates for the Australian Greenhouse Office in 2003-04 was $2.307m, and in 2004-05 $2.301m. The CUC had not been applied to other forward years.

(2) Expenditure estimates for the Natural Heritage Trust, 2002–03 to 2006-07

2002-03 $m	2003-04 $m	2004-05 $m	2005-06 $m	2006-07 $m
250.0	250.0	310.0	310.0	300.0

The discontinuation of the CUC has no impact on the allocation of funding to the Natural Heritage Trust.

(3) Expenditure estimates for the National Action Plan for Salinity and Water Quality, 2002–03 to 2006–07

2002-03 $m	2003-04 $m	2004-05 $m	2005-06 $m	2006-07 $m
62.1	113.8	152.7	149.1	119.3

The discontinuation of the CUC has no impact on the allocation of funding to the National Action Plan for Salinity and Water Quality.

Program	Revised Estimate 2002-03	Forward Estimates			
		2003-04	2004-05	2005-06	2006-07
	$m	$m	$m	$m	$m
Working With Industry					
Greenhouse Gas Abatement Program	33.690	43.030	58.554	72.142	49.348
GGAP - Rephase from 2001-02	1.448	0.000	0.000	0.000	0.000
GGAP Rephase to future years	-19.050	0.000	0.000	0.000	-6.573
Reconciliation of MBE drawdowns and appropriations - to be resolved	0.000	0.000	-0.290	-5.089	-0.928
Greenhouse Gas Abatement Program	16.088	43.030	58.264	67.053	41.847
Renewable Energy Commercialisation Program	5.950	14.018	2.289	0.000	0.000
RECP - Rephase to Bill 3 from 2001-02	1.463	0.000	0.000	0.000	0.000
RECP - Rephase to future years	-2.477	0.000	2.477	0.000	0.000
RECP	4.936	14.018	4.766	0.000	0.000
Renewable Energy Commercialisation Program	8.001	0.000	0.000	0.000	0.000
Renewable Energy Commercialisation Program	12.937	14.018	4.766	0.000	0.000
Efficiency Standards for Power Generation	0.608	0.000	0.000	0.000	0.000
Photovoltaic Rebate Program	5.734	2.161	0.000	0.000	0.000
PVRP - Rephase Admin'd from 2001-02	0.052	0.000	0.000	0.000	0.000
Less PVRP Administered	-5.454	-1.827	0.000	0.000	0.000
Plus PVRP Administered	5.454	1.827	0.000	0.000	0.000
Photovoltaic Rebate Program	5.786	5.761	0.000	0.000	0.000
Alternative Fuels Conversion Program	5.950	4.328	10.691	15.428	17.666
Greenhouse Challenge	4.509	4.227	0.000	0.000	0.000
Energy Efficiency Improvement in Commonwealth Operations	1.031	0.691	0.000	0.000	0.000
Energy Performance Codes and Standards	2.684	3.734	0.000	0.000	0.000
Renewable Energy Equity Fund	2.567	3.047	3.300	1.465	1.098
Renewable Energy Internet Site	0.045	0.000	0.000	0.000	0.000
Renewable Energy Showcase	0.000	0.000	0.000	0.000	0.000
Mandatory Targets for the Uptake of Renewable Energy in Power Supplies	0.459	2.825	0.000	0.000	0.000
Office of the Renewable Energy Regulator	1.688	1.500	0.000	0.000	0.000
ORER Approp Rec'ble - Comcover	0.019	0.000	0.000	0.000	0.000
ORER - CSS/PSS Employer Contributions	0.000	0.006	0.006	0.006	0.006
Office of the Renewable Energy Regulator	1.707	1.506	0.006	0.006	0.006
Bush For Greenhouse	1.023	0.000	0.000	0.000	0.000
Less 2002-03 budget savings*	-5.663	0	0	0	0
CUC & Parameter Attribution & CSS/PSS Supplementation	0.269	-0.102	0.058	0.058	0.058
CUC & Parameter Attribution & CSS/PSS Supplementation	0.269	-0.204	0.058	0.058	0.058
Adjustments to be met from cash holdings	-5.125	-0.306	0.116	0.115	0.115
TOTAL Working With Industry	50.267	82.861	77.143	84.067	60.732

Program	Revised Estimate 2002-03	Forward Estimates			
		2003-04	2004-05	2005-06	2006-07
	$m	$m	$m	$m	$m
Working With The Community					
Cities for Climate Protection	2.502	2.770	0.000	0.000	0.000
Cool Communities	1.900	1.808	0.000	0.000	0.000
Greenhouse Friendly	0.350	0.600	0.000	0.000	0.000
Renewable Remote Power Generation Program	17.850	16.682	29.835	25.186	23.932
RRPGP - Rephase Departmental to future years	-1.200	0.000	0.000	1.200	0.000
less RRPGP Administered	-15.004	-14.282	-27.293	-25.186	-23.932
Plus RRPGP Administered	15.004	14.282	27.293	25.186	23.932
RRPGP	16.650	16.682	29.835	26.386	23.932
TOTAL Working With The Community	21.402	21.860	29.835	26.386	23.932
Greenhouse Policy					
Domestic NPPs 2001-02					
NGS - Vocational Training	0.641	0.648	0.656	0.000	0.000
NGS - Life Cycle Assessment	0.205	0.207	0.164	0.000	0.000
NGS - Synthetic Gases	0.175	0.177	0.179	0.000	0.000
NGS - Travel Demand Management	0.641	0.648	0.656	0.000	0.000
Stationary energy supply	1.230	0.998	1.011	0.000	0.000
Sustainable transport	0.769	0.921	0.788	0.000	0.000
Gr'hse Proj & Abatement Analysis	1.410	1.426	1.444	0.000	0.000
Strategic Policy	1.037	1.049	1.062	0.000	0.000
Domestic Greenhouse Policy Development	6.108	6.074	5.960	0.000	0.000
International NPP's 2001-02					
Climate Change International	2.290	2.405	2.536	0.000	0.000
National Sinks	1.072	1.073	1.084	0.000	0.000
NGGI	1.990	1.992	2.013	0.000	0.000
Greenhouse International Policy and Reporting and Greenhouse Sinks	5.352	5.470	5.633	0.000	0.000
Greenhouse Science	3.849	4.096	0.000	0.000	0.000
National Carbon Accounting System for Land Based Sources and Sinks	5.318	2.672	0.000	0.000	0.000
Market Approaches	0.420	0.934	0.000	0.000	0.000
Impacts and Adaptations	0	0.643	0	0	0
CUC & Parameter Attribution & CSS/PSS Supplementation	0.2688	-0.102	0.0582	0.0576	0.0576
CUC & Parameter Attribution & CSS/PSS Supplementation	0.2688	0	0.0582	0.0576	0.0576
CUC & Parameter Attribution & CSS/PSS Supplementation	0.2688	-0.102	0.0582	0.0576	0.0576
Adjustments to be met from cash holdings	0.806	-0.204	0.175	0.173	0.173
TOTAL Greenhouse Policy	21.854	19.685	11.768	0.173	0.173

Family and Community Services: Nursing Homes
(Question No. 1480)

Senator Allison asked the Minister for Family and Community Services, upon notice, on 27 May 2003:

With reference to the answer to question on notice no. 1357:

(1) Given the answer to part (2)(b), can the Minister explain the discrepancy between the answers given and the figures published by the Department of Health and Ageing on page 10 of the Australian on 24 March 2003.

(2) On what evidence does the Minister base the assertion in answer to part (3) that the government disability services deal with clients with higher support needs.

(3) With reference to the answer to part (3), that the current snapshot service data and the Productivity Commission cost data is to be treated with caution, and that the Australian Institute of Health and Welfare demand study has not been fully recognised in the Commonwealth State and Territory Disability Agreement (CSTDA) growth funding: how does the department do its planning with such unreliable data.

(4) With reference to the answer to part (7), that the 'Commonwealth's view is that residential aged care rarely provides appropriate accommodation support for younger people with disabilities': does the Minister accept that this is the only option for accommodation for some families.

(5) Can a copy be provided of the CSTDA Implementation Plan mentioned in the answer to part (8).

(6) With reference to the answer to part (9)(b), which states that the department encourages states and territories to address the needs of young people in nursing homes: (a) how does this occur; and (b) is this encouragement monetary.

(7) Given that the second CSTDA was held up with disputes over funding and the third CSTDA remains unsigned after nearly a year, despite the disability administrators' CSTDA implementation plan, does the Minister recognise the failure of the CSTDA negotiation process to reach agreement on national strategic policy and funding issues; if so, what process will be put in place to reach agreement.

(8) With the limited growth funding available to the CSTDA over the next 5 years, how is the work plan in relation to young people in nursing homes going to be achieved.

(9) With reference to the Victorian Department of Human Services' estimate of a 46 per cent growth in service demand for disability services by 2011: how is the CSTDA planning for this growth.

Senator Vanstone—The answer to the honourable senator's question is as follows:

(1) The data published in The Australian on 24 March 2003 included all people under the age of 65 in Commonwealth funded residential aged care at 31 January 2003. The data provided in response to question 2b, QON 1357, however, was only on the number, age group, and jurisdiction for people under the age of 65 in Commonwealth funded high (nursing home) and low (hostel) residential aged care where the State or Territory Government was the approved provider of aged care services.

(2) As part of their client selection process, Government-funded disability services give priority to those people with highest needs, especially those with high support needs or a combination of factors which place them at a critical situation.

(3) The Commonwealth has been collecting whole of year data for the last three years for disability employment services. Whole of year data is superior to snapshot data used in the Productivity Commission Report because it provides a count of service users accessing a service throughout the full year. This data is robust enough to be used for planning and policy development.

(4) The Aged Care Act 1997 specifies that younger people with disabilities will be accepted into nursing home care on compassionate grounds and where there is no other alternative. My Department has worked with the Department of Health and Ageing to tighten admission guidelines to ensure that admission is a last resort, and to ensure that all young applicants for residential aged

care are first assisted to pursue more appropriate options through their state or territory government.

(5) A copy of the CSTDA Implementation Plan will become available when the CSTDA has been signed by all jurisdictions.

(6) (a) The Commonwealth Department of Family and Community Services (FaCS) has met a number of times with State and Territory government officials to discuss strategies that could be included in Bilateral Agreements. At these meetings jurisdictions are strongly encouraged to address the needs of young people in nursing homes and to include relevant strategies and performance indicators in their Bilateral Agreement.

(b) There is no extra funding attached to CSTDA3 Bilateral Agreements.

(7) The Commonwealth is pleased with the outcomes achieved to date under the CSTDA negotiation process. We have a much more robust agreement which provides greater transparency and accountability to parliaments and the public as well as bilateral processes to achieve greater flexibility and better service delivery for people with disabilities. To date, two States have signed the Agreement and it is expected several more will follow in the coming weeks.

(8) The issue of young people in nursing homes is a complex one, involving players from the State and Commonwealth, disability and health areas. Many of the bilateral agreements establish mechanisms for all parties to work together on this issue.

(9) The Commonwealth has made a commitment of nearly $5 billion under the third CSTDA for disability services over the next five years. This is an increase of $1.7 billion over the last Agreement including an extra $835 million to address unmet need in employment services with the increased employment funding announced in the 2003-04 Budget.

In order to establish and reform systems to improve demand management over time, all Bilateral Agreements contain a standard clause that commits jurisdictions to provide information on improvements in areas such as systems to predict, monitor and manage inflows, methods for assessment and prioritisation of applicants, and systems for balancing long-term accommodation demand with other intervention.

Health: Human Pituitary Derived Hormone Treatment

(Question No. 1481)

Senator Allison asked the Minister for Health and Ageing, upon notice, on 27 May 2003:

(1) Is the Minister aware that Professor Allars, on page 703 of the 1994 Allars Report, and the 1997 Community Affairs References Committee Report CJD Settlement Offer stated that many recipients of pituitary-derived hormones experienced difficulties in accessing their medical files, stating that records were 'missing or destroyed'.

(2) Is the Minister aware that an 'unapproved' patient, who declared himself as a patient of Human Pituitary Advisory Committee (HPAC) doctors, could only obtain access to his medical files by applying to the Victorian Civil and Administrative Appeals Tribunal.

(3) (a) what does the department consider as an 'unapproved patient'; and (b) is it true that some 500 to 600 people fit this description.

(4) How can 'unapproved patients' prove themselves, given they often do not have access to their medical records unless they go through the courts, and nor are they able to access services provided to 'official recipients'.

(5) (a) Has the Minister been advised of this unfair treatment as stated in both reports; and (b) what does the Minister intend to do to redress this situation.

(6) Why has the department elected not to advise an 'unapproved recipient' of his hGH intravenous administration during the 'provocation' tests in which his treating hospital advised the department back in 1998.

(7) Will the Minister follow up on the 'unapproved recipients' who were declared to the department and who the Department elected not to advise of their treatment.

(8) Can the Minister explain why it takes 10 years for an 'unofficial recipient' to discover his medical treatment under the HPAC.

(9) (a) Can the Minister explain why some hGH batches were excluded from the information tabled in the Allars Report, namely hGH70, hGH102, hGH104 and hGH105; and (b) given the department holds a document on this 'unapproved recipient'dated 1978, after being disclosed as a recipient, why did the department elect not to advise this recipient of his treatment 20 years later in 1998 when his hospital contacted the department.

(10) (a) Can the Minister explain why this patient was written to by both the department and his treating endocrinologist stating that he was never treated with pituitary-derived hormones, when this now proves to be incorrect.

(11) (a) How could this mistake have been made; and (b) what structures are in place to ensure that it does not happen again.

(12) Given the release of this recipient's medical files under the Freedom of Information Act, and the release of his 'provocation tests' and results, what is the Minister doing about those who were 'Steroid Primed' and chemically castrated as a result of the program.

(13) In light of this new information and the clinical investigation undertaken prior to any 'growth treatment', showing that this 'unapproved recipient' was a healthy child, showing no endocrine abnormalities with normal growth hormone levels: why was the child experimented on.

(14) Why does the department refuse to follow up on these subjects who were merely short for their age with no growth dysfunction, who ended up being treated with toxic drugs, namely anabolic steroids.

(15) Does the Minister agree that both the Senate inquiry and the 'unapproved recipients' of this program have been misled about this treatment.

Senator Patterson—The answer to the honourable senator's question is as follows:

(1) I am aware that on page 637 it is reported that many of the records were destroyed with the retirement or death of the treating medical practitioners.

(2) No.

(3) (a) The Department considers an 'unapproved patient' as a patient who received treatment without the approval from the Human Pituitary Advisory Committee (HPAC).

(b) No. There are 125 people known to have been treated outside the Australian Human Pituitary Hormone Program (AHPHP). One hundred and two of these people have been traced.

(4) Any individual who believes that they have received or been treated with human pituitary derived hormones should contact the Department of Health and Ageing by calling the free call number 1800 802 306. Procedures have been developed in order to verify such claims.

(5) (a) No.

(b) See (4) above.

(6) I am not aware of any recipient whom the Department has been able to trace, not receiving all their relevant information from the Department if they requested it.

(7) The Department has not elected not to advise 'unapproved recipients' of their treatment. As of April 2000 a total of 93.7% of all people treated with pituitary derived hormones had been traced

by the Department. All methods of tracing have been now been exhausted. The Department received Ministerial approval to cease tracing efforts from the then Minister of the Department of Health and Ageing, Dr Wooldridge in May 2000.

(8) No. See (7) above.

(9) (a) No.

(b) See (6) above.

(10) The Department has no evidence of this correspondence - see (6) above.

(11) (a) and (b) See (6) above.

(12) Steroid priming was not a requirement under the Guidelines for approval for hGH therapy. This treatment is not related to the AHPHP.

(13) This question should be directed to the treating physician.

(14) This treatment was not related to the AHPHP. The reasons for decisions made by individual treating practitioners should be sought from the practitioners.

(15) No.

Foreign Affairs: Weapons Trade

(Question No. 1482)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 28 May 2003:

(1) Has the Government established a national co-ordination agency or body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects; if not, why not.

(2) Has the Government drafted specific legislation on arms brokering activities following its agreement to the program of action of the 'United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects'; if not, why not.

(3) Has the Government established adequate, detailed standards and procedures relating to the management and security of the stocks of small arms and light weapons held by the armed forces, police and any other body authorised to hold them; if not, why not.

(4) Has the Government developed any partnerships with civil society or non-government organisations in relation to the above; if not, why not.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

(1) Yes. I refer you to the attached National Small Arms Report which provided details of national coordination agencies on small arms issues.

(2) No. However, Australia is now a signatory to the UN Firearms Protocol and is currently considering firearms brokering issues within the context of its obligations under the Protocol and the Program of Action.

(3) Yes. I refer you to the attached National Small Arms Report.

(4) Yes. The Government has developed partnerships and alliances with civil society and NGOs in relation to the above in a number of different contexts. For example, the Australian Government supports the National Peace Council of the Solomon Islands in its work to re-establish peace and the rule of law in the Solomon Islands. The National Peace Council has an important role in ensuring the removal of small arms and light weapons throughout the Solomon Islands. Some of the National Peace Council's current activities include: operation of the Weapons Free Village

campaign; maintenance of weapons surrender and amnesty databases; and wide consultation with government, women's and youth groups on peace-related issues.

The Point of Contact meets formally with Australian NGO representatives once a year, in the context of the National Consultative Committee on Peace and Disarmament. The Committee was established by the Minister for Foreign Affairs as a channel for the exchange of information and views on disarmament and arms control issues between the Government and the community.

The Point of Contact has consulted and worked with civil society in the hosting of regional workshops on the illicit trade in small arms (see regional initiatives).

The Government has also established a Sporting Shooters Advisory Council comprising representatives of sporting shooter groups and firearms dealers to advise it during the development and implementation of the reforms. The Council has ensured effective communication between the Government and the firearms community and will continue to remain a key source of advice to the Government.

Foreign Affairs: Program of Action on Small Arms

(Question No. 1483)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 28 May 2003:

(1) What, if any, steps has the Australian Government taken since July 2001 to implement the United Nations program of action on small arms agreed to at the 'United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects', held in July 2001.

(2) Why is the latest information on the department's website on this issue dated October 2001.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

(1) I refer you to the attached Australian National Small Arms Report which details Australia's implementation of the United Nations Program of Action on Small Arms for 2002/2003.

(2) The Department's website on this issue was updated in May 2003 and, before that, in October 2002.

IMPLEMENTATION OF THE UNITED NATIONS PROGRAM OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS APECTS

NATIONAL SMALL ARMS STATEMENT

AUSTRALIA

Australia has been an active player in international small arms control efforts reflecting the importance it attaches to domestic gun control. In the past year, the Australian Government has been actively promoting international cooperation to deal with small arms related problems, with a particular focus on our region.

Australia is committed to working with regional partners and civil society to address the challenge of small arms proliferation in the Pacific. It is our view that enhanced regional action is the building block for a broader international effort.

The following is an overview of measures taken at the national, regional and international level to address the challenge of the proliferation, misuse and destabilising accumulations of small arms.

NATIONAL MEASURES

National coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW (PoA – Section II, para 4)

The Point of Contact on international policy is the Chemical, Biological and Conventional Weapons Section, Arms Control Branch of the International Security Division of the Department of Foreign Affairs and Trade.

The Australasian Police Ministers' Council (APMC) is the principal forum for national firearms policy development and implementation activities. The APMC includes the Minister for Justice and Customs of the Commonwealth, and Police Ministers responsible for firearms legislation and policy within each State and Territory. The Firearms Unit of the Attorney General's Department is responsible for providing the Government with a national and international perspective on firearms policy and for coordinating the development of national legislation on firearms within Australia's federal constitutional arrangements. It takes a leading role in co-ordinating consistent policy and legislation by the States and Territories who have direct responsibility for domestic firearms control legislation.

Officers of the Australian and State and Territory governments meet regularly under the APMC's auspices to address firearms issues. Leading national law enforcement bodies including the Australian Crime Commission and the Australian Federal Police, inform the development of policy on firearms and provide information on trends in illicit firearms trafficking.

Following a national planning conference in January 2003 involving senior representatives of all Australian criminal law enforcement and other relevant organisations, it was agreed that the Australian Crime Commission would coordinate strategic intelligence and operational activity relating to illegal firearms trafficking on a national basis. It has developed a national framework for the collection of intelligence relating to illegal firearms trafficking and is in the process of preparing a strategic assessment of the nature and scope of the trafficking problem within Australia. It is targeting illegal handgun trafficking as a matter of priority and is currently supporting several multi-agency operations involving targets whose activities cross two or more State/Territory boundaries.

Laws, regulations and administrative procedures on the possession, production, export, import, transit or retransfer of such weapons (POA – Section II, para 2, 3, 6)

Australia has in place some of the most stringent firearms laws in the world. Since 1996, firearms reform measures have occupied the attention of the highest levels of the Australian Government.

The possession and manufacture of guns and all other types of small arms are subject to strict national controls and strong law enforcement. In Australia's federal system of government, the six State and two Territory jurisdictions have direct legislative responsibility for firearms control measures. The Federal Government is responsible for controlling the import and export of firearms.

Following the Port Arthur massacre in 1996 in which a person armed with high powered rifles murdered 35 persons at a historic tourist site, Australian governments tightened the regulation of ownership and licensing of firearms through the historic National Firearms Agreement (NFA). This agreement is the foundation of Australia's domestic firearms legislation. It reflected agreement by all governments in Australia's federal system to improve firearms legislation and introduced:

- prohibitions on a range of automatic and semi-automatic or "military style" longarms, 660,000 of which were surrendered under a "buyback" and compensation scheme funded by the Australian Government;
- registration systems maintained by each jurisdiction and linked across Australia;
- requirement for genuine reasons for owning, possessing or using a firearm;
- registration of all firearms;

- licensing of all firearms owners;
- strict health, character and safety criteria for firearms licence applicants;
- minimum firearms safety and storage requirements.

The Federal Government has continued to work with the governments of Australia's States and Territories to develop new legislative and policy initiatives in support of the aims of the NFA, to refine the regulation of lawful firearms owners and users and to improve community safety.

Most recently, following a tragic shooting at an Australian University, the Federal, State and Territory Governments of Australia agreed on further measures to reduce the circulation of small concealable handguns such as "pocket pistols" and to strengthen significantly controls on access to handguns by sporting shooters. The reforms do not affect access to handguns by official agencies such as Police or private security firms; however, a review of the allocation of handguns and storage practices in the private security industry will be conducted.

Australian political leaders have given their unanimous support to the following strengthened control measures:

Prohibited handguns:

Reforms will in effect restrict the classes of legal handguns to those meeting recognised sporting shooter classifications in the Olympic and Commonwealth Games and other accredited events.

Sporting shooters will no longer have access to small and other easily concealable handguns and to those above .38" calibre. An exception to this limit will apply to sporting shooters who participate in a limited number of events which governments will jointly accredit where handguns of up to .45"calibre will be permitted.

Semi-automatic handguns with a barrel length of less that 120mm, and revolvers and single shot handguns with a barrel length of less than 100mm will be prohibited. Some specialized target pistols of a barrel length below 120mm will still be permitted because of their unique characteristics and lack of concealability. Shot capacity will also be limited to a maximum of ten.

Stricter Controls on Access to Handguns

To ensure only genuine and committed sporting shooters gain access to handguns, the reform measures establish a system of "graduated access" to handguns by sporting shooters who wish to enter the sport. Sporting shooters will also be required to participate in a minimum number of shooting matches each year to demonstrate their commitment to the sport and their need for handguns. Failure to meet the minimum participation level will result in loss of the handgun licence. The access regime includes:

- stricter character requirements;
- limited access to handguns for the first six months of a person's licence;
- progress to full access after 12 months upon establishing a genuine need for a handgun; adherance to safe storage requirements; and specification of the particular sports shooting discipline in which the handgun is required; and
- a requirement that sporting shooter clubs endorse a member's application to acquire a handgun.

Buyback of prohibited handguns

The prohibition on certain handguns will be accompanied by a surrender and "buyback" of handguns and certains parts and accessories. This will commence in July 2003 and continue for six months. The Federal Government will fund two-thirds of the cost of acquiring prohibited handguns and the States and Territories one third. An amnesty will be conducted concurrently during which handgun owners can surrender illegally held handguns without penalty. The Government is ensuring that handgun owners including handgun dealers will receive fair compensation for handguns by developing valuations based on experts' opinions and a formal resolution process for disputed valuations.

QUESTIONS ON NOTICE

Export/import controls

Australia also has in place strict and comprehensive controls and licence procedures to regulate the import and export of small arms. These controls regulate the legal trade in small arms, which in turn helps to prevent illicit trafficking.

All proposed exports from Australia of defence and related goods, including small arms, are subject to comprehensive, case-by-case government review and licence procedures. Licence approvals are issued only where export is consistent with Australia's international obligations and broader interests, including security and human rights considerations.

Australia's strict policy on illegal arms transfers is illustrated by the various conditions under which exports of military small arms and military goods are expressly prohibited, including:

- to countries against which the United Nations Security Council has imposed a mandatory arms embargo
- to governments that seriously violate their citizens' rights, unless there is no reasonable risk that the goods might be used against those citizens
- where foreign and strategic policy interests outweigh export benefits.

Australia has also decided that in certain circumstances it may be necessary to prevent the export of non-military lethal goods (including certain types of small arms, such as hunting or sporting weapons) to particular destinations on foreign policy, defence or other national interest grounds. As with military goods, the export of non-military lethal goods also requires an export licence or permit.

Australia fully complies with third party transfer undertakings and obligations provided to the original exporting State. The discharge of these obligations includes notification of the original exporting State of the intention to retransfer. Australia also requires end-use and end-user certification for small arms and light weapons from designated recipient states. Military firearms are only exported to a foreign government or its authorised representative.

Customs inspections are thorough and include use of sophisticated technologies and targetted inspections based on intelligence information.

In March 2000, Australia increased penalties for illegal firearms trafficking, including some types of small arms. Through amendments to the Customs Act 1901, criminal offences relating to smuggling or importing firearms were made punishable on conviction by a penalty of up to $250,000 and/or 10 years imprisonment.

On 20 December 2002, the Australian Government banned the import of all prohibited handguns by sporting shooters (that is, all handguns other than those which meet the prescribed physical characteristics, including barrel length, calibre and shot capacity) by amendment to its Customs legislation. States and Territories will have their own legislation in place by July 2003.

Tight controls are applied to all other firearms imports. For lawful handguns (such as for the private security industry), importers now require permission from State and Territory police prior to the importation and sale occurring, and limits are placed on the stocks of newly imported handguns that importers/dealers can hold (handguns stocks over and above the set limits must be held by the Australian Customs Service). The amendments will also extend controls to handgun frames/receivers in the same fashion as complete handguns. This is to prevent the possibility of handgun frames/receivers being legally imported as parts and subsequently assembled as an operative firearm or used to convert a permitted handgun into a prohibited handgun.

Other changes to national controls

Recent significant developments in Australian firearms policy and legislation include:

National Firearm Trafficking Policy Agreement – 2002 (NFTPA)

The NFPTA reflects Australia's focus on effective control of the illegal trade in firearms by strengthening domestic legislation and increasing efforts to detect and prosecute those engaged in firearms trafficking. The NFTPA, an administrative and legislative action plan was endorsed by Australasian Police Minister's Council (APMC) in July 2002 and provides for:

- increased efforts to detect illegally imported handguns through improved Customs controls
- The government has committed significant resources to prevent the illegal importation of handguns including increasing border activity and commissioning state-of-the-art x-ray equipment at Australian ports;
- substantial legislative penalties for illegal possession or selling of a firearm and an extended and comprehensive legislative definition of "possession";
- consistent provisions to regulate the manufacture of firearms;
- stricter monitoring of licensed firearms dealers including power to refuse or cancel licences where the dealer is associated with or employs persons of bad character;
- tighter recording and reporting of transactions involving major component firearm parts to ensure firearms cannot be assembled from unregistered parts;
- national legislation to complement State and Territory laws against firearms trafficking.

