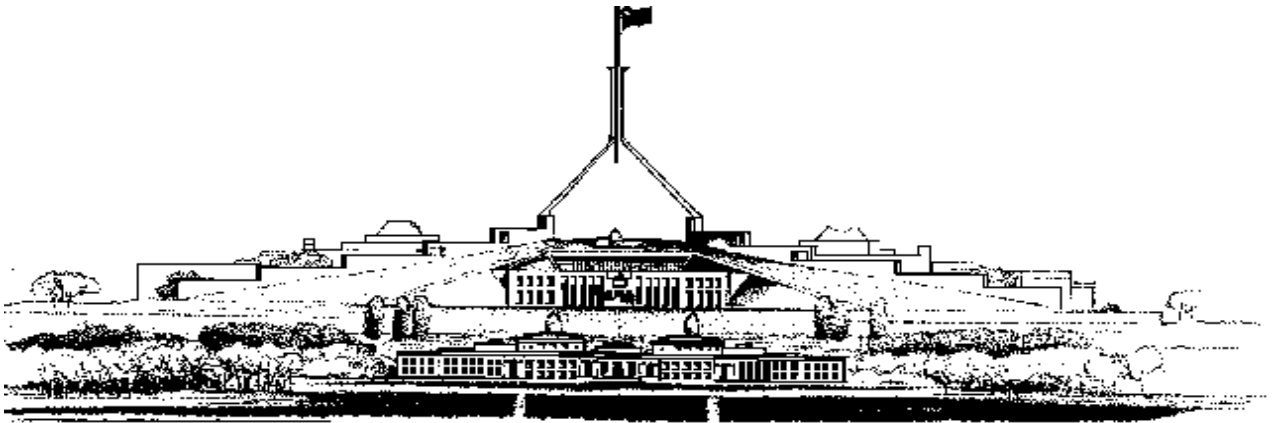




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



SENATE

Official Hansard

No. 2, 2001

Monday, 26 February 2001

THIRTY-NINTH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

BY AUTHORITY OF THE SENATE

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Monday, 26 February 2001

The **PRESIDENT (Senator the Hon. Margaret Reid)** took the chair at 12.30 p.m., and read prayers.

**AUSTRALIA NEW ZEALAND FOOD
AUTHORITY AMENDMENT BILL 2001**

Senator IAN CAMPBELL (*Western Australia—Manager of Government Business in the Senate*) (12.30 p.m.)—I table a replacement explanatory memorandum relating to the *Australia New Zealand Food Authority Amendment Bill 2001*.

**ADMINISTRATIVE REVIEW
TRIBUNAL BILL 2000**

**ADMINISTRATIVE REVIEW
TRIBUNAL (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL
2000**

Second Reading

Debate resumed from 6 February, on motion by **Senator Ian Campbell**:

That these bills be now read a second time.

Senator BOLKUS (*South Australia*) (12.31 p.m.)—The *Administrative Review Tribunal Bill 2000* and the *Administrative Review Tribunal (Consequential and Transitional Provisions) Bill 2000* intend to abolish the Administrative Appeals Tribunal, the Social Security Appeals Tribunal, the Migration Review Tribunal and the Refugee Review Tribunal and seek to establish a new super tribunal to be known as the Administrative Review Tribunal. If these bills did nothing more than achieve the rationalisation of the existing tribunals into a single body—that is, if the changes were directed at collocating the existing tribunals and achieving cost savings by making the collective administration of the bodies more efficient—then it would be extremely difficult to object to them. However, as we know, these bills go much further than that.

If enacted, this proposal will diminish the independence of review by making the ongoing funding of the new tribunal subject to negotiation with the ministers and departments who are accountable to it. It will place the staff of the new tribunal at risk of not being reappointed if their decisions are unfavourable to the minister responsible for their ongoing employment. It will entrench improper ministerial control over the review of their own decisions, and it will reduce and remove existing rights of appeal over unlawful bureaucratic decisions. This legislation will place undue pressure on tribunal members to resolve matters without full consideration by making their remuneration subject to performance bonuses which will reward efficiency over justice. It will deny legal representation to ordinary Australians and pit them in an unfair battle against bureaucrats who are familiar and confident with the review process. These bills create a new tribunal in which the quality and the independence of the review are gravely suspect.

What is the true motivation that drives the government in respect of this measure? The true motivation for the amalgamation proposal appears to be not to improve and enhance the quality and independence of the review but to cut costs and enhance bureaucratic power. It is a step backwards rather than a step forwards in protecting the right of Australians to challenge unfair or unlawful government decisions. You always know when a government is in decay because the bureaucrats take over the agenda, and they have a very comprehensive agenda in terms of making their decision making immune to public accountability and review. This legislation is quite symptomatic of that, coming at the same time as the AFP is called into the ABC. You have to be concerned about the sorts of incursions that are going on in terms of the rights of individuals to have information and a real capacity to challenge government decision making and bureaucratic decision making.

The background to this measure is that each year government departments and Commonwealth agencies make more than 50 million decisions affecting the benefits, entitlements and rights of persons and entities inside and outside Australia. Fortunately, only a small percentage of those decisions are challenged, but the ability for an ordinary citizen to challenge a decision by government, as manifested in its various forms, is fundamental to the quality of our democracy. The great bulk of decisions—more than 36

million—are made in the social security jurisdiction. The Australian Taxation Office also makes more than 10 million decisions involving the amount of tax that individuals and companies should pay.

While social security and taxation decisions comprise the great bulk of reviewable decisions, our tribunals also handle matters as diverse as workers compensation; war veterans' and widows' entitlements; residence, business and temporary entry visas; customs matters; and business licensing decisions. You would not want any of those departments to have any greater immunity from real public accountability in the review process. While there is always time and capacity for improvement in any system, as a whole it has to be acknowledged that the Australian system of administrative review has developed well and has worked well. Any proposals which make fundamental changes to the system must, we believe, demonstrate how the changes will improve the existing position.

In December 1993, the Administrative Review Council commenced a review of the operation of the system as a whole. In its *Better decisions* report, handed down in 1995, the ARC reached the conclusion that the system could be improved by bringing each of the existing tribunals under one umbrella. It made a number of very careful and specific recommendations to ensure that the new body would retain its independence and that the quality of administrative decision making would not suffer as a result of rationalisation. That report of course forms the basis of the proposal that we are considering today.

The bills that we have before us were introduced last year. They were referred to the Senate Legal and Constitutional Legislation Committee for inquiry, and that committee has reported to the parliament. During that inquiry, Labor and Democrats senators identified a number of fundamental flaws with the ART model proposed by the government. In the minority report, while government senators suggested a number of minor changes to the bill, the combined view of Labor and Democrats senators was that these bills were so fundamentally flawed that they

should be withdrawn altogether. And the flaws are fundamental. They go to the independence and quality of review.

Vital to the health and credibility—and I stress 'credibility'—of any system of administrative review is that the review tribunal operates independently from the original decision maker and that members are able to approach the task of merits review free of improper or heavy-handed ministerial control. This proposal fails that test. It is also important that the system be established in such a way that the decisions made are of the highest quality. To achieve this, the system must be adequately resourced, there must be an appropriate balance of leadership, expertise and skills amongst the tribunal members, and the procedures for hearing matters must be fair and accessible. This proposal fails that test as well.

I would like to outline for the chamber a number of areas in which the proposal falls short of the standards of independence and quality of review which we believe should be a precedent for an adequate admin review body. In respect of the structure of the tribunal proposed by the government, the restriction on the number of senior members appointed is such that we believe it will significantly impact on the ability of the tribunal to deal with matters which are complex or which require greater expertise to resolve. The longer you deny people justice, the graver the hardship that they suffer will be. We are concerned that, firstly, independence and, secondly, adequate resourcing are pivotal to a fair system.

While the purpose of restriction is to reduce the running costs of the tribunal by staffing it more cheaply, we believe the resultant loss of experience will adversely affect the quality of decision making. The lack of tenure for full-time members of the tribunal will also diminish the independence of the tribunal. All members, including the president, will be appointed on a renewable fixed-term contract. There will be a maximum term of seven years but no minimum term is provided for in the legislation. Accordingly, it will be possible for the government to appoint ART members with terms of two or three years. The *Better decisions* re-

port concluded that terms shorter than three years would be undesirable, since they do not give tribunal members any sense of security. We believe the proposed arrangements in this legislation will significantly curb the independence of the tribunal as they seriously impinge on the duties of members to perform their review functions without having to look at the prospect of reappointment.

We see some fundamental problems with the funding of the tribunal as well. Each division of the ART will be funded directly by the portfolio agency whose decisions it is responsible for reviewing. He who pays the piper calls the tune, in many respects, and it is a real problem here. This will make the president and executive members responsible for negotiating annual funding agreements with the very ministers and departments they will be responsible for reviewing. Not only will this place an additional bureaucratic burden on the most senior people in the tribunal and consequently reduce the time available for those members to assist with the most important function of the tribunal, that is, review; it will also leave the door open for pressure to be imposed on the ART by executive government restricting, or indeed threatening to restrict, the funding for particular divisions of the ART. This is just not good enough.

We believe that the government's proposal for the manner of appointment of tribunal members will also undermine the independence of the ART. All members will be appointed to a division upon the recommendation of the minister whose department will be subject to review by that division. While current appointments to the SSAT, MRT and RRT are made by the minister for social security and the Minister for Immigration and Multicultural Affairs respectively, we believe the establishment of the ART offers an opportunity for the appointment process to be improved so that portfolio ministers in these areas are not directly responsible for the appointment of the people who will, in effect, be charged with presiding over the decisions of those ministers. The qualifications for members of the tribunal are not specified in the bill nor have they been made public. There is no indication, for instance, whether

ART members will need to possess the minimum core skills recommended by the council—that is, an understanding of the merits review process, a knowledge of admin review principles, analytical skills, personal skills and attributes and communication skills.

The greatly expanded powers of removal of tribunal members are also of great concern to us. Currently, an AAT member who is not a judge can be removed by the Governor-General only if both houses of parliament in the same session pass a resolution to remove that member for proved misbehaviour or incapacity or if that member becomes bankrupt. While the protection given to the president of the ART is similar to that currently afforded to the president of the AAT, the legislation before us provides a much looser mechanism to remove executive, senior and ordinary members of the proposed body. As this is combined with the introduction of performance pay and performance agreements, we believe this structure has enormous potential to place members in a position where they are required to rush through reviews and hearings to meet unreasonable targets—targets which may placate some bean counter in DOFA but which compromise the quality of the review.

We are also concerned about the lack of scope for second-tier review of decisions of the ART. The proposed scope is enormously narrow, so much so that it will often be almost impossible to qualify for a second-tier review. While the model allows the hypothetical possibility of a second-tier review for some decisions for which review is currently not available, the practical impact of this legislation will be that only a handful of cases will actually meet that requirement. For instance, putting aside for the time being arguments about the quality of decision making given the different qualifications and experience levels required, veterans' appeal rights will be preserved while other applicants before the proposed tribunal will almost always have only one chance of review. Applicants in migration refugee matters will have no right to second-tier review whatsoever, something which we believe will place

an additional burden on the Federal Court, to which applicants will turn by default.

If this government is not concerned about that, it should be reading recent High Court cases where the High Court, burdened by this government's attempts to remove jurisdiction from the Federal Court, has expressed deep concern about measures which in turn place enormous pressures on the High Court. At some stage in the process, people will try and access a second-tier review. It is in the interests of efficiency and justice to ensure that that is at an appropriate stage early in the process rather than have these matters filter up to federal courts and the High Court, where the costs are greater and where the efficiency of the system is compromised. For instance, applicants in social security appeals matters will lose their automatic right to review entirely.

The question of representation before the ART is also of concern to us. Representation will be entirely at the discretion of the tribunal. Further, it will be possible for ministers to make practice and procedure directions which completely exclude legal or other representation in certain classes of cases. Where is the justice in a system where the minister pays the bills, has the capacity to withhold or reduce payments, has the capacity to put enormous pressure on a tribunal and then, at the end of the day, can make procedural directions which would not be subject to review and which would deny even legal representation? You are really weighting this very strongly in favour of the bureaucracy, and the real losers in all of this are individual Australians. It is not another part of the Canberra constituency; we are talking here about social security recipients, veterans, potential refugees and people who have been harshly affected—and this is increasingly the case—by the border mentality which has taken hold in the immigration department in this country.

In its recent *Managing justice* report, the Australian Law Reform Commission found that legal representatives have the potential to enhance the efficiency of tribunals by vetting out frivolous, unmeritorious claims; by adequately preparing the parties who will be appearing before the tribunal; and by assist-

ing the tribunal to identify and work through the issues. Representation is a means of redressing the power and resource imbalance implicit in the match between an individual citizen and the state. I think that is a very fundamental point. Without representation, you will have an individual citizen—a resident of Kyancutta, Gympie or Golden Grove, for instance—without legal resources and legal capacity matching up against the government with its full bureaucratic force. It is just not fair; it is just not justice. And this is the sort of process, procedure and structure that this government wants to entrench in legislation.

I will now refer to the capacity for ministerial control over practice and procedure of the ART. Under the proposed system, the conduct of ART members and staff will be constrained by administrative practice and procedure directions. The minister, whose decisions will be reviewable by a division, will be able to issue directions which will apply within that division. If we are talking about a star chamber, that is what we are getting under this particular legislation. The minister's directions will prevail over those of the President and the executive members. By giving ministers greater control over the procedures followed by tribunal members, ministers may be in a position to exercise control over the substance of those decisions. This is an inappropriate interference in the work of the tribunal and its capacity to regulate its own practice and procedures.

I would hazard to say at this particular stage that, if this legislation were to get through, it would not be all that long before this legislation was challenged before the High Court as breaching natural justice. I think there is a fair chance that it could be ruled unconstitutional on those grounds.

Senator Ian Campbell—You would know about that, wouldn't you, Nick?

Senator BOLKUS—I do know about that. I do know about what happens to governments as they become more arrogant, more immune to public opinion and more insular in their thinking. I do know how bureaucracies take over the system of government, and I do know what we have here—what we have time and time again with your

government. Systematically—whether it is your tackling of the ABC, this legislation here or the way you have cut back, for instance, in legal aid over the years—people in this community have much less capacity, much less legal entitlement and much less resource to challenge decision making of the bureaucracy in this country. It has been a systematic approach by this government, accelerating as your government decays and is about to be chased out of office.

With that comes the sort of action we have seen over recent weeks with the ABC: call in the cops so that the public is kept in the dark. You keep them in the dark on the one hand, and reduce their rights to challenge bureaucracies on the other—and you actually think you are doing a great job because you might be saving money. What you are actually doing is totally contrary to liberal principles and philosophies. What you are doing is systematically reducing the rights and capacities of citizens in this country to access their rights and to hold governments accountable. Rail against the opposition, but in your arrogance, insularity and divorced state from the Australian public, what you are really doing is trying to make yourselves immune from public accountability. What you are doing, in effect, is making the bureaucratic system around you immune from it.

As I said at the start, we do not oppose the amalgamation of merits review tribunals to provide more efficiency and a more streamlined system, but we do have fundamental problems with the proposals before us today. In 1998, while the detail of the proposed tribunal was still under wraps, Justice Jane Mathews of the Federal Court suggested:

The proposed amalgamation constitutes such a downgrading of the merits review system as to fundamentally threaten the quality and independence of external rights review.

Now that we have the full detail of the government's model before us, it appears that her concerns were quite well-founded. In many ways, this proposal draws on the worst elements of each of the tribunals that are now being amalgamated. It is fundamentally flawed. It needs to go back to the drawing board. We will oppose this legislation and, in

doing so, hope that we will get a majority in the Senate to do the same.

Senator BARTLETT (Queensland) (12.49 p.m.)—I rise today to speak on behalf of the Australian Democrats—as will a couple of my colleagues later down the track—on these bills relating to the proposed setting up of the Administrative Review Tribunal. It is a very fundamental change that is being proposed here by the federal government. It is purported it will build on the concept of amalgamating tribunals under one umbrella that first arose back in 1995 under the *Better decisions* report of the Administrative Review Council. The fact that it has taken six years to get to the stage of having those proposals, or that concept, being purportedly reflected in legislation I think gives some indication as to how we have managed to end up with legislation that really does not reflect in any meaningful way the recommendations that first appeared in 1995.

In the meantime, we have had a lot of uncertainty and apprehension amongst all the many parts of the community that deal with the tribunal review process, as to what actually is going to happen and what we might end up with. Unfortunately—from the point of view of the Democrats and, I would suggest, virtually all those people who have any regular contact with our administrative appeals processes—this proposed change is dramatically worse than the system that it is designed to replace.

According to the *Better decisions* report, the purpose of structural change was to ensure that all of the objectives of the merits review system were achieved to the maximum extent. A significant period of time has passed since that report was given to the government, and what we have before us today bears little resemblance to those recommendations. Instead of consolidating the independence of the review process, this bill undermines that independence. It does so at the direct expense of the rights of Australian citizens—not only the 40,000 Australians and their families who every year exercise their rights of appeal against government decisions to tribunals but also the future rights of Australians. Future generations will continue to have incorrect, unfair, inappro-

priate and at times unlawful decisions made in relation to their lives. They need to have the best possible opportunity to get some justice in those circumstances.

The Democrats do not dispute the premise of the *Better decisions* report: that the amalgamation of the various tribunals could achieve the development of best practice across jurisdictions, rationalisation and creation of efficiencies. But the adoption of a streamlined review structure and process, as the *Better decisions* report recommended, must not proceed if it compromises the fundamental objectives of administrative review. There is no point having greater efficiency and greater expertise if you lose or reduce the rights of Australians and, indeed, others who have access to some of the tribunals.

The objectives of the merits review system, as described through the *Better decisions* report, should include: providing review applicants with the correct and preferable decision in individual cases; improving the quality and consistency of agency decision making by ensuring that particular review tribunal decisions are, where appropriate, reflected by agencies in other similar decisions; taking into account review decisions in the development of agency policy and legislation; providing a mechanism for merits review that is accessible, cheap, informal and quick and responsive to the needs of people using the system; and enhancing openness and accountability of government.

The Democrats do not object to these principles and certainly we would support any concept of improving Australia's system of administrative review. It is an important element of democracy that citizens can appeal the way in which a government decision adversely affects them. At present we have a good system of administrative review which in many cases works well. Australians who have been adversely affected, in their view, by a decision of the executive of government can appeal to an independent decision maker for a fresh decision. That independent decision maker will stand in the shoes of the original decision maker—that is, they should review the decision on its merit.

Some of the more specific underlying legal principles that relate to this issue I will

leave to my colleague Senator Brian Greig, who handles Attorney-General and justice issues for the Democrats. But I would like to address some issues specifically from my experience and perspective, particularly with the responsibilities I have on the part of the Democrats in the areas of social security, immigration and refugee issues, and veterans issues. All of those groups will be affected by this legislation. This is a crucial and fundamental issue that affects tens of thousands, if not hundreds of thousands, of Australians and others who use our administrative system, particularly in the area of refugees and asylum seekers. It has the potential to have a fundamental impact on people for many years to come. It is unfortunate that an issue such as this has not received the broader public coverage that it deserves, given how far-reaching and significant it is. A lot of political debate tends to focus on far more peripheral issues that do not actually affect everyday Australians.

As well as being a spokesperson for the Democrats on social security issues, I also have past work experience in this area as a former social worker for the then Department of Social Security. I have first-hand experience of the very real assistance offered by the Social Security Appeals Tribunal. Indeed, the features of the SSAT in particular are held to be most sound by Australian legal welfare groups, its clients and the general community. I think that one of the pleasing aspects of the evidence that was given before the Senate committee inquiry into these bills was the mostly positive feedback from welfare groups and those working with individual members of the community who use the SSAT and the AAT about how well that process works. That does not mean that you do not necessarily always strive to make it better or that it is absolutely perfect in every way, but it does mean that, when you do finally have a system that seems to work fairly well for the majority of Australians, you want to be very careful before you go around changing it. Many of the positive aspects of the SSAT are threatened by the changes made in these bills.

Some of the positive aspects of the features of the SSAT that are highlighted in-

clude: the absence of adversarial appearance by either the department or the agency; the absence of formality in both the lodgment and hearing processes; the ability of the consumer to be represented by a person of their choice including, but not limited to, legally qualified people; the provision of full papers to the tribunal; the timeliness on average of less than 10 weeks from appeal to conclusion; the readiness of access features for people from a non English speaking background and people with disabilities; the procedures conforming to procedural fairness principles that are accessible, clear, certain and relatively uncomplicated; and the ability to appeal as of right to the second tier of external review, the Administrative Appeals Tribunal.

Most, if not all, of those features are diminished or put at risk and unable to be guaranteed under the changes that are put forward in this legislation. The bills before us are fundamentally unacceptable to the Australian Democrats because they diminish the rights of Australians and hit hard at disadvantaged Australians. In many cases, we are talking about people who are amongst the most disadvantaged in the community. People who are appealing social security decisions almost by definition tend to be people who are in need of income support. In many cases people appealing through the migration tribunal are appealing decisions that have a fundamental effect over their lives, and people who are appealing to the Refugee Review Tribunal are clearly concerned about their future and, indeed, the possibility for their lives to be guaranteed and made safe. You are dealing with very serious issues which can have a huge impact on individual people's lives, and they are often people who are not well resourced and who are amongst the most disadvantaged.

Similarly, whilst the Veterans Review Board is not affected by this, nonetheless the ongoing rights of veterans to a second-tier review are affected and reduced. Veterans are also amongst some of the most disadvantaged people in the Australian community. Along with all of the others who gave evidence to the Senate committee hearings and who provided comment to me and to other

Democrats, they are also very concerned about and opposed to what the government has put forward here.

You have to wonder about this. We have a review that has been put forward supposedly in the interests of improving assistance to a whole swag of people in the Australian community—social security recipients, migrants, veterans and others that use the Administrative Appeals Tribunal—and the government are saying, 'We are doing this and it is going to benefit everybody,' and yet virtually every single person or group that is affected is coming to us saying, 'This is making it worse. Please do not have anything to do with this.' It does send a bit of a signal that, whatever the government's best intentions may have been, clearly they have got it very drastically wrong.

I think there has been a lot of comment—as there always should be—about how important it is that political representatives listen to the Australian community. One of the benefits of the Senate committee process is that it provides a mechanism for everyday Australians and people who are active on particular issues in the Australian community to be able to provide their views directly to us as legislators. The message is pretty clear and unequivocal: these bills do not work, they are a step backwards, they really should not be supported and they are unsalvageable in their current form.

The bills will deny applicants the automatic right to legal representation. Ordinary people experiencing problems with social security payments will be especially disadvantaged under the new structure due to the lack of independence of the proposed ART from government agencies, the loss of a two-tier external review, the loss of multimember and multiskilled panels, increased procedural complexity, reduced procedural fairness, the loss of automatic right to legal representation and the loss of automatic right to an interpreter service for those for whom English is not their first language.

If we look at social security legislation, for example—and we could say the same about migration legislation and other legislation where people need to use the AAT to enforce their rights—it is complex and is

frequently not readily understandable to the ordinary Australian, let alone those with limited education, literacy or numeracy skills, and I would suggest it is frequently not terribly understandable to legislators as well who actually put the legislation in place in the first place. Yet it is the people who are often least able to grasp the complexity of the laws who will most suffer under the bill. They may be up against a solicitor from the Australian Government Solicitor or a well-experienced legal advocate from the department, both of whom will have an expertise in social security law at a level not attainable by the appellant. The hapless appellant simply will not succeed in preparing or arguing their case. They will be confronted by formal processes. They will be limited to a one-tier process in almost all cases. It will be most unlikely they will succeed in meeting the requirements for a second-tier review, so they simply will not get there.

The Australian Democrats believe that consumers should be permitted to be represented. Representation of consumers should be permitted as a right. In my experience of the SSAT and those that work with it, representation provides the tribunal with evidence and arguments in an offered format that it would not otherwise receive due to the disadvantage of the consumers in this jurisdiction. Independent representatives, appearing in the cases that they determine appropriate, are a cornerstone of a fair, administrative review process; that is not guaranteed under these bills and the system that the government is proposing to put in place.

The list of procedural unfairness continues. The bills before us reveal procedural uncertainty and complexity, with much left to the discretion of members, inquiry officers and practice directions, all of which are subject to much more government direction and interference than occurs at the moment. The bills do not ensure that a consumer will receive all relevant papers. They can limit the scope of the review and restrict the presentation of evidence, diminishing the procedural fairness afforded to consumers. Hearings will generally be in public, which is a concern to many social security recipients, as intensely personal matters—such as marriage-like re-

lationships and domestic arrangements—will be available in the public domain. There is no automatic right to an oral hearing; instead, a consumer may have to make written submissions concerning why their matter should not be dealt with on the papers. Consumers may not receive written reasons for decisions unless they are aware of their right to request them. The procedural limitations will make it difficult for a person to prepare for the appeal procedure and, being more complex, it is likely to be far lengthier than the current Social Security Appeals Tribunal process, for example, and certainly less user friendly.

I have been critical, and continue to be critical, about many of the shortcomings in the review process of some of the other tribunals in place that are affected by this bill. The evidence before the committee, as I have stated already in relation to the Social Security Appeals Tribunal, was that on the whole it works quite positively. The same could not be said for the existing Migration Review Tribunal, and even more so for the Refugee Review Tribunal. We have had comprehensive, unanimous Senate committee reports presented before this place which have highlighted many of the shortcomings with the Refugee Review Tribunal as it stands. Certainly, I would not want to extend some of the positive comments made about the SSAT quite so fulsomely to the RRT, but it still is the case that what is put forward here does not present an improvement to even that less than perfect system; it certainly presents a step backwards from any other area of involvement.

I would like to mention briefly the issue of veterans, it being an area that I also have responsibility for and an important area that I think does not get enough attention in policy debate in the broader community. It was often assumed that somehow or other the veterans have escaped this process. For some fairly unexplained reasons, the Veterans' Review Board has been exempted from this first tier of merits review. That board will continue to operate and has not been folded into this super tribunal as have all the other tribunals. In that sense, the veterans' existing review process is maintained. I think that indicates there is some degree of satisfaction

amongst the veterans community about the operation of the Veterans' Review Board, at least in comparison to what was proposed to replace it.

Nonetheless, veterans are still also affected by this change. It is proposed that the new Administrative Review Tribunal would represent the second tier of appeal for veterans and war widows. Under the proposed arrangements, there is significant and unexplained disparity in that second tier—currently, the Administrative Appeals Tribunal—which, for the most part, will be unattainable for the non-veteran community. However, as for the ordinary Australian, also for the veterans, the ART Bill constitutes a loss of rights of the veteran to a fair hearing.

The AAT, the existing tribunal, is a legally competent body having well-qualified members and headed by a judge. There is no such provision in the ART Bill. The bill does not specify the qualifications of its president. This serves to replace the focus on legal competence and judicial fairness with a focus on bureaucratic policy. Also, appearance of the veteran at the hearing is at the discretion of the ART and is dependent on the contents of the practice and procedure directions of the Minister for Veterans' Affairs. Presently, veterans can appear before the AAT, the existing tribunal, and be legally represented. The ART Bill before us today removes this automatic right. The existing tribunal includes all available evidence.

As a party, the Democrats have given long consideration to whether anything in these bills is retrievable and whether a suitable outcome could be achieved by amendment. We have put a lot of work into the Senate committee inquiry process into the legislation to try to get as much input and feedback as possible from the community and from the government departments about how the new tribunal would work. But it is quite clear that it represents, overall, a significant winding back of the rights of Australians, a significant winding back in the independence of the tribunal, and indeed a winding back of the rights of some of the members of the tribunal as well, and a significant increase in the government's power to influence this appeal process.

I think it would be a reasonable statement to make that the Australian community is far from impressed with any move that increases the power of governments over their lives and reduces their rights to get justice in the face of unfair government decisions. All Australians, quite reasonably, when they are in a situation where they feel they have got a raw deal from a government decision would expect that they would have at least some prospect of getting that decision reviewed impartially and fairly. Common feedback from the existing tribunal system, particularly the SSAT, even from people who lose at the SSAT, is that at least they feel they have had a fair go. They have had an opportunity to have their situation considered fairly and impartially, they've had their day in court, and at least it has been looked at separately from government departments which are clearly often too heavily influenced by a government policy of the day overriding basic legal requirements. This is a case of the need for us as legislators in this parliament to listen to the Australian community about their views on an issue, their concerns. It is quite clear. The evidence is in. The Australian community do not support this legislation. It reduces their rights at the expense of increasing the rights of government. The Australian Democrats do not support the legislation.

Senator LUDWIG (Queensland) (1.09 p.m.)—I rise to speak on the two bills, the [Administrative Review Tribunal Bill 2000](#) and the [Administrative Review Tribunal \(Consequential and Transitional Provisions\) Bill 2000](#). That second bill is, obviously, cognate with the first bill. I wish, firstly, to address the two bills themselves; secondly, to refer to what was perhaps the genesis of the two bills, the *Better decisions* report; then to go to the Senate report; and to provide some concluding comments. Hopefully I can stick to that within a reasonable time frame.

The two bills themselves, as we have heard from Senator Bolkus, effectively bring about an abolition of the current review tribunals that exist, the SSAT, the AAT, the MRT, the RRT and the VRB—which is a whole mouthful of letters, and we will come to what they mean shortly. The bill effec-

tively will create an amalgamation of all of those bodies into what is supposed to be a single tribunal, an AAT, with a number of divisions. Those divisions will then separate out into the respective parts and be able to deal with administrative decisions or merit decisions of the Commonwealth decision makers.

The genesis of the bills was in December 1993 or thereabouts, when the Administrative Review Council was requested to undertake an inquiry into the effectiveness and efficiency of the Commonwealth merits review tribunal. The problems that were perceived at that time, as I understand it, included criticisms of the disparate nature of the process and procedures, not only in hearings but also in the appointment of members; differing remunerations to various members; differing composition of the various tribunals and the structures; and the greater use of specialist tribunals. As a result, the end product of that was *Better decisions*, report No. 39 by the Administrative Review Council. The process they identified and which they recommended at that point was an amalgamation of the various specialist tribunals into a single, at least coherent, structure. 'Coherency' is a word that I suspect was set out as one of those objectives to follow, but in my view it seems that coherency did not come about—and I will come to that shortly.

The six divisions that the bill will create will include the Immigration and Refugee Division, which is effectively a replacement for the Refugee Review Tribunal and the Migration Review Tribunal. There will also be the Income Support Division, the Veterans Appeal Division, the Taxation Division, the Workers Compensation Division and the Commercial and General Division. The structures as set out in the bill will provide for tribunal members, a president, and senior members which shall not be not more than 10 per cent. That restriction in itself is a significant departure from the view adopted in *Better decisions*. I will come to that shortly.

Also provided for in the two bills are fixed terms of up to seven years. The president, deputy president and the senior members will, it seems, lose their tenure on the aboli-

tion of the AAT. Currently the AAT provides for a president who is a justice with tenure, and a number of senior members have tenure as well. The tenure concept is an interesting concept in itself. *Better decisions* does not go that far but it provides for a level of independence that is seen by many, at least, as providing an independence from the executive arm of government. Of course, one of the problems that has always presented with administrative review tribunals in themselves is that they are part of the executive; they are not chapter 3 courts. They are effectively part of the executive of the government and are there to provide, in this instance, merits review. In the view of the government of the day at least, I suspect, there should be some accountability through the executive arm of government for the actions and work of the tribunal. But for the person in the street, the person who actually requires the decision of the decision maker to be reviewed, there should be in effect a level of independence that not only is done but also is seen to be done.

The *Better decisions* report came about from a structure that at least provided—going back to the word 'coherent'—a coherent structure for the tribunal in itself but that, as we will come to shortly, these two bills failed to see through. The two bills also failed in some respects in how they were then going to bring about, as I have said, that coherency in a single amalgamation of a number of disparate specialist tribunals into an effective whole. If we go back to the genesis of some of this, even before *Better decisions*, and look at the Kerr committee and subsequently the Bland committee, they wanted a return to a comprehensive, coherent and integrated system of Commonwealth administrative law. They saw that as necessary, not for themselves but for the public at large to have confidence that, if they have a complaint in respect of a decision maker, they have somewhere to go. They can have confidence that the decision maker will say, 'I am independent of the department; I will review your decision on the merits and give you a considered view or a decision.' In this instance, they step into the shoes of the decision maker and provide a different decision, confirm the original decision or vary it, as the case may

be; and the person making the application has a reasonable level of confidence that that decision was made fairly by the decision maker. That was, I guess, the direction that the Bland committee and the earlier Kerr committee were coming from.

It is unfortunate, in my view, that that has not come through into the two bills currently before us. In fact, it appears that they have taken a framework and, from that framework, they have taken some of the *Better decisions* part, put it within the framework and left out a lot of the middle, left out a lot of the things that would make a fair single tribunal with a number of separate divisions. Perhaps we can go to some of those things which are within the two bills. The second tier review is one of those areas where it is interesting to see that, in respect of some, the second tier review process is available. To come back to the beginning, a decision maker makes a decision; you have a first level of review by, in this instance that is proposed within the two bills, the ART or one of the divisions within the ART; and then you may have a second tier review—other than, by law, going off to the Federal Court.

Within that, there is competing public importance and complexity that require second tier review. The divisions within the proposed ART will not all have second tier review processes. The argument is that they are needed to ensure that there is seen to be fairness. But even the second tier review that is available is limited by the ART Bill itself. They provide, broadly speaking, that they must be of some general significance before they proceed; they must have the leave of the president; and one of the most curious parts is that there must be agreement for a matter that is materially affected by a manifest error of law or fact—or even leaving out the word ‘manifest’, if it does not add much.

The problem with that is that, having some minor experience in these processes in various tribunals, I cannot recall ever getting agreement on most of these things to proceed to appeal basis. Usually they are hard fought, and people adopt different views. So one wonders about the importance or relevance of that area and whether it adds any value. Perhaps that is part of the problem that I per-

ceive in the two bills. There is the ART process, with an emptiness that is not filled out, and there is an additional complexity that seems completely unnecessary, such as I have just outlined. We would then look at what you would judge by other criteria an effective bill would be—in other words, an ART. You would look at things like the efficiency and cost effectiveness in the merits review system. You would say, ‘Is it efficient? Is it cost effective? Will it achieve the objectives that it set out to achieve?’

You would then look at this emptiness again and say, ‘We will take two examples: the immigration area and the Veterans’ Review Board. When you amalgamate the tribunals, do you provide efficiency and cost effectiveness?’ Clearly, the VRB is excluded from most of the operation. It seems to sit on the side. You would then say, ‘Perhaps not: perhaps it has not managed to be able to amalgamate into a single tribunal after all.’ You would look at the immigration area and look at the decisions that will then come out of the tribunal there: perhaps it suffers from the same part in that it is excluded; it provides an immigration code all of its own. So you start to think, ‘Maybe there is no integratedness. Maybe what they have done is simply try to push all these things together and hope they work at the end. Does the system when you look at the objectives of the system provide flexibility and informality? Is it an improvement from where we have been?’ I would hasten to add, not only should it be an improvement but a substantial improvement. Was the AAT inflexible? Was the AAT incapable of meeting informality? The short answer is no. So you then are left in the position of saying, ‘Does the ART provide greater flexibility and informality?’ It does not clearly do that at all. It does not provide greater flexibility and informality.

The other objective criterion you might look at is: is it fair? The second reading speech of the minister went through and extolled its virtues by saying that it is a fair, just, economical, informal and quick review. If you then put those as objectives, does it achieve those objectives? The short answer again is no. There is not fairness in relation to the second tier review processes, which

are disparate amongst the various divisions, different in respect of the Veterans' Review Board, different in respect of the immigration area, and seen to be non-existent in the social security area. So you say, 'It can't be fair. It is certainly not equitable. Is it just or economical?' As I have said, I remain to be convinced about that. 'Is it informal and quick?'

It might be quick if you are in the social security area and so on—we might give it half a tick—but, in the Veterans' Review Board area, it is not going to be quick. In fact, in the social security area you get the impression that those people who are the most likely to be subject to adverse decisions and who are most likely to suffer will suffer the most. They will not have the available resources; they will not have representation, in many respects. The department will be there to oversee the process, and the ability to go on for second tier merits review seems non-existent. Once again, you put this pyramid together called the ART and say, 'Where is the true whole of it? It is missing.' The six divisions simply do not act as a coherent whole. So it has not, in my view, achieved the objectives that it has set out to do. It appears more of a downgrading than an improvement of the merits review system.

As I have said, the Administrative Review Tribunal legislation will establish the ART and replace the Administrative Appeals Tribunal, the Migration Review Tribunal, the Refugee Review Tribunal and the Social Security Appeals Tribunal, or the SSAT. Perhaps by way of an example we can go to some of these to provide at least some meat to the sandwich. There is the loss of right to reopen a decision in respect of security appeals. In relation to security appeals, people have a right to have a review of their security assessment if fresh evidence is obtained. This item has now gone, disappeared. It is a small area, but it is a diminution; it is a carving backwards. Instead, review of the ART's first decision will be available only, as I have said, where the criteria for second tier review are met. With those I have gone to earlier, I suspect, it will be difficult to pass the test; the bar is set high. It is not as of right. You need leave, and then there are two

criteria that need to be satisfied which—and hopefully we will not find this out—would be difficult.

Then there is the review of social security decisions, as I have said. The social security and family assistance decisions are currently reviewable by the SSAT, and a second tier of review is available as of right in the ART. Now only a second tier review will be available with leave of the president or executive member of the income support division—that seems a little unfair—and only if the case raises an issue or principle of general significance—and what might that be?—or if the parties agree there is a manifest error of law. The parties, I suspect, as I have said, will never agree. Even if they do, it would be so open that perhaps they would be trying to correct the poor decision of the primary decision maker in any event, without embarrassing anyone else.

Of course, the composition affects this too. They will not necessarily get a senior member who may be judicially qualified; it can be a member who is not, or it can be a multimember panel. It does not need to be constituted by a senior member; it can be constituted, as I understand it, by three ordinary members. But how does it impact the people on the ground, as everyone seems to like to say? Twenty per cent of the SSAT decisions were appealed to the AAT, and 42.6 per cent of the AAT reviews had the SSAT decision set aside. So there is an impact. Currently, we know that about half are being caught—and many by the applicants in the first instance rather than the department. When you then look at the ART proposal in the bill, the loss or the diminution I have spoken about falls unfairly on some groups.

Not to be critical but there does not seem to be a loss with the VRB. Perhaps there is a little bit of confusion in relation to the complexity of the appeals process where you might go from the Repatriation Commission to the ART on second tier review or if you go to the ART first, there being a different process. But let us look at some of the other specific social security procedures that may be lost. The review application over the telephone, private hearings, review by a three-member multidisciplinary panel in most

cases and the absence of the department from the review process: all swept aside. I have concentrated on that area more specifically to question: where is the positive benefit that comes from this? There is not one.

Looking at *Better decisions* briefly in the time available, it also is interesting in the sense that it says, 'This is where we started from; this is where we said, if we are going to have a review of merits review tribunals, let us do it properly, effectively and efficiently with a number of objectives in mind.' *Better decisions* came to many decisions and recommendations about how that would be performed. It went to various issues. Just to pick an issue out of the bundle, one is funding. The funding or the financial arrangements of the tribunals: it recommended that 'review tribunal funding should not, as a general rule, be provided for within the budget of an agency whose decisions form or are a large proportion of the tribunals' review workload'. That was recommendation No. 78. But the two bills do not follow that; they put funding back into the ministerial portfolio.

Many recommendations of that *Better decisions* report were not followed. It looked at the general structure, as I have said, and said, 'Look, it's the same.' But it is not. They have really missed the boat when it comes to being able to say that there is a significant improvement and that we have gone towards improving the merits review process. Our view is that quite clearly they have not gone forward. It is, in fact, a slide backwards. Perhaps this is typical of this Howard government in how it sets about doing things, how it sets about saying, 'Here is a process, and we will move forward.' All that happens is that the band plays but nothing happens. *(Time expired)*

Senator GREIG (Western Australia) (1.29 p.m.)—I follow from my colleague Senator Bartlett to speak on the [Administrative Review Tribunal Bill 2000](#) and also the [Administrative Review Tribunal \(Consequential and Transitional Provisions\) Bill 2000](#). It is both desirable and necessary that a comprehensive, coherent and integrated review system of Commonwealth administrative law be developed. The concept of con-

ferring the role of performing external merits review on a general administrative review tribunal is also of merit. It is not disputed that to permit a continuing proliferation of tribunals could be wasteful of resources. The view that the fewer tribunals there are the more likely will be the most economical use of resources is supported in principle by the Australian Democrats.

In opposing the ART Bill today, the Australian Democrats are not opposing the basic premise that Australia would benefit from a comprehensive, coherent and integrated system of Commonwealth administrative law. Indeed, this was the very basis for the establishment of the Administrative Appeals Tribunal in 1975, arising from the recommendations of the Kerr and Bland committees. Since that time, there is now a substantial body of practical experience in the operation of the system, and there have been significant developments in the merits review system and the creation of specialist merits review tribunals with their own processes and procedures, to the point where it could be stated that the Australian system had lost some of its coherence, although not its effectiveness.

In December 1993, the then Minister for Justice, the Hon. Duncan Kerr MP, asked the Administrative Review Council to undertake an inquiry into the effectiveness of the federal system of an external merits review tribunal. Ultimately, the ARC produced the *Better decisions* report, a significant document of some 200 pages. The *Better decisions* report concluded that the system of a review tribunal had become lacking in coherency and cited major differences both between and within the different tribunals in such matters as: the degree of formality of proceedings, including the level of representation; the style of proceedings, including techniques such as 'on the papers'; the mix of skills brought by members, including the use of single member panels; the level of information and assistance provided by tribunals and agencies to applicants and to the broader community; the method of selecting tribunal members, their terms and conditions of appointment; and, finally, the cost of merits review. The *Better decisions* report justi-

fied some of the differences because of the different nature of the decisions being reviewed by the various tribunals and the differing needs of user groups. Others were made by legislative amendments across a range of jurisdictions.

The *Better decisions* report concluded that the best structure for the merits review system would be to design a system that retains all the positive attributes of the individual merits review tribunal and one which also achieves greater perceived and actual independence, improvements in agency decision making and improved accessibility and economic efficiencies. It follows then that what we are looking for from a model proposed by the government in this ART Bill is a structure which will best be able to meet those goals. What is it that we are looking for in merits review? The Australian Democrats believe that, without exception, the objectives should be: firstly, to achieve correct and preferable decisions; secondly, to be accessible and responsive to promote better quality decision making by agencies; thirdly, to allow improvements to policy and legislation; fourthly, to be coherent; and, finally, to make efficient use of resources.

Why is it critical that we achieve this? Simply, because administrative review is vitally important for Australians. It is inevitable that at some stage Australians will be affected by an administrative decision of government. There are some 50 million government decisions that affect Australians each year in terms of benefits, entitlements and the rights of people inside and outside Australia. Up to 20,000 of these decisions will come before the group of tribunals whose futures we are dealing with today. These figures do not include the hundreds of thousands of internal reviews conducted by the agencies and departments.

Australians regularly seek to review the decisions of administrators, public servants and the executive arm of government. Social security, taxation matters, war veterans and war widows, workers compensation, business and temporary entry visas, customs and business licensing are just some of these. The tribunals and the merits review process represent an important and fundamental bundle

of administrative review rights that have a direct bearing on the quality of life of ordinary Australians. We must not lose sight of these rights. Australians must continue to be informed of their rights to seek review and be in a position to exercise those rights. It is also desirable that, through the process of merits review, the overall quality of agency decision making is improved. This requires elements of fairness, accessibility, timeliness and informality of decision making. Regrettably, the bill before us today, rather than incorporating these, actually seeks to exclude them totally and, instead, reduces the quality and independence of the review. To this end, it is completely at odds with the *Better decisions* report.

An issue of concern with this bill is that it proposes that tribunals should give greater regard to government policy. This fundamentally changes the purpose of merits review from achieving the best result for the applicant—that is, correct and preferable—to ensuring that the agency's decisions are not only lawful but also defer to the agency's view. Merits review is often described as a process by which the person or body reviewing the decision 'stands in the shoes' of the original decision maker, although this is not a totally accurate representation of the role of tribunals. Frequently, they will be asked to consider new or more detailed information. Tribunals also differ from the original decision maker in that they do not operate under the same day-to-day pressure as the agencies whose decisions they review, nor do they have to deal with the same volume of primary decisions, so they are generally in a position to devote more time to the consideration of individual cases. These differences mean that tribunals are generally in a better position than agency decision makers to fully consider the law and the facts in individual cases and are therefore less reliant upon policies or guidelines in deciding the appropriate outcome.

The *Better decisions* report clearly stated that any development along those lines would be inappropriate, but that is exactly what these bills—particularly the consequential provisions bill—attempt to do. The Australian Democrats believe that the current

basis of merits review—that is, whether decisions under review are correct and preferable—provides people whose interests are affected by government decisions with the most effective means of ensuring that they receive the best possible decision. We do not believe that the basis of merits review needs modification.

Australia's present review system, while perhaps considered to be structurally fragmented, is nonetheless regarded as one of the best models in the world. It succeeds in providing large numbers of people, affected by a diverse range of decisions, with a fair and accessible mechanism for having the decisions reconsidered. Australia does not have a bill of rights and, as Justice Deirdre O'Connor pointed out recently, the original tribunal review system was intended to play a role that in other countries is perhaps afforded by rights which arise under constitutional guarantees.

There is broad community in-principle support for the less formal, more investigative approaches taken by the specialist tribunals, particularly the SSAT. The present system significantly achieves the overall objective of ensuring that all administrative decisions of government are correct and preferable. It has done this by providing large numbers of people, affected by a diverse range of decisions, with a relatively fair and accessible mechanism for having the decisions that affect them reconsidered. It is not disputed, however, that there are concerns about specific aspects of the operations of the tribunals and that there is certainly room for some improvement. In the end, the *Better decisions* report recommended that the tribunal should have the statutory objective of providing a mechanism of review which is fair, just, economical, informal and quick. Provisions in the bills before us remove much of the fair, just and informal elements from this equation, and they are strongly opposed by the Australian Democrats.

The bills propose to reduce the number of senior members to not more than 10 per cent of the total number of members. This will save running costs, but it will significantly impede the capacity of the tribunal to deal with matters which are complex or which

require greater expertise. Additionally, the lack of tenure for senior members, where no minimum term is prescribed, means that it will be difficult to persuade someone who may have a wealth of knowledge and relevant experience, which would bring value to the tribunal, to leave their existing career, and it would be hard to keep good tribunal members who face the insecurity of short-term tenure. The *Better decisions* report recommended that there should not be any term of fewer than three years.

How independent can a division of the review tribunal be when it is funded directly by the portfolio agency whose decisions it will be reviewing? How independent will the ordinary person in the street view the tribunal as being when she or he learns that its ongoing existence depends on the department which made the questionable decision in the first place? I do not dispute that this is the present model for the SSAT, and it is pleasing to note that, to date, the perception of independence and absence of bias is maintained within that organisation. But this perception, or indeed the reality, of independence can be all too readily compromised by a government or department which wishes to do so.

The bills further propose to compromise the independence of merits review by having the minister whose department's decisions will be reviewed by the tribunal responsible for recommending the appointments of members to that particular division. How prepared will members be to bite the hand that feeds them by making decisions which differ from those of the minister, when their ongoing appointment is controlled by that minister? Indeed, removal of tribunal members with ease is a feature of these bills, including the requirements of a performance agreement. This places a member in the unfortunate position of having to consider whether they will compromise the amount of time they spend on a particular decision because their performance agreement requires them to meet targets. The administration of justice must not be compromised by the need to achieve targets—a feature of performance agreements.

A significant departure from the *Better decisions* report is found in the fact that the bills do not prescribe minimum qualifications for the president. There is no requirement that the person be a judge, or even a legal practitioner, or that they have any expertise in their area of administration. Members of the tribunal will have significant power, and to fail to prescribe that they are members of the judiciary or indeed possess legal qualifications leaves the way open for inappropriate appointments and misuse of that conferred power. The rights of ordinary Australians continue to be compromised as one works their way through these bills. The bills propose that there will no longer be any right of legal representation before the ART. It will be a matter of discretion of the tribunal, bearing in mind that the minister of the department will be able to make practice and procedure directions which will be mandatory to the tribunal members as to whether they allow or do not allow legal representation.

Removing lawyers will not improve efficiency. Many of the tribunal decisions are complex and based on complex and lengthy legislation. Making the ordinary Australian appear unrepresented before the tribunal to make a complex legal argument on a matter whose intricacies are beyond most of us is denying that person's basic rights. She or he will be facing a departmental advocate who, while not necessarily legally qualified, may have the benefit of many years experience administering—not always correctly—complex and lengthy legislation. Recently, the Australian Law Reform Commission, in its *Managing justice* report, said:

The Commission's research indicates that restrictions on the participation of representatives may actually increase the number of cases resolved by hearing, and in turn increasing tribunal costs and case duration.

My experience shows me that lawyers do not generally conduct frivolous or vexatious cases, and indeed we generally counsel our clients against proceeding down that path. Legal practitioners also know what is or is not relevant material to be considered by the tribunal. Removing the right to legal representation or involvement of competent and

objective professional advisers is neither cost cutting nor fair and has no place in Australian merits review.

The list of flaws in these bills goes on. The limitations on the right to interpreters and the ability to have cases heard 'on the papers' are further examples of denial of rights to Australians. The obligation of the tribunal to comply with practice and procedure directions set by the relevant minister is a blatant compromise of independence. The reduction of multimember panels to single member tribunals, thereby removing the mix of wisdom, experience and viewpoint gained by multimember panels, is alarming. The list goes on. The new model is essentially a one-tier process. One has to get the permission of the tribunal to go further, but the terms of such right are restricted and there is little, if any, capacity for people to get to the second tier.

What we have before us is a cost-cutting exercise by a government who have conspired, under the guise of the *Better decisions* report, to introduce their own agenda—that of sacrificing fairness and eroding the rights of Australians to justice. We strongly oppose these bills in their entirety. In closing, I would like to thank and compliment the Western Australia Council of Social Services and Miss Nicole Donnachy in particular for her advice and expertise on this issue.

Senator McKIERNAN (Western Australia) (1.45 p.m.)—Mr Acting Deputy President Ferguson, it is I who should be sitting in the chair at the moment, and I offer my sincere regrets to you and to Senator Knowles for any inconvenience that I may have caused you by not having my diary up to date. It is entirely my fault; I blame nobody else. I sincerely regret it, and I thank you very much for your cooperation.

This afternoon the Senate is discussing two very troubled pieces of legislation, the [Administrative Review Tribunal Bill 2000](#) and the [Administrative Review Tribunal \(Consequential and Transitional Provisions\) Bill 2000](#). I say the bills are troubled because, obviously, there have been enormous difficulties in the gestation and development of the bills. We are talking about a tribunal that was supposed to be coming into effect

this very month, according to the government's statements. It was supposed to be established this month. The members of the tribunals that the Administrative Review Tribunal is replacing were supposed to be ending their terms of office at the end of this month—in fact, this week. Yet we have this inept government allowing debate on the bills only at the very death knock of things. I think it is appropriate to use the words 'death knock' in the context of the bills because, as all speakers in the debate so far have said, the bills are fatally flawed.

I have a whole number of concerns about the content of the bills and what they will do. My major concern is the deception of the parliament in relation to the bills. When the Attorney-General, the Hon. Daryl Williams, introduced the bills in the House of Representatives last year, he gave the community, the parliament—everybody—the impression that the bill that he was introducing at that time reflected the recommendations of the *Better decisions* report. That report was produced by the Administrative Review Council and was a review of the Commonwealth merit review tribunal. The Attorney said that the government accepted the recommendations. If it did, where is the Veterans' Review Board? It is not mentioned in the bill. In actual fact, it will stand aside from the various administrative review bodies proposed to be incorporated in the Administrative Review Tribunal. That is a very serious omission.

When the Senate Legal and Constitutional Legislation Committee asked why the VRB will not be part of the ART, we were told that it was a matter of policy. What is the policy? The committee could not get the answers because the officers of the Attorney-General's Department are not able to talk about policy, the development of policy or any advice they may have given in the development of policy. But were this bill to go through the committee stages—and I doubt very much that it will—the question as to why the Veterans Review Board is not part of this package will be very much to the fore. I am not saying that the opposition parties would include the VRB in an ART—a proposal that we supported in setting it up—but

we would like to know the reasons that went through the Attorney's mind when it was determined that the VRB was going to be removed from the legislation when initially it was going to be part of it.

The other deception that concerned the committee as a whole when we found out about it during the course of the hearing in Sydney on, I believe, 12 December—remembering that the bill had been referred to the committee in June of last year—was that the bills were reflecting not only what the Attorney-General had told the parliament about the *Better decisions* report but also, when it came to the amendments to the Social Security Appeals Tribunal, the views and recommendations contained in a report on the review of the social security review and appeal system which was presented to the Minister for Social Security in August 1997 and prepared by Dame Margaret Guilfoyle. Why would we be concerned about a report from an eminent individual such as Dame Margaret Guilfoyle? The reason we are concerned is that the report and the recommendations contained in the report have never been made public.

The propositions and proposals in that report may have been good. They may have been tested and measured by Dame Margaret during the course of her review, but they were not tested by the Senate Legal and Constitutional Legislation Committee when it was inquiring into the two pieces of legislation. Had it not been for the submission from Dr David Rosalky—submission No. 46 from the Department of Family and Community Services—the committee may not have had the opportunity to even take into consideration the limited, though useful views—I am not disparaging of the views contained in the submission; they were very helpful to the committee—that were provided by the department, and we could have gone through the whole inquiry without this vital piece of information.

I do not know why the Attorney would want to deceive the parliament in the way that he did. Clearly, it is not good enough. It is not good enough that the Attorney-General's Department, who also appeared before the committee, did not to bring this

matter to the attention of the committee. There will be a debate about the relationship between the Attorney-General's Department and the committee in a different forum at a later time, because of other difficulties that other committees have been experienced with the department. This matter was not brought to the attention of the committee, or indeed to the parliament, until we received a submission from Dr Rosalky. I am not sure when the submission was received, but it was dated 6 November and discussed on 12 December. That put the committee, and me in particular, in a very difficult and awkward position because we were going to report on this legislation prior to the resumption of the parliament.

We were going to digest the information received at that hearing, write up a report and develop minority reports, if indeed minority reports were going to be made. But that was going to have to be done over the holiday period. From a personal point of view, I had arranged with my wife to take an extended overseas holiday during that period of time. I did consider—momentarily, I might add—taking the material with me so that I could study it and prepare the material while I was overseas, instead of enjoying the comfort of the families that we had left on the other side of the world. But I decided against that because my plans were different. I do believe that the committee processes—the parliamentary scrutiny of legislation such as this—was impaired by the fact that the Attorney, in the first instance, did not mention the very important report by Dame Margaret Guilfoyle—a report that had not been made public: a report that was for the eyes of the department and departmental officers only.

There were a number of matters contained in Dame Margaret's report which did impact and reflect upon the content of the Administrative Review Tribunal bills. They were brought to the attention of the committee by Dr Rosalky. The matters in Dame Margaret's report which were brought to the attention of the committee, and which are indeed reflected in the bill, included the composition of panels. It would appear that the very significant amendment to and alteration of the panels dealing with social security matters

came from Dame Margaret's report rather than the *Better decisions* report. I put it to the Senate that that should have been put to the parliament in an honest way by the Attorney when he introduced the legislation in the first instance. It should have certainly been brought to the attention of the Senate Legal and Constitutional Legislation Committee prior to the receipt of this report.

Second-tier review is another area of great importance that was addressed in Dame Margaret's report—the report that was secret, the report that was not released publicly. The matter of representation, which my colleague Senator Ludwig had quite a deal to say about, was also addressed in Dame Margaret's 1997 report, but again her report was not brought to the attention of the parliament. It was not released to the public. The Attorney, in his second reading speech, indicated that the government accepted the recommendations of the *Better decisions* report and then went on to say:

To have several tribunals performing a similar review function, but with separate membership, staff, premises, information technology and corporate services systems, is wasteful of resources.

On this side of the chamber, we never want to see any public resources wasted. When we questioned departmental officers and asked them to point out where resources were being wasted, unfortunately, we could not get a response. We were told that having two registries—for example, a registry for the Social Security Appeals Tribunal and a registry for the Migration Review Tribunal—that could be doing the same work is a duplication of effort. But that is not a very good example of wastage of resources. My colleagues on this side of a chamber have addressed a number of specific matters about the content of the legislation. My colleague Senator Greig particularly drew attention to the fact that this legislation will not provide fair, just, economical and efficient administrative review. I endorse that comment.

I want to say some more about the performance pay issue in particular. We dealt with this issue at some length in the Labor and Democrats senators' minority report. The reason we have dealt with this issue at length is that it is very important. I am astounded

that performance pay could be made available for members of the judiciary or persons who would be making decisions. One can imagine a system in which decisions would be handed down one after another in order to increase the salary of an individual judge or an individual tribunal member. If performance pay is going to be introduced in decision making professions in this country, that issue must be looked at very thoroughly. And—surprise, surprise!—the secretary to the Attorney-General's Department agrees with that concept. He sent a detailed letter to the Remuneration Tribunal asking that the tribunal not include in its indicative determination of salaries for members of the new Administrative Review Tribunal any measure of performance pay, saying that it should be discussed at a later time in detail. But the tribunal has apparently issued an indicative determination. The committee asked for that determination but surprisingly that was not supplied to the committee. An indicative determination was tabled during one of our hearings.

Debate interrupted.

CONDOLENCES

Bradman, Sir Donald George, AC

The PRESIDENT—I inform the Senate of the death of Sir Donald George Bradman, AC, on 25 February 2001. I ask senators present to stand in silence as a mark of respect to the deceased.

Honourable senators having stood in their places—

The PRESIDENT—I thank the Senate.

MINISTERIAL ARRANGEMENTS

Senator HILL (South Australia—Leader of the Government in the Senate) (2.00 p.m.)—by leave—I advise the Senate that the ministerial changes foreshadowed by the Prime Minister on 19 December 2000 have been completed with the appointment of the Hon. Mal Brough as Minister for Employment Services on 14 February 2001. For the information of honourable senators, I table an updated list of the full ministry.

QUESTIONS WITHOUT NOTICE

Telstra: Sale

Senator MARK BISHOP (2.01 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. Is it still the policy of the Howard government to sell its remaining 50.1 per cent share in Telstra? What is the government's planned timetable for this sale?

Senator ALSTON—The government have indicated that we will not proceed to the full privatisation of Telstra until we are satisfied that arrangements are in place to deliver adequate services to all Australians, particularly to those in rural and regional Australia. It has been our priority to try and ensure that service levels are as good as they should be. In fact, if you look at the ACA quarterly reports that come out, over the last couple of years the trend has been uniformly going north. Quite clearly, there are a lot of very major success stories out in rural Australia, not the least of which is of course the recent announcement that \$150 million would be available not only to provide untimed local calls but, on the basis of the submissions that came to the government and the preferred tenderer submission in particular, to provide Internet access at local call rates and a suite of other improvements.

That is in marked contrast to the crowd on the other side of the chamber, who have consistently opposed any spending in rural and regional Australia on telecommunications services. In fact, the \$1 billion social bonus package has been opposed by them at every turn. Never ever have they gone out there and said that this was a welcome initiative. I think Senator Schacht will take it to his grave that, during the last election campaign, he was out there promising to freeze Networking the Nation when it was a bit over half-way through the \$250 million spend, and he was not even prepared to say that they would then use the bulk of the proceeds remaining to improve services in regional and rural Australia. He simply wanted to put it into Labor's back pocket for a whole raft of other initiatives, presumably—a bit more pork-barrelling. Labor's commitment to improve telecommunications services in the bush is an absolute disgrace. We topped up Net-

working the Nation with another \$171 million worth of initiatives, and those initiatives are being progressively rolled out.

That is where our focus lies. We are very concerned to ensure that we do address those issues. Legislation for the further sale of Telstra will not be introduced until we are satisfied and until our plan of action in relation to the independent telecommunications service inquiry, conducted by Mr Tim Besley, has been fully considered and made public. That is a very positive and constructive attitude to the problems of rural Australia, and I would very much like to hear what Labor proposes to do about them.

Senator MARK BISHOP—Madam President, I note that the minister managed to avoid giving a yes or no to what was a relatively simple and brief question, so I ask this supplementary question. Minister, at what stage is the preparation of legislation for the further sale of Telstra? When does the minister propose to seek cabinet approval for this legislation?

Senator ALSTON—Despite newspaper reports to the contrary, the government does not have a proposal to bring legislation forward to the cabinet or to the parliament at the present time. I have outlined the position. But, if Labor is seriously interested in a simple yes or no answer to a simple question, who saw Mr Beazley on the *Sunday* program yesterday? What an absolute farce! Talk about the big tucker man blowing it comprehensively! He was asked by Laurie Oakes, 'Just tell us: will you or will you not in government give back that \$1.5 billion?' He was all over the shop to the point where Mr Oakes had to say, 'You're waffling.' He said, 'No, I'm not.' Laurie Oakes said, 'Yes, you are.' He said, 'No, I'm not.' I would not just call it unseemly or undignified; I would say it was a comprehensive demonstration of Mr Beazley's lack of commitment to any form of policy. He is terrified and basically wanting to make sure that he says as little as possible. He has no policy positions. When you ask him about policies, he says that they have all been pinched, which is another way of saying he cannot improve on government policy. *(Time expired)*

Goods and Services Tax: Payment and Reporting Arrangements

Senator WATSON (2.06 p.m.)—My question is directed to the Assistant Treasurer, Senator Kemp. Will the minister inform the Senate how small business has reacted to the significant changes the government announced last week to simplify and streamline GST payment and reporting arrangements?

Senator KEMP—Thank you, Senator Watson, for that important question. These are issues that Senator Watson has always shown particular interest in. The reaction to the government's announcement last week has been superb. We have had a wide range of people come out and give very strong endorsement to the government's announcement. As you will be aware, Madam President, the Treasurer announced significant changes to ease compliance for taxpayers in the pay-as-you-go system and to simplify and streamline GST payment and reporting arrangements for small businesses. These changes follow extensive consultation with small business and accounting groups, with a specific focus on the needs of small business. These changes, as the Treasurer said, are now possible because we have the experience of two quarterly returns.

Under the changes, almost two million taxpayers will be given the option to have their quarterly PAYG instalments calculated for them by the ATO. In addition, almost 500,000 people, including many self-funded retirees, will be taken out of the instalment system because the balance on their last assessment was less than \$250. Also, I am pleased to report that under the changes businesses lodging quarterly will have streamlined reporting arrangements. In addition, small business with a turnover of less than \$2 million will have the option to pay quarterly GST instalments based on 25 per cent of the previous year's net GST amount adjusted by a GST factor. Further—and this is another area where the government has shown a great capacity to listen to community concerns—the dates for lodging quarterly payments have now been extended to 28 July, 28 October, 28 February and 28 April.

Senator Sherry—That's roll-back!

Senator KEMP—I hear the word ‘roll-back’ being called across the chamber. The public would love to know just what the Labor Party means by roll-back. As we know, the last thing that small business want is more complexity, and what the Labor Party is promising with its roll-back policy is more complexity. But let me return to the question that Senator Watson asked. These changes have been widely welcomed. As a matter of interest—and the Labor Party will be particularly worried about this one—the National Farmers Federation has suggested that rural Australia has been given a huge boost. The Institute of Chartered Accountants in Australia made this comment:

The government’s announcement today of streamlined BAS and IAS arrangements for small business and small investors is great news. We also endorse the flexibility introduced into the new system, which allows reporting to be based either on actuals or estimates of income tax and GST.

The institute went on to say:

One of the advantages of the BAS regime for small businesses has been the need for more discipline in record keeping. Those businesses that have put systems in place to accommodate the former arrangements will still be better placed to finetune and control their tax reporting and cash flows under the revised arrangements.

(Time expired)

Senator WATSON—Madam President, I ask a supplementary question. Could the minister please outline to the chamber any further endorsements of the changes announced by the Treasurer?

Senator Sherry—Speak up, John, we can’t hear you!

The PRESIDENT—We can hear you, Senator Sherry, and your shouting.

Senator KEMP—Let me quote the Australian Chamber of Commerce and Industry:

It is clear from the Government’s announcements today that they have been listening to the concerns of the business community, particularly small businesses ... The options now available for businesses will provide both simplicity and certainty.

Let me also quote CPA Australia:

The changes announced today by the Treasurer, Peter Costello, are evidence that the Government

has listened to the concerns of small business and their advisers ... This is an excellent outcome ...

The Labor Party, who have virtually no policies, have no idea which way they should be heading but are always concerned when the government makes announcements which are as well received as the Treasurer’s statement last week. *(Time expired)*

Goods and Services Tax: Business Activity Statement

Senator COOK (2.12 p.m.)—My question is to Senator Kemp, the Assistant Treasurer, and is also on the subject of the government’s backflip on BAS. Was the Minister for Small Business, Minister Macfarlane, correct in his statement today about the effect of the BAS on small business when he said:

... it was an unwelcome imposition on the time they had to do their business ... We had increased paperwork and red tape to a point where we felt that we weren’t able to maintain our election promise ...

Given this honesty from the Howard government’s Minister for Small Business, when will the arrogant Treasurer apologise to Australian small business for the economic pain, suffering and destruction that the BAS has wrought on them?

Senator KEMP—I was intrigued by the last part of the question: when is the Treasurer going to apologise for the economic pain according to Senator Cook? Let me deal with that part of the question first. I do not recall Senator Cook ever standing up in this chamber and saying, ‘I am sorry to the householders of Australia for interest rates of 17.5 per cent.’ I do not recall Senator Cook apologising for unemployment levels which reached about 11.5 per cent—record levels. I do not recall Senator Cook getting up and apologising for that.

On the frontbench of the Labor Party, there are a lot of former Keating ministers. The former, failed Keating ministers are still around. Correct me if I am wrong, Madam President, but I cannot recall one of them standing up and apologising for the recession that we had to have. Under the Labor Party, we saw a government who were prepared to spend and borrow. We can also point to the massive deficits that the Labor Party left this

government when they left office. I remember when Senator Cook misled this chamber in November 1995; he incorrectly said that the budget was in surplus when the budget was some \$10 billion in deficit. That is exactly what Senator Cook did.

The problem with the Labor Party is that the Labor Party has form. We can look back and see what record they had. Whether it be interest rates, inflation, unemployment or recession, the Labor Party has form. Senator Cook said—and this is the one thing I have always praised Senator Cook for; it is one of the rare occasions when Senator Cook was honest—that the Labor Party is a high tax party, and that is absolutely right. What Senator Cook does not like in all this is that the government, as I said in my earlier remarks, have listened to small business, listened to the community, looked at the experience that the community has had and moved on that. We have not pretended and, where there are concerns, of course governments must move to address those concerns. The reception that these announcements, made last week by the Treasurer, have received has been—much to the Labor Party's distress—exceptionally good. The business community has recognised that this is a consultative government and that this is a government that listens to business.

Senator Conroy—‘Kicking and screaming’, I think was the phrase.

Senator KEMP—Senator Conroy calls out. I will respond to you, Senator Conroy, because I know you hate to be ignored. I would invite people in the business community to read the language of Senator Conroy in the Senate estimates hearings. Read what Senator Conroy said about distinguished people in business. Read what Senator Conroy said about the CPAs, the accountants. This is a man who holds himself up as being a senior minister in an alternative government. If you want to see the ugly face of Labor, you should read those estimates. Read the comments by Senator Cook last Thursday. Read the comments by Senator Conroy. In fact, I will take the trouble to post those comments out to business, actually. I will inform them. That is what you should be apologising for. (*Time expired*)

Senator COOK—Madam President, I ask a supplementary question. I note that the minister never answered my question, or even tried to, and abused the opportunity to actually inform this chamber. The Minister for Small Business, Mr Macfarlane, has admitted that the BAS has driven people out of business with his statement:

I'm not sure how many small businesses went ... out of business because of it ...

Will the arrogant Treasurer and the out of touch Prime Minister now seek to quantify how many businesses their BAS and the GST have destroyed, or will they simply seek to have Minister Macfarlane tone down on his honesty?

Senator KEMP—Let me make the point again. In fact, I did answer your question, Senator Cook. You asked about apologies and I raised some very pertinent points about your own performance. There is one thing which will loom large in Australian history in the last 20 years: the recession we had to have, according to Mr Keating. You were a senior minister in that government. Can I pose the question: how many people lost their jobs, their savings and their livelihoods as a result of your policies in that recession we had to have? The truth of the matter is that there would be tens of thousands of people, if not more, who were grievously affected by Labor Party policy. These former Keating ministers, frankly, have form. No-one believes them. We saw in the Senate estimates the same arrogant performance that so marked that government over 13 years. (*Time expired*)

Tax Reform: Pensions

Senator KNOWLES (2.19 p.m.)—My question is to the Minister for Family and Community Services, Senator Vanstone. Will the minister inform the Senate of the increases to pension rates as a result of the government's tax reform package, and put straight the Labor allegations that have been made that are quite wrong?

Senator VANSTONE—I thank Senator Knowles for the question, even though I am not happy that it is a question that has to be asked and answered. The Family and Community Services portfolio has as clients, and

protects, some of the most disadvantaged people in Australia. When I inherited this portfolio, I never dreamt that a political party would selfishly exploit the fears of the most vulnerable people in Australia. All is fair, in one sense, in politics, but you would think that the most vulnerable could be left out of it. Labor is attempting to fill its black hole with a fear campaign, and in the process Labor is using the elderly and the disabled as mere political footballs.

Labor's behaviour has exceeded even my worst expectations of what we could expect from them. First, they sought to mislead some older Australians in relation to cash bonuses. Labor's misinformation wasted Centrelink's time, clogged call centres and upset elderly Australians. It was a cheap and fairly dirty trick. Now I understand that Wayne Swan—

The PRESIDENT—Mr Swan, Senator.

Senator VANSTONE—Mr Swan and Mr Beazley have again sought to mislead pensioners. They should immediately correct the public record. Mr Beazley should apologise and he should make Mr Swan do the same. When the GST was introduced, pensioners received a four per cent increase made up of an ongoing real increase of two per cent and a two per cent increase in advance of the March 2001 indexation to offset expected price rises—that is, a two per cent permanent increase and a two per cent advance on the March 2001 CPI. This has always been clear. It was in a fact sheet put out by the department. Mr Crean acknowledged a real two per cent increase in pensions in his own GST information kit which he sent out. It was in the *Seniors News* of March-April 2000, and the Council on the Ageing acknowledged the contribution they had made to negotiations with ourselves and the Democrats and acknowledged their pleasure in the compensation package going up.

Opposition senators interjecting—

The PRESIDENT—Order! There are too many senators participating.

Senator VANSTONE—The Council on the Ageing made that acknowledgment in July 1999, nearly two years ago. In March, pensioners and other recipients will receive a

further CPI adjustment, we think of around two per cent, and that will top up the advance to the full amount due for March. The bottom line is that Australian pensioners will get an increase of two per cent above what they would otherwise have got through indexation. The benefit of the two per cent real increase will continue in perpetuity. Pensioners have received more than indexation, not less. As I indicated, Simon Crean admitted that—

The PRESIDENT—Mr Crean.

Senator VANSTONE—Mr Crean admitted that almost a year ago. In his own GST package he said:

The real increase in the pension will therefore be two per cent.

Mr Swan and Mr Beazley need to correct the record, or they are failing to meet the basic standards expected of shadow ministers—and certainly expected of anyone who thinks they will ever have a hope of getting back into government.

Taxation: Legislation

Senator LUDWIG (2.23 p.m.)—My question without notice is to Senator Kemp, the Assistant Treasurer. Can the minister confirm that since the Prime Minister's promise to slash red tape he has been increasing the tax act on average by three pages a day, 21 pages a week or 1,100 pages per year ever since he took office?

Senator KEMP—In terms of red tape, the former Labor government was the record holder, and the unchallenged record holder. Let me just instance two Labor Party policies which massively increased red tape: the capital gains tax and the FBT arrangements. They were arrangements which your government put in place and which, of course, this government has had to fix up and simplify. The fact of the matter is that this government has implemented a large number of specific measures which help to reduce red tape for business. The government, of course, has presided over sorely needed changes to the Australian tax system. Let me instance a number of areas where these arrangements have been extensively simplified.

Senator Ludwig interjecting—

Senator KEMP—Senator, if you ask me a question, why don't you listen? I know this irks you, but there is an answer to your question. In the area of capital allowances the government is introducing a uniform capital allowance system. Currently—and this is a hangover from the bad old Labor days—there are some 37 separate capital allowance regimes. That is what happened under your government. A uniform system of capital allowances based on a common set of operational principles will offer significant simplification benefits. In the area of capital gains tax the government has removed the complex indexation and averaging rules and replaced them with a 50 per cent reduction in taxable capital gains for individuals and a one-third reduction in capital gains for super funds. In addition to simplification benefits, this will lead to higher investment and, of course, reduce the so-called lock-in distortions in the current system. The government has also streamlined the previously complex CGT concessions for small business. In the area of corporate groups, the government is introducing measures to allow corporate groups to consolidate their taxation accounts and effectively operate as one taxpayer, bringing huge simplification benefits.

