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Tuesday, 6 June 2000

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

QUESTIONS WITHOUT NOTICE

Goods and Services Tax: Exploitation

Senator HUTCHINS (2.00 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Why is it that the government has been so quick to make public examples of businesses such as Video Ezy and Gleebooks in relation to GST price exploitation, yet does not make such public claims of GST price exploitation by big businesses such as Woolworths and David Jones? Is it because the government does not want to upset its big business mates, particularly when one of them is the chairman of the Business Coalition for Tax Reform?

Senator KEMP—I think it is a bit of a pity that Senator Hutchins was not at the Senate estimates. I do not often say it is a pity that someone was not there, because I think it was a pity that a number of people were there. Senator Hutchins, this was very extensively canvassed at the Senate estimates hearings. I will arrange for my office to forward you a copy of the Senate *Hansard*, if you tell me that you are unable to find it yourself. If I get that information from you, I will follow through on that issue.

On to the specifics of the question: is the government worried about upsetting big business? Have you not been reading the papers recently, Senator? I would have to say that big business is never backwards in coming forward about its views on various issues. If I remember correctly, big business has made some comments. Some individuals, who I will not name in the parliament—

Opposition senators interjecting—

The PRESIDENT—Order! Persistent shouting is disorderly.

Senator KEMP—Quite right, Madam President. It is very hard to give a detailed answer to Senator Hutchins's question while this sort of abuse continues. Senator Hutchins clearly has not been reading the newspapers or he would not have asked a question

that said that the government was afraid to take on big business when it has to. I repeat: when it has to. I refer to the comments by some elements in big business about the ACCC, so the overall premise of your question falls over.

Let me make it clear that the Labor Party have a totally confused position in relation to the ACCC. Sometimes they think the ACCC has too much power, and sometimes they think the ACCC does not have enough power. Both these particular lines are run concurrently. Senator Hutchins, I invite you to read the *Hansard*. If you cannot find it, give my office a call and we will forward a copy to you.

Senator HUTCHINS—Madam President, I ask a supplementary question. I find that answer quite inadequate. It would appear to me that the camouflaging that you have the business community do is continuing and has continued for some time. My question to you, clearly, was: why have public examples been made of stores like Video Ezy and Gleebooks, yet you let Woolies and DJs off the hook?

Senator KEMP—As Professor Fels indicated, there was action in relation to Woolies and I think David Jones and other matters. Senator, to think that just last week I was defending you. Someone said to me that Senator Hutchins was the laziest person in the Senate, and I said that he was not—Senator Forshaw was.

Industrial Relations: Level of Disputation

Senator FERRIS (2.05 p.m.)—My question is to Senator Alston, the Minister representing the Minister for Employment, Workplace Relations and Small Business. Will the minister inform the Senate of levels of industrial disputes in the Australian workplace? Is the minister aware of any threats to the important initiatives introduced by the coalition to improve the living standards for Australian workers and their families?

Senator ALSTON—That is a very important question because the level of industrial disputation is a very good measure of whether Australian workplaces are effective and whether or not industrial relations are

conducted in a harmonious manner. The facts are that, under the coalition government, the number of work days lost per thousand has more than halved. In other words, when Labor was in office, an average of 190 working days were lost per thousand employees. Under us, the figure is now down to 92 working days. That clearly demonstrates that a lot of other beneficial consequences flow to ordinary workers. For example, during the last six years of Labor there were almost 400,000 new jobs created, 27,000 of which were full time. Under us, there have been nearly 700,000 new jobs created, and 381,000 of those are full-time jobs. Youth unemployment under Labor was 27.2 per cent when it left office. It is now barely above 20 per cent. Job insecurity levels have stabilised, after hitting their peak in 1992 under Labor. Quite clearly the level of increase in real wages has been of enormous benefit to ordinary workers.

