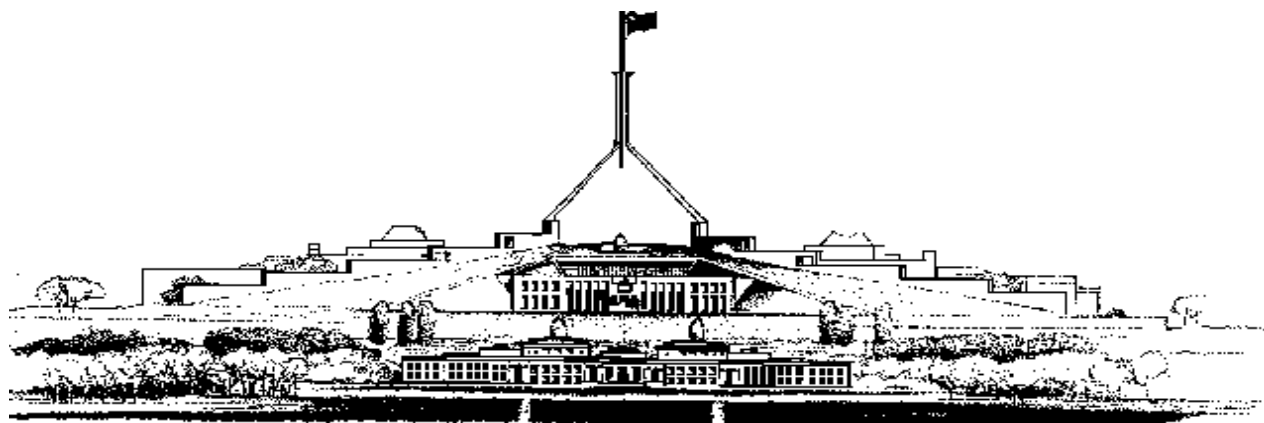




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



SENATE

Official Hansard

No. 4, 2002

TUESDAY, 14 MAY 2002

FORTIETH PARLIAMENT
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2002

Month	Date
February	12, 13, 14
March	11, 12, 13, 14, 19, 20, 21
May	14, 15, 16
June	17, 18, 19, 20, 24, 25, 26, 27
August	19, 20, 21, 22, 26, 27, 28, 29
September	16, 17, 18, 19, 23, 24, 25, 26
October	14, 15, 16, 17, 21, 22, 23, 24
November	11, 12, 13, 14, 18, 19, 20, 21
December	2, 3, 4, 5, 9, 10, 11, 12

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<i>MELBOURNE</i>	1026 AM
<i>ADELAIDE</i>	972 AM
<i>PERTH</i>	585 AM
<i>HOBART</i>	729 AM
<i>DARWIN</i>	102.5 FM

FORTIETH PARLIAMENT
FIRST SESSION—SECOND PERIOD

Governor-General

His Excellency the Right Reverend Dr Peter Hollingworth, Officer of the Order of Australia,
Officer of the Order of the British Empire

Senate Officeholders

President—Senator the Hon. Margaret Elizabeth Reid

Deputy President and Chairman of Committees—Senator Suzanne Margaret West

Temporary Chairmen of Committees—Senators Andrew Julian Bartlett, Paul Henry Calvert, Hedley Grant Pearson Chapman, Hon. Peter Francis Salmon Cook, Hon. Rosemary Anne Crowley, Alan Baird Ferguson, Michael George Forshaw, John Joseph Hogg, Susan Christine Knowles, Ross Lightfoot, James Philip McKiernan, 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—Senator the Hon. John Philip Faulkner

Deputy Leader of the Opposition—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 Natasha Jessica Stott Despoja

Deputy Leader of the Australian Democrats—Senator Aden Derek Ridgeway

Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	Tas.	30.6.2005	LP
Allison, Lynette Fay	Vic.	30.6.2002	AD
Alston, Hon. Richard Kenneth Robert	Vic.	30.6.2002	LP
Barnett, Guy ⁽¹²⁾	Tas.	30.6.2005	LP
Bartlett, Andrew John Julian ⁽⁵⁾	Qld	30.6.2002	AD
Bishop, Thomas Mark	WA	30.6.2002	ALP
Bolkus, Hon. Nick	SA	30.6.2005	ALP
Boswell, Hon. Ronald Leslie Doyle	Qld	30.6.2002	NP
Bourne, Vicki Worrall	NSW	30.6.2002	AD
Brandis, George Henry ⁽⁷⁾	Qld	30.6.2005	LP
Brown, Robert James	Tas.	30.6.2002	AG
Buckland, Geoffrey Frederick ⁽⁹⁾	SA	30.6.2005	ALP
Calvert, Paul Henry	Tas.	30.6.2002	LP
Campbell, George ⁽⁴⁾	NSW	30.6.2002	ALP
Campbell, Hon. Ian Gordon	WA	30.6.2005	LP
Carr, Kim John	Vic.	30.6.2005	ALP
Chapman, Hedley Grant Pearson	SA	30.6.2002	LP
Cherry, John Clifford ⁽⁸⁾	QLD	30.6.2005	AD
Colbeck, Richard Mansell ⁽¹¹⁾	Tas.	30.6.2002	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, Helen Lloyd	NSW	30.6.2002	LP
Cooney, Bernard Cornelius	Vic.	30.6.2002	ALP
Crane, Arthur Winston	WA	30.6.2002	LP
Crossin, Patricia Margaret ⁽¹⁾	NT		ALP
Crowley, Hon. Rosemary Anne	SA	30.6.2002	ALP
Denman, Kay Janet	Tas.	30.6.2005	ALP
Eggleston, Alan	WA	30.6.2002	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 ⁽⁶⁾	SA	30.6.2002	LP
Forshaw, Michael George	NSW	30.6.2005	ALP
Gibbs, Brenda	Qld	30.6.2002	ALP
Greig, Brian Andrew	WA	30.6.2005	AD
Harradine, Brian	Tas	30.6.2005	Ind.
Harris, Len	Qld	30.6.2005	PHON
Heffernan, Hon. William Daniel	NSW	30.6.2005	LP
Herron, Hon. John Joseph	Qld	30.6.2002	LP
Hill, Hon. Robert Murray	SA	30.6.2002	LP
Hogg, John Joseph	Qld	30.6.2002	ALP
Hutchins, Stephen Patrick	NSW	30.6.2005	ALP
Kemp, Hon. Charles Roderick	Vic.	30.6.2002	LP
Knowles, Susan Christine	WA	30.6.2005	LP
Lees, Meg Heather	SA	30.6.2005	AD
Lightfoot, Philip Ross ⁽¹⁰⁾	WA	30.6.2002	LP
Ludwig, Joseph William	Qld	30.6.2005	ALP
Lundy, Kate Alexandra ⁽¹⁾	ACT		ALP
Macdonald, Hon. Ian Douglas	Qld	30.6.2002	LP
Macdonald, John Alexander Lindsay (Sandy) ⁽³⁾	NSW	30.6.2002	NP
Mackay, Susan Mary	Tas.	30.6.2002	ALP
Mason, Brett John	Qld	30.6.2005	LP

Members of the Senate

Senator	State or Territory	Term expires	Party
McGauran, Julian John James	Vic.	30.6.2005	NP
McKiernan, James Philip	WA	30.6.2002	ALP
McLucas, Jan Elizabeth	Qld	30.6.2005	ALP
Minchin, Hon. Nicholas Hugh	SA	30.6.2005	LP
Murphy, Shayne Michael	Tas.	30.6.2005	Ind.
Murray, Andrew James Marshall	WA	30.6.2002	AD
O'Brien, Kerry Williams Kelso	Tas.	30.6.2005	ALP
Patterson, Hon. Kay Christine Lesley	Vic.	30.6.2002	LP
Payne, Marise Ann ⁽²⁾	NSW	30.6.2002	LP
Ray, Hon. Robert Francis	Vic.	30.6.2002	ALP
Reid, Hon. Margaret Elizabeth ⁽¹⁾	ACT		LP
Ridgeway, Aden Derek	NSW	30.6.2005	AD
Schacht, Hon. Christopher Cleland	SA	30.6.2002	ALP
Scullion, Nigel Gregory ⁽¹⁾	NT		CLP
Sherry, Hon. Nicholas John	Tas.	30.6.2002	ALP
Stott Despoja, Natasha Jessica	SA	30.6.2002	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.	30.6.2002	LP
West, Suzanne Margaret	NSW	30.6.2002	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 New South Wales vice Robert Leslie Woods, resigned.
- (3) Chosen by the Parliament of New South Wales vice David Brownhill, resigned.
- (4) Chosen by the Parliament of New South Wales vice Bruce Kenneth Childs, resigned.
- (5) Chosen by the Parliament of Queensland vice Cheryl Kernot, resigned.
- (6) Chosen by the Parliament of South Australia to fill a casual vacancy, caused by her resignation.
- (7) Chosen by the Parliament of Queensland vice Warwick Raymond Parer, resigned.
- (8) Chosen by the Parliament of Queensland vice John Woodley, resigned.
- (9) Chosen by the Parliament of South Australia vice John Andrew Quirke, resigned.
- (10) Chosen by the Parliament of Western Australia vice John Horace Panizza, deceased.
- (11) Appointed by the Governor of Tasmania, Vice Hon. Jocelyn Newman, resigned
- (12) Appointed by the Governor of Tasmania, vice Hon. Brian Francis Gibson AM, resigned

PARTY ABBREVIATIONS

AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal 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 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 Foreign Affairs	The Hon. Alexander John Gosse Downer MP
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 Forestry and Conservation	Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport	Senator the Hon. Rod 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 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 Cabinet	The Hon. Peter Neil Slipper MP (Acting)
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, Training and Science	Jenny Macklin MP
Leader of the Opposition in the Senate, Shadow Minister for Public Administration and Home Affairs	Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition in the Senate and Shadow Minister for Finance, Small Business and Financial Services	Senator Stephen Conroy
Shadow Treasurer and Shadow Minister for Finance and Small Business	The Hon Bob McMullan MP
Shadow Minister for Innovation, Industry, Trade and Tourism	Craig Emerson MP
Shadow Minister for Trade and Tourism	The Hon Dr Stephen Martin MP
Shadow Minister for Defence	Senator Chris Evans
Shadow Minister for Regional and Urban Development, Transport and Infrastructure	Martin Ferguson MP
Shadow Minister for Population and Immigration	Julia Gillard MP
Shadow Minister for Reconciliation, Aboriginal and Torres Strait Islander Affairs, the Arts, and Status of Woman	The Hon Dr Carmen Lawrence MP
Shadow Attorney-General and Shadow Minister for Workplace Relations	Robert McClelland MP
Shadow Minister for Primary Industries and Resources	Senator Kerry O'Brien
Shadow Minister for Foreign Affairs	Kevin Rudd MP
Shadow Minister for Health and Ageing	Stephen Smith MP
Shadow Minister for Family and Community Services and Manager of Opposition Business in the House	Wayne Swan MP
Shadow Minister for Communications	Lindsay Tanner MP
Shadow Minister for Environment and Heritage	Kelvin Thomson MP
Shadow Minister for Science and Research	Senator Kim Carr

Shadow Ministry—*continued*

Shadow Minister for Employment Services and Training	David Cox MP
Shadow Minister for Justice and Customs	Daryl Melham MP
Shadow Assistant Treasurer and Economic Ownership and Shadow Minister for Urban Development and Housing	Mark Latham MP
Shadow Minister for Retirement Incomes and Savings, and Consumer Affairs	Senator the Hon Nick Sherry
Shadow Minister for Information Technology and Sport	Senator Kate Lundy
Shadow Minister for Veterans' Affairs	Senator Mark Bishop
Shadow Minister for Regional Services, Territories and Local Government	Gavan O'Connor MP
Shadow Minister for Multicultural Affairs	Laurie Ferguson MP
Shadow Minister for Resources	Joel Fitzgibbon MP
Shadow Minister for Ageing and Seniors	Anthony Albanese MP
Shadow Minister for Children and Youth	Nicola Roxon MP

Parliamentary Secretaries

Parliamentary Secretary (Leader of the Opposition) and Parliamentary Secretary (Consumer Affairs and Banking Services)	Alan Griffin MP
Parliamentary Secretary (Manufacturing Industry)	Senator George Campbell
Parliamentary Secretary (Defence)	The Hon Graham Edwards MP
Parliamentary Secretary (Northern Australia and the Territories)	The Hon Warren Snowdon MP
Parliamentary Secretary (Attorney-General) and Manager of Opposition Business in the Senate	Senator Joseph Ludwig
Parliamentary Secretary (Primary Industries and Resources)	Sid Sidebottom MP
Parliamentary Secretary (Health and Ageing)	John Murphy MP
Parliamentary Secretary (Family and Community Services)	Annette Ellis MP
Parliamentary Secretary (Communications)	Christian Zahra MP
Parliamentary Secretary (Environment and Heritage)	Kristen Livermore MP

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Tuesday, 14 May 2002

The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 2.00 p.m. and read prayers.

CONDOLENCES

Her Majesty Queen Elizabeth The Queen Mother

The PRESIDENT (2.01 p.m.)—It is with deep regret that I inform the Senate of the death, on 30 March 2002, of Her Majesty Queen Elizabeth The Queen Mother.

Senator HILL (South Australia—Leader of the Government in the Senate) (2.01 p.m.)—by leave—I move that the following address to Her Majesty Queen Elizabeth II be agreed to:

“YOUR MAJESTY:

We, the President and Members of the Senate of the Commonwealth of Australia received with great sorrow the news of the death of Her Majesty Queen Elizabeth The Queen Mother. On behalf of the Australian people, we express deep sympathy to Your Majesty and other members of the Royal Family, and give thanks for a remarkable life dedicated to service, duty, support and her family.”

Question agreed to, honourable senators standing in their places.

Senator HILL—I move:

That, as a mark of respect for the memory of the Queen Mother, the sitting of the Senate be suspended until 3 p.m.

Question agreed to.

The PRESIDENT—The sitting of the Senate is suspended until 3 p.m. as a mark of respect.

Sitting suspended from 2.02 p.m. to 3.00 p.m.

QUESTIONS WITHOUT NOTICE

Health: Pharmaceutical Benefits Scheme

Senator BOLKUS (3.00 p.m.)—My question is to the Minister for Health and Ageing. Does the minister recall her claims in last Saturday’s *Australian* that the government failed to achieve a quarter of a billion dollars in supposed GST savings on pharmaceuticals because the pharmaceutical companies threatened to withdraw medi-

cines? Can the minister clarify which companies made these alleged threats, when they were made and whether the threats were oral or in writing?

Senator PATTERSON—With regard to the GST and pharmaceutical benefits, the government did actually have detailed arrangements made with people who received savings from wholesale sales tax. That was the wholesale sales tax that Labor had in, whereby there was wholesale sales tax on advertising and wholesale sales tax on petrol, trucks et cetera, and that was fed down through the whole system. It was a ramshackle system and I think the Labor Party has now finally admitted that it is not going to support it. But the removal of the wholesale sales tax and its replacement by GST has led to cost savings for all businesses. In the 2000-01 budget, it was agreed that prices received by pharmaceutical manufacturers for their products listed on the PBS—the Pharmaceutical Benefits Scheme—should be reduced to reflect these costs. The Australian Pharmaceutical Manufacturers Association rejected some of the price reductions and, while some individual manufacturers and some groups of manufacturers agreed to the price cuts, the rest did not, with the result that the expected savings to the budget were not achieved.

The government has no legislative power to require companies to accept price decreases for products listed on the PBS. The only way of enforcing the price reductions would have been to push harder and risk the removal from the PBS of those products where companies did not accept the adjustments proposed. Senator Bolkus knows, and would know from other health ministers, that there is bargaining on the part of the government when it is purchasing pharmaceuticals from the pharmaceutical companies, because we purchase in bulk and we drive prices fairly low—the lowest in the world. There is a point at which the companies will say that it is not worthwhile having these medications here in Australia. This would disadvantage consumers by reducing the range of subsidised medicines available to them through the PBS, and the government was not prepared to countenance this.

While the actions of the APMA are regrettable, the government has not been able to pursue the full price reductions proposed at the time. As the Treasurer said on the *Sunday* program on Sunday, they have argued that there are other costs—increased costs in fuel, a lowering of the dollar—which affected their prices and, therefore, they passed on the GST. They suggested that it be referred to the ACCC for investigation. The Treasurer indicated that that was appropriate and the ACCC will, no doubt, look and see where the APMA and the companies have in fact passed on the GST and there are other factors involved in keeping those prices up.

Senator BOLKUS—Madam President, I ask a supplementary question. I note that the minister has not answered my questions about when the threats were made and whether they were oral or in writing, nor has she given a full answer as to which companies made these alleged threats. Minister, I would ask you to address those questions. Also, it seems that these threats were made some time ago. If that is the case, why did the government wait for the opposition to expose this quarter of a billion dollar bungle before your government launched an investigation into this?

Senator PATTERSON—The bungle was the ramshackle wholesale sales tax system that this party opposite hung onto like grim death when they knew—Keating knew—that the GST was the thing that was needed. It was a difficult decision, but we have seen that it has reduced the cost of producing exports and it has reduced the cost to businesses. Senator Bolkus asks me to explain or say exactly what companies were involved. Let me say to you that there is always a very healthy debate between the government and the drug companies when they are negotiating a price on a medication, because the government is driving the lowest price we can possibly get and the pharmaceutical companies are trying to get the highest price they can get. It is a healthy debate. Often, they will say, 'If we do not get the price we want, we will not release this medication onto the Australian market.'

Howard Government: Economic Performance

Senator MASON (3.05 p.m.)—My question is directed to the Leader of the Government in the Senate. Will the minister inform the Senate how the Howard government's responsible economic leadership has contributed to the ongoing strong performance of the Australian economy? Is the minister aware of any alternative policies?

Senator HILL—Senator Mason is entitled to smile: he is entitled to be proud of the record of this government in relation to the economy. There is no doubt that the Howard government's strong economic leadership continues to make Australia the envy of world economies. Two recent reports confirm this. In its latest economic outlook, the OECD provided a very positive assessment of the Australian economy, with an outlook for strong economic growth, moderate inflation and falling unemployment. The OECD forecast the Australian economy to grow by 3.7 per cent in 2002—significantly stronger than most other advanced countries—with growth increasing to four per cent in 2003.

Also, in its latest world economic outlook, the IMF provided a positive assessment of the Australian economy's performance during the global slowdown and predicted Australia to be the fastest growing developed economy in 2002. According to the IMF, our strong economic growth has been underpinned by historically low interest rates, the enormously successful first home owners grant and a competitive exchange rate. The IMF also predicted that this solid economic growth would continue over the next two years, accompanied by low inflation and falling unemployment.

Under the Howard government, we have enjoyed historically low interest rates, falling unemployment rates—with almost 930,000 jobs created—five consecutive budget surpluses, the repayment of \$57 billion of Labor's debt, and \$12 billion in personal tax cuts from the introduction of the GST. Do we remember what the Leader of the Opposition said about this in March of last year? He said:

We are in a severe downturn, the GST has mugged the Australian economy, they have given

us the slowdown we did not need to have. How could the government have got it so wrong?

The trouble is, he is steeped in Labor's history of economic management. What do we remember of Labor when it was in government? We remember it as a high taxing government, a high spending government, a big deficit government—nine budget deficits with an average budget deficit of \$12.2 billion. There was a \$12 billion black hole when it left office, despite Senator Cook telling us it was in surplus, tax increases when it promised tax cuts, interest rates up to a record high of 17 per cent, small business interest rates of over 20 per cent, unemployment the highest since the Great Depression—over one million unemployed at its highest—and \$96 billion of government debt created between 1990 and 1996. What have they learned? Six years in opposition and still no alternative economic policies at all. For a while, we had roll-back. Roll-back was going to be the panacea. What has happened to roll-back? It is now on the backburner. There is apparently no urgency any longer about roll-back. So, in terms of an economic policy, Labor offers a total vacuum. What a contrast. Of course that is why the Howard government was overwhelmingly returned at the last election. It had delivered the good economic outcomes, it had promised Australians a good economic outcome for the future, which it is now delivering, and Labor offered no alternative.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President's Gallery of former Queensland senator and Leader of the National Party, Mr John Stone. I welcome him to the chamber.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Health: Program Funding

Senator CROWLEY (3.10 p.m.)—My question is to Senator Patterson as Minister for Health and Ageing. Can the minister confirm the media reports today that the Prime Minister has axed the outrageous \$5 million Commonwealth grant to a lobby group to build Wooldridge House? Eight months

down the track, which part of this sleazy affair has the Prime Minister apparently now decided is 'not appropriate'? Is it that the Commonwealth government is using taxpayers' money to fund the construction of a building in Canberra so that this lobby group can more assiduously lobby the government, or is it that this multimillion dollar grant to construct a commercial property will be leased out for profit or that Dr Wooldridge made this grant before the election was called and then secured a consultancy with that lobbyist shortly after the election?

Senator PATTERSON—I would have thought that Senator Crowley would have had something else to ask, but she has asked about GP House. I notice that the other side never ask about Centenary House—the absolutely sleazy deal that the Labor Party did with the property they owned in leasing it out to the National Audit Office with an increase in rent of nine per cent, when the rate of increase in rent in Canberra is two to three per cent. I think it was half a million dollars they got for rent last year—enough to fund a couple of elections over a 15-year period. They have locked this in for a 15-year period. If they have got any questions to ask about sleazy deals, then go and look at Centenary House.

Senator Crowley asked questions about GP House. I thought I had answered enough questions on GP House to do me forever in the last session when I said that not one cent of public money had gone to GP House and not one cent to the RACGP. There was an agreement that was signed that had strict requirements that the RACGP be co-located with a number of other GP organisations, one of them being the Divisions of General Practice. They did not want to go there anyway, and I said it probably would not be on. The government has written to the RACGP and said that this agreement is a no-go, so there has been no money spent. The Prime Minister yesterday announced the budget will confirm commitments that he made earlier this year to reinstate the \$5 million of funds to the Asthma Management Program and the Medical Specialist Outreach Assistance Program.

The Medical Specialist Outreach Assistance Program was never done by Labor. They let people in rural areas languish without specialists. We have rolled out program after program throughout rural and regional Australia to give people access to specialists. It is assured that that money will be there—mind you it was never spent in the first place on GP House, but we have to keep saying that because the people on the other side do not listen. Not one cent of that \$5 million has gone to the RACGP. The government decided it was not appropriate to fund GP House.

The department has written to the Royal Australian College of General Practitioners conveying this decision, and it has agreed that it is appropriate to withdraw from the agreement. The government has withdrawn from the agreement, the RACGP has withdrawn from the agreement, but Senator Crowley keeps asking questions over and over. My department has commenced negotiations with the college because there may have been some costs involved in setting up the agreement, and they need to demonstrate any costs if they are to be reimbursed.

Senator Chris Evans—So there will be taxpayers' money spent?

Senator PATTERSON—There will be an examination of any costs that the RACGP—

Senator Chris Evans—So there will be taxpayers money spent?

The PRESIDENT—Order! Senator Evans, you are being disorderly.

Senator PATTERSON—The costs will be carefully scrutinised and any costs that have been incurred will have to be demonstrated very clearly before consideration is even given to it.

Senator CROWLEY—Madam President, I ask a supplementary question. I will go on asking questions and supplementary questions until we get the answer—'rave on thou dark and deep blue speakers, rave on'. Given that the Prime Minister knew about the Wooldridge House secret deal from last October, why did you do nothing about it until the details of the deal were exposed four months later? If the deal was so right when it was a secret, why is it now so wrong after

the government has been sprung? Also, in response to the minister's last comments, why should taxpayers still have to pay to extract this shonky government from a deal that should never have been done—your words in reply? Please tell us again, Minister.

Senator PATTERSON—Senator Crowley must feel like a person who gets knocked over in the ring and stands up for another punch. The Labor Party think if they say something often enough and loud enough, and over and over, people will believe them. Let me just assure them that people do not believe them when they tell fibs over and over because this was not some sleazy underhand deal. It was an agreement negotiated. It was in the budget papers—I have forgotten which one. Just before the election it was there in the Charter of Budget Honesty, which this government put in place and which, mind you, Madam President, referred to having an intergenerational report which was to be presented by government every five years, of which I am very proud. The Treasurer tonight will outline exactly how programs, as they are going, will affect us into the future. This was never thought of by Labor: they were never worried about the future, except for spending other people's money. (*Time expired*)

Telecommunications: Services

Senator FERRIS (3.16 p.m.)—My question is addressed to the Minister for Communications, Information Technology and the Arts, Senator Alston. Can the minister explain what action the government is taking to ensure that Australian families and small businesses gain maximum benefit from lower prices and modern telecommunications services? Also, can the minister tell us whether he is aware of any alternative policy approaches in this very important area and what their impact would be?

Senator ALSTON—Senator Ferris quite rightly identifies benefits to small business and consumers as critically important elements of a sensible telecommunications strategy. That is why the government recently announced a new price cap regime which will ensure that prices continue to fall, that the benefits flow on to consumers and are not captured by their union mates and

others. Of course, at the same time we also announced a new more timely and transparent regime to ensure that particularly third parties in dealing with Telstra are able to get proper outcomes that will much better assist the competitive environment.

I am asked if I know of any alternative arrangements. I should start by saying that at least Mr Tanner from the Labor Party seems to be in agreement with us on one thing: the crucial issue is proper competition, not ownership of Telstra. That immediately raises the question of why on earth you would dump the GST after you have lost two elections, and then go on to say that the only policy you will not change is in relation to Telstra, when you have lost three elections on that one. It is rather hard to follow, isn't it? But then, of course, the penny drops when you realise that basically 80 per cent of the Telstra work force is unionised. That means that you have certain commitments, preselection is coming up and you have to be seen to be doing the right thing.

But the trouble is that, whilst they are pretending they are not in favour of privatisation, Mr Tanner is in there—I do not think on a frolic of his own—with his ears pinned back. We have seen reports in the media that he is privately canvassing industry opinion on a structural separation of Telstra. This is the nuclear option. This is not a transparent accounting mechanism. This is actual break-up stuff, right? This is the nuclear option. This is all about destroying shareholder value, making sure that it no longer is able to offer full services and, effectively, going back into history in such a way that you would crucify the company.

Mr Tanner was reported in the *Business Review Weekly* as having spent an hour recently talking about how structural separation might work; I can tell him now it does not. But why on earth do you think he is out there talking about it? Because it only makes sense if you want to hang on to that network where all the unionists work. You want to hang on to that, you call that Telstra, you honour your obligations and then you privatise the rest. Why on earth would you be out there exploring structural separation?

Senator Carr, well may you smirk because this is the ultimate in modernisation. As we know, Senator Carr is terrified of that, because that is a code word for neoliberalism—and Blairite reforms, dare I say. These are shocking concepts; I understand that. But Mr Tanner, who I thought was also nominally from the Left, seems to have a fairly different view of the world. Of course, it is fundamentally different to the view of the world put by Senator Lundy. This is Senator Lundy's approach to Telstra:

The way then will be clear to adopt what I like to think of as the carrot and stick approach: where Telstra is copping some necessary stick and their competitors finally having a taste of the carrot.

So you have this huge dispute going on inside Labor where Mr Tanner wants to crucify Telstra by taking it back to its knitting, and so it is not allowed to get into any new media activities or to go international. Senator Lundy, on the other hand, would have it spending money like it was water on upgrading everyone and giving them world's best practice, no matter where they might live in the sticks. So it is really an argument about how you can best kill off Telstra rather than try to enhance shareholder value or improve it. Just to show they know absolutely nothing about it, Senator Lundy put a question on notice, 'What strategies do Telstra have for raising equity?' Senator Lundy, the tragedy is they cannot, because they are not allowed to under the current regime.

Australian Broadcasting Corporation

Senator HUTCHINS (3.21 p.m.)—My question is addressed to Senator Alston, Minister for Communications, Information Technology and the Arts. Does the minister think it is appropriate for ABC board member Michael Kroger to attempt to influence the *Four Corners* journalist Chris Masters with regard to how he should portray Alan Jones on *Four Corners*? Furthermore, does the minister think it is appropriate that Mr Kroger should comment on ABC radio on 7 May that the ABC is biased against the coalition government? Does the minister agree with Mr Michael Kroger's allegations of ABC bias?

Senator ALSTON—As I read the coverage on this issue, Chris Masters actually

made the first contact with Mr Kroger. It is quite clear that Chris Masters was wanting Mr Kroger to respond to an invitation to participate—or whatever variation on that theme there might have been. In those circumstances, I would have thought it was fair game for Mr Masters to be given Mr Kroger's view of the world. If Mr Kroger is a board member and is close to a number of issues that sometimes we are not quite that close to, I would have thought he would be in a very good position to make judgments about these sorts of issues.

If the Labor Party does not think that issues of bias are relevant, they have a Senator Schacht view of the world. Senator Schacht said, 'I don't see the problem. You carry on about bias in the cities and when I'm out in country areas, they're biased against Labor, so it evens out.' In other words, under Senator Schacht's scenario, the ABC is biased 100 per cent of the time: they are biased against city dwellers and they are biased against rural dwellers. It just happens to be in different directions. That is the sort of simplistic assessment that Senator Schacht makes.

Mr Kroger is perfectly entitled to express those views. As I read it from time to time, there are many employees in the ABC who make it an art form to go public on their dissatisfactions, concerns or preferences in a way that simply would not be tolerated inside an ordinary commercial operation. If special rules apply to the ABC—in other words, if it is fair game for everyone to get out there on the public airwaves and have a say about how they think the show is going—I would have thought that a board member would be very well qualified to make that assessment.

Senator HUTCHINS—Madam President, I ask a supplementary question. Senator Alston may wish to reconsider what I asked him: does the minister agree with Mr Kroger's allegations of ABC bias? Furthermore, is the minister also aware of Mr Kroger's comments on 7 May that it is inappropriate for a large organisation like the ABC to take many months to fill the position of managing director? Does the minister support this view from one ABC board

member and prominent Peter Costello backer or does he support ABC Chairman Donald McDonald's earlier statements that the ABC is in no hurry to appoint a successor to the million dollar man, Jonathan Shier?

Senator ALSTON—As I recall, Mr Kroger was at pains to point out that he was concerned that no-one seemed to have been interviewed in that period. It might be one thing for it to take a fair period of time if you have a lot of people queued up for the job—you may have worked out a short list and you are working your way through it—but another if you have not interviewed a single applicant, and I think Mr Kroger was simply reflecting that level of concern.

Do I agree with him on bias? I agree that bias is an important issue for the entire Australian population and for the electorate at large. It ought to be as much a matter of concern to your side of the chamber as it is to ours—even to the Australian Democrats—because what you expect from the ABC is fair and impartial coverage. By definition, that means that bias ought to be unacceptable. So if someone believes that there is bias occurring, I would have thought that there is an obligation to properly explore that, look at the merits of the argument and make a judgment accordingly, but not simply dismiss it because it might be politically motivated. *(Time expired)*

Immigration: Detention Centres

Senator BARTLETT (3.26 p.m.)—My question is to the minister representing the Minister for Immigration and Multicultural and Indigenous Affairs. Is the minister aware of recent concerns expressed by many expert medical specialists and a range of medical associations regarding the negative mental health impacts of the government's detention centre regime on detainees, particularly children? Is the minister also aware of concerns raised by Minister Ruddock's own Immigration Detention Advisory Group regarding the recent marked deterioration in the mental health of children held in the Woomera detention centre? Does the minister acknowledge that detaining children is clearly proving detrimental to their health, to their mental health and to their wellbeing? Given that Minister Ruddock is the legal guardian of

unaccompanied children in detention, how does he justify subjecting those children to an environment that is clearly so detrimental to their health?

Senator ELLISON—The Minister for Immigration and Multicultural and Indigenous Affairs, Minister Ruddock, takes this matter very seriously. Dr Sev Ozdowski, the Human Rights Commissioner, is conducting an inquiry into the detention of children in Australia. That report is due by the end of this year. In relation to Woomera, which Senator Bartlett mentioned, we contract the Department of Family and Community Services in South Australia to carry out adequate scrutiny of provisions that are made for children in that centre. In fact, we have looked at a pilot scheme at Woomera for accommodating families outside that detention centre. As I understand it, from my last briefing on the matter, there was not a great take-up of this and that was something we wanted to look at. That was an important pilot project looking at alternative ways to accommodate children.

There has been a lot of misrepresentation in relation to how we deal with children in detention centres, particularly in relation to education. We have heard a lot of people say that there are not adequate arrangements made in relation to the education needs of children in detention centres. It is very difficult, when you have children coming from vastly different cultural backgrounds, to simply put them into mainstream Australian educational facilities. We try to do that, and it is possible to have them attend schools outside detention centres, but we also provide education facilities in detention centres across Australia, commensurate to the needs of children and having regard to their cultural backgrounds.

I noted recently that the head of the New South Wales Department of Education and Training has asked that children at Villawood attend local schools. The department held preliminary discussions between the service provider and relevant schools late last year. Concerns were expressed by the Department of Education and Training in New South Wales about what was being done in relation to the education of children in the detention

centre at Villawood. It was an instance where the department was on the job. It was attending to that very issue. Difficulties were encountered with the proposed costs for such attendance and New South Wales indicated that the department may need to pay for costs at the rate of an overseas student. I understand that those preliminary discussions were held and that a meeting is scheduled with Dr Boston, who heads the Department of Education and Training in New South Wales. This indicates a number of ways in which we are addressing the detention of children in centres across Australia. It is a matter which the government takes seriously and which is monitored closely by the minister.

Senator BARTLETT—Madam President, I ask a supplementary question. The minister mentioned the contract that the federal government has with the South Australian state department responsible for the welfare of children. Minister, is it not the case that this department recently compiled a report regarding the conditions at Woomera that was highly critical, particularly in relation to the negative impact on the welfare of children? Has the federal government responded to that report and is the full content of that report going to be made publicly available?

Senator ELLISON—The department had a number of factual issues with that report that were at odds with our understanding of events that took place in that detention centre. As I understand it, the department is taking that matter up. I will get back to Senator Bartlett about what stage the report has reached.

Communications: Television Sports Broadcasts

Senator LUNDY (3.31 p.m.)—My question is addressed to Senator Alston, the Minister for Communications, Information Technology and the Arts. Can the minister confirm that, under his own antisiphoning regulations, this year's soccer World Cup matches must be televised live on free-to-air television, and that Channel 9 has announced that it will televise 16 of these World Cup matches? Is it also true that Channel 9, having secured the broadcast rights to this year's

soccer World Cup, will not only be running 16 of these matches in June but will also be attempting to run them along with its existing free-to-air broadcast rights to the AFL, the Rugby League and Wimbledon? What is the minister doing to ensure that sporting fans of other codes will not be denied coverage during the World Cup? Does not this latest fiasco—which may well involve the AFL having to reschedule its premiership fixtures to suit Channel 9—demonstrate this minister's inability to provide Australia's sporting fans with comprehensive and consistent live coverage of national and international sport?

Senator ALSTON—If my memory serves me right, I think Labor invented the antisiphoning regime, and for very good reason, and that was that those who were used to watching events on free-to-air television should be able to continue to do so. In other words, if it is a major sporting event, then it should be available to the masses. That is the general proposition. But of course, the Labor Party goes a bit further. The Labor Party almost implies—and poor old Senator Schacht will have plenty of time to reflect on these policy indiscretions in the near future—that somehow you ought to force the free-to-air to run everything that is on the antisiphoning list. As we know, in a situation like Wimbledon it is physically impossible because you have a number of parallel games occurring within the one event. As I understand it, with the World Cup soccer, Channel 9 has agreed to telecast 16 because it bought the rights to 16. The balance has been acquired by SBS. That is a very good outcome because it means that, between them, all of those events are potentially able to be broadcast on free-to-air.

We actually made a change in the regime to say that, where the free-to-air were not proposing to provide that coverage, they had to offer it to the national broadcasters in the first instance. But you cannot force them, as we found with the ABC and cricket on the Ashes series. They did not want to take it. They did not even want to ask their viewers whether they thought they should take it. They unilaterally said no.

Senator Robert Ray interjecting—

Senator ALSTON—I am sorry, Senator Ray?

Senator Robert Ray—That is because you put mugs like Kroger on the board.

The PRESIDENT—I think you should ignore that, Senator. Order!

Senator ALSTON—I must be going deaf in my old age. I am sorry.

The PRESIDENT—Order! Interjections are disorderly. Senator Alston has the call to answer the question.

Senator ALSTON—Senator Ray says it is Kroger's fault. Right. I will have a word to him, then—

Senator Carr—I bet you will.

Senator ALSTON—Unfortunately for Senator Lundy, she has picked probably the worst possible example, because that is a classic demonstration that the antisiphoning list is working as it was designed to work. As a result of those arrangements, you will be able to watch it; all you will need to do is change channels. I know that is a bit difficult for you at times, Senator Lundy, but I am sure you will be able to get some advice on how to do it. You can watch Channel 9 for the main event and you can watch SBS for the rest—not a bad outcome, I would have thought.

Senator LUNDY—Madam President, I ask a supplementary question. The minister has conveniently neglected to answer the question, so I ask: what apology will the minister make to Australian sports fans for his complete botch-up of broadcasting of sport in this country, particularly if the clash of broadcasts requires a rescheduling of AFL matches for which many fans have already purchased their tickets?

Senator ALSTON—I must have been mistaken. I thought we were talking about World Cup soccer, but we seem to be onto the AFL.

Opposition senators interjecting—

Senator ALSTON—We are onto the AFL? Okay, let's talk about the AFL. The reality is that many sporting events these days are designed to accommodate the demands and requirements of commercial television. If you are a real enthusiast, you can

sit down on a Sunday afternoon and basically watch three games in a row. If you think that is outrageous, if you think that we ought to be legislating to require the AFL to simply stick to their knitting, you would have every game on Saturday—and Saturday afternoon to boot—and we would all be back where we were 20-odd years ago. Obviously your team is not travelling too well, Senator Lundy, and you are very disappointed. Maybe we are doing you a favour if you cannot actually see it on a Friday night. That is, I agree, still an outstanding issue to be resolved, and I hope that the AFL is working on that. But in terms of staggered starts, I would have thought that, for example, starting a game an hour later on a Friday night is not a bad idea. You telescope half-time so, if you are really keen, you just watch right through. You obviously prefer to watch ads for half an hour at a time. We will see what we can do, but I would be surprised if there is much support for that proposition.

Environment: Australian Bird Migration

Senator BROWN (3.36 p.m.)—My question is to the Minister representing the Minister for the Environment and Heritage. I refer to the massive migration of Australian birds to the tidal flats of South Korea. They are just arriving there; I witnessed them three days ago. Some 40,000 of one species of Australian migratory wading bird are facing the prospect of an area equivalent to eight times the size of Sydney Harbour being filled in and lost to them under the Saemangeum reclamation project, which will involve 120 mountains being flattened to cover the tidal flats. What representations has the Australian government made to the Korean government to protect Australia's massive migration of birds to that country every year? What is the government's estimate of the massive impact and destruction of that migration if the Saemangeum project proceeds?

Senator HILL—This government takes its environmental responsibilities very seriously. I recognise that the Saemangeum intertidal area is a key habitat for migratory birds and is currently subject to reclamation works covering about 40,000 hectares and that there is some concern internationally that the scale of this and similar works may

significantly impact on populations of migratory shorebirds.

Senator Carr—This was a question on notice, wasn't it?

Senator HILL—Some of us know about these things. Some of us are interested in these environmental issues, and some on the Labor—

The PRESIDENT—Order! Senator Carr, cease shouting across the chamber.

Senator HILL—Some on the Labor Party side are not interested in these things—I recognise that. As it happens, Australia has previously made representations to the Korean government on this issue. Dr Kemp, the Minister for the Environment and Heritage—doing very well as environment minister—recently held a bilateral meeting with his Korean counterpart at an APEC meeting in Korea. I am advised that one of the priority issues discussed by the ministers was the possibility of developing a bilateral agreement between Australia and South Korea on the conservation of migratory birds, similar to existing agreements between Australia and Japan and China. Under those agreements, sites of particular importance are identified and efforts are made to conserve the values of those sites. In this instance, both ministers agreed that there would be considerable value in progressing a bilateral agreement between Australia and Korea, under which that good influence could be brought to bear. The ministers agreed that a draft agreement should be prepared by officials for consideration by both ministers at the World Summit for Sustainable Development in Johannesburg in August.

The government agree with the substance of Senator Brown's point, and we are making efforts to influence the Korean government to ensure that its development is sustainable and that the very special interests of this property in relation to migratory birds is thus conserved.

Senator Carr—Thank him for his question. He has been very helpful, hasn't he?

Senator HILL—And I thank the honourable senator for his question.

Senator BROWN—Madam President, I ask a supplementary question. Does the

minister recognise that the sustainability of the Saemangeum project means total death to that ecosystem, including the migratory birds going to that ecosystem—tens of thousands from Australia each year? Is it true that the bilateral agreement that the minister is talking about will in no way influence the Saemangeum project? Are Australian NGOs being involved in preparing that bilateral agreement? Specifically, has the government objected to the Saemangeum project and called on the South Korean government to call it off?

Senator HILL—This is where we disagree with Senator Brown. He believes that it is impossible to achieve win-win outcomes. What we would say is that, within 40,000 hectares, there is the possibility of sustainable development that will allow for some housing whilst at the same time allow a significant part of the wetland to be retained for the benefit of the migratory birds. That can be of benefit to Korea in environmental terms as well as in providing housing. We are interested in working constructively with the Korean government to help them achieve that goal. The purpose of such bilateral agreements is to allow us in the door to help influence those outcomes and to help support conservation groups who are also interested in this issue and want to constructively assist Korea in meeting those win-win outcomes.

Superannuation: Commercial Nominees of Australia Ltd

Senator BUCKLAND (3.41 p.m.)—My question is to Senator Coonan, the Assistant Treasurer and Minister for Revenue. Can the Assistant Treasurer inform the Senate when the government is going to respond to requests made early last year for assistance for Australian workers and families who have lost superannuation savings worth \$25 million due to theft and fraud by Commercial Nominees of Australia? Has the Assistant Treasurer made a formal request for advice from APRA on this application for assistance? If not, why not? How can the government expect to be taken seriously on the safety of superannuation and on preparing Australia for an ageing population when, more than a year after the application for assistance, it has done nothing to help Aus-

tralian whose retirement savings have been stolen?

Senator COONAN—I thank Senator Buckland for his question. Commercial Nominees of Australia Ltd was removed as trustee of three public offer funds in December 2000 and as trustee of around 500 small APRA—Australian Prudential Regulation Authority—funds in February 2001. CNAL was actually placed into liquidation on 10 May 2001. A number of applications for financial assistance have been made under part 23 of the Superannuation Industry (Supervision) Act and have been received and are being assessed. These largely relate to losses from the enhanced cash management trust, which was also under CNAL's trusteeship.

The trustee of a superannuation fund is entitled to apply under part 23 for assistance for the fund when it has suffered a loss as a result of fraudulent conduct or theft. APRA appointed an inspector to investigate the small APRA funds that had invested in this particular trust. Evidence gathered by the inspector may assist APRA in any recovery action it may undertake on behalf of fund members. A draft of the report has been received by APRA. It will assist in identifying whether or not financial assistance should be forthcoming under part 23 of the act. The government is working as quickly as it possibly can to resolve the applications.

Senator Buckland also asked about the safety of superannuation. The government has commissioned a report into the safety of superannuation, and that is the report by Mr Don Mercer. That has been received by the government and has gone out for public consultation. It ill behoves the Labor Party to ask about the safety of super when, so far as I can tell—and I have diligently searched—and despite the importance of superannuation to the Australian community, Labor has not seen fit to announce a superannuation policy. I do not think they have come up with a policy.

Senator George Campbell—We introduced superannuation!

The PRESIDENT—Order! Senator George Campbell, stop shouting.

Senator Cook—It is there because we did it!

The PRESIDENT—Order! The Assistant Treasurer has been asked a question. Senator Cook, you are out of order.

Senator COONAN—Very recently—within the last few days—there was a discussion paper on ownership released by Mr Latham. It did not appear to be a policy; it was some ideas that might be considered if the Labor Party were to ever get down to the business of developing a policy. I want to inform the chamber of what Mr Latham says about superannuation in that document. He points out that, through their representation on the boards of superannuation funds, Labor's union masters are responsible for \$200 billion in investment assets. This, of course, is a wonderful fund for the union movement's political wing here in the Senate.

What did Mr Latham say about superannuation? The bold new vision for superannuation amounts to this:

The enhancement of superannuation assets for the benefit of retired Australians.

That is what he says is important. We are yet to know exactly what vision Labor has for superannuation and what Labor would do about the safety of superannuation, whereas this government has implemented a number of policies to make superannuation attractive, accessible, flexible and available. This government understands the importance of saving for retirement. (*Time expired*)

Senator BUCKLAND—Madam President, I ask a supplementary question. In light of the \$25 million loss from Commercial Nominees, can the Assistant Treasurer rule out introducing Liberal government proposals to reduce compensation for theft and fraud from 100 per cent to 80 per cent? Is this direct and deliberate attack on the security of Australian superannuation savings still government policy?

Senator COONAN—I wonder whether Senator Buckland listened to the answer that I just gave, because it was very clear. I outlined the steps taken in relation to the fraudulent conduct of CNAL, the former trustee, and the entitlement of people who had lost their money to be assessed for any

compensation. Whether or not there should be some changes to any compensation fund and how it is administered are matters that were dealt with in the Superannuation Working Group report on the safety of superannuation, and that is a matter that will be under consideration by the government.

Car Industry: South Australia

Senator CHAPMAN (3.48 p.m.)—I direct my question to the Minister representing the Minister for Industry, Tourism and Resources. Given the vital importance of the car industry to my home state of South Australia, will the minister advise the Senate on what the government is doing to ensure that Mitsubishi continues to invest and employ in South Australia?

The PRESIDENT—The minister, Senator Minchin.

Senator CHAPMAN—Also, Madam President—

Opposition senators interjecting—

Senator CHAPMAN—In asking that question, might I also ask the minister to advise of any alternative policies.

The PRESIDENT—Order! I called the minister, Senator Minchin.

Senator MINCHIN—I thank Senator Chapman for that very good question, and I acknowledge his strong support for and acknowledgment of the role of the car industry, and Mitsubishi in particular, in the state of South Australia. I can assure him that the government is doing an enormous amount to ensure that Mitsubishi remains viable as a car manufacturer in this country, without ever subsidising its operations—contrary to the accusations by some in the media. We have delivered the sound economic conditions and the vital tax reform that have ensured that the car industry in Australia continues to boom. Indeed, it has just revised its sales estimates for the current calendar year and it is expecting the second best ever year for total sales. Secondly, we have delivered the certainty to invest in the car industry by freezing tariffs and by putting in place the \$2 billion ASIS scheme to help the industry adjust to lower tariffs.

Mitsubishi is expected to benefit from reductions in customs duty to the extent of some \$200 million from that scheme over the next five years. That is critically important for investment and innovation. Mitsubishi has done a lot to put its own house in order. It is now in profit, and I congratulate Tom Phillips on the great job he has done, particularly in getting exports into the Middle East and the US. Mitsubishi is now the biggest car exporter to the US from Australia. I am pleased to confirm that the federal government will provide Mitsubishi with an investment incentive of \$35 million, which will appear in tonight's budget documents. This incentive, together with a state government contribution—

Opposition senators interjecting—

The PRESIDENT—Order! There are too many interjections.

Senator George Campbell—How much is the South Australian—

The PRESIDENT—Order! Senator George Campbell, I have just drawn the chamber's attention to the standing orders and the behaviour required.

Senator MINCHIN—The federal and state government incentives are going to leverage an investment of \$1 billion by Mitsubishi in its Adelaide operations. That \$1 billion will secure the 3,000 jobs currently at Mitsubishi, create an additional 900 manufacturing jobs and lead to the creation of a global R&D centre in Adelaide employing some 300 people. Not only that, this massive investment will secure the component suppliers and all the other service providers—whether in advertising or accounting—to Mitsubishi in Adelaide. We strongly reject the cheap shots coming from some eastern states media that this is just a government funded bailout. Mitsubishi had a very clear choice: it could invest its \$1 billion in either Adelaide or the United States. We wanted that investment in Australia, and we are prepared and delighted to provide that incentive to help secure the jobs of Australians and secure that investment.

It is regrettable that those jobs still face an enormous potential risk from the industrial vandalism of the AMWU. While we were

negotiating to secure this \$1 billion Mitsubishi investment, the AMWU was flouting the law and threatening the future of Australia's car industry. The Walker's strike in support of this madcap scheme called Manusafe—

Senator Faulkner—I raise a point of order, Madam President. As interesting as this may be, isn't Senator Minchin now referring to that part of Senator Chapman's question that was out of order because you had given the call to Senator Minchin, the minister?

Government senators interjecting—

Senator Faulkner—It is a serious point of order. Senator Chapman, who fouled up his question, may care to ask this as a supplementary, but it is a serious point of order. This is now out of order because those parts of the question that went to commentary on alternative policies he did not manage to get out. He actually sat down, you called the minister, and then he stood up without the call and finished the part of the question that the minister is now referring to. He can ask it in a supplementary, but you do not want to reward people who cannot even ask a question properly.

Senator Alston—Madam President, on the point of order: if there was a skerrick of substance to that submission, it would have been made at the time.

Senator Faulkner—He didn't get to it till then, you drongo!

The PRESIDENT—Order!

Senator Alston—If you thought for one moment it was out of order, that was the time to take the point. You cannot rock up three or four minutes later—

The PRESIDENT—Order! Senator Faulkner, I have called you to order: would you withdraw that name you shouted across the chamber.

Senator Faulkner—If I said something, certainly, Madam President. If I did—

The PRESIDENT—You did.

Senator Faulkner—I have withdrawn it then.

The PRESIDENT—Senator Alston.

Senator Alston—Madam President, I simply say that there is no substance to this

submission. Senator Faulkner himself does not believe it for a moment or he would have raised the point at the time that it arose. Clearly he does not like the answer he is hearing. No doubt he finds various ingenious ways of interrupting proceedings in this chamber. This is just another example of that, but it has got nothing to do with a point of relevance.

The PRESIDENT—The minister should be answering the question that was asked and I shall listen carefully to what he has to say.

Senator MINCHIN—Madam President, Senator Faulkner clearly is embarrassed by the industrial vandalism of the AMWU, whose actions are threatening this great Australian car industry which the Australian government is desperately trying to ensure remains viable and successful. Mr Doug Cameron, the current secretary of the AMWU, makes former AMWU secretary Senator George Campbell look like a model industrial trade unionist. This is a rogue union threatening the future of this industry. I am delighted that, despite the rogue actions of this union, we have secured this vital investment in the Australian car industry.

Senator Faulkner—I raise a point of order, Madam President. Given the ruling that you have made, could I respectfully, because I do believe that the ruling is not correct—

Government senator interjecting—

Senator Faulkner—Because Senator Chapman did not ask the part of his question to which the minister is now referring. If he had—in relation to alternative policies and these issues that Senator Minchin wants to canvass—it would be entirely in order for Senator Minchin to do so. The question was fouled up. I believe what the minister is now answering is out of order; it could be asked in a supplementary. But could I ask you, Madam President, given the ruling that you have made, to please check the *Hansard* record because I do believe all this recent answer, since I took my point of order, is out of order because Senator Chapman was not bright enough to ask the question in the way it was handed to him by Senator Minchin.

The PRESIDENT—I will check the *Hansard*. Senator Minchin, is there anything further, answering the original question?

Senator MINCHIN—I just want to reinforce for the benefit of the Senate that all South Australians, and I think Australians generally, will be delighted that the federal government, through its incentive, has secured a \$1 billion investment and secured for all time the jobs of now 4,000 South Australians in Mitsubishi. (*Time expired*)

Taxation: First Home Owners Scheme

Senator WEST (3.57 p.m.)—My question is to Senator Coonan, Assistant Treasurer and Minister for Revenue. Can the minister confirm that Sydney's rich are benefiting from the federal government's First Home Owners Scheme, with 248 grants, of up to \$14,000 each, handed out under the Commonwealth's first home owner grant scheme going towards million dollar properties?

Honourable senators interjecting—

The PRESIDENT—Order! The Senate will come to order so that I can hear the question.

Senator WEST—Of these, weren't 208 grants made for homes bought for between \$1 million to \$2 million, while 24 were bought for between \$2 million to \$3 million and another 16 cost more than \$3 million? Isn't it also true that wealthy foreigners who have never paid tax in Australia are able to gain access to the grant upon settling in Australia?

Government senators interjecting—

The PRESIDENT—Order! I cannot hear the question. Senator West.

Senator WEST—Thank you, Madam President. I will repeat that last paragraph because I do not think anybody heard it. Isn't it also true—

The PRESIDENT—Senator Coonan is entitled to hear the question and she will be expected to answer it. People should behave in a way that means that she can hear and I can hear.

Senator WEST—Isn't it also true that wealthy foreigners who have never paid tax in Australia are able to gain access to the grant upon settling in Australia? And is the

minister aware that someone on \$27,000 a year would have to pay tax, week in and week out, for three years to pay for just one of those grants? How can the government continue to justify this slog to fund a top-of-the-line lounge or TV suite for Australia's wealthiest inhabitants?

Government senators interjecting—

The PRESIDENT—Order on my right! The question has been interrupted several times by the noise on my right.

Senator COONAN—I may not have heard all of the question, but I will have a go. The government rejects the fact that this has just been a grant to assist the rich. The first home owner grant was a grant to enable people to enter the housing market following the introduction of the GST and also to assist the construction industry. Certainly it has been a very successful grant. It has been a very successful initiative. In fact, rather than cut it off at the end of last year, it has been extended, albeit on a reduced basis.

The strength in the housing sector over the last couple of quarters has been supported by a combination of the government's more generous First Home Owners Scheme for new home buyers, historically low interest rates and a strong domestic economy. So it is not just rich people who can access home ownership in this country. Because of the sound economic initiatives of this government, housing has become available for people right across the economic spectrum. Dwelling investment in fact increased 4.1 per cent in the December quarter 2001, following on from a record 14 per cent increase in the September quarter. There was a peak, and obviously in Sydney, notwithstanding a slight increase in interest rates, home ownership and housing prices have been maintained, as have also occurred in Queensland and South Australia.

Strength in the broader domestic economy coupled with strong growth in employment has contributed to the recovery of the whole residential construction sector. Recent GDP outcomes confirm that the Australian economy is one of the fastest growing economies in the developed world. Strength in the domestic economy has a flow-through to em-

ployment, with total employment rising by 101,700 people over the last year, which assists people of course to buy houses. Total private dwelling commencements rose by 11.8 per cent in the December quarter, following a 33.6 per cent rise in the September quarter. Private building approvals increased by 9.6 per cent in March to be 23.2 per cent, higher than a year ago. So the First Home Owners Scheme has been a very important component in enabling Australians right across the economic spectrum to be able to access the housing market.

Senator WEST—Madam President, I ask a supplementary question. I ask the minister whether she can explain why the government has allowed this rort to continue when even the New South Wales opposition leader, John Brogden, said on 10 May:

I think that if you can afford a million dollar home you should not be getting a government grant to buy it with. I think that it is a pretty sad day when people who can buy million dollar homes go to the government to get \$14,000 to chip in. How can the government continue to ignore the obvious logic which even their own State leaders can see?

Senator COONAN—I am not sure that that was a supplementary that arose out of the earlier question. In any event, I thought that Mr Latham supported home ownership. I thought that that was the case. I reject utterly the contention that the wealthy are the only people who can access home ownership or even access the first home owner grant. In fact, stamp duty in New South Wales, which goes to the Carr Labor government, exceeds \$14,000 on an average home in New South Wales. So the stamp duty component is more expensive than any contribution for the first home owner grant.

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

**QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS**

**Health: Pharmaceutical Benefits Scheme
Health: Program Funding**

Senator BOLKUS (South Australia) (4.04 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked by Senators Bolkus and Crowley today relating to taxation and pharmaceutical benefits and to a grant to the Royal Australian College of General Practitioners.

In raising the question this afternoon, Senator Crowley has highlighted this government's sleaziest attempts at ripping off the public purse. She did so in a very well-focused question—a question which raises the real impropriety of this government, highlights this government's low standards and exposes the low standards of the former Minister for Health and Aged Care, Dr Wooldridge.

At the outset, let us note that today, on the eve of the budget, Prime Minister Howard decided that this grant to this college would not go ahead. Isn't it interesting, isn't it curious, that he chose this particular time to do it? The man who came into power claiming to be honest, claiming to give the Australian public open government, has basically put to bed this rort in a climate of secrecy. It was born in secrecy. This Prime Minister, in true Nixonian style, tries to bury it from public scrutiny, hoping that it will go away. He has done so by trying to ditch it on the eve of the budget. His actions, once again, expose him as being tricky and deceitful—words used about him by his own party president.

The DEPUTY PRESIDENT—Senator Bolkus, I hope you are not reflecting upon somebody in another place by using unparliamentary language?

Senator BOLKUS—Not unfairly. I will withdraw the sequel for the moment. As I say, he is a Prime Minister who promised honesty in government, but time and time again—

Senator Knowles—Madam Deputy President, I rise on a point of order.

Senator BOLKUS—You do not like it, do you?

The DEPUTY PRESIDENT—Order, Senator Bolkus!

Senator Knowles—Madam Deputy President, you quite rightly asked Senator Bolkus to withdraw the dreadful comments

that he made about the Prime Minister. He chose only to withdraw part. I ask you to ask him to withdraw all of them.

The DEPUTY PRESIDENT—Senator Bolkus, did you withdraw unconditionally?

Senator BOLKUS—I withdrew unconditionally the word that I was requested to withdraw. Cutting to the quick of this issue: what we have here is a former minister making a \$5 million deposit—

The DEPUTY PRESIDENT—Senator—

Senator Carr—Which word are you arguing about?

The DEPUTY PRESIDENT—There was one word that was unparliamentary which was 'deceitful' and that has been withdrawn.

Senator Knowles—The other word that was used was 'tricky'. I think that that, in the context of what you were saying, should also be withdrawn.

Senator BOLKUS—Do you want me to read 'Meg and Mog Go to the Moon' or something in the parliament?

The DEPUTY PRESIDENT—No.

Senator BOLKUS—I withdrew, Madam Deputy President. I go to the point: what we have exposed here is a former minister who made a \$5 million deposit on his future job prospects. That is what it was all about. He made the assessment that he was not employable unless he could actually pay the organisation to which he was going, and he paid them to the extent of \$5 million. He must have had a really low estimation of his job prospects. But the fact of the matter is that he paid over this \$5 million in secrecy, before an election, in order to ensure that he was going to go into lush, plush offices. That is what this is all about—feathering his own nest.

This sort of incident exposes this government's priorities. It is a secretive and tricky government. This is a matter that was born in secrecy. It was not announced before the election. It was kept secret for three months. It involved other ministers such as the finance minister, the Prime Minister and, for a while, Senator Patterson. It was a secret until we exposed it in the estimates process. It exposes this government as a government

always prepared to rip into the taxpayers' funds to save its own skin. Once again we have here expenditure before the last federal election: a \$5 million grant, not needed, to a peak lobby group, a lobby group that did have some influence in the electoral process.

It also exposes the government getting its priorities wrong. It takes money from areas of need—people suffering asthma in the mid-north of my home state of South Australia had continuing need of these funds but they were told funds were not available—and from rural and regional health and it goes to areas where there is no need. There was no need for this extravagance on behalf of the college. When you look at what the college needed in terms of office space in Canberra, you will see it needed 200 square metres. This government grant was going to give them the capacity to build an office of 4,000 square metres. They needed one-twentieth of that, but they were given money to build an office of 4,000 square metres and four floors—and you can guess who was going to be sitting on the top floor as top cocky. Michael Wooldridge had organised it all for himself, probably in there with a huge wine cellar as well, with his favourite bottles of Grange and 707 and the like. He had organised for the college to get the top floor of this four-storey building.

Does it not really epitomise this government that even as the college has been exposed and Wooldridge has been exposed as trying to rip off taxpayers' money the Prime Minister still wants to give them something to bid them by. Any other party, any other person trying to rip off government funds, would be pursued through the legal system. In this case, the Prime Minister in his statement says, 'We will reimburse costs unavoidably incurred by the college in developing the proposal.' They took their risk; they should pay the costs. They entered into a secret deal; they should cop the costs of that. It should not be the taxpayer that bails them out. But in the Prime Minister's statement, on the eve of the budget when the attention of the public is on other matters, he indicates that the college will be paid off. *(Time expired)*

Senator KNOWLES (Western Australia) (4.10 p.m.)—I do not know where Senator Bolkus has been for most of this year. I know that Senator Crowley has been overseas for most of it. The fact of the matter is that for Senator Bolkus to stand up here and talk about the fact that this was not known prior to the election is just simply the most dishonest thing that he could possibly say. He knows and Senator Crowley should know—but we always make allowances for Senator Crowley because she does not know too much about the budget process—that there is a Charter of Budget Honesty that was reported on during the election campaign. If anyone in the Labor Party was even half competent, they would have picked up the expenditures. They did not.

Senator Bolkus went on further to say just now that it was not brought to anyone's attention till the Labor Party raised it in estimates. Wrong again. It was well known in the first weeks of this year and even in the latter weeks of last year. Where Senator Bolkus was I do not know. But clearly he was not in the political loop as to what was going on in the Labor Party and what was going on in Australia at the time. I have to say, Madam Deputy President, that yet again the Labor Party have got it wrong. There has not been one cent, Senator Crowley—

The PRESIDENT—Address the chair, thank you.

Senator KNOWLES—Could I just spell it out for Senator Crowley: there has not been one cent taken away from asthma or taken away from rural and regional health. These are two areas, I might say, that the Labor government for 13 years did nothing about—absolutely nothing.

Senator Crowley interjecting—

Senator KNOWLES—I will ask Senator Crowley, when she contributes some nonsense to this debate, if she is prepared to state when the national health priority on asthma was established and by whom. She would not have the faintest idea. I will tell the Senate that asthma was made a national health priority by the coalition government in conjunction with the states in nineteen-ninety—go on, finish it.

Senator Crowley interjecting—

Senator KNOWLES—See, Senator Crowley cannot finish it. She cannot face it.

The PRESIDENT—Order! Address the chair, please, Senator Knowles; and, Senator Crowley, cease interjecting.

Senator KNOWLES—I am addressing the chair. I said Senator Crowley could not finish it. It was established in 1999 under a coalition government—a coalition government, not a Labor government. The national health priority, I might add, on arthritis was also established under this government. Not a cent has gone from asthma; not a cent has gone from rural health. There was no rural health program under the Labor government and here they still are claiming that this money has gone from there.

Senator Mackay—Misleading!

Senator KNOWLES—It would be interesting to see if Senator Mackay, who knows nothing about the subject, would also like to demonstrate where the money has gone from rural and regional health and where it has gone from asthma, because Senator Mackay cannot read the budget papers either. I would be interested for them to be able to demonstrate what page of the budget papers shows where the money has gone from asthma and rural and regional health. The claims that Senator Crowley made in her first question—of which we are meant to be taking notice now—were answered by Senator Patterson. It was interesting that Senator Patterson was then asked a supplementary question by Senator Crowley, as if she had not even heard the first answer, which she probably had not. The fact of the matter is that not one cent has gone from the programs.

The Labor Party is unable to answer why they are grizzling about something like this when they clearly have nothing to say about their sneaky little arrangements with Centenary House, the Labor Party building that has the most inflated rent in Canberra. It is rented out to the Australian National Audit Office at hugely inflated prices and the taxpayers' money has to go directly to the Labor Party. That is the biggest rot. That is something that Senator Mackay might roll her eyes about, but I can assure you, Senator

Mackay, that there are many people in Australia who are more interested in that money. *(Time expired)*

Senator CROWLEY (South Australia) (4.15 p.m.)—Clearly, the poor senator is feeling snippy today. That is a new word I have discovered for just what it is that is upsetting the senator. I do not exactly know what is upsetting her, but she is feeling snippy. I would like to take note of the answer from Senator Patterson today to the question on pharmaceuticals. I am particularly concerned about this because Senator Patterson failed completely to address what has been put out into the public for a number of weeks to soften us all up for what is coming in the budget, and that is that the cost of pharmaceuticals will rise. It will rise by an amount we do not know, but it is going to rise. Some people put an estimate of an increase of some 30 per cent. We will wait and see exactly what the figure is, but the problem is that this is going to hit Australian families very hard. It is going to hit the sick-est and the poorest pensioners and families already struggling to make ends meet. As we know, if you have one or some sick children in a family or people who regularly need pharmaceuticals, this is going to be a very nasty drain on their purse. Why is it that this has to happen?

To give credit where it is due, there have been some moves made by the Howard government to try to restrain the cost of pharmaceuticals, and to some extent they have been successful—until last year when they got into proposing things and coming up to the budget they let things happen that let the pharmaceutical cost blow out altogether. One of those things was to list Celebrex, a drug for arthritis, without any appropriate cost controls, and that cost \$180 million before thought was given to looking at it again. Zyan, a drug to assist in stopping smoking, cost \$70 million. Another thing has occurred. The Howard government claimed that these pharmaceuticals would go down in price, that they would cost less because of the GST to the tune of over one-quarter of a billion dollars—\$288 million was to be saved by the impact of the GST on pharmaceuticals. From answers to questions in the estimates hear-

ings and from clear evidence from the government, in the budget documents—the sort the snippy Senator Knowles was suggesting we could not understand—there are no savings, and indeed there are lost savings of an estimated \$288 million from the failure of the GST to produce savings. If you like, the government's estimate of the impact of the GST is simply a make-up. It has produced none of the savings that the government have claimed for it. There is a quarter of a billion dollar bungle by the Treasurer.