In support of its commitment to the NFPTA the Federal Government introduced the Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Act 2002. This legislation prohibits inter alia interstate trafficking in firearms and provides for a maximum penalty of 10 years imprisonment and/or a $250,000 fine for those convicted of firearms trafficking. The penalty is in general more substantial than that provided under State and Territory legislation for the illegal sale or possession of a firearm. The legislation provides law enforcement authorities with additional power and flexibility in the detection and prosecution of firearms trafficking within Australia.

National system of export and import licensing or authorization systems, measures on international transit for the transfer of all small arms and light weapons (PoA – Section II, para 11)

Australia has comprehensive legislation regulating imports and exports administered by the Australian Customs Service responsible to the Minister for Justice and Customs.

Australia fully complies with third party transfer undertakings and obligations provided to the original exporting state. The discharge of these obligations includes notification of the original exporting state. Customs inspections are thorough and include use of sophisticated technologies and targeted inspections based on intelligence information.

Specific measures taken to ensure an appropriate and reliable marking on each SALW and to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked SALW (PoA – Section II, para 7 and 8)

Australia manufactures very few firearms. All States and Territories maintain registers of firearms including the make and model and serial number and owners' details. Under the National Firearm Trafficking Policy Agreement, Australia's States and Territories have undertaken to strengthen their firearms legislation including those provisions which regulate the manufacture of firearms.

Firearms manufactured after 1900 must bear a unique marking (i.e. serial number). Australian Customs Service monitors compliance with this requirement as a part of import/export procedures.

The Federal Government introduced national firearms trafficking legislation in 2002 which imposes substantial penalties for interstate trafficking in firearms. The new legislation ensures Australia has a comprehensive legal regime to deter illegal possession and transfer of all firearms.

Australia's Federal and State governments are considering the introduction of computerised ballistic imaging on a national level. Currently, NSW has an Integrated Ballistic Identification System (IBIS), which is an automated computer system that enables police to easily identity and effectively solve complex firearm related crimes. While some other states are using a different system (FIREBALL) which enables police to search suspect firearms against images of cartridge cases and projectiles held on the database.

Measures taken to ensure comprehensive and accurate records on the manufacture, holding and transfer of SALW? (PoA – Section II, para 9)

Australia has a comprehensive system for compulsory registration of firearms and licensing of firearms owners. Police authorities have access to firearms registration and licensing details. Export and import procedures require full details of the firearms to be provided to the Australian Customs Service. Development of a National Firearms Licensing and Registration system is proceeding.

Accountability processes (PoA – Section II, para 10). Management and security of its own stocks of weapons (PoA – Section II, para 17 and 18). Safe Storage of small arms in the community.

The Australian Defence Force (ADF) maintains strict accountability processes for its weapons. Police forces maintain tight controls on the issue of firearms. Firearms storage and armoury security remains a key issue for the Government.

Strict control measures apply to military weapons, munitions and explosives. Weapons are individually numbered and tracked, and are stored securely in defence establishments. All weapons are registered and subject to strict accounting procedures, including an annual census under the supervision and direction of the Defence Inspector General's Office. The aim of each census is to account for 100 percent of weapons. Thorough investigation procedures are in place for investigations into the loss, theft or attempted theft of weapons, ammunition and explosives. Control measures on the employment of military small arms are enforced on operations through Rules of Engagement and Orders for Opening Fire.

Defence operates an inventory management system which details the exact number and location of its small arms by type. All Australian Defence Force official stocks are audited on an annual basis. Defence regularly reviews operational stock levels against capability requirements. This analysis provides the basis for ongoing provisioning and determination of any potential surplus.

The Australian Federal Police (AFP) imports official police issue firearms directly from the manufacturers, bypassing product importers and agents. The AFP clears all their firearms through Customs directly into the AFP Central Armoury. Those firearms are then inspected, and registered before being issued personally to sworn members. Regular audits, inspections and servicing are conducted. The transport of firearms is controlled through secure couriers on special contract conditions. All security conduct is controlled by the AFP Protective Security Manual.

Under recent firearm/handgun reforms, firearm authorities are required to review the adequacy of safe storage compliance and audit arrangements and to give additional emphasis in information and publicity material of the need to safely store firearms.

Firearms storage and allocation practices within the private security industry will also be examined and a report prepared for Police Ministers.

Destruction of surplus SALW as well as those confiscated, seized or collected (PoA – Section II, para 16, 18 and 19)

The Australian Defence Force (ADF) and other national and State and Territory agencies closely monitor their firearms requirements and stocks. Surplus ADF weapons are destroyed or occasionally on-sold to a third country.

If a particular ADF weapon is declared out of service, disposal action will be commenced. Weapons are destroyed (usually by smelting), or occasionally they may be on-sold to a third country. The same process occurs for weapons declared surplus to requirement. However, surplus weapons may be held in

long-term storage as War Reserve Stocks. In the event of a sale, the transfer of the weapon is effected according to the aforementioned procedures governing weapon exports. This ensures that the sale complies with relevant Australian Government policy and that arms or weapons are sold only to approved purchasers, using the mechanism of end-user certification. In both the case of disposal by sale to another country and/or destruction, official stocks are strictly controlled by the Defence Materiel Organisation using extant procedural requirements, including the recording of all serial numbers.

Firearms surrendered under the 1996 buyback of long arms were destroyed. Those proposed to be surrendered under the 2003 buyback of handguns will be destroyed under strict supervision.

National legislation on Brokering (PoA – Section II, para 14)

Australia manufactures very few firearms. Australia is a signatory to the UN Firearms Protocol and is currently considering firearms brokering issues within the context of its obligations under the Protocol. Currently, the Crimes (Foreign Incursion and Recruitment) Act 1978 has provisions which criminalise activities including certain forms of brokering.

Public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW (PoA - Section II, para 20)

The Australian Government appreciates the importance of informing and educating the community on the problems and consequences of the illicit trade in SALW. The Government has funded a number of initiatives to raise public awareness. For instance, Australia part-funded a study of Small Arms in the Pacific (a publication of the Small Arms Survey).

The Government will implement a targeted information and awareness campaign for those affected by recent handgun reform measures and for the general community. The handgun buyback and tighter controls on access to handguns will be accompanied by the development of a national firearms safety training program and a broad educational program for sporting shooters, historical fireams collectors and medical professionals on their obligations and responsibilites in relation to firearms.

A key part of information provision during the handgun buyback will be publication on the Internet of a list of all affected handguns and compensation payable. Handgun owners will be able to identify quickly if their handgun is prohibited and the value ascribed to it.

The “buyback” of automatic and semi-automatic long arms instituted in 1996, which recovered approximately 660,000 firearms from private individuals, was accompanied by firearms amnesties and other publicity measures to encourage firearms owners to surrender unregistered firearms.

The Australian Government funded Australian Institute of Criminology has undertaken extensive research on firearms issues. Its recent report on firearms theft has served as the basis for developing improved controls on firearms storage and its findings have demonstrated to dealers and owners the need to properly secure and store their weapons.

The Australian Government maintains internet web sites in relevant agencies describing firearms measures it is taking at the domestic and international level.

The Australian Government also conducts an Outreach Program that seeks to increase public awareness of export requirements.

Examples of cooperation with civil society and non-governmental organizations with a view to eradicating the illicit trade in SALW. (PoA – Section II, para 20)

The Point of Contact meets formally with Australian NGO representatives once a year, in the context of the National Consultative Committee on Peace and Disarmament. The Committee was established by the Minister for Foreign Affairs as a channel for the exchange of information and views on disarmament and arms control issues between the Government and the community. The Committee considers and reports to the Minister on the execution of Government policies on arms control and disarmament and maintains contact with individuals and groups interested in peace, arms control and disarmament issues.

The point of contact has consulted and worked with civil society in the hosting of regional workshops on the illicit trade in small arms (see regional initiatives). The point of contact and other coordinating agencies (such as Attorney-General's Department) are also responsible for liaising with interested NGOs and members of the public on an ad-hoc basis.

The Government has also established a Sporting Shooters Advisory Council comprising representatives of sporting shooter groups and firearms dealers to advise it during the development and implementation of the reforms. The council has ensured effective communication between Government and the firearms community and will continue to remain a key source of advice to Government.

REGIONAL MEASURES

Australia makes an important contribution to international efforts to address small arms through its regional capacity building and disarmament activities

Regional Cooperation and Capacity Building

Australia is committed to working with regional partners and civil society to address the challenge of small arms proliferation in the Asia-Pacific.

Most recently, Australia provided USD 20,000 for a Pacific wide Small Arms Survey, launched in Suva on 2 April, 2003.

Australia participated in a sub-committee of the South Pacific Forum (South Pacific Chiefs of Police Conference) which developed a common regional approach to weapons control, focusing on the illicit manufacture of, and trafficking in, firearms, ammunition, explosives and other related materials. This common approach has been encapsulated in a document called the Nadi Framework.

Following on from this, Australia has taken an active part in efforts to develop model legislation on weapons control in the Pacific, including by providing financial support for the drafting of the model legislation and hosting regional meetings to consider and review the model legislation and other practical initiatives.

Japan and Australia co-hosted a seminar in January 2003 which examined the problems of small arms in the South Pacific This built on discussions at a similar workshop in Brisbane in May 2001. The workshop drew on Japan and Australia's own legislative, judicial and penal experiences covering the control of small arms, and police and defence practices. At this meeting, Pacific Island countries agreed to move forward with the development of model legislation. The model Weapons Control Bill has now been finalised by the Pacific Island Forum Secretariat and will be circulated to Pacific Island States, an initiative that we were able to contribute to through our aid program. It is expected that the draft bill will be reviewed at the Pacific Forum Regional Security meeting in June this year in Fiji.

If the legislation is adopted by Pacific Island states, it will significantly improve the existing firearm laws. The thorough analysis of Pacific legislation in the Small Arms Survey Pacific Report will no doubt help in the implementation of this model legislation.

As part of the follow up to the May 2001 Brisbane workshop personnel from the Australian Defence Force have been assisting Pacific Island Countries to strengthen armoury security-a key area of concern. Training has been conducted to encourage Pacific countries to implement better stockpile management practices and advice has been provided on how to improve the physical security of a number or armouries. The Defence Cooperation program has also funded the construction of three new PNGDF armouries (at a cost of A$1.2 million) in an effort to improve small arms security in the lead up to the PNG elections. Another three armouries are due to be completed in PNG later this year.

Disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of SALW in post-conflict situation? (PoA – Section II, para 23)

Through AusAID (the Australian Agency for International Development), Australia funds many projects which address the humanitarian needs of conflict-affected communities, particularly in our region.

These have included demobilisation and reintegration of ex-combatants – including child soldiers - into productive civilian life at the end of armed conflict in Sri Lanka and Bougainville; assistance with demobilisation of special constables in the Solomon Islands; contributions to reconstruction in East Timor; and support for region-wide efforts to combat Small Arms proliferation, promotion and assistance with post-conflict reconstruction (Cambodia, Bougainville, Solomon Islands); reform and capacity-building of police, judicial and penal systems in conflict-affected areas (East Timor, Fiji, Tonga, Samoa, Solomon Islands, Cambodia, Papua New Guine); and assistance to promote respect for international humanitarian law regarding the use of small arms (Papua New Guinea, Rwanda, Burundi).

Bougainville: Australia continues to make a substantial contribution to the ongoing peace process on the island. Since the 1997 cease-fire, the Bougainville Peace Agreement has been signed and legislated and a substantial number of small arms (currently 1753) have been contained.

In addition, the AUD 5 million Bougainville Ex-combatants Trust Account (BETA) has been established to assist ex-combatants to reintegrate into civilian society. It provides ex-combatants with skills and opportunities to engage in productive activities through micro-enterprise development. To date, over 2500 applications have been received by the BETA office and awareness sessions have been conducted in all districts on Bougainville, with almost half of all applications approved so far.

Solomon Islands: Law and justice and support to the peace process and communities are two key objectives for Australia's aid program in the Solomon Islands. Australia is assisting to rebuild police services, reform the judiciary and prison system, and improve police-community relations.

- Australia is providing funding (AUD 1.9 million) for a UNDP project to demobilise disruptive Special Constables from the Royal Solomon Islands Police (RSIP) and reintegrate them into the community.
- Australia played an important role in bringing to an end the conflict in Solomon Islands, including the destruction of some 2000 weapons, through our leadership of the International Peace Monitoring Team (which concluded in June 2002).
- Australian support of the indigenous Solomon Islands Peace Monitoring Council (PMC) (now the National Peace Council (NPC) has been important to the peace process. The PMC worked with the IPMT on weapons collection. The NPC continues to play the primary role in weapons collection and disposal, as part of their role in supporting the peace process and a return to the rule of law in the Solomon Islands. Australia provided significant financial support to the PMC and is continuing support for NPC.

East Timor: Australia is also making a concerted contribution to reconstruction and infrastructure development in East Timor, including through a small grant and financial consultant to the newly established Reception, Truth and Reconciliation Commission.

As part of INTERFET's operations, the Australian Defence Force seized weapons which were then stored securely. When INTERFET operations ceased and UNTAET assumed responsibility for the administration of East Timor, the seized weapons were handed over to UNTAET for destruction.

Regional mechanism in promoting trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies in your region (PoA – Section II, para 27)

The Australian Customs Service, the Australian Federal Police and the Australian Defence Force cooperate closely with their counterparts within the region on these issues.

GLOBAL LEVEL

The Australian Government places a high priority on preventing the illicit trade in small arms. Its strong domestic polices and legislation complement Australia's support for regional and international initiatives such as the Programme of Action.

International instruments

Australia is a signatory to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

Specific problems encountered in the implementation of the Programme of Action/ Lessons Learnt

Australia has not yet ratified the UN Firearms Protocol. The Australian Federal Government is currently consulting with States and Territories about Australia's obligations under the Protocol and necessary legislative reforms/amendments to bring Australia into line with obligations under the Protocol.

Australia is currently reviewing national arms export reporting with a view to enhancing the transparency of small arms exports. Export reports in future will include a specific category outlining the value and quantity of small arms exports.

A lesson derived in the process of reforming firearms laws in Australia's complex federal system was the need for a strong consultative and coordination mechanism with policy strength to promote, elicit support and assist with the implementation of reform measures. Also important was the establishment of an advisory council comprising community representatives as part of a broad consultation process.

Australia's regional endeavours, for example encouraging the development of model legislation for the Pacific, have demonstrated the need to provide assistance to Governments in the establishment of or reinforcement of international cooperation mechanisms and to strengthen enforcement capacity.

Information sharing

Effective legislation and enforcement measures are a priority of the Australian Government's firearms reforms. The Australian Government welcomes the opportunity to share information on its current legislation and policy developments with other countries considering similar control measures.

Further Information:

http://www.law.gov.au/handguns

NSW Firearms legislation:

http://www.austlii.edu.au/au/legis/nsw/consol_act/fa1996102/

Victoria Firearms Act (1996)

http://www.austlii.edu.au/au/legis/vic/consol_act/fa1996102/

http://www.austlii.edu.au/au/legis/vic/consol_act/fa1998182/

http://www.austlii.edu.au/au/legis/vic/consol_act/ffa1996279/

New Firearms/Trafficking and handgun controls 2003:

http://www.dms.dpc.vic.gov.au/pdocs/bills/B01368/index.html

For the Western Australian Firearms Act:

http://www.austlii.edu.au/au/legis/wa/consol_act/fa1973102/

Gambling

(Question No. 1484)

Senator Allison asked the Minister for Family and Community Services, upon notice, on 5 June 2003:

With reference to the Productivity Commission report no. 10, *Australia's Gambling Industries*, dated 26 November 1999: Can information be provided on the progress made by the Ministerial Council on Gambling in respect of each of the following issues identified, and findings contained, in the report (pp 3-4):

(1) Quantification of the costs and benefits of the gambling industries is hazardous. Uncertainty about key parameters constrained the Commission to providing low and high estimates. For the gambling industries as a whole, estimates of their *net* contribution to society, ranged from a net loss of $1.2 billion to a net benefit of $4.3 billion. This masks divergent results for different gambling modes, with lotteries revealing clear net benefits, whereas gaming machines and wagering include the possibility of net losses.

(2) Policy approaches for the gambling industries need to be directed at reducing the costs of problem gambling – through harm minimisation and prevention measures – while retaining as much of the benefit to recreational gamblers as possible.

(3) The current regulatory environment is deficient. Regulations are complex, fragmented and often inconsistent. This has arisen because of inadequate policy-making processes and strong incentives for governments to derive revenue from the gambling industries.

(4) Restrictions on competition have not reduced the accessibility of gambling other than for casino games. With the possible exception of casinos, current restrictions on competition have little justification.

(5) Venue caps on gaming machines are preferable to statewide caps in helping to moderate the accessibility drivers of problem gambling. However, more targeted consumer protection measures – if implemented – have the potential to be much more effective, with less inconvenience to recreational gamblers.

(6) Existing arrangements are inadequate to ensure the informed consent of consumers, or to ameliorate the risks of problem gambling. Particular deficiencies relate to:

- information about the 'price' and nature of gambling products (especially gaming machines);
- information about the risks of problem gambling;
- controls on advertising (which can be inherently misleading);
- availability of ATMs and credit; and
- pre-commitment options, including self-exclusion arrangements.

(7) In such areas, self-regulatory approaches are unlikely to be as effective as explicit regulatory requirements. In most cases, regulation can be designed to enhance, rather than restrict consumer choice, by allowing better information and control.

(8) Counselling services for problem gamblers serve an essential role, but there is a lack of monitoring and evaluation of different approaches, and funding arrangements in some jurisdictions are too short term.

(9) Services, awareness promotion and research activities related to problem gambling are likely to be most effectively funded from earmarked levies on all segments of the gambling industry, with the allocation of funds independently administered.

(10) The mutuality principle, combined with lack of constraints on gaming machine numbers, appears to be distorting the investment and pricing decisions of some clubs, with impacts on competitors. Of the options for dealing with it, only tax action at the state level appears feasible.

(11) Policy decisions on key gambling issues have in many cases lacked access to objective information and independent advice – including about the likely social and economic impacts – and community consultation has been deficient.

(12) An ideal regulatory model would separate clearly the policy-making, control and enforcement functions.

(13) The key regulatory control body in each state or territory should have statutory independence and a central role in providing information and policy advice, as well is in administering gambling

legislation. It should cover all gambling forms and its principal operating criteria should be consumer protection and the public interest.

Senator Vanstone—The answer to the honourable senator's question is as follows:

Most of the issues raised in the Honourable Senator's question can only be dealt with by the States and Territories, who have primary responsibility for the regulation and legislation for gambling. However, the response endeavours to provide information on these issues to the extent possible based on publicly available information from State and Territory regulatory bodies.

The Federal Government expects that States and Territories will continue to take responsibility for gambling issues and address the recommendations the Productivity Commission made in 1999. Commonwealth involvement in the Ministerial Council on Gambling (MCG) enables us to continue to contribute to this on-going process.

In response to the PC report, the Australian Government instigated a number of initiatives to address the issue of problem gambling.

Commonwealth Initiatives

- The Ministerial Council on Gambling includes all State and Territory Ministers responsible for gaming regulation. The Federal Minister for Family and Community Services is the Chair of the Council. A representative from the Community Services Ministers' Council is also a member.
- The National Advisory Body on Gambling was established to provide independent advice to the Minister on a wide range of gambling issues. The body brings together community and industry views to assist in the development of a national approach to gambling issues.
- Significantly, the 2001 Federal Budget allocated $8.4 million over four years for education and research to better understand the causes of problem gambling and to help reduce its incidence.
- A portion of these funds will be used to develop a national public awareness campaign to educate about the risks associated with problem gambling and the available support services. The campaign will be based on extensive qualitative and quantitative market research.
- In addition, a Memorandum of Understanding between the States and Territories and the Australian Government is currently being negotiated to undertake the National Gambling Research Program.

(1) There is no current independent research that quantifies social costs and benefits of gambling.

Research to be progressed through the National Gambling Research Program (NGRP) will provide information associated with this issue, in particular problem gambling. Information on the research agenda of the MCG is provided at point (2).

(2) The MCG has agreed to five key priority research areas for the NRGP. These are:

- National approach to definitions of problem gambling and consistent data collection
- Feasibility and consequences of changes to gaming machine operation
- Best approaches to early intervention and prevention to avoid problem gambling
- Longitudinal study of problem gamblers and what policy measures would work for them; and
- Benchmarks and on-going monitoring studies to measure the impact and effectiveness of strategies introduced to reduce the extent and impact of problem gambling, including studies of services that exist to assist problem gamblers and their effectiveness.

Research on these issues will contribute to the knowledge base of gambling regulators and policy makers to ensure approaches to reduce harm to problem gamblers are effective, targeted and do not impact on recreational gambling as a whole.

(3) After the Productivity Commission (PC) released its *Australia's Gambling Industries* report in 1999 the Prime Minister established the Ministerial Council on Gambling (MCG) to assist in achieving a more coordinated approach to the regulatory environment. The aim of the MCG is to:

"minimise the negative impacts of problem gambling by exchanging information on responsible gambling strategies, and providing a forum for discussing common issues with the objective of developing suitable regulatory responses."

State and Territory regulators meet on a quarterly basis to share information and provide an opportunity for more coordinated approaches to the development of appropriate regulations. The Commonwealth attends these meetings as an observer.

(4) Since the PC inquiry SA, QLD, NSW, VIC, ACT and NT have introduced state-wide quantity restrictions on gaming machines.

All states except ACT have introduced venue specific quantity restrictions on gaming machines in clubs.

All states have introduced quantity restrictions on gaming machines in hotels. WA has a zero cap for venues outside the casino.

All states except TAS and NT have limits on gaming machines in casinos. ACT casino does not have machines.

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All states except TAS and NT have limits on gaming machines in casinos. ACT casino does not have machines.

All states have also developed other targeted consumer protection measures. Further information on consumer protection measures is provided at point (6).

(6) All jurisdictions have introduced some key measures relating to informed choice – requiring venues to provide information to enable reasonable understanding of the odds and to address false perceptions of how games work.

Warnings about gambling odds are compulsory in NSW and various warnings are required in clubs and hotels in ACT.

No state provides a display of rules of the games in its casinos but all are available on request. SA, VIC, ACT and NSW provide display of odds in casinos.

Information about the 'price' and nature of gambling products (especially gambling machines)

In NSW it is compulsory for clubs and hotels to provide a display of odds. However, other jurisdictions rely on implementation of Voluntary Codes of Practice.

Information about the risks of problem gambling

SA, QLD, NSW, VIC, ACT have a statutory obligation on the regulator to foster responsible gambling and minimise problem gambling. WA has no statutory obligation, but there is an expectation. Tasmania and Northern Territory are the exceptions.

All jurisdictions have posters and brochures on problem gambling assistance, or referral, available in casinos, although these are not mandatory.

The Victorian casino has a service provider on site and the NSW casino has an arrangement with a service provider for referral.

Within clubs and hotels, the ACT and NSW have compulsory requirements for warnings about the risks of problem gambling – other jurisdictions rely on Voluntary Codes of Practice.

All jurisdictions have engaged in or will soon deliver, public awareness campaigns.

The Commonwealth has allocated Budget funds towards a National Problem Gambling Awareness Campaign. The campaign is currently being developed.

Controls on advertising (which can be inherently misleading)

All jurisdictions have advertising restrictions but these are not necessarily specific to gambling promotion, nationally consistent or mandatory.

NSW has the most restrictive practice in regards to gaming machines with a total ban on all gaming machine advertising outside of the gaming venue.

ACT has no restrictions on advertising for clubs and hotels.

WA has no restrictions on casino advertising

NT has a ban on all inducements to gamble including free transport to venues.

Availability of ATMs and credit

All jurisdictions have a ban on accessing credit through ATMs in gaming venues. Restrictions on the cashing of cheques from winnings are also in place in some jurisdictions.

All jurisdictions have restricted access to ATMs in gaming venues.

Tasmania has a total ban on ATMs in clubs and hotels and SA has introduced limits on the amount of each transaction per ATM card in gaming venues.

The Commonwealth has commissioned research on ATM/EFTPOS functionality and capabilities in gaming venues.

Pre-commitment options, including self – exclusion arrangements.

There is a national options paper under development by the Regulators Working Group on pre-commitment and loss limits measures. This paper will be presented to the CEOs of each state for consideration after finalisation.

The Victorian Casino is introducing functionality so that gamblers can set their loss limits prior to playing gaming machines.

All jurisdictions have provisions for self-exclusion (people can ban themselves from a gambling venue) at casinos and hotels and clubs.

In NSW it is compulsory for clubs and hotels to have a self-exclusion arrangement in place.

So far there is little provision for cross-venue self-exclusion arrangements except across Victorian hotels and in South Australia where it is administered through the Independent Gambling Authority.

(7) Most Voluntary Codes of Practice by industry do not allow for independent review and evaluation.

All jurisdictions have taken a range of legislative and regulatory actions since 1999. At this time these are not nationally consistent actions.

Also see point (2) for research approaches, point (3) for regulatory responses and point (6) for measures to support consumer choice.

(8) The Community and Disability Service Ministers Advisory Council (CDSMAC) has convened a Working Party that is investigating service quality in problem gambling counselling services. The Community and Disability Services Ministers Council is represented on the Ministerial Council on Gambling.

(9) All jurisdictions fund their research, services and awareness promotion by various means. There is no nationally consistent approach to earmarking funds specifically for gambling.

(10) Current state gambling taxation rates differ across jurisdictions. This taxation is a state issue.

(11) The Commonwealth has responded to the Productivity Commission report by establishing the National Advisory Body on Gambling. The body has provided advice on a draft National Harm Minimisation Strategy. The Advisory Body called for public submissions on problem gambling soon after it was established and incorporated these into its comments.

QLD, VIC, NSW and ACT have developed mechanisms for social impact statements in decisions about extension of gambling activities in clubs and hotels but not in casinos. WA requires a social impact statement for extension of casino activities.

See point (2) for priority research areas for the National Gambling Research program.

(12) QLD, NSW and VIC have established consultative committees or advisory bodies.

The ACT has established by statute a Gambling and Racing Commission.

Plans by Victoria to abolish the Casino and Gaming Authority and the offices of Directors of Gaming and Betting and Casino Surveillance and replace them with a three member Commission for Gambling Regulation have been delayed until the Spring 2003 session of Parliament.

(13) See point (12) for examples of regulatory models in ACT and Victoria.

Foreign Affairs: Abdussalam Muhamad Deli

(Question No. 1485)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 2 June 2003:

In regard to the kidnapped human rights worker Abdussalam Muhamad Deli in Aceh:

(1) What information does the government have about the safety and whereabouts of Mr Deli?

(2) From whom did the information come?

(3) Did the Indonesian military kidnap Mr Deli; if so, why?

(4) What representations will be made to ensure Mr Deli's safe return.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

(1) We have no information on the safety and whereabouts of Abdussalam Muhamad Deli beyond that contained in the reports of Peace Brigades International and Amnesty International.

(2) See answer to (1) above.

(3) Our Embassy in Jakarta has sought clarification of the NGO reports from the Indonesian Department of Foreign Affairs.

(4) Our Embassy in Jakarta has raised the case of Abdussalam Muhamad Deli with the Indonesian Government and sought clarification, drawing attention to the concerns over his safety and whereabouts.

Trade: Free Trade Agreement with United States

(Question No. 1486)

Senator Brown asked the Minister representing the Minister for Trade, upon notice, on 4 June 2003:

In relation to the Pharmaceutical Benefits Scheme (PBS) and the proposed free trade agreement (FTA) with the United States of America:

(1) Is any aspect of the PBS included in the ambit of negotiations for the FTA; if so, which aspects and what changes are under consideration.