Let me turn to small business. I have listed a range of areas where the tax system has been substantially simplified, but let me now turn to some of the measures which are of particular help to small business. To assist small business the government will be introducing a simplified tax system. The main features of this system are a cash accounting regime, a simplified depreciation regime and a simplified trading stock regime. Last week, as I have already mentioned in my earlier remarks, the government announced some very important changes to assist small business in particular in relation to the BAS reporting requirements. This government is determined to run a fair and competitive tax system—a system which is world class. Given the record of the Labor government in taxation, what the Australian community is looking at, and I think in some fear, is what the Labor Party means when it says 'roll-back' and how this will cause complexities in the current tax system. I think the view of business is it will greatly add to the com-

plexity of small business. I thank the senator for the question, and I think I have listed a wide range of areas for the senator.

Senator LUDWIG—Madam President, I ask a supplementary question. Perhaps we can concentrate on the tax act itself. Is the minister aware that this government has increased the tax act from 3,000 pages to nearly 8,500 pages, a massive increase of 183 per cent? Given the Prime Minister's promise to slash small business red tape by 50 per cent, how does he justify increasing the legislation governing the taxation relationship between the government and the taxpayer by an extra 5,500 pages since March 1996?

Senator KEMP—Again I thank the senator for the question. It sounds to me as though that question is another Senator Cook special. You should always be careful about accepting questions from Senator Cook. Let me point out to the senator that I have listed for him a wide range of areas where we have been able to move and substantially simplify the accounting arrangements for small business. There are, of course, areas where we have had to cut down on tax reporting. These have not always been supported by your side of politics, to the Labor Party's undying shame. I think the record will show that the system that we have put in place is a vastly superior system to the ramshackle arrangements that were left to us by the previous government under which high wealth people made taxpaying entirely optional. (*Time expired*)

Murray-Darling Basin: Salinity

Senator LEES (2.29 p.m.)—My question is to Senator Hill, the Minister for the Environment and Heritage. I refer the minister to his recent comments regarding salinity and management of the Murray-Darling Basin:

The Prime Minister's national (salinity) action plan, I suspect, will be the last big attempt at a cooperative model.

He also stated:

... if that doesn't deliver the outcomes that are sought we may well find the Commonwealth government saying we're going to need to take unilateral action.

Given that salinity, land clearing and the degradation of catchments are increasing, as highlighted in the report released today by the House of Representatives environment committee, I ask the minister: at what point will the government pull recalcitrant states like Queensland into line? At what point will he use Commonwealth powers to protect the Murray-Darling Basin?

Senator HILL—This debate, as to what should be the appropriate mix of powers between the new Commonwealth and the new states in relation to natural resource management, and in particular in relation to rivers that crossed the new state boundaries, took place over a hundred years ago in the lead-up to Federation. That debate concluded that the best outcome would be achieved through that responsibility remaining with individual states in relation to the assets within their state boundaries and that, if all parties fulfilled that responsibility in a proper way, the best outcome would be achieved nationally.

The problem is that some states have failed to implement that responsibility properly, and Senator Lees made mention of the state of Queensland. Queensland still has not agreed to cap extractions from rivers within the Murray-Darling Basin, and therefore Queensland is significantly contributing to the ongoing degradation further downstream. In 1998, the other states agreed to a cap set at 1993-94 levels. Queensland would not agree. Queensland said it needed to go through a process of water allocation studies—its WAMP process—in order to decide what would be the appropriate level of extraction from Queensland before it could sign on. That process, as we now know, is three years overdue. It still has not been concluded, and therefore Queensland has not decided at what level it would be prepared to limit extractions. Other states, in particular my state and Senator Lees's state of South Australia, are suffering significantly as a result of that failure of a state government to meet its responsibility.

Rather than dwelling on whether it is yet time for the Commonwealth to take the power, what is more pertinent at the moment is demanding again of states that still claim

they can achieve best outcomes through the full exercise of their responsibilities that they in fact do the job properly. Here we have Mr Beattie in Queensland, who has had a huge election win. He will never be in a better position to take hard but correct decisions in the national interest, so there is now a real leadership test for Mr Beattie. Is he going to accept a cap on extractions from the rivers that feed into the River Murray and are adding to salinity and other water quality difficulties further downstream? Is he going to show the courage and meet the responsibility of leadership?

Now is the chance for him to do so, because the Murray-Darling Basin Ministerial Council meets on 30 March, which is only a few weeks away. That is when Mr Beattie must come to Canberra and say, 'Okay, Queensland now accepts its share of the national responsibility and will do the right thing.' If Mr Beattie will do that, then there is no need for the Commonwealth to talk about taking on powers which have traditionally been regarded as more appropriate powers for the states. So that, I would suggest, is the real nub of this debate: demand that states meet their full responsibilities and then, in those circumstances, they are entitled to retain that responsibility of natural resource management. (*Time expired*)

Senator Bolkus interjecting—

Senator LEES—Madam President, I ask a supplementary question. If at the meeting on 30 March it is still clear that some states are not going to cooperate, what plan of action does the minister have? Have you sought advice from the Attorney-General as to the extent of Commonwealth powers specifically in regard to water quality and water control in the Murray-Darling Basin system? Are you going to keep standing to one side and demanding without actually getting out the big stick and saying to states, 'We're now going to enforce it. This is our plan of action'?

Senator HILL—I believe that the Commonwealth has powers, but I have always accepted that a genuine cooperative federalism with everyone pulling their weight, not just in their own selfish interests but in the interests of the whole country, will achieve

the best outcome. That is why we as a government support that approach. So the challenge is with Mr Beattie. I take up Senator Bolkus's earlier interjection, because he reminds me that Mr Carr's government has also failed to fully implement the cap. Not only do we need promises; we need delivery of outcomes in accordance with those promises. All Australians should be saying to these eastern state premiers, and particularly to Mr Beattie, 'Time's up. It's time that you started to meet your responsibility in this regard.' How the Greens, for example, could give preferences to Mr Beattie, who has no intention of delivering upon his responsibilities in relation to land clearing and natural resource management in Queensland, is beyond my comprehension.

Goods and Services Tax: Pensions

Senator CHRIS EVANS (2.36 p.m.)—My question is directed to Senator Vanstone, the Minister for Family and Community Services. I note the minister's impassioned response to Senator Knowles's question on this subject earlier. I ask: can the minister explain how much of the \$485 million of taxpayers' money spent by the Howard government on prime TV ads and glossy brochures to publicise the new tax system was actually spent on alerting Australia's 2.6 million pensioners to the fact that half of the GST compensation would be clawed back nine months after the GST impacted on their purchasing power?

Senator VANSTONE—I thank the senator for his question. He asks, in effect, what information was put out to make this clear to all Australians and he wants the detail. He wants the detail of the dollar value vis-a-vis advertising. Let me commence by reminding the senator what he was told in the answer I gave to Senator Knowles. Firstly, the government fact sheets contained the information and made it very clear that the four per cent increase was in fact a two per cent one-off complete top-up and two per cent in advance. I will find out how many fact sheets were delivered and see if we can get a cost of that for you. Mr Crean's own GST information kit which was put out in, I think, 1999 made this clear. So it is at least clear that whatever information was put out was clear enough for Mr Crean to understand the

situation nearly two years ago. Apparently, Senator, two years later you have not caught up with him. But we obviously had enough information out for him to understand very clearly two years ago what the situation was.

There were a number of articles in the *Seniors News* dealing with this matter, but the specific one I chose to raise with you, because it was the clearest that I picked out of a number this morning, was the March-April 2000 *Seniors News*. I will see if we can find how many of them went out. I think they go to all senior pension recipients. So that was all extremely clear in the March-April issue. I will try to find out what public information the Council on the Ageing relied on, if I can find that out, because it is very clear that the Council on the Ageing in their responses, which I think we did repeat in the *Seniors News*, acknowledged the consultations the government had had with them over compensation. They acknowledged that as a consequence of the consultations the compensation package to pensioners was in fact increased. The Council on the Ageing wanted to thank the Democrats for the role they played in ensuring that happened and I think made it pretty clear they were happy with the government for that increase coming about. The Council on the Ageing were on top of this in July 1999, Senator. It is now nearly March 2001 and I wonder when you are going to catch up.

Senator CHRIS EVANS—Madam President, I ask a supplementary question. I just want to remind the minister of the question. I know how much the Labor opposition publicised the changes but the question went to whether or not she and the government had publicised the changes. The question is: of the \$480 million of taxpayers' money you spent selling the package, how much of it did you use to explain to pensioners that you were going to claw back half the compensation that they were entitled to receive in March?

Senator VANSTONE—The question is based on a complete misunderstanding by the senator and a complete misrepresentation. He does not understand in February-March 2001 what the Council on the Ageing and Mr Crean understood in 1999. Nonetheless, I

will see whether it is possible, without allocating thousands and thousands of hours of Public Service time, to give you a figure. When this information is included in packages, what portion of the cost do you attribute? It really is a ridiculous question, Senator, because you know that Mr Beazley has been out there cashing in on a fear campaign, scaring older Australians. Let me assure you of this: you will not get the vote of younger Australians by frightening their grannies. You go around frightening grannies and you will pay for it.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President's gallery of a parliamentary delegation from Portugal led by Mr Miguel Anacoreta Corria. On behalf of honourable senators, I have pleasure in welcoming you to the Senate and I trust that your visit will be both informative and enjoyable.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Egypt: Massacre of Coptic Christians in El Kosheh

Senator HARRADINE (2.41 p.m.)—My question is directed to the Leader of the Government, representing the Minister for Foreign Affairs. It relates to the massacre last month in the town of El Kosheh in Egypt of members of the Christian Coptic Orthodox Church. What action did the Egyptian authorities take at the time? What action are they taking at the present moment in respect of the property and lands of those deceased persons? Have charges been laid in the Egyptian courts? Have they been heard and with what outcome? Has the Australian government made representations to the Egyptian government in respect of this gross violation of the religious rights of a minority?

Senator HILL—I have very little information on the subject. I can advise the honourable senator that the government continues to monitor the situation of Coptic Christians in Egypt and that our embassy in Egypt has made representations from time to time concerning specific incidents. Beyond that, I will need to get advice from the Minister for

Foreign Affairs and I will do so and return with an answer as quickly as possible.

Goods and Services Tax: Fuel Excise

Senator MURPHY (2.43 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Is the minister aware that, according to the Australian Automobile Association, the Prime Minister is reaping a fuel tax windfall of approximately \$1.5 billion in a full year, yet he is only returning \$400 million of this per year over four years in his roads funding package? Why cannot this out-of-touch Prime Minister use some of the balance of the \$1.1 billion to honour his promise to Australian motorists that the GST would not put up the price of petrol?

Senator KEMP—I thank the senator for the question. It is an absolutely astonishing question. I mean—anyone who saw Mr Beazley on the weekend! I do not know whether this question was written last week, but the fact of the matter is that Mr Beazley was asked about this so-called windfall that the senator talks about and was asked would Mr Beazley hand back this windfall. This is what Mr Beazley said, and I quote:

... if the government does not eliminate the windfall, and they may well do that by the time of the next election, then what we do with a petrol—

Listen to this, Madam President. This is a beauty! This really shows the leadership that the Labor Party has. A senator stands up in this chamber and asks me this question when his leader says this:

... then what we do with a petrol excise regime will be featured in the totality of our plans on rollback and will be considered against all the other claims associated with that.

This is astonishing. He is claiming a windfall; he is asking us to do something that the Labor Party refuses to do itself. It is an astonishing question. I do not know how long the community will put up with the Labor Party—

Senator Cook—How much is the windfall?

Senator KEMP—wandering around in such a total state of policy confusion. Senator Cook butts in.

Senator Cook—How much is it? Tell the truth!

Senator KEMP—Let me give you an example of their policy confusion. On Thursday night last, the Australian Board of Taxation was about the worst thing this government had ever done: Senator Conroy alleged that it was a totally corrupt body, and the accusations were made that the Labor Party, according to Senator Cook, said they would abolish it. Lo and behold, Friday morning comes along and we learn that the Labor Party supports the Australian Board of Taxation and the Labor Party has changed its policy overnight! It is a farce. We are seeing from the Labor Party totally farcical behaviour where a senator stands up, alleges a windfall and then claims that this government should do something—when his own leader has made a statement about that at the weekend. This is a very poor performance, even by the miserable standards of the Labor Party.

Senator MURPHY—Madam President, I ask a supplementary question. The minister may choose to put his own spin on what the opposition leader may or may not propose to do, but it does not take away from the fact that you are the government. You are the government, and you have responsibility on the day. Perhaps the minister may like to answer this. What is the Prime Minister going to do—

Government senators interjecting—

The PRESIDENT—Senator Murphy, I am calling you to order, and senators on my right will cease making so much noise. Senator Murphy, your question?

Senator MURPHY—Perhaps the minister might like to answer this. What is the Prime Minister going to do to reduce the city/country fuel price differential which results in country motorists paying significantly more per litre in petrol taxes than their city cousins do? Given that the Treasurer has stated, ‘We have put in place a number of changes which in particular have helped business and rural and regional Australia on petrol’ and given that the country/city fuel price differential has gotten worse under the GST, haven’t these Howard government policies clearly been another failure?

Senator KEMP—Let me just state for the record that the senator once again is misinformed. He alleges that I have misquoted Mr Beazley. Let me just quote Mr Beazley exactly. This was on the Mitchell program. Mr Beazley was asked this. Mitchell said, ‘Sorry, you said “not the excise”. I must have misunderstood. Will you consider taking the excise off petrol?’ Mr Beazley said, ‘Well, if you took the excise off petrol, what particular schools would you start to shut?’

I must say, in answer to the specific question, that the senator is as usual poorly informed. He obviously does not understand the fuel grants scheme, which has been of great assistance in this area. But what we are seeing in the Labor Party is total policy confusion. They are standing up, demanding that the government take particular action—action which they rule out themselves. (*Time expired*)

Honourable senators interjecting—

The PRESIDENT—Senators on both sides will come to order. We are waiting to proceed with question time.

Economy: Families

Senator SANDY MACDONALD (2.49 p.m.)—My question is addressed to the Leader of the Government in the Senate, Senator Hill. Will the minister inform the Senate how the responsible economic management of the Howard government has benefited Australian families? Is the minister aware of any alternative policy approaches, and what would be the impact of such proposals?

Senator HILL—Dealing with the second part first, I also have been trying to follow the policies of Mr Beazley in relation to excise. He was asked, for example, yesterday a simple question on the subject of cutting fuel excise: ‘Would you give the money back to motorists?’ A simple question. His answer? ‘Look, supposing we achieve success in that regard over the next couple of weeks as I believe we will, a new set of conditions will be created.’ ‘So, will you give the money back to motorists?’ ‘Look, supposing we achieve success in that regard over the next couple of weeks as I believe we will, a new set of conditions will be created.’ A fortnight

ago in another radio interview he was asked the same question 20 times and refused to answer. What it demonstrates is that Mr Beazley is not going to come clean on the Labor Party's policy on excise. Why? I will explain.

Senator Cook—Will you come clean about the windfall?

Senator HILL—The Australian people have an opportunity to judge the economic performance—

Senator Cook—Will you come clean about the windfall?

Honourable senators interjecting—

The PRESIDENT—Order, on both sides! Senators on both sides are shouting and behaving in contravention of the standing orders.

Senator HILL—The Australian people have an opportunity to judge—

Senator Cook interjecting—

The PRESIDENT—Senator Cook, you should abide by the standing orders and you know what they are.

Senator HILL—For a third time: the Australian people have the opportunity to judge the performance of governments' economic management and the benefits or otherwise that flow from that performance. When they look at the record of this government, they will see that through sound economic management we have been able to contribute to the creation of 770,000 new jobs—a record of which we are particularly proud. They will see that through sound economic management—

Honourable senators interjecting—

The PRESIDENT—Order! There is an appropriate time to debate these issues, and it is not during the minister's answer.

Senator HILL—They will see that through sound economic management we have been able to bring housing interest rates down—

Senator Cook interjecting—

The PRESIDENT—Senator Cook, I have already spoken to you about your conduct.

Senator HILL—to 7.5 per cent or lower, a saving on average of some \$245 a month of

real benefits, and they will see that we have been able to deliver an income tax cut of some \$12 billion, substantial benefits to ordinary Australians—

Opposition senators interjecting—

The PRESIDENT—Order! There are a series of senators on my left shouting continuously. Your behaviour is unacceptable and in breach of the standing orders, and each of you, I know, knows that.

Senator HILL—This is the debate that the Labor Party will not focus upon: the benefit of sound economic management as delivered by the Howard government together with the Labor Party's record. Interest rates up over 20 per cent for small business, a peak of 17 per cent for housing, and a million unemployed in the early 1990s—this is the record of Labor through inept economic management. Senator Cook should remember it. They left a deficit of \$10.3 billion and accumulated debts of \$80 billion over the previous five years alone.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left are shouting and they are persistently interjecting during the answer. Wilful and persistent behaviour of that kind is in breach of the standing orders, and you might read them to know the consequences that can follow.

Senator Cook interjecting—

The PRESIDENT—Senator Cook, you have been interjecting persistently—I hope not wilfully.

Senator HILL—So what is the approach of new Labor, Mr Beazley's Labor, to this? It is to promise more money on health, more money on education, more money on regional universities, more money on aged care, more money on the environment, more money on a coastguard, more money on deregulation, more money to pay for roll-back—and so the list goes on. Madam President, where does the money come from? What does it cost? Of course, that is what you are not getting an answer on from Mr Beazley. That is why, when he is asked on excise, 'Will you get it back?' he will not say yes or no; he waffles.

All the Australian people can do is look at how Labor paid for it before. How did they pay for it? High taxation, high interest rates, high inflation, high unemployment—the contrast is clear and stark. Sound economic management delivers real benefits, positive outcomes. Labor's economic management just leads to disaster.

Economy: Australian Dollar

Senator CONROY (2.55 p.m.)—My question is addressed to Senator Kemp, the Assistant Treasurer. Does the minister endorse the comments made by Mr Joe Hockey in New York to the effect that a changing government would see a fall in the Australian dollar, and his statement 'that's what the markets are saying'? Given that the Australian dollar was US76.18c, £0.4982 sterling and ¥80.66 when the Howard government won office in March 1996 and is now worth US52.45c, £0.3603 sterling and ¥61.15, what judgment have these same markets made about this government's economic management?

Senator KEMP—I think the contrast between the performance of this government and the former Hawke and Keating governments is most striking. This government has delivered record growth in the Australian economy. We have been able to cut the unemployment levels that were left to us by Labor, which at one stage—as I said to Senator Cook a little bit earlier on today—reached a peak of over 11 per cent. Let us contrast the performance on the interest rate front. Interest rates for those who have mortgages reached a peak of around 17 per cent, in contrast to the record low levels of interest rate today. The Labor Party raise taxes; we have cut taxes. We have cut the levels of unemployment.

Seeing Senator George Campbell over there reminds me always that George Campbell pointed out that the performance of the Hawke and Keating governments in delivering real wage growth to workers was lamentable. Senator George Campbell was absolutely right on that front; Senator, you were absolutely right. What have we seen under this government? Rising real wages. So wherever you look, Madam President, the performance of this government far out-

shines that of the former government. Because there is some noise from the other side, let me just make the point that the former government, of course, delivered the 'recession we had to have'.

Senator Conroy wanted me to contrast the performance of this government with the former government; I am happy to contrast this performance. The performance of the former Labor government is found wanting in just about every respect. When the public start to focus on this and, indeed, on the policy performance of Mr Beazley, I think they will become increasingly wise to the fact that this is a Labor government largely comprised of failed ministers from a former government.

Senator CONROY—Can Minister Hockey provide a list of US investors to support his statement that 'the currency fall will be triggered by US institutional investors selling their shares'; or isn't this more a case of Mr Hockey engaging in cheap political shots by treacherously bagging Australia while overseas, in order to cover up his own failure to make Sydney a global financial centre?

Senator KEMP—Mr Hockey, I think the truth of the matter is, has done an excellent job in his portfolio. The fact of the matter is that you asked me to contrast your performance and the performance of the current government. Mr Hockey undoubtedly was contrasting the performance of the Hawke and Keating governments with the performance of this government. Mr Hockey, I suspect, came to the conclusion, as I have come to the conclusion, that, in virtually every respect, the former Labor government has been found wanting. Let me say that your coming onto the frontbench has not improved the performance one iota.

By-elections: Cost

Senator BARTLETT (3.00 p.m.)—My question is to the Special Minister of State and also the Minister representing the Minister for Finance and Administration, Senator Abetz. Can the minister indicate what the cost to the taxpayer will be of the Ryan by-election caused by the premature resignation of Mr John Moore? What was the cost to the

taxpayer of the Holt by-election caused by the premature resignation of Mr Gareth Evans? Does the minister agree that unnecessary by-elections are a waste of taxpayers' money? Will the minister consider adopting a recommendation of the Western Australian Commission on Government, originally proposed by the Australian Democrats, to impose a financial penalty on MPs who generate a by-election without due cause such as ill health?

Senator ABETZ—Believe it or not, I do not have the figures available for the cost of the Holt by-election and other by-elections that have been occasioned around the country. It is something, I daresay, that the Australian Democrats will have some difficulty with because they do not hold any seats in the House of Representatives. It is easier, of course, in the Senate to resign and then get a casual vacancy and so it is something that the Australian Democrats will not have to experience.

In relation to the right of a member of parliament to resign, that is a right that they are guaranteed, as I understand it, under the Constitution. Members of parliament can resign when and as they deem appropriate. If the Australian Democrats are suggesting that members of parliament, for whatever reason—be it the personal or for family reasons—want to resign from this place then to place that financial burden on them is, in my view, not appropriate. Indeed, there have been people who have resigned, as I understand it, from both sides of politics for family and personal reasons.

Government senators interjecting—

Senator ABETZ—I think that is a call members of parliament have to make, and to say that they should not be entitled to leave for fear of a financial impediment is not necessarily something we, as a community, would want. I know that some interjections have been made in relation to Cheryl Kernot but, of course we know that the Australian Democrats would love me to refer to Cheryl Kernot—

The PRESIDENT—Order! Senator, if you wish to refer to the member, refer to her correctly, please.

Senator ABETZ—The member for Dickson, the former leader of the Australian Democrats. I can understand that there might be some embarrassment that the Democrats would want to occasion to her, and that is fine. In relation to the costs, there are costs associated with a casual vacancy, and it is interesting that I think Senator Bartlett was the beneficiary of a casual vacancy.

Senator BARTLETT—My supplementary question is again to ask the minister whether he agrees that unnecessary by-elections generated by a member's resignation without due cause, as recommended by the Western Australian Commission on Government, are an unnecessary waste of taxpayers' money and, when a member does resign without due cause, whether they should be required to pick up some of the excessive cost to taxpayers that happen as a result.

Senator ABETZ—It is an interesting term, isn't it, 'unnecessary resignation'? How on earth are we going to define whether a resignation is necessary or unnecessary? I can imagine the Australian Democrats toiling away seeking to put into some legislative framework all the circumstances in which a resignation might be considered as being necessary as opposed to unnecessary, and you might like to start with your former leader and whether her resignation was necessary or unnecessary for the definition that you would propose.

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

ANSWERS TO QUESTIONS WITHOUT NOTICE

Goods and Services Tax: Business Activity Statement

Senator COOK (Western Australia—Deputy Leader of the Opposition in the Senate) (3.05 p.m.)—I move:

That the Senate take note of answers given by the Assistant Treasurer (Senator Kemp) to questions without notice asked by opposition senators today relating to the goods and services tax.

A number of opposition questions today canvassed the government's backflip last Thursday on the business activity statement form.

We are all familiar with the events that happened. The Treasurer, after strenuously denying any need whatsoever to change the form, last Thursday followed almost entirely but not completely the Labor Party blueprint for the new BAS form and announced some changes.

Unfortunately, had he announced all the changes that the Labor Party proposed, then the form would have been a far better form than it is now. The form in its current incarnation still embeds for small business a range of problems, not the least of which is that small business are still required to engage in the arduous record-keeping of the old BAS form which so troubled them, keeping them up late at night and putting stress on their marriages and driving them to the brink of, and over, the precipice of bankruptcy. That Liberal Party form, the form that was going to make life simpler, has now been abandoned.

Let me go to a startling outbreak of honesty from the government on this. True, it comes from a new minister—someone who has been on the ministerial frontbench only for a very short period of time and has not yet been tutored by his leader and by the Treasurer about how to deal with inquiries about the BAS. The new federal Minister for Small Business, Mr Macfarlane, has said:

I am not sure how many small businesses went out of business because of it—

that is, the BAS form—

but I certainly know that marriages were strained, small business were taken away from . . . running their small business to get their books in order.

He said:

It's had an impact on small business confidence, there's no doubt about that.

He said further:

I'm sorry for small business. It was an unwelcome imposition on the time they had to do their business. We had increased paperwork and red tape to a point where we weren't able to maintain our election promise.

That is from the newly ensconced Minister for Small Business. That is not what the government was saying last week, up until Thursday. That is not what the government said last year when we raised questions. That

is not what the government said the week before, when Labor announced our proposed changes to the BAS form. On all of those occasions, the Treasurer, Mr Costello, rubbished those who complained about the problems, and he rubbished us for the changes that we wanted to make.

Mr Joe Knagge, of the Chamber of Commerce from Dubbo, had this to say about the form in the *Daily Liberal* on Monday, 19 February:

A few people in the Bathurst and Orange districts have thrown their hands in the air and walked away from businesses because the GST and new reporting methods are so difficult. The GST has been the major contributing factor, and it is no wonder people are feeling confused and uncertain. Even Australian Tax Office staff have trouble in sorting out the problems.

So much for the voice of regional and rural Australia, the area the government claims to direct its attention to. The strong arm of government is destroying business in regional and rural Australia. On the front page of the Hobart *Mercury* last week there was a report about a small business person holding up a sign that said, 'RIP small business, killed by the GST 2001 A.D.' It is no wonder the government was forced into this backflip. The trouble with the backflip is that it has not gone far enough, it has not embraced the changes that Labor have proposed, and there will be ongoing problems as a consequence. When the protest comes and we have more policy on the run, more policy panic, and more policy confusion from this government, small business will truly realise that the party that actually cuts red tape and looks after their concerns is the Australian Labor Party. (*Time expired*)

Senator GIBSON (Tasmania) (3.10 p.m.)—I rise to respond to the opposition's motion to take note of questions to Senator Kemp, the Assistant Treasurer. Isn't it ironic that the Labor Party are criticising another detail of the implementation of tax reform in Australia? Isn't it ironic that the Labor Party are doing this consistently and have done so for the last couple of years? They have known, going back 25 years, that tax reform was required. There were major reports when they were in government and attempts by

their governments to bring about tax reform, but they backed off. The Howard government had the guts and determination to know what was right for the Australian community for the longer term—not for the short term. This was something for the future. This was something to make the system better for the longer term future for our children and for their children, so that they have a better future to look forward to and so that Australia works more efficiently and gets more investment. And what happens? The Labor Party have criticised, every day, right through the process, our changes to the tax system over the last two years. Last week we announced changes to the BAS form—

Senator Conroy—Massive roll-back.

Senator GIBSON—That was always going to happen, Senator. There was always going to be a review of that. What has been changed has been welcomed by the community because it has made it more efficient. It is all very well for senators opposite to claim that they had foresight—

Senator Sherry—We did.

Senator GIBSON—You did not; what nonsense. I will quote some of the things that have been said in the media about the changes we brought about last week. The National Farmers Federation said, 'Rural Australia has been given a great boost.' The Institute of Chartered Accountants of Australia said:

The government's announcement today of streamlining BAS and IAS arrangements for small business and small investors is great news. We also endorse the flexibility introduced into the new system, which allows reporting to be based either on actuals or estimates of income tax and GST. One of the advantages of the BAS regime for small businesses has been the need for more discipline in record keeping. Those businesses that have put systems in place to accommodate the former arrangements will still be better placed to fine-tune and control their tax reporting and cash flow under the revised arrangements.

The accounting bodies have welcomed the change, and rightly so. The CPAs said this on 22 February:

The changes announced today by the Treasurer, Peter Costello, are evidence that the government has listened to the concerns of small business and

their advisers. This is an excellent outcome and demonstrates what can be achieved through ongoing consultation. CPA Australia strongly supports all the changes announced.

The Australian Chamber of Commerce and Industry said:

It is clear from the government's announcements today that they have been listening to the concerns of the business community, particularly small business. The options now available for businesses will provide both simplicity and certainty.

But let us get back to the main game. This is about tax reform across the community for the longer term. We have reduced income tax and marginal rates of tax. So people earning between \$30,000 and \$50,000 face 30 cents in the dollar. Previously they were facing marginal tax rates of 34c and 43c. This destroyed the incentive for people to work, to save and to invest. That has been changed. We got rid of the inefficient wholesale sales tax system.

Opposition senators interjecting—

Senator GIBSON—You might laugh, Senators, but if any of you have had dealings with people in business who actually had to deal with the wholesale sales tax and the disputes and the rorting which actually took place because of the definitional difficulties with the wholesale sales tax, you would know that we now have a much better, more efficient system. The adjustment to the BAS makes it easier. (*Time expired*)

Senator CONROY (Victoria) (3.15 p.m.)—I rise to take note of Senator Kemp's answers, but I also wish to talk about his pathetic defence of the Minister for Financial Services and Regulation, Mr Hockey. You saw today the chance for Senator Kemp and the government to go on the front foot to defend Minister Hockey. Joe Hockey MP, the Minister for Financial Services and Regulation, speaking at the Harvard Club to a group of US fund managers and investors in New York, stated:

A lot of institutional money is in banks and Telstra, and the Labor Party is moving to reregulation of banking and to use Telstra as a social policy tool.

Senator Sherry—I wonder what the National Party think?

Senator CONROY—That is right; don't mention the National Party. Minister Hockey continued:

The feedback is loud and clear that they, the investors, are concerned about the ramifications.

When asked if the Australian dollar would fall if there was a change in government, he said:

That's what the markets are saying.

This minister has breached a long established protocol that, when overseas, government and opposition figures refrain from making political attacks that could harm Australia's international reputation. The government's ministerial code of conduct states that ministers should ensure that their conduct is defensible and that they should consult the Prime Minister when in doubt about the propriety of a course of action. The conduct of the Minister for Financial Services and Regulation is not defensible. He should have been straight on the phone from New York to the Prime Minister to say, 'Prime Minister, I've done it again.' Mr Howard should immediately disassociate his government from Mr Hockey's remarks and demand an immediate retraction from his minister. If the minister is not prepared to apologise he should resign. The Assistant Treasurer had the opportunity today on behalf of the government to distance himself from this incompetent, bungling minister.

Of course, this is a government that has a record of foot-in-mouth disease on international trips. In October 1996, the Treasurer, Mr Peter Costello, had a private, confidential briefing with the head of the US Reserve, Dr Alan Greenspan. I am sure senators remember the contribution that followed. Mr Costello came out of that meeting and said to journalists:

He indicated to me—

that is, Dr Greenspan—

that he saw no threats to inflation down the track. The only point you could see developing would be if wages grew strongly, but for an economy which is running virtually full employment you don't see a build-up of wage pressures. So he indicated to me there was no reason to expect a change on the current scene as he sees it.

Mr Costello continued:

He was very optimistic. He indicated to me that he saw no threats to inflation down the track. I don't think there is any expectation at the moment that (US) rates are going to rise.

Mr Costello's comments sent the bond markets soaring. One bond trader in the US said:

All the US banks are asking, 'What the hell is going on? Who is this hick?'

Chase Manhattan was quoted as saying:

I think it took a while for people to work out who the hell Mr Costello was and what he was doing talking about Greenspan so bluntly.

They go overseas and they are absolutely out of their depth. We all cringe when we see the Prime Minister wandering around international forums. We have Costello who sends the markets into a frenzy and now Hockey tries to get a run on the dollar! Fair dinkum, you can't trust this mob when they are out of the country.

But Mr Hockey is a serial bungler. It might be okay if global Joe was a competent minister without a track record, but who can forget what happened just after he was sworn in? He wanted to big-note himself. Following his promotion to the ministry in October 1998, Mr Hockey told journalists:

You wouldn't speculate in the ringgit, which is Indonesia's currency, because you'd be risk averse. You'd be inclined not to speculate in that currency because of certain financial instability in Indonesia.

The only problem is that the ringgit is Malaysia's currency; Indonesia has the rupiah. Fair dinkum, this bloke just stumbles from collapse to collapse. Speaking at a conference in 1998, Mr Hockey fumbled on four pillars, saying:

The 'four pillars' policy is in place and the Government is committed to it. But all policies are under review and that's one of them.

He sent the bank shares into a frenzy. The Treasurer was forced to reinforce the government's commitment to four pillars. This bloke is a serial bungler. (*Time expired*)

Senator WATSON (Tasmania) (3.20 p.m.)—This afternoon we have seen another demonstration of how the Australian Labor Party flit frivolously from issue to issue. Do they take some of the big issues in Australia seriously? Again we have seen a demonstra-

tion of a lack of focus by the opposition—a lack of focus which I think is disappointing. We have seen this demonstrated again in this motion to take note. The Australian people do, and will in the long run, support parties and leaders who show a degree of leadership and who strive to redress wrongs, improve the economy and make life fairer for everybody. Leaders who have no such policies are eventually shunned. True, in the short term, the polls may go against these people who do show leadership—timing is important—but Australia, as a young and vibrant nation, needs a leader and a party that will show some direction.

I recently sat beside a Frenchman who had recently moved to Australia. He was eminently qualified and was doing a lot of business in Asia. His skills were in interpretation. I found it quite interesting that a French person with those linguistic skills should actually come to Australia. I asked him the reason and he said, 'In Europe, there is a lack of direction and a lack of identity. Australia is a vibrant young country. There is hope, there is good leadership and we feel that there is a future here not only for me but for my children.' This is what it is all about.

The coalition, under John Howard, has shown leadership in bringing about reforms, widespread reforms which were designed to lower the tax rate and provide people with more disposable income; in other words, people could spend the extra money as they wished—more discretionary spending. We have listened to people who have said that the business activity statement, after a couple of quarters, was shown to be a somewhat complex document. Although a lot said that it would take a lot longer to make the necessary changes—information essentially emanating out of Treasury—the government said, 'We cannot afford to wait any longer. We will bring about these changes immediately.' So we have seen quite a significant reduction in the information in the business activity statement.

There are three components of this business activity statement. Firstly, there are significant changes to the GST component in terms of what was previously required. People are saying, 'This is a sudden change,' but

there have been changes earlier. The first was the introduction of the concept of the accounts derived basis—that is, businesses had the opportunity to lodge their business activity statement on the basis of an extra column and to net out the amounts claimable for income tax in terms of GST related expenses. That was a very significant change. In fact, a lot of people have changed to that particular approach because, while it might take just a little bit longer to write up your books in the first place, however, at the end of the period the time taken to complete the new form is minimal.

Secondly, there is no change to the group tax arrangements. Thirdly, there are changes—and this is where the big savings to businesses are going to come—to the PAYG component in determining your income tax instalment. This is the big breakthrough for business because they will now have another option. For many businesses, that figure will be given to them by the tax office rather than businesses having to make the turnover calculations themselves. But I should mention another feature that has not been highlighted—and it is a very significant change: in recognition of the tight lodgment date, the lodgment date has been extended. They are given an extra week—(*Time expired*)

Senator SHERRY (Tasmania) (3.25 p.m.)—Senator Watson referred to the Frenchman he was talking to who had fled France to come to the young, vibrant democracy of Australia. I remind Senator Watson that about the only matter of relevance relating to Frenchmen is that the French invented the GST—this horribly complex tax that requires the imposition of a business activity statement on every small business in Australia in order to collect it. It was this government, the Liberal-National Party, that imposed the business activity statement on two million businesses in Australia—not just small business but self-funded retirees. Two million business outlets became tax collectors in this country.

Senator Gibson had the gall to say that they had got rid of the inefficient wholesale sales tax. The so-called inefficient wholesale sales tax was only collected by 60,000 busi-

nesses. The so-called simple new tax system—the GST—with the business activity statement is collected by two million outlets. This is the so-called simplified system. Senator Calvert and Senator Gibson accuse the Labor Party of not having any policy. We have been pointing out for the last year—before the GST was put in place in July last year—the complexity and difficulty that small business would face as a result of the business activity statement. Labor clearly pointed out to small business—the two million small business tax collectors in this country—how complex the GST and the BAS would be. But what did we get from the Treasurer of this country? The Treasurer said in February 1999:

... we can dramatically reduce the compliance burden on business as a result of their taxation obligations.

Indeed, the Prime Minister said that he was going to cut red tape for small business by 50 per cent. What has he done? He has quadrupled the paperwork of small business. I think the quote of all quotes was from the Treasurer in reference to the difficulties of the BAS system applying to small business. He said in November 2000:

If somebody came from Mars tomorrow and looked at an income tax requirement and a BAS requirement, the BAS would be the simpler of the two.

How out of touch can the Treasurer and the Prime Minister be when the Treasurer is claiming that a person coming from Mars would think that the BAS was simpler? That was in November 2000. Now we have the massive roll-back by the Treasurer of the business activity statement. Before I get to Mr Costello's comments, Labor has raised in this place time and again with the Assistant Treasurer the complexities, the paperwork, the extra time, the cost and the struggle of those two million small business operators who have had to collect the new tax using the business activity statement. We have raised it time and again. Senator Kemp is the Assistant Treasurer. He works with the Treasurer, Mr Costello. Senator Kemp—and I hope he is listening—is responsible for tax administration in this country. What has Senator Kemp said in this place in response

to Labor's criticisms about the business activity statement? I look back to the *Hansard* of 7 November last year. He said:

The Labor campaign against the BAS, like all Labor's other campaigns, is extremely hypocritical and not worthy of a party that wants to make an important contribution to public debate.

He said:

The preparations for the lodgment of the first quarterly BAS have gone extremely well.

He said on 28 November:

But I think the overall system is working well.

... ..

The form that we released was market tested and we took into account those market testing arrangements to make sure that we maximised the straightforward nature of the form.

This was back in November last year. Now the Liberal-National Party have done a massive roll-back of the GST through the BAS collection forms. This takes notice of many of the warnings the Labor Party has given during the last year and copies much of Labor's policy on the business activity statement. (*Time expired*)

Question resolved in the affirmative.

By-elections: Cost

Senator BARTLETT (Queensland) (3.30 p.m.)—I move:

That the Senate take note of the answer given by the Special Minister of State (Senator Abetz) to a question without notice asked by Senator Bartlett today relating to the cost of by-elections.

The answer given by the minister indicates yet again why there is such low public confidence and faith in the ability of governments to recognise the concerns of the electorate. Rather than specifically answer the question that I asked—whether the minister is concerned about the cost to the taxpayer of unnecessary, self-indulgent resignations of members of parliament, causing by-elections—he simply chose to ignore it, to not acknowledge the level of cost that is involved and to not in any way acknowledge the genuine public anger that occurs every time a by-election happens for reasons that are clearly unjustified.

It is quite easy to understand the public perception when someone puts themselves

up as a candidate for an election in a lower house seat. They are basically saying, 'I'm applying for this job for a contract period of up to three years.' Everyone in the public can quite clearly understand it if someone has ill health or if there are other pressing personal reasons why they are not able to continue in that position—that is fair enough. But there are other situations, as quite clearly evidenced by the situations of the former member for Ryan and the former member for Holt. To use a Queensland example which has just occurred, the former Leader of the Opposition in Queensland, Mr Borbidge, was saying, basically before the votes had even finished being counted, 'I'm out of here. I don't want to take up this job that you have all just come out and voted to put me in.' It is no wonder that in those circumstances the public gets extremely irritated, not just at the inconvenience of having to go through the by-election process again but also at the cost to the taxpayer of having to go through that unnecessary routine. That is the basis of the public anger in relation to such scenarios.

Quite clearly, if the former member for Ryan, Mr Moore, had remained in the ministry, he would have stayed in that position through to the election with no problem. As soon as he was no longer in the ministry as a result of Mr Howard's desire for change—that was nothing to do with the job that he was elected to do by the electors of Ryan—he pulled up stumps and bailed out to go and make more money in the private sector. In some ways, it is possibly a relief to the electors of Ryan, because I think a pretty common perception is that the local member had not provided much local representation for many years, regardless of whether he was a minister. That being said, they still chose him to represent them in parliament at the previous general election. Quite clearly, that is an example of someone who decided to bail out for nothing more than self-interest, with no concern for the electors that he had asked to represent and certainly no concern about the unjustified cost to the taxpayer as a consequence.

In answering the question—or not answering the question—the minister chose to try to draw parallels with the Senate, as

though that somehow or other justified unnecessary resignations by members of the House of Representatives and unnecessary cost to the taxpayer. In the Senate, there is of course no provision for by-elections under the Constitution. The position has to be filled as a casual vacancy appointment by the state parliament. That process is put in place by our Constitution and has been there for over 100 years. The process in the House of Representatives is clearly different. Somebody resigning from their seat necessitates a by-election—I am not arguing against that—but it is quite clear that in that circumstance there is a lot of cost to the taxpayer, and that circumstance should not be generated for purely personal self-interest.

This issue is not just some partisan, political point scoring. It was considered by the independent Western Australian Commission on Government that was born out of the WA Inc. crisis. The commission produced an independent and considered recommendation that, in circumstances where there was an unnecessary resignation by a lower house member, some penalty be imposed to help cover or defray the costs of the by-election. Such an action would finally show some recognition of the legitimate public anger that is out there when the public have such events forced upon them without proper and necessary cause. (*Time expired*)

Question resolved in the affirmative.

RESEARCH AND DEVELOPMENT: DETERMINATIONS

Return to Order

Senator IAN CAMPBELL (*Western Australia—Manager of Government Business in the Senate*) (3.35 p.m.)—On behalf of Senator Minchin, I table a document relating to research and development in response to the order of the Senate of 7 February 2001.

CONDOLENCES

Bradman, Sir Donald George, AC

Senator HILL (*South Australia—Minister for the Environment and Heritage*) (3.36 p.m.)—by leave—I move:

That the Senate records its deep regret at the death, on 25 February 2001, of Australia's greatest cricket legend, Sir Donald George Bradman,

AC, and tenders its profound sympathy to his family in their bereavement.

Sir Donald Bradman has had an enormous impact on cricket both in Australia and across the world. He played his first test match in 1928 against England. He scored 18 and one and was then abruptly dropped for the second test. His determination was demonstrated by his return to the third test, in which he scored his first century for Australia. In January 1930, Sir Donald set a world record of a first-class score of 452 not out for New South Wales against Queensland. During 1930, he toured England, scoring 974 runs in test matches, including a then world record of 334. His popularity was such that crowds increased by around 7,000 people per day after 1930.

In 1934, he toured England for the second time, again setting world records with a score of 244 in a record partnership of 451 at the Oval with Bill Ponsford. Test cricket was suspended in 1939 due to World War II. When it resumed in 1946, Sir Donald again padded up as his contribution to lifting the spirits of the public in the postwar economic gloom. In 52 test matches from 1928 to 1948, he scored 6,996 runs at an average of 99.94. In all first-class cricket, he scored 28,067 runs at an average of 95. Following his retirement from first-class cricket in 1949, he was knighted for services to cricket. He became an Australian selector and in 1960 was appointed Chairman of the Australian Board of Control for International Cricket for three years. This appointment was reconfirmed for a second term in 1969. Sir Donald was named number one on the list of *Wisden Cricketers' Almanack's* five best cricketers of the 20th century. He was captain of the 1948 Australian cricket team known as the Invincibles, which was named the team of the century in 1999.

After his retirement, Sir Donald withdrew from public life, preferring to make only occasional public appearances. This, too, added to the mystical appeal of the man. He was quoted as saying that he had had his time. Sir Donald continued to play golf regularly, remained active in community pursuits and took time to answer letters from cricket fans around the world. Today we remember not

only perhaps the greatest cricketer of all time but a man who was dedicated to his late wife, with whom he shared marriage for some 65 years. We also remember him for his war-time services and for the great personal dignity that he maintained throughout his life. We remember him as a man who remained humble despite his legendary status and we remember him as one who engendered hope and optimism in some of the moments of great difficulty for our nation. Sir Donald is survived by his two children, John and Shirley, and their families, and to them I extend on behalf of the coalition in the Senate our deepest sympathies.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.40 p.m.)—I rise to associate the opposition with the condolence motion moved by the Leader of the Government in the Senate. With the passing of Sir Donald Bradman yesterday, aged 92, we have lost a great Australian. In a country that has produced many great athletes and many great sporting teams, Bradman was simply the best. He was our greatest ever cricketer; he was our greatest ever sportsman. Sir Donald Bradman dominated cricket through the 1930s and 1940s like no other person has dominated sport in this country. His place in the history of cricket and in the history of our nation is secure. With amazing hand-eye coordination, honed in his home town of Bowral by hitting a golf ball against a tank stand and then playing the ball with a cricket stump, Bradman rose to become the best batsman to have played the game of cricket. Such a judgment is accepted by all, which is extraordinary enough in a game which provokes ceaseless debate on endless matters. But the bible of cricket, *Wisden Cricketers' Almanack*, last year named Bradman as the greatest cricketer of the 20th century.

Bradman was brilliant: a ruthless accumulator of runs. According to *Wisden's* 1949 tribute to Bradman, 'He was, as near as batting may be, the flawless engine.' Yet Bradman's most famous four runs were the four runs he did not score. Bradman's test record was such that he needed only four runs in tests to average 100 in test cricket. He needed four runs in his last test innings. His

dismissal—bowled by Eric Hollies, second ball, for a duck—is part of the Bradman legend and part of Australian folklore. Bradman's record of 6,996 test runs at an average of 99.94 stands like no other record in sport. Bradman never got out in his 90s—that is something for Steve Waugh and Michael Slater to ponder. His record as a batsman stands head and shoulders above others in the game of cricket. Bradman's batting average is an extraordinary individual achievement in a team game.

In June 1999, Bradman was named in a list compiled by *International Who's Who* as one of the 100 people who have done most to shape the 20th century. Consider the team compiled by *International Who's Who*, which includes names such as Gandhi, Churchill, Mandela, Mother Teresa, Picasso, Mao Zedong, Einstein, Keynes and Roosevelt. There are only two people born in Australia on that list, Don Bradman and Rupert Murdoch—but the Don always batted for Australia. There are only two other sportsmen on the list, Muhammad Ali and Pele, and for those from non-cricket playing countries, Bradman's achievements are placed in perspective when he stands in that company. All three are champions.

Born in 1908 in Cootamundra, Don Bradman was a young man by the time of the Great Depression. In the 1930s, with less hype, less money and a lot less protective equipment when he batted, Don Bradman became a master batsman. After scoring a century in both innings for New South Wales against Queensland and then 132 not out against the MCC in November 1928, Bradman was picked for Australia. He was only 20 years old. After scoring only 18 and one, Bradman was dropped for the second test. Since then, many out of form young cricketers—including my own son—have been comforted by the words, 'Don't worry, even Don Bradman has been dropped.'

During Australia's 1930 Ashes tour of England, the legend of Bradman was cemented. In five tests, he scored 974 runs at an average of 134, including 309 runs in one day in the third test on his way to a then world record score of 334. Such was the remarkable success of Bradman in England in

1930 that the infamous bodyline theory of bowling was devised by the English, in part to thwart Bradman, on their 1932-33 tour of Australia. Bradman averaged on that tour, by his standards, a modest 56.57 from four tests in the bodyline series, with one century.

Of course, Bradman's unparalleled cricketing achievements tell only part of his story. Bradman's success at the crease over the 1930s raised the spirits of a country wracked by economic problems and recovering from the ravages of the First World War. His early career coincided with the Great Depression: a time of terrible unemployment, poverty and suffering in Australia. In Bradman, Australians had a hero to distract them from their everyday troubles. In his biography of Bradman, Charles Williams put it well when he said:

In the period when day after day went by without hope for a large section of Australia's manhood and in unremitting drudgery for Australian women, Bradman was the one hero with whom it was possible to identify and who stood firm for the pride of a young nation.

Despite injury and despite ill health, Bradman delayed his retirement from test cricket until after World War II. He understood the significance of cricket in rebuilding morale and re-establishing a normal way of life in Australia and Britain after the war.

We should also remember today that Don Bradman was a product of very different times. There was an economic divide, there was a religious divide, there were strongly felt class divisions and different approaches to cricket's establishment. Players such as Jack Fingleton and Bill O'Reilly felt less comfortable and welcome in cricket's establishment than other Bradman contemporaries. We also ought to acknowledge, as we have this condolence motion today in the Australian parliament, that the Bradman legend is recognised not just in this parliament or in this country. On their way to England in 1948, the Australians stopped over at Colombo. Bradman set up an exhibition match that was watched by tens of thousands.

In 1980 the Australian cricketers were gobsmacked on their tour to Sri Lanka, when the name of Bradman was raised with them over and over again. The story goes that in

1980, when the tourists visited Kandy, they stayed in a hotel where the manager proudly took them to a bar that Bradman and his team had visited in 1948. This was not just admiration of another great sportsman, this was hero worship. Despite playing only one game in the then Ceylon, in 1948, and never playing in India, Bradman is the idol of tens of millions of cricket fans on the subcontinent. Don Bradman is still the best known Australian in those parts of the world where cricket is played.

Of course, his fame lasted way beyond his playing career. After retiring as a player, he gave himself to his sport and to the wider Australian community. I have often gone to the cricket with so many people who were able to reminisce and tell me that they had seen Bradman bat. Believe it or not, I was too young myself, but I was at the Sydney Cricket Ground in 1973, when I saw one Sir Donald Bradman cover drive. The fact is that it was played with a stump at the opening of the Bradman Stand at the Sydney Cricket Ground, but at least I saw it and I can say that.

It is also true to say that Bradman was accessible. He corresponded with thousands of people. He attended games after his retirement. He had a long career as a cricket administrator. He was always willing to talk to the visiting teams when they came to Australia and talk to aspiring young players and inspire them. His contribution was in part marked by formal accolades. He was knighted in 1949 for his services to cricket and to Commonwealth relations. In 1979 he was made a Companion of the Order of Australia. I do not think that those awards express the extent to which his passing will leave a void for many Australians. It is a sad time as we contemplate the passing of a fine Australian. On behalf of the opposition, I express our sincere condolences to Sir Donald Bradman's family and friends.

Senator WOODLEY (Queensland) (3.51 p.m.)—I wish to associate the Australian Democrats with this condolence motion. It is with a deep sense of sorrow that we, as a nation, mourn the passing of Sir Donald Bradman. The fact that we have put aside other business in the Senate to remember

him is in itself a testament to the greatness of the man and all that he stood for. He was truly 'our Don Bradman', one of Australia's most legendary sons and a truly remarkable Australian.

Sir Donald captured the imagination of generations of young Australians and was held by all in the highest regard for his extraordinary ability and leadership and his sense of fairness and decency. He was far more than 'just' a former captain of Australia's cricket team. To Australians everywhere, Sir Donald was a living legend and his passing marks the end of an era. Despite his legendary status and widespread fame, he remained a humble man, unspoilt by the adulation and praise visited upon him. As a cricketer myself for 40 years—but a bit beyond it now—I remember with great affection his inspiration.

Senator Hill—Same standard?

Senator WOODLEY—The last game I played, as a matter of fact, was with Mark Latham, Michael Forshaw and, I think, Chris Hurford, for the politicians against the media a couple of years ago, and I scored two.

In some ways, Sir Donald epitomised the statement that cricket is more than a game, it is an analogy for life. It underlines for all cricketers—in fact, for all Australians—just how much the game of cricket has been enhanced and symbolised by the life of Sir Donald.

As other speakers have said, his record is unsurpassed. His brilliant scoring against the English test side on the 1930 tour concerned the English officials so much, and with good reason, that, after Bradman returned to Australia and played in the 1930-31 series against the West Indies and in the 1931-32 series against South Africa, in the 1932-33 tour of Australia the English captain Douglas Jardine conceived his infamous bodyline strategy of bowling for Bowes, Larwood, Voce and Allen. However, Bradman was still able to amass the highest rating aggregate and average of the Australian players.

Don Bradman and his wife came to Adelaide to live in 1934. That year he was a member of the Australian side for the English test tour and repeated his 1930 high

scoring, with another double century at Worcester and 304 at Leeds in the fourth test. For the return visit of England in 1936-37, Bradman captained the Australian side. He was captain for the 1938 tour of England, where he scored his third consecutive double century at Worcester. To commemorate the trio of game scores, he was presented with a Royal Worcester porcelain vase, a unique trophy of which he was immensely proud. Don Bradman was knighted by King George VI in the 1949 new year's honours list for his services to cricket and to Commonwealth relations.

His overall performance in shield and test cricket is still without parallel. His test average was 99.94 and his test aggregate 6,996 runs. In fact, so memorable is his average that anyone with even a small knowledge of cricket knows that statistic and can quote it. In his 96 Sheffield Shield innings he averaged 110.19. Bradman's total of 117 first-class centuries, including 37 double centuries, is still a record for any Australian.

He was captain of the South Australian shield team from 1935 to 1949 and made an enormous contribution to cricket in that state. He served on the Cricket Committee of the SACA for 26 years and on the Ground and Finance Committee for 43 years, was president for eight years, a trustee for 39 years, and a state and Australian selector for 33 years. Bradman represented the state of South Australia on the Australian Board of Control for International Cricket for 30 years and was chairman for six years.

He wrote his autobiography *Farewell to Cricket*, published in 1950, and two instructional books on the game: *How to Play Cricket*, published in 1935; and *The Art of Cricket*, published in 1958.

Senator Boswell—Have you read them?

Senator WOODLEY—I have not yet, but no doubt you will buy me a copy, Senator Boswell, so I can—although I am not sure it will help me. Sir Donald Bradman was created a Companion of the Order of Australia on 16 June 1979. He broke many records that still stand to this day and has had grandstands and streets named in his honour, songs written about him and countless books and

column inches in newspapers and magazines throughout the world since his remarkable career began in 1927. We will greatly miss 'the Don', the 'smiling assassin' of the cricket pitch.

The lyrics in one song about Australia's greatest cricketer by one of Australia's great singer-songwriters, Paul Kelly, perhaps best encapsulate how Australians feel about Sir Donald:

He was more than just a batsman

He was something like a tide

He was more than just one man

He could take on any side

They always came for Bradman 'cause fortune used to hide

—in the palm of his hand.

Let us not let the values Bradman stood for die with him. We should reflect on these values on the occasion of the Don's passing to recommit to the values of honesty, decency and fair play that he espoused. Let us hope that cricketers who have followed in Bradman's footsteps study his life and his values and do them justice as a tribute to his legacy. Cricketers in the public eye would do well to reflect on Bradman's legacy today and perhaps let him be the inspiration for them to lift their game. It would be a tragedy if the great Australian character traits that we loved in Bradman—decency, honesty, humility and fair play—were to die with him. Our thoughts go out to Sir Donald's family at this time. We send them our deepest sympathy.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (3.59 p.m.)—I rise to associate myself and my National Party colleagues with the condolence motion moved by the government on the death of Sir Donald Bradman, who passed away yesterday at his home in Adelaide at the age of 92. The previous speaker was obviously a cricket fan. He gave such a glowing tribute to Sir Donald, not only for his playing ability but also for the man as a citizen and a great role model. No-one could doubt that Sir Donald was not only one of the greatest cricketers in the world but also one of the great sportsmen.

He has become a household name right throughout Australia. His off-field conduct made him one of the most respected and admired people in sport, certainly in Australia.

He was born at Cootamundra in southern New South Wales and was raised in Bowral. At the age of 17, he had already attracted the attention of the New South Wales selectors. Apparently, he had honed his hand-eye coordination skills by hitting a golf ball against a rainwater tank for years. He made his debut for New South Wales, and he then went on to make the Australian test side the following year. He was dropped for the second test, and thereafter he was never dropped from the Australian side. He retired in 1949 after having made 6,996 runs with an incredible average of 99.94, which no other batsman has ever come close to matching. I never went to see Don Bradman play. I can remember one time when he was in Western Australia and the rest of the family went, but I must have been about seven or eight at the time and I never actually watched him play.

I want to pick up on something that the Leader of the Opposition in the Senate said—that is, Australia went through some very traumatic times before the war in the way of the Depression, and after the war in having to rebuild this nation, and Don Bradman was out there giving people a lead in the way of hope, courage and, I suppose, a lot of confidence. He made us feel that, if Australia could do it on the cricket field, we could take on the much bigger nations and still come up with an absolutely creditable performance. In that regard, Don Bradman has played a significant role in Australia's development.

I was not a product of the Depression, but I can always remember the stories told by my father, who was a Don Bradman fan. He transformed cricket. Until the late twenties, people said watching cricket was like watching grass grow, but Don Bradman gave the game skill and he made it an absolutely entertaining sport. Aside from being an excellent run maker, Bradman was a very successful cricket administrator and businessman. After retiring from cricket, he became a successful stockbroker. He should also be commended for his professional and sports-

manlike manner, making him a great role model for many generations of cricket fans.

One of his greatest qualities that makes him an inspiration to millions of Australians is the pride he took in his ordinary background. Although he was a better than average student, he left school at the age of 14. By this stage, his sporting ability was already evident. However, Sir Donald realised the importance of also developing his mind after leaving school. Sir Don was not only impeccable on the sporting field but also in his private life. His devotion to his late wife, Lady Jessie, and respect for the institution of marriage was just another example of Sir Don's decency and compassion. On behalf of the National Party, I wish to express our sympathy to his family and friends.

Senator LUNDY (Australian Capital Territory) (4.04 p.m.)—The passing away of Sir Donald Bradman has set off a wave of emotion around Australia, and indeed the entire cricketing world. I too wish to pay tribute on behalf of the opposition to one of our most influential and important sporting figures, an influence which has only grown as time has passed.

Sir Donald's cricketing abilities have been well documented over the years. Like millions of Australians, I grew up hearing stories from my grandparents about this legendary cricketer and his almost mythical feats on the cricket field. In an era where a test batting average of 50 is considered the mark of greatness, Sir Donald's average of 99.94 is almost beyond comprehension. His prowess with a bat and his skills as a captain, and later as a national selector, mark Sir Donald Bradman as someone truly unique in our sporting history. While we have produced many outstanding international sporting figures over the years, Bradman really does stand head and shoulders above the pack. I think it is fair to say we will never see another batsman of his calibre and ability.

My colleague Senator Crowley, who is renowned for her interest and commitment to sport, earlier today rightly reminded me that Sir Donald Bradman was a lightning rod for optimism during the Depression years. At a time when Australians were desperately struggling to meet basic needs, the Don's

cricketing feats proved a much needed distraction from the difficulties of day-to-day living. It is not just in Australia that the Don was revered. At the time, there was broad recognition that Sir Donald was a world-class performer whose timely talents contributed to Australia shedding our cultural cringe. If you were to go to India, for example, and ask the people there who Mr Howard or even Mr Beazley is, I am not sure you would get a correct answer; but ask them about Don Bradman and I reckon about 90 per cent of the population could tell you not only his name but his batting average down to a decimal point. That is what made Don Bradman unique in the sporting world. He gave an internationally recognisable face to a proud country that was still forging its cultural identity.

However, cricket statistics and batting averages tell only part of his story. What is of equal importance to his legendary batting figures is the legacy that Sir Donald Bradman leaves behind. Although many of the controversies surrounding modern cricket were not around in Sir Donald's day, our young sportspeople should nevertheless learn from the attributes he brought to the game. For instance, sledging was not a part of the game then. Sir Donald chose to speak with his bat which, as we all know, inflicted more pain on the opposition than any words ever could. His cricket was always played with characteristic Aussie competitiveness, but it was played with a sense of fairness and sportsmanship which is sometimes lacking in modern cricket. I observe with interest the trends in the game that undermine the validity and influence within the saying, 'It's just not cricket,' a saying which gained popular usage in recognition of the high ethical application of the rules governing the game of cricket throughout Don Bradman's era. Sir Don put something back into the game when he retired from playing as well. He stayed involved both as a selector and a passionate follower of the sport. Even in his later years he was still zealous about the way cricket was played and the direction it was going in.

I imagine that Sir Donald would be very proud of where Australian cricket is at this time. I believe that our current skipper, Steve

Waugh, is doing his utmost to ensure the Bradman legacy continues to live on. By all accounts, Steve Waugh takes very seriously the responsibility for passing on the history of cricket and cricketers, and he ensures that the young players have a sense of history and tradition. I take this opportunity to acknowledge the efforts of the current Australian captain, Steve Waugh, in his pursuit of the highest ethical standards both on and off the field.

And so, Sir Donald remains a role model not just for our current crop of world-class cricketers but for all Australian sportspeople. The cricketers who have been helped and been inspired by him will share a part of this legacy. Those up-and-coming young players now deprived of the opportunity to play at the Adelaide Oval in the hope that the Don was watching must continue his legacy and ensure that his high standards are pursued. There are many young cricketers who directly benefit from the cricketing schools and funding arranged and supported by Sir Donald Bradman. In this respect, they will always have an important role model to guide them through their careers. Young people can learn a great deal from reading about the Don's life and how he approached his sport, with the lessons being relevant to any sporting endeavour. For young cricketers especially, his achievements are a source of pure amazement and inspiration. What young cricketer does not dream of being the next Don? How many future cricketing stars have grown up being inspired by the wonderful song mentioned earlier by Senator Woodley, by the great Australian musician Paul Kelly, called *Bradman*. The fact that a contemporary popular musician wrote such a moving tribute to the Don illustrates just how pervasively and continually his achievements are felt by the whole of the Australian and international communities.

I would like to conclude by expressing my condolences to Sir Donald Bradman's family and friends.

Senator CHAPMAN (South Australia) (4.10 p.m.)—It is a privilege for me to have been invited to contribute to this condolence motion on the late Sir Donald Bradman. Sadly, I am too young to have had the op-

portunity to have seen Sir Donald bat in a match. However, my late father, slightly older than Sir Donald and himself a talented cricketer, regularly saw him play, and as a cricket loving youngster I was regularly regaled with stories of his magnificent achievements. Much has been written of these over the years, and few Australians would be ignorant of them. I do not believe there is any need to go into those statistical details. Suffice it to say that he is unchallenged as the greatest batsman cricket has known: 6,995 runs in tests at an average of 99.94, with that duck, bowled out by Eric Hollies, at the Oval in his last test in 1948 costing him the magic average of 100 runs for which he had needed to score only four runs in that particular innings. In recent years a number of batsmen have passed that test aggregate as well as his overall first-class aggregate, but they have taken twice as many matches and innings or more to do so. The next best test average is around 60. These facts underline Sir Donald's dominance as a run getter. However, they fail to show why he brought crowds to the games he played—on average 23 per cent more spectators than in his absence. The reason for this was not just the amount of runs he scored but in fact the speed with which he scored runs. He was no boring accumulator of runs. Regularly he would score at a run a minute—indeed, a very good team run rate in tests and these days rarely achieved, let alone a run rate for a single batsman. So it is no wonder the crowds flocked to the grounds to watch Sir Donald bat.

My first personal experience of Sir Donald was as a nine-year-old in late 1958 when taken by my father after school to the Adelaide Oval to watch South Australia playing the MCC. Sitting in the stand, I spied Sir Donald standing in the concourse area in front of the members' stand at Adelaide Oval. Timidly, I approached him for an autograph in my cricket scorebook, to which he responded without demur and with great friendliness. Alas, about 12 months later that scorebook was used to score in an interschool match when the team scorebook was missing, and it disappeared after the game, I suspect stolen because of the presence of Sir Donald's autograph in the book. In early

1961 I did see Sir Donald bat. As I said earlier, I had never had the privilege of seeing him bat in a match, but in early 1961 the Kensington Cricket Club, for which he played club cricket in Adelaide, organised for him to bat on a Saturday morning on the centre wicket of the Kensington Oval when they set up a centre wicket net. He batted there, some 12 or 13 years after his retirement from first-class cricket, against the then Kensington A grade district bowlers, and played them even at that age, the age of about 53 or 54, to all parts of the Kensington Oval. It was a great privilege and a great pleasure for me to at least have seen him bat in that context, if not in a real match.

My next personal experience of Sir Donald was almost 20 years later when, as the then member for Kingston, I attended the opening of Bridgestone's new tyre factory at Salisbury in 1978. Sir Donald was a director of the company and in informal discussions with him at the opening I mentioned I was about to embark on a study tour of car factories around the world, because of course what was then the Chrysler factory—now the Mitsubishi factory—was located in the Kingston electorate and was certainly the major industry in the electorate. He gave me the names of two people and was very insistent that I should arrange to meet them at Mercedes Benz in Germany. I thanked him for his interest and advice. Imagine my astonishment when several days later I received from Sir Donald a personal letter reinforcing the importance of me meeting these people and giving me their contact details. This is just one example of what I am sure are many similar which other people could relate as to why Sir Donald was so much more than just the world's best batsman and why he has been fairly described until his passing as 'the greatest living Australian'. Those factors are, of course, his personal modesty, his interest in others and his attention to detail.

Another exchange of correspondence I had with him about four years ago, in the context of his support for wheelchair sports in South Australia, through his endorsement of the *Bradman's Walk to Glory* portrait, also revealed his sense of humour. There is no doubt that all of these qualities contributed to

Sir Donald's success as a cricketer as well as to his other contributions to the Australian community. He returned an enormous amount to the game after he retired as an active player, as a team selector for the Australian test team and as an administrator, both in South Australia and at the national level, until well into his 70s. He was a very successful businessman as a sharebroker and company director. He was no mean player at other sports either—rugby, tennis, wrestling, squash—I believe he was the South Australian squash champion at one stage—and even at 90 years of age could score lower than his age at golf.

Despite this, it is also important to remember that Sir Donald did not have an easy life. During his cricket career he was plagued by periods of serious ill-health, including appendicitis and, later, very bad fibrositis—not to mention, of course, the burden of his fame. This caused his son, John, who with daughter, Shirley, survives Sir Donald, to change his name to Bradsen some years ago. John had a good measure of cricket ability himself, scoring a century for St Peter's College in the annual famous intercollegiate match against my old school, PAC. But undoubtedly the burden of being Sir Donald's son was a factor in John not continuing in cricket beyond some early B-grade district games with the Kensington club. Instead, he turned to athletics, where he excelled. I am sure it was a great joy to Sir Donald when John resumed the Bradman name in recent years.

When Sir Donald moved to South Australia in 1934 he played district cricket, now known as grade cricket, for Kensington District Cricket Club—Kensington Oval, opposite his residence in Holden Street, being its home ground. In the 1960s, sadly for cricket lovers, with that history of its being Sir Donald's club home ground, it became the Olympic sports field and the centre for athletics in South Australia, and the Kensington Cricket Club moved eastwards to the Kensington Gardens reserve. However, as a result of the closure of the Olympic sports field and a new athletics stadium being established in the West Park lands in Adelaide, this time last year the old Kensington oval—which, as

I said, is opposite Sir Donald's home—was restored and reopened as a cricket ground.

That was certainly a great event. Kensington played University to mark the reopening of the ground being used as a cricket ground, but that ground is now principally being used by the Pembroke School. Although he was unable to attend, I am sure it gladdened Sir Donald's heart to see his old home ground restored to its rightful role as a cricket ground—in part, thanks to the generosity of the Sellers brothers, Rex and Basil. I had the pleasure of sharing some time with his son, John, and John's own son at the mayoral reception which preceded that opening ceremony; and I might say that Sir Donald can certainly take great pride in his progeny: his grandson, John's son, certainly presented as a very fine young man. It is certainly a great privilege for me, and a source of some pride, to have been one of Sir Donald's successors as a player in the Kensington A-grade team many years ago and also to share with him the frugally granted but great honour of life membership of the Kensington Cricket Club. He maintained a great interest in the welfare of the club throughout his life.

Obviously yesterday was a time of great sadness for Sir Donald's family and, indeed, for all of Australia with his passing. However, we can all be grateful that he enjoyed such a long and fruitful life. I can confidently assert that, unlike most of us, Sir Donald will never be forgotten. For me as a cricket lover, it was especially appropriate that, having played cricket much less regularly over the last couple of years, I actually spent yesterday playing for the coalition MPs against the press gallery, on the very day of Sir Donald's death.

As Raymond Robertson Glasgow, a cricketer of the same era as Sir Donald, once wrote, 'Sir Donald was that rarest of nature's creatures, an artist without the handicap of the artistic temperament, a genius with an eye for business.' So it is, as I said, a privilege for me to join in this condolence motion, and I particularly offer my sympathies to John, Shirley and their families.

Senator COONEY (Victoria) (4.21 p.m.)—The 1930s were a bleak period for

Australia. Some of us can remember them. We were going through a depression.

Senator Conroy—Do you recall it?

Senator COONEY—Well, it was a tragic period, with people carrying their swags, walking through near despair and dust. Australia had, a decade and a half before, sacrificed 60,000 of its finest people in a world war, and things were very grim. But there were some lights in the darkness. One was the fact that we got our first native born Governor-General appointed: Prime Minister Jim Scullin insisted that Sir Isaac Isaacs be our Governor-General. Then, of course, the great Phar Lap gave heart to people in this darkness, ridden by Jim Pike—the Big Red. And then there was Don Bradman.

Australia in the 1930s was a remote country, remote from the rest of the world—it took six weeks to get there—and was regarded in those days as on the periphery of importance; and we were going, as a nation, through the struggles that I have spoken of. But there was one thing we were best at in the world: we had the best cricket team—although defeated, we say, by foul means. That was open to question, but there was no question about who had the best cricketer in the 1930s. ‘That is Australia,’ we said. ‘That is Australia, represented by the greatest cricketer ever.’ We might be on the periphery of the world, we might be going through all this darkness, but nobody could take that from us: we had the greatest cricketer then, and he has remained the greatest cricketer ever.

It is a great thing to be a symbol of a nation during its dark hours, and Don Bradman has remained a symbol since. For more than two-thirds of the century of Australia’s existence, Don Bradman has been a great symbol. He was a symbol in the 1930s, and he remained a symbol after the war—a war we came out of with a bit more confidence than we had when we went in. Australia became significant. Australia became significant in the establishment of the United Nations, and we punched above our weight—and that is a phrase that is still used, that Australia ‘punches above its weight’. That is symbolised by Don Bradman, who was not the biggest of people, but the greatest cricketer ever—somebody who you might say batted

above his weight, symbolising Australia punching above its weight.

He did it his own way. He used a crossed bat when purists would say he should have had an upright bat. My wife, Lillian, and I were discussing this and I thought she used a great phrase. She said, ‘If Bradman was batting, you wanted to go.’ And we went. We went to the MCG—I think the greatest sportsground in the world—and there he was, leading Australia on the MCG: the greatest cricketer on the greatest sportsground, hitting the ball cross-bat, hitting it in the centre of the bat, hitting it where he wanted to hit it and, if they changed the fieldsmen, he hit it to the spot from which the fieldsmen had been removed. Lillian had the sort of contact that most Australians would have had at that period: she got the great man’s autograph, along with the autographs of Ian Johnson and Lindsay Hassett—two of them great South Melbourne people and the other the great Australian. The way he went on from then has been expressed here by very moving speeches today.

So here is a person who symbolises a nation. The great symbols of any nation are remembered, and remembered dearly. Some are remembered because of great administrations they have had. Some are remembered because of great battles they have fought. He is a man who, as a great sportsman, symbolises Australia—as not only a great sportsman but as a person of grace, as a person who everybody has said was a man of humility. It is very symbolic in the year of our federation to think of a man who played such a central part for two-thirds of the century in establishing the soul and the spirit of the nation that we so proudly call ours. He was a person who saw the history of Australia pass from the 1930s, the grim period of the 1930s when we were a very inward looking nation in lots of ways, to the nation we are now. People have talked in this chamber about how we have changed as a nation, with multiculturalism and all those sorts of things that we are so proud of. But it is also good to remember that the people who were in Australia prior to the Second World War contributed a lot to the nation. Their contribution is still resounding throughout

the history of the nation. Don Bradman symbolised that too, coming from that period and living till yesterday in a country that still loves its cricket. I think cricket is played much differently now than it was then. Nevertheless, he is a symbol of a nation that has grown and brought people along with it. We had crowds at the MCG in the 1930s and we have crowds at the MCG now. That symbolises our growth as a people—our growth as a very good people.

When we are talking about Australia and how it developed, Sir Donald Bradman is central to that. It is proper that we pay him tribute in this house, in this parliament, which is that institution that represents Australia. It is in here that the business of the nation is done—done in the way it should be done. With all the exchanges we have, I think it is a great parliament. And it is right and proper that this parliament should remember and honour a great man of this nation and one of its great symbols. Very few people have the opportunity of becoming a symbol of a nation, and Don Bradman is one.

The PRESIDENT (4.30 p.m.)—In concluding this part of the debate, I should like to share in the sentiments which have been expressed by my colleagues who have spoken. I know there will be others who will speak on the adjournment on this same matter, the passing of Sir Donald Bradman. I met him but once. When I was at primary school we had school savings accounts into which a small amount of money was put each week. During the same period, I think from the interests of those around me who admired the man so greatly, I developed a great love of cricket, which I retain. So, upon completing my schooling, I looked up the name of Bradman, sharebroker, in the phone book and, in school uniform with school bank-book, I went in and asked to see him. There was some delay while I stood a little nervously at the counter and wondered what would happen, but I was subsequently shown into his office. We had a much longer chat than one might have expected for the amount of money, which was extremely modest, that I was proposing to invest. He asked me what I had in mind, and we talked about cricket. I took his advice as to what I should do with

the shares, and it turned out to be extremely good advice. The shares I still have and have added to ever since whenever the opportunity has arisen.