What is going to happen? What is going to happen is what usually happens: the sickest and the poorest in society are going to be forced to pay extra for their pharmaceuticals to cover that hole of the government's. That is pretty disgraceful. It is not true to say it was because the price of pharmaceuticals was rising out of control. On the evidence, as I have already said, the Howard government had taken some steps and there was a considerable restraint on—if you like, a stabilising of the rate of growth—of the pharmaceutical benefits over the last few years. But, as I said, in the run-up to the budget last year things were listed—Celebrex and Zyban—without the restraints and so there was a blow-out. That blow-out is now being used as an argument for increasing the cost of pharmaceuticals. It is not there as a restraint but to pay for the loss of revenue from the GST that was never really ever going to come. We made the claims earlier on that this was a false claim by the Treasurer. The figures in his own budget estimates now prove it. There are no \$288 million budget savings from the GST and I cannot imagine where the GST savings were expected to come from or how the GST was supposed to lower the price of pharmaceuticals. It has not lowered them, and by slowing the growth of pharmaceuticals the cost is going up. This is an argument that the Liberal Party often run: that somehow if they put up the price of pharmaceuticals sick people will not need them so much. People are not in a position to bargain for pharmaceuticals: if they are sick they have to have them whatever the cost is. If the government have put up the cost, as they are proposing to do—if we can read the warnings over the last few weeks that they are going to increase the costs—it is not go-

ing to slow the rate of growth but it is going to make the sick and the poor pay more. They are paying for the government's bungles. (*Time expired*)

Senator HERRON (Queensland) (4.20 p.m.)—I would like to take up where Senator Crowley left off. It is an undeniable fact that the cost of pharmaceuticals will increase because technology and the ability of pharmaceuticals to ameliorate disease, and even to prevent disease, have increased dramatically in recent years and the number of people that are accessing pharmaceuticals is increasing dramatically with the ageing population. I do not disagree with Senator Crowley about this particular aspect because it is true. We have an ageing population, we have a dramatic increase in the number of pharmaceuticals available, and their cost has increased. It is incumbent upon any government to put some brake on this situation whereby the cost to the consumer should represent in some way the increase that is occurring in the cost of production and the cost of research. The reality is that these drugs do not occur spontaneously out of thin air; they require an enormous amount of research and development before they reach the stage of being approved by the pharmaceutical committee.

In response to matters that were raised by Senator Bolkus: I smiled to myself when he talked about this sleazy deal that was done in relation to GP House. He said 'the sleaziest deal that has ever been done'. I have been around here since 1990. I remember the Labor government arranged in 1993 for the lease of Centenary House, owned by the Labor Party and leased to the Australian National Audit Office, and the lease was for 15 years—considerably longer than the usual Commonwealth lease of around five years. To make matters worse, the ALP demanded a rental increase of nine per cent a year or the increase in market rents, whichever was the larger.

Since that time Canberra leasing rates have grown at around two to three per cent a year. Last September the annual rent rose by \$403,244 to an extraordinary \$4,883,733.50—almost \$5 million in one year ripped out of the pockets of hardworking Australians and stuffed into Labor Party

coffers. The Audit Office, or more correctly hardworking Australians, has been paying \$775.57 per square metre for its office space at ALP headquarters since last September. That is more than the cost of prime commercial space in Sydney's CBD. Just down the road from Centenary House there is prime office space available for less than half that rate per square metre. Over the life of the contract, Australian taxpayers will have been ripped off to the tune of \$36 million—and that is \$36 million above the market rates—that the taxpayer will have to pay over the 15 years of the lease.

Senator Bolkus has the effrontery to get up and talk about a \$5 million agreement—which was never proceeded with—with the Royal Australian College of General Practitioners. That came about not because of any action taken by the Labor Party but because of the actions of the medical bodies themselves, who started fighting. The AMA started fighting with the College of General Practitioners and, in turn, they fought with the divisions of general practice. So it was through no action of the Labor Party that this occurred. When it was brought to the attention of the Prime Minister, he stepped in.

In relation to the money that is being spent on asthma, it is this government that brought in the first asthma control program; the Labor Party never did. It was this government that persuaded the states in August 1999 to make asthma a national health priority area. We provided \$9.2 million over three years for a new national asthma initiative in the 1999-2000 budget and another \$48.4 million over four years in the 2002 budget.

Finally, Dr Michael Wooldridge was attacked. He was one of the great health ministers of this country, if for no other reason than his introduction of the immunisation program. Under Labor, immunisation of children had sunk to below 40 per cent, Senator Crowley. It is now up at nearly 85 or 90 per cent as a result of the direct action of former Minister for Health and Aged Care Michael Wooldridge. It is to his eternal credit that that activity was undertaken, when the Labor Party had 13 years to bring about a change in the immunisation program, and you should be ashamed, Senator Crowley,

that you did not take action within your own party to bring that about.

Senator DENMAN (Tasmania) (4.25 p.m.)—One of the reasons we have one of the best health systems in the world is our Pharmaceutical Benefits Scheme. I think today that there is much anxiety amongst groups of Australians, especially pensioners and low-income earners, who, if the budget speculations are correct, may suffer the most from the anticipated budget cuts to the PBS. Recent reports suggest that the cost of essential medicines will increase by 30 per cent: three times the rate of the GST. As AMA federal president Dr Kerryn Phelps warns—and I think Senator Crowley has already referred to this—slashing \$2 billion from the PBS budget over the next two years can only harm the sickest and the poorest in our community. The PBS benefits so many Australians, as described by Ben Harris in *the Australian Financial Review* last week. He said:

Pharmaceuticals allow thousands of people to make a better contribution to society—witness the many who are disabled by their illness, could not work before but can now do so. Due to pharmaceuticals there are fewer people relying on social security payments and more paying tax. Consequently, there is more money circulating in the community, which in turn accelerates economic growth.

The article went on to say that other benefits include fewer people waiting in public hospital queues and patients requiring less assistance from carers and family. This is an enormous bonus when people are on pharmaceuticals and they do require less care from their families, particularly for the families as well for the patients. It also allows for the new and best medications to be accessed. We saw that last year with Zyban and Celebrex. Even though that helped blow the budget out, people did have access to those newer medications. Also the Australia Pharmaceutical Manufacturers Association published data last Thursday which shows that pharmaceutical costs have not spiralled disproportionately out of control compared to previous years.

It is difficult to come up with figures on the dollars saved by the PBS in, for instance, lowering the burden on the public hospital

system. I suspect the savings would be significant. The President of the Pharmacy Guild suggests that a dollar spent on medication under the PBS can save \$10 or even \$100 in health care costs later on. One of the stories that has disturbed me in recent days being circulated by the media is that pharmacists have been inundated with queries from customers about whether their medications will increase in cost and, if so, by how much. Some pharmacists have said that they have been noticeably busier in the last week as it is obvious that people are stockpiling their medications. That is fine for people in a position to do so, but low-income workers and pensioners do not have financial resources to be able to stockpile those resources. So there again there is an inequity.

It has also been reported that this budget will see the eligibility criteria for disability support pensions tightened. I suspect some Australians will be hit doubly. There will probably be people who have their disability support pension discontinued or halved who may no longer have their health benefits card. So, in losing their disability support pension and their health benefits card, they will be hit twice in that area. It is clear that the PBS greatly benefits millions of Australians. Any cut to the PBS will impact on the sickest and the poorest: the pensioners and families already struggling. The cost of the PBS is not out of control. (*Time expired*)

Question agreed to.

Immigration: Detention Centres

Senator BARTLETT (Queensland) (4.31 p.m.)—I move:

That the Senate take note of the answer given by the Minister representing the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Bartlett today relating to concerns of children in detention centres.

In his answer, Minister Ellison, speaking on behalf of the Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, continued to say that the government takes the welfare of children in detention very seriously and that it takes very seriously the concerns that have been raised. It is very hard to believe that the government and the minister do actually take these issues

seriously, because quite clearly nothing is being done to address these concerns. The minister's own self-appointed, independent advisory group on detention centres has raised serious concerns about the mental health and general wellbeing and welfare of children in the Woomera detention centre. Yet, the government continues to maintain that facility and enable and require children to be detained behind the razor wire there.

Similarly, the impact on the wellbeing and mental health of detainees of all ages, but particularly children, has been highlighted time and again, not just by medical bodies such as the Royal Australian and New Zealand College of Psychiatrists and the Australian Medical Association, but also by specific medical and health practitioners who have been inside the detention centres and have worked in there. As recently as today, an article in the *Sydney Morning Herald* quoted a psychologist, Mr Bilboe, who worked at Woomera for a prolonged period of time. Also, an article in today's *Australian* detailed a suicide attempt occurring as recently as last week. The article in the *Sydney Morning Herald* talks about a day on which seven different men tried to hang themselves at the Woomera detention centre, including two who had actually been accepted as refugees by the Refugee Review Tribunal but who were still waiting for police clearance documents.

Unfortunately, this sort of event is not a rarity; it is a common occurrence. Many of the health professionals who have worked in the detention centres and who have had the courage to speak out about what happens inside, away from the gaze of the public, say that it is a regular occurrence. Self-harm, mutilation and attempted suicides are regular occurrences in detention centres around the country, including amongst children and minors. Of course, even those minors and children who are not engaging in self-harm are in an environment where they are witnessing adults who are, and there can be no doubt that that is immensely damaging to the psychological wellbeing of those children in detention. From the Democrats' point of view, there can be no justification—there never has been any justification—for de-

taining children for prolonged periods of time, and this is particularly so now that the evidence has become so clear. The minister, in his answer, referred to the investigation by the Human Rights Commissioner into children in detention and said that the government was interested in that and waiting on the report. That is good; I am glad the government is interested. It did not seem too keen on the commissioner actually undertaking that investigation, I might say, but it was something that the commission chose to do itself.

Whilst it is good that the government is going to look closely at that report, there is plenty of information available now and plenty of information coming out, not just from the South Australian family services department that is responsible for the welfare of children in Woomera, but also from health professionals across the board—psychologists, psychiatrists, social workers and nurses—all of whom have worked in these centres and all of whom talk about the immense psychological trauma that is being inflicted on detainees. The government cannot say that it takes this issue seriously and yet continue to refuse to act. It must recognise that its detention regime is automatically causing immense suffering and is detrimental, particularly to the welfare of children. There is no amount of glossing over that fact or dealing with trying to make the conditions inside better; the fact is that locking people up, detaining them and incarcerating them for long periods of time will generate that stress and will generate that damage to the children. The only way of addressing it is to get the children out of detention, along with their carers, and the government needs to do it now. The evidence is clear. It has no reason not to act other than its own stubbornness.

Question agreed to.

PETITIONS

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

Science: Stem Cell Research

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

The petition of certain citizens of Australia draws to the attention of the Senate that we are con-

cerned at the destruction of human embryos by scientists extracting embryonic stem cells and concerned at proposals by scientists to clone human embryos for the purpose of extracting embryonic stem cells.

Your petitioners therefore pray that the Senate will:

- (1) Oppose the creation of embryos for the purpose of extracting stem cells and any other scientific purpose (therapeutic cloning);
- (2) Oppose the use of already existing embryos for the purpose of extracting stem cells and any other scientific purpose;
- (3) Support, encourage and fund scientific research using adult stem cells from all sources including umbilical cord blood.

by **Senator Forshaw** (from 323 citizens)

Sexuality Discrimination

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

The Petition of the undersigned shows: That Australian citizens oppose social, legal and economic discrimination against people on the basis of their sexuality or transgender identity and that such discrimination is unacceptable in a democratic society.

Your petitioners request that the Senate should: pass the Australian Democrats Bill to make it unlawful to discriminate or vilify on the basis of sexuality or transgender identity so that such discrimination or vilification be open to redress at a national level.

by **Senator Greig** (from 105 citizens)

Immigration: Asylum Seekers

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

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

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

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

We, therefore, the individual, undersigned Attendees and Members of St James' Anglican Church, Thornbury, Victoria 3071, petition the Senate in support of the abovementioned Motion.

And we, as in duty bound, will ever pray.

by **Senator Tchen** (from 41 citizens)

Petitions received.

NOTICES

Presentation

Senator Cook to move on the next day of sitting:

That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 26 June 2002.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

- (i) recently the United States (US) tested a missile defence prototype, intercepting an intercontinental ballistic missile target vehicle over the central Pacific Ocean at the Kwajalein Atoll in the Marshall Islands,
 - (ii) the test was a fundamentally-flawed experiment, costing around \$US100 million and was conducted at the expense of international relations and justice in the Pacific, and
 - (iii) despite the US claims that the test was a success, it failed to address the full range of countermeasures or decoys that an enemy would use to try to outwit an anti-missile weapon; and
- (b) urges the Government to raise the issue at the Pacific Island Forum in Suva in August 2002 and to point out that the US and other world powers have consistently abused the Pacific Ocean for military experiments which have never helped the Pacific Islands, but have put them at more risk of being caught in a military conflict or being at the centre of a catastrophic accident.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes:

- (i) the release in the week beginning 5 May 2002 of the report of the Mining

Minerals and Sustainable Development Australia project entitled *Facing the future*, and

- (ii) that the analysis, conclusions and recommendations represent a broadly-accepted vision for change in the minerals sector with regard to sustainability; and
- (b) congratulates the mining industry on this initiative and looks forward to implementation of the action agenda to enhance the minerals sector's contribution to Australia's sustainable development.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

- (i) Arne Rinnan, captain of the Norwegian vessel *MV Tampa* is making his final journey to Australia in May 2002 before retiring, and
 - (ii) the City of Port Phillip and the Ethnic Communities Council of Victoria is hosting a *Tampa* tribute ceremony and concert on Thursday, 16 May 2002, to thank Captain Rinnan and his crew for the care and decency shown to 438 refugees rescued at sea in August 2001; and
- (b) thanks Captain Rinnan for his principled efforts and wishes him well in his retirement.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

- (i) the Commonwealth-funded guidelines for general practitioners for the treatment of Chronic Fatigue Syndrome (Clinical Practice Guidelines on CFS/ME) were published on 6 May 2002 by the Royal Australasian College of Physicians (RACP),
- (ii) these guidelines were compiled following 6 years of consultation with health professionals and Chronic Fatigue Syndrome sufferers, and
- (iii) the guidelines are not supported by consumer organisation CFS/ME Victoria, as they are not representative of the consultation process, ignored much of the

consumer input, have incorrectly concluded that this illness is fundamentally psychological and have produced treatment plans that are consequently inadequate; and

- (b) urges the Government to call for an immediate review of the guidelines by the RACP with a view to replacing them with more comprehensive guidelines reflecting a more representative view of the analysis of CFS/ME and possible treatments.

Senator Allison to move on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) in April 2002 Australia experienced its hottest April on record, according to the Australian Bureau of Meteorology,
 - (ii) according to the United Kingdom Meteorological Office, the three months from January 2002 to March 2002 were the warmest globally since records began in 1860 and are likely to have been the hottest for a thousand years,
 - (iii) nine of the 10 hottest years on record have occurred in the past 10 years according to the world Meteorology Organisation, and
 - (iv) these statistics are consistent with predictions of global warming caused by an increase of greenhouse gases in the atmosphere; and
- (b) calls on the Australian Government to:
 - (i) take more seriously the need to reduce greenhouse gas emissions,
 - (ii) ratify the Kyoto Protocol on Climate Change, and
 - (iii) commit to sourcing an additional 10 per cent of energy from renewable sources by 2010.

Senator Ridgeway to move on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) the landmark report, *Bringing Them Home*, was tabled in the Australian Parliament on 26 May 1997, focusing the nation's attention for the first time on the painful evidence that was collated by the Human Rights and

Equal Opportunity Commission following the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, and

- (ii) Sunday, 26 May, will be commemorated again in 2002 as National Sorry Day, so that all Australians can acknowledge and help to heal the wounds of the many Aboriginal and Torres Strait Islander people and their families who suffered as a result of the forced removal policies of successive Australian governments between 1910 and 1970;
- (b) congratulates those involved in the 'Journey of Healing' and other community-based organisations which are holding events across the country to help all Australians understand the ongoing impact of the removal policies and to rebuild relations between Indigenous and non-Indigenous Australians in the spirit of reconciliation; and
- (c) calls on the Government to:
 - (i) make a national apology on behalf of the Australian Parliament for the harm and suffering caused by past policies of forcible removal of Indigenous children from their families,
 - (ii) reassess its decision to reject recommendations 7, 8 and 9 of the report of the Legal and Constitutional References Committee inquiry into the Stolen Generations in 2000, which called for the establishment of a national Stolen Generations Reparations Tribunal that would deliver a more humane and compassionate alternative to the adversarial and expensive process of litigation, and
 - (iii) provide a full response to the six recommendations presented to the Prime Minister in December 2000 by the Council for Aboriginal Reconciliation, which were designed to give effect to the 'Australian Declaration Towards Reconciliation' and the 'Roadmap for Reconciliation'.

Senator Mason to move on the next day of sitting:

That the Finance and Public Administration Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 May 2002, from 3.30 pm till 7 pm, to take evidence for the committee's inquiry into the Public Interest Disclosure Bill 2001 [2002].

Senator Payne to move on the next day of sitting:

That the time for the presentation of the reports of the Legal and Constitutional Legislation Committee on the provisions of the Migration Legislation Amendment (Procedural Fairness) Bill 2002 and on the provisions of the Migration Legislation Amendment Bill (No. 1) 2002 be extended to 22 May 2002.

Senator Brown to move on the next day of sitting:

That the Senate—

- (a) notes the tour, in the week beginning 19 May 2002, by His Holiness the Dalai Lama to Sydney, Melbourne, Geelong and Canberra; and
- (b) welcomes the Dalai Lama to Australia.

Senator Brown to move on the next day of sitting:

- (1) That the Christmas Island Space Centre (APSC Proposal) Regulations 2001, as contained in the Territory of Christmas Island Regulations 2001 No. 1, and made under the Christmas Island Space Centre (APSC Proposal) Ordinance 2001, be disallowed.
- (2) That the Christmas Island Space Centre (APSC Proposal) Ordinance 2001, as contained in the Territory of Christmas Island Ordinance No. 4 of 2001, and made under the Christmas Island Act 1958, be disallowed.

BUSINESS

Rearrangement

Senator HILL (South Australia—Minister for Defence) (4.37 p.m.)—by leave—I move:

That the hours of meeting for Tuesday, 14 May 2002 be from 2 pm to 6 pm and 7.30 pm to adjournment, and for Thursday, 16 May 2002 be from 9.30 am to 6 pm and 7.30 pm to adjournment, and that:

- (a) the routine of business from 7.30 pm on Tuesday, 14 May 2002 shall be:
 - (i) Budget statement and documents 2002-2003, and

- (ii) adjournment;
- (b) the routine of business from 7.30 pm on Thursday, 16 May 2002 shall be:
 - (i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
 - (ii) adjournment; and
- (c) the question for the adjournment of the Senate on each day shall not be proposed until a motion for the adjournment is moved by a minister.

Senator BROWN (Tasmania) (4.38 p.m.)—The proposal is usual, but would the Minister inform us as to what will be the hour of adjournment on Thursday? It is open-ended there and I wonder if there is an intended time that the Senate might rise.

Senator HILL (South Australia—Minister for Defence) (4.38 p.m.)—That depends on the length of speakers. As usual I would urge brevity and, if so, the adjournment will be moved early.

Question agreed to.

COMMITTEES

Employment, Workplace Relations and Education Legislation Committee

Extension of Time

Senator McGAURAN (Victoria) (4.39 p.m.)—by leave—On behalf of Senator Tierney, I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on the provisions of the Workplace Relations Amendment (Fair Termination) Bill 2002 and 4 related bills be extended to 15 May 2002.

Question agreed to.

Legal and Constitutional References Committee

Extension of Time

Senator MACKAY (Tasmania) (4.39 p.m.)—by leave—On behalf of Senator Ludwig, I move:

That the time for the presentation of the report of the Legal and Constitutional References Committee on outsourcing of the Australian Customs Service's Information Technology be extended to 16 May 2002.

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 Senator Bartlett for 15 May 2002, relating to the reference of matters to the Legal and Constitutional References Committee, postponed till 18 June 2002.

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for 16 May 2002, relating to the disallowance of the Environment Protection and Biodiversity Conservation Amendment Regulations 2001 (No. 2), postponed till 18 June 2002.

General business notice of motion no. 56 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Minister representing the Treasurer (Senator Minchin), postponed till 15 May 2002.

General business notice of motion no. 10 standing in the name of Senator Murphy for today, relating to the establishment of a select committee on forestry and plantation matters, postponed till 16 May 2002.

RESTORATION OF BILLS TO THE NOTICE PAPER

Senator BOURNE (New South Wales) (4.40 p.m.)—I move:

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the following bills be restored to the *Notice Paper* and that consideration of each of the bills be resumed at the stage reached in the last session of the Parliament:

Genetic Privacy and Non-discrimination Bill 1998

Patents Amendment Bill 1996 [1998]

Republic (Consultation of the People) Bill 2001.

Question agreed to.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT (4.40 p.m.)—Pursuant to standing orders 38 and 166, I present documents listed on today's

Order of Business at item 12(a) to 12(e) which were presented to me, the President and Temporary Chairmen of Committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

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

Senators' Interests—Standing Committee—Report 1/2002: Annual report 2001, dated March 2002.

Legal and Constitutional Legislation Committee—Proceeds of Crime Bill 2002 and the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002—Interim report, dated 10 April 2002.

Legal and Constitutional Legislation Committee—Criminal Code Amendment (Espionage and Related Offences) Bill 2002—Interim report, dated 26 April 2002.

Legal and Constitutional Legislation Committee—Proceeds of Crime Bill 2002 and the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002—Report, dated April 2002, Hansard record of the committee's proceedings, documents presented to the committee and submissions.

Legal and Constitutional Legislation Committee—Security Legislation Amendment (Terrorism) Bill 2002 [No. 2], Suppression of the Financing of Terrorism Bill 2002, Criminal Code Amendment (Suppression of Terrorist Bombings) Bill 2002, Border Security Legislation Amendment Bill 2002, Telecommunications Interception Legislation Amendment Bill 2002—Interim report, dated 3 May 2002.

Legal and Constitutional Legislation Committee—Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002—Interim report, dated 3 May 2002.

ASIO, ASIS and DSD—Joint Committee—Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002—Unfinished inquiry report, dated 3 May 2002.

Legal and Constitutional Legislation Committee—Security Legislation Amendment (Terrorism) Bill 2002 [No. 2], Suppression of the Financing of Terrorism Bill 2002, Crimi-

nal Code Amendment (Suppression of Terrorist Bombings) Bill 2002, Border Security Legislation Amendment Bill 2002, Telecommunications Interception Legislation Amendment Bill 2002—Report, dated May 2002, Hansard record of the committee's proceedings, documents presented to the committee and submissions.

Legal and Constitutional Legislation Committee—Criminal Code Amendment (Espionage and Related Offences) Bill 2002—Report, dated May 2002, Hansard record of the committee's proceedings and submissions.

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

Joint Standing Committee on Foreign Affairs, Defence and Trade—Report—Rough Justice? An investigation into allegations of brutality in the Army's Parachute Battalion (presented to the Deputy President on 22 March 2002).

Select Committee for an inquiry into the contract for a new reactor at Lucas Heights—Report—A New Research Reactor? (presented to temporary chair of committees, Senator McLucas, on 27 March 2002).

Joint Committee of Public Accounts and Audit—Report no. 379: Contract management in the Australian Public Service (presented to the Deputy President on 22 April 2002).

Community Affairs References Committee: Lost innocents—Righting the record—Report on child migration (presented to the Deputy President on 13 May 2002).

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

Reserve Bank of Australia—Payments System Board—Annual report 2001 (presented to the President on 28 March 2002).

Department of Foreign Affairs Defence and Trade—Government's 2002 Trade Outcomes and Objectives Statement (presented to the temporary chair of committees, Senator Chapman, on 10 April 2002).

Productivity Commission—Report—No. 18—Review of the Superannuation Industry (Supervision) Act 1983 and certain other superannuation legislation (presented to the temporary chair of committees, Senator Ferguson, on 17 April 2002).

Companies Auditors and Liquidators Disciplinary Board—Annual report for the year ended 30 June 2001 (presented to the Deputy President on 22 April 2002).

Health Services Australia Ltd (HSA)—Statement of corporate intent 2001-2004 (presented to the Deputy President on 30 April 2002).

Productivity Commission—Report—No. 19—Price Regulation of Airport Services (presented to the temporary chair of committees, Senator Ferguson, on 13 May 2002).

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

Report no. 39 of 2001-2002—Management of the Provisions of Information to Job Seekers—Department of Employment and Workplace Relations (presented to temporary chair of committees, Senator Crowley, on 4 April 2002).

Report no. 40 of 2001-2002—Corporate Governance in the Australian Broadcasting Corporation (presented to the Deputy President on 8 April 2002).

Report no. 41 of 2001-2002—Performance Audit—Transactional banking practices in selected agencies (presented to the Deputy President on 15 April 2002).

Report no. 42 of 2001-2002—Performance Audit—Integrity of the Electoral Roll: Australian Electoral Commission (presented to the temporary chair of committees, Senator Ferguson, on 18 April 2002).

Report no. 43 of 2001-2002—Performance Audit—Indigenous Education Strategies: Department of Education, Science and Training (presented to the Deputy President on 23 April 2002).

Report no. 44 of 2001-2002—Australian Defence Force Fuel Management—Department of Defence (presented to the Deputy President on 24 April 2002).

Report no. 45 of 2001-2002—Assurance and Control Assessment Audit—Recordkeeping (presented to the Deputy President on 1 May 2002).

Report no. 46 of 2001-2002—Performance Audit—Management of an IT Outsourcing Contract: Department of Veterans' Affairs (presented to the President on 6 May 2002).

Report no. 47 of 2001-2002—Performance Audit—Administration of the 30 per cent private health insurance rebate: Health Insurance Commission, Department of Health and

Ageing, Australian Taxation Office, Department of Finance and Administration, Department of the Treasury (presented to the President on 7 May 2002).

Report no. 48 of 2001-2002—Performance Audit—Regional assistance programme: Department of Transport and Regional Services (presented to the Deputy President on 10 May 2002).

Report no. 49 of 2001-02—Performance Audit—The management of Commonwealth National Parks and Reserves Conserving our country: Department of the Environment and Heritage (presented to the temporary chair of committees, Senator Calvert, on 13 May 2002).

RETURNS TO ORDER PRESENTED TO THE PRESIDENT SINCE THE LAST SITTING OF THE SENATE

Statements of compliance with the continuing order of the Senate of 20 June 2001, as amended on 27 September 2001, relating to lists of contracts are tabled by:

Australian Bureau of Statistics (presented to the Deputy President on 22 March 2002).

Health and Ageing portfolio (presented to the President on 28 March 2002).

Agencies within the Immigration and Multicultural and Indigenous Affairs portfolio (presented to temporary chair of committees, Senator Hogg, on 28 March 2002).

Department of Agriculture, Fisheries and Forestry (presented to the Deputy President on 15 April 2002).

Dairy Adjustment Authority (presented to the Deputy President on 15 April 2002).

Treasury portfolio (presented to the Deputy President on 15 April 2002).

Agencies within the Environment and Heritage portfolio (Bureau of Meteorology; Australian Antarctic Division; Environment Australia; Australian Greenhouse Office) (presented to the temporary chair of committees, Senator Ferguson, on 17 April 2002).

Department of Defence (presented to the Deputy President on 1 May 2002).

Agencies within the Attorney-General's portfolio (presented to the Deputy President on 2 May 2002).

Statements of compliance with the continuing order of the Senate of 30 May 1996, as amended on 3 December 1998 relating to indexed lists of files are tabled by:

Department of Immigration and Multicultural and Indigenous Affairs (presented to the Deputy President on 22 March 2002).

Department of Employment and Workplace Relations and certain portfolios agencies (presented to the Deputy President on 15 April 2002).

Department of Health and Ageing (presented to the Deputy President on 15 April 2002).

Public Service and Merit Protection Commission (presented to the temporary chair of committees, Senator Ferguson, on 17 April 2002).

Australian Trade Commission (Austrade) (presented to the Deputy President on 30 April 2002).

Australian Competition and Consumer Commission (ACCC)—Response to Senate motion no. 1031 (agreed to on 24 September 2001): Tobacco (presented to the Deputy President on 30 April 2002).

The government responses read as follows—

Government Response to the Report On ROUGH JUSTICE? An Investigation into Allegations of Brutality in the Army's Parachute Battalion By The Joint Standing Committee on Foreign Affairs, Defence and Trade.

March 2002

PART 1

EXECUTIVE SUMMARY

BACKGROUND

On 28 August 2000 a decision was made by the Joint Standing Committee on Foreign Affairs, Defence and Trade that the Committee examine the 1998-1999, and, on its release, the 1999-2000 Annual Reports of the Department of Defence and referred this matter to the Defence Sub Committee.

Following this referral, the Committee agreed that it continue its examination of the Annual Reports of the Department of Defence 1998-99, and when tabled, 1999-2000, with specific reference to, inter alia, the conduct of Military Justice and the alleged events in 3rd Battalion, Royal Australian Regiment (3RAR) concerning brutality and extra judicial procedures and illegal punishments.

CONDUCT OF THE INVESTIGATION

The Committee advertised its intent to investigate the Australian Defence Force (ADF) Military Justice and equity systems in both national and Service newspapers. Public and private hearings were conducted between 6 October 2000 and

2 March 2001. Fifty submissions were received by the Committee, with only two submissions from soldiers who had served within 3 RAR during the period of the alleged assaults. Defence witnesses included the Chief of the Defence Force and the Chief of Army, as well as fifteen current and past serving members of 3 RAR.

INVESTIGATION REPORT

The committee released its report on 11 April 2001—'ROUGH JUSTICE? An Investigation into Allegations of Brutality in the Army's Parachute Battalion'. It contains eight majority recommendations (and one minority recommendation) to be the subject of this response by Government.

The Committee observed, as follows:

"In the course of this investigation, Committee members were made aware of activities in 3 RAR that reflected no credit on the individuals involved, and sullied the reputation of an outstanding and highly decorated Army unit. There were failures of character, command and process. In its entirety the episode was poorly handled. We are now relatively comfortable, however, that pressure by this committee and subsequent action by the Chief of the Defence Force and Chief of Army have put a process in place to correct the situation.

Those specifically responsible for the incidents have been identified, and legal processes instituted where possible. While not all cases have been finalised, closure on this specific incident is in sight.

Additionally, the ADF is looking at how this type of incident was allowed to happen. The Burchett Audit and the investigation into the issue of command responsibility and the climate that allowed this type of incident to occur will allow lessons to be learned and identify if there are further issues to be addressed. Investigative and justice processes have already been amended as a result of lessons learned, and more reform is needed.

Finally, the action taken by the senior leadership of Defence to raise the profile of justice and harassment combined with the intense media scrutiny should ensure that Defence personnel are aware of their rights. This will go a long way to ensuring that this type of incident does not occur again." (Report, paras 6.37-6.40)

THE GOVERNMENT'S RESPONSE

Significant contribution by Committee to Military Justice

The Government considers that the Committee has played a very significant role in advancing the cause of Military Justice through its investigation of events and circumstances in 3 RAR. The Committee's conclusion is a timely reminder of the need to be vigilant in respect to Military Justice issues. The Government notes the key finding of the Committee that the allegations were confined to A Company within 3 RAR; and the Committee had no evidence that the alleged incidents within 3 RAR were common within the ADF.

Transparency within Defence of Military Justice Issues

The Government wishes to reassure the Committee that information concerning the situation in 3 RAR that may have materially affected the recommendations of its 1999 Report into Military Justice Procedures was not knowingly withheld from the Committee. It is regretted that the Committee may have been concerned in this regard. The relevant information did not emerge during 1998 from within 3 RAR and become known to those responsible for managing Defence participation in the Committee's first inquiry into Military Justice. Nor did the situation in 3 RAR come to notice in the compilation of the Defence Annual Report. However, it is anticipated that the imminent appointment of an Inspector General of the Australian Defence Force in the first quarter of 2002 will greatly reduce the possibility of this situation from happening in the future.

Director of Military Prosecutions

The Government notes that the Committee was substantially divided on the matter of the appointment of a Director of Military Prosecutions (DMP), with a dissenting report appended to the main report recommending the establishment of a statutory office of the DMP. In announcing publicly the outcome of the Burchett Audit of Military Justice, on 16 August 2001 the Chief of Defence Force indicated that a DMP would be appointed. Legislation to amend the Defence Force Discipline Act will be proposed once the Chiefs of Staff Committee has considered how the DMP is to be appointed and function.

Actions Taken by Chief of Army

The events and circumstances revealed in 3 RAR led to the Chief of Army taking a range of measures to avoid any repetition, or other occurrence of avoidance of due process in military justice procedures.

Chief of Army's Plan for a Fair Go. In order to strengthen the equity and fairness environment within the Army, the Chief of Army issued his Plan for a Fair Go. A key element of the plan was the promulgation across the Army of his strong and clear expectations of the required standards of behaviour in the form of "Fair Go" rules. These have been supported by the establishment within Army of an additional hotline to those normally operating within Defence, for individuals to confidentially seek assistance outside of the normal command chain, if necessary. Additionally, the Plan for a Fair Go included a review of equity training, the redevelopment of equity training packages, the conduct of a baseline equity audit and two follow-up equity audits.

Legal Proceedings. A range of legal proceedings under the Defence Force Discipline Act have been conducted. The outcome of these proceedings are found at Annex A to this Government Response.

Study of Command Aspects. As foreshadowed to the Committee, a study of the command climate and related aspects into the events in 3 RAR has been undertaken. The study was undertaken by Major General Powell, an experienced operational commander. The Report was submitted to the Deputy Chief of Army in December 2001 and its outcome is anticipated in the first quarter of 2002. The Deputy Chief of Army intends to personally brief the Committee on this report.

Actions taken by the Chief of the Defence Force

Military Justice Stand-Down. This unprecedented measure was held on 5 February 2001 in the midst of the Committee's concern with 3 RAR matters. Its purpose was to demonstrate to the Parliament, the public, and across the ADF that the highest standards of Military Justice and behaviour were expected. It also served to assure all members of the ADF that the law is there for their protection, and that they should respect its procedures and come forward with any personal concerns.

Audit of Military Justice by Mr Burchett, QC. This was a major and unprecedented undertaking within the ADF between January-July 2001. Mr Burchett was appointed as an investigating officer under the Defence (Inquiry) Regulations. His terms of reference were essentially to determine whether there existed in the ADF a culture of systemic avoidance of Military Justice processes. The Burchett Report was released publicly on 16 August 2001 and the Defence Sub Committee was briefed on 23 August 2001. On the basis of his extensive interviews and audit of processes, and consideration of some 500 submissions, Mr

Burchett reported that there was not a systemic culture of avoidance of Military Justice processes in the ADF. The Government notes that this crucial finding aligns with the prior assessment by the Committee in its Report. Mr Burchett identified a number of matters requiring follow-up investigation and appropriate action has been initiated.

Mr Burchett made an extensive range of recommendations to improve the overall operation of the Military Justice system. The Chief of the Defence Force has decided that all of these recommendations will be implemented as a discrete project, including the appointment of an Inspector General of the Australian Defence Force early in 2002 and the establishment of an Office of a Director of Military Prosecutions, once legislation has been passed. Any model for a DMP will necessarily have to be adaptable to the command environment of the Defence Force, and be viable in the context of operations. Noting these requirements, the desired outcome is an appropriate system of Military Justice, with optimal degrees of transparency and impartiality.

Details of the Government's response to each of the Committee's recommendations follow, including a range of Military Justice initiatives pertinent to those recommendations.

PART 2

RESPONSES TO THE COMMITTEE RECOMMENDATIONS

RECOMMENDATION 1

The Committee recommends that educating Defence personnel of their rights and responsibilities be part of an ongoing program, commencing at recruit training.

RESPONSE

Defence provides extensive equity and diversity training, from recruit training to Commanding Officer Designate courses. Additionally, all ADF members and Departmental staff are required to undergo annual equity and diversity refresher training. The equity and diversity workplace competencies are currently being introduced into all through-career training.

Army has completed a major review of its equity and diversity training. This review has led to the integration of equity and diversity competencies into training packages to be delivered to officers and soldiers on their career courses. This action will be completed by August 2002. As an interim measure, equity and diversity training is to be delivered to unit commanders and Regimental Sergeant Majors for them to deliver, in turn, to officers and soldiers under their command.

Formal equity and diversity courses have been part of Navy training since 1999. All Navy personnel must undergo such training on joining and annually thereafter. In 2001 an interim, tailored, course was introduced for senior officers. In addition, it is now mandatory that prior to consideration for appointment as Commanding Officers and Executive Officers and to most instructional appointments, Navy personnel have undergone equity training in the previous 12 months.

Air Force conducts equity and diversity training at all levels of its leadership and management continuum, from initial entry training to senior appointments. This training is fully integrated into broad competencies.

A major portfolio evaluation report of Equity and Diversity in Defence will shortly be tendered to the Departmental Inspector-General. In due course once senior Defence managers have considered the evaluation report; the Committee may consider a briefing on the outcomes of this comprehensive evaluation.

RECOMMENDATION 2

The Committee recommends that officers in the direct chain of command and SNCOs responsible for the discipline system in units not be appointed as Equity Officers. The two roles cannot be adequately reconciled.

RESPONSE

This recommendation is broadly supported. Equity Advisers are responsible for providing support, information, advice and options for resolution to ADF members who are complainants or respondents, and management on matters relating to all forms of unacceptable behaviour.

As far as practicable, those holding command appointments are not appointed as Equity Advisers, however, the vast majority of personnel holding rank are in the direct chain of command or are responsible for discipline. The Government believes that the intention of the Committee's recommendation can be accommodated if sufficient, appropriately trained, Equity Advisers are appointed to enable all members of a unit or ship access to an Equity Adviser outside of their own direct chain of command. Army's Land Command has established, as a benchmark, a ratio of one Equity Adviser to every 50 personnel, to accommodate the number of sources of equity advice to those involved in unacceptable behaviour issues.

RECOMMENDATION 3

The Committee recommends that Army establish a pool of investigators held centrally for the conduct of larger investigations. These investigators

should not be routinely drawn from outlying areas.

RESPONSE

The Government does not support the recommendation that a pool of investigators be established and held centrally for the conduct of larger investigations. Whilst the number and complexity of major investigations conducted over the previous year would warrant serious consideration being given to the establishment of a central pool of investigators, this need has not been evident in previous years. Prior to FY 2000/2001 there was an average of only two Major Investigations Teams (MIT) formed per year for investigations in excess of several months. The composition of a MIT is dependent on the type, sensitivity and complexity of the investigation. As required, Army has drawn on the investigative effort from Navy and Air Force to form a MIT, and on occasions, sought the technical assistance and advice of the Australian Federal Police. The Government believes that the current arrangement is more flexible in the use of these scarce and valuable resources.

The role and establishment of the 5th Military Police Company (SIB), headquartered in Canberra was examined in late 2001. At this point in time Army's preferred approach is to increase the number of more senior investigators on the staff of the 5th Military Police Company (SIB) which should enable better co-ordination and management of investigations and continue to draw more junior and specialist investigators from regional areas as required. Action is subsequently in hand to increase the number of more senior investigators of Headquarters 5th Military Police Company (SIB).

RECOMMENDATION 4

The Committee recommends that Army investigate the feasibility of placing MPs with Federal, State and Territory Police Forces as part of their training.

RESPONSE

The Government supports this recommendation. A Memorandum of Understanding has already been signed by Army and the Victoria Police. It is planned to enter similar agreements with other police services including the Australian Federal Police. Additionally, Army is looking to extending the range of civil police and tertiary training courses currently attended by Military Police (MP) personnel.

RECOMMENDATION 5

The Committee further recommends that Army review the conditions for reserve Military Police,

with the view to better utilising the investigative skills in the Military Police Reserve units, especially for major cases.

RESPONSE

The Government agrees with the Committee's recommendation. The Government values the contribution of Army Reserve MP's, many of whom have acquired specialist investigation skills in their civilian employment. Army is currently developing a Trade Management Plan for the Corps of Military Police, which will outline a framework for the employment of Reservists. In developing the Plan, Army will examine means to better utilise the investigative skills in MP Reserve and integrated units, especially for major cases. The Plan is due for completion in June 2002.

RECOMMENDATION 6

The Committee recommends there be a formal review of the Defence Legal Office, with terms of reference and timetable for completion, and that the review be made public.

RESPONSE

This recommendation by the Committee arose in the context whether the Military Justice System is too slow. At issue are the formal processes which comprise the Military Justice System; and the organisational arrangements for the in house delivery of legal services.

Military Justice System

The Government fully agrees that the entire legal process surrounding the incidents at 3 RAR took far too long. A much more efficient system is required to centrally track and monitor the progress of all matters dealt with in the Military Justice System. The most efficient way to achieve this is through the establishment of a Registrar of Military Justice. This has been implemented within the office of the Judge Advocate General, whose statutory responsibility it is to report annually to Parliament on the implementation of Defence Force Discipline Act. The Registrar of Military Justice is implementing a case management system (with requisite Information Technology support) to capture all ADF inquiries and matters of Defence Force discipline. This information also will be available to the Inspector General of the ADF to support that office in ensuring compliance with due processes, timeliness, transparency and standards in military justice.

In addition, the Judge Advocate General has implemented a standard step in the conduct of more complex disciplinary proceedings in the form of Directions Hearings. All those responsible for bringing matters to trial will be required to appear

before a judicial officer for the purpose of explaining what is involved, and how long it should take to conclude. This will provide an additional process stimulus to expedite all disciplinary proceedings.

Coupled with strong recommendations by Mr Burchett for much enhanced training in military procedures (presently in the design phase through the Military Law Centre), these measures, when fully effective, should make for the more timely, streamlined and controlled administration of military justice.

Review of The Defence Legal Service

The Defence Legal Service has been undergoing a continuous program of integration and reform since the amalgamation of all in-house legal services in 1997.

In 1997 a military Director General was appointed to lead and manage the national in-house provision of legal services across Defence. A civilian General Counsel was appointed within The Defence Legal Service to provide high level legal advice across the Defence Organisation.

Studies were conducted into the provision of legal services to all bases, commands and regions in 1997. The central office in Canberra was fundamentally reviewed in 1998-99. The roles of Reserve Legal Officers were reviewed in 2001. This important review will result in a much closer relationship between the permanent and reserve officers of The Defence Legal Service. Moreover, the Reserve officers will be more closely integrated with their respective services, ideally through appointments within major formations and force element groups. The relevant Papers from each of these studies can be made available to the Committee, should this be required.

Finally, the incoming Director General undertook a national field survey of the entire organisation in 2001 and has made substantial internal organisational changes aimed at uniting all the legal resources available to the Defence Organisation into arguably the largest national in-house law firm in Australia. The shaping vision is set at "professional excellence", in all aspects of performance. The Defence Legal Office was renamed The Defence Legal Service in March 2001.

The demand for in-house legal services seems to be outstripping available resources. Significantly, the Burchett Audit of Military Justice observed:

"It was frequently suggested that the Defence Force should have more lawyers because there are not enough in-house resources to meet the demand (para 180)."

Burchett recommended that the total number of legal officers and their location and organisation required in the modern Defence Force be reviewed. This recommendation will be actioned as part of the general implementation of all the Burchett recommendations in 2002, with special emphasis accorded to the geographical placement of ADF legal officers to ensure that it reflects sufficiently the demands on The Defence Legal Service nationally.

Should the Committee require, an extensive briefing on the reform of the Defence Legal Service can readily be provided. The Government considers that these changes need to be given further time to take effect, before any further formal review is considered.

RECOMMENDATION 7

The Committee recommends that officers transferring to the Defence legal specialisation on completion of a law degree necessitate relinquishment of rank commensurate with their legal expertise and experience.

RESPONSE

This recommendation is broadly supported. The remuneration and professional development of the legal specialisation within the ADF elements of The Defence Legal Service is based on legal competencies. Clients are entitled to expect that rank and legal skills are reflective of actual experience. The most usual form of entry to the legal specialisation will remain through undergraduate and graduate recruitment to the most junior officer ranks.

Transfer to the legal specialisation as late as the rank of Major (or equivalent rank) would only be in exceptional circumstances. There will be some officers at this level whose command and management experience has required them to deal extensively with legal issues as a matter of course. This experience, coupled with legal training, will enhance their capacity to contribute effectively to The Defence Legal Service. It may be necessary for certain of these officers to be held longer at the Major (or equivalent rank) level to enable them to consolidate their legal experience before they are eligible for promotion. All of these considerations would be taken into account by the Career and Professional Development Committee, which has been established to regulate the professional management of officers in the Defence Legal Service.

RECOMMENDATION 8

The Committee further recommends that legal officers' selection boards have a legal officer on the panel.

RESPONSE

This is fully endorsed.

DISSENTING REPORT RECOMMENDATION

In light of the recurrence of issues relating to brutality and Military Justice, and noting the recommendations of the committee's previous report into Military Justice procedures in the ADF, those dissenting members now strongly recommend that the ADF establish a statutory office of the Director of Military Prosecutions, for Defence Force Magistrate trials and Courts-Martial (for criminal and quasi criminal matters).

As has been announced and advised to the Committee previously, a DMP will be established after selection of an appropriate model suitable to the ADF needs, and when the necessary legislation is in place.

Annex A

OUTCOMES OF TRIALS CONCERNING THE THIRD BATTALION ROYAL AUSTRALIA REGIMENT (3 RAR)

Fourteen members and former members of 3 RAR were charged following investigations into allegations made. The results of the proceedings are as follows:

1. A Private (formerly Corporal)
 - a. (incident with/against another Private)—tried by Commanding Officer (CO) 3 RAR (1999)—Not Guilty.
 - b. (Assault on another Private)—tried by CO 3 RAR found guilty on 2 Feb 01 and ordered reduction in rank to Private and fine equivalent to 14 days pay suspended.
2. A Private (aid and abet assault on another Private)—dealt with by CO Parachute Training School on 31 Oct 00. Directed that the charge not be proceeded with as there was insufficient evidence; however at law, that decision not available to CO. Director of Discipline Law reviews evidence and directs that no further action to be taken against the Private.
3. A Private (assault against another Private)—tried by CO 3 RAR on 30 Oct 00. Not guilty as there was a reasonable doubt about events, the complainant could not identify his attacker.
4. A Corporal (ill treat a Private)—tried by CO 3 Brigade Administrative Support Battalion (3 BASB) heard 14 Nov 01. Not guilty 1st charge (ill-treat inferior) but guilty of alternative (negligent performance of duty). Con-

- victed and fined equivalent of 7 days pay suspended.
5. A Corporal:
 - a. (assault on a Private)—dealt with by CO Dismounted Combat Division (DCD) on 16 Nov 01—directed not to proceed with the charge as there was insufficient evidence. (Complainant did not want matter to proceed and provided a statement to that effect).
 - b. (assault on a Private and prejudicial behaviour)—convicted by CO 4th Battalion Royal Australian Regiment (4 RAR) on 4 Apr 01. Fined \$1423.00.
 6. A Corporal (assault on a Private)—matter heard by CO 4 RAR on 14 Dec 00. He directed that charge not be proceeded with. (Complainant did not want matter to proceed and provided a statement to that effect.)
 7. A Private (assault on another Private)—matter heard by CO 3 RAR on 5 Dec 00. Convicted and fined equivalent of 28 days pay.
 8. A Private (assault on another Private)—Defence Force Magistrate (DFM) trial on 6 Apr 01. Not guilty. Magistrate had doubts about the complainant's credibility.
 9. A Warrant Officer Class One (prejudicial behaviour)—matter heard by General Court Martial. After lengthy trial, on 21 Jun 01 was found not guilty.
 10. A Major (assault on a Lieutenant)—found guilty by DFM on 23 Mar 01. \$2000 fine imposed. Appeal to the Defence Force Discipline Appeals Tribunal (DFDAT) quashed the conviction and punishment.
 11. A Lieutenant Colonel (prejudicial behaviour)—pleaded guilty before DFM on 6 Jul 01. Reduced in rank to Major with seniority to date from 1991. Petition filed. On petition and review, the sentence set aside and substituted for a fine of \$1500.00 and loss of 1 years seniority at rank of Lieutenant Colonel.
 12. A Sergeant (prejudicial behaviour by making an Ex Private do push-ups in dress uniform)—Heard by CO 4/3 Royal New South Wales Regiment on 7 Sep 01. Ex Private failed to attend trial to give evidence and consequently the member was found not guilty.
 13. A Sergeant (assault on inferior—pushing an Ex Private)—Heard by CO School of Infantry on 5 Oct 01. Ex Private failed to attend trial to give evidence and consequently the member was found not guilty.

14. A Private was discharged Jun 00 with a charge pending (assault on another Private). Ex member resides in USA. Reason for discharge investigated. Matter referred to NSW police.

Government Response

The report of the Senate Select Committee for an Inquiry into the Contract for a New Reactor at Lucas Heights "A New Research Reactor?"—May 2001

Introduction

Need for the Replacement Research Reactor: Government's Position

Without exception, the evidence to the Committee from Australia's peak scientific, educational, medical and industry bodies gave strong support to the construction of the replacement reactor. This evidence made it very clear that the replacement reactor will underpin Australia's future role in nuclear science and technology and, consequently, our capacity to reap benefits in emerging areas of advanced technology. The submission by the Australian Vice-Chancellors' Committee expressed this view concisely:

"The AVCC believes that Australia's possession of a modern research reactor supports our standing as a technologically sophisticated society able to play its role in the new economy." (submission number 164).

Scientists in Australia have been contributing to research and development in nuclear science and technology since 1896, immediately after the discovery of x-rays and radioactivity. Indeed, Sir Lawrence Bragg, the first Australian-born Nobel Laureate, received (together with his father) the Nobel Prize in 1915 for work in this area of physics.

Since 1945, successive Australian Governments have sought to ensure that Australians were able to benefit from applications of nuclear science and technology and, since 1958, operation of the HIFAR nuclear research reactor and associated facilities at Lucas Heights has been central to this objective.

The replacement nuclear research reactor will build on Australia's substantial investment in nuclear science and technology during the last 100 years. It will be a major facility for the nationally important research activities that will continue to be undertaken in Australia in a wide range of scientific disciplines. It will provide a practical base to enable young Australians to be trained in neutron science, thereby supporting the future development of Australia's scientific and

industrial capabilities. The replacement reactor will also contribute to providing Australians with a first class standard of health care via reliable supply of radioisotopes for use in nuclear medicine.

The operation of a research reactor in Australia has also enhanced Australia's capacity to participate effectively in international nuclear non-proliferation, disarmament and safety matters by ensuring that Australia is able to attract, develop and maintain a broad, multi-disciplinary range of nuclear expertise. This capacity to provide government with expert scientific and technical advice across the nuclear fuel cycle enables Australia to make independent judgments about nuclear matters, both within the region and globally, that are timely and informed. It also positions Australia to contribute at a technical level to international arrangements.

Australia's contributions to the development of the International Atomic Energy Agency's (IAEA) strengthened safeguards system, arrangements to protect the people and the environment from the potentially harmful effects of nuclear facilities, radioactive materials and radiation sources, the Comprehensive Test-Ban Treaty International Monitoring System, and the verification regime for a future 'fissile material cut-off treaty', are salient examples where Australian technical expertise has significantly advanced Australia's security and non-proliferation interests.

The Committee stated that it was "not convinced that Australia needs a new research reactor to make a positive contribution to nuclear disarmament", and it found "that the justification for the new research reactor solely on national interest grounds is not strong where national interest is defined on purely 'security' and non-proliferation grounds". However, the Government does not argue, and never has argued, that the research reactor is justified solely on security and non-proliferation grounds.

Nevertheless, the Government considers that operation of a research reactor significantly enhances Australia's capacities to contribute to international arrangements to prevent nuclear proliferation; to ensure that nuclear activities are carried out according to appropriate standards of safety and physical protection; and to evaluate and influence developments in nuclear technology. The Government considers that the level of Australia's technical nuclear expertise would decline rapidly in the absence of a domestic nuclear research reactor and, consequently, Australia's ability to achieve its nuclear policy objectives would be seriously diminished.

The Parliamentary Standing Committee on Public Works concluded unanimously in 1999 that "A need exists to replace HIFAR with a modern research reactor."¹

In summary, the Government is firmly of the view that it is in Australia's national interest to have a modern, multi-purpose nuclear research reactor and it is proceeding with the replacement of the High Flux Australian Reactor (HIFAR) on this basis. The national interest is premised on the range of benefits that the research reactor offers to Australia—domestically, in the fields of science, industry, education, medicine, and the environment—and internationally, by augmenting Australia's capacity to effectively engage in international nuclear affairs.

Response to individual recommendations from the Majority report

Recommendation Chapter 11, p. 224

The Committee notes that the Government has failed to establish a conclusive or compelling case for the new reactor, and recommends that before the Government proceeds any further it undertake an independent public review into the need for a new nuclear reactor.

RESPONSE: DISAGREE

The "need for a new nuclear reactor" has been subject to extensive assessment commencing with the Research Reactor Review in 1993. The Government, having closely examined the issues associated with such a major national infrastructure investment, concluded that it is in Australia's national interest to have a modern, multi-purpose nuclear research reactor.

The Government's position has been supported by evidence provided to the Committee by Australia's peak scientific, educational, medical and industry bodies, all of which strongly supported construction of the replacement reactor. The consistent message from this wide range of bodies—which included the Australian Research Council, the Australian Academy of Science, the Australian Academy of Technological Sciences and Engineering, the Australian Vice Chancellors' Committee, the NSW Branch of the Australian Medical Association, the Australian New Zealand Society of Nuclear Medicine, the Australian and New Zealand Association of Physicians in Nuclear Medicine (Inc), the Institution of Engineers, Australia, the Federation of Australian Scientific and Technological Societies, the Business Council of Australia and the Business/Higher Education Round Table—was that there was a demonstrated need for a replacement reactor.

It is significant that the Minority Report highlighted the fact that the evidence to the Commit-

tee overwhelmingly supported the Government's decision to build a replacement reactor. The Minority Report also noted that the conclusions and recommendations of the Majority Report were quite inconsistent with the body of the Committee's Report.

The Government would also emphasise that the Parliamentary Public Works Committee, which examined the replacement reactor project in 1999, unanimously concluded that there was a need to replace HIFAR with a modern research reactor. The Parliamentary Public Works Committee also unanimously concluded that the need for the replacement of HIFAR arises as a consequence of national interest considerations, research and development requirements and the need to sustain the local production of radiopharmaceuticals.

The Chief Scientist, in his submission to the Committee said that Australia's "ability to retain world-class researchers or to attract them in the first place is not helped if a due process for approval of a world-class facility is repeatedly revisited".

The Government considers that a compelling case has been made for proceeding with the replacement reactor. The call for a further inquiry is unnecessary and designed to serve the purposes of those opposed to the replacement reactor.

Recommendation Summary, Part I, page 92 and Chapter 11, p. 225

The Committee recommends that before the Government proceeds any further with the proposed reactor, it undertake a thorough and comprehensive public review of funding for medical and scientific research in Australia with a view to assessing priorities including the role, if any, a research reactor would have in contributing to Australia's scientific, medical and industrial interests.

RESPONSE: DISAGREE

As indicated in the Government's response to the previous recommendation, it is firmly of the view that the need for a replacement reactor has been clearly established and has acted accordingly in proceeding with its construction.

The proposed "thorough and comprehensive public review of funding for medical and scientific research in Australia" is unnecessary. Undertaking such a broad review is not a normal precursor to proceeding with major national infrastructure projects. The funding requirements for medical research in Australia was subject to a review by Mr Peter Wills in 1999 (*The Virtuous Cycle*) and for scientific research by the Chief Scientist, Dr Robin Batterham in 2000 (*The Chance to Change*). These reviews were undertaken in con-

sultation with the medical and scientific communities and other interested parties, including the general public. The Government has responded to the reports in the 1999-2000 and 2001-02 Budgets, with substantial increases in funding.

However, concerning the contribution that the replacement reactor would make to Australia's scientific, medical and industrial interests, the following points provide a clear indication of the extensive contribution that the replacement reactor will make in each of these areas.

Maintenance of an indigenous neutron source is an important aspect of Australia's overall research infrastructure. The Australian Vice Chancellors' Committee stated in its submission that "A modern state of the art Australian facility supporting leading edge beam instruments and providing for a range of irradiation is essential to advance the application of science and technology to the benefit of industry, health, the environment and education within Australia." ANSTO's HIFAR reactor is not only used by ANSTO's research staff, but also by university staff and post-graduate researchers from 36 universities in Australia and New Zealand who make extensive use of the instruments on the research reactor.

The replacement reactor will have more instruments and higher neutron flux than HIFAR and will be able to provide a level of support for Australian science, higher education and industry that is comparable to the support enjoyed by their USA and Japanese counterparts. As an example, a cold neutron source which will be a feature of the replacement reactor. These sources are now providing the basis for many of the current advances in neutron science, especially in structural biology and in such emerging fields as nanoscience and engineering, and novel materials.

The irradiation capabilities of the existing HIFAR reactor are used to produce isotopes that have applications in most industries. Radioactive isotopes are used as sensors in process control systems for performing on-line, non-contact and non-destructive measurement and can also be used to analyse materials such as mineral ores or coal. In 1997, Access Economics identified gross economic benefits in the range of \$140 million to \$230 million annually from selected activities impacting on health, mining and other industries. Neutrons generated by research reactors also have particular utility in probing the structure of solids and liquids and, as indicated above, the replacement reactor will potentially underpin developments in materials science with application in emerging technology platforms such as biotechnology and nanotechnology.

It is estimated that, on average, every Australian will have a reactor based nuclear medicine procedure in their lifetime. On the basis of Medicare data, an estimated 326,000 nuclear medicine procedures using reactor-derived isotopes were undertaken in 1996. In the USA, the use of nuclear technologies has reduced the annual number of patients treated using surgery for hyperthyroidism from 3000 to 50². The Government, together with relevant medical specialists, considers that it would be quite imprudent not to proceed with the replacement reactor as this would expose delivery of isotope based medical therapies to unacceptable risks in terms of security of supply and reliability of distribution. The President of the Australian New Zealand Society of Nuclear Medicine summed these issues up in a press release issued on 3 May 2001 "There is really no viable alternative to a local research reactor as the source of radiopharmaceuticals for medical use."

In short, the importance of the replacement reactor to Australia's scientific, medical and industrial interests is very clear.

Recommendation Chapter 11, page 226

The Committee strongly recommends that there should be full disclosure of the termination provisions of the contract signed with INVAP so the Parliament and the Australian people will know what obligations have been entered into.

RESPONSE: AGREE—THIS HAS BEEN DONE

ANSTO provided the Committee with a significant amount of material relating to the contract with INVAP. This material included all the termination provisions, which were provided in September 2000. The text of those provisions is reproduced at pages 146-148 of the Report.

Request to Auditor General for consideration—Chapter 11, page 226

The Committee requests that the Australian National Audit Office consider examining the tender and contract documents for the new reactor at Lucas Heights with a view to determining:

- **whether further investigation of the tendering process and the contract is warranted;**
- **whether, during the tendering process, ANSTO ensured that there was adequate and appropriate independent verification and validation of the tenderers claims;**
- **whether the cost estimate of \$286.4 million for the replacement research reactor proj-**

ect is based on sound reasons and whether it is still accurate;

- **whether any contract provisions have been inappropriately claimed to be confidential and if so, on what grounds; and**
- **whether the documents sought by the Committee and the Senate should now be made public.**

RESPONSE: THIS IS A MATTER FOR THE AUDITOR-GENERAL

This is not a matter for the Government. Rather, it is for the Auditor-General to determine whether ANAO should undertake the proposed audit. The Acting Auditor-General, Mr Ian McPhee, wrote to the Minister for Industry, Science and Resources on 14 June 2001, enclosing a copy of a letter of the same date which had been sent to the Chairman of the Senate Select Committee stating: "I do not consider that an audit of the processes and contract by the ANAO at this time would add sufficient value to the Parliament to give it priority over our planned program, which has been determined after consulting with the Joint Committee on Public Accounts and Audit."

Recommendation Chapter 11, page 227

To provide assurance that the research reactor's design is under appropriate management and that the technical specifications and objectives are being met, the Committee recommends that ANSTO engage an independent expert third party to review and evaluate, periodically throughout the life of the project, the contractor's performance as measured against the specified requirements. It further recommends that such reports be made public.

RESPONSE: DISAGREE

This is not normal practice for Commonwealth projects, and the Government considers that the services of the proposed expert are not required. Not only would appointment of such an expert constitute an unnecessary expense, it would also cut across ANSTO's accountability for management of the project and ARPANSA's licensing role, with the ambiguity as to the expert's legal position only serving to confuse the situation.

Such an independent expert third party would, in effect, be carrying out functions akin to a project manager. This responsibility has rightly been ascribed to ANSTO by the Government. ANSTO has determined the design and performance parameters for the reactor and, importantly, will be the licensee for the reactor.

The recommendation also displays an evident disregard for the scrutiny of the project that will be undertaken by ARPANSA in determining

whether the reactor meets adequate standards in relation to safety. ARPANSA has made it clear that, in relation to the construction and operating licences which are necessary prerequisites for the reactor to be brought into service, ANSTO will need to demonstrate that, as the applicant for the licence, it has a comprehensive understanding of the reactor systems and command of the various elements of the project. Furthermore, ANSTO will need to satisfy ARPANSA as to their efficacy in the circumstances

The project is, of course, a major undertaking for ANSTO, given its cost and complexity. ANSTO has therefore taken the sensible step of augmenting its existing expertise by recruiting a project manager with extensive experience in managing large projects.

Recommendation Chapter 11, page 227

The Committee also recommends that the Minister for Industry, Science and Resources report immediately to Parliament and thereafter on a three monthly basis, the progress made on the design, construction and eventual operation of the new reactor at Lucas Heights. This report is to include:

- a full explanation of the work completed against the agreed time schedule and all payments made;
- an account of any delays or anticipated disruptions to the project and an explanation for such hold-ups;
- a statement on the strategies in place to monitor and ensure that the contractor is meeting performance specifications including the findings of independent consultants engaged to assess the contractor's performance measured against required specifications; and
- the proposed work and payment schedule for the following six months.

RESPONSE: DISAGREE

The Government considers that reports by the Minister for Industry, Science and Resources, as proposed by the Committee, are not necessary. In accordance with a recommendation made by the Parliamentary Public Works Committee when it agreed that the replacement reactor project should proceed, ANSTO is providing that Committee with reports on a six-monthly basis. Three such reports have already been provided to the Public Works Committee—in September 2000, April 2001, and September 2001 with the next report scheduled for April 2002. The most recent report covered:

- **Contract payments;**
- **Expenditure to date;**
- **Performance and schedule;**
- **Licensing and regulatory activities;**
- **Australian Industry Involvement Program;**
- **Technology transfer;**
- **Risk management;**
- **Management of radioactive waste; and**
- **The proposed *Community Right to Know* Charter.**

The Government considers that these reports are at the level and frequency appropriate for the replacement reactor project.

In addition, the Government notes that ANSTO has been reporting on a six-monthly basis to the Minister for the Environment and Heritage on its compliance with his recommendations arising from the replacement reactor Environmental Impact Statement. These reports are made public, and can be inspected on ANSTO's Website.

Recommendation Chapter 11, page 228

The Committee recommends that ANSTO take immediate action to ensure that before it enters into any formal or legally binding undertaking, agreement or contract that all parties to that arrangement are made fully aware of ANSTO's obligation to be accountable to Parliament.

RESPONSE: AGREE

The Government accepts that ANSTO, in common with all Government agencies, is accountable to Parliament. The Government considers that, generally speaking, parties to contracts with Government agencies are aware that this accountability could result in scrutiny of contractual arrangements, either through the audit function of the Australian National Audit Office or direct scrutiny by a Parliamentary Committee. However, for its part, ANSTO has sought to deal with this explicitly in the Conditions of Tender for the replacement reactor, which not only made reference to the provisions of the *Freedom of Information Act 1982* but also specifically canvassed the possible need to provide information to the Commonwealth Auditor-General.

Recommendation Chapter 11, page 228

The Committee further recommends that any future contract entered into by ANSTO, include provisions that require contractors to keep and provide sufficient information to allow for proper Parliamentary scrutiny of the contract and its management.

RESPONSE: AGREE WITH QUALIFICATIONS

As indicated in the response to the previous recommendation, the Government notes that ANSTO's approach to arriving at a contract for construction of the replacement reactor displayed due regard to its accountability obligations as a Government agency. The Government is confident that ANSTO will ensure that where it can be reasonably concluded that particular information associated with a contract would be material to proper evaluation of the contract and its management, the necessary steps will be taken to ensure that the information was available for that purpose. However, should the information have commercial confidentiality implications, as is the case with much of the content of the contract for the replacement reactor, consideration would also need to be given to the basis on which the information might be provided.

The Government considers that failure to recognise and respect the rights of non-government parties to have commercially sensitive information handled appropriately could lead to perceptions of an increased level of sovereign risk associated with dealing with the Commonwealth. This might result in the objectives of the Commonwealth's procurement process being placed at risk.