(2) (a) Does the Minister consider that the PBS requirement for new drugs to justify their listing and price by demonstrating significant clinical advantages and satisfactory cost-effectiveness compared to alternative drugs is a barrier to trade and (b) will the Minister rule out changes to these requirements through the FTA negotiations.

(3) (a) Does the Minister consider that Australian restrictions on the advertising of medicines directly to consumers are a barrier to trade; and (b) will the Minister rule out changes to these restrictions through the FTA negotiations.

(4) What is the Minister's estimate of the price savings achieved for the Australian community for pharmaceutical products through the PBS.

Senator Hill—The Minister for Trade has provided the following answer to the honourable senator's question:

(1) At this stage the United States have made no specific proposals and discussion has been confined to a detailed explanation to US officials on how the PBS works. The Government is willing to discuss issues that the US Administration raises in negotiations if they are able to argue that they impact on bilateral trade and investment. This does not mean that we will be prepared to make concessions on such issues. The Government has stated that it will not agree to any outcome from the negotiations that would undermine the objective of providing Australians with access to affordable medicines through a sustainable PBS.

(2) (a) We are not aware of any reasons why the PBS requirement for new drugs to justify their listing and price, by demonstrating comparative efficacy and cost-effectiveness compared to alternative therapies would be considered a barrier to trade. These assessments are made to determine whether the drugs are subsidised. They do not affect whether the drugs may be sold in Australia.

(b) The Government has not considered any changes to the PBS requirement for new drugs to justify their listing and price by demonstrating comparative efficacy and cost effectiveness compared to alternative therapies.

(3) (a) We do not know of any reason why restrictions on advertising of medicines directly to consumers would be considered a barrier to trade.

(b) The Government has not considered any changes to the restrictions on the advertising of medicines. It should be noted that measures necessary to protect human health are normally permitted under trade agreements to which Australia is a Party (World Trade Organization, Closer Economic Relations and the Singapore-Australia Free Trade Agreement).

(4) It is difficult to estimate the 'price savings' associated with the Scheme. However, according to the Productivity Commission Report "International Pharmaceutical Price Differences" in July 2001, the manufacturer prices for Australia's top selling pharmaceutical products are among the lowest within the OECD.

Rail: Australian Rail Track Corporation

(Question No. 1487)

Senator Nettle asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 5 June 2003:

(1) What are the reasons for the length of time taken for the Federal Australian Rail Track Corporation (ARTC) and the Federal Government to reach agreement with the New South Wales Government in regard to leasing New South Wales interstate rail track for 60 years in exchange for various

commitments, including an investment package of $870 million on the interstate rail network over 5 years.

(2) Of the $870 million, how much of the figure is actually budgeted for in: (a) the 2002-03 Federal Budget; and (b) the 2003-04 Federal Budget.

(3) Is the Commonwealth prepared to lift its actual financial contribution to the investment package in order to secure an agreement: (a) if not, why not; and (b) if so, is it prepared to consider funding at the level of the Keating Government's 1992 to 1995 rail capital works program of approximately $450 million.

(4) Is the Commonwealth prepared to fund advanced planning of major rail deviations between Junee and Campbelltown in a manner similar to long-standing Commonwealth full funding of advanced planning of major national highway system deviations.

(5) What projects are in the present $870 million package that are additional to the work identified in the ARTC track audit's $507 million package.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

(1) The Australian Rail Track Corporation lease proposal of the NSW mainline tracks is complex. It involves commercially and politically sensitive issues, which require detailed analysis and consideration by stakeholders.

(2) (a) and (b) An amount of $143.4 million has been included in the 2003-04 Budget.

(3) The negotiations between the Commonwealth/ Australian Rail Track Corporation and New South Wales are being conducted on the basis of the announced funding of $872milion.

(4) Advanced planning of rail corridors would be eligible for consideration under the Government's proposed AusLink Programme.

(5) Projects to be funded from the $870 million proposed package are consistent with the Australian Rail Track Corporation Interstate Rail Network Audit and include:

- the construction of a new Southern Access Corridor into Sydney from Macarthur to Chullora;
- upgrades to the Hunter Valley rail system;
- rail and foundation strengthening, bridge replacement, and re-sleepering to improve the condition of the core rail infrastructure and reduce ongoing maintenance costs;
- improvements to train control, signalling and safe working systems to improve the safety and efficiency of rail operations by investing in new technology and replacing outmoded equipment and systems; and
- new and extended crossing loops to enable trains of up to 1,500 metres in length to operate on the north-south corridor.

Heritage: Aboriginal Areas

(Question No. 1488)

Senator Bartlett asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 5 June 2003:

With reference to the Aboriginal and Torres Strait Island Heritage Protection Act 1984:

(1) On how many occasions have declarations been made under section 9 of the Act in relation to the protection of Aboriginal areas from injury or desecration since: (a) the Act commenced; and (b) the Howard Government came to power in 1996.

(2) On how many occasions have declarations been made under section 10 of the Act in relation to the protection of Aboriginal areas from injury or desecration since: (a) the Act commenced; and (b) the Howard Government came to power in 1996.

(3) On how many occasions have declarations been made under section 12 of the Act in relation to the protection of Aboriginal areas from injury or desecration since: (a) the Act commenced; and (b) the Howard Government came to power in 1996.

(4) Can the Minister provide reasons for his decisions not to issue a declaration under the Act in relation to the applications made by Mr Neville Williams concerning the protection of significant Aboriginal areas in the Lake Cowal district.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) (a) I am aware of 11 declarations, in respect of five different areas, which have been made under section 9 of the Act since the Act commenced.

(b) There have been no declarations made under section 9 of the Act since 1996.

(2) (a) I am aware of five declarations made under section 10 of the Act since the Act commenced. Two declarations were overturned by the Federal Court, one was later withdrawn and two remain in force.

(b) There has been one declaration made under section 10 of the Act since 1996.

(3) (a) I am aware of 6 declarations, in respect of three separate cases, made under section 12 of the Act since the Act commenced.

(b) There have been no declarations made under section 12 of the Act since 1996.

(4) I was not satisfied that the specified area was a significant Aboriginal area within the meaning of the Act.

Western Australia: ABC NewsRadio

(Question No. 1494)

Senator Webber asked the Minister for Communications, Information Technology and the Arts, upon notice, on 6 June 2003:

(1) Is the Minister aware that ABC NewsRadio cannot be heard anywhere in Western Australia outside Perth.

(2) Can the Minister advise whether there are any plans to expand the ABC NewsRadio network to cover the rural and regional areas of Western Australia.

Senator Alston—The answer to the honourable senator's question is as follows:

(1) Yes, I am aware that terrestrial based reception of the ABC's NewsRadio service is presently limited to those areas of the Perth region that are able to receive the service that is transmitted on AM 585 kHz from a site at Hamersley.

The Parliamentary Proceedings Broadcasting Act 1946 requires that the proceedings of the Senate and House of Representatives (or a Joint Sitting) be broadcast in each State capital, Canberra and Newcastle. Parliament is currently broadcast to these cities as well as Darwin, the Gold Coast and Gosford on the ABC's Parliamentary and News Network (PNN). When Parliament is not in session, PNN provides listeners with access to NewsRadio.

PNN is, however, available to all Australians (including those Western Australians who are unable to access the Perth region service terrestrially) via satellite based reception. This reception option would involve the installation and maintenance of: (a) a PNN self-help retransmission service by a

Council or community group; or (b) direct-to-home (DTH) satellite reception equipment by an individual or household.

Under the self-help arrangements, a community (in the form of a Council or community group) funds the provision of a local rebroadcast transmission service. In order to establish such a service, the following would need to be installed at a suitable site: a transmitter, a dish to receive the relevant program feed from the satellite and an antenna to radiate the new self-help service to the community. Once established, the Council or community group would be responsible for meeting any ongoing licensing, operations and maintenance costs associated with the service.

Individuals or households who wish to pursue the DTH option would need to purchase and install the necessary reception equipment (a satellite receive dish and an integrated receiver decoder) at an approximate cost of $1300 to $1800, depending on the size of the dish required.

In addition to the above reception options, NewsRadio can be heard live on the Internet 24 hours a day - even when Parliament is being broadcast on the air in Australia – via the ABC's website at: http://www.abc.net.au/newsradio.

Parliamentary broadcasts can also be accessed live on the Internet via the Parliament House website at: http://www.aph.gov.au/live/webcast1.asp and Hansard text is available at: http://www.aph.gov.au/hansard/index.htm.

(2) The future extension of any national broadcaster radio or television service is dependent on the provision of appropriate funding and the availability of suitable spectrum capacity. Funding for such extensions would generally need to be considered by the Government in the Budget context and in light of competing priorities for the extension of national broadcasting services to other regions.

On 20 June 2003, I announced that if the Government received the Senate's support for its media ownership reforms, it would commit the necessary funding to extend ABC NewsRadio to all transmission areas with more than 10,000 people, subject to spectrum availability. This would provide a significant enhancement of diversity of news and opinion, by providing up to 62 areas of regional Australia with new or improved access to a dedicated national news service.

If suitable capacity proved to be available for the NewsRadio extension program to proceed as proposed, the ABC has estimated that it would improve NewsRadio's penetration rate in Western Australia from 76% to 90% and involve extensions to: Broome, Bunbury, Central Agricultural, Geraldton, Kalgoorlie, Karratha, Port Hedland and Southern Agricultural.

As you would be aware, the House of Representatives laid the Broadcasting Services Amendment (Media Ownership) Bill 2002 aside on 26 June 2003 after rejecting some of the Senate's amendments. The Government expects to reintroduce the Bill into the Senate later this year.

Immigration: Detention Centres

(Question No. 1496)

Senator Brown asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 6 June 2003:

(1) Which centres have high risk assessment teams (HRAT) or similar arrangements to identify and observe people who may be at risk of harm to themselves.

(2) (a) How does such an entity function; and (b) under what law or regulation is it established.

(3) (a) What are the minimum skills and expertise required of such an entity; (b) who selects the members of that team and for what period of time are members selected; and (c) is there a review process.

(4) Is there, or has there been at any time, in any centre a procedure whereby detainees under selected observation are watched, woken or required to respond to regular inspection; if so, do regular inspections take place every 15 minutes; if not, what is the interval and who sets it.

Senator Ellison—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) All Immigration Detention Facilities have High Risk Assessment Teams.

(2) (a) All detainees are to be screened and assessed for risk of self-harm or suicide upon arrival at a detention centre. Detainees identified as being 'At Risk' are provided with an appropriate 'At Risk Treatment Plan'. The function of the High Risk Assessment Team is to observe, manage and ensure appropriate treatment of the 'At Risk' detainee.

(b) There is no law or regulation governing High Risk Assessment Team(s), however, the management of these teams is guided by Australasian Correctional Management Pty Ltd policy, which is agreed to by the Department of Immigration and Multicultural and Indigenous Affairs.

(3) (a) The High Risk Assessment Team composition must include a:

- Chairperson as appointed by the Health Services Coordinator;
- Registered Mental Health Nurse;
- Psychologist or Counsellor;
- Health Support Officer; and
- Detention Supervisor or delegate.

Individual detention facilities can expand the High Risk Assessment Team composition as required.

(b) High Risk Assessment Team members are selected by Australasian Correctional Management according to the requirement above. An individual's tenure to the High Risk Assessment Team is governed by Australasian Correctional Management.

(c) Any review of membership of the High-Risk Assessment Team is governed by Australasian Correctional Management and the High Risk Assessment Team chairperson.

(4) An 'At Risk' detainee is assigned an individual case manager ie: a Psychiatrist, Counsellor, Doctor or Mental Health Nurse, who determines the level of treatment sessions, including the level of observation required. A detainee under observation is watched by detention officers, or other specialised staff dependent on case management requirements, to ensure they do not commit an act of self-harm or the potential to commit harm to others. Sleeping detainees are observed for well being or any evidence of self-harm.

Observation intervals can be as frequent as every two minutes or less frequent at two-hourly. It is possible that during these observations a detainee is accidentally woken during sleep.

Parliamentarians' Entitlements: Travel

(Question No. 1497)

Senator Brown asked the Special Minister of State, upon notice, on 6 June 2003:

(1) What is the average delay between the receipt of Members of Parliament travel allowance or other such claims and payment of those claims.

(2) Does payment rely on external factors such as confirmation by SYNERGI; if so, why.

(3) What is the annual travel allowance payment to Members of Parliament and staff.

Senator Abetz—The answer to the honourable senator's question is as follows:

(1) On average, providing all relevant details have been completed and evidence of travel is available, ninety one per cent of travelling allowance claims are processed within five days of receipt by the Department.

(2) Yes, refer to Remuneration Tribunal Determination Number 8 of 1998, Part 2, clauses 2 to 4.

(3) The value of travelling allowance claims relating to the 2001/2002 financial year were:

Parliamentarians:	$3,061,466.76
Staff	$5,324,305.52
Total	$8,385,772.28

Defence: Capability Plan

(Question No. 1498)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

In relation to each of the Defence Capability Plan projects listed below, can the following information be provided in tabular form: (a) the proposed year of decision; (b) the proposed year of delivery; and (c) the proposed budget.

Proposal code	Proposal name
AIR 6000 Stage 3	New Aerospace Combat Capability – Options Definition
LAND 125 Phase 3	Soldier Combat System
AIR 5376 Phase 3.2	Hornet Structural Refurbishment – Stage 2
AIR 5414 Phase 1	C-130H Refurbishment
DEF 224 Phase 2B	Force Level Electronic Warfare
DEF 7013 Phase 4	Joint Intelligence Support System
JP 126 Phase 2	Joint Theatre Distribution
JP 129 Phase 2	Tactical Unmanned Aerial Vehicles
JP 2008 Phase 3B	MILSATCOM
JP 2025 Phase 5	JORN Enhancements
JP 2060 Phase 2	ADF Deployable Medical Capability
JP 8001 Phase 2B	Headquarters Australian Theatre
LAND 58 Phase 3	Weapon Locating Radar Life of Type Extension
LAND 75 Phase 3.4	Battlefield Command Support System
LAND 121 Phase 2C	Field Vehicle Fleet Modernisation
SEA 1405 Phase 3B	Seahawk Mid-life Upgrade
SEA 1442 Phase 3	Maritime Communications and Information Management Architecture Modernisation
AIR 5190 Phase 2	Light Tactical Airlift Capability
AIR 5276 Phase 5	AP-3C Orion Electro-optic Enhancement
AIR 5276 Phase 6	Data Links for AP-3C Orion
AIR 5395 Phase 3	Air Combat Training System
AIR 5405 Phase 1	Mobile Sector Operations Centre
Air 5409 Phase 1	Bomb Improvement Program
AIR 5418 Phase 1	Follow-on Stand-off Weapon
AIR 5421 Phase 1	Tactical Reconnaissance and Strike Support Capability
JP 117 Phase 2	ADF Ground-based Air Defence Weapon System
JP 2008 Phase 3F	MILSATCOM
JP 2027 Phase 3	LPA Additional Capability
JP 2030 Phase 8	Joint Command Support System
JP 2044 Phase 2	Space-based Surveillance Capability
JP 2048 Phase 3	Amphibious Deployment and Sustainment Capability

Proposal code	Proposal name
JP 2062 Phase 2	Global Hawk
JP 2064 Phase 3	Geospatial Information Infrastructure and Services
JP 2068 Phase 2	Defence Network Operations Centre
JP 2069 Phase 1B	High-grade Cryptographic Equipment
JP 2072 Phase 2	Battlespace Communications System Land/Air
JP 2077 Phase 2	Improved Logistics Information Systems
JP 5408 Phase 2	ADF GPS Enhancement
LAND 112 Phase 4	Australian Light Armoured Vehicle
LAND 133 Phase 2	Rapid Route and Area Mine Neutralisation System
LAND 135 Phase 1	Light Armoured Mortar System
SEA 1100 Phase 4	Australian Surface Ship Towed Array Sonar System
SEA 1405 Phase 4	Seahawk Mid-life Upgrade
SEA 1430 Phase 2B	Digital Hydrographic Database and Display Systems
SEA 1654 Phase 2	Maritime Operations Support Capability

Senator Hill—The answer to the honourable senator's question is as follows:

Year of Decision	Project Number	Project Title	In-service date	Budget $m
Phase 2A – 2001-02	JP 2044 Phase 2 (1)	Space Based Surveillance	2003	10-20
Phase 2B – 2002-03		Capability	2005	100-150
2002-03 (Approved)	AIR 6000 Stage 3	New Aerospace Combat Capability – Options Definition	Study only	30-50
2003-04	DEF 224 Phase 2B	Force Level Electronic Warfare	To be determined (2)	150-200
2003-04	DEF 7013 Phase 4	Joint Intelligence Support System	To be determined (2)	30-50
2003-04	JP 126 Phase 2	Joint Theatre Distribution	2005	150-200
2003-04	JP 129 Phase 2	Tactical Unmanned Aerial Vehicles	2007	100-150
2003-04	JP 2008 Phase 3B	MILSATCOM	Study only	< 10
2003-04	JP 2025 Phase 5	JORN Enhancements	2006	50-75
2003-04	JP 2060 Phase 2	ADF Deployable Medical Capability	2006	30-50
2003-04	JP 8001 Phase 2B	Headquarters Australian Theatre	To be determined (2)	150-200
2003-04	SEA 1405 Phase 3B	Seahawk Mid-life Upgrade	Study only	10-20
2003-04	SEA 1442 Phase 3	Maritime Communications and Information Management Architecture Modernisation	To be determined (2)	30-50
2003-04	LAND 125 Phase 3(3)	Soldier Combat System	2007	50-75
2003-04	LAND 58 Phase 3	Weapon Locating Radar Life of Type Extension	2005	20-30
2003-04	LAND 121 Phase 2C	Field Vehicle Fleet Modernisation	2007	150-200
2003-04	AIR 5376 Phase 3.2	Hornet Structural Refurbishment – Stage 2	2006	200-250
2004-05	JP 117 Phase 2	ADF Ground-based Air Defence System	2009	350-450
2004-05	JP 2008 Phase 3F	MILSATCOM	To be determined (2)	20-30
2004-05	JP 2027 Phase 3	LPA Additional Capability	To be determined (2)	50-75

Year of Decision	Project Number	Project Title	In-service date	Budget $m
2004-05	JP 2030 Phase 8	Joint Command Support System	To be determined (2)	100-150
2004-05	JP 2048 Phase 3	Amphibious Deployment and Sustainment Capability	To be determined (2)	50-75
2004-05	JP 2062 Phase 2	Global Hawk	2007	100-150
2004-05	JP 2064 Phase 3	Geospatial Information Infrastructure and Services	To be determined (2)	30-50
2004-05	JP 2068 Phase 2	Defence Network Operations Centre	To be determined (2)	20-30
2004-05	JP 2069 Phase 1B	High Grade Cryptographic Equipment	To be determined (2)	20-30
2005-06	JP 2072 Phase 2	Battlespace Communications System Land/Air	To be determined (2)	200-250
2004-05	JP 2077 Phase 2	Improved Logistics Information Systems	2007	100-150
2004-05	JP 5408 Phase 2	ADF GPS Enhancement	2007	350-450
2004-05	SEA 1100 Phase 4	Australian Surface Ship Towed Array Sonar System	To be determined (2)	250-350
2004-05	SEA 1405 Phase 4	Sea Hawk Mid-life Upgrade	2007	450-600
2004-05	SEA 1430 Phase 2B	Digital Hydrographic Database and Display Systems	To be determined (2)	10-20
2004-05	SEA 1654 Phase 2	Maritime Operations Support Capability	2009	350-450
2004-05	AIR 5414 Phase 1	C-130H Refurbishment	2008	450-600
2004-05	AIR 5190 Phase 2	Light Tactical Airlift Capability	2010	750-1000
2004-05	AIR 5276 Phase 5	AP-3C Orion Electro-Optic Enhancement	To be determined (2)	30-50
2004-05	AIR 5276 Phase 6	Data links for AP-3C Orion	To be determined (2)	150-200
2004-05	AIR 5395 Phase 3	Air Combat Training System	2009	200-250
2004-05	AIR 5405 Phase 1	Mobile Sector Operations Centre	2007	30-50
2004-05	AIR 5409 Phase 1	Bomb Improvement Program	2008	75-100
2004-05	AIR 5418 Phase 1	Follow-on Stand-off Weapon	To be determined (2)	350-450
2004-05	AIR 5421 Phase 1	Tactical reconnaissance and strike support capability	2007	50-75
2005-06	LAND 75 Phase 3.4	Battle Command Support System	To be determined (2)	100-150

Notes:

JP 2044 Phase 2 was split into two sub-phases (2A – studies and initial capability and 2B – main implementation phase) in 2002-03. Both phases have been approved by the Government.

The in-service date will be determined in the Defence Capability Plan review.

LAND 125 Phase 3 will be restructured into a revised Phase 2B/2C, which is for decision in 2003-04. This revised phase will progress studies and acquire an initial, limited, capability. The main acquisition will now proceed under LAND 125 Phase 3 (previously Phase 4), which is for decision in 2007-08.

Defence: Capability Plan

(Question No. 1499)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

In relation to the Defence Capability Plan projects listed below, can the following information be provided in tabular form: (a) the date each project was approved by Government; (b) the date the contract for the project was signed; (c) the current planned year of delivery; (d) the current project budget; and (e) the cumulative expenditure on the project to date.

Project Code	Project Name
AIR 5046 Phase 5/6	Additional Troop Lift Helicopters
AIR 5090 Phase 1A	Caribou Life Extension
AIR 5376 Phase 3.1	Hornet Structural Refurbishment – Stage 1
AIR 5416 Phase 1A/1B	EWSP Countermeasures Development and Validation Capability
DEF 224 Phase 2A	Force Level Electronic Warfare
JP 126 Phase 1	Joint Theatre Distribution
JP 141 Phase 1A	Chemical, Biological and Radiological Response Capability
JP 2059 Phase 2A	Bulk Liquid Distribution
JP 2059 Phase 3	Water Purification
JP 2060 Phase 1	ADF Deployable Medical Capability
JP 2068 Phase 1A	Defence Network Operations Centre
JP 2068 Phase 1B	Defence Network Operations Centre
JP 2070 Phase 2	Lightweight ASW Torpedo
JP 2077 Phase 1	Improved Logistics Information Systems
JP 8001 Phase 3B	JTFHQ Concurrency
JP 8001 Phase 3C.1	Secure Intelligence Facility
LAND 19 Phase 5A	RBS-70 Life of Type Extension
LAND 19 Phase 6	Additional Point GBAD Weapons Systems
LAND 132 Phase 1	Full Time Commando Capability
LAND 134 Phase 1	Combat Training Centre – Live Instrumentation System
SEA 1428 Phase 2B/3	Evolved SeaSparrow Missile
SEA 1429 Phase 2	Replacement Heavyweight Torpedo
SEA 1439 Phase 4	Collins Full Operational Capability
SEA 1442 Phase 2B	Maritime Communications and Information Management Architecture Modernisation
SEA 1444 Phase 1	Patrol Boat Replacement
SEA 1448 Phase 1	ANZAC Anti-ship Missile Defence Upgrade
AIR 5402 Phase 1	ADF Air Refuelling Capability
AIR 5416 Phase 2	EWSP for selected ADF Aircraft
JP 2047 Phase 2	Defence Wide Area Communications Network
JP 2064 Phase 2	Geospatial Information and Infrastructure Services
JP 2069 Phase 1A	High-grade Cryptographic Equipment
JP 2072 Phase 1	Battleship Communications System Land/ Air
JP 2080 Phase 2	Defence Management Systems Improvement
JP 8001 Phase 3C.2	Secure Intelligence Facility
LAND 40 Phase 1	Direct Fire Guided Weapon
LAND 75 Phase 3.3B	Battlefield Command Support System
LAND 139 Phase 1	Enhanced Gap Crossing Capability
SEA 1229 Phase 4	Active Missile Decoy
SEA 1405 Phase 3	Seahawk Mid-life Upgrade

Senator Hill—The answer to the honourable senator's question is as follows:

Government Approval	Project No.	Title	Contract signature	In-service Date	Project Budget $m	(2) Spend to Date $m
May 2001	DEF 224 Phase 2A	Force Level Electronic Warfare	February 2002	2002	30-50	2
May 2001	JP 126 Phase 1	Joint Theatre Distribution	Several minor value contracts	Study only	<10	4
Approved May 2001 – Request for tender issued for base level capability items – this is a rolling procurement program	JP 141 Phase 1A	Chemical, Biological and Radiological Response Capability		2006	30-50	2
Approved May 2001 – multiple tenders to be released by end of 2003	JP 2059 Phase 2A	Bulk Liquid Distribution		2005	50-60	9
May 2001	JP 2059 Phase 3	Water Purification	April 2003	2005	20-30	6
May 2001	JP 2060 Phase 1	ADF Deployable Medical Capability	Several minor value contracts	Study only	<10	2
May 2001	JP 2068 Phase 1A	Defence Network Operations Centre	May 2002	2003	15-25	15
May 2001	JP 2068 Phase 1B	Defence Network Operations Centre	Several minor value contracts	2002	1-5	2
May 2001	JP 2070 Phase 2	Lightweight Anti-Submarine Warfare Torpedo	Continuation of Phase 1 agreement	2005	250-350	30
May 2001	JP 2077 Phase 1	Improved Logistics Information Systems	Supplementary funding provided in support of activities already under way	2004	20-30	26
May 2001	JP 8001 Phase 3B	Joint Task Force Headquarters Concurrency	August 2001	2003	10-20	8
May 2001	JP 8001 Phase 3C.1	Secure Intelligence Facility	Study	Study only	<10	1

Government Approval	Project No.	Title	Contract signature	In-service Date	Project Budget $m	(2) Spend to Date $m
May 2001	SEA 1428 Phase 2B/3	Evolved SeaSparrow Missile	Multiple contracts	2004	250-350	141
May 2001	SEA 1442 Phase 2B	Maritime Communications and Information Architecture Modernisation	Several minor value contracts	Study only	<10	1
May 2001	LAND 19 Phase 5A	RBS-70 Life of Type Extension	May 2003 (now combined with Phase 6 below)	2005	Combined with Ph6 below	Combined with Phase 6 below
May 2001	LAND 19 Phase 6	Additional Point Ground Based Air Defence Weapons Systems	May 2003	2005	100-150	2
May 2001	LAND 132 Phase 1	Full Time Commando Capability	51 contracts under $10m	2003-06	70-80	20
May 2001	LAND 134 Phase 1	Combat Training Centre – Live Instrumentation System	January 2003	2006	50-75	8
May 2001	AIR 5190 Phase 1A	Caribou Life Extension	Multiple contracts	2002	100-150	10
May 2001	AIR 5376 Phase 3.1	Hornet Structural Refurbishment – Stage 1	August 2002 for engineering design	2002	30-50	8
May 2001	AIR 5416 Phase 1A/1B	Electronic Warfare Self Protection Countermeasures Development and Validation Capability	Multiple contracts	2002	20-30	2
July 2001	SEA 1429 Phase 2	Replacement Heavyweight Torpedo	Memorandum of Understanding with the United States Navy signed June 2002	2006	400-500	22
4B – July 2001 4A – September 2002	SEA 1439 Phase 4(A/B)	Collins Full Operational Capability	Not yet achieved – process under way Not yet achieved – process under way	2005	350-450	3
May 2002	SEA 1444 Phase 1	Patrol Boat Replacement	Not yet achieved	2004	350-450	4

Government Approval	Project No.	Title	Contract signature	In-service Date	Project Budget $m	(2) Spend to Date $m
June 2002	JP 2064 Phase 2	Geospatial Information and Infrastructure Services	Not yet achieved – Request for tender scheduled for release in March 2004	2005-08	10-20	Nil
June 2002	JP 2072 Phase 1	Battleship Communications System Land/ Air	Not yet achieved – draft RFT scheduled for release in August 20 03	2005	75-100	Nil
August 2002 (as part of the Project Development Fund)	JP 2069 Phase 1A	High-Grade Cryptographic equipment	Multiple low value contracts	Study only	<10	1
August 2002 (as part of the Project Development Fund)	SEA 1405 Phase 3 (3)	Sea Hawk Mid Life Upgrade	Study only	Study only	<10	<1
September 2002	SEA 1229 Phase 4	Active Missile Decoy	Under negotiation	2003	20-30	Nil
September 2002	LAND 40 Phase 1	Direct Fire Guided Weapon	Currently under negotiation	2005	150-200	19
September 2002	LAND 75 Phase 3.3B	Battlefield Command Support System	March 2003	2004	20-30	8
November 2002	JP 8001 Phase 3C.2	Secure Intelligence Facility	Will be several low value contracts – tenders released May 2003	2003	10-20	Nil
November 2002	LAND 139 Phase 1	Enhanced Gap Crossing Capability	Not yet achieved – Request for tender issued January 2003	2005	10-20	Nil
April 2003	AIR 5402 Phase 1	ADF Air Refuelling Capability	Not yet achieved – request for tender issued June 2003	2007	2000-2500	Nil
April 2003	AIR 5416 Phase 2	Electronic Warfare Self Protection for selected ADF Aircraft	Not yet achieved – preferred suppliers identified	2004	250-350	Nil

Government Approval	Project No.	Title	Contract signature	In-service Date	Project Budget $m	(2) Spend to Date $m
Not Yet Approved	JP 2047 Phase 2	Defence Wide Area Communications Network	N/A	2005	30-50	N/A
Not Yet Approved	JP 2080 Phase 2	Defence Management Systems Improvement	N/A	2004	30-50	N/A
Not Yet Approved	SEA 1448 Phase 2 (4)	Anzac Anti-ship Missile Defence Upgrade	N/A	2007	450-600	N/A
Not Yet Approved	AIR 5046 Phase 5/6 (1)	Additional Troop Lift Helicopters	N/A	2006	450-600	N/A

Notes:

1. The acquisition phase for the Additional Troop Lift Helicopters is now referred to as AIR 9000 Phase 2.

2. Spend figure is to 31 May 2003 rounded to nearest million.

3. As indicated in the DCP Supplement 2002, SEA 1405 may be considered as part of AIR 9000.

4. Funded integration studies were completed in May 2002 and February 2003 under SEA 1448 Phase 1.

Defence: Operation Falconer

(Question No. 1500)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

(1) By what means did the Australian Defence Force (ADF) personnel deployed as part of Operation Falconer travel to the Middle East at the time they were deployed (provide this information for each element of the deployment); and (b) what was the cost of transporting each element of the deployment to the Middle East.