It was my admiration for the man in the way that has been expressed this afternoon by so many of you that led me at that age to want to meet him and to take the opportunity, in the only way that I thought I knew how, to be able to do so. It was a measure of the man that he made time for someone of my age and station in life at that time to see me, to give advice and to talk about cricket and shares and savings. It certainly made a very big impact on me. I should like to join with you, my colleagues, in sending my condolences to Shirley, to John and to Sir Donald's grandchildren. I therefore declare this motion carried.

Question resolved in the affirmative.

PETITIONS

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

Republic Plebiscite: Head of State

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

This petition of certain citizens of Australia draws to the attention of the Senate the growing desire for Australia to become a republic.

Your petitioners therefore request that the Senate conduct a plebiscite asking the Australian people if Australia should become a republic with an Australian citizen as Head of State in place of the Queen.

by **Senator Reid** (from 20 citizens).

Australian Broadcasting Corporation: Independence and Funding

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

The petition of the undersigned calls on the Federal Government to support:

- i. the independence of the ABC Board;
- ii. the Australian Democrats Private Members' Bill which provides for the establishment of a joint Parliamentary Committee to oversee ABC Board appointments so that the Board is constructed as a multi-partisan Board, truly independent from the government of the day;
- iii. an immediate increase in funding to the ABC in order that the ABC can make the transition to digital technology without undermining

- existing programs and services, and that it will be able to do this independently from commercial pressures, including advertising and sponsorship;
- iv. news and current affairs programming is made, scheduled and broadcast free from government interference, as required under law; and
- v. ABC programs and services which continue to meet the Charter, and which are made and broadcast free from pressures to comply with arbitrary ratings or other measures.

by **Senator Bourne** (from 12 citizens) and
by **Senator Woodley** (from 22 citizens).

**Australian Broadcasting Corporation:
Independence and Funding**

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

The petition of the undersigned shows:

- (1) our strong support for our independent national public broadcaster, the Australian Broadcasting Corporation;
- (2) our concern at the sustained political and financial pressure that the Howard Government has placed on the Australian Broadcasting Corporation (ABC), including:
 - (a) the 1996 and 1997 Budget cuts which reduced funding to the ABC by \$66 million per year; and
 - (b) its failure to fund the ABC's transition to digital broadcasting;
- (3) our concern about recent decisions made by the ABC Board and senior management, including the Managing Director Jonathan Shier, which we believe may undermine the independence and high standards of the ABC including:
 - (a) the cut to funding for News and Current Affairs;
 - (b) the reduction of the ABC's in-house production capacity;
 - (c) the closure of the ABC TV Science Unit;
 - (d) the circumstances in which the decision was made not to renew the contract of Media Watch presenter Mr Paul Barry; and
 - (e) consideration of the Bales Report, which recommended the extension of the ABC's commercial activities in ways that may be inconsistent with the ABC Act and the Charter;

Your petitioners ask that the Senate should:

- (1) protect the independence of the ABC;
- (2) ensure that the ABC receives adequate funding;
- (3) call upon the Government to rule out its support for the privatisation of any part of the ABC, particularly JJJ, ABC On-line and the ABC Shops; and
- (4) call upon the ABC Board and senior management to:
 - (a) fully consult with the people of Australia about the future of our ABC;
 - (b) address the crisis in confidence felt by both staff and the general community; and
 - (c) not approve any commercial activities inconsistent with the ABC Act and Charter.

by **Senator Faulkner** (from 30 citizens)
and

by **Senator Tambling** (from 17 citizens).

Petitions received.

NOTICES

Presentation

The President to move, on the next day of sitting:

That, pursuant to the acceptance by the Senate on 26 June 2000 of the invitation of 10 May 2000 of the Houses of the Parliament of Victoria to meet in Melbourne on 9 and 10 May 2001 to mark the centenary of the first meetings of the Houses of the Commonwealth Parliament in 1901:

(1) (a) The Senate meet with the House of Representatives at 2 pm on 9 May 2001 in the Royal Exhibition Buildings, Melbourne.

(b) The only business transacted at that meeting be:

- (i) introductory address by the President;
- (ii) address by the Governor-General;
- (iii) addresses by the Prime Minister and the Leader of the Opposition; and
- (iv) concluding address by the Speaker of the House of Representatives.

(c) At the conclusion of that business, the Senate stand adjourned till 10 am on 10 May 2001.

(2) (a) The Senate meet at 10 am on 10 May 2001 in the Legislative Council Chamber, Parliament House, Melbourne.

- (b) The only business transacted at that meeting be:
- (i) introductory address by the President;
 - (ii) addresses by the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, and the Leader of the Australian Democrats; and
 - (iii) concluding address by the President.
- (c) At the conclusion of that business, the Senate stand adjourned till the next day of sitting.

Senator George Campbell to move, on the next day of sitting:

That the Parliamentary Joint Committee on the National Crime Authority be authorised to hold a public meeting during the sitting of the Senate on 28 February 2001, from 6 pm to 8 pm, to take evidence for the committee's examination of the annual report for 1999-2000 of the National Crime Authority.

Senator Allison to move, on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) 18 March 2001 is the 26th anniversary of the nuclear-free Kobe Formula, which requires that any warship entering the Port of Kobe must submit 'non-nuclear certification' that there are no nuclear weapons on board,
 - (ii) the nuclear-free Kobe Formula has been enforced by the Kobe City local government for the past 26 years, and
 - (iii) in Japan, only local municipalities have authority over their ports and harbours; and
- (b) sends a message to the Kobe City local government acknowledging the anniversary of the Kobe Formula and urging it to continue its opposition to nuclear weapons.

Senator Bourne to move, on the next day of sitting:

That the Senate—

- (a) notes:
 - (i) the third anniversary of the Australian Broadcasting Corporation (ABC) radio program, *Heywire*, an award

scheme for regional and rural young people,

- (ii) the scheme awards young people from the 40 ABC regional radio locations across Australia who submit a three-minute radio story about their experiences of living in regional Australia, the winning stories being carried on local radio and Triple J, while all stories are carried on ABC Online, and
 - (iii) the importance of giving young people living in rural and regional Australia a voice which provides a link between urban and regional young people and acts to close the gap between Australians living in different parts of Australia; and
- (b) congratulates the ABC on this broadcasting initiative.

Senator Allison to move, on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) in the week beginning 18 February 2001, the Government reversed its decision to fund the highly unpopular internal freeway bypass for Albury-Wodonga, and
 - (ii) the Government has also agreed to fund a second river crossing, the subject of an Australian Democrats motion dated 10 May 2000; and
- (b) congratulates the Save Our City group on finally persuading the Federal Government that the external bypass route was shorter, safer and cheaper than the internal route being proposed.

Senator Allison to move, on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) 27 February 2001 is the 25th anniversary of the declaration of the Saharawi State, following Morocco's invasion and occupation of Western Sahara in 1975,
 - (ii) 180 000 Western Saharans live in exile in the desert of Algeria,
 - (iii) the United Nations (UN) has still not conducted the referendum agreed in the 1991 peace plan,

- (iv) it has been claimed the Morocco-backed Paris to Dakar car rally violated the ceasefire agreement, and
- (v) the British Government has approved an application by Royal Ordnance, owned by BAE Systems, formerly British Aerospace, to restore thirty 105mm guns for the Moroccan army; and
- (b) calls on the Commonwealth Government to make representations to:
 - (i) the UN and the Moroccan Government, urging them to proceed to the fair conduct of a referendum, in accordance with the 1991 peace plan, as soon as possible, and
 - (ii) the British Government, warning of the consequences of engaging in arms trading in the region.

Senator Allison to move, on the next day of sitting:

That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold public meetings during the sittings of the Senate on 28 February 2001 and 7 March 2001, from 6 pm, to take evidence for the committee's inquiry into the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 and two related bills.

Senator Payne to move, on the next day of sitting:

That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 5 March 2001, from 7.30 pm, to take evidence for the committee's inquiry into the Freedom of Information Amendment (Open Government) Bill 2000.

Senator Cook to move, on the next day of sitting:

That the Senate—

- (a) recalls its resolution of 29 June 2000 concerning nuclear disarmament and non-proliferation and notes the response by the Minister for Foreign Affairs (Mr Downer) of 22 August 2000;
- (b) affirms that Australia must always be prepared to make its own independent judgements on strategic issues and its national security interests;
- (c) considers the proliferation of weapons of mass destruction and ballistic missile

delivery systems to be a most serious international security issue;

- (d) notes:
 - (i) the declared intention of the United States Government to proceed with the development and deployment of a national missile defence (NMD) system, and
 - (ii) that countries including Canada, Germany and France have expressed strong concerns about the potential adverse implications of NMD, and that Russia and China have expressed strong opposition to the proposed deployment of NMD;
- (e) noting that China has warned it will respond to NMD by increasing its strategic nuclear missile forces, expresses its concern that NMD may trigger a major nuclear build-up in the Asia-Pacific region;
- (f) recalls Australia's longstanding support for the integrity of the 1972 Anti-Ballistic Missile Treaty as a keystone for nuclear arms control and disarmament;
- (g) considers that sustained multilateral cooperation is fundamental to combating the proliferation of weapons of mass destruction;
- (h) expresses concern that NMD is likely to be counter-productive, with the potential to undermine non-proliferation cooperation and derail world progress towards nuclear disarmament;
- (i) deplores the Australian Government's support for the development and deployment of NMD;
- (j) affirms that Australia should not support, or be involved in, NMD research, development or trials; and
- (k) calls on the Australian Government:
 - (i) to review any such involvement in NMD through the satellite relay ground station at Pine Gap or other arrangements, and
 - (ii) to energetically support cooperative efforts to combat ballistic missile proliferation, including strengthening the missile technology control regime, pursuing a multilateral ballistic missile and space vehicle launch notification regime, urging the de-alerting of nuclear missile forces to reduce the risk of an accidental or

unauthorised nuclear weapons launch and encouraging further negotiated deep cuts in existing nuclear arsenals.

Senator COONAN (New South Wales) (4.33 p.m.)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that at the giving of notices on the next day of sitting I shall withdraw business of the Senate notice of motion No. 1 standing in my name for five sitting days after today for the disallowance of the GST-free Supply (Drugs and Medicinal Preparations) Determination 2000 (No.2) made under paragraph 177-10(4)(c) of the *A New Tax System (Goods and Services Tax) Act 1999*. I seek leave to incorporate in *Hansard* the committee's correspondence concerning this determination.

Leave granted.

The correspondence read as follows—

GST-free Supply (Drugs and Medicinal Preparations) Determination 2000 (No.2) made under paragraph 177-10(4)(c) of the *A New Tax System (Goods and Services Tax) Act 1999*

2 November 2000

The Hon Michael Wooldridge MP
Minister for Health and Aged Care
Parliament House
CANBERRA ACT 2600
Dear Minister

I refer to the GST-free Supply (Drugs and Medicinal Preparations) Determination 2000 (No. 2), made under paragraph 177-10(4)(c) of the *A New Tax System (Goods and Services Tax) Act 1999*, that amends the original Determination to allow specified categories of health goods which are released or developed after 1 July 2000 to be included in the GST-free category.

The Explanatory Statement notes that the list of products in the original Determination contained 'a number of unintended inclusions and omissions'. However, the Statement does not advise whether, as a result of the unintended omission, GST has been imposed on specific drugs and products when it should not have been imposed and whether, as a consequence, any person other than the Commonwealth has been disadvantaged.

The Committee would appreciate your advice as soon as possible but before 24 November 2000 to allow it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulation and Ordinances, Room SG 49, Parliament House, Canberra.

Yours sincerely
Helen Coonan
Chair

The Hon Dr Michael Wooldridge
Minister for Health and Aged Care
Senator H. Coonan
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Coonan

Thank you for your letter of 2 November 2000 concerning amendments to a Ministerial Determination under Section 38-50 of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act), relating to the Goods and Services Tax (GST) status of small packets of single active ingredient analgesic products.

You asked whether "any person other than the Commonwealth has been disadvantaged" as a result of unintended inclusions and omissions contained in the original Determination.

From the consumer perspective, advice from the Therapeutic Goods Administration indicates that of the 23 products that were inadvertently excluded from the original Determination, all were either variations of similar products not currently marketed, or sold in very low volumes. Therefore, it would appear that any disadvantage for consumers was insignificant. It should also be noted that we have not received any representations from consumers on this issue.

All affected manufacturers were contacted regarding the GST status of the products. Some industry bodies expressed concern on the impact of varying the GST status between similar products prior to the amendment. Accordingly, the amendments were introduced as quickly as possible and the industry has been kept informed of the status of the amendment.

Of the 14 products that were inadvertently included under the original Determination, all but two teething gels remain GST free under other provisions in the GST Act. These two teething gels were never GST free, even when included under the original Determination, as they did not meet all criteria for GST free status outlined in Section 38-45 of the GST Act, namely, they were not GST free when sold in larger quantities.

With kind regards,

Yours sincerely
Dr Michael Wooldridge
28 Nov 2000

30 November 2000
 The Hon Michael Wooldridge MP
 Minister for Health and Aged Care
 Parliament House
 CANBERRA ACT 2600
 Dear Minister

Thank you for your letter dated 28 November 2000 responding to the Committee's concerns with the GST-free Supply (Drugs and Medicinal Preparations) Determination 2000 (No.2) made under paragraph 177-10(4)(c) of the *A New Tax System (Goods and Services Tax) Act 1999*.

The Committee notes your advice that 23 products were inadvertently excluded from the original Determination and that 'it would appear that any disadvantage for consumers was insignificant'.

The Committee seeks more information on this insignificant disadvantage and in particular a schedule of the 23 products and the impact of the omission from the Determination on each product.

The Committee would appreciate your advice as soon as possible but before 5 February 2001 to enable the Committee to finalise its consideration of this Determination.

Yours sincerely
 Helen Coonan
 Chair

 The Hon Dr Michael Wooldridge
 Minister for Health and Aged Care
 Senator H. Coonan
 Standing Committee on Regulations and Ordinances
 Parliament House
 CANBERRA ACT 2600
 Dear Helen

Thank you for your letter of 30 November 2000 concerning the impact of amendments to the Ministerial Determination under section 38-50 of

the A New Tax System (Goods and Services Tax) Act 1999 which refers to analgesic products.

In your letter you requested further information on the disadvantages to consumers caused through the inadvertent omission of 23 analgesic products from the original Determination under section 38-50.

In previous correspondence from my Department on this matter, it was stated that the disadvantage for consumers was insignificant.

The table at Attachment A provides some general information which would indicate that consumer impact as a result of the omissions was minimal. In particular, the Committee may like to consider the following points:

- In the majority of cases (15 of 23), the products were "repackaged products" (that is, they were available to consumers GST free under the original Determination in alternative forms).
- GST free alternatives such as a capsule rather than a tablet were available to consumers (8 cases).
- The products were already available GST free as pharmacy-only products (6 cases).
- Two products were subsequently removed from sale, due to such low sale volumes as to make production unviable (that is, very few consumers were purchasing these products anyway).

With three exceptions, all of the products were available to consumers in another form. In addition, all products are either paracetamol or aspirin, which are available to consumers in a wide variety of forms beyond those 23 particular products in question.

I understand that discussions between my Department and the distributors, Soul Pattinson and Roche, took place regarding the issue of the omitted items. At the time, concern was minimal.

With kind regards,
 Yours sincerely
 Dr Michael Wooldridge
 24 January 2001

ATTACHMENT A

CODE	PRODUCT
-	AMAPRIN-Soluble Aspirin 300mg tablets.
V, L	ASPRO CLEAR EXTRA STRENGTH aspirin 500mg tablet strip pack
-	BEX Aspirin 650mg powders
L	BEX tablets aspirin 325member of the government
R, V	BI-LO PARACETAMOL 500member of the government tablet blister pack
R	BI-LO DISPERSIBLE ASPIRIN tablet
R	BLACK AND GOLD PARACETAMOL 500mg tablet blister pack

CODE	PRODUCT
R, C	CHEMMART CHEMADOL paracetamol 500mg tablet blister pack
R, V, C	CHEMISTS' OWN PARACETAMOL TABLET 500mg blister pack
R, V	FARMLAND PARACETAMOL 500mg capsule blister pack
V	FAULDING ASPIRIN 300mg tablet blister pack (reformulation)
R	GUARDIAN ASPIRIN CLEAR SOLUBLE aspirin 300mg tablet strip pack
R, V	GUILD SCRIPT PARACETAMOL 500mg tablets blister pack
R, V	HEALTHSENSE PAIN RELIEF paracetamol 500mg tablet blister pack
R	HERRON HOME BRAND PARACETAMOL 500mg capsule blister pack
R	NO FRILLS PARACETAMOL 500mg tablet blister pack
R	NO NAME PARACETAMOL 500mg tablet blister pack
R, V, C	PHARMACIST ADVICE PARACETAMOL 500mg capsule blister pack
R, V	PHARMACTION PARACETAMOL 500mg tablet blister pack
C	SOUL PATTINSON ASPIRIN CLEAR TABLETS aspirin 300mg tablets- effervescent strip pack
C	SOUL PATTINSON PARACETAMOL CLEAR EFFERVESCENT TABLETS 500mg tablet strip pack
-	SPBA PARACETAMOL 500member of the government tablet blister pack
R, C	TERRY WHITE CHEMISTS PARACETAMOL 500mg tablet blister pack

Key

R Repackaged products made by contract manufacturers (Herron, Soul Pattinson and Fauldings)

V Similar versions that were already GST free ie. a capsule rather than tablet form.

C Sold only in Chemists (already GST free)

L Two products have since been removed from the ARTG by the manufacturer. ie they were not being sold or were selling at too low a volume

Senator SCHACHT (South Australia)
(4.33 p.m.)—I appreciate that the Senate has just moved and passed a condolence motion for Sir Donald Bradman. As a senator from South Australia, I take the opportunity to give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) notes:

- (i) the passing of Sir Donald Bradman, AC, not only the greatest cricketer in the history of the sport, but a very great Australian, and

(ii) that, as both a sportsperson and a citizen, Sir Donald provided a very fine example to all Australians of how one should conduct oneself, despite being famous;

(b) in particular, recognises Sir Donald's significance to the South Australian community in which he lived most of his life and contributed greatly to its civic affairs; and

(c) expresses its sincere condolences to the Bradman family at the passing of a truly great Australian.

Senator Brown to move, on the next day of sitting:

That the Senate, aware of the imminent passage between Australia and New Zealand of two more ships carrying highly dangerous radioactive waste materials, including plutonium:

- (a) calls on the Australian Government to instigate an international environmental and safety assessment of such shipments;
- (b) calls on the Government to join New Zealand and the Pacific Island nations in opposing the shipments; and
- (c) insist the companies involved in the shipments carry complete liability insurance for a worst-possible accident scenario.

LEAVE OF ABSENCE

Motion (by **Senator Coonan**, at the request of **Senator Harris**)—by leave—agreed to:

That leave of absence be granted to Senator Harris for the period 26 February to 8 March 2001 inclusive, on account of ill health.

NOTICES

Postponement

An item of business was postponed as follows:

General business notice of motion no. 798 standing in the name of the Leader of the Opposition in the Senate (Senator Faulkner) for today, relating to outsourcing in the Defence organisation, postponed till 26 March 2001.

PHARMACEUTICAL BENEFITS ADVISORY COMMITTEE

Motion (by **Senator Chris Evans**) agreed to:

That there be laid on the table by the Minister representing the Minister for Health and Aged Care (Senator Vanstone), no later than 4 pm on 27 March 2001, the following documents, where necessary with the deletion of genuinely commercially sensitive information:

- (1) Documents relating to listing of the drugs celecoxib (Celebrex) and rofecoxib (Voixx) on the Pharmaceutical Benefits Scheme (PBS), including:
 - (a) the minutes of the Pharmaceutical Benefits Advisory Committee's (PBAC) meetings at which the listing of the above drugs on the PBS was discussed;

- (b) the recommendations made by the PBAC concerning the listing of the above drugs on the PBS, including recommendations about price;
- (c) the minutes of the Pharmaceutical Benefits Pricing Authority's (PBPA) meetings at which the listing of the above drugs on the PBS was discussed;
- (d) the recommendations made by the PBPA to the Minister concerning the listing of the above drugs on the PBS;
- (e) briefings and all documents prepared by the department concerning the listing and price of these drugs on the PBS; and
- (f) the department's legal advice relating to the PBAC authority to place binding conditions on PBAC recommendations to the PBPA and the Minister.

- (2) All documents, including copies of electronic documents, relating to the appointment of the new PBAC, announced by the Minister on 1 February 2001.

SYDNEY OLYMPICS: DEFENCE FORCE DEPLOYMENT

Motion (by **Senator Brown**) agreed to:

That the Senate—

- (a) notes the report in the *Sydney Morning Herald* of 8 February 2001 that Special Air Service troops were deployed in plain clothes and without ministerial authority at the Sydney Olympics; and
- (b) calls:
 - (i) on the Government for an explanation as to why, and
 - (ii) for the release of the new operations manual for Defence forces deployment in the civilian domain, which the Government has stated was to have replaced the Australian Army Manual of Land Warfare Part 1, Volume 3, Pamphlet no. 2, Aid to the Civil Power.

MATTERS OF URGENCY

Telstra: Privatisation

The ACTING DEPUTY PRESIDENT (Senator Knowles)—I inform the Senate that the President has received the following letter, dated 26 February 2001, from Senator Mark Bishop:

Dear Madam President

Pursuant to standing order 75, I give notice that today I propose to move:

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

The need to oppose any further privatisation of Telstra in order to prevent any further erosion of the quality of telecommunications services to country Australia.

Yours Sincerely

Mark Bishop

Senator for the state of Western Australia

Is the proposal supported?

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

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

Senator MARK BISHOP (Western Australia) (4.38 p.m.)—I move:

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

The need to oppose any further privatisation of Telstra in order to prevent any further erosion of the quality of telecommunications services to country Australia.

The motion before the chair today opposes any further privatisation of Telstra in order to prevent any further erosion of the quality of telecommunications services to rural and regional Australia. This is a motion on a topic that has been put before the Senate on many occasions over the last five years. It is a topic that opposition senators have repeatedly discussed over the last five years. It is a topic that says a lot about the philosophical divide between the government parties and the alternative government of this country. Let me assert the fundamental philosophical motive behind this motion, as it differentiates us from the government. ALP senators, the opposition, believe that all Australians in city, regional, rural and remote areas are entitled to fully access the modern suite of telecommunications services and that those services should be provided Australia wide

by a national, publicly owned telecommunications entity in the form of Telstra. We resolutely oppose any further privatisation above 49 per cent of Telstra, and we will go to the next election with that commitment to the Australian people engraved on our hearts.

We have noted for some time the dissatisfaction with services provided by the telecommunications industry in rural and remote Australia. One does not have to be arrogant or triumphalist to note that rural and remote parts of Australia are turning to the Australian Labor Party as a source of hope and vision for the future. In recent weeks, swings of 20 per cent to 25 per cent in remote or country Australia have not been atypical. Seats in two states have fallen to the ALP—seats in Western Australia had margins of 10 per cent, 11 per cent, 12 per cent and 13 per cent. Those seats have given us government because country people—people in remote and rural Australia—feel they have become the forgotten people, the lost generation, the unwanted people. The Australian Labor Party says to all of those people in remote Australia: you are not forgotten, you are not lost, you are not unwanted.

Critical to our sense of family, our sense of nationhood, our view of one people, is the provision of competitive telecommunications services by the majority publicly owned Telstra Corporation. We know this is a burning issue outside of major capital cities, not solely because of electoral results, polling or anecdotal feedback. One has only to examine the public findings of the Besley inquiry into telecommunications services around Australia. That inquiry was supposed to establish the grounds for the sale of the final 51 per cent of Telstra. But even the government's hand picked committee of inquiry could not find that regional or rural telecommunications services were adequate. It could not find that telecommunications services to rural and regional Australia were on par, or even remotely approaching par, with services offered in the major capital cities of our country. It could not find that the provision of capital equipment, various networks, and repair and maintenance services in rural and remote Australia was on par with the remainder of our country. Indeed, a cursory

examination of the Besley inquiry report is absolutely damning in terms of the inequality of telecommunications services provided to rural and regional Australia.

That inquiry received over 1,100 written submissions. Over 90 per cent of the submissions came from individuals, residents or consumers living in rural and remote Australia. Electors from non-city federal seats made three times as many submissions than those from city federal seats. A dominance of submissions came from regional and rural New South Wales and regional and rural Queensland, with a significant input from regional and rural Western Australia.

It is clear, when one examines those submissions or reads the report of the Besley inquiry, that the kernel of complaint—the hatred in country Australia of privatisation—is driven by, firstly, the current provision of poor telecommunications services to rural and regional Australia and, secondly, the conviction that there will be a further decline in services if Telstra is permitted to have 100 per cent private ownership. The complaints to the Besley inquiry from residents of remote and regional Australia identify the poor quality of a lot of telco services outside the major capital cities. Essentially, they fall into five separate categories: first, the lack of adequate infrastructure; second, the lack of a decent mobile telephony service; third, poor to non-existent customer services in many parts of this country; fourth, fault repairs and connections which simply do not occur as a matter of course; and, finally, unfair charging, unfair pricing and an outdated system of local call zones.

Infrastructure concerns go to lack of adequacy in that many services are unavailable due to outdated exchanges being incapable of providing advertised services. Services that we regard as normal and readily available in major regional cities—such as call waiting, call return, message banks and faxstream—are not available in a lot of rural Australia because the capacity to deliver those services does not exist in the exchange, and that is due to a lack of capital investment in remote exchanges.

Persons who made submissions to the Besley inquiry complained about the ongo-

ing poor service and inequality of treatment between city residents and non-city residents. A recurring complaint in this sense was about the inadequate bandwidth or inadequate data transmission capacity, leading to poor quality or slow speed for Internet usage. Mobile telephony was repeatedly criticised because of non-coverage, limited coverage or poor coverage. The cost of satellite equipment and call charges—often suggested as an alternative or a substitute—is not acceptable to most people in rural Australia because it is prohibitively expensive for most as a substitute. Again, the complaint was about the differentiation in treatment between rural Australia and residents of major capital cities. Major capital cities get all of the services, they are first in line to get them, and the charges to consumers are competitive and in some cases relatively fair. The thrust of submissions to the Besley inquiry was that, once you leave the major capital cities, the services are not available and, if the services are available, they are available by alternative means which are prohibitively expensive for most people.

Customer service levels and fault repair systems were criticised time and time again. Some of the complaints were as follows: first, fault complaints were not recorded or actioned because systems within the company had not been established to do so in an adequate manner. Secondly, a recurring complaint was the non-attendance by technicians at appointment times in rural and country areas—people have to wait at home for the technician to attend and, if he does not attend, it could be another four, five, six or seven weeks before the technician does attend, if he attends, to provide the necessary services. Thirdly, there were complaints about the discontinuation of services such as on-site cable location or free fault reporting services are now charged usually at mobile telephony rates. Once upon a time, it was a free call to advise of a fault or to get a cable fixed; now you cannot do that if your cable is faulty and, if you do call, you have to pay STD rates—again an example of the differentiation of treatment. Finally, there were complaints about the fact that centralisation of call centres has led to a lack of local

knowledge because of inadequate investment in training by the Telstra Corporation.

So what has been the Commonwealth government's response to these issues? Will it direct Telstra to improve telco services to regional and rural Australia? Does it listen to all of these legitimate complaints of regional and rural Australia? Does it apologise for five years of failure? Does it commit to no further privatisation of Telstra over the life of the next government? Senator Alston was asked these questions last week in estimates hearings and also today in question time, and on both occasions he avoided the issue. He refused to give a blanket yes or no to these very simple questions. He refused to give an unequivocal commitment to retaining Telstra in majority public ownership. ALP senators, the opposition, have clearly and fully stated on the public record their position concerning Telstra: no further privatisation of Telstra. (*Time expired*)

Senator EGGLESTON (Western Australia) (4.48 p.m.)—This is one of the most incredibly silly motions that I have ever seen put before the Senate. It is based on the concept that telecommunications in regional areas have been eroding. The motion not only is based on telecommunications having eroded but also talks about further erosion. That is completely nonsensical. Anyone who knows anything about telecommunications should know—and Senator Bishop likes to pose as someone who knows a thing or two about telecommunications, so he should know—that under this government telecommunications in regional Australia have improved and have now reached a standard of efficiency and level of service that has never been seen before in this country. Senator Bishop's motion about the further erosion of the quality of telecommunications and services to country Australia is simply, by definition, an absolutely nonsensical proposition.

Senator Bishop talked about whether or not the government was going to apologise for five years of failure in regional telecommunications. That is a ridiculous comment for him to have made when one looks at the record of this government. For the purposes of this debate, I would like to outline some of the improvements this government has made

to telecommunications services in regional Australia. Senators can then make their own comparisons between the Howard government's five years of consistent achievement and improvement in regional telecommunications and the Labor government's 13 years of absolute neglect of people in rural areas and absolute disinterest in anything that affected them.

First of all, let us have a look at Telstra's commitment to regional Australia. It involved a \$5.7 billion investment over four years to 31 June 2000 in non-metropolitan communications plant. I will repeat that figure in case Senator Bishop wants to read *Hansard* afterwards to take in a few facts: \$5.7 billion was spent in the four years to 31 June 2000 on communications plant. This represents 49.7 per cent of Telstra's total investment in communications plant. So one can hardly say that rural Australia has been neglected or that there has been an erosion in the quality of telecommunications services to regional Australia when that much money has been spent on improving the plant—the equipment and the technology—that provides services to regional Australia. Also, \$1.56 billion was spent in country Australia in 1999-2000 alone.

The size of Australia and the relatively low population make this country a challenging place to deliver telecommunications services. This is heightened by the fact that telephone ownership in regional Australia is high by comparable international standards—93.7 per cent of non-capital city households in Australia have phones. That is in fact a higher percentage than in capital cities. In capital cities, only 92.5 per cent of households have phones. This is higher than in the United States, where penetration is only 85 per cent in rural areas. In other words, in Australia, with our small rural population scattered over an area as large as the continental United States, we have a higher percentage of people with telephones and we provide a much higher level of service—or we certainly have done so since the Howard government came into office.

Let us have a bit of an overview of the record of the Howard government in terms of the provision of telecommunications services

in regional areas. One can say that regional customers are experiencing better connection rates, reduced fault rates and shorter repair delays under the Howard government than occurred under the previous regime. Telstra spent \$727 million in 1999-2000 upgrading our customer access network and future mode of operation. It has modernised and digitalised our exchanges and the interexchange network. CDMA has replaced the analog network and will provide and has provided better service around Australia to an additional 200,000 customers. Telstra is now Australia's national digital data service provider and ADSL technology will provide broadband Internet access to the vast majority of Australians.

Computer robots now monitor network alarms, automatically testing, diagnosing and, where possible, restoring service within 24 hours. That is not bad. I hope Senator Bishop, who is not here because no doubt he does not want to hear about these sorts of things, takes note of what I am saying as he hides up in his room after putting forward this ridiculous urgency motion. Remote customers can now call their own dedicated customer service centre and trained customer liaison staff handle fault reporting, manage service orders and handle basic sales inquiries from a rural, remote and regional perspective. MiniSat telephones are now providing solutions for emergency fault restoration and interim installations.

The universal service obligation satellite is providing a new service option for remote and rural customers while the Telstra Big-Pond satellite is providing fast Internet connections for people in the bush. One hundred rural and remote trainees are being employed. More than 60 people have already taken on the challenge of getting involved in telecommunications in remote and rural areas to provide service to people in regional Australia. Four hundred satellite phones have been installed in remote areas for Telstra service vehicles to provide better service through real-time communication with staff as they restore communication links for customers.

It is very hard to see how telecommunications service levels have been eroded, as

Senator Bishop would have us believe. One of the criticisms Senator Bishop made was that the government has not listened to people in regional Australia about problems to do with telecommunications. I just wonder what Senator Bishop thinks the Besley committee was all about, which we set up and which travelled around this country and took evidence from people all over the country about problems or perceived problems to do with telecommunications. Of course some problems were identified, but the fact that we set up that inquiry means that this government is listening to the people of regional Australia and is determined to do something about the problems which were identified. That is in stark contrast to what happened under Labor. We had Senator Bishop crowing like a cock in the early morning because the Labor party won a few seats in regional Australia with the help of One Nation votes. I do not know that I would be terribly proud about that sort of thing.

We are a government and a party which have a commitment to the people of regional Australia and we have gone out of our way to improve services in regional Australia. For Senator Bishop to put up an urgency motion which criticises the government for further erosion in the quality of telecommunications to country Australia when in fact they have been improved—as I have demonstrated—is an absolute nonsense. I trust that the Senate will treat this motion with the contempt that it deserves. The facts are that the Howard government has done a great deal to improve telecommunications in regional Australia and this motion deserves to be thrown out.

Senator ALLISON (Victoria) (4.58 p.m.)—The Democrats will be supporting this motion. Before I make the substance of my contribution here I would like to make it clear that, while we support the motion, our concern about the quality of telecommunications services in country Australia is not the only reason for opposing the sale of Telstra, although it is a very strong reason indeed. The first tranche for the privatisation of Telstra was very badly handled by this government. It was estimated that \$14 billion was lost to the public purse by virtue of that first tranche. The privatisation of Telstra has seen

massive job losses, mostly in rural and regional areas. Ten thousand went in May last year and then of course there was the announcement about a further 4,000 to go from call centres in October. We say that the selling of the rest of Telstra makes no sense on economic or on service grounds. Our debt is very low by OECD standards, so selling Telstra in order to repay debt is not an issue. Telstra's profits continue to increase, and they were up 16 per cent last year on the previous year's. Telstra's profits continue to provide the Commonwealth with a very substantial income stream which we would not like to see lost.

I must say that I am amazed the Prime Minister is still talking about selling Telstra. In my view, he is just not getting the message from Australians. They no longer believe the nonsense that privatisation is good for us and that competition policy will deliver benefits, particularly to rural and regional residents. In fact, we think that privatisation mostly benefits private corporations. That has certainly been the case with the sale of Telstra.

To get back to the question of service delivery, as has been pointed out already in the debate late last year, Mr Tim Besley, Ms Jane Bennett and Mr Ray Braithwaite conducted an extensive inquiry into telecommunications services in Australia. Those three people were tasked by the Prime Minister with assessing and making a certification on the adequacy of telecommunications services in Australia. That inquiry reached two conclusions. The certificate its members gave said:

The Inquiry research indicates Australians who live in metropolitan and regional centres enjoy good telecommunication services and are generally satisfied with them.

That is the first conclusion, and it is a conclusion against which few of us could argue. By and large, the telephone service and Internet access that I have in my suburban Melbourne home is good. Similarly, people living in larger regional centres like Toowoomba in Queensland or Parkes in New South Wales generally have high quality services available to them. But the second conclusion of the inquiry was:

However, a significant proportion of those who live and work in rural and remote Australia have

concerns regarding key aspects of services which, at this stage, are not adequate.

That statement speaks for itself. Key aspects of services in rural and remote Australia are not adequate. If you live 30 kilometres out of Kununurra or you are on a station two hours drive from Broken Hill, you do not get data speeds over your phone line that would make Internet access workable. If your phone stops working for no apparent reason, there is a one in five chance that Telstra will not be out to fix it within the time required under the customer service guarantee.

The government's response to these problems is to say that there is no link between the ownership of Telstra and the level of service provision in those rural and remote areas. You will hear the Prime Minister constantly arguing that ownership is not important and that the regulatory regime you have in place is the best method of dictating better service levels, particularly in areas that are not subject to intense competition between the carriers. To the minister I would say: try taking those arguments to the National Party in Queensland; have a talk with Mr Bob Katter, Mrs De-Anne Kelly or some of their constituents in those rural electorates. Australians in rural and remote Australia are not happy with the quality of telecommunications services provided to them, and they want to know that the government at least has significant influence over the company that is supplying those services. The Democrats want to ensure that the government does not sell off the very tool that gives it significant influence over Telstra.

It has been the Democrats position all along that Telstra should not have been sold. If we were uncharitable, we would right now be saying to the National Party: we told you so. But we are not uncharitable. We are about ensuring that the government remains in a position to influence Telstra's actions. The minister likes to accuse the Democrats of wanting the government to micromanage Telstra and direct its day-to-day operations. This, of course, is rubbish. We do not want the government or the minister telling Telstra where to construct exchanges or where to install new lines, but we do want the government to have the ability to influence Tel-

stra's actions so that the disparities in service delivery can be overcome.

Referring back to the precise words of this motion for a moment, I would like to remind senators that the Democrats interpret the reference to 'further erosion of quality of telecommunications services' very widely. We are not just talking about repairs to your telephone line being too slow; the Democrats are concerned—and we have been for some years—about the bush being left behind. The technological advances in telecommunications over the past five to 10 years have been absolutely staggering. Those living in populated areas have benefited enormously and very quickly from those advances, but those living in rural and remote areas have not.

The government have two answers to all of this. The first is regulatory intervention, and they cite the customer service guarantee as an example of that. The CSG mandates certain service levels in terms of installation times and repairs, but it does not deal with things like data speeds or mobile phone coverage, and you can rest assured that the government are loath to extend the CSG beyond its current bounds. The government's other answer is competition. To a certain extent the jury is out on that one, because we are still waiting for the two USO contestability pilots to get under way. Even if that trial is successful, it relates only to the supply of the standard telephone service and there is nothing to guarantee that additional services like mobile telephony will be available universally at an affordable price.

I want to finish by noting that it was the Labor Party that sold off the Commonwealth Bank, Qantas and our airports. The Labor Party's hypocrisy on this issue would be hilarious if the problem were not so serious. I am hoping that the ALP have had a good look at what the Commonwealth Bank has done in rural Australia and have come to their senses. In brief, that sell-off resulted in inordinate branch closures, reductions in services and job cuts. To summarise, the Democrats will continue to oppose the sale of any more of Telstra, just as we opposed the sale of the first 33 per cent and just as we opposed the sale of the next 16 per cent.

Senator MACKAY (Tasmania) (5.06 p.m.)—In my contribution on this debate, I would like to centre on a couple of aspects that have come to light, most recently in relation to the diminution of service provision in regional Australia. The first one is the intent of Telstra to proceed with the privatisation of the Network Design and Construction section of Telstra. For those who do not recall, in April 1999 Network Design and Construction, or NDC, were corporatised by this government. Network Design and Construction are the people who do precisely what that name intimates: they design and construct the network and undertake some maintenance of the network.

Way back when the initial privatisation of Telstra was discussed, the minister for communications, Senator Alston, made a comment which received significant publicity at the time. His comment was to the effect that, in many respects, there would be no need to go to the parliament with regard to the privatisation of Telstra and there were a number of other ways that the privatisation could be achieved without going through the process of the House of Representatives and the Senate. In fact, he was referring to precisely this sort of initiative. In April 1999, Telstra—with the government's blessing—corporatised Network Design and Construction and it was revealed at estimates on Thursday evening that Telstra intends to proceed with the sale of Network Design and Construction and the jeopardising of thousands of jobs as a result.

In the exchange in the estimates committee between the minister and me on this issue, Telstra made it extremely clear that it is not in the business of constructing the network. I think Telstra is wrong. But it regards itself as a business, so that is its view. Telstra does not regard this as part of its core business. It intends to sell NDC—I think the date was 8 March, with the tidying up process to be completed by the end of this financial year. However, I thought it was extraordinary that the minister agreed with Telstra. The minister for communications agrees that Telstra is not in the business of constructing the network. I thought that was highly significant. With due respect to members opposite,

when you have a minister like that, you do not need enemies.

In regional Australia, as many people in the chamber would be aware, there is a huge demand for construction and infrastructure provision. This was pointed out by my colleague Senator Bishop and has been highlighted by the Besley report. What are Telstra and the government doing in the face of this huge demand? They are selling off the very section of Telstra that is responsible for the construction of the network. That sale is slated to be completed by the end of this financial year but will occur in March. Against a background where the minister is doing nothing, the minister supports Telstra's objective of selling Network Design and Construction and agrees with Telstra that there is no role for constructing the network in Telstra. This is a very big country indeed; Senator Eggleston was certainly right about that. You cannot put the business of constructing a network into private hands and the reason for that is the lack of competition in regional Australia. I noticed with interest, when I was reading the *Hansard* of the estimates committee, that even Telstra had to concede that—in a fairly ungracious manner. When I asked:

Is it fair to say that Telstra believes there has been a reduction in demand in regional Australia—

this is for network construction—Mr Stanhope from Telstra responded, without answering the question, but fairly succinctly:

The competition has been more prevalent in metropolitan Australia.

I then asked:

So has there been a reduction in demand in regional Australia?

He said that he knew there had been an overall reduction in demand and that he would get the figures to me. He then went on to say:

... I would suggest that competition is less in regional Australia than in metropolitan Australia.

You do not have to be Einstein to work that out. So, in the face of major concerns from regional Australians about the construction of the network, what is the government's answer? They are going to sell the section of Telstra that is responsible for the construction of the network. I find something else

very interesting, and I am amazed that nobody on the other side has talked about this, particularly given the parlous state of the coalition in rural and regional Australia. This privatisation by stealth seems to have gone completely unnoticed by senators opposite and we have not heard a peep out of them on that. I would like to call on senators from regional Australia to make some queries of Senator Alston to find out why he does not believe that Telstra should be in the business of constructing the network—something which is axiomatic in respect of regional Australia. I thought we had quite an extraordinary exchange at estimates the other night.

The second point I would like to make is that it is also very interesting that both Senator Alston in this chamber and the Deputy Prime Minister, Mr Anderson, in the other place refuse to rule out the privatisation of Telstra. It is very clear to everybody in regional Australia that the government is intent on selling Telstra. It was not ruled out by Minister Anderson or by Senator Alston. In Senator Alston's case, you had a fairly ludicrous example of Senator Alston saying one thing on the proposed sale on the very day that Minister Anderson said another. Again, I call on those opposite who have an interest in regional Australia, particularly National Party senators, to apprise themselves of what is going on with the Network Design and Construction sale. I honestly do not think National Party senators would be terribly pleased to find out precisely what Telstra is proposing and what this government is supporting.

In my home state of Tasmania, there was quite recently a major article in the Hobart *Mercury* which blew the lid off the fault reports for Telstra in Tasmania. These are called E71s. I understand from Telstra that there are thousands and thousands of these E71s. In Tasmania, the number of faults that technicians have reported is in the order of 3,800. When I asked Telstra the other night how many there would be around Australia, Mr Stanhope said that there would be tens of thousands of faults on the network around Australia. I have yet to get those final figures and, when I do, I will be bringing them to the Senate. When you have tens of thousands of

faults in Telstra, why on earth would you be selling Network Design and Construction, the area responsible for the construction of the network and some maintenance?

The other section of Telstra which is responsible for maintenance primarily is NNS, and Telstra did not rule out privatising that either. We have a minister who prides himself on saying, 'I am the Minister for Telstra,' as Minister Alston once said. He is not doing his colleagues in rural and regional Australia one bit of good by doing nothing about the privatisation of Network Design and Construction and by doing nothing about the hundreds of thousands of faults in the network around regional Australia. People on the other side should be taking this up and, if they do not, they do so at their own peril in the next federal election.

Senator TIERNEY (New South Wales) (5.14 p.m.)—I rise to speak on the same matter. It is interesting to see the breathtaking hypocrisy of the ALP on the matter of privatisation. They were the party that went to the 1987 election saying that they were never going to privatise anything, and they really had a go at us at the time. It is *deja vu*: here we are back here, and they are saying, 'Well, you can't go on and do this any further.' Look back to what they did at that time, and have a look at some of the examples: Qantas, the airport, the Commonwealth Bank and pipelines. Senator Mackay might want to explain why the Labor Party speak with a forked tongue and say one thing and then do another. Right through the eighties, we had example after example of Labor saying that they were not going to move in this sort of direction, and then they did.

Out of the leaked cabinet information, we found that Telstra was next on the list of what the Labor Party was going to do in the early nineties—and the record of cabinet evidently shows this, but I suppose we are going to have to wait up to 30 years to actually get this revealed. Paul Keating wanted to sell it to BHP at that point. So we have rank hypocrisy here.

The coalition government's stand on this matter has been made very clear by the minister. We have said that until service levels improve in the bush this is not even on the

agenda. This matter came up in question time today. The minister was asked a question about it and gave a very definitive answer that that was the case. People will remember the supplementary question: do you have legislation designed to do this? Of course, the answer from the minister was no. This is just a furphy. The government are going to wait until the service levels have risen to an adequate standard before we even consider this matter.

Let us think about the standards that did exist. People often forget how much of an improvement there has been over the last eight years in what happens in the delivery of telecommunications service.

Senator Schacht—I hope you make this speech all around the bush, explaining why you want to sell the lot.

Senator TIERNEY—I am glad you interjected, Senator Schacht. I remember you being a minister at that time. I remember that at that time the record of Telstra in the early nineties—that people often forget—was just absolutely appalling. There was a leaked report to this chamber about the service levels in western New South Wales and in southern New South Wales. This was an internal Telstra document that was leaked in 1994, showing the appalling level of services under the last Labor government.

Just look at the massive improvements to that service under this coalition government. We now have a universal service guarantee on those services. The operations that are broken down have to be fixed in a certain time. We have a regime of fines related to that. The timing of those service calls have improved dramatically. Not only that, the quality of the whole network has improved enormously over that time. The problems that existed under Labor have diminished.

Senator Schacht—Then why did you sell it?

Senator TIERNEY—Do you mean as Paul Keating wanted to do—sell it to BHP? So you are revealing your old policy again. Senator Schacht is still back in the early nineties on the Keating line: sell the lot. Is that what you are saying, Senator? That is

what it sounds like. That used to be your line.

Senator Schacht—That is just an untruth.

Senator TIERNEY—Is it? I think there is a lot of evidence around that that actually happened. What people should be aware of—

The ACTING DEPUTY PRESIDENT (Senator McKiernan)—Senator Tierney, you might address your remarks to the chair. That might cut down on the number of interjections.

Senator TIERNEY—Let me just make the point on what the partial privatisation of Telstra has achieved to this date.

Senator Schacht—Total opposition.

Senator TIERNEY—The Labor Party voted against it, and you voted against a lot of excellent initiatives from the coalition government on things like Networking the Nation. You fought tooth and nail against a quarter of a billion dollars being spent on regional and rural Australia to improve the service level and delivery of telecommunications.

Senator Schacht—We got a big vote in Western Australia and Queensland.

Senator TIERNEY—Yes, you did. You voted against it. I can find the voting record and there would be the name: 'Senator Chris Schacht—against.' You were against a quarter of a billion dollars for rural and regional Australia. Have a look at those programs and you will find that there would be massive improvements out in rural and regional Australia to improve the services to the community. It is not just a matter of Networking the Nation; there have been major improvements in telephony right across that area. Mobile phones and changing technology have been allowed to develop and flourish under this government. In 1997, when we freed up the system, we brought competition into the system. This was actually one of the things that has helped get the original monopoly of Telstra on track to get the services up and the costs down.

Look at what we have done recently with local calls in these more remote areas. Senator Eggleston here trumpets the fact that out

in north-west Western Australia you have a situation now where the local time zone is extended. These calls are over a much wider area. We have a much better situation in terms of cost. I find this fascinating, and it is a great tribute to the government's success: if you have a look at the way in which people have taken up this technology in the country, the way people are getting onto the Internet and the way people are using computer technology, it is very close to what is happening in the cities now. The take-up rate is 52 per cent in the cities and 50 per cent in country areas—it is very close. The reason for that is the improvement in telecommunications services under this government.

The ownership of Telstra is a total furphy in this debate. Who owns it is not the important question; the important question is the regulatory system for the total telecommunications system. We have a set of rules and procedures in telecommunication that must be followed by Telstra, Optus, Vodafone, One.Tel and all the others. That is what you need: a set of rules to make sure that you have a universal service guarantee and a universal service obligation. You have that under this government, and we have had a massive improvement in telecommunications services that would not have been delivered if the Labor government had continued.

Senator SCHACHT (South Australia) (5.21 p.m.)—I rise to speak in this important debate, and it is not the first time that I have risen to speak in a debate about the future of Telstra. Over almost a decade I have risen many times and I have been completely consistent in totally opposing any privatisation, in part or in full, of Telstra. The remarks of my colleagues Senator Bishop and Senator Mackay were very thoughtful in explaining the detail about why it is not in the national interest—certainly not in the interests of the regions of Australia—for Telstra to be further privatised. We note that all around Australia, both in public opinion polls and in elections, overwhelmingly the people have indicated that, whatever they may think on other issues, they are opposed to any further privatisation of Telstra. They do not trust this government, nor do they trust the manage-

ment of Telstra that promises of a steady improvement in services will be met.

One of the things they know will happen is that whatever improvements they get in the bush will not be matched by the improvement in and the growth of services in the big commercial markets of the capital cities of Australia. They know they will be further left behind. The only hope they have got is for a government to have the guts to use the ministerial power of direction and say to Telstra, 'This is what you will do to guarantee services to all Australians.' The opposition has never backed away from saying, from the time you started to privatise, that the power of direction will be used where necessary in the national interest.

Let us now go to the position of the minister for communications, Senator Alston. Just two weeks ago in a public interview given to the *Financial Review*, published in full in that paper over several days, Senator Alston indicated absolutely that it is the government's policy to move towards rapidly selling the rest of Telstra. He got jumped on by the nervous Nellies in the National Party. He got jumped on by the rural community. They said, 'No, no.' Even the now resigned leader of the National Party in Queensland, Mr Borbidge, said, 'This is not on.' The Prime Minister jumped on him, treated him as a doormat, and he had to back away. He was totally discredited over this. But that is his bottom line. We also know that it is John Howard's bottom line to sell the rest of Telstra. Alston's position has been shredded—

The ACTING DEPUTY PRESIDENT (Senator McKiernan)—Order! Use his proper title: Senator Alston.

Senator SCHACHT—Senator Alston has no credibility on this. Let us go now to the area in Australia where overwhelmingly they oppose the sale of Telstra, even more than in the cities, and that is regional Australia. I find it astonishing that the National Party have allowed themselves to be seduced and convinced by the so-called free marketeers led by Senator Alston and Mr Costello in the Liberal Party saying, 'An odd billion dollars here will fix up all of Telstra. It will give you a few bits and pieces.' But there is no guar-

antee for ever and a day that those services will be maintained.

Since the coalition have been in office we have seen the sacking of 30,000 Telstra employees, overwhelmingly in regional Australia. You have gutted country towns. Small country towns have lost their employment through the sacking and redundancies forced by Telstra management across Australia—all on the basis of making it a more profitable company to be privatised and to maximise the price; not to maximise the service given to the people of Australia.

That is why we have reached baseball bat time in Australian politics. Five years ago, unfortunately, the then premier Mr Goss said that the electorate was waiting with baseball bats for the next election in 1996 against the Labor government. Unfortunately, he was correct and there was a landslide result. But in the last month in Australia we have seen that the baseball bats are out again in the electorate of Australia—in regional Australia in particular—and people are waiting for the federal election to start smashing in the heads of the National Party. They will be like rotten watermelons splattered from one end of Australia to the other as the election takes place.

Who would have thought only a matter of a few years ago that a state seat like Burnett in Queensland—rock solid, rusted on, small farmers, graziers, sugar cane growers—would ever vote Labor. In a straight head-to-head contest, with no excuse about One Nation preferences, we won the seat. It was an astonishing result; the most astonishing result in Queensland. More than winning urban votes on the Gold Coast or on the Sunshine Coast or even in the leafy suburbs of Brisbane, to win a seat like Burnett that has no coal mining of any consequence and no big industrial base of a regional centre just shows how far the National Party has sunk. And that is why we say it is now your turn to have the baseball bats used on you.

Why are people doing it? You sold them a pup in 1996. The National Party, particularly, said, 'Elect us and all your troubles and all your problems will be resolved just by changing the government.' You did not explain to the voters the problems of economic

change in the world. You sold them a pup. They gave you a couple of years start but then they realised that nothing was going to change. The position was going to get worse because you want to sell Telstra. You wanted to introduce even harder competition. You wanted to cut back the services and close down the social security offices, the taxation offices and the Medicare offices. You reduced services to the bush. They woke up but the free marketeer ideologues had got control of the Liberal Party, and the National Party rolled over and let it go through. So now they are waiting with baseball bats to use on the National Party and we are going to see at the coming federal election the wipe-out of the National Party. (*Time expired*)

Senator SANDY MACDONALD (*New South Wales*) (5.28 p.m.)—There is some humour in following Senator Schacht in this debate. In the last parliament Senator Schacht was the shadow spokesman for communications and I think the government is still waiting for his submission to the Mansfield inquiry, which produced the paper on the future of the ABC. This motion put by Labor is humbug of the most transparent kind. It is in the same chapter as Labor criticising petrol excise: they invented it and they will keep it. The Senate and the Australian people should have Labor's position on privatisation of Telstra on the record. The evidence is overwhelming that Mr Keating and the then finance minister, Mr Beazley, wished to sell Telstra. As my colleague Senator Tierney said—after all, they had sold everything else. Mr Keating is on the record as floating the possibility with Mr Prescott of BHP.

Opposition senators interjecting—

Senator Abetz—Mr Acting Deputy President, I rise on a point of order. I would invite you to encourage the two opposition frontbenchers and the would-be frontbencher of the opposition to contain themselves.

The ACTING DEPUTY PRESIDENT (**Senator McKiernan**)—What is your point of order, Senator Abetz?

Senator Abetz—Senator Macdonald listened to the opposition contribution in silence, and he should similarly be heard in silence.

The ACTING DEPUTY PRESIDENT—There is no point of order. On earlier speakers there were a number of interjections coming from all sides of the chamber. I have endeavoured to maintain—

Senator Tierney interjecting—

The ACTING DEPUTY PRESIDENT—I think, Senator Tierney, I have heard quite enough from you by way of interjections, and I will not allow you to interject while the chair is speaking. I was ruling on the point of order raised by Senator Abetz. I am not going to agree with the point of order. There have been interjections from both sides of the chamber. I have endeavoured to maintain order. I have called order a number of times on a number of individuals within the chamber. Mostly, I have been ignored from both sides of the chamber. I would ask all senators to respect the standing orders and contain themselves.

Senator SANDY MACDONALD—Thank you, Mr Acting Deputy President. You do not have to agree with the point of order, but I do. I listened in silence to Senator Schacht and I ask him to do the same for me.

Senator Schacht—You listened in silence because you couldn't think of one argument against me.

Senator SANDY MACDONALD—Well, it is not hard with you, Senator Schacht. Actually it is quite easy to think of things to say to interject on you. Mr Beazley clearly wanted to sell Telstra. He told Mr Blount as much, and he in fact let the cat out of the bag. The Labor Party has form on privatisation, as my colleague Senator Tierney said—not just Qantas but the Commonwealth Bank. Mrs Kernot has said that, whilst she is confident that Labor will not sell Telstra while they are in opposition, she does not have the same confidence for when they are in government. We also have remarks from other ALP figures recently: Mr Crean with his off-the-record Telstra comments in the *Financial Review* and, of course, somebody I respect in the Labor Party, Mr Tanner, who at a Macquarie Bank meeting floated the idea that parts of what remain in public ownership in Telstra be hived off—in other words, pri-

vatised. Let us be frank: the ALP would sell Telstra if they got a chance.

The difference is that the Howard-Anderson government both repaid public debt and provided real advantages to rural and regional areas from the partial privatisation. We have also provided the time for Telstra to lift its game through a number of initiatives like Country Wide. I remind the Senate that the government sets the standards by which Telstra performs. In terms of the USO and the customer service guarantees, the government sets the standards, and the government has set very high standards which Telstra is attempting to meet. Just today my colleague the federal member for New England, Stuart St Clair, and the local Telstra Country Wide New England North West Regional Manager, Ian Peters, jointly announced that more than 50 exchanges in New England would be upgraded to deliver Telstra EasyCall services. The upgrade, to occur over the next seven months, will mean that people in local rural exchanges will be able to have access to Call Forward, Call Waiting, 3-Way Chat, Call Return and Message Bank in their homes. This is good news for people living in our local rural exchanges and I know it will be welcomed by all those people who have contacted my office and Country Wide requesting access to EasyCall. This is a \$24-million initiative from Telstra Country Wide, and we are now well on our way to delivering access to EasyCall services to all fixed phones, certainly in New England and the north-west but also throughout country Australia.

On the local performance of Telstra, I would like to commend Telstra on its performance during the floods in north-west and northern New South Wales as a result of the dreadful November floods last year. Anecdotally, Telstra performed outstandingly throughout the devastated areas. I personally can say that Telstra's line at the watercourse crossing that goes up the valley in which I live was washed away but within two days Telstra had temporarily repaired the cable, and it was fixed properly within about six weeks. It was a difficult and fiddly job and it was a job well done. I commend them publicly for that.

As my colleagues have already said, particularly Senator Eggleston, late last year the government released the telecommunications services inquiry. This inquiry was chaired by Mr Tim Besley, a businessman with considerable authority. It confirmed what country people have known for some time: that service is more important than ownership; that competition in telecommunications has driven Telstra to substantially lift its performance in almost every area of its activity; and that whilst service is generally good in metropolitan areas there is still room for improvement in regional areas. These findings are understandable in a business presently capitalised at \$50 billion and constantly in need of good management and improvement. The Howard-Anderson government has been very open and forthright in its telecommunications policy and the Besley independent and public inquiry was certainly that.

The findings of the inquiry were interesting. It found that Australia generally has high quality telecommunications services comparable to the best in the world, and that people in metropolitan regional services have good services and generally are satisfied with them but a significant number of people in rural and remote Australia made it clear that some key service aspects are not adequate at this time. The inquiry highlighted three specific problems for rural and remote consumers: there is poor performance in repairing faults, and fault rates in localised areas that are far too high; many small businesses and families cannot get reasonable access to the Internet, and some have no access at all; and some companies in rural and remote areas cannot get the business telecommunications they need to operate competitively. This is vital because if telecommunications are good geographic isolation is unimportant. Of course we have the famous Mick's Whips from Alice Springs who can sell in downtown New York with complete ease because, with the telecommunications access that he has through the Net, it does not matter whether he is in Darwin, Dubbo or Double Bay—he does the job. The government's response has recognised the importance of fixing the problems that Mr Besley has identified. A plan of action to improve Telstra's

performance is continuing, and the government has made it clear it will not introduce legislation for further privatisation until that occurs.

Question resolved in the affirmative.

Motion (by **Senator Carr**) agreed to:

That the resolution relating to Telstra be communicated by message to the House of Representatives for concurrence.

ADMINISTRATIVE REVIEW TRIBUNAL BILL 2000

ADMINISTRATIVE REVIEW TRIBUNAL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000

Report of the Legal and Constitutional Legislation Committee

The ACTING DEPUTY PRESIDENT (Senator McKiernan)—I present the Legal and Constitutional Legislation Committee report, together with related documents, on the provisions of the [Administrative Review Tribunal Bill 2000](#) and the [Administrative Review Tribunal \(Consequential and Transitional Provisions\) Bill 2000](#).

Ordered that the report be printed.

ADVISORY PANEL ON THE MARKETING IN AUSTRALIA OF INFANT FORMULA

The ACTING DEPUTY PRESIDENT (Senator McKiernan)—I present the annual report for 1999-2000 of the Advisory Panel on the Marketing in Australia of Infant Formula.

REVIEW OF PARLIAMENTARIANS' ENTITLEMENTS

The ACTING DEPUTY PRESIDENT (Senator McKiernan)—I present a further response from the Auditor-General, Mr Barrett, to a resolution of the Senate of 2 November 2000 requesting a review of parliamentarians' entitlements.

BUDGET 2000-01

Consideration by Legislation Committees

Additional Information

Senator CALVERT (Tasmania) (5.39 p.m.)—On behalf of the chair of the Community Affairs Legislation Committee, I present a transcript of evidence and additional information received by the committee relating to the supplementary hearings on the budget estimates for 2000-01.

Senator CHRIS EVANS (Western Australia) (5.40 p.m.)—by leave—I move:

That the Senate take note of the documents.

This is an important report on the estimates process of the Community Affairs Legislation Committee. A lot of good work was done at the estimates, and I thank the officers for their cooperation. I also thank Senator Vanstone for her cooperation during the hearings. A couple of issues of great concern to me arose at those estimates hearings last week which I want to speak to today. In doing so, I want to make it clear that I am not casting any aspersions on the public servants involved, but I am concerned about the trend now to deny to the estimates committee information that was previously made available. I suspect there is a great deal of political intervention in this process, but there are a couple of glaring examples whereby the committee and therefore the people of Australia were denied information that has previously been made available on the administration of aged care in this country.

I want to raise, firstly, the issue of the publication of statistics to do with waiting times to gain an aged care residential place. This is a statistic that has been produced by the department for many years under successive governments. It is a key performance benchmark indicator required in the annual report of the Department of Health and Aged Care to measure the performance of the department in meeting the needs of our aged care community for residential places. The department are now refusing to provide that statistic broken down by regions because, they say, they are unhappy with the perception that it creates. This is a key benchmark performance indicator required in the annual report. It was published in last year's annual

report, but the department have been unwilling to provide me with the statistics which give proof of what the community knows—that is, there are very lengthy waiting times to access a residential aged care bed under the government's so-called aged care reforms.

We have seen a lengthening of the period the elderly have to wait before they can access a bed. Now many are having to wait more than three months before they can access a bed. Those figures have grown every year for the last three years. The government's solution to that is to refuse to publish those figures for this year; it is refusing to make available those figures. The department have taken on notice a request by me to release those statistics, particularly as they are required as a benchmark performance indicator in their annual report. To this stage, I have been unable to get those statistics, which, as I said, have been made available every other year for a number of years. I am concerned that those statistics have been denied to us because the government does not like the results and does not like the proof positive of the lengthening waiting times for elderly Australians to access aged care. The government is saying in effect, 'If you cannot fix the problem or are unwilling to fix the problem, you deny the statistics that prove that problem is getting worse.'

Most particularly this evening, I want to raise the question of the treatment and publicity surrounding the successful applications for the year 2000 aged care approvals round. This announcement was due in December last year but, like so many things in aged care, it took longer to emerge from the minister's office. On 12 January this year, she released the successful bidders, if you like, for aged care places in the year 2000 approvals round. This was a large round. The minister has been trying to make up for the budget cuts this government made to aged care when it first came to office and its failure to keep pace with the demand for aged care places, so this year there were 14,000 new residential aged care places. It was the largest single approval round ever, I understand.

The minister released a press release on 12 January 2001 and made public who those winners were and who now had the authority to license those new beds. It was interesting that, when I got hold of the information attached to the minister's release, there was so little detail available that one could not work out who had got approvals, who had been successful in the approvals round. I have had since that time a number of industry representatives approach me saying, 'Well, we know what we got and what we missed out on, because they have written to us'—although some of the letters went to the wrong addresses and some had the wrong information; but I put that to one side—'but we do not know who else got what. We do not know who were successful in what regions or why; we don't know what the fallout from this approvals round is, who the successful bidders were, or where exactly the new aged care beds or community care places will be provided.'

All we got from the minister this year is an alphabetical list for all of Australia, listing the aged care service names alphabetically throughout Australia; the application type; the places, and any capital grants. We got no further information than one list, for all of Australia, done alphabetically by service name. That sometimes gives you no clue as to the locality of the service. Some of them have names that include a location name; others like Centacare or Churches of Christ Care don't give you any indication as to where the place is, and therefore you cannot work out where the grants have gone.

I asked the officers at estimates in this estimates round why it was that we did not get the information in the format that we got last year. Last year and in previous years we got much fuller information. It was broken down by state; you could identify the aged care planning region; you could identify the address of the provider, the contact name and full details of whether they got high care or low care beds et cetera. You had the full information broken down by state and flagged by region. So this was a much less informative piece of information and, quite frankly, the industry are perplexed as to why the full information has not been provided this year.

So when I asked at estimates, one of the officers, Mr James, said—and I think this quote best summarises their position after a number of different goes at explaining it—at page CA134 of the estimates of 20 February:

All I can say is that we had to try and minimise the amount of extra work we had to do and that is the best we could do in the time we had available. That is in response to my questioning as to why we did not get the information in the same format. Imagine my surprise when I find out that all Liberal senators received a letter from the minister on the day that she announced the aged care places—that is, 12 January this year—whereby she set out for them the successful applicants and who had got what in each of their duty electorates. I have no problem with that. Government members should be out there selling the message, and I have no problem with that information being made available to them.

What I want to know is why the department are telling me that that information is not available on 20 February, saying they have not been able to provide that information to me and have not been able to provide it to aged care providers in this country—providers who have a legitimate interest in the outcome of these applications, and many of whom spend a lot of money preparing their applications and may have been unsuccessful, in part or in whole. But then I see that my government colleagues in the Senate who are duty senators for electorates that are not held by the government also received letters, as I understand all the lower house members did as well for their own electorates, indicating that the minister had made this announcement, with a draft press release that they might like to adapt, and indicating in which electorates people were successful and what they were successful in gaining.

As I say, I do not have any problem with the principle of their informing duty senators and local members about that. But what I do object to is the fact that the department then, a month and a half later, still says to me that the information is not available; yet the information provided to government members and government duty senators is in exactly the same format as had been produced in previous years and has been made available to those members of parliament since 12

January. It includes the name of the provider. It includes information about whether they were awarded high- or low-care beds. It includes contact details. It includes the description of which aged care planning region each allocation is in. It includes details of which electorate the grant is in. All that information that has been made available publicly to the sector and the community in past years, and which has now been denied to the sector and to me at estimates some six weeks later, must have been—and it can be proved that it was—available to members of the government some six weeks earlier. Yet it is still being denied to me in the estimates process, and I want to know why. Why the cover-up? Why not make that information publicly available?

Question resolved in the affirmative.

PARLIAMENTARY ZONE

Proposal for Works

Senator ABETZ (Tasmania—Special Minister of State) (5.50 p.m.)—In accordance with the provisions of the Parliament Act 1974, I present a proposal by the National Capital Authority to plant the international tree of peace in Peace Park, together with supporting documentation. I seek leave to give a notice of motion in relation to the proposal.

Leave granted.

Senator ABETZ—I give notice that, on the next day of sitting, I shall move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for work within the Parliamentary Zone, being work related to the planting of the International Tree of Peace in Peace Park.

MIGRATION LEGISLATION AMENDMENT BILL (No. 1) 2001 AVIATION LEGISLATION AMENDMENT BILL (No. 1) 2001 HEALTH LEGISLATION AMENDMENT BILL (No. 1) 2001

First Reading

Bills received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (5.52 p.m.)—I indicate to the Senate that those bills which have just been announced are being introduced together. After debate on the motion for the

second reading has been adjourned, I will be moving a motion to have the bills listed separately on the *Notice Paper*. I move:

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

Question resolved in the affirmative.

Bills read a first time.

Second Reading

Senator ABETZ (Tasmania—Special Minister of State) (5.53 p.m.)—I table three revised explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

MIGRATION LEGISLATION AMENDMENT BILL (No. 1) 2001

This bill was previously known as the Migration Legislation Amendment Bill (No. 2) 2000.

It implements a number of the government's policy initiatives within the immigration and multicultural affairs portfolio.

These initiatives will further ensure the integrity of Australia's immigration laws.

Most of the initiatives flow from the government's stated policy to restrict access to judicial review in visa-related matters "in all but exceptional circumstances".

There are also a number of technical amendments in the bill.

The government's policy commitment to restrict access to judicial review in visa-related matters was given in light of the extensive merits review rights enshrined in the migration legislation.

Furthermore, the government is concerned about the ever-increasing cost and incidence of migration litigation with its associated delays in the removal of non-citizens from Australia.

The cost incurred by the department of immigration and multicultural affairs for all migration litigation amounted to more than \$11 million last financial year, with projected costs of more than \$20 million in the 2001/2002 financial year. Those figures do not include the operating costs of the courts.

A bill to implement the government's policy commitment was introduced into parliament in

June 1997 and was subsequently passed by the house of representatives.

However, the bill was awaiting debate by the senate when the parliament was prorogued for the 1998 federal election.

The bill - now called the migration legislation amendment (judicial review) bill 1998 - was re-introduced into the senate on 2 December 1998 where it is currently awaiting debate.

That bill contains a privative clause which would greatly reduce the grounds of judicial review in visa-related matters both before the Federal Court and the High Court, and ultimately reduce the number of non-citizens going to the courts in migration matters.

It would also end the current disparity between the grounds of judicial review available before the Federal Court and High Court, making it no longer attractive for persons to go to the High Court in its original jurisdiction.

While the much needed Judicial Review Bill has not attracted the support of non-government senators, the judicial review amendments contained in the Migration Legislation Amendment Bill (No. 2) 2000 are not a substitute for those in the Judicial Review Bill.

These new legislative initiatives address a disturbing trend which has seen court challenges in migration matters being made by way of class or otherwise grouped actions.

The government believes class actions are being used to encourage large numbers of people to litigate, with the aim of obtaining a visa.

There are examples of advertisements being placed in ethnic community newspapers using the eligibility for a bridging visa as a selling point for joining the class action.

The changes in this bill are necessary to combat the recent increase in the use of class actions in this way for people with no lawful authority to remain in Australia to prolong their stay and frustrate removal action.

Other than through litigation, most of those people would have no other way of obtaining authority to remain in Australia and would otherwise have to be removed.

Some class actions have involved challenges to the validity of the Migration Regulations 1994 by persons who have not even been the subject of a relevant visa decision.

Even where members of class actions are the subject of a relevant visa decision, there is reason to believe that a significant number of these persons would be out of time to directly challenge the decision in the Federal Court.

Overall, this is a disturbing trend given the government's policy objective to restrict access to judicial review in all but exceptional circumstances.

I accept that there may be sound public policy reasons for the availability of class actions in some matters.

While class actions might well be appropriate in allowing individuals to sue large organisations in expensive consumer-related actions, they are inappropriate in relation to migration matters, particularly review of protection visa decisions. This is because in such matters individual consideration of the facts is required.

The government believes that, in the migration area, such actions are causing a substantial number of persons to litigate who would not otherwise do so merely to get a bridging visa to prolong their stay in Australia.

Despite the fact that a bridging visa has a "no work" condition, some may even be working illegally.

Therefore, the provisions in this bill generally bar class actions in visa-related matters both before the Federal Court and the High Court.

To deter any attempt to promote a rush of class actions before these amendments are passed, the provisions apply to all court applications made on or after 14 March 2000, the date the bill was introduced in the other chamber.

The government does not wish there to be any encouragement or entitlements for persons to commence class actions between that date and when the legislative amendments come into operation.

The joint standing committee on migration has made a number of recommendations relating to the restriction on class actions.

The majority report recommended that the time limit for making an application to the High Court for judicial review be increased from 28 days to 35 days.

Government amendments were passed by the other chamber to implement this recommendation.

As a result, the time limit for making an application to the High Court, in its original jurisdiction, for judicial review of certain decisions is now 35 days.

The majority report also recommended that proposed section 486b in the bill be reviewed.

The majority report wanted it clarified that test cases are not precluded and multiple party actions in other jurisdictions are not affected by the bill.

Individual test cases are not precluded.

The government attempts to have important legal issues determined wherever possible by the use of test cases to which it is a party. This is undertaken in cooperation with the other party and the court.

When the court has determined an important legal principle, it is applied in respect of all other cases where this principle is relevant.

In situations where the principle is not in the applicant's favour, it is for the applicant to decide whether to continue to pursue their application – even if it will ultimately be unsuccessful.

Proposed section 486b clearly limits the restriction on multiple party actions to those which raise an issue in connection with visas, deportation, or removal of an unlawful non-citizen.

It does not preclude any person from being a member of a class action in relation to any other issue.

The dissenting report suggested that alternatives to restricting class actions should be considered.

For example, there should be more effective monitoring of the legal profession.

The department has received legal advice that the commonwealth cannot directly regulate the conduct of legal practitioners.

This is because it is not within a constitutional head of power.

With such limited options available, the conclusion which that advice reached was that this bill is an effective way of dealing with the increasing use of class actions in migration litigation.

The dissenting report also commented that the evidence before the committee only indicated a potential for exploitation of the class action process.

The dissenting report claimed that the evidence did not prove that there was such widespread abuse as to require the legislative action proposed in the bill.

The government does not accept this conclusion.

Ample evidence of the increasing incidence and cost of migration litigation was provided to the committee by the department.

Between 30-50% of applicants withdraw from migration litigation prior to a hearing.

The minister is successful in at least 85% of matters that proceed to a hearing.

On 14 March 2000, the Minister For Immigration And Multicultural Affairs advised the other chamber that, since October 1997, 14 class ac-

tions, involving thousands of people, had been commenced.

Since that time, another 6 class actions have been commenced.

These class actions are allowing more and more people to obtain bridging visas and remain in Australia until the courts have determined the matter.

A pattern has also developed of people moving from one class action to another in order to further prolong their stay in Australia.

For example, an analysis of half of the 700 members in the Macabenta class action showed that 40% had been a member of at least two class actions.

Further, many people are joining class actions because they are out of time to make an individual application to the Federal Court.

An analysis of a recent Federal Court class action indicates that:

- 75% had joined the class action more than 6 months after the date of the decision that was being challenged; and
- 48% had joined more than 12 months after the date of the decision that was being challenged.

The government believes that this provides substantial evidence of abuse of class actions in the migration jurisdiction.

The provisions in this bill also limit standing to commence or continue visa-related proceedings in the Federal Court to where there is a person who is actually the subject of a decision or action.