So why is it that this crowd over here are happy playing in the sandpit, burying their heads in the sand and not wanting to face up to reality? Why is it that they want to go back to the bad old days of secondary boycotts, industrial disputes and the law of the jungle? Why do they endorse people like Dean Mile who get out there and say that they do not regard any order of the IRC with which they disagree as legitimate? In other words, if they are told to return to work and they do not like it, they will not go back. If he is ordered to pay a fine he will not pay it. Senator Lundy might be particularly interested in this: if you visit the ALP homepage you will see some fascinating points made there, such as, 'From its inception, the presence and activity of the trade unions has been vital to the ALP.' We all know that hundred million dollars in electoral contributions has made an enormous difference; 'Particularly over the last 20 years there has been a steady improvement in the relationship between Labor's parliamentary parties and the trade unions'—again, dead right; and, 'In 1980 only 30 per cent of Labor senators had union backgrounds. Now the figure is closer to 70 per cent.' So it is a very close relationship indeed. It is very productive if you want a career path. If you want to be Michael Costa you say, 'I've done my

time. I've run the unions for a couple of years; I now demand to be state Treasurer.' That is the sort of attitude that you get—a natural career progression. If you cannot get a job in the real world you go and work for the unions for a few years, feather your nest, line up a few mates and in you go—lifetime employment.

It is a disgraceful state of affairs. I can well recall, for example, Mr Clinton, when he was elected to office, saying that he wanted a cabinet that looked liked America. You know what the ALP will say when they get into government, if they ever do: they want a cabinet that looks like the ACTU, probably like the John Curtin Hotel front bar. In other words, they simply want to see less than 20 per cent of the private sector represented by about 60 per cent of parliamentarians who are former trade union officials. No wonder they hang their heads in shame. No wonder they are not game to face up to the facts. No wonder they pretend they are not listening to the issue, because they are not prepared to argue. They could easily interject, they could take points of order and they could complain about the facts but, of course, they have no defence. That is the tragedy of it, and the Australian people understand this. The workers of Australia understand it. The last thing they want is to go back to wildcat strikes, strike pay, secondary boycotts—the usual industrial turmoil. They have not had it under us and they will not get it in the future.

Aboriginals: Living Conditions

Senator BOLKUS (2.10 p.m.)—What a lot of babble! My question is to Senator Herron.

Senator Abetz—Madam President, are you going to allow that sort of gratuitous abuse to go on in this chamber unchecked and unrelated to any question? It was just a gratuitous comment at the beginning of a question. I would have thought that, as a minimum, he should have been disciplined.

The PRESIDENT—It is totally disorderly to make remarks of that kind. Your question, Senator Bolkus.

Senator BOLKUS—Madam President, my question is to Senator Herron, the Min-

ister for Aboriginal and Torres Strait Islander Affairs. Minister, do you recall saying in an interview with the *Toowoomba Chronicle* on 30 August 1996 that 'by the year 2000, when the Olympic Games are on, I will defy anybody to say that we have got Third World conditions in any Aboriginal community in Australia'. Minister, given that we are now well into the year 2000 and that, clearly, we still have Third World conditions in so many Aboriginal communities in this country, will you assure the Senate that you will see out your term in order to achieve the objective you set for yourself some four years ago?

Senator HERRON—To answer the second part first, I could only paraphrase Mark Twain, who said, 'The reports of my political demise are premature'. In relation to the first part, I would refer Senator Bolkus to the latest indigenous housing report from the Australian Bureau of Statistics. What I said then, I stand by. Interestingly enough, I stand by it. Senator Bolkus would not know because he reads the *Sydney Morning Herald* and the metropolitan press. He does not go out to remote communities. He would not have a clue. He is writing down that he has been to one. He said here in the Senate that he had been to one. The reality is that the Australian Bureau of Statistics survey shows, for example, that three per cent of the Aboriginal communities in remote areas are living in improvised dwellings. Which government put in the Army ATSIC program? Which government has taken positive action over the last four years with a program to solve the problems of Aboriginal communities, which were neglected by the Labor Party for the 13 years that they had something to do about it? They did little or nothing. Now they are dragging something out that I said in the *Toowoomba Chronicle* four years ago, which I stand by.

The other thing that Senator Bolkus is probably not aware of is the definition of what he is referring to, and I would refer him to what he is talking about: Third World conditions. I would suggest that he go and look that up. It is not my place to educate him. He has the capability to check that himself. The reality is that an enormous amount has been achieved in the time that we have

been in office, particularly in relation to Aboriginal health, to the provision of water, to education, to housing and to employment. The Community Development Employment Program was instituted by the Fraser government. The coalition has done more for Aboriginal affairs, instead of, as Senator Bolkus and his party do, working the system, talking about it in the metropolitan areas and not getting out to the remote communities, where there are definite improvements occurring and which have been occurring since the Commonwealth, and I will pay some due to the Labor Party in that regard. But where I do not pay regard to the Labor Party is their using Aboriginal affairs as a political football. That is what they are doing. They are using it as a political football. They had 13 years to do something about it and they devoted nothing to it. It was run by the Left of Senator Bolkus's party and used as a political issue. They did nothing in a concrete way to address the real issues of health, housing, education and employment.