(2) For travel around the Middle East by air by ADF personnel deployed as part of Operation Falconer: (a) what type of aircraft was used; and (b) what was the cost of such travel.

(3) (a) By what means did the ADF personnel deployed as part of Operation Falconer return to Australia from the Middle East at the conclusion of their deployment (provide this information for each element of the deployment); and (b) what was the cost of transporting each element of the deployment back to Australia.

(4) Were personnel transported by means other than Qantas charter flights or Royal Australian Air Force Hercules that were being deployed to the Middle East as part of the deployment; if so, why.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) (a) A number of Australian Defence Force (ADF) personnel assigned to Operation Falconer had originally deployed to the Middle East as part of Operations Slipper and Bastille. All Operation Falconer personnel deployed in Royal Australian Navy (RAN) ships, Royal Australian Air Force (RAAF) and United States (US) Air Force aircraft, chartered aircraft and scheduled civil airline services. US Air Force tanker aircraft were used to assist the deployment of the F/A-18 element. The majority of Special Forces Task Group and Air Force personnel deployed by civilian charter aircraft, with some deploying by military airlift. The vast number of Navy personnel deployed in Navy ships.

It is not possible to provide a detailed breakdown for the deployment by individual elements, particularly those that deployed by air, without significant research to match passenger manifests, crew lists, transport assets and units as members from difference units travelled together or on the same series of charters to ensure maximum utilisation of the particular transport asset.

(b) The total cost for the initial deployment of personnel and equipment was $26.2m, excluding the operating costs of RAN ships and RAAF aircraft. The amount includes $0.358m for civil airline movement of personnel. The scheduled airline service figure cannot be broken down by Force Element as only the name of the personnel being deployed appears on the QANTAS account; a further break down of the figures would require significant time and staff resources to research and match names to units.

Element	Dates	Means	Cost
Special Forces Element	26 Jan – 18 Feb 03	Australian military aircraft United States military aircraft Civil charter Scheduled airline services	$14.465m
RAAF Air Element	6-24 Feb 03	Australian military aircraft United States military aircraft Civil charter Scheduled airline services	$11.394m
Naval Element		Australian Naval ships or already in situ from Operation SLIPPER or BASTILLE Scheduled airline services	

Element	Dates	Means	Cost
Scheduled airline services			$0.358m

(2) (a) Both commercial scheduled flights and military aircraft. Military aircraft were either United States Air Force or Royal Australian Air Force aircraft depending on the aircraft allocated on the particular day to the task.

(b) To June 2003, the approximate cost of commercial scheduled flights within the Middle East was $270,000. This does not include all flights for June 2003, as the billing process is not yet complete.

(3) (a) A combination of RAN ships, US Air Force and RAAF aircraft, chartered aircraft and scheduled airline services. US Air Force tanker aircraft were used to support the redeployment of the F/A-18 aircraft.

(b) It is not possible at this time to provide the total costs of redeployment as some forces remain in the Middle East. Up to 30 June 2003, the cost of civil charter in support of the redeployment was $5.418m broken down as $3.954m for Special Forces and $1.464m for Air Force. The civil airline cost for the redeployment is not available as the bill is yet to be provided by QANTAS. The redeployment costs excludes the operating costs of RAN ships and RAAF aircraft.

(4) Yes. On a number of occasions, QANTAS charter flights or RAAF Hercules were either unavailable, could not meet the deployment timeframes, were not suitable for the task or did not represent the best value for money option for the Commonwealth.

Defence: Operation Falconer

(Question No. 1501)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

(1) (a) Can a breakdown be provided of how all elements of the Operation Falconer deployment were transported to the Middle East, including dates on which it occurred; and (b) (i) how will each element of the deployment be transported back to Australia, and (ii) on what dates will this occur.

(2) What was the cost of transporting each element of the Operation Falconer deployment to the Middle East; and (b) what is the cost of transporting each element back to Australia.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) (a) A number of Australian Defence Force (ADF) personnel assigned to Operation Falconer had originally deployed to the Middle East as part of Operations Slipper and Bastille. All personnel deployed in Royal Australian Navy (RAN) ships, Royal Australian Air Force (RAAF) and United States (US) Air Force aircraft, chartered aircraft and scheduled civil airline services. US Air Force tanker aircraft were used to assist the deployment of the F/A-18 aircraft. The majority of Special Forces Task Group and Air Force personnel deployed by civilian charter aircraft, with some deploying by military airlift. The vast number of Navy personnel deployed in RAN ships. It is not possible to provide a detailed breakdown for the deployment by individual elements, particularly those that deployed by air, without significant research to match passenger manifests, crew lists, transport assets and units as members from difference units travelled together or on the same series of charters to ensure maximum utilisation of the particular transport asset.

(b)

(i) Navy personnel were mainly redeployed by ship. The vast majority of Special Forces and Air Force personnel returned by civilian airline charter with some by military chartered aircraft.

(ii) The following are the return dates for significant Defence elements; HMA Ships *Anzac* and *Darwin* departed the Area of Operations on 27 April and arrived in their Australian homeport, HMAS *Stirling*, on 17 May 2003. HMAS *Kanimbla* departed the Area of Operations on 14 June 2003 and is scheduled to arrive at her homeport, Fleet Bast East, Sydney on 17 July 2003. The Special Forces Group returned to Australia over the period 18 to 22 May 2003, and the F/A-18 element returned over the period 12 to 22 May 2003.

(2) It is not possible to provide a detailed breakdown for the deployment by individual elements without significant research to match passenger manifests, transport assets and units as members from different units travelled on the same aircraft to ensure maximum utilisation of transport assets. The total cost for the deployment of personnel and equipment was $25.8m excluding the operating costs of RAN vessels and RAAF aircraft. The amount includes $0.358m for civil airline movement of personnel.

(b) It is not possible to provide the total costs of redeployment as some forces remain in the Middle East. Up to 30 June 2003, the cost of civil charter in support of the redeployment was $5.418m broken down as $3.954m for Special Forces and $1.464m for RAAF. The civil airline cost for the redeployment is not available as the bill is yet to be provided by QANTAS. The redeployment costs excludes the operating costs of RAN ships and RAAF aircraft.

Defence: Project Sea 1390

(Question No. 1504)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

With reference to Project Sea 1390, the project to upgrade the Adelaide Class Guided Missile Frigates (FFGs), and the answer to parts 23, 24 and 25 of question on notice no. 1182 (Senate *Hansard*, 14 May 2003, page 10968):

(1) Given that clauses 11.13.1 and 11.13.2 of the contract with ADI Limited refer to dates set out in the contract for provisional acceptance of (upgraded) FFGs, under the terms of the contract, what are the provisional dates of acceptance for each of the FFGs.

(2) Given that clause 11.13.2 of the contract with ADI Limited refers to Attachment A to the contract, can a copy of this attachment be provided.

(3) Given that the response to parts 24 and 25 of question on notice no. 1182 states that 'none of the FFGs has reached the contracted date that would allow clause 11.13.2 to be invoked', for each of the FFGs, on what date would each FFG reach the contracted date that would allow clause 11.13.2 to be invoked.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) The commencement and completion (provisional acceptance) dates of the ships are subject to negotiation with the Navy and ADI, cognisant of the Navy's operational requirements and ADI's industrial capacity. The anticipated commencement dates of the upgrade for the first ship, HMAS Sydney, is 22 September 2003 with completion in December 2004. The remainder of the commencement and completion dates are currently being negotiated with the prime contractor as part of the contract change to reflect the revised schedule.

(2) Attachment A to the contract cannot be provided as it contains pricing information and is commercial-in-confidence.

(3) Based on the estimated revised delayed schedule, clause 11.13.2 (liquidated damages) will be invoked for each upgraded FFG for every working day post-provisional acceptance. Contractually, the provisional acceptance date for each of the subsequent ships after the lead ship can be moved forward or delayed provided the cumulative effect of these changes does not postpone the provisional acceptance of the sixth and final follow-on FFG by more than eight months.

Defence: Project Sea 1390

(Question No. 1505)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

With reference to Project Sea 1390, the project to upgrade the Adelaide Class Guided Missile Frigates (FFGs):

(1) (a) How many additional phases are there beyond Phase 2 of this project; and (b) can an outline be provided of each of the additional phases, including proposed schedule and budget information.

(2) When was each additional phase beyond Phase 2 determined.

(3) Has funding approval been granted to any phases beyond Phase 2.

(4) Why do none of the phases beyond Phase 2 appear in the Defence Capability Plan (DCP), or on the Defence Materiel Organisation (DMO) Internet site, or in any other publicly available material released by Defence.

(5) With reference to part 6 of the response to question on notice no. 1039 (Senate *Hansard*, 13 May 2003, p.10805), which indicates that the Minister in his response to a question without notice on 10 December 2002 was referring to Phase 4B of Project Sea 1390: Why does Phase 4B of the project not appear in the DCP, nor on the DMO Internet site, nor in any other publicly available material released by Defence.

(6) With reference to part 6 of the response to question on notice no. 1039: Why will all of the FFGs not be upgraded to the same level under Phase 4B of this project.

(7) With reference to part 12 of the response to question on notice no. 1039, which indicated that the original life for HMAS *Newcastle* and HMAS *Melbourne* is unchanged as a result of the upgrade: Why is this the case, given that the life of all other FFGs has increased by 5 years as a result of the upgrade.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) (2) and (3) Phase 3, a study into the replacement of the SM-1 missile, was approved as part of the Project Development Fund in the context of the 2001-02 budget. The funding provision for Phase 3 was less than $1m.

Phase 4A, an upgrade of the existing test-set to enable testing of the SM-1 replacement missile, was approved in the context of the 2001-02 budget. The cost band is $10-20m.

Phase 4B is the replacement of the SM-1 missile capability. The way ahead for Phase 4B is being considered in the context of the Defence Capability Plan review.

Any further phases of this project will also be considered in the context of the Defence Capability Plan review.

(4) and (5) The Defence Capability Plan and Defence Materiel Organisation internet site are for approved projects not yet to contract. It was inadvertently omitted from the public DCP.

(6) The way ahead for Phase 4B is being considered in the context of the Defence Capability Plan review.

(7) The two Australian-built hulls, HMA ships *Newcastle* and *Melbourne*, are generally considered to be of superior construction that will ensure a 35-year life.

Defence: Sea 1405 Projects

(Question No. 1506)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

With reference to the Sea 1405 projects in the Defence Capability Plan (DCP):

(1) Can a description of all of the phases of this project be provided.

(2) (a) What was the original timeline for the completion of the project, including the dates for each of the phases in the project; and, (b) when was the project due to be completed.

(3) What was the original budget for this project, including the budget for each of the phases in the project.

(4) (a) What is the current schedule for the completion of this project, including the dates for each of the phases in the project; and, (b) when is the project due to be completed.

(5) Has the schedule for this project changed; if so, why.

(6) How would any schedule change with this project impact on future capability.

(7) Have any of the phases of this project been concluded; if so, which phases have been completed and what the date of conclusion for each phase.

(8) What is the current budget for this project, including the budget for each of the phases in the project.

(9) What has been the cost of this project to date.

(10) Has the projected budget for this project increased; if so, why.

(11) Has the Government granted approval of funding for this project.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) and (2) Sea 1405 comprises five phases:

- Phases 1 and 2, approved before the 2000 Defence Capability Plan, are currently in progress and will provide electronic support measures and forward-looking infra-red capability for inclusion into the aircraft by 2004.

The remaining phases include:

- Phase 3 (year of decision 2002-03 and currently scheduled to be completed during 2003-04) is a Defence Science and Technology-sponsored project definition study to consider options for the later phases.
- Phase 3B, (year of decision 2003-04, and, subject to the phase 3 study outcomes, currently scheduled to be completed during 2003-04) is an initial design activity, which will lead to the implementation of the approved outcomes of the Phase 3 project definition study.
- Phase 4 (year of decision 2004-05, with delivery currently scheduled for 2007, subject to the phase 3 study and design outcomes) will provide a mid-life upgrade to the Seahawk addressing aircraft capabilities, life cycle costing, operational availability, commonality and life-of-type issues. The requirement for the current planned delivery date will be considered in the current review of the Defence Capability Plan.

  As foreshadowed in the Defence Capability Plan Supplement 2002 (at page 15), Defence plans to include Sea 1405 Phases 3, 3B and 4 within the structure of the ADF Helicopter Strategic Master Plan – Air 9000. A decision on this approach will be taken in the context of the current Defence Capability Plan review.

(3) Sea 1405 Phases 1 and 2 were approved before the 2000 Defence White Paper, with estimated expenditure of the order of $170m.

The Defence Capability Plan 2001-2010 shows the estimated expenditure for the remaining phases:

- Phase 3 is less than $10m.
- Phase 3B is $10m - $20m.
- Phase 4 is $450m - $600m.

These estimates have not been varied.

(4) See response to part (2).

(5) No, although the requirement for the current planned delivery date will be considered in the current review of the Defence Capability Plan.

(6) A schedule change may delay the enhancement of the S-70B-2 Seahawk capabilities.

(7) No.

(8) See response to part (3).

(9) Expenditure to date on phase 1 and 2 has been of the order of $135m. Phase 3 expenditure to date has been less than $5m.

(10) No, other than the normal adjustment for price and exchange variations.

(11) Phases 1, 2 and 3 are approved and are in progress.

Defence: Project Sea 1448

(Question No. 1507)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

In relation to the ANZAC Anti-Ship Missile Defence Upgrade (Project Sea 1448) in the Defence Capability Plan:

(1) Can a description of all of the phases of this project be provided.

(2) (a) What was the original timeline for the completion of the project, including the dates for each of the phases in the project; and (b) when was the project due to be completed.

(3) What was the original budget for this project, including the budget for each of the phases in the project.

(4) (a) What is the current schedule for the completion of this project, including the dates for each of the phases in the project; and (b) when is the project due to be completed.

(5) Has the schedule for this project changed; if so, why.

(6) How would any schedule change with this project impact on future capability.

(7) What is the current budget for the project, including the budget for each of the phases in the project.

(8) What has been the cost of this project to date.

(9) Has the projected budget for this project increased; if so, why.

(10) Has the Government granted approval of funding for this project.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) Phase 1 involves the conduct of studies into the essential capabilities to be included in the upgrade. Phase 2 will provide the Anzac ships with a reasonable level of anti-ship missile defence to provide a capable surface fleet able to operate in a wide range of circumstances throughout our maritime approaches and beyond.

(2) (a) Phase 1 was approved in September 1999. In the 2001-2010 Defence Capability Plan, SEA 1448 Phase 2 was scheduled for approval in 2001-02. This year of decision was subsequently moved to 2002-03. To enable a more detailed assessment of capability options to be undertaken, Phase 2 will now be considered as part of the Defence Capability Plan review.

(b) Phase 1 was originally scheduled to be completed by July 2001. The original in-service date for the anti-ship missile defence capability was 2007. This will also be revisited as part of the DCP review.

(3) The original budget for Phases 1 and 2 are $9.5m and $450-600m respectively. These budgets remain unchanged.

(4) (a) and (b) Refer to part (2).

(5) There has been no schedule change, project approval has been delayed which has delayed the planned in-service date.

(6) It is not possible to answer this question without knowing the nature of the schedule change.

(7) See response to part (3).

(8) Expenditure to date on Phase 1 is $6.5m.

(9) There is no current approved budget increase.

(10) Phase 1 is approved and Phase 2 is unapproved.

Defence: Royal Edward Victualling Yard

(Question No. 1508)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

In relation to the sale and leaseback of the Royal Edward Victualling Yard (REVY) at Ultimo in Sydney:

(1) When was the decision taken to sell and leaseback the property.

(2) When was the property sold.

(3) Which organisation purchased the property.

(4) What was the sale price for the property.

(5) (a) What rent for the property is Defence paying under the first year of the lease; and (b) what rent will be paid in the second and subsequent years of the lease.

(6) (a) What was the total value of all building works that have been carried out at the REVY building site over the past 5 financial years; and (b) can a complete breakdown of these works be provided.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) The Government agreed to sell the property in April 2002, and Defence subsequently decided to lease the property. The short term lease at REVY will enable the department to identify special purpose accommodation for the element of the Defence Science and Technology Organisation that still occupy one of the three buildings on the REVY site.

(2) Settlement was on 26 June 2003.

(3) REVY Investments Pty Ltd.

(4) $29m inclusive of GST.

(5) (a) $1,670,000 (b) $1,720,100 (based on 3% fixed annual increases). The term of the lease is four years with two six month options.

(6) (a) and (b) No building works have been undertaken in the past five years.

Defence: Property

(Question No. 1510)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

Can a full list be provided of all the Defence property proposed for sale in the 2003-04 financial year, including for each property (a) the address of the property; (b) the type of property (vacant/buildings); (c) the size of the property; (d) the type of proposed sale (auction, request for proposal, advertised price); (e) the expected price range; (f) the likely timing of the sale.

Senator Hill—The answer to the honourable senator's question is as follows:

Details of the 2003-2004 property disposal program have not been announced by the Government. However, general details of the forward disposal program were provided in response to Senate question on notice no.136 (*Hansard*, 14 May 2002). The Budget papers indicate that $199.9m from Defence property sales is anticipated. It is Government policy not to divulge 'the expected price range' of individual properties, as this could adversely affect the Commonwealth's financial interests.

Defence: Property

(Question No. 1511)

Senator Chris Evans asked the Minister for Defence upon notice, on 10 June 2002:

For each financial year since 1996-97, can a list be provided of all Defence construction activities, indicating (a) the location of the property (town/suburb, state/territory, postcode); (b) the size of the property; (c) the nature of the property (vacant land, facilities); (d) the nature of the construction activity; and the (e) the cost.

Senator Hill—The answer to the honourable senator's question is as follows:

Data from the department's statutory accounting system from financial year 2000/2001 are attached. Data prior to this financial year are not available on the current system, and would require considerable staffing effort to either attempt to extract from the previous system, or to compile the list from a range of published reports. To collect and assemble such information would be a major task and I am not prepared to authorise the expenditure and effort that would be required solely to fully answer the question.

Table 1:

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
51444	01-Jul-00	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	SOUTH EAST MELBOURNE MULTI-USER DEPOT	1,268,343.00
33664	01-Jul-00	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	RANTEWSS STORAGE SHED	25,315.00
34575	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	TOILET BLOCK - FEMALE	45,600.00
34576	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	GARDENERS SHED	86,400.00
34578	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	SNR SAILOR'S SWIMMING POOL PUMP HOUSE	51,000.00
34579	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	CLAY PIGEON STORAGE SHED	44,400.00
34580	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	EXPEDITION STORE	213,000.00
34581	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	REVERSE OSMOSIS FACY - SCHOOL of 4 S's	37,500.00
34582	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	TORPEDO TRAINING FACILITY	97,200.00
34583	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	SLIPWAY TOILET BLOCK	36,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
34585	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	LEAK PLUGGING FACY(FIRE AREA)-SCH 4 S's	129,600.00
34586	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	SM FIGHTING FACY-SCHOOL 4 S's	93,600.00
34587	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	FIRE GROUND CLASSROOM	69,600.00
34588	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	GARAGE-FIRE PRACTICE AREA-SCHOOL 4 S's	40,800.00
34611	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	WHARF DIESEL TANK & PUMPHOUSE	30,000.00
34613	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	WORKSHOP FIRE PRACTICE AREA	39,000.00
34622	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	RIFLE RANGE PISTOL FIRING SHELTER	153,600.00
34633	01-Jul-00	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	SENIOR SAILOR'S SWIMMING POOL	160,000.00
34678	01-Jul-00	0073	SOMERTON RAN AMMUNITION DEPOT (RANAD)	205	Ammunition Depot	Somerton	VIC	3062	NON EXPLOSIVE WAREHOUSE	288,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
34679	01-Jul-00	0073	SOMERTON RAN AMMUNITION DEPOT (RANAD)	205	Ammunition Depot	Somerton	VIC	3062	NON EXPLOSIVE WAREHOUSE	140,400.00
37303	01-Jul-00	0226	TOOWOOMBA TRAINING DEPOT	3.7222	Training Depot	Harristown	QLD	4350	3 DEFENCE FAMILY SUPPORT ASSOCIATION	40,000.00
37659	01-Jul-00	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	HEADQUARTERS	97,488.75
37893	01-Jul-00	0233	TOWNSVILLE FIELD TRAINING AREA (TFTA)	231.89	Training Area	Townsville	QLD	4810	OR'S AMENITIES	75,600.00
37894	01-Jul-00	0233	TOWNSVILLE FIELD TRAINING AREA (TFTA)	231.89	Training Area	Townsville	QLD	4810	OR'S AMENITIES	75,600.00
38754	01-Jul-00	0315	BLAMEY BARRACKS - KAPOOKA	1985.64	Barracks / Accommo-dation	Kapooka	NSW	2661	HELIPAD	40,000.00
38941	01-Jul-00	0315	BLAMEY BARRACKS - KAPOOKA	1985.64	Barracks / Accommo-dation	Kapooka	NSW	2661	STREET LIGHTING	200,000.00
38951	01-Jul-00	0315	BLAMEY BARRACKS - KAPOOKA	1985.64	Barracks / Accommo-dation	Kapooka	NSW	2661	MILITARY POLICE COMPOUND	75,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
38952	01-Jul-00	0315	BLAMEY BARRACKS - KAPOOKA	1985.64	Barracks / Accommo-dation	Kapooka	NSW	2661	TRANSPORT YARD COMPOUND	180,000.00
38963	01-Jul-00	0315	BLAMEY BARRACKS - KAPOOKA	1985.64	Barracks / Accommo-dation	Kapooka	NSW	2661	25M RANGE COMPLEX	50,000.00
38967	01-Jul-00	0315	BLAMEY BARRACKS - KAPOOKA	1985.64	Barracks / Accommo-dation	Kapooka	NSW	2661	SEWERAGE TREATMENT PLANT COMPOUND	240,000.00
41390	01-Jul-00	0427	BLAMEY BARRACKS - WAGGA	0.935	Training Depot	Forest Hill	NSW	2651	TOR BLOCK	30,000.00
41391	01-Jul-00	0427	BLAMEY BARRACKS - WAGGA	0.935	Training Depot	Forest Hill	NSW	2651	LECTURE ROOM	39,000.00
41392	01-Jul-00	0427	BLAMEY BARRACKS - WAGGA	0.935	Training Depot	Forest Hill	NSW	2651	TRANSPORT SHED	60,000.00
41853	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	AWMA WATER SKI CLUB	50,000.00
41854	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	STORE (CONSTRUCTION TRADE WING)	40,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
41855	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	WET WEATHER SHELTER(AUSSIE RULES OVAL1)	65,000.00
41856	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	WET WEATHER SHELTER (25m RANGE)	65,000.00
41857	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	WET WEATHER SHELTER (RUGBY FIELDS)	65,000.00
41858	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	CARPORT - VEHICLE WING COMPOUND	35,000.00
41860	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	TIMBER STORE (CTW)	110,000.00
41861	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	STORAGE SHED (HSW)	30,000.00
41863	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	PARADE SPECTATORS SHELTER	50,000.00
41864	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	HEAVY VEHICLE SHELTER-VEHICLE WG COMPND	100,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
41865	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	POL STORAGE SHELTER	88,000.00
41867	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	OR'S ACCOMM CARPARK - MITCHELL DR	80,000.00
41868	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	OR'S ACCOMM CARPARK - DROMANA CL	30,000.00
41869	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	HSW CARPARK - DROMANA CL (146 cars)	90,000.00
41870	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	HSW CARPARK (PARADE GROUND)	35,000.00
41871	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	HOSPITAL VISITORS & STAFF CARPARK	35,000.00
41872	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	STAFF CARPARK - MORNINGTON ST	70,000.00
41876	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	GAS MAINS	50,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
41877	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	VEHICLE WING COMPOUND	40,000.00
41878	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	GROUND MAINTENANCE COMPOUND	50,000.00
41879	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	IRRIGATION SYSTEM	100,000.00
41884	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	GANTRY & WASH POINT (adj)	50,000.00
41886	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	TENNIS COURTS x2 (rear)	30,000.00
41887	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	RUGBY FIELD 1	50,000.00
41888	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	RUGBY FIELD 2	50,000.00
41889	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	RUGBY FIELD 3	50,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
41891	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	TENNIS COURTS x2 (SPORT COMPLEX)	30,000.00
41892	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	AUSSIE RULES OVAL 1	150,000.00
41893	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	AUSSIE RULES OVAL 2	100,000.00
41894	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	SOCCER GROUND 1	30,000.00
41895	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	SOCCER GROUND 2	30,000.00
41896	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	CRICKET GROUND	50,000.00
41897	01-Jul-00	0462	LATCHFORD BARRACKS - BONEGILLA	220.4	Training School	Bonegilla	VIC	3691	TENNIS COURTS x2	30,000.00
42082	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	DEFENCE CREDIT OFFICE	182,400.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
42085	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	BATTERY CHARGING ROOM	64,800.00
42086	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	TIMBER STORAGE	73,815.00
42087	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	GATEKEEPERS SHED	27,600.00
42089	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	INDUSTRIAL SHED	119,025.00
42093	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	POL STORE	33,493.00
42094	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	SMALL ENGINES HANGAR	188,734.00
42095	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	GE SHED HANGAR	188,734.00
42101	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	WATER THOUSE	78,125.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
42103	01-Jul-00	0512	MAYGAR BARRACKS - BROADMEADOWS	61.3	Logistics / Storage	Broadmeadows	VIC	3047	SPORTS PAVILION	240,000.00
42394	01-Jul-00	0571	MONEGEETA VEHICLE TEST ESTABLISHMENT	256.23	Research	Monegeetta	VIC	3433	SOCIAL FACILITY	144,000.00
42395	01-Jul-00	0571	MONEGEETA VEHICLE TEST ESTABLISHMENT	256.23	Research	Monegeetta	VIC	3433	STAFF MESS	187,200.00
42396	01-Jul-00	0571	MONEGEETA VEHICLE TEST ESTABLISHMENT	256.23	Research	Monegeetta	VIC	3433	ABLUTIONS & LATRINE	57,600.00
42397	01-Jul-00	0571	MONEGEETA VEHICLE TEST ESTABLISHMENT	256.23	Research	Monegeetta	VIC	3433	TRIALS TESTING	86,400.00
42418	01-Jul-00	0584	NEWBOROUGH TRAINING DEPOT	2.609	Training Depot	Newborough	VIC	3825	0584/	172,800.00
42419	01-Jul-00	0584	NEWBOROUGH TRAINING DEPOT	2.609	Training Depot	Newborough	VIC	3825	39 ELEC & MECH SQUADRON STORE	172,800.00
42420	01-Jul-00	0584	NEWBOROUGH TRAINING DEPOT	2.609	Training Depot	Newborough	VIC	3825	COMBINED MESS	154,800.00
43192	01-Jul-00	0640	ELIZABETH NORTH TRAINING DEPOT	35.73	Training Depot	Elizabeth North	SA	5113	BATTERY CHARGAGE	44,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
43193	01-Jul-00	0640	ELIZABETH NORTH TRAINING DEPOT	35.73	Training Depot	Elizabeth North	SA	5113	BOATSHED - TS STUART NAVAL CADET	25,000.00
43249	01-Jul-00	0641	HAMPSTEAD BARRACKS	7.152	Training Depot	Greenacres	SA	5086	MARREID QRTS (NAVAL CADET ORS)	80,000.00
43425	01-Jul-00	0653	KADINA TRAINING DEPOT	1.209	Training Depot	Kadina	SA	5554	FIRE SERVICES	30,000.00
43427	01-Jul-00	0653	KADINA TRAINING DEPOT	1.209	Training Depot	Kadina	SA	5554	WATER SUPPLY	30,000.00
56356	01-Jul-00	0836	LARRAKEYAH BARRACKS - DARWIN	149.96	Barracks / Accommo-dation	Larrakeyah	NT	0820	HQ PATROL BOAT GROUP	234,235.00
46976	01-Jul-00	0902	RAAF BASE RICHMOND	402	Airfield	Richmond	NSW	2360	BJ SIMULATOR FACY	106,022.00
46977	01-Jul-00	0902	RAAF BASE RICHMOND	402	Airfield	Richmond	NSW	2360	BASE PERSONNEL ADMIN CENTRE (BPAC)	161.25
47263	01-Jul-00	0906	RAAF BASE WAGGA	299.6	Airfield	Wagga Wagga	NSW	2651	BULK STORE SHED	75,000.00
47463	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	76SQN HANGER - MACCHI	22,365.00
47596	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	LIQUID OXYGEN FACILITY (LBDO)	15,110.00
47606	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	LIF CS BLDG	9,973.00