Because of constitutional complexities, the bill does not impose similar limits in relation to the High Court's original jurisdiction under section 75 of the commonwealth constitution.

However, the bill does stop the High Court from remitting such cases to the Federal Court, to prevent persons circumventing the restriction directly imposed on the Federal Court.

As I indicated earlier, access to bridging visas acts as a pull factor encouraging persons to take part in court actions to prolong their stay in Australia.

However, denying access to bridging visas for litigants is not the government's preferred option.

Many such persons would, I believe, still take court action even if access to bridging visas were denied.

That would mean that those persons would be unlawful non-citizens and required, under section 189 of the Migration Act 1958, to be taken into immigration detention.

Looking at economic grounds alone, that would put additional strain on existing detention facilities and result in detention costs, which, while liable to be paid by the detainee, are rarely recoverable in practice.

The removal of class actions complements the measures that the government currently has before the senate in the Judicial Review Bill.

The government urges the senate to allow the government the tools to address the serious and continuing problem of misuse of judicial processes by non-citizens refusing to leave Australia.

Schedule 2 of the bill makes a number of technical amendments to the Migration Act 1958.

The amendments to section 501a clarify the original policy intention behind the Migration Legislation Amendment (Strengthening of Provisions Relating to Character and Conduct) Act 1998.

The amendments put it beyond doubt that the minister can, in the national interest, substitute his or her own section 501 decision for that of a delegate or the Administrative Appeals Tribunal.

I commend the bill to the chamber.

AVIATION LEGISLATION AMENDMENT BILL (No.1) 2001

In July 1996 the Government announced that the Civil Aviation Safety Authority (CASA) would conduct a complete review of the civil aviation legislation in Australia, with the objectives of harmonising it with international standards of safety regulation and making it shorter, simpler, and easier to use and understand. We are taking a measured and sensible approach to these reforms because we recognise that Australians are conservative about air safety.

The process of review of civil aviation legislation is ongoing. Recent efforts in this regard have been directed at promulgating standards for air traffic services, rescue and fire fighting services, and telecommunication services, and reviewing the law in relation to air traffic controller and aircraft maintenance engineer licensing, parachuting operations, and aircraft maintenance. The primary purpose of this Bill is to make a series of small but significant changes to terminology in the Civil Aviation Act 1988, which will assist in the development of regulations dealing with aircraft maintenance and maintenance engineer licensing.

The proposed legislative changes to the Act seek to achieve compliance with Standards and Recommended Practices of the International Civil Aviation Organisation (ICAO) and to harmonise with the requirements of other national airworthi-

ness authorities (NAAs) by removing, wherever practicable, maintenance requirements and terminology currently unique to Australia. The internationally recognised and accepted terms "aeronautical product", "maintenance" and "line maintenance" will replace existing terminology and reflect the requirements necessary for the enabling legislation dealing with aircraft maintenance.

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

The Bill also makes two other important amendments to the Civil Aviation Act.

Firstly, the Bill gives CASA the function of entering into so-called 'Article 83bis agreements' with the NAAs of other countries. Under the Convention on International Civil Aviation, Chicago 1944 (the Chicago Convention) a State party to the Convention is generally responsible for the safety regulation of aircraft on that State's register, irrespective of where the aircraft is in the world. Some obvious difficulties in administering safety regulations arise when an aircraft registered in one country is operated in another. Article 83bis is a relatively recent addition to the Chicago Convention, and enables the transfer of safety regulatory functions from the State of registration of an aircraft to the State of operation of the aircraft, on agreement of both States. The ICAO considers that such agreements should be made between the relevant national aeronautical authorities, as they are administrative instruments of less than treaty status.

Australia ratified Article 83bis on 2 December 1994 after amending the Civil Aviation Act by the Transport and Communications Legislation Amendment Act (No. 2) 1993. Importantly a new section 4A was inserted which allows provisions of the Civil Aviation Act implementing the functions under Articles 12, 30, 31 and 32 of the Chicago Convention:

- to be applied to a foreign aircraft identified in an Article 83bis agreement which transfers those functions to Australia; and
- to be disappplied to an Australian aircraft identified in an Article 83bis agreement which transfers those functions to another state.

This Bill ensures that CASA will have the function to enter into Article 83bis agreements on behalf of Australia. Administrative and technical provisions concerning the implementation of these agreements will be covered in regulations to

be developed by CASA and my Department in consultation with industry.

Taking into account Australia's objective of harmonising with international standards of safety regulation, the ability for Australia to enter into Article 83 bis agreements should also benefit the Australian aviation industry and the consumer in terms of increased economic opportunities and reduced costs. For example, domestic operators would potentially have greater flexibility and more cost-effective options in operating their aircraft fleets, and in being able to lease aircraft to overseas operators, that are under utilised in Australia during periods of low demand. Australian maintenance organisations could have increased opportunities to carry out work on foreign aircraft that would otherwise have been carried out overseas.

Secondly, the Bill adds to CASA's suite of enforcement tools, by giving it the power to accept written undertakings from people in relation to compliance with civil aviation safety legislation. Giving of such undertakings will be completely voluntary – CASA will not have the power to compel the giving of undertakings. However, once a person has given an undertaking, CASA will be able to seek an order from the Federal Court requiring a person to abide by his or her undertaking. The provision is modelled on section 87B of the Trade Practices Act 1974.

Finally, the Bill makes amendments to the Civil Aviation (Carriers' Liability) Act 1959 to correct an inadvertent error which imposed a liability on foreign charter operators which is inconsistent with Australia's international obligations under the Convention for the Unification of Certain Rules relating to International Carriage by Air, Warsaw 1929 (the Warsaw Convention). The correction ensures that Australia imposes certain liabilities only upon Australian airlines, not foreign.

There will be no anticipated added cost to the Budget due to the amendments of the Civil Aviation Act or the Carriers' Liability Act. There will however, be long term cost benefits to those aviation industries involved in international trade which will flow from the legislative changes, as Australia's law will reflect the law of major markets for aviation products and services.

HEALTH LEGISLATION AMENDMENT BILL (No. 1) 2001

This bill amends the National Health Act 1953 and the Health Insurance Act 1973 to enable the private health industry to fund alternative models of health care delivery as a direct substitute to in-

hospital care for admitted patients. This Health Legislation Amendment Bill (No. 1) 2001 also contains some minor amendments relating to Lifetime Health Cover.

The aim of the bill is to enable private patients in both public and private hospitals to receive the same equitable care choices available to public patients in public hospitals.

Medicare patients in public hospitals have been able to receive outreach care as a substitute to in-hospital care for some years.

This bill enables approved outreach services as a direct substitute for in-hospital care that is provided beyond the hospital that either shortens or prevents a hospital admission.

Under the National Health Act 1953, funds can only pay benefits from hospital tables for admitted patients. This means that funds have only been able to offer outreach services to their members from their ancillary tables, which are not eligible for inclusion in the reinsurance arrangements.

This bill will also allow the many older Australians who have private health insurance the option to receive a direct substitute for in-hospital treatment in the familiar and comfortable surroundings of their own homes.

The first amendment relating to Lifetime Health Cover ensures that all people who enter Australia on a humanitarian or refugee visa after 1 January 2000, or who were granted a protection visa after entering Australia on or after 1 January 2000, have 12 months after the day on which they become eligible for Medicare in which to take out hospital cover without their contributions being increased under Lifetime Health Cover.

The bill also clarifies the definition of adult beneficiary and hospital cover with respect to Lifetime Health Cover to ensure that spouses (including de facto spouses) of contributors are defined as adult beneficiaries and can have hospital cover.

This bill will allow approved outreach services to offer private patients improved hospital benefits, an innovative new private health insurance service, and funds to access the reinsurance arrangements.

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

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

VETERANS' AFFAIRS LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000

Report of Foreign Affairs, Defence and Trade Legislation Committee

Senator CALVERT (Tasmania) (5.54 p.m.)—On behalf of Senator Sandy Macdonald, I present the report of the Foreign Affairs, Defence and Trade Legislation Committee on the provisions of the *Veterans' Affairs Legislation Amendment (Application of Criminal Code) Bill 2000*.

Ordered that the report be printed.

ADMINISTRATIVE REVIEW TRIBUNAL BILL 2000

ADMINISTRATIVE REVIEW TRIBUNAL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000

Second Reading

Debate resumed.

Senator McKIERNAN (Western Australia) (5.54 p.m.)—Time got on top of me today just before question time at 2 o'clock. At that time I was making some remarks about the extraordinary situation where, included in this legislation, is a suggestion that performance pay be paid to members of the new Administrative Review Tribunal. I expressed some very great concern about that, and even surprise at the fact that the Secretary of the Attorney-General's Department had written to the Remuneration Tribunal, asking specifically that performance pay not be included as a matter for the members of the ART.

That surprise is still there. We were not given proper responses to our questions. In fact, an oral or verbal request to the Remuneration Tribunal for the indicative determination made by it has not been fulfilled; it has not supplied us with the material. This I think is very disappointing—just as the whole process relating to these bills has been disappointing. It has been shrouded in secrecy and there has not been the openness of debate warranted and, indeed, required on legislation as important as that which is in front of us.

I would just flag that, if the bills are defeated at the second reading stage—which I expect they will be—reintroduced in the House of Representatives at a later time and then brought back to the Senate chamber, they more than likely will be subjected to a further committee inquiry. On the next occasion, I give the public servants, and indeed the ministers, warning: we will be requiring answers to our questions next time around. We will not, on the next occasion, merely accept that the departments cannot give legal advice, that matters are merely policy when, indeed, the matters are much more than policy. If the responses are not given during the course of the committee inquiry, then the public servants will have to explain to the ministers why the time of the chamber is being taken up in questioning the minister during the committee stage of the bills.

Most of my remarks here today have been addressed to those new provisions regarding the old Social Security Appeals Tribunal and, during the course of the inquiry by the Senate Legal and Constitutional Legislation Committee, I limited my remarks to the two migration tribunals that will be impacted and affected by this piece of legislation. I did that particularly because the government had before it, for its consideration, a further committee report. I refer now to the report of the Senate Legal and Constitutional References Committee and, in particular, to the report of that committee which was presented in June of last year entitled *A sanctuary under review*. In that report, the committee made some suggestions about the operation of the Refugee Review Tribunal. I believe that all of the recommendations—and, as one of the earlier speakers in this debate has said, it was a unanimous report—warrant very serious consideration by the Minister for Immigration and Multicultural Affairs, by his department and, indeed, by the government as a whole.

We have, during the last week of sitting, got the response of the government to that report and, quite frankly, I would say here that I do not believe that it has considered the report or the recommendations contained in it. I say that in order to be kind to the minister and his department. To suggest that the

government has done otherwise would mean that again this government is showing the arrogance that it has shown on so many occasions of late. It has been completely dismissive of the recommendations of the committee. That just is not good enough.

Let me just instance one particular recommendation. It is recommendation No. 5.6: that officers from DIMA, the Attorney-General's Department or DFAT not be RRT members and that officers seeking such placements should move to the unattached list. One would think that that would be right and proper if, indeed, one were of the opinion, as the Attorney said in his second reading speech when introducing the bills, that the government 'is firmly committed to the continuing independence'. How will you have an independent tribunal if you have officers of the department whose decisions are being reviewed serve on the tribunal? The government's response to that recommendation stated:

RRT members are drawn from people with a broad range of experience and there is no reason why officers from these Departments should be ineligible for consideration.

I agree with that statement on the face of it, but if they are considered and become members of the RRT or the new ART, if it ever comes into being, they should immediately separate themselves from their departments. There should be no tie back to their department, as was the case in one instance that the committee came across during the course of its examination of the Australian refugee review processes for the report that we presented last year. If indeed these bills ever do appear before the parliament again, they will be subjected to even more detailed scrutiny than they were on this occasion, because on the next occasion the time lines will not be allowed to be so tight. (*Time expired*)

Senator WOODLEY (Queensland) (6.01 p.m.)—I rise to speak on the [Administrative Review Tribunal Bill 2000](#) and also to castigate the government because I want to give you the benefit of some experience I had when I was a member of the Social Security Appeals Tribunal in Brisbane—

Senator Chris Evans—I knew it was a left-wing organisation but I didn't know you had been a member!

Senator WOODLEY—Well, there you are! I particularly want to detail some of the problems that appellants had at that time. I will now compliment the government because it was following a review by Dame Margaret Guilfoyle, who was the social security minister at the time, that a lot of the problems for appellants were fixed by some revised guidelines for the tribunal in dealing with appellants at that time.

I will describe what it was like in 1977 and 1978, when I was on the tribunal. The three tribunal members would sit around a table and we would have before us a file from an appellant. It would often have a handwritten appeal, which was often not written in bureaucratic language and sometimes was written by somebody who obviously did not have a good grasp of English. That would be one piece of paper. Alongside that would be a complete file from the department which often included quite disparaging comments about the appellant. As part of the file, there would often be a report from a DSS field officer and the record of the appellant's experience with the department. In other words, all of the file, which sometimes could be quite thick, would be set over against the one-page appeal from the appellant.

In more than 90 per cent of cases, the appellant really was beaten from the start—there was no chance of an appeal being upheld. In those days, the Brisbane tribunal had a record of allowing through about one to two per cent of the appeals. It was simply impossible for an appellant, unless they had sought some legal or other advice, to even get past first base. And it was the determination of the tribunal in those days to discourage appellants from appearing before the tribunal in person. All we would have to deal with would be a piece of paper and, on the other side of the debate, a file, which made it impossible in most cases for appellants to even get past first base.

A lot of things have been said in previous years about one of our colleagues, Senator Mal Colston. But let me give Senator Col-

ston a tick because, in the days when I was on the Social Security Appeals Tribunal, he sought to appear for numbers of appellants. While we may have said some unkind things about Senator Colston, I think it is important to put on the record when something good can be said. I want to pay him tribute now for the hard work he put in in supporting appellants in those years, 1977 and 1978.

Then there was the review by Dame Margaret Guilfoyle. I was one of those who raised a number of these problems with the minister and, to her credit, she put in place a number of changes to guidelines—

Senator Abetz—Able advised by Rod Kemp.

Senator WOODLEY—Was she? Well, there you are—you can see how some people in a previous existence do quite well and then something goes wrong! The minister put in place a number of changes, one of which was to make it possible and to encourage appellants to appear in person before the tribunal. It became much more common practice for them to do so. It was then possible for the tribunal, instead of a very clinical examination of pieces of paper, to be face to face with real people and to ask them relevant questions and for the people to answer, in their own language and out of their own experience, the questions put to them and so have a much better chance of being heard. The success rate for the Brisbane tribunal improved significantly over the next couple of years.

It was in fact a coalition government that improved the operation of the tribunal. They understood that it is not much good having an appeals process if you so weight the evidence against the appellant that it is almost impossible for them to get to first base. The reason I am telling you about my experiences is that I have no doubt that this legislation will take us back to the bad old days before that review in 1978. It will take us back to the days when appellants found it almost impossible to get a fair hearing, not only because of the number of appeals which will have to be heard but also because, instead of having a tribunal which is sympathetic to and understanding of the difficulties and the experience of appellants, we will have a giant

tribunal which will have none of that experience. Along with the rest of my party, I am opposed to this legislation. I wanted to put on the record my experiences as the basis for our vigorously opposing this attempt to lessen the opportunity for appellants to be heard and, when their cause is just, to have that cause succeed.

Senator MASON (Queensland) (6.09 p.m.)—The government seeks to establish a single, independent merits review tribunal that provides ready access to review that is fair, just, economic, informal and quick. The government believes that the proposal in the legislation now before the Senate does just that. At present, applicants have to go to one of three specialist tribunals or, of course, to the Administrative Appeals Tribunal. People who want to challenge social security decisions, for example, may have to go to both a specialist tribunal and the AAT, and they may be located in different places in our capital cities and operate in different ways.

The reality is that people wanting to challenge government decisions will benefit from having a single tribunal providing prompt and fair review. It will be easier for people to access their review rights if there is a one-stop shop. In some cases, Administrative Review Tribunal procedures will increase accessibility and affordability and will reduce the need for legal representations—fewer lawyers in the system. On this basis, it is understandable that the opposition has given public support to amalgamating existing tribunals. The opposition seems to agree that amalgamation has many benefits for applicants and, of course, for the community generally. But from some of the speeches in the chamber today it is clear that, notwithstanding this stated position, neither the opposition nor the Democrats will, in practice, engage constructively with the legislation.

This legislation has been comprehensively examined by the Senate Legal and Constitutional Legislation Committee, and the government is considering the issues raised in that report. I would like to touch on a few of the concerns that have been raised here to-

day. Senator McKiernan and Senator Woodley raised the issue of the independence of members of the tribunal. The process for appointing members of the Administrative Review Tribunal will be little different from the process for appointing members of the existing tribunals that are to be replaced by the ART; that is, the Social Security Appeals Tribunal, the Migration Review Tribunal, the Refugee Review Tribunal and the Administrative Appeals Tribunal.

Currently, the members of those tribunals are appointed by the Governor-General on the recommendation of the minister who has the particular portfolio responsibility for the tribunal. It is this minister who is in a position to understand the needs of the particular tribunal and the suitability of persons for appointment to the tribunal. There will be no change to these long established and accepted arrangements. However, because the ART will perform its functions in six different divisions, six ministers instead of four will have responsibility for recommending appointments. The ART Bill provides that the minister responsible for the division to which a person is to be appointed must be satisfied that the person has the necessary qualifications and experience—legal or otherwise—to perform the role of a member. Once appointed, members will be independent of ministerial influence, as they are at present.

Senator Ludwig—What about performance pay?

Senator MASON—I will get to that in a minute, Senator Ludwig. Members of the ART will be appointed for terms of up to seven years, and they will be eligible for reappointment. The government does not consider that fixed term appointments mean any loss of independence; indeed, such appointments are increasingly the norm. Existing tribunals have more than 400 members, and more than 90 per cent are appointed for fixed terms. The only one of the existing tribunals with some tenured members is the AAT. In the AAT, only the presidential members and some full-time senior members have that tenure. The rest of the senior members, and all of the ordinary members, have been appointed for fixed terms, yet this has not

been seen as jeopardising their independence. Independent statutory officers, such as the ombudsman, also have fixed term appointments, and this again is not perceived as interfering with their independence.

The removal of ART members will also be protected by strict removal provisions. Except in the case of bankruptcy, the president of the ART is subject to the same grounds and procedure for removal that apply to judges of the High Court of Australia and other federal courts under section 72 of the Commonwealth Constitution—that is, the president can be removed only if both houses of parliament resolve in the same session that the president should be removed because of misbehaviour or for incapacity. Other members can only be removed by the Governor-General on the restricted grounds set out in the bill—essentially, an unacceptable level of personal indebtedness, incapacity or misconduct. The provisions of the ART Bill relating to the removal of members are designed to protect their independence and preclude any political interference in their decision making.

The ART Bill does not require the president to be a judge. The officers who currently head the SSAT, RRT, and MRT are not required to be judges, and their independence has not been questioned. Members will also be required to comply with a code of conduct to be developed, and to enter into and comply with performance agreements. The ART Bill precludes performance agreements dealing with the substance of members' decisions. Both the Administrative Review Council and the Australian Law Reform Commission have recommended that review tribunals should develop performance appraisal schemes for their members, covering all aspects of the work of members other than outcomes of particular cases. Performance agreements are a very valuable means of managing an organisation, providing timely and accurate information on how effectively an organisation's activities are meeting its objectives. In my view, the performance of all tribunals and courts should be subject to scrutiny. Performance agreements can be utilised to provide information

and encourage improvement for individuals and for the organisation.

Another issue raised today was access to second-tier review from the Administrative Review Tribunal. The imposition of restrictions on the availability of second-tier review was recommended by the Administrative Review Council in its report *Better decisions: Review of Commonwealth merits review tribunals*, which recommended the amalgamation of the existing merits review tribunals into one tribunal. The issue is this: the government believes an automatic right to a second-tier review would add significantly and unnecessarily to the costs of merits review. It is in the interests of everyone involved in the process of review that matters be dealt with and concluded as quickly as possible and with certainty. The two grounds for second-tier review are that the participants to first-tier review agree that a manifest error was made in the first-tier review or the ART considers that the application raises a principle or issue of general significance and the decision was made by a single member of the ART.

The Commonwealth, which will nearly always be a participant in ART reviews, is bound by the obligation to act as a model litigant. If there is a manifest error of law or fact which materially affects the first-tier decision, the decision maker in relation to the original decision will be obliged to agree with the applicant that the first-tier decision involved a manifest error, so the applicant can then seek leave to make a second-tier review application. This obligation reflects a longstanding expectation of courts and the public that the Commonwealth and its agencies will act with the very highest professional standards. The obligation, promulgated in legal services directions issued by the Attorney-General under the Judiciary Act 1903, requires the Commonwealth and its agencies to act honestly and fairly in handling claims and litigation brought by or against the Commonwealth or an agency. The directions on the Commonwealth's obligations to act as a model litigant apply in relation to matters before tribunals.

Applicants for first-tier review to the ART will be given access to merits review that is

independent of a decision making agency and is conducted according to procedures that are tailored to their particular needs. While in the high volume of areas of the ART's jurisdiction single member panels for first-tier review will generally be used, a multimember panel can be constituted if the matter raises an issue of general significance or if one or more of the members have particular expertise. Immigration and refugee matters will not have a right to second-tier review in the ART. This continues the present situation—decisions of the Migration Review Tribunal and the Refugee Tribunal are not reviewable by the AAT as second-tier review. The government considers that second-tier review for migration decisions, including refugee decisions, is not appropriate.

It is in everyone's interests—applicants, the public generally and members of the existing tribunals—for the opposition parties to join the government in passing this legislation, and I call on them to do so.

Senator CHRIS EVANS (Western Australia) (6.21 p.m.)—I rise to join the debate on the [Administrative Review Tribunal Bill 2000](#). While I cannot of course agree with my colleague the former speaker, I think it is always a sign of someone's capabilities when they argue a good case for the indefensible. I think that was a pretty good effort at arguing what are fairly indefensible lawyers' propositions. But, while it may appeal to lawyers, I do not think it would appeal to many people who want to use the services of the tribunals that we are discussing today.

Labor colleagues have set out in detail the grounds on which we oppose the [Administrative Review Tribunal Bill 2000](#). Labor will always act to ensure that the rights of our most vulnerable citizens are protected and that they have the right to question and appeal the decisions of the executive government and the bureaucracy. In this context, I would like to speak about the deleterious impact the proposed changes to the current tribunal system will have on people with a disability. There are two aspects of the proposed Administrative Review Tribunal which are of particular concern. The first is the question of representation before the ART.

The quality of administrative review that will be available under the new ART is compromised by the fact that there is no longer a right to representation for persons appearing before the tribunal. Representation will be at the discretion of the tribunal. It will also be possible for ministers to make practice and procedure directions which completely exclude legal or other representation in certain classes of cases. Many people appealing to the ART have disabilities that may exacerbate the difficulties they face in appearing before the tribunal, let alone explaining the complex issues of their case. Consider how difficult it will be for a person with an intellectual disability to make their case and navigate their way through an unfamiliar review process without representation. Only if the tribunal agrees will a person with a disability have access to legal representation or assistance from an interpreter or other support person. We know that our legal system already serves people with intellectual disability particularly poorly. This bill removes the rights to representation and assistance that ensure the applicant understands what is going on.

The Law Council of Australia, in speaking at the committee hearing on the bill, articulated the imbalance that results when you remove the right to representation. Individuals experiencing disadvantage, be it socio-economic or arising from a disability or a language barrier, will be lining up against professional government representatives. The Law Council said:

There is going to be an imbalance built in, where the citizen can only be represented by leave but where government are going to be represented by an expert and professional advocate.

The second concern I have with the bill is the requirement for written applications. The current bill means that applicants will lose their right to an oral hearing. As ACOSS pointed out in its submission to the Senate Legal and Constitutional Legislation Committee inquiry, the loss of the right to an oral hearing and the requirements for written procedures will be extremely problematic for people with a disability and 'increase the relative disadvantage in the review system as against government agencies'. The Austra-

lian Law Reform Commission has warned against a shift away from the hearing procedures available to applicants under the SSAT which serve underskilled applicants well by not requiring written applications or formalities. The commission said:

One of the things the ART bill has done is added more formality. Therefore, it has made it more difficult for applicants even in just making an application and in necessarily asking for an interpreter. These matters now have to be written. They have to be in the form and manner that is consistent with the practice directions. If the person wants an interpreter then they have to apply for that in writing. So those sorts of much more formal and skill based processes may make it harder for the sorts of applicants that you have before the SSAT.

It is important to note that people with a disability are a significant client group of the Social Security Appeals Tribunal. In 1999-2000, nearly one-quarter—24.4 per cent—of the applications received by the SSAT related to the disability support pension. Of the 2,237 decisions reviewed, 31 per cent were set aside. Under the current system, applicants are encouraged to attend face-to-face hearings wherever possible. The SSAT believes that the interests of the applicants and of accurate decision making are best served when the applicants can talk directly and informally to the members. Senator Woodley gave some of his own experiences as a member of that tribunal tonight, and I think that was a worthwhile contribution. In 1999-2000, 83 per cent of hearings were conducted face to face.

I saw the *7.30 Report* last Friday night, which highlighted the importance of oral hearings in the current tribunal system for people with disabilities. Faye Waldie has suffered from a brain tumour since the age of nine. After 20 years working in a sheltered workshop she landed a job as a clerical worker. It was low paid work and after declaring her income to Centrelink she still remained eligible for the disability support pension. Faye's justifiable delight at 'being out in the open workforce and doing what everybody else does' was dampened when she received a letter from Centrelink stating that she had been overpaid \$3,000. Faye went to the Social Security Appeals Tribunal, which found in her favour and waived her

debt. Faye said that the critical difference between attempting to deal with Centrelink over the phone and her appearance at the tribunal was that 'the tribunal sat and listened to everything I had to say'. Under the proposed system, Faye would not have been entitled to an oral hearing and her application would have had to be made in writing. The consequences of this change are best put in her own words:

If I had to do it in writing, there would have been a lot of questions that I wouldn't have put down. I think it would have been a lot easier just to drop it and take the consequences.

The rights of people with disabilities have already been severely diminished under the Howard government. People with psychiatric disabilities have been unknowing victims of a harsh regime of social security breaching while the ability of the Human Rights and Equal Opportunity Commission to advance the standard processes and protect rights have been undermined by savage and ongoing budget cuts. They totalled nearly \$7 million in the first three years of the Howard government.

The government is now proposing fundamental and damaging changes to the structure of the commission by the [Human Rights Legislation Amendment Bill \(No. 2\)](#). This bill seeks to consolidate areas of discrimination, replacing the five specific commissioners—their visibility and expertise—with three deputy presidents. It seeks to rename HREOC the Human Rights and Responsibilities Commission. The Attorney-General argues that this is to reflect a new emphasis for the commission on educating business and the community to respect human rights. Labor believes that this new emphasis will come at the expense of a reduced role in prosecuting those who violate human rights.

The Howard government remains intent on dismantling the rights and protections available to Australians with disabilities. The removal of the right to an oral hearing and the right to representation in this bill is part of an established pattern of behaviour. It is just another set of reasons why Labor will not endorse this behaviour nor support the bill.

Sitting suspended from 6.29 p.m. to 7.30 p.m.

Senator COONEY (Victoria) (7.30 p.m.)—We are talking about the [Administrative Review Tribunal Bill 2000](#) and the [Administrative Review Tribunal \(Consequential and Transitional Provisions\) Bill 2000](#). This side of the Senate has indicated that it has a lot of reservations about the two bills. So it should, because there are lots of problems with these bills. Perhaps an indication of just what I mean by that is this advertisement for senior members and members of the Administrative Review Tribunal, which was put in the papers over Christmas. It was put in on 15 December, and applications closed by 12 January. That might not be the sort of time span that you would expect if you were looking for people of ability. You can have the best system in the world but, if you have not got the right sort of people running it, it is going to be in trouble. You can have a fairly ordinary scheme but, if you have the right sort of people in charge, it can be made to work reasonably well or perhaps very well.

These bills create a system where people can be appointed for up to seven years on contract—there are all sorts of performance contracts to go along with it. They say that people in that position—those who have a term appointment which can be renewed—will not be affected by any pressure from the government or from the body that is going to employ them again should they want to renew. Mr Acting Deputy President Hogg, I know you are a man with nerves of steel, but even you might be concerned when preselections come along. There is nothing like a preselection to focus the mind of a politician, except those who are presently here. I see Senator Cook here—a man who has never had to worry about preselection because of his outstanding ability. It is automatic. Senator Denman, who is also here, does not have to worry about those things because of her outstanding integrity. But people like me have had to worry over the years about that, and I would have thought that the same problem might come upon people who are looking to have their job renewed in this new tribunal. Nevertheless, those who put this forward say that those sorts of concerns would not be in people's minds when they were carrying out their duties under the act.

The people who are to sit on the Administrative Review Tribunal do not have to be qualified. Indeed, they do not seem to have to have any particular qualities as a matter of obligation. If you look at the advertisement that I am talking about, it is very interesting. It sets out six categories of decision review that you can apply for. Indeed, you can apply for more than one if you are applying for a job on this tribunal. As you go down this advertisement, it is very interesting, because only one of those divisions calls for a commitment to administrative review, and that is the Income Support Division, which takes over from the old Social Security Appeals Tribunal. That is the only division in this advertisement that requires you to have a commitment to administrative review. You do not have to have a commitment to administrative review if you are in the Commercial and General Division, the Immigration and Refugee Division or the Taxation Division. You do not have to have that commitment in the Veterans' Appeals Division, although in that area at least you have to have some regard to 'mediation and decision making' and 'the interpretation and application of complex legislation'. You would have thought that a body set up to review administrative decisions would require a commitment to administrative review on the part of those people who are going to sit on it, but this advertisement calls for that in only one division.

The advertisement points out exactly what these bills are not all about. These bills are not all about combining various bodies into one institution. As I have said, this is a confederation of decision making bodies. The government say, 'We are going to get a super decision making body which will save money but nevertheless return good and competent decisions.' That is not so, because it is not like the judge in a county court—or like a district court in your state, Mr Acting Deputy President Hogg—or like magistrates in the courts that they run who deal with whatever comes before them. This is not that sort of provision at all. This is simply gathering the bodies that already exist into one area. If you want to be in more than one division, you have to apply for those divisions separately and you have to go through a test

with the various departments involved. After I retire—you will not, Mr Acting Deputy President, because you will be here for years—I might go along and apply for this. I might be accepted in the Commercial and General Division but then thrown out of the Income Support Division for not being competent.

I would be sitting there and deciding whether or not decisions were properly made and having people give due regard—perhaps that is the unfortunate term, given the level that I am talking about—or regard to what I say in that division whereas the person appearing before me knows that I have been rejected in another division. That is the sort of thing that you are going to have here and it is a most peculiar situation, but that is what this advertisement says. It states:

Applications are to be forwarded to the following Departments (if you are interested in more than one Division, you will be required to send a copy of your application to each relevant Department)

...

So I can send off a copy of my application to Ms Helen Fleming, Chief Legal Adviser to the Department of Family and Community Services. She says all right and gives me a tick, but then Mr Iain Anderson, Assistant Commissioner, Office of the Chief Tax Counsel throws me out. What is that going to do to the confidence of people who come before the tribunal?

I read in the advertisement that the Commercial and General Division will cover such areas as bankruptcy, citizenship, civil aviation, corporations and export market development grants, customs and excise, freedom of information and health and aged care. The advertisement states:

Successful candidates will have expertise in areas such as accountancy, administration, aviation, business or commercial affairs and environment. Professional qualifications such as in law and/or management would be an advantage.

Professional qualifications in law and/or management would be just 'an advantage'. You have to have—it says 'will have'—expertise in accountancy, administration, aviation, et cetera, but you do not have to have expertise in decision making. You do not even have to have a commitment to admin-

istrative review. You do not have to have any experience in how to make a proper decision. Although, to be fair, it says that it would be an advantage to have those things.

What sort of tribunal are we going to have with its hotchpotch of different bodies and without any obligation on the part of anybody to be learned in the law? Compare what is going to be produced by the Administrative Review Tribunal with the Administrative Appeals Tribunal as we left it when we were in government. I am looking at the last updated Administrative Appeals Tribunal of 24 April 1995. Look at the presidential members: judges of the Federal Court of Australia—Justices Beaumont, Drummond, French, Gallop, Gray, Hill, Jenkinson, Olney, Spender and von Doussa—and judges of the Family Court of Australia—Justices Barry, Bulley, Moss, Purvis and Rowlands. It is said that this is going to be a big improvement in decision making. It is said that people who do not even need to have qualifications in the law are better at decision making than the judges of the Federal Court of Australia. There has been no movement on the part of the government to in any way criticise those sorts of people.

What sort of body is this going to be that purports to be better than the Administrative Appeals Tribunal, that could have no judges at all—according to the law—and that is going to have a whole grab bag of people from all sorts of areas but without any commitment to administrative review except when they are looking at income support? It just defies all reason to say that a group of people who are not qualified in the law and who have not had the experiences that these judges have had should be as good as those judges. But that is the proposition being put before us today. I do not know what the Federal Court and the Family Court think about this but you could hardly say that it is flattering.

If you look further, you might say, 'All right, what are the selection criteria?' You would have thought that in the selection criteria for senior members you would see a specification that people have learning in the law in the sense of knowing what the law is, having some experience of it and having a

feel for it. You would think that that would be advertised for, but it is not. That is not a selection criterion. You do not have to have any grace; you do not have to have any courtesy. I was reading a paper recently which I thought was quite impressive, which was talking about the need for courtesy between a man or a woman sitting in a court and the person appearing before him or her—and, by extension, the person affected by this. It said that courtesy is a great factor in getting things to work well, but there is no need for learning, no need for grace, no need for courtesy, no need for wisdom and no need for patience.

You have to have the ability to contribute to the organisation's visions, goals and strategies and the ability to translate them into practical terms. It sounds like a boardroom in some up-and-coming firm. You have to grab the day and do all these sorts of things. You have to be able to steer and implement change and deal with uncertainty. Why should you have to implement change if you are sitting there deciding somebody's rights?

Remember this: all that is happening here is that people come before these tribunals to see that they get a decision according to the law. I think there is, oftentimes, a concept in all this that somehow administrative review is a sort of a grace or a concession that government gives to people. It is not. What we are looking for in administrative review is that the decision that ought to have been made is made—that is what it is all about. There seems to be a very great reluctance on the part of government to accept that.

I was talking over the weekend with my son, Jerome, about a matter. I do not want to go too deeply into this because it is still going, but there is a matter before the Victorian Civil and Administrative Tribunal, VCAT, where it would appear that a quite bizarre decision has been made. To do something about that, they have to go off to the Supreme Court, and the court fee—this is not to pay for lawyers or anything, this is just to pay the issuing fee—is \$2,500.

Senator Cook—That is just to get in the door.

Senator COONEY—That is just to go up to the counter and issue your thing. It is an attitude that is exhibited by governments all around Australia. In fact—and this is a theme that I have been on, but the more I think about it, the more I think it is a correct theme—administrative review can become just a laundering process. You may get a bad government decision—people can see it for what it is and say, 'This is a bad decision'—so you send it off to some body where you put people on for a limited period of time, pay them a limited sum of money and subject them to all sorts of reviews, and when they come out with a decision you say that that is the good decision because it has been through a tribunal. It is as if the tribunal is equivalent to the High Court, the Federal Court or even the Magistrate's Court, when it is not.

The danger in this sort of legislation is that it gives a respectability to decisions which those decisions should not really have, and that is a very bad thing. People are entitled to go about their business and to expect their government—which they elect and which is supposed to be representing them as citizens and dealing with them as citizens—to make sure they get the right decision. We may have done a few things wrong when we were in government—

Senator Cook—No.

Senator COONEY—Senator Cook says no, and he is probably right. There is one thing we did right: we got this Administrative Appeals Tribunal right and appointed the right people, and it ran well. And so it should, because it deals with very important matters. It deals with taxation and all the sorts of things that I read out before. That document that I read shows how things were when we were in government. It points out there that the Administrative Appeals Tribunal deals with 260 pieces of legislation over all sorts of things. It is pretty important that we get those things right.

What is the point of people like you and me and everybody else in the chamber now—including Senator McGauran—legislating and passing laws if the people who are supposed to carry out those laws do not carry them out? That is what administrative review

is all about. That happens again and again: we pass laws, or the executive passes laws by way of regulations, and we hope we know what they mean, but the Public Service then goes and carries them out contrary to the law—either because they do not know the law or because they get the facts wrong. That is a very bad situation and the sort of thing that we, as parliamentarians, ought to be most concerned about.

I hope the Senate will go into committee on this legislation, because lots of other questions have to be raised about this. But the approach taken by the government on this—in the advertisements that they put in the paper, and the sorts of things that they are saying—given the fact that this legislation abolishes security of tenure and abolishes any sort of pension, certainly looks very bad for the future. I would hate to have the proposed Administrative Review Tribunal going around and making decisions, because we would really be giving them a rubber stamp so they can just thump it on each decision. (*Time expired*)

Senator ELLISON (Western Australia—Minister for Justice and Customs) (7.50 p.m.)—The government appreciates the comments made by senators on the other side in relation to this matter. This is a matter which has attracted a good deal of publicity, and this is a very important piece of legislation. This piece of legislation comes from the Administrative Review Council's *Better decisions* report. It talked about the amalgamation of various tribunals in the area of administrative law. It was thought that it was best to deal with those by bringing them together in one single merits review body. Obviously, that would be efficient and would provide a more desirable situation for the review of administrative decisions in this country.

There are some things that I would like to touch on in relation to what various senators have said. I understand that Senator Mason has touched on some of these things, and I will try not to traverse the ground that he touched on. I noticed that Senator Cooney mentioned the advertisements for the positions of members, and I think this was mentioned by Senator Cooney at estimates re-

cently. He mentioned that only one division called for a commitment to administrative review. In the selection criteria for all divisions, criterion 7 is entitled 'Understanding of the federal merits review system and policy environment'. It goes on further to say 'Understanding of and commitment to the principles of merits review and administrative decisions'. So we have there a criterion that is certainly about reviewing the administration of government.

I reject at the outset the remarks by Senator McKiernan to the effect that the Attorney-General deceived parliament when he brought forward the Administrative Review Tribunal proposal. Contrary to Senator McKiernan's assertions, the Attorney-General referred during the House of Representatives debate to the Guilfoyle report in relation to a review of decisions in the social security jurisdiction. The Attorney-General also explained to the House that, in implementing the Administrative Review Council's principal recommendation in its *Better decisions* report that existing tribunals be amalgamated into a single merits review tribunal, the Veterans Review Board will be retained, and I think that is an important point to make.

As Senator Mason explained, Administrative Review Tribunal members will be appointed in the same way as the members of the four tribunals that are to be replaced by the ART. I think that is an important point. Because the ART, however, will perform its functions in six divisions, six ministers instead of four will have responsibility for making recommendations to the Governor-General about appointments. Once appointed, members will be independent of ministerial influence, as they are at present. The government is committed to providing merits review by an effective and accessible tribunal and, importantly, one which is independent.

Another point which was raised concerned the term of appointments. Members of the ART will be appointed for terms of up to seven years and they will be eligible for reappointment. The government does not consider that a fixed term appointment means any loss of independence and it would

take strong issue with any assertion to the contrary in that regard. Contrary to views expressed by some senators opposite, the government does not consider that the limits imposed by the ART bills on the proportion of senior members will reduce the quality of review by the Administrative Review Tribunal. Currently the proportion of senior members across the four tribunals is less than 10 per cent. The ART will therefore be able to have a greater proportion of senior members than do the existing tribunals when you take them as a whole. I think that that puts to rest the criticism in relation to seniority of members.

Another point raised was that the bill does not require the president to be a judge. The Social Security Appeals Tribunal, the Refugee Review Tribunal and the Migration Review Tribunal are not judicially led tribunals. Their independence has not been questioned by any members in the debate so far. In fact, the Democrats—who, of course, made a contribution in this debate—are strong advocates of the benefits of the informal non-judicial Social Security Appeals Tribunal, and that tribunal is not headed by a judge. Yet we do have some criticism from the Democrats in relation to the new tribunal because the president might not be a judge. I highlight the inconsistency in that argument. Senator Mason touched on the difficulty in removing the president or a member of the tribunal. I will not go into that, and I think Senator Mason covered that very well.

A point was also raised in relation to funding. The ART will be funded by the Attorney-General's Department and from appropriations to the five principal departments, which are: the Department of Employment, Workplace Relations and Small Business; the Department of Family and Community Services; the Department of Immigration and Multicultural Affairs; the Treasury; and the Department of Veterans' Affairs. Those departments are the ones whose decisions will be reviewed and it is appropriate that they contribute funding. The Social Security Appeals Tribunal, for instance, is currently funded in the manner proposed for the ART—that is, it is funded from the relevant department's appropria-

tions. That is a principle that we have carried over into this bill. Again, that shows a consistency in the government's approach to setting up this review tribunal. I think it was Senator Greig who acknowledged that the Social Security Appeals Tribunal's independence had not been affected. That is a tribunal which, as I have just mentioned, has funding from the department which it reviews.

The ART and relevant portfolio agencies will develop a transparent model for calculating the costs of review by the tribunal of decisions made by each agency. This model will relate only to work flow and workloads and not to the outcome of particular applications. The government expects the funding arrangements to heighten awareness of the cost of review and encourage better quality decision making by government departments.

Another aspect mentioned was in relation to performance pay. Although the Remuneration Tribunal has provided an indicative view in relation to the remuneration—which includes a performance pay component—of ART members, the Attorney-General is concerned that performance pay for members of an administrative review body may lead to concerns about independence. The Attorney has therefore recently written to the Remuneration Tribunal requesting that it consider its indicative view that the remuneration of ART members include performance pay. Performance agreements and performance pay are quite separate matters. For instance, members of the Migration Review Tribunal and the Refugee Review Tribunal currently enter into performance agreements but they do not receive performance pay, and that is quite a different issue. Like the Administrative Review Council and the Australian Law Reform Commission, the government strongly supports an effective performance appraisal system for the members of the Administrative Review Tribunal, but it does not think performance pay is a necessary aspect of this.

Another point which came up in the debate is the appeal process. The Federal Court will be able to review the legality of the ART's conduct and decisions just as it cur-

rently reviews the legality of the conduct and decisions of the Administrative Appeals Tribunal and other tribunals. So we have no change there. Appeals to the Federal Court from the ART may be made at various stages. Certain appeals to the Federal Court may be transferred to the Federal Magistrates Service, as is currently the case with the Administrative Appeals Tribunal appeals to the Federal Court—again transposing current arrangements into this proposal. Like the AAT, the ART will be able to refer questions of law to the Federal Court for decision. And of course that is a very worthwhile avenue to have available.

Senator Mason touched on the second-tier review. He stated that the Administrative Review Council in its *Better decisions* report recommended restrictions on the availability of a second-tier review. An automatic right to second-tier review would add significantly and unnecessarily to the costs of merits review. It is in the interests of everyone involved in the process of review that matters be dealt with and concluded as quickly as possible and with certainty. Again, this is something which we have reflected in this bill and taken from the *Better decisions* report.

There has been mention of the size of the tribunal panels and the representation at those panels and at the tribunal. Dealing firstly with size: there will be a preference for reviews in the ART to be heard by a single member, to encourage informality and an efficient use of resources. We see this reflected in many other places in the judicial system. In the first instance, you will have a matter dealt with by a single judge and then there will be an appeal to three judges or a full sitting of the court as the case may be. That is a common system that is used in the judicial system that this country enjoys. Where a review raises a principle or issue of general significance or where additional specialist expertise is required, the president will have discretion to direct that two or three members constitute the tribunal. For example, the president could issue a general direction regarding the constitution of panels where medical members should be involved in addition to other members. This makes

thorough sense: because you have a situation where you may well have a complicated issue, the president says, 'This is not an issue for just a single member. We should bring in other members who have the requisite expertise to deal with it.'

I mentioned representation. The tribunal will have the power to permit a participant to be legally or otherwise represented. At the outset, though, I stress that the government wanted these proceedings to be informal. Today we hear cries from across the community that we have become too legalistic, too hidebound in technical legal points, and that the average person just does not get a look in. What we have here is a situation where, in an informal environment, an average person, a man or woman off the street, will be able to present their case in an environment which is not hostile or hidebound with technicality. One of the objects of the ART Bill is to enable the tribunal to review decisions in a non-adversarial manner, and I think that is equally important. Decision makers will not necessarily be participants in a review, and where a decision maker is a participant he or she will have a positive obligation to assist the ART in reaching its decision.

The ART is also required to take measures to ensure that participants understand the nature and implications of any assertions made and, if requested, to explain to participants aspects of ART procedures or decisions relating to the review. The chief executive officer is also obliged to ensure that persons who ask for assistance in making applications to the tribunal and participating in a review are given reasonable assistance to do so. That is more so than what you have in other forums in the law. The tribunal will have a discretion to allow representation if practice directions do not prohibit it, but this will be because the circumstances warrant it rather than because the culture of the tribunal creates an expectation that representation must be available. The intention is not to discourage representation but rather to encourage and empower people to conduct their own matters where this is appropriate. That comes back to the point I made initially: that people in an informal environment will have no fear of presenting their own case and

will not be excluded because they cannot get access to representation or cannot afford the costs of that representation.

Importantly, the Administrative Review Tribunal Bill also enables applicants to make use of other assistance before the ART. The ART can permit a person to have the assistance of an interpreter or someone else chosen by the person to help the person understand what is happening. That is much like what we see elsewhere where you have a friend of the court—that is, someone who can be called in to assist a person. I think this procedure is based on commonsense because it has regard to people who come from a non-English speaking background, where the provision of an interpreter is essential.

Senator Bartlett said that veterans applying to the Veterans' Appeals Division of the ART will lose their existing right to representation in the AAT. The government intends to retain veterans' rights to representation in the Veterans' Appeals Division in relation to veterans matters, and that will be done through practice and procedure directions. I think that really takes care of the concerns expressed by Senator Bartlett.

A number of senators criticised ministerial directions. Such directions can only deal with matters of practice and procedure. It is not a power that can be used to affect a tribunal's independence, nor is it a power to give policy directions. Senator Bolkus asserted that practice and procedure directions could be used to override the tribunal's obligation to observe the requirements of procedural fairness or to affect the substance of the tribunal's decision. The government rejects that argument totally. I reiterate that the directions that are referred to in this bill cannot be used in such a manner.

Senator Bartlett also raised the issue of complexity, where I believe he asserted that the ART's procedures would be more complex than those of existing tribunals. Again, the government rejects this argument. The tribunal, as I have stated, will be required to act with as much informality as possible or as little formality as possible. The Administrative Appeals Tribunal has become characterised by court style proceedings, and this is the very point we are trying to get around.

If you are going to allow ordinary men and women to come forward with a complaint in relation to a decision that has been made, you need to allow them the opportunity to do so in an environment that is informal and not daunting in any way.

The ART will utilise various mechanisms to avoid unnecessary formality. For instance, the use of practice and procedure directions will greatly enhance flexibility in proceedings. The practice and procedure directions may provide that members and participants may take part in any part of the review by means of electronic media, including telephone or closed circuit television. In modern Australia that really is a great advance, especially when you consider that a lot of people—not only those who live in remote Australia, but also the elderly—might find it easier to participate in that manner, rather than going to the tribunal and attending in person.

I conclude by saying that this proposed legislation would greatly improve the federal system of merits review. I have touched on those points which have been raised by other senators. The Senate Legal and Constitutional Legislation Committee stated in its report:

... that the legislative proposal for the ART will achieve the government's aim of streamlining merits review in a way which is both cost-effective and which will enhance the quality of review.

I think it is a shame that senators opposite could not see their way clear to support this legislation which will give Australians a greater opportunity to participate in the review of administrative decisions, which are becoming increasingly important these days.

Question put:

That these bills be now read a second time.

The Senate divided. [8.14 p.m.]

(The Acting Deputy President—Senator J. Hogg)

Ayes.....	31
Noes.....	34
Majority.....	3

AYES

Abetz, E.	Alston, R.K.R.
Boswell, R.L.D.	Brandis, G.H.
Calvert, P.H.	Campbell, I.G.
Chapman, H.G.P.	Coonan, H.L. *
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Ferris, J.M.
Gibson, B.F.	Harradine, B.
Heffernan, W.	Herron, J.J.
Kemp, C.R.	Knowles, S.C.
Lightfoot, P.R.	Macdonald, I.
Macdonald, J.A.L.	Mason, B.J.
McGauran, J.J.J.	Minchin, N.H.
Newman, J.M.	Patterson, K.C.
Payne, M.A.	Tambling, G.E.
Troeth, J.M.	Vanstone, A.E.
Watson, J.O.W.	

NOES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Bolkus, N.
Bourne, V.W.	Buckland, G.
Campbell, G.	Carr, K.J.
Collins, J.M.A.	Cook, P.F.S.
Cooney, B.C.	Crossin, P.M.
Crowley, R.A.	Denman, K.J. *
Evans, C.V.	Faulkner, J.P.
Forshaw, M.G.	Gibbs, B.
Greig, B.	Hogg, J.J.
Hutchins, S.P.	Ludwig, J.W.
Mackay, S.M.	McKiernan, J.P.
McLucas, J.E.	Murphy, S.M.
Murray, A.J.M.	O'Brien, K.W.K.
Ray, R.F.	Ridgeway, A.D.
Schacht, C.C.	Sherry, N.J.
West, S.M.	Woodley, J.

PAIRS

Crane, A.W.	Lundy, K.A.
Hill, R.M.	Conroy, S.M.
Reid, M.E.	Lees, M.H.

* denotes teller

Question so resolved in the negative.

**WORKPLACE RELATIONS
AMENDMENT (TALLIES AND PICNIC
DAYS) BILL 2000**

Second Reading

Debate resumed from 4 December 2000,
on motion by **Senator Ellison**:

That this bill be now read a second time.

Senator JACINTA COLLINS (Victoria)
(8.17 p.m.)—When the debate on the **Work-
place Relations Amendment (Tallies and**

Picnic Days) Bill 2000 was adjourned, I had just finished addressing the issue of tallies. But, to rehash, in the case of tallies I was arguing that what is proposed in this bill is now completely superfluous, as a result of the tallies decision of the full bench concerning the meat industry awards. But the bill has some other failings as well. This legislation is similar to the pattern bargaining legislation where the government proposed legislation that failed in its most basic duty—to define the conduct that it was seeking to outlaw. Similarly in this bill, the definition of tallies could be read to include the number of sheep a shearer shears in a day, or the rooms that a cleaner cleans, or the buckets of fruit that a picker picks—and the list goes on. One must have some pity for the new minister to this portfolio being bequeathed this worthless, pointless legislation.

To the credit of the Democrats, they have sought to amend this bill to deal with some of the problems with its definition, and I am sure we will go into more detail on this in the committee stage discussion. I can sympathise with the Democrats to this extent: they clearly feel the criticism of the government, in particular, for the need not to be seen as completely oppositionist. But the point I would like to make to the Democrats to consider at this stage is that, as I will indicate in my further comments, this is actually an attack on the discretion of the commission. As a report released in Victoria today, and conducted by an independent researcher, Sweeney, of 400 small businesses shows, there is in Victoria a 93 per cent support rate for an independent industrial umpire.

But this bill is a bad place to illustrate the Democrats' capacity to deal with the government in a constructive and reasonable way—because there is nothing constructive or reasonable about this proposal and there are serious difficulties in attempting to reconstruct it in a way which would be reasonable. In fact, at this stage the Democrats' amendments illustrate how problematic this is and, whilst they have put in significant effort in an attempt to reframe it, we remain unconvinced that that is possible.

It should be, we would argue, for the Australian Industrial Relations Commission

to determine case by case how relevant the tallies decision is in other areas and whether they should be removed and how they should be removed. The Democrats' support for this proposal stands in stark contrast to their previous support for the role of the commission and the importance of the commission to determine such issues. In amending this legislation and supporting those parts dealing with tallies, we may simply be falling into a trap by the government to limit the commission's power and authority to determine matters important to Australia's workers. In this matter so far, there is no evidence of a failure by the commission to modernise awards. There is no evidence of the commission's incompetence. This is a heavy-handed interference by government in the absence of any established public need.

Let me go quickly to the issue of picnic days, and I apologise to the Senate if I do not conclude these remarks and foreshadow that I will seek to have what I do not conclude incorporated, once the government has had an opportunity to review the written text. The issue of union picnic days is a touch confusing to some coalition senators, and so I will attempt to clarify what currently happens and what this bill will do. The current situation: the starting point is how public holidays are determined. All Australians get public holidays as determined under state enactments. The amount and the specific dates of observance can and do vary from state to state, one example being Victoria's observance of a public holiday on Melbourne Cup Day. Overlaying that, the Industrial Relations Commission has determined in the public holidays test case certain standards that overlay the state enactment in the case of federal award employees. They decided that the standard number of holidays would be 10, plus an additional day determined on a state, local or other basis. Dealing specifically with the additional day, the full bench said this:

We do not intend our accommodation of state-determined holidays above the safety net standard to be the basis for double-counting, achieved by identifying the additional day in some other manner. For example, we envisage that in Victoria the additional day which is part of the safety net will normally be Melbourne Cup Day or a local

equivalent. If the additional day is a union picnic day, this will be *in lieu* of Melbourne Cup Day.

The ACTING DEPUTY PRESIDENT (Senator Hogg)—Order! Senator Collins, your time has expired.

Senator Jacinta Collins—Mr Acting Deputy President, I seek to incorporate by leave the remainder of my remarks.

Leave granted.

The document read as follows—

In most cases, union picnic days are used as a replacement for Gazetted public holidays. That means that even if there were a provision for a Union Picnic Day in an award, the workers under that award would most likely still be receiving the standard number of public holidays per year as anyone else.

There is only a small minority of Awards, where the picnic day is on top of the standard entitlement, and I will deal with that in a moment.

Dealing with the majority of cases first, there is no good reason to attack the use of the phrase Union Picnic Day in Awards. It's just pointless work.

And it will cost money - there are hundreds of Awards, and they'll all have to be dealt with by the parties and the Commission. The ACTU made that point to the Inquiry, as did a number of the employers.

The Australian Industry Group pointed to the potential inequities that it would create, using the example of a workplace where the additional public holiday for workers under one award is described as a picnic day, whereas it is described as an additional public holiday for their colleagues: ... we are concerned about the equity of removing the public holiday for employees covered under the Graphic Arts Award in the above example but not for employees covered under the Metals Award, simply based upon the name of the public holiday. In many large work places both of these awards are in operation and there will be obvious practical difficulties associated with the production employees no longer having an entitlement to a public holiday on the Tuesday following Easter Monday and the maintenance employees continuing to have such an entitlement. In some industries, the Union Picnic Day may be more convenient for the employer than the gazetted alternative.

In the hospitality industry, for instance, employers vigorously, and successfully, argued before the Commission that the union picnic day should be

maintained in the Award rather than Melbourne Cup Day. (Print P 1349)

So what this Minister wants is pointless work to result in endless confusion.

The final point I want to address is those situations where Union Picnic Days is an entitlement above the standard.

There are a number of very good reasons why the extra public holiday is appropriate in those awards or situations where it does occur.

The capacity for all employees and management in a company or industry to relax together with their families on one day of the year, to shoot the breeze, enjoy a chop and sanger, watch the kids in the three-legged race, is not bad thing.

From a pure accounting perspective, it may not be arguable, and I don't apologise for that. There should be more to life than the bottom dollar, and in any event, management literature devotes volumes to the intangible benefits of social interaction in the workplace. And if a company and its employees want to do that, why should we say no?

But on the subject of the bottom dollar, there is no evidence the abolition of the picnic day is going to turn around the balance of payments - in fact, there has been no evidence of an economic rationalisation for this proposal at all. And as I indicated earlier, there will certainly be a cost to reviewing the 750-plus Awards.

The CFMEU noted in their submission, as did the ACTU, that individual enterprises were able to be flexible in the taking of the union picnic day, if that was the wish of the parties. Their submission says:

Where it exists in Awards, the Award normally provides that where the employer arranges another day as a picnic day for their employees then that day can be substituted for the industry picnic day.

And they go on to give the example of the National Building and Construction Award 1990, which is the main construction industry award. The relevant clause in that Award provides the following:

Where an employer holds a regular picnic for his/her employees on some other working day during the year such day may be given and may be taken as a picnic day in lieu of the picnic day here fixed.

There is no evidence of a desire on the part of employers, as opposed to employer organisations, to get rid of the picnic day. Remember that there is a Test Case Standard. Any employer is free to

apply to the Commission to have the picnic day removed.

There was no evidence of enthusiasm for this course of action.

So, finally, what we can conclude is that this Minister is doing the unnecessary on behalf of the indifferent at cost to us all. Another Bronze for the Minister.

Senator MURRAY (Western Australia) (8.23 p.m.)—The **Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000** is a small and simple bill, so we will try and give it twice the words that it needs and see whether we can get to 20 minutes on that basis! The union picnic side I wish to deal with first. I am indebted to the department for a very good summary about the union Picnic Day—that is from the Department of Employment, Workplace Relations and Small Business, who were then represented by Ms Lynne Tacy, who has moved on to better things, and I will take the opportunity to record my personal appreciation of the professionalism she has shown in the time that I have worked with her.

The summary from the department indicates that a public holidays test case was only established for federal awards by a series of full bench decisions in late 1994 and early 1995. In other words, it was a long established practice which was only challenged, and therefore felt necessary to define far more clearly, relatively recently. Those decisions established a standard of 10 plus one days, being 10 specific holidays celebrated throughout Australia and one state-specific holiday—for example, Melbourne Cup Day, Adelaide Cup Day, Canberra Day and so on. The test case standard also provided a mechanism for substitution of public holidays for another day through what the department describes as a 'facilitative provision'. That standard allowed for the possibility of an entitlement to union Picnic Day but only where it was taken in lieu of the state-specific holiday provided for in the minimum entitlement. In the award simplification decision, the full bench of the commission, on interpretation of the act, determined that union picnic days fall within the expression 'public holidays' for the purposes of section 89A(2)(i) of the Workplace Relations Act.

That brings me to the first point: the act does not define 'union Picnic Day'. The act left that definitional development to the commission. In fact, union picnic days do not appear in the act in any place. This bill would introduce that in its amendments.

It is not a standard provision across all awards. According to the department, about 750 awards—around one-third of all federal awards—contain union Picnic Day provisions, including 40 of the top 100 awards. However, the fact that it is not a standard provision does not deny the fact that it is an institution almost in a number of industries. It appears from the evidence before us from union members and others attached to them to be a much loved one. Speaking personally—and I have said this before publicly—I do not care one way or another whether union picnic days exist or not. But I do recognise that they matter to other people and, therefore, I have to take that into account in examining this issue. Most of those 750 awards with picnic days provide a day off for all employees, although a minority contain provisions requiring proof of attendance at the picnic in order to be paid for picnic days—and I have an idea that that proof of attendance was also attached to collecting fees that were due and making sure that people were up to date in their membership provisions. In some awards, the public holiday provisions are above the test case standard, with union Picnic Day being provided in addition to all other public holidays.

That leads me to the second point: where union picnic days are not a consequence of state legislation, they are challengeable as an award provision, and there can be a debate in the Industrial Relations Commission as to their appropriateness as parts of agreements. So, for those picnic days which are not specifically covered by days such as Melbourne Cup Day, they are capable of being contested in the commission.

The proclamation of public holidays is, as the department outlines, regulated by state and territory governments. It also draws attention to the fact that New South Wales has fewer gazetted public holidays than do other states and territories. Some awards must nominate another day to be observed as the

additional day in New South Wales, such as Easter Tuesday. Union Picnic Day is also sometimes specified as the additional day for New South Wales employees. In the ACT, the union Picnic Day is legislated as a holiday for all employees covered by 64 nominated awards.

That brings me therefore to a third observation: the lack of uniformity in public holidays arising from the different standards applied to public holidays in this country does result in such anomalies. Maybe that is an automatic consequence of the federal system, but it has always struck me as profoundly odd that the Queen's birthday or other events can be celebrated in different parts of Australia on different days. I think perhaps the only three days you can be sure of are Good Friday, Christmas Day and Australia Day; all the rest can vary by state. It is another area where a lack of conformity within the federation is apparent.

How did I think I could deal with this issue? Picnic days get right up the nose of some employers in some industry sectors; others mind not at all. It seems to vary by the state you are in. I looked first at the possibility of providing a definition, and I looked at this possible definition for a public holiday: a day gazetted as a public holiday under the law of the Commonwealth or of a state or a territory, or a day whose identification as a public holiday was consistent with the principles established by the commission in the full bench decision dated 4 August 1994, print No. L4534, or a rostered day off in substitution for a gazetted public holiday and accumulated under the hours of duty arrangements in a workplace—in other words, a day in lieu. I thought that definition would, in fact, work out the problem fairly well. I was persuaded that it was unnecessary because the fact is that those things I have outlined are already apparent, either through the test case or through the actual structure of awards.

As I have clearly indicated, in those minority of awards which do not fall into my broad outline of a definition, the union Picnic Day is capable of being contested in the Industrial Relations Commission. If you believe in the IRC as an umpire, as we do, then

that is an appropriate place to leave it. So, in the end, I was not persuaded that this was a big enough aggravation and problem in the national psyche to upset thousands of union workers and their families for what seemed to me to be a notional gain, because most of those workers and families who would be upset unnecessarily would still have had access to the union Picnic Day anyway under the gazetted public holidays as already established—Melbourne Cup Day, Canberra Day, et cetera. That is how I came to my conclusion. I can hear the minister's predecessor: he would quote my words back at me, I am sure, if he was still there, saying that Senator Murray had said he did not see much point in union picnic days being still part of the award structure. But the fact is that they are really established by public holiday law in the states and territories as much as by award structure, and I felt it better to leave it alone.

Tallies is the second area of interest in the bill. Again, I am indebted to the department for a very useful summary of tally provisions. They claim, quite correctly, that tallies are not standard provisions across awards, they are found only in the meat processing sector. This is an important thing to say because there is a point of view amongst some that tallies should be regarded in the broadest sense of payment by results. That would mean, therefore, that tallies, as outlined in section 89 of the act, could, under that very broad interpretation, be seen to be a way of describing payment by results in any industry in any sector. I agree with the department that in fact that is not so, that it is a narrow definition and that tallies are to be regarded narrowly. However, we should note that the act does not define tallies.

I am not familiar with all the considerations of the Industrial Relations Commission, but I have an idea that they do not define tallies as well as you might think. But if you accept, as I do, that tallies are indeed a short, narrow provision, they then only apply to nine awards and that is what we are talking about. Those awards are: Australia Meat Holdings Pty Ltd—Rockhampton Abattoir—Interim Award; Australia Meat Holdings Pty Ltd—Stuart Townsville—Interim Award;

Australia Meat Holdings Pty Ltd—Beaumont, Beef City and Dinmore—Interim Award; Thomas Borthwick Queensland Meatworks Industrial Agreement; Federal Meat Processing (Innisfail Abattoir) Award; Queensland Meatworks Industrial Agreement; Consolidated Meat Group Pty Ltd—Lakes Creek, Rockhampton—Interim Award; Victorian Meatworks and Bi-Products Agreement; and South Australian Meatworks Industrial Agreement. So it is a pretty limited area.

The department says that tallies are based on inputs, in contrast to piece rate systems, which are based on outputs. As such, tallies may impede productivity, unlike piece rate systems such as those payable to outworkers in the clothing, textile and footwear industries which provide a simple payment per article alternative to regular time based arrangements designed to promote productivity at the workplace. Again, I agree with the department: I think what they have described in that section I read out is, in fact, payment by results, which is an output orientated approach. They describe the background to tallies which I will not go all the way through—as I am sure you will be glad to know.

In September 1999, a full bench of the commission decided, as part of award simplification hearings, that it would delete the tally system from the Federal Meat Industry (Processing) Award 1996, and it decided to replace the tally system with a provision allowing for the implementation of incentive payment systems or schemes; in other words, payment by results. The full bench found that the award tally provisions were inconsistent with the Workplace Relations Act and included matters of detail more appropriately dealt with at the enterprise level. It also found tally provisions to restrict or hinder the efficient performance of work and to be obsolete.

One of the worst characteristics of the union movement is its reluctance to accept change or reform of any kind. I think that derives from a long history of struggling so hard to get what it gets that it is very reluctant to give it up. Perhaps that is one of its best aspects: people in the union movement

strive to get what they can get and they work hard to keep what they have got. But I think even the union movement has finally said, 'Okay, we accept that the tally's day is done.' The bill recognises that and attempts to speed up the process, and that is obviously in the interests of those nine awards that I have outlined—let it be done and let it be sped up. We were persuaded as to the speeding up view, but not as to the time, which was a six-month view. We have proposed a 12-month approach.

The bill removes tallies as an allowable award item. The ACTU and Labor have previously opposed that; however, our judgment is that the ACTU do understand the logic of this change. The IRC test case said that even if the Meatworkers Union opposed the amendment of every meat industry award, tallies would still be removed within two to three years, at worst. So let us get the agony over with. We propose that this process should be speeded up. It would improve an industry which is known for notoriously poor productivity. That, I think, is a useful way to go. We have recommended that tallies be replaced with incentive based payments as an allowable awards matter. You may wonder why we would do that. It is because we believe that the fundamental components of reward should be recognised within allowable matters. We think the ability of awards and agreements to identify where results based payments and incentive based payments are appropriate is very useful. We think it is a very useful aid to productivity and incentive.

Some of you know that I have been in business for 25 or 30 years, all told—starting with my tiny little store in my late teens or early 20s—and I have always used incentives, by whatever means. One of the great characteristics of the 1996 act and its predecessor, the 1993 act, was the ability to accelerate productivity and flexibility. I think that is a very useful hole to be filled: take out tallies with their narrow objective and put in incentive based payments, which will provide employers and employees with the opportunity to negotiate the safety net with appropriate incentive based payments. Accordingly, I have proposed a set of amend-

ments. The sheet was circulated last November, I think—it is No. 2053, if people do not have it readily available. I look forward to the committee stage to discuss the matter.

Senator CARR (Victoria) (8.42 p.m.)—I am delighted to be able to speak on the **Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000** because I think it is important that we set down a few of the issues in a clearer context than what they have been to date. The bill has essentially two foci: the tally system and the meat industry. We ought not be under any illusions about this. This measure is aimed directly at the meat industry and, of course, the question of union picnic days, which covers a range of industries. This bill essentially seeks to remove both these provisions from the allowable matters list and that is supposed to be on the pretext of simplifying awards. It is part of the disgraced former minister's agenda to wind back the industrial relations clock and to establish his credibility as the person who was able to bring the working people of this country to heel. To that extent, he has failed dismally—to the point where he is now off in what he sees as greener pastures in the Department of Defence.

I think that the purpose of the measures in this bill is to gut the federal awards system. I believe that that would be the longer term effect of these measures if they go through in their present form. The minority report of the Senate committee, of which I am a member, outlined concerns in these matters, and I would ask people to have a look at the comments in that report. I turn to the issue of the tally system. Senator Bartlett has just indicated to us that one of the worst features of the trade union movement—

Senator Murray—Senator Murray.

Senator CARR—Sorry; Senator Murray. My apologies. I am too busy thinking about what I am going to say next rather than what was just said. I do apologise to you, Senator Murray. I understand how insulting it would be for me to make that mistake. Senator Murray has pointed out that, in his view, the worst aspect of the trade union movement is its failure to accept change or reform in any part. I hope I have quoted you correctly, Senator Murray. That is what I understood

you to be saying. In the case of the meat industry, nothing could be further from the truth. This is a particularly difficult industry for those who work in it. It is an industry which has, I think, 200 to 300 major firms and contributes some \$4.5 billion to the economy. It has been the subject of substantial change over the last 20 years. Up to 30 per cent of the work force in this industry have lost their jobs.

There once was a time when just about every major town in this country had an abattoir. It was a major source of employment and a major part of the local economy. Now what has happened? As a direct result of the changes in that industry, particularly the impact of live exports, most of that employment structure has now gone.

Senator Heffernan—Bullshit!

Senator CARR—It has basically gone. We now have a major situation in this country—

Senator Heffernan—You don't know what you are talking about. That is a load of rubbish!

Senator CARR—We hear that it is a load of rubbish. We will hear from the farmer's friend in a moment—the man who never speaks. We will hear him explain to us what has happened to the meat industry in this country as a result of the economic policies this government has pursued.

Senator Heffernan—Go and visit the bush. You don't know what you are talking about!

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! Senator Heffernan, I would ask you to please stop interjecting and allow Senator Carr to continue with his contribution.

Senator CARR—This industry is probably the second most dangerous to work in of any in this country. It is an industry which has seen real wages fall in recent times under this government. So there has been a 30 per cent decline in employment, a cut in real wages and the level of industrial safety has declined as a direct result of the sorts of policies that are being pursued by this government.

Senator Heffernan—Do you know what a skin-puller is?

Senator CARR—Yes, I know a fair bit about this industry, as you are about to find out. What we hear from the ghost that never speaks is that the cause of the problems in the meat industry is the high cost of labour. It is being proposed to us tonight that, if we could only get rid of the tally system, the cost of labour would be reduced and the industry would once again see economic prosperity. Of course, the truth of the matter is somewhat different if we look at the economics of the industry. A number of quite influential reports and studies, for example, reports like the Booz Allen report, have demonstrated—even for those cretinous economic flat earth people who really ought to be in another party altogether; the extreme right wing of the Liberal Party in New South Wales—the simple fact that about 10 to 12 per cent of production costs could go to the issue of labour and 60 to 70 per cent of the cost of production are related to matters directly outside the control of the industry. The report is a couple of years old now, but I think the points are still valid. They said:

We estimate that were the Australian 'Best-in-Class' to be lifted intact (with existing equipment, management and workforce) and dropped in an Iowa cornfield, 60% to 70% of the performance gap would disappear.

The simple fact is this: the direct return to labour is merely 10 to 15 per cent of the total cost of production. The overall bulk of the price of production is the price of cattle. Up to 60 to 70 per cent of the production costs in the meat industry go directly towards the purchase of stock and, if we examine other matters such as transport, training, the cost of workers compensation and all those sorts of factors, we will not change that basic economic fact. Even when the employers in this country seek to remove the cost of labour by directly exporting, we find that the Australian industry is still up against it.

What has been the cost of this to society? What has been the cost to rural towns? What happens to those agricultural districts? What happens to towns and major cities in this country when the abattoirs are taken out of the economic infrastructure of those places?

And what are the abattoirs replaced with? They are replaced with unemployment. So there is a much more serious issue here that needs to be examined. Frankly, there is a great deal of hypocrisy and misinformation and mythology that has built up around this question of the so-called tally system. What we have here is a deliberately ideologically driven campaign by the extreme right wing of the Liberal Party, represented here tonight by Senator Heffernan, to try to present the view that anyone who has another view must be anachronistic and inflexible and must not be able to respond to economic change. The fact remains that, even if you were to reduce the cost of labour almost to nothing, the price of a steak and chips would reduce, at best, marginally, because the labour component of the production costs are so small. But we are constantly told that, if only we could change the labour component, there would be this miraculous improvement in the economic competitiveness of the Australian meat industry.

The fact remains that seasonal questions such as the highs and lows and the unavailability of stock are probably far more important than the tally system or any other incentive system for that matter, which goes to the question of how much stock is killed at any one time. Simply, the tally system is result geared. We have seen over time that the tally system itself has been subject to change and that it is a product of a whole series of agreements, not just the various awards that have been referred to here tonight. Senator Murray listed the current awards which specifically refer to the tally. What we have seen, over time, is that the tally system has maximised a company's ability to actually adapt to the production cycle—a proposition that seems to be ignored by the senators opposite. If the government were really straightforward on this matter, it would explain what its motives are in its campaigns for these so-called award simplification measures. The government's plan is to drop wages. Its objective is to reduce the livelihood of workers in this industry.

This is an industry of great uncertainty and it is an industry that has seen quite significant levels of industrial disputation in

recent times—not because the union was not willing to consider alternative methods of production and not because the union was not prepared to consider new ways of making sure the industry was competitive. The evidence is quite to the contrary. What has occurred is a result of companies who have tried to take the simple minded view that was presented by Mr Reith and of course we have seen no clearer case—

Senator Heffernan—When was the last time you were in an abattoir?

Senator CARR—I have been in meat-works on a few more occasions than you might well understand. You might not appreciate that it is possible for Labor senators to have a view on these matters apart from the squattocracy on that side of the chamber. What we see, for instance, is a dispute like that at O'Connor's in Victoria, where an attempt was made by that particular company to lock out their entire workforce. I have particular interest in this matter because I was in the difficult situation of having hundreds of workers come to me to seek assistance in the terms of their dispute because they had been locked out by their employer, basically on the presumption that they could be starved back to work. I was only too happy to assist to ensure that they got the various social security benefits that they were entitled to. This was a result of the employer's ruthless and quite brutal actions in attempting to crush those workers and to force them onto AWAs in such a way as to seriously injure the economic wellbeing of them and their families.

In that particular case the Federal Court was brought in and the court found in the union's favour. But what did the company do under those circumstances? And we know that they acted in close cooperation with the minister's officers—we have had this exposed in estimates. In close cooperation with Minister Reith and his advisers, this company then sought to broaden the dispute and that created a situation where it became quite protracted. What occurred was that the overwhelming numbers of workers at O'Connor's refused to sign these bodgie AWAs. They were in a position in which they were being asked to accept up to 40 per

cent less in terms of their wages and conditions that they were entitled to receive and were receiving with the various agreements which were legally in place. That is what the court found—the agreements were legally in place.