We stand by what we set out to do. I would again refer Senator Bolkus to the beginning of my answer and ask that he check the Australian Bureau of Statistics survey with regard to housing—which I launched, and he was not at—and look at the fact that only three per cent of the Aboriginal community are now living in improvised dwellings. There has been an enormous amount of effort put into it. I am having discussions with ATSIC at the moment so that we can have a 10-year program. It will not be solved overnight. We have had four years to address the problems of the past—four years to overcome the disadvantage that Aboriginal people have suffered. We acknowledge that disadvantage. All of us recognise the disadvantage that they have. But we have a program to do something about it—something that was totally neglected by the Labor Party in the 13 years that they had to do something about it. I am very proud of our record over the last four years when I have been minister.

Senator BOLKUS—Madam President, I ask a supplementary question. I note that the minister has avoided making a renewed commitment to stay here until he meets the commitment he made in 1996. Minister,

given the widely acknowledged difficulties in reducing the levels of disadvantage in so many Aboriginal communities, do you understand why many Australians across the country regard the government's proclaimed commitment to 'practical reconciliation' as simply an excuse to avoid the wider issues posed by the reconciliation process?

Senator HERRON—Senator Bolkus has just reinforced the point that I made: he is using Aboriginal affairs as a political football. I ask Senator Bolkus to stop using Aboriginal affairs as a political football and to try to work with the government to produce change for the Aboriginal people, which is, after all, true reconciliation.

Private Health Insurance: Government Initiatives

Senator KNOWLES (2.17 p.m.)—My question is to Senator Herron in his capacity representing the Minister for Health and Aged Care. Given that the Labor Party almost destroyed the private health system in this country and in the process threatened Australia's public health system—

Government senators interjecting—

Senator KNOWLES—That is right—not almost; they, in fact, did destroy private health and, as I said, in the process they threatened Australia's public health system. Will the minister please outline for the Senate the government's health initiatives to boost private health insurance?

Senator HERRON—I thank Senator Knowles for the question because it follows on in essence from my last answer. We have done more in four years in relation to resuscitating the health system of this country than the Labor Party did in the 13 years they had. They nearly destroyed it in their 13 years. I am pleased to receive the question because I am happy to report that the 30 per cent rebate and Lifetime Health Cover have proved to be outstanding successes.

Opposition senators interjecting—

Senator HERRON—Madam President, I would ask you to control the other side.

The PRESIDENT—Order! There is an undue amount of noise on my left.

Senator Conroy—Can you control Brendan Nelson as well?

The PRESIDENT—Senator Conroy, you are behaving in a disorderly fashion. I call Senator Herron.

Senator HERRON—As it could not be heard above the din from the other side, I will repeat that I am happy to report that the 30 per cent rebate and Lifetime Health Cover have proved to be outstanding successes. This question also gives me the opportunity to remind people that the 30 June deadline is approaching for people wishing—

Opposition senators interjecting—

Senator HERRON—Madam President, I crave your support.

The PRESIDENT—We will wait for order. I call Senator Herron.

Senator HERRON—For the first time in 10 years we are now seeing a rising trend in private health insurance membership rates. During the March quarter more than 187,000 people took out private health insurance. This is the largest ever surge in private health insurance membership and represents a massive vote of confidence in the government's reforms of an industry that was left to decay by the previous Labor government. Labor almost destroyed health services, as Senator Knowles said, and we are fixing the mess. The increase in the March quarter is the fifth consecutive quarterly increase in participation rates since the introduction of the 30 per cent rebate—the fifth successive increase. This has never happened since private health participation figures were first published in quarterly form in 1989. The largest increase was in the 30 to 34 age group, which recorded an increase of over 21,000. Since the introduction of the 30 per cent rebate in 1998, almost half a million Australians have taken out private health insurance. Today 32.7 per cent of the population are covered by private health insurance. You may be interested to know, Senator Hill, that we have support from an unexpected quarter. Former Labor health minister, Graham Richardson, acknowledges the significance and importance of this figure.

Senator Faulkner—A very good man.

Senator HERRON—Senator Faulkner just said that he was a very good man. That is not what he records in his autobiography. You would remember the famous Christmas party, Senator Faulkner. Graham Richardson, former health minister, said on radio: ‘I’ve got to say, well done.’