Recommendation Chapter 11, pages 228-29

The Committee recommends that, if the new research reactor project is to go ahead, the Government put in place a number of mechanisms to ensure that full and thorough public scrutiny of the proposal takes place during the licensing process. This is to ensure, to the greatest extent practicable, that the construction and operation of the proposed reactor would not adversely affect the health of the community or damage the environment. At a minimum, these mechanisms must include:

- publication of all submissions made to ARPANSA during the licensing process;
- publication of ARPANSA's responses to concerns raised in these submissions, detailing in what way those concerns have affected the CEO's decision;
- release of the full details of the design and the construction contract except for those items which are determined as truly commercial-in-confidence.

RESPONSE: AGREE WITH QUALIFICATIONS

Arrangements are already in place under relevant legislation to ensure, to the greatest extent practi-

cable, that the construction and operation of the replacement reactor will not adversely affect the health of the community or damage the environment.

The potential environmental impact of the replacement reactor was rigorously examined in accordance with the relevant legislation, the *Environment Protection (Impact of Proposals) Act (1974)*. The Minister for the Environment and Heritage decided that there were no environmental reasons preventing the granting of Commonwealth approval for the replacement reactor. On the basis of the environmental impact assessment process, the Minister made a number of recommendations to ensure that the replacement reactor is constructed and operated in accordance with best international practice. All the recommendations were accepted by the Minister for Industry, Science and Resources. They now not only apply to the construction of the replacement reactor but, in some cases, will extend throughout the reactor's lifetime.

Radiation health issues are now being specifically addressed via the licensing procedures of ARPANSA, under the provisions of the *Australian Radiation Protection and Nuclear Safety Act (1998)*.

In relation to the specific recommendations that all submissions made to ARPANSA during the licensing process and that ARPANSA's responses to concerns raised in these submissions be published, the Government considers that the extent of publication of information proposed by ARPANSA is appropriate in the circumstances.

ANSTO's construction licence application, its Preliminary Safety Analysis Report (PSAR), a detailed summary of the PSAR have already been made available to the public. The ARPANSA and International Atomic Energy Agency (IAEA) reviews of those documents, together with the outcomes of the review of the PSAR by the nuclear regulatory authority of Argentina will also be made available to the public. Formal questions and answers between ARPANSA and ANSTO/INVAP will be placed on the public record, and advice provided by the independent ARPANSA Nuclear Safety Committee will also be published.

ARPANSA's consideration of the licensing application will involve two rounds of submissions from the public, the first covering submissions on the application and related documents, and the second to allow comment on the main issues arising from the first round of submissions and from reviews of ANSTO's PSAR undertaken by ARPANSA and IAEA experts. Submissions other than those outlined in the previous paragraph,

which will primarily consist of other submissions from the general public, will be available on request subject to the agreement of the submitter.

The CEO of ARPANSA, in making his decision on the licence application, must take all submissions into account. The CEO will publish a report setting out how he did so.

Regarding the specific recommendation that full details of the design and construction contract except for those items which are determined as truly commercial-in-confidence be released, the Government notes that, in all cases where the Committee requested the text of specific provisions of the contract, ANSTO provided that material. Release of the termination provisions is a case in point. ANSTO also provided the Committee with a table of the contract's contents and a summary of the contract. The text of certain sub-clauses was provided in response to a question taken on notice during the Committee's hearings.

The Government would emphasise that, by their very nature, a number of the remaining matters covered in the contract would raise commercial-in-confidence concerns from INVAP's perspective. This point was made by INVAP itself in evidence to the Committee. Consequently, the Government considers that the public interest would not be well served by a process that would effectively yield little additional information. As indicated above, all safety issues associated with design and construction of the replacement reactor will be subject to public scrutiny during ARPANSA's consideration of ANSTO's application for the construction licence. A considerable volume of material relating to the design and construction of the replacement reactor has already been released and, as noted above, further material will be made public during the licensing process. The Government considers that this body of material will provide a sound basis for ensuring that neither the health of the community nor the environment are adversely affected by construction and operation of the reactor.

Recommendation Chapter 11, page 229

Given that there are doubts about privilege and the powers of such an inquiry to obtain documents because the *ARPANS Act* is silent on these issues, the Committee recommends that the Government appoint a panel including the CEO of ARPANSA under other legislative powers to conduct the inquiry.

RESPONSE: DISAGREE

The *ARPANS Act 1998* sets out a process for considering ANSTO's construction and operating licence applications. These licences are essential prerequisites for the operation of the replacement

research reactor. The construction licence application is presently subject to consideration by ARPANSA in accordance with the requirements of its legislation, which was enacted as recently as 1998, with public consultation processes that were endorsed by Parliament as part of the legislation.

The public consultation and submission process that ARPANSA has established in accordance with its legislation for consideration of ANSTO's application for a construction licence gives the public unprecedented direct access to the person making the decision on the application. The Government notes in this context that the purpose of the licensing application process is to provide the necessary support for a decision by the Chief Executive Officer of ARPANSA on ANSTO's licence application. The Government does not accept that a judicial inquiry represents a superior approach to arriving at a decision as to whether or not to issue a licence.

Recommendation Chapter 11, page 229

The Committee further recommends that, in the longer term, the Government undertake a public review of the kinds of public consultation process required in other jurisdictions and in relation to other proposals with public health and environmental implications. The object of such a review should be to determine best practice and to amend the *ARPANS Act* accordingly.

RESPONSE: AGREE WITH QUALIFICATIONS

Further to the response provided to the previous recommendation, the Government would reiterate that the *ARPANS Act* was only enacted as recently as 1998. While the performance of the legislation will clearly be subject to scrutiny over the longer-term, the Government considers that a more specific response is unnecessary and not needed at this time.

Recommendation Chapter 11, page 230

The Committee recommends that the contract, and any subsequent agreements, with COGEMA for the re-processing of Australian spent fuel rods be made public.

RESPONSE: AGREE WITH QUALIFICATION

COGEMA provided a copy of its contract with ANSTO concerning reprocessing of spent fuel rods (except for financial details) to Greenpeace France early in 2001, at the direction of a French court. This was done on the basis that it was only to be used for the purpose of the French court proceedings. Subsequently, Greenpeace Australia

provided the Committee with details from the contract without COGEMA's knowledge or agreement.

Given the erroneous claims about the contractual relationship between ANSTO and COGEMA that followed disclosure of this information, COGEMA agreed to ANSTO's proposal that the Senate be provided with a copy of the contract and a related exchange of letters from August and September 2000 in order to clarify the situation. This information was provided in the course of the Industry, Science and Resources portfolio estimates hearing on 4 June 2001.

The Government would, however, like to register the point that the contract contained commercially and technically sensitive information, and an express provision as to confidentiality that was binding on both parties. The Government understands that similar confidentiality provisions are contained in all COGEMA's reprocessing contracts. While the Government accepts that ANSTO has obligations to be accountable to Parliament for its handling of the reprocessing of spent fuel from Lucas Heights, due acknowledgment also needs to be given to the legitimate concerns that other parties to contracts, such as COGEMA, might have over protection of their commercial position.

Recommendation Chapter 11, page 230

The Committee recommends that, in light of the growing opposition overseas, ANSTO prepare and fully cost a contingency management plan for spent fuel conditioning and disposal within Australia. This plan should fully describe the technologies to be used should Australia have to manage its spent fuel wholly within Australia.

RESPONSE: DISAGREE

Reactor operations commenced in HIFAR in 1958 and an initial shipment of spent fuel was shipped to the United Kingdom in 1963. Successive governments then allowed spent fuel to accumulate at Lucas Heights.

The strategy for management of spent fuel from research reactor operations was determined by the Labor Government in 1995, in respect of the management of spent fuel rods from HIFAR. That Government announced in October 1995 that it had decided "to make full use of international opportunities" by exporting the spent fuel and that Australia would manage the long-lived intermediate waste that would arise from reprocessing. It authorised the negotiation of a contract to ship 114 spent fuel rods to the United Kingdom for reprocessing, and the return to Australia of the

resulting waste. The shipment was despatched in April 1996.

A domestic conditioning option for research reactor spent fuel was fully evaluated by the Government in 1997. In the event, the Government decided against this option, announcing on 3 September 1997 that it had:

"decided not to establish a reprocessing facility at Lucas Heights or anywhere else in Australia.

Instead, \$88 million has been set aside to remove spent nuclear fuel rods from Lucas Heights and meet the cost of reprocessing offshore."

Since that announcement, ANSTO has negotiated contractual arrangements with COGEMA for the reprocessing in France of spent fuel from both HIFAR and the replacement reactor, and with the US Department of Energy for the return of US-origin spent fuel. Shipments of HIFAR spent fuel were sent overseas in 1998 (USA), 1999 and 2001 (France).

USA-sourced spent fuel rods are shipped back to the USA in accord with US nuclear non proliferation policy and the US has agreed to take back for storage all US sourced spent fuel arising from research reactor operations until May 2006 as part of that policy.

France has undertaken, via an exchange of letters at ministerial level, to facilitate the reprocessing of Australian spent fuel by COGEMA. The Government has no reason to doubt those undertakings. COGEMA is the world's largest provider of spent nuclear fuel reprocessing services. It has contracts to reprocess spent nuclear fuel with about 29 utilities from six countries. The Government notes that COGEMA has recently signed a contract with the French State Electricity Company, EDF to reprocess waste until 2015. The reprocessing of all the spent fuel produced by HIFAR over its lifetime will amount to about 0.02 percent of the annual processing capacity of the La-Hague facility.

As a contingency measure, INVAP is also contractually committed to arrange, on request, for the processing of spent fuel from the replacement reactor in a way that complies with ANSTO's requirements. That provision would be invoked if, for any reason, the COGEMA route for reprocessing becomes unavailable. However, given current circumstances, it is unlikely that this will need to be invoked.

The Government considers that these contractual arrangements, which are supported by governmental commitments from the French and Argentinian Governments, demonstrate that adequate provision has been made for the management of

Australian spent fuel. A domestic contingency management plan is therefore unnecessary.

Recommendation Chapter 11, page 230

The Committee recommends that the Government satisfactorily resolve the question of the safe disposal of new reactor spent fuel before approval to construct a new reactor is given.

RESPONSE: DISAGREE

The CEO of ARPANSA has a statutory responsibility for deciding on the issuance of a licence to construct the replacement research reactor. The Government notes in this context that the CEO of ARPANSA stated on 26 October 2000 in testimony to the Inquiry that, in terms of licensing, he “would need to be satisfied that Australia will have such a store (ie for long-lived intermediate level waste) and that those arrangements are progressing in such a way that I can be satisfied that it will have such a store.”

The Government is confident of meeting the ARPANSA CEO’s requirement, which diverges from the recommendation in requiring adequate progress rather than ultimate resolution of the issue of the disposal of replacement research reactor spent fuel. The Government notes that, the first shipments of waste from the processing of spent fuel from HIFAR and from the replacement research reactor will not be returned to Australia for storage until around 2015 and 2025, respectively.

ANSTO advised the Committee that, in accordance with Government policy, spent fuel from the replacement reactor will be managed in the first instance by processing overseas through the contractual and inter-governmental commitments referred to in the response to the previous recommendation. The long-lived intermediate level wastes that result from processing will then be managed in Australia with, and form a very small portion of, the Commonwealth’s holding of this type of waste. The storage facility is needed for the management of more than 400 cubic metres of long-lived intermediate level waste that is currently held by Commonwealth agencies. The vitrified (glass) residues and compacted waste arising from both HIFAR and the replacement research reactor spent fuel will amount to an additional 46 cubic metres. ANSTO made it clear that, as was discussed in the Environmental Impact Statement for the Replacement Research Reactor, management of spent nuclear fuel from the replacement reactor will not involve direct disposal in Australia, nor reprocessing in Australia, nor indefinite storage in Australia.

The Government has decided that the most appropriate way to manage the Commonwealth’s holding of long-lived intermediate level radioactive waste is to house it in a purpose-built above-ground storage facility. The facility will be designed to accommodate the current holding of this class of waste and future arisings, which include the small amount of waste that will arise from reprocessing of spent fuel from HIFAR and the replacement research reactor.

The Minister for Industry, Science and Resources, Senator Minchin, announced a process to establish such a store in August 2000. In February 2001, the Minister announced that the national store will be sited on Commonwealth land, and the earliest the preferred site could be announced would be late 2002. A public discussion paper on methods for choosing the site was released recently.

Waste arising from the processing of spent fuel from the replacement research reactor will be returned to Australia from France in purpose-designed transport and storage casks as vitrified residues and compacted waste. The casks will be appropriate for storage in the national store, and will remain in this facility until a geological repository is established for the ultimate disposal of long-lived intermediate level waste. Given the amount of the Commonwealth’s holding of this type of waste, and the likely rate of arisings in the foreseeable future, a geological repository cannot be justified for such waste at present.

¹ Report of the Parliamentary Standing Committee on Public Works, August 1999, paragraph 2.65, p34.

² Australian Nuclear Association submission to the Senate *Select Committee Inquiry into the contract for a new reactor at Lucas Heights* (number 81)

379th REPORT OF JOINT COMMITTEE OF
PUBLIC ACCOUNTS AND AUDIT:
CONTRACT MANAGEMENT IN THE
AUSTRALIAN PUBLIC SERVICE
WHOLE OF GOVERNMENT RESPONSE TO
RECOMMENDATIONS 1-5

The 379th report of the Joint Committee of Public Accounts and Audit—Contract Management in the Australian Public Service—was tabled in the Parliament on 2 November 2000. The report was the conclusion of an inquiry into contract management that commenced on 5 September 1999. The key objective of the inquiry was to “analyse a range of examples in order to develop better practice approaches to contract management that can be applied across Government agencies”.

The Government notes the importance that contract management now assumes in the Australian Public Service (APS) and the enhanced benefits that it can offer. The Government is also keenly aware of the importance of transparency and accountability when managing Government contracts.

The Government further notes that agencies remain accountable for the delivery of services, even where the service delivery is provided by the private sector. Central to the accountability principle is the need to maintain awareness of client needs and how they are being met.

It is appropriate to re-emphasise that APS agencies operate under a robust accountability framework that enables detailed scrutiny of any contracts that they may enter into. The legislative and policy framework governing APS agencies includes the:

- Financial Management and Accountability Act 1997;
- Financial Management and Accountability Regulations;
- Commonwealth Procurement Guidelines;
- Commonwealth Authorities and Companies Act 1997;
- Chief Executive's Instructions;
- Freedom of Information Act 1982;
- Ombudsman Act 1976;
- Auditor-General Act 1997;
- Public Accounts and Audit Committee Act 1951;
- Public Works Committee Act 1969; and
- Mandatory Reporting of Commonwealth Contracts.

The diversity of agency function, structure and purpose, however, poses a unique challenge for broad scale contract management reform across the APS. In this regard, the Government is aware that the positive economic benefits of contract management need not be lost through excessive or unworkable administrative requirements. With this in mind, the revised production of the Commonwealth Procurement Guidelines and Best Practice Guidance—February 2002 is aiming to set workable and succinct guidance for Commonwealth agency contract management.

Recommendation 1

That the Ombudsman Act 1976 be amended to extend the jurisdiction of the Ombudsman to include all government contractors.

Response: Partially Agree

The Government agrees that the Ombudsman should have jurisdiction to investigate the actions of private sector organisations that are contracted by Commonwealth agencies to provide goods and/or services to the public and will examine options for amending the Ombudsman Act 1976.

However, the Government considers that Government contractors who provide goods and/or services to agencies rather than to the public, should not be subject to the Ombudsman's jurisdiction as members of the public would not have sufficient interest in the actions of those contractors to warrant extending the Ombudsman's jurisdiction to them.

The Government considers that the Ombudsman should ensure that agencies are informed about investigations relating to their contractors. The level of agency involvement in particular investigations will be a matter for the Ombudsman to determine, in consultation with the agency, having regard to all the circumstances.

Recommendation 2

That all CEOs under the Financial Management and Accountability Act 1997 should, whenever claiming commercial-in-confidence, issue a certificate stating which parts of a contract and why these parts are to be withheld.

Response: Partially Agree

In line with the Commonwealth Procurement Guidelines and Best Practice Guidance—February 2002 agencies are required to record decisions and the reasons for making them, and in this context, the Government does not see any further advantage in establishing a certificate system.

The Government supports accountability in relation to government contracts and the principle that contractual arrangements should be transparent and open to public scrutiny where possible. The Government agrees that when an agency receives a request to disclose details on any contract that it has entered into, only the actual information in the contract that can legitimately be classified as commercial-in-confidence (CIC) should be classified as CIC. The Government does not support the view that commercial information is inherently confidential. Any decision to withhold information on CIC grounds needs to be fully substantiated, fundamentally stating the reasons why such information should not be disclosed.

To assist agencies with the process, the Government will be issuing further guidance material that will better clarify how agencies should assess contracts to determine what should be classified

as CIC to further enhance the existing robust accountability framework.

As a general approach the consideration of what should be CIC is normally done by assessing whether the release of information could unreasonably disadvantage the Commonwealth or a contractor and advantage their competitors in future tender processes, for example, details of commercial strategies or fee structures, details of intellectual property and other information of significant commercial value. The case by case assessment of what is CIC is appropriate as what may be assessed as CIC will vary over the life of the contract and after the contract has expired. Any documents that are produced as part of the contract can also contain information that may be classified as CIC and these need to also be assessed when an agency receives a request to release information.

The Government has agreed in principle to the Senate Order on departmental and agency contracts of 20 June 2001, which requires:

- information to be placed on an agency's website, including details of:
- a list of agency contracts of \$100,000 or more which have been entered into by the agency which have not been fully performed or which have been entered into during the previous 12 months;
- the contractor and the subject matter of each contract;
- whether each contract contains provisions requiring the parties to maintain confidentiality of any of its provisions, or whether any provisions of the contract are regarded by the parties as confidential, and a statement of the reasons for confidentiality; and
- an estimate of the cost of complying with the order.

The Government tabled a statement that compliance with the order will be based on the following terms:

- agencies will use the Department of Prime Minister and Cabinet guidelines on the scope of public interest immunity (in Government Guidelines for Official Witnesses before Parliamentary Committees) to determine whether information regarding individual contracts will be provided;
- agencies will not disclose information if disclosure would be contrary to the Privacy Act 1988, or to other statutory secrecy provisions, or if the Commonwealth has given an undertaking to another party that the information will not be disclosed; and

- compliance with the Senate order will be progressive as agencies covered by the Financial Management and Accountability Act 1997 refine arrangements and processes to meet the new requirements.

Under the Financial Management and Accountability Act 1997 Chief Executives are accountable for procurement decisions, including decisions on the disclosure of information. It is the responsibility of individual agencies to implement procedures for the management of their contracts, including recording decisions relating to the disclosure of information, that best suit their individual needs.

Recommendation 3

That all agencies must establish and maintain an effective contract register.

Response: Agree in principle

The Senate order on the publication of Government agency contracts, outlined in the response to Recommendation 2, requires a list of agency contracts exceeding \$100,000 in value to be placed on the agency's website. The order also requires, as part of information provided in the listing, that there is an indication whether each contract contains confidential provisions and that a statement is provided giving reasons for confidentiality.

One of the more visible aspects of the accountability framework is the mandatory reporting requirement for Commonwealth agencies to publicly gazette all contracts, (with limited exceptions such as national security), with a value of \$2000 or more in the Commonwealth Purchasing and Disposals Gazette (the 'Gazette').

The Commonwealth Procurement Guidelines and Best Practice Guidance—February 2002 (CPGs) are also a key part of this accountability framework. The CPGs outline accountability and reporting requirements that govern Commonwealth procurement, including the mandatory reporting requirement. The CPGs state at page 7:

“Accountability supports agencies' business and performance management through visibility.

Officials, departments and agencies are answerable and accountable for any plans, actions and outcomes that involve spending public monies. Agencies should include provisions in tender documentation and contracts that alert prospective providers to the public accountability requirements of the Commonwealth, including disclosure to Parliament and its Committees.

Chief Executives are:

- accountable for their agency's procurement performance Financial Management and Accountability Act 1997
- authorised to issue Chief Executive's Instructions (CEIs), which may include directions to officials involved in procuring goods and services (Financial Management and Accountability Regulations 6(1)); and
- responsible for ensuring adequate systems for recording decisions and reasons for making them are maintained.

Officials with procurement duties must act in accordance with their CEIs and these Guidelines."

The responsibility for determining how to manage contracts within an agency properly belongs to the Chief Executive. It is the responsibility of individual agencies to implement procedures for the management of their contracts that best suit their individual and special needs.

Recommendation 4

That the Auditor-General conduct a review, as part of an existing or potential performance audit, of agency performance in complying with the reporting requirements of the Gazette Publishing System (GaPS).

Response: Noted

The Government notes that the ANAO has conducted a high level audit review of GaPS as part of the audit of the use of confidentiality provisions in Commonwealth contracts and issued its finding in Report No. 38: The Use of Confidentiality Provisions in Commonwealth Contracts.

Recommendation 5

The Committee reaffirms the need for the Auditor-General to have access to contractors' premises as previously stated by the Committee in Recommendation 5 of Report 368.

Response: Agree in principle

In 2001 Finance, in conjunction with the ANAO, developed a standard ANAO access clause with a non-mandatory application for agencies' use. This clause allows ANAO access to contractor premises.

The Government's response to JCPAA Report No. 368 was tabled in the Parliament on 8 February 2001:

Response

"The Government recognises the importance of the Auditor-General having access to information for the performance of his statutory responsibilities to the Parliament. In some cases, this will require access by the

Australian National Audit Office (ANAO) to the premises of a contractor.

The Government's preferred approach is not to mandate obligations, through legislative or other means, to provide the Auditor-General an automatic right of access to contractors' premises. Given the diverse range of contracts in the Commonwealth sector it is unlikely that access by the Auditor-General will be required in all circumstances. Imposing a blanket right of access regardless of the circumstances would lead to unnecessary costs in the administration of contracts and the Government considers that a case by case approach is more desirable.

Commonwealth bodies are best placed to exercise the primary responsibility of ensuring that appropriate information is available to satisfy their own and external accountability and performance monitoring functions. The most suitable mechanism for these obligations to be imposed on third parties is in the contract itself. In this regard, we note that the ANAO has developed standard access clauses for inclusion in contracts. These were forwarded to agencies in September 1997.

The Government supports Commonwealth bodies including appropriate clauses in contracts as the best and most cost-effective mechanism to facilitate access by the ANAO to a contractor's premises in appropriate circumstances.

However, the Government recognises that agencies need to give greater prominence to issues of access, and the overall quality of contracts, and believes this can be achieved through a number of avenues. Commonwealth agencies covered by the FMA Act must have regard to the Commonwealth Procurement Guidelines issued by the Minister for Finance and Administration, under the Financial Management and Accountability Regulations, in respect of the procurement of property and services."

(Senate *Hansard*, 8 February 2001, p.21754).

The Commonwealth Procurement Guidelines and Best Practice Guidance—February 2002 (CPGs) emphasise the importance of agencies ensuring they are able to satisfy all relevant accountability obligations, including ANAO access to records and premises. Section 1.2 of the CPGs (Accountability and Transparency), states:

"As part of their accountability responsibilities, agencies must consider, on a case-by-case basis, including a provision in contracts to enable the Australian National Audit Of-

face access to contractors' records and premises to carry out appropriate audits. Model access clauses have been developed for agencies to tailor and where appropriate, incorporate into relevant contracts".

In addition to these formal measures, the ANAO might also consider the development of an information package for agencies, which gives practical examples of best practice and illustrates the benefits to agencies in negotiating appropriate provisions with their contractors. However, as an independent agency, this is a matter for the ANAO.

Commonwealth Government Response to Lost Innocents: Righting the Record

The report of the Community Affairs References Committee on child migration

The government welcomes this report by the Community Affairs References Committee as a sensitive, comprehensive and insightful appraisal of the child migration schemes and child migrants' experiences in Australia.

The government acknowledges the Committee's concerns to give former child migrants an opportunity to "tell their story" alongside the various institutions which contributed to the Senate Inquiry. Part of coming to terms with the legacy of these schemes is acknowledging both the positive and regrettable practices of the past. The government concurs with the Committee in its hope that this will contribute to the healing process for those who have conflicting or painful memories of the schemes.

The legacy of the child migration schemes must be addressed. An important and necessary follow-on from this report is that the needs of child migrants continue to be recognised by government agencies and that they receive appropriate support and assistance, as they need it.

In responding to this report we understand that former child migrants are not a homogenous group and their needs for support or assistance may vary considerably. Some may be happily settled and not want or need assistance, some may be living abroad, or deceased. Others may have been scarred by their experiences and have suffered long-lasting effects throughout their lives.

The Commonwealth government's focus therefore is on practical support and assistance, with a package of key measures: notably a contribution towards a new travel fund for former child migrants; maintaining funding for family tracing and counselling services; and contributing to a memorial(s) to recognise former child migrants in the

Australian community. This is in response to the Committee's strong emphasis on the importance of family tracing services, counselling and public recognition of child migrants. These are key initiatives the Commonwealth can be involved in to acknowledge its past role in the schemes.

Some recommendations are clearly directed to State governments or sending and receiving agencies. The Commonwealth Government urges State governments and other agencies involved to respond in spirit and in practice to the Committee's recommendations. The Commonwealth Government looks forward to working with these agencies cooperatively and will raise these recommendations further with State governments, as well as referring the Committee's report and this response to the UK government.

Finally, it is acknowledged that State governments, receiving agencies and a variety of archival institutions have already taken steps to support child migrants in various ways and assist them to rebuild their family histories. The government considers that this report will focus efforts to build on these positive steps, (some of which are referred to in this report), and urges all organisations involved to do so.

GOVERNMENT RESPONSE TO THE COMMUNITY AFFAIRS REFERENCES COMMITTEE REPORT: LOST INNOCENTS: RIGHTING THE RECORD

RECOMMENDATIONS

Recommendation 1

That the Commonwealth Government urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and that the Senate Social Welfare Committee's 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.

Government response

The government supports this recommendation and will bring the recommendation to the attention of the Community Services Ministers Advisory Council, acknowledging that children in institutions are the primary responsibility of the States and Territories.

The number of children in institutional/residential care has decreased markedly from approximately 27,000 in 1954 to less than 2,000 currently. Most states and territories have phased out large institutions, with the majority of residential care now

provided in small facilities caring for three to eight children.

Recommendation 2

That British and Maltese former child migrants be treated equally in accessing any of the services currently provided or as recommended in this report, including access to travel funding.

Government response

The government supports this recommendation and agrees that former British and Maltese child migrants should be treated equally in accessing any existing or new services proposed in this response (Refer recommendations 17 and 22).

The government, through the Department of Immigration and Multicultural and Indigenous Affairs, (DIMIA) has funded the Child Migrants Trust to provide counselling and family reunification services for former child migrants since 1990. Services provided by the Trust are open to both UK and Maltese former child migrants. The Trust provides support and assistance to approximately 750 UK and Maltese clients per year.

Recommendation 3

That the Commonwealth Government establish the means to accurately determine the numbers of child migrants sent to Australia during the 20th century to assist in determining the level of support services and other assistance needed for former child migrants.

Government response

The government considers that statistics on the numbers of child migrants sent to Australia during the 20th century are unlikely to help to determine the level of support and assistance that child migrants living in Australia today might require. Child migrants are not a homogenous group in terms of their needs—some may be happily settled and not want to be identified or need assistance, some may be living abroad, or deceased. The government's focus has been, and continues to be, on addressing needs through the provision of counselling where child migrants have presented seeking support.

In terms of providing further statistical information, DIMIA provided as accurate an estimate as possible of the numbers of child migrants to Australia in its submission to the Senate inquiry. The statistics were taken from quarterly statistical bulletins published from 1947 to 1961. After 1961 these statistics were no longer published in this format and instead were aggregated with other more general migration statistics, presumably because the numbers of child migrants had declined substantially by that stage.

DIMIA also provided post 1961 statistics, taken from various reports to Parliament recorded in Hansard over the next decade. However these reports were intermittent and did not provide exact numbers involved. In view of this, DIMIA is unable to provide more accurate historical figures than those already provided to the committee. Future focus will therefore be on identifying levels of need for services, based on those former child migrants seeking them.

Recommendation 4

That in accordance with the 'Statutes of the Most Excellent Order of the British Empire', the Commonwealth Government initiate the process for Francis Paul Keaney's membership of the Most Excellent Order of the British Empire to be cancelled and annulled.

Government response

The government notes the concerns expressed by some former child migrants in relation to Francis Paul Keaney and sincerely regrets the injustices and suffering that some former child migrants may have experienced in institutional care. However the precedents for cancellation of awards of British honours are based on proven criminal offences and would generally result once due appeals processes were exhausted. The serious allegations against Francis Paul Keaney have not been tested through court or appeals processes and cannot be now that he is deceased. The award of OBE ceased with his death. As a result of this, it is not possible to pursue this recommendation.

Recommendation 5

That the Commonwealth Government continue to provide funding for at least three years directly to the Child Migrants Trust to ensure that the specialised services of tracing and counselling are provided or accessible to former child migrants living throughout Australia.

Government response

The government supports this recommendation. The government will continue to fund the Child Migrants Trust for the next three years at an amount of \$125,000 plus associated administrative costs per annum.

Recommendation 6

That the Commonwealth Government urge the British Government to continue financial resources for the National Council of Voluntary Child Care Organisations (NCVCCO) for the retention and expansion of the Child Migrant Central Information Index.

Government response

This recommendation will be brought to the attention of the British government.

Recommendation 7

That the Commonwealth Government urge all State Governments to establish a comprehensive signposting index similar to that established by the Western Australian Government.

Government response

The government supports this recommendation and will refer it to the Community Services Ministers Advisory Council for consideration by State and Territory governments.

Recommendation 8

That the Commonwealth Government urge all State Governments to co-operate to establish a national index of child migrants.

Government response

The government supports this recommendation and will refer it to the Community Services Ministers Advisory Council for consideration by State and Territory governments.

Recommendation 9

That the Commonwealth Government urge State and Territory Governments to publish directories of information to assist all former residents of children's institutions to access records similar to the directories published by the New South Wales and Queensland Governments.

Government response

The government supports this recommendation and will refer it to the Community Services Ministers Advisory Council for consideration by State and Territory governments who have not published such directories. The government notes that there are already several directories in existence:

Good British Stock: child and youth migration (Barry Coldrey, National Archives of Australia 1999), which describes records held by the National Archives of Australia about child migration and provides information about how to access them;

Connecting Kin Guide to records: a guide to help people separated from their families search for their records, (NSW Department of Community Services, 1998); and

Missing pieces: Information to assist former residents of children's institutions to access records, (Families, Youth and Community Care Queensland, 2001).

Recommendation 10

The Committee recommends that a national group of all receiving agencies, other relevant bodies and Commonwealth and State Governments be established to develop uniform protocols for ac-

cessing records and sharing information relevant to former child migrants, their families and descendants and to coordinate services for former child migrants.

Government response

The National Archives of Australia will raise the issue of developing uniform protocols for accessing records, coordinating services and sharing information at future meetings of the Council of Federal and State Archives (COFSTA), a national forum of government archivists. The National Archives will also promote discussion of the recommendations of the Inquiry within the archival community, which includes government and non-government archivists, to increase understanding of the issues and ways of assisting former child migrants.

The Archives has arranged for an article on the recommendations of the Senate Committee to be published in the Bulletin of the Australian Society of Archivists, the archival professional association. The issues will also be raised in professional seminars and workshops.

The Privacy Amendment (Private Sector) Act 2000 (Commonwealth) signals the Government's commitment to the principle that an individual should be able to access records about him or herself. The legislation came into effect on 21 December 2001. It grants a right to individuals to access information about themselves held by a range of non-government organisations. Although there are some exemptions to this right of access, the Government urges non-government organisations holding records about child migrants to make them available to those migrants.

As noted in Appendix 5 of the Report, the Government recognises that much has already been done in both the government and non-government spheres to assist former child migrants to access records and services.

The Commonwealth, Queensland and New South Wales Governments have published guides describing records about child migrants held in their jurisdiction and providing information about how to access them. The Western Australian government has produced the WA Former Child Migrant Referral Index which assists child migrants to that State locate relevant records. State and Commonwealth Governments actively assist former child migrants to access records and provide, or fund, a range of other services including counselling. Many receiving agencies also facilitate access by child migrants to records (see Appendix 5 of the Report).

In view of the administrative and legislative arrangements already in place and the other initia-

tives outlined above, the Government does not consider it necessary to establish a national group of receiving agencies, Commonwealth and State Governments and other bodies.

Recommendation 11

That the National Archives of Australia be provided with sufficient funding to ensure continuation of the program of digitising its records relating to child migration.

Government response

The government supports this recommendation. The National Archives has recently introduced a digitisation service for archival records held in its Canberra office and there are plans to extend the service to National Archives offices throughout Australia, enhancing the accessibility of its collection for all Australians. The Archives has a proactive digitisation program targeting records for which there is high demand.

The National Archives has already made digital copies of 34 key files relating to Catholic institutions responsible for child migrants available, in response to a recommendation made by the WA Christian Brothers' Province Archivist in her submission to the Senate Inquiry. The National Archives guide Good British Stock: child and youth migration identifies over 400 records in the Archives collection about child migration. The Archives will investigate the number of publicly available records listed in the guide that remain to be digitised, assess priorities and arrange for these records to be considered for inclusion in its digitisation program.

Recommendation 12

That the National Archives of Australia liaise with the Genealogy and Personnel Records Section of the National Archives of Canada in relation to the technology, protocols, processes and procedures the Canadians have implemented to facilitate access to their records for former child migrants and their descendants.

Government Response

The government supports this recommendation. The National Archives of Australia is aware of a number of the activities of the National Archives of Canada concerning access to child migration records by former child migrants and their descendants and has taken these into account in developing its own policies and procedures. To ensure that the National Archives is aware of details of the technology, protocols, processes and procedures the Canadians have implemented, the National Archives has approached the Genealogy and Personnel Records Section of the National Archives of Canada as recommended by the Sen-

ate Committee. The National Archives looks forward to receiving a response and to incorporating useful approaches into its policies and procedures.

Recommendation 13

That the Commonwealth Government provide at least three year funding to those agencies engaged in dedicated tracing in the United Kingdom to assist former child migrants to locate their families, based on applications by agencies undertaking that work.

Government response

The government agrees that supporting former child migrants to trace and locate their families in the United Kingdom is an important and practical form of assistance. However the government already does so through its funding of the Child Migrants Trust. The government has given an undertaking to continue to fund the Trust for the next 3 years (refer recommendation 5).

Recommendation 14

That all organisations holding records pertaining to former child migrants make these records available to former child migrants or their authorised representative immediately and unconditionally.

Government response

The government supports this recommendation in principle. The principle of an individual accessing records about him or herself is consistent with Commonwealth, State and Territory archival, privacy and freedom of information legislation and administrative arrangements.

The Archives Act 1983 (Commonwealth) provides a legally enforceable right of access to Commonwealth records over thirty years of age. The majority of records pertaining to former child migrants have now passed the thirty year mark. Where Commonwealth records contain information that is not suitable for public release under the Archives Act (for example, sensitive personal information), access is given only to the subject of the record or their authorised representative.

Commonwealth records less than thirty years of age are generally available to the subject of the record under the provisions of the Freedom of Information Act 1982 (Commonwealth) and the Privacy Act 1988 (Commonwealth).

As noted in responses to recommendations 10 and 15, amendments to the Privacy Act made by the Privacy Amendment (Private Sector) Act 2000 (Commonwealth) grant individuals rights of access to information about themselves held by a range of non-government organisations. The amendments commenced on 21 December 2001.

Recommendation 15

That where any organisation holds primary documents, including birth certificates, relating to any living former child migrant without their express permission, former child migrants be entitled to recover that document from the holding organisation.

Government response

The National Archives of Australia holds many primary documents relating to the interaction of individuals with government although this is more the exception than the rule in the case of child migration records. Such records would more likely be held by those organisations that exercised the role of guardian to child migrants.

The Government notes this recommendation may have differing implications for government, non-government and community organisations holding these records, (see recommendation 14), depending on the legislative framework in which these organisations operate. Recovery of documents held by State and Territory authorities is obviously a matter of consideration for those governments. In the Commonwealth context the National Archives would, in most circumstances, consider these primary documents to be Commonwealth records and therefore would need to comply with the Archives Act 1983 to transfer ownership to another party. It would not be consistent with the Archives' role as custodian of records of archival value to do this.

As noted in response to Recommendations 10, 14 and 16, government archives are responsible for ensuring access to such records and protecting the privacy of child migrants where needed. The Privacy Amendment (Private Sector) Act 2000 (Commonwealth), which came into effect on 21 December 2001, grants individuals rights of access to information about themselves held by a range of non-government organisations.

Recommendation 16

That all sending and receiving agencies be required to extend access to their records to descendants of former child migrants.

Government response

The Government urges all receiving agencies in Australia to continue to assist descendants of former child migrants to access records and so facilitate family tracing and reunion. The Government will convey this recommendation, together with the report, to the UK Government for the information of sending agencies in the UK.

As noted in recommendation 14, Commonwealth records held by the National Archives of Australia about child migrants are already made avail-

able to former child migrants or their authorised representatives on request. Where records sought are not suitable for public release but the applicant is the subject of the file or can demonstrate a close relationship with the subject of the file or a particular need for access, the National Archives of Australia will consider granting access to that person, subject to the protection of privacy of third parties. Similar arrangements apply to State government archival records.

In the case of non-government organisations which hold records about child migrants, the Government suggests that such organisations consider allowing access by descendants provided such disclosure does not amount to a breach of any person's privacy.

Recommendation 17

The Committee recommends that the Commonwealth Government:

confer automatic citizenship on all former child migrants, with provision for those who do not wish to become Australian citizens to decline automatic citizenship; and

that a special ceremony conferring citizenship be conducted for former child migrants.

Government response

The government does not consider that automatic conferral of Australian citizenship is always in the best interests of former child migrants. Automatic conferral could have implications, for example, for a former child migrant's existing citizenship/s as well as any legal or other claims they may have overseas.

The government will, however, examine ways to fast-track applications for grant of Australian citizenship from former child migrants, and extend to Maltese former child migrants the fee exemption currently available to British former child migrants. This fee exemption for applications for grant of Australian citizenship is currently available to British former child migrants who entered Australia from the United Kingdom between 22 September 1947 and 31 December 1967. The Government believes that this is an appropriate and symbolically important concession.

The Government will arrange special citizenship ceremonies for former child migrants as appropriate.

Recommendation 18

That the Commonwealth Government urge the United Kingdom Government to extend its contribution to the Child Migrant Support Fund for at

least a further three years beyond its anticipated end in 2002.

Government response

This recommendation will be drawn to the attention of the UK Government along with other relevant recommendations. Further funding of the Child Migrant Support Fund is a matter for the UK government to consider.

Recommendation 19

That the Child Migrant Support Fund be supplemented by funding from the Australian Government, State Governments and receiving agencies; and that this funding comprise:

- (a) a Commonwealth Government contribution of \$1 million per year for three years initially;
- (b) a combined contribution from State Governments of \$1 million per year for three years initially; and
- (c) a contribution from receiving agencies, and that this be funded by a levy or other means on receiving agencies not currently providing travel assistance, in proportion to the number of children placed under their care as a result of the child migration schemes during the 20th century.

Government response

As an alternative to supplementing the Child Migrant Support Fund, the government will contribute towards a new Australian travel fund for former child migrants from the UK and Malta. Further details are provided in response to Recommendation 22.

Recommendation 20

That the eligibility criteria for access to the Child Migrant Support Fund be broadened to:

- (a) permit visits to family members and other relatives, including aunts and uncles, cousins, nephews and nieces; and for other related purposes, such as visits to family graves;
- (b) be available for all former child migrants, including the Maltese and those who may have undertaken previous visits at their own expense;
- (c) provide for two further visits but with a reduced level of assistance, limited to the payment of airfares and associated travel expenses;
- (d) provide, in exceptional circumstances, travel funding for a spouse, child or other person as an accompanying carer; and
- (e) be subject to no means-testing requirements.

Government response

Funding will be contributed by the Government towards an Australian travel fund. Funds will also be sought from State governments. Eligibility criteria will need to be determined in the context of the total pool of funds available from all sources. Refer Recommendation 22.

Recommendation 21

That the Commonwealth Government, together with other stakeholders, undertake a review of its participation in the Child Migrant Support Fund after three years to determine the adequacy of funding from Australian sources for the fund and the extent of continuing demand for travel from former child migrants.

Government response

The government will seek data on the usage and effectiveness of the travel fund in order to monitor the efficacy of the scheme.

Recommendation 22

That, should the Child Migrant Support Fund not be extended by the United Kingdom Government, the Commonwealth Government establish a separate Australian travel scheme to assist former child migrants to visit their country of origin, and that this scheme be funded by contributions from the Commonwealth, State Governments and receiving agencies as detailed in Recommendation 19; and that the scheme have a broad set of eligibility criteria as detailed in Recommendation 20.

Government response

The Government supports the establishment of a new Australian travel fund and will contribute \$1m per year, plus associated administrative costs, for 3 years in recognition of the importance of enabling former child migrants to return to their country of origin to re-establish connections and reunite with family members. The Commonwealth will also ask State Governments and receiving agencies to contribute to the fund.

The administration of the fund will be contracted to a suitable provider, following a competitive process. The scheme will commence in the 2002-03 financial year. Former British and Maltese child migrants who arrived under approved child migration schemes and were placed in institutional care in Australia will be eligible for the scheme.

Recommendation 23

That, to ensure that choice in counselling services remains available to former child migrants, the Commonwealth Government urge agencies and other State Welfare Departments providing counselling services to maintain those services and expand them where necessary.

Government response

The government supports this recommendation and will refer it to the Community Services Ministers Advisory Council for consideration by State and Territory governments. Former child migrants currently have access to counselling services available in states and territories from government and non-government counselling organisations.

Recommendation 24

That the Commonwealth and State Governments in providing funding for boarding house and supported accommodation programs recognise the housing needs and requirements of former child migrants.

Government response

The government recognises that some former child migrants may require housing assistance. The Commonwealth provides supported accommodation and related support services to help people who are homeless or at risk of homelessness to achieve the maximum degree of self reliance and independence through its Supported Accommodation Assistance Program (SAAP). SAAP's goals are to resolve crisis, re-establish family links where appropriate and re-establish the capacity of clients to live independently of SAAP. The government notes that SAAP may be an appropriate response for former child migrants in crisis situations.

The Commonwealth provides funding for housing assistance to the States and Territories through the Commonwealth State Housing Agreement (CSHA). States and Territories are responsible for service delivery under the CSHA, and provide public and community housing as well as a range of other housing assistance. The guiding principles of the CSHA specify that:

- priority of assistance should be provided to those with the highest needs;
- assistance should be provided on a non-discriminatory basis; and
- housing assistance should be responsive to the needs of consumers.

Recommendation 25

That the Department of Health and Aged Care commission a study into the aged care needs of former child migrants; and that Commonwealth funding be directed into areas of need identified in that study.

Government response

The government will ensure that Aged Care Planning Advisory Committees and Aged Care Assessment Teams are sensitised to the needs of

former child migrants. The government believes that the needs of this group are adequately catered for under the aged care planning, funding and assessment processes provided by the Department of Health and Aged Care. In view of this, the government does not consider that a study of this nature is needed.

Recommendation 26

That the Commonwealth Government urge the British Government to ensure that former child migrants living permanently in the United Kingdom are not disadvantaged in gaining access to income support payments following termination of the Social Security Agreement with the United Kingdom.

Government Response

The government considers that in practice there is little or no likelihood of any former child migrants being disadvantaged as a result of the termination of the Social Security Agreement. The termination of the agreement made provision that all people receiving payments under the Agreement would continue to receive those payments. The UK Government has announced that it will continue to recognise periods of residence in Australia, accrued until 6 April 2001, for the purposes of claiming contributory benefits under the (former) Agreement.

It should also be noted if a former child migrant from the UK has qualified for an age pension in Australia, he or she may return to the UK and reside there, and still be paid the Australian age pension.

Means-tested income support payments (similar to Australia's social security payments) are also available to residents of the UK. Relevant Australian income support payments continue to be payable in the UK under Australian social security law (the Agreement did not affect their payment or the payment of UK pensions in Australia).

Recommendation 27

That the Commonwealth Government provide a prospective one-off grant of \$10,000 to former child migrants wishing to return permanently to the United Kingdom or Malta who can prove that they will permanently relocate in those countries.

Government response

The government is unable to support this recommendation as it poses considerable practical difficulties in terms of establishing proof of permanent relocation and ensuring that the grant is used for its intended purpose. However, should a former child migrant wish to return to the UK or

Malta to live permanently, they may be able to do so through the proposed Australian travel fund.

Recommendation 28

That the Commonwealth and State Governments widely publicise the availability of remedial education services and associated adult education courses to child migrants and child migrant organisations.

Government response

The government supports this recommendation and will refer the recommendation through the Ministerial Council for Employment, Education, Training and Youth Affairs for the States and Territories to act upon.

Recommendation 29

That the Commonwealth Government urge the Attorney-General of Western Australia to urgently review the recommendations of the Law Reform Commission of Western Australia Report on Limitation and Notice of Actions with a view to bringing the Western Australian law into line with other Australian jurisdictions.

Government response

The government supports this recommendation in principle. The Attorney-General will send a copy of the Senate Committee's report to the Attorney General of Western Australia. However any change to Western Australia limitation law is a matter for Western Australia.

Recommendation 30

That the Commonwealth Government issue a formal statement acknowledging that its predecessors' promotion of the Child Migration schemes, that resulted in the removal of so many British and Maltese children to Australia, was wrong; and that the statement express deep sorrow and regret for the psychological, social and economic harm caused to the children, and the hurt and distress suffered by the children, at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

Government Response

The government regrets the injustices and suffering that some child migrants may have experienced as a result of past practices in relation to child migration. The government supports the Committee's emphasis on moving forward positively to concentrate on improving support and assistance for those former child migrants who may need or want such services, as noted throughout the recommendations.

Recommendation 31

That all State Governments and receiving agencies, that have not already done so, issue formal statements similar to those issued by the Western Australian and Queensland Governments and the Catholic Church and associated religious orders to former child migrants and their families for their respective roles in the child migration schemes.

Government response

The Commonwealth government urges State governments and receiving agencies to consider the importance of this recommendation, in recognition of the hurt and distress that may have been experienced by some former child migrants as a result of former migration and institutional practices.

Recommendation 32

That the Commonwealth and State Governments, in conjunction with the receiving agencies, provide funding for the erection of a suitable memorial or memorials commemorating former child migrants, and that the appropriate form and location(s) of such a memorial or memorials be determined by consulting widely with former child migrants and their representative organisations.

Government response

The government supports the concept of a memorial(s) to former child migrants in commemorating the contribution child migrants have made to Australia. The Commonwealth will contribute up to a total of \$100,000 towards any suitable proposals for memorials initiated by State Governments in 2002-03. This funding would be distributed equally amongst those State Governments intending to establish a memorial to child migrants, and it is envisaged that those governments would seek to involve child migrants and relevant receiving agencies in determining the form and location of any such memorial.

Recommendation 33

That the Commonwealth Government support and promote international initiatives that facilitate the sharing of professional best practice, and that ensure uniformity of protocols relating to work with former child migrants and their families.

Government response

The government agrees that international initiatives which facilitate the sharing of professional best practice and uniformity of protocols are important. For example, this is already being done through the National Archives' approach to the National Archives of Canada (see Recommenda-

tion 12) on archival protocols and procedures, as recommended by the Committee.

HUMAN RIGHTS: CHINA

FRANCE: AUSTRALIAN WAR GRAVES

Returns to Order

The DEPUTY PRESIDENT (4.40 p.m.)—I present documents listed at item 12(f) on today's *Order of Business*.

Response from the Minister for Foreign Affairs (Mr Downer) to a resolution of the Senate of 20 March 2002 concerning the arrest in China of Australian members of Falun Gong

Response from the Minister for Veterans' Affairs (Mrs Vale) to a resolution of the Senate of 21 March 2002 concerning a proposed airport in Northern France

SENATORS' INTERESTS

The DEPUTY PRESIDENT—On behalf of the President, I table a letter from Senator Scullion dated 10 May 2002 concerning his pecuniary interests.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.43 p.m.)—by leave—I move:

That the Senate take note of the document.

In this matter, I think it is fair to say that Senator Scullion has effectively thrown himself at the mercy of the Senate which, of course, many people would say is a very risky thing to do. He has written to Madam President setting out the details of his family company, Kerrawang Pty Ltd, which trades under the name Barefoot Marine. He has set out the details of that company's contractual relationship with agencies of the Commonwealth government.

Madam Deputy President, by Senator Scullion's own admission, those contractual relationships may place him in breach of section 44(v) of the Constitution. Section 44 provides that:

Any person who ...

.....

(v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

Senator Scullion has stated publicly that he wishes to have this matter resolved as a matter of urgency. I have sought advice from the Clerk of the Senate. I seek leave to table that advice, now that Senator Hill has perused it.

Leave granted.

Senator FAULKNER—I thank the Senate. I have sought advice from the Clerk and have been advised that the Senate has two options in relation to resolving this matter. The first option is that the Senate could determine that the matters disclosed in Senator Scullion's letter do not give rise to a possible disqualification and that, therefore, no further action should be taken in relation to the matter. The second is that the Senate could refer the matter to the High Court, sitting as the Court of Disputed Returns, under section 376 of the Commonwealth Electoral Act 1918.

Before deciding on which of those options we collectively should pursue, I propose that in this case it would be appropriate for the President of the Senate to convene a meeting of senior senators to draw up a recommendation to the chamber for debate, if necessary, and endorsement. This is a procedure that we have used on a limited number of occasions. Effectively, we have had two options: either that such a meeting be convened by the Leader of the Government in the Senate or that the President—as has happened on at least one occasion—take the initiative. I believe in this particular case it is appropriate for the President to take that initiative. I do accept that it would be important for such a meeting to be held as quickly as possible, because there is an urgent need to resolve Senator Scullion's situation. As senators dealing with this sort of issue, we need to approach this having a mind to Senator Scullion's request and interests in relation to the matters that he has placed before the President of the Senate.

I think the approach I am suggesting to the Senate—and I have informally indicated to Madam President that I would be proposing such a course of action—is appropriate and

sensible in the circumstances. It means that a small group of senators can come together and propose a course of action to the Senate and, in the final analysis, it does give us an opportunity to look at appropriate recommendations leading up to the two options that have been identified by the Clerk. I commend that course of action to Madam President, and to the Senate more broadly. It is, as I say, an absolutely appropriate and sensible way of dealing with this particular matter. I would certainly argue that we do that as quickly as we can so that we can resolve this issue in relation to Senator Scullion's status.

Senator HILL (South Australia—Minister for Defence) (4.50 p.m.)—I will just speak briefly to this matter. I note that Senator Faulkner has not sought to use this occasion to argue that the facts—

Senator Faulkner—Deliberately so.

Senator HILL—Yes, I am assuming deliberately so. I note he has not sought to use this occasion to argue that the facts amount to a breach of that particular provision of the Constitution, section 44(v). Therefore, I also will not seek to use this occasion to argue that matter. On the question of the law, the government side of the chamber has been taking some advice. We have received some preliminary advice, and I have sought further advices arising out of the opinion that we have received. Therefore, after a short while, I think that we on this side will be better able to appreciate the legal consequences.

Having said that, in case this matter is misinterpreted because of the little information that is on the public record, it is important that I make the point that, to me, clearly this is not a case of any deliberate breach of the provisions of the Constitution. This is a case of a now honourable senator who clearly had an interest in a small business which was incorporated in Darwin in the Northern Territory and operated in the marine servicing area. His interest, as we know, was just over one-third of the shares. He was secretary and he received benefits as a director of the company. That family company, in turn, contracted with a range of bodies. Those included the Australian Fisheries Management Authority and some incidental,

one-off contracts with bodies such as the ABC and naval services. The honourable senator is now aware that there can be an argument that because of his indirect interest in that company, from which he received a benefit and the company in turn contracts with those bodies, a question might arise under that particular provision of the Constitution.

It has been brought to the Senate and the Senate now, obviously, has it before it. I think the proposal that it be considered calmly and rationally by senators, not in the first instance on the floor of this place, is a sensible one and one with which I concur. I am not quite so sure I would give the President the obligation to draft a proposed resolution and, thus, lead in the process. It might be better for honourable senators, through the party process and together with the Independents, to discuss the facts of the matter, and the matters pertaining, perhaps separate and distinct from the President. The President has received the letter and has brought it to the attention of the Senate. It is now in the hands of the Senate as to what action it will take.

I have noted the advice given to Senator Faulkner by the Clerk. It was provided to me by Senator Faulkner during question time. The Clerk sets out two options. I think there is a third option—that is, that senators might determine that, on the facts, the matter is not such that it should be pursued in the chamber. The Clerk sets out two options for the Senate, which seem to me to be in terms that the Senate could determine—in other words, resolve—that the matters disclosed do not give rise to possible disqualification. Alternatively, the Senate could resolve to refer the matter to the High Court. I am suggesting there may be a third option that, on the merits of the matter, senators might simply not pursue the matter. There may not be a resolution moved in this place but that is something that can be discussed in the next day or two.

Senator Faulkner—It requires some caution.

Senator HILL—You have expressed a view; I am expressing a view which, in this instance, differs slightly from yours. It seems

to me that in the circumstances there is no party benefit that would flow from any action that is taken in this instance. Therefore, if there is no benefit to be gained between the parties, that is another good reason why the matter could be better settled outside the public political forum of this chamber. That is all I want to say at the moment. I am pleased that Senator Scullion has brought it to the attention of the President. I do not know that I would quite have used Senator Faulkner's terms of throwing himself at the mercy of the Senate. Certainly, he has recognised that it is the appropriate thing in the circumstances, having become aware of these matters and the possible consequences, to bring it to the attention of fellow senators. He has done that. I believe now, hopefully, in a calm and rational way, honourable senators can decide how the matter should be further progressed.

Senator BROWN (Tasmania) (4.57 p.m.)—I say at the outset that I take a liberal view of matters like this. I have been in parliaments long enough to know how easily inadvertence can lead to serious outcomes. I would like to point out again that section 44 of the Constitution needs changing. Clause after clause of that part of the Constitution needs changing. The Australian people are sensible enough to see that that is the case. I have had before this chamber legislation to change section 44 of the Constitution insofar as it prevents probably five million Australians from standing for parliament because they have some arrangement with the Crown—they get a pension, they are under a wage or, indeed, they have dual citizenship. There is a whole range of reasons why Australians cannot stand for parliament and, 100 years after the Constitution was written, not only is that a nonsense; it is a great injustice. We ought to change it. When it comes to section 44(v), which is the case in point, the terms used are that any person who—

Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons—

shall lose their seat. Does this mean that, if I go down to the ABC Shop, buy some CDs

and get a receipt from the cash register, I have definitely entered into an agreement? If I set up an account there, does this mean that I have lost my seat? I think that would be highly arguable in the High Court. The matter ought to be subject to clearer enactment, so that people know exactly where they stand. That is my view of the matter at this stage. I admire Senator Scullion for his presentation to the President and, therefore, to the Senate.

Senator ROBERT RAY (Victoria) (5.00 p.m.)—There are remarkable similarities between Senator Scullion's circumstances and those of the Webster case in 1975. On that occasion, evidence was inadvertently given to a joint committee and had to be sent on to the Senate. It pointed the finger at Senator Webster for being in possible violation of section 44(v). Since then, there have been two other cases referred by the Senate to the Court of Disputed Returns; that is, the High Court acting in that capacity. There was the Woods case in 1988, which was based on citizenship, where Senator Woods was disqualified from this chamber. Then there was the reference—albeit a qualified one—of the matter of Ms Jeannie Ferris, who was then a senator-designate, on the basis of office of profit under the Crown. There were broad hints dropped by this Senate—not the least of which were by me and others—that the most appropriate way to deal with that was to resign and be renominated.

Those above cases were reasonably clear cut in terms of the Constitution. But in this case, section 44(v) is quite confusing. In the Webster case, Justice Barwick sat alone. It was an incomprehensible decision to anyone how, on such a major constitutional issue, he could sit alone. Nevertheless, he did. We would say he did so because he was a spear carrier for the coalition on all occasions. In reading his judgment in the Webster case, I admire the convoluted rationalisations he went through to come to his conclusion, but I also recognise the conservative bias that was involved.

There were two questions that went to the High Court, which would be similar in this case if it ever got to that stage. They were:

(a) Whether Senator Webster was incapable of being chosen or of sitting as a senator; and (b) Whether Senator Webster has become incapable of sitting as a senator.

In that case, some pretty well-known people appeared. Ted Hughes appeared for the attorney-general of the day and one William Deane appeared for Senator Webster. Both of them went on to greater heights. In the Webster case, though, Justice Barwick ruled that transactions were indeed with the Public Service, but that they were consequences of 'open and competitive quotation'—in other words, a competitive tender. He went on to say that the transactions were 'uninfluenced by the fact that Senator Webster was a member of the company'. In other words, his role as a senator had nothing to do with that company winning the contract. Barwick argued that section 44(v) was designed so that MPs cannot be unduly influenced by the Crown. He went back to the founding fathers debate to get that. Barwick went on to argue that 'casual or transient' contracts are not enough to trigger disqualification. He said:

The agreement, to fall within the scope of section 44(v), must have a currency for a substantial period of time, and must be one under which the Crown could conceivably influence the contractor in relation to parliamentary affairs by the very existence of the agreement.

He went on to say:

I am clearly of the opinion that no standing or continuing agreement was created by them.

With regard to the pecuniary interest, either direct or indirect—which Senator Brown just overlooked—he came up with a fairly strange ruling. He said that, unless there was a pecuniary interest in the day-to-day transactions, it would not in fact apply. So what we have coming out of the Webster case is a very restrictive interpretation of section 44(v).

Just a few years later, the very distinguished Senate committee on constitutional and legal affairs produced a report on the qualifications of members of parliament. The report said that the Chief Justice's judgment was narrow in scope and was based on the particular facts before him. I think that is quite important. The report strongly disagreed with the Barwick judgment, saying

that he was far too concerned with the ability of the Crown to influence members of parliament, rather than the other way around. That is why, if one of these cases ever goes back to the High Court, it may be interpreted entirely differently from the Barwick case. It was also critical of Barwick's tendency to isolate contracts as being transient; in fact, when you put them all together they almost certainly constituted a rather large agreement between the two parties.

Today we have seen a letter from Senator Scullion tabled in this parliament. It begins by saying, 'I am writing in connection with a possible breach by me of section 44(v) of the Constitution.' Once that letter is tabled here, it has to be dealt with. We cannot ignore it once Senator Scullion has put it before us. It is a bit of an attention grabber. In the letter, Senator Scullion questions whether AFMA and the ABC come within the ambit of arrangements with the Public Service—as does, I think, the government's first legal opinion. I would have to say that it does, and I do not think that argument will hold water. If Senator Scullion worked for AFMA or the ABC and ran for parliament without resigning, he would be regarded as having an office of profit under the Crown. Similarly, I do not think any court would rule that this is not an arrangement with the Public Service, notwithstanding the legal views—pretty puerile views—put in the first cut of legal advice to government.

Senator Scullion offers three courses of action in the letter. For the first, he says that it is open to the Senate to decide that there is no breach of section 44(v). That is true, and that may well be where we get to. I must say that the suggestion of Senator Faulkner and Senator Hill, who both said that this is a classic issue and we could take it off-floor for a while and consider it, is very sensible. This may not mean, though, that the matter does not go to the High Court. Any Australian citizen can take this matter to the High Court, with the temptation, of course, that they can be rewarded at the rate of £100 a day—I do not know where you get the £100 from these days—but the risk of losing and paying legal expenses balances that. But you can never be certain, and we cannot say that

the matter cannot go to the High Court. Any citizen could take it to the High Court.

Senator Scullion went on to say, with respect to the second course of action he put, that we could be dealing with the situation of a casual vacancy if he were to resign. I really think that is not on. That would be a very silly course of action. If there is an offence, it not only is an offence now but also was an offence at the time of the election. If there was an offence at the time of the election, the High Court will rule for a recount. So there is no purpose in resigning and being reappointed—which I went through before, Senator Ferris, saying that I believe it was appropriate in your case, although if it had eventually gone back to the High Court I do not know what they would have ruled in terms of your initial eligibility. I think it would have been all right. But it is not an option that I would recommend to the senator in this case. It just simply would not work.

Senator Scullion then talks about a third course of action, and that is that we could do what we normally do in these cases: refer it to the Court of Disputed Returns. We have done so before, and we could do so again. I do not think we should do that today. I think it should be considered to see whether it is necessary. In the case of it going to the Court of Disputed Returns, there is not a requirement on Senator Scullion to stand aside. Senator Webster did; Senator Woods did not. I personally think that you continue here until you are rubbed out—if you are ever rubbed out, I should say.

The biggest problem with this, in terms of Senator Scullion's correspondence, goes to the company's long-term relationship with the AFMA—going back to 1991—and the fact that it provided three-quarters of the company's income in 2001. I do not think any of the other contracts entered into will qualify under section 44(v). They all seem to me to be transient, to be at arms-length, to be the result of a tendering process. They cannot be described as agreements between that company and the Public Service. The only one that might be able to be so described is the AFMA one that goes back over something like 11 years.

Finally, it has to be said—and I think Senator Hill touched on this—that there is absolutely no advantage for the Labor Party in this saga. If for some reason Senator Scullion were to be eliminated, the CLP would send some other dalek along to replace him. What is the benefit for us in that? We do not even want to play mischief on this, because there is absolutely no political benefit to play mischief on this. So, in the end, we just have to do our duty—what is best by this Senate chamber; what is best in recognising what the Constitution meant. In the end, that judgment will be that we do not think there is a case or we think the High Court should hear it. Other than that, it really has very little relevance to the way the chamber operates.

Senator MURRAY (Western Australia) (5.10 p.m.)—The Australian Democrats are well informed by the proposition put by Senator Faulkner and varied somewhat by Senator Hill—but still in the same direction—and by the remarks of Senators Brown and Ray. It crossed my mind, Senator Ray, that if it can be referred to the High Court you have to hope, Senator Scullion, that your number two is not desirous of that course of action. So we will leave that nasty thought dangling in your camp.

However, I will return to the nub of the proposition. Senator Hill's view is that some delegated members of the parliamentary parties, with the assistance of somebody provided by the Greens and Independents, should meet to review the matter. I assume the next step—which you did not mention, Senator Hill—is to then advise the President accordingly. I assume that is the process. The Australian Democrats would be happy with that process. It does need, however, to be brought back into the public arena. I think that is the point inferred by Senator Ray. It does need to be debated and discussed in full. It does need to be a matter of public interest, exposed with the variety of arguments that need to attach to it.

I agree with Senator Ray, as do my colleagues, that this is not a matter of politics; this a matter of constitutional law—and, might I say, a badly drafted and opaque constitutional law. The Democrats have joined

with every parliamentary party and every Independent that I have known in this place in the belief that section 44 needs to be radically done over. I hope that one day some government will put that up and that it will succeed.

Senator Robert Ray—It only costs \$50 million. Do you want to put it up yourself?

Senator MURRAY—For the benefit of *Hansard*, Senator Ray interjects that if I have a spare \$50 million I can put it up. My recommendation is that it be put up at the same time as a general election, but I doubt that would get currency.

I believe the course of action suggested by Senator Faulkner and modified by Senator Hill should be proceeded with. I think the matter should be resolved rapidly—namely, in the next parliamentary sitting—which would entail those who have to meet doing so probably outside this sitting if there is not enough information available in that time. That might require some telephone hook-ups and that sort of thing. We would certainly cooperate as a party with your suggestions.

Senator HARRIS (Queensland) (5.13 p.m.)—I agree with Senator Faulkner and Senator Hill that this is not the time to discuss the merits or the complexities of Senator Scullion's position. It is different in that, to my knowledge, section 44 is normally commenced only when a person challenges a senator's right to actually sit. In this case, Senator Scullion's self-explanation makes the issue quite different.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! The time for the debate has expired. I therefore put the question that the motion moved by Senator Faulkner be agreed to.

Senator Harris—I raise a point of order, Mr Acting Deputy President. We have a verbal motion by Senator Faulkner and there is an indication that an amendment has been put by Senator Hill.

Senator Hill interjecting—

The ACTING DEPUTY PRESIDENT—Order! Senator Hill, wait until Senator Harris concludes his point of order.

Senator Harris—My point of order is that I ask for clarification whether the motion put is as amended by Senator Hill.

The ACTING DEPUTY PRESIDENT—Senator Harris, there is no amendment. As I understand it, there is simply a motion to take note of the document.

Senator Hill—I was trying to say that, if Senator Harris were to seek leave to finish his remarks and would do so within a few minutes, we on this side we would give him leave.

Senator HARRIS (Queensland) (5.16 p.m.)—by leave—The other point I wish to make very briefly is that Senator Ray raised the Common Informers (Parliamentary Disqualifications) Act 1975. With great respect, I think Senator Ray may be incorrect because that act, if it is constitutional, also removes the penalty element. In concluding, I place on record that One Nation would support the taking note of the document and also a group of senators looking at that and then coming back and reporting to the President.

Question agreed to.

DOCUMENTS

National Schools Constitutional Convention

The ACTING DEPUTY PRESIDENT (Senator Chapman) (5.17 p.m.)—On behalf of the President, I present a communique from the 7th National Schools Constitutional Convention, which was held at Old Parliament House from 20 to 22 March 2002. Over 116 children attended the National Schools Constitutional Convention, and the President was very pleased to accept a communique from the students at Old Parliament House on 22 March. I propose that the communique be incorporated in the *Hansard* so that all senators are able to read it.