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47607	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	LIF TWSTS BLDG	6,165.00
47608	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	AIRCRAFT SHELTER (LIF)	10,698.00
47609	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	APPROACH CONTROL SECTION BLDG	26,033.00
47684	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WILLIAMTOWN BUFFER	135,242.73
47685	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WILLIAMTOWN BUFFER	590,144.32
47686	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WILLIAMTOWN BUFFER	136,611.94
47687	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WILLIAMTOWN BUFFER	152,699.88
47688	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WILLIAMTOWN BUFFER	160,795.99
47689	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WILLIAMTOWN BUFFER	122,779.44
47690	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WILLIAMTOWN BUFFER	173,123.75
47724	01-Jul-00	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	FOOTPATHS	12,420.00
49184	01-Jul-00	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	400m WALKING TRACK	62,416.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
49249	01-Jul-00	0941	GAWLER AIR TRAINING CORPS	0.204	Training Depot	Gawler	SA	5118	AUTO ENGINEERING WORKSHOP	25,000.00
49250	01-Jul-00	0941	GAWLER AIR TRAINING CORPS	0.204	Training Depot	Gawler	SA	5118	ELECTRONIC WORKSHOP	25,000.00
50218	01-Jul-00	0987	LEE POINT RADAR SITE	81.33	Radar Site	Lee Point	NT	0810	DEMOUNTABLE - AIRMEN'S OFFICE	32,943.00
50219	01-Jul-00	0987	LEE POINT RADAR SITE	81.33	Radar Site	Lee Point	NT	0810	DEMOUNTABLE - MEN'S AMENITIES	30,000.00
50289	01-Jul-00	0990	RAAF BASE TINDAL	10359.2	Airfield	Tindal	NT	0853	AVIATION FUEL INSTALL - FUEL TANK MOUND	519,450.00
50616	01-Jul-00	0990	RAAF BASE TINDAL	10359.2	Airfield	Tindal	NT	0853	LITTLE GECKO CHILD CARE CENTRE	84,266.00
50691	01-Jul-00	0990	RAAF BASE TINDAL	10359.2	Airfield	Tindal	NT	0853	HV SUBSTATION #13	52,514.00
50834	01-Jul-00	0990	RAAF BASE TINDAL	10359.2	Airfield	Tindal	NT	0853	SEWAGE LAGOON # 1	187,026.93
50835	01-Jul-00	0990	RAAF BASE TINDAL	10359.2	Airfield	Tindal	NT	0853	SEWAGE LAGOON #2	187,026.93
56511	01-Jul-00	0990	RAAF BASE TINDAL	10359.2	Airfield	Tindal	NT	0853	OFFICER ACCOMMODATION UNIT	84,676.40

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51094	01-Jul-00	1005	CAMPBELL PARK OFFICES - CANBERRA	7	Office Accommo-dation	Campbell	ACT	2612	CP4 OFFICE BUILDING	4,226,209.00
51095	01-Jul-00	1005	CAMPBELL PARK OFFICES - CANBERRA	7	Office Accommo-dation	Campbell	ACT	2612	CP4 FITOUT	3,356,729.00
51097	01-Jul-00	1005	CAMPBELL PARK OFFICES - CANBERRA	7	Office Accommo-dation	Campbell	ACT	2612	CP4 FIRE SPRINKLER	614,000.00
51949	01-Jul-00	1098	DEFENCE SUPPORT CENTRE - WOOMERA	1101	Research	Woomera	SA	5720	ACCOMMODATION - 9 BOOREEN ST	81,200.00
51950	01-Jul-00	1098	DEFENCE SUPPORT CENTRE - WOOMERA	1101	Research	Woomera	SA	5720	RESIDENCE BLDG	83,066.67
51951	01-Jul-00	1098	DEFENCE SUPPORT CENTRE - WOOMERA	1101	Research	Woomera	SA	5720	ACCOMMODATION - 23 BURRIMIL STREET	87,733.33
52500	01-Jul-00	1147	AUSTRALIAN DEFENCE FORCE ACADAMY (ADFA) MARINE FACILITY	0.126	Recreational Facility	Yarralumla	ACT	2600	BOAT SHED	110,000.00

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52812	01-Jul-00	1200	ROBERTSON BARRACKS	678.7	Barracks / Accommo-dation	Palmerston	NT	0830	WEAPONS TRAINING SIMULATION CENTRE-WTSS	546.58
52903	01-Jul-00	1200	ROBERTSON BARRACKS	678.7	Barracks / Accommo-dation	Palmerston	NT	0830	TRANSPORTABLE OFFICE	35,000.00
53795	01-Jul-00	1302	RAAF BASE DARWIN	1277.85	Operational	Winnellie	NT	0828	114 MCRU CARPARK 30 SPACES	60,669.00
54147	01-Jul-00	1352	HORN ISLAND TRAINING AREA	87.368	Training Area	Horn Island	QLD	4875	HORN ISLAND TRAINING AREA	179,393.00
51093	31-Jan-01	1005	CAMPBELL PARK OFFICES - CANBERRA	7	Office Accommo-dation	Campbell	ACT	2612	CP1 OFFICE BUILDING	5,485,018.01
64448	31-Jan-01	1005	CAMPBELL PARK OFFICES - CANBERRA	7	Office Accommo-dation	Campbell	ACT	2612	CAMPBELL PARK CP1 FITOUT	3,579,526.00
52304	31-Jan-01	1119	JINDALEE TRANSMITTING SITE - HARTS RANGE	1158	Communi-cation Station	Harts Range	NT	0870	CHEMICAL STORE	450,381.00
35948	03-May-01	0129	GALLIPOLI BARRACKS - ENOGGERA	640.09	Barracks / Accommo-dation	Enoggera	QLD	4051	SHELTER	289.00

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35949	03-May-01	0129	GALLIPOLI BARRACKS - ENOGGERA	640.09	Barracks / Accommo-dation	Enoggera	QLD	4051	TRANSPORT OFFICE	289.00
56499	28-May-01	0990	RAAF BASE TINDAL	10359.2	Airfield	Tindal	NT	0853	ADMINISTRATION - DEO	919,820.00
37322	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WORKSHOP - 9TPT SQN	129,826.48
37525	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WORKBAYS	58,255.47
66923	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	PROTOTYPE UNIT	145,098.17
66924	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ASSAULT OBSTICLE COURSE	150,250.37
66925	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	3BASB TRANSPORT FACILITY	507,199.58
66926	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	3BASB TRANSPORT FACILITY	507,199.58
66927	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT HQ	507,199.58

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66928	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT SHELTER H2	507,199.58
66929	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT SHELTER F2	507,199.58
66930	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT SHELTER F1	507,199.58
66931	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT SHELTER B1 & B2	507,199.58
66932	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT OFFICES & STORES	507,199.58
66933	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT SHELTER H1	507,199.58
66934	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRANSPORT SHELTER A	507,199.58
66935	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	SAL BLOCK	507,199.58

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66936	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	FIRE BOOSTER PUMP SHED	135,026.08
66937	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WATER RESERVOIR BOOSTER PUMP	135,026.08
66938	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	HELICOPTER PAD (to MEDICAL CENTRE)	115,282.82
66939	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E1 - CARPORTS (x15)	368,629.56
66940	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E1 - OR'S ACCOMMODATION	1,658,833.25
66941	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E1 - OR'S ACCOMMODATION	1,658,833.25
66942	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	COMMUNICATION CENTRE / JCC	663,430.66
66943	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	GENERATOR BLDG	663,430.66

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66944	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	SAL BLOCK	663,430.66
66945	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	COMMUNICATIONS TOWER	663,430.66
66946	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	SATELLITE DISH	663,430.66
66947	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ROAD - NORTH SOUTH LINK	1,052,165.13
66948	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E2 - CARPORTS (x14)	368,629.56
66949	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E2 - OR'S ACCOMMODATION	1,658,833.25
66950	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E2 - OR'S ACCOMMODATION	1,658,833.25
66951	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E3 - CARPORTS (x13)	310,460.75

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66952	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E3 - OR'S ACCOMMODATION	1,397,073.42
66953	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E3 - OR'S ACCOMMODATION	1,397,073.42
66954	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E4 - CARPORTS (x9)	252,291.95
66955	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E4 - OR'S ACCOMMODATION	1,135,313.82
66956	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E4 - OR'S ACCOMMODATION	1,135,131.82
66957	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E5 - CARPORTS (x11)	310,460.76
66958	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E5 - OR'S ACCOMMODATION	1,397,073.42
66959	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E5 - OR'S ACCOMMODATION	1,397,076.42

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66960	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E7 - CARPORTS (x13)	365,065.63
66961	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E7 - OR'S ACCOMMODATION	1,642,795.36
66962	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E7 - OR'S ACCOMMODATION	1,642,795.36
66963	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E8 - CARPORTS (x15)	423,241.92
66964	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E8 - OR'S ACCOMMODATION	1,269,725.77
66965	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E8 - OR'S ACCOMMODATION	1,269,725.77
66966	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E8 - OR'S ACCOMMODATION	1,269,725.77
66967	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E9 - CARPORTS (x10)	306,889.22

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
66968	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E9 - OR'S ACCOMMODATION	1,381,001.51
66969	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E9 - OR'S ACCOMMODATION	1,381,001.51
66970	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E10 - CARPORTS (x12)	365,065.63
66971	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E10 - OR'S ACCOMMODATION	1,642,795.36
66972	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E10 - OR'S ACCOMMODATION	1,642,795.36
66973	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E14 - JNR OFFICER'S ACCOMM	652,562.80
66974	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E14 - JNR OFFICER'S ACCOMM	652,562.80
66975	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E14 - JNR OFFICER'S ACCOMM	652,562.80

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
66976	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E14 - JNR OFFICER'S ACCOMM	652,562.80
66977	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E14 - JNR OFFICER'S ACCOMM	652,562.80
66978	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E15 - SNCO'S ACCOMMODATION	621,782.34
66979	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E15 - SNCO'S ACCOMMODATION	621,782.34
66980	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E15 - SNCO'S ACCOMMODATION	621,782.34
66981	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E15 - SNCO'S ACCOMMODATION	621,782.34
66982	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C6 - CARPORTS (x15)	423,241.92
66983	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C6 - OR'S ACCOMMODATION	1,269,725.77

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
66984	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C6 - OR'S ACCOMMODATION	1,269,725.77
66985	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C6 - OR'S ACCOMMODATION	1,269,725.77
66986	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	EASTERN COMBINED MESS	10,482,580.90
66987	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	A CLUSTER C7 - CARPORTS (x11)	306,889.22
66988	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C7 - OR'S ACCOMMODATION	1,381,001.51
66989	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C7 - OR'S ACCOMMODATION	1,381,001.51
66990	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E13 - SNR OFFICER'S ACCOMM	330,731.17
66991	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E13 - SNR OFFICER'S ACCOMM	330,731.17

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
66992	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C4 - CARPORTS (x13)	365,065.63
66993	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C4 - OR'S ACCOMMODATION	1,642,795.36
66994	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C4 - OR'S ACCOMMODATION	1,642,795.36
66995	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C5 - CARPORTS (x12)	365,063.63
66996	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C5 - OR'S ACCOMMODATION	1,642,795.36
66997	31-May-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C5 - OR'S ACCOMMODATION	1,642,795.36
49872	31-May-01	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	OFFICER'S MESS LAUNDRY	316,943.41
64966	31-May-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	CARPARK- 08	241,635.00
64967	31-May-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	CARPARK - 30	201,580.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
66315	28-Jun-01	1303	DELAMERE AIR WEAPONS RANGE	211200	Weapons Range	Katherine	NT	0853	SHED - HARDSTAND	114,991.49
66628	30-Jun-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	LECTURE ROOM - DEMOUNTABLE	63,454.50
66629	30-Jun-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	LECTURE ROOM - DEMOUNTABLE	63,454.50
37089	30-Jun-01	0207	OAKEY ARMY AVIATION CENTRE	842	Airfield	Oakey	QLD	4401	OFDISTRIBUTION & TESTING FACY	113,968.63
66630	30-Jun-01	0219	SHOALWATER BAY TRAINING AREA	274070	Training Area	Shoalwater	QLD	4702	WATER STORAGE FARM	76,670.00
66308	30-Jun-01	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	KITCHEN #1	301,000.00
47398	30-Jun-01	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	ACS POWER CENTRE	17,000.00
47495	30-Jun-01	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	3SQN TECHNICAL SERVICE HANGAR	33,000.00
47722	30-Jun-01	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	23m FIRING RANGE	27,852.00
64968	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	CARPARK - 31	267,268.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
64969	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	ROAD NO.2	681,607.00
64970	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	ACCESS ROAD R3	98,635.00
64971	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	CARPARK - 06	278,070.00
64972	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	CARPARK - 32	180,551.00
64973	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	ROAD NO.1	647,669.00
64974	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	ACCESS ROAD R4	98,635.00
64975	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	BIKE SHELTER - NORTH	200,000.00
64976	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	BIKE SHELTER - SOUTH	200,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
67140	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	LANDSCAPING - NORTH (R3)	799,072.00
67141	30-Jun-01	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	LANDSCAPING - SOUTH (R4)	1,004,471.00
64982	30-Jun-01	3007	DEFENCE CALL CENTRE - COOMA	0	Office Accommo-dation	Cooma	NSW	2630	DEFENCE SERVICE CENTRE - COOMA (FITOUT)	4,090,398.40

Table 2

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
67137	31-Jul-01	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	NASPO HEADQUARTERS	5,444,757.00
75507	31-Jul-01	0596	PUCKAPUNYAL MILITARY AREA	37327	Barracks / Accommo-dation	Puckapunyal	VIC	3662	RUN DODGE JUMP OBSTACLE COURSE	37,130.00
75508	31-Jul-01	0937	RAAF BASE EAST SALE	796.712	Airfield	East Sale	VIC	3852	WATER MAIN	84,613.00
51286	31-Jul-01	1060	DSTO FISHERMENS BEND - AMRL		Aeronauti-cal Research Facility	Fishermens Bend	VIC	3207	MODEL PREPARATION BLDG	10,560.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
43615	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	LABORATORY COMPLEX (AMMUNITION)	12,562.82
43632	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	INSTRUMENTATION WORKSHOP & Q STORE	12,562.82
43635	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	OR'S CANTEEN & RAP	12,562.82
43666	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	GUN STORE	12,562.82

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
43700	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	TEST BLDG 2	12,562.82
43701	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	CLIMATIC TEST BLDG 2	12,562.82
43702	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	CLIMATIC TEST BLDG 1	12,562.82
43703	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	CLIMATIC TEST BLDG 3	12,562.82

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
43705	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	NEW RANGE HQ CONTROL BLDG	12,562.82
43706	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	WORKSHOP	12,562.80
43709	31-Aug-01	0665	PORT WAKEFIELD PROOF & EXPERIMENTAL ESTABLISHMENT (P&EE)	4453.49	Research	Port Wakefield	SA	5550	TEST BLDG 1	12,562.82
82049	30-Sep-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	HYBRID COMPOSTING TOILET (FPR)	20,000.00
82050	30-Sep-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	HYBRID COMPOSTING TOILET (STAND #10)	20,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
82051	30-Sep-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	HYBRID COMPOSTING TOILET (PADAGN)	20,000.00
82052	30-Sep-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	HYBRID COMPOSTING TOILET (EBR)	20,000.00
82053	30-Sep-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	HYBRID COMPOSTING TOILET (SDR)	20,000.00
82054	30-Sep-01	0145	KOKODA BARRACKS - CANUNGRA	5994.83	Training Area	Canungra	QLD	4275	HYBRID COMPOSTING TOILET (STAND #5)	20,000.00
82044	30-Sep-01	0183	GREENBANK TRAINING AREA	4664.56	Training Area	Logan	QLD	4124	HYBRID COMPOST TOILET -SNEAKER RANGE #1	12,733.45
82045	30-Sep-01	0183	GREENBANK TRAINING AREA	4664.56	Training Area	Logan	QLD	4124	HYBRID COMPOST TOILET - SECT DEF RANGE	12,733.45
82046	30-Sep-01	0183	GREENBANK TRAINING AREA	4664.56	Training Area	Logan	QLD	4124	HYBRID COMPOSTING TOILET -DFSW RANGE #1	12,733.45
82047	30-Sep-01	0183	GREENBANK TRAINING AREA	4664.56	Training Area	Logan	QLD	4124	HYBRID COMPOSTING TOILET -GALLERY RANGE	12,733.45

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
82048	30-Sep-01	0183	GREENBANK TRAINING AREA	4664.56	Training Area	Logan	QLD	4124	HYBRID COMPOSTING TOILET - PISTOL RANGE	12,733.45
67138	30-Sep-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	COMBAT TRG CENTRE - LIVE (DEMOUNTABLE)	247,905.00
45799	30-Sep-01	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	POLICE DOG SECTION ADMIN	20,020.80
32817	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	TRANSPORT STCLE SHELTER	31,250.04
32835	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	AFFF FOAM TANK	31,958.03
83894	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	ISSF ADMINISTRATION BLDG	3,093,314.63
83895	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	FOS STSHOP	502,909.61
83896	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	RAN STSHOP	331,290.35
83897	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	DNS STORE	118,727.79
83898	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	EXPLOSIVE ORDNANCE (EO) STORE	38,256.74
83899	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	CARPAWORKS	114,940.76
83900	31-Oct-01	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	BOAT STORE	26,403.73

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
37503	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	RECREATION - WHITE HOUSE	23,114.09
37504	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN	54,545.45
37630	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	OFFICE - DEMOUNTABLE	38,700.64
37645	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	BCSS TRAINING FACILITY - DEMOUNTABLE	90,396.36
83813	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN - DEMOUNTABLE	139,345.01
83814	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN - DEMOUNTABLE	84,126.37
83816	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	DATA CABLING (for ADMIN BLDG)	163,407.74
83817	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	DATA CABLING (for ADMIN BLDG)	23,851.36

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83901	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	SAL - DEMOUNTABLE	11,898.00
83902	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ABLUTIONS - DEMOUNTABLE	29,753.00
83903	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN - DEMOUNTABLE	59,641.55
83904	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN - DEMOUNTABLE	89,628.15
83905	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN - DEMOUNTABLE	67,793.30
83906	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	BBQ SHELTER E1	42,448.03
83907	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	BBQ SHELTER E8	40,814.50
83908	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WALKWAY SHELTER E2	16,760.93

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83909	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WALKWAY SHELTER E5	16,760.93
83910	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WALKWAY SHELTER E9	16,760.93
83911	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - OR'S ACCOMMODATION	239,775.08
83912	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - OR'S ACCOMMODATION	239,775.08
83913	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83914	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83915	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83916	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83917	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83918	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83919	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83920	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83921	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83922	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83923	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08
83924	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - CARPORT	239,775.08

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83925	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C3 - VENDING MACH.ENCLOSURE	239,775.08
83926	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - OR'S ACCOMMODATION	224,789.14
83927	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - OR'S ACCOMMODATION	224,789.14
83928	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83929	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83930	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83931	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83932	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83933	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83934	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83935	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83936	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83937	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83938	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83939	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14
83940	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - CARPORT	224,789.14

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83941	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C2 - VENDING MACH.ENCLOSURE	224,789.14
83942	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - OR'S ACCOMMODATION	125,016.16
83943	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - OR'S ACCOMMODATION	125,016.16
83944	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83945	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83946	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83947	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83948	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83949	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83950	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83951	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83952	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83953	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83954	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83955	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - CARPORT	125,016.16
83956	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C1 - VENDING MACH.ENCLOSURE	125,016.16

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83957	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C9 ACCOMMODATION	841,988.31
83958	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C9 ACCOMMODATION	841,988.31
83959	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C10 ACCOMMODATION	561,325.54
83960	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C10 ACCOMMODATION	561,325.54
83961	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C10 - VEDING MACH.ENCLOSURE	561,325.54
83962	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C11 - SNR OFFICER'S ACCOMM	327,622.23
83963	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C11 - SNR OFFICER'S ACCOMM	327,622.23
83964	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	CENTRAL COMBINED RANKS MESS	10,641,891.78

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83965	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	BASKETBALL COURT E1	11,175.54
83966	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	BASKETBALL COURT E9	11,175.54
83967	31-Oct-01	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	PEDESTRIAN BRI SERVICE HANGAR	161,993.70
39246	31-Oct-01	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	KITCHEN #2	78,955.20
47835	31-Oct-01	0927	RAAF BASE WILLIAMS - LAVERTON	434	Airfield	Laverton	VIC	3028	RAAF WILLIAMS MODEL AIRCRAFT CLUB	60,358.36
48758	31-Oct-01	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	ENGINE BUILD UP STORAGE	3,372.23
48762	31-Oct-01	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	FUEL FARM PUMP HOUSE CONTROL	25,200.60
48930	31-Oct-01	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	10/11SQN ENGINE BUILD UP SECTION (EBUS)	121,402.78
48965	31-Oct-01	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	ENGINE RUN UP FACILITY - AIRFIELD AREA	26,978.40

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
83833	31-Oct-01	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	TEST CENTRE	24,955.02
51586	31-Oct-01	1073	DSTO EDINBURGH - CONSOLIDATED SITE	1101	Research	Edinburgh	SA	5111	WORKSHOP	61,383.23
51587	31-Oct-01	1073	DSTO EDINBURGH - CONSOLIDATED SITE	1101	Research	Edinburgh	SA	5111	MAIN DST STORE - TRANSFIELD	478,736.84
51620	31-Oct-01	1073	DSTO EDINBURGH - CONSOLIDATED SITE	1101	Research	Edinburgh	SA	5111	COMMUNICATIONS BLDG	5,264,186.32
39656	31-Dec-01	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SEWERAGE SERVICES - HVLB AREA	30,046.39
84950	31-Dec-01	3138	BOIGU ISLAND ARES DEPOT	0.08	Training Depot	Boigu Island	QLD	4875	PATROL BASE BLDG	189,356.00
86031	28-Feb-02	0002	BALLARAT MUD - Lots 2,3,4&5		Multi User Depot	Ballarat	VIC	3350	BALLARAT MUD - LOTS 2,3,4&5	708,359.11
86096	28-Feb-02	0020	HMAS CRESWELL - NAVAL OFFICER SCHOOL	206	Training School	Jervis Bay	ACT	2540	CLASSROOMS (ADFA 2000 - RODD BLOCK)	43,779.33

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86097	28-Feb-02	0020	HMAS CRESWELL - NAVAL OFFICER SCHOOL	206	Training School	Jervis Bay	ACT	2540	CLASSROOMS (ADFA 2000 - x3 rooms)	172,262.66
86098	28-Feb-02	0020	HMAS CRESWELL - NAVAL OFFICER SCHOOL	206	Training School	Jervis Bay	ACT	2540	CLASSROOMS (ADFA 2000 - COREY BLOCK)	172,262.66
86099	28-Feb-02	0020	HMAS CRESWELL - NAVAL OFFICER SCHOOL	206	Training School	Jervis Bay	ACT	2540	TOILET BLOCK (ADFA 2000)	29,530.74
86100	28-Feb-02	0020	HMAS CRESWELL - NAVAL OFFICER SCHOOL	206	Training School	Jervis Bay	ACT	2540	GUNROOM	179,645.34
85624	28-Feb-02	0207	OAKEY ARMY AVIATION CENTRE	842	Airfield	Oakey	QLD	4401	OPS SUPPORT OPERATIONS ROOM	60,000.00
86270	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - OR'S ACCOMMODATION	1,169,804.38
86271	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - OR'S ACCOMMODATION	1,169,804.38

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86272	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - OR'S ACCOMMODATION	1,169,804.38
86273	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86274	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86275	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86276	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86277	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86278	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86279	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49

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86280	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86281	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86282	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86283	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86284	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86285	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - CARPORT	27,852.49
86286	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W1 - VENDING MACH.ENCLOSURE	27,852.40
86287	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - OR'S ACCOMMODATION	1,169,804.38

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86288	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - OR'S ACCOMMODATION	1,169,804.38
86289	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - OR'S ACCOMMODATION	1,169,804.38
86290	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86291	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86292	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86293	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86294	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86295	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65