Senator Faulkner—We are very fond of each other.

Senator HERRON—Madam President, Senator Faulkner did not hear me. Graham Richardson said, ‘I’ve got to say, well done, because that is a big improvement—better than it used to be. And good luck to them.’ That was former Senator Richardson, a former health minister. It is a pity his Labor colleagues do not share his views. In fact, do you hear the silence, Madam President? They do not have any views. They do not have any policies. They do not have any health policies.

Honourable senators interjecting—

The PRESIDENT—Order, Senator Herron!

Senator HERRON—They are the PO party.

The PRESIDENT—Senator Herron, I have called you to order. There is too much noise in the chamber. I call Senator Herron.

Senator HERRON—I have worked out their policy. The policy of their party—the PO party—is propose nothing and oppose everything. They have no policies at all—the PO party. Well, they did have a policy. That was to scrap the private health sector. That was the good old socialist rhetoric: scrap the private health sector—get rid of them. This government is the best government that Medicare ever had.

Centrelink: Client Privacy

Senator LUDWIG (2.22 p.m.)—My question without notice is to Senator Herron, representing the Minister for Family and Community Services. Can the minister inform the Senate how many pension or benefit recipients have been contacted by the Morgan research organisation in its current or recent broad polling exercise? Can the minister confirm that Centrelink has passed personal particulars on to Morgan polling,

including contact details? What other personal details have been forwarded to the polling organisation for this survey and what privacy safeguards have been put in place to protect the privacy of these Centrelink clients? Is Roy Morgan polling also covered by the Commonwealth Privacy Act in regard to its Commonwealth information?

Opposition senators—Good question!

Senator HERRON—It certainly was a good question, and I believe I have a brief on it, which is even better, so it gives me an opportunity to jump all over the Labor Party again. It appears that there have been a few problems. Unfortunately, the brief does not cover completely all the questions.

Opposition senators interjecting—

The PRESIDENT—Order! There are far too many on my left shouting and behaving in a way that is not consistent with the standing orders.

Senator HERRON—Madam President, I am giving a truthful answer—

Senator Bolkus interjecting—

The PRESIDENT—Senator Bolkus, I have just drawn the standing orders to your attention.

Senator HERRON—But, like most people in the Labor Party, when they stumble over the truth they pick themselves up and dust themselves off just in case they recognise it. I am trying to give a truthful answer to the question but I keep getting these terrible interjections, Madam President. As I say, the brief does not cover the questions that Senator Hogg asked and I will have to get back with them from the department.

Opposition senators interjecting—

The PRESIDENT—Order! A Labor senator is seeking to ask a supplementary question and his colleagues ought not be shouting while he is on his feet seeking to do so.

Senator LUDWIG—Madam President, I ask a supplementary question. Whilst you can have a look at the original question I asked, also could you have a look at this matter. Is the minister aware that many of these Centrelink clients are also very concerned about their personal details being

provided to a commercial polling organisation? Did Centrelink attempt to inform clients about this polling exercise and about their rights and privacy protections? If not, why not? If it did, it could not have been very effective—could it, Minister?

Senator Carr—Jump all over them again.

Senator Herron—I will, Senator Carr.

The PRESIDENT—Order! Senator Herron, I have not called you. Senator Carr, it is absolutely inappropriate to start shouting as soon as the questioner sits down.

Opposition senators interjecting—

Senator HERRON—Madam President, they are provoking me from the other side. Madam President, I do not accept everything I read in the newspapers, despite the scribes up there.

Senator Chris Evans—I would believe today's *Canberra Times* if I were you.

Senator HERRON—I would suggest to Senator Hogg he does the same because—

Opposition senators interjecting—

Senator HERRON—I am sorry, not him. My apologies; I withdraw. Madam President, I will have to get back to answer that. But I do not go on newspaper reports and I will have to refer it to the department to get an answer for the honourable senator.

Cox Peninsula Transmitter: Sale

Senator BOURNE (2.25 p.m.)—My question is to the Minister representing the Minister for Finance and Administration, Senator Ellison. In regard to the leasing of the Cox Peninsula transmitter site to Christian Vision, when was the final contract signed? What were the terms of that contract? What was the final negotiated price for the lease of the site and the purchase of the hardware?