The document read as follows—

Seventh National Schools Constitutional Convention

The seventh National Schools Constitutional Convention was held in the Members Dining Room, Old Parliament House on 20-22 March 2001

One hundred and sixteen student delegates from all Australian states and territories took part in the Convention organised by state and territory edu-

education authorities with funding in 2002 provided by the Department of Education Science and Training.

The National Schools Constitutional Conventions seek to promote understanding and informed discussion amongst young Australians about the Australian Constitution and system of government. Its three main aims are:

1. To provide an opportunity for senior students to explore constitutional issues
2. To encourage those students who are informed and actively interested in the Australian system of government to pursue this interest
3. To increase student awareness of key constitutional matters.

Student delegates from every Australian school in the catholic, government and independent education sectors are given the opportunity to participate in regional and state/territory schools constitutional conventions, where they are either selected or elected to attend the National Convention.

Student delegates were welcomed to Canberra by the Hon. Simon Corbell, MLA the ACT Minister for Education and Children's Services. As part of the Convention program, delegates toured Parliament House, attended Question Time in the House of Representatives, met with Members of Parliament at afternoon tea and attended a reception at Government House. The Hon Senator Nick Minchin welcomed student delegates to Parliament House. Students also attended an Official Dinner in the Member's Dining Room and listened to a presentation by Mr Scott Hocknull, Young Australian of the Year 2002 who was the guest speaker for the evening.

The Convention was opened by Mr Arthur Townsend, Assistant Secretary, Quality Schooling Branch, Department of Education, Science and Training on behalf of the Hon. Dr Brendan Nelson. Minister for Education, Science and Training. Mr Tony Mackay, Vice President of ACSA, chaired the Convention proceedings.

The theme for the Convention was Beyond Borders and Beliefs: Governing Australia in the 21st Century.

Convention delegates discussed two issues:

1. **Indigenous Rights: Should Indigenous Rights be spelt out in the Australian Constitution?**
2. **Human Rights: Should the Constitution require Australian governments to comply with international treaties, once Australia is a party to them?**

Parliamentarians Aden Ridgeway (Australian Democrats, Marise Payne (Liberal Party) and Tania Plibersek (Australian Labor Party) participated in an introductory panel session related to the Indigenous Rights issue. Mr Peter Buckskin was also in attendance. Panel members spoke for 10 minutes and Mr Ridgeway and Mr Buckskin responded to student delegate's questions.

Professor Cheryl Saunders, AO, Centre for Comparative Constitutional Studies, University of Melbourne, Mr. Tjaart Steyn, First Secretary, South African High Commission and Mr Jack Waterford, Editor-in-Chief of The Canberra Times participated in an introductory panel session related to the Human Rights issue. Panel members spoke for 10 minutes and the panel responded to student delegate's questions.

At the conclusion of the Convention, the Hon Senator Margaret Reid accepted the Communique to convey to the Prime Minister and the Commonwealth Parliament.

The conclusions of the Convention on the two issues were as follows.

Beyond Borders and Beliefs: Governing Australia in the 21st Century

Issue 1. Indigenous Rights: Should Indigenous Rights be spelt out in the Australian Constitution?

1. A clear majority of convention delegates supported the following.

- That Section 25 be removed from the Constitution
- That the rights of indigenous Australians should be acknowledged but not specifically protected.
- That a preamble to the Constitution should recognise the original occupation of Australia by Aboriginal and Torres Strait Islander peoples and their cultures.
- That there was an over-riding need to address indigenous rights outside the Constitution through improved education, national leadership, and the promotion of public debate and collective action on these issues.

2. In response to the question 'Should indigenous rights have specific protection?' the conclusions of the Convention were as follows

- The majority of delegates considered that indigenous rights should not have specific protection within the Constitution

The reasons for the majority adopting this position included that:

- any rights statement should apply to all Australian including all minority groups such as

indigenous peoples and that the singling out of one group could be discriminatory

- the identification of specific rights for indigenous Australians could be divisive
- efforts would be better directed towards addressing social inequalities faced by indigenous Australians than towards trying to protect indigenous rights
- rights were already implied or addressed in current legislation
- A significant minority considered that whilst basic rights for everyone should be protected, there were some rights of critical importance to indigenous Australians that should also be given specific protection.

3. In response to the question 'what indigenous rights if any should have specific protection?' the conclusions of the Convention were as follows:

The significant minority who felt that some rights of indigenous Australians should be given specific protection suggested that these rights could include:

- those pertaining to linguistic, ethnic and cultural characteristics and identities
- the right to manage their own affairs¹ and be supported in this
- a right to claim Native Title
- an acknowledgment of customary laws
- an acknowledgment of traditional custodianship of land

4. In response to the question 'Should specific protection of indigenous rights be provided through the Constitution and should these be justiciable?' the conclusions of the Convention were as follows:

- The majority of delegates considered that the use of a preamble to the Constitution to give symbolic expression to indigenous rights was preferable to spelling out rights in the Constitution as being non-justiciable
- A significant minority of delegates considered that a Treaty provided a better means for gaining expression of the rights of indigenous Australians
- A significant minority of delegates considered that both a Treaty and a Preamble provided the best means for gaining expression of the rights of indigenous Australians
- A significant minority of delegates considered that neither a Treaty nor a Preamble should be used as a means for gaining expression of the rights of indigenous Australians, preferring social action and legislation

as the means to bringing about the required outcomes.

Issue 2. Human Rights: Should the Constitution require Australian governments to comply with international treaties, once Australia is a party to them?

1. In response to the question 'Should the Constitution require the Parliament to approve some or all international treaties, before Australia finally becomes a party to them and if so what Treaties?' the conclusions of the Convention were as follows.

- A clear majority of convention delegates supported the proposition that the Constitution require the Parliament to approve some, but not all, international treaties, before Australia finally becomes a party to them.
- Within this clear majority the category of Treaty requiring Parliamentary approval was variously described as those relating to Human Rights and those with clear legislative and/or budgetary implications.
- The category of Treaty to be approved by Executive Council rather than requiring Parliamentary approval was mainly described as technical, administrative or executive² in nature.
- A minority view was expressed that the Executive Council should continue to approve all Treaties.

2. In response to the question 'Should the Constitution provide that some or all treaties automatically come into effect once Australia is bound by them?' the conclusions of the Convention were as follows.

- A clear majority of convention delegates supported the proposition that Treaties described as technical, administrative or executive in nature should be self executing.
- A clear majority of convention delegates supported the proposition that Treaties relating to Human Rights and those with clear legislative/budgetary implications should
- require Parliamentary approval and
- simultaneously come into effect and where necessary require legislative action.
- A significant minority view was that no Treaties should automatically come into effect, but all Treaties should be scrutinised by Parliament.
- A minority view was that the current arrangements whereby Treaties are ratified by the Executive Council do not require any

automatic legislative/Parliamentary obligations.

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The views expressed at the 2002 National Schools Constitutional Convention do not necessarily represent the views of the Commonwealth Department of Education, Science and Training.

¹ A concern was expressed by some delegates that custodial law could violate Australian laws and that to avoid this possibility custodial law should only operate within tribal communities.

² Delegates indicated that definition of what might be deemed 'executive' needed further clarification

COMMITTEES

Legal and Constitutional Legislation Committee

Additional Information

Senator FERRIS (South Australia) (5.18 p.m.)—On behalf of the chair of the Legal and Constitutional Legislation Committee, Senator Payne, I present additional information received by the committee from the Australian Customs Service, the Office of the Federal Privacy Commissioner and the Commonwealth Bank of Australia relating to the committee's inquiry on the security bills.

Legal and Constitutional References Committee

Report

Senator McKIERNAN (Western Australia) (5.18 p.m.)—I present the report of the Legal and Constitutional References Committee on sections 46 and 50 of the Trade Practices Act 1974, together with the *Hansard* record of the committee's proceedings and submissions received by the committee.

Ordered that the report be printed.

Senator McKIERNAN—I seek leave to move a motion in relation to the report.

Leave granted.

Senator McKIERNAN—I thank the Senate. I move:

That the Senate take note of the report.

The proposed amendments to sections 46 and 50 of the Trade Practices Act 1974 were referred to the committee by the Senate on 8 August last year on the motion of Senator Murray. They follow directly from the recommendations of the Joint Committee on the Retailing Sector which in 1999 inquired into the growth of large supermarket chains and their impact on small and independent retailers. A number of that report's recommendations were subsequently adopted, but two significant recommendations were not. These form the basis of the amendments which this committee has been examining.

The first amendment considered by the committee proposes an addition to section 46 of the Trade Practices Act. Section 46 deals with the misuse of market power. At present, where it is alleged that a corporation with a substantial degree of market power has used that power for a purpose prohibited under the act, such as eliminating or damaging a competitor or preventing a new entrant into the market, the person or organisation making the allegation must prove their case against the corporation. If this amendment were implemented, the onus of proof would pass to the corporation. It would have to prove that it did not engage in such conduct. Evidence to the committee from those opposing the amendment suggested that the current section 46 provisions were perfectly adequate to prevent corporations misusing their market power. They cited a number of successful prosecutions of offending corporations.

Evidence from those supporting the amendment claimed that it was very difficult to bring successful prosecutions. Many of them felt that even with the reversal of the onus of proof, as proposed by the amendment, successful prosecution would remain difficult. Some evidence therefore suggested that, in addition to reversing the onus of proof, the purpose section should be replaced by an effects test. This would mean that the

prosecution would not have to establish that an offending company acted for a purpose prohibited under the act but only that this was its effect. That is a much lower barrier and one wholeheartedly opposed by some witnesses.

The other amendment proposes an addition to section 50 of the Trade Practices Act. Section 50 deals with divestiture. The purpose of section 50 is to prohibit acquisitions that would result in 'a substantial lessening of competition'. It is intended to block mergers or takeovers that would have such an effect, although those may be permitted if they were deemed to be in the public interest. Concerns have been expressed by some that the current section 50 provisions, while they may act as a brake on market concentration achieved through mergers or acquisitions, do nothing to prevent companies achieving such domination by gradual acquisition. This amendment, it is suggested by some, if implemented would prevent creeping acquisitions which result in a substantial lessening of competition. Business organisations advised the committee that such an amendment was both unnecessary and potentially very damaging to business because of the uncertainty it would create and its likely impact on business confidence and investment.

All those providing evidence to the committee recognised the seriousness of the divestiture remedy and the need to limit its use to the courts. After these amendments were referred to the committee, the parliament was dissolved for the election. During the election campaign the Prime Minister foreshadowed an inquiry into the competition provisions of the Trade Practices Act. Details of this inquiry, to be chaired by Sir Daryl Dawson, were announced last week. Given the breadth of that review and the fact that it will encompass sections 46 and 50 of the act, the committee has decided not to make recommendations on its findings at this time. It will await the report of that review and any recommendations that may be contained therein. The committee proposes to refer its public submissions, the transcript of its public hearing and its report to that review committee.

With the assistance and cooperation of all those who lodged submissions and gave evidence to the committee, the committee has provided a short, readable and balanced report. I express my gratitude to my committee colleagues for their assistance during the course of the inquiry. Lastly, I want to particularly thank the members of the committee secretariat who have worked under very difficult circumstances in the last few weeks in order to bring this report to the chamber today. It was not this report that caused the difficult circumstances for the committee and its sister committee, the legislation committee; it was the number of very important and very serious references from the chamber which we had to complete in very short periods of time. I must say that when some of the references were made I was not actually in the chamber or, indeed, in the country at the time or I might have had something to say about the workload that was imposed upon the two committees and the secretariats of the committees.

I am happy to say that members of the secretariat did have a free weekend last weekend, something they have not had for a number of weeks in order to manage the preparation of the various reports that have been brought to the chamber today and during the course of the last few days. These are instanced on pages 6 and 7 of today's *Order of Business* that has been distributed in the chamber. On behalf of all members of this committee and the legislation committee, I thank all members of the secretariat—there have been a number of people engaged in the preparation of this report and the other reports and in the sifting of the evidence we have received—for their efforts in bringing this report, and the other reports, to the chamber.

Senator MURRAY (Western Australia) (5.25 p.m.)—I wish to commence by talking briefly about the chair, Senator McKiernan, who is leaving us on 30 June. I was a substitute member for my party—the Australian Democrats—to this committee; it is not my normal committee, but since I had referred the terms of reference in question I sat through it. I have previously sat on the committee and had the pleasure of working under

Senator McKiernan. I would acknowledge again for the Senate that there are a number of excellent chairs with differing styles on all sides of the chamber, but Senator McKiernan ranks very highly, in my opinion, and amongst the best. I would refer the kind of conduct he normally carries through to those couple of shocking chairmen who I also have experienced who might benefit from his style and the style of some others who are good at that job. I also thank the secretariat: I am conscious that they have been under great pressure, and they have done a credible and thorough job on what is a very readable report.

Turning to the report, I and my party are unashamedly supporters for a stronger Trade Practices Act. The two sections which were referred—46 and 50—are the subject of weaknesses and we think they could be improved. We would argue strongly for that to happen, and we recognise that our view is not supported by big business, which is a sure sign, I think, in matters of trade practices that we are on the right track. We do accept the chair and the committee's view that the government inquiry overtakes this one and does need to be finalised and heard from before we either recommence or reappraise our own term of reference, or perhaps broaden it to consider what the government inquiry is going to come up with.

These trade practices issues go to the very heart of relationships between business and consumers and between businesses of a large size and those of a small size. They also go to the very heart of what should be regulated in relation to competition. In my view it is not entirely an economic matter; it is also a question of social values. The areas under consideration are always contentious and always have very large effects on the conduct of business. I have noted a small level of feeding frenzy on Professor Fels recently. I want to put on the record that I continue to be a strong supporter of the way in which the ACCC are conducting themselves and are pursuing the economic interests involved in competition policy as well as the consumer interests involved in making sure that Australians get a fair go. I would say to those corporate bureaucrats who populate big

business: the more you give him a hiding, the more I think he is on the right track. So let's put that on the record.

I do not think now is the time for me to come to conclusions as to the best direction to go as a result of the committee's considerations. They have not come up with recommendations. I sense in some members of the committee a real interest in further reform. I thought that the senators participating in the committee were well informed, had experience and had a strong background in this area. I think there is a great deal more that needs to be said on these two issues of section 46 and section 50.

One thing I will say, though, right up front is that I do not think there can be any consideration of this country having the complete equipment which should go with a trade practices act until the divestiture issue is better addressed. It seems to me passing strange that the United States are continually lauded by those who value the operations of the free market, yet the contribution of their divestiture laws—their antitrust laws, as they are known—is passed by in terms of our own laws. That is one area where I think some form of addressing the divestiture issue better than under section 81 as at present needs to be found. I also believe that section 46 continues to be inadequate for the job it is required to do.

Senator Boswell—What about predatory pricing?

Senator MURRAY—Senator Boswell knows, having sat with me through the Baird inquiry, that there are not many senators fiercer than I am on predatory pricing and how it performs. Senator Boswell, I recall that my recommendations to the Baird inquiry went far farther than those you ticked off at the time. But, hopefully, you are coming along in my direction now. That would be good to see.

The other matter I wish to address briefly is the difference in consideration given to corporate executives under the law versus the consideration that they would get as ordinary citizens. It is my view that it is appropriate for large corporations to have less protection than is available to a citizen in the

normal course of events—because without that less protection you cannot get behind the corporate veil. Accordingly, I agree with the parliament as a whole which has passed various provisions reversing the onus of proof requiring the production of documents and various matters which require people behaving in a corporate capacity to comply with the law more fully than they would otherwise have to as individuals—and I think that is necessary. Giant corporations with their resources and their powers need to be prised open where it is in the public interest. I will address these matters further at another time.

Senator LUDWIG (Queensland) (5.33 p.m.)—I also rise to speak to the Senate Legal and Constitutional References Committee report relevant to the inquiry into section 46 and section 50 of the Trade Practices Act 1974. Senator McKiernan did provide an overview of the report—and I want to add specifically that we will be saying goodbye to Senator McKiernan at the end of this sitting and that we wish him well in his future endeavours; however, that is for another day—but it is worth commenting that the experience he brought to the inquiry benefited everyone in understanding the issues. He chaired the committee well and a report has been produced that explores the issues well.

I detected a slight note from Senator Murray—perhaps wrongly, so do not take it adversely—of disappointment in that the report did not provide the conclusion that he was hoping for or that the committee might have come up with. From my perspective, when we started the inquiry we found that the terms of reference which were provided, although specific, limited in some respects the direction in which the committee could go because in truth we were looking at section 46 and section 50. In doing so, we had two issues in mind: the issue of market power and the misuse of market power under the Trade Practices Act and, linked to that, the requirement that the ACCC be the holder of the power that Senator Murray was seeking to provide them with—the reversal of the onus of proof in the misuse of market power

in that section. Similarly, divestiture would be a matter that the ACCC would hold.

The question more broadly is in relation to part IV, the restrictive trade practices that occur in industry, and whether those issues should have been canvassed and explored. We found during the inquiry that other issues started to intrude—other issues were raised in the many submissions before the committee—such as whether or not an effects test, which I will go to later, might be a better answer. The committee, at least in my mind, was in the position of having to not only look at suggestions by Senator Murray and the reversal of the onus of proof but also consider whether an effects test might be a better outcome or whether a combination of a reversal of the onus of proof or an effects test might be an even better outcome.

It led me to the conclusion that what was really needed was a broader inquiry to ensure that the area of restrictive trade practices is effective in dealing with the downside to competition. What we discovered in the submissions was that competition in itself can be quite brutal and that it can have effects: businesses can go to the wall in pure competition and businesses can suffer great harm—in fact the ultimate harm of being put out of business—as part of the competitive process. The question is of course: where do you draw the line between fair and effective competition, which might have that result, and unfair competition, which does have that result? The genesis of the Trade Practices Act seems to have been to try to at least put all those balancing positions into the legislation to ensure that competition is fair, effective and reasonable. But it is very difficult to take those sorts of broader concepts and coalesce them into an act that works for everybody.

I discovered during this inquiry that there are many different views about what is fair and effective competition. What kept recurring was that an effects test might be a better approach and, specifically, whether an effects test is a better approach. The proposition that was put forward for section 46(8), misuse of market power, was to reverse the onus of proof. Reversal of the onus of proof would mean that a corporation would have to

demonstrate that they had not taken advantage of their power for a purpose referred to in subsection (1)—effectively, that they had not misused their market power to some end. The effects test is where you have the effect—in other words, the end point—of getting to the misuse of market power. The ACCC indicated that, although they would prefer or seemed to enjoin Senator Murray's case of having a reversal of onus of proof, they did not want to rule out the ability to also have an effects test. In fact, as far as I could understand, they would prefer both in the end. That in itself left me in enough doubt to say it is not clear-cut that Senator Murray's proposal should succeed but, equally, it is not clear-cut that Senator Murray's proposal should fail.

It was pointed out during the inquiry that the effects test is currently in the Trade Practices Act in sections 45, 47 and 50. The ACCC pointed that out to the members of the committee and they were, to put it in my words, minded to that uniformity in the Trade Practices Act. The witnesses, on the other hand, were equally divided. There were some strongly in favour of the reversal of the onus of proof. There were many against the reversal of the onus of proof. Some of those who were against it preferred a different test such as the effects test. A number of submissions also foreshadowed that there may be a government inquiry as part of a wider inquiry into the process.

This report has had a long gestation period. It started in the last parliament and continued into this one. Because of that long delay, we got caught up with an election. There was an intimation during the last parliament that the policy of the government was to have a wider inquiry into the Trade Practices Act. Then, close to the completion of the report, the government did announce an inquiry. The scope of the inquiry is quite wide ranging. That, hopefully, will provide an analysis of the area. It will hopefully provide some concrete direction. It will allow the submitters to our inquiry to broaden their approach outside the terms of reference that the Senate had in relation to this report. It also will give this Senate an opportunity to provide the information and evidence to the

wide-ranging inquiry, which I hope will assist that inquiry. In conclusion, it will provide the wide-ranging inquiry, which is to be commenced soon, with a direction which will not be so confined as our terms of reference—although I do understand the reasons. There is no backhander in that comment in relation to Senator Murray; I do understand the reasons why they were framed in the way they were. The wider inquiry, hopefully, will provide a greater direction and perhaps assist some of those submitters who did point to what could only be considered unfair competition or competition which seemed, at least from the evidence, to harm their business in ways that were certainly unforeseen when the legislation was initiated many years ago. (*Time expired*)

Senator COONEY (Victoria) (5.43 p.m.)—As has been said by the previous speakers, this was a Senate Legal and Constitutional References Committee inquiry into two matters of great importance in the world of business. It was initiated by Senator Murray who, to me at least, seems to have a great natural understanding of the world of business. It is important that we in the Senate do have that understanding available to us because business is the driving heart of the economy. It is because of that, because we as a community depend so much on how business acts, that this is so important and it is why Senator Murray initiated this inquiry, which was well chaired by Senator McKiernan, and the things that Senator Murray said about him I say again.

Senator Abetz—Barney should have been the chair.

Senator COONEY—Senator Abetz, you have been on this committee, as indeed has every senator in this chamber, excepting you, Mr Acting Deputy President Chapman. Nor has Senator Ferris but I have served with her on other committees and she is outstanding. In any event, how to get fair competition in the business world is an important issue. As section 46 stands now, it is not working as well as it might, even under the considerable skills of Professor Fels, and I think he has been outstanding in the Australian Competition and Consumer Commission. He has been outstanding as the person who does

most of the planning and who runs that very important commission so well. I hope he continues for a good time into the future.

The issue, as has been described, is whether in talking about whether competition has been fair we ought to look at the intention of a particular company that has pursued a course of conduct. That raises the question whether or not it has been acting fairly and whether we should test that in terms of the intent of the company or whether we should look at it in terms of the effect. Sir Daryl Dawson, a very eminent jurist and a former member of the High Court, is going to conduct an inquiry into this issue and people have already spoken of wanting to wait to see what happens in that area before a final commitment is given here. In the meantime it would seem more logical, if you are looking at whether the marketplace is operating as is best for competition, that the test you should take is the effects test because it does not depend on the intent as to whether competition is good but on the effect of the company's conduct as to whether the competition is free and flowing as we want it. I just make that as a preliminary point.

On the other question of whether we should be able to divest a company of part of its operations, that matter will be looked at, but it seems to be highly dramatic surgery indeed. It will be interesting to see what finally happens there. I congratulate the committee. It has been absolutely dedicated to the proper attention of how the law operates and Senator McKiernan needs credit for that. This is an inquiry that was obviously needed because an inquiry to be conducted by Sir Daryl Dawson has taken up the path shown to us all by Senator Murray. I seek leave to continue my remarks at a later date.

Leave granted; debate adjourned.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! The President has received letters from two Independent senators and the Leader of Australian Democrats seeking appointment to various committees.

Senator ABETZ (Tasmania—Special Minister of State) (5.49 p.m.)—by leave—I move:

That senators be appointed to committees as follows:

All legislation and references committees—

Participating member: Senator Harris

Economics Legislation and References Committees—

Participating member: Senator Stott Despoja

Environment, Communications, Information Technology and the Arts Legislation and References Committees—

Participating member: Senator Brown

Legal and Constitutional Legislation Committee—

Participating member: Senator Brown

Rural and Regional Affairs and Transport Legislation and References Committees—

Participating member: Senator Brown.

Question agreed to.

MARRIAGE AMENDMENT BILL 2002

First Reading

Bill received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (5.50 p.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator ABETZ (Tasmania—Special Minister of State) (5.50 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

It gives me much pleasure to introduce this bill which was first introduced by the Attorney-General on 27 September last year and which effects major changes to the Marriage Celebrants Program that performs such an important function in our community.

The Marriage Amendment Bill 2002 gives effect to the reform of the Marriage Celebrants Program and other technical amendments to the Marriage Act 1961.

This bill is the culmination of the four year process commenced by the Attorney-General in 1997.

The growing demand for civil marriage ceremonies has resulted in a steady increase in the numbers of authorised civil marriage celebrants, and an even greater increase in interest in the profession of celebrancy, with enquiries from people wishing to become a marriage celebrant running at approximately 3,000 per year.

There has also been a steady increase in the number of non-recognised denomination religious marriage celebrants appointed under the program.

However, since the Program commenced, the process for authorising civil marriage celebrants in particular has developed in an ad hoc way.

Prior to this Government coming into office civil marriage celebrants were appointed on an electorate by electorate basis. Labor Government members would regularly involve themselves in the authorisation process. In 1997, the Howard Government replaced this system of appointment with one based on regional or special community need.

However, the current system remains far from perfect. Authorisation based on regional or special need excludes many people who would make excellent celebrants from entering the profession.

The over-arching catalyst for reforming the program is to ensure that couples intending to marry have wide access to thoroughly professional marriage celebrants.

This is the philosophy and intent behind the review process. It is a philosophy the Government shares with the celebrant community.

The bill has two major focuses.

The first and most significant, is to improve the Marriage Celebrants Program through a range of reforms designed primarily to raise the level of professional standards required of celebrants and to capitalise on the unique position of celebrants in the community to encourage and promote pre-marriage and other relationship education services.

These reforms will be given effect by the provisions contained in Schedule 1 of the bill and by regulations to be made under the Marriage Act.

The second focus is given effect by amendments in Schedule 2 of the bill, which will provide for a series of technical amendments to the Marriage Act. These changes are primarily in relation to the Notice of Intended Marriage; the introduction of passports as an acceptable means of identification

for overseas couples; guidelines concerning the shortening of time between the lodgement of a Notice of Intended Marriage and when a couple can marry; and the removal of redundant provisions in the Act.

The development of the reform package for the Marriage Celebrants Program which has culminated in the introduction of this bill has been a long and at times difficult process. Throughout this process the celebrant community has remained engaged and, in the main, very constructive in its approach to what the Government had in mind. The celebrant community has recognised the need for change and has responded appropriately.

There were doubts expressed when the Attorney-General released the Proposals Paper in November of 2000 that the Government would pay sufficient attention to the concerns of celebrants. This bill demonstrates that the Government has listened and acted upon the concerns expressed by celebrants. This is evident in the changes made to the package of reforms. These include the maintenance of lifetime appointments, the removal of the requirement for existing celebrants to satisfy the new core competencies, the introduction of a five year transitional period for the phasing in of the new appointments system and the removal of the proposal for a fee to be paid in order to be authorised as a marriage celebrant.

By the year 2010, if present trends continue, some 60% of weddings will be performed by civil celebrants under this reformed program. It is also expected that the number of smaller religious groups seeking their own religious expression will continue to increase. Reform of the program to satisfy the community of the quality and integrity of the program into the future is critical.

I believe that this package of amendments will be fundamental to ensuring this outcome but it will only be with the assistance and co-operation of celebrants that the outcome can be assured.

Debate (on motion by **Senator Ludwig**) adjourned.

**AUSTRALIAN SECURITY
INTELLIGENCE ORGANISATION
LEGISLATION AMENDMENT
(TERRORISM) BILL 2002**

Referral to Committee

Message received from the House of Representatives acquainting the Senate with a resolution relating to the reference of the [Australian Security Intelligence Organisation Legislation Amendment \(Terrorism\) Bill](#)

2002 to the parliamentary Joint Committee on ASIO, ASIS and DSD for inquiry and report.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the following bills:

Quarantine Amendment Bill 2002

Therapeutic Goods Amendment Bill (No. 1) 2002

Taxation Laws Amendment Bill (No. 1) 2002

Migration Legislation Amendment (Transitional Movement) Bill 2002

Messages received from the House of Representatives returning the following bills without amendment:

Disability Services Amendment (Improved Quality Assurance) Bill 2002

Financial Services Reform (Consequential Provisions) Bill 2002

TAXATION LAWS AMENDMENT (BABY BONUS) BILL 2002

Consideration of House of Representatives Message

Message received from the House of Representatives returning the [Taxation Laws Amendment \(Baby Bonus\) Bill 2002](#), and acquainting the Senate that the House has not made the amendment requested by the Senate.

Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

ASSENT

Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the following laws:

Appropriation (Parliamentary Departments) Act (No. 2) 2001-2002 (Act No. 1, 2002)

Appropriation Act (No. 3) 2001-2002 (Act No. 2, 2002)

Appropriation Act (No. 4) 2001-2002 (Act No. 3, 2002)

Protection of the Sea (Prevention of Pollution from Ships) Amendment Act 2002 (Act No. 4, 2002)

Australian Citizenship Legislation Amendment Act 2002 (Act No. 5, 2002)

Ministers of State Amendment Act 2002 (Act No. 6, 2002)

Radiocommunications (Transmitter Licence Tax) Amendment Act 2002 (Act No. 7, 2002)

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2002 (Act No. 8, 2002)

Criminal Code Amendment (Anti-hoax and Other Measures) Act 2002 (Act No. 9, 2002)

Migration Legislation Amendment (Transitional Movement) Act 2002 (Act No. 10, 2002)

Veterans' Affairs Legislation Amendment (Further Budget 2000 and Other Measures) Act 2002 (Act No. 11, 2002)

Veterans' Entitlements Amendment (Gold Card Extension) Act 2002 (Act No. 12, 2002)

Higher Education Legislation Amendment Act (No. 1) 2002 (Act No. 13, 2002)

States Grants (Primary and Secondary Education Assistance) Amendment Act 2002 (Act No. 14, 2002)

Taxation Laws Amendment (Superannuation) Act (No. 1) 2002 (Act No. 15, 2002)

Income Tax (Superannuation Payments Withholding Tax) Act 2002 (Act No. 16, 2002)

Quarantine Amendment Act 2002 (Act No. 17, 2002)

Interstate Road Transport Charge Amendment Act 2002 (Act No. 18, 2002)

Road Transport Charges (Australian Capital Territory) Amendment Act 2002 (Act No. 19, 2002)

Coal Industry Repeal (Validation of Proclamation) Act 2002 (Act No. 20, 2002)

Commonwealth Inscribed Stock Amendment Act 2002 (Act No. 21, 2002)

Human Rights and Equal Opportunity Commission Amendment Act 2002 (Act No. 22, 2002)

Therapeutic Goods Amendment Act (No. 1) 2002 (Act No. 23, 2002)

Therapeutic Goods Amendment (Medical Devices) Act 2002 (Act No. 24, 2002)

Therapeutic Goods (Charges) Amendment Act 2002 (Act No. 25, 2002)

Taxation Laws Amendment Act (No. 1) 2002 (Act No. 26, 2002)

Taxation Laws Amendment (Film Incentives) Act 2002 (Act No. 27, 2002)

Disability Services Amendment (Improved Quality Assurance) Act 2002 (Act No. 28, 2002)

Financial Services Reform (Consequential Provisions) Act 2002 (Act No. 29, 2002)

Regional Forest Agreements Act 2002 (Act No. 30, 2002).

ELECTORAL AND REFERENDUM REGULATIONS 2001 (No. 1)

Motion for Disallowance

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (5.53 p.m.)—I move:

That the Electoral and Referendum Amendment Regulations 2001 (No. 1), as contained in Statutory Rules 2001 No. 248 and made under the *Commonwealth Electoral Act 1918*, be disallowed.

These regulations are at the core of the government's expensive, bureaucratic and disenfranchising electoral enrolment witnessing regime and, accordingly, the opposition is moving to disallow them. The regulations are misguided and they are not needed. The Auditor-General has recently examined the integrity of the electoral roll. His report was released on 18 April this year. Mr Barrett found that the electoral roll is not abuser-friendly; it is more than 96 per cent accurate and is of 'high integrity'. Further, he found:

... that internal AEC procedures to ensure roll security and to prevent tampering with roll data were robust and effective.

Australians are among the most mobile people in the world, with a high level of internal migration which translates into high levels of enrolment change. Given the normal delays in updating enrolments, a roll that is over 96 per cent accurate at any one time is a signifi-

cant achievement. The Australian National Audit Office further data-matched the electoral roll to Medicare's residence records and found a more than 99 per cent match. The Electoral Commissioner, Mr Andy Becker, said in a press release on 19 April:

The report states emphatically that the electoral roll can be relied on for electoral purposes, which I believe confirms the AEC's and community's longstanding view on the reliability of the roll.

So why does Senator Abetz—after the electoral roll has received the tick of approval from no less than the Commonwealth Auditor-General—want to continue to mess around with enrolment forms? The new regime is intended to apply to all new enrolments and transfers of enrolment. It is a very big change to the enrolment system and will affect over three million people a year. An applicant for enrolment or transfer of enrolment will have to find a witness from a certain class of people, with the classes described by their employment. New enrolments will also have to show the witness a prescribed original form of ID.

To make such a change, one would think that the government would be reasonably sure that its new system would actually stop enrolment fraud and that people would not be disenfranchised. Unfortunately, the fact is that the government has ignored advice from experts that its proposed system will not stop fraud. Alarming, the government appears to have also ignored advice as to the disenfranchising effect of its proposed electoral enrolment scheme.

Senator Abetz—Why do you protect rorters?

Senator FAULKNER—The opposition strongly believes that the integrity of electoral enrolment can only be assured if all Australians can easily get onto the roll, if the roll is secure and if electoral fraud is deterred. These matters are equally important: enrolment has to be fair and the electoral roll has to be safe.

The opposition, of course, is moving to disallow the Electoral and Referendum Amendment Regulations for one principal reason: these regulations will not improve the integrity of the roll. In fact, they are go-

ing to have the opposite effect. They will not stop fraudulent enrolment but they will stop honest enrolment. Senator Abetz put out a statement a few weeks ago—it sank without trace of course—in which he said that this disallowance motion was being run on budget day because Labor was trying to hide from its past.

Senator Abetz—Exactly right.

Senator FAULKNER—Senator Abetz, when the Senate only has 21 sitting days in the space of nine months—in the face of chronic chamber mismanagement from you and your colleagues—it is amazing that we get any chance at all, frankly, to debate a disallowance motion. I want to say this about the matters that Senator Abetz is interjecting about: we are not proud of the revelations of the Shepherdson inquiry—

Senator Abetz—Well, then, do something about it.

Senator FAULKNER—but we have cleaned out the rosters in Queensland. Premier Beattie did an excellent job in that and it was one reason why he was absolutely overwhelmingly re-elected last year. The fact is that Senator Abetz's regulations would not prevent the Ehrmann affair from happening again. The AEC says so. In fact, what Senator Abetz proposes will create a whole new set of problems—quite deliberate on his part. The government has trumpeted the regulations as a major weapon against enrolment fraud. The government says that requiring a person enrolling to show their ID to a witness is so logical and so simple that it is just unarguable. There are three very big holes right in the middle of this government's logic. Firstly, the AEC has no way of checking that a witness falls into the prescribed classes of witnesses. The classes of witnesses are defined by their employment and the AEC does not have a database of employment. I asked the AEC to advise on that very point, and I would like to indicate what the response of the AEC was.

Debate interrupted.

**Sitting suspended from 6.00 p.m. to
7.30 p.m.**

BUDGET

Statement and Documents

Senator MINCHIN (South Australia—**Minister for Finance and Administration**) (7.30 p.m.)—I table the documents on the list circulated in the chamber:

Budget Documents—

No. 1—Budget Strategy and Outlook 2002-03.

No. 2—Budget Measures 2002-03.

No. 3—Federal Financial Relations 2002-03.

No. 4—Agency Resourcing 2002-03.

No. 5—Intergenerational report 2002-03.

Ministerial statements—

Australia's overseas aid program 2002-03—Statement by the Minister for Foreign Affairs (Mr Downer), dated 14 May 2002.

Putting Australia's interests first: Honouring our commitments—Statement by the Treasurer (Mr Costello), dated 14 May 2002.

Indigenous affairs 2002-03—Statement by the Minister for Immigration and Multicultural and Indigenous Affairs (Mr Ruddock), dated 14 May 2002.

Regional Australia: A partnership for stronger regions 2002-03—Statement by the Minister for Transport and Regional Services (Mr Anderson) and the Minister for Regional Services, Territories and Local Government (Mr Tuckey), dated 14 May 2002.

Towards a sustainable Australia: Commonwealth environment expenditure 2002-03—Statement by the Minister for the Environment and Heritage (Dr Kemp), dated 14 May 2002.

Women's budget statement 2002-03—Statement by the Minister for Family and Community Services (Senator Vanstone), dated 14 May 2002.

Growing stronger: Agriculture, fisheries and forestry 2002-03—Statement by the Minister for Agriculture, Fisheries and Forestry (Mr Truss), dated 14 May 2002.

I seek leave to make a statement relating to the 2002-03 budget.

Leave granted.

Senator MINCHIN—Tonight the Treasurer is delivering in another place his Budget Speech for 2002-03.

Madam President, the past year has again reminded us all that world events can move dangerously and unpredictably.

Last year when the Treasurer delivered the Budget we did not know that four months later our world would change in such a devastating way.

The terrorist attacks of 11 September shocked us all and showed that terrorism can strike even the most powerful of nations. We cannot take our security for granted. Tonight the Treasurer will announce measures to upgrade Australia's security and to secure Australia's borders.

But developments in other parts of the world do not just affect our physical security. They can affect our economic security as well. Through last year country after country fell into recession. The events of 11 September made things worse. Our trading partners—Japan, the United States and Europe—all turned down. Australia found itself in a very difficult economic environment.

We were not untouched by the global slowdown. But tonight the Treasurer can report to the House that Australia is strong. Other countries went into recession but our economy grew.

The hard work of the last six years helped to shield our country and keep people in work. It gave us the capacity to respond swiftly with measures to stimulate the economy like the additional First Home Owners Grant. It allowed us to respond swiftly with a major contribution to the War Against Terrorism.

But we must continue strong economic policy if we want to be able to respond to the unpredictable events of the future. Strong economic policy has been the hallmark of this government. By the end of this coming financial year we will have paid off \$61 billion of the Labor Government's debt. Our Budget for the year is in surplus, a surplus of \$2.1 billion.

The Budget will lay out a programme, not always easy, but fair, to sustain important health and welfare services into the future.

And this year we will fund measures to upgrade security, to secure our borders, to strengthen our defence forces and deliver all of the Government's election commitments in full, on time, on budget.

Strong defence

Madam President, last year the Treasurer announced the largest and most comprehensive upgrade of our defence capabilities for any Australian government in over 25 years. Under that plan set out in a White Paper an additional \$1 billion is included in the 2002-03 defence Budget. But, the Government has added to that programme to fund the deployment of Australian troops in the War Against Terrorism.

The deployments are being carried out as part of our contributions to the US-led operation against international terrorism and the Gulf blockade in support of United Nations sanctions against Iraq. They involve around 1,100 Australian Defence Force personnel and comprise land, sea and air operations. The initial deployment includes:

- an Australian special forces task group and other personnel participating in operations in Afghanistan against the Taliban and Al Qaida networks;
- a naval task group of an amphibious landing ship (until mid 2002) and a frigate, and the continued presence of a guided missile frigate in the Persian Gulf to support the Multinational Maritime Interception Force; and
- an Air Force deployment of B707 tanker aircraft to support air-to-air refuelling operations and F/A-18 aircraft deployed to Diego Garcia until mid 2002 to support air defence of coalition forces.

The composition of the deployment is subject to strategic requirements and is continuously under review.

The additional funding over the base funding and over the White Paper for this deployment in 2001-02 and 2002-03 is around \$524 million.

Upgrading domestic security

But as we have seen terror and crime can also strike at home. The Government's first responsibility is to defend our citizens and our national security assets. We must do it in a careful way hoping for the best, but preparing against the worst. In this Budget we are allocating an additional \$1.3 billion over

five years to upgrade security within Australia.

Australia's airport security will be upgraded. Armed, plain clothed, Australian Protective Service officers now travel on selected flights. Additional Australian Protective Service officers provide heightened security at Australia's airports with enhanced capacity for detecting explosives.

The Budget provides an additional \$539 million to the Australian Federal Police, Australian Protective Service and Australian intelligence agencies to assist in identifying potential security threats. There will be increased screening of imported goods, enhanced cooperation with overseas law enforcement agencies, and improvements in screening arriving and departing international passengers.

The Government is also investing in the development of leading edge technology that has the potential to significantly improve passport verification processes. If successfully developed, a biometric identifier could record individual features on a magnetic strip on passports and provide distinctive matching for that individual at airports and other points of entry. This will be funded by an increase in the Passport Fee.

The Government will be improving the secure communications system of the Department of Defence and taking measures to protect our critical information infrastructure from attack.

The Government will double the Australian Federal Police strike team capability, allowing for the rapid deployment of more than 200 federal agents around Australia dealing with crimes such as terrorism and politically motivated violence.

We will establish a permanent Australian Defence Force Tactical Assault Group on the east coast of Australia, to supplement the existing group on the west coast. The Tactical Assault Group is a special forces unit with specialist counter-terrorist training, including hostage recovery.

And we will establish within the Australian Defence Force a permanent Incident Response Regiment. This will be a highly trained group able to respond to chemical,

biological, radiological, nuclear and explosive incidents. To support our capacity to respond to such an incident—one we hope will never occur—the Government has also authorised a national stockpile of chemical antidotes and vaccines.

Securing Australia's borders

Madame President, Australia operates a substantial immigration programme which in the coming year will offer permanent migration places at a base level of 105,000 places. In addition we offer around 12,000 places under the humanitarian category for refugees. This is one of the largest offshore humanitarian programmes of any country in the world.

But to maintain the integrity of that programme humanitarian places should be reserved for those assessed as genuine refugees and those that have complied with Australia's offshore processing arrangements. The Government does not intend to allow people smugglers to determine the intake under this programme.

Last Budget we proposed spending \$1,635 million over five years on border security. The measures we have taken since, together with the measures the Treasurer is announcing tonight, will increase that expenditure to \$2,872 million.

This will include \$219 million to construct and maintain a purpose built Reception and Processing Centre on Christmas Island which will allow downsizing of other centres at Curtin and Woomera. The Government has allowed \$455 million over the next four years for receiving and processing asylum seekers at the new facility on Christmas Island and, if necessary Cocos Island.

Madame President, the Government has decided to double National Marine Unit surveillance, it has increased Coast Watch surveillance, and it has allocated additional funding to the Australian Defence Force to patrol Australia's northern waters to deter unauthorised boat arrivals.

Madame President, it is also important to take steps to reduce the flow of unauthorised immigrants to these Australian waters. To this end, the Government has committed \$75 million to fighting people smuggling and

unauthorised migration through the interception of unauthorised migrants in transit countries.

- The Government is increasing the capacity of authorities and international organisations in transit countries to detect and intercept illegal people movement.
- The Government is also increasing support to international organisations, such as the United Nations High Commissioner for Refugees and the International Organisation for Migration, for the detention, processing and subsequent removal of people in transit countries.

There is evidence that these comprehensive measures are showing results.

In August last year arrival numbers surged, with some 1,212 arriving in the first three weeks alone.

Since the introduction of the Government's strategy to secure our borders, there has been a dramatic slowdown in unauthorised arrivals. There have been no unauthorised boat arrivals to Australia since December 2001.

Intergenerational report

Madame President, tonight, as part of the Budget, the Treasurer is releasing the landmark Intergenerational Report. This is the first report of its kind and the first time any attempt has been made in the Budget to look across the generations and identify the challenges which lie ahead for our society and our governments. What challenges will our children and their children have to confront in forty years time? What shape will Australia's finances be in 2042 based on current policies? And what should we do now to prepare for the generations ahead?

One of the big changes to our society will be that the number of older people will increase, and with falling birthrates, the number of younger ones will not grow. The ratio of old to young in our society will increase.

The increase in medical science will make more and more treatments available and prolong our capacity to live longer.

Our strong Budget position means we are better placed than most other advanced so-

cieties to cope with these changes. But we must start now to put in place measures which will sustain a decent health system and aged care system into the future. If we ignore moderate changes now the challenges will only get greater, the decisions will get harder, and the solutions will slip outside our grasp.

Making the Pharmaceutical Benefits Scheme more sustainable

The cost of the Pharmaceutical Benefits Scheme is growing rapidly as medical science improves and we have a greater ability to treat more conditions. Since 1991 the cost of the Pharmaceutical Benefits Scheme has nearly quadrupled from \$1.2 billion to \$4.2 billion. The Intergenerational Report projects that the Pharmaceutical Benefits Scheme could be the most significant area of pressure in the health budget and in forty years time grow to around \$60 billion in today's dollars.

So the Government is taking some small steps to help put the Pharmaceutical Benefits Scheme on a more sustainable basis so it can deliver access to medicines at affordable prices over the longer term. These measures will ensure that consumers, industry, doctors and pharmacists all contribute to containing the rate of increase in the Pharmaceutical Benefits Scheme.

From 1 August this year, co-payments for concession cardholders such as pensioners and Seniors Health cardholders will rise by \$1 to \$4.60 and co-payments for others will rise by \$6.20 to \$28.60 per prescription. While a concession cardholder will only pay \$4.60 for a prescription this is only a small part of the cost of many Pharmaceutical Benefits Scheme medicines.

- Humulin NPH, widely used in the treatment of insulin dependent diabetes costs \$229.13 per prescription.
- Avonex, a drug used for the treatment of multiple sclerosis costs \$1,090.81 per prescription. A patient on this drug would normally take 13 prescriptions per year.
- Zyban, used for the treatment of nicotine addiction, costs \$238.85 per prescription.

New drugs with high costs are coming on to the Pharmaceutical Benefits Scheme all the time.

Notwithstanding the cost of the prescription the co-payment will only be \$4.60 for concession cardholders.

Safety net arrangements will continue to protect people who need a large number of medicines. Consistent with the current arrangements, once concession cardholders have paid for 52 Pharmaceutical Benefits Scheme prescriptions in the year, they will receive further Pharmaceutical Benefits Scheme medicines free for the rest of the year. Non concession cardholders who pay \$874.90 in a year for their Pharmaceutical Benefits Scheme medicines will be eligible for further PBS medicines at the concessional rate for the rest of the year.

The Government is also introducing changes to ensure Pharmaceutical Benefits Scheme medicines are used appropriately.

- Doctors will be required to provide additional information about patient eligibility when they seek approval to prescribe particular drugs.
- The pharmaceutical industry will provide information about prescribing restrictions directly to doctors through the network of medical representatives employed by the industry.
- The Government will undertake discussions with individual manufacturers of generic medicines to secure a price reduction for products they have listed on the PBS. This price reduction will be in return for the Government facilitating greater use of generic medicines listed on the Pharmaceutical Benefits Scheme.
- The Government will also introduce further initiatives to identify and target fraud in the PBS system.

By making the Pharmaceutical Benefits Scheme more sustainable, the Government can continue to fund the listing of new, highly effective, but expensive medicines.

Assisting job seekers

Madam President, the Government has a policy of equipping our young in the best possible way for the workforce. That is why

we invested in improving literacy and numeracy in the education system. That is why we revived the apprenticeship system. And in this Budget we will focus that further with an extra incentive of \$750 to employers willing to take on a new apprentice while he or she is still at school, and a bonus of \$750 to keep them after they have completed Year 12.

We will offer an incentive of \$1,100 to employers to take on a new apprentice in information technology. For mature age people we will offer training assistance of up to \$500 to attain basic skills in computers and information technology. One of the great barriers for mature age workers getting into the workforce is lack of computer skills. This training will be available to 11,500 people each year.

Our policy is to encourage people to get job ready so that as the growing economy creates more jobs, they have the chance to get those jobs and move into the mainstream of the Australian workforce.

The Government's Work for the Dole Scheme has been a very successful programme to develop work skills. At a cost of \$81.5 million over three years we will fund 8,500 additional Work for the Dole places.

Next steps in welfare reform

Madam President, in last year's Budget the Treasurer announced a major programme to reform our welfare system called Australians Working Together.

We want to take the next steps in this programme. There are many people who are out of work and on a Disability Support Pension who have no support or encouragement to get back into employment. Since 1990, the number on Disability Support Pensions has doubled.

We want to take measures to encourage those who are capable of work, including part time work of more than 15 hours a week, to get back into the workforce. This will improve their esteem and self-reliance. At present eligibility for Disability Support Pension is assessed as the incapacity to work 30 hours per week. This will be reduced to 15 hours. Disability Support Pension rates and the means test are unchanged.

To provide people with greater opportunity to improve their work capacity 73,000 new training and work programme places will be created for those who are currently on Disability Support Pensions. This will cost additional money, but in giving people access to these services it is expected more people will re-enter the workforce and in the longer term it will save the taxpayer.

This new measure will apply to all new Disability Support Pension applicants from 1 July 2003. Those currently on Disability Support Pension (except those severely disabled with no work capacity or those who are within five years of Age Pension age) will be assessed under the new criteria within five years of implementation.

The Government will continue its commitment to the most vulnerable and disadvantaged citizens in our society. A new five year Commonwealth State Disability Agreement is proposed with the Commonwealth providing the States an extra \$547.5 million over five years for unmet need. This Agreement funds the States and Territories to deliver Specialist disability services such as accommodation, community support and respite. This means the Commonwealth will allocate \$2.7 billion to the new Agreement—\$743 million more than the previous Agreement.

For their part, the States and Territories must at least match the Commonwealth's increase, including increases already announced in our disability employment services. They must also provide better accountability, quality, efficiency and effectiveness in the delivery of their services. Over the same five year period the Commonwealth intends to spend another \$2 billion in support of its responsibilities for employment support for people with disabilities.

Supporting Australian families

When Labor left office the home mortgage interest rate was 10½ per cent. Today it is 4¼ percentage points lower. Low interest rates have supported Australian families giving them reductions on their mortgage repayments and helping them to make ends meet.

The First Home Owners Scheme has helped many young Australians to buy their first home. This grant which continues at \$7,000 from 1 July will help thousands of young Australians buy a house for the first time. These grants are expected to total \$784 million in 2002-03.

And the Government is going to introduce new measures to help those starting a family. This is in addition to the higher payments of Family Tax Benefits which were introduced back in July 2000.

One of the financial pressures facing those who are starting a family is that they generally lose their second income as the mother goes out of the workforce to have the child. Our baby bonus is going to allow mothers who are out of the workforce with their first child to claim back tax they paid while they were in the workforce. The amount they can claim is up to \$2,500 per year for five years depending on the amount of tax they have paid before leaving the workforce. There is a minimum payment of \$500 per year for five years for low income parents.

It is expected that around 245,000 families will benefit from this initiative in the first year with 600,000 Australian families eventually benefiting.

Madam President, we also know that access to health services is a major concern for families—particularly the families in the outer suburbs of our major cities.

That is why the Government has a plan to encourage an additional 150 doctors to work in the outer-metropolitan areas of the six State capital cities. Under this plan, doctors who agree to work in a designated outer-metropolitan area and register on an alternative pathway to achieve vocational registration will be eligible for higher Medicare rebates. Specialist trainees will be able to access Medicare provider numbers if they work in outer-metropolitan areas. In addition, doctors in the 'general stream' of the GP vocational training programme will undertake a supervised placement in an outer-metropolitan area. This is an \$80 million plan for more doctors for the families of the outer suburbs of our major cities.

And we want to make our public places safer for our children. So the Government will fund a strategy for the introduction of retractable needle and syringe technology into Australia. This means that exposed needles cannot be left lying around in public places or anywhere else where children are at risk from needle stick injuries.

Health care in the regions

In the Budget two years ago the Treasurer announced a Regional Health Package designed to make a practical difference in improving health services to the regions and the bush. This year we want to add some additional practical, on the ground, services in regional Australia.

We want to build six new facilities, outside the capital cities, to improve patient access to radiation oncology services. A programme of \$72.7 million over four years to do this will include training staff to international best practice to operate these local services.

Another of the services that needs improvement in rural areas is the provision for aged care. Older Australians do not want to move away from their local communities in their twilight years. This Budget has a programme to upgrade or replace high care homes in rural, remote and urban fringe areas and also includes funding to encourage more people to take up aged care nursing with 250 aged care nursing scholarships at rural and regional university campuses.

Better care for older Australians

Our Intergenerational Report shows that aged care will require increasing attention as the proportion of older people in the community increases. Again this year there are new measures—\$654 million over four years—to provide better care for older Australians.

- Subsidies for residential aged care will be increased to allow better pay rates to be offered to aged care nurses so providers can attract and retain more aged care nurses.

The Government's aged care policy is, whenever possible, to improve and expand community care services to enable older Australians to choose to stay at home and

live as independently as possible in the community.

- The Government will provide an additional 6,000 Community Aged Care Packages over four years. These packages are tailored to meet the needs of frail older Australians who want to remain in their own homes, and can do so if they receive home help, laundry, meals and bathing.
- The Government will also provide funding to support the carers of older Australians, carers of people with dementia, and ageing carers of people with disabilities.

This Budget will also aim to improve the standard of palliative care offered in the community. Funding of \$55 million over four years will be provided for better coordination between hospital and community care; improved education and further support for general practitioners and other health professionals in palliative care; and further assistance for families of people who choose to spend their final years in their home setting.

Veterans

Madame President, over the years this Government has taken major decisions to recognise the contribution made by our veterans. Tonight, we want to go further. The Government is extending eligibility for the war veterans' Gold Card (which provides comprehensive free health care) to Australian veterans aged 70 years and over who have qualifying service from post World War II conflicts.

In this Budget we are introducing twice-yearly indexation of the ceiling rate of the Income Support Supplement for War Widows. The ceiling rate will be increased by the same percentage as the age or service pension. This increase in income support for our war widows is expected to cost \$85 million over four years.

Sustainable revenues

The Budget surplus announced tonight has not required any major new tax initiatives nor an increase in the overall tax burden. The Government's tax reforms have secured the tax base, proving one of the keys to the

strengthening of Australia's economic foundations.

The Government remains committed to its tax reform strategies and will press ahead with the business tax reform agenda, including a review of international tax arrangements.

Economic outlook

The Australian economy is expected to continue its strong performance in the year ahead, with robust economic growth of around 3¾ per cent forecast for 2002-03. This is higher than forecast growth for any of the major developed (G7) economies of the world and reflects Australia's sound economic fundamentals.

Business investment is expected to grow very strongly in 2002-03, to be a key driver of overall economic growth. Household consumption is also expected to remain strong.

In line with the outlook for robust economic growth, the unemployment rate is forecast to decline gradually to 6 per cent in the June quarter of 2003. An unemployment rate below 6 per cent would be achievable over the next couple of years, provided that economic growth remains strong and progress is maintained on labour market and welfare reforms. Since the Government came to office over 900,000 jobs have been created in the Australian economy. We expect over one million jobs to have been created by Christmas.

With only moderate increases in wage costs and continued strong productivity growth, inflation is expected to be around 2¾ per cent in 2002-03 and 2½ per cent by the June quarter 2003, within the medium-term inflation target band. Largely reflecting the strength of the domestic economy, the current account deficit is expected to increase slightly to around 4 per cent of GDP, which is below the average over the 1990s.

Concluding comments

Madame President, the last year has been difficult in an uncertain world, with a global economic downturn. But Australia has emerged much stronger than comparable countries.

This Budget is designed to meet the continuing challenges of today, and to project forward so we can set ourselves a path that will address the challenges of the future.

This is a Budget to keep Australia safe, our borders secure, and to keep our economy strong.

I seek leave to make a statement relating to the 2000-01 budget.

Leave granted.

Senator MINCHIN—I move:

That the Senate take note of the statement and documents.

Debate (on motion by **Senator Faulkner**) adjourned.

Proposed Expenditure

Consideration by Legislation Committees

Senator MINCHIN (South Australia—Minister for Finance and Administration) (7.57 p.m.)—I table the following documents:

Particulars of proposed expenditure for the service of the year ending on 30 June 2003 [Appropriation Bill (No. 1) 2002-2003]

Particulars of certain proposed expenditure in respect of the year ending on 30 June 2003 [Appropriation Bill (No. 2) 2002-2003]

Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2003 [Appropriation (Parliamentary Departments) Bill (No. 1) 2002-2003].

I seek leave to move a motion to refer the particulars documents to legislation committees.

Leave granted.

Senator MINCHIN—I move:

That:

- (1) the particulars documents be referred to legislation committees for examination and report in accordance with the provisions of the order of the Senate of 13 February 2002 relating to estimates hearings; and
- (2) legislation committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to on 11 November 1998, as varied on 13 February 2002.

Portfolio Budget Statements

The PRESIDENT—I table the portfolio budget statements for 2002-03 for the following parliamentary departments:

Senate

Joint House

Parliamentary Library

Parliamentary Reporting Staff.

Portfolio Additional Estimates Statements

Senator MINCHIN (South Australia—Minister for Finance and Administration) (7.58 p.m.)—I table the portfolio additional estimates statements 2001-02 for portfolios and executive departments in accordance with the list circulated in the chamber. Copies are available from the Senate Table Office.

ADJOURNMENT

Senator MINCHIN (South Australia—Minister for Finance and Administration) (7.58 p.m.)—I move:

That the Senate do now adjourn.

Cracknell, Ms Ruth, AM

National Gallery of Australia

Senator SCHACHT (South Australia) (7.58 p.m.)—In the adjournment debate tonight I wish to speak on a matter relating to the National Gallery of Australia. But, before I do, I want to take this opportunity to pay my respects and express my condolence to the family of Ruth Cracknell, a great Australian who unfortunately passed away last night. I do not think there would be anyone on any side of politics in this chamber who would not want, at an appropriate stage over the next few days, to pay tribute to this great Australian. She was not only an outstanding actress but also an outstanding contributor to Australian society over her long distinguished life in Australian acting. Without being too provocative, I have to say that, though the Senate today paid a tribute to the passing of Queen Elizabeth, the Queen Mother, I believe that Ruth Cracknell's contribution to Australian society far outweighed the contribution by the Queen Mother, who was a citizen of another country.

I now turn to the National Gallery issue. From November 1997, Senator Kate Lundy and I, in the Senate estimates committee, had raised issues about the administration of the art gallery. Those issues dealt particularly with the operation of the airconditioning system and the complaints made by staff. It was a tedious and, at times—even for me—boring process, but it seemed to me, from the information I had received from a number of former employees of the gallery, that they had a substantial case to put to the gallery that was not being answered through the normal procedures. I am reminded, seeing Senator Boswell here, of the attitude he and I took when dealing with the COT cases of Telstra, and I took a similar one here. There seemed to be a case that only the estimates committee could raise and force some answers.

Through all of this, I placed many questions on notice. I spent hours questioning Mr Kennedy and other senior staff. At times I got answers I was not satisfied with and at times the written answers were not satisfactory, but I kept pushing on. I have to pay tribute here to former employees Brian Cropp and Bruce Ford, who quite openly provided me with information and background on many of the questions I asked.

Earlier this year, on 20 April, an article written by Alan Ramsey appeared in the *Sydney Morning Herald*. His Saturday column went on at great length about how I had been obsessed and unfair in questioning Mr Kennedy and asked what I was doing. He said that I had the temerity to call Dr Kennedy 'Mr Kennedy', that I had made snide remarks and generally had not performed well at the estimates committee. He did have the courtesy to ring me before he published the story. I did point out to him, because he was unaware of it, that only a month earlier Comcare Australia, in an investigation into the sacking of Brian Cropp, found that the National Gallery of Australia had contravened section 76 of the Occupational Health and Safety (Commonwealth Employees) Act 1991 and recommended that procedures change in the gallery so that what happened to Mr Cropp would not happen to any other employee who had the temerity to question

process and management issues to do with the health and safety of not only the staff but also the many visitors who go to our pre-eminent gallery. Mr Ramsey in his article made no mention of the fact that the Comcare investigator had found that the gallery had breached the act in the way it had forced Mr Cropp out of his job.

I take this opportunity of the adjournment debate—the first opportunity since the article appeared—to put the record straight. I certainly will be asking further questions of the gallery at estimates in June about what they are doing to compensate Mr Cropp for being dismissed and forced out of an occupation at the gallery. For the record, I will read a section of the report. I will also seek leave at the end of my remarks to table this report, and I have checked with the various whips and they will give me leave to do so. The conclusion of the report into Mr Cropp's dismissal by the independent investigator appointed by Comcare reads:

Conclusion

All the evidence suggests that Mr Cropp would have been able to perform the duties of the fittest position as it related to the HDAC—

that is, the airconditioning system—

in a technically competent manner. The question then arises: is Mr Cropp being excluded from the position because he complained about the safety of the systems or because his conduct suggested that he may not carry out his duties objectively? Given the evidence on the other matters above, it is difficult to conclude that only Mr Cropp's objectivity was in issue.

Overall conclusions

As indicated above, in my view, the onus falls on the NGA to show that the reason Mr Cropp was unsuccessful for the position was not for the reason that he complained about the health, safety or welfare of employees at work. I do not consider that that onus has been discharged.

The report, and I will not read it all, concludes:

I conclude—

that is, the investigator—

that the NGA has contravened section 76 of the Occupational Health and Safety (Commonwealth Employees) Act 1991 by prejudicially altering Mr Cropp's position as an NGA employee by not appointing him as the recommended applicant to

the permanent position with the NGA because he had complained about a matter concerning the health, safety and welfare of employees at work, namely the state of the NGA's heating, ventilation and airconditioning systems. The NGA, of course, is not subject to prosecution or penalty under the provisions of section 76 of the act.

There are then a number of recommendations made in the report to ensure that the NGA does not again act pre-emptively against Mr Cropp's activities.

Mr Cropp is in the best traditions of a whistleblower. He was concerned about the safety and health of the employees and he was concerned about the safety and health of all the people who visit the gallery, and because of that they forced him out of the job. It is now up to the National Gallery of Australia to invite Mr Cropp back to the job he applied for or, if that is not available, to offer some other suitable recompense to Mr Cropp for the loss of his job and the indignity that he has suffered. I only hope that Mr Ramsey has the courtesy to report again, now that I am tabling these reports on Mr Cropp's dismissal.

I also want to mention that a further Comcare report, from the end of last year, found:

The National Gallery of Australia had breached section 16 of the Occupational Health and Safety (Commonwealth Employees) Act 1991 by failing to take all reasonable practical steps to protect the health and safety at work of the employees.

So there are two breaches by the National Gallery of Australia of a Commonwealth act. If ever there is evidence that justifies the questions Senator Lundy and I asked at estimates over 3½ years, Comcare has proven that we were right. Comcare has proven that the estimates committee is the last place left standing when all other measures have been exhausted and when individuals cannot get justice.

This is a great defence of the estimates committee. Whether we are in opposition or government, the operation of the Senate estimates committee may be, in my view, the greatest thing that justifies the existence of the Senate itself. And here again I am very proud of the fact that I kept asking the questions. Mr Ramsay failed to mention that in February this year I went to the Senate esti-

mates on Comcare and put the pressure, I have to say, on the head of Comcare. He agreed that a further broader inquiry into the management of safety and health issues at the gallery would be conducted. That inquiry is now under way, I think conducted by Mr Wray. I look forward to that report becoming available.

Above all else, I call on the government to ask the gallery board and its director to take action to stop the mismanagement that has been going on that is affecting the reputation and standing of the pre-eminent art gallery of Australia. All of us who have asked questions at estimates have never questioned the artistic merit of the director or of the gallery board or its acquisitions policy. We have only questioned whether the management and the processes are fair to the employees and to the Australian people. I seek leave to table these two reports.

Leave granted.

Middle East: Israeli-Palestinian Conflict

Senator McGAURAN (Victoria) (8.09 p.m.)—The last six months has seen the worst upsurge in Middle East violence outside the declared wars 1948, 1967 and 1973. The stream of Palestinian suicide bombers targeting Israeli citizens, the siege of the Bethlehem Church of the Nativity and the occupation by the Israeli army of key townships on the West Bank, along with the siege of Yasser Arafat in his headquarters at Ramallah, has yet again taken the area to new heights of terror and hatred.

We could dismiss these events as just another chapter in the cycle of violence in the Middle East. However, on any analysis, the last wave of terror has been more profoundly murderous and sustained than at any other time. Moreover, we are all more directly related and involved in these events than at any known time in the past, for we now know that terrorism unchecked, particularly terrorism in the Middle East, involves the whole world. We learnt that lesson on September 11 when 55 Australians were killed by terrorist attacks on the World Trade Centre in New York. In total, 60 countries lost lives in this barbarous and indiscriminate act. Today the continual Middle East showdowns, and with

no lasting peace in sight, handicap America's and Australia's declared war on terror.

With yet another push for peace under way in the Middle East it may be believed that this time it will be different. As the world wants to win its war on terror, urgent peace will be demanded of the parties involved. But this is a delusion, a false hope, because if the latest events in the Middle East show us one thing it is that peace will never be achieved so long as Yasser Arafat is around. Yasser Arafat is a leader of a corrupt regime and is a terrorist himself. How can you ever negotiate with this man? He hates peace. As a result, the people of Israel live every second of their lives in fear, and his own Palestinian people live in poverty and under a dictatorial and corrupt administration.

In its most basic and fundamental form, the Middle East conflict can be put in this way: the Jewish leadership want peace and coexistence and will pay a price for it; the Palestinian leadership do not want peace at any price. I am convinced of this proposition after a long watch on this conflict. This belief was borne out when Yasser Arafat rejected a peace agreement in 2000 brokered by the United States and offered by former Israeli Prime Minister Barak. It would have given the Palestinian authority a state in a slightly enlarged Gaza Strip and 95 per cent of the West Bank as well as the Palestinian parts of Jerusalem, and the right of return to the Palestinian state of refugees. This deal was the absolute outer limits of what was possible.

This is just one of so many examples that show Yasser Arafat's rejection of peace over his reign of some 30 years. He has fooled, cajoled and manoeuvred world leaders to believe his good intent, right up to the delusion of the Oslo agreement, for which he, laughably, received a Nobel prize. This once heralded peace agreement is now assigned to the trashcan of history. As for the most recent comment of Yasser Arafat, taken from an interview from CNN this week, that he does accept a Jewish state of Israel, well, this should be taken with a grain of salt. In the words of one Israeli diplomat:

What is it about a Jewish state that he doesn't understand?