So the Federal Court unanimously, on 29 August last year, decided to uphold the rights of workers at O'Connor's in Pakenham to receive wages in accordance with a certified agreement which had been reached with the union back in 1992. O'Connor's in this particular incidence, again with the support of the minister, refused to go back to those arrangements and refused to accept the direction of the court. Attempts by the various legal advisers to the workers concerned to get the matter resolved ended up back in the court itself. So we had a whole series of protracted legal disputes which led to O'Connor's essentially being unable to respond to the union's claim for back pay and ongoing entitlements because they said it was too difficult to calculate them.

What I am saying is that this occurred in an industry which has been subject to quite dramatic change. Workers have responded very well and when faced with the opportunity to sit down and talk to employers there have been agreements reached going back some time. The claim that workers have not been prepared to adapt to new circumstances is patently untrue. So the federal meat industry award is being applied in a most inconsistent manner across the country at the moment: most employers rely upon certified agreements but others—rogue employers—are seeking to follow the government's line and impose AWAs with serious detriment to the workers concerned.

What has occurred is a situation which I think can only be resolved through proper discussion and proper agreement within the industry. To resort to cheap labour, to resort to attempts to reduce peoples living standard in this most brutal of ways, will never succeed because of the nature of this particular industry. Employers will have an advantage for a short time—during a period of economic downturn—but over time that position changes. Where there is a shortage of labour, under those circumstances, agreements will

be struck which are quite contrary to the position that is being advocated by the minister—and I presume by the new minister, who is arguing along a similar line—up until this point.

The Employer Advocate has been used and a whole array of industrial legislation has been used to try to force down workers' wages and conditions. These have, by and large, failed. They have failed because this government does not understand a few basic principles. In the meat industry, the award system of tallies is essentially a safety net provision. It protects core entitlements of meat workers—their basic wages, no less. Essentially, the industry is governed by a series of certified agreements. An attempt to remove tallies from the award system will not change that essential proposition. The award system, through certified agreements, will become the mechanism for the regulation of tallies or incentive based payments in this industry.

The full bench last year had a look at this proposition and suggested that there was a need for review, but it did so in terms that clearly indicated its belief in the need for the regulation of tallies in the industry as the 'clear and simple safety net as the basis for agreement at the enterprise level'. The court went on to say, 'We are satisfied that the award should be varied to provide for safety net provisions of that kind.' It is quite apparent that there will be some mechanism within the Federal Court jurisdiction and through the AIRC decision making processes. The combination of both those measures, I am certain, will defeat the attempts to impose legally reductions in wages and conditions.

On the other issues of picnic days, essentially I think workers are entitled to these provisions. They are longstanding parts of industrial awards in this country. The evidence before the Senate committee demonstrated that there is widespread support for this measure, even by employers themselves. The fact that so many union picnic days are similar to the Queen's Birthday and various other secular holidays suggests to me that that is no reason in itself to remove them from awards, and there is no justification to

cut back entitlements for people in this regard.

In his second reading speech on this bill, Mr Reith said that there was no reason why union picnic days should form part of the essential safety net of conditions. That is where we part company quite substantially. He talked about productivity, but I would have thought union picnic days enhanced productivity because they encourage team building and good relations amongst workers. They happen to be a means for workers to express their solidarity with one another. They happen to be a means by which workers can come together and express their support for one another within the industry as a whole rather than just within one plant. I suppose that is not the sort of language that this government likes or wishes to encourage.

Frankly, as far as I am concerned, this bill cannot be taken that seriously if we are to take the government at its word. The government's agenda and its motives are abundantly clear. We have had a whole series of bills put forward seeking to change workplace agreements procedures, secret ballots, protections, termination of employment and various other pieces of the government's overall strategy—which, in my judgment, is about trying to gut the union movement and the capacity of workers to defend themselves in their daily labour. In my judgment, this bill demonstrates the government's ideological crusade. It is not about trying to improve economic circumstances. It is not about trying to provide greater flexibility and incentive for people to make their industries more competitive. It is about undermining wages and conditions. It is about undermining the rights of working people to defend themselves, to enjoy the fruits of their labour and to enjoy their capacity to come together and celebrate their victories.

Senator COONEY (Victoria) (9.01 p.m.)—I rise to speak on the [Workplace Relations Amendment \(Tallies and Picnic Days\) Bill 2000](#). There has been an attack on the tally system on the basis that it is not an incentive, yet one of the proposed amendments by the Australian Democrats says:

2 At the beginning of paragraph 89A(2)(d)

Insert “incentive-based payments (other than tallies),”.

That indicates the dilemma that the Democrats—and, indeed, the government—have got themselves into. The tally based system was, as everybody agrees, originally proposed as an incentive based scheme, and its history has followed from there. Its definition now gets us into the dilemma that is expressed in the proposed amendments by the Democrats. They are saying, ‘We don't mind incentives as long as they are certain sorts of incentives.’ If you look at the meaning of the word ‘tally’, it is just that. There used to be tally clerks on the wharves who used to count the cargo that was brought off ships. Senator Ludwig tells me that the word ‘tally’ is still used in the shearing industry.

Senator Jacinta Collins—Tally books.

Senator COONEY—Thank you, Senator Collins.

Senator Heffernan—You can shear as many as you like.

Senator COONEY—You can shear as many as you like, and you are paid according to the tally. You can kill as many as you like, and you are paid according to the tally. There are high and low tallies. Senator Carr will remember—or perhaps he will not remember, being a very young man in those days; it was before he was conscious of these things—that originally the meat industry complained about measuring things in terms of hours per day. They said that people were coming along, spending the hours and not producing what was meant to be produced, so they said that, instead of working for eight hours, if you got a particular tally you would be paid for that and then you could go home. They produced a low tally or, if they wanted to do more than that, a high tally and off they went home, rewarded according to the agreement. Now, for whatever reason, the industry wants to take this away from what should be regarded as on the table to be discussed.

The relationship between employer and employee is fundamentally one of contract, one of agreement. Contract is simply a form of relationship that is established between people. Mr Acting Deputy President

Ferguson, if you and I agree to purchase a magnificent wine from South Australia, your home state, and we go to the winemaker, we enter into a relationship with that person and he gives us the wine. There must be a certain amount of trust in it. He expects that the money we give him will be good, valid money. We expect that the wine he gives us will be good and pure wine. Once a certain nastiness comes into that, the whole relationship is soured.

This is the sort of thing that Senator Carr was talking about. He says that there ought to be a proper relationship between the people working in the abattoirs and the people who manage them. But, as a result of the way industrial relations have been conducted in recent years, that relationship has soured. So you get the sort of tragic situation that Senator Carr was talking about at O'Connor's. There are other examples of that. That is not a recent example. Mudginberri in the Northern Territory during the 1980s is another example. But it always takes, as they say, two to tango. A lot of the problems—I am not saying all of the problems—that arise in this industry—

Senator Heffernan—That is all old hat.

Senator Carr interjecting—

Senator COONEY—Can I just take the point that Senator Heffernan has raised. By that comment, he illustrates the very point I am making. He says that it is old hat. If you raise an argument in favour of reasonableness in the industry, you will get one side of the industry objecting. With great respect, I put Senator Heffernan on that side. He expects people—

Senator Carr—You call him that?

Senator COONEY—Yes. If you come from his point of view, Senator Carr, you will understand. He wants workers to work at low cost and he has never made a pretence otherwise. He wants one lot of people to work so other people can gain through this industry. He says, 'Suppress the wages of the workers and suppress their conditions,' and if you try to improve the situation, he will say, 'This is old hat. This is history.'

Senator Heffernan interjecting—

Senator Carr—Do you think he's been drinking tonight?

Senator COONEY—No, we won't go that far. He now talks about wide combs and small combs, and what he forgets in all this is the position of the meatworker. Remember this: working in the meat industry is a very tough job. It is not the sort of industry that anybody in this chamber has followed or would follow as a full-time occupation. As soon as you raise the issue that it is a very hard industry—which is a very legitimate issue—it is said to you that it is not.

Mr Acting Deputy President, if you go to a meatworks, if you see the rush of the cattle, if you smell the stench of blood, if you see the killing and if you see the ripping and the tearing that takes place as the carcass goes around the chain, there is only one conclusion to follow from that: this is a very hard industry. The fact that there might be harder industries—I do not want to argue with that—does not reduce the proposition that this is a very hard industry. The building industry is a very hard industry. Again, that is an industry that is attacked. I think it is a very valid point that people have worked over the years to get reasonable conditions and it should be a matter of concern for this parliament, which looks after all the people of Australia, or so it says, when we take away conditions. In taking away tallies, we are taking away conditions.

Whether or not it is a good thing or a bad thing for incentive—and I have heard Senator Murray argue about this—when you take away tallies, you are taking away some conditions of workers. When people get up and say that that is a matter of concern, as I am saying now, that sort of proposition should not be ridiculed, should not be the subject of aspersion. Somebody like Senator Heffernan, who does come from the country, should have sympathy for people who have worked in the country—and a lot of the people who work in meatworks come from the country. They are the sort of people we should be concerned about. If we in this chamber ridicule country people who go into meatworks and who go through what I think is a terrible experience, if we laugh at them and somehow treat them as less than human, the sorts

of results that are coming about politically in the country are to be expected. We are just not giving them the proper respect that they need.

A person, whether he is a manager, whether he is a politician or whether he owns and runs a farm, should—in Australia at least—have no more dignity or respect given to him than a meatworker. Just because a person is a meatworker does not mean that he or she should be ridiculed in the way he or she has been tonight.

Senator Calvert—What about Wally Curran? He closed down more abattoirs—

Senator COONEY—They talk now about Wally Curran. They are ridiculing Wally Curran. I think Wally Curran deserves to be given due respect.

Senator Carr—He got an Order of Australia, didn't he?

Senator COONEY—Yes, he got an Order of Australia. He set up a fund, a magnificent superannuation scheme, for the workers in this industry. He is a person who does have respect for the person who works on the floor, and he has respect for any worker, as we should have, Senator Calvert. I think, underneath it all, you do have respect for the workers of Tasmania.

Senator Calvert—I do. But I am just making the point that Wally didn't help the workers.

Senator COONEY—Yes, he did. This is again the way the thing is argued. You say: 'He didn't help. Meatworks have closed down. It's his fault.' It was not his fault that they had live sheep exports. It was not his fault that they still export heads of cattle and sheep overseas. Senator Calvert, you should look at live sheep exports to see where the slowdown in meatworks has come from. People like Smorgens moved out of the meatworks, not because they did not think the meatworks were profitable but because they had to go other ways.

Senator Heffernan interjecting—

Senator COONEY—Senator Heffernan, I think you are contributing greatly to the argument on our side. You are showing that there is a complete indifference to the people

who work in these places. You say that it is all the fault of the union. You say that Wally Curran is the man who has caused all these problems. If you come to the argument with that attitude in mind, there is going to be no way for us to work our way through here. On the other hand, on this side, Senator Carr came along and said, 'Let's have a look at all this.'

Senator Heffernan interjecting—

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! Senator Heffernan, I think it is time we gave Senator Cooney a clean go.

Senator COONEY—In that context, can I talk about the Picnic Day. The Picnic Day is a day in which people can come together, not only in the meat industry but in any industry, and see themselves as people that ought to go about their business with pride. There is a gathering, they can go to an oval and they have races and all sorts of things for the children. I have been to picnic days; I have been to meat industry picnic days. The children come along, they have races, they have places for the children to go and they have all sorts of things. You can feel the pride in themselves as meatworkers, and that is how it should be.

Senator Calvert would understand what I am talking about now, because he has done considerable work over the years for people who run shows, circuses and things like that. He understands the feeling of pride that people have when they follow an industry. It is the same thing with the meatworkers. For people to come in and say that there ought not to be picnic days—that there ought not to be opportunities for people to come together and to see themselves with pride in pursuing a particular industry—is a very sad thing to see. I put this proposition: I think that Senator Murray should reconsider this issue about setting aside tallies. I think that it is a form, if properly used, which could well suit an agreement between the employer and the employee.

Why are we on about taking things out of the pool of matters which can be considered? Fundamentally, the relationship between an employer and an employee is a particular

sort of relationship for them to decide—and we have heard this again and again—subject, of course, to proper provisions to make that fair. That is why we have an arbitration system. Fundamentally, if people want to agree about that, why shouldn't they? If people want to take that to the Industrial Relations Commission and argue about that, why shouldn't they? We come in as members of parliament and say, 'No, you shouldn't do any of this. There are certain restrictions that you should impose upon it.'

It was said before—I think it was said by Senator Murray—that there are only 14 examples of awards with the word 'tally' in them.

Senator Murray—Nine.

Senator COONEY—Nine—thanks, Senator Murray. Eight or nine?

Senator Jacinta Collins—Eight more. One plus another eight.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! I would rather the debate continued through the chair.

Senator COONEY—I am sure that Senator Murray did not mean this, but the impression he gave was that these awards do not really matter—that the people who are covered by these awards do not matter. If he said that, that again is a sad thing, because he is saying, 'Unless masses of people are affected by an award, unless masses of people are affected by an agreement, it doesn't really matter.' But of those people affected by those limited awards, there would be people who need the money coming in to pay off their mortgages and to send their children to school. Not that you intended this, Senator Murray—

Senator Murray—No, I did not mean that.

Senator COONEY—I am sure. But the effect of what you say is that somehow these people do not matter. I do not know whether you heard the discussion before about this, but it would be shameful if we approached this debate on the basis that we are going to be concerned about people only if they are in groups of hundreds or thousands. I am sure you did not mean that. The fact that there are

only nine awards seems to me not to be terribly significant in the context of this debate.

A lot of the meatworks have gone to Queensland, which would make Senator Ludwig happy. I think that was a choice of management—and Senator Carr was talking about this—but it certainly does not arise from the administration of the union in Victoria. As you said, Senator Carr, there was the incident at O'Connor's. Portland is another instance, at Borthwick's down there.

Senator Carr—Mount Schank.

Senator COONEY—Yes, Mount Schank. And, earlier on, remember the terrible affair at Camperdown.

Senator Carr—What about Wodonga?

Senator COONEY—Yes, Wodonga. All those places which again illustrate—

Senator Carr—And Ararat? What about the one at Ararat?

Senator COONEY—Yes, I remember all that. All these matters involve people who were thrown out of work: country people who we say we are looking after. These are not city slickers and what have you; these are people who come from the country to work in the industry. Now they have been, in large part, thrown out of work. The big question is: what are we going to do about them? We still all eat meat. People ought to declare an interest if they are not meat eaters.

Senator Carr—Maybe that is the problem: they are all vegetarians.

Senator COONEY—Maybe. But in any event, we all eat meat. It is an essential product in the community, so much so that the government recognise this in that they do not put the GST on meat. So it is considered a very essential industry.

Senator Carr—If the Democrats had their way they might have.

Senator COONEY—No, we will not be nasty to the Democrats on that. You never know, we might want Senator Murray's help in some of this debate, so we will not develop that. This bill is aimed deliberately at a particular industry. It is an industry that I have some familiarity with, and some members of my family have some familiarity with this area of the law.

Senator Heffernan—They eat chops, do they?

Senator COONEY—They eat chops. In fact, I cook the chops that we eat. Do you do that, Senator Heffernan? I am a good cooker of chops. Having declared that interest, I have to say that this is bad legislation. It is an overreaction to a situation which needs to be dealt with in a different way. It also arises, in some ways—and this is the tragic part of it—out of a contempt—

Senator Carr—A hatred, I would suggest.

Senator COONEY—for the people who go about their work, and a hatred for the union, which I think has represented them so well over the years. And the union is one of the most democratic ones that I know of.

The ACTING DEPUTY PRESIDENT—Thank you, Senator Cooney—your finishing saved me from giving you the chop.

Senator O'BRIEN (Tasmania) (9.22 p.m.)—I should take a point of order on that horrible pun, Mr Acting Deputy President but, given the time of night, I will forgo the opportunity and simply say that one would have expected the new minister, Mr Abbott, to put his stamp on his portfolio, to look at the tactical approach that was established by the minister, Mr Reith, last year in the pursuit of his so-called industrial relations reform in what has been described as a 'salami slice' approach. That is, take the package of measures that were proposed and divide them up into a number of bills and send them along. At the time, I think the idea was that the government would not have a number of bills passed and would have some sort of argument—at least they would claim—to say that the Senate had disrupted numerous pieces of important legislation. That is the sort of guff that I suppose we would have expected from Minister Reith.

Now Minister Reith has moved on and Mr Abbott is the minister. One would have thought that he would decide to put his own stamp on the approach to what his government sees as reform. I must say that I have always thought that reform was about making things better and I do not really think that

this legislation, like so many other pieces of Mr Reith's legislation, is about making things better.

Let me make it clear that we are talking about legislation which affects the power of the Industrial Relations Commission. The Industrial Relations Commission, in most circumstances, is about regulating awards which apply to employees. These are not people who can hide their income in family trusts and distribute that income so that lower rates of tax are paid to the beneficiaries of the income earned. These, in the main, are not people who have the benefit of income splitting where husband and wife form a business partnership, share the income, get two tax-free thresholds and pay, overall, a lower level of tax. These are not people who get to set the days and the hours on which they work. Those are set by awards, often at the discretion of the employer within a range of times that have been established by that award. These are not people who have their kids' school fees paid as part of their contract of employment. In the main they do not get a company car and they do not get six-figure or seven-figure salaries at the end of each year that they can look at when they do their tax return and say, 'Haven't I done well?'

Those are probably the characteristics that set most people in Australia apart from those who seem to be getting beneficial treatment from this government, and it sets them apart from the people who have not had to bear burdens imposed upon them by the legislation of this country. It is all right for this government and the Prime Minister, indeed, to beat the chest and complain about executive salaries but, let us face it, nothing is done and no initiatives are put in place.

When we see the stories in the press about the deferral of family trust legislation, while at the same time we are dealing with a bill which is about a small group of employees who might be the beneficiaries of a tally system or those employees whose awards prescribe that they get a public holiday which is described as a union picnic day, then one can really see where this government is headed. Let us forget for the moment the test case on one of the meat industry awards which has already dealt with the tal-

lies issue. It was a full bench decision so one presumes it will have some force in other proceedings, but let us forget about that at the moment. Through the measures proposed in this bill in relation to tallies and public holidays we are saying to the Industrial Relations Commission, 'You cannot do anything about this. You cannot make prescriptions in your award about these matters.'

The government says, 'Yes, you could have an enterprise agreement that covers these issues,' and that is a further salami slicing of the rights of the work force. But deep down it is really saying, 'These are the sorts of matters that we want to consign to the law of the jungle. If you are strong enough as a work force and if you are organised labour and you can win it and you can withstand lock-outs or you can take strike action, if you can show you are strong enough to hold the line, you can have this.' That is exactly what this legislation is saying. It is saying that if you are strong like the executive on a \$1 million salary, if you are organised labour and you are strong and you can get around the other laws that we put in place to restrict your right to take action, then you have an enterprise agreement. But you cannot go to the Industrial Relations Commission and say, 'We have an arguable case that we should have a tally system.' You cannot do that if this government succeeds. What this government is saying is that you cannot have that unless you are strong enough to win that, unless you are able to withstand the employer's power to lock you out. You cannot have that unless you are combined and strong enough to say to the employer, 'We are not going to do your work unless we have a tally system.'

Even if this bill is passed some people will keep a tally system. So are we talking about the principle of tally systems? We cannot be, because the government says that you can have a tally system but you cannot have it in an award. We are not talking about whether tally systems should be outlawed; we are talking about the commission's power to award them. It seems to me that that is one of the fatal flaws in this piece of legislation—this is legislation consistent with this government's approach which is that the strong and

the powerful succeed and the weak lose out. That is what this legislation is about.

I would have thought that the minister, Mr Abbott, having taken upon himself this portfolio which has a history of failure in terms of the role of the previous minister, would have said, 'I really don't want to follow that path. I want to take a new approach. I'm going to go to cabinet with a new approach. I'm going to say to my party, "We are really barking up the wrong tree here. We're only going to have limited success and, let's face it, there's no way this government is going to go to an election, particularly a double dissolution, in the next six months"'. I would even challenge Senator Heffernan to put his money up and back that, and I bet he will not.

Senator Heffernan—Say that again?

Senator O'BRIEN—I bet Senator Heffernan will not back in that there will be a double dissolution in the next six months.

Senator Heffernan—Say that again?

Senator O'BRIEN—If he did not hear me, he had better go check on his industrial deafness. Really, what we have here is just following along a pattern which was established by the previous minister. I keep coming back to why Minister Abbott would be doing this. It seems mindless. Here we are, debating this legislation, which may or may not pass in some form. What are we talking about? We are talking about tallies and picnic days. I have a bit of experience in dealing with these matters in my role before coming to the Senate. I was the secretary of what was the Miscellaneous Workers Union, based in Tasmania, before it amalgamated with the Liquor Trades Union and changed its name. The Miscellaneous Workers Union was the agent for the Clothing Trades Union in the state of Tasmania so I had a lot to do with piecework systems, particularly women working in clothing factories. I was able to see how, every time those women were able to 'beat the system', as it were, improve their techniques, work a little bit better and smarter, get a higher level of output and earn a reasonable bonus, the company would bring in consultants to look at the work system and redesign the bonus system. The re-

sult was that it always became harder for them to make that little bit of extra money and the bonus system, like a tally system, became effectively a way that people were driven to produce more for the same amount of money. That is what that sort of productivity system led to.

It also led to some horrendous injuries in the clothing industries. Some senators may recall that repetitive strain injury, which in the early days a lot of people said did not exist, destroyed the working lives of a number of people trying to cope with payment-by-results systems. But, at the end of the day, those people had a right to go to the commission and to argue their case. If the payment by result system was effectively a tally system, or if there was an argument about that, they could still go to the commission and say, 'This is unfair. This system is not designed to allow the ordinary working woman to, at a reasonable level of effort, earn more than the award rate. It is in fact only driving us to produce more and more for the basic award rate.' There are exceptions to that; every system has exceptions: some people are more skilled or have more dexterity than others and under most of the systems were able to cope with it. But a lot of people paid heavy penalties in the form of contracting repetitive strain injury and were in a position where they lost the ability to work. They lost the ability to work; they then had to go through the legal system and they had to argue their case before the workers compensation system. They often had to go to common law and argue that they had effectively lost 20 or 30 years out of their working life and they should be compensated.

What these sorts of measures will do in relation to tallies is to say to people: if there are expectations about performance of work to a certain level, you don't have a right to go to the Industrial Relations Commission; this is not a matter the commission can adjudicate on. Having looked at the *Bills Digest* on this bill, I notice that the Department of Employment, Workplace Relations and Small Business told the Senate committee that tallies are based on inputs, in contrast to piece rate systems, which are based on outputs. I can say that I have seen what have

been effectively tally systems based on outputs in the tyre industry, particularly in South Australia, so I am not sure that the department's interpretation of what the word 'tallies' means is entirely accurate. I am concerned that, when we get into the debate in the committee stage on this bill in relation to amendments, as we may well do, we will be dealing with aspects of the legislation that I do not think the department properly understand and—with respect to the Democrats—I do not think the Democrats properly understand either.

I come to the question of public holidays and union picnic days. Union picnic days have a history in this country. Many awards no longer contain provisions where there is reference to a union picnic day. The standard, which has been well established by the Industrial Relations Commission, is that there are a number of key public holidays and an additional number which can be taken on a variety of days. I do not think that is controversial. I think both sides of the debate would concede that 11 public holidays is the standard. What is wrong with the concept that one of those 11 public holidays be designated union picnic day? If it were designated Melbourne Cup Day, would it be any worse? I, personally, do not live in Victoria and employees in my state do not get Melbourne Cup Day as a holiday. We have a number of variable days in the state of Tasmania. Were I a resident of Victoria, I would not mind having Melbourne Cup Day as a public holiday. There are a lot of people who have no interest in racing or even Melbourne Cup Day—albeit it is somewhat of a national institution. Is that an argument to say that the award should not designate Melbourne Cup Day as a public holiday? There are many awards that designate what is referenced in awards as the Queen's birthday. As a republican, I do not really feel that celebrating the sovereign's birthday is any more important than celebrating a number of other days.

Senator Heffernan interjecting—

Senator O'BRIEN—I am sorry, Senator, I did not hear you. You had better come back to your place if you are going to interject. The fact of the matter is that 11 public holidays is the standard, and telling the Industrial

Relations Commission that it cannot designate some of those days differently makes no sense at all. If there has been a history and an observance of a public holiday which is described as union picnic day but falls within the limit of 11 days, what is wrong with that being prescribed? In addition to that, if a case can be made before the arbitrator, the Industrial Relations Commission, to designate an additional day, a different condition, what is wrong with that? Surely that is the basis of the system we have.

What this government has been about in previous legislation and what it pursues in this bill is further constraining the powers of the Industrial Relations Commission, the arbitrator, the independent umpire, the body that employers can go to and seek to prove their case, the body that employees and their organisations can go to and seek to prove their case. That is what this legislation is about: telling that body, 'These are the boundaries in which you can operate, and they're much narrower than they have been in the past.' The purpose of that is to exclude from awards particular conditions that exist there now. That can be the only purpose. It does not make sense otherwise to pursue this.

So we get back to the point I started with—that is, the more conditions you exclude from awards, the more you are saying, 'If you're powerful industrially or if you've got a special and rare skill, you can bargain for these things. You're in a position of advantage.' The ordinary clothing worker, cleaner, meatworker or metalworker—there are myriad trades where there are a lot of people vying for a limited number of jobs—are not going to be in a position to bargain. A limited number of them will be well enough organised to take industrial action on a workplace by workplace basis, and at the end of the day what we will see is that those ordinary people will lose.

Before the 1996 election, the current Prime Minister promised people that they would not be any worse off under the legislation of his government. That has patently been proven not to be the case. With every change to the industrial relations legislation—and statistical material has been produced by reputable survey organisations to

show this—most people, particularly working women, have been a lot worse off under this government's legislation.

As I said, Mr Reith's approach, which has apparently been adopted by Mr Abbott, is to salami slice the steps it is taking to remove conditions from the vast majority of Australian working people. This bill is another moderately thin slice of that package of legislation. I hope in that context this bill is not passed through this second reading stage but, if it is, I hope sense will prevail in non-government parties—because I do not expect any from the government under the direction of this minister—and that this bill will be constrained in such a way that it does not reward the strong and powerful and, again, punish those people who are not so strong and powerful.

Senator FORSHAW (New South Wales) (9.41 p.m.)—You can always tell when a government is in a state of terminal decline because it loses sight of the main game. If you went out and spoke to average Australians today and asked them, 'What are the big issues facing this nation?' one thing they would say is the problems facing small business people and the business activity statement. We have seen the government try to stonewall on that one for some time, but eventually it agreed to a roll-back in some areas of the business activity statement and the terrible ramifications that the GST has had on small business.

The average Australian would also say that petrol prices is a major issue, in rural and regional Australia particularly. This government's handling of funding for road transport is a big issue facing this country, as is the Australian dollar, which has hit record lows in recent months, and the entrenched unemployment, particularly in many rural and regional areas, and I am glad to see Senator Calvert is in the chamber this evening to listen to what I have to say. Another problem which has been of some magnitude over the last 12 months or two years has been the difficulties faced by employees in industries where their employers go bankrupt or go out of business and those workers lose all their entitlements. You could go to aged care, the situation in health, problems in edu-

cation, all those issues. They are the big issues. That is the main game.

But what is this government on about? What is the piece of legislation that it has put before the parliament today to try to get passed? It is a bill that deals with picnic days and tallies; it is the [Workplace Relations Amendment \(Tallies and Picnic Days\) Bill 2000](#). How far removed are you from the main game in Australian politics, from the main issues facing Australian society today, when you have to trawl up this piece of legislation that was previously part of a much larger bill to try to get rid of picnic days and tallies from awards?

This government has not been satisfied from the moment it got into office in 1996, attacking the award system in this country. You have now decided to go after, in terms of the big ticket items, some of the least important issues affecting this nation. I have to ask the question: what possesses a government that it would go to the lengths of bringing in a piece of legislation to remove tallies and picnic days as items that the Industrial Relations Commission can put into awards in this country?

I recall that back in 1996, just after this government was elected, one of its main objectives in its workplace relations legislation at the time was to remove a whole range of matters from awards and to reduce the list of allowable matters that could be contained in minimum rates awards to about 20. In the process, it was attacking some very serious conditions of employment. I recall, for instance, standing up in this chamber and addressing the fact that you were going to be removing from the oil drilling rig workers award—an award that covers persons employed in very dangerous occupations on offshore oil platforms and oil rigs—the insurance provisions, the provisions which required employers to provide insurance coverage for their workers. You were going to remove those.

I also recall that as a result of that legislation you would end up removing many of the conditions in such awards as the pastoral industry and other rural awards where the workers have had to fight for years, for decades, for even over a century, to achieve

those conditions. In one fell swoop, by legislation, you would remove those provisions. Not being satisfied with doing that, with stripping awards back to what you believed or the government said was the barest minimum that you could tolerate that could be in an award, you have now decided to go to the trouble of trying to remove picnic days and tallies from the list of allowable matters.

I understand that the motivation behind the proposed changes with respect to tallies is the obsession that the government have with the meat industry. They have never liked the meat workers union, they have never liked workers in the meat industry and they want to do everything they can to reduce their entitlements. But when meat companies and meatworks have got into trouble in this country, as they have on a couple of occasions over the last two years, and workers have lost their entitlements, their annual leave and their superannuation, what have the government done about it? They have done absolutely nothing. I have stood on my feet in this chamber on at least three or four occasions, seeking some assistance from this government for the workers at the Grafton meatworks who lost their jobs and all their entitlements about three years ago—and this government did absolutely damned nothing for them. But now they are obsessed with removing tallies from their award.

I note that we are getting close to the adjournment debate, so I am going to have to continue my remarks on another occasion. But it is a similar approach, for instance, to that taken to another award that I have had a particular interest in, given my days before I entered this place representing shearers, and that is the attacks by this government and particularly the previous workplace relations minister on the shearing industry. When the AWU and the NFF sat down and made an agreement about changes to the pastoral award—and it is no easy achievement to get an agreement between the union and the National Farmers in that industry—what did the previous minister do? He said he was not going to support it and he did not mind running off to the Industrial Relations Commission to try and have that agreement not given effect to.

Senator Calvert—You're going to bring back the narrow combs, are you?

Senator FORSHAW—Looking at the state of your hairline at the moment, Senator Calvert, a narrow comb would probably be just about all you would need! I notice that the time has now arrived where we should be moving to the adjournment debate, so I seek leave to continue my remarks, if I have to.

Leave granted; debate adjourned.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being nearly 9.50 p.m., I propose the question:

That the Senate do now adjourn.

Almond, Mrs Alice 'Bunny'

Senator TIERNEY (New South Wales) (9.49 p.m.)—It is with great sadness that I rise tonight to speak of a dear friend of mine and my family's in the Maitland community in New South Wales who recently passed away. Alice Almond, known to everyone as Bunny, was a person who worked tirelessly throughout her life and gave so much to her local community. She was the salt of the earth, one of those unsung heroes who have underpinned our social fabric. From her work with the Maitland blood bank to the RSL to her church, Bunny was always an outstanding role model for others, in the great Australian volunteer tradition.

I would like to take this opportunity tonight to talk about the achievements of this remarkable woman. Alice 'Bunny' Almond was born in Maitland on 25 November 1919. There she lived on a dairy farm at Lusken-tyre in the Hunter Valley. Her mother educated her at home until she was 11 years old. After that she was educated at the local convent school. During the war years, Bunny worked at the Maitland hospital and the army hospital in Rutherford. She was involved in making materials for the war, in terms of developing camouflage nets.

Of course, this sort of volunteer work was the hallmark of her life—always lending a hand when it was needed, particularly in difficult times like World War II. As a nurse in the Prince Alfred Hospital neurosurgical team, she was involved in the first dose of

penicillin to be given to a civilian patient in the 1940s. In the same year, Bunny married Thomas Price Almond and moved to Scone. The couple had three children. While raising her children she also played an important role in the local community with her involvement in the RSL auxiliary, the hospital auxiliary and the Gresford Parents and Citizens Association. Many times the fabric of these small communities is held together by people such as Bunny Almond who work tirelessly to keep those small communities together.

She joined the Maitland Hospital, where she remained working until her retirement in 1984. Bunny's husband, Tom, was killed in a car accident in 1965. She managed to keep working and ensured that all her three children received the best possible education. In the last 14 years of her employment, she was in charge of the blood bank at Maitland Hospital, and Bunny's message for the need for more blood supplies during her time with the blood bank is well documented. She was quoted in the Newcastle *Herald* at the time of her retirement on 14 November 1984 as saying:

When there is an emergency, an accident or when people elect to have surgery, they expect blood to be available. I wonder how many people realise where that blood comes from? I wish everyone would sit down and think about the importance of blood and then start donating to the blood bank.

She also maintained her involvement in the RSL auxiliary and, in 1990, Bunny was awarded life membership of the RSL, one of a number of life awards she received from different organisations which appreciated her long-term dedication to their cause. Bunny was also a member of the Liberal Party throughout most of her working life. She joined the Maitland branch in 1965 and held a number of key positions. In 1997 she was awarded life membership of the Liberal Party—not just because she held so many key roles but because of her eagerness to volunteer and put her shoulder to the wheel when there was a call for help.

It was in this context that I first met Bunny when she volunteered to help ease the work pressures in my office, where she worked like a dynamo. Bunny came to be

known to many of my large and extensive family. She was a real people person, taking a great interest in the wellbeing of those she came into contact with. Bunny took on the health of one of my daughters as one of her personal projects, helping her blossom. Eight months ago Bunny sat proudly in the church as Sharon was married.

Last year I introduced electorate awards in my region in the Liberal Party. The winner of the inaugural award for her electorate was, of course, Bunny. The citation reads 'for outstanding dedication and contribution to the Liberal Party'. In the last years of her life, Bunny maintained an active involvement in the RSL auxiliary, the Liberal Party, the Samaritan Foundation and her church. Sadly, Bunny passed away last month on 17 January 2001—a great volunteer, a great human being, one of God's great creations. Vale, Bunny. Rest in Peace.

Goods and Services Tax: Business Activity Statement

Senator SHERRY (Tasmania) (9.54 p.m.)—BAS, the business activity statement, is the administrative and bureaucratic sledgehammer for the collection of the GST. Mr Howard, in one of those infamous never-ever promises said that red tape for small business would be slashed by 50 per cent. According to leading accounting firms, with the BAS red tape for small business has quadrupled. With bureaucracy, red tape, paperwork and, most importantly, the consumption of precious time, small business has been buried. It is interesting to reflect on statements by the Treasurer, Mr Costello, in arguing why BAS did not need changing. In February 1999 he said:

... we can dramatically reduce the compliance burden on business as a result of their taxation obligations.

He went on:

Small business are going to say to themselves, 'Why was it that after 13 years of a Labor government they could not do better than that? Why was it that it took a coalition government, in its first term, to produce a system like that?'

In January 2000 he said:

It does mean that we're not changing the legislation, that we've got it right ...

In July 2000 he said:

I think by the time we get to the second one, which will be by the end of the year, people should be in the swing of it.

It sounds like the arrogant Treasurer believes that they were preparing for a millennium party to celebrate the BAS. I think the quote of all quotes is this, in November of 2000:

If someone came from Mars tomorrow and looked at an income tax requirement and a BAS requirement, the BAS would be the simpler of the two.

This was all in defence of a so-called simplification of the tax system. Senator Gibson today said, 'We got rid of the inefficient wholesale tax system'—the so-called 'inefficient' wholesale sales tax, which only required 80,000 businesses to collect that tax. The GST and its BAS sledgehammer require almost two million businesses, the vast majority being small businesses, to become tax collectors. It is not as though the Liberal and National parties were not warned. For the last two years Labor, together with accountants, tax advisers, business organisations and small businesses all over the country, have been complaining about BAS. An out-of-touch Prime Minister Howard, an arrogant Treasurer Costello and an ineffectual and irrelevant Assistant Treasurer Kemp ignored the warnings.

The DEPUTY PRESIDENT—Senator Sherry, I would urge caution that you are not reflecting upon members of parliament.

Senator SHERRY—Thank you for the warning. They ignored the warnings, the anger and the frustrated complaints from small business and retirees. Let us look at some of Senator Kemp's descriptions in defence of the BAS. On November 7 last year he said:

The preparations for the lodgement of the first quarterly BAS have gone extremely well.

He went on, on 28 November:

I think overall the system is working well. The form—

in reference to the BAS—

that we released was market tested and we took into account those market testing arrangements to make sure that we maximised the straightforward nature of the form.

On 8 February this year he said:

I was making the point that the lodgement rates have been going well, in contrast with what one may have expected.

So these are the assurances of Senator Kemp. As recently as 6 February an increasingly out-of-touch government, typified by the arrogant and desperate Treasurer, Mr Costello—

The DEPUTY PRESIDENT—Senator Sherry—

Senator SHERRY—I note your warning, Madam Deputy President. He was still proclaiming—

Senator Ian Campbell—Madam Deputy President, I raise a point of order. You very politely warned the senator opposite to stop reflecting on honourable members. He said that he noted your warning. He clearly either noted it and then disregarded it or was just being flippant, petulant and childish—as usual.

The DEPUTY PRESIDENT—Order! You can withdraw that language as well, thank you.

Senator Ian Campbell—I withdraw that. But I do suggest that, rather than warn Senator Sherry, you draw his attention to the standing orders and ask him to uphold those standing orders.

The DEPUTY PRESIDENT—I would like you to withdraw those words, Senator Sherry.

Senator SHERRY—Yes, I withdraw. An increasingly out of touch, arrogant and desperate government was still proclaiming, as typified by the Treasurer's comments:

The government has made the situation entirely clear: the quarterly payments will be continuing.

Then, of course, we had the backdown, the backflip, the refinement, the simplification, the easing, the streamlining, the enhancements—use any description but a roll-back. On 22 February in his press release and at his press conference, the Treasurer said:

... significant changes to ease the compliance burden for taxpayers in the PAYG system and to simplify and streamlined GST payment and reporting arrangements for small business.

He went on:

Almost 500,000 people, including many self-funded retirees, will be taken out of the instalment system ...

Well may we ask: how did they get there in the first place? How did these half a million people get dragooned into becoming tax collectors? Of course, it was as a result of the Liberal-National Party and the Australian Democrats, who put in place the GST and the BAS sledgehammer.

This roll-back was largely a copy of Labor's announced policy of the week before, of 6 February, to abolish quarterly returns by only requiring small business to fully calculate their GST liability once a year. It is useful to remember the words of Mr Costello in November 2000 when he said:

The difference between the Government and the Labor Party is that one political party in this country can lead and the other can follow.

I pose the question: who led on the GST? We had a continuation of the justification today. Every cloud has a silver lining, according to Senator Gibson and the Assistant Treasurer, Senator Kemp, when they quoted a leading accounting firm and endorsed the view of the firm by saying:

One of the advantages—

This is in reference to BAS—

is it brings in more discipline.

More discipline! When will the Liberal-National Party and people like the Treasurer, Mr Costello, the Assistant Treasurer, Senator Kemp, and the Prime Minister learn? They are all about instilling discipline on small business. But small business do not want discipline, they do not want more paperwork, they do not want more red tape, they do not want increased compliance costs.

Senator Calvert interjecting—

Senator SHERRY—What they want, Senator Calvert, is a little understanding, a little consideration, a little appreciation of small business's central role in the Australian economy. They will get that from a Labor government when it is elected at the end of 2001.

Senator Calvert interjecting—

Senator SHERRY—Keep your denial going, Senator Calvert, you will pay the

price in Tasmania and you will pay the price at the end of the year in the election.

Senator Ian Campbell—Tell us about unfair dismissal laws? You wiped out more small business in your time than any other time in the history of this country. You should be ashamed of your disgraceful behaviour!

The DEPUTY PRESIDENT—Order! I would like to be able to hear the debate.

Commercial Nominees Australia Ltd

Senator WATSON (Tasmania) (10.03 p.m.)—Honourable senators might recall that last Wednesday and Thursday as part of the Senate Economics Legislation Committee estimates hearing, when senators had the opportunity of calling the bureaucracy to account for the discharge of their administrative responsibilities, I raised some problems about the oversight of Commercial Nominees Australia Ltd, often referred to as CNAL, by the regulators ASIC and APRA.

What came across my desk this afternoon is an interesting insight. It has been alleged that a former director of Commercial Nominees, who was a director in the early 1990s and until the middle 1990s, has potentially absconded with funds from certain investment entities with the Commercial Nominees group and/or their sister company, Strategic Superannuation Solutions. Reportedly, this director had funds transmitted to him whilst in New York for the purposes of making investments on behalf of the trust company or its entities in companies listed on the Nasdaq.

One particular director allegedly left substantial hotel bills to be paid by Commercial Nominees for his stay in New York and failed to return to Australia. It is believed that he is now residing in Nicaragua with the sister of a lap dancer that he picked up in a New York nightclub. It would appear that the subsequent directors—we have to get this right because there has been a whole series of changes of directors—and the management of CNAL, rather than declare the losses and the resultant problems, used the funds from other entities within the CNAL-SSS stable to cover and maintain liquidity right across the group. Instead of declaring one

hole in the paddock empty, they have allowed the problem to affect other entities within the group and have created a whole interwoven paddock of quicksand.

During our inquiries, APRA indicated it was a complex, intertwined problem. I raised a number of issues with APRA about the adequacy of the Superannuation Industry (Supervision) Act. I also have to ask tonight: what has been the role of the Australian Federal Police? Have they been contacted? Have they been alerted, especially the fraud squad? It would appear from the evidence given by the representatives from APRA that they were rather reluctant to admit fraud. They talked about an unfortunate type of investments or inappropriate investments, and it was very difficult to push them on this question of fraud. That is why I raise this issue about this director tonight. Has there been a warrant issued for extradition? What about the passports of some other directors? I understand a couple of others may be currently overseas.

The real question that APRA have to answer is: why did they give CNAL approval status as an approved trustee? Were these persons fit and proper persons to be in charge of super fund moneys when they allegedly accepted moneys to go into a cash management trust but instead put them in such things as mushroom farms and other sorts of highly illiquid type assets?

Superannuation members have to be assured that, when there is this seal of approval by APRA, all the entities under that group come under the same ambit. It appears from APRA that they do not necessarily have to. Here we have a piece of legislation that has huge holes in it and there is neither an APRA nor an ASIC—and where is the Corporations Law in terms of all these sorts of responsibilities? I am told that, because it was a wholesale fund, they do not necessarily have to be registered. So they could not tell us how many other funds are out there taking these sorts of moneys. I asked why APRA and ASIC had not notified the government about these cracks in the legislative framework that enable you to set up, take moneys and make improper investments and yet have no protection.

This raises the whole spectre of the responsibilities of APRA and whether class actions or other actions can be taken by members who have lost their moneys. In some funds there has been nearly 80 per cent loss of investment, and in other funds there has been 100 per cent loss of investment. Indeed, it is very difficult to quantify what the total losses are. It has been suggested that, because of the intricacies and intertwined nature of some of these arrangements, there are a lot more moneys at stake than have been revealed.

What is concerning to all is the slowness of the APRA uptake. They were given signals; they were given plenty of information on which a prudent regulator would have acted before they did. I must say that I was a little bit perturbed when I raised this with the Chairman of ASIC. His reply was such that they became aware of a flow of protests and concerns in November last year. That was in itself a bit misleading, because APRA had been notified—as a result of an investigation by PricewaterhouseCoopers on behalf of a client in Sydney—in February 2000. This document was passed on to ASIC, ASIC in turn passed it on to APRA, and some of the directors expressed some concerns to APRA that there were liquidity problems.

This raises some questions: why did APRA take so long to act? Why did the Chairman of ASIC, Mr David Knott, write a letter in the form that he did? What he said was factually correct, but it was in a sense trying to give what could be crudely termed a bum steer to the committee. Arising from that, a lot of concerned investors have been writing to us, demanding some action. The question does have to be asked: did these people from APRA get performance bonuses as a result of their non-action, their non-intervention, their slow intervention? Oh, yes, in the last month or so, because of the issues that we have raised, they have been very busy. Even the Chairman of ASIC said, 'Since November we have become very conscious' and so on, but they should have been conscious of it back in February-March last year. In fact, there was some consciousness because, after all, they did appoint Pricewaterhouse, under a section 257 notice, to do

some work—but they were pretty slow in acting. In fact, they had the temerity to say to us at the committee that they did not take action earlier because they could not get anybody to sign the accounts. It is not surprising that no director was prepared to put their signature to the account. A prudent investigator or a regulator surely would have seen all these signals and started to take action. Don't they have emergency plans?

APRA were rather concerned about raising the question of whether it was fraud. If there is fraud or theft, you trigger the potential to recover some of these moneys via a levy on the other funds. On the other hand, if it is fraud, the CNAL insurance policy, if any, could provide some protection for members. But if it is fraud, that insurance is avoided. Given that APRA gave a seal of approval in 1996, it does give rise to the possibility of class action against the Commonwealth for negligence by these APRA officers. Again, we have a problem of people feeling that they had money in the security of an APRA-approved fund, whereas, in effect, they did not. It does raise the question in a lot of people's minds: how safe is our insurance? There must be an immediate overhaul of the investigatory powers of APRA and changes in legislation very quickly.

Australian Broadcasting Corporation: Leaked Document

Senator MARK BISHOP (*Western Australia*) (10.13 p.m.)—In my adjournment speech tonight, I wish to look at a matter discussed last week in considerable detail at the estimates hearing of the Senate Environment, Communications, Information Technology and the Arts Legislation Committee. The matter was under discussion for something in excess of four hours. That matter is the decision of the head of ABC Group Audit, Mr Hodgkinson, to refer to the Australian Federal Police, as a matter of possible fraud, the leak of a document to the press.

The document in question was headed 'Impact of Restructure on Senior Executive Establishment—Overview of numbers and costs.' The document runs to some 34 pages and is essentially a series of tables identifying the number of senior positions and salary costs within various divisions of the ABC. It

contains internal classification details as to job titles, locations of jobs and job status. The document provided to me does not contain any details of the names of persons filling any positions within the ABC. In short, the document in question is a work in progress, internal classification review of management positions.

Mr Shier, the Managing Director of the ABC, informed the Senate committee, in a prepared statement, that the figures in the leaked document were wrong and that an ABC spokesperson had made this comment publicly. Mr Shier went on to make the point that the leaked document contained detailed personal information on all staff members in the senior executive classifications. A copy of the document provided to me, and circulated widely in parliamentary circles, contained no such information.

The facts as we understand them, elicited by Senator Faulkner, Senator Schacht and me last week, are as follows: on 19 January a press report discussed a leaked document concerning the impact of restructuring of senior management staff within the ABC. On 31 January a meeting was convened by Mr Balding, Director of Funding, Finance and Support Services; Mr Brookes, the head of National Security within the ABC; and Mr Hodgkinson, the head of Group Audit, concerning the leak of that particular document. Following that meeting the head of audit commenced an internal review to investigate the leak of that document. On 6 February there was contact from the head of audit to the Australian Federal Police about that leaked document, and on 8 February the Australian Federal Police made a request to the ABC for a formal reference concerning the leak of that document. The head of audit informed Mr Balding of the reference request from the AFP. On 14 February the Managing Director of the ABC, Mr Shier, was informed by Mr Balding and Mr Linnane of the AFP decision to conduct an investigation of the ABC regarding the leaked document.

During the estimates committee hearing, the Managing Director, Mr Shier, informed the committee that the head of ABC Group Audit felt the communication of the information to the media was not authorised and

that it was confidential to the ABC. He believed that it was leaked with the intention of causing damage to the ABC's reputation and was possibly an offence under the Crimes Act. Mr Shier said that the decision of the head of Group Audit, Mr Hodgkinson, to refer the matter to the AFP was a decision made independently by Mr Hodgkinson in his capacity as head of Group Audit. Mr Shier said that the head of the ABC Group Audit was following the ABC's policy on fraud, the ABC's internal fraud case management procedures and the fraud control policy of the Commonwealth. Mr Shier said the head of ABC Group Audit was under an obligation to consult with the police, as he had concluded that the matter was serious, and he would be in breach of those policies and those procedures if he had not. Mr Shier said it was not a matter of discretion. Mr Shier was unable to explain how the leaking of a document was fraud and conceded that it did not immediately sound like fraud. However, in the final analysis, he said it was for the AFP to investigate and decide the appropriate course of action.

This brief recital of the facts raises a number of issues for consideration. Is the leaking of a document fraud? Does an internal work in progress draft document containing publicly available job descriptions, job classifications and salary ranges of certain management decisions and which does not disclose individual names warrant external AFP investigation? What is the obligation upon ABC reporters to obtain, analyse and report on such matters or activities within their own corporation? What is the obligation upon ABC reporters to obtain, analyse and report on such matters from other corporations, companies, community organisations, groups and individuals? Is such activity generally in the public interest?

One makes the observation in passing that the activities of a free press are critical to the proper operation of a functioning democracy, and that is one of the primary reasons why the national broadcaster is given charter independence by the Commonwealth parliament. What directions do ABC management give to ABC line staff to obtain such news and publicise it in the public interest? What

protection is offered to ABC staff by ABC management as they carry out their duties to report on news in a fair, accurate and independent manner? Finally, what role does the ABC see for itself in reporting on major government and public sector developments?

As the estimates process continued, further activities of ABC management became clear concerning the leaking of this and other documents. The various representatives of the ABC told the Senate committee that no other similar leaks had been reported to the AFP for at least five years. It was disclosed that the ABC editorial policy says:

Editorial staff will not be obliged to disclose confidential courses which they are entitled to protect at all times.

Indeed, it is clear that this means ABC staff are encouraged to obtain information and protect those who provide that information. Mr Shier told us that the last four matters referred to the AFP were for theft of property, not for leaking of particular documents. Finally, last November there was extensive discussion at an estimates hearing regarding a report prepared by Mr Bales. That report was duly leaked and it contained a wealth of data on possible future commercial activities, revenue streams, brand names and commercial proposals. Despite extensive circulation of this document, which went directly to ABC revenue sources and future plans, there was no decision by the head of audit to refer the matter to the AFP.

So, understanding that background, one really has to ask the following questions. Is leaking a document really fraud? Is leaking a document really a breach of the Crimes Act? Is the leaking of a document to be categorised as possible fraud and, if so, what is the fraud? Is the possible breach of internal fraud policy, but at the same time an action consistent with editorial policy, appropriate to be referred to the AFP? In the future will ABC reporters be referred to the AFP by ABC management for publicising leaks from non-ABC sources or indeed for receiving and publishing leaks from ABC sources? Does the ABC commitment to independence run secondary to management dictates of the moment? What was so damaging about the leak that at least 11 ABC staff were 'invited'

to attend Goulburn police station? Why was this not done in November when much more commercially sensitive material was leaked in the Bales report? Will ABC management direct ABC reporters not to receive or use leaked material however sourced? Will ABC management not allow ABC reporters to receive peer prizes, peer accolades or peer reviewed rewards for using leaked material?

The answer to all those questions is no, no and no, which leads to two possible explanations. Firstly, the head of ABC Group Audit, Mr Hodgkinson, in all innocence, may have overreacted and, perhaps with the wisdom of hindsight, might exercise caution and deeper thinking about the consequences of precipitate action in the future. Secondly, a more likely explanation is that, with all the change—restructuring, change of personnel, change of responsibility and change in culture—the involvement of the AFP was part of a deliberate plan to negate any opposition to the new administration in the ABC. If so, what attachment does the ABC under Mr Shier have to fearless reporting, objective communication of the truth and adherence to its charter of independence when police are required to investigate what every ABC staff on the news and current affairs side has been doing since the ABC was created many decades ago—that is, obtaining news and information from whatever source and publicising it as a first priority to advance the interests of the ABC, an independent news gathering corporation, to advance their own career interests and to inform the public in a fearless way as to necessary information that is properly out there in the public domain? Instead, we now have a series of policemen going to the ABC and interviewing staff. (*Time expired*)

Western Australia: Election

Senator COOK (*Western Australia—Deputy Leader of the Opposition in the Senate*) (10.23 p.m.)—On 10 February last, Western Australia went to the polls for a state election. Tonight I want to talk about some of the political treachery and deceit that has followed in Western Australia after the election of Geoff Gallop's Labor government—treachery and deceit in the Liberal Party that is now front page news in the Western Australian media and nationally.

lian media and nationally. The story, however, starts a little before 10 February. In the campaign leading up to the election, the then Premier, Richard Court, claimed that he was the superior economic manager. He lambasted Labor in much the same terms as Mr Howard and the Treasurer do now.

But the problem in the campaign was that the very day the Premier launched the coalition's financial management policy, the Western Australia Treasury Department released figures showing deficits during the Liberal Party period of office in 1996-97, 1997-98, 1998-99 and 1999-2000. In the election year, they showed a surplus, followed by a modest surplus next year and then returning immediately to deficit in 2002-03 and 2003-04. Not letting the facts get in the way of a good argument, during the election campaign, despite the independent evidence of his own Treasury officers, Mr Court maintained with a straight face before whoever would listen that he was the superior economic manager and that the budget was in surplus. The economic editor for the *Australian*, Mr Alan Wood, said of that:

Premier Richard Court's brief flirtation with fiscal responsibility has ended in a sea of red ink.

That is to say that Court's claim to economic management was countermanded by the most rusted on conservative economic commentator in Australia. You would have to say in those circumstances that the Court credibility was reduced to zero.

But let me move on, because the story that I want to tell the Senate tonight is about credibility, is about truthfulness in office and is about trustworthiness, and these are the continuing themes. After the defeat of the Court government in so overwhelming a way, it was widely expected that Court's deputy, Mr Barnett, would stand and become Leader of the Opposition. But we now know from press reports that in the immediate aftermath of the election, on Monday 12 February, the then ex-Premier rang the federal member for Curtin, Ms Julie Bishop, with a proposal. This became proposal mark 1. The proposal was that he would ensure that she took his safe Liberal state seat of Nedlands and go into the Western Australian parlia-

ment and then become Leader of the Opposition. Court's obvious successor, Mr Barnett, would then fill her vacant Federal seat of Curtin. Court assured her, according to press reports, that the party power brokers had met, decided this and backed the scheme. It is indeed even reported that at that meeting of the so-called power brokers someone asked, 'What about Colin?' referring to Mr Barnett. Court demurred as to whether he had discussed this issue with Barnett but then agreed that he would speak with Barnett immediately and bring him on board.

We now know from press reports that on Tuesday 13 February, at a meeting of the Liberal Party in the aftermath of the election, Court announced that he would contest the leadership, much to everyone's surprise and then he went out and at a press conference promised that not only would he do that but surprised his own backbench further by telling the media what he had not told them inside the meeting; namely, that he would make a commitment and remain as Leader of the Opposition for at least eight years. He would remain as leader for the four-year term coming and the four-year term after that. It was information that he volunteered to the media in answer to questions. When he said that, he knew, as we now know, that he had already promised to Ms Bishop the leadership of the Liberal Party and his safe Liberal seat of Nedlands—a question again of honesty and credibility. It must be said that in referring to this the *Australian* newspaper, in the weekend edition of 24 and 25 February, reported it in these terms:

Barnett was still considering at that point whether to challenge Court—who at that stage had lied to colleagues by declaring himself a long-term leadership alternative to the deputy.

The DEPUTY PRESIDENT—Order! It is unparliamentary, even though you might be quoting, to use unparliamentary language.

Senator COOK—I am just quoting what has been reported in a public newspaper, but if it is unparliamentary I will withdraw. On Friday the 16th, Ms Bishop rang Mr Barnett at his home. According to the same edition of the newspaper:

... when Bishop made the cryptic suggestion they get together to 'discuss scenarios', he wasn't interested.

Barnett says he assumed Bishop was simply calling to sound him out about a possible Senate position, if he lost the ballot to Court. Bishop insists she left the conversation with the impression Barnett was aware of the plan but didn't want to talk. It proved a critical misjudgment.

The next week—that is last week—Court then visited the editors of the *West Australian* and told them of his plan. It made front page news on Wednesday. However, this was mark 2 version of the plan. The plan now became: Court would remain until after the federal election, to be held sometime later this year; Bishop would not contest Curtin at the federal election but Barnett would; Bishop would go into Court's state seat of Nedlands and would then become leader; and John Howard would be asked to approve these changes.

It is quite clear that someone got the wind up. They did not want a by-election in Curtin. It is the safest seat in Western Australia for the Liberals but, under the state figures and after the Queensland result, no-one in the federal Liberal Party wanted to see Julie Bishop create a by-election. Thus, the idea was that she should go at the end of the year. It now seems that no-one even wants her to do that for fear of risking the safest Liberal Party seat in Western Australia.

On Wednesday of last week, the *West Australian* presented a front-page story setting out the Court plan as briefed to the editors of the *West Australian*. On that day, the Libs met to elect their leader. I do not know what happened inside that meeting—and it has not been widely reported—but the outcome of the election was a victory to Court against Barnett of 17 votes to 13. It appears that no-one bothered to speak to Mr Barnett. Court's undertaking to his own party's powerbrokers that he would do so appears never to have been honoured. Barnett attended the meeting with absolutely no knowledge of the plot that was being hatched, even though he had read what had been reported on the front page of the *West Australian*.

It now appears that party outrage and concern at such manipulation and deceit scuttled

the whole program. It appears that Bishop would not necessarily have won a preselection for the safe seat of Nedlands and, with the retirement of some MLCs, given Court's slender victory over Barnett of 17 to 13, there was no guarantee either that those votes would hold up and deliver to her the leadership of the state Liberal Party in Western Australia. It is also clear that Barnett is furious, that he did not want to be drafted for Curtin against his will and that there was genuine fear in the ranks of the Liberal Party that the Liberals for Forests candidate in the last state election, Liz Davenport, would probably win a by-election should one be held.

Last Friday the whole package fell apart. In the face of overwhelming concern and outrage within his own party about the deceit that had been engaged in and the secret plan that had been bungled, and in the face of party implosion, Court announced that he would resign. Today I understand Mr Barnett was elected, and today Julie Bishop looks like a dope and a sucker for falling for such a scheme.

The DEPUTY PRESIDENT—Order, Senator Cook!

Senator COOK—I withdraw anything that is unparliamentary. It is worth now tabulating the legacy of all of this: political treachery to a long-serving and loyal deputy in the case of Court's treatment of Barnett, and helping to hatch but then botching an internal conspiracy. That is not essentially news in politics, because those sorts of things occur all the time. But there was deliberate deceit of party colleagues and, according to a report in the *Australian* newspaper which I cannot refer to, absolute untruth in public. What would the motivation for this be? I do not know, other than people with high ambition pursuing their own self-interest. What is that self-interest? I do not know that for certain either, but on 14 February the *West Australian* reported:

Mr Court would lose nearly a third of his lump-sum superannuation payout of \$1.75 million in tax if he quit Parliament before turning 55 next year.

This plan would have enabled him to remain in parliament until he was 55 and collect that windfall.

**Minister for Health and Aged Care:
Ministerial Responsibility**

Senator CHRIS EVANS (Western Australia) (10.33 p.m.)—I wish to address my adjournment remarks tonight to the serious concerns about the standards of propriety being applied to the administration of health in this country and in particular to Dr Wooldridge's behaviour, his sense of propriety, his growing arrogance and his inability to deal with issues of conflict of interest. This is causing a great deal of concern in the community, and recent appointments have really served to highlight that growing concern.

I know the Howard government has had a great deal of difficulty with the issue of conflict of interest over many years. The succession of ministers and parliamentary secretaries who have ended their political careers because of their failure to understand conflict of interest provisions is well documented. Of course, the Court government's own arrogance and failure to deal with those issues of conflict of interest cost it dearly at the last Western Australian state election, to which my colleague Senator Cook has just referred. I think it is fair to say that Michael Wooldridge has been the gold medal winner in the conflict of interest stakes in the sense of reaching a new level of failure to understand the proprieties and issues involved and displaying a complete arrogance when it comes to dealing with issues of public policy in this country and important issues about perceptions of conflicts of interest and real conflicts of interest.

Those of you who followed the MRI scandal saw the evidence that certain members of industry were in the know as to the budget decision. This caused a great drain on the Commonwealth budget and was, as I say, one of the biggest scandals of public administration in this country. Of course, there is the history of Dr Wooldridge's fundraising dinners. He targets members of his own ministerial area of influence—people like radiologists, health insurance companies, et cetera—and invites them along to expensive

fundraising dinners. That raises very serious issues about the role of the minister versus his role as a bagman for the Liberal Party. His failure to see any conflict of interest in those sorts of activities has been telling.

It is no surprise that, when we see the friends of the pharmacy industry donations list in 1998, it was topped in terms of the size of donations by a donation of \$19,000 to the Casey election campaign fund of the Liberal Party. It was just larger than the second largest donation. Coming in second was actually the Victorian branch of the Liberal Party with \$18,600. Of course, running at third was a donation to Kate Carnell, who I believe Dr Wooldridge lodged with in Canberra. They were the top three donations to the friends of the pharmacy industry. Again, it raises questions about whether, as a minister, he ought to be having those sorts of relationships with an industry that is part of his portfolio and with people whom he has close dealings with in very sensitive matters to do with the administration of the portfolio.

You add to that the history of the contracts to mates at numerous estimates hearings. Other senators and I have explored the close relationship that a number of colleagues of Dr Wooldridge have had with Department of Health and Aged Care contracts. A pattern of behaviour has become established in his administration that I think raises serious concerns about his fitness to do the job and really shows that he has no understanding of the sorts of responsibilities and proprieties that ought to be involved in the administration of his portfolio.

With that background, it is no real surprise that appointments and contracts awarded have all borne his personal touch. He is a bit of a serial offender when it comes to this. His recent appointments are a litany of what can be described at best as inappropriate appointments. There was the famous appointment of Barry Catchlove in 1998. He was an executive of Mayne Nickless, the largest private hospital operator. The minister thought it was appropriate to appoint someone with that background as Chairman of the Health Insurance Commission. This was at a time when they were charged with the responsibility of investigating the MRI purchase

scandal. Mayne Nickless had purchased some MRI machines and, eventually, after much public pressure, Mr Catchlove resigned from that position.

The Minister for Health and Aged Care appointed Donna Staunton, a former tobacco lobbyist, to the National Breast Cancer Centre. The minister thought, 'This is great—someone well known as a tobacco lobbyist.' Only Dr Wooldridge could do that. Rachel David, a former senior staffer of Dr Wooldridge, was involved in the MRI investigation and later moved to Pfizer, a pharmacy company which was involved in suing the PBAC at the time over the Viagra decision. Her career has further blossomed, and the minister has seen fit to appoint her to the board of the National Institute of Clinical Studies. Recently, Mr Pat Clear, friend of and lobbyist for the pharmaceutical industry, was appointed to the Pharmaceutical Benefits Advisory Committee. People are well aware of the history of that—his ongoing involvement in the industry and concerns about what that will do to one of the most important bodies in the medical arena in this country. More recently again, Kate Carnell, the minister's friend and landlady, has been appointed Chair of the Board of General Practice Education and Training. The minister said only a couple of months ago that he was reserving this position for a GP, but now he has seen fit to appoint Kate Carnell.

The list of inappropriate appointments goes on and on. Ones with questions of conflict of interest have not been resolved satisfactorily and have not been in the public interest. When I was reading the list tonight and thinking about my contribution, I was reminded of the Roman emperor Caligula. He was famous for, among many misdeeds and excesses, proposing to appoint his horse Incitatus as a consul. Let us just hope that Dr Wooldridge does not own a horse, or soon we will find that horse has been appointed to one of the senior health positions in this country. Caligula is described as having bizarre behaviour which demonstrated what can happen when absolute power is combined with a total lack of responsibility and respect for others. Again, the parallels with

the role Dr Wooldridge is playing are far too close for comfort.

Before concluding, I note that Caligula was eventually assassinated by the Praetorian Guard. It was said that he was assassinated by the Praetorian Guard after a conspiracy which involved several high ranking senators. I am sure many of us here hope to play some part in Dr Wooldridge's eventual political demise—I wish him no personal ill will. There are very real issues here about public accountability, about the abuse of appointment powers of the minister, about a failure to understand the necessary proprieties of those appointment processes and about clear conflicts of interest that have not been resolved and that are not being addressed in making appointments and awarding contracts. It is a pattern of behaviour. It reflects a serial offender's approach to appointments. It reflects an arrogance in the face of public opinion and community opinion about what is appropriate behaviour in public life. Dr Wooldridge ought to take very seriously the growing concern in the Australian community about the standards he is applying in these appointments. We do have to have much better from a minister and from this government.

In my own state of Western Australia, the recent defeat of the Court government was in no small part due to the public concern about the failure to take seriously their responsibilities in terms of proprieties of the ministers, their roles and their apparent conflicts of interest that were not satisfactorily resolved. That played a large part in the reaction of the Western Australian electorate at that state election. I hope that Dr Wooldridge does alter his method of operating and I hope that we do not see any more of these quite questionable approaches. The standards that he is bringing to the health portfolio are quite scandalous.

**Minister for Health and Aged Care:
Ministerial Responsibility**

Senator SCHACHT (South Australia) (10.43 p.m.)—I also rise to speak about the further unfortunate contribution of Dr Wooldridge as Minister for Health and Aged Care to Australia's standing, not just internally over the health debate. My colleague

Senator Evans has so eloquently described how this minister has gone from one scandal to the next, whether it is the MRI scam, which cost taxpayers tens of millions of dollars, or appointments to various boards. On a previous occasion, Senator Ray showed that this minister's propensity to claim personal expenses is just unbelievable compared with what the public would see as reasonable. Thousands of dollars are claimed by this minister when he takes anybody to dinner and then puts the bite on them for a donation to the Liberal Party or to his own campaign. That is the modus operandi of the minister for health. As tragic as those episodes are and as demeaning as they are for the standing of parliament and the propriety standards of Dr Wooldridge, it is the standing he creates for Australia when he goes overseas that one has to be particularly concerned about.

Earlier this month, Dr Wooldridge visited China to look at two or three of Australia's AusAID programs in Tibet. Those AusAID programs are very worth while and must be fully supported. They are programs to overcome, in health terms, the iodine deficiency that is well known amongst the Tibetan population, which leads to abnormalities in young children and birth defects. The program is an excellent one. Normally, in many Third World countries it would be very appropriate for a minister from the Australian government—a health minister, a foreign affairs minister, an overseas aid minister or a parliamentary secretary—to visit and see the operation of these aid programs with taxpayers' money. But when you go to Tibet in China, you have to go with your eyes wide open, not wide shut, about the issues of human rights in China as they affect Tibet.

Dr Wooldridge went quietly to Tibet but got sprung. Apparently, he made no effort anywhere while he was in China to raise the issue of human rights abuses in Tibet, which now over several decades have been well recorded in various reports by reputable organisations recognised by this parliament, such as Amnesty International, Asia Watch and other human rights organisations. There have been resolutions carried by this Senate, the House of Representatives and United

Nations organisations condemning the human rights abuses in Tibet.

The Liberal Party government in the fifties and the sixties campaigned on a foreign policy of 'stop the downward thrust of communist China' because of the evils of communism. Now we have members of the Liberal Party, the coalition government, going to China and forgetting about all of that rhetoric of the past about how evil communism was and about how evil this regime was. They did not raise a finger to protest about the abuses of human rights that are well recorded, particularly in Tibet.

There are various press reports, and I will refer to one of them in the *Melbourne Age* on Saturday, 17 February:

China is accused by human rights organisations of widespread and systematic abuses in the province, including detention without trial, harassment of monks, and a deliberate attempt to swamp the culture of Tibet through a mass influx of ethnic Chinese.

The Australia Tibet Council president, Alex Butler, said:

As an Australian minister, you cannot just wander into Lhasa for a weekend. It is a free kick for China.

In the same report, there was a very stinging comment:

By going to Tibet, Wooldridge has stumbled into a debate raging passionately in Western capitals. As a result, he risks being cast as either gullible, clumsy or both.

The European parliament, any number of parliaments in the Western democracies and the US Congress have all carried resolutions deploring the human rights abuses in China. Dr Wooldridge went, did nothing, enjoyed the trip, and allowed himself to be used by the Chinese media—run by the government of China—so that it could be shown all over China that here is a senior minister from the Australian government visiting Tibet looking as though it is all very sweet and lovely. That is how the Chinese use visits.

In 1991, I had the honour of leading a human rights delegation to China, and we visited Tibet. The delegation had members of the Liberal Party and the Democrats on it, plus me and some other experts. We spent four days in Tibet. We were consistently in

conflict with our minders, as we called them, because we wanted to keep talking to ordinary Tibetans to find out what was going on. In our report that was tabled in this parliament, we go to considerable length to describe the situation in Tibet. The conclusion on page 33 of this document says:

It became clear to the delegation that a serious human rights problem exists in Tibet.

It goes on to describe what that problem is.

Yet this minister missed the opportunity. Every time you miss the opportunity with the Chinese government, they take it as a tick—that is how they operate. You have to go there and, no matter how uncomfortable it is, at any official meeting you must raise the issue of human rights. If you do not, they will claim that you are not interested in human rights. This government, unfortunately, over the last three years has squibbed human rights issues in China. It has made the deal, for trade and other reasons, to forgo criticism of China on human rights, claiming private dialogue will get a better result. You do not deal with the Chinese government on these matters purely through private dialogue. You also need public comment about what is going on, and Dr Wooldridge missed the opportunity.

The thing that I find sad about Dr Wooldridge is that he has a reputation within the Liberal Party of being a small 'l' liberal: one of those who come from the John Stuart Mill section or the Hobhouse section of the Liberal party in philosophical terms. He is a small 'l' liberal. But by his public administration incompetence, and by this particularly nasty example of what he did not do in China, you find out that he is actually more interested in an easy life. That is a disgrace to him and to his government. But I am not surprised.

I want to conclude on this issue of human rights by saying that when you are dealing with human rights you are actually dealing with trying to save people from torture and even in some cases from death—something that Dr Wooldridge seems to have forgotten. In the early nineties, the Joint Foreign Affairs, Defence and Trade Committee, of which I was chair, established for the first time a permanent subcommittee to deal with

human rights. That committee published its report in December 1992 on what we were able to do, as Australia, to promote the issue of human rights around the world. I will conclude with the dedication in this first report as a reminder to Dr Wooldridge that other people in the world are paying with their lives for defending the issues of human rights and democracy. It says:

This first human rights report to the Australian parliament is dedicated to Maung Maung Kywe who, in 1988 at the age of 15½, led his fellow high school students onto the streets of Rangoon to demonstrate for democracy and who at the age of 17 was killed as a student exile on the Burma-Thai border. It is also dedicated to Wang Wei Lin who alone confronted the tanks of the Chinese government on Changan Avenue near Tiananmen Square in June 1989. After the demonstrations for democracy had been crushed his whereabouts are now unknown.

They are two ordinary citizens: one definitely paid with his life at the age of 17 and the other has probably paid with his life—we do not know. All we ask of Dr Wooldridge when he goes to China is that he raise their cases. (*Time expired*)

Rural and Regional Australia: Policies

Senator O'BRIEN (Tasmania) (10.53 p.m.)—During last Monday's estimates hearings I asked the minister for regional services, Senator Macdonald, whether he was aware of any plan by the federal government to provide additional funding for the proposed Alice Springs to Darwin railway. I also asked the most senior rail industry officer from the department of transport whether he was aware of any funding plans. I asked the questions because it had been suggested to me that the government was giving serious consideration to providing additional money to help that project. These funds, I was told, would help cover the funding gap left by the withdrawal of the American investment company John Hancock. I thought if anyone would know of these plans it would be the minister for regional services.

I was wrong. Senator Macdonald said that he knew nothing of any plans to spend more money on what the Prime Minister calls the 'steel Snowy'. And the officer at table also denied any knowledge about such a plan. Senator Macdonald said that if the govern-

ment were going to put more money into the project it would make an appropriate announcement at the appropriate time. He added:

... but don't get me wrong—I am not suggesting that is about to happen.

As I discovered the next morning, while Senator Macdonald was in this building denying any plans to provide more money, the Prime Minister was in Darwin committing a further \$26 million to the project.

At the commencement of the estimates hearings last Friday—the spillover day—Senator Macdonald confirmed that he was not aware of the Prime Minister's announcement. Senator Macdonald described as 'regrettable' the fact that the Prime Minister announced more funding without first telling him. Senator Macdonald is directly responsible for regional Australia in the federal government. According to his evidence to the committee he is only occasionally—I suspect very occasionally—invited to the cabinet room. I must say that that revelation came as no surprise to me given his performance in this place.

At Friday's hearings I asked Senator Macdonald whether his government had in place a protocol that guaranteed consultation between his department and the rest of the bureaucracy about issues which affect regional Australia. He said there was such a protocol, but he was wrong. The senior officer at the table said that there was no such protocol but that the department tried to sensitise other departments to regional issues. Senator Macdonald then advised us that any proposal before cabinet involving rural and regional Australia requires a regional impact statement. He said that advice flowing from that process is then given to cabinet by Mr Anderson.