Senator ELLISON—I am advised by the Minister for Finance and Administration that the final contract was signed on 22 May this year. In relation to the terms of the contract, Christian Vision will operate under a 10-year non-exclusive licence and will also purchase all movable plant and equipment located at the Cox facility. As for the final price, the release of this information would need to be agreed to by the successful tenderer. I am

happy to take up that point with the tenderer; that is, the point raised by Senator Bourne.

Senator BOURNE—Madam President, I ask a supplementary question. I thank the minister for his answer. I would appreciate it if he did take up that point with the tenderer. Further to that, while he is answering on this, can he tell me how the tendering process actually was conducted and how many applicants there were? Also, did Radio Australia feature as a point of the tender and did that materially affect whether Christian Vision was picked over another tenderer?

Senator ELLISON—I appreciate Senator Bourne's interest in this matter. The Commonwealth does not normally comment upon the participation or identities of parties in a confidential competitive tender process. However, I can confirm that the Commonwealth received three applications as part of this tender process. Tenders were assessed in accordance with the terms and conditions of the request for tender documentation, the guiding principle there being best value for the Commonwealth. In evaluating tenders, the Commonwealth determined that Christian Vision's tender represented best value to the Commonwealth. As to the other aspects of Senator Bourne's question, I will take them on notice.

Goods and Services Tax: Australian Business Number Records

Senator GEORGE CAMPBELL (2.28 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Can the minister inform the Senate precisely which of the 49 questions asked in the government's application to register for the new tax system offer the applicant the choice of whether they agree to having the information they provide on-sold by the Howard government to anybody who wants it? How many of these 49 questions are described as compulsory to answer and how many are stated as being voluntary only?

Senator KEMP—There are a number of specific issues raised by Senator George Campbell. Senator, in relation to the application, my understanding is—and I will check this—that some of the questions were of a voluntary nature and people had to make a

decision whether or not to fill them in. As to the specifics of your question, I would prefer to seek some formal advice and get back to you as soon as practical.

Senator GEORGE CAMPBELL—Madam President, I ask a supplementary question. Minister, isn't it the case that the Howard government offered 2.5 million ABN applicants no choice as to what information they could provide voluntarily and what had to be supplied compulsorily? Isn't it the case that it was always the government's intention to abuse confidential taxpayer information by selling it for \$20 per record, making a profit through abuse of privacy?

Senator KEMP—The answer to that question, particularly to the last part of it, is no.

Timber Industry: Plantations

Senator BROWN (2.29 p.m.)—My question is also to the Assistant Treasurer. I note that \$150 million to \$200 million is given by the Commonwealth to the establishment of plantations in Australia through a preferential tax system. That is on top of \$333 million which has gone to the logging industry through the RFA process. I ask: what is the exact figure for this preferential tax treatment of the establishment of plantations, and why does the government allow this spending of public expenditure when Australia already produces more timber than it uses? Indeed, in the last year for which figures are available it exported more than 600,000 tonnes of sawlogs for downstream processing overseas.

Senator KEMP—Thank you to Senator Brown for that question, because it allows me to put a number of things on record which I hope will be of interest to Senator Brown and to the Senate. The tax treatment of planting new timber is generally subject to the ordinary provisions of the tax act. This means that, provided the taxpayer is carrying on a business and the expenses relate to that business, they will attain a tax deduction for the non-capital expenditure. This may include plantation preparation and establishment fees.

Senator Murphy—That is not true.

Senator KEMP—That is the advice that I have received, Senator. You say that it is not true, but that is the advice that I have received.

Senator Murphy—I would check it if I were you.

Senator KEMP—Senator, that is the advice that I have received. If you want me to further check that on your behalf, I will. That is my understanding of how these expenses are treated under the ordinary provisions of the tax act. However, it is important to note that the government has specific tax legislation to encourage environmentally friendly expenditure—and I think that sort of expenditure, Senator, is the sort of expenditure that you would strongly support. For example, the government allows an immediate deduction for expenditure, whether capital or revenue, incurred for the sole or dominant purpose of carrying on an environmental protection activity. The government allows a deduction over 10 years for certain expenditure incurred on environmental impact assessment. You wanted a specific figure, an indication of the costs of some of these deductions, and I will go back to the tax office to see if I can provide you with any of the information that you are seeking.

We have to give an enormous amount of credit to Senator Robert Hill in relation to forest policy. Senator Faulkner in the old days had an interest in forest policy until he was removed from that area by Mr Keating. Senator Faulkner invited all the loggers to Canberra, if you remember. That created a very interesting occasion in Parliament House. I am not sure whether Senator Faulkner claims credit for inviting the loggers up to Canberra, but certainly—

Senator Faulkner—I claim credit for everything!