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86296	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86297	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86298	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86299	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86300	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86301	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86302	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65
86303	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - CARPORT	25,995.65

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86304	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W2 - VENDING MACH.ENCLOSURE	25,995.65
86305	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - OR'S ACCOMMODATION	1,512,353.53
86306	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - OR'S ACCOMMODATION	1,512,353.53
86307	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86308	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86309	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86310	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86311	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86312	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86313	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86314	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86315	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86316	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86317	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86318	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24
86319	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - CARPORT	22,405.24

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86320	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W3 - VENDING MACH.ENCLOSURE	22,405.24
86321	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	SUBSTATION AE	22,405.24
86322	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - OR'S ACCOMMODATION	1,512,353.53
86323	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - OR'S ACCOMMODATION	1,512,353.53
86324	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86325	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86326	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86327	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86328	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86329	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86330	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86331	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86332	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86333	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86334	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20
86335	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - CARPORT	25,852.20

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86336	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W4 - VENDING MACH.ENCLOSURE	25,852.20
86337	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - OR'S ACCOMMODATION	1,512,353.53
86338	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - OR'S ACCOMMODATION	1,512,353.53
86339	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86340	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86341	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86342	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86343	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61

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86344	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	A CLUSTER W5 - CARPORT	24,005.61
86345	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86346	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86347	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86348	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86349	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86350	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61
86351	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - CARPORT	24,005.61

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86352	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W5 - VENDING MACH.ENCLOSURE	24,005.61
86353	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - OR'S ACCOMMODATION	1,512,353.53
86354	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - OR'S ACCOMMODATION	1,512,353.53
86355	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86356	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86357	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86358	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86359	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20

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86360	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86361	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86362	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86363	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86364	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86365	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86366	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - CARPORT	25,852.20
86367	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W7 - VENDING MACH.ENCLOSURE	25,852.20

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86368	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	VEHICLE WASH R SEPERATOR	213,522.70
86369	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	VEHICLE WASH STORE & PUMPS	213,522.70
86374	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - OR'S ACCOMMODATION	1,270,001.00
86375	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - OR'S ACCOMMODATION	1,270,001.00
86376	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86377	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86378	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86379	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54

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86380	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86381	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86382	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86383	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86384	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86385	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86386	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER C8 - CARPORT	23,518.54
86387	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	VENDING MACHINE ENCLOSURE	23,518.54

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86388	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - OR'S ACCOMMODATION	1,062,092.14
86389	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - OR'S ACCOMMODATION	1,062,092.14
86390	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - OR'S ACCOMMODATION	1,062,092.14
86391	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86392	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86393	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86394	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86395	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05

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86396	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86397	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86398	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86399	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86400	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86401	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86402	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86403	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05

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86404	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - CARPORT	23,602.05
86405	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E6 - VENDING MACH.ENCLOSURE	23,602.05
86406	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WESTERN COMBINED RANKS MESS	9,918,743.01
86407	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	BBQ SHELTER W4	39,667.76
86411	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WEIGHBRIDGE	121,519.91
86412	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WALKWAY SHELTER W4	15,656.43
86413	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W10 - SNR OFFICER'S ACCOMM	300,006.68
86414	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W10 - SNR OFFICER'S ACCOMM	300,006.68

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86415	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W9 ACCOMMODATION	880,900.98
86416	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W9 ACCOMMODATION	880,900.98
86417	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W9 ACCOMMODATION	880,900.98
86418	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W8 ACCOMMODATION	704,510.26
86419	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W8 ACCOMMODATION	704,510.26
86420	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER W8 - VENDING MACH.ENCLOSURE	156,557.84
86421	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	VEHICLE WASH SEDIMENT POND	213,522.70
86422	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	VEHICLE WASH EASTERN RAMP	213,522.70

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86423	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	VEHICLE WASH CENTRAL RAMP	213,522.70
86424	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	VEHICLE WASH WESTERN RAMP	213,522.70
86426	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - OR'S ACCOMMODATION	1,270,001.00
86427	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - OR'S ACCOMMODATION	1,270,001.00
86428	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86429	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86430	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86431	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
86432	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86433	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86434	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86435	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86436	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - CARPORT	28,222.24
86437	28-Feb-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	LIA CLUSTER E11 - VENDING MACH.ENCLOSUR	28,222.24
39248	28-Feb-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	CSIC-CNNSW SHOPFRONT &FRONTLINE CANTEEN	24,877.27
86518	28-Feb-02	0566	FORT GELLIBRAND TRAINING DEPOT	2.8454	Training Depot	Williamstown	VIC	3016	KITCHEN & DINING FACILITY	166,471.30

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
42544	28-Feb-02	0596	PUCKAPUNYAL MILITARY AREA	37327	Barracks / Accommo-dation	Puckapunyal	VIC	3662	POL STORE	170,838.00
66557	28-Feb-02	0790	BUCKLAND TRAINING AREA	23414	Training Area	Buckland	TAS	7190	ACCOMMODATION - MULTI PURPOSE	85,219.88
66567	28-Feb-02	0790	BUCKLAND TRAINING AREA	23414	Training Area	Buckland	TAS	7190	ACCOMMODATION - MULTI PURPOSE	72,763.03
47392	28-Feb-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	77SQN MAINTENANCE HANGAR	33,580.00
47495	28-Feb-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	3SQN TECHNICAL SERVICE HANGAR	10,132.36
86142	28-Feb-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	FIBRE OPTIC CABLING	29,876.00
49149	28-Feb-02	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	ADVANCED FLIGHT SIMULATOR	110,552.75
51074	28-Feb-02	1004	RUSSELL OFFICES - CANBERRA	7	Office Accommo-dation	Canberra	ACT	2601	DEFENCE CHILDCARE CENTRE (old cafe)	2,400,000.00
51296	28-Feb-02	1060	DSTO FISHERMENS BEND - AMRL		Aeronauti-cal Research Facility	Fishermens Bend	VIC	3207	ARL BLDG 52 - OFFRATORY	75,431.37
37671	30-Apr-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	6.4km HV DISTRIBUTION	1,598,995.48

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
87384	30-Apr-02	0321	LISMORE GRES DEPOT	3.182	Training Depot	Lismore	NSW	2480	ARMY CADET ADMIN BLDG - PORTABLE	32,400.00
87430	30-Apr-02	0340	ADAMSTOWN MULTI-USER DEPOT	40.2	Training Depot	Adamstown	NSW	2289	16FLT RAAF CADETS FACILITY	40,537.60
39618	30-Apr-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	FENCES - RANGE	28,850.00
86971	30-Apr-02	0909	SALTASH AIR WEAPONS RANGE	2460	Weapons Range	Salt Ash	NSW	2318	SECURITY FENCING	146,034.00
89106	31-May-02	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	EXTERNAL SERVICES	276,500.00
89107	31-May-02	0009	HMAS CAIRNS	3.6	Operational	Cairns	QLD	4870	ATTRACTIVE GOODS STORE & SUBSTATION	30,000.00
33825	31-May-02	0027	BEECROFT RAPIER RANGE	4016	Weapons Range	Jervis Bay	ACT	2540	BEECROFT RAPIER RANGE - JERVIS BAY	284,466.30
51092	31-May-02	1005	CAMPBELL PARK OFFICES - CANBERRA	7	Office Accommo-dation	Campbell	ACT	2612	CP3 OFFICE BUILDING	613,999.99

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
102106	30-Jun-02	0018	THURSDAY ISLAND JOINT DEFENCE ESTABLISHMENT	1	Multi User Depot	Thursday Island	QLD	4875	BASE RADIO STATION	111,384.00
33137	30-Jun-02	0020	HMAS CRESWELL - NAVAL OFFICER SCHOOL	206	Training School	Jervis Bay	ACT	2540	MAIN WHARF	4,869,925.55
33184	30-Jun-02	0021	JERVIS BAY RANGE FACILITY (JBRF)	313	Weapons Range	Jervis Bay	ACT	2540	SCHOOL BLDG	1,581.40
33652	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	TINGARA CHILD CARE CENTRE	8,679.10
33662	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	PHOTOGRAPHIC SECTION	902,511.68
90362	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	TAXIWAY A	2,500,622.00
90365	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	HANGAR L - 816SQN COMPLEX	16,038,978.84
90366	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	HANGAR K - 805SQN COMPLEX	16,038,978.84
90367	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	AVIATION TRAINING CENTRE	7,294,409.00
90368	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	AIRCRAFT FLIGHT LINE SHELTERS	1,178,914.24

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
90369	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	AIR TRAFFIC CONTROL COMPLEX	9,732,848.20
90370	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	EXPLOSIVE ORDNANCE STORAGE FACILITY	724,508.67
102030	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	EXPLOSIVE STOREHOUSE #1	1,449,017.34
102031	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	EXPLOSIVE STOREHOUSE #2	1,449,017.34
102032	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	QUARANTINE STONS PREPARTAION	1,207,514.45
102235	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	CARPARK - NASPO	342,000.00
102237	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	FIRE STATTU	3,911,249.93
103364	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	HELICOPTER OLA 2 TAXIWAY & APRON	3,026,661.36
103365	30-Jun-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	VISITING MILITARY AIRCRAFT HARDSTAND	3,521,265.26

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
90371	30-Jun-02	0249	ROYAL MILITARY COLLEGE - DUNTROON	125	Training School	Duntroon	ACT	2600	NIGHT TRAINING FACILITY	789,831.94
38658	30-Jun-02	0282	COFFS HARBOUR GRES DEPOT	2.534	Training Depot	Coffs Harbour	NSW	2450	ADL HALL	17,390.00
39002	30-Jun-02	0321	LISMORE GRES DEPOT	3.182	Training Depot	Lismore	NSW	2480	TRANSIENT ACCOMMODATION	69,858.55
39586	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11
39590	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11
39593	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11
39597	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11
39601	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11
39605	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11

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39606	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11
39609	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.11
39611	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	SLEEPING ACCOMMODATION	16,111.12
39616	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	ELECTRICAL RETICULATION - HVLB AREA	99,680.53
56148	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	ARMOURY INSTAVAULT SHED	22,319.47
75190	30-Jun-02	0356	LONE PINE BARRACKS - SINGLETON	14649.8	Logistics / Storage	Singleton	NSW	2330	RUN DODGE JUMP OBSTACLE COURSE	34,342.21
75189	30-Jun-02	0417	BEERSHEBA BARRACKS - TAMWORTH	0.5817	Headquar-ters	Tamworth	NSW	2340	COVERED STORAGE AREA	16,978.18
103616	30-Jun-02	0833	NORFORCE DEPOT - GROOTE EYLANDT	0.1	Training Depot	Alyangula	NT	0885	HQ OFFICE - DEMOUNTABLE	53,930.75

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103617	30-Jun-02	0833	NORFORCE DEPOT - GROOTE EYLANDT	0.1	Training Depot	Alyangula	NT	0885	ACCOMMODATION - DEMOUNTABLE	60,155.75
45249	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	SUBSTATION L & CENTRAL POWER HOUSE	10,000.00
45296	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	K GROUP STORE	350,000.00
45297	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	AIRCRAFT MAINTENANCE HANGAR & ANNEX	559,294.00
45603	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	F111 RUN UP REVETMENTS	899,165.33
45631	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	POLICE SERVICES BLDG STORE	750,000.00
45632	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	COMPOUND FOR F111 RUN UP REVETMENTS	899,165.33
103567	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	CARPARK - adj 82WING HEADQUARTERS	1,080,815.00
103568	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	INTAKE SWITCHING STATION #2	60,000.00
103570	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	25m FIRING RANGE	100,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
103571	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	ADMIN OFFICE - 6SQN ENGINE TEST CELL	899,165.33
103572	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	DESEAL & RESEAL FACILITY (PAINT SHOP)	2,854,807.00
103573	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	STORES WAREHOUSE & OFFICES	3,500,000.00
103574	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	F111G AIRCRAFT SHELTER (SOUTHERN)	1,589,251.00
103575	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	F111C AIRCRAFT SHELTER (NORTHERN)	1,589,251.00
103576	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	CARPORT - 6SQN ENGINE REPAIR TEAM	50,000.00
103577	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	EO FORKLIFT PARKING BAY	10,000.00
103578	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	EO ESH COMPOUND	1,000,000.00
103579	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	EO MAGAZINE SHED	25,000.00

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103580	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	SURFACE FINISHING FACILITY	10,974,467.00
103581	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	BONDED PANEL BNDI WING & TRACK	7,831,752.00
103582	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	6SQN AMEMS FACILITY	2,595,616.00
103583	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	BASE HEADQUARTERS	3,483,629.00
103584	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	82WING HEADQUARTERS	3,410,000.00
103585	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	AGM142 ELECTRONIC WARFARE WORKSHOP	970,000.00
103586	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	STORE	970,000.00
103593	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	F111G AIRFIELD SHELTER	5,415,000.00
103594	30-Jun-02	0861	RAAF BASE AMBERLEY	1664.1	Airfield	Amberley	QLD	4306	EO MAGAZINE COMPOUND	50,000.00
103587	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	STRUCTURAL BURN BLDG SIMULATOR	960,880.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
103588	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	FUSELAGE SIMULATOR	600,550.00
103589	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	FUEL SPILL SIMULATOR	600,550.00
103590	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	AIRFIELD DEFENCE WING COMPLEX	5,760,241.00
103591	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	FIRE TRAINING SCHOOL OFFICE & CLASSROOM	6,485,950.00
103592	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	BURN CONTROL BLDG	2,041,869.00
103627	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	STORAGE TANKS & PUMP STATION	960,880.00
103628	30-Jun-02	0862	AMBERLEY - AP2 TRANSMITTING STATION	28.542	Communi-cation Station	Amberley	QLD	4306	STORAGE DAM	360,340.00
103361	30-Jun-02	0872	TOWNSVILLE - AP40 BOHLE RIVER TRANSMITTING STATION	484.4	Communi-cation Station	Bohle	QLD	4818	BOHLE TRANSMITTER SITE FENCE	28,262.81

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45920	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	BOOSTER PUMP HOUSE	45,852.83
46052	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	FIRE BOOSTER TANKS (IN & ABOVE GROUND)	16,094.18
103342	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	COMBINED VEHICLE MAINTENANCE FACILITY	7,863,961.19
103343	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	BATTERY MAINTENANCE WORKSHOP	921,103.47
103344	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SUBSTATION	160,520.18
103345	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWER PUMP STATION	95,809.64
103346	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	QUARANTINE VEHICLE WASH FACILITY	211,610.18
103347	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #1	353,806.83
103348	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #2	550,254.75
103349	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #3	432,078.60

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
103350	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #4	235,630.67
103351	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #5	314,415.15
103352	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	TYRE STORE	23,986.30
103353	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SQUADRON OPERATIONS FACILITY	1,530,432.38
103354	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	TECHNICAL MAINTENANCE	1,272,282.21
103355	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	STORE	255,361.51
103356	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	GSE SHELTER	26,221.99
103357	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #10	160,520.18
103358	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #25	160,520.18
103359	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	FUEL TANKER MAINTENANCE FACILITY	2,649,438.15
103360	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	LOADING RAMP	49,153.23
103362	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SMALL TANKER COMPOUND	327,359.77

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
103363	30-Jun-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	WATER TANK	15,334.23
47363	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	ENGINE REPAIR FACILITY	10,612.77
47367	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	CENTRAL REPAIRABLE ITEM STORE (CRIS)	26,817.00
47389	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	3SQN TECHNICAL SUPPORT FACILITY	19,880.00
47394	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	77SQN TECHNICAL SUPPORT FACILITY	33,125.00
47412	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	HQ AIR COMBAT GROUP (HQACG)	81,072.18
47423	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	76SQN MAINTENANCE HANGAR	72,089.75
47691	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	RAAF BASE WILLIAMTOWN	601,335.00
90391	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	MILITARY WORKING DOG SHELTER	30,483.52
90392	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	INSTAVAULT ARMOURY (colour-bond SHED)	18,422.63
90393	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	ABDR OFFICE - DEMOUNTABLE	50,934.33

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
90394	30-Jun-02	0908	RAAF BASE WILLIAMTOWN	1087.62	Airfield	Williamtown	NSW	2314	WET WEATHER TRAINING SHELTER (adj 240)	23,849.10
49840	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	2FTS MAINTENANCE WORKSHOP & MEMO HANGAR	244,995.71
49867	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	COMMUNICATIONS FACILITY	489,991.43
49878	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	2FTS AVIONICS WORKSHOP	244,995.71
49976	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	HAAS STORAGE SHED	29,399.49
49978	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	AIRCRAFT SHELTER #6	391,993.14
49983	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	DEPLOYMENT AMENITIES ROOM - DEMOUNTABLE	3,841,532.78
87978	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	79SQN HANGAR for HAWKE AIRCRAFT	856,807.56
87979	30-Jun-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	79SQN GSE SHED	142,801.26
52816	30-Jun-02	1200	ROBERTSON BARRACKS	678.7	Barracks / Accommo-dation	Palmerston	NT	0830	HQ BLDG - REGIONAL TRAINING CENTRE	53,213.60

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
102173	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	DRIVER TRAINING AREA ROBERTSON BARRACKS	300,000.00
102174	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	E/ABLUTIONS	350,025.59
102175	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	BORE COMPUND INC. 25K GAL CONCRETE TANK	28,000.00
102176	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	ELECTRICAL RETICULATION	2,000.00
102177	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	FRESHWATER RETICULATION	2,000.00
102178	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	ROADS	10,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
102179	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	FENCES	20,000.00
102180	30-Jun-02	1204	DRIVER TRAINING AREA - ROBERTSON BARRACKS	29.99	Training Depot	Palmerston	NT	0830	CARPARKS & HARDSTANDS	40,000.00
103618	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	N	730,000.00
103619	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	Q STCLE GARAGE	786,000.00
103620	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	MAGAZINE	68,000.00
103621	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	OUTDOOR TRAINING AREA (WEATHER SHELTER)	79,000.00
103622	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	TENT SLABS (x3)	30,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
103623	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	COMMUNICATIONS TOWER #1 (nearest HQ)	41,000.00
103624	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	ROADS	95,000.00
103625	30-Jun-02	1551	CARNARVON TRAINING DEPOT	1.4417	Training Depot	Carnarvon	WA	6701	LANDSCAPING	43,055.02
102109	30-Jun-02	3132	KOWANYAMA ARES DEPOT	339.92	Training Depot	Kowanyama	QLD	4871	OFFICE / ABLUTIONS & VEHICLE BAYS	123,661.00
102108	30-Jun-02	3133	PORMPURAAW ARES DEPOT	0.21	Training Depot	Pormpuraaw	QLD	4871	OFFICE / ABLUTIONS & VEHICLE BAYS	123,712.00
102107	30-Jun-02	3134	AURUKUN ARES DEPOT	0.11	Training Depot	Aurukun	QLD	4871	OFFICE / ABLUTIONS & CARPORT	116,192.00
102110	30-Jun-02	3135	LOCKHART RIVER ARES DEPOT	0.09	Training Depot	Lockhart River	QLD	4871	OFFICE / ABLUTIONS & VEHICLE BAYS	118,627.00
102111	30-Jun-02	3137	YORKE ISLAND ARES DEPOT	0.13	Training Depot	Yorke Island	QLD	4875	ABLUTIIONS & VEHICLE BAYS x2	196,947.00
102113	30-Jun-02	3142	BURKETOWN ARES DEPOT	0	Training Depot	Burketown	QLD	4830	PATROL BASE	193,828.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
102112	30-Jun-02	3143	MORNINGTON ISLAND ARES DEPOT	0.07	Training Depot	Mornington Island	QLD	4871	PATROL BASE	249,184.00

Table 3

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
104649	31-Jul-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	HELICOPTER UNDERWATER ESCAPE TRAINER	8,129,729.00
104651	31-Jul-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	HELICOPTER CORROSION CONTROL FACILITY	2,657,800.00
104652	31-Jul-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	TAXIWAY B	1,444,779.00
104653	31-Jul-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	AIRFIELD LIGHTING SYSTEM	5,009,000.00
103629	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	36 WTT WORKSPACE	698,350.00
103630	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	RECEIPT & ISSUE AREA	227,969.00
103631	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	NEW WHARF ABLUTION BLOCK #1	219,456.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
103632	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	NEW WHARF ABLUTION BLOCK #2	219,456.00
103633	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	NEW WHARF - SOUTH	6,896,561.00
103634	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	HARDSTANDS 9,10,11	1,068,098.00
103635	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	FCPB CRADLE #H	208,220.00
103636	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	FCPB CRADLE #I	212,000.00
103637	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	FCPB CRADLE #J	212,000.00
103638	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	FCPB CRADLE #K	212,000.00
103639	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	100 TONNE FUEL TANK (inc BUNDING)	234,616.00
103640	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	SHIPPING CONTAINER SLAB	34,000.00
103641	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	NEW BOAT RAMP - REALIGNED	408,424.00
103642	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	NEW WHARF SUBSTATION	825,790.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
103643	31-Jul-02	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	ELECTRICAL SUBSTATION - TIE DOWN YARD 3	567,700.00
87430	31-Jul-02	0340	ADAMSTOWN MULTI-USER DEPOT	40.2	Training Depot	Adamstown	NSW	2289	16FLT RAAF CADETS FACILITY	22,190.27
39264	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	MENIN HALL (ASSEMBLY HALL)	44,707.00
39451	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	PLATOON OFFICE	23,642.92
39452	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	PLATOON OFFICE	23,642.93
39453	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	PLATOON OFFICE	23,642.93
39454	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	PLATOON OFFICE	23,642.93
39455	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	PLATOON OFFICE	23,642.93

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
39456	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	PLATOON OFFICE	23,642.93
39457	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	PLATOON OFFICE	23,642.93
39532	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	HEADQUARTER BLDG	84,237.36
105610	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	COMPOSTING TOILET	29,730.80
105611	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	COMPOSTING TOILET	29,730.80
105612	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	COMPOSTING TOILET	29,730.80
105613	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	COMPOSTING TOILET	29,730.80
105614	31-Jul-02	0356	LONE PINE BARRACKS - SINGLETON	14649.75	Logistics / Storage	Singleton	NSW	2330	COMPOSTING TOILET	29,730.80
103595	31-Jul-02	0419	TAREE GRES DEPOT	2.09	Training Depot	Taree	NSW	2430	28 RCU ARMY CADETS	92,517.28

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
45187	31-Jul-02	0861	RAAF BASE AMBERLEY	1664.096	Airfield	Amberley	QLD	4306	AIR TRAFFIC CONTROL TOWER	34,605.00
46823	31-Jul-02	0902	RAAF BASE RICHMOND	402	Airfield	Richmond	NSW	2360	AIR TRAFFIC CONTROL TOWER	218,470.00
47394	31-Jul-02	0908	RAAF BASE WILLIAMTOWN	1087.615	Airfield	Williamtown	NSW	2314	77SQN TECHNICAL SUPPORT FACILITY	11,150.00
47492	31-Jul-02	0908	RAAF BASE WILLIAMTOWN	1087.615	Airfield	Williamtown	NSW	2314	3SQN TECHNICAL SUPPORT FACILITY	11,150.00
47584	31-Jul-02	0908	RAAF BASE WILLIAMTOWN	1087.615	Airfield	Williamtown	NSW	2314	77SQN GSE STORAGE SHELTER	23,070.46
47703	31-Jul-02	0908	RAAF BASE WILLIAMTOWN	1087.615	Airfield	Williamtown	NSW	2314	MILITARY WORKING DOG TRAINING COMPOUND	39,140.50
47754	31-Jul-02	0909	SALTASH AIR WEAPONS RANGE	2460	Weapons Range	Salt Ash	NSW	2318	MAIN MARKER SHELTER	184,596.20
48854	31-Jul-02	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	AIRCRAFT CONTROL TOWER &BASE OPERATIONS	19,878.00
49491	31-Jul-02	0958	GINGIN SATELLITE AIRFIELD	706.986	Airfield	Gingin	WA	6503	AIR TRAFFIC CONTROL (ATC) TOWER	64,832.00
49836	31-Jul-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	AIR TRAFFIC CONTROL TOWER	59,579.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
50454	31-Jul-02	0990	RAAF BASE TINDAL	10359.22	Airfield	Tindal	NT	0853	AIR TRAFFIC CONTROL TOWER	92,574.00
106344	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	HQ BLDG	2,541,113.42
106345	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	Q STORE & WORKSHOP	1,563,063.50
106346	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	IERY STORE	26,864.26
106347	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	GAS BOTTLE	7,096.22
106348	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	TRAINING SHELTER #1	17,233.68
106349	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	TRAINING SHELTER #2	17,233.68
106350	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	TRAINING SHELTER #3	17,233.68
106351	31-Aug-02	0005	DOVETON MULTI USER DEPOT	30	Multi User Depot	Dandenong	VIC	3175	GUN STORE	279,579.88

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
106328	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	HQ BLDG	2,801,945.22
106329	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	Q STORE & WORKSHOP	1,681,603.11
106330	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	IERY STORE	26,897.04
106331	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	GAS BOTTLE STORE	7,104.88
106332	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	TRAINING SHELTER #1	17,254.70
106341	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	TRAINING SHELTER #2	17,254.70

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
106342	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	TRAINING SHELTER #3	17,254.70
106343	31-Aug-02	0008	BENDIGO (LONGLEA) MULTI USER DEPOT	2.5	Multi User Depot	Bendigo	VIC	3550	BOAT STORE	12,179.79
88937	31-Aug-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	NAVAL AVIATION SYSTEM PROGRAM OFFICE	3,642,755.00
102235	31-Aug-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	CARPARK - NASPO	83,731.00
106392	31-Aug-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	BAK14 AIRCRAFT ARRESTOR GEAR - WEST	875,913.00
37324	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN - TDSS HQ	53,592.41
37325	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ADMIN - B1 STORE	16,351.15
37327	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WORKSHOP (VEHICLE SERVICE STATION)	92,601.37

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
37369	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WORKSHOP	78,351.14
37546	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	STORE - RDF STOCK STORE	34,070.85
37547	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	STORE - B2 STORE	13,377.20
56080	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	STORE	63,326.05
56084	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	WORKSHOP	35,903.68
106361	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	TRAVERSES (around bldg Q913)	412,263.13
106362	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	ACCESS ROAD-MT STUART TRG AREA (SEALED)	1,180,398.00
106363	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	STORAGE SHED	60,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
106364	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	RUN DODGE JUMP COURSE	25,295.35
106365	31-Aug-02	0229	LAVARACK BARRACKS - TOWNSVILLE	7841.9	Headquar-ters	Townsville	QLD	4810	SUBSTATION T (RING MAIN UNIT)	54,894.32
106327	31-Aug-02	0402	VICTORIA BARRACKS - SYDNEY	12.526	Headquar-ters	Paddington	NSW	2021	HQ TRAINING COMMAND - AUSTRALIA (TC-A)	5,860,399.67
45931	31-Aug-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OPERATIONAL SUPPORT UNIT	43,919.85
106367	31-Aug-02	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	FIRE EXTINGUISHER TRAINING FACILITY	40,079.09
89312	31-Aug-02	1218	RAAF BASE SCHERGER	13210	Airfield	Weipa	QLD	4874	& 501 KITCHEN &S & SNCOS MESS	500,000.00
33628	30-Sep-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	AWSC (SEAHAWK SIMULATOR)	474,076.90
33725	30-Sep-02	0026	HMAS ALBATROSS	785	Operational	Nowra	NSW	2541	FENCES (inc SECURITY FENCES)	715,700.00
34603	30-Sep-02	0066	HMAS CERBERUS	1500	Training School	Crib Point	VIC	3919	HMAS CERBERUS - WESTERN PORT	146,247.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
38362	30-Sep-02	0253	AUSTRALIAN DEFENCE COLLEGE - WESTON (for-merly JSSC)	5.292	Training School	Weston	ACT	2611	LIBRARY & RESOURCES CENTRE	1,305,636.76
56117	30-Sep-02	0253	AUSTRALIAN DEFENCE COLLEGE - WESTON (for-merly JSSC)	5.292	Training School	Weston	ACT	2611	ADC - FITNESS CENTRE	362,815.88
106915	30-Sep-02	0253	AUSTRALIAN DEFENCE COLLEGE - WESTON (for-merly JSSC)	5.292	Training School	Weston	ACT	2611	MAIN ADC BLDG	15,797,195.26
106916	30-Sep-02	0253	AUSTRALIAN DEFENCE COLLEGE - WESTON (for-merly JSSC)	5.292	Training School	Weston	ACT	2611	MESS FACILITY	3,865,949.65
106917	30-Sep-02	0253	AUSTRALIAN DEFENCE COLLEGE - WESTON (for-merly JSSC)	5.292	Training School	Weston	ACT	2611	INFRA UPGRADE - STAFF COLLEGE PROJECT	3,165,330.49