As was clearly illustrated by the failure of the Prime Minister to advise Senator Macdonald about additional funding for the railway, Senator Macdonald is not being involved in regional matters by his ministerial colleagues. His own senior minister did not even bother to tell him about the announcement. There is no joy for regional Australia there. The explanation as to why Senator Macdonald's colleagues ignore him is possi-

bly found in the paper titled 'Regional development: briefing paper for shadow cabinet'. This paper was prepared by Senator Macdonald in his capacity as shadow minister for regional development and infrastructure prior to the 1996 federal election. His plan was to announce a list of long-term visionary projects but not to commit to them. His document said:

This gives us the flexibility of announcing a lot of major long-term visionary matters but without committing ourselves to actually proceeding with them.

Wonderful stuff! At the end of the policy statement he stated:

In drafting the infrastructure policy I have attempted to be precise enough to be more than just words, and yet flexible enough not to stretch credibility.

Senator Macdonald needs to do a lot more work on his drafting skills because the document was nothing more than words and it certainly stretched his credibility, so much so that he did not make it into the first Howard ministry. In fact he had to wait until such luminaries as former Senator Jim Short was sacked before he got the call.

The second problem facing regional Australia is the fact that the Deputy Prime Minister, Mr Anderson, represents their interests in the cabinet room. Mr Anderson's success rate in cabinet is nothing short of a disaster. He lost the debate on the management of the wool stockpile and considered resigning as a result, I believe. He lost the argument on the very fast train and on the second airport after working on what he called his 'grand transport plan' for more than a year. And, clearly, he has been done over on the fuel tax. So there is no joy for regional Australian there. And, of course, we have the Prime Minister who is just not listening to anyone.

It is worth recalling a speech made by the Deputy Prime Minister to the National Press Club in February 1999. Mr Anderson said:

The sense of alienation, of being left behind, of no longer being recognised and respected for the contribution to the nation being made, is deep and palpable in much of rural and regional Australia today.

Mr Anderson had been a senior minister for three years prior to making that statement,

and he has remained the senior minister responsible for regional Australia since that time. Mr Anderson has overseen the development—in fact, the explosion—of that sense of alienation, and we have seen some of the outcome of that in the growth of support for One Nation, because this government is providing no alternative to the constituency that it claims to represent: rural and regional Australia. Mr Anderson has overseen that sense of being left behind, so it is Mr Anderson who must be held accountable for the parlous state that regional Australia now finds itself in.

The fact that Senator Macdonald had absolutely no idea that the Prime Minister had committed a further \$26 million in one of his areas of responsibility means that Senator Macdonald does not count. He certainly did not count as far as the Prime Minister was concerned. And neither did the officers of Mr Anderson's department count, because they apparently knew nothing of the proposal to commit a further \$26 million to a project which they conceded was not the subject of any assessment of economic worth. In fact, what the government's representatives and certainly the department were saying at estimates hearings was, 'That's a matter for the commercial players. They've got to decide whether the Darwin to Alice Springs railway is viable. The government has committed a certain amount of money and no more.' But the same night that they are making that announcement we find that the Prime Minister is committing a further \$26 million and he apparently has agreement from Mr Burke of the Northern Territory government to commit a further amount of money—although having met with Mr Burke in the afternoon and having reached an agreement with him with regard to that, he then found that Mr Burke went outside of his meeting and bagged the federal government about what they were doing about petrol prices.

Senator Robert Ray—Burke's candidate in the Senate preselection only got three votes against Senator Tambling.

Senator O'BRIEN—Three votes? Well, he is very influential! I suspect he will have no influence with the Prime Minister in the future. Of course Mr Olsen, who knew

nothing of this plan and who was also being committed to it, said that there were no further funds forthcoming from South Australia. What a shambles! Senator Macdonald's situation represents an interesting twist on the coalition mushroom clubs, which go back to the Gorton and McMahon governments. He certainly has been kept in the dark, but I think it is he who is feeding us the bulldust. So when it comes to the interests of regional Australia we have a Prime Minister who does not listen, a Deputy Prime Minister who is simply ignored and a minister for regional services who is just not consulted at all.

**Finance: International Investment
Minister for Financial Services and
Regulation**

Senator CONROY (Victoria) (11.03 p.m.)—Last week the Minister for Financial Services and Regulation, Mr Joe Hockey, when speaking to a group of US investment managers to promote Australia as a global financial centre, used the opportunity to score cheap political shots. Speaking to the Harvard Club in New York, Mr Hockey stated:

A lot of institutional money is in banks and Telstra ... and the Labor Party is moving to reregulation of banking and to use Telstra as a social policy tool.

He continued:

the feedback is loud and clear that they (investors) are concerned about the ramifications.

When asked if the Australian dollar would fall if there was a change in government, he said:

That's what the markets are saying.

Australia's banking sector has a market capitalisation of around \$132 billion. Industry estimates are that around 30 per cent of the market capitalisation of the banking sector is held by overseas investors. Mr Hockey is therefore seeking to scare off around \$40 billion of international investments in Australian banks—\$40 billion! How can Mr Hockey's comments for one moment help to promote Australia as a centre for global finance? Mr Hockey's comments cannot be seen as just a simple slip of the tongue. They are irresponsible and damaging to the economy. They are damaging to international in-

vestment and they therefore damage our dollar. The minister has breached a long established protocol that, when overseas, government and opposition figures refrain from making political attacks that could harm Australia's international reputation. The government's ministerial code of conduct states that ministers should ensure that their conduct is defensible and ministers should consult the Prime Minister when in doubt about the propriety of a course of action.

The Minister for Financial Services and Regulation's conduct is not defensible. Mr Howard should immediately dissociate his government from Mr Hockey's remarks and demand an immediate retraction from his minister. If the minister is not prepared to apologise, then he should resign. If the Prime Minister does not ask Mr Hockey to retract his statements, then he is clearly endorsing Mr Hockey's statements. He is saying that it is okay to fight your political battles in front of the international community. He is saying that the welfare of the Liberal Party is more important than the welfare of the nation. He is saying that political point scoring is more important than \$40 billion in overseas investments.

While Mr Howard is considering how to respond to Mr Hockey's comments, he will be well served reviewing this minister's performance. Let us just look at Mr Hockey's performance since he became a minister. Mr Hockey started his ministerial career off with a gaffe when he called Indonesia's currency the ringgit instead of the rupiah. He followed this with comments on four pillars policy, a debate which the Prime Minister and Treasurer had already desperately tried to kill off. He stated the four pillars policy is in place and the government is committed to it, but all policies are under review and that is one of them. Mr Howard forgave these early gaffes and wanted to give Mr Hockey a chance to demonstrate his talent. The Prime Minister's support for Mr Hockey may perhaps have been due to Mr Hockey's work as chairman of the Sydney Airport Community Forum, where he was able to introduce flight paths that limited the number of planes that flew over the North Shore of Sydney where the Prime Minister's and Mr Hockey's seats

are located. Just a coincidence, you might ask? At Christmas last year the Prime Minister gave Mr Hockey the opportunity of a lifetime when he threw the ball to him and said, 'Go out and promote the GST, Global Joe.' While Mr Hockey's time in charge of the GST was short, it was certainly memorable. Who can forget it? Within a period of around seven days, he almost single-handedly buried the government's tax package. At a time when most Australians were relaxing over their Christmas break, Mr Hockey went on the attack on talkback radio. On 14 January he stated:

What the ACCC have said is if there is an odd number, within a dollar range, then a company can round it up to a dollar, or down to zero, but they're not allowed to make any money out of it.

After receiving a phone call from the Prime Minister, Mr Hockey said the next day:

... no prices will increase by more than 10% as a result of the GST.

Then, on 18 January, Mr Hockey thought he would explain the GST in an easy way that we could all understand. Who could forget the bottle of Coke? He told us that, because of the removal of wholesale sales taxes, the price of Coke would actually fall. This was when the government's own ANTS package said that soft drinks would actually increase by 3.3 per cent.

By this stage, many politicians would have liked to crawl into a hole and die, but not our Global Joe. He kept battling on in his crusade to explain the GST to us. On 19 January, he three times—three times!—tried to explain the tax treatment of frequent flier points. First, he was saying that the situation would be the same, then saying that you might have to pay more frequent flier points for a flight, and then finally saying that, if there is no cash component, then the GST will not cost you more frequent flier points.

But Mr Hockey's GST bungles did not stop there. On 15 January, he sent out a press release saying that he directed the ACCC 'that no prices will increase by more than 10 per cent as a result of the GST. That is our policy. That is the law.' I checked again just last week and I asked the ACCC, 'Have you received your letter from Mr Hockey yet?'

and they said, 'No, Senator, we haven't received the letter from 15 January last year.' On 14 February 2000, the ACCC had confirmed that it had not been directed by the minister and, again, last week there was still no letter.

Let me turn to other areas of Mr Hockey's performance as Minister for Financial Services and Regulation. One of the minister's key achievements has been to establish an e-commerce best practice model. The Department of the Treasury recently announced that, nine months after the code had been introduced, only six businesses have actually signed up to the code. Even businesses that were involved in the drafting of the code, such as Telstra, have not signed up.

Then there is Mr Hockey's work on consumer affairs issues. Mr Hockey seems to have a strange idea of what constitutes a consumer representative. He has appointed Mr Frank Hoffman as the member with expertise on consumer affairs to the Claims Reviews Panel of the General Insurance and Enquiries Complaints Scheme. Mr Hoffman is in fact an ex-insurance broker and a past national president of the Corporation of Insurance Brokers of Australia. He is also past president of the Corporation of Insurance Brokers of Australia and a past president of the Insurance Institute of New South Wales. Perhaps more appropriately, he might have been the industry representative, but no, he is there as the consumer representative.

The Financial Services Consumer Policy Centre wrote to Mr Hockey on 17 August 1999 stating that they felt Mr Hoffman did not qualify as a person with expertise on consumer affairs as required by the terms of reference of the IEC. Mr Hockey wrote back to them and told them that he has the right to appoint whoever he believes to be the most appropriate and is not obliged to consult, nor will he be corralled. Mr Hockey's attitude seems to be that he can appoint his mates as consumer representatives because everyone is a consumer. It does not matter if you are the industry person, you are still a consumer, you can come on and represent the consumers.

Mr Hockey made some comments in New York that went to the heart of arguments

about Australia's banks. Unfortunately for Mr Hockey, he has a bit of form. Mr Hockey in actual fact was a participant on the House of Representatives Standing Committee on Economics, Finance and Public Administration. In March 1999 the committee produced a report titled, *Regional banking: money too far away*. This is one of those classic Yes, Ministers: you commission a report, you work hard on it, you make recommendations, you end up as the minister and then you reject all the findings. A classic Yes, Minister episode, that one—and Joe Hockey put the green light on closing down regional services, closing down more bank branches and allowing increases in fees and charges while at the same time being a member of the committee that brought down the very report that he was responding to.

But back on the first day of Mr Hockey's appointment, he had a bit of a different view about social obligations than he expressed in New York. I quote his views as reported in the *Financial Review*:

"I am not a bank basher I might add, but banks have to work on their public relations and cut a little slack in relation to the bush," he said.

He suggested that the banks should merge "good business" with their role as "good citizens".

"Banks, by definition—they are not like other companies, they have to be aware of the needs of communities—they're service providing organisations and, by definition, service providers are more subject to movements in public opinion than manufacturing companies".

There it is. They have social obligations according to Mr Hockey, but in New York he wanted to talk down the Labor Party and talk down the Australian dollar, simply as cheap point scoring. (*Time expired*)

Lilley Electorate: Electoral Fraud

Senator ROBERT RAY (Victoria) (11.13 p.m.)—Reflecting on the results of the Australian Federal Police investigation into allegations against the member for Lilley, Mr Swan, one could be critical of a number of things—the apparent partisanship of this government, the naivety of the Australian Electoral Commission, the gullibility of the Director of Public Prosecutions—but, in the end, these are simply the vicissitudes of pub-

lic life. However, when it comes to the role of the ABC in this matter, serious questions need to be asked. Earlier today, Mr Swan gave a scathing critique of the *7.30 Report's* re-enactment of supposed events, a re-enactment based on fantasy and revenge deliberately conceived to do the maximum damage based on little or no evidence.

Tonight, I want to examine a radio interview done on 1 December 2000 on the 4QR program at 8.30 a.m. This interview consisted of a Mr Wayne Sanderson interviewing Mr Lee Bermingham. Mr Sanderson made no effort at objectivity. He exhibited a total lack of intellectual rigour and, throughout the interview, acted as an agent provocateur. His interviewing technique consisted of making wild assertions and then inviting Mr Bermingham to comment on them. Even Bermingham balked at endorsing some of the wilder allegations led at him by the journalist, Mr Sanderson. Whilst there are numerous examples scattered throughout that interview, I am just going to concentrate on five of them tonight. On page 1 of the transcript of that interview, Sanderson baldly makes the claim that the seat of Lilley was not one of the original seats included in the negotiation between Labor and the Democrats but, just after that, he asserts:

My information comes from very strong sources. I have not yet been able to confirm it.

That is a direct quote. So what is he doing, running these allegations when he has not been able to confirm it? Where are the ethics of a journalist running allegations when he does not have confirmation and admits he does not have confirmation? Then he goes to a second issue, and he has a complaint that, in separate conversations with Senator Bartlett and me, 'a striking feature was that, at times, they used the exact same sentence to describe what happens'. He then asks if there was collusion between the parties, to give the same line on the matter.

Of course, any reputable journalist would have rung me or Senator Bartlett and at least put the accusation to us that we had colluded on that matter. I can say for the record now that I have never had a conversation with Senator Bartlett on virtually anything, let alone preferences—certainly not in 1996 and

certainly not in the year 2000, not ever. Nevertheless, this grub wants to accuse us of collusion and does so on the taxpayer funded Australian Broadcasting Commission.

Issue No. 3 is that, having fully canvassed a whole series of wild allegations against Mr Swan, Sanderson then says in the interview:

Well, the Commonwealth Director of Public Prosecutions apparently is delivering their report to the AEC today so perhaps we should not say anything further about this matter until we get that.

What smarmy hypocrisy! Run all the allegations out and then say, 'Oh, whoops! The DPP is reporting on this matter today; maybe we should not explore it any further.' What sort of journalist is the ABC employing? Later in the interview, Bermingham talks about an alleged slush fund and links to the Victorian Labor Unity group. Sanderson interrupts and says, 'The Victorian right, which does include Senator Robert Ray, doesn't it?' Even Bermingham appears flummoxed at this, because he replies:

It does, though I don't know that Robert Ray was the person involved in this.

Mr Sanderson never put these allegations to me. I have never heard of any fundraisers in Queensland, let alone any connection with political allies of mine in Victoria. But do you want to know the reason he put that smear in? Because my version of events, which happened to be correct, does not fit his conspiracy theory. So what he goes out to do is smear anyone up who does not agree with his wild Trotskyist ravings. Bermingham later comments about who had knowledge of alleged slush funds, and Sanderson says:

Let's be specific about one point, Wayne Swan certainly did.

This led Bermingham to say:

Oh well, I do not know that for sure.

So what we have time and time again is Sanderson leading the witness, and even a witness who is so incredibly adversarially inclined towards the Labor Party these days does not confirm the allegations, has to qualify the allegations.

Senator Brandis interjecting—

Senator ROBERT RAY—You are a great lover of Bermingham over there. You should

be supporting him here and saying that Sanderson went too far. Not even Birmingham agrees with him.

Senator Brandis interjecting—

Senator ROBERT RAY—But it is interesting that the Queensland representation in this Senate is larger than in the Queensland parliament—larger! Senator Brandis has come in here with all his smears about Queensland. Thanks for your help, Senator Brandis, you did a great job. You now have three members of state parliament. Thank you for your efforts. Keep up the good work!

The fact is that Wayne Sanderson is a political player. He has gone beyond being a journalist; he is a political player. He is indulging in revenge politics and is living in a conspiratorial fantasy land. Sanderson has ignored every contrary piece of evidence. It does not matter what anyone says in terms of rebuttal; that is ignored, that is not covered in his report. You could have expected him actually to put a bridle and a bit piece on Birmingham if he had had to lead him any more than he did. It would not be the first time that a journalist has led a witness in an interview, but he becomes a vanguardist. He goes beyond Birmingham—more extreme, more smearing, turning allegations into fact, knowing from his other sources he is not telling the truth.

The matters under consideration here are not the question of whether the ABC leans to the left or leans to the right. That is not a consideration here. It has always been a sign of a healthy democracy that politicians are held up to intense scrutiny. There is no doubt that the ABC has a proud history of such scrutiny. But just maybe, instead of sending the Federal Police in looking for leakers, they should investigate Mr Wayne Sanderson's political bias and bile in these matters.

Senator Brandis—Are you saying the journalists should be censored, Senator Ray?

Senator ROBERT RAY—You talk about censoring! What you need is a bit of objectivity, a bit of intellectual rigour, so that you do not accept every bit of pap fed to you, and you actually put the person you are interviewing under a bit of pressure—not just bowl full tosses outside the leg stump and

then look in stunned amazement that they are hit over the fence for six. I read in the *Courier-Mail* that Mr Birmingham is back-tracking on some of his allegations. Maybe it is time for Mr Sanderson to similarly tell the truth. Hopefully, he will get that opportunity in a court of law!

Ministerial Staff

Senator FAULKNER (*New South Wales—Leader of the Opposition in the Senate*) (11.22 p.m.)—Madam Deputy President, as you know, the Howard government is a government of special deals, and the Prime Minister has delivered on special deals to his mates. We have the B-grade cronies like Michael Kroger, Tony Messner, Jim Short, Donald Macdonald, David Barnett, Michael Baume—the list goes on. They all got the top jobs and sinecures, of course. We all know that the Liberal pollster Mark Texta receives hundreds of thousands of dollars worth of public contracts. We know about the ministers who flagrantly have breached the code of conduct which was based on longstanding precedence of ministerial propriety. They are all let off the hook, it does not matter how many coal mines or coal shares they own. You have the advertising executive Mark Pearson, who received massive in-house GST consultancies after designing the political advertisements for the Liberal Party. Worst of all, who can forget the \$16,000 pay rise for Mal Colston in return for his vote; that was probably the most blatant example of institutional corruption in Australian political history.

But now we have another deal. We have been able to expose another special deal for Liberal Party insiders. It came to light at the Senate estimates committee last Tuesday, when Senator Ray and I were questioning the Department of Finance and Administration. Of course the taxpayers, as usual, have been fitted up with the cost of this; we do not yet know how much. But, according to a document handed over by the Department of Finance and Administration, the Prime Minister has invented a couple of new classifications of Howard government political advisers.

Members and senators employ some 674 electoral office staff, who work under the

MOP(S) Act. On top of that, we are told that there are 355.4 government staff, 73 opposition staffers, 15 Democrats' personal staff and one each for the five Independents in each house. That is 1,122.4 staff. We know the salary range of 1,118.4 staff working under the MOP(S) Act. But two principal advisers working for Mr Howard have received salary increases outside the range. Another two advisers have been reclassified as 'special advisers'—a secret, one assumes, special for four Liberal Party insiders. There is now a special category of 'principal adviser' and a completely new category of adviser called 'special adviser'. What makes them so special? We do not know. The department of finance could not tell us.

In the Prime Minister's own office, his long-term staffer, now principal adviser, Arthur Sinodinos, who took over the reins after Graeme Morris was forced to fall on his sword, has had his personal salary hiked above the previously published maximum salary range. The top of that salary range for principal adviser is \$130,000 per annum; with the addition of the standard ministerial staff allowance, it comes to around \$142,000. But, according to a footnote on an estimates committee tabled document detailing salary classifications, Mr Sinodinos plus the Secretary to Cabinet and head of the cabinet policy unit, Mr Paul McClintock, earn 'a personal salary above the maximum of the salary range'. Mr McClintock received his pay hike from 10 July; Mr Sinodinos got on the band wagon and received his upgrade on 17 August last year.

Who set the salary? The Remuneration Tribunal? No. The parliament? No. DOFA? No. It is a secret salary agreement set by a mysterious staff committee, which the Secretary of the Department of Finance and Administration, Dr Boxall, says:

... is a committee to advise the Prime Minister and other ministers as to the appropriate salaries of ministerial staffers. The interaction with us is that, once a decision is made to pay a staffer certain salary, we then proceed to pay it.

That is it for any input from the Public Service. Just tell them the political decision; they go out and foot the bill from the taxpayers' pocket. So it is the committee which de-

cides on the appointment and salary settings of senior ministerial staffers.

Senator Abetz, the minister at the table at the estimates committee, confirmed that he attended a staff committee meeting—but he could not remember who was on the committee. Apparently, we have found out, the committee is jointly chaired by Senator Hill and Mr Reith, with the Special Minister of State being a member—and that should worry all senators in the chamber. From the sound of the evidence, Mr Sinodinos is also a member of the committee, because we were told by public servants that DOFA would be advised by Mr Sinodinos of impending pay decisions made by the committee. If he is on the committee, did he absent himself when decisions about his new pay were made? We do not know but we want to know. We do know that this committee has been in operation since 1996 and that it would have advised DOFA of the supposed need for an extra 63 ministerial staffers that the Howard government has sneaked onto the government's books since that time. So we have two Liberal advisers now receiving a salary in excess of the set guidelines and published salary range, without any transparency, without any proper accountability.

Mr Howard's other little wrinkle is the invention of the 'special adviser', a category of adviser hitherto unknown in ministerial office administration. A second revealing footnote in the document that was provided by DOFA says:

Two staff, one in the Prime Minister's office and one in the office of the Minister for Forestry and Conservation, have a personal classification of special adviser with a salary of \$77,750.

We presume that a special adviser also gets the MSA allowance, placing the full salary in the \$90,000 per annum range. It does not mention add-ons—whether a car is supplied or there are other additional parts of the package—and it does not say what constitutes a 'special advisory' role. We do not know who the special advisers are—that is covered up also. I will bet one of them is the long-time campaign strategist, the advance man, and former adviser in the Government Members Secretariat, Mr Vincent Woolcock, who is now on Minister Tuckey's staff.

Maybe he has been put there to keep an eye on Mr Tuckey's erratic behaviour—who knows? Maybe he has another role and responsibility. We want to know. The other special adviser is on the Prime Minister's staff. No admission of who it is. As I say, we do not know the names of these special advisers. Eventually, we will get to the bottom of it. But the detail of their special role is all managed within the confines of an Australian workplace agreement between the employees and their bosses: Mr Howard and Mr Tuckey.

These revelations confirm that the Prime Minister himself is fixing secret arrangements to reward certain trustees, certain people within his staff, and now other trusted ministerial staffers. The cost to the taxpayer is not known. The definitions and criteria for these categories are not clear; they are shrouded in what is now the Howard government's ingrained culture of cover-up and secrecy, their ingrained culture of trying to reward their mates with taxpayers' dollars. We outed Mr Sinodinos and Mr McClintock's special deal last Tuesday. We are going to out these other two as well. We expect a full and frank response to our questions on notice. We want the answers to the many questions we have asked that are seriously raised by these shady pay deals, these shady arrangements so typical of this sleazy Howard government. (*Time expired*)

Senate adjourned at 11.32 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—GST-free Supply (In-home Care) Determination 2001.

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Live Sheep Exports to Saudi Arabia) Order 2001.

Broadcasting Services Act—Determination under clause 5 of Schedule 4, dated 14 December 2000.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—

Directives—Part 105, dated 7 [2] and 9 February 2001.

Exemption No. CASA EX05/2001.

Instrument No. CASA 94/01.

Commonwealth Authorities and Companies Act—Notice pursuant to paragraphs 45(1)(a) and (c)—Participation in formation and membership of AEShare Net Limited.

Commonwealth Places (Application of Laws) Act—Regulations—Statutory Rules 2001 No. 25.

Copyright Act—Regulations—Statutory Rules 2001 Nos 7-9.

Customs Act—CEO Instruments of Approval—

Nos 59-62 of 2000.

No. 1 of 2001.

Customs Administration Act—Regulations—Statutory Rules 2001 No. 24.

Defence Act—Determinations under section—

58B—Defence Determinations 2001/1-2001/4.

58H—Defence Force Remuneration Tribunal—Determinations Nos 1-3 of 2001.

Diesel and Alternative Fuels Grants Scheme Act—Regulations—Statutory Rules 2001 No. 17.

Family Law Act—Rules of Court—Statutory Rules 2001 No. 19.

Federal Court of Australia Act—Rules of Court—Statutory Rules 2001 No. 20.

Financial Management and Accountability Act—Regulations—Statutory Rules 2001 No. 13.

Fisheries Levy Act—Regulations—Statutory Rules 2001 No. 21.

Fisheries Management Act—Regulations—Statutory Rules 2001 No. 22.

Fishing Levy Act and Fisheries Management Act—Regulations—Statutory Rules 2001 No. 23.

Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2001 No. 12.

Health Insurance Act—Declaration—QAA No. 1/2001.

Higher Education Funding Act—Determinations under section 15—

Determination No. T16 of 2000.

Determinations Nos T10 and T11 of 2001.

Income Tax Assessment Act 1997—Regulations—Statutory Rules 2001 Nos 18 and 26.

Interstate Road Transport Act—Regulations—Statutory Rules 2001 No. 15.

Migration Act—

Direction under section 499—Direction No. 19 of 2000.

Statements for period 1 June to 31 December 2000 under section—

33, dated 15 February 2001.

91L, dated 30 October [4] and 16 November 2000 [2].

National Health Act—

Determination under Schedule 1—PHI 1/2001.

Guidelines under subsection—

99ZS(1)—Australian Customs Service, dated 12 February 2001.

99ZS(2)—Health Insurance Commission, dated 12 February 2001.

Regulations—Statutory Rules 2001 No. 14.

Navigation Act—Regulations—Statutory Rules 2001 No. 16.

Ozone Protection Act—Notice of Grant of Exemption under section 40, dated 12 January 2001.

Parliament Act—Proposal, together with supporting documentation, relating to construction of a permanent crowd safety rail in the forecourt of Parliament House.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2001 No. 5.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2001 No. 6.

Product Rulings—

PR 1999/8 (Addendum) and PR 2000/10 (Addendum).

PR 2001/11-PR 2000/15.

Public Order (Protection of Persons and Property) Act—Regulations—Statutory Rules 2001 No. 10.

States Grants (Primary and Secondary Education Assistance) Act—

Regulations—Statutory Rules 2001 No. 11.

States Grants (Primary and Secondary Education Assistance) (SES Scores Guidelines) Approval 2000.

Veterans' Entitlements Act—Veterans' Entitlements (Attributable Stakeholders and Attribution Percentages) Principles 2001.

Indexed Lists of Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996 as amended 3 December 1998:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2000—Statements of compliance—

Department of Foreign Affairs and Trade.

Department of Veterans' Affairs.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Civil Aviation Safety Authority: Services to Dili
(Question No. 2260)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 30 May 2000:

- (1)(a) When did the Civil Aviation Safety Authority (CASA) receive an application from an airline to operate Regular Public Transport (RPT) services into Dili, East Timor; and
 - (b) What was the name of the operator who lodged the application.
- (2)(a) Did CASA officers conduct a desktop audit of the application;
 - (b) where were these officers located;
 - (c) what requirements and procedures was the application assessed against; and
 - (d) where would such applications normally be assessed.
- (3) Did those officers convey concerns to CASA management about the contents of the application; if so
 - (a) what was the basis of their concerns; and
 - (b) to whom were those concerns communicated.
- (4) As a result of the concerns being raised with senior CASA officers, were the officers undertaking the audit advised that the CASA central office would take over responsibility for processing the application; if so:
 - (a) who took that decision; and
 - (b) what was the basis for that decision.
- (5) (a) what was the outcome of that audit; and
 - (b) can a copy be provided.
- (6)(a) when was the desktop audit completed; and
 - (b) who received a copy of that report.
- (7) Did a meeting with the applicant take place on 13 April 2000 to discuss the application.
- (8)(a) was the application approved at the end of that meeting;
 - (b) was the approval in accordance with the findings of the audit of the application;
 - (c) were minutes or file notes kept of that meeting; and
 - (d) can copies of the file notes or minutes be provided.
- (9) Did the following operators operate charter flights into Dili prior to the issuing of an RPT certificate : (a) Air North; (b) National Jet Systems; and (c) Ansett; if so
 - (a) what aircraft did these companies operate into Dili;
 - (b) did CASA approve the operation of those flights; and
 - (c) did CASA approve the aerodrome standards.
- (10) If the aerodrome standards at Dili were not satisfactory, what action did CASA take in relation to these charter operations.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

The Civil Aviation Safety Authority (CASA) has provided the following information:

- (1)(a) and (b)

Applications to operate Regular Public Transport (RPT) services into Dili were received from National Jet Systems (NJS) on 7 March 2000 and Air North on 16 March 2000. An application from Ansett Australia to conduct freight charter operations to Dili was received on 31 May 2000.

- (2)(a) A desktop audit was carried out on the NJS application. No desktop audit of Air North's application was carried out since all required information was available to the assessing officer.

- (b) The desktop audit of NJS' application was carried out at the Melbourne District Office.
 - (c) Applications were assessed against Rules and Procedures for Aerodromes; Instrument Approach and Letdown Procedures; and Aeroplane Weight and Performance Limitations (Civil Aviation Order 20.7.1B).
 - (d) Applications would normally be assessed in the appropriate area office, in this case Melbourne for NJS and Brisbane for Air North.
- (3)(a) In carrying out the desktop audit of the NJS application, CASA officers expressed concern about the absence of a substantive civil aviation regulatory regime in place in East Timor, including in relation to Dili Airport; the lack of procedures in place to monitor obstacle changes in the approach and take-off zones; and a number of unresolved aircraft performance requirements.
- (b) The concerns of the CASA officers were first conveyed to senior CASA officers in the Melbourne Office. The concerns were subsequently made known to the relevant delegate, Mr John Leaversuch, General Manager of Airline Operations.
- (4)(a) and (b)
- Processing of the NJS application remained with the Melbourne Office. However, because of the concerns expressed particularly in relation to the need for further operational assessments, and in response to a request by the United Nations Transitional Administration in East Timor (UNTAET) to assist with an evaluation of Dili Airport, a decision was made by Mr John Leaversuch to send a team of senior technical specialists to East Timor to conduct an inspection at Dili Airport. In addition to the UNTAET request, the purpose of the inspection was to verify information contained in the desktop audit and to identify any further items that the audit was unable to identify.
- (5)(a) The audit was considered as part of the information available to the CASA delegate in reaching a decision to issue an Air Operator's Certificate (AOC) to NJS authorising RPT operations to Dili.
- (b) The NJS audit documents contain items of a commercial-in-confidence nature. Therefore, consistent with CASA's approach to the privacy of audit reports of other operators, it does not propose to release these documents into the public domain.
- (6) (a) The desktop audit of the NJS application was completed on 6 April 2000.
- (b) A copy of the NJS audit report was forwarded to the delegate, Mr Leaversuch, and was also made available to a number of other CASA officers involved in processing the application and in the inspection of Dili Airport.
- (7) A meeting with NJS took place on 13 April 2000.
- (8)(a) No.
- (b) Not applicable.
 - (c) Yes.
 - (d) These documents contain items of a commercial-in-confidence nature. Therefore, consistent with CASA's approach to releasing reports of other operators, it does not propose to release these documents into the public domain.
- (9) Prior to the approval of an RPT AOC on 10 January 2000 for Air North and 12 April 2000 for NJS, both Air North and NJS operated charter flights.
- (a) Air North and NJS operated a range of smaller-type aircraft with a maximum of 30 and 36 seats respectively.
 - (b) Both Air North and NJS held AOCs for charter operations. Under those charter AOCs, the operators were authorised by CASA to conduct charter operations in designated areas without the need for individual flights to be approved.
 - (c) Aerodrome standards to be met in charter operations are set out in Division 8, Part IXA of the Civil Aviation Regulations 1988. The Regulations place the onus on an aircraft operator to ensure that aerodrome standards are met for any particular operation.
- (10) As a result of the CASA inspection of facilities at Dili Airport, CASA initiated action on 28 April 2000 to restrict the operations of Australian registered aircraft to a level which met safety requirements. Operators were notified of the restrictions through a NOTAM.

Mandatory Sentencing: Northern Territory
(Question No. 2326)

Senator Brown asked the Minister representing the Attorney-General, upon notice, on 8 June 2000:

- (1) (a) Has the budget allocation for the \$5 million Mandatory Sentencing Package, announced by the Prime Minister and the Northern Territory Chief Minister on 10 April 2000, been finalised; and (b) what are the funding arrangements.
- (2) (a) Does the Commonwealth intend to disburse these funds in total to the Northern Territory Government; (b) does the Commonwealth intend to specifically direct where the funding is to be spent or is this to be determined by the Northern Territory Government; and (c) what guidelines and reporting requirements, if any, have been agreed upon in relation to this funding.
- (3) (a) Has the Commonwealth determined how much funding is to be allocated to diversionary schemes; (b) what is the funding allocation; (c) what specific diversionary schemes have been funded, if any; (d) does the Commonwealth intend to consult with any of the relevant stakeholders; (e) what consultation process is envisaged; (f) does the Commonwealth intend to directly administer this funding or will the Northern Territory Government administer the funds; and (g) what guidelines and reporting requirements, if any, have been agreed upon in relation to this funding.
- (4) (a) Has there been a specific allocation to the Northern Territory police; (b) how much funding has been allocated and for what purpose; (c) does the Commonwealth intend to directly administer this funding or will the Northern Territory Government administer the funds; and (d) what guidelines and reporting requirements, if any, have been agreed upon for its use.
- (5) (a) Has there been a funding allocation to the Northern Territory Government to establish an Aboriginal interpreter service; (b) has there been a direct disbursement to the Northern Territory Government for the purpose of establishing such a service; (c) what proportion of the \$1 million allocated by the Northern Territory Government in its budget to provide an Aboriginal interpreter service has come from the Commonwealth's \$5 million Mandatory Sentencing Package; and (d) what guidelines and reporting requirements, if any, have been agreed upon in relation to this funding.
- (6) Does the Commonwealth intend to make a specific allocation to the establishment of an interpreter service over and above that announced by the Northern Territory Government.
- (7) Is the Commonwealth intending to: (a) contribute to the funding of a properly funded Aboriginal interpreter service; and (b) make specific allocations to Commonwealth departments and funded bodies, such as the Aboriginal Legal and Health Services, to pay for interpreters through the existing user pays Aboriginal Interpreter Service located in the Northern Territory Office of Aboriginal Development.
- (8) (a) Which Commonwealth departments or funded bodies, if any, is the Commonwealth intending to fund to pay for the existing user pays Aboriginal Interpreter Service; (b) how is this funding to be administered; and (c) by whom.
- (9) (a) Is the Commonwealth intending to consult any stakeholders in relation to funding an Aboriginal interpreter service and/or the users of such a service; (b) what consultation process is envisaged; and (c) what guidelines and reporting requirements, if any, have been agreed upon in relation to this funding.
- (10) (a) Is it intended to make a specific funding allocation for the training of Aboriginal interpreters; (b) which training organisations does the Commonwealth intend to fund, if any; and (c) to what extent.
- (11) (a) Does the Commonwealth intend to consult with any training organisations such as Bachelor College, the Institute of Aboriginal Development or the Katherine Language Centre, as to their funding requirements to provide training; (b) what consultation process is envisaged; and (c) what guidelines and reporting requirements, if any, have been agreed upon in relation to this funding.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

- (1)(a) and (b) On 27 July 2000 the Commonwealth and the Northern Territory signed an agreement. A copy of the agreement is attached. Specific allocations under the agreement are still being finalised.

- (2)(a) The bulk of the funding will be disbursed to the Northern Territory, with a proportion of the funding being retained by the Commonwealth and provided directly to relevant Commonwealth funded legal services to enable these agencies to access the Aboriginal Interpreter Service.
- (b) Prior to the commencement of the agreement and prior to 1 September of each year of the agreement, the Northern Territory will provide to the Commonwealth a proposed allocation of funding, with such estimates to be agreed by the Northern Territory and the Commonwealth. Funding allocations to individual programs will be a matter for the Northern Territory Government.
- (c) Annual audited statements of accounts for the expenditure of funds will be provided by the Northern Territory to the Commonwealth. The agreement includes an undertaking by the Northern Territory Government to provide performance information in relation to the operation of diversionary programs and the Aboriginal Interpreter Service. Details in relation to this reporting on performance are currently being discussed between the Commonwealth and the Northern Territory.
- (3)(a) and (b) The funding allocation for diversionary schemes is being discussed between the Commonwealth and the Northern Territory.
- (c) No diversionary schemes have yet been funded through the Commonwealth, as the NT does not yet have the relevant legislative changes in place to enable pre-charge diversion of juveniles.
- (d) and (e) The agreement states that the Commonwealth and the Northern Territory recognise that consultation with key and relevant people within communities, particularly Aboriginal people, is imperative in the development and operation of community-based and driven diversionary programs. Consultations with relevant stakeholders will be a key component of the review to be undertaken of programs 12 months after they have commenced operations.
- (f) The Northern Territory Government will directly administer the funding for diversionary schemes.
- (g) Annual audited statements of accounts for the expenditure of funds will be provided by the Northern Territory to the Commonwealth. The agreement includes an undertaking by the Northern Territory Government to provide performance information in relation to the operation of diversionary programs and the Aboriginal Interpreter Service. Details in relation to this reporting on performance are currently being discussed between the Commonwealth and the Northern Territory.
- (4)(a) and (b) The allocation of funds is currently being discussed between the Commonwealth and the Northern Territory. It is anticipated the Northern Territory Police will receive a proportion of the funding for the diversionary schemes in order to establish Juvenile Diversion Units and to run family conferencing and diversionary programs.
- (c) The Northern Territory Government will directly administer the funds, other than the amount being retained by the Commonwealth to be provided directly to relevant Commonwealth funded legal services to enable them to pay for Aboriginal interpreters.
- (d) Annual audited statements of accounts for the expenditure of funds will be provided by the Northern Territory to the Commonwealth. The agreement includes an undertaking by the Northern Territory Government to provide performance information in relation to the operation of diversionary programs and the Aboriginal Interpreter Service. Details in relation to this reporting on performance are currently being discussed between the Commonwealth and the Northern Territory.
- (5)(a) and (b) A proportion of the \$5 million package will be for the Aboriginal Interpreter Service. To date, there has been no disbursement of funds for the Service to the Northern Territory Government, as the details of funding allocations have not been finalised.
- (c) In relation to the Aboriginal Interpreter Service, the agreement states that the Commonwealth funding will be applied to 50% of the recurrent costs of the Service, including annual training costs. Of the \$1 million in the Northern Territory budget allocated to the Service, approximately one-half is expected to be from the Commonwealth funding.
- (d) Annual audited statements of accounts for the expenditure of funds will be provided by the Northern Territory to the Commonwealth. The agreement includes an undertaking by the

- Northern Territory Government to provide performance information in relation to the operation of diversionary programs and the Aboriginal Interpreter Service.
- (6) The total amount of funding, including Commonwealth funds, required to run the Aboriginal Interpreter Service is likely to be just over \$1 million per annum. It has already been agreed that, on top of annual training costs, a one-off allocation of up to \$250,000 towards the training of interpreters, will be made in the first year of the agreement from the \$5 million of Commonwealth funds.
- (7)(a) In relation to the Aboriginal Interpreter Service, the agreement states that the Commonwealth funding will be applied to 50% of the recurrent costs of the Service, including annual training costs. On top of the annual training costs, a one-off allocation of up to \$250,000 in the first year of the agreement from the \$5 million of Commonwealth funds will be for the training of Aboriginal interpreters.
- (b) The Commonwealth will provide funds directly to relevant Commonwealth funded legal services to enable these agencies to access the existing booking service for Aboriginal interpreters in the Northern Territory Office of Aboriginal Development.
- (8)(a) It is expected that the Commonwealth will provide funds to Aboriginal legal services to enable them to pay for Aboriginal interpreters.
- (b) and (c) This funding is to be administered by the Attorney General's Department.
- (9)(a) and (b) The Aboriginal Interpreter Service model being used is based on a 1997 pilot which involved community consultation. The overall response to the pilot from stakeholders and key agencies was positive. The Commonwealth will undertake consultations as part of the review of the agreement.
- (c) Annual audited statements of accounts for the expenditure of funds will be provided by the Northern Territory to the Commonwealth. The agreement includes an undertaking by the Northern Territory Government to provide performance information in relation to the operation of diversionary programs and the Aboriginal Interpreter Service
- (10)(a) The Commonwealth is funding 50% of the recurrent costs of the Aboriginal Interpreter Service including annual training costs. On top of the annual training costs, a one-off allocation of up to \$250,000 in the first year of the agreement from the \$5 million of Commonwealth funds will be for the training of Aboriginal interpreters.
- (b) The Northern Territory will be contracting organisations to undertake the training of interpreters.
- (c) The Commonwealth is funding 50% of the recurrent costs of the Aboriginal Interpreter Service including annual training costs. On top of the annual training costs, a one-off allocation of up to \$250,000 in the first year of the agreement from the \$5 million of Commonwealth funds will be for the training of Aboriginal interpreters.
- (11)(a) and (b) The Northern Territory has informed us that the staff of the Aboriginal Interpreter Service and the program manager responsible for the Service have commenced consultations with all the Aboriginal language centres, training centres and key linguists.
- (c) Annual audited statements of accounts for the expenditure of funds will be provided by the Northern Territory to the Commonwealth. The agreement includes an undertaking by the Northern Territory Government to provide performance information in relation to the operation of diversionary programs and the Aboriginal Interpreter Service.

Goods and Services Tax: Grain

(Question No. 2365)

Senator O'Brien asked the Assistant Treasurer, upon notice, on 16 June 2000:

- (1) Can it be confirmed that, if grain only needs to be packaged after harvesting to make it fit for human consumption it will be GST-free, but if the grain requires basic cleaning before being packaged it will attract the GST.
- (2) What is the basis for the Government's decision that the packaging of grain prior to its consumption does not alter the product in any way, but a simple cleaning process prior to packaging does alter the nature of the grain.

Senator Kemp—The following answer is provided to the honourable senator's question:

- (1) and (2) The GST legislation provides that grain which has not been subject to any process or treatment resulting in an alteration of its form, nature or condition does not satisfy the definition of food for human consumption.

Packaging is not considered to be a process or treatment that alters the form, nature or condition of grain. However, cleaning involves the removal of impurities and other contaminants and is considered to be a process or treatment that alters the form, nature or condition of grain.

If cleaning results in grain being of a grade or quality suitable for human consumption and it is supplied as food for human consumption, the supply will be GST-free.

If grain is not used for human consumption but for animal feed, the farm business that acquired the grain is entitled to an input tax credit, provided it is registered.

**Attorney-General's Department: Programs and Grants to the Eden-Monaro Electorate
(Questions Nos 2449 and 2452)**

Senator O'Brien asked the Minister representing the Attorney-General and the Minister for Justice and Customs, upon notice, on 26 June 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Eden-Monaro.
- (2) What was the level of funding provided through these programs and/or grants for the 1996-97, 1997-98, 1998-99 and 1999-2000 financial years.
- (3) What level of funding provided through these programs and/or grants has been appropriated for the 2000-2001 financial year.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

- (1) It is not possible to identify how much of the funding is provided to the electorate of Eden-Monaro. However, funds are provided under the Commonwealth Legal Aid Program to the Legal Aid Commission of NSW for Commonwealth legal aid matters. These funds are used by the Commission to provide legal aid services in Commonwealth matters across New South Wales. The Legal Aid Helpline (1800 806 913) is available to assist clients throughout the electorate with a range of legal services.

In addition, the Commonwealth funds 126 community legal services across Australia to provide a range of legal and related services under the Community Legal Services Program. There are 31 community legal centres located in New South Wales with 28 of these organisations providing generalist and/or specialist legal services to their specific geographical catchment areas and 4 specialist legal centres that provide state wide legal services. The organisations providing statewide legal services are the Women's Legal Resource Centre, the Welfare Rights Centre, the Environmental Defender's Office and the New South Wales Disability Discrimination Legal Centre.

While there is no generalist community legal service located in the Eden-Monaro electorate, the above mentioned statewide centres are available to residents in the electorate.

In addition to the community legal services in New South Wales, the Women's Legal Centre ACT, the Canberra Welfare Rights and Legal Centre and the Environmental Defender's Office ACT provide services to the ACT as well as outreach services to surrounding regional areas including the Eden-Monaro electorate catchment area.

- (2) The level of funding provided under the Commonwealth Legal Aid Program to the Legal Aid Commission of New South Wales for Commonwealth legal aid matters for the years in question was as follows:

1996-97	\$40.970m
1997-98	\$31.131m
1998-99	\$31.100m
1999-00	\$31.100m

The level of funding provided under the Commonwealth Community Legal Services Program to the Women's Legal Resource Centre, the Welfare Rights Centre, the Environmental Defender's Office and the New South Wales Disability Discrimination Legal Centre for the years in question was as follows:

Centre	1996/97	1997/98	1998/99	1999/00	2000/01
Women's Legal Resource Centre	\$413,918	\$416,335	\$448,795	\$451,861	\$693,873
Welfare Rights Centre	\$170,853	\$171,852	\$181,134	\$182,371	\$185,700
Environmental Defender's Office	\$68,986	\$69,389	\$74,910	\$75,422	\$76,726
New South Wales Disability Discrimination Legal Centre	\$153,346	\$154,242	\$160,586	\$161,683	\$164,162

(3) The level of funding to be provided under the Commonwealth Legal Aid Program to the Legal Aid Commission of New South Wales for Commonwealth legal matters in 2000-01 will be \$33.719m.

The level of funding to be provided under the Commonwealth Community Legal Services Program is as shown in the table above.

Department of Employment, Workplace Relations and Small Business: Programs and Grants to the Gippsland Electorate
(Question No. 2462)

Senator O'Brien asked the Minister for Employment, Workplace Relations and Small Business, upon notice, on 27 June 2000:

- (1) What was the level of funding provided through programs and/or grants administered by the department to provide assistance to people living in the federal electorate of Gippsland in the 1999-2000 financial year.
- (2) What level of funding provided through these programs and/or grants has been appropriated for the 2000-01 financial year.

Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answer to the honourable senator's question:

(1) and (2) There are eight relevant types of funding administered by the Department of Employment, Workplace Relations and Small Business.

In the case of funds provided for the administration of Area Consultative Committees, funds provided under the Regional Assistance Programme (RAP) and those provided under the Indigenous Employment Programme and its predecessor, the Training for Aboriginals and Torres Strait Islanders Programme (TAP), and the Small Business Enterprise Culture Programme (SBECP), it is questionable how accurate the data on the amount of funds provided under each of the above programmes would be if attributed by electorate. This is because funds are not allocated, approved or accounted for by federal or any other electorates.

The honourable senator sought similar information on funding for the electorate of Gippsland in his question No 1874 of 21 January 2000. In my response I advised that funding under the IEP and its predecessor TAP was not resourced by electorate. Some funding information was provided in relation to funding under RAP for activities that may have had an impact on the electorate of Gippsland, but this information was qualified.

In the case of ACCs and RAP, the programme is based on a structure that involves 56 ACCs which are located in all States and Territories. All potential projects (other than those of national significance) are channelled through these 56 ACCs. ACCs, which consist of local representatives, make recommendations with respect to the potential projects. Ultimately, however, decisions about the funding of projects are made by a delegate within the National Office of DEWRSB.

All administrative funding allocations for ACCs and RAP, together with information collected on the projects supported by the programme, are based on that ACC structure. Many ACCs cover a number of federal electorates in whole or in part. Moreover, many projects that are funded under RAP cut across a number of ACCs. In short, to attempt to move from an ACC basis to an electorate-based approach in order to quantify the allocation of funds is fraught with difficulties. Arbitrary judgements would have to be made about how much of a project or ACC related to a particular electorate. For example, the single ACC in Sydney, GROW, covers wholly or partially 28 electorates. For the 2000-2001 financial year a notional allocation of around \$16 million is available for new RAP proposals endorsed by ACCs.

In the case of IEP (and TAP) the same difficulties arise in taking an electorate-based approach to quantifying funds approved under the various elements of the programme, namely, Wage Assistance, Structured Employment and Training (STEP), the Corporate Leaders for Indigenous Employment Project, National Indigenous Cadetship Project, Placement Incentives for Community Development Employment Projects (CDEP), the Indigenous Small Business Fund and the Voluntary Service to Indigenous Communities Foundation. These various elements operate differently and, as mentioned above, are not categorised by electorate.

The SBCEP is equally problematic, in that individual projects may cover several electorate boundaries. What may occur is that the proponent of a project may be located in one electorate yet be conducting the elements of the project in another electorate(s).

To attempt to identify individuals living in the electorate of Gippsland who may be the beneficiaries of assistance under the various elements of the programme is, at best, problematic.

For the 2000–2001 financial year, the amount allocated to the Indigenous Employment Programme is \$55.428 million. Under the SBCEP, funding of \$2.2 million has been made available to assist small business skill development programmes.

The Job Network

Similarly, expenditure on Job Network is not reported on the basis of electoral boundaries. The Gippsland electorate is located in the Job Network labour market region of Eastern Victoria, in the second contract period which began on 28 February 2000. Job Network payments in this region (and the corresponding region for the first contract period which ended on 27 February 2000) totalled \$14 859 000 in 1999–2000. Job Network funding is not appropriated on the basis of electoral or regional boundaries.

Although funds are also not allocated by electorate in respect of the Community Support Programme, the Return to Work Programme and the Work for the Dole Programme, some figures can be provided.

Community Support Programme (CSP)

In the 1999–2000 financial year a total of \$118 000 was allocated for CSP sites within the electorate of Gippsland. Expenditure of funds would be subject to the use of places by the service provider. For the 2000–2001 financial year the amount appropriated for CSP sites within the electorate of Gippsland is \$188 216.

Return to Work Programme (RTW)

Contracts commenced in March 2000 and will continue until February 2002. In the financial year 1999–2000 a total of \$13 879 was provided for RTW to assist people living in the federal electorate of Gippsland. For the financial year 2000–2001 the amount allocated for RTW to assist people living in the federal electorate of Gippsland is \$61 320.

Work for the Dole (WFD)

In 1999–2000 \$262 623.14 was provided to WFD activity sponsors and Community Work Coordinators (CWCs) based in the electorate of Gippsland.

In 2000–2001, \$30 745.60 has been provided to CWCs based in the electorate of Gippsland. A further \$408 884.41 has been committed for WFD sponsors and CWCs based in this electorate. However, further funding may be provided during the remainder of this financial year as WFD projects are approved on a monthly rolling basis.

The allocation of business to Community Work Coordinators (CWCs) (and sponsors in previous rounds of the programme), is based around Employment Service Areas (ESAs). CWCs are required to make available Work for the Dole places for eligible job seekers resident in the ESA for which the CWC is contracted. ESA boundaries do not coincide with federal electorate boundaries. Therefore in the case of the federal electorate of Gippsland, whilst these projects/activities are located in the Gippsland electorate, and most participants would reside in the Gippsland electorate, participants may have been drawn from parts of the ESA/s that are located in neighbouring federal electorates. Furthermore, projects/activities located in other parts of the ESA/s that fall into neighbouring federal electorates may recruit participants living in the Gippsland electorate.

Centenary of Federation: Cost of United Kingdom Celebrations

(Question No. 2494)

Senator Faulkner asked the Minister representing the Minister for Foreign Affairs, upon notice, on 28 June 2000:

With reference to the upcoming Centenary of Federation celebrations to be held in the United Kingdom:

- (1) What is the estimated total cost of the preparations for and implementation of these celebrations, including arrangements for the Prime Minister's party.
- (2) What is the total marginal cost of these arrangements to the post, and to the portfolio.
- (3)(a) Which officers from the portfolio will travel with the Prime Minister's party; (b) how many Australia-based officers will also be in the United Kingdom for this visit; and (c) what will the cost of this travel and the travel allowance be.
- (4) Has the High Commission: (a) engaged extra staff; (b) engaged consultants; (c) leased equipment or vehicles; (d) leased office accommodation or other venues; or (e) undertaken other expenditure in relation to the visit; if so, can details of these arrangements and the expected costs be provided.
- (5) What is the expected or budgeted cost for entertainment and functions during the visit, including: (a) hire of venues; (b) functions consultants; (c) hire of other equipment; (d) musical or other entertainment; (e) food; (f) alcoholic and other beverages; and (g) other costs (please specify).

Senator Hill—The answer to Senator Faulkner's questions is as follows.

As set out in the Department's response to Question 2596.

**Centenary of Federation: Cost of United Kingdom Celebrations
(Question No. 2596)**

Senator Faulkner asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 July 2000:

In relation to the Centenary of Federation celebrations held in the United Kingdom in early July 2000:

- (1) What was the total cost of the preparations for and implementation of those celebrations, including arrangements for the Prime Ministerial party.
- (2) What was the total marginal cost of those arrangements to the post, and to the portfolio.
- (3)(a) Which officers from the portfolio travelled with the Prime Ministerial party, (b) how many Australia-based officers were also in the United Kingdom for this visit and (c) what was the cost of this travel and travel allowance.
- (4) Did the High Commission: (a) engage extra staff; (b) engage consultants; (c) lease equipment or vehicles; (d) lease office accommodation or other venues; or (e) undertake any other expenditure in relation to this visit. If so, can you please provide details of those arrangements and the final costs for each component.
- (5) What was the expected or budgeted cost for entertainment and functions during that visit, including: (a) hire of venues; (b) functions consultants; (c) hire of other equipment; (d) entertainment, musical or other; (e) food; (f) alcoholic and other beverages; and (g) the cost and details of any other expense.

Senator Hill—The Minister for Foreign Affairs has provided the following answers to the honourable senator's question:

- (1) Costs to the Department of Foreign Affairs and Trade associated with arrangements for and facilitation of Australia Week and the official visit amounted to \$261,923.
- (2) As with other official visits the cost to the Department of Foreign Affairs and Trade of arrangements for Australia Week and the Prime Minister's visit were a part of portfolio running costs, which were not supplemented for this purpose.
- (3)(a) Mr Michael L'Estrange, then High Commissioner-Designate to the United Kingdom, travelled with the Prime Ministerial party.
 - (b) One A-based officer on a short-term mission provided support during the preparation and facilitation of arrangements for Australia Week.

One technical officer (A) provided technical security services as happens during all overseas visits undertaken by the Prime Minister.

A second technical officer (B), on secondment to the UK Foreign and Commonwealth Office in London, was recalled to duty also to provide technical security services to the Prime Minister during the visit.
 - (c) Michael L'Estrange: \$14,226 – travel, travel allowance and accommodation

Technical Officer A: \$12,451 – travel allowance and accommodation. No travel costs were incurred as the officer was assigned to provide services to another European post and had to travel via London.

Technical Officer B: \$5,476 – travel allowance and accommodation. The officer was on secondment to the Foreign and Commonwealth Office in London and no travel was required.

A-based officer: \$5,794 (Travel only)

- (4) (a) Yes, three additional locally-engaged staff were contracted to assist with preparations for and facilitation of Australia Week events and to assist with arrangements for the official visit at a cost of \$46,536.58.

(b) No

(c) Item 4(d) refers to equipment hire. The costs of additional vehicles leased for the official party were borne by the Department of Finance and Administration.

(d) As with all Prime Ministerial visits, offices were established in the relevant hotel for the duration of the visit. The cost of office hire was \$15,356.25. Equipment hire in association with the visit amounted to \$2,709.19 [see5(c)]. These costs were absorbed into the Post's normal operating costs.

(e) Costs, including accommodation and living allowance, arising from the short-term mission to London undertaken by the A-based officer [see 3(b)]: \$78,412

Hotel accommodation for High Commission staff assigned to service the Prime Minister, the official party, the media delegation, to provide 24 hour staffing of the Prime Minister's office and to facilitate arrangements for the official functions and receptions held during Australia Week: \$20,316.40

Hire of a photographer for the duration of Australia Week: \$4364.63

General services including portage, exhibition lighting set-up and removal, set-up, pull-down and clean costs for temporary offices and receptions: \$13,391.30

Costs associated with the franking of mail: \$491.60.

Standby engineers to ensure compliance under OH&S requirements for large-scale public events and receptions, and for electrical and airconditioning maintenance: \$3,730.63

Costs arising from public affairs activities associated with the Australian Business in Europe luncheon: \$3258.63

Costs associated with the Prime Minister's reception at Australia House: \$656.17

Costs associated with cultural activities held in association with Australia Week were as follows:

Performing Australia Music Competition Launch: \$1,566.20

Polly Borland Photographic Exhibition: \$15,068.21

Costs associated with the Westminster Abbey service: \$2651.83

Costs associated with an exhibition of paintings by Arthur Boyd: \$13,728

Costs associated with the refurbishment of the grave of Yemmerawanyea, who returned to the UK with Admiral Phillip and died in 1794: \$1,006

- (5) The Department can only answer in respect of the High Commission, for which the answer is as below.

(a) Nil

(b) Nil

(c) Hire of audio and video link between three rooms of the High Commission for the Prime Minister's reception, \$2,709.19 [This cost is included in the response to Item (4)(d)].

(d) Nil

(e) Nil

(f) Provision of Australian wine for reception after the Westminster Abbey service, \$732.14. No other expenditure for alcohol. Cost of other beverages (soft drink, orange juice, water) provided for the Prime Minister's reception was negligible.

(g) Nil.

Attorney-General's Portfolio: Corporate Services

(Question No. 2644)

Senator Faulkner asked the Minister representing the Attorney-General, upon notice, on 9 August 2000:

With reference to the department and each agency in the portfolio, what were the state and city or town location, number of employees and annual salary values of all corporate services as at 30 June 1996 and 30 June 2000, for the following functional areas: (a) human resources; (b) property and office services; (c) financial and accounting services; (d) fleet management; (e) occupational health and safety; (f) workplace and industrial relations; (g) parliamentary communications; (h) payroll; (i) personnel services; (j) printing and photocopying; (k) auditing; (l) executive services; (m) legal and fraud; and (n) any other corporate services (please specify).

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

I have been advised by my Department and other agencies within my portfolio of the following information relating to corporate services as at 30 June 1996 and 30 June 2000:

Attorney-General's Department

In light of the substantial changes to the Department since 1996, and in particular the establishment of the Australian Government Solicitor as a separate authority, meaningful information is not available for 30 June 1996. Information has instead been provided in respect of 30 June 1999.

(i) Number of full time equivalents – 30 June 1999

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a) human resources	7.57	388
b) property and office services	4	203
c) financial and accounting services	5	259
d) fleet management		
e) occupational health and safety	3	131
f) workplace and industrial relations	1	58
g) parliamentary communications	6	262
h) payroll	14.54	531
i) personnel services		
j) printing and photocopying	1	28
k) auditing	4.2	206
l) executive services	7	313
m) legal and fraud	-	-
n) any other corporate services (travel, IT, registry)	24.36	926
Totals	77.67	3305

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a) human resources	6.57	331
b) property and office services	3	136
c) financial and accounting services	4	209
d) fleet management		
e) occupational health and safety	3	138
f) workplace and industrial relations	1	60
g) parliamentary communications	7	318
h) payroll	15.53	622
i) personnel services		

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
j) printing and photocopying	1	29
k) auditing	4.2	227
l) executive services	7	338
m) legal and fraud	-	-
n) any other corporate services (support services and public affairs)	26.36	1103
Totals	78.66	3511

Australian Protective Service

(i) Number of full time equivalents - 30 June 1996

Question Category	Staffing Nos					Total Annual Salary (\$000)
	Western Region*	Eastern Region*	ACT Region*	Southern Region*	National Headquarters*	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud, any other corporate services	13	6	14.3	3.2	31.8	3,239
Totals	13	6	14.3	3.2	31.8	3,239

*Cities/Towns by Region:

Western Region:	Perth / Exmouth / Geraldton / Port Hedland / Derby / Curtin / Darwin / Pine Gap
Eastern Region:	Sydney / Brisbane / Coolangatta / Townsville / Cairns
ACT Region:	ACT
Southern Region:	Melbourne / Hobart / Adelaide / Maralinga / Woomera
National Headquarters:	ACT

Note:

- (1) Records are not available to demonstrate functional areas (a) to (n) as requested for 30 June 1996.
- (2) Corporate service functions were centralised in National Headquarters in the period between the two reporting dates.

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	National Headquarters	
a) human resources	6.6	379
b) property and office services	3	106
c) financial and accounting services	7	367

Question Category	Staffing Nos		Total Annual Salary (\$000)
	National Head-quarters	refer c)	
d) fleet management			-
e) occupational health and safety	0.5		22
f) workplace and industrial relations	5.15		262
g) parliamentary communications	0.5		29
h) payroll	AGD		-
i) personnel services	-		-
j) printing and photocopying		refer n)	-
k) auditing	2		83
l) executive services	4.5		279
m) legal and fraud	2		109
n) any other corporate services (travel, IT, registry)	5		223
Totals	36.25		1,859

Administrative Appeals Tribunal

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos					Total Annual Salary (\$000)
	Brisbane	Sydney	Adelaide	Melbourne	Perth	
a), e), f), h) & i) human resources, occupational health and safety, workplace and industrial relations, payroll and personnel services	5	-	-	-	-	216
b), c), d), k) property and office services, financial and accounting services, fleet management and auditing	4	-	-	-	-	180
g), l), m) parliamentary communications, executive services, and legal and fraud	-	5	-	-	-	246
j) printing and photocopying	-	-	-	-	-	-
n) any other corporate services (client service/policy formulation in Sydney and library services in all locations)	6	2	0.6	1	0.6	436
Totals	15	7	0.6	1	0.6	1,078

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos						Total Annual Salary (\$000)
	Brisbane	Sydney	Adelaide	Melbourne	Perth	Hobart	
a), e), f), h) & i) human resources, occupational health and safety, workplace and industrial relations, payroll and personnel services	5	-	-	-	-	-	262
b), c), d), k) property and office services, financial and accounting services, fleet management and auditing	6	-	-	-	-	-	290

Question Category	Staffing Nos						Total Annual Salary (\$000)
	Brisbane	Sydney	Adelaide	Melbourne	Perth	Hobart	
g), l), m) parliamentary communications, executive services, and legal and fraud	-	4	-	-	-	-	208
j) printing and photocopying	-	-	-	-	-	-	-
n) any other corporate (client service/policy formulation in Sydney and library services in all locations)	4.4	2	0.6	1	0.6	2	546
Totals	15	6	0.6	1	0.6	2	1,306

Note:

The AAT now operates a joint library in Hobart on behalf of the AAT, Federal Court and Family Court. The AAT took it over in about 1997.

Australian Bureau of Criminal Intelligence

The Corporate Services staff of the Australian Bureau of Criminal Intelligence are located in Canberra and perform all the services (a) – (n), and it is not possible to provide a break-up in accordance with these categories. Aggregate figures are provided below.

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, legal and fraud, and any other corporate services	12	361
Totals	12	361

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, legal and fraud, and any other corporate services	13	595
Totals	13	595

Note:

(1) Salaries as at 30 June 2000 include a composite allowance paid as part of the AFP Certified Agreement 1999-2002.

(2) Additional staff member and salary costs due to:

- devolution of functions from Australian Federal Police to Local Business Units;

- relocation of positions within the ABCI; and
- impact of AFP Certified Agreement which came into effect in November 1999.

Australian Customs Service

The Australian Customs Service has reported activity based staffing data from its activity costing system on the basis of best fit against categories (a) to (n). Available data most closely aligning with the dates specified covers the months of August 1996 and June 2000. Annual salary costs have been estimated based on actual costs in these months.

(i) Number of full time equivalents - August 1996

Question Category	Data provided for the following Customs Activities	ACT	NSW	VIC	QLD	WA	SA	NT	TAS	Total FTE	Total Annual Salary (\$000)
a)	Training and Development	26.2	14.0	11.0	10.1	6.4	3.2	0.9	0.3	71.9	3670
b), d) & j)	Property Management, Personnel and General Security, General Services and District Office Administration	25.0	18.9	10.9	16.4	7.5	4.5	2.7	1.4	87.3	4243
c)	Budget Coordination and Financial Operations	33.0	7.7	10.6	6.5	8.3	4.7	3.9	0.9	75.7	4216
e) & f)	Work environment	9.3	4.9	3.1	3.4	1.5	1.5	0.3	1.1	25.1	1297
g)	Ministerial Coordination, Cabinet Liaison, Parliamentary Liaison	5.3	-	-	-	-	-	-	-	5.3	298
h) & i)	Personnel and Recruitment	27.2	23.4	22.0	15.9	8.9	6.2	3.4	0.5	107.5	4983
k)	Internal Audit	5.5	2.0			1.0			0.2	8.7	495
l)	Executive Services	11.5	3.1	3.0	4.2	2.0	2.3	2.0	1.4	29.3	2236
m)	Administrative Law, Legislation Program, Litigation and AAT, and Legal Advice and Contracts, and Fraud Investigations	31.4	44.5	25.5	11.8	10.3	1.4	0.1	0.3	125.3	7930
n)	Information Services, Internal Affairs, Corporate Data and Statistics, Strategic and Corporate Planning, Corporate Information Systems (HR and Financial Management).	49.6	15.9	10.9	5.4	4.7	3.8	3.8	0.9	95.1	4719
Totals		224	134.4	97	73.7	50.6	27.6	17.1	7.0	631.2	34087

Note:

1. All staff are located in capital cities except for 18.2 full time equivalents located in Customs District Offices.
2. Total annual salary figures are estimated, based on an annualised average fortnight cash only salary for August 1996.

(ii) Number of full time equivalents - June 2000

Question Category	Data Provided for the Following Customs Activities	ACT	NSW	VIC	QLD	WA	SA	NT	TAS	Total	Total Annual Salary (\$000)
a)	Training and Development	7.4	14.2	12.3	7.3	6.5	3.3	2.5	0.9	54.4	3825
b), d) & j)	Property Management, Personnel and General Security, General Services and District Office Administration	25.5	9.2	7.5	9.3	7.3	4.4	6.2	2.4	71.6	4658
c)	Budget Coordination and Financial Operations	34.8	8.0	15.4	4.4	4.3	3.5	3.5		73.9	4732
e) & f)	Work environment	3.4	3.8	3.7	3.0	3.9	0.7	0.3	0.3	18.9	1212
g)	Ministerial Coordination, Cabinet Liaison, Parliamentary Liaison	5.1	-	-	-	-	-	-	-	5.1	359
h) & i)	Personnel and Recruitment	19.9	13.5	52.4	5.6	2.6	2.0	2.6	0.2	98.9	6220
k)	Internal Audit	2.2								2.2	124
l)	Executive Services	8.4	2.0	1.0	3.9	2.9	1.0	1.0	1.8	22.0	1415
m)	Administrative Law, Legislation Program, Litigation and AAT, and Legal Advice and Contracts, and Fraud Investigations	10.3	22.2	10.1	7.1	6.0	2.1	0.0	0.2	58.0	3879
n)	Information Services, Internal Affairs, Corporate Data and Statistics, Strategic and Corporate Planning, Corporate Information Systems (HR and Financial Management).	59.1	9.4	5.4	6.0	2.8	2.0	0.3	0.4	85.5	5199
Totals		176.1	33.6	16.5	17	11.7	5.1	1.3	2.4	490.5	31623

Note:

- All staff are located in capital cities except for 16.8 full time equivalents located in Customs District Offices.
- Annual salary figures are estimated, based on annualised accrual costs for to non-SES staff in June 2000.
- FTE figures for c), h) and i) for Victoria include centralised payroll and accounts processing staff. These services were delivered by staff in each region in 1996.

Australian Federal Police

(i) Number of full time equivalents – 30 June 1996

Apart from the 'Overview of Staffing Levels' appearing in the AFP Annual Report for 1995-96 including table 5.1.3 'Geographical Distribution' (Appendix 5 – Human Resources, page 81), records are not available to demonstrate staffing levels against the nominated functional areas.

(ii) Number of full time equivalents - 30 June 2000

Question Category	National Head Office	ACT	NSW	QLD/NT	WA	SA	NT	TAS	Total Annual Salary (\$000)
a) human resources	27	1	1	1	0	0	0	0	1502
b) property and office services	3	4	2	0	0	0	0	0	299
c) financial and accounting services	36	8	6	6	2	5	1	0	2591
d) fleet management	3	3	0	0	0	0	0	0	0
e) occupational health and safety	3	3	0	0	0	0	0	0	241
f) workplace and industrial relations	3	0	0	0	0	0	0	0	148
g) parliamentary communications	2	0	0	0	0	0	0	0	127
h) payroll	20	0	0	0	0	0	0	0	839
i) personnel services	0	10	6	4	4	7	1	0	1227
j) printing and photocopying	0	0	0	0	0	0	0	0	0
k) auditing	2	0	0	1	0	0	0	0	174
l) executive services	4	2	1	0	0	0	0	0	399
m) legal and fraud	12	0	1	0	0	0	0	0	737
n) any other corporate service (media, welfare, registry, policy, IT, information management services, performance and evaluation)	92	4	4	1	1	3	2	0	6150
To-tals	207	35	21	13	7	15	4	0	14434

Note:

- (1) QLD/NT comprise one area of AFP staffing operations.
- (2) Salaries as at 30 June 2000 include basic salary, higher duties and composite allowance paid under the AFP Certified Agreement 1999-2002.
- (3) The majority of corporate service staff are located in capital cities. A minimal number of staff are engaged on corporate administrative support functions in Cairns, Coffs Harbour, Darwin, Gold Coast, Newcastle and Townsville.
- (4) The AFP's fleet management function is provided by DASFLEET under tied contract arrangements managed by Department of Finance.
- (5) There are no staff providing a dedicated printing and photocopying service.
- (6) The above categories do not conform with the way AFP workforce data is normally held for management purposes. Accordingly, the above data represents that most readily available.

Australian Institute of Criminology & Criminology Research Council

- (i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, legal and fraud, and any other corporate services	7	331
Totals	7	331

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, legal and fraud, and any other corporate services	4	260
Totals	4	260

Note:

It is not possible reliably to estimate the dissection of corporate services costs into the requested functions. Detailed costing records of the staff effort allocated and used in each of the identified functions in each period do not exist. Similarly, the range and complexity of the issues dealt with by the corporate services group mitigates against collecting such data.

Australian Law Reform Commission

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Sydney/Canberra	
a)-m) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud	13	452
n) any other corporate services (public affairs)	1	25
Totals	14	477

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Sydney	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud	9	428
n) any other corporate services (public affairs)	2	90
Totals	11	518

Australian Security Intelligence Organisation

For reasons of national security, ASIO does not provide any detail of the allocation of organisational resources.

Australian Transaction Reports and Analysis Centre

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Sydney	
a) human resources	0.4	15
b) property and office services	1.3	48
c) financial and accounting services	1.2	44
d) fleet management	0.8	29
e) occupational health and safety	0.2	7
f) workplace and industrial relations	0.4	15
g) parliamentary communications	-	-
h) payroll	0.3	11
i) personnel services	0.3	11
j) printing and photocopying	-	-
k) auditing	-	-
l) executive services	2.5	92
m) legal and fraud	-	-
n) any other corporate services (knowledge management)	3.2	117
Totals	10.6	389

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Sydney	
a) human resources	1.0	45
b) property and office services	1.3	58
c) financial and accounting services	1.2	54
d) fleet management	0.4	18
e) occupational health and safety	0.2	9
f) workplace and industrial relations	0.4	18
g) parliamentary communications	-	-
h) payroll	0.4	18
i) personnel services	0.3	13

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Sydney	
j) printing and photocopying	-	-
k) auditing	-	-
l) executive services	2.0	90
m) legal and fraud	-	-
n) any other corporate services (knowledge management)	4.1	184
Totals	11.3	507

Family Court of Australia

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
a), e) and f) human resources, occupational health and safety and workplace and industrial relations	14.5	664
b), d) and j) property and office services, fleet management & printing and photocopying	7	271
c) financial and accounting services	12.5	510
g) parliamentary communications	-	-
h) and i) payroll and personnel services	15.5	543
k) and m) auditing and legal and fraud	1	51
l) executive services	4	262
n) any other corporate services (IT, library and management information)	36.3	1608
Totals	90.8	3909

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
a), e) and f) human resources, occupational health and safety and workplace and industrial relations	14.8	743
b), d) and j) property and office services, fleet management & printing and photocopying	5.9	248
c) financial and accounting services	12.9	626
g) parliamentary communications	-	-
h) and i) payroll and personnel services	8	319
k) and m) auditing and legal and fraud	-	-
l) executive services	4	290
n) any other corporate services (IT, library and management information)	30.6	1468
Totals	76.2	3694

Note:

The functions (a) to (n) are performed in the Family Court, but are not discrete functions. Rather, these functions tend to be a small or large part of jobs with other duties as well. The Court's record of expenditure does not go to that level of detail so it is impossible to provide actual figures. Accordingly, an estimate of the numbers of staff (FTE) and salary expenditure (base salary, excluding BTL, superannuation and accruals) based on position records at the two relevant dates, is provided. Estimated staff numbers have been allocated and/or aggregated to the nominated functional areas.

In terms of location, almost all corporate services functions in 1996 were performed at central office level (Sydney and Canberra) although some functions were performed at area office (Sydney, Melbourne) level and some functions equivalent to one person at each location were performed at registry level at Darwin, Townsville, Brisbane, Newcastle, Sydney, Parramatta, Canberra, Melbourne, Dandenong, Adelaide, Hobart. In the intervening period, the Sydney elements of central office have been relocated to Canberra and the Registry level functions removed to Area level. Accordingly, any comparison of staff numbers and expenditure based on location is not meaningful.