Senator KEMP—Sorry, correction. He does claim credit for inviting the loggers to Canberra. It certainly created a very interesting period. Senator Hill has done quite an outstanding job in relation to forest protection, and I am happy to go on record as always strongly supporting my leader on this matter. In fact, Senator Hill has been kind

enough—because he knows I have an interest in this area, too—to keep me very well informed on what is happening in the forest area. I understand that on Friday, 31 March this year regional forest agreements for Gippsland, for the western regions of Victoria and for the upper and lower north-eastern regions of New South Wales were signed by the Prime Minister and the states' premiers. With the completion of these agreements, the Commonwealth government has now finalised nine of the 10 RFAs across four states. I think that is a tremendous achievement. When one reflects on the political contention around forest policy right through the 1980s—

Senator Robert Ray—Who introduced the policy?

Senator KEMP—Senator Ray says, 'We brought in the concept.' I suppose my response is: what did you actually achieve as a result of that? (*Time expired*)

Senator BROWN—Madam President, I ask a supplementary question. I ask the minister: is the bulldozing of dairy farms, orchards and other small family farms in Tasmania for the totally unnecessary pursuit of putting in plantations an environmental protection activity? Is the spraying of pesticides into the Tasmanian ecosystems and the laying of 1080 baits—

Honourable senators interjecting—

The PRESIDENT—Order! There is too much noise in the chamber. I need to hear the question that is being asked and so does Senator Kemp.

Senator BROWN—Is the spraying of pesticides into the ecosystem in Tasmania and the laying of 1080 baits for the poisoning of marsupials what the government describes as an environmental protection activity? Is the woodchipping of the biggest carbon banks in the southern hemisphere, the tall forests and rainforests of Tasmania, for the putting in of plantations what you would describe as an environmental protection activity?

Senator KEMP—I do not accept the implications behind the question. The supplementary was probably better directed to the Minister for the Environment and Heritage,

rather than to the Assistant Treasurer, because it seemed to be dealing specifically with environmental matters. Senator Brown seems to be opposed to the planting of trees, if I assume correctly from the basis of the question. Senator, I would have thought that you would be very pleased that this government is encouraging the planting of trees. I would have thought that that is one area that you would have strongly—

Senator Brown interjecting—

Senator KEMP—Hold on. Senator Brown has said that planting trees means that we are environmental wreckers! I do not know what to say on the basis of that.

Goods and Services Tax: Australian Business Number Records

Senator CONROY (2.37 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Can the minister confirm that page 8 of the Howard government's guide to registering for the new tax system states:

Members of the public can obtain this information by applying to the Registrar and paying a fee. Limited information to enable confirmation of a business's ABN will be provided free on the Internet and by phone.

Doesn't this mean that the great majority of taxpayers' information will be on-sold? Isn't it also true that nowhere on page 8 does it tell the taxpayer which parts of their confidentially supplied information will be sold?

Senator KEMP—Let me make a couple of observations on what Senator Conroy has said, raising issues in relation to privacy and an individual's privacy. Let me make the point that the government places very great importance, as it should, on privacy issues. Let me make this absolutely clear. The advice I have received is that it should be noted that the actions undertaken by the ATO in relation to—

Senator Conroy—In breach of the privacy principles!

Senator KEMP—If you want to ask me that brief—

The PRESIDENT—Order! Senator Conroy, this is your question and the minister has time to answer it. If you wish to ask a supplementary, you may do so. If you wish to

debate it, there is a time later in the day to do that.

Senator KEMP—It is an unfortunate habit of Senator Conroy to constantly butt in when one is trying to answer his questions. Let me just state that the actions undertaken by the ATO in relation to the collection of personal information in the Australian business number registration process we believe must proceed completely in accordance with ABN law. We are very concerned to make sure that we comply with all privacy principles and laws. This government takes these issues very seriously—

Senator Sherry—Why isn't it on the form?

The PRESIDENT—Order! Senators on my left will stop shouting.

Senator KEMP—We are very anxious to make sure that all these processes comply completely with privacy considerations. That is exactly what we are concerned to do. In relation to the matters concerning the ABNs, it has always been a matter that ABN numbers are a matter of public consideration. They will be on a register of ABN numbers and available to the public. There are certain types of information, as I explained to Senator Lundy yesterday, which are not.