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
52784	30-Sep-02	1200	ROBERTSON BARRACKS	678.7	Barracks / Accommo-dation	Palmerston	NT	0830	1 CSSB SUPPLY COY DEGASSING	25,181.82
53875	30-Sep-02	1302	RAAF BASE DARWIN	1277.85	Operational	Winnellie	NT	0828	DOG TRAINING COMPOUND	14,636.36
67142	30-Sep-02	1561	PALMERSTON CHILD CARE CENTRE	0.251	Child Care Centre	Palmerston	NT	0830	CHILD CARE CENTRE (60 HEAD, OFF BASE)	43,363.64
34807	31-Oct-02	0089	HMAS STIRLING	1187.77	Fleet Base	Garden Island	WA	6168	FLAMMABLE LIQUID STORE	64,305.08
106366	31-Oct-02	0382	HOLSWORTHY BARRACKS	19859	Barracks / Accommo-dation	Holsworthy	NSW	2173	3RAR MOCK UP TRAINING FACY	193,280.35
45297	31-Oct-02	0861	RAAF BASE AMBERLEY	1664.096	Airfield	Amberley	QLD	4306	AIRCRAFT MAINTENANCE HANGAR & ANNEX	161,186.00
37138	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	BARRACKS SERVICES STORE	88,131.05
37140	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	RATION STORE	50,650.03

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
37169	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	LOADING RAMP	51,663.03
37170	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	ROADS & PAVEMENTS	27,351.02
37172	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	VEHICLE WASH POINT	203,613.12
107596	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	HARDSTAND - DCSO(R) AREA	43,559.02
107597	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	DCSO(R) ADMIN	527,773.30
107598	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	COVERED MULTI PURPOSE AREA	158,028.09

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107599	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	ABLUTIONS FACILITY	105,352.06
107600	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	42RQR ADMIN	2,022,962.15
107601	30-Nov-02	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	42RQR LOGISTICS COMPLEX	1,924,701.09
107586	30-Nov-02	0763	IRWIN BARRACKS - KARRAKATTA	61.5173	Operational	Karrakatta	WA	6010	BATTERY STORAGE FACILITY	27,673.00
44458	30-Nov-02	0767	CAMBPELL BARRACKS - SWANBOURNE	84.9265	Barracks / Accommo-dation	Swanbourne	WA	6010	REGIMENTAL HEADQUARTERS (RHQ) SASR	4,944.80
86142	30-Nov-02	0908	RAAF BASE WILLIAMTOWN	1087.615	Airfield	Williamtown	NSW	2314	FIBRE OPTIC CABLING	17,492.43
50103	30-Nov-02	0967	RAAF BASE PEARCE	963.65	Airfield	Bullsbrook	WA	6084	SEWERAGE TREATMENT PLANT	80,649.00
47691	31-Dec-02	0908	RAAF BASE WILLIAMTOWN	1087.615	Airfield	Williamtown	NSW	2314	RAAF BASE WILLIAMTOWN	725,709.11

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107885	31-Dec-02	0939	RAAF BASE EDINBURGH	890.22	Operational	Edinburgh	SA	5111	GSE SHELTER POWER CARTS	20,262.00
89102	31-Dec-02	1073	DSTO EDINBURGH - CONSOLIDATED SITE	1101	Research	Edinburgh	SA	5111	TOWER - LASER RANGE	75,000.00
108141	31-Dec-02	1073	DSTO EDINBURGH - CONSOLIDATED SITE	1101	Research	Edinburgh	SA	5111	TARGET HUT #1 - LASER RANGE	6,000.00
108142	31-Dec-02	1073	DSTO EDINBURGH - CONSOLIDATED SITE	1101	Research	Edinburgh	SA	5111	TARGET HUT #2 - LASER RANGE	10,296.00
110863	31-Jan-03	0219	SHOALWATER BAY TRAINING AREA	274070	Training Area	Shoalwater	QLD	4702	HOMESTEAD - 'THE GLEN'	10,831.51
110864	31-Jan-03	0219	SHOALWATER BAY TRAINING AREA	274070	Training Area	Shoalwater	QLD	4702	ACCESS ROAD - to 'THE GLEN'	18,000.00
110865	31-Jan-03	0219	SHOALWATER BAY TRAINING AREA	274070	Training Area	Shoalwater	QLD	4702	MAINTENANCE SHED - RANGE THE GLEN	31,000.00
110866	31-Jan-03	0219	SHOALWATER BAY TRAINING AREA	274070	Training Area	Shoalwater	QLD	4702	RANGE CONTROL BLDG	450,000.00

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110867	31-Jan-03	0219	SHOALWATER BAY TRAINING AREA	274070	Training Area	Shoalwater	QLD	4702	RANGE CONTROL - MTR THE GLEN	100,000.00
111505	31-Jan-03	0766	PALMER BARRACKS - GUILDFORD	65.0974	Logistics / Storage	South Guildford	WA	6055	AIR CADET TRAINING FACILITY- DEMOUNTABLE	107,317.85
111506	31-Jan-03	0766	PALMER BARRACKS - GUILDFORD	65.0974	Logistics / Storage	South Guildford	WA	6055	AIR CADET TRAINING FACILITY- DEMOUNTABLE	107,317.85
111563	31-Jan-03	1073	DSTO EDINBURGH - CONSOLIDATED SITE	1101	Research	Edinburgh	SA	5111	LOW SPEED WINDSTREAM FACILITY	33,682.00
54128	31-Jan-03	1348	TAYLOR BARRACKS HQ PILBARA REGIMENT - KARRATHA	3.3624	Training Depot	Karratha	WA	6714	BOAT STORE & WASH POINT	134,025.01
54133	31-Jan-03	1348	TAYLOR BARRACKS HQ PILBARA REGIMENT - KARRATHA	3.3624	Training Depot	Karratha	WA	6714	VEHICLE RAMP & WASHDOWN BLDG	227,951.28

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103344	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SUBSTATION	21,251.91
103346	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	QUARANTINE VEHICLE WASH FACILITY	39,169.13
103347	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #1	7,022.21
103348	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #2	10,921.24
103349	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #3	8,575.72
103350	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #4	4,676.70
103351	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CVMF SHELTER #5	6,121.13
103357	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #10	22,921.52
103358	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #25	19,985.18
111628	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #1 - FIGHTER STRIKE	1,543,758.73
111629	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #2 - FIGHTER STRIKE	1,543,758.73
111630	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #3 - FIGHTER STRIKE	1,727,062.52

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111631	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #4 - FIGHTER STRIKE	1,727,062.52
111632	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #5 - FIGHTER STRIKE	1,543,758.73
111633	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #6 - FIGHTER STRIKE	1,543,758.73
111634	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #7 - FIGHTER STRIKE	1,543,758.73
111635	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #8 - FIGHTER STRIKE	1,543,758.73
111636	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #9 - FIGHTER STRIKE	1,543,758.73
111637	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #10 - FIGHTER STRIKE	1,543,758.73
111639	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #11 - MARITIME PATROL	1,241,706.33
111640	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #12 - MARITIME PATROL	1,241,706.33
111641	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #13 - MARITIME PATROL	1,241,706.33
111642	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	OLA #14 - MARITIME PATROL	1,241,706.33
111643	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #1 - FIGHTER STRIKE	164,904.13

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111644	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #2 - FIGHTER STRIKE	164,904.13
111645	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	QRAF READY ROOM #1 - FIGHTER STRIKE	270,855.09
111646	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	QRAF READY ROOM #2 - FIGHTER STRIKE	270,855.09
111647	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #5 - FIGHTER STRIKE	164,904.13
111648	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #6 - FIGHTER STRIKE	164,904.13
111649	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #7 - FIGHTER STRIKE	164,904.13
111650	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #8 - FIGHTER STRIKE	164,904.13
111651	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #9 - FIGHTER STRIKE	164,904.13

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
111652	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ACOUSTIC SHELTER #10 - FIGHTER STRIKE	164,904.13
111653	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CREW ROOM #11 - MARITIME PATROL	299,757.02
111654	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CREW ROOM #12 - MARITIME PATROL	299,757.02
111655	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CREW ROOM #13 - MARITIME PATROL	299,757.02
111656	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	CREW ROOM #14 - MARITIME PATROL	299,757.02
111657	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #1	48,830.16
111658	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #2	49,291.14
111659	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #3	38,581.06
111660	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #4	38,581.06
111661	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #5	38,581.06
111662	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #6	38,581.06
111663	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #7	51,824.60

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111664	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #8	51,939.85
111665	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #9	41,920.28
111666	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #10	41,920.28
111667	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #11	43,302.25
111668	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #12	51,939.85
111669	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #13	41,920.28
111670	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #14	43,302.25
111671	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #15	42,726.99
111672	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE PUMP STATION #7a	51,824.60
111673	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #21	181,772.09
111674	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #22	181,772.09
111675	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #23	303,714.40
111676	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SUBSTATION #24	303,714.40

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
111682	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SEWERAGE RETICULATION	343,722.64
111683	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	AREA NETWORK & TELEPHONE CABLING	1,295,850.07
111684	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	SECURITY SYSTEMS	130,963.37
111685	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	AIRFIELD LIGHTING SYSTEMS	3,104,900.41
111686	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	RUNWAYS & TAXIWAYS	9,751,067.12
111687	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ELECTRICAL RETICULATION	4,087,350.43
111688	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	POTABLE WATER RETICULATION	703,641.32
111689	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	STORMWATER DRAINS	3,962,328.51
111690	28-Feb-03	0874	RAAF BASE TOWNSVILLE	912.46	Airfield	Townsville	QLD	4810	ROADS	3,730,174.12
112086	28-Feb-03	0954	RAAF BASE CURTIN	25879	Airfield	Derby	WA	6728	COMMUNICATIONS CABLING	1,644,460.67
112085	28-Feb-03	0960	RAAF BASE LEARMONTH	2552.31	Airfield	Learmonth	WA	6707	COMMUNICATIONS CABLING	1,644,460.67
53208	28-Feb-03	1218	RAAF BASE SCHERGER	13210	Airfield	Weipa	QLD	4874	OMMUNICATIONS CABLING	1,644,460.66

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
111585	28-Feb-03	3098	ELLIOT DSTO IONOSPHERIC SOUNDER SITE	0.9	Navigation Beacon	Elliott	NT	0862	PERIMTER FENCING 400M (LEASED SITE)	12,000.00
86031	31-Mar-03	0002	BALLARAT MUD - Lots 2,3,4&5		Multi User Depot	Ballarat	VIC	3350	BALLARAT MUD - LOTS 2,3,4&5	2,554.10
107604	31-Mar-03	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	LBDO STORAGE FACILITY	71,475.42
107605	31-Mar-03	0213	LOGISTIC SUPPORT DEPOT - ROCKHAMPTON	37.63	Logistics / Storage	Rockhampton	QLD	4700	EO STORAGE FACILITY	34,227.66
112331	31-Mar-03	0697	YAMPI SOUND TRAINING AREA	566000	Training Area	Derby	WA	6728	GENERATOR COMPLEX (new)	124,636.37
112332	31-Mar-03	0697	YAMPI SOUND TRAINING AREA	566000	Training Area	Derby	WA	6728	FUEL TANK & SHELTER	100,000.00
112334	31-Mar-03	0697	YAMPI SOUND TRAINING AREA	566000	Training Area	Derby	WA	6728	ELECTRICAL RETICULATION	50,000.00

ROMAN ASSET No.	POSTING DATE	PROP ID	LOCATION	LAND AREA (ha)	PROPERTY FUNCTION	SUBURB	STATE	POSTCODE	ASSET DESCRIPTION	VALUE $
112333	31-Mar-03	1119	JINDALEE TRANSMITTING SITE - HARTS RANGE	1158	Communi-cation Station	Harts Range	NT	0870	TOILET - DISABLED	25,041.50
35262	23-Apr-03	0103	DARWIN NAVAL BASE		Patrol Boat Base	Larrakeyah	NT	0800	SMALL BOATS PONTOON ACCESS RAMP	42,135.50
107964	30-Apr-03	0990	RAAF BASE TINDAL	10359.22	Airfield	Tindal	NT	0853	SURFIN WORKSHOP	3,900,000.00
107965	30-Apr-03	0990	RAAF BASE TINDAL	10359.22	Airfield	Tindal	NT	0853	SURFIN FLAMMABLE STORE	40,000.00
107968	30-Apr-03	0990	RAAF BASE TINDAL	10359.22	Airfield	Tindal	NT	0853	HV SUBSTATION #50	230,000.00
110819	30-Apr-03	0990	RAAF BASE TINDAL	10359.22	Airfield	Tindal	NT	0853	SUBSTATION #45	120,000.00
113249	30-Apr-03	0990	RAAF BASE TINDAL	10359.22	Airfield	Tindal	NT	0853	SUBSTATION #46	120,000.00
112413	21-May-03	0402	VICTORIA BARRACKS - SYDNEY	12.526	Headquar-ters	Paddington	NSW	2021	COMMUNICATIONS CABLING	22,715.00
42194	31-May-03	0544	SIMPSON BARRACKS - WATSONIA	130.88	Barracks / Accommo-dation	Watsonia	VIC	3087	DISCON TRUNK SWITCHING CENTRE	652,616.58

Defence: Project Land 125

(Question No. 1512)

Senator Chris Evans asked the Minister for Defence, upon notice, on 10 June 2003:

In relation to the Soldier Combat System project (Project Land 125) in the Defence Capability Plan (DCP):

(1) Can a description of all of the phases of this project be provided.

(2) (a) What was the original timeline for the completion of the project, including the dates for each of the phases in the project; and (b) when was the project due to be completed.

(3) What was the original budget for this project, including the budget for each of the phases in the project.

(4) (a) What is the current schedule for the completion of this project, including the dates for each of the phases in the project; and (b) when is the project due to be completed.

(5) What is the current budget for this project, including the budget for each of the phases in the project.

(6) (a) What has been the total cost of this project to date; and (b) what has been the cost for each completed phase.

(7) Has the Government approved funding for Phase 3 of this project; if not, when is it expected that the Government will grant approval for Phase 3 of this project.

(8) Why was Phase 3 of this project deferred by 12 months in the DCP Supplement in 2002.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) The goal of Project Land 125 is to provide an integrated system of personal equipment, weapons and sensors for our soldiers. The project is currently planned to be progressed in several phases, as follows:

Phase 1 A capability definition study;

Phase 2 A project definition study;

Phase 3 Initial Acquisition;

Phase 4 Further Acquisition; and

Phase 5 Technology Enhancements and Through-Life Support.

(2) (a) Phase 1 was planned to start in 1996 and complete in 1998.

Phase 2 was planned to start in 2000 and complete in 2004.

Phase 3 was planned to have a 2003/2004 Year of Decision.

Phase 2 was subsequently split into two sub-phases, with Phase 2A approved initially in 1999 and increased in scope and cost in 2000. The 2000 Defence White Paper brought forward Phase 3 to a 2002/2003 Year of Decision, to follow on from Phase 2A, with a new Phase 4 added with a 2007/2008 planned Year of Decision. Subsequently the first part of Phase 3 was redefined as Phases 2B and 2C and these were planned for a 2003/2004 Year of Decision to follow Phase 2A, with the balance of Phase 3 – initial acquisition - planned for a 2006/2007 Year of Decision. The project is currently subject to review by Government as part of the overall regular review of the Defence Capability Plan.

(b) The project was always expected to be evolutionary in nature, buying and updating equipment over time, so there was no defined end date for the project as a whole, although the original planning target was for Phase 3 to end around 2008.

(3) Phase 1 $2m (1994 prices).

Phase 2 $11m (1999 prices).

Phase 3 $450m to $600m.

(4) (a) and (b) The planned completion dates of each phase under current planning is as follows:

Phase 1 was completed in 1998/1999;

Phase 2A is expected to finish in 2003;

Phase 2B & 2C are planned for completion by around 2006;

Phase 3 is planned for completion around 2008; and

The completion dates of Phases 4 and 5 will be depend on progress with earlier phases.

(5) The costs of currently planned phases, based on the 2001 Defence Capability Plan, are as follows:

Phase 1 was completed at a cost of $2m;

Phase 2 has a proposed cost of $50m - $70m. Phase 2A has an approved budget of $14m with Phases 2B and 2C subject to further Government consideration;

Phase 3 has a proposed cost of $450m - $600m;

Phase 4 has a proposed cost of $350m - $450m; and

Phase 5 was not programmed in the last Defence Capability Plan.

(6) (a) $7m.

(b) Phase 1 cost $2m. The remaining $5m is part of the uncompleted Phase 2A.

(7) No. The 2001 Defence Capability Plan proposed a 2005/2006 Year of Decision for Phase 3.

(8) The structure of the project phasing has been varied to reflect a refinement of the acquisition strategy, notably the current plans to develop the project cooperatively with the United States Army Land Warrior Program. The current timing of Phase 3 reflects this evolution of acquisition strategy as well as wider priorities in the overall Defence Capability Plan.

Aboriginal and Torres Strait Islander Commission: Funding

(Question No. 1517)

Senator Crossin asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 16 June 2003:

With reference to the cut in funding from the Aboriginal and Torres Strait Islander Commission (ATSIC) to the Aboriginal Development Foundation (ADF) in the 2002-03 financial year.

(1) Given that ATSIC had invited submissions for triennial funding and ADF submitted for this, why was it then not offered triennial funding.

(2) Why did ATSIC, without advice, warning or prior communication reduce funding to ADF between 2001and 2002 from $457,320 to $292,619.

(3) Does ATSIC have any duty of care in providing funds to organisations for the provision of services which have been long established.

(4) Did the ATSIC procedures for grant assessment for the 2002-03 financial year fully comply with principles of natural justice.

(5) What is the status of the ATSIC Service Charter.

(6) Did ATSIC (Darwin Network Regional Office and Yilli Reung Regional Council) breach this Service Charter, which states that ATSIC aims include ensuring Aboriginal and Torres Strait Islander people have the same level of services which are provided to all Australians, to advise Indigenous people of their rights to make a complaint, and advise clients of their appeal rights.

(7) Were organisations invited to submit for triennial funding in 2001.

(8) (a) On 24 July 2001 was ADF sent a letter from a Mr Peris, Darwin Network Regional Office, approving funding.

(9) Did this letter refer to a triennial budget figure of $457 320.

(10) Did this letter from Mr Peris request 'ADF to refer to the attached 3 year budgets and indicate if you agree with the budget, and if not please provide a preferred revised budget to ATSIC'.

(11) Did ADF respond with a revised triennial budget.

(12) Could the letter from Mr Peris have been taken to be a letter of offer.

(13) Prior to April 2002, had ADF breached ATSIC funding conditions.

(14) Prior to April 2002, had ATSIC issued any warnings to ADF that it was in any breach or performing poorly.

Senator Ellison—Aboriginal and Torres Strait Islander Services has provided the following information in response to the honourable senator's question:

(1) The ATSIC Darwin Regional Manager wrote to the Aboriginal Development Foundation (ADF) on 22 December 2001 inviting the ADF to make a submission for funding for the 2002/03 financial year. The letter clearly indicated that the Yilli Rreung Regional Council was seeking submissions for one year funding against the Regional Council program budget and possible three year funding against selected National Programs.

ATSIC Regional Councils are under no obligation to approve funding on a triennial basis.

The Yilli Rreung Regional Council (YRRC), after consideration of the previous performance of ADF in delivering programs, were not prepared to extend approval for funding over a three year period.

(2) ATSIC Regional Councils have discretion to vary amounts offered to organisations that have been funded in previous years (even in the event of a multi-year Letter of Offer being issued).

Past funding to a number of organisations providing services, and which have been established for a period of time, has been approved based on historical funding levels. The YRRC has been pursuing a goal of achieving greater outcomes with available funding.

At a draft estimates meeting held in May 2002, the YRRC discussed appropriate funding allocations for all organisations for the 2002/03 financial year. As a result of its deliberations, the YRRC believed that, based on the number of people serviced (estimated at 217), the amount of $292,619 was a more justifiable and equitable allocation than had applied in previous years and would be sufficient to allow the ADF to carry out the services for which ATSIC funding was provided.

(3) ATSIC Regional Councils are required to prepare a draft budget for the purpose of assisting to improve the economic, social and cultural status of Aboriginal persons and Torres Strait Islanders living in the region concerned.

In approving funding to organisations, ATSIC must consider, amongst other things, the appropriateness of the level of funding against the established performance and demonstrated ability of the organisation to achieve acceptable outcomes in line with the objectives and performance indicators of each grant.

Duty of care in providing funds to organisations is only to the extent that the organisation can demonstrate acceptable outcomes and to a level of funding which is believed to be sufficient.

Further, ATSIC Letters of Offer clearly state that:

"This offer of funding does not imply any commitment to further funding from ATSIC."

(4) The Office of Evaluation and Audit (OEA) undertook a Special Audit on the propriety and probity of the decision by the YRRC to reduce the ADF funding for the 2002/03 financial year. The audit found that on the balance of the evidence the YRRC decision was sound.

In addition, a later investigation by the Commonwealth Ombudsman's Office concluded it did not intend to further investigate the matter.

(5) The ATSIC Service Charter is current and is available for viewing by the public on the ATSIC internet site. In addition, ATSIC has a well established Complaints Handling process, details of which are provided to all persons who are aggrieved by processes and/or decisions made by ATSIC staff and/or the ATSIC Elected Arm.

(6) No.

The extent to which ATSIC can ensure that Aboriginal and Torres Strait Islander people receive the same level of services which are provided to all Australians is limited by the extent of available funding and the influence that can be exerted on other government and non-government service providers.

The YRRC has an obligation to direct funding to achieve improvement in the economic, social and cultural status of all Indigenous people of the region for which they are responsible (estimated in excess of 8,000).

ADF was advised that a review is available by the Federal Court under the Administrative Decisions (Judicial Review) Act 1977. Further, the ATSIC Letter of Offer for 2002/03 funding provided details on how to pursue any dissatisfaction with the funding offered.

(7) Funding submissions for the 2002/03 financial year were called for in late 2001. There were no invitations for triennial funding against the Regional Council budget for 2002/03.

(8) The letter referred to from Mr Peris of the Darwin Network Regional Office was a facsimile with attachments showing requested, recommended and approved budgets. The facsimile indicated that ATSIC had approved a Municipal Services activity for an amount of $457,320.

(9) No.

(10) The letter from Mr Peris did not request the ADF to assess a proposed three year budget. As indicated in response to Question 8 above, the attachments to the facsimile included requested, recommended and approved budgets. Although the requested and recommended budgets contained figures relating to triennial budgets, the approved budget of $457,320 clearly related only to the 2001/02 financial year.

(11) Yes.

(12) No.

The ADF has been receiving and accepting ATSIC grant funding and conditions since the 1990/91 financial year and would be aware of the form of a Letter of Offer.

(13) The ATSIC Grant Management System (GMS) has been operational since the 1998/99 financial year. The GMS records all financial and performance monitoring, including due dates. The Client Breach Report generated from the GMS indicates that the ADF has been consistently late in complying with ATSIC reporting requirements. Late submission of reports is a breach of grant conditions (and is outlined in the Terms and Conditions attached to Letters of Offer).

(14) In the 2000/01 financial year, ADF was advised of concerns with its performance. As a result of these concerns, a Major Review was conducted in June 2001. The report of the Major Review detailed 20 recommendations, several indicating major concerns including governance issues.

Notwithstanding contact and assistance from ATSIC, it has taken the ADF nearly two years to provide a satisfactory response to the Review and implement its recommendations.

Iraq

(Question No. 1520)

Senator Brown asked the Minister for Defence, upon notice, on 17 June 2003:

With reference to the pre-war concern that Iraq had weapons of mass destruction and advice from intelligence organisations:

(1) Was advice given to the Government that the United States of America (US) or the United Kingdom (UK) were moving to invade solely because of Iraq's weapons of mass destruction; if not, in each case, of what other motivation was the Government advised.

(2) (a) Who in the Government was made aware of that advice; (b) from where did that advice come; and (c) who conveyed it to the Government and when.

(3) Were weapons of mass destruction seen as the primary motivation for war for the UK or the US; if not, what was the primary motivation.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) Like the Australian Government, the Governments of the United States and the United Kingdom came to independent decisions on whether to participate in military action in Iraq. Any questions relating to the reasons for their decision should be referred to them.

(2) Refer to part (1).

(3) Refer to part (1).

Employment and Workplace Relations: Office of the Employment Advocate

(Question No. 1521)

Senator Sherry asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 17 June 2003:

(1) Is the Office of the Employment Advocate (OEA) aware of a telephone survey currently being conducted on freedom of association.

(2) Has the OEA commissioned a survey on freedom of association.

(3) Did the OEA commission the survey of its own initiative or was it requested to do so by the Minister or the department.

(4) Who has been contracted to conduct the survey.

(5) How was this contractor selected.

(6) What is the value of the contract.

(7) What instructions have been provided to the contractor.

(8) How have respondents to the survey been chosen.

(9) In which industries do respondents work.

(10) How many respondents are there.

(11) How is the survey being conducted.

(12) Can a copy of all questions asked in the survey be provided.

(13) Do respondents provide their names and contact details or is the survey anonymous.

(14) Will the circumstances of any individual respondent be further investigated by the OEA.

(15) Who will compile and interpret the results of the survey.

(16) When will the results of the survey be made available to: (a) the OEA; (b) the Minister; and (c) the public.

Senator Alston—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) Yes.

(2) Yes.

(3) The OEA commissioned the survey on its own initiative.

(4) The Social Research Centre.

(5) The contractor was one of six consultants asked to provide a quotation for the freedom of association survey. The six consultants were sourced from a DEWR panel of consultants which was established via a public tender process. A selection panel comprising two staff members from the OEA and one staff member from DEWR evaluated the proposals.

(6) The contract is valued at just under $200,000.

(7) The OEA instructed the consultant to complete 3,141 interviews, with a minimum of 50 union members and 50 non union members in each of the 17 industry groupings and 100 union members and 100 non union members in each of the 8 occupational groupings.

(8) Respondents have been randomly selected via the Australian White Pages, with the exception of some respondents in the Agriculture, Forestry and Fishing and Mining industries. While most employees in these industries are expected to be found randomly, to obtain a minimum of 50 union members and 50 non union members in each industry the consultant recommended that specific postcodes known to have a high concentration of employees in these industries be targeted. Within the postcodes, employees are still randomly selected from the White Pages.

(9) The OEA has requested a minimum of 50 union members and 50 non union members in each of the 17 industry groupings.

(10) According to the most recent report from the Social Research Centre 2,900 interviews have been completed to date.

(11) The survey is being conducted via the telephone.

(12) It is not appropriate to release the survey questionnaire until all of the surveys are completed.

(13) The survey is anonymous.