Federal Court of Australia

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Sydney	
a) human resources	2	119
b) property and office services	2	94
c) financial and accounting services	7	313
d) fleet management	-	-
e) occupational health and safety	refer a)	-
f) workplace and industrial relations	refer a)	-
g) parliamentary communications	refer l)	-
h) payroll	refer i)	-
i) personnel services	5	189
j) printing and photocopying	-	-
k) auditing	-	-
l) executive services	5	283
m) legal and fraud (for fraud refer c))	-	-
n) any other corporate services (communications, IT, library and training)	18	848
Totals	39	1846

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Sydney	
a) human resources	2.5	161
b) property and office services	2	103
c) financial and accounting services	8.5	402
d) fleet management	-	-
e) occupational health and safety	refer a)	-
f) workplace and industrial relations	refer a)	-
g) parliamentary communications	refer l)	-
h) payroll	refer i)	-
i) personnel services	3	110
j) printing and photocopying	-	-
k) auditing	-	-
l) executive services	5	336
m) legal and fraud (for fraud refer c))	-	-
n) any other corporate services (communications, IT, library and training)	24	1357
Totals	45	2469

Federal Magistrates Service

(i) 30 June 1996: Nil

(ii) 30 June 2000: Number of corporate services employees: 1

Annual Salary: \$40,277
 Location: Melbourne
 Function: executive services

High Court of Australia

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a) human resources	6	33
b) property and office services	1.6	50
c) financial and accounting services	4.0	172
d) fleet management	0.4	13
e) occupational health and safety	0.9	38
f) workplace and industrial relations	0.6	29
g) parliamentary communications	-	-
h) payroll	0.45	15
i) personnel services	1.1	38
j) printing and photocopying	-	-
k) auditing	-	-
l) executive services	3.0	99
m) legal and fraud (for fraud refer c)	0.1	6
n) any other corporate services	-	-
Totals	18.15	493

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a) human resources	4	16
b) property and office services	1.6	52
c) financial and accounting services	3.8	180
d) fleet management	0.4	13
e) occupational health and safety	0.8	38
f) workplace and industrial relations	0.5	28
g) parliamentary communications	-	-
h) payroll	0.2	8
i) personnel services	0.2	8
j) printing and photocopying	-	-
k) auditing	-	-
l) executive services	3.0	107
m) legal and fraud (for fraud refer c)	0.1	8
n) any other corporate services	-	-
Totals	14.6	458

Note:

1. The annual salaries amounts show only base salary and regular allowances in the nature of salary. Superannuation, overtime and HDA have been excluded.
2. As it is a small agency, often one person performs two or more of the functions specified in the question. In these instances, the split-up on a proportional basis has been estimated. In many cases, the figure shown for "no. of employees" is a composite of percentages of two or more positions.
3. As IR, OH&S, payroll and personnel services are each separately specified in the question, "human resources" function has been defined to mean services such as staff development and training, Industrial Democracy, Workplace Diversity, staff budgeting, etc.

Human Rights and Equal Opportunity Commission

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos		Total Annual Salary \$000			
	Canb	Syd	Bris	Hob	Dar	
a)-m) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud	0.3	18	2	0.3	0.3	905
n) any other corporate services - records management	-	4	1	-	-	159
Totals	0.3	22	3	0.3	0.3	1064

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos			Total Annual Salary \$000			
	Canb	Syd	Melb	Bris	Hob	Dar	
a)-m) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud	-	11	-	-	-	-	533
n) any other corporate services - records management	-	2	-	-	-	-	65
Totals	-	13	-	-	-	-	598

Insolvency and Trustee Service Australia

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos		Total Annual Salary (\$000)
	Canberra	Other States	
a) human resources	-	-	
b) property and office services	-	-	
c) financial and accounting services	2	6	
d) fleet management	Refer 1)	-	
e) occupational health and safety	-	-	
f) workplace and industrial relations	-	-	
g) parliamentary communications	-	-	
h) payroll	4.8	-	
i) personnel services	-	-	
j) printing and photocopying	-	-	
k) auditing	-	-	
l) executive services	-	4.5	
m) legal and fraud (for fraud refer c))	3	-	
n) any other corporate services	-	-	
Totals	9.8	10.5	834

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos		Total Annual Salary (\$000)
	Canberra	Other States	
a) human resources	-	-	
b) property and office services	-	-	
c) financial and accounting services	4	5	
d) fleet management	Refer l)	-	
e) occupational health and safety	-	-	
f) workplace and industrial relations	1	-	
g) parliamentary communications	-	-	
h) payroll	-	2.75	
i) personnel services	-	-	
j) printing and photocopying	-	-	
k) auditing	-	-	
l) executive services	-	4.75	
m) legal and fraud (for fraud refer c))	-	11	
n) any other corporate services	-	-	
Totals	5	23.5	1281

National Crime Authority

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos					Total Annual Salary (\$000)
	Adelaide	Brisbane	Melbourne	Sydney	Perth	
a) human resources	0.4	0.4	4.3	0.1	0.1	263
b) property and office services	0.9	0.3	1.7	2.9	0.7	232
c) financial and accounting services	0.2	1.1	7.3	4.3	1	522
d) fleet management	0.1	0.5	0.3	0.3	0.1	45
e) occupational health and safety	0.02	-	0.2	-	-	10
f) workplace and industrial relations	0.1	0.1	1.1	-	-	61
g) parliamentary communications	-	-	-	-	-	-
h) payroll	-	0.1	4	1	-	168
i) personnel services	-	-	-	-	-	-
j) printing and photocopying	0.1	-	0.2	5	-	156
k) auditing	-	0.1	-	-	-	5
l) executive services	0.6	-	1	-	0.8	79
m) legal and fraud (for fraud refer c))	-	-	-	-	-	-
n) any other corporate services	0.1	0.3	0.7	2	3.4	222
Totals	2.52	2.9	20.8	15.6	6.1	1763

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos					Total Annual Salary (\$000)
	Adelaide	Brisbane	Melbourne	Sydney	Perth	
a) human resources	0.2	0.1	9.3	1.1	0.3	584
b) property and office services	0.1	0.1	1.8	3.9	1.4	302
c) financial and accounting services	0.2	0.2	7.7	1.3	0.1	480
d) fleet management	0.1	0.1	0.8	0.3	0.1	53
e) occupational health and safety	0	-	0.2	-	0.1	19
f) workplace and industrial relations	0	0.1	1.1	-	-	64
g) parliamentary communications	0	-	-	-	0	1
h) payroll	-	-	2	-	-	81
i) personnel services	-	-	-	-	-	1
j) printing and photocopying	0.1	-	0.1	4.6	-	155
k) auditing	0	-	-	-	-	1
l) executive services	0.3	-	1	-	0.6	70
m) legal and fraud (for fraud refer c))	-	-	-	-	-	-
n) any other corporate services	-	-	2	2.4	1.4	259
Totals	1	0.6	26	13.6	4	2070

National Native Title Tribunal

(i) Number of full time equivalents – 30 June 1996

Question Category	Staffing Nos		Total Annual Salary (\$000)
	Perth	Other States	
a) human resources, e) occupational health and safety, f) workplace and industrial relations h) payroll i) personnel services	10	-	391
b) property and office services, d) fleet management	4	-	155
c) financial and accounting services	6	-	232
g) parliamentary communications	-	-	-
j) printing and photocopying	included in core business	-	-
k) auditing	-	-	-
l) executive services	2	-	144
m) legal and fraud (for fraud refer c))	-	-	-
n) any other corporate services (IT)	9	5	614
Totals	31	5	1536

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos		Total Annual Salary (\$000)
	Perth	Other States	
a) human resources, e) occupational health and safety, f) workplace and industrial relations h) payroll i) personnel services	12	-	516
b) property and office services, d) fleet management	4	-	183
c) financial and accounting services	5	-	226
g) parliamentary communications	-	-	-
j) printing and photocopying	included in core business	-	-
k) auditing	-	-	-
l) executive services	3	-	220
m) legal and fraud (for fraud refer c))	-	-	-
n) any other corporate services (IT)	3	8	582
Totals	27	8	1727

Note:

The total number of employees in the tribunal at 30/6/1996 was 139 and at 30 June 2000 was 215, an increase of 76 employees.

The tribunal also has corporate responsibility for Members who are Holders of Public Office appointed under the Native Title Act 1993 and not covered by the Public Service Act 1999. There were 19 Members at 30 June 1996 and 16 Members at 30 June 2000.

Office of Director of Public Prosecutions

Due to the small size of the DPP, it is not possible to break corporate services into distinct functional areas as each corporate services staff member has responsibility for a diverse range of functions.

The following is the number of staff in each locality and the corresponding annual salary costs for items (a) to (m). (n) relates to DPP specialist law libraries and has been shown separately.

(i) Number of full time equivalents - 30 June 1996

Question Category	Staffing Nos										Total Annual Salary (\$000)
	Canb	Syd	Melb	Bris	T'vll	Adel	Per	Hob	Dar		
a)-m) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud	21	9	13	5	1	2	3	-	-		2095
n) any other corporate services	5	5	3	3	-	2	2	-	-		883
Totals	26	14	16	8	1	4	5	-	-		2978

(ii) Number of full time equivalents – 30 June 2000

Question Category	Staffing Nos									Total Annual Salary (\$000)
	Canb	Syd	Melb	Bris	T'vll	Adel	Per	Hob	Dar	
a)-m) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud	17	6	7	4	1	2	3	1.5	1	1893
n) any other corporate services	4	4	3	3	-	2	2	1	-	912
Totals	21	10	10	7	1	4	5	2.5	1	2805

Office of Film and Literature Classification

Corporate services for the Office of Film and Literature Classification (OFLC) are located in Sydney. Estimated staff numbers and costs of the corporate service functions are given in the following table.

Question category	30-Jun-96		30-Jun-00	
	Number of staff	Salary (\$000)	Number of staff	Salary (\$000)
(a) human resources	0.50	26	1.20	77
(b) property and office services	1.20	39	1.40	53
(c) financial and accounting services	2.20	85	2.20	114
(d) fleet management	0.10	5	0.10	6
(e) occupational health and safety	0.15	8	0.15	9
(f) workplace and industrial relations	0.15	8	0.30	21
(g) parliamentary communications	0.05	3	0.05	4
(h) payroll	0.85	35	0.70	30
(i) personnel services	0.30	15	0.40	22
(j) printing and photocopying	0.05	1	0.05	2
(k) auditing	0.20	9	0.20	11
(l) executive services	1.00	40	1.00	3
(m) legal and fraud	0.15	8	0.15	8
(n) IT services	1.10	53	1.10	68
Totals	8.00	335	9.00	468

Office of Parliamentary Counsel

(i) Number of full time/part-time equivalents – 30 June 1996

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud, and any other corporate services	10	379
Totals	10	379

(ii) Number of full time/part-time equivalents – 30 June 2000

Question Category	Staffing Nos	Total Annual Salary (\$000)
	Canberra	
a)-n) human resources, property and office services, financial and accounting services, fleet management, occupational health and safety, workplace and industrial relations, parliamentary communications, payroll, personnel services, printing and photocopying, auditing, executive services, and legal and fraud, and any other corporate services	8	344
Totals	8	344

Note:

OPC operates a small administration area (corporate services) with staff performing functions across a range of services covered by (a) to (m) of the question but does not maintain records of resources consumed by each of the specified functional areas and a reliable estimate is not available.

**Civil Aviation Safety Authority: Domestic Passenger Carriers
(Question No. 2963)**

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 28 September 2000:

With reference to failures or accidents involving domestic passenger carriers in the past 2 years:

- (1) (a) How many such accidents have been reported to the Civil Aviation Safety Authority (CASA); and
 - (b) what did each involve.
- (2) In each case, what ministerial overview and/or action took place.
- (3) What involvement does the Government have in scrutinising the response of CASA to accidents or failures affecting such flights.
- (4) What changes, if any, has the Government made to CASA's procedures involving the carriers.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

The Australian Transport Safety Bureau (ATSB) and the Civil Aviation Safety Authority (CASA) have provided the following advice:

1(a) & (b)—

As a general rule, accidents are reported to the ATSB, rather than CASA. The ATSB does however advise CASA as soon as possible, in accordance with an MOU between the two agencies, of any accident or serious incident notified to the ATSB.

In accordance with sections 19BA and 19BC of the Air Navigation Act 1920, the ATSB's Director of Air Safety Investigation must be notified of all accidents, serious incidents or incidents involving civil aircraft operations in Australia or Australian aircraft outside Australia. Aviation occurrences are required to be reported immediately for accidents and serious incidents and within 48 hours for other incidents.

Under Section 19HA(3) of the Act, the ATSB is restricted from releasing information on individual operators. The release of such information could discourage the full reporting of occurrences and thereby have an adverse consequence on aviation safety. However, more general information can be provided. The total number of accidents and incidents involving regular public transport (RPT) operations, reported to the ATSB in the last two years, are as follows:

		1998	1999
Accidents		3	11
Incidents		1937	2324
Total	Occur- rences	1940	2335

Source: ATSB Annual Review 2000

Further information on accident and incident rates for RPT operations and other categories is available, either from the ATSB Annual Review 2000 or the ATSB's website (www.atsb.gov.au).

2. & 3—

The Government's policy on aviation safety reform "A Measured Approach to Aviation Safety Reform", spells out the Government's priorities in this area. The policy outlines the reforms that are intended to simplify air safety laws, decrease the number of accidents and incidents, and reduce the cost of air traffic services. An important element of the policy is the Government's measured approach towards reforming CASA, Airservices Australia and the regulations that underpin air safety in Australia. Of particular relevance in this regard is the Government's view is that CASA's regulatory efforts should focus on protecting fare paying passengers.

The activities of CASA and Airservices are supplemented by ATSB, which is an independent investigative agency within the portfolio of the Minister for Transport and Regional Services. The Minister, quite appropriately, does not have any direct involvement in accident investigations.

However, occurrences advised to the ATSB with significant safety implications or that are likely to attract considerable interest are notified to the Executive of the Department of Transport and Regional Services and the Minister. The Minister also receives a copy of all ATSB's high profile investigation reports which are generally those that raise significant safety issues.

The ATSB informs relevant organisations of its safety recommendations. Responses to the safety recommendations are published by the ATSB in the Quarterly Safety Deficiency Reports.

4. The Minister's policy statement issued in November 1999, "A Measured Approach to Aviation Safety Reform", has resulted in organisational reforms that impact on the regulation of the domestic carriers. It should also be noted that the Government announced as part of the 1999-2000 Budget an increase in revenue of \$8.6 million per annum for CASA.

The increased funding has contributed to a major restructure, which will centralise critical enforcement decisions such as suspensions, cancellations and prosecutions. This will guarantee that pilots and aviation companies are treated in the same fair way no matter where they are in Australia.

CASA has also made some important changes within its organisation. In particular, CASA has introduced a new systemic approach to auditing high capacity carriers, and it is intended that this approach be extended to low capacity and general aviation operators. This takes a more comprehensive approach than previously and is based on an analysis of risk, which enables CASA to direct its surveillance resources to where it is needed.

CASA has also undertaken a number of additional audits on some air operators to ensure they continue to meet the safety and maintenance standards required by CASA.

On 2 July 2000 CASA announced that a total of 12 new staff were to be hired to audit and check on major domestic and international airlines operating across Australia. Four of the new staff are to form a team that will focus on the surveillance of foreign airlines operating into Australia. CASA has been carrying out this work in the past but has been forced to divert resources from the oversight of Australian airlines, a practice the new team will eliminate. The new arrangements are expected to improve the level of safety auditing and checking CASA can carry out on the major passenger airlines, which is particularly important given the entry of two new airlines into the domestic market. CASA will ensure these new entrants maintain high safety standards while it continues the auditing and checking work that is carried out on Qantas, Ansett and the major regional airlines.

This decision reflects the Minister's expectation that CASA ensures airline safety surveillance is maintained at high levels. The Government has supported CASA in its endeavours to enhance the surveillance of all Regular Public Transport (RPT) operators, including high capacity RPT operators.

**Department of Agriculture, Fisheries and Forestry: Programs and Grants to the
Richmond Electorate
(Question No. 3000)**

Senator Mackay asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Richmond.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) During the period 1996-97 to 1999-2000 AFFA administered the following programs/grants within the federal electorate of Richmond (Note – not all programs/grants were available in all of these years):
 - The National Landcare Program and National Rivercare Program through the Natural Heritage Trust One Stop Shop.
 - The Farm Forestry Program (FFP) through the Wood and Paper Industry Strategy (WAPIS) provided support to regional plantations communities, which focus on planning and coordination activity. This included Farm Forestry 2000 and the Establishment of a North Coast Regional Plantation Committee and Employment of a Plantation Development Officer. The program concluded 30 June 2000 with some projects carried over to 2001.
 - The Regional Forest Agreement (RFA) Participation and Awareness Grants program facilitated the participation of stakeholders in the RFA process through the provision of grants to fund communication, information dissemination and awareness raising activities by stakeholders. The grants were funded jointly by AFFA and Environment Australia.
 - Forest Industry Structural Adjustment Program (FISAP) provides assistance to native forest industry business and to workers involved in the native timber industry to adjust to changes in the available resource as a result of Regional Forest Agreements
 - The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.
 - The Rural GST Start-Up Assistance Program was established in 1999-2000 to develop farmer education and understanding of the GST.

In addition the Commonwealth government provided funding to help the NSW sugar industry, which is primarily based in the electorates of Richmond and Page, develop a better export focus in light of reduced returns on the domestic market emanating from the removal of the sugar import tariff. The funding was used as a contribution to the construction of a multi-purpose bulk storage and ship loading facility.

Commonwealth funding was also provided under the NSW component of the Sugar Industry Infrastructure Program. The funding was used for payments towards the construction of a co-generation facility for production of 'green power' and the construction of a bridge at Broadwater. The NSW Government provided matching funding for these two projects.

Other programs are administered on a state/national basis and were available to people living in the electorate of Richmond. Electorate levels of funding for these programs/grants are not available and figures provided in (2) and (3) are at the state/national level. These included:

- The former Agribusiness Program, which provided grants to improve the international competitiveness of Australian agricultural and related industries. Approval of new projects ceased in 1995-96 but some remaining grant payments were made in 1996-97, the last year in which grant payments were made from the program.
- Funding approved under the Commonwealth Dairy Industry Adjustment Package is available from 2000-2001. The Package comprises three separate programs:
 - Dairy Structural Adjustment Program - a \$1.63 billion program designed to provide adjustment assistance to dairy farmers to successfully address the transition to a deregulated market;
 - Dairy Exit Program - a \$30 million program to allow farmers who choose to leave their farms and agriculture to do so with financial support; and
 - Dairy Regional Assistance Program - a \$45 million program to assist dairy dependent communities.
- The Farm Help – Supporting Families through Change (formerly known as Farm Family Restart Scheme) program provides income support, professional advice and re-establishment assistance. The Farm Help scheme is available to all eligible farmers on a national basis. Information on Farm Help is not available on an electorate basis. Farm Help funds are not allocated on a regional or state basis. Funds are provided to farm families that have been approved for assistance regardless of their location.
- The FarmBis Program provides funds to primary producers for training to improve their business management skills. FarmBis funding is not allocated on a regional basis or by electorates.
- The National Non-Government Women's Organisation grants program is not allocated on a regional or state basis or by electorates. A total of \$100,000 per annum was appropriated for three years; 1998-99, 1999-2000 and 2000-2001 to be allocated to national non-government women's organisations who are specifically concerned with agriculture, fisheries, forestry and natural resource management. For the years 1998-99 and 1999-2000 actual total expenditure of \$200,000 has been fully allocated and dispersed in accordance with the specific selection criteria. To date the 2000-2001 appropriation has been allocated but not fully spent. First instalments are in process. Recipient organisations have been Australian Women in Agriculture, Foundation for Australian Agricultural Women and Women's Industry Network- Seafood Community. All have a broad geographic coverage including women from all States and Territories.
- The Farm Management Deposits (FMD) scheme came into effect in April 1999 and is available to all eligible primary producers in Australia. It provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The scheme is administered by authorised deposit taking institutions and information on the utilisation of the scheme is not available on an electorate basis.

The level of funding is not applicable. FMDs are not "grants". FMDs are a "cost to revenue" for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits. Similar arrangements applied to the FMD scheme's Government-operated predecessors, the Income Equalisation Deposit and Farm Management Bond schemes, which operated until 31 December 1999.
- The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.

- (2) Funding approvals through the Natural Heritage Trust One Stop Shop programs administered by AFFA in the federal electorate of Richmond amounted to \$0.23 million, \$0.07 million and \$0.12 million for 1996-97, 1997-98 and 1998-99 respectively.

The actual funding under WAPIS amounted to \$100,500 in 1996-97, \$250,000 in 1997-98 and \$175,000 in 1998-99 for two regional projects operating across the Richmond and Page electorates. The RFA Participation and Awareness Grants program provided actual funding of \$1,850 in 1998-99 to the electorate of Richmond.

Actual funding for the electorate of Richmond under the Rural Communities Program totalled \$96,448 in 1996-97, \$143,365 in 1997-98 and \$149,476 in 1998-99. It should be noted that services provided under the Rural Communities Program for this region cover not only the Richmond electorate, but also the electorates of Cowper and Page.

Actual funding of \$1 million was provided in 1998-99 to the NSW sugar industry to develop a better export focus.

Actual funding of \$17,310 was paid from the Agribusiness Program to the electorate of Richmond in 1996-97.

Farm Help (formerly Farm Family Restart Scheme) commenced on 1 December 1997, therefore no expenditure was recorded for the 1996-97 financial year. However, actual expenditure in NSW on Farm Help during 1997-98 was \$4.2 million and in 1998-99 was \$9.7 million.

FarmBis actual funding to New South Wales was \$1.19 million in 1998-99.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1998-99 under FarmBis.

- (3) Funding of \$0.11 million has been approved through the Natural Heritage Trust One Stop Shop for programs administered by AFFA in the federal electorate of Richmond in 1999-2000.

The actual funding under WAPIS amounted to \$12,500 in 1999-2000 for one project operating across the Richmond and Page electorates.

No specific amounts are appropriated to individual electorates under FISAP. Of the total FISAP appropriation, about \$60 million has been allocated to a jointly funded FISAP with the NSW Government. In 1999-2000 the Commonwealth approved funding of \$61,200 in Business Exit Assistance in the electorate of Richmond.

Actual funding for the electorate of Richmond under the Rural Communities Program totalled \$149,476 in 1999-2000. It should be noted that services provided under the Rural Communities Program for this region cover not only the Richmond electorate, but also the electorates of Cowper and Page.

Actual funding of \$30,656 was provided under the Rural GST Start-Up Assistance Program for 9 seminars and workshops in the Richmond electorate in 1999-2000. It should be noted that while the Program is administered by AFFA, the funding is from the GST Start-Up Assistance Office, not from AFFA appropriations.

Actual funding of \$944,500 was provided in 1999-2000 to complete Commonwealth funding under the NSW component of the Sugar Industry Infrastructure Program.

Actual expenditure in NSW on Farm Help in 1999-2000 totalled \$5.6 million.

FarmBis actual funding to New South Wales was \$1.02 million in 1999-2000.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1999-2000 under FarmBis.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Cowper Electorate

(Question No. 3012)

Senator Mackay asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Cowper.

- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) During the period 1996-97 to 1999-2000 AFFA administered the following programs/grants within the federal electorate of Cowper (Note – not all programs/grants were available in all of these years):
 - The National Landcare Program, National Rivercare Program and Farm Forestry Program through the Natural Heritage Trust One Stop Shop.
 - The Farm Forestry Program (FFP) through the Wood and Paper Industry Strategy (WAPIS) provides support to regional plantations communities, which focus on planning and coordination activity. This included the Dorrigo Farm Forestry Project, the Mid-North Coast and Lower Hunter Regional plantation Committee and the Establishment of North Coast Regional Plantation Committee and Employment of a Plantation Development Officer. The program concluded 30 June 2000 with some projects carried over to 2001.
 - The Regional Forest Agreement (RFA) Participation and Awareness Grants program facilitated the participation of stakeholders in the RFA process through the provision of grants to fund communication, information dissemination and awareness raising activities by stakeholders. The grants were funded jointly by AFFA and Environment Australia.
 - Forest Industry Structural Adjustment Program (FISAP) provides assistance to native forest industry business and to workers involved in the native timber industry to adjust to changes in the available resource as a result of Regional Forest Agreements
 - The Pork Producer Exit Program (PPEP) provided financial assistance for non-viable pork producers to exit the industry. The program concluded on 30 June 2000.
 - The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.
 - The Rural GST Start-Up Assistance Program was established in 1999-2000 to develop farmer education and understanding of the GST.

Other programs are administered on a state/national basis and were available to people living in the electorate of Cowper. Electorate levels of funding for these programs/grants are not available and figures provided in (2) and (3) are at the state/national level. These included:

- Funding approved under the Commonwealth Dairy Industry Adjustment Package is available from 2000-2001. The Package comprises three separate programs:
 - Dairy Structural Adjustment Program - a \$1.63 billion program designed to provide adjustment assistance to dairy farmers to successfully address the transition to a deregulated market;
 - Dairy Exit Program - a \$30 million program to allow farmers who choose to leave their farms and agriculture to do so with financial support; and
 - Dairy Regional Assistance Program - a \$45 million program to assist dairy dependent communities.
- The Farm Help – Supporting Families through Change (formerly known as Farm Family Restart Scheme) program provides income support, professional advice and re-establishment assistance. The Farm Help scheme is available to all eligible farmers on a national basis. Information on Farm Help is not available on an electorate basis. Farm Help funds are not allocated on a regional or state basis. Funds are provided to farm families that have been approved for assistance regardless of their location.
- The FarmBis Program provides funds to primary producers for training to improve their business management skills. FarmBis funding is not allocated on a regional basis or by electorates.
- The National Non-Government Women's Organisation grants program is not allocated on a regional or state basis or by electorates. A total of \$100,000 per annum was appropriated for

three years; 1998-99, 1999-2000 and 2000-2001 to be allocated to national non-government women's organisations who are specifically concerned with agriculture, fisheries, forestry and natural resource management. For the years 1998-99 and 1999-2000 actual total expenditure of \$200,000 has been fully allocated and dispersed in accordance with the specific selection criteria. To date the 2000-2001 appropriation has been allocated but not fully spent. First instalments are in process. Recipient organisations have been Australian Women in Agriculture, Foundation for Australian Agricultural Women and Women's Industry Network- Seafood Community. All have a broad geographic coverage including women from all States and Territories.

- The Farm Management Deposits (FMD) scheme came into effect in April 1999 and is available to all eligible primary producers in Australia. It provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The scheme is administered by authorised deposit taking institutions and information on the utilisation of the scheme is not available on an electorate basis.
 - The level of funding is not applicable. FMDs are not "grants". FMDs are a "cost to revenue" for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits. Similar arrangements applied to the FMD scheme's Government-operated predecessors, the Income Equalisation Deposit and Farm Management Bond schemes, which operated until 31 December 1999.
 - The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.
- (2) Funding approvals through the Natural Heritage Trust One Stop Shop programs administered by AFFA in the federal electorate of Cowper amounted to \$0.43 million, \$0.44 million and \$0.52 million for 1996-97, 1997-98 and 1998-99 respectively.

The actual funding under WAPIS amounted to \$85,000 in 1996-97, \$212,000 in 1997-98 and \$147,000 in 1998-99. One of the projects extends to the Hunter region.

The NSW Department of Information Technology and Management (DITM) administers FISAP in NSW on behalf of the Commonwealth. Because of the staged nature of payments, DITM cannot easily provide figures for actual expenditure for electorates on a financial year basis. Approved FISAP funding amounted to:

1996-97 \$706,500 for Business Exit Assistance.

1997-98 \$250,510 for Business Exit Assistance and \$212,420 for Industry Development Assistance.

\$27,500 for Business Exit Assistance.

Notes: (i) The figures quoted above are for payments approved in each financial year to businesses in the electorate. Some of the payments may not have been made until future financial years.

(ii) The Commonwealth also paid relocation and retraining assistance to ex forest industry workers under the Worker Assistance element of FISAP. However, figures are not available by electorate.

The RFA Participation and Awareness Grants program provided actual funding of \$5,000 in 1996-97, \$2,500 in 1997-98 and \$7,000 in 1998-99 to the electorate of Cowper.

Actual funding for the electorate of Cowper under the Rural Communities Program totalled \$96,448 in 1996-97, \$143,365 in 1997-98 and \$149,476 in 1998-99. It should be noted that services provided under the Rural Communities Program for this region cover not only the Cowper electorate, but also the electorates of Richmond and Page.

Farm Help (formerly Farm Family Restart Scheme) commenced on 1 December 1997, therefore no expenditure was recorded for the 1996-97 financial year. However, actual expenditure in NSW on Farm Help during 1997-98 was \$4.2 million and in 1998-99 was \$9.7 million.

FarmBis actual funding to New South Wales was \$1.19 million in 1998-99.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1998-99 under FarmBis.

- (3) Funding of \$0.40 million has been approved through the Natural Heritage Trust One Stop Shop for programs administered by AFFA in the federal electorate of Cowper in 1999-2000.

Under FISAP no specific amounts are appropriated to individual electorates. Of the total FISAP appropriation, about \$60 million has been allocated to a jointly funded FISAP with the NSW Government. In 1999-2000 the Commonwealth approved funding of \$74,920 in Business Exit Assistance in the electorate of Cowper.

The Pork Producer Exit Program provided actual funding of \$41,744 in the 1999-2000 financial year.

Actual funding for the electorate of Cowper under the Rural Communities Program totalled \$149,476 in 1999-2000. It should be noted that services provided under the Rural Communities Program for this region cover not only the Cowper electorate, but also the electorates of Richmond and Page.

Actual funding of \$54,522 was provided under the Rural GST Start-Up Assistance Program for 16 seminars and workshops in the Cowper electorate in 1999-2000. It should be noted that while the Program is administered by AFFA, the funding is from the GST Start-Up Assistance Office, not from AFFA appropriations.

Actual expenditure in NSW on Farm Help in 1999-2000 totalled \$5.6 million.

FarmBis actual funding to New South Wales was \$1.02 million in 1999-2000.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1999-2000 under FarmBis.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Page Electorate

(Question No. 3024)

Senator Mackay asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Page.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The Minister for Agriculture Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) During the period 1996-97 to 1999-2000 AFFA administered the following programs/grants within the federal electorate of Page (Note – not all programs/grants were available in all of these years):
 - The programs are the National Landcare Program, National Rivercare Program and Farm Forestry Program through the Natural Heritage Trust One Stop Shop.
 - The Farm Forestry Program (FFP) through the Wood and Paper Industry Strategy (WAPIS) provides support to regional plantations communities, which focus on planning and coordination activity. This included the Dorrigo Farm Forestry Project, the establishment of North Coast Regional Plantation Committee, employment of a Plantation Development Officer, Farm Forestry 2000 and the Upper Clarence Farm Forestry Project. The program concluded 30 June 2000 with some projects carried over to 2001.
 - The Regional Forest Agreement (RFA) Participation and Awareness Grants program facilitated the participation of stakeholders in the RFA process through the provision of grants to fund communication, information dissemination and awareness raising activities by stakeholders. The grants were funded jointly by AFFA and Environment Australia.

- Forest Industry Structural Adjustment Program (FISAP) provides assistance to native forest industry business and to workers involved in the native timber industry to adjust to changes in the available resource as a result of Regional Forest Agreements
- The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.
- The Rural GST Start-Up Assistance Program was established in 1999-2000 to develop farmer education and understanding of the GST.

In addition the Commonwealth provided funding to help the NSW sugar industry, which is primarily based in the electorates of Richmond and Page, develop a better export focus in light of reduced returns on the domestic market emanating from the removal of the sugar import tariff. The funding was used as a contribution to the construction of a multi-purpose bulk storage and ship loading facility.

Commonwealth funding was also provided under the NSW component of the Sugar Industry Infrastructure Program. The funding was used for payments towards the construction of a co-generation facility for production of 'green power' and the construction of a bridge at Broadwater. The NSW Government provided matching funding for these two projects.

Other programs are administered on a state/national basis and were available to people living in the electorate of Page. Electorate levels of funding for these programs/grants are not available and figures provided in (2) and (3) are at the state/national level. These included:

- The former Agribusiness Program, which provided grants to improve the international competitiveness of Australian agricultural and related industries. Approval of new projects ceased in 1995-96 but some remaining grant payments were made in 1996-97, the last year in which grant payments were made from the program.
- Funding approved under the Commonwealth Dairy Industry Adjustment Package is available from 2000-2001. The Package comprises three separate programs:
 - Dairy Structural Adjustment Program - a \$1.63 billion program designed to provide adjustment assistance to dairy farmers to successfully address the transition to a deregulated market;
 - Dairy Exit Program - a \$30 million program to allow farmers who choose to leave their farms and agriculture to do so with financial support; and
 - Dairy Regional Assistance Program - a \$45 million program to assist dairy dependent communities.
- The Farm Help – Supporting Families through Change (formerly known as Farm Family Restart Scheme) program provides income support, professional advice and re-establishment assistance. The Farm Help scheme is available to all eligible farmers on a national basis. Information on Farm Help is not available on an electorate basis. Farm Help funds are not allocated on a regional or state basis. Funds are provided to farm families that have been approved for assistance regardless of their location.
 - The FarmBis Program provides funds to primary producers for training to improve their business management skills. FarmBis funding is not allocated on a regional basis or by electorates.
- The National Non-Government Women's Organisation grants program is not allocated on a regional or state basis or by electorates. A total of \$100,000 per annum was appropriated for three years; 1998-99, 1999-2000 and 2000-2001 to be allocated to national non-government women's organisations who are specifically concerned with agriculture, fisheries, forestry and natural resource management. For the years 1998-99 and 1999-2000 actual total expenditure of \$200,000 has been fully allocated and dispersed in accordance with the specific selection criteria. To date the 2000-2001 appropriation has been allocated but not fully spent. First instalments are in process. Recipient organisations have been Australian Women in Agriculture, Foundation for Australian Agricultural Women and Women's Industry Network- Seafood Community. All have a broad geographic coverage including women from all States and Territories.

- The Farm Management Deposits (FMD) scheme came into effect in April 1999 and is available to all eligible primary producers in Australia. It provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The scheme is administered by authorised deposit taking institutions and information on the utilisation of the scheme is not available on an electorate basis.
The level of funding is not applicable. FMDs are not "grants". FMDs are a "cost to revenue" for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits. Similar arrangements applied to the FMD scheme's Government-operated predecessors, the Income Equalisation Deposit and Farm Management Bond schemes, which operated until 31 December 1999.
 - The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.
- (2) Funding approval through the Natural Heritage Trust One Stop Shop programs administered by AFFA in the federal electorate of Page amounted to \$1.16 million, \$0.46 million and \$0.77 million for 1996-97, 1997-98 and 1998-99 respectively.
- The actual funding under WAPIS amounted to \$186,000 in 1996-97, \$376,000 in 1997-98 and \$248,500 in 1998-99. Two of the projects operate across the Page and Richmond electorates.
- The RFA Participation and Awareness Grants program provided actual funding of \$10,000 in 1997-98 and \$14,500 in 1998-99 to the electorate of Page.
- The NSW Department of Information Technology and Management (DITM) administers FISAP in NSW on behalf of the Commonwealth. Because of the staged nature of payments, DITM cannot easily provide figures for actual expenditure for electorates on a financial year basis. Approved FISAP funding amounted to:
- 1996-97 \$261,882 for Industry Development Assistance.
 - 1997-98 \$2,006,493 for Business Exit Assistance and \$250,000 for Industry Development Assistance.
 - \$308,600 for Business Exit Assistance.
- Notes: (i) The figures quoted above are for payments approved in each financial year to businesses in the electorate. Some of the payments may not have been made until future financial years.
- (ii) The Commonwealth also paid relocation and retraining assistance to ex forest industry workers under the Worker Assistance element of FISAP. However, figures are not available by electorate.
- Actual funding for the electorate of Page under the Rural Communities Program totalled \$96,448 in 1996-97, \$143,365 in 1997-98 and \$149,476 in 1998-99. It should be noted that services provided under the Rural Communities Program for this region cover not only the Page electorate, but also the electorates of Richmond and Cowper.
- Actual funding of \$1 million was provided in 1998-99 to the NSW sugar industry to develop a better export focus.
- Actual funding of \$9,550 was paid from the Agribusiness Program to the electorate of Page in 1996-97.
- Farm Help (formerly Farm Family Restart Scheme) commenced on 1 December 1997, therefore no expenditure was recorded for the 1996-97 financial year. However, actual expenditure in NSW on Farm Help during 1997-98 was \$4.2 million and in 1998-99 was \$9.7 million.
- FarmBis actual funding to New South Wales was \$1.19 million in 1998-99.
- The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1998-99 under FarmBis.
- (3) Funding of \$0.37 million has been approved through the Natural Heritage Trust One Stop Shop for programs administered by AFFA in the federal electorate of Page in 1999-2000.

The actual funding under WAPIS amounted to \$12,500 in 1999-2000 for one project operating across the Richmond and Page electorates.

No specific amounts are appropriated to individual electorates. Of the total FISAP appropriation, about \$60 million has been allocated to a jointly funded FISAP with the NSW Government. In 1999-2000 the Commonwealth approved funding of \$74,500 in Business Exit Assistance in the electorate of Page.

Actual funding for the electorate of Page under the Rural Communities Program totalled \$149,476 in 1999-2000. It should be noted that services provided under the Rural Communities Program for this region cover not only the Page electorate, but also the electorates of Richmond and Cowper.

Actual funding of \$105,691 was provided under the Rural GST Start-Up Assistance Program for 31 seminars and workshops in the Page electorate in 1999-2000. It is should be noted that while the Program is administered by AFFA, the funding is from the GST Start-Up Assistance Office, not from AFFA appropriations.

Actual funding of \$944,500 was provided in 1999-2000 to complete Commonwealth funding under the NSW component of the Sugar Industry Infrastructure Program.

Actual expenditure in NSW on Farm Help in 1999-2000 totalled \$5.6 million.

FarmBis actual funding to New South Wales was \$1.02 million in 1999-2000.

The National Non-Government Women's Organsition grants program was a three year program with actual funding of \$100,000 in 1999-2000 under FarmBis.

Department of Transport and Regional Services: Programs and Grants to the Bass Electorate

(Questions Nos 3028 and 3037)

Senator Mackay asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 5 October 2000; and the Minister for Regional Services, Territories and Local Government, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Bass.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through these programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Ian Macdonald— The answers to the honourable senator's questions are as follows:

- (1) Rural Communities Program and Rural Plan
 Local Government Financial Assistance Grants
 Rural Transaction Centres Programme
 Rebuilding Regional Australia Initiative
 Local Government Development Programme
 Local Government Incentive Programme
 Regional Development Programme
 Regional Development Infrastructure Projects Program
 Rail Reform Transition Program
 Regional Flood Mitigation Programme
 The Federal Road Safety Black Spot Program
 National Highway Program
 Tasmanian Freight Equalisation Scheme
 Bass Strait Passenger Vehicle Equalisation Scheme
 Airport Tower Subsidy

Telstra Social Bonus

(2) Rural Communities Program and Rural Plan

1996-1997 Not applicable.

1997-1998 Not applicable.

1998-1999 Rural Communities Program = \$144,750.

Local Government Financial Assistance Grants

Local Government Financial Assistance Grants to the electorate of Bass for 1996-1997, 1997-1998 and 1998-1999.

Council Name	Financial Year	General Purpose Funding (\$)	Roads Funding (\$)	Total (\$)
Dorset	1996-1997	777,498	983,707	1,761,205
	1997-1998	767,139	1,009,005	1,776,144
	1998-1999	771,949	1,057,763	1,829,712
Flinders	1996-1997	336,895	353,991	690,886
	1997-1998	337,618	351,952	689,570
	1998-1999	347,187	357,338	704,525
George Town	1996-1997	407,734	369,267	777,001
	1997-1998	479,093	357,262	836,355
	1998-1999	549,143	353,407	902,550
Launceston	1996-1997	1,650,899	1,350,946	3,001,845
	1997-1998	1,398,242	1,397,625	2,795,867
	1998-1999	1,443,283	1,491,215	2,934,498
Meander Valley p	1996-1997	934,498	1,037,938	1,972,436
	1997-1998	962,214	1,026,743	1,988,957
	1998-1999	1,039,944	1,056,959	2,096,903
West Tamar p	1996-1997	1,002,715	597,638	1,600,353
	1997-1998	1,004,067	546,561	1,550,628
	1998-1999	1,023,665	510,768	1,534,433

p - Municipal boundary falls in more than one electorate.

Rural Transaction Centres Programme

Not Applicable.

Rebuilding Regional Australia Initiative

Inveresk Railyards Redevelopment

1996-1997 \$1,641,728.

1997-1998 \$3,435,793.

1998-1999 \$1,659,213.

Local Government Development Programme

North Esk River Weir Project

1996-1997 Nil

1997-1998 Nil

1998-1999 \$30,000.

Local Government Incentive Programme

1996-1997 Nil

1997-1998 Nil

1998-1999 Nil

Regional Development Programme

Tasmanian Regional Development Organisation (TasRDO)

The electorate of Bass forms only part of the area covered by the former TasRDO. TasRDO covered the whole of Tasmania. Consequently only a proportion of the below RDO funding could be attributed to the electorate.

Structures

1996-1997 \$182,000.

1997-1998 \$78,000.

1998-1999 Nil.

Regional Development Infrastructure Projects Program

1996-1997 \$693,000.

1997-1998 \$1,000,000.

1998-1999 Nil.

Rail Reform Transition Program (RRTP)

All funding was provided in the years 1996-1997 and 1997-1998, and the projects funded provided for job numbers in excess of the total job losses as a result of the sale of Australian National. The electorate of Bass forms only part of the Tasmanian RRTP allocation of funding. Consequently only a proportion of RRTP funding could be attributed directly to the electorate.

1996-1997 \$Nil.

1997-1998 \$1,215,400.

1998-1999 \$141,600.

Regional Flood Mitigation Programme

Nil. The first year of funding for the Programme was 1999-2000.

The Federal Road Safety Black Spot Program

1996-1997 \$200,000.

1997-1998 \$80,000.

1998-1999 \$408,000.

National Highway Program

A small section of the National Highway in Tasmania passes through the electorate of Bass. There were no construction projects on the National Highway in Bass in the financial years specified.

The Commonwealth also funds maintenance and minor works on the National Highway and a proportion of the funds for these purposes would have been spent on the National Highway in Bass. However, it is not possible to identify what level of funding was provided in a specific electorate.

Tasmanian Freight Equalisation Scheme

The Department of Transport and Regional Services administers the Tasmanian Freight Equalisation Scheme that is of particular significance to Tasmanians generally. Information on assistance by electorate is not available.

1996-1997 \$41,200,000.

1997-1998 \$41,400,000.

1998-1999 \$41,800,000.

Bass Strait Passenger Vehicle Equalisation Scheme

The Department of Transport and Regional Services administers the Bass Strait Passenger Vehicle Equalisation Scheme that is of particular significance to Tasmanians generally. Information on assistance by electorate is not available.

1996-1997 \$8,400,000.

1997-1998 \$12,900,000.

1998-1999 \$14,400,000.

Airport Tower Subsidy

1996-1997 Nil.

1997-1998 Nil.

1998-1999 Nil.

Telstra Social Bonus

Not applicable.

(3) Rural Communities Program and Rural Plan

Rural Communities Program = \$142,880.

Local Government Financial Assistance Grants

Council Name	General Purpose Funding (\$)	Roads Funding (\$)	Total (\$)
Dorset	799,683	1,081,580	1,881,263
Flinders	368,618	364,464	733,082
George Town	556,004	363,115	919,119
Launceston	1,541,259	1,535,299	3,076,558
Meander Valley p	1,050,417	1,086,233	2,136,650
West Tamar p	1,015,921	530,360	1,546,281

p - Municipal boundary falls in more than one electorate.

Rural Transaction Centres Programme

Cape Barron Island – Cape Barron Islanders Community Association Inc. received \$4,000 to prepare a business plan to assess the feasibility of establishing a Rural Transaction Centre on Cape Barron Island.

Rebuilding Regional Australia Initiative

Inveresk Railyards Redevelopment

\$263,266.

Local Government Development Programme

Dorset and Break O'Day Councils Development Project

\$93,880.

Local Government Incentive Programme

\$125,000 was provided to the Local Government Association of Tasmania to assist councils, including those in the Bass electorate, to prepare for the Goods and Services Tax.

Regional Development Programme

Nil.

Regional Development Infrastructure Projects Program

Nil.

Rail Reform Transition Program

Nil.

Regional Flood Mitigation Programme

Launceston Flood Gates - \$33,000.

Launceston Town Point Stabilisation - \$10,150.

Launceston Scottsdale Levee Stabilisation - \$5,000.

The Federal Road Safety Black Spot Program

\$4,000.

National Highway Program

A small section of the National Highway in Tasmania passes through the electorate of Bass. There were no construction projects on the National Highway in Bass in the financial years specified.

The Commonwealth also funds maintenance and minor works on the National Highway and a proportion of the funds for these purposes would have been spent on the National Highway in Bass. However, it is not possible to identify what level of funding was provided in a specific electorate.

Tasmanian Freight Equalisation Scheme

The Department of Transport and Regional Services administers the Tasmanian Freight Equalisation Scheme that is of particular significance to Tasmanians generally. Information on assistance by electorate is not available.

\$61,200.

Bass Strait Passenger Vehicle Equalisation Scheme

The Department of Transport and Regional Services administers the Bass Strait Passenger Vehicle Equalisation Scheme that is of particular significance to Tasmanians generally. Information on assistance by electorate is not available.

\$13,100.

Airport Tower Subsidy

1999-2000 Launceston control tower - \$696,000.

Telstra Social Bonus

Runway Sealing Flinders Island –

1999-2000 \$200,000.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Bass Electorate

(Question No. 3036)

Senator Mackay asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Bass.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) During the period 1996-97 to 1999-2000 AFFA administered the following programs/grants within the federal electorate of Bass (Note – not all programs/grants were available in all of these years):
 - The National Landcare Program, National Rivercare Program and Fisheries Action Program through the Natural Heritage Trust One Stop Shop.
 - The AFFA component of the Natural Heritage Trust's National Feral Animal Control Program provided funding to the Tasmanian Parks and Wildlife Service in Launceston to develop and promote property-based wildlife management plans.

- The Farm Forestry Program (FFP) through the Wood and Paper Industry Strategy (WAPIS) provides support to regional plantations communities, which focus on planning and coordination activity. This included the 2000x2000 Radiata Pine Program, the Drier Tasmania Plantation Demonstration Areas, Special Species Timber Demonstration Sites and the North East and Southern Timber Growers Co-operatives. The program concluded 30 June 2000 with some projects carried over to 2001. Funding was provided to projects, which operated across Tasmania and serviced the Bass electorate.
- The Regional Forest Agreement (RFA) Participation and Awareness Grants program facilitated the participation of stakeholders in the RFA process through the provision of grants to fund communication, information dissemination and awareness raising activities by stakeholders. The grants were funded jointly by AFFA and Environment Australia.
- The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.
- Funding has been provided under the Rural GST Start-Up Assistance Program for seminars and The Rural GST Start-Up Assistance Program was established in 1999-2000 to develop farmer education and understanding of the GST.
- The Exceptional Circumstances Relief Payment (ECRP) assists farm families in exceptional circumstances (EC) areas who are experiencing difficulties meeting personal living expenses. The ECRP is currently available to farmers on Flinders Island in the electorate of Bass. Flinders Island was declared in drought EC on 8 April 1998.
- The New Industries Development Programme is a national program, which provides grants to enhance the capability of Australian agribusiness in commercialising new agribusiness products, services and technology.

Other programs are administered on a state/national basis and were available to people living in the electorate of Bass. Electorate levels of funding for these programs/grants are not available and figures provided in (2) and (3) are at the state/national level. These included:

- The former Agribusiness Program, which provided grants to improve the international competitiveness of Australian agricultural and related industries. Approval of new projects ceased in 1995-96 but some remaining grant payments were made in 1996-97, the last year in which grant payments were made from the program.
- Funding approved under the Commonwealth Dairy Industry Adjustment Package is available from 2000-2001. The Package comprises three separate programs:
 - Dairy Structural Adjustment Program - a \$1.63 billion program designed to provide adjustment assistance to dairy farmers to successfully address the transition to a deregulated market;
 - Dairy Exit Program - a \$30 million program to allow farmers who choose to leave their farms and agriculture to do so with financial support; and
 - Dairy Regional Assistance Program - a \$45 million program to assist dairy dependent communities.
- The Farm Help – Supporting Families through Change (formerly known as Farm Family Restart Scheme) program provides income support, professional advice and re-establishment assistance. The Farm Help scheme is available to all eligible farmers on a national basis. Information on Farm Help is not available on an electorate basis. Farm Help funds are not allocated on a regional or state basis. Funds are provided to farm families that have been approved for assistance regardless of their location.
- The FarmBis Program provides funds to primary producers for training to improve their business management skills. FarmBis funding is not allocated on a regional basis or by electorates.
- The Pork Biz program consists of regional business skills workshops and on-farm consultations specifically for pork producers funded from the National Component of the Commonwealth FarmBis program.
- The National Pork Industry Development Program (NPIDP) aims to improve the pork industry's international competitiveness, identify market opportunities and enhance industry skills through the provision of grants to industry participants.

- Funding is provided through the Tasmanian Wheat Freight Scheme (TWFS) to offset the costs of shipping wheat from the mainland to Tasmania. Assistance provided to the federal electorate of Bass under the TWFS is not identified separately within the program.
 - The National Non-Government Women's Organisation grants program is not allocated on a regional or state basis or by electorates. A total of \$100,000 per annum was appropriated for three years; 1998-99, 1999-2000 and 2000-2001 to be allocated to national non-government women's organisations who are specifically concerned with agriculture, fisheries, forestry and natural resource management. For the years 1998-99 and 1999-2000 actual total expenditure of \$200,000 has been fully allocated and dispersed in accordance with the specific selection criteria. To date the 2000-2001 appropriation has been allocated but not fully spent. First instalments are in process. Recipient organisations have been Australian Women in Agriculture, Foundation for Australian Agricultural Women and Women's Industry Network- Seafood Community. All have a broad geographic coverage including women from all States and Territories.
 - The Farm Management Deposits (FMD) scheme came into effect in April 1999 and is available to all eligible primary producers in Australia. It provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The scheme is administered by authorised deposit taking institutions and information on the utilisation of the scheme is not available on an electorate basis.
The level of funding is not applicable. FMDs are not "grants". FMDs are a "cost to revenue" for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits. Similar arrangements applied to the FMD scheme's Government-operated predecessors, the Income Equalisation Deposit and Farm Management Bond schemes, which operated until 31 December 1999.
 - The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.
- (2) Funding approvals through the Natural Heritage Trust One Stop Shop, for the National Landcare Program, National Rivercare Program and Fisheries Action Program administered by AFFA in the federal electorate of Bass, amounted to \$0.13 million, \$0.28 million and \$0.32 million for 1996-97, 1997-98 and 1998-99 respectively.
- Actual funding provided through the Natural Heritage Trust's National Feral Animal Control Program amounted to \$50,000 in 1997-98.
- The actual funding under WAPIS for Tasmanian projects amounted to \$206,500 in 1996-97, \$264,750 in 1997-98 and \$195,800 in 1998-99.
- The RFA Participation and Awareness Grants program provided actual funding of \$35,000 in 1996-97 to the electorate of Bass.
- The Financial Counselling Service, part of the Rural Communities Program, provided actual funding in the federal electorate of Bass through Rural Support Tasmania of \$100,000 in 1996-1997, \$100,000 in 1997-1998 and \$121,393 in 1998-1999. It should be noted that this group receives funding for two financial counselling positions. One counsellor operates from Launceston (in the electorate of Bass) and one from Glenorchy (electorate of Denison). Both counsellors service clients in more than one electorate.
- Actual expenditure for Exceptional Circumstances Relief Payment for Tasmania in 1996-97 was \$1.0 million, in 1997-98 was \$0.4 million and in 1998-99 was \$0.2 million.
- EC Interest Rate Subsidies actual expenditure in Tasmania in 1996-97 was \$0.6 million, in 1997-98 no expenditure was reported and in 1998-99 was \$0.2 million.
- Actual funding of \$22,646 was paid from the Agribusiness Program to the electorate of Bass in 1996-97.
- Farm Help (formerly Farm Family Restart Scheme) commenced on 1 December 1997, therefore no expenditure exists for the 1996-97 financial year. However, actual expenditure in Tasmania on Farm Help during 1997-98 was \$0.2 million and \$1.5 million in 1998-99.
- FarmBis actual funding for the state of Tasmania in 1998-99 was \$120,000.

Actual funding of \$1.2 million through the Tasmanian Wheat Freight Scheme was provided for each of the 1996-97, 1997-98 and 1998-99 financial years.

The National Non-Government Women's Organsition grants program was a three year program with actual funding of \$100,000 in 1998-99 under FarmBis.

- (3) Funding of \$0.48 million has been approved through the Natural Heritage Trust One Stop Shop for the National Landcare Program, National Rivercare Program and Fisheries Action Program administrated by AFFA in the federal electorate of Bass in 1999-2000.

Actual funding provided through the Natural HeritageTrust's National Feral Animal Control Program amounted to \$50,000 in 1999-2000.

The actual funding under WAPIS to Tasmanian projects amounted to \$126,950 in 1999-2000.

The Financial Counselling Service, part of the Rural Communities Program, provided actual funding of \$107,893 in 1999-2000 in the federal electorate of Bass through Rural Support Tasmania. It should be noted that this group receives funding for two financial counselling positions. One counsellor operates from Launceston (in the electorate of Bass) and one from Glenorchy (electorate of Denison). Both counsellors service clients in more than one electorate.

Funding of \$35,706 was provided under the Rural GST Start-Up Assistance Program for 12 seminars and workshops in the Bass electorate in 1999-2000. It should be noted that while the Program is administered by AFFA, the funding is from the GST Start-Up Assistance Office, not from AFFA appropriations.

Actual expenditure for Exceptional Circumstances Relief Payment for Tasmania in 1999-2000 was \$0.2 million.

EC Interest Rate Subsidies actual expenditure in Tasmania in 1999-2000 was \$0.1 million.

The New Industries Development Programme commenced in 1999-2000 and approved a total of \$32,000 to the electorate of Bass.

Farm Help actual expenditure in Tasmania totalled \$1.2 million in 1999-2000.

FarmBis actual funding for the state of Tasmania in 1999-2000 was \$229,018.

The Pork Biz business skills training program provided actual funding of \$7,350 under the National Component of the Commonwealth Farmbis program, for a workshop held in Launceston during the 1999-2000 financial year.

The Tasmanian Quality Pork program provided quality assurance training to two participants during the 1999-2000 financial year. The National Pork Industry Development Program (NPIDP) provided actual funds totalling \$337 for this training.

Actual funding of \$1.2 million through the Tasmanian Wheat Freight Scheme was provided for the 1999-2000 financial year.

The National Non-Government Women's Organsition grants program was a three year program with actual funding of \$100,000 in 1999-2000 under FarmBis.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Hinkler Electorate

(Question No. 3048)

Senator Mackay asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Hinkler.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) During the period 1996-97 to 1999-2000 AFFA administered the following programs/grants within the federal electorate of Hinkler (Note – not all programs/grants were available in all of these years):
- The National Landcare Program and National Rivercare Program through the Natural Heritage Trust One Stop Shop.
 - The Farm Forestry Program (FFP) through the Wood and Paper Industry Strategy (WAPIS) provides support to regional plantations communities, which focus on planning and coordination activity. This included the Development of Commercial Plantation Industries for the 700 to 1000mm Rainfall Belt of Central and Southern Queensland. The program concluded 30 June 2000 with some projects carried over to 2001. The project largely operates in an adjacent electorate.
 - The Regional Forest Agreement (RFA) Participation and Awareness Grants program facilitated the participation of stakeholders in the RFA process through the provision of grants to fund communication, information dissemination and awareness raising activities by stakeholders. The grants were funded jointly by AFFA and Environment Australia.
 - The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.
 - The Rural GST Start-Up Assistance Program was established in 1999-2000 to develop farmer education and understanding of the GST.
 - The Pork Producer Exit Program (PPEP) provided financial assistance for non-viable pork producers to exit the industry. The program concluded on 30 June 2000.
 - The Exceptional Circumstance Relief Payment (ECRP) assists farm families in exceptional circumstances (EC) areas who are experiencing difficulties meeting personal living expenses. ECRP information is not available by electorate. However, most of Queensland has been declared drought EC throughout the past 4 financial years. Parts of the Hinkler electorate have been within EC areas, with the most recent ECRP assistance ceasing in June 2000.
 - The Commonwealth provided assistance to the electorate of Hinkler through two projects under the Queensland component of the Sugar Industry Infrastructure Program. The Queensland Government provided matching contributions with industry responsible for the remainder. The Walla Weir Irrigation project on the Burnett River involved the construction of a weir that will significantly improve the reliability of the irrigation water supply for much of the Bundaberg area. The Avondale Irrigation project is a small irrigation reticulation scheme that will benefit growers in the Avondale area.

Other programs are administered on a state/national basis and were available to people living in the electorate of Hinkler. Electorate levels of funding for these programs/grants are not available and figures provided in (2) and (3) are at the state/national level. These included:

- Funding approved under the Commonwealth Dairy Industry Adjustment Package is available from 2000-2001. The Package comprises three separate programs:
 - Dairy Structural Adjustment Program - a \$1.63 billion program designed to provide adjustment assistance to dairy farmers to successfully address the transition to a deregulated market;
 - Dairy Exit Program - a \$30 million program to allow farmers who choose to leave their farms and agriculture to do so with financial support; and
 - Dairy Regional Assistance Program - a \$45 million program to assist dairy dependent communities.
- The Farm Help – Supporting Families through Change (formerly know as farm Family Restart Scheme) program provides income support, professional advice and re-establishment assistance. The Farm Help scheme is available to all eligible farmers on a national basis. Information on Farm Help is not available on an electorate basis. Farm Help funds are not allocated on a regional or state basis. Funds are provided to farm families that have been approved for assistance regardless of their location.
- The FarmBis Program provides funds to primary producers for training to improve their business management skills. FarmBis funding is not allocated on a regional basis or by electorates.

- The National Non-Government Women's Organisation grants program is not allocated on a regional or state basis or by electorates. A total of \$100,000 per annum was appropriated for three years; 1998-99, 1999-2000 and 2000-2001 to be allocated to national non-government women's organisations who are specifically concerned with agriculture, fisheries, forestry and natural resource management. For the years 1998-99 and 1999-2000 actual total expenditure of \$200,000 has been fully allocated and dispersed in accordance with the specific selection criteria. To date the 2000-2001 appropriation has been allocated but not fully spent. First instalments are in process. Recipient organisations have been Australian Women in Agriculture, Foundation for Australian Agricultural Women and Women's Industry Network- Seafood Community. All have a broad geographic coverage including women from all States and Territories.
 - The Farm Management Deposits (FMD) scheme came into effect in April 1999 and is available to all eligible primary producers in Australia. It provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The scheme is administered by authorised deposit taking institutions and information on the utilisation of the scheme is not available on an electorate basis.
 - The level of funding is not applicable. FMDs are not "grants". FMDs are a "cost to revenue" for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits. Similar arrangements applied to the FMD scheme's Government-operated predecessors, the Income Equalisation Deposit and Farm Management Bond schemes, which operated until 31 December 1999.
 - The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.
- (2) Funding approvals for the Natural Heritage Trust One Stop Shop programs administered by AFFA in the federal electorate of Hinkler amounted to \$0.66 million, \$0.17 million and \$0.16 million for 1996-97, 1997-98 and 1998-99 respectively.
- The RFA Participation and Awareness Grants program provided actual funding \$750 in 1997-98 and \$5,000 in 1998-99 to the electorate of Hinkler.
- Actual funding for the electorate of Hinkler under the Rural Communities Program totalled \$130,000 in 1996-97, \$112,500 in 1997-98 and \$135,000 in 1998-99.
- Actual expenditure for Exceptional Circumstances Relief Payment in Queensland during 1996-97 was \$56.2 million, in 1997-98 was \$39.2 million and in 1998-99 was \$19.8 million.
- EC Interest Rate Subsidies actual expenditure in Queensland during 1996-97 was \$23.7 million, in 1997-98 was \$12.4 million and in 1998-99 was \$7.2 million.
- For the Walla Weir Irrigation project the actual Commonwealth contributions were \$1,504,608 in 1996-97 and \$3,240,392 in 1997-98. A further \$57,000 was provided in 1999-2000 for additional environmental studies associated with the project.
- For the Avondale Irrigation project the Commonwealth provided actual funding for this project of \$117,209 in 1996-97 and \$2,433 in 1998-99. Actual funding of \$627,318 was also provided in 1995-96.
- Farm Help (formerly Farm Family Restart Scheme) commenced on 1 December 1997, therefore no expenditure was recorded for the 1996-97 financial year. However, actual expenditure in Queensland on Farm Help during 1997-98 was \$1.4 million and in 1998-99 was \$5.5 million.
- The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1998-99 under FarmBis.
- (3) Funding of \$0.16 million has been approved through the Natural Heritage Trust One Stop Shop for programs administered by AFFA in the federal electorate of Hinkler in 1999-2000.
- Actual funding for the electorate of Hinkler under the Rural Communities Program totalled \$135,000 in 1999-2000.
- Actual funding of \$56,191 was provided under the Rural GST Start-Up Assistance Program for 10 seminars and workshops in the Hinkler electorate in 1999-2000. It should be noted that while the

Program is administered by AFFA, the funding is from the GST Start-Up Assistance Office, not from AFFA appropriations.

The Pork Producer Exit Program provided actual funding of \$45,000 in the 1999-2000 financial year.

Actual expenditure for Exceptional Circumstances Relief Payment in Queensland during 1999-2000 was \$11.4 million.

EC Interest Rate Subsidies actual expenditure in Queensland during 1999-2000 was \$2.8 million.

Actual expenditure in Queensland on Farm Help during 1999-2000 totalled \$5.8 million.

FarmBis actual funding to Queensland was \$2.896 million in 1999-2000.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1999-2000 under FarmBis.

Department of Transport and Regional Services: Programs and Grants to the Gwydir Electorate

(Questions Nos 3052 and 3061)

Senator Mackay asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 5 October 2000; and the Minister for Regional Services, Territories and Local Government, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Gwydir.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through these programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Ian Macdonald—The answers to the honourable senator's questions are as follows:

- (1) Rural Communities Program and Rural Plan

Local Government Financial Assistance Grants

Rural Transaction Centres Programme

Local Government Incentive Programme

Regional Adjustment Team

The Federal Road Safety Black Spot Program

National Highway Program

Roads of National Importance

- (2) **Rural Communities Program and Rural Plan**

1996-1997 Not applicable.

1997-1998 Not applicable.

1998-1999 Rural Communities Program = \$494,499.

Rural Plan = \$100,000.

Local Government Financial Assistance Grants

Local Government Financial Assistance Grants to the electorate of Gwydir for 1996-1997, 1997-1998 and 1998-1999.

Council Name	Financial Year	General Purpose Funding (\$)	Roads Funding (\$)	Total (\$)
Bourke Shire	1996-1997	1,336,604	893,852	2,230,456

Council Name	Financial Year	General Purpose Funding (\$)	Roads Funding (\$)	Total (\$)
	1997-1998	1,340,796	964,548	2,305,344
	1998-1999	1,423,624	985,128	2,408,752
Brewarrina Shire	1996-1997	864,856	556,496	1,421,352
	1997-1998	900,704	649,236	1,549,940
	1998-1999	953,608	665,952	1,619,560
Coolah shire	1996-1997	848,152	545,512	1,393,664
	1997-1998	858,092	526,164	1,384,256
	1998-1999	877,168	538,340	1,415,508
Coonabarabran Shire	1996-1997	1,258,584	692,428	1,951,012
	1997-1998	1,289,676	688,756	1,978,432
	1998-1999	1,322,504	711,280	2,033,784
Coonamble Shire	1996-1997	1,160,580	740,244	1,900,824
	1997-1998	1,154,416	740,060	1,894,476
	1998-1999	1,171,244	757,512	1,928,756
Gilgandra Shire	1996-1997	968,196	628,740	1,596,936
	1997-1998	981,532	657,356	1,638,888
	1998-1999	1,003,464	683,580	1,687,044
Gunnedah Shire p	1996-1997	1,264,752	831,680	2,096,432
	1997-1998	1,281,208	929,384	2,210,592
	1998-1999	1,348,028	963,928	2,311,956
Merriwa Shire	1996-1997	437,784	295,448	733,232
	1997-1998	444,404	292,404	736,808
	1998-1999	437,156	299,804	736,960
Moree Plains Shire	1996-1997	1,938,660	1,486,504	3,425,164
	1997-1998	1,919,784	1,480,284	3,400,068
	1998-1999	1,965,152	1,501,108	3,466,260
Mudgee Shire	1996-1997	1,602,160	897,020	2,499,180
	1997-1998	1,541,440	866,256	2,407,696
	1998-1999	1,534,352	886,912	2,421,264
Murrurundi Shire	1996-1997	347,360	290,556	637,916
	1997-1998	354,480	289,044	643,524

Council Name	Financial Year	General Pur-	Roads Funding (\$)	Total (\$)
		pose Funding (\$)		
	1998-1999	344,188	294,980	639,168
Narrabri Shire p	1996-1997	2,115,392	1,225,940	3,341,332
	1997-1998	2,039,904	1,170,704	3,210,608
	1998-1999	2,080,800	1,202,900	3,283,700
Quirindi Shire	1996-1997	761,584	453,680	1,215,264
	1997-1998	770,968	447,476	1,218,444
	1998-1999	772,628	456,692	1,229,320
Rylstone Shire	1996-1997	693,020	347,132	1,040,152
	1997-1998	699,696	345,388	1,045,084
	1998-1999	700,708	352,860	1,053,568
Scone Shire	1996-1997	990,992	500,516	1,491,508
	1997-1998	999,740	581,348	1,581,088
	1998-1999	991,076	592,524	1,583,600
Walgett Shire	1996-1997	1,657,124	1,070,220	2,727,344
	1997-1998	1,660,468	1,059,564	2,720,032
	1998-1999	1,716,772	1,088,008	2,804,780
Warren Shire p	1996-1997	\$873,528	569,604	1,443,132
	1997-1998	\$865,848	566,284	1,432,132
	1998-1999	\$835,476	531,996	1,367,472
Wellington	1996-1997	1,465,528	671,724	2,137,252
	1997-1998	1,462,816	703,868	2,166,684
	1998-1999	1,466,420	719,908	2,186,328
Yallaroi Shire	1996-1997	741,984	677,464	1,419,448
	1997-1998	736,852	673,044	1,409,896
	1998-1999	758,284	682,460	1,440,744

p - Shire boundary falls in more than one electorate.

Rural Transaction Centres Programme

Not applicable.

Local Government Incentive Programme

1996-1997 Nil.

1997-1998 Nil.

1998-1999 Nil.

Regional Adjustment Team

Northern Inland Regional Development Organisation

1996-1997 \$203,000.

1997-1998 Nil.

1998-1999 Nil.

Central West Regional Development Organisation

1996-1997 \$56,000.

1997-1998 \$24,000.

1998-1999 Nil.

Orana Regional Development Organisation

1996-1997 \$182,000.

1997-1998 \$78,000.

1998-1999 Nil.

The Federal Road Safety Black Spot Program

Mudgee Shire Council

1996-1997 Nil.

1997-1998 \$100,000.

1998-1999 Nil.

Yallaroi Shire Council

1996-1997 Nil.

1997-1998 \$230,000.

1998-1999 Nil.

Bingara Shire Council

1996-1997 Nil.

1997-1998 \$140,000.

1998-1999 Nil.

Moree Plains Shire Council

1996-1997 Nil.

1997-1998 \$53,000.

1998-1999 \$50,000.

National Highway Program

National Highway Projects	1996-1997	1997-1998	1998-1999
	\$	\$	\$
Major Works			
The Newell Highway – Moree Bypass	12,000	124,000	314,000
The Newell Highway – Coonabarabran Bypass	19,000	95,000	18,000
The Newell Highway – Coonabarabran Bridge	1,944,000	21,000	-
Major Works sub-total	1,975,000	240,000	332,000
Asset Preservation			

National Highway Projects	1996-1997	1997-1998	1998-1999
Routine Maintenance – Gilgandra to QLD border	14,951,000	12,569,000	18,661,000
Safety and Urgent Minor Works (SUMW) – Gilgandra to QLD border	1,485,000	1,714,000	1,249,000
Asset Preservation sub-total	16,436,000	14,283,000	19,910,000
TOTAL		14,523,000	20,242,000

Roads of National Importance

The Kidman Way

Project	1996-1997 \$	1997-1998 \$	1998-1999 \$
Bourke Shire – Sealing 98-112km north of Cobar	-	1,725,000	-
Bourke Shire – Sealing 81-94km north of Cobar		1,723,000	
TOTAL	-	3,448,000	-

(3) Rural Communities Program and Rural Plan

1999-2000 Rural Communities Program = \$453,930.

Rural Plan = \$177,390.

Local Government Financial Assistance Grants

Local Government Financial Assistance Grants to the electorate of Gwydir in 1999-2000.

Council Name	General Purpose Funding (\$)	Roads Funding (\$)	Total (\$)
Bourke Shire	1,526,244	1,013,176	2,539,420
Brewarrina Shire	1,010,148	685,240	1,695,388
Coolah shire	920,896	556,396	1,477,292
Coonabarabran Shire	1,367,648	731,584	2,099,232
Coonamble Shire	1,207,884	778,696	1,986,580
Gilgandra Shire	1,041,456	703,132	1,744,588
Gunnedah Shire p	1,435,468	990,136	2,425,604
Merriwa Shire	442,388	306,940	749,328
Moree Plains Shire	2,041,924	1,546,366	3,588,260
Mudgee Shire	1,551,392	916,820	2,468,212
Murrurundi Shire	350,192	304,128	\$654,320
Narrabri Shire p	2,133,508	1,237,796	3,371,304
Quirindi Shire	787,040	469,204	1,256,244
Rylstone Shire	705,720	364,232	1,069,952
Scone Shire	993,744	573,952	1,567,696
Walgett Shire	1,755,332	1,122,936	2,878,268
Warren Shire p	838,752	549,332	1,388,084
Wellington	1,490,052	741,912	2,231,964
Yallaroi Shire	790,380	702,056	1,492,436

p - Shire boundary falls in more than one electorate.

Rural Transaction Centres Programme

Town	Type of Project	Amount \$
Binnaway	Business Plan	10,250
Collarenebri	Business Plan	12,635
Mendooran	Business Plan	9,121
Mendooran	Project Assistance	122,600
Ashford	Project Assistance	140,000
Tooraweenah	Business Plan	4,950
Gulargambone	Business Plan	10,000
Gulargambone	Project Assistance	215,050
Parry	Business Plan	10,000

Local Government Incentive Programme

\$626,000 was provided to the Local Government and Shires Associations of NSW to assist councils, including those in the Bass electorate, to prepare for the Goods and Services Tax.

The Federal Road Safety Black Spot Program

Mudgee Shire Council

\$100,000.

National Highway Program

	1999-2000 \$
National Highway Projects	
Major Works	
The Newell Highway – Moree Bypass	294,000
The Newell Highway – Coonabarabran Bypass	189,000
Major Works sub-total	483,000
Asset Preservation	
Routine Maintenance – Gilgandra to QLD border	11,795,000
Safety and Urgent Minor Works (SUMW) – Gilgandra to QLD border	1,716,000
Asset Preservation sub-total	13,511,000
TOTAL	13,994,000

Roads of National Importance

Nil.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Gwydir Electorate

(Question No. 3060)

Senator Mackay asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Gwydir.

- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) During the period 1996-97 to 1999-2000 AFFA administered the following programs/grants within the federal electorate of Gwydir (Note – not all programs/grants were available in all of these years):
 - The National Landcare Program, National Rivercare Program, Murray Darling 2001 and Fisheries Action Program through the Natural Heritage Trust One Stop Shop.
 - The Farm Forestry Program (FFP) through the Wood and Paper Industry Strategy (WAPIS) provides support to regional plantations communities, which focus on planning and coordination activity. This included the Northern Tablelands Farm Forestry Project and the Central Tablelands Regional Plantation Committee. The program concluded 30 June 2000 with some projects carried over to 2001. The projects operate across a number of electorates.
 - Forest Industry Structural Adjustment Program (FISAP) provides assistance to native forest industry business and to workers involved in the native timber industry to adjust to changes in the available resource as a result of Regional Forest Agreements
 - The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.
 - The Rural GST Start-Up Assistance Program was established in 1999-2000 to develop farmer education and understanding of the GST.
 - The Pork Producer Exit Program (PPEP) provided financial assistance for non-viable pork producers to exit the industry. The program concluded on 30 June 2000.
 - The West 2000 Rural Partnership Program (RPP) assists landholders in the western division of New South Wales to become more competitive, viable and self-sustaining through the provision of measures to enhance property productivity and natural resource management. The program covers the western division of NSW, incorporating a very small part of the Gwydir electorate (the area west from Lightning Ridge and Walgett). Only a very small part of the electorate can therefore access the West 2000 RPP.
 - The Food and Fibre Chains Programme is a national program which provides grants to food and fibre businesses to facilitate increased business competitiveness through the uptake of innovative supply chain management practices.