Meaning: why haven't his words ever been put into action before? Yasser Arafat has led us down this dead-end alley before. The truth is the Palestinian regime wants nothing less than the destruction of the state of Israel and the return of the whole of Jerusalem to Palestinian control. In private conversations with former Indonesian president Wahid, as distinct from his public rhetoric, Yasser Arafat has said:

... even if it takes 150 years we will throw the Jews into the sea.

What choice does Israel have but to respond and to use its obvious might to protect its land and its people, a people under relentless terrorist attacks by the Palestinians who themselves are supported by corrupt and extreme regimes in the Arab world. What other country would not respond the same as Israel? Australia would do the same. Look at how America responded to the September 11 attacks; it is the moral equivalent for Israel.

Equally, we have joined America in their fight against terrorism. Just as the Americans went into Afghanistan to root out the Al-Qaeda from their caves, so too was it necessary for the Israeli army to cross into the West Bank, into the towns and houses to destroy the cells of terrorism. If the Americans had not gone into Afghanistan, the Al-Qaeda would have found somewhere else to retreat to. If the Israelis had not gone into Jenin, for example, the Hamas terrorists and others would have found refuge somewhere else. Claims of a massacre occurring in the township of Jenin are typical of the chorus of rhetoric that is so often levelled at the Israelis' response to terrorism—not only from the Arab world but from so many in the international community. The operation undertaken by the Israelis in Jenin was paramount to routing the terrorist cells that threatened the Israeli citizens and the state's existence.

The evidence is undeniable. In Jenin and the surrounding villages, a Hamas network operated which was responsible for the perpetration of a number of lethal suicide attacks inside Israel. The most recent attack was in Haifa on 31 March 2002 in which 15

Israelis were killed. Until the Israeli defence force operations, the Palestinian Islamic Jihad infrastructure in Jenin was the strongest in the Palestinian territories, mostly due to the massive financial aid received from the Palestinian Islamic Jihad leadership in Syria. Given this, I believe there is no moral equivalent to the Palestinian response to Israel's attacks and Israel's response to the Palestinians' aggression and terrorism. Yet Israel has proven that it will cease using armed forces against Palestinian targets if the campaign of terrorism against their citizens and state stops. The opposite is not true.

History shows that throughout Yasser Arafat's reign, right up until today, peace between the Jews and Palestinians has always been within reach—a peace that gives the Palestinians a state, the West Bank clear of Jewish settlements and financial support for the Palestinian government and economy. But, if the Palestinian people want it, they have to really want it and it must come with the price of co-existence. What must be done can only now be done without Yasser Arafat. As long as Yasser Arafat and his terrorist regime remain, lasting peace will never be brokered to the detriment of the welfare of his own people, who slip and slide further into poverty while he reigns.

The real answer lies in a new generation of Palestinian moderate leaders who will accept the one basic tenet that will bring peace: that Israel has a right to exist and that terrorist groups like Hamas are purged. Therefore, I call upon the Australian government to recognise that the existing Palestinian regime can never be reformed and must be confronted. Our present policy of equal engagement in the Middle East should be replaced with a frank engagement with the Palestinian government. This means we can no longer support the legitimacy of the current unreformed Palestinian regime with its links to terrorism. It may be said that Australia has little influence in Middle East politics—but this is not true. We are a major player in the war against terrorism, we are a close ally of the United States and, equally, we can influence the international forums within our region. If we believe in a robust defence of, and existence for, the state of

Israel, then a fundamental shift in policy is needed.

Family

Senator COONEY (Victoria) (8.18 p.m.)—There are others following me tonight, so perhaps I can come back later in the week, but I have one matter to raise which I noticed in the budget papers tonight under a heading ‘Intergenerational Report’. It says that one of the big changes in our society will be that the number of older people will increase—I am very aware of that, Madam President, but you can get old with grace—and that, with the falling birth rates, the ratio of old to young in our society will increase. My daughter, Megan Cooney, and my son-in-law, Joe Ragg, have recently done something about that problem. On 24 April this year they had a daughter, Emma. Senator Troeth will be very pleased with that. That was on the very day, 24 April, on which my wife and I celebrated our 40th wedding anniversary, a ruby anniversary. I bought her a ruby ring and she got me a lithograph by Sidney Nolan of *Stringybark Creek*, one of the Ned Kelly series. So it was a very happy occasion for us. My mother-in-law, who is now into her 90s, Lalla Gill, was celebrating her great-grandchild. It was a great occasion. I thought I would give up my time to Senator McKeirnan, who last year in May contributed a grandchild, Sean. Is that right, Senator McKeirnan?

Senator McKeirnan—You are right again, Senator.

Senator COONEY—I will come back later in the week. I thank you for your indulgence Madam President.

Whistleblowers: Heiner Case

Senator HARRIS (Queensland) (8.21 p.m.)—I rise to continue from my last MPI delivered to this house on 19 September 2001 on the so-called Heiner affair. This matter now confronts this chamber in the form of a notice of motion calling for the establishment of a Senate committee into the Lindeberg grievance, which flows out of an extensive submission presented to the Senate by Mr Robert F. Greenwood QC shortly before he fell terminally ill.

I want to return to the issues set out by Mr Greenwood QC because recent developments have made the establishment of this select committee a litmus test on the federal parliament in respect of its commitment to equal justice under the rule of law, the right to a fair trial, and the proper protection of children within Australian borders from physical and sexual abuse. It is also a litmus test for this chamber concerning the protection of its privileges and whether or not this chamber is quite happy to be deliberately misled by a state government and a law enforcement agency in respect of withholding vital evidence and telling untruths to a Senate committee in order to obstruct justice and act out of political expediency instead of public interest and truth. This committee if established also has the potential to be a litmus test for this chamber to see how far it will go to protect its privileges when a matter of contempt may give rise to a possible offence of obstructing justice or perverting the course of justice, going to the offence of covering up criminal paedophilia in a state-run institution and lesser forms of child abuse and denying a citizen their right to a fair trial.

Since I last spoke on this matter, several important matters have occurred which strengthen Mr Greenwood’s submission and make it more imperative than ever for the Senate to establish this Senate select committee, if we take ourselves seriously and if we are here to serve the public interest and the truth and not just crude political interests. Since I read the Greenwood QC submission into the *Hansard* because ALP senators refused me leave to have it tabled, damning evidence pointed to by Mr Greenwood has come to light. It was first revealed in the *Courier-Mail* in November 2001 and appeared as recently as on 8 May 2002 on a web site coming out of the School of Journalism and Communication, University of Queensland. The address of that is http://www.sjc.uq.edu.au/about_journalism/staff/grundy.htm. Those interested senators should then go to ‘Shreddergate—Great Is Truth And Mighty Above All Things’. I invite honourable senators to listen very carefully. In particular I ask the women senators to listen carefully, especially those on the

opposite benches because of their alleged concerns about child abuse and the welfare of our indigenous Australians. What investigative journalist Bruce Grundy discovered concealed behind the walls of this youth detention centre, and aided in its evil enterprise by the shredding of the Heiner inquiry documents by the Goss ALP cabinet, was the pack-rape of a 14-year-old Aboriginal female inmate by other male inmates during a supervised bush outing. According to the evidence, it was never properly investigated, despite being known to the inmates, and it was covered up.

When this matter flared up in the *Courier-Mail*, the Queensland Department of Families found a file on the matter and forwarded it to the CJC. Despite its falling within the jurisdiction of the Queensland Crime Commission, on 16 November 2001 the CJC issued a media release stating there was no cover-up, because the matter was referred to the police and a paediatrician at the time. I advise honourable senators to note those last three words carefully. The CJC, Queensland's premier law enforcement agency, overseeing proper conduct in Queensland's public administration, said there was no cover-up or misconduct because the pack-rape was referred to the police and a paediatrician at the time. It said nothing about why the alleged rapists were not charged. It gave everybody a clearance. I ask honourable senators to remember that this is the same CJC which Messrs Greenwood QC and Lindeberg have said misled this chamber.

When you read the web site you will start to get the real story. It is a grubby, sordid story which has been covered up through systemic corruption for over a decade, save that the whistleblowing Mr Lindeberg has never given up and save that the journalist Bruce Grundy has been true to his profession and kept looking for the truth. We find that the doctor and the police were called in at the time—but three days and four days after the incident occurred, despite those in authority at the centre knowing the girl had been pack-raped within hours of it occurring. Everybody knows that when a rape occurs it is absolutely vital for body and clothing samples to be gathered and preserved swiftly. To

suggest that over three and four days can elapse during which time the girl would have showered several times is an insult to anyone's intelligence—but not so to the CJC, it seems.

We find this little girl wanted the known alleged rapists charged for about the first two days but on the third day she changed her mind. Why? The record shows that she was threatened with violence by the inmates. She was not removed from the centre but had to suffer further indignity by being threatened by the inmates, possibly the same people associated with the incident. If that is not bad enough, when the police interviewed the girl on the fourth day, they managed to get her to sign a document saying she did not want anyone charged. This was a 14-year-old girl, a minor under the law, suffering from intimidation by thugs, and it was not her call. She was held in the care and custody of the Crown and she was fully entitled to be protected by the Crown's servants. No-one was held to account, not even the public servants who breached their duty of care. What were the public servants concerned about? According to the evidence, they were concerned it might hit the media. They were also concerned that she might fall pregnant, so they administered a double dose of a contraceptive pill.

According to the evidence gathered by Mr Grundy, this matter came before the Heiner inquiry. A witness to the inquiry has attested to this fact and that was one of the reasons why the Goss government shredded this damning evidence—so it could not be used against the carers or the staff of the centre. They were union mates. What an outrage. What about the girl's rights? What about the known relevance of the material to any legal action?

I now turn to another event in April 2002: the landmark *McCabe v. British American Tobacco* decision. This was handed down by His Honour Justice Eames. I appreciate it is to go to an appeal but the decision is wholly relevant to the Heiner affair. This chamber should know that Justice Eames found that the document retention policy adopted by BAT on alleged legal advice—namely, destroying records that it knew would be re-

quired in anticipated litigation from prospective litigants over the health effects of tobacco smoking—was a calculated act which prevented Mrs McCabe and others from getting a fair trial. The lawyers are now under investigation by their respective law societies because it appears that they may be in breach of their oath of office as officers of the court.

In the Heiner affair, the Goss cabinet absolutely knew that the Heiner inquiry documents were being sought by solicitors at the time of the court but yet had not served the writ so they shredded them to prevent their use in those proceedings. (*Time expired*)

The PRESIDENT—Order, Senator.

Senator HARRIS—I seek leave to include the remainder of my speech in *Hansard*.

Leave not granted.

Senator Cooney

**Middle East: Israeli-Palestinian Conflict
Visit to Republic of Ireland**

Senator McKIERNAN (Western Australia) (8.31 p.m.)—I want to make a couple of comments about previous speeches—although not the last one. I am not certain that we should be using this forum for the purposes it has just been used for. However, I am sure that all honourable senators will join me in congratulating Senator Cooney on the birth of his grandchild, Emma, some weeks ago and in congratulating him and his wife, Lillian, on their ruby wedding anniversary, which occurred on the same day as baby Emma was born. What a lovely coincidence. I am sure everyone joins us in wishing them a very long and happy life from here on.

I listened to Senator McGauran's contribution very carefully. I wish I knew as much about the Middle East as Senator McGauran seems to. If I did I would probably join him in some of his remarks of condemnation. I have been appalled by the acts of terrorism that have occurred in recent times in that part of the world and that have been reported in our media and on our television. But I am not so certain that I would join him in saying that terrorism occurs only on one side. If the events in Jenin refugee camp were as Senator McGauran described, I wonder why the state

of Israel—the government of Israel—did not allow the observers in at an early time. If it was so clean, I suspect the Israeli government would have done. I hope that peace will come to that area soon, that it will be a long-lasting peace and that further acts of terrorism will not occur and will therefore not be reported in our media in Australia.

In recent times I represented the Australian parliament at a conference of the Inter-parliamentary Union in Marrakech in Morocco. I will speak on that at a later time, but while I was in that part of the world I took the opportunity to fulfil invitations that had been extended to me from the government of the Republic of Ireland and from certain individuals in Ireland. My wife, Jackie, and I went to Ireland at the conclusion of the conference in Marrakech. What happened to me during the few days I was in Dublin, in particular, and in my home town of Cavan really made me very humble.

I have in my time in this parliament represented the people of Western Australia, but I have not forgotten where I came from—that I have been allowed to forget because people do remind me from time to time that I have an Irish accent despite the fact I left that country over 40 years ago. In fact, I have now been in this country of Australia for over 33 years. While I was there, certain individuals, whom I will name, took the opportunity to thank me for some modest efforts I have made over my time in the Australian parliament to build and cement relationships between the Republic of Ireland and the Commonwealth of Australia.

I was met by and spent quite an extended period of time with the Secretary-General of the Department of Foreign Affairs, Mr Dermot Gallagher, at their headquarters at Iveagh House in St Stephen's Green in Dublin. He gave me a very detailed briefing on what was occurring within the Republic of Ireland and within the parliamentary system, in particular in foreign affairs. He also took the opportunity to remind me of my efforts over quite a period of time to get the then Australian government to make a contribution to the International Fund for Ireland. We were successful in getting a modest contribution to that fund, and that fund did make a

contribution towards the bringing about of a peaceful resolution to the conflict that was occurring on the border between the Republic of Ireland and Northern Ireland, and in other parts of the United Kingdom as well. I am very pleased to see that things are very peaceful over there at the moment and were at the time I was there.

Perhaps the highlight of my and my wife's visit to Ireland was the audience we had with President Mary McAleese at Aras an Uachtair in Phoenix Park in Dublin. President McAleese spent nearly three-quarters of an hour with us and was very well briefed on some of the work I had been able to do on behalf of the two countries, as I said before. At the conclusion of our meeting she was not satisfied with just shaking my hand as we were leaving; she actually gave me a hug, and that is something I will remember very dearly for many years to come. It is a bit of a risk for people to do that with me, but it happened and I will treasure that memory for a long time to come.

The Deputy Secretary-General of the Department of Foreign Affairs, who will be the next Irish Ambassador to Australia, Mr Declan Kelly, hosted a lunch in my honour at, again, Iveagh House in St Stephen's Green. The lunch was also attended by a number of individuals whom I have had contact with over a period of time, including the Australian Ambassador to Ireland, Mr Bob Halverson, and his wife. That was another memory I will treasure for many years to come.

We then had a meeting with Minister Brian Cowen, the Minister for Foreign Affairs, who again thanked me and recognised some of the efforts I have put in over the years. I also met with the Cathaoirleach, the President of the Senate, Senator Brian Mullooly—your counterpart in Ireland, Madam President. The Comhairle, that is the Speaker of the Dail Eireann, Mr Seamus Pattison, hosted a private dinner in honour of my wife and me that evening. Our final meeting in Dublin was with the Taoiseach, Mr Bertie Ahearn, who kindly remembered that some 15 years ago, when he was a member of the first delegation of Irish parliamentarians to formally visit this country, I was the repre-

sentative of the Australian parliament who met him in the early hours of the morning at Perth airport when they arrived here.

All of this was brought about by the efforts of His Excellency Ambassador Richard O'Brien, the Irish Ambassador to Australia. He will be leaving Australia very shortly to take up another appointment in another part of the world. Richard has served his country very well in this country over a period now of seven years. He is leaving with the warmest regards of the parliament. Regrettably, I was not one of the people who were able to be at a very well attended farewell dinner that was given in his honour some weeks ago. I am indebted to all of the individuals that I have mentioned but in particular to Richard and Bernadette O'Brien for making it all possible. Thank you.

Afghanistan

Senator ALLISON (Victoria) (8.37 p.m.)—I rise to speak in the remaining couple of minutes about Afghanistan. We have heard in recent times government members saying that the war in Afghanistan is over and it is safe for Afghans to be returned there. As we know, millions of Afghans are in exile. In the last couple of months 200,000 have been repatriated to that country and more will return under the International Organisation for Migration program, which is paying travelling costs for returnees. The question is: what will they find when they return there?

Senate adjourned at 8.40 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2001—

Native title (Report no. 1/2002).

Social justice (Report no. 2/2002).

Audio-Visual Copyright Society Ltd (Screenrights)—Report for 2000-01.

Higher education—Report for the 2002 to 2004 triennium, March 2002.

International Labour Organisation—Submission report on ILO Instruments adopted in 2000.

National Crime Authority—Report for 2000-01.

Native Title Act—Native title representative bodies—Aboriginal Legal Rights Movement Inc.—Report for 2000-01.

Telecommunications carrier industry development plans—Progress report for 2000-01.

Telecommunications (Interception) Act 1979—Report for 2000-01 pursuant to Division 2 of Part IX of the Act.

Tobacco Advertising Prohibition Act 1992—Report for 2001 pursuant to section 34A of the Act.

Tabling

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—

A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Amendment Determination 2001 (No. 1).

A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Amendment Determination 2001 (No. 2).

A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Amendment Determination 2002 (No. 1).

A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2001 (No. 2).

Regulations—Statutory Rules 2002 No. 88.

A New Tax System (Goods and Services Tax Transition) Act—Regulations—Statutory Rules 2002 No. 89.

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission (Regional Council Election) Amendment Rules 2002 (No. 2).

Agricultural and Veterinary Chemicals Code Act, Australian Horticultural Corporation Act, Australian Wine and Brandy Corporation Act, Dairy Produce Act, Export Control Act, Fisheries Management Act, Meat Inspection Act, National Resi-

due Survey (Customs) Levy Act, National Residue Survey (Excise) Levy Act, Primary Industries Levies and Charges Collection Act, Quarantine Act and Torres Strait Fisheries Act—Regulations—Statutory Rules 2002 No. 60.

Ashmore and Cartier Islands Acceptance Act—Ordinance No. 1 of 2002 (Migratory Birds (Repeal) Ordinance 2002).

Airports Act—Regulations—Statutory Rules 2002 No. 82.

Australian Citizenship Act—Regulations—Statutory Rules 2002 No. 85.

Australian Institute of Health and Welfare Act—Regulations—Statutory Rules 2002 No. 62.

Australian Land Transport Development Act—Determination of charge rate under section 10 for the financial year 2000-01.

Australian Prudential Regulation Authority Act—Regulations—Statutory Rules 2002 No. 64.

Australian Research Council Act—Determination—

No. 6—Determinations under section 51, dated 5 March 2002 [5].

No. 7—Determination under section 51, dated 5 March 2002.

No. 8—Determination under section 51, dated 11 March 2002.

Charter of the United Nations Act—Regulations—Statutory Rules 2002 No. 61.

Christmas Island Act—Ordinance No. 1 of 2002 (Ordinances Revision Ordinance 2002).

Christmas Island Act and Cocos (Keeling) Islands Act—Regulations—Statutory Rules 2002 No. 93.

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—Part—

105, dated 5 [2], 8 [4], 10 [8], 20 [2], 22 [4], 24, 25, 26 [3], 27 [7] and 28 [3] March; and 3 [8], 4 [2], 5 [2], 7 [10], 10 [2], 12 [2], 23 [2] and 24 April 2002.

106, dated 5 [4], 8 [2], 10 [5], 13, 19, 25 [2] and 26 [3] March; and 2 [2], 3 [3] and 7 [3] April 2002.

107, dated 5, 7 [2], 8 and 28 March; and 4, 7 [2] and 16 April 2002.

- Civil Aviation Orders—
 Civil Aviation Amendment Order (No. 4) 2002.
 Civil Aviation Amendment Order (No. 5) 2002.
 Civil Aviation Amendment Order (No. 6) 2002.
- Exemption No. CASA EX10/2002.
 Instruments Nos CASA 154/02, CASA 228/02-CASA 230/02, CASA 235/02, CASA 240/02, CASA 242/02, CASA 246/02 and CASA 252/02.
 Statutory Rules 2002 No. 79.
- Class Rulings CR 2002/13-CR 2002/25.
- Cocos (Keeling) Islands Act—Ordinance No. 1 of 2002 (Ordinances Revision Ordinance 2002).
- Commonwealth Authorities and Companies Act—Commonwealth Authorities and Companies (Financial Statements 2001-2002) Amendment Orders.
- Coral Sea Islands Act—Ordinance No. 1 of 2002 (Migratory Birds (Repeal) Ordinance 2002).
- Corporations Act—Regulations—Statutory Rules 2002 No. 53.
- Crimes Act—Regulations—Statutory Rules 2002 No. 66.
- Criminal Code Act—Regulations—Statutory Rules 2002 No. 67.
- Currency Act—Currency (Royal Australian Mint) Determination 2002 (No. 2).
- Customs Act—
 CEO Instrument of Approval No. 15 of 2002.
 Regulations—Statutory Rules 2002 No. 81.
- Defence Act—
 Determination under section—
 58B—Defence Determinations 2002/4-2002/9.
 58H—Defence Force Remuneration Tribunal—Determinations Nos 1-7 of 2002.
 Regulations—Statutory Rules 2002 No. 51.
- Diesel and Alternative Fuels Grants Scheme Act—Regulations—Statutory Rules 2002 No. 54.
- Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 16 March and 10 April 2002 [2].
- Environment Protection and Biodiversity Conservation Act—
 Booderee National Park—
 Management Plan.
 Report on the draft management plan and submissions, dated February 2002.
 Submissions and comments on the draft management plan, dated September 2001.
- Christmas Island National Park—
 Comments on the draft management plan.
 Management Plan.
 Report on the draft management plan and analysis of public comments on the draft management plan and changes to the plan.
 Regulations—Statutory Rules 2002 No. 83.
- Epidemiological Studies (Confidentiality) Act—Regulations—Statutory Rules 2002 No. 63.
- Explosives Act—Regulations—Statutory Rules 2002 No. 92.
- Export Control Act—Export Control (Orders) Regulations—Export Control (Fees) Amendment Orders 2002 (No. 1).
- Federal Magistrates Act—Rules of Court—Statutory Rules 2002 No. 80.
- Financial Management and Accountability Act—
 Financial Management and Accountability (Financial Statements 2001-2002) Amendment Orders.
 Regulations—Statutory Rules 2002 No. 74.
- Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—Direction No. NPF 64.
- Goods and Services Tax Determination GSTD 2002/1.
- Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2002 Nos 72 and 73.
- Health Insurance Act—
 Health Insurance Determinations HS/01/2002-HS/03/2002.

- Regulations—Statutory Rules 2002 Nos 75-77.
- Higher Education Funding Act—Determinations under section 15—Determinations Nos T33-2001 and T34-2001.
- Income Tax Assessment Act 1997*—Regulations—Statutory Rules 2002 No. 65.
- Industrial Chemicals (Notification and Assessment) Act—Regulations—Statutory Rules 2002 No. 58.
- International Organisations (Privileges and Immunities) Act—Regulations—Statutory Rules 2002 No. 57.
- Lands Acquisition Act—Declaration under section 41, dated 27 February 2002.
- Life Insurance Act—
- Actuarial Standard—
 - 1.03—Valuation of Policy Liabilities.
 - 2.03—Solvency Standard.
 - 3.03—Capital Adequacy Standard.
 - 4.02—Minimum Surrender Values and Paid-up Values.
 - 5.02—Cost of Investment Performance Guarantees.
 - 6.02—Management Capital Standard.
 - 7.01—General Standard.
 - (Friendly Society) 1.02—Valuation of Policy Liabilities.
 - Variation of Actuarial Standards, dated March 2002.
- Migration Act—Regulations—Statutory Rules 2002 No. 86.
- National Health Act—
- Declarations Nos PB 5 and PB 6 of 2002.
 - Determination No. PB 7 of 2002.
 - Determinations under Schedule 1—HSR 3/2002, HSR 4/2002 and HSR 7/2002.
 - National Health (Circumstances for Payment of Supplier of Pharmaceutical Benefits) Determination 2002.
 - Rules No. PB 8 of 2002.
- National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules 2002 No. 50.
- Naval Defence Act—Regulations—Statutory Rules 2002 No. 52.
- Navigation Act—Marine Orders—Orders Nos 2 and 3 of 2002.
- Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice under paragraph 18(a), dated 23 March 2002.
- Patents Act—Regulations—Statutory Rules 2002 No. 59.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2002 Nos 55 and 68.
- Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2002 No. 69.
- Privacy Act—Determination under section 72—Public Interest Determination No. 8.
- Product Ruling—
- Addendum—
 - PR 2001/56 and PR 2001/137.
 - PR 2002/6, PR 2002/22, PR 2002/38, PR 2002/39 and PR 2002/44.
 - PR 2002/26-PR 2002/61.
- Public Employment (Consequential and Transitional) Amendment Act—Regulations—Statutory Rules 2002 No. 87.
- Radiocommunications Act—2.1 GHz Band Frequency Band Plan 2002.
- Remuneration Tribunal Act—Determination—
- 2001/26: Remuneration and allowances for various public office holders.
 - 2001/27: Members of Parliament—Entitlements.
 - 2002/01 and 2002/02: Remuneration and allowances for various public office holders.
- Retirement Savings Accounts Act—Regulations—Statutory Rules 2002 No. 90.
- Safety, Rehabilitation and Compensation Act—
- Declaration of approved form—Notice No. 4 of 2002.
 - Regulations—Statutory Rules 2002 No. 56.
 - Safety, Rehabilitation and Compensation Directions 2002.
- Statutory Declarations Act—Regulations—Statutory Rules 2002 No. 70.
- Superannuation Act 1976*—Regulations—Statutory Rules 2002 No. 94.

Superannuation Act 1990—Declarations—Statutory Rules 2002 Nos 95 and 96.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2002 No. 91.

Sydney Airport Demand Management Act—Instruments Nos MTR 2/2002 and MTR 3/2002—Directions to Slot Manager.

Taxation Determination TD 2002/5.

Taxation Rulings TR 2002/7-TR 2002/9.

Telecommunications Act—

Telecommunications Code of Practice 1997 (Amendment No. 1 of 2002).

Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service—Features for special needs of persons with disabilities—AS/ACIF S040) 2002.

Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2002 (No. 1).

Telecommunications Technical Standard (Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network—AS/ACIF S002) Amendment 2002 (No. 1).

Telecommunications Technical Standard (Requirements for Customer Equipment with Hierarchical digital interfaces—AS/ACIF S016) 2002.

Telecommunications (Consumer Protection and Service Standards) Act—Telecommunications (Performance Standards) Determination 2002.

Telecommunications (Numbering Charges) Act—

Telecommunications (Amounts of Annual Charge) Determination 2002.

Telecommunications (Exemption from Annual Charge) Determination 2002.

Therapeutics Goods Act—Regulations—Statutory Rules 2002 No. 84.

Trans-Tasman Mutual Recognition Act—Regulations—Statutory Rules 2002 No. 78.

Veterans' Entitlements Act—

Instruments under section 196B—Instruments Nos 34-43 of 2002.

Veterans' Children Education Scheme (Long Tan Bursary) Instrument 5/2002.

Veterans' Entitlements (Treatment Principles—Dental Fees) Instrument 7/2002.

Veterans' Entitlements (Veterans' Children Education Scheme—Eligible Child) Amendment Determination 4/2002.

Workplace Relations Act—Regulations—Statutory Rules 2002 No. 71.

PROCLAMATIONS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

Australian Citizenship Legislation Amendment Act 2002—Schedule 2—1 July 2002 (*Gazette* No. GN 18, 8 May 2002).

Migration Legislation Amendment (Transitional Movement) Act 2002—Schedule 1—12 April 2002 (*Gazette* No. S 105, 11 April 2002).

Regional Forest Agreements Act 2002—Sections 3 to 12—3 May 2002 (*Gazette* No. S 133, 3 May 2002).

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Health: Program Funding

Senator HILL (South Australia—Minister for Defence)—On 11 March 2002 (*Hansard*, page 409) Senator Faulkner asked me, as Minister representing the Prime Minister, a question without notice:

- (a) did the Prime Minister approve or was he consulted on, the \$5 million grant to the Royal Australian College of General Practitioners (RACGP); and
- (b) did Dr Wooldridge ever indicate to the Prime Minister that he was contemplating future employment with the RACGP.

The Prime Minister has provided the following answer to the honourable senator's question:

'I have no recollection of any contact or communication on either issue.'

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Attorney-General's: Intelligence Services (Question Nos 6 to 8)

Senator Brown asked the Minister representing the Attorney-General, upon notice, on 12 February 2002:

Are any of the security services in Australia able to detect, measure and trace electro-magnetic transmissions?

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator's question:

ASIO provides protective security advice to the Commonwealth Government. This includes electronic surveillance countermeasures advice and action.

The Department of Defence is able to test equipment for unintentional electro-magnetic transmissions. In addition, technical countermeasures teams test for transmissions as part of their everyday activities. They search for any transmissions within the radio frequency (RF) spectrum and then determine whether the signals detected are a threat to the area under test.

The Intelligence Services Act 2001 provides it is a function of the Defence Signals Directorate to obtain intelligence about the capabilities, intentions or activities of people or organisations outside Australia in the form of electromagnetic energy, whether guided or unguided or both, or in the form of electrical, magnetic or acoustic energy, for the purposes of meeting the requirements of the Government, and in particular the requirements of the Defence Force, for such intelligence.

Australian Defence Force: Stunden Report (Question No. 9)

Senator Brown asked the Minister for Defence, upon notice, on 7 January 2002:

Following the death of Eleanore Tibble in November 2000 and the Stunden report of 3 May 2001:

- (1) What actions have been taken to implement the recommendations of the Stunden report.
- (2) What procedures have been put in place to ensure that in future no cadet is: judged guilty on what they deny, not provided with a right of appeal, denied natural justice, treated less favourably by virtue of their age than an adult enlisted member, and victimised and hounded to death.
- (3) What changes have been made to policy and procedures to ensure that procedural practice is determined by policy and not by summary decisions and ad hoc personal persuasion.

Senator Hill—The answer to the honourable senator's question is as follows:

The Stunden Report was an Inquiry into the Administrative Processes and Procedures Surrounding the Suspension of Cadet Sergeant Eleanore Tibble. In response to the Stunden Report the following actions have been taken or are in the course of implementation:

- The Australian Air Force Cadet (AAFC) Policy Manual has been revised to include Codes of Behaviour for cadets and staff, specifically detailing the administrative procedures and practices to be followed when dealing with minors.
- A Personnel Management Training Program has been introduced for all staff. This will be an on-going program. The first course was conducted in November 2001 and covered topics such as Equity and Diversity, Legal Principles and Implications for Air Force Cadet Members, Psychology of Adolescent Behaviour, Management of Behaviour Modification, and Management of Due Process.
- Administrative action has been initiated against those AAFC staff identified by the Stunden Report.

Health: Safecare (Question No. 11)

Senator Brown asked the Minister for Health and Ageing, on notice, on 12 February 2002:

- (1) Is the Minister aware of the promising results of the Safecare Programs in Western Australia, aimed at reducing child abuse.

- (2) What measures is the Government taking to assess or help implement Safecare in Australia generally.

Senator Vanstone—The Minister for Children and Youth Affairs has provided the following answer to the honourable senator's question:

- (1) Yes, I am aware of Safecare Inc's comprehensive treatment program for families affected by child sexual abuse. I am aware that the program has been receiving a lot of positive reports and has been supported in Western Australia.
- (2) Under the Constitution, states and territories are responsible for issues around child abuse. This includes funding for services that target the victims and perpetrators of this crime.

The Commonwealth's role in this area is primarily one of prevention and early intervention, and taking a leadership role by promoting best practice.

The Commonwealth receives many requests for funding and each request is considered using standard and equitable processes. Relevant factors include available funding and appropriateness of the request given the Commonwealth's policy focus.

Defence: Active Sonar

(Question No. 20)

Senator Bartlett asked the Minister for Defence, upon notice, on 12 February 2002:

- (1) Is research into active sonar a research priority of the department.
- (2) (a) What is the decibel range of the low frequency active sonar (LFAS); and (b) in the marine environment, how far can that sound travel.
- (3) Have any active sonar tests been conducted by the Australian Navy; if so, where, when, and what permits were: (a) applied for; and (b) received.
- (4) If tests were conducted in the marine environment: (a) what impact assessment was undertaken; and (b) can those documents be provided.
- (5) What mitigation measures were imposed.
- (6) What information does the Navy have regarding the impacts of LFAS on marine mammals and other marine life.
- (7) (a) What distance/levels of exposure to underwater noise are considered safe for: (i) humans, (ii) different species of whales found in Australian waters, (iii) different species of dolphins found in Australian waters, (iv) dugong, (v) different species of seals found in Australian waters, (vi) fish, with particular reference to threatened species, (vii) different species of turtles, and (viii) different species of marine birds; and (b) can details of the scientific basis for these assessments be provided.
- (9) Is the Navy currently conducting any research into the impacts of LFAS on any species of marine life found in Australian waters; if so, can details be provided.
- (10) Why did the Navy recently withdraw an application for a test of LFAS in the Rottneest Trench.
- (11) Are any other tests planned; if so, can details be provided.

Senator Hill—The answer to the honourable senator's question is as follows:

- (1) Yes. Active sonar is the principal technology used by naval surface platforms worldwide to detect hostile underwater platforms and weapons (submarines, torpedoes, mines, etc.). Active sonars in the form of sonobuoys are also used by maritime fixed and rotary wing aircraft to detect and localise submarines. Warships are also usually fitted with underwater telephone, which emits active transmissions for voice communication with submerged submarines. Most ships also use high frequency active sonar in echo sounders used for navigation. Research into techniques for improving the ability of active sonar systems to detect underwater threats and so protect and preserve the ships and personnel of the Royal Australian Navy (RAN), and those put in its charge, is therefore a priority and necessity for the Department of Defence.
- (2) Low frequency active sonar (LFAS) is a generic term. It is generally used to identify a sonar system that emits sound at a frequency of 1 kilohertz (kHz) or less. The particular type of LFAS that has been linked in the media to environmental impacts on whales and dolphins is the Surveillance Towed Array Sensor System (SURTASS LFA sonar) used by the United States Navy (USN).

SURTASS LFA is not a system used by the RAN and it has not been deployed in Australian waters.

- (a) It is understood that the source level of SURTASS LFA is such that the intensity received by a whale, diver etc. at a distance of 10 meters from the source is approximately 215 decibels, relative to one micro Pascal (215 dB re 1 μ Pa). At a distance of 100 meters, the received sound intensity would be one one-hundredth, or 20 dB less, of the received sound intensity at 10 meters, i.e. 195 dB re 1 μ Pa. The received sound intensity will continue to decrease as distance to the source increases. To help place these numbers in context, it should be noted that common occurrences such as lightning strikes on the ocean produce received sound intensities approximately three hundred times this level (approximately 240 dB re 1 μ Pa at 10 meters) and sperm whales, in communicating, regularly produce total received sound intensities of 215 dB re 1 μ Pa at a distance of 10 metres.
- (b) The distance any sound can travel (be detected) in the marine environment is highly variable and depends on numerous, changeable ocean characteristics such as salinity and temperature profiles. With respect to the impacts that arise from underwater sound propagation it is considered that the most relevant distance is that at which the received sound intensity is safe for the sensitive hearing possessed by marine mammals etc.

For marine mammals (whales, dolphins, dugongs and seals), it is generally accepted by scientists that a received level of 178 dB re 1 μ Pa for intermittent or pulsed sounds is considered to be the best estimate of a safe exposure level. In the deep water in which the USN SURTASS LFA system would operate, a conservative estimate of the distance corresponding to this received sound level would be approximately one kilometre.

- (3) Yes. Testing mid-range frequency active sonar equipment onboard warships is a routine practice common to Navy's around the globe, to ensure correct system functioning and to train operators in the use of the system. The RAN has routinely tested equipment installed on its ships since the advent of sonar during World War II.

Because testing mid-range frequency active sonar equipment is a routine practice, specific records of individual equipment tests are not kept in any consolidated form. Routine mitigating strategies are being put in place on RAN ships that ensure the use of sonar equipment does not have a significant impact on the environment. Where it is considered that the use of sonar has, will have or is likely to have, a significant impact on the environment, or where such operation might cause interference with a cetacean, then all relevant environmental approvals will be sought and obtained. To date there has been no requirement to seek such approval for the use of active sonar by Defence ships or aircraft.

- (4) (a) Impact assessments have been conducted into sources of underwater noise. These are:
Environmental Impact Assessment of Underwater Acoustic Noise Trials, Timor Sea. PPK Environment & Infrastructure Pty Ltd. October 1998.
Environmental Impact Assessment of Underwater Sonar Operations and Mitigation Procedures. PPK Environment & Infrastructure Pty Ltd. September 2000.
- (b) Yes. In light of the continual worldwide development in understanding the impact of anthropogenic noise on marine creatures, the most recent of these assessments is under review. This updated report is likely to be released to the public when complete.
- (5) See response to Question 3.
- (6) The RAN does not use low frequency active sonar (LFAS) (that is, the USN SURTASS sonar), nor is any information held on its impacts on marine mammals and other marine life. Information on this equipment is available on the USN website at <http://www.surtass-lfa-eis.com/>.
- (7) As noted in question 2b, "safe distances" for exposure to underwater sound are highly dependent on the conditions prevailing in the marine environment. The most meaningful quantitative measure for assessing safety is the received sound intensity ("level of exposure").

For marine mammals (whales, dolphins, dugongs and seals), a received level of 178 dB re 1 μ Pa for intermittent or pulsed sounds is considered by scientists to be the best estimate of a safe exposure level in general, although significantly higher levels might apply to some species, such as dolphins.

For humans, a conservative estimate of the safe level is 150 dB re 1 μ Pa. A safe exposure level for fish is considered to be 170 dB re 1 μ Pa, and turtles 175 dB re 1 μ Pa. No information is available for marine birds, however, since their ears have developed for sound in air it is expected that safe levels would be higher than those of marine animals, because of their insensitivity to sound under water.

- (9) No.
- (10) No application to test LFAS (the USN SURTASS LFA) in the Rottneest Trench has been made. An application to test the medium frequency RAN Australian Surface Ship Towed Array Sonar System (ASSTASS) was made in December 2001 (EPBC Referral 2001/538) when trial assets became available at short notice. The RAN ASSTASS receives across a wide spectrum but has an active mode, which transmits at 1.5 kHz. A series of test sites, south of the Rottneest Trench were selected and mitigation procedures developed. It was intended to scientifically validate these proposed environmental mitigation procedures in conjunction with an independent Blue Whale Research Project Team from Curtin University. Internal Defence environmental consideration concluded that there was not sufficient certainty that the activity could be undertaken in a way that would not interfere with the Blue Whale population resident in the area at that time. The test therefore did not proceed.
- (11) The RAN has no planned tests for the USN SURTASS LFA. Further tests of the Australian ASSTASS system are intended; details of all Department of Defence active sonar tests covered by the EPBC Act (1999) will be publicly obtainable from the Environment Australia website. RAN ships will continue to test their mid-range frequency active sonars as operational circumstances dictate and consistent with newly implemented mitigation procedures.

Environment: Offshore Seismic Surveys and Noise Pollution

(Question No. 21)

Senator Bartlett asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 12 February 2002:

- (1) How many seismic tests have been conducted in Australian waters in the past 5 years
- (2) Can details of those tests be provided, including:
- (a) the nature of impact assessment that took place;
 - (b) locations of all tests;
 - (c) duration of all tests;
 - (d) intensity of sound (including decibel level);
 - (e) permits applied for and received by the proponent;
 - (f) mitigation measures imposed;
 - (g) the monitoring program in place during the testing;
 - (h) conclusions of any monitoring;
 - (i) the purpose of the tests; and
 - (j) the companies undertaking the tests.
- (3) What is the current state of knowledge regarding noise pollution in Australia; in particular,
- (a) (i) are the impacts of marine noise on different species of mammals established, and
(ii) can details of studies and reports that investigate potential harm to marine life as a result of marine noise be provided;
 - (b) is there any data on the levels of noise in Australian waters from all sources, natural and human; if so, can details be provided; and
 - (c) is there any data on the cumulative impacts of those noise sources, if so, can details be provided.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) Geoscience Australia's national seismic database PEDIN records 205 offshore seismic surveys in the five calendar years 1997-2001 inclusive.

Included in these 205 surveys are:

- 192 surveys conducted under the Petroleum (Submerged Lands) Act of 1967.
- 4 surveys in the Zone of Cooperation (located between Timor and Australia.)
- 9 scientific surveys conducted by Geoscience Australia in Australian territorial waters (including Antarctic territory).

The 205 recorded surveys do not include petroleum exploration surveys conducted within three nautical miles closest to the shoreline. These surveys are conducted under the jurisdiction of the adjacent state/NT and data is not stored on the Geoscience Australia data base.

- (2) (a) This information in relation to the Environment Protection and Biodiversity Conservation Act of 1999 (EPBC Act), was provided in the response to a previous question on notice (No.3900), which appeared in the Senate Hansard on 12 February 2002.

No seismic surveys were determined to be “environmentally significant” for the purposes of the Environment Protection (Impact of Proposals) Act of 1974, in the past five years.

I am advised that the relevant State/Territory authority (the Designated Authority under the Petroleum (Submerged Lands) Act 1967 (PSLA)), reviews the likely environmental impacts of every proposal prior to granting approval. Further, since October 1999, the Petroleum (Submerged Lands) (Management of Environment) Regulations 1999 [P(SL)(ME) Regulations] have required that any seismic survey carried out under the PSLA is accompanied by an Environment Plan, which must be approved by the relevant designated authority prior to operations commencing. The Environment Plan sets out the environmental performance objectives and standards of the activity, as well as appropriate performance measures for those objectives and standards.

- (b) Bounding latitudes and longitudes, and details of the adjacent State/Territory of the above-mentioned tests are in Table 1.
- (c) The duration of each of the above-mentioned tests are in Table 1.
- (d) My Department does not keep records of all past seismic activities and I am advised that it would take considerable resources to provide specific advice on every proposal. As such I am not willing to authorise the expenditure of such resources to undertake such a task.

However, in general air guns used during marine seismic surveys emit low frequency, high-energy noise into the marine environment. The intensity of sound produced from each survey operation varies in relation to the size of sonic signals generated by the source, the nature of the seabed and water column where it is utilised. At 1 m, an air gun produces noise in the range of 215-255 decibels (dB) . This decreases to around 180 dB at 1 kilometre and approximately 150 dB at 10 kilometres.

- (e) All operations require specific approval by the Designated Authority under the PSLA Schedule of Specific Requirements as to Offshore Petroleum Exploration and Production. This approval is subject to meeting the requirements of the P(SL)(ME) Regulations 1999 and any other conditions of the exploration permit, production licence, retention lease or special prospecting authority.

The information in relation to the EPBC Act, was provided in the response to a previous question on notice (No.3900), which appeared in the Senate Hansard on 12 February 2002.

- (f) My Department does not keep records of all past seismic activities, and I am advised that it would take considerable resources to provide specific advice on every proposal. As such I am not willing to authorise the expenditure of significant resources to undertake such a task.

However, in general terms, seismic companies adopt a number of strategies to mitigate impact on cetaceans which may include avoiding certain times of the year or certain localities where feeding, breeding or migrating whales may be present, adoption of ‘soft-start’ procedures and the use of observers on vessels. A key mitigation strategy is the adherence to the Guidelines for Interactions Between Offshore Seismic Operations and Whales, which outline in considerable detail mitigation strategies that are required for all seismic activities.

- (g) All whale sightings are recorded by exploration companies and forwarded to Environment Australia. Monitoring programs vary with the nature of the activity, and the time and place in which it is undertaken.

A number of companies have conducted additional, comprehensive monitoring programs, some including the use of aerial and acoustic surveys, as part of their survey activity.

- (h) See answer (2)(g) above. Information from previous surveys has been instrumental in development of Guidelines for Interactions Between Offshore Seismic Operations and Whales.
- (i) Petroleum reserves are found in sub-surface sedimentary structures that trap and hold hydrocarbons. To find these structures, seismic data provide a series of vertical slice views of the substrata beneath the seafloor. Interpretation of these images allows for potential hydrocarbon bearing structures to be identified.
Seismic techniques may also be applied to geo-technical studies, sediment analysis, international boundary delineation, and environmental research.
- (j) Operators and contractors for surveys are provided in Table 1.
- (3) (a) (i) Knowledge on the impacts of marine noise on different marine species is continuing to expand. Impacts can range from incidental disturbance through to observed changes to behaviour, and in very rare cases injury and possible death. To date, in Australia, there has been no known death of a cetacean or other marine mammal scientifically attributed to seismic operations.
(ii) There are numerous studies available that attempt to determine the impacts of noise on marine life. Many of the reports are not published, as they are commissioned by companies. Several reports and publications are available and are detailed below:
Swan, Neff and Young (Eds) 1994. Environmental Implications of Offshore Oil and Gas Development in Australia: The Findings of an Independent Scientific Review. Australian Petroleum Exploration Association, Sydney.
McCauley et al 1998. The Response of Humpback Whales to Offshore Seismic Survey Noise: Preliminary results of Observations about a Working Seismic Vessel and Experimental Exposure. APPEA Journal 1998.
McCauley et al 2000. Marine Seismic Surveys—A Study of Environmental Implications. APPEA Journal 2000.
There are several journals which, from time-to-time, contain information/papers on marine noise. Marine Mammal Science published by the Society for Marine Mammalogy is an example.
- (b) Background oceanic noise varies according to a number of factors (wind, wave action, rain, fish populations etc), and is generally considered to be in the vicinity of 80-120dB depending on circumstance. The addition of anthropogenic noise (in particular shipping) to any ambient level will add to the total noise spectrum. Swan, Neff and Young (Eds) 1994 (see answer to (3) (a) (ii)) provides a general overview of natural and human oceanic noise.
- (c) There is, to my knowledge, no evidence or data on the cumulative impacts of noise in the marine environment.

Table 1

SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
1997 Pegasus 2D/3D Marine Seismic	PSLA	Geco-Prakla	Ampolex Limited	24-Feb-97	18-Apr-97	53	115.92	116.5	-18.83	-19.58	WA
1997 Timor Sea Site Survey—Alaria, Conch, Eelectus and Vidalia Seismic Survey	PSLA	GHD Gard-line Survey	Woodside Offshore Petroleum	17-Feb-97							ZOCA, WA
1998 Geophysical Seismic Survey	PSLA		Oryx (ZOC) Energy Pty Limited	12-Dec-98							WA
1999 WA-279-P and WA-280-P Marine Seismic	PSLA	Geco-Prakla	Shell Co of Aust Ltd	21-Jan-99	12-Mar-99	50					WA
2D Coastal Seismic Survey	PSLA		Coastal Oil and Gas Aust Seismic	27-Jul-98	30-Sep-98	65					NT
4SL/98-9 SPA Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Aust Seismic Brokers P/L	17-Dec-98	17-Mar-99	90	119.666667	122.25	-13.4	-16.08889	WA
98 NT-P-52/53/54 including 98 NT-P-50/98NT-P-51 Seismic Survey	PSLA	Geco-Prakla	Shell Co of Aust Ltd	11-Sep-98	07-Jan-99	118					NT
98NT-P-50/98NT-P-51 Sesismic Survey	PSLA	Geco-Prakla	Shell Co of Aust Ltd	11-Sep-98	30-May-99	261					NT
A96E Marine Seismic	PSLA	GHD Gard-line Survey	Apache Carnarvon Pty Ltd	15-Apr-97	16-Apr-97	1	114.2	114.35	-21.55	-21.6	WA
A97F marine Seismic	PSLA	Digicon	Apache Northwest Pty Ltd	07-Feb-97			116.5	116.75	-19.75	-19.9	WA
A97G Apache Marine Seismic	PSLA	GHD Gard-line Survey	Apache Energy Ltd	17-Jun-97	09-Jul-97	22	115.8	116.5	-20.08	-20.41	WA

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
AC/P27 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Arc Energy	15-Aug-99			124.4	125.1	-12.5	-13	NT
AGSO Marine Survey 179, Heard Is-Kerguelen Plateau Pt1	Geoscience Australia	AGSO	AGSO	26-Jan-97	15-Feb-97	20					
AGSO Marine Survey 180, Heard Is-Kerguelen Plateau Pt2	Geoscience Australia	AGSO	AGSO	14-Mar-97	01-Apr-97	18					
AGSO Marine Survey 186, Antarctic Continental Margin	Geoscience Australia	Antarctic Div	AGSO	28-Jan-97	30-Mar-97	61					
AGSO Marine Survey 227, Australian Antarctic Pro- filing Project	Geoscience Australia	Fugro	AGSO	23-Jan-01	08-Mar-01	44					Antarctica
AGSO Marine Survey 228, Australian Antarctic Pro- filing Project	Geoscience Australia	Fugro	AGSO	23-Jan-01							Antarctica
AGSO Marine Survey 232, Lord Howe Rise. East South East Geoscience	Geoscience Australia		AGSO	30-Oct-01	22-Nov-01	23					
AGSO Marine Survey 233, AGSO/RAN Flinders Island—Tamar River	Geoscience Australia		AGSO	06-Nov-01	22-Nov-01	16					
AGSO Marine Survey 234, Torres Strait Benthic Habi- tat	Geoscience Australia		AGSO	17-Jan-01	06-Feb-02	385					
Adele Trend TQ 3D Marine Seismic	PSLA	Schlumber- ger Oilfield Australia Pty Ltd	Schlumber- ger Oilfield Australia Pty Ltd	11-Nov-00							WA

SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Admella Marine Seismic Survey	PSLA		Boral Energy Resources Ltd	01-Dec-97			139.1667	139.8333	-37	-37.5	SA
Adventurer TQ3D Marine Seismic	PSLA	Schlumberger Oilfield Australia Pty Ltd	Schlumberger Oilfield Australia Pty Ltd	04-Sep-99	30-Sep-99	26	125.9	126.4	-11.3	-11.8	WA
Andromeda Infill Marine Seismic	PSLA	Digicon	Santos (NT) Pty Ltd	17-Oct-97	30-Oct-97	13	124.85	125.4	-11	-11.4	NT
Arachnid 2D Marine Seismic	PSLA	Geco-Prakla	Woodside Energy Ltd	21-Oct-99	08-Jan-00	79	118	119.25	-17.75	-18.75	WA
Araneus 2D MSS	PSLA	Geco-Prakla	Woodside Energy Ltd	01-Jun-01							WA
Aratoo Marine Seismic	PSLA	Digicon	Woodside Offshore Petroleum	27-Oct-97	17-Nov-97	21	121.5	123.5	-15	-16.15	WA
Austral Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Santos Ltd	21-Jul-99	30-Sep-99	71	122.4	123.3	-13.75	-14.48	WA
BSG 1997 Marine Seismic	PSLA	Aust Geological Survey Org.	Bass Strait Oil Co Pty Ltd	14-Dec-97	21-Dec-97	7	146.5	147	-40.5	-41	Tas
Baal Bone Marine Seismic	PSLA		Cultus Timor Sea Ltd	12-Jan-99	30-Mar-99	77	128.75	129.3	-13.9	-14.4	NT,WA
Ballen 3D Marine Seismic	PSLA	Geco-Prakla	Basin Oil NL	15-Jan-00	29-Jan-00	14	148.3	148.6	-37.9	-38.1	Vic
Banambu Marine Seismic Survey	PSLA	Petroleum Geo Services	Woodside Offshore Petroleum	27-Nov-97	01-Feb-98	66	114.5833	116.3333	-18.75	-19.6666	WA
Bat Marine Seismic	PSLA	Nopec	Nippon Oil Exploration (Timor	23-Aug-97	01-Nov-97	70	123.7	125	-12.35	-13.42	NT

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Beagle Deep Multi-Client	PSLA	Nopec	Nopec	27-Nov-97	15-Feb-98	80					WA
Beagle Deep West 1998 SPA Marine Seismic Spec	PSLA	PGS Nopec	PGS Nopec	06-Dec-98							WA
Beagle Sub Basin MC 3D Survey	PSLA	Petroleum Geo Services	Petroleum Geo Services	01-Dec-99	01-Feb-00	62					WA
Blacktip 3D Marine Seismic	PSLA	Schlumberger Oilfield Australia Pty Ltd	Woodside Energy Ltd	16-Aug-00	03-Sep-00	18					WA
Brechnock 3D marine Seismic	PSLA	Geophysical Service Inc	Woodside Offshore Petroleum	27-Nov-97	18-Dec-97	21	121.5	122	-14.15	-14.75	WA
Brecknock South 3D M/S	PSLA	Western Geophysical	Woodside Energy Ltd	19-Oct-99	06-Nov-99	18	121.4	121.6	-14.3	-14.7	WA
Brecon 2D Marine Seismic	PSLA	Veritas DCG Asia Pacific	TAP Oil	16-Feb-00	21-Feb-00	5	115.27	115.87	-20.0755	-20.44	WA
Browse Marine Seismic	PSLA		BHP	19-Jan-99	30-Mar-99	70					NT
C98 Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Coastal Oil and Gas	27-Jul-98	20-Aug-98	24	124.33	124.75	-11.75	-12.166	NT
Canning TQ 3D Marine Seismic	PSLA	Schlumberger Oilfield Australia Pty Ltd	Schlumberger Oilfield Australia Pty Ltd	28-Sep-99	28-Jul-00	304	116	117	-17.58	-18.59	WA
Capri 97 Marine Seismic Survey	PSLA	Digicon	Woodside Offshore Petroleum	31-Jan-98	30-Mar-98	58	114.5833	116.3333	-18.6666	-19.75	WA
Carnarvon TCE 2D Spec	PSLA		Western Geophysical	04-Oct-98	30-Dec-98	87					WA

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Carnarvon Terrace 2D Deep Water SPA (2SL/98-9) Marine Deismic	PSLA	Western Geophysical	Western Atlas Int	04-Oct-98	15-Dec-98	72					WA
Carnavon Deepwater TQ3D SPA 35I/99-0	PSLA	Schlumberger Oilfield Australia Pty Ltd	Schlumberger Oilfield Australia Pty Ltd	28-Sep-99			113.75	115.1	-19.6	-21.6	WA
Carol 2D Marine Seismic	PSLA	GHD Gardline Survey	Novus Airlie Pty Ltd	07-Jun-98	10-Jun-98	3					WA
Cash Marine Seismic	PSLA	Geco-Prakla	Apache Energy Ltd	08-Apr-97	11-Jun-97	64					WA
Castle 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Kerr McGee NW Shelf Energy Australia Pty Ltd	17-Jun-00	07-Jul-00	20					WA
Cathedral 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Santos Offshore Pty Ltd	30-Nov-00	18-Dec-00	18					WA
Cocker Marine Seismic Survey	PSLA	Digicon	Premier (Australia) Energy Lim	18-Feb-98	23-Feb-98	5					WA
Collie Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Cultus Timor Sea Ltd	28-Aug-99	30-Sep-99	33	125.2	125.75	-11.25	-12.1	NT
Cornea 97 3D Marine Seismic	PSLA	Geco-Prakla	Shell Dev (Aust) P/L	25-May-97	28-Nov-97	187	124.5	125.5	-13	-14.5	WA
Corowa Seismic Survey	PSLA	Veritas DGC Australia Pty Ltd	Santos Exploration Pty Ltd	10-Jan-01							WA
Coverack 3D MSS	PSLA	WesternGeco (A) Pty Ltd	Woodside Energy Ltd	07-Dec-01							WA

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Cray 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Magellan Petroleum (WA) Pty Ltd	07-Nov-00	09-Nov-00	2					WA
Deep Water Sorell Basin 2001	PSLA	Fugro Survey Pty Ltd	Fugro Survey Pty Ltd	15-Apr-01							Tas
Denise 2D Seismic Survey	PSLA	Western Geophysical	Apache Energy Ltd	29-May-98	14-Jun-98	16					WA
Donder 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Mobil Explo- ration and Producing Australia Pty Ltd	06-Apr-00	08-Apr-00	2					WA
Dunnart Survey	PSLA		Gulf Oil	22-Nov-98							WA
EBR 99 Marine Seismic	PSLA	GHD Gard- line Survey	Eagle Bay Resources NL	02-Mar-99			148.75	149.3	-37.9	-38.5	Vic
East Petrel Spec Survey	PSLA	Nopec Aust	Nopec Aust	22-Feb-98							NT
East Scott Plateau TQ2D MSS Marine Seismic	PSLA		Schlumber- ger Oilfield Australia Pty Ltd	12-Apr-99							WA
Easter Seismic Survey	PSLA	GHD Gard- line Survey	TAP Oil	27-May-98	05-Jun-98	9					WA
Emu Reef Marine Seismic	PSLA	Geco-Prakla	Woodside Energy Ltd	12-Mar-99	30-Mar-99	18	129	130	-13.25	-14.25	NT
Exeter Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Santos Ltd	21-Jul-99	30-Sep-99	71	122.25	123.3	-14.36	-15.1	WA

SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Exmouth North 2D SPEC M/S SPA No. 2SL/99-0	PSLA	Veritas DGC Australia Pty Ltd	Aust Seismic Brokers P/L	19-Dec-99			111.5	116	-17	-19.5	WA
Extension Vincent 3D and Vincent 3D	PSLA	Petroleum Geo Services	Woodside Offshore Petroleum	05-Feb-98	30-Mar-98	53					WA
Felix 2D Marine Seismic and Site Survey	PSLA	GHD Gard- line Survey	Woodside Offshore Petroleum	13-Apr-97	21-Apr-97	8	114.97	115.16	-32.79	-32.96	WA
Firetail 98 Marine Seismic	PSLA	Digicon	Woodside Offshore Petroleum	14-Jun-98			121.5	122.5	-13.5	-14.8333	WA
Gippsland Deep Water Marine Seismic	PSLA		Dept Mineral Resources	01-Mar-99	30-Mar-99	29					Vic
Gippsland G99A Marine Seismic	PSLA	Geco-Prakla	Esso Austra- lia Resources Ltd	15-Dec-98	15-Jan-99	31					Vic
Gippsland G99B Barra- couta 3D Marine Seismic	PSLA	Geco-Prakla	Esso Austra- lia Resources Ltd	12-Feb-99	30-Mar-99	46					Vic
Gippsland TQ3D	PSLA		WesternGeco (A) Pty Ltd	01-Aug-01							Vic
Gower Basin 2001 Non- Exclusive 2D Seismic Survey	PSLA	Fugro Survey Pty Ltd	Fugro Survey Pty Ltd	01-Aug-01			159	163.5	-28.5	-34	NSW
Great Australian Bight SPA 2D Marine Seismic Phase 1 (Deep Water)	PSLA		GHD Gard- line Survey	13-Nov-98			126.5	135.5	-32.75	-36.5	SA
Great Australian Bight SPA 2D Marine Seismic Phase 2 (High Resol.)	PSLA		GHD Gard- line Survey	13-Nov-98			126.5	135.5	-32.75	-36.5	SA

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Griffin Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Santos Ltd	11-Jul-99	30-Sep-99	81	121.75	122.5	-14.5	-15.4	WA
HB97 3D Marine Seismic	PSLA	PGS Explo- ration	BHP Petro- leum (NW Shelf) P/L	04-Feb-97	15-Apr-97	70	125.92	126.5	-11	-11.3	ZOCA, WA
HBR 1998 B Marine Seis- mic	PSLA	Veritas DGC Australia Pty Ltd	BHP Petro- leum (Aust) Pty Ltd	17-Jan-99	27-Feb-99	41					NT
HBR 2000A 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	BHP Petro- leum (Aus- tralia) Pty Ltd	17-Dec-00							WA
HC97X Marine Seismic	PSLA	GHD Gard- line Survey	BHP Petro- leum	03-Dec-97	13-Dec-97	10	113.15	115	-20.75	-21.75	WA
HCA 1999A 2D Seismic	PSLA	Veritas DGC Australia Pty Ltd	BHP Petro- leum (Aust) Pty Ltd	24-Nov-99	29-Nov-99	5	114.3	114.6	-20.7	-21.1	WA
HSB-01 Multi-client 2D Seismic Survey	PSLA	Petroleum Geo Services Asia Pacific Pty ltd	Petroleum Geo Services Asia Pacific Pty ltd	25-Oct-01							WA
HY97 Marine Seismic	PSLA	Digital Explor Ltd	BHP Petro- leum	10-Aug-97	17-Aug-97	7	123.4	123.87	-14.35	-14.9	WA
HZ1 98	ZOC			01-Oct-98	30-Dec-98	90					ZOCA
Historian 2D Marine Seis- mic	PSLA	Veritas DGC Australia Pty Ltd	Santos Off- shore Pty Ltd	19-Dec-00	25-Dec-00	6					WA
Huntsman 3D Marine Seismic	PSLA		Woodside Petroleum Ltd	12-Mar-01	19-Mar-01	7					WA

SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
IB-98 Seismic Survey	PSLA	Veritas DGC Australia Pty Ltd	Inpex Ash- more Ltd	30-Oct-98	30-Dec-98	61	123	123.8	-13.75	-14.4	WA
IFR-98 Seismic Survey	PSLA	GHD Gard- line Survey	International Frontier Resources	01-Sep-98	19-Sep-98	18	121.75	123.75	-13	-14.4	WA
Indian 3D 2000 Marine Seismic	PSLA	Schlumber- ger Oilfield Australia Pty Ltd	Woodside Energy Ltd	03-Oct-00	31-Dec-00	89					WA
Indian 3D Marine Seismic	PSLA	Western Geophysical	Woodside Energy Ltd	31-Oct-99	25-Dec-99	55					WA
Indian 3D Marine Seismic	PSLA	Geco-Prakla	Woodside Energy Ltd	08-Feb-00	08-Mar-00	29					WA
Investigator Marine Seismic	PSLA	Western Geophysical	Woodside Energy Ltd	05-Dec-99	31-Jan-00	57	142.55	143.3	-38.6	-39.25	Vic
Jawa Marine Seismic Sur- vey	PSLA	Digicon	Woodside Offshore Petroleum	12-Mar-98	25-Mar-98	13	113.75	114.08333	-21.3333	-21.75	WA
Keast 3D Marine Seismic	PSLA	PGS Explo- ration	Woodside Offshore Petroleum	26-Apr-97	26-Jun-97	61	115		-19.75		WA
Kerguelen Plateau Cruise	Geoscience Australia	Aust Geo- logical Sur- vey Org.	Aust Geo- logical Sur- vey Org.	25-Jan-97							Antarctica
Kerr-Mcgee 2001 Moor 2D Survey	PSLA	WesternGeco (A) Pty Ltd	Kerr Mc Gee NW Shelf Energy Australia Pty Ltd	08-Jun-01							WA
Kipper 3D Marine Seismic	PSLA		Esso Austra- lia Limited	07-Jan-99	30-Mar-99	82					Vic

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Ladon Marine Seismic Survey	PSLA	Veritas DGC Australia Pty Ltd	Santos Off-shore Pty Ltd	16-Oct-01							WA
Lauren 2D Marine Seismic	PSLA	GHD Gard-line Survey	Hardy Petroleum Ltd	26-Jun-97	29-Jun-97	3	114.78	114.9	-20.8	-21.18	WA
Leveque Shelf (LS-98) Marine Seismic	PSLA	GHD Gard-line Survey	GHD Gard-line Survey	15-Jun-98	08-Aug-98	54					WA
Lycos Marine Seismic	PSLA		Woodside Petroleum Ltd	01-Jun-01	07-Jun-01	6					WA
Marrakai 1997 Marine Seismic	PSLA	Digicon	Woodside Offshore Petroleum	11-Oct-97	16-Oct-97	5	125.75	125.9	-11	-11.35	NT
Mavis 2D Marien Seismic	PSLA	Veritas DGC Australia Pty Ltd	Magellan Petroleum (WA) Pty Ltd	26-Dec-00	31-Dec-00	5					WA
Maylands Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Santos Ltd	12-Jul-99	30-Sep-99	80	121.3	121.95	-15.2	-15.6	WA
Melville 1997 Marine Seismic	PSLA	Nopec	Woodside Oil Ltd	12-Jun-97	15-Jun-97	3	130	131	-10	-11	NT
Mescal 3D Marine Seismic	PSLA	Schlumberger Geco-Prakla	Woodside Energy Ltd	01-May-00	01-Oct-00	153	127.9	128.5			NT
Michelle Marine Seismic	PSLA		Premier Oil Australasia	19-Oct-99			114.8	114.95	-29.25	-29.5	WA
Morangie Marine Seismic	PSLA	Aust Geological Survey Org.	Seafield Resources	24-Apr-97	28-Apr-97	4	112.9	113.25	-27.25	-27.5	WA
Mutiny 3D marine Seismic	PSLA	Geco-Prakla	Santos Ltd	22-Dec-97	12-Jan-98	21					WA

SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
NS 2000 Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Apache Energy	16-Feb-00	19-Feb-00	3					WA
NT-97 (2) Marine Seismic Survey	PSLA	PGS Explo- ration	Shell Co of Aust Ltd	25-Apr-97	16-Jul-97	82					NT
NT/P54 2000 2D marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Kerr McGee NW Shelf Energy Australia Pty Ltd	30-Jan-00	15-Feb-00	16	128.1	129.7	-11.95	-12.6	NT
North West Barrow TQ2D	PSLA	WesternGeco (A) Pty Ltd	WesternGeco (A) Pty Ltd	22-Sep-01							WA
North Browse TQ 3D (NB TQ 3D) Marine Seismic SPA	PSLA	Geco-Prakla	Geco-Prakla	10-Oct-98	02-Sep-99	327	121.9	123.9	-12.75	-13.75	WA
North Browse TQ3D Ex- tension Seismic Survey SPA	PSLA	Geco-Prakla	Geco-Prakla	05-Apr-99			122.3	123.9	-12.75	-13.75	WA
North Browse TQ3D Phase 4 Seismic Survey SPA	PSLA	Schlumber- ger Oilfield Australi	Schlumber- ger Oilfield Australi	10-Jun-99			122.4	123	-13.5	-14.4	WA
North West Barrow 3D Marine Seismic	PSLA	Geco-Prakla	WAPET	08-Feb-97	14-Mar-97	34	115.25	115.75	-21.25	-21.5	WA
North West Shelf Multi- client	PSLA	Western Geophysical	Woodside Offshore Petroleum	12-Nov-97							WA
ONNIA Phase 3 MC3D Marine Seismic	PSLA	Petroleum Geo Services	Petroleum Geo Services	31-Mar-99			124.7	125.2	-12.3	-13.9	NT
OSTR-01 3D Seismic Srvey	PSLA		Strike Oil NL	01-Oct-01							Vic
Omnia Multi-Spec Survey	PSLA	PGS Explo- ration	PGS Explo- ration	20-Nov-97							NT

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Onnia MC3D Marine Seismic	PSLA	PGS Exploration	PGS Exploration	25-Nov-97	02-May-98	158	124.25	125	-12	-12.75	NT
Onnia Phase 1 Marine Seismic	PSLA		PGS Exploration	11-Nov-97	02-May-98	172					NT
Onnia Phase 2 Marine Seismic	PSLA	PGS Exploration	PGS Exploration	07-Mar-98	30-Sep-98	207					NT
Orca 2D Marine Seismic 1998	PSLA	Veritas DCG Asia Pacific	Woodside Energy Ltd	26-Sep-98	10-Oct-98	14					NT
Panaeus 11 North Marine Seismic Survey	PSLA	Petroleum Geo Services	Petroleum Geo Services	08-Mar-98	01-Apr-98	24	116.5	117.1667	-19	-19.75	WA
Panaeus 11 South Marine Seismic Survey	PSLA	Petroleum Geo Services	Petroleum Geo Services	21-Jan-98	07-Mar-98	45	115.8333	116.3333	-19.6666	-20.4167	WA
Panaeus 2000 East MC3D SPA 5SL/99-0 Marine Seismic	PSLA	Petroleum Geo Services	Petroleum Geo Services	26-Jan-00	01-Apr-00	66	116	117.1	-19.5	-20.5	WA
Panaeus 2001 East MC3D (Special Prospecting Licence No.8SL/01-2)	PSLA	Petroleum Geo Services Asia Pacific Pty ltd	Petroleum Geo Services Asia Pacific Pty ltd	01-Dec-01							WA
Panaeus 99 MC3D SPA 2T 98/9	PSLA		Woodside Offshore Petroleum	20-Nov-98							WA
Panaeus 99 Phase 2 MC3D Seismic (P99 Ph II) SPA	PSLA	Petroleum Geo Services	Petroleum Geo Services	01-Jun-99			115.3	116.1	-19.9	-20.4	WA
Panaeus 99 SPA (P99)—2T/98-9 Marine Seismic Survey	PSLA	Petroleum Geo Services	Petroleum Geo Services	20-Nov-98			115	117	-19.9167	-20.9167	WA
Panaeus MC3D Marine Seismic	PSLA	PGS Exploration	PGS Exploration	25-Jan-97	10-Apr-97	75	116.17	116.92	-19.33	-20	WA
Panaeus West (PW 99) Marine Seismic—SPA—85L/98-9 PGS	PSLA	PGS Exploration	PGS Exploration	28-Feb-99			115.5	117.1	-19.25	-20.4	WA

SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Panjandrum SPA 5SL/96/97	PSLA	PGS Explo- ration	PGS Explo- ration	25-Jan-97	30-Mar-97	64					WA
Perseus 98 Marine Seismic Survey	PSLA	Western Geophysical	Woodside Offshore Petroleum	18-Apr-98	10-May-98	22	115.9167	116.25	-19.4167	-19.6666	WA
Plumhead 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Woodside Offshore Petroleum	02-Dec-98	30-Mar-99	118					WA
Portrush ZOCA 96-16 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Norwest Energy NL	05-Nov-99	15-Nov-99	10					ZOCA
Raynard Extension Marine Seismic Survey	PSLA	Digicon	Mobil Explo- ration and Producin	19-Jan-98	27-Jan-98	8					WA
Raynard Marine Seismic Survey	PSLA	Digicon	Woodside Offshore Petroleum	22-Nov-97	19-Jan-98	58					WA
Remus 2D Marine Seismic	PSLA	Geco-Prakla	Woodside Energy Ltd	22-Nov-99	02-Dec-99	10	116.79	117.64	-16.56	-19.3	WA
Reynard 1997 Marine Seismic	PSLA	Digicon	Woodside Offshore Petroleum	22-Nov-97			116	117.6	-18.5	-19.5	WA
Rising Sun 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Santos Off- shore Pty Ltd	26-Nov-00	29-Nov-00	3					WA
Robins 3D Marine Seismic	PSLA	Western Geophysical	Boral Energy Resources Ltd	20-Jan-00	10-Feb-00	21					Tas
SPA 14 SL/98-9 Marine Seismic SPA	PSLA	Veritas DGC Australia Pty Ltd	Aust Seismic Brokers P/L	08-Jul-99			111.5	115.75	-17	-19.5	WA

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
SPA 2SL/96-7 Marine Seismic	PSLA	Aust Seismic Brokers P/L	Aust Seismic Brokers P/L	01-Dec-97	04-Dec-97	3	125.4	126	-11	-12	NT
SPA 3SL/97-8 Marine Seismic Survey	PSLA	GHD Gard-line Survey	GHD Gard-line Survey	28-Dec-97			115.3333	121	-15	-19	WA
SPA 6SL/96-7 Marine Seismic Survey	PSLA	GHD Gard-line Survey	GHD Gard-line Survey	01-May-97	01-Jun-97	31	125.5	128.1	-12.5	-14	WA
SPA 8SL/97-8 Marine Seismic	PSLA	GHD Gard-line Survey	GHD Gard-line Survey	10-Jun-98			120.9167	123.25	-15.4167	-17.08333	WA
SPA Arafura Tie 1998 Marine Seismic	PSLA	Nopec	Nopec	09-Apr-98	11-Apr-98	2	131.5	134.3	-9	-10.5	NT
SPA BR 98 Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Aust Seismic Brokers P/L	15-Jul-98			120	125	-10	-13.5	WA
SPA Beagle Deep 1997 Marine Seismic	PSLA	Nopec	Nopec	01-Dec-97			115.5	119.25	-17	-19	WA
SPA Browse Deepwater (5SL/97-8) Marine Seismic Survey	PSLA	Western Geophysical	Western Geophysical	20-Apr-98			119.8333	124.8333	-11	-16	WA
SPA East Petrel 1997 Marine Seismic Survey	PSLA	Nopec	Nopec	19-Feb-98	22-Feb-98	3	128.4167	130	-13	-14.4167	NT
SPA Jacaranda 98 Marine Seismic Survey	PSLA	Nopec	Nopec	28-Apr-98	11-May-98	13	127.5	128.5	-11	-12.5	NT
SPA Onnia North Phase 1, 11, 111	PSLA	PGS Exploration	PGS Exploration	30-Oct-98			124.08333	126.08333	-10.8333	-13.3333	NT
SPA Outer Browse 98 (4SL/97-8) Marine Seismic	PSLA	GHD Gard-line Survey	GHD Gard-line Survey	01-Apr-98			119	122.6666	-13	-16.5	WA
SPA West Bonaparte Margin TQ(7SL/97-8) Marine Seismic Survey	PSLA	Geco-Prakla	Geco-Prakla	01-Jul-98			125.4167	126.4167	-12.75	-13.3333	WA
Scallop Marine Seismic	PSLA		Woodside Petroleum Ltd	03-Nov-00	11-Nov-00	8					WA

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Scampi Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Magellan Petroleum (WA) Pty Ltd	06-Oct-99	31-Dec-99	86	124.8	125.1	-12.95	-13.3	WA
Scollop 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Magellan Petroleum (WA) Pty Ltd	05-Nov-00	07-Nov-00	2					WA
Sheila Marine Seismic	PSLA		Flare Petro- leum NL	27-Sep-99	30-Sep-99	3					NT
Shelduck Seismic Survey	PSLA	Fugro Survey Pty Ltd	Origin En- ergy Re- sources Ltd	25-Apr-01							Tas
Shelley 3D Marine Seismic Survey	PSLA	Western Geophysical	Apache Energy Ltd	14-Jun-98	15-Oct-98	123					WA
Skorpion/Coverack WG2D MSS	PSLA	WesternGeco (A) Pty Ltd		15-Nov-01							WA
Sleeper Marine Seismic	PSLA		Arc Energy	01-Oct-99	31-Dec-99	91					NT
Smoker Marine Seismic	PSLA	GHD Gard- line Survey	Woodside Offshore Petroleum	20-Mar-97	21-Mar-97	1					WA
South Tasman Rise	Geoscience Australia	AGSO	AGSO	13-Jan-98	16-Feb-98	34					Tas
Spec Survey a.k.a Deep Water NWS Marine Seis- mic (SPA 3SL 97-8)	PSLA	GHD Gard- line Survey	GHD Gard- line Survey	11-Jan-98	24-May-98	133					WA
Squid Marine Seismic ZOCA 95-18	ZOC	Geco-Prakla	Mobil Explor Aust	04-May-98	04-Jun-98	31					ZOCA
Strumbo-Munyang 2D MSS	PSLA	Veritas DGC Australia Pty Ltd	Magellan Petroleum (WA) Pty Ltd	15-Dec-01							WA
Sunrise 2D Marine Seismic Survey	PSLA	Veritas DGC Australia Pty Ltd	Woodside Offshore Petroleum	26-Sep-98	30-Sep-98	4					NT

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Sunrise Seabed Survey (Geotechnical Survey)	PSLA		Woodside Energy Ltd	30-May-01							NT
TQ 3D Marine Seismic	PSLA	Geco-Prakla	Woodside Energy Ltd	22-Dec-99	06-Aug-00	228					WA
Tarantula 2D Marine Seismic	PSLA	Geco-Prakla	Woodside Energy Ltd	14-Sep-99	30-Mar-00	198	118.25	119.4	-16.7	-17.75	WA
Tea Tree Marine Seismic	PSLA	Western Geophysical	Meda Petro- leum NL	24-Nov-98	30-Nov-98	6	114.75	114.85	-21.1	-21.35	WA
Telescope 2D Seismic Survey	PSLA	Veritas DGC Australia Pty Ltd	Nippon Oil Exploration (Vulcan) Pty Ltd	25-Apr-01							NT
Tequila 2D Marine Seismic	PSLA	PGS Nopec	Woodside Offshore Petroleum	15-Jan-97	17-Feb-97	33					NT
Thresher 2D/3D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Woodside Energy Ltd	14-Jul-00	02-Nov-00	111					WA
Townsville Trough Non- Exclusive 2D Seismic Survey	PSLA	Nopec	Nopec	01-Feb-01							Qld
Ursa 2D Seismic Survey	PSLA		IndoPacific Energy Ltd	01-Sep-01							NT
Vincent 97 Marine Seismic Survey	PSLA	Petroleum Geo Services	Woodside Offshore Petroleum	22-Dec-97			113.75	115.08333	-21.3333	-21.75	WA
WA—279/280-P 99 2D Marine Seismic	PSLA	Geco-Prakla	Shell Dev (Aust) P/L	15-Jan-99			127.8	129	-13.8	-14.8	WA
WA-239-P 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd		12-Nov-00	26-Nov-00	14					WA

SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
WA-276 2000 2D Marine Seismic	PSLA	Veritas-DGC Australia Pty Ltd	Kerr McGee NW Shelf Energy Australia Pty Ltd	17-Mar-00	06-Apr-00	20	126.1	126.58	-12.2	-12.47	WA
WA-276 277 & 278 2D Marine Seismic 1998	PSLA	Geco-Prakla	Oryx (ZOC) Energy Pty Limited	15-Dec-98							WA
WA-277 2000 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Kerr McGee NW Shelf Energy Australia Pty Ltd	17-Mar-00	06-Apr-00	20	125.7	125.96	-12.75		WA
WA-278 2000 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Kerr McGee NW Shelf Energy Australia Pty Ltd	17-Mar-00	06-Apr-00	20	125	125.45	-12.67	-12.97	WA
WA-295 2000 2D Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Kerr McGee NW Shelf Energy Australia Pty Ltd	01-Jun-00	23-Jun-00	22	117	118	-17.35	-18.35	WA
Webley 2D 1997 Marine Seismic	PSLA	PGS Exploration	Woodside Offshore Petroleum	23-Apr-97	26-Apr-97	3	115.5	115.75	-19.8	-20.25	WA
West Barrow Multi-Client 3D marine Seismic Survey	PSLA	Western Geophysical	Western Geophysical	12-Nov-97	26-Mar-98	134					WA
West Gordon 99 (WG-99) MC3D Marine Seismic—SPA PGS	PSLA	Petroleum Geo Services	Petroleum Geo Services	18-Apr-99	30-Jun-99	73	114	115.3	-19.6	-21.75	WA

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SURVEY	LEGLSN	CONTR	OPERTR	BEGIN	FINISH	Duration (days)	W_LONG	E_LONG	N_LAT	S_LAT	STATE
Whitetail 3D Marine Seismic	PSLA		Woodside Petroleum Ltd	20-Feb-01	12-Mar-01	20					WA
Wilga 99 2D	PSLA		Cultus Timor Sea Ltd	03-May-99	30-Jun-99	58	124.65	124.98	-11.1	-11.45	
Woollybutt M/S Scientific Investigation SL/01-2	PSLA	Fugro Survey Pty Ltd	AGIP Aust	01-Nov-01							WA
Wyla 2D MSS	PSLA	Geco-Prakla	Woodside Energy Ltd	25-May-01							WA
Yabbie Marine Seismic	PSLA	Veritas DGC Australia Pty Ltd	Magellan Petroleum (WA) Pty Ltd	06-Sep-99			125.1	125.5	-12.9	-13.3	WA
ZZ97 Marine Seismic	ZOC	PGS Exploration	Shell Co of Aust Ltd	15-Feb-97	21-Apr-97	65					ZOCA
ZOCA 91-02 Marine Seismic Survey	ZOC	Geco-Prakla	Shell Co of Aust Ltd	01-Jan-98	10-Mar-98	68					ZOCA
Zeus 2D Marine Seismic	PSLA	Digicon	WAPET	15-Aug-97	05-Oct-97	51					WA
Zeus 2D Phase 2 Seismic Survey	PSLA	Digicon	WAPET	29-May-98							WA
Zeus 2D Phase 2 Seismic Survey 98	PSLA		WAPET	21-May-98	13-Jul-98	53					WA

Family and Community Services: Special Needs Subsidy Scheme**(Question No. 22)**

Senator Allison asked the Minister for Family and Community Services, upon notice, on 12 February 2002:

With reference to the answer to question on notice no. 3919, asked on 8 October 2001:

- (1) What has the department discovered in its monitoring of child care award rates and the impact of increasing costs on child care services as they relate to the Special Needs Subsidy Scheme (SNSS).
- (2) Has there been any further consideration of a review of the SNSS.

Senator Vanstone—The answer to the honourable senator's question is as follows:

- (1) The Department has found child care award rates vary considerably across all States and Territories. Whereas the initial rate of \$13 per hour was a generous contribution to towards the employment of an additional worker, increasing costs have meant that child care services must now utilise the subsidy more efficiently. The \$13 per hour subsidy is still considered to be a valuable contribution towards the employment of an additional worker in a child care service. The Government has provided additional funding to meet increasing demand for SNSS. In 2001 the Government provided funding totalling \$17.8m.
- (2) General monitoring and analysis of the program's effectiveness is part of the ongoing administration of SNSS. Advice to Ministers concerning improvements to programs would be part of confidential briefing and policy advice.

Health: Chiltern Hospital**(Question No. 59)**

Senator Allison asked the Minister for Health and Ageing, upon notice, on 13 February 2002:

- (1) Is it the case that the Chiltern Hospital in Victoria will receive \$185 000 a year for support services from the Small Rural Hospitals Fund.
- (2) When will this funding commence.
- (3) Is the Minister aware that the Chiltern Hospital Committee of Management has advised that this support will not be adequate to avert closure of the hospital because of the number of older people in the hospital.
- (4) What measures does the Government propose to adopt in the event of closure of the hospital.
- (5) Will the Government consider providing a \$55 a day operational subsidy to the hospital for these residents given that this is the only aged care option for these people; if not, why not.

Senator Patterson—The answer to the honourable senator's question is as follows:

- (1) No this is not the case.
Correspondence from the Minister to the Committee of Management of the Chiltern and District Bush Nursing Hospital put forward a Commonwealth Government commitment of up to \$520,000 over the next three years to the Chiltern and District Bush Nursing Hospital. This funding is being made available under the Bush Nursing, Small Community and Regional Private Hospitals Program.
- (2) The first contract for funding of \$107,250 (GST Inclusive) to employ a Chief Executive Officer for a period of 12 months was signed by the Commonwealth on 12 September 2001.
- (3) Advice from the Committee of Management of the Chiltern and District Bush Nursing Hospital, dated 10 August 2001, indicates that the Committee believe that 'these funds will provide the opportunity to not only continue to provide a service to our community, but to improve the range of services available, which will address the health needs of the broader community'.
- (4) The Chiltern and District Bush Nursing Hospital is a private hospital, and decisions about closure will be made by its Committee of Management. Government funded health services will continue to be available to the people of rural Victoria. Ultimately though, the provision of acute services for Victorians is a responsibility that lies with the State Government, and I am aware that discussions around the situation with Chiltern have been undertaken with the Victorian State Government.

- (5) No, because this facility provides private hospital services which are not appropriately subsidised on a per patient basis by Government. Also, Chiltern and District Bush Nursing Hospital is not an accredited aged care service funded under the Aged Care Act 1987 and because of this does not receive aged care funding from the Government.

Australian Hearing Services

(Question No. 77)

Senator Allison asked the Minister representing the Minister for Ageing, upon notice, on 13 February 2002:

- (1) How many 20 year-olds were provided with government-funded hearing aids by the Australian Hearing Services (AHS) in the 1999-2000 financial year, broken down by state.
- (2) How many 21 year-olds were provided with government-funded hearing aids by the AHS in the 1999-2000 financial year.
- (3) How many 21 year-olds were provided with government-funded hearing aids by the AHS in the 2000-2001 financial year.
- (4) (a) What, if any, AHS centres were closed in 1999, 2000 and to date in 2001; and (b) which of these were in country areas.
- (5) What was the reason for these closures.
- (6) (a) How many audiologists are currently employed by the AHS; (b) how many were employed in 1999; and (c) how many were employed in 2000.
- (7) What is the policy rationale for hearing aids not being provided by the AHS to hearing impaired people over 21 years of age.
- (8) Why is it that hearing impaired people over 21 years of age are not able to purchase services, including hearing aids, from the AHS.

Senator Patterson—The Minister for Ageing has provided the following answer to the honourable senator's question:

- (1) 171 twenty year-olds were provided with government-funded hearing aids by Australian Hearing Services (AHS) in the 1999-2000 financial year, broken down by state:

NSW	51
VIC	59
QLD	24
SA	13
WA	14
TAS	5
NT	5
ACT	0

- (2) Two twenty-one year-olds were provided with government-funded hearing aids by AHS in the 1999-2000 financial year.
- (3) Seven twenty-one year-olds were provided with government-funded hearing aids by AHS in the 2000-2001 financial year.
- (4) (a) One AHS centre was closed in 1999, 53 in 2000, and 10 in 2001; and (b) 51 of these were in country areas.
- (5) AHS regularly reviews its visiting sites and changes are made on the basis of client and operational needs, and can result in the relocation and opening of new visiting and remote sites, and permanent centres or site closures. No permanent AHS centres were closed in the period 1999 to 2001.
- (6) (a) 352 full-time equivalent (FTE) audiologists are currently employed by AHS; (b) 321 (FTE) were employed in 1999; and (c) 365 (FTE) were employed in 2000.
- (7) Under the Commonwealth Hearing Services Program free hearing services are provided to all Australian children and young adults up to and including the age of 20 years. These services are provided by AHS as government-funded Community Service Obligations. Eligible adults of 21 years of age and above may apply for a Hearing Services Voucher for free hearing services under the Commonwealth Hearing Services Program. Eligibility for adult services is prescribed under

Section 5 of the Hearing Services Administration Act 1997. The Government has targeted the Commonwealth Hearing Services Program to benefit those with the greatest need.

- (8) Hearing services provided by AHS are governed by the Australian Hearing Services Act 1991 and the Declared Hearing Services Determination 1997. The legislation does not provide for AHS being able to charge for services to other than designated persons as defined in the Declared Hearing Services Determination 1997.

Family Court of Australia

(Question No. 83)

Senator Harris asked the Minister representing the Attorney-General, upon notice, on 13 February 2002:

With reference to the Family Court of Australia:

- (1) Given that there are obviously financial costs involved in family breakdown, the chief of these being the costs of litigation, what are the department's estimates of the average cost of such litigation and the number of children affected for each of the past 5 years.
- (2) Would the Minister please confirm or deny the accuracy of the following statistics: That children from fatherless homes account for: (a) 60 per cent of youth suicides; (b) 65 percent of teenage pregnancies; (c) 65 percent of adolescent drug abusers; and (d) 75 percent of all homeless or run away children.
- (3) What are the liaison procedures between the Family Court and state government agencies that ensure that no Family Court litigant can manipulate differing jurisdictions in ways that can result in functional abuses of process.
- (4) How many convictions for perjury have there been in the Family Court since its inception.
- (5) Is section 121 of the Family Law Act in need of revision or repeal.
- (6) Would the Minister please confirm or deny that three men in Australia commit suicide every day whilst involved in Family Court proceedings or following such proceedings.
- (7) What is the Government's position with regard to the concept that 'joint parenting' should be the Family Court's first and favoured residential presumption (as was the objective of the amendments of 1995).

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator's question:

- (1) As far as I am aware, there is no available information that would provide any estimate of the average cost of family law litigation. The cost of family law litigation would depend on the amount of time taken by the court to resolve the issues in dispute between the parties. It is important to acknowledge that only 5% of all applications to the court actually go to a defended hearing.

The Australian Bureau of Statistics, in its publication *Australian Social Trends 2001* provides the following data on the numbers of children under 18 affected by divorce:

1999 53,400
 1998 51,600
 1997 51,700
 1996 52,500
 1995 n.a.
 1994 47,500

- (2) I am unable to confirm or deny the accuracy of the statistics as, as far as I am aware, there is no data available that would enable me to do so.
- (3) The Family Court of Australia, in all States except Western Australia, is the main court that deals with family law issues. Family law litigants generally can not "forum shop" to manipulate different judicial bodies.

The Family Law Act 1975 specifically provides for the interaction of family violence orders and contact orders, in order to resolve possible inconsistencies between contact orders and family violence orders and to ensure that contact orders do not expose people to family violence.

- (4) The Family Court does not hear criminal matters and therefore does not convict for perjury.
- Where allegations of perjury are made, the Attorney-General's Department is responsible for assessing whether, on the basis of the evidence provided, there is a prima facie case. If the evidence provided demonstrates a prima facie case, the allegations are forwarded to the Australian Federal Police for consideration, in accordance with the operational priorities of that organisation. If the AFP provides a brief to the Director of Public Prosecutions, then that organisation has the responsibility, in accordance with Commonwealth prosecution guidelines, for prosecuting the alleged offender. There is no data available on the number of convictions for perjury in family law proceedings since 1976, when the Family Court of Australia was established.
- (5) Section 121 of the Family Law Act 1975 provides a prohibition on publication of identifying material in reports of family law proceedings. The policy intention is to protect parties involved in family law proceedings, particularly children, from publicity. Section 121 is effective in implementing this policy.
- Pursuant to recent amendments, the Family Court can, when a child has been abducted, lift restrictions that would otherwise stop the names of people involved in family law proceedings from being published. This is done specifically to locate a missing child. For missing children to be listed on the Family Court web site, a judicial officer must have made an order permitting names and photographs to be released to the public in an effort to help find the child.
- The Government is considering minor amendments to the section that will not effect the underlying policy intention.
- (6) I am unable to confirm or deny the statement as, as far as I am aware, there is no data available that would allow me to do so.
- (7) The Family Law Act 1975 provides that each of the parents of a child has parental responsibility for the child, and that parental responsibility is not affected by any changes in the nature of the relationships of the child's parents. Parental responsibility does not, however, mean equally shared residence of the child, as the question suggests. The Family Law Act 1975 provides that a court may make a parenting order that, amongst other things, deals with the person with whom the child is to reside and other persons with whom the child is to have contact. In making such an order the court is required to regard the best interests of the child as the paramount consideration.

Parliamentarians' Entitlements

(Question No. 87)

Senator Murray asked the Special Minister of State, upon notice, on 12 February 2002:

- (1) Can the full details of all use of entitlements by retired members of parliament (on the same reporting basis as applies to current members of parliament) for the 2000-01 financial year be provided.
- (2) With reference to the revelation in the Australian National Audit Office's report *Parliamentarians Entitlements: 1999-2000* that a number of parliamentarians had used entitlements that significantly exceeded the average, could the Minister please indicate (with respect to those that did significantly exceed the average): (a) whether the use of these entitlements by those parliamentarians has been investigated to determine if it is proper; and (b) what action is being taken with regard to the use of these entitlements that significantly exceeded the average.
- (3) Without limiting the scope of the questions above, which apply to all relevant entitlements, could the Minister please address the questions outlined in (2)(a) and (2)(b) with respect to the following entitlements: (a) personalised stationery, newsletters and other printing; (b) photographic services; (c) photocopy paper; and (d) flags for presentation to constituents.

Senator Abetz—The answer to the honourable senator's question is as follows:

- (1) Yes, the Government has decided to table the usage of travel entitlements by former Senators and Members in a parallel way to that which applies in respect of serving Senators and Members. The first of these reports was tabled on 20 December 2001.
- (2) (a) Yes, the Department of Finance and Administration in processing accounts brings to the attention of the Senators and Members concerned any transaction which appears to be significantly out of pattern. It also provides regular monthly reports to Senators and Members on their usage of certain key entitlements for their information and notification of any

amendments, in the event that there are any inconsistencies between the Department's records and those of the Senator or Member.

- (b) If the use of entitlement above average is considered within entitlement, no action is required. If the use is beyond entitlement, the normal procedures for the recovery of monies is instituted.
- (3) See answer to 2(a) and 2(b) above.

**Transport: Market Research
(Question No. 101)**

Senator Robert Ray asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 14 February 2002:

- (1) What was the total value of market research sought by the department and any agencies of the department for the 1999-2000 financial year.
- (2) What was the purpose of each contract let.
- (3) In each instance: (a) how many firms were invited to submit proposals; and (b) how many tender proposals were received.
- (4) In each instance, which firm was selected to conduct the research.
- (5) In each instance: (a) what was the estimated or contract price of the research work; and (b) what was the actual amount expended by the department or any agency of the department.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

I am advised by my Department and agencies within my portfolio as follows:

- (1) The total value of market research sought by the department and any agencies of the department for the 1999-2000 financial year was \$321,583.87.

The answers to parts (2) to (5) of the question are set out in the table below:

(2) Purpose	(3)(a) No. of firms invited to tender	(3)(b) No. of tenders received	(4) Firm selected to conduct research	(5)(a) Estimated or contract price of research	(5)(b) Actual amount paid
Contracts let by the Department of Transport and Regional Services					
Development of a public relations strategy for the Rural Transaction Centres program	7	4	Michels Warren Pty Ltd	\$65,000	\$63,418.87
Undertake a national survey of community attitudes to road safety	5	3	Tobumo Pty Ltd trading as Taverner Research	\$159,735 (over 3 years)	\$51,930
Undertake community attitudes survey with designated at-risk groups on speeding issues	1	1	Stancombe Research and Planning Pty Ltd	\$49,440	\$49,440
Market testing of branding elements to be used for the Regional Australia Summit	1	1	Quantum Market Research (Aust) Pty Ltd	\$52,800	\$52,500
Conduct market research into the response of the public to the use of protective headwear for occupants of passenger cars	5	4	Managing Innovation Marketing Consultancy Pty Ltd	\$80,075	\$76,795

(2) Purpose	(3)(a) No. of firms invited to tender	(3)(b) No. of tenders received	(4) Firm selected to conduct research	(5)(a) Estimated or contract price of research	(5)(b) Actual amount paid
Conduct market testing of safety resource material for use by commercial driver trainers	1	1	Dynamic Outcomes Pty Ltd	\$20,000	\$20,000
Contracts let by the National Capital Authority					
Ascertain community perceptions of the GMC 400 V8 supercar race	1	1	The University of Canberra	\$7,500	\$7,500

Government Employee Entitlements Scheme

(Question No. 104)

Senator Hutchins asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 14 February 2002:

- (1) Is the Minister aware that more than five hundred former staff of Traveland lost their jobs as a result of the collapse of Ansett and Internova Travel.
- (2) Is the Minister aware that none of the former employees of Traveland have received their workers' entitlements.
- (3) Will the Government Employee Entitlements Scheme (GEERS) provide payment of workers' entitlements to former employees of the Ansett subsidiary Traveland.
- (4) Can details be provided of the processing of applications received from workers applying for their entitlements under GEERS.
- (5) Has GEERS begun processing the applications of former Traveland workers.
- (6) Were the former Traveland employees misled when they were informed that the processing of their payments would begin on 7 January 2002.
- (7) How much time was taken by GEERS to process the applications of former National Textiles workers.
- (8) When will former Traveland employees receive their workers' entitlements.

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) Yes, subject to the scheme's eligibility and payment limits.
- (4) The Department of Employment and Workplace Relations processes applications for assistance under GEERS in accordance with the scheme's Operational Arrangements, which are publicly available at www.dewr.gov.au
- (5) Yes.
- (6) The Minister has been advised that DEWR did not provide this information and is therefore unable to comment on the statement.
- (7) GEERS did not apply to former employees of National Textiles.
- (8) The bulk of claimants should receive the monies shortly.

Telstra: Retrenchments
(Question No. 105)

Senator Hutchins asked the Minister for Communications, Information Technology and the Arts, upon notice, on 14 February 2002:

- (1) Was a decision made by Telstra, on 4 April 2001, to retrench 25 customer field workforce employees in the Sydney metropolitan area.
- (2) Is the Minister aware that there are some 8,000 Telstra customers within the Sydney metropolitan area waiting for their phone services to be repaired.
- (3) Was the decision made for commercial reasons.
- (4) Is the Minister aware that an additional 260 staff were brought in from interstate and regional New South Wales.
- (5) (a) Is the Minister aware that 170 telephone installations are being carried out by contractors every day; and (b) would permanent staff be more economically efficient in terms of cost for installing telephones.
- (6) Will the decision to retrench 25 customer field workforce employees impact upon the level of service provided to Telstra customers.
- (7) Is the Government able to use its majority shareholding in Telstra to reverse the decision.
- (8) How is the decision to retrench the workers in the interest of the provision of an effective telecommunications service to the people of Sydney.

Senator Alston—The answer to the honourable senator's question, based on advice from Telstra, is as follows:

- (1) No decision was made by Telstra on 4 April 2001 concerning staffing structures in the Sydney Metro Service Area. However in October 2001, Telstra announced that ninety-five positions in the Sydney Metro Service Area were in excess of requirements. Subsequently sixty seven staff elected to take voluntary redundancies. These redundancies were first notified to the NSW CEPU on 25 October 2001.
On 19 December 2001, Telstra notified the union that twenty-six staff would begin the established redeployment process and those who do not find suitable positions would be retrenched involuntarily.
- (2) Telstra has advised that some 8,000 of its customers in the Sydney metropolitan area were affected in mid-February 2002 by an abnormal period of severe storms, resulting in prolonged rain and subsequent minor flooding and severe wind damage. According to Telstra, fault levels have now returned to normal.
- (3) Telstra's Board and Management are responsible for the day to day running of the company's operations, including decisions of an operational nature such as staffing levels. Telstra maintains that its decision is based on the need to more closely align staffing levels to average workloads.
- (4) Telstra has advised that during February 2002, 80 Telstra staff came from other parts of Australia to assist with the additional workload in Sydney caused by the storms. Additionally, Telstra employed contractors to assist during this period—these contractors ceased work for Telstra on 2 March 2002.
- (5) (a) and (b) Telstra currently uses permanent staff for installation of telephone services in the Sydney Metro area. However, Telstra will use a contractor workforce in extraordinary circumstances, such as floods, to handle unexpected peaks. Telstra considers that this practice offers the best value for its customers. It would obviously not be effective to employ full time staff to cover extraordinary peak loads as, during normal periods, there would not be enough work for them to do.
- (6) Telstra has advised that the level of service provided to its customers will not be impacted by this decision.
- (7) No. While Telstra is partially Government-owned, Telstra has been an independent corporation since 1992. Telstra's Board and Management are responsible for the day to day running of the company's operations. The Government's role is to establish the legislative framework within which all telecommunications service providers (including Telstra) must operate. Decisions about

how the company carries on business, staffing levels and investment decisions belong rightfully with the Board.

- (8) See answer to Part (3).

**Telstra: 1800 Prefix
(Question No. 107)**

Senator Harris asked the Minister for Communications, Information Technology and the Arts, upon notice, on 15 February 2002:

- (1) Why did the testing procedures fail to detect inherent data faults with the Telstra 1800 prefix 'conditioning' from and/or prior to 1 September 1993.
- (2) Why have the '008-1800' subscribers still not been advised of the conditioning faults.
- (3) Is it a fact that the above conditioning faults were the result of exchanges not being conditioned by 1 September 1993, and one of those not conditioned was Salisbury ARE in Brisbane (Mr Ivory's 1800 prefix exchange) thus preventing incoming 1800 calls to all Telstra subscribers who were reliant on the Salisbury exchange.
- (4) Is it a fact that exchanges that were not conditioned by 1 September 1993 and/or by 20 September 1993 would have then not been conditioned except in response to a customer complaint that callers could not get through; if not, can evidence to the contrary be provided.
- (5) Please advise, with documented evidence, the specific date of the initial complaint that was lodged by Mr Ivory, on 11 May 1994, in relation to the Solar-Mesh 1800 777 592 service, and what date it was finally conditioned to rectify the initial 1800 prefix fault.
- (6) From 1 September 1993, was there also a problem with the DMS accepting 1800 numbers for trunking in some exchanges.
- (7) If the above referred to 'DMS 1800 accepting faults' existed, could it have adversely affected incoming (Australia Wide) Telstra subscribers' calls after the initial conditioning fault had been rectified, and/or from day one for the few 1800 services that were lucky enough not to have suffered damage from a conditioning fault.
- (8) Did 10-digit number faults occur pertaining to numbers beginning with '1'.
- (9) If 10-digit number faults occurred on numbers beginning with '1', would Telstra subscribers' customers have been prevented from receiving calls when 1800 prefixes were dialled.
- (10) During the 10-digit number faults and during the conditioning fault periods, could Telstra subscriber's freecall customers still have received incoming 008 dialled calls if customers knew to dial 008 in front of the number instead of dialling the new 1800 prefix.
- (11) (a) Is it correct that Telstra 'number length difficulties' caused further faults with 1800 numbers from 1 September 1993 in relation to the CPE problems; (b) did these faults still exist on 16 March 1995; and (c) would the ANP have escalated these systemic fault difficulties.
- (12) (a) Is it a fact that Telstra has 1800 'cyclic storage problems' with ARF common register and KS failure that prevented proper digit transfer (eg. 1800 123 456 will be changed to 1800 123 418, i.e. The first two digits will be reinserted after the 8th digit); (b) was this cyclic storage problem another 1800 prefix systemic fault; if so, did Telstra have difficulties with having sufficient maintenance staff trained to be able to attend the faulty exchanges for rectification; (c) would this fault have occurred not just when dialling 1800 code prefix numbers but also where more than 8 digits are dialled (eg. 100, 1800, ANP 1818 etc.); and (d) was this another very major fault covered up by Telstra.
- (13) If the cyclic storage fault existed, could it have adversely affected incoming Australia Wide 1800 customer calls.
- (14) Is it a fact that Telstra also had another 1800 prefix systemic fault called a 'no progress fault' whereby the switching of 1800 calls takes a longer switching time than 008 calls, leaving customers to believe that their calls had failed.
- (15) If the above referred to 'no progress fault' existed, would it have adversely affected incoming Australia Wide 1800 customer calls.

- (16) Is it a fact that Telstra also had another 1800 prefix fault, called a 'congestion tone fault' route fault for 18 codes not graded to sufficient capacity, causing 1800 customers to have insufficient answering capacity to receive incoming 1800 code prefix calls.
- (17) If the 'congestion tone fault' existed, could it have also adversely affected incoming Australia Wide 1800 customer calls.
- (18) Between 1 December 1994 and 31 December 1994, over its entire 008-1800 network, did Telstra calls received total 27 565 289; if so, how many of those calls were 008 dialled calls and how many were 1800 dialled calls.
- (19) How many total Telstra network 008 / 1800 dialled calls were recorded between and including 1 August 1993 and 31 August 1993.
- (20) How many total Telstra network 008 / 1800 dialled calls were recorded between and including 1 September 1993 and 30 September 1993.
- (21) How many total Telstra network 008 / 1800 dialled calls were recorded between and including 1 October 1993 and 31 October 1993.
- (22) How many total Telstra network 008 / 1800 dialled calls were recorded between and including 1 November 1993 and 30 November 1993.
- (23) How many total Telstra network 008 / 1800 dialled calls were recorded between and including 1 December 1993 and 31 December 1993.
- (24) (a) How many total Telstra network 008 / 1800 dialled calls were recorded between and including 1 January 1994 and 31 May 1994; and (b) how many total Telstra network 008 / 1800 dialled calls were recorded between and including 1 June 1994 and 21 December 1994.
- (25) (a) Did Telecom/Telstra do any print, radio or television advertising to advise its 008-1800 subscribers and to also advise its 1800 subscribers customers and/or to advise the general public of the defective limitations adversely affecting 1800 prefix subscribers' businesses; (b) if no such advertising was published nationally to the public by Telstra, could it have adversely restricted nationally the number of incoming 1800 customer calls being received by Telstra's subscribers from their potential customers and/or from the general public who were not informed by Telstra (the then trusted fully Commonwealth-owned carrier), which was still promoting the use of 1800 prefix numbers nationally; (c) did Telstra keep concealing from its 1800 subscribers and from the public that Telstra's 1800 prefix network was not fit for use from the 1 September 1993 change-over commencement date; if so, why was a large pool of Telstra's subscribers not informed of their daily accruing potential damage; if not, why not; and (d) were these potential liabilities fully disclosed in the T1 and T2 public offer documents; if not, why not.
- (26) (a) What action will the Commonwealth be taking to ensure that the Telstra Board informs all of its investor/shareholders of their right to pursue Telstra for any failure to disclose all of its potential liabilities from the T1 and T2 public offer documents; (b) (i) was Mr David Hoare, then Chairman of Telstra, also the chairman of Telstra's share sale legal advisory law firm, (ii) was Mr Stephen Mead, a partner of the law firm also a Telstra employee, and (iii) did this represent a conflict of interest; (c) was the above conflict of interest revealed in Telstra's public offer documents; if not, why not; and (d) were the above systemic faults in Telstra's 1800 network and computer software disclosed in the Telstra public offer documents; if not, why not.
- (27) (a) As the Minister responsible for the T1 and T2 share sell-off by the Commonwealth, why did the Minister not ensure to have disclosed in the T1 and T2 offer documents the fact that Telstra's then Chairman, Mr David Hoare, was at the same time Chairman of Telstra's legal advisory firm, Mallesons Stephen Jaques; (b) as the Minister responsible for the T1 and T2 share sell-off by the Commonwealth, why did the Minister not ensure to have disclosed in the T1 and T2 offer documents the fact that Telstra's then in-house Counsel, Mr Stephen Mead, was at the same time a partner of Telstra's legal advisory firm, Mallesons Stephen Jaques; and (c) as the Minister responsible for the T1 and T2 share sell-off by the Commonwealth, why did the Minister not ensure to have disclosed in the T1 and T2 offer documents the fact that the Commonwealth's legal advisory firm, Freehill Hollingdale and Page, was also on a Telstra retainer in relation to the concealment of the potential liabilities to the COTs (Casualties of Telecom/Telstra) in other COT related matters, including the few COT cases settled just before the T2 sale.
- (28) (a) Is the Minister aware that Mr Stephen Mead was a good friend of a Mr Simon Dudley Williams who, along with the firm (Spruson and Ferguson), were, since before Mr Ivory's 11 May

1994 1800 conditioning fault complaint to Telstra, being sued by Mr Ivory's company for professional negligence; and (b) was the Minister aware that Mr Mead and Mr Hoare's law firm partnership of Mallesons Stephen Jaques was acting for Mr Ivory's multinational competitors, Boral Cyclone—Azon Cyclone Hardware, at the same time Mr Mead's friend (Mr Williams) of Spruson and Ferguson was acting for Boral Cyclone.

- (29) (a) Is it a fact that the 1800 universal exchanges could have only been conditioned in blocks of 10 000 number ranges; (b) was it possible for any single 10 000 lot 1800 number ranges to have been missed completely in the 1 September 1993 conditioning; (c) is it a fact that the 1800 universal exchange conditioning defects could have accidentally allowed a single number to have been completely missed in the 1 September 1993 conditioning of the 1800 prefixes; and (d) is it a fact that Telstra would have been reliant on receiving a customer complaint to enable it to rectify any numbers that were not conditioned.
- (30) (a) Is the Minister aware: (i) that the Solar-Mesh 1800 777 592 code conditioning fault occurred from 1 September 1993, but was not initially uncovered and reported until 11 May 1994, when it was first reported to Telstra's faults department by Telstra's Miss Hatton and also by Mr Ivory, and (ii) it was then not rectified until the 31 May 1994 when Miss Hatton, witnessed by Mr Ivory over the telephone in a three-way conversation, bypassed Telstra's faults department and went straight to Telstra's exchange; (b) is the Minister aware that the phantom fault testing done on 1 June 1994, by Telstra's Mr Adam Sears, was done the day after the conditioning fault had been rectified; and (c) Given that these matters could be proven to the Minister if he were to instigate an internal investigation into Telstra and/or have a face-to-face meeting with Mr Ivory, is the Minister prepared to do so. (a) Is it a fact that Telstra's Operational Processes Support People, Network Operations Manager and Product Integration Management, during October 1993, each became aware of many major 1800 code implementation fault problems that had resulted in no access to a large number of 1800 services right across Australia, not just in country areas but also in metropolitan areas; (b) did these problems stem from system failures, equipment failures, planning failures and/or managerial neglect prior to and from 1 September 1993; (c) is it also a fact that, by 8 October 1993, Telstra knew that some of these implementation faults and network faults existed and were likely to worsen unless some rationale and co-ordination was introduced at high level to the product introduction process; and (d) is it a fact that Telstra has concealed these faults and defects.
- (32) How many Australia Wide 1800 customers did Telecom/Telstra have as 008-1800 prefix subscribers as at 31 August 1993 at the Salisbury Queensland exchange.
- (33) How many Australia Wide 1800 customers did Telecom/Telstra have as 008-1800 prefix subscribers as at 31 May 1994 at the Salisbury Queensland exchange.
- (34) How many Australia Wide 1800 customers did Telecom/Telstra have as 008-1800 prefix subscribers as at 31 August 1993 at the Valley Queensland exchange.
- (35) How many Australia Wide 1800 customers did Telecom/Telstra have as 008-1800 prefix subscribers as at 31 May 1994 at the Valley Queensland exchange.
- (36) How many Australia Wide 1800 prefix exchanges did OPTUS have as at 1 September 1993.
- (37) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their Queensland exchanges.
- (38) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their New South Wales exchanges.
- (39) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their Victorian exchanges.
- (40) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their South Australia exchanges.
- (41) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their Western Australia exchanges.
- (42) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their Tasmanian exchanges.
- (43) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their Northern Territory exchanges.

- (44) How many Australia Wide customers did OPTUS have as 008-1800 prefix subscribers as at 1 September 1993 in their Australian Capital Territory exchanges. In which, if any, states or territories were OPTUS's 1800 prefix exchanges, as listed above, fully working and/or fully compatible with Telstra's exchange equipment as at 1 September 1993.
- (46) (a) Is it also a fact that, despite Telstra key staff knowing about the above 1800 code implementation and network faults and the possibility of the faults being likely to worsen, Telstra still failed to put in place an exchange by exchange, 1800 number by 1800 number, process of testing and sending staff out to each 1800 exchange across Australia to locate and rectify the systemic 1800 code implementation faults and network failures; (b) is it a fact that Telstra elected to wait and fix individual faults in response to individual customer complaints being made that callers could not get through when dialling 1800 code numbers; and (c) what does the Minister intend to do to have the appropriate department, or Telstra, immediately recompense subscribers for damage and injury.
- (47) Is it a fact that it is a policy of Telstra that, since at least the 1995-96 financial year, its employees have not been allowed to obtain outside employment, and must keep their outside activities separate from Telstra Company work.
- (48) Is it a fact that Telstra employees since at least the 1995-96 financial year have not been allowed to take outside employment without first obtaining written approval from their Telstra Manager; if so, can copies be provided of the signed approval for Mr David Hoare to become the dual hat Chairman of Mallesons Stephen Jaques and the signed authorisation for Stephen John Mead to become a partner in Mallesons Stephen Jaques while Mallesons Stephen Jaques was on a Telstra retainer and while Mr Mead was still employed by Telstra.
- (49) If these signed authorities cannot be produced, what action will the Minister immediately be taking against Mr Hoare and Mr Mead, and against Mallesons Stephen Jaques and against Telstra's negligent directors responsible for bringing Telstra into such disrepute in breach of Telstra's own Code of Conduct.
- (50) (a) Is it a fact that Telecom Australia/Telstra has, and has always had, a strict duty of care to keep secure and confidential its customers' records, unless specifically authorised to do otherwise; and (b) does the Commonwealth ensure that such procedures and policies are in place within Telecom/Telstra and that they are at all times adhered to, even in the case of Casualties of Telecom complainants' matters; if not, why not.
- (51) (a) Is it a fact that Telecom Australia/Telstra employees are not allowed to be involved in bribes, pay-offs or kickbacks or in other considerations that are either paid or received directly or indirectly; and (b) did the Minister know of Telstra's potential liabilities pertaining to the 1800 network being sold and promoted from 1 September 1993 while the 1800 network of Telstra was not fit for use; if so, why did this occur. (a) With reference to Freehill Hollingdale and Page, the Telstra-retained COT claimants law firm from at least 1993: why did the 1994-95 financial year revenue received by Freehill Hollingdale and Page from Telstra fall below the amount that Mallesons Stephen Jaques received from Telstra in relation to COT claimant's matters; and (b) was the Minister aware of the conflicting loyalties of partnerships which occurred while both David Hoare and Stephen John Mead were Telstra employees. Can a detailed breakdown be provided, including claimants' names, of which 'Casualties of Telstra' related matters Mallesons Stephen Jaques was specifically retained by Telstra to handle in exchange for the \$1 129 767 00 paid by Telstra to Mallesons Stephen Jaques from the 1993-94 financial year up to and including the 1996-97 financial year.
- (54) Can a fully itemised detailed statement be provided of how much money, financial year by financial year, has been specifically paid by Telstra to Mallesons Stephen Jaques since the 1993-94 financial year up to and including the 2000-01 financial year with each individual matter separately itemised.

Senator Alston—The answer to the honourable senator's question is as follows:

- (1) Neither I nor the Department of Communications, Information Technology and the Arts hold the information requested by Mr Ivory.

Mr Ivory has a number of options to obtain information, if it exists, from Telstra, including asking Telstra for the information, legal action through the courts or seeking information under Freedom of Information (FOI) legislation.

Should Mr Ivory have evidence of unlawful activities, he should bring this to the attention of the police. If he has concerns about the conduct of Telstra he has the option of asking the Commonwealth Ombudsman to investigate the matter. If Mr Ivory believes he is entitled to receive compensation or damages under statute law or common law, he can take legal action through the courts.

(2) to (24) See answer to part (1).

(25) (a) to (c) See answer to part (1).

(25) (d) The Minister for Finance and Administration had administrative responsibility within the Government for the T1 and T2 share offers. The Office of Asset Sales and IT Outsourcing within the Finance portfolio had the primary role for the management of the T1 and T2 share offer, including preparation of public offer documents. Any matters relating to the offer, or the content of the public offer documents, should be directed to the Minister for Finance and Administration.

See answer to part (25) (d).

See answer to part (25) (d).

I am aware of Mr Ivory's allegations concerning these issues.

See answer to part (1).

(30) (a) and (b) I am aware of Mr Ivory's allegations concerning these issues. (c) No. Mr Ivory has a number of options for investigation or to pursue his allegations including asking Telstra for the information, legal action through the courts or seeking information from Telstra under Freedom of Information (FOI) legislation.

If Mr Ivory has concerns about the conduct of Telstra he has the option of asking the Commonwealth Ombudsman to investigate the matter. If Mr Ivory believes he is entitled to receive compensation or damages under statute law or common law, he can take legal action through the courts.

(31) to (35) See answer to part (1).

(36) to (45) Neither I nor the Department of Communications, Information Technology and the Arts hold the information requested by Mr Ivory.

Mr Ivory has a number of options to obtain information, if it exists, from Optus, including asking Optus for the information or legal action through the courts.

(a) and (b) See answer to part (1). (c) The Minister for Communications, Information Technology and the Arts does not have specific legislative power to direct Telstra to settle compensation claims. Nor would it be appropriate to do so. Mr Ivory has no damages claim against the Department of Communications, Information Technology and the Arts. Consistent with the arrangements for Government Business Enterprises, Telstra's Board and management are responsible for the day to day running of Telstra's operations.

Telstra has been a corporation subject to Australia's Corporations Law (now the Corporations Act 2001) since 1991. Consistent with the arrangements for Government Business Enterprises, Telstra's Board and management are responsible for the day to day running of Telstra's operations. This includes decisions about employment matters, related internal codes of conduct and managing the security of customer records.

See answer to part (47).

See answer to part (47).

(a) Yes, as with all employers. (b) See answer to part (47).

(a) See answer to part (47). (b) I am aware of Mr Ivory's allegations concerning this issue.

Mr Ivory has a number of options to obtain information, if it exists, from Telstra, including asking Telstra for the information, legal action through the courts or seeking information under Freedom of Information (FOI) legislation.

Should Mr Ivory have evidence of unlawful activities, he should bring this to the attention of the police. If he has concerns about the conduct of Telstra he has the option of asking the Commonwealth Ombudsman to investigate the matter. If Mr Ivory believes he is entitled to receive compensation or damages under statute law or common law, he can take legal action through the courts.

(52) (a) See answer to part (1). (b) I am aware of Mr Ivory's allegations concerning this issue.

Telstra has been a corporation subject to Australia's Corporations Law (now the Corporations Act 2001) since 1991. Consistent with the arrangements for Government Business Enterprises, Telstra's Board and management are responsible for the day to day running of Telstra's operations. This includes decisions about employment matters, related internal codes of conduct and security of customer records.

If Mr Ivory has concerns about the conduct of Telstra he has the option of asking the Commonwealth Ombudsman to investigate the matter. If Mr Ivory believes he is entitled to receive compensation or damages under statute law or common law, he can take legal action through the courts.

(53) and (54) See answer to part (1).

Environment Australia: Mining Booklets

(Question No. 109)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 18 February 2002:

Do mining booklets produced by Environment Australia offer any advice on what is considered best environmental practice in relation to ocean disposal of mining tailings.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

The twenty one Best Practice Environmental Management in Mining booklets, published by Environment Australia, provide information and Australian case studies to assist the mining industry improve its environmental performance. The 'Tailings Containment' booklet was produced in 1995 and is focussed on planning, design, operation and closure of tailings storage facilities.

Environment Australia: Tailings Disposal

(Question No. 110)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 18 February 2002:

Has Environment Australia been asked for advice by any government agency, since 1 January 2000, on proposed mining projects involving the ocean disposal of tailings; if so:

- (a) by which agency;
- (b) when;
- (c) what project did it relate to; and
- (d) what was the nature of the advice.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

Environment Australia has not, since 1 January 2000, been asked for advice on proposed mining projects involving the ocean disposal of tailings.

Environment Australia: Tailings Disposal

(Question No. 111)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 18 February 2002:

- (1) Did the former Minister for the Environment and Heritage, Senator Hill, state that: 'In certain circumstances and when correctly managed, the Government understands that deep sea tailings placement has been accepted as causing relatively low environmental impact. The subject, however, remains one of international debate. The choice of disposal mechanism must take account of the geophysical, biophysical, and climatic environmental conditions but is ultimately the decision of the host country.'
- (2) Does the Minister share this view.

- (3) Has Environment Australia undertaken any independent assessment of the environmental impacts and risks of the ocean disposal of mine tailings; if not, what is the basis for the view that 'deep sea tailings placement has been accepted as causing relatively low environmental impact'; if so:
- when was this review done
 - what were the results of the review;
 - is the report publicly available; and
 - who did the review.

Senator Hill—The Minister representing the Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- Yes.
- Yes.
- (a), (b), (c) and (d) No. However, there are at least seventeen projects that utilise deep sea tailing placement around the world. Many are required to publicly report on their environmental performance. Examples include the Lihir and Misima gold mines in PNG. The environmental impacts appear to have been as predicted, primarily local smothering of benthic communities. There are also several reports on the subject which discuss options for tailing placement and water management, particularly in the tropics and which are readily available. A good overview is provided in Jones, S. and Gwyther, D. 2000. Deep Sea Tailing Placement (DSTP). *Australian Journal of Mining*, December 2000, 38-42.

Environment Australia: Tailings Disposal

(Question No. 112)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 18 February 2002:

Do mining booklets produced by Environment Australia clearly indicate that the riverine disposal of tailings does not constitute best environmental practice; if not, why not.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

The twenty one Best Practice Environmental Management in Mining booklets, published by Environment Australia, provide information and Australian case studies to assist the mining industry improve its environmental performance. The 'Tailings Containment' booklet was produced in 1995 and is focussed on planning, design, operation and closure of tailings storage facilities.

Environment Australia: Tailings Disposal

(Question No. 113)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 18 February 2002:

- Since 1 January 2000, has Environment Australia been consulted by any government agency on mining proposals involving riverine disposal of tailings.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

Environment Australia has not, since 1 January 2000, been consulted by any government agency on mining proposals involving riverine disposal of tailings.

Environment Australia: Tailings Disposal

(Question No. 114)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 18 February 2002:

With reference to the answer to question on notice no. 3649 (Senate *Hansard*, 20 August 2001, p 26206), in which the Minister indicated that in certain circumstances the disposal of mine tailings into the oceans may be appropriate but that it was considered that the disposal of mine tailings into rivers in Australia was inappropriate: Does Environment Australia consider there are circumstances in which the

riverine disposal of mine tailings by Australian companies operating overseas could ever be best environmental practice; if so, under what circumstances.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

The determination of what is the best practice mine tailings disposal mechanism for a specific project is dependent on the geophysical, biophysical and climatic conditions of the mineral province in which the mine is located, and is ultimately the decision of the host country. The consideration of any proposal should include independent scientific evaluation of all options. Environment Australia expects Australian companies to employ best practice environmental management wherever they operate. This may include riverine disposal where other disposal options, including the construction of safe, stable, conventional storage facilities, are not viable.

**Environment: Renewable Energy Certificates
(Question No. 133)**

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 25 February 2002:

- (1) (a) How many renewable energy certificates (RECs) have been granted for hydro-electricity generation to date; and (b) can details of the RECs awarded to each individual, company and organisation be provided.
- (2) How does the number of certificates for hydro-electricity compare to the number of certificates for solar; wind and biomass.
- (3) What baseline has been set for Hydro Tasmania.
- (4) How many RECs have been awarded to Hydro Tasmania.
- (5) Has Hydro Tasmania made any additional investment to obtain these RECs.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) (a) As at 1 March 2002, 230,792 renewable energy certificates have been registered in respect of electricity generated at hydro-electric power stations.
- (b) The following table sets out the number of renewable energy certificates registered in respect of the REC producing power stations:

Company	Number of registered RECs
Delta Electricity	321
Eraring Energy	4,714
Hydro Electric Corporation	119,000
Hydroco Partnership	3,479
Moorina Hydro Pty Ltd	525
Pacific Hydro	780
Southern Hydro Partnership	30,371
Stanwell Corporation	68,598
Yarrawonga Power Pty Ltd	3,004

- (2) The following table sets out the comparative status of hydro-electric generation to solar, wind and biomass.

Fuel type	Number of RECs
Hydro electric	230792
Solar (PV and solar water heaters)	156322
Wind	97775
Biomass*	71644
Other**	110461

*includes bagasse cogeneration and wood waste

** includes black liquor, landfill gas and sewage gas

- (3) The baselines for each power station are confidential and the Office of the Renewable Energy Regulator does not release this information.

- (4) Hydro Tasmania (the Hydro Electric Corporation) has, as at 1 March 2002, created 119,000 RECs.
- (5) The disclosure of this information is not required for accreditation purposes and the Office of the Renewable Energy Regulator does not have the data to address this question.

Transport: Airport Passenger Movements
(Question No. 134)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2002:

- (1) Since January 2000, how many regular passenger transport passengers have passed through Australian airports each month.
- (2) In each month, how many of these passengers were taking: (a) international; (b) interstate; and (c) intrastate journeys.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

Regular Public Transport Air Passengers using Australian Airports by Month

Month	International	Inter-state	Intra-state	Total
Jan 2000	1,405,394	1,904,644	518,341	3,828,379
Feb 2000	1,257,078	1,797,412	511,788	3,566,278
Mar 2000	1,291,225	2,011,003	580,910	3,883,138
Apr 2000	1,375,755	1,950,661	591,631	3,918,047
May 2000	1,189,439	1,886,990	603,983	3,680,412
Jun 2000	1,221,886	1,941,192	624,400	3,787,478
Jul 2000	1,433,040	1,982,096	622,991	4,038,127
Aug 2000	1,346,541	2,064,928	649,307	4,060,776
Sep 2000	1,392,378	2,273,273	644,109	4,309,760
Oct 2000	1,485,165	2,252,468	641,160	4,378,793
Nov 2000	1,460,152	2,152,879	598,118	4,211,149
Dec 2000	1,629,621	2,203,749	581,745	4,415,115
Jan 2001	1,653,860	2,338,681	569,328	4,561,869
Feb 2001	1,318,929	1,915,964	485,112	3,720,005
Mar 2001	1,411,517	2,259,237	577,114	4,247,868
Apr 2001	1,425,328	2,310,246	590,469	4,326,043
May 2001	1,238,755	2,140,151	596,801	3,975,707
Jun 2001	1,330,861	2,108,111	577,662	4,016,634
Jul 2001	1,537,934	2,352,371	607,272	4,497,577
Aug 2001	1,427,006	2,239,003	585,001	4,251,010
Sep 2001	1,375,816	1,919,391	435,152	3,730,359
Oct 2001	1,333,573	1,892,178	412,656	3,638,407
Nov 2001	n/a	1,895,389	431,000	n/a
Dec 2001	n/a	1,982,201	415,568	n/a

Notes:

International: data shows how many passengers either disembark or embark an international flight at an Australian airport.

Interstate: data shows passengers on a Traffic on Board, (TOB) basis. Passengers are counted once on every flight stage of their journey (which may include more than one flight stage—eg: a passenger travelling from Melbourne to Brisbane via Sydney is counted twice).

n/a—not available as at 25 March 2002.

Source: Compiled from airline data by the Statistics Unit, Bureau of Transport and Regional Economics.

Transport: Airport Noise
(Question No. 135)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2002:

- (1) What is the current estimated cost of the Sydney Airport Noise Amelioration Programme.
- (2) What is the total expenditure on the programme to date.
- (3) To date: (a) how many houses have been insulated; and (b) how many houses remain to be insulated.
- (4) (a) How many houses were scheduled to be insulated in 2001; and (b) how many houses were actually insulated.
- (5) (a) How many public buildings have now been insulated; and (b) how many public buildings remain to be insulated.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The current estimated cost of the Programme is \$403 million.
- (2) The total expenditure on the Programme to 28 February 2002 is \$388.7 million.
- (3) (a) A total of 3851 houses have been insulated as at 28 February 2002.
(b) A maximum of 444 houses remains to be insulated.
- (4) (a) No specific target was set for that year.
(b) In calendar year 2001, 521 houses were insulated.
- (5) (a) A total of 91 public buildings have been insulated as at 28 February 2002.
(b) Seven public buildings remain to be insulated.

Transport: Airport Noise

(Question No. 136)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2002:

- (1) What is the current estimated cost of the Adelaide Airport Noise Amelioration Programme.
- (2) What is the total expenditure on the programme to date.
- (3) To date: (a) how many houses have been insulated; and (b) how many houses remain to be insulated.
- (4) (a) How many houses were scheduled to be insulated in 2001; and (b) how many houses were actually insulated.
- (5) (a) How many public buildings have now been insulated; and (b) how many public buildings remain to be insulated.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The current estimated cost of the Programme is \$51 million.
- (2) The total expenditure on the Programme to 28 February 2002 is \$7.5 million.
- (3) (a) A total of 140 houses have been insulated as at 28 February 2002.
(b) A maximum of 471 houses remains to be insulated.
- (4) (a) A total of 95 houses were scheduled to be insulated in 2001.
(b) In calendar year 2001, 108 houses were insulated.
- (5) (a) No public buildings have been insulated as at 28 February 2002.
(b) Five public buildings remain to be insulated.

Transport: Road Funding

(Question No. 137)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2002:

With reference to the review of the 1991 Intergovernmental Agreement on Road Funding:

- (1) (a) Who commissioned the review; and (b) who is conducting the review.

- (2) What are the terms of reference for the review.
- (3) (a) What role did the states and local government play in the development of the terms of reference for the review; and (b) what role will the states and local government play in the actual review.
- (4) (a) When is the above review scheduled for completion; and (b) what process will be followed in the consideration and implementation of any recommendations that might flow from the above review.
- (5) What role will the Australian Transport Council play in the development of recommendations from the above review and the implementation of those recommendations.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

In *Stronger Regions: A Stronger Australia*, the Government announced:

'We will seek a review of the 1991 Intergovernmental Agreement on Road Funding to ensure it properly reflects the Federal Government's focus on regional development. It is important to establish improved cooperation between governments on roads because of their critical importance to regions, as well as urban Australia'.

The Minister for Transport and Regional Services has asked his Department to examine the issues that will need to be considered as part of a review of the 1991 Agreement so that they may be considered by the Government. Naturally the Minister will discuss any proposals that emerge from this process with State and Territory Transport Ministers and with Local Government at the appropriate time.

National Road Transport Commission

(Question No. 139)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2002:

- (1) Is the department conducting a review of the National Road Transport Commission (NRTC); if not, is there any other agency conducting a review of the NRTC.
- (2) If a review is being conducted: (a) Who is actually undertaking the review; (b) what are the terms [of] reference for the review; (c) what is the consultative process to be followed by the department or the reviewing agency as part of the review process; and (d) when is the review scheduled for completion.
- (3) What process will be followed in relation to any recommendations that might flow from the review.
- (4) When does the Minister expect to make a decision in relation to the recommendations that might flow from the review.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The Department is not conducting the Review. While the National Road Transport Commission (NRTC) is established under Commonwealth legislation, it is responsible to, and governed by, the Commonwealth, States and Territories under Heads of Government Agreements. As required under the NRTC Act s47, the Australian Transport Council (ATC) is conducting a Review of the NRTC Act. The Department of Transport and Regional Services is participating in the Review, including by chairing the Steering Committee and providing secretariat services to the Steering Committee.
- (2) (a) The ATC has appointed a Review Steering Committee, comprising senior representatives of the transport and logistics industries and government transport agencies, to undertake the Review. The members of the Steering Committee are listed at Attachment A. The work of the Steering Committee is being assisted by a consultant, Affleck Consulting Pty Ltd.
(b) The Terms of Reference for the Review are at Attachment B.
(c) Submissions for the Review have been called for by newspaper advertisements and by written requests to about 90 stakeholders (government agencies, transport peak bodies and other relevant bodies). Where appropriate these parties were asked to liaise with other associations or members. Major stakeholders have been invited to provide presentations to the meetings

of the Steering Committee. The Steering Committee and the Consultant will agree on a program of face-to-face consultations. Information about the Review is publicly available on the Department's website at the following address: www.dotars.gov.au/latest.htm

- (d) The Review is expected to be completed in time for consideration by ATC in about September 2002.
- (3) The Steering Committee will provide the final draft of the Review Report, including recommendations, to the Standing Committee on Transport (SCOT). The Review Report recommendations will then be considered by ATC and finally by Heads of Government.
- (4) Decisions on the Review Report recommendations will be made by ATC as a whole and then by Heads of Government. The Commonwealth does not have power to make decisions unilaterally on this matter.

ATTACHMENT A

The Steering Committee for the Review comprises:

- Lynelle Briggs, Deputy Secretary, Commonwealth Department of Transport and Regional Services;
- Kathy Williams, Chairperson, Australian Trucking Association;
- Lucio Di Bartolomeo, President, Australasian Railways Association; Chief Operating Officer, FreightCorp;
- Paul Little, Chair of the Transport and Logistics Working Group; Managing Director, Toll Holdings;
- Michael Deegan, Director General, New South Wales Department of Transport;
- Tony Kursius, Executive Director (Land Transport & Safety), Queensland Department of Transport; and
- Greg Martin, Commissioner, Main Roads Western Australia.