(14) The circumstances of individual respondents will be identifiable by the OEA.

(15) The OEA will compile and interpret the results of the survey.

(16) It is not known at this stage when the results of the survey will be made available.

Auslan: Funding

(Question No. 1525)

Senator Greig asked the Minister for Family and Community Services, upon notice, on 30 May 2003:

With reference to statements made in the Community Affairs Legislation Committee 2003-04 Budget estimates hearings in June 2003 in relation to the provision of Auslan interpreter services to members of the deaf community, in which the Minister:

(a) indicated that funding requested by the Australian Association of the Deaf, to conduct research into the extent of unmet need, had been granted, and the tender would shortly be advertised; and (b) further indicated there was no money in the budget to provide the $767 000 interim funding requested by the Australian Federation of the Deaf:

(1) Has the tender for a scoping study to research the current supply and demand of Auslan interpreters been advertised; if not, when will it be advertised.

(2) What is the expected time frame for the scoping exercise.

(3) Will the Government commit to re-assessing the current provision of funding for Auslan interpreters on the basis of the research findings.

(4) Given that the Minister acknowledges there is enough information to 'know what the problem is in general', and that this has been a growing issue for the past 7 years, why has the Government failed to act before now.

(5) Why is the Government still unwilling to commit the $767 000 interim funding required to ensure minimum access to interpreters for the deaf pending the outcome of the scoping research.

Senator Vanstone—The answer to the honourable senator's question is as follows:

(1) The Department of Family and Community Services (FaCS) has previously tendered for research consultants to be part of an evaluation panel for conducting program and policy research and evaluation services. The panel consists of individuals and organisations with a range of specialisations and expertise. FaCS will invite consultants from the panel with experience in research in the disability area or with other disadvantaged groups to submit proposals to undertake the Auslan study. The invitations will be sent out shortly.

(2) The aim is to complete the scoping study by the end of 2003.

(3) When the study is completed, the Government will consider the range of the Commonwealth assistance provided to people who use Auslan.

(4) Currently, Commonwealth, state and territory governments provide some assistance with Auslan interpreting services. If a person who is deaf wishes to access Commonwealth services, an Auslan interpreter is provided free of charge. This study of Auslan interpreting services will examine the range of assistance available across states and territories and identify any areas where further consideration of Commonwealth assistance may be warranted. The Government wants to ensure any new Commonwealth assistance for Auslan users builds on current efforts.

(5) As already stated, funding for Auslan interpreting services is a joint Commonwealth, state and territory responsibility. The $767 000 is the Australian Federation of Deaf Societies' estimate of additional funding required for Auslan interpreting services in the six states. It is not clear how much of this estimated demand relates to Commonwealth services and responsibilities and how much relates to state services and responsibilities. The Government wants to gain a good understanding of Auslan interpreting service issues across all states and territories, before considering further the range of the Commonwealth assistance provided to people who use Auslan.

Immigration: Iranian Detainees

(Question No. 1554)

Senator Brown asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 June 2003:

With reference to the Memorandum of Understanding between the Australian and Iranian governments used to progress voluntary repatriation of detained Iranians:

(1) Was a letter distributed to detained Iranians in the following or similar terms, 'We urge you to actively consider your options. Failure to do so will result in your removal from Australia. The governments of Iran and Australia are currently consulting on the issue of your removal should you not depart voluntarily'.

(2) Is it true that the Iranian Government wishes only to accept detainees who volunteer to return; if so, is that the reason why Iranian detainees are offered money to go on a voluntary basis.

(3) Does the Minister have any evidence of torture or death of Iranian detainees who have returned to Iran from Australian detention centres.

Senator Ellison—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) Between 17 April 2003 and 2 May 2003, Departmental officers from Unauthorised Arrivals Section visited detention centres to present information sessions to Iranian detainees on the Memorandum Of Understanding on Consular Matters, the reintegration assistance package and voluntary return. Detainees were advised that the reintegration package would be offered to eligible Iranian detainees who have no authorisation to remain in Australia and have exhausted all refugee determination processes, which includes merits and judicial review. Detainees were given written material which advised that the reintegration assistance package includes financial assistance for reintegration of $2000 per person and up to $10,000 per family, assistance in obtaining an Iranian travel document, and provision of travel to their home community in Iran. The material advised that upon receiving a formal offer of the reintegration package, Iranians would have 28 days to choose whether to accept the offer for voluntary return. The agreement also includes provision for the involuntary removal of Iranians who have no outstanding visa applications.

(2) The Memorandum of Understanding on Consular Matters established between the Government of Australia and Government of the Islamic Republic of Iran includes provisions for involuntary removal of Iranians currently in immigration detention who do not volunteer to return with assistance of the reintegration package.

(3) The Australian Government takes seriously its obligation not to refoule refugees and has in place robust refugee determination procedures, but also respects the principles of state sovereignty and does not monitor non-Australian citizens in foreign countries.

Immigration: Dr Habib Vahedi

(Question No. 1555)

Senator Brown asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 June 2003:

With reference to the suicide of Afghani asylum seeker Dr Habib Vahedi, who died in Murray Bridge, SA, on 3 February 2003:

(1) Was there no evidence available to the Minister, the Government or the Port Hedland detention centre authorities that Dr Vahedi had psychological problems.

(2) (a) What did the Minister mean when he was reported in the Advertiser on 8 February 2003 as saying, 'that his suicide could well be for a whole host of reasons and that people should have got him appropriate support and counselling'; and (b) with reference to that quote, to which people was the Minister referring and to what counselling.

(3) What information does the Minister have to show that the Minister or the department had no knowledge, either before or since 8 February 2003, of Dr Vahedi's potential for suicide.

(4) Can the Minister give Senator Brown an assurance that his department has no such information.

(5) What medical or social support services were afforded to Dr Vahedi in South Australia.

Senator Ellison—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) Upon arrival in detention, a standard risk needs assessment was conducted in relation to Mr Wahedy. Mr Wahedy was identified as not being at risk of self-harm.

On 28 November 1999, a refugee action group recorded that, in their opinion, Mr Wahedy was in need of assistance as he was feeling traumatised, was not sleeping and was worried for his family. The Registered Nurse employed by the detention service provider noted these comments and

advised on 29 November 1999 that there was no evidence of this at his initial interview at the centre with nursing staff, nor on any subsequent visits.

During his time in detention there was no evidence that Mr Wahedy was suffering from psychological problems, despite ongoing contact with medical staff.

Privacy and confidentiality restrictions prevent the Department from being provided with information on whether Mr Wahedy accessed medical or psychological treatment or counselling while in the community. This includes any use of the services of the Association of Services to Torture and Trauma Survivors (ASeTTS).

(2) The circumstances of Mr Wahedy's death are currently being investigated by the State Coroner's office. It is inappropriate to draw conclusions as to the reasons for his death in advance of the formal coronial process which is examining these issues.

As a temporary protection visa holder lawfully in Australia, Mr Wahedy had access to the mainstream medical and psychological support services available to Australian nationals, including access to Medicare. The Government has no obligation to provide support and counselling services beyond the level available to Australians.

However, as with all TPV holders, on release from detention, Mr Wahedy was provided with an information package that included detailed information on how to access specialised counselling from the Association of Services to Torture and Trauma Survivors (ASeTTS) or access any other health services, should he wish.

Individuals who feel they are in need of medical or psychological support services should themselves seek assistance. If other people with whom Mr Wahedy associated in the community believed that he was in need of such assistance they would have been in a position to encourage his use of the relevant services, or to draw the attention of the appropriate professionals to his situation.

(3) See answer to part (1).

(4) See answer to part (1).

(5) See answer to parts (1) and (2).

Energy: Electricity

(Question No. 1566)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 23 June 2003:

(1) What analyses has the Government conducted in the past 5 years to determine the amount of energy lost in the transmission and distribution of electricity in Australia.

(2) (a) What is the amount of energy lost in transmission; (b) what is the amount of energy lost in distribution; and (c) what is the equivalent amount of greenhouse gas emissions.

(3) How is the creation of a national electricity market affecting the amount of energy lost in transmission and distribution.

(4) What measures is the Government taking to reduce transmission and distribution losses.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) The Government has not conducted specific analyses to determine the amount of energy lost in electricity transmission and distribution. Estimates of these losses have been provided to the Australian Greenhouse Office in recent reports titled Australia's National Greenhouse Gas Inventory (NGGI) 'End Use Allocation Analysis ', and the Full Fuel Cycle emissions factors for

the Greenhouse Challenge. Industry data is mostly sourced through the Electricity Supply Association of Australia.

(2) (a) and (b) The NGGI does not provide separate estimates for transmission and distribution energy losses. The 1999 NGGI provides a total estimate of 15,365,000,000 kilowatt hours (kWh) or 8.2% for electricity lost in transmission and distribution. (c) The 1999 NGGI provides an average greenhouse gas emission intensity estimate of 1.074 kilograms of greenhouse gas emissions per kWh (on a full fuel cycle basis) for Australian electricity generation.

(3) The National Electricity Market (NEM) has provided a more competitive, comprehensive market structure for the provision of energy to participating regions. A fundamental element of this integrated system has been the dispatch process that allows different forms of energy generation to cater for market needs at different levels of demand. As a result, increased participation from natural gas and renewable forms of energy can be achieved during market conditions when such energy forms are more viable. Particularly in the case of renewable energy, it is likely that many of the current projects, both operational and under development would not have been realised in the absence of the NEM structure.

(4) The Commonwealth Government has a demonstrated commitment to developing a competitive, integrated national energy market, in contrast to the loosely connected regional state markets that currently exist. An open, efficient and fully competitive energy market structure, with a robust governance and consistent regulatory framework in place, is critical to the continued sustainable development of Australia's natural resources and the provision of our current and future energy needs. Currently, the Commonwealth Government is working with State and Territory Governments through the Ministerial Council on Energy to develop and progress an agreed reform agenda toward fully realising such a market in Australia. This includes improving the planning and development of electricity transmission and distribution networks.

Resources: Electricity

(Question No. 1567)

Senator Brown asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 23 June 2003:

(1) What analyses has the Government conducted in the past 5 years to determine the amount of energy lost in the transmission and distribution of electricity in Australia?

(2) (a) What is the amount of energy lost in transmission; (b) What is the amount of energy lost in distribution; and (c) What is the equivalent amount of greenhouse gas emissions?

(3) How is the creation of a national electricity market affecting the amount of energy lost in transmission and distribution?

(4) What measures is the Government taking to reduce transmission and distribution losses?

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

(1) The Government has not conducted specific analyses to determine the amount of energy lost in electricity transmission and distribution. Estimates of these losses have been provided to the Australian Greenhouse Office in recent reports titled Australia's National Greenhouse Gas Inventory 'End Use Allocation Analysis ', and the Full Fuel Cycle emissions factors for the Greenhouse Challenge. Industry data is mostly sourced through the Electricity Supply Association of Australia.

(2) The National Greenhouse Gas Inventory does not distinguish between transmission and distribution losses. In 1999 these energy losses were approximately 15,365,000 megawatt hours (MWh) or 8.2 percent of electricity generated. In 1999, the average greenhouse gas emission

intensity level for Australian electricity generation was 1.074 grams of CO2-e per MWh (on a full fuel cycle basis). On this basis, transmission and distribution energy losses would be equivalent to about 16.5 Mt/CO2-e.

(3) The National Electricity Market (NEM) has provided a more comprehensive market structure for the provision of energy to participating regions. A fundamental element of the NEM has been the dispatch process that allows different forms of energy generation to cater for market needs at different levels of demand. As a result, increased participation from natural gas and renewable forms of energy can be achieved during market conditions when such energy forms are more viable. Particularly in the case of renewable energy, it is likely that many of the current projects, both operational and under development, would not have been realised in the absence of the NEM structure.

(4) The Government is committed to developing an integrated national energy market, in contrast to the loosely connected regional state markets we currently have. An open, efficient and competitive energy market, with robust governance and a consistent regulatory framework, is critical to the continued sustainable development of Australia's natural resources, and is consistent with improving market efficiency and reducing transmission and distribution losses. Currently, the Commonwealth Government is working with State and Territory Governments through the Ministerial Council on Energy to agree on a reform agenda with the aim of developing such a market in Australia.

Environment: Mandatory Renewable Energy Target Scheme

(Question No. 1568)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 23 June 2003:

(1) Why is the review of the Mandatory Renewable Energy Target Scheme required to report by the end of September 2003 when the legislation requires the review to be tabled by 1 April 2004.

(2) Has the Minister given any directions to the review panel as to how the review will be conducted; if so, can a copy of these directions be provided.

(3) Is there any reason why a list of meetings held by the panel should not be made public.

(4) Is there any reason why the panel should not publish a draft report for consultation before presenting its final report.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) The required date for tabling of the review report is by 18 January 2004, not 1 April 2004. I have asked that the panel report by 29 September 2003 to allow the findings of the review to feed into related energy and greenhouse policy considerations already underway.

(2) The conduct of the review is essentially a matter for the Panel. I have asked that the process be as open and transparent as possible by including a formal submission process and consultations with key stakeholders. I have asked that the panel report by 29 September 2003.

(3) I understand that the review panel intends to publish a list of meetings held with stakeholders in their report.

(4) In view of the six month timeframe for the review, I have not asked the panel to publish a draft report. It should be noted that the six month timeframe also takes into consideration the fact that industry has expressed a desire for the review and the Government's response to it to be concluded expeditiously so as to minimise uncertainty. The panel's report will be tabled in Parliament after it has been received and considered by the Government.

Mandatory Renewable Energy Target Scheme
(Question No. 1569)

Senator Brown asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 23 June 2003:

With reference to the review of the Mandatory Renewable Energy Target Scheme:

(1) Why is the review of the Mandatory Renewable Energy Target Scheme required to report by the end of September 2003 when the legislation requires the review to be tabled by 1 April 2004.

(2) Has the Minister given any directions to the review panel as to how the review will be conducted; if so, can a copy of these directions be provided.

(3) Is there any reason why a list of meetings held by the panel should not be made public.

(4) Is there any reason why the panel should not publish a draft report for consultation before presenting its final report.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

(1) The required date for tabling of the review report is by 18 January 2004, not 1 April 2004. The Review Panel has been asked to report by 29 September 2003 to allow the findings of the review to feed into related energy and greenhouse policy considerations already underway.

(2) The conduct of the review is essentially a matter for the Review Panel. I am aware that Minister Kemp has asked that the process be as open and transparent as possible by including a formal submission process and consultations with key stakeholders.

(3) I understand that the Review Panel intends to publish a list of meetings held with stakeholders in their report.

(4) In view of the six month timeframe for the review, the Panel has not been asked to publish a draft report. It should be noted that the six month timeframe also takes into consideration the fact that industry has expressed a desire for the review and the Government's response to it to be concluded expeditiously so as to minimise uncertainty. The Panel's report will be tabled in Parliament after it has been received and considered by the Government.

Transport and Regional Services: Senior Executive Service
(Question No. 1570)

Senator Webber asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 24 June 2003:

(1) How many staff at the senior executive service (SES) level are employed in the department within Western Australia.

(2) Given Western Australia's contribution to the nation's economy, is the department adequately represented in Western Australia to ensure that development opportunities are maximised.

(3) Does the lack of senior Commonwealth departmental representatives or SES staff have a negative impact on Commonwealth program funds in Western Australia.

(4) Would Western Australia be advantaged by an increase in the number of SES staff located within the state.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

(1) There are no SES employed in the department within Western Australia.

(2) Yes. The number of DOTARS employees in Western Australia (24) does not require SES level management.

(3) No. Program funds are allocated based on individual program criteria. Lack of SES representation is not a factor in program funds allocation. There are no SES in other states.

(4) No. Western Australia would not be advantaged by SES staff being located within the state.

Education, Science and Training: Senior Executive Service

(Question No. 1573)

Senator Webber asked the Minister representing the Minister for Education, Science and Training, upon notice, on 23 June 2003:

(1) How many staff at the senior executive service (SES) level are employed in the department within Western Australia.

(2) Given Western Australia's contribution to the nation's economy, is the department adequately represented in Western Australia to ensure that development opportunities are maximised.

(3) Does the lack of senior Commonwealth departmental representatives or SES staff have a negative impact on Commonwealth program funds in Western Australia.

(4) Would Western Australia be advantaged by an increase in the number of SES staff located within the state.

Senator Alston—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

(1) None.

(2) Yes. Western Australia, like all other States and Territories is represented by a State Manager. A key function of the State Manager is to act as a liaison between the Department of Education, Science and Training (DEST) National Office and the State to ensure that local needs relevant to DEST's jurisdiction are addressed.

(3) No. Commonwealth programme funding administered by DEST is allocated according to nationally agreed formulae specific to each programme.

(4) No. DEST State Managers, including the Western Australian State Manager, are regardless of level, regarded as part of DEST's leadership team.

Industry, Tourism and Resources: Senior Executive Service

(Question No. 1574)

Senator Webber asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 23 June 2003:

(1) How many staff at the senior executive service (SES) level are employed in the department within Western Australia.

(2) Given Western Australia's contribution to the nation's economy, is the department adequately represented in Western Australia to ensure that development opportunities are maximised.

(3) Does the lack of senior Commonwealth departmental representatives or SES staff have a negative impact on Commonwealth program funds in Western Australia.

(4) Would Western Australia be advantaged by an increase in the number of SES staff located within the state.

Senator Minchin—The Acting Minister for Industry, Tourism and Resources advises that the answer to the honourable senator's question is as follows:

(1) There are no staff at the Senior Executive Service (SES) level employed by the Department of Industry, Tourism and Resources in Western Australia. The Department has six AusIndustry offices in State capital cities, and fourteen regional offices. Only the State Manager of the New South Wales State Office is employed at the SES level.

(2) AusIndustry's experienced non-SES officers ensure the Department is adequately represented in Western Australia to maximise development opportunities. In addition to these experienced officers, senior policy and program officers of the Department's Canberra office are regular visitors to Western Australia and are familiar with the State's development opportunities.

(3) Staffing arrangements in the Western Australia State Office do not have a negative impact on Commonwealth program funds.

(4) The staffing of the Western Australia State Office, as with all State offices, reflects a sensible resource management decision. For the reasons outlined in (2), Western Australia would not be advantaged by an increase in the number of SES staff located within the state.

Industry, Tourism and Resources: Senior Executive Service

(Question No. 1575)

Senator Webber asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 23 June 2003:

(1) How many staff at the senior executive service (SES) level are employed in the department within Western Australia.

(2) Given Western Australia's contribution to the nation's economy, is the department adequately represented in Western Australia to ensure that development opportunities are maximised.

(3) Does the lack of senior Commonwealth departmental representatives or SES staff have a negative impact on Commonwealth program funds in Western Australia.

(4) Would Western Australia be advantaged by an increase in the number of SES staff located within the state.

Senator Minchin—The Minister for Small Business and Tourism advises that the answer to the honourable senator's question is as follows:

Small business and tourism is part of the industry, tourism and resources portfolio. Please refer to the response of the Acting Minister for Industry, Tourism and Resources (question 1574).

Greece: Social Security Arrangements

(Question No. 1576)

Senator Allison asked the Minister for Family and Community Services, upon notice, on 24 June 2003:

(1) What is the status of the Australian-Hellenic Social Security Agreement between the Greek and Australian Governments.

(2) What negotiations have taken place since the Prime Minister met with the Prime Minister of Greece in Athens in 2002 with regard to the agreement.

(3) Is it the intention of the Government to re-schedule the visit by the Parliamentary Secretary to the Minister for Family and Community Services (the Hon. Ross Cameron, MP) to Greece, which was aborted as a result of the Bali bombings; if not, why not.

Senator Vanstone—The answer to the honourable senator's question is as follows:

(1) There is no social security agreement in place between Australia and Greece. While the question of reciprocal arrangements has been discussed for some years, there is not yet any consensus on the nature and scope of such arrangements.

(2) Parliamentary Secretary Ross Cameron was not able to visit Greece in late 2002 as intended. On 13 February 2003 he met with the Greek ambassador to Australia to discuss the positions of the two governments. Further information was subsequently sought and received from Greece, and this is presently under consideration. The government is hopeful that an early resolution can be achieved to this long-standing matter.

(3) It is not yet clear whether a visit to Greece by Mr Cameron is still necessary. This will be determined once the information provided by Greece and the positions of the two governments have been considered.

Environment: Biodegradable Shopping Bags

(Question No. 1581)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 25 June 2003:

With reference to biodegradable shopping bags:

(1) Does the Government consider petroleum-based components in some cornstarch-based bags to be biodegradable.

(2) Which petroleum-based plastics are 100 per cent biodegradable.

(3) Are there shopping bags available in Australia which are 100 per cent biodegradable.

(4) What is the impact on marine or river life of cornstarch-based plastics.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

(1) Environment Australia is coordinating a study by an independent consultant which is examining the possible effects of degradable plastics bags on our environment. This work was directed by Environment Protection and Heritage Council (EPHC) Ministers and the study is due for completion in September this year. Information of the type being sought will be made available to the public through this study.

(2) The EPHC study will provide detailed information about the environmental performance of the range of degradable plastic bags currently available in Australia.

(3) Information of this type will be made available through the EPHC study.

(4) Information of this type will be made available through the EPHC study.

Education: Overseas Students

(Question No. 1583)

Senator Carr asked the Minister representing the Minister for Education, Science and Training, upon notice, on 26 June 2003:

Can information be provided on the change in the number of international higher degree research students from China and Korea, by year, from 1994 to 2003, expressed in both numerical and percentage terms.

Senator Alston—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

The following tables show enrolments of Chinese and South Korean students in higher degree research courses in both numerical (Table 1) and percentage (Table 2) terms for the years 1994 to 2002. Data for 2002 is the latest currently available.

Table 1. Chinese and South Korean students enrolled in higher degrees by research, 1994-2001

	1994	1995	1996	1997	1998	1999	2000	2001	2002
China	754	608	696	721	748	679	522	492	527
South Korea	120	117	92	96	120	142	134	147	161

Table 2. Annual change in Chinese and South Korean enrolments in higher degrees by research, 1994-2001, in absolute and percentage terms

	1994/5	1995/6	1996/7	1997/8	1998/9	1999/2000	2000/1	2001/2
China	-146	88	25	27	-69	-157	-30	35
	-19.4%	14.5%	3.6%	3.7%	-9.2%	-23.1%	-5.7%	7.1%
South Korea	-3	-25	4	24	22	-8	13	14
	-2.5%	-21.4%	4.3%	25.0%	18.3%	-5.6%	9.7%	9.5%

Education: University Funding

(Question No. 1586)

Senator Carr asked the Minister representing the Minister for Education, Science and Training, upon notice, on 26 June 2003:

(1) When will the department's calculations on the proposed new funding arrangements be made available to universities.

(2) Can the department's modelling for each individual university be provided to the Senate.

(3) Has the Government received representations from the University of Western Sydney that it will be up to $31.5 million over 3 years worse off as a result of the Government's new funding formula.

(4) Can the Minister confirm that the Board of Trustees of the University of Western Sydney (UWS) advised that, 'the cumulative effect over … three years is that UWS will receive over $31 million less than it would have without the clawback. In as much as the clawback is permanent the cumulative loss will compound into the future to more than $50 million over five years … If our calculations are correct the package is a profound disappointment and shock to UWS'.

Senator Alston—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

(1) The Department of Education, Science and Training's (DEST) preliminary estimated Commonwealth Grant Scheme (CGS) calculation for each institution was provided to institutions on 8 July 2003.

(2) A summary table of each institution's estimated position under the CGS compared to its present operating funding in 2003 prices is attached.

(3) The Government has received representations from the University of Western Sydney about its own modelling of its position under the new arrangements and its concerns.

(4) I cannot confirm the statement of the Board of Trustees of the University of Western Sydney. I understand from media reports that the University's modelling argues a cumulative loss of more

than $50 million over five years. Assuming that the University meets the national governance protocols and workplace relations policy requirements, DEST's calculations indicate that the University will experience an initial reduction of $4m in 2005 but will improve its position in 2006 and 2007. A transitional fund will ensure that UWS is not financially disadvantaged in the transition to the CGS and will be fully compensated during the adjustment phase.

Preliminary Estimated Commonwealth Grant Scheme Calculation

SECTOR SUMMARY - ASSESSMENT BASED ON 2002 DATA

COMMONWEALTH GRANT SCHEME INCLUDING INCREASE

Over enrolment proportioned between Cluster 1 to 6, HECS liabilities proportioned to target places

Institution	Operating grant *	Estimated operating funding in 2005 #	Impact
		Actual HECS proportioned to target	2005
	$000's	*$000's*	*$000's*
Charles Sturt University	112,675	124,031	11,356
Macquarie University	99,912	103,079	3,167
Southern Cross University	55,474	58,489	3,015
University of New England	81,623	80,395	-1,227
University of New South Wales	201,988	198,564	-3,424
University of Newcastle	139,541	143,580	4,039
University of Sydney	264,843	272,168	7,325
University of Technology Sydney	146,057	149,363	3,305
University of Western Sydney	200,248	196,215	-4,033
University of Wollongong	88,479	90,313	1,834
Deakin University	148,681	154,586	5,906
La Trobe University	162,710	165,403	2,693
Monash University	241,475	251,314	9,839
Royal Melbourne Institute of Technology	161,162	171,882	10,720
Swinburne University of Technology	63,220	63,468	248
University of Ballarat	35,474	37,450	1,976
University of Melbourne	228,506	232,454	3,948
Victoria University of Technology	106,216	102,399	-3,817
Central Queensland University	75,432	76,670	1,238
Griffith University	177,927	182,983	5,056
James Cook University	87,888	96,068	8,180
Queensland University of Technology	215,046	224,784	9,738
University of Queensland	239,402	251,632	12,230
University of Southern Queensland	73,875	80,528	6,653
University of the Sunshine Coast	23,073	27,131	4,058
Curtin University of Technology	143,213	158,726	15,513
Edith Cowan University	116,791	125,369	8,578
Murdoch University	73,004	71,426	-1,578
University of Western Australia	104,422	116,643	12,221
Flinders University of South Australia	84,147	87,021	2,874
University of Adelaide	111,732	114,360	2,628
University of South Australia	155,572	160,064	4,492
University of Tasmania	96,697	100,791	4,094
Northern Territory University	32,781	32,589	-192
University of Canberra	55,239	57,707	2,468
Australian Catholic University	70,311	71,230	918
Australian Maritime College ~	11,287	7,638	-3,649
Batchelor Institute of Indigenous Tertiary Education ~	8,229	5,402	-2,827
Australian National University **	68,260	65,166	-3,094

* Total operating plus marginal funding and workplace reform funding where appropriate

\# CGS plus additional workplace reform programme adjustment, regional loading, teaching hospital grant where relevant and 2.5% funding increase.

~ special circumstances relate to these institutions with regard to operating resources and these have not been able to be taken into accounting in this modelling.

** Atypical operating grant funding, not comparable to CGS funding. Notionally adjusted for the Institute of Advanced Studies block grant.

Tibet: Sino Gold

(Question No. 1616)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 11 July 2003:

With reference to Sino Gold's project and work at Jinkang (Sichuan province), Tibet:

(1) What information does the Government have on the project.

(2) What support of any kind has been provided by the Government.

(3) What representation or requests from Sino Gold have been made to the Government about the project.

(4) What representations have been made to the Tibetan government-in-exile about Sino Gold's activities.

(5) Has the Government been approached for, or provided, support of any kind to Sino Gold for its activities in Asia, including China; if so: (a) for which projects; (b) where; and (c) what amount or type of support.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

(1) The Government is aware that Sino Gold is involved in gold exploration at Jinkang in Sichuan Province and has what information is available in the company's annual report.

(2) The Government has given no specific support to the project.

(3) None.

(4) The Australian Government does not recognise a Tibetan government-in-exile.

(5) No.