Senator Conroy—Haven't they given you the brief yet?

Senator KEMP—That is the response to the question that Senator Conroy asked.

Senator CONROY—Madam President, I have a supplementary question. In light of the Privacy Commissioner's confirmation that the Howard government has indeed abused the privacy of 2.5 million ABN applicants, will the government now be contacting each of those applicants to ascertain whether they consent to having confidential information on their ABN application form made available for public sale?

Senator KEMP—Let me just respond to the comment about the Privacy Commissioner. I am quoting now from advice that I have received from the tax commissioner:

Discussions with the Privacy Commissioner were held on 5 June, and in those discussions a number of suggested improvements to notifications on our documents were made, and we will pursue these.

Today we contacted the Deputy Privacy Commissioner to determine whether in their view there had been a breach of the Privacy Act.

That was the substance of your question.

Their initial response was that there had been a breach because of their view that we have not made people aware that we were authorised by law to collect information under the ABN application process.

The commissioner then went on to say:

We then directed him to what we believe are clear statements of authority in the application kit.

The tax commissioner concluded:

The Deputy Privacy Commissioner said they would consider whether in the light of this they remained of the view that there had been a breach.

(Time expired)

Goods and Services Tax: Local Government

Senator FERGUSON (2.42 p.m.)—My question is to the Minister for Regional Services, Territories and Local Government, Senator Ian Macdonald. Will the minister inform the Senate of any assistance that the federal government has provided to local government to assist with the introduction of the new tax system? I ask the minister whether he is aware of any council that is blaming the GST for their own decisions to raise extra revenue from their ratepayers and commercial service users?

Senator IAN MACDONALD—Senator Ferguson continues to show his interest in the GST and the bringing of a better tax system to Australia, and his question follows on from his distinguished work on the select committee on the GST. The federal government has provided assistance to local authorities right throughout Australia. The Australian Taxation Office has been working very closely with councils right across Australia, and the Commonwealth has provided some \$2.51 million to enable state associations to work with councils to get ready for the GST. As a result of the work that the state local government associations have done, I think most councils will be up to speed and will be ready to fall easily into the GST system from 1 July.

Senator Ferguson also asked me about councils that are blaming the GST for their own inadequacies. Most councils across Australia have done the right thing and have worked cooperatively with the federal government with their state associations to put it in fairly and precisely. But I was appalled recently to see a newsletter that came out from the South Sydney Council which contains a number of blatant lies and directly misleading information. I will just mention five of those in this document called *South Sydney Inner City News*. It starts off saying:

Financial officers from South Sydney and neighbouring councils fought long and hard to limit the impact on ratepayers and residents of the Howard government's GST.

I can tell everyone here that I have never heard from the South Sydney Council on this. They have not lifted a finger to make any representations to me about this. Secondly, they claim that it was a major victory that rates became GST free and that it was their lobbying that made them GST free. When we first announced the policy, rates were always said to be GST free. So that is a blatant lie from this council. Lie number three: this newsletter goes on to say that:

Council charges will have to be increased by at least 10 per cent. That means more money for Canberra, not for South Sydney.

This council should know that all the GST money goes to the state governments—the New South Wales state government—and that not a cent of it goes to the federal government. The fourth blatant lie says:

Buy a bottle of water at the pool and you will pay GST, but water bought from a shop on the way to the pool doesn't attract GST.

The GST applies or does not apply no matter who the retailer is. In the case of bottled water, it will not be subject to the GST. They go on then to claim that:

Maintaining asphalt footpaths will rise from \$155 a square metre to \$175 ... Curbing and guttering done by the council as a local service will go up from \$100 a square metre to \$193, something like a 90 per cent increase.

Those services will not go up one cent as a result of the GST.

Senator Mackay—How do you know?

Senator IAN MACDONALD—Because they are part of the council's business. Who is this South Sydney Council? The council mayor, Mr Vic Smith, is from the New South Wales right mafia and he stood for Bligh at the last election. Senator, you should be stopping this sort of lying. You should be putting the lie to this deliberately blatant misleading information. Even Mr Egan, the New South Wales Labor Treasurer, has written to councils and said, 'It is a great deal for councils in New South Wales.' The state Labor Treasurer says that, but Councillor Smith deliberately tells lies in this. (*Time expired*)

Goods and Services Tax: Advertising

Senator FAULKNER (2.47 p.m.)—My question is directed to Senator Ellison, Special Minister of State. Is the minister aware that his office has confirmed that a premium was paid on the placement of the chains ads on Channel 9 on Sunday, 28 May, which, according to his spokesman, were 'purchased in a hurry'? Can the minister confirm this and tell the Senate exactly how much was paid to place the chains advertisements in that timeslot at short notice and what portion of that cost was the premium? Could he also confirm for the Senate that the chains ads were placed with Channel 9 only early on the Friday afternoon before running on the Sunday night, deliberately gazumping the brewers' ads which had been bought for the same timeslot over a week before?