ATTACHMENT B

The National Road Transport Commission Act 1991 (NRTCA) Review

Terms of Reference

Introduction

Section 46(1) of the National Road Transport Commission Act 1991 (NRTCA) states that "This Act ceases to be in force at the end of 12 years after its commencement." The NRTCA was commenced on 15 January 1992. Therefore the sunset of the NRTCA takes effect on 14 January 2004.

Section 47 of the NRTCA states:

"(1) At least 12 months before this Act is due to cease to be in force because of subsection 46(1), the Australian Transport Council must:

- (a) prepare a written report that contains a recommendation in accordance with subsection (2) and that sets out the Council's reasons for making that recommendation; and
- (b) give a copy of the report to the head of government of each of the parties to an Agreement.

(2) The report must contain either:

- (a) a recommendation that this Act should cease to be in force under subsection 46(1) and should not be re-enacted; or
- (b) a recommendation that this Act should continue to be in force, or should be re-enacted, for a further period not exceeding 6 years, subject to the making of such modifications (if any) as are set out in the report."

In the context of developing the required report (called for convenience the NRTC Act Review), the Australian Transport Council (ATC) is committed to continuing transport reform and innovation with the aim of achieving:

- improvements in transport industry efficiency and productivity
- improvements in transport safety
- minimisation of the adverse environmental impacts of transport

To achieve these ends, the ATC wishes to put in place regulatory regimes and institutional arrangements which:

- Encourage and facilitate innovation in the transport industry and its regulation;
- Improve the efficiency and effectiveness of implementation of and compliance with regulatory frameworks;
- Facilitate effective cross-modal transport arrangements;
- Have regard to the impacts of transport and transport reform upon infrastructure provision and maintenance and upon rural and remote areas.

Terms of Reference

1. In this context the NRTCA Review should:

- (a) Consider and report on how well the NRTCA and associated processes have functioned and on any ways in which those processes might be significantly improved, including how the preparation of regulatory impact statements might be improved;
- (b) Make recommendations on whether the NRTCA should cease to be in force (and if so what alternative structures should be put in place) or be re-enacted (including in a modified form). If the latter, the recommendations should include any revisions or clarifications that need to be made to the NRTC Act and the Heavy and Light Vehicle Agreements, to make them function more effectively.
- (c) Having regard to the broad aims set out earlier in these Terms of Reference, consider the breadth of, and priorities for, future road transport reform needs including consideration of alternative approaches to regulatory arrangements (for example, accreditation and co-regulation):
 - The issues considered in any future regulatory reform arrangements should include pricing, charges, cost neutrality and the externalities associated with choices of transport mode.
- (d) In addressing future institutional arrangements for transport regulatory reform, explicitly consider whether those arrangements should apply only to road transport or be extended to any aspects of other modes and to cross-modal issues.
- (e) Consider also the degree to which any change in institutional arrangements should encompass issues beyond regulatory reform. In this context the Review should also address the role of the National Transport Secretariat and its place in any recommended future institutional arrangements.
- (f) If recommendations are made to broaden the current regulatory policy framework (for example by replacing the NRTC by a Land Transport Commission) the Review should specifically address what steps and arrangements are necessary in order to ensure that this does not result in a lessening of attention to ongoing road transport reform. This should include, but not be limited to, how best to:
 - Ensure that previous reforms are kept up to date and maintain their relevance in a changing economy and transport environment;
 - Complete work on outstanding reforms;
 - Develop a new agenda for reform and implementing change projects.
- (g) Consider an appropriate level of funding for the recommended institutional arrangements and the ongoing funding arrangements that should apply.

2. The Review may also make recommendations to address any other limitations or shortfalls identified in the course of the review.

**Aviation: Deep Vein Thrombosis
(Question No. 140)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2002:

- (1) Is the department funding any research into causes of deep vein thrombosis (DVT) in air travel; if so: (a) what is the nature of the research; (b) what is the cost of the research; (c) over what period is the research scheduled to run; and (d) who is undertaking that research.
- (2) (a) What process was followed by the department in selecting the recipient of the research funding; and (b) who was the final decision-maker in relation to the approval of the expenditure.

- (3) What programs are available in the department to fund research into issues like DVT.
- (4) Is the department involved in any World Health Organisation or International Civil Aviation Organisation processes that might be investigating the causes of DVT; if so, what is the nature of that involvement.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) (a) Yes. A risk assessment study matching travel and health data to find out the extent people who fly on long haul routes actually develop DVT. (b) \$100,000. (c) The research commenced in September 2001 and the final report is expected to be available late 2002 or early 2003. (d) The Commonwealth Department of Health and Ageing.
- (2) (a) A summit on DVT and travel was held in February 2001. Following that, a number of study proposals were put forward. The Department was guided by advice by the Minister for Health and Aged Care in the selection process. (b) The Department of Transport and Regional Services made the final decision, based on advice by the Minister for Health and Aged Care.
- (3) None
- (4) The World Health Organisation falls within the portfolio responsibility of the Minister for Health and Ageing, hence the Department of Transport and Regional Services is not involved in any processes. The International Civil Aviation Organisation (ICAO) is not at this stage investigating the causes of DVT but has commenced investigating data holdings by member states.

Transport: Lismore Flood Levee Funding
(Question No. 141)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2002:

- (1) (a) How much of the \$4 million allocated for the construction of the Lismore Flood Levee is to be funded through the Flood Recovery Fund; and (b) how much is to be funded through the Flood Assistance Package Business Grants Programme.
- (2) How much has been spent, or committed, to date through these two programmes.
- (3) In each case: (a) what projects have attracted funding; (b) what was the amount of funding; and (c) when was the funding approved.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) (a) \$3.989 million. (Flood Recovery Fund closed on 30 June 2001)
(b) \$0.011 million. (Flood Assistance Package Business Grants Programme closed on 1 June 2001)
- (2) The Flood Recovery Fund committed expenditure is \$3.777 million and the total expenditure for the Flood Assistance Package Business Grants Programme is \$4.864 million. No further Flood Recovery Fund or Business Grants payments will be approved.
- (3) For the Flood Recovery Fund
 - (a) The Programme funded 106 community facilities reinstatement and reconstruction projects, 14 facilities clean-up projects, and 19 grants for flood recovery community service activities.
 - (b) \$3.777 million.
 - (c) The Minister approved the funding between 23 January and 29 September 2001.

For the Flood Assistance Package Business Grants

- (a) 663 payments were made.
- (b) \$4.864 million.
- (c) Centrelink administered the Programme and approved grants against eligibility criteria. All payments were made by the end of 2001.

Forestry
(Question No. 142)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 February 2002:

- (1) Has the Minister, the department or the Forests and Wood Products Research and Development Corporation held discussions with the Australian plantation industry about data collection for that industry.
- (2) Has any process been put in place, or proposed, that would enable the collection of data about the area of commercial tree planting, the types of trees being planted, the location of those plantings and the commercial returns being realised from the harvesting of plantation timber; if so:
 - (a) who is, or will be, responsible for the data collection process; and
 - (b) how is this process being managed.
- (3) If no data collection regime for the plantation industry is in place, or being implemented, why not.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) collection has been discussed in a number of forums on which the Minister, the department, the FWPRDC and the Australian plantation industry are represented.

The Department, through the National Forest Inventory in the Bureau of Rural Sciences, has held extensive consultation with the Australian plantation industry on data collection for the National Plantation Inventory (NPI). This has occurred through industry representation on the National Plantation Inventory Reference Committee. This committee advises on the structure, content and data collection method for NPI reporting. A key issue is to ensure that grower interests and confidentiality are maintained as data is provided directly by the growers. Industry representation includes the Standing Committee of Forests (now the Forest and Forest Products Committee), National Association of Forest Industries, Australian Forest Growers, Plantation Timber Association of Australia and the Regional Plantation Committees. Consultation has also occurred through a series of plantation Data Collection Workshops that were conducted by the National Forest Inventory in four States where plantation expansion is rapidly occurring, during 2000. The purpose of the workshops was to identify industry and stakeholder data requirements and identify an agreed methodology for plantation data collection and collation at a State level for regional, State and national reporting.

The Department, on behalf of the Commonwealth, and industry stakeholders are partners in the Plantations for Australia: the 2020 Vision. The revised Vision identifies technical data as a key strategic element and emphasises the provision of market information to encourage investment in commercial plantation establishment.

- (2)
 - (a) PI was established in 1992 to develop a nationally relevant framework to collect, compile and report authoritative industrial plantation information and to develop appropriate networks of collaborators. It has established and manages a plantation data collection regime that is considered best practice.
 - (b) PI reports comprehensively on plantation area, location, species, age class, ownership and previous land use by wood supply regions, known as NPI regions. These reports contain regional maps, graphics and tables, and are produced five yearly. The most recent report was released in September 2001. The NPI also reports coarse trends in area, expansion rates and ownership annually for each State. These reports are available free of charge. All reports are also available on the NFI website www.affa.gov.au/nfi.

Reports forecasting future woodflows for major species and product classes are also produced every five years. These are based on data collected through the comprehensive NPI reporting process.

In 2001, the NPI also reported farm forestry data and information collected through a separate yet coordinated reporting activity with the National Farm Forest Inventory.

The Australian Bureau of Agricultural and Resource Economics reports data on commercial returns in the Australian Forest and Wood Products Statistics such as 'value of turnover' and 'estimated gross value of production' for the combined native and plantation industries. The Bureau also provides consultancy services to government and private sector clients examining the economic returns to plantation and timber processing investments under a range of biophysical and economic factors.

- (3) See answers to questions 1 and 2 above.

Forestry

(Question No. 143)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 February 2002:

- (1) (a) Was the original Forest Industry Structural Adjustment Package (FISAP) funding allocation for New South Wales for the 2000-01 financial year \$24.8 million; and (b) was the FISAP funding for the 2001-02 financial year \$11.3 million.
- (2) (a) How much of the funding allocation for New South Wales for the 2000-01 financial year was actually spent; (b) what has been spent to date this financial year; and (c) what is the likely expenditure to the end of June 2002.
- (3) (a) Was the original FISAP allocation in Victoria for the 2000-01 financial year set at \$11.1 million; and (b) was funding of \$4.1 million allocated to that state for the 2001-02 financial year.
- (4) (a) How much of the funding allocation for Victoria for the 2000-01 financial year was actually spent; (b) what has been spent to date this financial year; and (c) what is the likely expenditure to the end of June 2002.
- (5) (a) Was the FISAP funding allocation for Western Australia set at \$7.9 million for the 2000-01 financial year, and (b) was the FISAP funding for the 2001-02 financial year set at \$4.6 million.
- (6) (a) How much of the funding allocation for Western Australia for the 2000-01 financial year was actually spent; (b) what has been spent to date this financial year; and (c) what is the likely expenditure to the end of June 2002.
- (7) What is the level of FISAP funding allocation by state for the 2002-03 financial year.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answers to the honourable senator's question:

- (1) (a) Yes.
(b) The allocation for FISAP in New South Wales for 2001/02 is \$33.007 million, incorporating a carry-over of unspent funds from 2000/01.
- (2) (a) \$0.584 million;
(b) \$0.364 million up to 30 September 2001;
(c) \$9.185 million is the estimated expenditure for 2001/02.
- (3) (a) Yes.
(b) The allocation for FISAP in Victoria for 2001/02 is \$7.761 million, incorporating a carry-over of unspent funds from 2000/01.
- (4) (a) \$3.077 million;
(b) \$1.556 million up to 30 September 2001;
(c) \$6.556 million is the estimated expenditure for 2001/02.
- (5) (a) Yes.
(b) The allocation for FISAP in Western Australia for 2001/02 is \$3.016 million.
- (6) (a) Nil;
(b) \$0.005 million to 28 February 2002;
(c) \$0.005 million is the estimated expenditure for 2001/02.
- (7) The funding allocations for 2002/03 will be determined as part of the 2002 Budget process.

Fisheries
(Question No. 144)

Senator O'Brien asked the Minister for Forestry and Conservation, upon notice, on 28 February 2002:

- (1) How many quota holders were actively fishing the Southern Shark Fishery in 2001.
- (2) What tonnage was allocated to those quota holders who were not actively working the Southern Shark Fishery in 2001.
- (3) What tonnage was allocated to fishers in state waters not actively fishing the Southern Shark Fishery in 2001.
- (4) Has the Australian Fisheries Management Authority (AFMA) bought out any state fishers in the Southern Shark Fishery; if so (a) how many fishers were bought out; and (b) in each case, what was the cost of the buy out.
- (5) What gear effort was allocated to the fishers bought out by the AFMA.
- (6) Has the AFMA allowed additional fishers into the Tasmanian state shark fishery; if so (a) how many additional fishers have been allowed into the fishery; (b) when were they allowed into the fishery; and (c) what was the basis for allowing the additional capacity into the fishery.
- (7) How many shark fishers in the Tasmanian state shark fishery lost their licences over the period 1994 to 1997 through state regulations.

Senator Ian Macdonald—The Minister for Forestry and Conservation has provided the following answer to the honourable senator's question:

- (1) In 2001, there were 195 fishing permits in the Southern Shark Fishery (SSF), of which 112 permit holders landed either school or gummy shark between 1 January 2001 and 31 December 2001.
- (2) Australian Fisheries Management Authority (AFMA) records show that a total of 407 tonnes of gummy shark was allocated to permits that were not active in 2001, this is about 20.4 per cent of the total gummy shark allocation. A total of 76 tonnes of school shark quota was allocated to permits that were not active in 2001, this is about 22.1 per cent of the total school shark allocation.
- (3) There are 35 SSF permits that allow fishing in Tasmanian coastal waters only. Of these, 24 did not land any shark against their SSF permits in 2001. These 24 operators were allocated approximately 35.9 tonnes of gummy shark quota and 1.7 tonnes of school shark quota.

There are 45 SSF permits that allow fishing in South Australian coastal waters only. Of these, 33 did not land any shark against their SSF permits in 2001. These 33 operators were allocated approximately 60.5 tonnes of gummy shark quota and 4.9 tonnes of school shark quota.

- (4) AFMA did not buy out any state fishers in the SSF. However, under a commonwealth-managed Industry Development Program (IDP), administered by the Department of Agriculture, Fisheries and Forestry—Australia, \$1.739 million was paid out to 40 SSF permit holders for the surrender of permits.
 - (a) Of the 40 commonwealth SSF permit holders a total of 28 held state permits, which were also surrendered as part of the buy out. A total of 16 Tasmanian and 12 South Australian state permits were surrendered in the process.
 - (b) In each case, the operators received \$5,000 for their state permit. The total amount paid for state permits was \$80,000 to Tasmanian state permit holders and \$60,000 to South Australian state permit holders.
- (5) Under the IDP, for the 16 Tasmanian and 12 South Australian state permits that were surrendered, the total gear effort was:

Tasmania	gillnets (x 600 metres)	6
	gillnets (x 420 metres)	68
	hooks (x 1,000 hooks)	3
South Australia	gillnets (x 600 metres)	36

- (6) AFMA has not allowed any additional fishers into the SSF in Tasmanian coastal waters. AFMA has granted commonwealth SSF permits for the area of Tasmanian coastal waters to those fishers who previously held a Tasmanian concession that gave access to school and gummy shark. These permits were granted as a condition of the school and gummy shark Offshore Constitutional Settle-

ment arrangements between the commonwealth and Tasmania that came into effect on 1 January 2001.

- (7) On advice received from the Department of Primary Industries, Water and Environment, Tasmania, there were no licences cancelled or surrendered by fishers in the Tasmanian state shark fishery over the period 1994 to 1997 through state regulations.

National Action Plan on Salinity and Water Quality

(Question No. 145)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on the 28 February 2002:

- (1) What form and what level of detail is required for plans, proposals or submissions seeking funding through the National Action Plan (NAP) on Salinity and Water Quality?
- (2) What assessments preceded the approval of funding for the three areas in South Australia that were approved for the NAP funding prior to the state election, namely (a) the Lower Murray, the South East and the Lofty Ranges; (b) the Northern Agricultural Districts; and (c) Kangaroo Island?
- (3) (a) Who undertook the assessments; (b) when did the assessment process commence; (c) when was the assessment process completed; (d) who approved the applications; and (e) when were the applications approved.
- (4) In each case, what negotiations took place with the various community groups in these regions before the applications for funding were approved and the announcement made?
- (5) (a) What community groups are associated with each of the above regions; (b) exactly when were they consulted; and (c) in each case, what was the outcome of these negotiations?

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Bilateral agreements include draft accreditation criteria and plans will be in accordance with criteria agreed between governments. Initial funding to the regions for priority actions and foundation funding proposals will be approved in accordance with bilateral agreements.
- (2) The assessment of priority projects followed the criteria set out in the Bilateral Agreement between the Commonwealth and South Australia identified in question 1.
- (3) (a) Officers from the Department of Agriculture Fisheries Forestry—Australia (AFFA), Environment Australia (EA), the Department of Transport and Regional Services (DOTARS) and the Australian Greenhouse Office (AGO) undertook the Commonwealth assessments of priority projects. Proposals were also forwarded to and discussed with the Murray Darling Basin Commission.
 - (b) August 2001 following receipt of the proposals.
 - (c) 28 September 2001.
 - (d) Ministers Truss and Hill and the State in accordance with the Bilateral agreement.
 - (e) 5 October 2001.
- (4) The priority projects proposals were developed in a collaborative and consultative effort by the Commonwealth-State Steering Committee, and the relevant INRM community groups. The consultation process involved Commonwealth officers attending monthly meetings held by the INRM groups and also attended by State representatives. Project Proposals were refined and clarified by project proponents in consultation with the regions, State and Commonwealth until final endorsement of the project proposals by the relevant community groups in August prior to consideration by the Commonwealth.
- (5) (a) The relevant community groups for the South Australian NAP regions are:

The Lower Murray Region—South Australian Murray-Darling Basin Integrated Natural Resource Management (INRM) Group Inc.;

The Mount Lofty Ranges Region comprises 3 sub-regions and the relevant community groups for these are:

Mount Lofty Ranges Region—Mount Lofty Ranges Integrated Natural Resource Management Group

Northern Agricultural Districts Region—Northern and Yorke Agricultural Districts Integrated Natural Resource Management Committee Inc

Kangaroo Island Region—Kangaroo Island Natural Resource Board Incorporated; and

The South East Region—The South East Natural Resource Consultative Committee.

(b & c)The Commonwealth consulted regularly with these groups from the initiation of discussions on the projects in July 2001 through to the approval of priority project funding on 5 October 2001. The consultation process involved Commonwealth officers attending monthly meetings held by the INRM groups and also attended by State representatives. Project Proposals were refined and clarified by project proponents in consultation with the regions, State and Commonwealth until final endorsement of the project proposals by the relevant community groups in August prior to consideration by the Commonwealth.

National Action Plan on Salinity and Water Quality

(Question No. 146)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 of February 2002:

What are the benchmarks referred to on page 121 of the 2001-02 Environment Australia Portfolio Budget Statement that will be used to measure the efficiency of the administration of the National Action Plan on Salinity and Water Quality (NAP)

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

The question relates to a cross-portfolio arrangement in the 2001-02 Environment Australia Portfolio Budget Statement. Efficiency benchmarks for administration of the National Action Plan for Salinity and Water Quality (NAP) are being developed, based on average rates of administration costs of other Natural Resource Management (NRM) programmes such as the Natural Heritage Trust (NHT).

Budget

(Question No. 147)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on Monday, 28 February 2002:

- (1) What is the proposed level of funding from the Commonwealth, by year, for the Natural Heritage Trust stage 2?
- (2) What is the proposed level of funding from the Commonwealth, by year, for the National Action Plan on Salinity and Water Quality?
- (3) What was the level of funding for the National Landcare Program for the 2001-2002 financial year?
- (4) What is the proposed level of funding, by year, from the Commonwealth for the National Landcare Program?
- (5) What level of funding by year will the National Landcare Program receive through the Natural Heritage Trust stage 2?

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) In the May 2001 budget, it was announced that the proposed level of funding for the Natural Heritage Trust for 2002-2003 would be in the order of \$266 million, while from 2003-2004 through to the 2006-2007 financial year the proposed annual level would be \$233 million, plus interest.
- (2) In the May 2001 budget, the proposed level of funding from the Commonwealth for the National Action Plan for Salinity and Water Quality by year was:

	00-01	01-02	02-03	03-04	04-05	05-06	06-07	Total
(\$ million)	5.0	65.0	150.0	190.0	170.0	90.0	30.0	700.0

- (3) The budget statement "Investing in our Natural and Cultural Heritage—Commonwealth Environment Expenditure 2001-02" shows that total funding for the National Landcare Program for

2001-2002 was \$69.7 million, comprising \$31.2 million from the Natural Heritage Trust and \$38.5 million through appropriations under the Natural Resources Management (Financial Assistance) Act 1992.

- (4) The budget statement "Investing in our Natural and Cultural Heritage—Commonwealth Environment Expenditure 2001-02", page 71, includes forward estimates for the National Landcare Program of \$39.0 million for 2002-2003, \$39.9 million for 2003-04 and \$40.6 million for 2004-05.
- (5) From 2002-03 onwards, the Natural Heritage Trust will comprise four programs, Landcare, Rivercare, Bushcare and Coastcare. No decision has been announced on funding for the Landcare or other programs under the Trust for 2002-03 and future years.

Australian Quarantine Inspection Service: Meat Inspectors

(Question No. 148)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 February 2002:

- (1) Are Australian Quarantine Inspection Service: (AQIS) meat inspectors employed under identical individual contracts.
- (2) Were meat inspectors sent a copy of the contract on 12 April 2001.
- (3) What process of consultation and negotiation was provided for in relation to the terms of that contract offered to inspectors by AQIS.
- (4) (a) When did negotiations on the terms of the contract commence; (b) what were the nature of those negotiations; and (c) when did those negotiations conclude.
- (5) (a) Did that contract require inspectors to return the document by 30 April 2001; and (b) would AQIS assume that inspectors who did not meet that deadline did not wish to provide contract services to AQIS.
- (6) (a) What was the basis for the imposition of that deadline; and (b) how was that deadline compatible with proper negotiations over the terms of the AQIS offer.
- (7) Under this contract, are meat inspectors required to: (a) provide an ABN to AQIS; (b) supply their own equipment, including a knife and steel; and (c) make their own arrangements for taxation, superannuation, insurance and other overheads.
- (8) Do any of the contracted meat inspectors receive more than 80 per cent of their income through their contract with AQIS; if so, would those contractors be regarded as employees for the purpose of their taxation assessment.
- (9) Does the AQIS contract explicitly refuse the payment of superannuation guarantee contributions for meat inspectors; if so, is this permitted under the Superannuation Guarantee (Administration) Act 1992.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) AQIS Meat Inspectors are employed under the Public Service Act 1999. In accordance with the Meat Program Agreement 2000-2002 AQIS also engages contract inspectors to handle seasonal peaks in the workload, relief work and other contingencies. The Australian Government Solicitor prepared the contract document that AQIS uses for these engagements. These contract arrangements have been in place since 1998.
- (2) A copy of the contract was sent to potential contractors at various times throughout the course of April 2001, dependent upon the State in which the potential contractors resided.
- (3) The contract is provided on a yearly basis and the terms of the contract are well known to most of the potential contractors. For the 2001/02 financial year over three hundred individual contractors expressed a willingness to accept the terms of the contract offered by AQIS. When the draft contract was provided recipients were invited to discuss its contents with an AQIS representative nominated in each State.
- (4) (a) A draft contract was provided to potential contractors during the month outlined in the response to Question 2. (b) contractors willing to accept the terms of the contract offered by AQIS indicated their acceptance by returning a signed agreement by a nominated date. The opportunity to discuss the terms of the contract was made available by AQIS at the time of the offer; and (c) at various

times throughout the course of April and May 2001, dependent upon the State in which the potential contractors resided.

- (5) (a) Deadlines were set as outlined above. (b) Yes, potential contractors were advised that AQIS would assume that those who did not meet the deadline did not wish to provide contract services, although some additional contracts have been negotiated since that time, wherever the demand for contract services has increased.
- (6) (a) There are many more potential meat inspection contractors available than AQIS can reasonably utilise. Contracts are therefore only offered for a short period each year. (b) potential contractors are invited to have contact with regional AQIS management to discuss the terms of the contract. Most of the contractors have had a long-term relationship with AQIS and as a result few questions were asked of AQIS with regard to the contract offer prior to the commencement of the 2001/02 financial year.
- (7) (a) Yes.
(b) Yes.
(c) Yes.
- (8) AQIS is not aware of the total income derived by any contractor. AQIS is in receipt of both legal and ATO advice that contractors are not employees for the purpose of taxation. All of the contractors have ABNs and many charge AQIS for GST with regard to the provision of their services.
- (9) AQIS has taken legal advice on the contract issue on many occasions since these contract arrangements commenced in 1998. In November 2001 the issue of the Superannuation Guarantee Levy (SGL) was raised for the first time when updated legal advice was sought by AQIS. AQIS is currently in the final stages of negotiations with the ATO and the Department of Finance about the application of the SGL with regard to contractor payments.

**Action Plan for Australian Agriculture Food and Fibre
(Question No. 149)**

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 February 2002:

- (1) (a) What is the budget for the Action Plan for Australian Agriculture (APAA) for the 2001-02 financial year; and (b) what funding is provided for the out years.
- (2) Is the APAA still largely built around the Rural Vision magazine.
- (3) When was the last time that the APAA was under review.
- (4) (a) When did that review commence; (b) When was it completed; and (c) what were the findings from the review.
- (5) Has the Government responded to the recommendations of the review; if so: (a) which of those recommendations have been picked up, and why; and (b) which of those recommendations have been rejected, and why.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) (a and b) There is no specific budget for the Action Plan for Australian Agriculture Food and Fibre for the 2001-02 financial year or for out years. Administrative activities associated with the Plan (principally the preparation and printing of the Rural Vision magazine) are being paid for by the Department of Agriculture, Fisheries and Forestry. Two editions of the magazine are produced each year. The total cost of producing and distributing the two editions is about \$100,000.
- (2) No. The Action Plan for Australian Agriculture Food and Fibre, was not built around the Rural Vision Magazine but provided a framework of key strategies in a range of areas that stakeholders in the plan made an 'in principle' commitment to pursue. There were no specific programs identified under the Action Plan. The Rural Vision Magazine has provided a vehicle for the stakeholders to showcase some of their activities. Recent editions have also been used to help demonstrate successful grant proposals under the Farm Innovation Program.
- (3-5) The review of the Action Plan, initially scheduled for 2001, was overtaken by other events and has not occurred.

Recently the Government reviewed the Action Agenda/Action Plan process and there is now a more rigorous process of deriving Action Agendas. The Government's 'Developments in Australian Industry Policy 2001' initiative and the subsequent publication 'Action Agendas 2002', define this process and describe its aims.

In line with this initiative, the Action Plan has been superseded by the development or strengthening of separate action plans for individual components of Australia's industries—such as the Government's National Food Industry Strategy.

Australian Bureau of Agricultural and Resource Economics: Study

(Question No. 150)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 February 2002:

- (1) Has the Australian Bureau of Agricultural and Resource Economics (ABARE) undertaken any research into the impact of deregulation of the Australian dairy industry in addition to the analysis commissioned by the Federal Government as part of the deregulation process; if so: (a) what was the nature of that work; (b) who commissioned the work; and (c) what were the major findings of that work.
- (2) Has ABARE undertaken any investigations into the impact of the amendments to the Northern Prawn Fishery Management Plan in 2000 and 2001 on the North Queensland regional economy; if so: (a) when did that work commence; (b) what were the terms of reference; and (c) when was that work completed.
- (3) (a) What were the results of that study; and (b) when were those results provided to the Federal Government.
- (4) What has been the response from the Federal Government to the findings of the ABARE study.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) No.
- (2) Yes. ABARE undertook research into the impacts of the Northern Prawn Fishery Amendment Plan 1999 during 2000 and 2001 that included an assessment of the impact on the north Queensland port of Cairns. (a) 1 October 2000. (b) 'To monitor the economic impact of the Northern Prawn Fishery Amendment Management Plan 1999 on shore and offshore based activities'. (c) January 2002.
- (3) (a) The data collected by ABARE provides a baseline from which to monitor the economic impact of the Plan on shore and offshore based activities. Initial research indicates that the potential impact on shore-based activities from boats leaving the northern prawn fishery industry as a result of the Northern Prawn Fishery Amendment Management Plan 1999 would appear to be minimal. (b) 16 February 2002.
- (4) The Government publicly communicated the results of the study through a press release issued 28 February 2002.

Ansett Holiday Package Relief Scheme

(Question No. 152)

Senator Ridgeway asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 28 February 2002:

With reference to the collapse of Ansett in 2001 and the \$15 million Ansett Holiday Package Relief Scheme:

- (1) Following newspaper advertisements in 2001: (a) how many applications were lodged; and (b) of these, how many applications met the funding criteria.
- (2) Were all payments to the successful business applicants under this scheme made prior to 25 December 2001, as the department suggested would be the case at the time of the establishment of the scheme.
- (3) How much of the \$15 million for businesses under this scheme has been allocated

- (4) If funds available under the Ansett Holiday Package Relief Scheme remain unallocated: (a) will those funds remain with AusIndustry, and for what purpose; or (b) will those funds be redirected; if so, to where and for what purpose.

Senator Minchin—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

- (1) (a) 399
(b) 298 have been assessed as meeting the criteria and have received funding as at 15 March
- (2) 281 claims were received by the original closing date of 12 November and 214 claimants were paid prior to 25 December. Apart from four claims for which some issues remain to be resolved, all claims from this group have now been dealt with. Of the 118 claims received after 12 November, all except two had been fully processed and payments made by 15 March 2002.
- (3) \$2.95 million has been paid out as at 15 March 2002. The maximum that could be paid out when decisions are taken on all remaining applications is \$3.5 million
- (4) (a) No
(b) \$1 Million will be spent on promoting tourism in areas affected by the summer bushfires. The remainder will be allocated to other Government priorities.

Tourism: Domestic Holiday Rebate Scheme

(Question No. 153)

Senator Ridgeway asked the Minister representing the Minister for Small Business and Tourism, upon notice, on 28 February 2002:

With reference to the \$5 million made available to Australian households under the Domestic Holiday Rebate Scheme:

- (1) How much money has been allocated.
- (2) How many households have received a rebate.
- (3) What is the average rebate received by each household.
- (4) What does the Government intend to do with any surplus funds.
- (5) What promotional activities were undertaken by the Government to ensure Australian households were aware of this scheme and how to apply for the rebate.
- (6) What costs were incurred as a result of these promotional activities.

Senator Minchin—The Minister for Small Business and Tourism has provided the following answer to the honourable senator's question:

- (1) \$4.39 Million.
- (2) 29 272 households used the program
- (3) \$150
- (4) They will be allocated to other Government priorities.
- (5) The following promotional activities were undertaken to ensure Australian households were aware of the scheme and how to apply:
 - The Government authorised major travel agencies and tourism bodies to promote the Scheme as part of their existing promotional activities.
 - The Scheme was directly promoted to licensed travel agents through the Australian Federation of Licensed Travel Agents (AFTA); and the Travel Compensation Fund.
 - Application forms and guidelines were made available on the AusIndustry website. Links were established with See Australia, Australian Tourist Commission, Australian Federation of Travel Agents and the Department of Industry, Tourism and Resources.
 - An advertising campaign was developed featuring the Ernie Dingo "See Australia" message which included print advertising and radio:
 - 10 advertisements across five major metropolitan dailies on 1 January and five Sunday papers on 13 January (a total of 15 placements); and

- 700 thirty second radio spots per day across 140 metro and regional stations between 18 and 30 January (a total of 9,000 spots).
 - The Minister for Small Business and Tourism issued a media release on 7 December and undertook a number of media interviews between December and January promoting the Scheme.
- (6) The cost to Government for these promotional activities was \$305,000 (excluding staff costs).

Transport: Air Passenger Ticket Levy

(Question No. 154)

Senator Ridgeway asked the following question of the Minister representing the Minister for Small Business and Tourism, upon notice, on 14 March 2002. The question was referred to the Minister representing the Minister for Transport and Regional Services for reply.

With reference to the Air Passenger Ticket Levy:

- (1) How much money has been raised by the levy since its introduction on 1 October 2001.
- (2) How does this amount compare to the expected revenue-raising potential of the levy.
- (3) Has the Government made any of these funds available to Ansett workers retrenched prior to 27 February 2002.
- (4) Are there sufficient funds available from the levy to meet the entitlements of all Ansett workers (ie. those retrenched prior to and after 27 February 2002); if not, will the levy remain in place until all Ansett workers entitlements have been met in full.
- (5) Which government authority, instrumentality or entity is in receipt of the monies accrued under the levy to date.
- (6) What types of investment schemes have the levy funds been directed to in the interim to ensure the funds maintain value.
- (7) What has the performance of these funds been to date.
- (8) (a) Is the interest on the principal being used to maintain value for the fund; (b) are these monies also available for the levy; and (c) have these monies been used in any way whatsoever; if so, how; if not, why not.
- (9) If the levy generates more revenue than is required to meet the Ansett workers entitlements, how will the surplus funds be used.
- (10) If the Government is not required to use the levy to repay Ansett workers entitlements: (a) how will the funds accrued to date be used; and (b) will the Minister cause the levy to be terminated.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Over \$58 million has been received to 31 March 2002.
- (2) The estimate of levy receipts was around \$8-9 million per month. Receipts have averaged approximately \$11 million per month.
- (3) Employee entitlements safety net payments made under the Federal Government's Special Employee Entitlements Scheme for Ansett group employees (SEESA) are funded from a bank loan. Funds collected under the ticket levy are used in accordance with the provisions of the Air Passenger Ticket Levy (Collection) Act 2001, namely to repay this loan and to meet the costs of administering the ticket levy and SEESA. As at 31 March 2002, \$283.3m had been advanced under SEESA to the Ansett Administrators for payment of entitlements to 11,419 former Ansett group employees.
- (4) There are insufficient funds currently available from the levy to meet the entitlements of all Ansett workers. The levy will remain in place until such time as it is clear what level of outlay is required and the level of recovery that will be received from the realisation of Ansett's assets.
- (5) Levy payments are made to the Department of Transport and Regional Services.
- (6) Payments are made into the Department of Transport and Regional Services' Official Administered Receipts Account and are transferred daily into Consolidated Revenue. They are not directed into investment schemes.
- (7) See the answer to (6) above.

- (8) See the answers to (6) and (7) above.
- (9) Under the Air Passenger Ticket Levy (Collection) Act 2001 if the Minister for Transport and Regional Services is satisfied that more levy has been received than is needed for the purposes it was imposed, the surplus is to be distributed in accordance with a scheme to be prescribed by regulation.
- (10) (a) See the answer to (9) above; (b) The Minister for Transport and Regional Services will notify a month as the final levy month once he is completely satisfied that the Commonwealth's exposure under its guarantee to ensure that all Ansett group employees receive their entitlements is fully covered.

Environment: Hazardous Waste

(Question No. 155)

Senator Greig asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 1 March 2002:

With reference to the Bellevue chemical fire in January 2001, and the claims made on *Four Corners* that toxins have leached into and contaminated soil and groundwater, threatening Perth's drinking water:

- (1) Were uniform standards for hazardous waste storage areas ever drawn up and implemented, as recommended in the House of Representatives Report, Hazardous Chemicals Waste: Storage, transport and disposal, dated 1982.
- (2) Why did the Commonwealth not step in to legislate to control hazardous wastes to the fullest extent of its power when it became clear that the Western Australian State Government had failed to introduce effective waste disposal strategies, as recommended in the report 20 years ago.
- (3) How does the Commonwealth ensure its citizens are not threatened by poor record keeping, and poor storage and disposal of highly toxic chemicals.
- (4) Is the Minister aware of the nearby toxic OMEX oil recycling site where the state Government planned to spend \$7 million to protect freshwater supplies, largely because of the potential impact of the site on groundwater resources.
- (5) Given that the toxic disaster area at Bellevue remains one year on and the extent of the threat to water supplies has only just been revealed, will the Government step in and provide funds for the clean-up of the operation.
- (6) Given that Australia is a signatory to the Stockholm Convention regarding storage, disposal, production and use of persistent organic pollutants, and given that Australia has recognised the need for a national approach with national standards for certain hazardous wastes, what practical steps has Australia undertaken to fulfil the aims of the Stockholm Convention.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) There are no uniform standards for hazardous waste storage areas, however each State and Territory has regulations in place for controlling the transport, storage and treatment of hazardous waste.
- (2) Under our Constitutional arrangements the States and Territories have primary responsibility for making laws about environmental protection and for enforcing those laws. This was recognised by the House of Representatives Standing Committee on Environment and Conservation in 1982 in concluding that State and Territory environment agencies were best placed to regulate hazardous waste management.
- (3) Regulation of the use, including storage and disposal of chemicals is a State and Territory responsibility. The Commonwealth expects and understands that the States and Territories adequately fulfil their responsibilities to protect the public and environment in these matters.
- (4) Issues associated with the potential or actual impact of a facility such as the OMEX oil recycling facility are primarily a matter for a State or Territory.
- (5) The matters associated with the Bellevue chemical fire and subsequent environmental contamination are a matter for the Western Australian Government.
- (6) Most of the chemicals covered by the Convention are already covered by national plans that provide for the proper handling, storage and disposal (and, in the case of PCBs appropriate, phasing

out) of these chemicals. These plans are the Polychlorinated Biphenyls Management Plan (1996, revised 1999); the Organochlorine Pesticides Waste Management Plan (1999) and the Hexachlorobenzene Waste Management Plan (1996).

In 2001, this Government put in place a \$5 million National Dioxins Program (NDP) over four years to collect data, undertake a risk assessment, and develop appropriate measures to reduce or where feasible eliminate emissions of dioxins and dioxin-like chemicals covered by the Stockholm Convention.

Aged Care
(Question No. 158)

Senator Chris Evans asked the Minister representing the Minister for Ageing, upon notice, on 4 March 2002:

- (1) How many serious risk reports under the Aged Care Act were submitted to the Secretary of the department by the Standards and Accreditation Agency (separately indicating the total for each state by month, from July 1999).
- (2) Did any of these serious risk reports arise other than from a review audit report; if so: (a) how many; and (b) under what circumstances.
- (3) With reference to the Accreditation Grant Principles (3.21) which lists the reasons why a review audit may be carried out after 1 January 2001: How many review audits have been carried out to date (indicating how many were carried out for each of the reasons outlined in 3.21).

Senator Patterson—The Minister for Ageing has provided the following answer to the honourable senator's question:

- (1) Serious risk reports submitted to the Secretary from July 1999 to January 2002:

1999—13

2000—58

2001—8

January 2002—0

Table at Attachment A provides a breakdown for each state by month from July 1999.

- (2) During the period 1 September 1999 to 31 January 2002:

30 arose from site audits;

3 arose from support contacts; and

8 were identified during the assessment of services between 1 July and 31 August 1999.

- (3) The table at Attachment B lists the review audits carried out for the reasons specified under section 3.21 of the Accreditation Grant Principles.

Attachment A

Notification of Serious Risk Reports: 1 July 1999-31 January 2002

	ACT	NSW	QLD	SA	NT	VIC	TAS	WA	TOTAL
1999									
July	0	0	2	1	0	0	0	0	3
August	0	0	3	1	0	1	0	0	5
September	0	0	0	0	2	0	0	1	3
October	0	0	1	0	1	0	0	0	2
November	0	0	0	0	0	0	0	0	0
December	0	0	0	0	0	0	0	0	0
	0	0	6	2	3	1	0	1	13
2000									
January	0	0	0	0	0	2	0	0	2
February	0	0	0	0	0	1	0	2	3
March	0	0	1	0	0	2	0	1	4

	ACT	NSW	QLD	SA	NT	VIC	TAS	WA	TOTAL
April	0	0	1	0	0	1	0	0	2
May	0	1	2	1	0	4	0	1	9
June	0	0	6	0	0	1	0	0	7
July	0	1	1	3	0	4	0	0	9
August	0	2	3	2	0	2	0	0	9
September	0	0	2	0	0	4	1	0	7
October	0	0	2	2	0	1	0	0	5
November	0	0	1	0	0	0	0	0	1
December	0	0	0	0	0	0	0	0	0
	0	4	19	8	0	22	1	4	58
2001									
January	0	0	1	0	0	0	0	0	1
February	0	0	0	0	0	0	0	0	0
March	0	0	0	0	0	0	0	0	0
April	0	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0	0
June	0	0	0	0	0	0	0	1	1
July	0	0	0	0	0	2	0	0	2
August	0	0	1	0	0	1	0	0	2
September	0	0	0	0	0	0	1	0	1
October	0	0	0	0	0	0	0	0	0
November	0	0	0	0	0	0	0	0	0
December	0	0	1	0	0	0	0	0	1
	0	0	3	0	0	3	1	1	8
2002									
January	0	0	0	0	0	0	0	0	0
TOTAL	0	4	28	10	3	26	2	6	79

Attachment B

Review Audits: 1 January 2001-31 January 2002

Reason	Number
Reason to believe that there may not be compliance with the Accreditation Standards or other responsibilities under the Act.	61
A change to the service about which, under section 9-1 of the Act, the accredited provider must tell the Secretary.	
Transfer of allocated places under section 16-1 of the Act.	
A change to the premises of the service.	
Non-compliance with the arrangements made for support contacts, as required by the accreditation decision made for section 2.11, 2.28 or 2.38.	
At the Secretary's request	52
Total review audits conducted	113

Note: 52 review audits were conducted at the Secretary's request, the remainder for one or more of the other reasons specified in the Accreditation Grant Principles 1999. More than one reason may be present, eg change of key personnel and reason to believe there may not be compliance with the Standards.

**Comcar Certified Agreement
(Question No. 163)**

Senator Allison asked the Special Minister of State, upon notice, on 4 March 2002:

- (1) What precisely are the arrangements that apply to Comcar drivers who volunteer to undertake assignments for senators or members which take longer than a regular or split shift.
- (2) Are all the hours worked beyond regular or split shifts accumulated for the quarter.
- (3) What are the circumstances under which a driver would get a credit for hours worked beyond the 546 hours on which certified agreements are based.
- (4) In what circumstances is the credit for hours worked paid out in overtime.
- (5) What are the other options for credited hours.
- (6) What meal allowances are Comcar drivers entitled to for shifts that are longer than a regular or split shift.
- (7) Is it the case that Comcar drivers are issued with charge cards for only one petrol company; if so, why.

Senator Abetz—The answer to the honourable senator's question is as follows:

- (1) Comcar drivers' working hours are covered by the provisions of the Comcar Certified Agreement 1997-1999. Comcar drivers work on a system of flexible working hours over a quarterly cycle. Subject to fatigue management guidelines, drivers work according to operational requirements and accrue hours towards their quarterly quota of 546 hours in accordance with the Certified Agreement.
- (2) Yes.
- (3) Where the driver exceeds 546 hours in the quarter.
- (4) If a driver works more than 546 hours in the quarter, the first 16 hours of the excess carries over as a credit. The excess over 562 hours for the quarter attracts a payment as per the Certified Agreement.
- (5) Under the Certified Agreement, drivers are entitled to payment for credited hours in excess of 562 for the quarter or may, at their request, take time off in lieu.
- (6) Meal allowances are not payable to permanent Comcar drivers. Meal Allowance was rolled into a National Flexibility Allowance as part of the negotiations for the Comcar Certified Agreement 1997-1999.
- (7) Yes, Comcar uses only one petrol company. This ensures efficient and effective use of Commonwealth resources by allowing Comcar to effectively monitor car use. Through a single supplier Comcar is able to obtain timely reports on monthly fuel usage and consumption.

Environment: Grey-Headed Flying Foxes
(Question No. 164)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 4 March 2002:

Has the Victorian State Government submitted its management plan for relocating grey headed flying foxes from the Melbourne Botanic Gardens to an alternative site; if so, can a copy of the plan be provided.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

My Department has been in contact with the Victorian Department of Natural Resources and Environment regarding the relocation program. The Victorian Department advised that a referral for the program, under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), will be made before the end of March 2002. The referral will be examined pursuant to the requirements of the EPBC Act and will be made available for public comment.

Questions on the availability of a management plan for relocating grey headed flying foxes from the Melbourne Botanic Gardens to an alternative site should best be directed to the Victorian Department of Natural Resources and Environment.

Telstra: Price Controls
(Question No. 167)

Senator Allison asked the Minister for Communications, Information Technology and the Arts, upon notice, on 7 March 2002:

Does the Government intend to continue the current price control arrangements for Telstra beyond the end of June 2002 when they are due to expire; if not, why not; if so, what will be the price cap for household land lines.

Senator Alston—The answer to the honourable senator's question is as follows:

The Government made a commitment prior to last year's election to retain a system of price caps on Telstra. The price caps will be set in law and apply regardless of the ownership of Telstra.

The price caps that will apply following the expiry of the current arrangements on 30 June 2002 are currently under consideration by the Government. The Government has been consulting stakeholders over recent months on this issue.

The new price control arrangements are expected to be announced shortly.

Trade: Thailand
(Question No. 173)

Senator Brown asked the Minister representing the Minister for Trade, upon notice, on 7 March 2002:

- (1) Is Australia discussing or negotiating a free trade agreement with Thailand.
- (2) When did discussions begin and what is the timetable for completion.
- (3) Who is conducting the discussions on behalf of Australia and who on behalf of Thailand.
- (4) What is the scope of the proposed agreement, including the types of products and services that would be covered, the time period, any exclusions, and any related arrangements.
- (5) (a) What advantages and disadvantages does such an agreement offer Australia; and (b) what advantages and disadvantages does it offer Thailand.

Senator Hill—The Minister for Trade has provided the following answer to the honourable senator's question:

- (1) Yes.
- (2) Discussions began on 4 July 2001, during a visit to Australia by the Thai Foreign Minister Dr Surakiart. A scoping study, to explore ways in which an FTA could maximize the potential benefits of closer economic integration with Thailand, is being undertaken by Thai and Australian officials and is scheduled to be completed by April 2002.
- (3) The study is being jointly prepared by officials from the Department of Foreign Affairs and Trade and the Department of Business Economics in the Thai Ministry of Commerce.
- (4) The scope of any proposed agreement has not yet been discussed with Thai officials. Once the study, and consultations with State/Territory Governments and interested members of the business community, are complete, the Government will be in a position to decide whether to proceed to formal negotiations on a bilateral FTA. The study has been designed to be as broad as possible, reflecting our desire for any bilateral FTA to be comprehensive in scope, and to underpin Australia's and Thailand's mutual support for the WTO multilateral trading system.
- (5) (a) and (b) The purpose of the scoping study is to identify the costs and benefits to both countries of a bilateral FTA. Its findings will reveal more detailed analysis of the advantages and disadvantages to both countries.

Forestry
(Question No. 174)

Senator Brown asked the Minister representing the Minister for Forestry and Conservation, upon notice, on 25 September 2001:

With reference to government and industry sources that have recently asserted that more than 8,000 Tasmanians are directly employed in the forest industry:

- (a) What is the correct figure; and
- (b) Please provide a breakdown showing how many are employed in:
- (i) Forestry Tasmania;
 - (ii) Logging of native forests and plantations;
 - (iii) Planting;
 - (iv) Maintenance;
 - (v) Transport by road;
 - (vi) Other modes of transport;
 - (vii) Sawmills;
 - (viii) Woodchip mills;
 - (ix) Export facilities (please specify);
 - (x) Manufacturing involving wood products only;
 - (xi) Manufacturing involving wood and other materials;
 - (xii) Tourism, recreation, education etc; and
 - (xiii) Other (please specify).

Senator Ian Macdonald—The answer to the honourable senator's question is as follows:

The figures referred to were obtained from the December 2000 report by the Australian Bureau of Agricultural and Resource Economics (ABARE) entitled: "Sustainability Indicator 6.3a—Survey of the Value of Investment in Forest Industries in Tasmania".

This report may be accessed on-line at <http://www.affa.gov.au/>

Based on a survey of Tasmanian forest industry businesses, the report estimates that 8, 259 Tasmanians were employed in forest-based industries during 1999-2000. A breakdown by category as specified in the question is not available. However the report does set out the following information:

Category of Employment	Total number of employees
Forest growers	2, 492
Forest management	517
Harvesting and plantation establishment contractors	2, 788
Pulp, paper and panel manufacturers	215
Sawmills	1, 750
Craftwood industries	58
Secondary processors	178
Tourism and recreation operators	158
Other forest contact industries	102
All business categories	8, 259

Child Support Agency

(Question No. 175)

Senator Conroy asked the Minister for Family and Community Services, upon notice, on 8 March:

- (1) (a) How does the Child Support Agency (CSA) determine the cost of raising children; and (b) if the determination is based on research completed by the CSA, or commissioned by or on behalf of the CSA, when and where was that research conducted.
- (2) Has the CSA made any effort to obtain more relevant and up to date information on the cost of raising children.

Senator Vanstone—The answer to the honourable senator's question is as follows:

- (1) (a) The CSA uses the formula contained in the Child Support (Assessment) Act 1989 to assess the amount parents pay to support their children following separation.

The formula varies depending on the number of children and is based on the proportion of income that an intact family spends on their children. It enables children to share in the income of both parents. Where there are special circumstances either parent can apply to the CSA to depart from the formula assessment.

- (b) The amount parents spend on their children is a function of choice, the age of the child and the amount of income available, therefore, there is not one cost of raising children. The Department of Family and Community Services commissioned research in this broad area. In 1998, the Social Policy Research Centre (SPRC) conducted research relating to what parents need to spend to provide particular standards of living for their children. In 1999, the National Centre for Social and Economic Modelling estimated the actual average spending of Australian couples on children, based on ABS survey data. Estimates were provided for households with income ranging from around \$20 000 to \$150 000 a year.
- (2) No additional research is planned.

Environment: Commercial Fishing

(Question No. 176)

Senator Bartlett asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 8 March 2002:

- (1) Is the Minister aware of an assessment by the Queensland Government of the level of commercial fishing in Queensland National Parks in 1999.
- (2) Is the Minister aware that there is significant commercial fishing in the: (a) Cape Bowling Green National Park and Ramsar site; (b) Great Sandy National Park & World Heritage Area; (c) Hinchinbrook Island National Park and World Heritage Area; (d) Lumholtz National Park and World Heritage Area; (e) Daintree National Park and World Heritage Area; and (f) Edmund Kennedy National Park and World Heritage Area.
- (3) Is it the case that the Commonwealth has management obligations for these areas in line with its international responsibilities for World Heritage areas.
- (4) Is the extent of fishing in the Cape Bowling Green and Ramsar site likely to have a significant impact on the ecological character of Cape Bowling Green.
- (5) Has fishing in Cape Bowling Green been referred to the Minister under the referral provisions of the Environment Protection and Biodiversity Conservation Act 1999.
- (6) Is commercial fishing in the above locations likely to have a significant impact on the values associated with the World Heritage areas.
- (7) Have any of the commercial fishing activities in the above World Heritage areas been referred to Environment Australia under the Environment Protection and Biodiversity Conservation Act 1999.
- (8) Would a national park system administered by the Commonwealth, instead of being regulated at a state level, be likely to improve the standard of protection and management in areas that are recognised as being of international value.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) I am advised that Queensland has been looking into the matter of commercial fishing in Queensland National Parks.
- (2) I am not aware that there is significant commercial fishing occurring in those areas.
- (3) The Commonwealth has international obligations to protect and conserve the World Heritage values of World Heritage properties. State legislation provides a level of protection of these values. This is enhanced through provisions of the Environment Protection and Biodiversity Conservation Act 1999 and through cooperative management arrangements with the States. The Commonwealth does not have obligations relating to the management of State managed national parks generally.
- (4) I am unaware of fishing occurring to the extent that it is likely to have a significant impact on the ecological character of the Bowling Green Bay Ramsar site.
- (5) No.
- (6) I am unaware of commercial fishing occurring in those areas that would be likely to have a significant impact on World Heritage values.

- (7) No.
- (8) Under the Constitution, state and territory governments have responsibility for environmental and land management issues, including national parks, for those areas within their jurisdiction. The Commonwealth Government manages a small number of national parks where it has direct responsibility such as the external territories. Commonwealth, state and territory park management agencies cooperate in management issues of common concern, for example through benchmarking and best practice programs undertaken by a Committee to the Natural Resource Management Ministerial Council.

With many areas of international value currently managed competently by state and territory agencies, it is inappropriate to suggest that the Commonwealth would be better able to raise the standard of protection and management above what is now being achieved.

The Government has taken steps, with the introduction of the Environment Protection and Biodiversity Conservation Act 1999, to ensure that the Commonwealth has the ability to regulate actions that may have a significant impact on matters of National Environmental Significance such as World Heritage properties and Ramsar wetlands and to accredit State management processes where appropriate.

Australian Federal Police: Investigative Powers

(Question No. 180)

Senator Ludwig asked the Minister representing the Attorney-General, upon notice, on 11 March 2002:

With reference to an article published in the *Australian* of 4 March 2002 that referred to a plan to give the Australian Federal Police investigative powers similar to those of the United States Federal Bureau of Investigation in crimes that affect the national interests of Australia:

- (1) Where were these recommendations made.
- (2) Who made these recommendations.
- (3) Were the recommendations the result of a report written by Mr Mick Palmer, former Commissioner of the Australian Federal Police.
- (4) When will this report be made available to the public.
- (5) Will this issue be raised during a meeting of state ministers in April 2002.
- (6) If state government leaders disagree with this plan, is the Commonwealth willing to override their views in order to implement such a plan.
- (7) By what criteria will the Federal Government deem which crimes are appropriate for this style of police enforcement and investigation.

Senator Hill—The Attorney-General has provided the following answer to the honourable senator's questions:

- (1)-(5) The Government is giving consideration to a wide range of law enforcement issues in preparation for the leaders' summit to be held on 5 April 2002. These deliberations are Cabinet-in-Confidence and it would be inappropriate to say anything further at this time. However I am sure the Prime Minister, and other leaders, will be making public statements about the outcomes of the summit on 5 April 2002.
- (6) It is not appropriate to speculate about these matters.
- (7) I refer to the answer given to questions (1)-(5) above.

Attorney-General's: Family Law Act

(Question No. 182)

Senator Ludwig asked the Minister representing the Attorney-General, upon notice, on 11 March 2002:

With reference to the consultation on a quality framework for primary dispute resolution under the Family Law Act 1975:

- (1) Can copies of public submissions be made available to the Senate; if not, why not.

- (2) Has any committee, or other body, been charged with the responsibility of examining the submissions; if not, why not.
- (3) Have any recommendations or conclusions been drafted; if not, why not; if so, can they be made available to the Senate.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator's question:

- (1) As at 11 March 2002, 22 submissions had been received by the Department in response to the consultation paper entitled 'Raising the Standard: A quality framework for Primary Dispute Resolution under the Family Law Act 1975'. The consultation paper stated on page 3 that 'Your submission will be publicly available on request, unless you seek confidentiality, or publication of the submission would amount to a breach of the law. Submissions will not be published on the website.' Only one submission was provided on the basis that it be treated as confidential. The other submissions can be provided to the Senate.
- (2) The Department has the responsibility of examining the submissions, as it is part of the Department's ongoing program administration responsibilities.
- (3) No recommendations or conclusions have been drafted. The submissions are under examination and the proposed quality framework will be considered in the wider context of a review of Part III Primary Dispute Resolution in the Family Law Act.

Defence: Personnel
(Question No. 184)

Senator Bourne asked the Minister for Defence, upon notice, on 11 March 2002:

- (1) What appeal and complaint mechanisms exist for cadets and adult instructors of cadets with regard to decisions of state unit commanders and staff officers of the Australian Defence Force Cadets.
- (2) Why is there a compulsory retirement age of 60, with a 2-year discretionary extension, for adult instructors of cadets.
- (3) What progress has been made in implementing the recommendations of the Topley Report, Cadets in the Future, dated 2000.

Senator Hill—The answer to the honourable senator's questions is as follows:

- (1) Adult volunteers and cadets of the Australian Defence Force (ADF) Cadets are able to state any grievance through the chain of command. If the issue cannot be resolved at a given level, then the complainant can take the matter to the next level. The chain of command for each of the Services is as follows:

Navy—Commanding Officer Training Ship (Cadet Unit), Senior Officer Area Headquarters, Local Naval Authority (for example, commanding officer of the controlling naval establishment), Director Australian Navy Cadets, Director General Navy Personnel and Training, Chief of Navy.

Army—Commanding Officer Cadet Unit, Commanding Officer Regional Headquarters, Commander Australian Army Cadets, Chief of Army.

Air Force—Commanding Officer Cadet Squadron, Officer Commanding Wing (Regional) Headquarters, Commander Australian Air Force Cadets, Director General Personnel—Air Force, Chief of Air Force.
- (2) The retirement age for instructors and officers is covered under the Cadet Forces Regulations 1977. There is provision for extensions beyond 60 years of age. Paragraph 12 of the regulations states:

“(1) Subject to sub-regulation (2), an instructor or officer in a cadet force shall retire from the cadet force on attaining the age of 60 years.

(2) A service chief [or delegate] may extend the appointment of an instructor or officer beyond the age of 60 years for 1 or more successive periods of 2 years if:

 - (a) the instructor or officer consents to the extension; and
 - (b) at the time of the extension, the instructor or officer is suitable for further service; and
 - (c) the extension would be in the interest of the cadet force.”

- (3) In December 1999, the then Parliamentary Secretary commissioned a strategic review of the Australian Services Cadet Scheme. The Topley Report, *Cadets in the Future* was released publicly on 8 December 2000.

The Government considered a submission on the future of the cadets in April 2001. While the Government did not address every recommendation in the Topley Report, it did accept the overall thrust of the Report and many of the specific initiatives. Defence has proposed a three year implementation program. Details of that program and the various initiatives are as follows:

- (a) \$24 million annually in support plus an additional \$6 million from 2001-02 to fund the cadet enhancement program. \$6 million was allocated in the Defence Budget 2001-02;
- (b) adoption of contemporary names (ADF Cadets, Australian Navy Cadets, Australian Army Cadets and Australian Air Force Cadets). New names have been fully adopted although legislation is yet to be amended;
- (c) appointment of a Director-General of Cadets responsible to the Chief of the Defence Force. Major General Darryl Low Choy was appointed in April 2001;
- (d) establishment of the Directorate of Defence Force Cadets to provide strategic policy guidance for the Australian Defence Force Cadets and management of the cadet enhancement program. The Directorate was established in September 2001;
- (e) the Topley Report recommended that the Commonwealth accept responsibility for all cadet accommodation. The Government agreed that a detailed cost analysis is undertaken by 30 June 2002 and a report prepared for consideration by the Minister for Defence;
- (f) project to deliver computing facilities to cadet units, including the provision of simplified, online administrative systems. Computer hardware has been distributed to units in Tasmania, Northern Territory, northern Queensland and Victoria. Delivery of the remaining computers is expected to be completed by May 2002. In addition, work has commenced on the Cadetnet project to link all units via the Internet in order to enhance administrative support and information access. Cadetnet is planned to be operational by the end of 2002;
- (g) enhanced safety awareness through the design of tailor-made training courses and information packages for cadets and their adult supervisors. The Director-General of Cadets issued a Safety Management Policy Statement in December 2001 along with a document entitled "Occupational Health and Safety Awareness for Officers and Instructors of Cadets and Supervisors". Training packages for officers and instructors of cadets were completed in March 2002 and training will be completed from April through July 2002. A tri-Service Cadet Safety Management Policy and Procedures manual planned to be issued in September 2002. Ongoing activity;
- (h) improved arrangements for the provision of uniforms and equipment. The current shortfall of uniforms is being rectified and will ensure that the total cadet population has access to the standard entitlement. Ongoing activity including monitoring of uniform and equipment availability;
- (i) project to enhance the participation of indigenous youth in ADF Cadets. A strategic plan is being developed in consultation with relevant stakeholders. Preliminary activities have begun with units such as NORFORCE in the Northern Territory. Ongoing activity;
- (j) continued involvement of ADF personnel to support cadet activities. This is an ongoing activity and will be incorporated into the annual programs of the three Services;
- (k) codification of the relationship between Defence and the adult volunteer staff, including appointment and termination and codes of behaviour. It is planned to complete this work by July 2002;
- (l) appointment of Regional Coordinators to foster increased regional collaboration among cadet units, and to assist with the implementation of the enhancement program. Detailed work on this initiative is to commence in 2002-03;
- (m) enhanced military-like training activities, including the voluntary handling and firing of military firearms under ADF supervision and with parental permission. This is an ongoing activity and will be incorporated into the annual programs of the three Services;
- (n) national accreditation of cadet and adult staff training. Some leadership programs for cadets have been accredited. Ongoing activity;

- (o) collaboration with other youth development organisations, including assessing sponsorship options. This is an ongoing activity and contact has already been initiated. The inaugural national conference of ADF Cadets will take place on 20-21 April 2002 in Sydney. Participation at the conference will involve representatives from youth development organisations, for example, AUSYOUTH and Duke of Edinburgh Awards Scheme;
- (p) creation of the ADF Cadets Council to advise on strategic issues in youth development and benchmark ADF Cadets against other youth organisations. Work on this initiative is planned to commence in 2002-03; and
- (q) appointment of an External Overview Team to provide independent advice on the implementation program. Mr John Topley and Air Vice-Marshal Bob Richardson (Retd), Chair and Member of the Cadets: The Future review team have been appointed. The team provided its first report in February 2002 to the Parliamentary Secretary to the Minister for Defence.

Commonwealth Heads of Government Meeting

(Question No. 185)

Senator Allison asked the Minister representing the Prime Minister, upon notice, on 12 March 2002:

- (1) Given the Prime Minister's recent statement that, 'the Commonwealth is very strongly committed to ... bridging the gap between the less fortunate in the world and the more fortunate', why was climate change and its impact on the Commonwealth's small island nations such as the Maldives, Tuvalu, Tokelau and Kiribati not on the agenda for the recent Commonwealth Heads of Government Meeting (CHOGM) talks.
- (2) Is it the case that Australia vetoed any discussion on climate change or compensation for small island states; if so, why.
- (3) Is it the case that Fiji's Foreign Minister requested that the impact of climate change be included at CHOGM talks.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator's question:

- (1) Climate change was discussed in the Executive Sessions of the Coolum Commonwealth Heads of Government Meeting (CHOGM) under Agenda Item 6 "Small States". Several member nations spoke to the issue. This discussion is reflected in paragraph 36 of the Coolum Communique, which records the fact that Heads of Government expressed concern about the consequences of global warming and climate change, especially for vulnerable small island states and other low-lying areas.
The CHOGM agenda is traditionally a broad one, allowing leaders wide flexibility to raise issues such as climate change as appropriate when reviewing global political and economic developments, or the special needs of small states.
- (2) No. No Commonwealth member holds any such veto power.
- (3) Not to Australia's knowledge. However CHOGM is a leaders' meeting. It is thus up to leaders of individual Commonwealth countries to nominate to the Secretary General, if they so wish, the issues which they envisage raising under the meeting's broad agenda items. As noted, the issue of climate change was raised and fully discussed.

Industry: Coal

(Question No. 186)

Senator Allison asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 11 March 2002:

- (1) (a) Is the Minister aware that coal consumption in ASEAN countries is forecast to rise by 9.5 per cent per year, especially in Malaysia, Thailand and the Philippines and that ASEAN imports are expected to rise by 14 per cent per year to 30 million tonnes by 2010; (b) is the Minister aware that coal imports by Malaysia, Thailand and the Philippines increased by 14 per cent from 1990 to 2000; and (c) based on these figures, what strategies is the Australian Government adopting to ensure Australian coal will be purchased in these growing markets.