Other programs are administered on a state/national basis and were available to people living in the electorate of Gwydir. Electorate levels of funding for these programs/grants are not available and figures provided in (2) and (3) are at the state/national level. These included:

- The former Agribusiness Program, which provided grants to improve the international competitiveness of Australian agricultural and related industries. Approval of new projects ceased in 1995-96 but some remaining grant payments were made in 1996-97, the last year in which grant payments were made from the program.
- Funding approved under the Commonwealth Dairy Industry Adjustment Package is available from 2000-2001. The Package comprises three separate programs:
 - Dairy Structural Adjustment Program - a \$1.63 billion program designed to provide adjustment assistance to dairy farmers to successfully address the transition to a deregulated market;
 - Dairy Exit Program - a \$30 million program to allow farmers who choose to leave their farms and agriculture to do so with financial support; and
 - Dairy Regional Assistance Program - a \$45 million program to assist dairy dependent communities.
- The Farm Help – Supporting Families through Change (formerly known as Farm Family Restart Scheme) program provides income support, professional advice and re-establishment as-

sistance. The Farm Help scheme is available to all eligible farmers on a national basis. Information on Farm Help is not available on an electorate basis. Farm Help funds are not allocated on a regional or state basis. Funds are provided to farm families that have been approved for assistance regardless of their location.

- The FarmBis Program provides funds to primary producers for training to improve their business management skills. FarmBis funding is not allocated on a regional basis or by electorates.
 - The National Non-Government Women's Organisation grants program is not allocated on a regional or state basis or by electorates. A total of \$100,000 per annum was appropriated for three years; 1998-99, 1999-2000 and 2000-2001 to be allocated to national non-government women's organisations who are specifically concerned with agriculture, fisheries, forestry and natural resource management. For the years 1998-99 and 1999-2000 actual total expenditure of \$200,000 has been fully allocated and dispersed in accordance with the specific selection criteria. To date the 2000-2001 appropriation has been allocated but not fully spent. First instalments are in process. Recipient organisations have been Australian Women in Agriculture, Foundation for Australian Agricultural Women and Women's Industry Network- Seafood Community. All have a broad geographic coverage including women from all States and Territories.
 - The Farm Management Deposits (FMD) scheme came into effect in April 1999 and is available to all eligible primary producers in Australia. It provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The scheme is administered by authorised deposit taking institutions and information on the utilisation of the scheme is not available on an electorate basis.
 - The level of funding is not applicable. FMDs are not "grants". FMDs are a "cost to revenue" for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits. Similar arrangements applied to the FMD scheme's Government-operated predecessors, the Income Equalisation Deposit and Farm Management Bond schemes, which operated until 31 December 1999.
 - The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.
- (2) Funding approvals through the Natural Heritage Trust One Stop Shop programs administered by AFFA in the federal electorate of Gwydir amounted to \$1.36 million, \$0.96 million and \$0.49 million for 1996-97, 1997-98 and 1998-99 respectively.

The NSW Department of Information Technology and Management (DITM) administers FISAP in NSW on behalf of the Commonwealth. Because of the staged nature of payments, DITM cannot easily provide figures for actual expenditure for electorates on a financial year basis. Approved FISAP amounted to \$135,800 in 1996-97 for Business Exit Assistance.

Notes: (i) The figures quoted above are for payments approved in each financial year to businesses in the electorate. Some of the payments may not have been made until future financial years.

(ii) The Commonwealth also paid relocation and retraining assistance to ex forest industry workers under the Worker Assistance element of FISAP. However, figures are not available by electorate.

Actual funding for the electorate of Gwydir under the Rural Communities Program totalled \$47,870 in 1996-97, \$48,201 in 1997-98 and \$50,000 in 1998-99.

Information does not exist on West 2000 RPP by electorate and the program did not operate in the 1996-97 financial year. Actual expenditure on the West 2000 RPP for the financial year 1997-98 was \$0.977 million and in 1998-99 was \$1.883 million.

Actual funding of \$56,396 was paid from the Agribusiness Program to the electorate of Gwydir in 1996-97.

Farm Help (formerly Farm Family Restart Scheme) commenced on 1 December 1997, therefore no expenditure was recorded for the 1996-97 financial year. However, actual expenditure in NSW on Farm Help during 1997-98 was \$4.2 million and in 1998-99 was \$9.7 million.

FarmBis actual funding to New South Wales was \$1.19 million in 1998-99.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1998-99 under FarmBis.

- (3) Funding of \$0.69 million has been approved through the Natural Heritage Trust One Stop Shop for programs administered by AFFA in the federal electorate of Gwydir in 1999-2000.

No specific amounts are appropriated to individual electorates. Of the total FISAP appropriation, about \$60 million has been allocated to a jointly funded FISAP with the NSW Government. The Commonwealth did not spend any FISAP money for Business Exit Assistance or Industry Development Assistance in the electorate of Gwydir in 1999-2000.

Actual funding for the electorate of Gwydir under the Rural Communities Program totalled \$61,300 in 1999-2000.

Actual funding of \$214,792 was provided under the Rural GST Start-Up Assistance Program for 63 seminars and workshops in the Gwydir electorate in 1999-2000. It should be noted that while the Program is administered by AFFA, the funding is from the GST Start-Up Assistance Office, not from AFFA appropriations.

Actual funds totalling \$129,335 were provided under the Pork Producer Exit Program in the 1999-2000 financial year.

Actual expenditure on the West 2000 RPP for the financial year 1999-2000 was \$2.165 million.

The Food and Fibre Chains Programme commenced in 1999-2000 and a total of \$38,000 was approved to the electorate of Gwydir in 1999-2000.

Actual expenditure in NSW on Farm Help during 1999-2000 totalled \$5.6 million.

FarmBis actual funding to New South Wales was \$1.02 million in 1999-2000.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1999-2000 under FarmBis.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Eden-Monaro Electorate
(Question No. 3072)

Senator Mackay asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 5 October 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Eden-Monaro.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What is the level of funding provided through programs and grants that has been appropriated for the 1999-2000 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) During the period 1996-97 to 1999-2000 AFFA administered the following programs/grants within the federal electorate of Eden-Monaro (Note – not all programs/grants were available in all of these years):
 - The National Landcare Program, National Rivercare Program, Murray Darling 2001 and Farm Forestry Program through the Natural Heritage Trust One Stop Shop.
 - The AFFA component of the Natural Heritage Trust's National Feral Animal Control Program provided funding to NSW Agriculture for a coordinated wild dog management project. The funding and project outcomes are divided between a number of Rural Lands Protection Boards - some of which occur in the Eden-Monaro electorate.
 - The Farm Forestry Program (FFP) through the Wood and Paper Industry Strategy (WAPIS) provides support to regional plantations communities, which focus on planning and coordination activity. This included the formulation and implementation of a Commercial Farm Forestry Strategy for the Canberra Wood Supply Region and the SE NSW Farm Forestry Project (including the SE Regional Plantation Committee). The program concluded 30 June 2000 with

some projects carried over to 2001. One of the two projects operates within the electorate and surrounding region.

- The Regional Forest Agreement (RFA) Participation and Awareness Grants program facilitated the participation of stakeholders in the RFA process through the provision of grants to fund communication, information dissemination and awareness raising activities by stakeholders. The grants were funded jointly by AFFA and Environment Australia.
- The Eden Region Adjustment Package (ERAP) is a program to supplement private sector investment to assist the development and implementation of employment-generating projects in the Eden region. The Package is the joint responsibility of the Hon Wilson Tuckey MP, Minister for Forestry and Conservation and Senator the Hon Ian Macdonald, Minister for Regional Services, Territories and Local Government. The Department of Agriculture, Fisheries and Forestry - Australia, primarily administer the Package with advice provided by the Department of Transport and Regional Services.
- The South East Forest Agreement (SEFA), agreed in 1900, established a framework for ongoing cooperation between the Commonwealth and NSW for efficiently managing forests in the region on a sustainable basis to provide security and certainty with respect to both nature conservation and access to forest resources to maintain and enhance regional development opportunities. The Commonwealth agreed to provide funding for specific projects directed towards achieving the objectives of the agreement.
- Forest Industry Structural Adjustment Program (FISAP) provides assistance to native forest industry business and to workers involved in the native timber industry to adjust to changes in the available resource as a result of Regional Forest Agreements
- The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.
- The Rural GST Start-Up Assistance Program was established in 1999-2000 to develop farmer education and understanding of the GST.
- The Pork Producer Exit Program (PPEP) provided financial assistance for non-viable pork producers to exit the industry. The program concluded on 30 June 2000.
- The Exceptional Circumstances Relief Payment (ECRP) assists farm families in exceptional circumstances (EC) areas who are experiencing difficulties meeting personal living expenses. Information on ECRP expenditure is not available on an electorate basis.

The ECRP was available to farmers in the Monaro "A" region which is in the electorate of Eden-Monaro. This region was declared to be in EC on 25 February 1998. ECRP was available for two years following the EC declaration. EC interest rate subsidies were also available to eligible farmers in the Monaro "A" region.

The ECRP is currently available to farmers in the Monaro "B" and "C" DEC regions that are in the electorate of Eden-Monaro. These regions were declared to be in drought EC on 8 April 1998 and 30 August 1998 respectively. EC interest rate subsidies are also available to eligible farmers in the Monaro "B" and "C" regions.

Other programs are administered on a state/national basis and were available to people living in the electorate of Eden-Monaro. Electorate levels of funding for these programs/grants are not available and figures provided in (2) and (3) are at the state/national level. These included:

- Funding approved under the Commonwealth Dairy Industry Adjustment Package is available from 2000-2001. The Package comprises three separate programs:
 - Dairy Structural Adjustment Program - a \$1.63 billion program designed to provide adjustment assistance to dairy farmers to successfully address the transition to a deregulated market;
 - Dairy Exit Program - a \$30 million program to allow farmers who choose to leave their farms and agriculture to do so with financial support; and
 - Dairy Regional Assistance Program - a \$45 million program to assist dairy dependent communities.

- The Farm Help – Supporting Families through Change (formerly known as Farm Family Restart Scheme) program provides income support, professional advice and re-establishment assistance. The Farm Help scheme is available to all eligible farmers on a national basis. Information on Farm Help is not available on an electorate basis. Farm Help funds are not allocated on a regional or state basis. Funds are provided to farm families that have been approved for assistance regardless of their location.
 - The FarmBis program currently provides assistance to farming businesses throughout Australia, including the federal electorate of Eden-Monaro. The program contributes to the costs of farmers' participation in learning activities, which may be on an individual or on a group basis.
 - The National Non-Government Women's Organisation grants program is not allocated on a regional or state basis or by electorates. A total of \$100,000 per annum was appropriated for three years; 1998-99, 1999-2000 and 2000-2001 to be allocated to national non-government women's organisations who are specifically concerned with agriculture, fisheries, forestry and natural resource management. For the years 1998-99 and 1999-2000 actual total expenditure of \$200,000 has been fully allocated and dispersed in accordance with the specific selection criteria. To date the 2000-2001 appropriation has been allocated but not fully spent. First instalments are in process. Recipient organisations have been Australian Women in Agriculture, Foundation for Australian Agricultural Women and Women's Industry Network- Seafood Community. All have a broad geographic coverage including women from all States and Territories.
 - The Farm Management Deposits (FMD) scheme came into effect in April 1999 and is available to all eligible primary producers in Australia. It provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The scheme is administered by authorised deposit taking institutions and information on the utilisation of the scheme is not available on an electorate basis.
 - The level of funding is not applicable. FMDs are not "grants". FMDs are a "cost to revenue" for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits. Similar arrangements applied to the FMD scheme's Government-operated predecessors, the Income Equalisation Deposit and Farm Management Bond schemes, which operated until 31 December 1999.
 - The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.
- (2) Funding approvals through the Natural Heritage Trust One Stop Shop programs administered by AFFA in the federal electorate of Eden-Monaro, amounted to \$0.82 million, \$0.72 million and \$1.48 million for 1996-97, 1997-98 and 1998-99 respectively.

Actual funding provided through the Natural Heritage Trust's National Feral Animal Control Program amounted to \$86,000 in 1997-98. The funding and project outcomes are divided between a number of Rural Lands Protection Boards - some of which occur in the Eden-Monaro electorate.

The actual funding under WAPIS amounted to \$20,000 in 1996-97, \$100,000 in 1997-98 and \$135,000 in 1998-99.

The RFA Participation and Awareness Grants program provided actual funding of \$11,500 in 1996-97, \$4,327 in 1997-98 and \$5,000 in 1998-99 to the electorate of Eden-Monaro.

The NSW Department of Information Technology and Management (DITM) administers FISAP in NSW on behalf of the Commonwealth. Because of the staged nature of payments, DITM cannot easily provide figures for actual expenditure for electorates on a financial year basis. Approved FISAP and SEFA funding amounted to:

1996-97: FISAP: \$809,708 for Business Exit Assistance and \$171,931 for Industry Development Assistance.

SEFA: \$1,149,050 was paid to community groups and government authorities for projects related to forest management and industry development in the Eden Native Forest Management Area.

1997-98: FISAP: \$1,120,058 for Business Exit Assistance.

SEFA: \$25,000 was paid to community groups and government authorities for projects related to forest management and industry development in the Eden Native Forest Management Area.

1998-99 SEFA: \$273,450 was paid to community groups and government authorities for projects related to forest management and industry development in the Eden Native Forest Management Area.

Notes: (i) The FISAP figures quoted above are for payments approved in each financial year to businesses in the electorate. Some of the payments may not have been made until future financial years.

(ii) The Commonwealth also paid relocation and retraining assistance to ex forest industry workers under the Worker Assistance element of FISAP. However, figures are not available by electorate.

The Monaro Rural Financial Counselling Service Inc., in the electorate of Eden- Monaro, was funded under the Rural Communities Access Program (to 1998) and the Rural Communities Program. Actual expenditure under the program totalled \$50,000 in 1996-97, \$47,800 in 1997-98 and \$75,000 in 1998-99.

Actual funding provided through ECRP in NSW during 1996-97 was \$51.6 million, in 1997-98 was \$22.2 million and in 1998-99 was \$3.2 million.

EC Interest Rate Subsidies actual expenditure in the Monaro region during 1997-98 was \$0.6 million and in 1998-99 was \$0.6 million.

Farm Help (formerly Farm Family Restart Scheme) commenced on 1 December 1997, therefore no expenditure was recorded for the 1996-97 financial year. However, actual expenditure in NSW on Farm Help in 1997-98 was \$4.2 million and in 1998-99 was \$9.7 million.

FarmBis funding is not allocated on a regional basis or by electorates. However, actual funding to New South Wales was \$1.19 million in 1998-99.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1998-99 under FarmBis.

- (3) Funding of \$1.02 million has been approved through the Natural Heritage Trust One Stop Shop for programs administered by AFFA in the federal electorate of Eden-Monaro in 1999-2000.

Actual funding provided through the Natural Heritage Trust's National Feral Animal Control Program amounted to \$95,300 in 1999-2000. The funding and project outcomes are divided between a number of Rural Lands Protection Boards - some of which occur in the Eden-Monaro electorate.

The actual funding under WAPIS amounted to \$65,000 in 1999-2000.

No specific amounts are appropriated to individual electorates. Of the total FISAP appropriation, about \$60 million has been allocated to a jointly funded FISAP with the NSW Government. The Commonwealth did not spend any FISAP money for Business Exit Assistance or Industry Development Assistance in the electorate of Eden-Monaro in 1999-2000.

Funding under SEFA totalled \$0.153 million in 1999-2000 and was paid to community groups and government authorities for projects related to forest management and industry development in the Eden Native Forest Management Area.

The Monaro Rural Financial Counselling Service Inc., in the electorate of Eden- Monaro, was funded under the Rural Communities Access Program (to 1998) and the Rural Communities Program. Actual expenditure under the program totalled \$75,000 in 1999-2000.

Actual funding of \$64,778 was provided under the Rural GST Start-Up Assistance Program for 19 seminars and workshops in the Eden-Monaro electorate in 1999-2000. It should be noted that while the Program is administered by AFFA, the funding is from the GST Start-Up Assistance Office, not from AFFA appropriations.

The Pork Producer Exit Program provided actual funding of \$39,128 in the 1999-2000 financial year.

Actual funding provided through ECRP in NSW during 1999-2000 was \$1.6 million.

EC Interest Rate Subsidies actual expenditure in the Monaro region during 1999-2000 was \$0.9 million.

Actual expenditure in NSW on Farm Help in 1999-2000 totalled \$5.6 million.

FarmBis funding is not allocated on a regional basis or by electorates. However, actual funding to New South Wales was \$1.02 million in 1999-2000.

The National Non-Government Women's Organisation grants program was a three year program with actual funding of \$100,000 in 1999-2000 under FarmBis.

Attorney-General's Portfolio: Motor Vehicle Fuel Expenditure

(Question No. 3095)

Senator Cook asked the Minister representing the Attorney-General, upon notice, on 9 October 2000:

- (1) For the financial year ended 30 June 2000, what was the total of monies expended by the department and each of its agencies on fuel purchased for motor vehicles which the department and its agencies are responsible for maintaining (please provide a breakdown by each month of the financial year).
- (2) What has been the total amount of monies expended to date for the 2000-01 financial year on fuel for motor vehicles which the department and its agencies are responsible for maintaining (please provide a breakdown for each month up to and including September 2000).
- (3) Has the department and its agencies budgeted for fuel bills; if so: (a) what is the budget for the current financial year; and (b) how much has been spent to date.
- (4) How does this year's fuel expenditure budget compare to last year's fuel expenditure budget for the department and each of its agencies.
- (5) How did the last financial year's fuel expenditure budget compare to the actual outcome for the financial year for the department and each of its agencies.
- (6) (a) What is this financial year's fuel expenditure budget for both the department and each of its agencies; and (b) how much has been spent to date.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

Attorney-General's Department

(1)	Month	Total
	Jul 1999	\$6,681.94
	Aug 1999	\$7,757.00
	Sep 1999	\$9,235.12
	Oct 1999	\$5,855.42
	Nov 1999	\$4,352.85
	Dec 1999	\$2,838.51
	Jan 2000	\$15,217.85
	Feb 2000	\$8,634.39
	Mar 2000	\$2,683.24
	Apr 2000	\$12,433.27
	May 2000	\$8,080.74
	Jun 2000	\$9,867.27
	TOTAL	\$93,637.60

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$2,461.33
	Aug 2000	\$10,328.45
	Sep 2000	\$12,271.72
	TOTAL	\$25,061.50

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

- (3) The Department has not specifically budgeted for fuel bills in the current financial year.
 (4) The Department does not specifically budget for fuel expenditure.
 (5) Not applicable.
 (6) Not applicable.

Administrative Appeals Tribunal

(1)	Month	Total
	Jul 1999	\$2,992.01
	Aug 1999	\$2,094.90
	Sep 1999	\$2,649.22
	Oct 1999	\$2,538.06
	Nov 1999	\$3,097.12
	Dec 1999	\$2,731.99
	Jan 2000	\$1,915.13
	Feb 2000	\$5,150.13
	Mar 2000	\$2,841.22
	Apr 2000	\$3,708.65
	May 2000	\$4,227.37
	Jun 2000	\$3,416.13
	TOTAL	\$37,361.93

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$3,766.55
	Aug 2000	\$2,452.23
	Sep 2000	\$2,337.65
	TOTAL	\$8,546.43

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

- (3) The Tribunal has not specifically budgeted for fuel bills in the current financial year.
 (4) The Tribunal does not specifically budget for fuel expenditure.
 (5) Not applicable.
 (6) Not applicable.

Australian Bureau of Criminal Intelligence

(1)	Month	Total
	Jul 1999	\$933.38
	Aug 1999	\$1328.42
	Sep 1999	\$1367.55
	Oct 1999	\$1008.33
	Nov 1999	\$0
	Dec 1999	\$586.95
	Jan 2000	\$276.50
	Feb 2000	\$1245.85
	Mar	\$1205.24
	Apr 2000	\$657.45
	May 2000	\$1729.65
	Jun 2000	\$1241.32
	TOTAL	\$12,540.64

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$1754.04
	Aug 2000	\$186.74
	Sep 2000	\$1000.57
	Total	\$2941.35

(3) The Bureau does not specifically budget for fuel costs separately from other motor vehicle costs.

(4) As above.

(5) Not applicable.

(6) Not applicable.

Overall, vehicle costs that include petrol have not increased from previous years.

Australian Customs Service

(1)	Month	Total
	Jul 1999	\$36,885
	Aug 1999	\$41,414
	Sep 1999	\$45,935
	Oct 1999	\$31,456
	Nov 1999	\$37,445
	Dec 1999	\$37,472
	Jan 2000	\$69,170
	Feb 2000	\$49,581
	Mar 2000	\$30,232
	Apr 2000	\$62,879
	May 2000	\$53,367
	Jun 2000	\$56,848
	TOTAL	\$552,684

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$19,341
	Aug 2000	\$69,638
	Sep 2000	\$63,205
	TOTAL	\$152,184.00

Please note that payments are made in arrears and invoices received from fuel companies do not necessarily relate to the fuel consumption for each month.

(3) Customs has not specifically budgeted for fuel bills in the current financial year.

(4) Customs does not specifically budget for fuel expenditure.

(5) Not applicable.

(6) (a) Not applicable;

(b) See question 2 response.

Australian Federal Police

(1)	Month	Total
	Jul 1999	\$105,071.63
	Aug 1999	\$133,332.82
	Sep 1999	\$139,297.79
	Oct 1999	\$73,087.83
	Nov 1999	\$71,488.09
	Dec 1999	\$136,839.18
	Jan 2000	\$221,416.69
	Feb 2000	\$133,815.84

(1)	Month	Total
	Mar 2000	\$95,449.18
	Apr 2000	\$204,886.09
	May 2000	\$151,852.49
	Jun 2000	\$155,664.63
	TOTAL	\$1,622,202.26

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$50,170.19
	Aug 2000	\$215,590.29
	Sep 2000	\$196,699.45
	TOTAL	\$462,459.93

- (3) The AFP has not specifically budgeted for fuel bills in the current financial year. These costs are met from the overall administrative budget of the AFP.
- (4) The AFP has not specifically budgeted for fuel bills in the current financial year.
- (5) Not applicable.
- (6) Not applicable.

Australian Institute of Criminology

(1)	Month	Total
	Jul 1999	125.28
	Aug 1999	211.59
	Sep 1999	160.55
	Oct 1999	247.00
	Nov 1999	132.04
	Dec 1999	168.19
	Jan 2000	493.75
	Feb 2000	467.62
	Mar 2000	458.94
	Apr 2000	487.91
	May 2000	769.95
	Jun 2000	600.85
	TOTAL	4323.67

This increase in the monthly fuel bills is due to the addition of a car in November 1999 and related fuel billing delays.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$564.78
	Aug 2000	\$606.42
	Sep 2000	\$646.03
	TOTAL	\$1817.23

- (3) The AIC has not specifically budgeted for fuel bills in the current financial year.
- (4) The AIC does not specifically budget for fuel expenditure.
- (5) Not applicable.
- (6) Not applicable.

Australian Law Reform Commission

(1)	Month	Total
	Jul 1999	\$486.10
	Aug 1999	\$149.55
	Sep 1999	\$240.76
	Oct 1999	\$170.06
	Nov 1999	\$238.28
	Dec 1999	\$290.65
	Jan 2000	\$103.37
	Feb 2000	\$235.22
	Mar 2000	\$261.81
	Apr 2000	\$73.88
	May 2000	\$320.36
	Jun 2000	\$238.18
	TOTAL	\$2,808.22

(2)	Month	Total (GST Exclusive)
	Jul 2000	NIL
	Aug 2000	NIL
	Sep 2000	\$519.60
	TOTAL	\$519.60

(3) The Australian Law Reform Commission has budgeted for \$5,000.00 for fuel bills in the current financial year.

As at 30 September 2000, \$519.60 has been spent.

(4) The Australian Law Reform Commission for the 1999-00 financial year budgeted \$5,046.00 for fuel bills.

(5) Actual expenditure on fuel for 1999-00 financial year was \$2808.22 as compared to the budgeted amount of \$5,046.00.

(6) Actual expenditure on fuel for 2000-01 financial year as at 30 September 2000 is \$519.60 as compared to the budgeted amount of \$5,000.00 for the full year.

Australian Transactions Reports and Analysis Centre (AUSTRAC)

(1)	Month	Total
	Jul 1999	\$1,126.78
	Aug 1999	\$1,094.95
	Sep 1999	\$1,148.41
	Oct 1999	\$872.14
	Nov 1999	\$854.33
	Dec 1999	\$1,249.34
	Jan 2000	\$1,601.70
	Feb 2000	\$1,231.81
	Mar 2000	\$1,979.40
	Apr 2000	\$1,198.35
	May 2000	\$1,980.15
	Jun 2000	\$1,914.48
	TOTAL	\$16,251.84

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$1,884.20
	Aug 2000	\$2,317.11
	Sep 2000	\$1,695.11
	TOTAL	\$5,896.42

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

- (3) The agency has not specifically budgeted for fuel bills in the current financial year.
 (4) The agency does not specifically budget for fuel expenditure.
 (5) Not applicable.
 (6) Not applicable.

Family Court of Australia

(1)	Month	Total
	Jul 1999	\$11,240.19
	Aug 1999	\$15,184.79
	Sep 1999	\$15,395.37
	Oct 1999	\$11,121.48
	Nov 1999	\$11,555.10
	Dec 1999	\$9,192.40
	Jan 2000	\$22,916.82
	Feb 2000	\$14,080.23
	Mar 2000	\$9,271.72
	Apr 2000	\$20,697.80
	May 2000	\$17,089.17
	Jun 2000	\$15,876.22
	TOTAL	\$173,621.29

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$4,236.96
	Aug 2000	\$20,147.52
	Sep 2000	\$16,583.49
	TOTAL	\$40,967.97

- (3) The Family Court has not specifically budgeted for fuel bills in the current financial year.
 (4) The Family Court does not specifically budget for fuel expenditure.
 (5) Not applicable.
 (6) Not applicable.

Federal Court

(1)	Month	Total
	Jul 1999	\$6,334.80
	Aug 1999	\$5,523.53
	Sep 1999	\$7,013.09
	Oct 1999	\$7,182.11
	Nov 1999	\$8,035.79
	Dec 1999	\$5,797.14
	Jan 2000	\$6,253.66

(1)	Month	Total
	Feb 2000	\$8,472.84
	Mar 2000	\$6,207.53
	Apr 2000	\$1,160.73
	May 2000	\$12,607.37
	Jun 2000	\$8,654.29
	TOTAL	\$83,242.88

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$2,767.95
	Aug 2000	\$9,142.34
	Sept 2000	\$8,795.87
	TOTAL	\$20,706.16

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(3) The Court does not specifically budgeted for fuel bills in the current financial year.

(4) The Court does not specifically budget for fuel expenditure.

(5) Not applicable.

(6) Not applicable.

Federal Magistrates Service

(1) The Federal Magistrates Service became a prescribed agency under the Financial Management and Accountability Act 1997 on 1 July 2000. The Attorney-General's Department paid accounts received in the previous year.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$854.22
	Aug 2000	\$369.35
	Sep 2000	\$1436.80
	Total	\$2660.37

The variation in expenditure in the first three months of 2000-01 mainly relates to a large between fuel usage and billing, and the leasing of new vehicles. The above amounts include some supplies received prior to 1 July 2000, but not invoiced until after 1 July 2000.

(3) The Federal Magistrates Service has not specifically budgeted for fuel bills in the current financial year.

(4) The Federal Magistrates Service does not specifically budget for fuel expenditure

(5) Not applicable.

(6) Not applicable.

High Court

(1)	Month	Total
	Jul-99	\$928.66
	Aug-99	\$1,036.89
	Sep-99	\$1,336.60
	Oct-99	\$896.22
	Nov-99	\$1,073.86
	Dec-99	\$0
	Jan-99	\$231.94
	Feb-00	\$1,696.94
	Mar-00	\$2,009.93

Apr-00	\$738.33
May-00	\$1,805.47
Jun-00	\$1,779.34
Total	\$13,534.18

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by Dasfleet in receiving information from fuel suppliers for use in compiling monthly accounts.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$1,556.14
	Aug 2000	\$263.34
	Sep 2000	\$1,846.24
	TOTAL	\$3,665.72

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by Dasfleet in receiving information from fuel suppliers for use in compiling monthly accounts.

- (3) The High Court has not specifically budgeted for fuel bills in the current financial year.
 (4) The High Court does not specifically budget for fuel expenditure.
 (5) Not applicable.
 (6) Not applicable.

Human Rights and Equal Opportunity Commission

(1)	Month	Total
	Jul 1999	\$977.08
	Aug 1999	\$1776.50
	Sep 1999	\$1,869.56
	Oct 1999	\$1,461.92
	Nov 1999	\$1,159.06
	Dec 1999	\$404.03
	Jan 2000	\$1,633.09
	Feb 2000	\$1,238.05
	Mar 2000	\$502.34
	Apr 2000	\$1,434.69
	May 2000	\$1,236.59
	Jun 2000	\$1,346.73
	TOTAL	\$15,039.64

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$888.90
	Aug 2000	\$497.53
	Sep 2000	\$248.08
	TOTAL	\$1634.51

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

- (3) The Commission has not specifically budgeted for fuel bills in the current financial year.
 (4) The Commission does not specifically budget for fuel expenditure.
 (5) Not applicable.
 (6) Not applicable.

Insolvency and Trustee Service, Australia

- (1) The Insolvency and Trustee Service Australia (ITSA) was a part of the Attorney-General's Department until 30 June 2000. Expenditure on fuel purchased for motor vehicles by ITSA for the financial year ending 30 June 2000 is therefore incorporated in the figures provided in the answer to question (1) for the Attorney-General's Department.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$789.24
	Aug 2000	\$2,653.88
	Sep 2000	\$2,155.60
	TOTAL	\$5,598.72

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

- (3) The Insolvency and Trustee Service, Australia has not specifically budgeted for fuel bills in the current financial year.
- (4) The Insolvency and Trustee Service, Australia does not specifically budget for fuel expenditure.
- (5) Not applicable.
- (6) Not applicable.

National Crime Authority

(1)	Month	Total
	Jul 1999	\$32,944
	Aug 1999	\$32,599
	Sep 1999	\$8,777
	Oct 1999	\$69,588
	Nov 1999	\$32,740
	Dec 1999	\$60,748
	Jan 2000	\$55,911
	Feb 2000	\$51,078
	Mar 2000	\$45,187
	Apr 2000	\$27,463
	May 2000	\$70,072
	Jun 2000	\$64,318
	TOTAL	\$551,425.00

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$10,169
	Aug 2000	\$22,709
	Sep 2000	\$75,225
	TOTAL	\$108,103.00

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

- (3) The National Crime Authority has not specifically budgeted for fuel bills in the current financial year. The National Crime Authority budgets for total vehicle costs only and not separately for the component parts of vehicle running costs.
- (4) The National Crime Authority does not specifically budget for fuel expenditure. The National Crime Authority budgets for total vehicle costs only and not separately for the component parts of vehicle running costs.
- (5) Not applicable.
- (6) Not applicable.

National Native Title Tribunal

(1)	Month	Total
	Jul 1999	\$867.91
	Aug 1999	\$1,702.67
	Sep 1999	\$1,365.50
	Oct 1999	\$448.01
	Nov 1999	\$526.64
	Dec 1999	\$1,855.71
	Jan 2000	\$2,252.13
	Feb 2000	\$1,404.70
	Mar 2000	\$843.83
	Apr 2000	\$1,734.14
	May 2000	\$1,597.80
	Jun 2000	\$1,973.92
	TOTAL	\$16,572.96
(2)	Month	Total (GST Exclusive)
	Jul 2000	\$429.10
	Aug 2000	\$3074.30
	Sep 2000	\$2,072.60
	TOTAL	\$5,576.00

The dates above relate to the DASFLEET billing cycle. Differences in monthly fuel bills are due to the billing system.

- (3) The Tribunal has not specifically budgeted for fuel bills in the current financial year – fuel costs are covered under office car hire.
- (4) The Tribunal does not specifically budget for fuel expenditure. It is included in the total administrative allocation for each unit.
- (5) Not applicable.
- (6) Not applicable.

Office of the Director of Public Prosecutions

- (1) The DPP has only separately recorded fuel expenditure since May 2000. Prior to this all vehicle expenditure was recorded together.

Month	Total
May 2000	\$12,865
Jun 2000	\$11,927
Total	\$24,792.00

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$6,102
	Aug 2000	\$3,508
	Sep 2000	\$10,826
	TOTAL	\$20,436.00

The significant difference in monthly balances relates to the delay in billing for July and August whilst some GST issues were being clarified.

- (3) The DPP does not separately budget for fuel costs.
- (4) The DPP does not separately budget for fuel costs.
- (5) Not applicable.
- (6) Not applicable.

Office of Parliamentary Counsel

(1)	Month	Total
	Jul 1999	\$1,378
	Aug 1999	\$1,387
	Sep 1999	\$1,562
	Oct 1999	\$1,716
	Nov 1999	\$1,605
	Dec 1999	\$1,688
	Jan 2000	\$416
	Feb 2000	\$2,494
	Mar 2000	\$1,596
	Apr 2000	\$1,017
	May 2000	\$2,163
	Jun 2000	\$0
	TOTAL	\$17,022

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$1,755
	Aug 2000	\$247
	Sep 2000	\$2,305
	TOTAL	\$4,307

(3) The OPC does not identify fuel costs as a separate item when determining the internal allocation of resources to meet output/outcome targets or agency objectives. The cost of fuel is met from annual appropriations. Comparative information between budget figures and actual expenditure is not available.

(4) Not applicable.

(5) Not applicable.

(6) Not applicable.

Office of the Privacy Commissioner

(1) Not applicable. The Office of the Privacy Commissioner was not established as a separate office until 1 July 2000.

(2)	Month	Total (GST Exclusive)
	Jul 2000	\$341.31
	Aug 2000	\$164.22
	Sep 2000	\$127.85
	TOTAL	\$633.38

The difference in monthly fuel bills is due to the billing system and the difficulties incurred by DASFLEET in receiving information from fuel suppliers for use in compiling monthly accounts.

(3) The Office of the Privacy Commissioner has not specifically budgeted for fuel bills in the current financial year.

(4) Not applicable.

(5) Not applicable.

(6) Not applicable.

Goods and Services Tax: People with Disabilities**(Question No. 3103)**

Senator Chris Evans asked the Assistant Treasurer, upon notice, on 12 October 2000:

- (1) Is the GST payable on modifications made to motor vehicles for use by a person with a disability.
- (2) Is the GST payable on hydraulic/electric wheelchair lifting devices fitted to motor vehicles used by a person with a disability.
- (3) Under what circumstances, if any, would the GST be payable on any of the above when used by a person with a disability.
- (4) Why did the department provide conflicting advice to a caller with a disability initially telling her she was required to obtain a 'disabled certificate' from Health Services Australia to obtain a GST exemption, then acknowledge, in a subsequent telephone call, that no such form existed.
- (5) What level of training have taxation office staff been given in relation to the complex issue of the GST payable on goods and services for people with disabilities.

Senator Kemp—The answer to the honourable senator's question is as follows:

- (1) to (3) The following medical aids and appliances, associated with the use of a motor vehicle by people with disabilities, are GST-free if they are specifically designed for people with an illness or disability, and are not widely used by people without an illness or disability:

- a special purpose car seat;
- a car seat harness specifically designed for people with disabilities;
- a wheelchair and occupant restraint;
- a wheelchair ramp;
- a hydraulic/electric wheelchair lifting device;
- motor vehicle modifications.

Hydraulic/electric wheelchair lifting devices specifically designed for people with an illness or disability and not widely used by people without an illness or disability, are GST-free irrespective of who actually uses them. GST is payable on the medical aids and appliances listed above only if they are not specifically designed for people with an illness or disability or are widely used by people without an illness or disability, irrespective of who uses them.

- (4) The nature of the initial enquiry made by the caller may have been misunderstood. While a person does not require any form of certificate to purchase eligible medical aids and appliances GST-free, a disabled person must have a current disability certificate issued by Health Services Australia in order to obtain cars and/or parts for cars GST-free.
- (4) Legislation relating to the GST on goods and services for people with disabilities is covered during the training of GST staff and staff handling GST enquiries. These issues are also covered within training and on line reference material. Staff continue to receive updated training as new issues are identified.

Australian Quarantine and Inspection Service: Kahn, Dr Sarah
(Question No. 3109)

Senator Harris asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 13 October 2000:

- (1) Did Dr Sarah Kahn as an employee of the Australian Quarantine and Inspection Service (AQIS) participate in the assessment of an application by Canada to export salmon to Australia; if so, what input did Dr Kahn have in the evaluation process that resulted in the decision by AQIS issued in July 1999.
- (2) What role did Dr Kahn play in the defence of that decision to the World Trade Organization (WTO)?
- (3) Is Dr Kahn on leave of absence from AQIS; if so, what is the length of her period of leave?
- (4) Did Dr Kahn participate in any meetings in Australia or Canada relating to Canada's application or its defence before the WTO; if so, who attended those meetings and in what capacity (whom did they represent)?
- (5) Did Dr Kahn attend any meetings in which representatives of Canada were present; if so, who attended those meetings and in what capacity (whom did they represent)?

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Dr Sarah Kahn was the leader of the team that conducted the import risk analysis of the Canadian access request for salmon. She provided advice in developing the recommendations on which the Executive Director of AQIS made his policy determination on 19 July 1999.
- (2) Dr Kahn contributed to the development of relevant advice and submissions and was a member of the Australian delegation, which included representatives of the Departments of Foreign Affairs and Trade (DFAT) and AQIS, which defended the policy determination in proceedings before the WTO dispute settlement panel.
- (3) Dr Kahn is on leave without pay for 3 years.
- (4) From March 1999 Dr Kahn assumed leadership of the team responsible for conducting the import risk analysis, resulting in the policy determination of 19 July 1999. Subsequent to July 1999 Dr Kahn was a member of the Australian delegation that participated in several meetings with the WTO dispute settlement panel and/or Canadian representatives. The formal meetings in which Dr Kahn participated were:

August 1999 - Meeting with an official of the Canadian High Commission, Canberra. Other participants included Mr Digby Gascoine and Dr Peter Beers of AQIS.

December 1999 - Australian delegation to hearings in Geneva of the WTO dispute settlement panel. Other participants included Mr Phil Sparkes, Mr Stephen Deady and Ms Joan Hird of DFAT and Mr Gascoine and Dr Beers of AQIS.

March 2000 - Meetings with Canadian officials in Ottawa. Other participants included Mr Deady and Ms Francis Lisson of DFAT and Dr Beers of AQIS.

May 2000 - Teleconference with Canadian officials. Other participants included Mr Deady, Ms Hird and Mr Gavin Goh of DFAT and Ms Vanessa Findlay of AQIS.

- (5) The Canadian officials that attended or otherwise participated in the above meetings were:

August 1999 - Mr Wayne Robson, Canadian High Commission.

December 1999 - Mr Matthew Kronby, Ms Helene Belleau and Ms Heather Murphy of the Department of Foreign Affairs and International Trade (DFAIT), Ms Iola Price, Mr Gilles Olivier and Mr Ken Roeske of the Department of Fisheries and Oceans (DFO), Ms Marnie Ascott of the Canadian Food Inspection Agency (CFIA) and Mr Brendan McGivern and Ms Lynn McDonald of the Permanent Mission of Canada to the United Nations and WTO.

March 2000 - Mr Claude Carriere, Mr Matthew Kronby, Mr David McKinnon, Mr Charles Kaine and Ms Helene Belleau of DFAIT, Mr Martin Foubert, Ms Iola Price and Mr Gilles Olivier of DFO and Ms Marnie Ascott of CFIA.

May 2000 - Mr Claude Carriere, Mr Geoff Adams, Mr Matthew Kronby and Ms Helene Belleau of DFAIT, Ms Iola Price and Mr Martin Foubert of DFO.

World Conservation Union: Nomination of Mr Tanzer

(Question No. 3111)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 13 October 2000:

With reference to the Minister's and/or department's support for Mr Tanzer as a candidate for the global council of the World Conservation Union:

- (1) Which governments were informed of this choice.
- (2) In what form (letter, telephone, e-mail, faxes, lunches, receptions and meetings etc) was the support expressed.
- (3) How much did the Government's overall contribution to the campaign of support cost.
- (4) When and where did the Minister discuss the nomination with Mr Tanzer.
- (5) Which officers, by name and position, were involved in the campaign of support.
- (6) What are the voting figures for the position and which candidates were elected.
- (7) When did the Minister and/or the department first decide to support Mr Tanzer.

Senator Hill—The answer to the honourable senator's question is as follows:

- (1) and (2) Mr Tanzer's candidature was discussed with representatives from a range of governments and also non-government organisations, including at the World Congress in Amman. I understand that, in addition to discussions with these representatives, written details of both Mr Tanzer's candidature (such as his curriculum vitae) and the position of the Australian government were provided to some representatives.
- (3) The Government has incurred costs in relation to the pursuit of Australia's policy objectives in relation to the conservation of marine biodiversity on the high seas, and in preparation for the World Conservation Congress generally. Additional costs specific to Mr Tanzer's candidature were minor.
- (4) I meet with Mr Tanzer on an ongoing basis to discuss matters relating to the Great Barrier Reef. In the course of these meetings, I have on occasion discussed his IUCN candidature.
- (5) Support for Mr Tanzer's nomination from Commonwealth officers was undertaken in line with their responsibilities for preparations for the Australian Government Delegation's attendance at the World Conservation Congress in Jordan. I do not believe it is appropriate to provide the names of individual officers.
- (6) This information can be obtained from the World Conservation Union.
- (7) My decision to support Mr Tanzer's nomination was made when I became aware nominations were open and that Mr Tanzer was interested in standing for the position.

**Veterans: 1939-45 Star
(Question No. 3162)**

Senator Hutchins asked the Minister Assisting the Minister for Defence, upon notice, on 6 November 2000:

- (1) What are the criteria currently being used to determine if a World War II serviceman is entitled to be awarded a 1939-45 Star.
- (2) When did the current criteria used to award the 1939-45 Star come into effect.
- (3) What were the criteria for awarding the 1939-45 Star before the existing criteria came into effect.
- (4) Was any review of the previous criteria conducted before the new criteria were enacted; if so: (a) who conducted the review; and (b) what were the conclusions and/or recommendations of that review with regard to the 1939-45 Star.
- (5) Will the criteria used to award the 1939-45 Star be subjected to any scheduled review.
- (6) Is it correct that under the existing criteria used to determine the eligibility of a serviceman for a 1939-45 Star, a serviceman who served 170 days overseas but was located in Australia at the end of World War II is not entitled to the 1939-45 Star.
- (7) Is it correct that under the existing criteria used to determine the eligibility of a serviceman for a 1939-45 Star, a serviceman who served one day overseas and was located outside Australia at the end of the World War II is entitled to the 1939-45 Star.
- (8) Has the Government taken any measures that could lead to amendments being made to the criteria used to determine the eligibility of servicemen for the 1939-45 Star before the next election.

Senator Newman—The Minister Assisting the Minister for Defence has provided the following answer to the honourable senator's question:

- (1) The criteria currently being used to determine eligibility for the 1939-45 Star are found in the British Command Paper 6833 of 1948 and in a determination made by the Governor-General in Commonwealth of Australia Gazette Number S350 of 9 July 1998.
- (2) The main criteria was introduced in 1948, with three amendments made as determined by the Governor-General in 1995 and 1996.
- (3) Except for the amendments determined by the Governor-General in 1995 and 1996, the original criteria remains.
- (4) Yes.
 - (a) Amendments were recommended by the 1993/94 Committee of Inquiry into Defence and Defence Related Awards and by the former Shadow Minister for Defence Science and Personnel, Mr Wilson Tuckey, after consultation with the veteran community.

- (b) The amendments following from (a) above are detailed in Commonwealth of Australia Gazette Number S350 of 9 July 1998 and state:
- (i) The 1939-45 Star may be awarded to a person who served in the area of the Northern Territory of Australia north of latitude 14 degrees 30 minutes south during the period that commenced on 19 February 1942 and ended on 12 November 1943. The qualifying period for aircrew members is two months, for non-aircrew members it is six months.
 - (ii) The 1939-45 Star may be awarded for service in the Merchant Navy where a crew member rendered service at sea for a period of six months or more, provided that at least one voyage was made through the waters of the Northern Territory of Australia in the period from 19 February 1942 to 12 November 1943.
 - (iii) The 1939-45 Star may be awarded to a member of the Australian Defence Force (ADF) for service in the United Kingdom during the period that commenced on 3 September 1939 and ended on 8 May 1945. The qualifying period for ground crew in support of aircraft operations is six months, for air crew engaged in aircraft operations it is two months.
 - (iv) The 1939-45 Star may be awarded for service as a member of the ADF, or to a person in a civilian category designated in Command Paper 6833, who was on operational service in a designated European theatre of operations at any time during the six months immediately prior to, and including, 8 May 1945, but who had not previously met the qualifying periods of operational service for the award of the 1939-45 Star. It may also be awarded to those who were on operational service in a designated Pacific theatre of operations at any time during the six months immediately prior to, and including, 2 September 1945, but who had not previously met the qualifying periods of operational service for the award of the 1939-45 Star.
 - (v) The 1939-45 Star may be awarded to a person in accordance with paragraphs (i), (ii), (iii), and (iv) notwithstanding that the person has been granted or is eligible for any other campaign award.
- (5) No.
- (6) No.
- (7) No.
- (7) It is Government policy to monitor concerns of the current and former Service communities regarding medals issues. Other than this, there are no planned reviews for the 1939-45 Star.

Tiwi Islands: Proposed Forestry Plantation

(Question No. 3173)

Senator Crossin asked the Minister for the Environment and Heritage, upon notice, on 24 November 2000:

With reference to the proposed forestry plantation of *Acacia Mangium* on the Tiwi Islands:

- (1) Is the Minister aware that no public environmental impact assessment has been completed for this proposal and the Northern Territory Government has stated it has no intention to undertake one.
- (2) Is the Minister satisfied that there will be no serious environmental impacts resulting from the project; if so, can details of the documents that the Minister has relied upon in researching this assessment be provided.
- (3) If the Minister believes there may be potential serious environmental impacts resulting from the project, what steps are being taken to ensure a thorough and public environmental impact assessment is completed.
- (4) Do the Partridge pigeon and the Masked Owl, both of which are listed as vulnerable under the Endangered Species Protection Act 1992, occur on the proposed site to be cleared for this project.
- (5) Considering that no environmental impact assessment has been completed for the proposed clearing of 30 000 hectares of land where threatened species are known to occur, why has the Environment Protection and Biodiversity Conservation Act 1999 not been triggered and a full environmental impact assessment undertaken.
- (6) What justification can the Minister offer for Natural Heritage Trust funding being used to prepare environmental management plans for a commercial venture.

- (7) Given that Natural Heritage Trust funding has been used to complete environmental assessment work for this venture, will the information gained from this work be available to the public.

Senator Hill—The answer to the honourable senator's question is as follows:

- (1) My Department informs me that the government of the Northern Territory has conducted an assessment of the proposal in order to satisfy requirements of the Administrative Procedures of their Environmental Assessment Act 1982. That assessment included consultation with the Tiwi Land Council, but did not include consultation with the wider public.
- (2)–(5) The full proposal has not yet been referred to the Commonwealth and, as a consequence, I have not assessed whether or not there would be serious environmental impacts from the proposal proceeding. The Northern Territory Government and the proponent have been informed that the proposal may require approval under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). If approval is required under the EPBC Act, assessment documentation would be released for public comment as part of the assessment process.
- (6) Natural Heritage Trust funding has not been provided for preparation of environmental management plans for the proposal. The Natural Heritage Trust is providing funding through Bushcare to the Tiwi Land Council for development of a conservation management plan. The plan will identify areas of high conservation value on the Tiwi Islands.
- (8) The work funded through Bushcare has not yet been carried out. When it has been, the work will be available to the public.

Human Rights: Burma
(Question No. 3177)

Senator Bourne asked the Minister representing the Minister for Foreign Affairs:

With reference to the recent human rights training conducted by Australia in Burma:

- (1) Will the minister be reviewing the effectiveness of the recent human rights training in Burma.
- (2) Against what criteria will the minister be judging the success, or otherwise, of the human rights training.
- (3) Does the minister expect to fund similar training programs in the 2001-02 Budget.

Senator Hill— The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) The human rights training workshops conducted in Burma in July and October 2000 have been reviewed and were found to have been effective.
- (2) The principal criterion by which the success of the human rights workshops was judged was the extent to which they achieved their objectives. The workshops were intended to provide a relatively small group of 51 mid-level officials working in relevant areas of the Burmese Government with a greater understanding and appreciation of international human rights standards, responsibilities and laws. After completion of the workshops, the views and evaluation comments of the presenters, the participants and the Australian mission in Rangoon were considered. It was concluded that the three workshops were conducted in a frank, open and positive atmosphere. They were judged to have been successful in raising awareness of international human rights standards, in stimulating discussion of human rights issues and may contribute, in a modest way, to an environment which facilitates further steps towards the ultimate goal of improved human rights in Burma.
- (2) The initial human rights workshops have achieved their goals. Separately, the UN Secretary-General recently announced that his Special Representative, Razali Ismail, has confirmed Daw Aung San Suu Kyi and the State Peace and Development Council (SPDC) have begun a direct dialogue. This is an encouraging development that may point to potential progress in Burma. The Australian Government is under no illusions about the difficulty of promoting change in Burma, but it continues to believe that it is worth trying to promote long-term progress through capacity building in the specific area of human rights. To this end, I have asked my department to develop further options for additional activities aimed at promoting awareness of human rights for my consideration. The Australian Government will continue to monitor the situation and will proceed carefully and cautiously.

**Snowy Mountains Hydro-electric Authority: Corporatising
(Question No. 3182)**

Senator Sherry asked the Minister representing the Minister for Finance and Administration, upon notice, on 30 November 2000:

With reference to a report in the *Age* of 7 October 2000, which indicated that the Commonwealth stood to enjoy a \$900 million windfall from the corporatisation of the Snowy Mountains Hydro-electric Authority (SMHEA) and the creation of Snowy Hydro Limited:

- (1) Can details be provided of the processes, accounting and budgetary mechanics of corporatising the SMHEA.
- (2) Will there be a cash windfall to the Commonwealth of \$900 million.
- (3) What is the expected impact on the Commonwealth balance sheet and operating statement?

Senator Ellison—The Minister for Finance and Administration has provided the following answer to the honourable senator's question:

- (1) The corporatisation of SMHEA and the creation of Snowy Hydro Limited is a reform of the Snowy Mountains Hydro-electric scheme agreed by the Commonwealth, New South Wales and Victoria in 1994.

SMHEA assets and liabilities will be transferred to Snowy Hydro Limited in accordance with the Snowy Hydro Corporatisation Act 1997. Snowy Hydro Limited will be owned by the three governments with equity holdings in proportion to the existing entitlements each jurisdiction has to the electricity produced by the scheme.

The existing SMHEA long term debt comprising loans made or guaranteed by the Commonwealth will be replaced by a new interim loan from the Commonwealth to SMHEA, included in the industry, Science and Resources portfolio estimates at \$895m. At corporatisation repayment of this loan will become the responsibility of Snowy Hydro Limited. It is anticipated the loan will be refinanced and repaid by the company during 2001-02.

- (2) The transactions associated with corporatisation will effectively replace an existing financial asset (loans receivable) with another asset (cash). The existing long term loan from the Commonwealth to SMHEA would have been repaid by 2049 unless alternative arrangements had been agreed. The new interim loan will be repaid in 2001-02, thereby bringing forward the receipt of cash.
- (3) There is no impact on fiscal balance or underlying cash balance, however:

The adjustment of the loan from face value to present value to take account of the early repayment. The 2000-01 budget estimates in the Industry, Science and Resources portfolio include a reduction of \$15m for this conversion. The actual amount will be calculated using the Commonwealth Government bond yield curve applying at the date of corporatisation.

A reduction in the Administered Investments of the Industry, Science and Resources portfolio that will follow the transfer of SMHEA assets to a company in which the Commonwealth will have a 13% shareholding. The three governments agreed in 1994 that their equity in the corporatised scheme would be in accordance with their existing rights to share in the economic value of the scheme, as represented by electricity entitlements. The Industry, Science and Resources estimates for 2000-01 include a reduction of \$2.34 billion in Administered Investments attributed to this adjustment. The actual amount will be determined following corporatisation when the company is valued.

**Shipping: Maritime Capable Work Force
(Question No. 3209)**

Senator O'Brien asked the Minister representing the Minister for Defence, upon notice, on 18 December 2000:

- (1) What programs are in place to ensure that Australia has a maritime-capable work force for defence purposes.
- (2) What assessment has been made of the impact of the Government's policy of significantly increasing the number of continuing voyage permits issued to foreign vessels and its refusal to apply the provisions of section 23 AG of the Income Tax Assessment Act to the incomes of Australia's inter-

national shipping fleet on the availability of a maritime-capable work force for defence purposes; if no such assessment has been made, why not.

Senator Minchin—The Minister for Defence has provided the following answer to the honourable senator's question:

- (1) The Defence Department does not maintain a program for ensuring Australia has a non-Defence maritime-capable work force. The Australian Defence Force is operationally interested in augmenting its shipping capacity and does so by access to merchant ships and crews from either Australian or appropriate foreign sources.
- (3) In considering the effects of the Government's policy (to permit foreign vessels' voyages and the application of the Income Tax Assessment Act Section 23 AG in this matter), there is no Defence imperative that could justify Government intervention in the commercial environment of the Australian merchant shipping to ensure its availability, other than in extreme contingencies.

Roads to Recovery
(Question No. 3211)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 December 2000:

What level of funding does the Government's Roads to Recovery package contain for the federal seats of Wannon, Mallee, Ballarat and Corangamite.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

The total funding over four years under the Government's Roads to Recovery programme for councils in the federal seats of Wannon, Mallee, Ballarat and Corangamite is \$36,702,740, \$29,596,461, \$25,265,974, and \$20,894,179, respectively. Roads to Recovery funding is distributed at the local council level. The above figures are calculated as the total funding for all councils in the boundaries of each electorate. Some council boundaries may cross more than one electorate and therefore some council grants have been counted in more than one electorate.

Department of the Environment and Heritage: Programs and Grants to the Gwydir Electorate

(Question No. 3216)

Senator O'Brien asked the Minister for the Environment and Heritage, upon notice, on 18 December 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the electorate of Gwydir.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98, 1998-99 and 1999-2000 financial years.
- (3) What level of funding was appropriated for the above programs and/or grants for the 2000-01 financial year.

Senator Hill—The answer to the honourable senator's question is as follows:

The following table relates to particular grants that are being delivered to the electorate of Gwydir.

(1) to (3)

PROGRAM/GRANT	1996-97 \$	1997-98 \$	1998-99 \$	1999-00 \$	2000-01 \$
Natural Heritage Trust Projects					
One Billion Trees	25,000	Nil	Nil	Nil	Nil
Bushcare	Nil	171,786	307,022	530,100	359,847
National Wetlands	Nil	Nil	62,335	79,710	Nil
Air Pollution in Major Cities Program – Breathe the benefits Woodsmoke Awareness Project	Nil	Nil	Nil	*27,007	Nil

* It is not possible to identify how much of these funds were/are being spent within the electorate of Gwydir as the funding covers the whole of NSW.

NB: The GLOBE Australia Program is part of an international environmental education program. It is jointly funded through the Department of the Environment and Heritage and the Department of Education, Training and Youth Affairs which provides \$50,000 each per annum. CSIRO have been contracted to coordinate the program

The GLOBE Australia Program provides in-kind support to the Boggabilla Central School within the electorate of Gwydir. The in-kind support entails teacher professional development workshops and the provision of program materials and resources.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Gwydir Electorate

(Question No. 3225)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 18 December 2000:

- (1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Gwydir.
- (2) What was the level of funding provided through these programs and/or grants for the 1996-97, 1997-98, 1998-99 and 1999-2000 financial years.
- (3) What level of funding was appropriated for the above programs and/or grants for the 2000-01 financial year

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

In response to parts (1) and (2) of this question I would refer the honourable senator to the answer provided to an earlier question asked by Senator Mackay (Senate Question No. 3060).

- (3) For the 2000-01 financial year the level of funding appropriated for programs and/or grants administered by the department which provide assistance to people living in the federal electorate of Gwydir is as follows:

Program/Grant	Appropriation for Gwydir 2000-01
Natural Heritage Trust One Stop Shop programs administered by AFFA (Murray-Darling 2001, National Landcare Program, National Rivercare Program)	\$760,600
Farm Forestry Program – under the Natural Heritage Trust	Up to \$75,000 for each of the Northern Tablelands Farm Forestry Project and the Central Tablelands Regional Plantation Committee
Financial Counselling Services – under the Rural Communities Program	\$174,687
Rural GST Start-up Assistance Program	Although this program is administered by AFFA funding is provided from the GST Start-Up Office and not from AFFA appropriations. In 2000-01 a total of 15 seminars have been conducted in Gwydir at a total cost of \$75,389.

Other programs are administered on a state/national basis and are available to people living in the electorate of Gwydir.

Program/Grant	State Appropriation 2000-01
The Government's decision on 5 December 2000 to provide assistance to flood affected farmers in northern and central NSW and southern QLD will result in assistance to people living in the federal electorate of Gwydir during the 2000/2001 financial year. Estimates have not been prepared on an electorate basis, and actual expenditure will not be known for some time.	
FarmBis Program	\$8.287 million
West 2000 Rural Partnership Program	\$1.3 million (available to landholders in the western division of NSW. This incorporates a small part of the Gwydir electorate (west from Lightning Ridge and Walgett).
Program/Grant	National Appropriation 2000-01

Program/Grant	State Appropriation 2000-01
Food and Fibre Chains Programme	\$3.047 million
Forest Industry Structural Adjustment Program	\$47.338 million
Dairy Structural Adjustment Program	\$1.63 billion
Dairy Exit Program	\$30 million
Dairy Regional Assistance Program	\$45 million
Farm Help	\$38.7 million
National Non-Government Women's Organisation Grants Program – under FarmBis	\$100,000 (plus GST)

Sydney (Kingsford Smith) Airport: Aircraft Movements

(Question No. 3233)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 December 2000:

- (1) Since 1 January 1998, what were the number of aircraft movements for international, domestic and regional operators, by month, at Kingsford Smith Airport, Sydney.
- (2) What is the forecast annual growth for international, domestic and regional aircraft movements at Kingsford Smith Airport through until 2010.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The available statistics on the number of scheduled Regular Public Transport (RPT) aircraft movements at Sydney (Kingsford Smith) Airport are shown at Attachment A.
- (2) The Final Environmental Impact Statement for the proposed second Sydney airport at Badgerys Creek forecast that total aircraft movements into and out of the Sydney basin (excluding traffic at secondary airports such as Bankstown) was expected to grow at an average rate of 2.7 percent per year in the ten year period to 2009-10. These forecasts assumed continuation of prevailing industry trends, including aircraft size and loadings.

Actual growth in aircraft movements at Sydney Airport in the period through to 2010 will be affected by the cap of 80 movements per hour established under the Sydney Airport Demand Management Act 1997, by the proposed changes to the Slot Management Scheme announced on 13 December 2000 and by the commercial response of the airlines, including decisions about fleet utilisation and scheduling.

ATTACHMENT A

AIRCRAFT MOVEMENTS AT SYDNEY (KINGSFORD SMITH) AIRPORT

(Scheduled RPT Activity)

Year	Month	International (Note 1)	Domestic (Note 2)	Regional (Note 3)	Total
1998	Jan	3,988	9,726	6,178	19,892
1998	Feb	3,572	9,211	6,457	19,240
1998	Mar	3,914	10,332	6,950	21,196
1998	Apr	3,865	10,159	6,677	20,701
1998	May	3,988	10,374	7,043	21,405
1998	Jun	3,726	10,132	6,655	20,513
1998	Jul	3,946	10,852	7,140	21,938
1998	Aug	3,985	10,443	7,178	21,606
1998	Sep	3,800	10,503	6,998	21,301
1998	Oct	3,983	10,844	6,937	21,764
1998	Nov	3,751	10,274	6,795	20,820
1998	Dec	3,926	10,196	6,606	20,728
1999	Jan	3,990	9,702	5,948	19,640
1999	Feb	3,582	9,291	6,258	19,131
1999	Mar	3,911	10,439	6,821	21,171
1999	Apr	3,706	10,124	6,450	20,280

Year	Month	International (Note 1)	Domestic (Note 2)	Regional (Note 3)	Total
1999	May	3,742	10,197	6,749	20,688
1999	Jun	3,600	10,061	6,447	20,108
1999	Jul	3,928	10,761	7,044	21,733
1999	Aug	3,924	10,678	7,249	21,851
1999	Sep	3,772	10,598	6,915	21,285
1999	Oct	3,870	10,910	6,806	21,586
1999	Nov	3,858	10,285	6,822	20,965
1999	Dec	4,037	10,409	6,838	21,284
2000	Jan	4,106	10,059	5,993	20,158
2000	Feb	3,809	9,904	6,103	19,816
2000	Mar	4,093	10,790	6,520	21,403
2000	Apr	4,108	10,235	6,192	20,535
2000	May	4,103	10,800	6,803	21,706
2000	Jun	4,024	11,559	6,671	22,254
2000	Jul	4,318	12,161	6,618	23,097
2000	Aug	4,216	12,276	6,819	23,311
2000	Sep	4,213	12,866	6,345	23,424
2000	Oct	Na	13,303	6,695	-

Notes:

1. Includes some dedicated freight aircraft activity.
2. Comprises interstate services including services from/to Canberra and Norfolk Island.
3. Comprises New South Wales intrastate services only including some jet movements from/to Ballina and Coffs Harbour. Includes some estimates.

Timber: Tasmania
(Question No. 3240)

Senator Brown asked the Minister representing the Minister for Forestry and Conservation, upon notice, on 21 December 2000:

- (1) What Government entities and expenditure have gone towards the sale of Tasmanian sawn timbers or veneer on the world market in the past 3 years.
- (2) Which governments or overseas companies have been approached and when.
- (3) Has the Tasmanian company, Gunns, been in any way involved in the search for markets in Tasmanian timbers: if so, what are the details; if not, which other company is involved.
- (4) What has been the response by governments or companies involved.

Senator Hill—The Minister for Forestry and Conservation has provided the following answer to the honourable senator's question:

- (1) Austrade is the Commonwealth's export facilitation agency. Austrade assists Australian businesses to find export opportunities overseas through a range of services including an export telephone hotline, an on-line web site offering a comprehensive export information service, advice to companies, in-market services, trade fairs and financial assistance through the Export Market Development Grant Scheme (EMDG). Austrade advise that it is not possible to isolate and quantify the use of this wide range of services specifically for Tasmanian sawn timbers and veneers. However, in terms of expenditure under the EMDG, the following grants were provided to sawn timber and veneer companies in Tasmania over the past four years:

Year	Grants provided to sawn timber and veneer companies in Tasmania	% of total grants paid in Tasmania
1997	\$ 8493	0.62
1998	Nil	0.00
1999	\$16,610	1.48
2000	\$39,686	6.94

- (2) The Commonwealth does not hold information on the governments and overseas companies approached directly by the Tasmanian sawn timber and veneer companies. In relation to details of

governments and businesses approached by Austrade on behalf of companies, the provision of this information may breach the Secrecy Provisions of Section 94 of the Australian Trade Commission Act 1985.

- (3) Thirty-two Tasmanian timber and wood product companies have accessed Austrade service over the past three years. The provision of detailed information on individual companies may breach the Secrecy Provisions of Section 94 of the Australian Trade Commission Act 1985.
- (4) The Commonwealth is not aware of the responses by governments and/or companies approached directly by Tasmanian sawn timber or veneer companies. In relation to activities carried out by Austrade on behalf of companies, the provision of this information may breach the Secrecy Provisions of Section 94 of the Australian Trade Commission Act 1985.

Nuclear Waste: Shipments

(Question No. 3243)

Senator Brown asked the Minister for Industry, Science and Resources, upon notice, on 21 December 2000:

With reference to the upcoming shipments of nuclear waste from Lucas Heights (referred to by the Minister in the Daily Telegraph of 19 December 2000):

- (1) What are the exact dates of the shipments?
- (2) What emergency responses are in place in the case of accident or problems with the transfer?
- (3) Have residents along the route been properly informed or prepared for the transfer?

Senator Minchin—The answer to the honourable senator's question is as follows:

- (1) The second of the four shipments of spent fuel from the operations of the HIFAR research reactor was made on 22-23 January 2001. The dates of the final two shipments have not yet been determined, but as indicated in the response to a question on notice from Senator Stott Despoja at the hearing of the Senate Economics References Committee on 2-3 December 1999, the further shipments will be at intervals of approximately twelve to eighteen months.
- (2) The following response was provided to a similar question on notice from Senator Stott Despoja at the hearing of the Senate Economics References Committee on 2-3 December 1999.

“For the transport between Lucas Heights and the port, the general arrangements and framework for all emergencies and definition of responsibilities of response agencies are set out in the following Disaster Plans:

- The NSW State Disaster Plan (DISPLAN) and Georges River Emergency Management District DISPLAN for road transport as far as the Cooks River Bridge before the airport.
- The Sydney East District DISPLAN from Cooks River Bridge to Port Botany.
- Local plans within the above are the Sutherland Shire Local DISPLAN and the Botany Bay Local DISPLAN as well as the Botany Bay Port Hacking Emergency Plan for marine emergencies.
- At Lucas Heights the ANSTO Emergency Plan and ANSTO Lucas Heights Site Emergency Plan detail the roles and responsibilities of ANSTO safety and emergency response staff for emergencies with on-site consequences only. The defined roles may be used to support combat agencies such as the NSW Fire Brigade for radiological incidents.
- For radiological emergencies the responsible agency is the NSW Fire Brigade, as defined under the Fire Brigades Act 1989, No 192.
- For the sea transport phase, the vessel utilised is a specialised vessel certified under the IMO/UNEP/IAEA Code for the Carriage of Irradiated Nuclear Fuel (the INF Code). It is a requirement of this Code that the vessel carries a shipboard emergency plan that covers such matters as:
 - incident reporting
 - list of authorities to contact in the event of an incident
 - detailed description of action to be taken immediately, by persons on board, to prevent, reduce or control any release, and mitigate the consequences of a loss of INF Code materials following an incident, and
 - the procedures and points of contact on the ship for coordinating shipboard action with national and local authorities.”

- (3) The following response was provided to a similar question on notice from Senator Stott Despoja at the hearing of the Senate Economics References Committee on 2-3 December 1999.

“The probability of an accident during the transport of spent fuel rods through Sydney streets is extremely remote. Transport casks for spent fuel must meet very high, international safety standards,

and are heavily shielded. During the last 40 years or so, there have been thousands of spent nuclear fuel movements in many countries around the world, including Australia, without any damage to humans or the environment as a result of the radioactivity of the spent fuel.

Many cargoes of hazardous goods are transported on Sydney streets on a daily basis. In the event of an accident, emergency response is a matter for the NSW emergency services and is covered by existing emergency planning arrangements. The NSW emergency services are involved in the planning of the transportation of spent nuclear fuel, and accompany the convoy to the port.

In short, the emergency planning arrangements, the direct involvement of emergency services, and the very high standard of packaging, combine to ensure that the transportation of spent nuclear fuel through Sydney is far safer than the transportation of virtually any other hazardous substance.

In respect of the precise route of the transport, ANSTO has no advance knowledge of the route. The route is determined by the NSW Police and is only advised to the convoy shortly before it departs Lucas Heights.

Further, international agreements and standards on physical protection and security, to which Australia is party, require that information on the route and timing of nuclear material transports be kept confidential for a range of reasons. It is clearly in the interests of the residents of Sydney that these obligations be followed.”

Prime Minister and Cabinet Portfolio: Executive Agencies

(Question No. 3399)

Senator Robert Ray asked the Minister representing the Prime Minister, upon notice, on 31 January 2001:

- (1) How many executive agencies are there in the Minister's portfolio.
- (2) In each case: (a) when was the executive agency established; (b) why was the agency established; and (c) what was the cost of establishing the agency.
- (3) In each case, can a breakdown of all costs incurred in establishing the executive agency be provided, including accommodation, human resources (including payroll management) and information technology resources.
- (4) In each case, have any corresponding savings been identified by the department from the establishment of the executive agency.
- (5) In each case, what is the public benefit flowing from the establishment of the executive agency.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator's question:

I am advised by my department as follows:

- (1) Nil
- (2) to (5) Not Applicable.

Transport and Regional Services Portfolio: Executive Agencies

(Question No. 3400)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 31 January 2001:

- (1) How many executive agencies are there in the Ministers portfolio.
- (2) In each case: (a) when was the executive agency established; (b) why was the agency established; and (c) what was the cost of establishing the agency.
- (3) In each case, can a breakdown of all costs incurred in establishing the executive agency be provided, including accommodation, human resources (including payroll management) and information technology resources.
- (4) In each case, have any corresponding savings been identified by the department from the establishment of the executive agency.
- (5) In each case, what is the public benefit flowing from the establishment of the executive agency.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

(1) to (5) There are no executive agencies within his portfolio.

Family and Community Services Portfolio: Executive Agencies

(Question No. 3406)

Senator O'Brien asked the Minister for Family and Community Services, upon notice, on 31 January 2001:

- (1) How many executive agencies are there in the Minister's portfolio.
- (2) In each case: (a) when was the executive agency established; (b) why was the agency established; and (c) what was the cost of establishing the agency.
- (3) In each case, can a breakdown of all costs incurred in establishing the executive agency be provided, including accommodation, human resources (including payroll management) and information technology resources.
- (4) In each case, have any corresponding savings been identified by the department from the establishment of the executive agency.
- (5) In each case, what is the public benefit flowing from the establishment of the executive agency.

Senator Vanstone—The answer to the honourable senator's question is as follows:

(1) to (5) Nil.

Defence Portfolio: Executive Agencies

(Question No. 3407)

Senator O'Brien asked the Minister representing the Minister for Defence, upon notice, on 31 January 2001:

- (1) How many executive agencies are there in the Minister's portfolio.
- (2) In each case: (a) when was the executive agency established; (b) why was the agency established; and (c) what was the cost of establishing the agency.
- (3) In each case, can a breakdown of all costs incurred in establishing the executive agency be provided, including accommodation, human resources (including payroll management) and information technology resources.
- (4) In each case, have any corresponding savings been identified by the department from the establishment of the executive agency.
- (5) In each case, what is the public benefit flowing from the establishment of the executive agency.

Senator Minchin—The Minister for Defence has provided the following answer to the honourable senator's question:

(1) Nil.

(2) to (5) Not applicable.

Industry, Science and Resources Portfolio: Executive Agencies

(Question No. 3410)

Senator O'Brien asked the Minister for Industry, Science and Resources, upon notice, on 31 January 2001:

- (1) How many executive agencies are there in the Minister's portfolio.
- (2) In each case: (a) when was the executive agency established; (b) why was the agency established; and (c) what was the cost of establishing the agency.
- (3) In each case, can a breakdown of all costs incurred in establishing the executive agency be provided, including accommodation, human resources (including payroll management) and information technology resources.
- (4) In each case, have any corresponding savings been identified by the department from the establishment of the executive agency.

(5) In each case, what is the public benefit flowing from the establishment of the executive agency.

Senator Minchin—The answer to the honourable senator's question is as follows:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) Not applicable.

Agriculture, Fisheries and Forestry Portfolio: Executive Agencies

(Question No. 3413)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 31 January 2001:

- (1) How many executive agencies are there in the Minister's portfolio.
- (2) In each case: (a) when was the executive agency established; (b) why was the agency established; and (c) what was the cost of establishing the agency.
- (3) In each case, can a breakdown of all costs incurred in establishing the executive agency be provided, including accommodation, human resources (including payroll management) and information technology resources.
- (4) In each case, have any corresponding savings been identified by the department from the establishment of the executive agency.
- (5) In each case, what is the public benefit flowing from the establishment of the executive agency.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) None.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) Not applicable.

Genetically Modified Food: Labelling

Senator Hill—On Tuesday 27 June 2000 (*Hansard* page 15676), Senator Brown asked me, as Minister representing the Prime Minister, why the Prime Minister had to write to the Prime Minister of New Zealand, the Hon. Helen Clark, revising downward the estimated cost of labelling of foodstuffs which contained GE contaminants from \$1.5 billion per annum to less than \$315 million per annum.

The Prime Minister has provided the following answer to the honourable senator's question.

I am advised by my department as follows:

The estimates of the costs of labelling genetically modified food were revised when better information became available. The estimates were provided by two independent reports commissioned by the Australia New Zealand Food Standards Council (ANZFS) of State, Territory, Commonwealth and New Zealand health ministers. The reports were presented to health ministers and then communicated by the Prime Minister to Premiers, Chief Ministers and the Prime Minister of New Zealand.

The two reports used different methods and assumptions. The first report, which had to be completed in two weeks, estimated the costs by extrapolating the impacts on two products (soybeans and canola) and a small number of companies. It assumed that food businesses would take all necessary steps, including testing, to discover whether or not their ingredients were genetically modified. The second study was more comprehensive and included an analysis of different types of products and businesses. It assumed businesses would be able to use due diligence to determine if ingredients were genetically modified, including by using documentation, which would reduce the need for testing.