- (2) (a) Is the Minister aware that since mid-2001, the price for thermal coal has been declining, affected in part by the economic recession precipitated by the events of 11 September 2001; (b) is the Minister aware that Australia did not enter into direct price competition with Chinese exporters, which saw Chinese exports rise; (c) is the Minister aware that industry experts expect that Australian coal exporters will become more price-competitive in 2002 in order to ensure sales; and (d) . how will this occur and what role will the Government play.
- (3) With reference to the department's coal trade promotion activities in Asia: (a) what promotional projects and material has the department produced in the past year; (b) what promotional plans does the department have for coal trade promotion in Asia in 2002; and (c) what budget has been allocated.
- (4) (a) Does the department spend \$1 million annually to promote the use of Australian 'clean coal' in the Asia region; and (b) what is this amount spent on.
- (5) What work is the department doing to promote Australian renewable energy products and producers in the overseas market.
- (6) What meetings has the department organised with the coal industry, in 2001 and 2002, to discuss and plan coal exports to Asia (please list the dates of these meetings together with a list of attendees).
- (7) (a) Is the Minister aware that, in 1998-99, lower prices for thermal coal resulted in several mines being closed or placed on care and maintenance; (b) is the Minister aware that as a result, employment in the coal mining industry fell by 3 636 persons (14 per cent) over the year, the largest employment fall in any mining industry; and (c) what strategies does the department have to deal with this fall in employment in the coal industry.
- (8) What level of involvement has the department had in securing coal-related projects funded by the Asian Development Bank and the World Bank.
- (9) (a) Has the department provided the secretariat for Australia's role as host of the APEC Energy Working Group during the past 10 years; (b) what is the annual budget for hosting this working group; (c) can a break-down of the budget for this program be provided; (d) what activities have been undertaken; (e) what outcomes have been achieved by hosting this group; and (f) does Australia have any intention of passing this role on to another APEC member in the near future; if so, who.
- (10) (a) Is the Minister aware that at the 7th Conference of the parties held in Marrakech, November 2001, a board for CDM projects was established which will develop the process for approving CDM projects; (b) does the International Greenhouse Partnerships Office of the department anticipate that project applications will be called for by mid-2002, and that these will be based on a current pilot project; and (c) what are the current CDM/AIJ pilot projects that involve the mining and energy sector.
- (11) (a) What level of consultation does the Department have with the coal industry with regard to Australia's stance on ratification of the Kyoto Protocol; and (b) can a list of meetings, written consultations and briefs prepared by the department on this topic be provided.
- (12) (a) Is the Minister aware that the coal-fired power plants proposed for Prachuab Khiri Khan, Thailand, will use coal from the PT Adaro mine in Indonesia, owned by Australian company, New Hope; (b) is the Minister aware that the local people and the Bo Nok Subdistrict Administrative Organization have opposed the project through votes, letters of opposition and demonstrations; (c) has the Australian Ambassador to Thailand, Mr William Fisher, written press releases and letters to the editor, and to the Thai Government, supporting the use of 'clean coal'; and (d) why does Australia continue to promote the use of Australian coal in this project, despite local opposition.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

- (1) (a) yes—this is consistent with the reference case forecast by ABARE in Global Coal Markets, Forecasts to 2010. (b) According to the same ABARE publication, imports of thermal coal increased at the average annual rate of 14 % for these countries over this period. (c) Malaysia, Thailand and the Philippines are considered to be important emerging markets for coal. The Government's strategy is to support improvements in the Australian industry's international competitiveness through economic and industry reforms in Australia, to address trade and other barriers

that may restrict Australian access in these markets, provide factual material, and to address technical and environmental issues by facilitating bilateral and other exchanges with these countries.

- (2) (a) Spot market prices for thermal coal peaked in the first half of 2001 with ABARE attributing falls over the rest of 2001 to the large increase in exports of thermal coal from China. (b) I am aware that the value and volume of Australian exports rose to record levels during 2001 and that Australian exporters competed with all players, including China, in markets around the world. (c) I am aware that Australian exporters are price competitive and are well placed to respond to changes in market prices. (d) Exporters operate in a competitive international market. The Australian Government does not intervene in coal sales negotiations.
- (3) (a) The Department does not provide specific funding for coal trade promotion activities in Asia. Activities are limited to those that can be managed under the Department's coal policy responsibilities or where successful applications to other programs provide additional funding. Projects and material produced in the last year by the Department which support coal trade promotion in Asia include:
- publication of the Sixth Edition of Australia's Export Coal Industry;
 - distribution and electronic publication of the Summary Paper on Findings and Recommendations of the India Coal Port Infrastructure Study;
 - participated as a member of the project steering committee for APEC Coal in Sustainable Development in the 21st Century held in Malaysia, 4-8 March 2002, including organising the 4th APEC Coal Trade and Investment Liberalisation and Facilitation Workshop funded by APEC;
 - participation in the Government's Market Development Task Force on coal and China to develop export opportunities and address coal trade issues;
 - the APEC Market Integration and Industrial Collaboration Program supported requests from Thai authorities for a technical officer to provide advice on the environmental aspects of plans for new power plants and for an education officer to help establish an education program for Mae Moh.
 - The service level agreement between the Department and ABARE supported various ABARE coal research projects including Global Coal Markets, Forecasts to 2010.
 - Coal issues were on the agenda for high level bilateral meetings and visits (to and from Australia) with various Asian countries including with Japan, Korea, India, China and Taiwan.
- (b) In 2002, coal trade promotion activities are being developed where these can be absorbed under other activities at minimal additional administrative cost. For instance, coal trade issues will, as appropriate, be built into Ministerial and high level visits to and from Australia and in bilateral and international forums. Other opportunities include the Department's membership on the Steering Committee for the APEC Joint Coal Flow Seminar and Clean Fossil Energy Technical Seminar to be held in China in late 2002, the Departmental web site, ABARE research including covering Chinese coal trade and supply, cooperative work with other Government agencies including Austrade and the Department of Foreign Affairs and Trade. (c) As indicated in the reply to (3)(a), no specific budget has been allocated for coal promotion activities.
- (4) (a) No. (b) Not applicable.
- (5) The Renewable Energy Export Network has been formed to assist the Australian renewable energy companies to take advantage of the opportunities offered by the burgeoning global market for renewable energy goods and services. The Network consists of 56 companies, led by a core group of 15 proven exporters. Industry is the driving force behind this initiative. The Department and Austrade are working closely with industry on this initiative and are jointly providing infrastructure and organisational support.
- (6) The Department has not organised any meetings with the coal industry in 2001 and 2002 for this purpose.
- (7) (a) 1998/99 was a difficult year with the coal industry adjusting to large price falls. In NSW, these adjustments resulted in the closure of 9 coal mines and the opening and reopening of 8 coal mines. There were also significant expansions at other mines. For Australia overall, there were three

fewer mines in operation at the end of 1998/99. (b) Employment figures from the Australian Bureau of Statistics indicate employment in coal mining fell by 2,727 or 12.1% during 1998/99. (c) The Department is facilitating investment in the coal industry which will create new jobs. The industry is considering capital expenditure of over \$5 billion of which around half has already been committed to new projects.

- (8) The level of involvement has been minimal.
- (9) The Department chairs the APEC Energy Working Group and has provided the Secretariat for the Group since its inception in 1990. The Department also provides the Australian representative for meetings of the Energy Working Group. There have been twenty-two meetings since May 1990 of which Australia has hosted three (September 1991, May 1992 and August 1998).
 - (a) In 2001-02 the Budget for provision of the Secretariat and the Chair of the APEC Energy Working Group is around \$114,900.
 - (b) The amount of \$114,900 can be broken down into \$72,100 for salaries, \$40,000 for travel and accommodation costs for the Chair and the Secretariat manager to attend two Energy Working Group meetings, and \$2,800 for a share of the Divisional overheads.
 - (c) The Energy Working Group has embarked on a wide range of programs for energy market reform and increased transparency of the energy reform process, economic and technical co-operation, and measures to reduce environmental impacts of energy use. It seeks to maximise the energy sector's contribution to the regions well being, while mitigating the environmental effects of energy supply and use. To this end, the Energy Working Group promotes policy approaches and initiatives and adopts work programs with the strategic themes of:
 - Fostering a common understanding on regional issues;
 - Improving the analytical, technical, operational and policy capacity within member economies;
 - Facilitating energy and minerals resource and infrastructure development in an environmentally and socially responsible manner;
 - Facilitating energy efficiency and conservation;
 - Facilitating improved reliability and stability in the provision of energy supply to meet demand;
 - Facilitating energy technology development, exchange, application and deployment; and
 - Facilitating a diverse and efficient supply mix.

The above are encompassed in the Energy Working Group's "Future Directions Strategic Plan" which was published in June 2001, and accords with the Osaka Action Agenda.

The Energy Working Group also has engaged in policy dialogue culminating in recommendations to APEC Energy Ministers at meetings in Sydney (1996), Edmonton (1997), Okinawa (1998) and San Diego (2000). It has 5 Expert Groups which undertake a wide variety of projects relevant to the energy sector.

The Energy Working Group has strong participation by business/private sector. Such strategic input from business is considered crucial to ensure that project objectives are well defined and strategies appropriate to facilitate private sector investment in energy and technology transfer. To facilitate business involvement the Energy Working Group has established a Business Network to provide a business perspective on energy-related issues that can be considered through the APEC process.

The Australian representatives to the Energy Business Network are Mr Brian Horwood, Managing Director of Rio Tinto Services Australia Pty Ltd and Dr Roland Williams, Director of Origin Energy Limited. The Australian representatives are supported by the Australian Energy Alliance, a grouping of Australian energy businesses, which meets before every Energy Business Network meeting to provide strategic advice and guidance for Mr Horwood and Dr Williams.

- (d) Key outcomes have included:

- implementation of regulatory reform and the introduction of private market structures in APEC economies more quickly than would otherwise have occurred. This has opened up regional trading opportunities for Australian exporters of energy commodities, products, technologies and services, as well as contributing to regional stability;
 - agreement by APEC Energy Ministers to 14 non-binding principles to guide their domestic deliberations in regard to energy policy and their endorsement of a set of best practice principles for Independent Power Producers aimed at facilitating lower risk/cost private sector investment in the power sector and for incorporating good environmental practices into the development of power projects;
 - an initiative for the development of gas infrastructure in the Asia Pacific region;
 - a general framework for cooperation on energy standards;
 - a pledge and review program for continuous improvements in efficiency in the production, distribution and use of energy;
 - measures to implement reform of APEC energy markets through the use of Implementation Assistance Facilitation Teams; and
 - measures to strengthen energy security in the region by developing and implementing an Energy Security Initiative.
- (e) While Australia has Chaired the Energy Working Group and provided the Secretariat since its inception, as required under APEC Guidelines the Chair/Lead Shepherd position is reviewed every two years. Australia's position as Chair was last reviewed in May 2001 and on this occasion, as in each previous occasion, Energy Working Group members supported Australia maintaining the Chair role. The Deputy Chair position is assumed by the member economy which hosts the Energy Working Group meeting. The next review of the Chair position will be in 2003.
- (10) (a) Yes. (b) No. (c) The current CDM/AIJ pilot projects in the mining and energy sector are the Mauritius Performance Monitoring of Solar Systems; the Chile Natural Gas Project-Rehabilitation of distribution system and fuel switching; the Solomon Islands Village First Program; the Reduction of Greenhouse Gas emissions from Fiji Industries Cement Kiln; the Optimised Control of Battery Banks in Renewable Energy Systems in the Amazon Region of Peru; and the Indian Hybrid Energy Project.
- (11) (a) The Department has not had any specific consultations with the coal industry on Australia's stance on the ratification of the Kyoto Protocol. (b) Not applicable.
- (12) (a) I understand New Hope has a 40 per cent interest in PT Adaro which is contracted to supply coal to a power plant proposed for Prachuab Khiri Khan. (b) I am aware that there is some opposition to these power plants being developed. (c) The former Ambassador Mr William Fisher provided factual material to the Thai press. (d) The Australian Government has responded to requests from Thai Government authorities and local communities to provide information and advice on how environmental concerns can be addressed, including through the use of clean coals from Australia.

Environment: Mount Olympus

(Question No. 190)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 13 March 2002:

- (1) Has an intrusive communications facility been approved for construction on the summit of Mt Olympus in Tasmania's Wilderness World Heritage Area.
- (2) What impact will this structure have on the wilderness values of the World Heritage Area.
- (3) Why is this structure required.
- (4) What alternative options were canvassed that did not involve a structure being built in the World Heritage Area.
- (5) Why were these other options dropped in favour of the facility being proposed for the summit of Mt Olympus.
- (6) What opportunity does the community have for input to the approval process for this proposal.

- (7) (a) What have been the steps in the approval process to date; and (b) on what dates were the respective decisions made.
- (8) Are there any other plans for similar facilities to be established anywhere within Tasmania's Wilderness World Heritage Area; If so; (a) what are those plans; and (b) what other locations are being considered.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1)-(8) No. No approval has been given for any facility to be constructed on Mt Olympus in the Tasmanian Wilderness World Heritage Area.

**Immigration: Detention Centres
(Question No. 191)**

Senator Hutchins asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 13 March 2002:

- (1) What percentage of adult detainees regularly attend education classes offered in all immigration detention centres in Australia.
- (2) What percentage of child detainees regularly attend education classes offered in all immigration detention centres in Australia.
- (3) What percentage of adult detainees regularly attend English language classes in all immigration detention centres in Australia.
- (4) What percentage of child detainees regularly attend English language classes in all immigration detention centres in Australia.
- (5) What are the costs associated with providing the different kinds of educational classes currently available in immigration detention centres.
- (6) What are the costs associated with providing English language classes for detainees at immigration detention centres be provided.

Senator Ellison—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable senator's question:

- (1) to (4) The current services provider has provided the information in the table below for the year 1 March 2001 to 28 February 2002.
- (5) to (6) All education fees are incorporated in the Detention Services Fee. This fee includes payments made under the contract for managing the detention centres as well as departmental expenses such as those for employees, travel, motor vehicles, telephones, interpreting costs, depreciation and other administrative costs.

Participation in educational programs at all IDFs is voluntary, but both adults and children are encouraged to participate. Recognising that parents remain responsible for their children, parents are encouraged to allow their children access to the educational services available and provided with adequate information about educational requirements and practices in the Australian community.

As at 31 December 2001 the average cost per day for detainees at IDFs was \$117.

You will note that in most cases, English language classes match exactly with other educational classes. This is because all classes are taught in English, frequently in an ESL format. In the case of the children, English is used as the base language, assisted by detainees using other languages as required.

Questions	Curtin	Maribyrnong	Perth	Pt Hedland	Villawood	Woomera
1. Percentage of adult detainees regularly attending education classes.	38%	41%	27%	30%	13%	35%
2. Percentage of (school-age) child detainees regularly attending education classes.	98%	100%	Not applicable (1)	90%	95%	85% (5-12 yr) 70% (13-16 yr)

Questions	Curtin	Maribyrnong	Perth	Pt Hedland	Villawood	Woomera
3. Percentage of adult detainees regularly attending English language classes.	26%	41%	27%	30%	13%	25%
4. Percentage of (school-age) child detainees regularly attending English language classes. (2)	98%	100%	Not applicable (1)	90%	95%	85% (5-12 yr) 70% (13-16 yr)

Notes:

1. No children were accommodated at Perth during the past 12 months.
2. For children, English language is a Key Learning Area and is incorporated in all education classes.

Environment: Uranium Mining (Question No. 192)

Senator Allison asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 13 March 2002:

- (1) What was the Government's response to the December 2001 United Nations Educational, Scientific and Cultural Organization (UNESCO) World Conservation Union recommendation that the Australian Government augment the Alligator Rivers Region Technical Committee with the appointment of formal non-government organisation representation on the committee.
- (2) Why has the Government taken this position.
- (3) With regard to recent reports of elevated levels of uranium and other contaminants detected in Kakadu National Park, downstream of the Jabiluka mine site and within the Ranger Project Area, does the Government support the Northern Territory approval of the spray irrigation of up to 250 kilograms of uranium per year on the 6.34 hectares of the Jabiluka mine site.
- (4) Does the Government agree that this is the most likely cause of uranium levels in January 2002 being six times higher downstream of the mine site than upstream.
- (5) Does the Government support the Northern Territory approval of concentrations of uranium in Swift Creek near the Jabiluka mine site and within Kakadu National Park at some 580 times the background level of uranium; if so, why does the Government consider pollution of this magnitude appropriate for a World Heritage Area.
- (6) Has UNESCO been advised of the recently detected elevated concentrations of uranium in Kakadu National Park; if not, why not.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) This proposal was put forward by the International Union for Nature Conservation (IUCN) through the World Heritage Committee at its meeting in Helsinki in December 2001. The Australian Delegation advised it would raise the suggestion with the Alligator Rivers Region Technical Committee (ARRTC), and subsequently referred the issue to the Chair of ARRTC on 30 January 2002 for their consideration. ARRTC resolved that, on the basis of the information supplied to the Committee, an additional member from conservation non-government organisations would not significantly enhance the standing of the Committee, as suggested by the IUCN. The Government is currently considering the resolution of ARRTC.
- (2) As noted above, the Government is currently considering the resolution of ARRTC, which is an independent statutory committee.
- (3) The Northern Territory Government approval to irrigate water on defined areas within the disturbed area of the Jabiluka Mineral Lease, subject to water quality criteria and other conditions defining when irrigation could take place derived on environmental protection grounds, was supported by the Office of the Supervising Scientist and the Northern Land Council. That support was given on the basis that compliance with the conditions attached to the approval would ensure that there could be no risk to the environment nor to the health of people living downstream of Jabiluka.

The verified extremely low levels of uranium and other constituents detected in Swift Creek downstream of the Jabiluka mine and detected in Magela Creek downstream of Ranger mine did not pose any risk to the environment or to human health. This has been confirmed by the Supervising Scientist and agreed to by the Northern Land Council and the Gundjehmi Aboriginal Corporation representing the Aboriginal Traditional owners of the Ranger and Jabiluka areas. Clearly, the approval was successful in ensuring that the environment and human health remained protected.

- (4) No. The mining company's initial monitoring data for Swift Creek on 22 January 2002 indicated a uranium concentration of 0.06 parts per billion immediately downstream of the Jabiluka site and a uranium concentration of 0.01 parts per billion upstream of the Jabiluka site. Independent environmental monitoring data collected by the Supervising Scientist on 22 January 2002 showed a uranium concentration downstream of Jabiluka of 0.01 parts per billion at the same monitoring point. Upon analysis of this data, and other data, the Office of the Supervising Scientist expressed doubt as to the validity of the 0.06 parts per billion result on 4 and 5 March 2002. Subsequent analysis of duplicate samples returned a result of 0.01 parts per billion, consistent with both the upstream concentration and the Supervising Scientist data. The company responsible for analysing the mining company's samples has advised that they consider the erroneous result was probably caused by contamination of the sample in the analytical process. Highly sensitive analytical techniques are used to measure these extremely low concentrations however great care must be taken to avoid contamination and thus an erroneously high result.
- (5) The environmental protection limit for the concentration of uranium in waters downstream of the Jabiluka mine is a very conservative 5.8 parts per billion. This limit was derived according to the procedures recommended in the recently revised Australian and New Zealand Water Quality Guidelines for aquatic ecosystems of high conservation value using local ecotoxicological data. Aquatic ecosystems of high conservation value are subject to the strictest requirements in the Australian and New Zealand Water Quality Guidelines. A uranium concentration of 5.8 parts per billion is very low. For comparison, the concentration of uranium in the Jabiru town water supply is between 6 and 7 parts per billion, and the drinking water standard for uranium is 20 parts per billion.
- (6) Please refer to the answer to Question (4) above.

Mr Kevin Keeffe, Assistant Secretary, World Heritage Branch, Department of the Environment and Heritage, wrote to Mr Francesco Bandarin, Director of the World Heritage Centre, UNESCO, on 6 March 2002. This correspondence informed the World Heritage Centre of the minor incident at Ranger, noting there is no scientific evidence that the World Heritage values of Kakadu National Park have been affected, or are threatened in any way, by the incident.

Telstra

(Question No. 193)

Senator Allison asked the Minister for Communications, Information Technology and the Arts, upon notice, on 14 March 2002:

- (1) Did the Government pressure Telstra to increase its latest half-yearly dividend, despite Telstra recording a 20 per cent drop in profit; if not, what explanation did Telstra provide for the increase.
- (2) Does the Government agree with the recent comment of Telstra's Chief Executive Officer, Dr Switkowski, to the effect that there is no sign of a rebound in profits until the end of the calendar year.
- (3) Will the extra \$195 million in Government revenue be spent on improving telephone and Internet services, particularly in rural areas.

Senator Alston—The answer to the honourable senator's question is as follows:

- (1) No. Under Telstra's constitution the Board carries the responsibility for determining the dividend payment to shareholders. Dr Switkowski, CEO of Telstra, in his speech to the market on 6 March 2002 concerning the half year company results reported that the Telstra Board's decision on the dividend payment was a reflection of the Directors' confidence in the future of the Company's performance and its cash generation.
- (2) There is general recognition that over the past twelve months there has been a considerable downturn in the telecommunications sector worldwide. This is reflected in the trading difficulties being experienced by all telecommunications service providers and the large-scale rationalisations

of the sector that has been occurring globally. The CEO and the Telstra Board have the responsibility for the day to day running of the Corporation and there is no reason to doubt their forecasts on the anticipated timing of a rebound in Company profits.

- (3) The Telstra dividend payment is not hypothecated for any discrete purpose and is placed in consolidated revenue. Since 1996 the Government has provided \$1 billion in funding to improve Australian telecommunications infrastructure, particular in rural and regional areas. The most recent program of initiatives was provided in response to the Telecommunications Service Inquiry (TSI) into the adequacy of telecommunication services. The TSI response builds on successful Networking the Nation and Social Bonus programs.

Foreign Affairs
(Question No. 194)

Senator Bolkus asked the Minister representing the Prime Minister, upon notice, on 15 March 2002:

Were the issues of Cyprus and the Parthenon Marbles raised by the Prime Minister, or any Australian government minister, at any stage in either bilateral or multilateral discussions at the recent Commonwealth Heads of Government Meeting in Queensland; if so: (a) when and by whom; (b) what was the detail of the Australian government's position and how was it pursued; and (c) what was the response and outcome.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator's question:

(1) Yes

(a) I raised the issue of the Parthenon Marbles in my bilateral talks with Mr Tony Blair, the British Prime Minister, on 1 March 2002 at Coolum immediately prior to the start of the Commonwealth Heads of Government Meeting (CHOGM).

The issue of Cyprus was discussed by leaders during a CHOGM Executive Session on 2 March 2002 and again on 5 March 2002, both of which I chaired. I am advised that the Minister for Foreign Affairs, Mr Downer, also discussed the situation in Cyprus at his bilateral meeting with Mr Kasoulides, the Minister for Foreign Affairs of Cyprus, on 1 March 2002.

(b) and (c) On the Parthenon Marbles, I drew Mr Blair's attention to the level of concern within the Australian community on this subject. While the issue remains fundamentally a question for resolution between the British and Greek governments, the strength of Australian community concern is now firmly registered.

On Cyprus, Commonwealth leaders, including the Foreign Minister of Cyprus, Mr Kasoulides, discussed developments in Cyprus at the CHOGM Executive Session which I chaired as noted above. The outcome of these discussions is fully reflected in paragraphs 19-21 of the Coolum CHOGM Communiqué that was agreed to by leaders and issued on 5 March 2002, reading:

“19. Recalling and reaffirming previous United Nations Security Council Resolutions and reaffirming their previous communiqués on Cyprus, Heads of Government welcomed the resumption of talks between the two sides under the auspices of the United Nations Secretary-General within the framework of his mandate of good offices mission as described in Security Council Resolution 1250.

20. They noted that progress could only be made at the negotiating table and encouraged all concerned to co-operate fully with the Secretary-General and his Special Adviser to show flexibility and negotiate to the conclusion of a just and lasting settlement consistent with relevant Security Council Resolutions.

21. Heads of Government reiterated their support for a Cyprus settlement that ensures the independence, sovereignty, territorial integrity and unity of a reunited Cyprus.”

This was a position for which both I and Mr Downer have consistently indicated Australia's strongest support.

On Mr Downer's discussions with Mr Kasoulides on Cyprus, I am advised that Mr Kasoulides briefed Mr Downer on the ongoing talks between President Clerides and Mr Denktash, which Mr Kasoulides described as a positive development. Mr Kasoulides also noted his appreciation for the work of the Australian Special Envoy for Cyprus, the Hon Jim Short, and in particular noted Mr Short's recent re-

port on the Cyprus issue. Mr Downer and Mr Kasoulides also discussed the possible content of the eventual CHOGM Communiqué reference to Cyprus.

Australian Foundation for Disabled: Employee and Superannuation Payments
(Question No. 195)

Senator Allison asked the Minister for Family and Community Services, upon notice, on 15 March 2002:

With reference to the answer to question on notice no. 3780 (Senate *Hansard*, 27 August 2001, p. 26757)

- (1) What was the legal advice the department received that advised it that workers from the Australian Foundation for Disabled (trading as Afford) were exempt from the legal award rates and did not have to have entitlements paid.
- (2) On what grounds were some of Afford's outlets not listed in the award until after October 2000.
- (3) Will the Government require Afford to ensure that all ex-employees are located so they can have their entitlements in wages and superannuation paid to them, as they are entitled by law.
- (4) Is the Minister aware that workers at Afford's Ashfield plant have not been paid their entitlements from 1997.
- (5) Can the Minister advise if workers at Afford's Blacktown, Guildford and Canley Vale plants have been paid their full entitlements; if not, can the Minister advise when this will happen.
- (6) How does the department propose to ensure these workers receive their entitlements.
- (7) Has the department looked at how it can better monitor groups which receive federal government funding to ensure they comply with relevant legislation protecting the entitlements of workers.
- (8) Is the Minister aware that workers at Afford are still waiting to have wheelchair access to the head office in Minchinbury.

Senator Vanstone—The answer to the honourable senator's question is as follows:

- (1) The Department has not sought or received legal advice about the Australian Foundation for Disabled (trading as Afford).
- (2) Afford reported to the Department that its own legal advice was that *The Australian Liquor, Hospitality and Miscellaneous Workers Union Supported employment (Business Enterprises) Award 1993* did not apply to employees at the Ashfield, Guildford and Blacktown outlets as they were not transferred to the control of Afford until 14 December 1996 and the award was signed in 1993. All Afford outlets are now parties to the award.
- (3) The Department understands that Afford is attempting to contact all ex-employees at their last known address. All ex-employees who have replied to Afford have had their entitlements paid.
- (4) The Department understands the Ashfield plant has merged with the Marrickville plant. Afford claims all current employees have been paid their entitlements. Attempts are being made to contact all ex-employees at their last known address to back pay their entitlements.
- (5) Afford's Blacktown, Guildford and Canley Vale plants have closed and the employees have been transferred to other Afford plants. The Department understands that all current employees have been paid their entitlements. Afford is attempting to contact all ex-employees at their last known address to back pay their entitlements.
- (6) Afford has an obligation to pay wages under award. Departmental investigations have found no evidence that Afford was not paying in accordance with the award, except in relation to the outlets not listed in the award. These were brought into line with other Afford outlets in October 2000.
- (7) The Commonwealth's new quality assurance system which will come into effect from 1 July 2002 will monitor the employment conditions of people with a disability in Commonwealth funded disability employment and rehabilitation services. Services will be assessed by independent, skilled auditors against the Disability Services Standards that have been agreed to by the disability sector. Standard 9 requires services to provide working conditions that are comparable to those of the general workforce.

- (8) The Department understands that Afford is currently seeking quotes to provide wheelchair access to the head office in Minchinbury and expects the cost to be around \$100 000. This expense will be considered in Afford's 2002/2003 capital works program.

**Veterans' Affairs: Survey
(Question No. 198)**

Senator Harris asked the Minister representing the Minister for Veterans' Affairs, upon notice, on 20 March 2002:

- (1) Will the Minister respond to the 92 per cent of respondents asking for the formation of VESCAA.
- (2) Has the Government, the Minister or the department taken any action to acknowledge the formation of VESCAA.
- (3) Will the Minister advise what action the Government intends to take after receiving the results of the VESCAA survey, given to the Minister on 26 February 2001.
- (4) What action has the Minister taken to compensate the 71 per cent of respondents acknowledging loss of income during their period of 'selective conscription'.
- (5) What departmental action plan has the Minister made to reduce the 60 per cent problem claims in the Veterans' Affairs Claims Department.
- (6) What are the criteria which must be met to receive a service pension.
- (7) Of the surveys returned, and given that 79 per cent of respondents indicated health problems relating to National Service, what action is the Minister taking to address this issue.

Senator Hill—The Minister for Veterans' Affairs has provided the following answers to the honourable senator's questions:

- (1) The formation of an ex-service organisation is a matter for the ex-servicemen or women concerned, not for the Minister.
- (2) I am advised that neither the Minister nor the Department of Veterans' Affairs have been formally advised of the formation of VESCAA.
- (3) As the Department of Veterans' Affairs has not been involved in the design and conduct of this survey, the Minister cannot comment on the validity of its results. However, the Minister is aware that there are ongoing concerns about the eligibility criteria for veterans' entitlements and the adequacy of benefits provided under the Veterans' Entitlements Act 1986. Accordingly, the Minister has recently established a high profile and independent review to consider these matters. The Government is also aware of concerns and special needs of Vietnam veterans. In the 2000-01 Budget, the Government announced a \$32.3 million package of support for veterans and their families in response to the validated findings of the Vietnam Veterans' Health Study. More recently, the Minister announced an update of the mortality study of Vietnam Veterans conducted in 1994/95.
- (4) There are no provisions in the current legislation which provide compensation for loss of income as a result of conscription.
- (5) The Department monitors its performance in processing claims for benefits under the Veterans' Entitlements Act 1986 through regular satisfaction surveys. The results of the last survey, conducted in March 2001, point out that only 12 per cent of those who had a disability compensation claim determined in the previous 12 months indicated dissatisfaction with the claim process. This compares with a 16 per cent dissatisfaction rate reported in September 2000. The Department continues to take steps to address this level of dissatisfaction, particularly in relation to service and specific skills training for staff. These surveys did not include compensation claims made through the Military Compensation and Rehabilitation Service (MCRS). Improvements in Veterans' Entitlements Act 1986 claims processing are now being applied to MCRS claims. This is expected to result in reducing the average time taken to process those compensation claims.
- (6) A person is eligible for an age service pension if the person:
 - is a veteran or mariner;
 - has rendered qualifying service in accordance with s7A of the Veterans' Entitlements Act 1986;
 - has turned 60 years if male and 57 years if female; and

- if an Allied or Commonwealth veteran or mariner, generally must have been an Australian resident for at least 10 years, or a refugee who holds a permanent entry permit or visa and is a permanent resident.

A person is eligible for invalidity service pension if the person:

- is a veteran or mariner;
- has rendered qualifying service in accordance with s7A of the Veterans' Entitlements Act 1986;
- is under 65 years if male and 62 years if female;
- is considered to be permanently incapacitated for work, that is, he or she cannot work more than eight hours per week; or
- permanently blinded in both eyes; and
- if an Allied or Commonwealth veteran or mariner, generally must have been an Australian resident for at least 10 years, or a refugee who holds a permanent entry permit or visa and is a permanent resident.

Eligibility for service pension, with the exception of that provided to a blinded veteran, is subject to the income and assets test.

- (7) Persons who believe that they are suffering from a condition related to their National Service may claim compensation through the Military Compensation and Rehabilitation Service or, if they have qualifying service they can apply for a disability pension under the Veterans' Entitlements Act 1986.

An extensive range of treatment and counselling services are also available to veterans through the Department of Veterans' Affairs programs, including the Vietnam Veterans Counselling Service (VVCS). These include automatic access to treatment, independent of a successful disability pension claim, for Vietnam veterans diagnosed with post traumatic stress disorder, clinical depression or severe anxiety disorders.

Services available to veterans' families include psychiatric assessments for partners and children, care for children with spina bifida or cleft lip/palate and access to VVCS counselling services for adult sons and daughters.

Tolerance **(Question No. 200)**

Senator Brown asked the Minister representing the Prime Minister, upon notice, on 21 March 2002:

With reference to homosexuality: What is 'conservative tolerance' and how does it differ from plain tolerance.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator's question:

The meaning of 'conservative tolerance' is clear from the context of my remarks, which were in response to a question put during an interview with Mr John Laws on 15 March 2002. The relevant extract from the interview is as follows:

"I regard myself as having a tolerant but conservative view about homosexuality. I don't think somebody's homosexuality should disqualify them from a position on the High Court, I don't think it should disqualify them from holding any position. That is not my view. Some people sort of have stereotypes of me. I'm a person who I think has a, can I put it this way, conservatively tolerant view of that. I certainly don't seek and I don't think anybody can find instances in my life where I have in any way discriminated against a person on the grounds of their homosexuality. That doesn't mean to say that I publicly endorse, like a lot of other politicians do, the gay mardi gras. I have other reasons for not doing that, but that's a separate matter. I mean, I think if Mr Walker was implying a sinister intent on the part of the Government then he's wrong and I repudiate that and I don't... I won't accept that there's been any intolerance displayed towards homosexuality."

Environment: Lake Cowal Gold Mining Project**(Question No. 201)**

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 21 March 2002:

- (1) Is the Minister satisfied that all threatened species within the area affected by the proposed Lake Cowal Gold Mining Project in western New South Wales have been included in the referral from Homestake to the Minister, made under the Environment Protection and Biodiversity Conservation Act 1999.
- (2) What steps has the Minister taken to ascertain the accuracy and comprehensiveness of the list of threatened species supplied by Homestake.
- (3) If threatened species have been left off the list and the Minister has evidence that the omissions were deliberate, will the Minister take steps to ensure that criminal prosecutions are launched.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) A referral for the proposal was received by my Department on 29 August 2001 pursuant to the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). Homestake Gold of Australia identified in the referral listed species they considered to be potentially present in the project area.
- (2) The department utilised available reports and studies, such as the Cowal Gold Project Environmental Impact Statement (Resources Strategies, 1998) and associated flora and fauna investigations, Departmental databases and internal expertise to identify listed threatened species potentially present and affected by the proposal. In addition, the public was invited to comment on the referral, providing an opportunity for other listed threatened species to be brought to the Minister's attention. The former Minister for the Environment and Heritage, having considered all the relevant information, decided that the proposal is not a controlled action on 29 September 2001.
- (3) I am not aware of any evidence to suggest that relevant listed threatened species were not taken into account in making the above decision.

Human Rights: Falun Gong**(Question No. 202)**

Senator Brown asked the Senator representing the Minister for Foreign Affairs, upon notice, on 20 March 2002:

Is the Falun Gong a truly evil cult, as described by China's visiting Foreign Minister, Tang Jiaxuan; if so, why?

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

The Government has no view on the doctrine or practices of Falun Gong.

It does consider that China's ban on Falun Gong and its treatment of Falun Gong supporters breaches fundamental standards of human rights. The Government made clear its views to the Chinese Government within days of the banning of Falun Gong in June 1999 and has repeated its concerns many times.

Customs: Fuel Excise Duty**(Question No. 204)**

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 21 March 2002:

- (1) Has the Australian Customs Service (ACS) imposed excise duty on the fuel for the vessel CSL Pacific; if not, why not.
- (2) Is it a fact that excise duty is only imposed on vessels not engaged on international voyages.
- (3) Is the Minister able to confirm that the CSL Pacific has not been deemed to be imported according to section 49A of the Customs Act 1901; if not, why not.

- (4) Has the Minister, the Minister's office, or the ACS considered the reasons for and against the CSL Pacific being deemed to be imported; if so, when and what were the reasons for the decision; if not, why not.
- (5) Can the Minister confirm that the CSL Pacific is operating in a coastal voyaging pattern; if it is not considered a coastal voyaging pattern, why not.
- (6) Is the Minister satisfied that the ACS is conforming to the requirements of the Customs Act 1901 in relation to matters of deeming.
- (7) (a) How many vessels have been deemed to be imported in each year since 1990; and (b) what factors are taken into account when deeming vessels.

Senator Ellison—The answer to the honourable Senator's question is as follows:

- (1) No. The Australian Taxation Office has responsibility for the collection of excise duties, which are imposed on petroleum products manufactured in Australia. An equivalent Customs duty is imposed on imported goods.
- (2) Yes. Fuel for international voyages is excise exempt and free of customs duty.
- (3) Yes. The deeming provisions of section 49A of the Customs Act 1901 have not been invoked in respect of the CSL Pacific. Recourse to Section 49A is not considered appropriate in the circumstances relating to the CSL Pacific.
- (4) Customs has advised that the CSL Pacific has been operating on a continuing voyage permit issued by the Department of Transport and Regional Services and recourse to Section 49A was not considered appropriate in those circumstances.
- (5) See (4) above.
- (6) Yes. I have been assured by Customs that the requirements of the Customs Act 1901 in respect of deeming are being correctly applied.
- (7) (a) From 1992 to current there have been three vessels deemed to be imported under section 49A. Two vessels were deemed to be imported in 1992 and one in 2002. Customs records for 1990 and 1991 regarding the number of vessels deemed to be imported under section 49A are not available.
(b) Section 49A is available in situations where Customs is unable to determine whether the vessel has been imported.

Defence: Integrated Distribution System

(Question No. 206)

Senator Chris Evans asked the Minister for Defence, upon notice, on 21 March 2002:

With reference to the Defence Integrated Distribution System (DIDS):

- (1) (a) When was the original tender for DIDS put out; and
(b) when did it close.
- (2) Can a copy of the original tender specifications be provided.
- (3) (a) How many tenders were submitted in the original round; and
(b) which organisations submitted tenders.
- (4) When was the decision made to stop the original tender round.
- (5) Who made the decision to stop the original round and on what grounds.
- (6) (a) At what stage was the tender process when it was stopped; and
(b) had a decision been made; and (c) had tenders been short-listed.
- (7) When did the second tender round begin.
- (8) (a) What changes, if any, were made to the original tender specifications; and
(b) can a copy of the specifications for the second tender round be provided.
- (9) Which organisations were involved in the second tender round.
- (10) (a) Where is the second tender round up to; and
(b) have any tenders been eliminated from the bidding process.

- (11) When is the second tender round due to be completed.
- (12) How much of the compensation offered to bidders has been allocated.
- (13) What is the estimated or approximate value of the project.

Senator Hill—The answer to the honourable senator's question is as follows:

- (1) (a) The original tender for DIDS was released on 30 November 1999.
- (b) The closing date for the original tender was 1 March 2000.
- (2) A copy of the original tender specifications can be provided but it is contained in six A4 binders.
- (3) (a) The original tender had a total of six responses.
- (b) The following organisations submitted tenders:
 - (i) NexGen Logistics Pty Ltd (a joint venture company between BAE Systems, Honeywell and Caterpillar Logistic Services);
 - (ii) Integrated Defence Logistics Pty Ltd (a joint venture company between Transfield Pty Ltd and TNT Australia Pty Ltd);
 - (iii) Defence In House Option;
 - (iv) ADI-Fox (a joint venture company between ADI Limited and Linfox Transport Pty Ltd);
 - (v) Force Logistics (a joint venture between Mayne Nickless Ltd (MPG Logistics) and Serco Australia Pty Ltd); and
 - (vi) TenixToll Defence Logistics (a joint venture company between Tenix Pty Ltd and Toll Holdings Ltd).
- (4) The original tender round was stopped on or about the 9th July 2001.
- (5) The original round was stopped by the Government due to the Request For Tender (RFT) not providing sufficient opportunity to allow tenderers to offer innovative solutions in accordance with commercial best practice, nor did it sufficiently recognise the importance of maintaining jobs in regional and rural Australia.
- (6) (a) Defence evaluation of the tender was complete.
- (b) A recommendation on the tender evaluation had been made to the Government. The Government had not made a decision.
- (c) An order of merit had been provided as part of the tender evaluation report.
- (7) The second tender round began on 9 July 2001.
- (8) (a) The revised tender specifications required tenderers to meet specified employment levels in designated regional Australian sites; changes had been made to the tender document to reduce the number of Defence sites required to be used by the DIDS operator. Further changes had been made to the RFT to simplify it and reduce prescription.
- (b) A copy of the revised tender specifications can be provided but like the original it is contained in six A4 binders.
- (9) The same organisations are involved in the second tender round as in the first tender.
- (10) (a) The second tender closes on 15 April 2002.
- (b) No tenderers have been eliminated from the process.
- (11) An announcement of a preferred tenderer is expected to be made by the end of August 2002.
- (12) Compensation has not been offered to tenderers. The Commonwealth has made an offer to pay costs associated with the second tender up to a limit of \$1 million per consortium.
- (13) The original DIDS baseline cost is approximately \$1.059 billion.

Defence: Counselling Services

(Question No. 207)

Senator Chris Evans asked the Minister representing the Minister Assisting the Minister for Defence, upon notice, on 21 March 2002:

- (1) What counselling services were available to Australian personnel while serving in East Timor.
- (2) In particular, how many counsellors for Australian Defence Force (ADF) personnel were in East Timor and when.

- (3) Was counselling available to all Australian personnel or just particular regiments.
- (4) (a) What post-operation briefing was given to ADF personnel who served in East Timor and when; (b) how long was the briefing and what were the main messages it contained; and (c) did all servicemen and women receive the briefing.
- (5) (a) What medical and/or counselling services were available to personnel who served in East Timor after their return to Australia; and (b) how many counsellors, psychiatrists, doctors and other mental-health professionals were available to returned personnel, and on what terms, eg. for what period could returnees receive free treatment.
- (6) How many personnel used any of these support services (please express this in absolute numbers as well as percentages of personnel in each unit and regiment).
- (7) Have any records been kept or analyses done of the types of trauma for which psychological treatment was sought by personnel after serving in East Timor; if so, can copies or details of such records and analyses be provided.
- (8) Are there any personnel who served in East Timor who had, or were reported by their friends or families to have, psychological problems that endured 4 weeks beyond their return.

Senator Hill—The answer to the honourable senator's question is as follows:

- (1) From the tenth day of the mission Psychology Support Teams were deployed to East Timor. Counselling services were also offered by unit chaplains and by medical and nursing staff. This support is ongoing. Following the deployment of an Egyptian medical team in February 2000, ADF personnel also had access to a psychiatrist.
- (2) From early October 1999 to the end of December 1999, six Army psychology staff were operating in East Timor. During January 2000, another five Army psychology staff were added, and they remained in country until 6 March 2000. Since then, two Army psychology staff have been operating within the Australian Battalion Group structure and they are reinforced by up to six additional psychology staff when the battalion group returns to Australia.
- (3) Psychology support in East Timor was available to ADF personnel from all three services. The psychology support included counselling services, critical incident stress debriefing (as required) and periodical debriefings for high risk personnel such as Military Police and chaplains.
- (4) (a) Current policy requires all ADF members on deployment to East Timor to be given the opportunity to participate in the debriefing process both prior to their return, and approximately three months after their return to Australia. This process includes an educational briefing, an individual screening interview and the completion of a number of psychometric screening instruments. However, participation in the debriefing process is not mandatory.
 - (b) The briefing element lasts for approximately 30 minutes and the key message relates to the types of issues that members will face on their reintegration into family, work and life on their return to Australia. It also presents signs and symptoms of poor adjustment and the range of services available in Australia for returned servicemen and women.
 - (c) This process is not mandatory and some personnel may not have received the brief. Overall, 8,511 personnel have had the brief since operations in East Timor began.
- (5) (a) On return to Australia, all ADF personnel have access to the full range of support services. This includes Defence health, psychology, social work and chaplaincy services. They also have access to the Vietnam Veterans Counselling Service (VVCS) because of their "veteran" status.

Veterans in this group who have an accepted mental health disability also have access to the Department of Veterans' Affairs mental health services, including private medical and psychiatric support and psychiatric hospital admission where this is required. Veterans with post-traumatic stress disorder and/or with clinical depression or severe anxiety disorders can access the department's mental health services automatically, that is, without the need to establish a successful claim with the department.

While it is not mental health service per se, veterans also have access to various forms of rehabilitation through the Military Compensation and Rehabilitation Scheme and the Veterans Vocational Rehabilitation Scheme.

- (b) ADF personnel have access to all ADF military, civilian and contracted health professionals. The number of support staff available through the VVCS is 80 clinical staff in VVCS centres,

as well as 330 contract counsellors in rural, remote and outer metropolitan areas. Free treatment is available for any period of time for any psychological injury that occurs as the result of operational service, either through the ADF for members, or through the Department of Veterans' Affairs for ex-service personnel.

- (6) There are a number of organisations within Defence offering support services (medical, psychology, social work, and chaplains) to returned ADF members. At this time, composite statistics regarding the use of support services are not gathered. Also, due to the voluntary nature of many of these referrals (meaning that such a visit might not be formally recorded on the member's official record, as per the Privacy Act), the total number of personnel using any of these support services cannot be ascertained. The ADF Mental Health Strategy will work towards addressing these issues in the future.

The Department of Veterans' Affairs does not maintain the detail of individuals' units and regiments. The department provides health care to veterans who have left the armed forces and who have an accepted claim for disability. Veterans without a claim have access to the VVCS.

VVCS figures indicate a small intake of East Timor veterans, primarily in the Townsville and Darwin offices. The average monthly counselling intake at Townsville over the last 12 months has been between 12 and 15 veterans. The Townsville office has also conducted group programs for current serving peacekeepers and their partners.

- (7) Manual records of individual counselling sessions are maintained, however they are not collated. Electronic records are not maintained at present, but will be available in the planned ADF health information system.

The VVCS Townsville office is conducting an evaluation of all East Timor peacekeepers for the period 1 January 2002 to 30 July 2002, investigating suicide risk, trauma, alcohol abuse and relationship difficulties. This work is being conducted in association with local defence force clinicians.

- (8) A number of ADF members who deployed to East Timor have subsequently been referred for additional assessment and treatment.

Jindalee Operational Radar Network (Question No. 208)

Senator Chris Evans asked the Minister for Defence, upon notice, on 21 March 2002:

With reference to the Jindalee Operational Radar Network and the Defence Department's Portfolio Additional Estimates statements 2001-02 which state that there is a significant anticipated schedule slippage by the contractor with respect to this project:

- (1) What was the anticipated schedule prior to the slippage being identified.
- (2) What is the schedule, taking into account the significant anticipated slippage.
- (3) Will the slippage result in additional costs for the project overall; if so, what is the extent of any additional overall project costs.
- (4) Will the contractor, the Commonwealth, or both be liable for any additional costs incurred as a result of the slippage.
- (5) What are the causes for the anticipated schedule slippage.

Senator Hill—The answer to the honourable senator's question is as follows:

- (1) The contracted schedule completion date was 3 January 2002.
- (2) The schedule slippage has resulted in an expected completion date of mid 2003.
- (3) The Jindalee Operational Radar Network (JORN) prime contract has been on a firm price basis since September 1997, and Defence's financial exposure under that contract is therefore limited to exchange rate adjustments. Defence staff numbers in the System Program Office that manages the project will be maintained at a higher level for longer than otherwise planned for the acquisition phase, due to the slippage. However, the impact will be relatively minor since a considerable portion of that organisation's current workforce will be needed to perform the ongoing Through Life Support of the Network when delivered, and to manage future enhancement phases of JORN programmed in the Defence Capability Plan. The entitlement under the contract to liquidated damages is expected to cover additional project office costs, and other costs, arising from the delay.

- (4) Because of the JORN contract's firm price, the contractor is liable for any additional contract costs incurred due to the slippage. The Defence Materiel Organisation has initiated a program to mitigate consequential Defence impacts and meet expenses through the application of liquidated damages provisions in the contract.
- (5) By mid 2001 it was clear that the contractor had under-estimated the level and complexity of the technical integration effort required for JORN. Attempts by the contractor RLM to reduce schedule impact by undertaking integration and test activities, essentially in parallel, proved unsuccessful. The contractor has now opted for a more conventional lower risk integration and test strategy. Based on experience to date the contractor has replanned and rescheduled its activities to develop a realistic, but still demanding schedule, aimed at achieving delivery between February and June of 2003.

Environment: Stuart Oil Shale Project
(Question No. 211)

Senator Carr asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 22 March 2002:

- (1) Will the Minister table copies of all correspondence from him or the department to the proponents of Stage Two of the Stuart Oil Shale project requesting additional information under the provisions of the Environment Protection (Impact of Proposals) Act 1974.
- (2) Has Environment Australia received the additional information requested; if so, when; if not, when; if not, when is this information expected.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) A copy of all correspondence has been provided to the honourable senator. Further copies are available from the Senate Table Office.
- (2) No. The timing is at the discretion of the proponent.

Environment: Stockholm Convention
(Question No. 212)

Senator Carr asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 22 March 2002:

- (1) What is the Australian Government's current position on the Stockholm Convention.
- (2) Does the Government intend to ratify the Convention.
- (3) If the Government has not yet made a decision on this matter: (a) when does the Minister expect a decision to be made; and (b) what actions need to be completed before a decision can be made.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) Australia signed the Stockholm Convention on 22 May 2001 at the Diplomatic Conference.
- (2) The Government has made no decision yet on whether or not to ratify the Convention however the Government is participating in interim arrangements that will apply until the Convention enters into force.
- (3) In its election policy 'A Better Environment' the Government announced its commitment to ensure timely consideration of ratification of the Convention during this Parliament. Actions will be subject to Cabinet or Prime Ministerial decision based on domestic treaty-making procedures.

President: Expenses of Office
(Question No. 213)

Senator Conroy asked the President of the Senate, upon notice, on 22 March:
Since the President of the Senate was appointed on 20 August 1996:

- (1) (a) How many overseas trips has the President been on and when; (b) what has been the total cost of each of those trips, including airfare, travel allowance and any other expense incurred by her, or

- on her behalf, in relation to those trips and paid by the Commonwealth; and (c) if costs other than airfare and travel allowance have been incurred, what were each of those expenses.
- (2) Has the President ever been accompanied on any overseas trip by a spouse or partner; if so: (a) on how many trips; (b) when and where has the President been accompanied by a spouse or partner; and (c) what has been the total cost incurred by the Commonwealth due to the President being accompanied by that person for each trip.
 - (3) Has the President ever been accompanied on any overseas trip by one of her children; if so: (a) on how many trips; (b) when and where has the President been accompanied by one of her children; and (c) what has been the total cost incurred by the Commonwealth due to the President being accompanied by that person for each trip.
 - (4) Has the President ever been accompanied on any overseas trip by a staff member; if so: (a) on how many trips; (b) when and where has the President been accompanied by a staff member; and (c) what has been the total cost incurred by the Commonwealth due to the President being accompanied by that person for each trip.
 - (5) (a) How many functions and other entertainment has the President held in Parliament House which have been at the cost of the Commonwealth; (b) who has attended those functions; (c) when were they held; and (d) what has been the total cost of each of those functions and other entertainment to the Commonwealth.
 - (6) Has the President been provided with a credit card by the Commonwealth; if so, what costs have been incurred by the President on that credit card and paid by the Commonwealth.

Senator Reid—The answer to the honourable senator's question is as follows:

- (1) This information is currently being sought from the Department of Finance and Administration (see the attached copy of a letter to the Special Minister of State).
- (2) There have been occasions where my spouse has accompanied me on parliamentary business overseas. Specific information is currently being sought from the Department of Finance and Administration (see the attached copy of a letter to the Special Minister of State).
- (3) No.
- (4) Yes, there have been occasions where a staff member has accompanied me. Specific information is currently being sought from the Departments of the Senate and the House of Representatives (see the attached copies of letters to the Clerk of the Senate and the Clerk of the House).
- (5) Detailed information is being sought to respond to the honourable senator's question from the departments concerned (see the attached copies of letters to the Clerk of the Senate, the Clerk of the House, the Secretary of the Joint House Department, the Secretary of the Department of the Parliamentary Reporting Staff, the Acting Secretary of the Department of the Parliamentary Library and the Secretary of the Department of the Prime Minister and Cabinet).
- (6) No.

The additional information sought will be provided as soon as it is available.

26 March 2002

Senator the Hon. Eric Abetz
Special Minister of State
Parliament House
CANBERRA ACT 2600

My dear Minister

I enclose a copy of a question placed on notice by Senator Conroy on 22 March 2002. Of the six parts to the question, I would be glad if you could arrange for your Department to give me assistance in complying with sub-questions 1, 2 and 4. In relation to parts 3 and 6, the answer is No, and I am writing to other departments for particulars of information which will assist.

I would also be pleased if you could let me know as soon as possible how much you expect it will cost the Commonwealth to provide the information requested by the Senator.

Yours sincerely

MARGARET REID

26 March 2002

Mr John Templeton
Acting Secretary
Department of the Parliamentary Library
Parliament House
CANBERRA ACT 2600

Dear Mr Templeton

I enclose a copy of a question placed on notice by Senator Conroy on 22 March 2002. In particular I would ask your assistance in complying with sub-question 5 of the questions. Some of this information would be within your department and some in others, and I would be glad if you could let me know the particulars of costs incurred by the Commonwealth in relation to any function that has been held in my name or perhaps jointly with the Speaker, and the details. I appreciate that in relation to functions you may well have a list of those who were invited and you may know those who accepted or declined, but it may be difficult to advise exactly who attended the functions.

I would be pleased if you could also let me have some idea of the expected cost of complying with this request.

Yours sincerely

MARGARET REID

26 March 2002

Mr Mike Bolton
Secretary
Joint House Department
Parliament House
CANBERRA ACT 2600

Dear Mr Bolton

I enclose a copy of a question placed on notice by Senator Conroy on 22 March 2002. In particular I would ask your assistance in complying with sub-question 5 of the questions. Some of this information would be within your department and some in others, and I would be glad if you could let me know the particulars of costs incurred by the Commonwealth in relation to any function that has been held in my name or perhaps jointly with the Speaker and the details. I appreciate that in relation to functions you may well have a list of those who were invited and you may know those who accepted or declined, but it may be difficult to advise exactly who attended the functions.

I would be pleased if you could also let me have some idea of the expected cost of complying with this request.

Yours sincerely

MARGARET REID

26 March 2002

Mr Ian Harris
Clerk of the House
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Mr Harris

I enclose a copy of a question placed on notice by Senator Conroy on 22 March 2002. In particular I would ask your assistance in complying with sub-question 5 of the questions. Some of this information would be within your department and some in others, and I would be glad if you could let me know the particulars of costs incurred by the Commonwealth in relation to any function that has been held in my name or perhaps jointly with the Speaker and the details. I appreciate that in relation to functions you may well have a list of those who were invited and you may know those who accepted or declined, but it may be difficult to advise exactly who attended the functions.

Tuesday, 14 May 2002

SENATE

1515

In regard to sub-question 4, there have been occasions when officers of the Parliamentary Relations Office have accompanied me on parliamentary business abroad, because of their particular expertise or in connection with their duties. In instances where the Department of the House of Representatives has provided the particular officer's costs, I would be grateful for that advice.

I would be pleased if you could also let me have some idea of the expected cost of complying with this request.

Yours sincerely

MARGARET REID

26 March 2002

Mr Harry Evans
Clerk of the Senate
The Senate
Parliament House
CANBERRA ACT 2600

Dear Mr Evans

I enclose a copy of a question placed on notice by Senator Conroy on 22 March 2002 and ask if you can assist with information in relation to any of the answers. While I expect that most of the information for most of Question 1, 2 and 4 will come from the Department of Finance and Administration, it may be that there is some relevant information within the Department of the Senate which should be disclosed.

In relation to Question 5, I would be pleased if you could advise the information that the Senate has in relation to functions that have been held in the name of the President of the Senate since 20 August 1996 where costs were incurred by the Commonwealth. I appreciate that for some of the functions you may well have lists of those who were invited, those who accepted and those who declined, but have difficulty with providing a list of those who actually attended the functions. There may be some functions that have been paid for by the Senate for which you do not have lists and information about that would be appreciated also. In relation to Question 3 and 6, the answer is No.

I would be pleased if you could let me have some assessment of the cost to the Senate of providing the information which I am requesting to enable me to answer the Senator's question.

Yours sincerely

MARGARET REID

26 March 2002

Mr Max Moore-Wilton, AC
Secretary
Department of the Prime Minister and Cabinet
3-5 National Circuit
BARTON ACT 2600

Dear Mr Moore-Wilton

I enclose a copy of a question placed on notice on 22 March 2002 by Senator Conroy. I am writing to various Ministers and Heads of Parliamentary Departments to assist me to obtain the information required to fully answer the question. In relation to sub-questions 3 and 6, the answer is No, but I would be glad of your assistance in relation to answering Question 5.

I would be grateful for details of any functions held at Parliament House since 20 August 1996 which perhaps your Department has paid for but for which invitations have been issued partly under the name of the President of the Senate. I would also ask that you let me know an estimation of the cost to the Commonwealth of doing the research to find the information I have been requested to supply.

Yours sincerely

MARGARET REID

Foreign Affairs: Sepon Mine in Laos
(Question No. 214)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2002:

Has the Australian Government or any of its instruments been involved in negotiations for or secured any form of sovereign guarantee for the Sepon Mine in Laos.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

No, the Government has not been involved in negotiations for, or secured any form of sovereign guarantee for, the Australian mining project located near Sepon in Laos.

Electorate Offices
(Question No. 215)

Senator Faulkner asked the Special Minister of State, upon notice, on 25 March 2002:

- (1) When did the Special Minister of State, or the Ministerial and Parliamentary Services section of the Department of Finance and Administration, first receive the application from the Member for Page (Mr Causley) for the relocation of his electorate office from Grafton to Lismore.
- (2) How was that application received.
- (3) When does the lease on the existing Grafton office expire.
- (4) What is the cost of breaking the lease (if applicable) on the Grafton office.
- (5) What is the annual rent on the Grafton office.
- (6) What is the cost of fitting out the new Lismore office.
- (7) What is the annual rent on the new Lismore office.
- (8) When was funding for the relocation of the electorate office approved.
- (9) When was the Member for Page notified of this approval.
- (10) Who owns the Lismore office to be occupied by the Member for Page.
- (11) On what date did the department assume responsibility for the rent on the Lismore office.
- (12) Has the Member for Page made any personal contribution to the department for the costs of the relocation of his electorate office to Lismore; if so: (a) what was that contribution; and (b) when was it received.

Senator Abetz—The answer to the honourable senator's question is as follows:

- (1) 12 November 2001.
- (2) By letter.
- (3) 31 January 2003.
- (4) The Department of Finance and Administration is currently seeking to sub-lease the premises.
- (5) \$29,800 per annum.
- (6) The fit out cost for Mr Causley's new office was less than, or comparable to, the fit out costs paid for the nee electorate offices of Ms Plibersek, Ms Irwin and Mr Horne, the last three ALP Members who had their electorate offices relocated. The cost was also less than the amount budgeted for Mr Smith and Mr Latham, the next two ALP Members who will have office relocations.
- (7) The annual rent for Mr Causley's new office is less than, or comparable to, the annual rent paid for the new electorate offices of Mr Smith, Mr Latham, Ms Plibersek and Ms Irwin.
- (8) 7 January 2002.
- (9) By letter signed on 7 January 2002.
- (10) Zandat Pty Ltd.
- (11) 1 February 2002.
- (12) No, but Mr Smith, Mr Latham, Ms Plibersek, Ms Irwin and Mr Horne have not made any personal contribution to the costs of relocating their offices either.

Defence: Kyrgyz Republic
(Question No. 217)

Senator Chris Evans asked the Minister for Defence, upon notice, on 2 April 2002.

- (1) Are there any legally-binding arrangements in place to protect Australian Defence Force (ADF) personnel and assets in the Kyrgyz Republic until the time of entry into force of the treaty, 'Agreement between the Government of Australia and the Government of the Kyrgyz Republic concerning the Status of Australian Forces in the Kyrgyz Republic, done at Bishkek on 14 February 2002' (the Agreement), tabled on 12 March 2002.
- (2) If there is any such legally-binding arrangement: (a) what is its source (eg. Act of the Kyrgyz Republic); and (b) what protections does it provide to ADF troops.
- (3) What is the current legal and administrative status of ADF troops in the Kyrgyz Republic, from the point of view of both the Australian Government and the Kyrgyz Government.
- (4) Clause 7 of the Agreement notes that, 'The Kyrgyz Republic advised that it required a SOFA [Status of Forces Agreement] of treaty status as a precondition to the deployment of ADF personnel in its territory': Given that the Agreement does not have treaty status until it enters into force, what is the Kyrgyz Republic's current position on this clause, in particular, has it recanted on its original advice to the Australian Government that it requires a SOFA before deployment of ADF troops.
- (5) If an offence is allegedly committed against an ADF person or the property of an ADF person in the Kyrgyz Republic, or if someone from the ADF allegedly commits an offence in the Kyrgyz Republic, what laws are applicable and which country's authorities will investigate the allegation (prior to the entry into force of this Agreement).
- (6) Clause 4 of the Agreement states that, "The earliest possible date for entry into force is 25 June 2002": (a) What is the latest possible date for entry into force; and (b) upon what event or whose decision does the entry into force of the Agreement depend.

Senator Hill—The answer to the honourable senator's question is as follows:

- (1) The provisions of the 'Agreement between the Government of Australia and the Government of the Kyrgyz Republic, done at Bishkek on 14 February 2002' (the 'Agreement') protecting Australian Defence Force personnel and assets, currently operate as morally and politically binding arrangements between Australia and the Kyrgyz Republic. These provisions are not legally binding under international law and will only become legally binding upon the 'Agreement's' entry into force as a treaty.

Nevertheless, pursuant to Article 18 of the Vienna Convention on the Law of Treaties of 23 May 1969 which is binding on both Australia and the Kyrgyz Republic, the parties are obliged to refrain from acts that would defeat the object and purpose of the 'Agreement' prior to the 'Agreement's' entry into force.

Furthermore, Article 25 of the Vienna Convention on the Law of Treaties of 23 May 1969 provides for the provisional application of the 'Agreement' pending its entry force because the 'Agreement' itself so provides. The 'Agreement' states that it will be implemented temporarily after a note from the Kyrgyz Republic is received by the Embassy of Australia. This has occurred.

- (2) See (1) above.
- (3) The status of Australian personnel under the criminal law of the Kyrgyz Republic in view of both the Australian Government and the Kyrgyz Government is as follows:

Australia has exclusive criminal jurisdiction over Australian personnel in the Kyrgyz Republic pursuant to the 'Agreement'. Therefore, criminal offences committed or allegedly committed by Australian personnel in the Kyrgyz Republic will be dealt with by Australian authorities pursuant to Australian law. Further, the 'Agreement' confirms that Australian personnel will not be surrendered to, or otherwise transferred to, the custody of an international tribunal or any other entity or state without the express consent of the Australian Government.

The status of Australian personnel under the civil and administrative law of the Kyrgyz Republic in the course of performing their official duties in view of both the Australian Government and the Kyrgyz Government is as follows:

The 'Agreement' states that Australian personnel in the Kyrgyz Republic have been accorded 'a status equivalent to that accorded to the administrative and technical staff of the Embassy of Australia under the Vienna Convention on Diplomatic Relations of April 18 1961'. This means that Australian personnel in the Kyrgyz Republic will enjoy privileges and immunities as if they were administrative and technical staff of the Embassy of Australia. Accordingly, Australian personnel will enjoy immunity from the civil and administrative jurisdiction of the Kyrgyz Republic for acts or omissions in the course of the person's official duties except in the following cases:

- i. A real action relating to private immovable property situated in the territory of the Kyrgyz Republic, unless the person holds it on behalf of Australia for the purposes of the mission.
- ii. An action relating to succession in which the person is involved as executor, administrator, heir or legatee as a private person and not on behalf of Australia.
- iii. An action relating to any professional or commercial activity exercised by the person in the Kyrgyz Republic outside the person's official business.

Pursuant to the 'Agreement', Australian personnel also enjoy other privileges and immunities while in the Kyrgyz Republic such as: the inviolability of their person, the person's private residence and the person's papers and correspondence; exemptions from local social security provisions; exemption from all dues and taxes, personal or real, national, regional or municipal; exemption from all personal services; and exemption from all public services and from military obligations (see article 37(2), and articles 29-36, Vienna Convention on Diplomatic Relations of April 18 1961).

- (4) (The statement that 'The Kyrgyz Republic advised that it required a SOFA [Status of Forces Agreement] of treaty status as a precondition to the deployment of ADF personnel in its territory' is not included in Clause 7 of the 'Agreement', but rather in Clause 7 of the National Interest Analysis (the 'NIA'). Pursuant to Australia's treaty processing procedures, the department with primary carriage of the treaty is responsible for preparing a NIA for tabling in Parliament at the same time as the treaty outlining the foreseeable effects that the treaty will have on Australia, the consultation that has occurred in relation to the treaty and the direct financial costs to Australia, how the treaty will be implemented domestically and so on.)

No. The Kyrgyz Republic has not recanted on its original position that it requires a SOFA of treaty status as a precondition to the deployment of ADF personnel in its territory.

The Kyrgyz Government recognises (as does the Australian Government) the usual international practice that a treaty enters into force once both parties fulfil their respective internal treaty procedures pursuant to their respective domestic laws and procedures.

Pursuant to Article 18 of the Vienna Convention on the Law of Treaties of 23 May 1969 which is binding on both Australia and the Kyrgyz Republic, the parties are obliged to refrain from acts that would defeat the object and purpose of the 'Agreement' prior to the 'Agreement's' entry into force.

Article 25 of the Vienna Convention on the Law of Treaties of 23 May 1969 provides for the provisional application of the 'Agreement' pending its entry into force because the 'Agreement' itself so provides. The 'Agreement' states that it will be implemented temporarily after a note from the Kyrgyz Republic is received by the Embassy of Australia. This has occurred.

- (5) The Kyrgyz Republic has exclusive criminal jurisdiction over Kyrgyz nationals. Therefore, where an offence is allegedly committed against an ADF person or the property of an ADF person in the Kyrgyz Republic, the Kyrgyz Republic will investigate the allegation and will deal with the alleged offence in accordance with Kyrgyz law.

Australia has exclusive criminal jurisdiction over Australian personnel in the Kyrgyz Republic. Therefore, if an offence is allegedly committed by an ADF person while in the Kyrgyz Republic, Australia will have jurisdiction over that person and Australian law will be applied. Australia will conduct investigations in accordance with Australian law and may seek assistance from the Kyrgyz Republic in such investigations.

- (6) (The statement that "The earliest possible date for entry into force is 25 June 2002" is not included in Clause 4 of the 'Agreement', but is rather included in Clause 4 of the National Interest Analysis.)
 - (a) The latest possible date of entry into force is difficult to predict as it will depend on the successful completion of both the Australian and Kyrgyz domestic treaty procedures.

- (b) The 'Agreement' will enter into force once both parties complete their internal treaty procedures pursuant to their respective domestic laws and procedures and notify each other of such completion. The treaty will enter into force on the date of the latter notification or as mutually agreed by the parties.

Australia's domestic treaty procedures are outlined in 'Negotiation, Conclusion and Implementation of International Treaties and Arrangements', March 1999, published by the Treaties Secretariat, Department of Foreign Affairs and Trade, Canberra.