Senator ELLISON—I reiterate that the government has not sought nor paid a premium for exclusivity for its tax reform advertising campaign on any medium, including the movie on Channel 9 on 28 May. I also confirm that my office did not say that there had been a premium paid and the quote which appeared in the article is incorrect. Yesterday, I did not say that a premium had been paid. What I did say was that you pay more for prime time spots, and that stands to reason. This government does not shy away from the fact that it advertises in prime spots. To do anything otherwise would be totally unprofessional and we would be criticised for it.

In booking time on television, if you book months ahead you can get a reduction and if you book later in time it is more expensive.

With a campaign of this sort, dealing with information which relates to tax reform of an economy of over \$500 billion, informing the people of Australia about what we are going to do with the tax system—unlike Labor which took out an ad in the paper and did not tell people what it was going to do with the tax system—we need to conduct a big campaign which uses television, radio and press. In this particular instance, the booking was made later in the week and there is nothing at all untoward about that. In fact, this campaign has been ongoing and you could not possibly expect to place bookings months in advance. In fact, to suggest anything of that sort would show a complete lack of understanding of how communications and information are conducted in television, radio and the press in this country. What we are about is communicating to the Australian people in the best possible way what we are doing with tax reform. We do not apologise for one moment for using modern methods to tell the Australian people what we are doing in relation to tax reform.

Senator FAULKNER—Madam President, I ask a supplementary question. Given that his spokesman is quoted in the *Australian* newspaper as saying that the government had paid a premium on advertisements, and given that his spokesman is quoted in the *Sydney Morning Herald* as saying that the government had placed them at short notice and paid an unspecified premium, and given the minister's answer—and the minister uses the term 'prime time placement'—can the minister now tell the Senate how much the taxpayers of this country forked out for this prime time placement? Can the minister confirm that the chains ads did not run that night as part of the planned strategy and therefore would not, of course, have attracted the block booking discount the minister spoke of yesterday? Isn't that what the minister meant yesterday when he referred to these ads as lucrative? Isn't it true that the government set out to use taxpayers' money to deliberately gazump the placement of the brewers' ads because John Howard did not like the brewers' message?

Senator ELLISON—What my officer said was that the time of placement dictates

the cost of the booking. What I have just explained is that this is not a premium; it relates to when you place the booking. Months ahead, you get a discount. If it is later on—

Senator Faulkner—Madam President, I raise a point of order. I asked this minister how much this prime time placement cost. He is expected to answer it, and I would ask you to direct him to answer it.

The PRESIDENT—I cannot direct him to answer it. He must be relevant to the question that has been asked.

Senator ELLISON—Madam President, I am addressing that part of Senator Faulkner's question which dealt with what my office had said to the *Australian* newspaper. My office did not say there was a premium paid; what my office indicated was the terms of the booking. The second part of Senator Faulkner's question dealt with the block booking. What I told the Senate was that, because of our block booking arrangement through Mitchell Media Partners, we got the best value for the Australian taxpayer. We do block bookings which get us the best slots—

Senator Faulkner—Madam President, I again raise a point of order. I asked this minister how much the prime time placement cost on Sunday the 28th. Can you direct him to tell the Senate how much that cost Australian taxpayers.

The PRESIDENT—I will not direct him to do that.

Government senators interjecting—

The PRESIDENT—Senators on my right will cease shouting while I am speaking in answer to a point of order. There were other matters in the supplementary question. The minister must remain relevant to those, and I believe he is.

Senator ELLISON—I will now go on to the next point of Senator Faulkner's supplementary, which dealt with the question of being lucrative. It is a lucrative arrangement for the Commonwealth because we used the purchasing power of the government to get the best possible rate. (*Time expired*)

Heritage Protection Order: Boobera Lagoon

Senator WOODLEY (2.54 p.m.)—Madam President, my question is addressed to the Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron. Minister, are you disappointed with your government's decision to review your heritage protection order over Boobera Lagoon near Goondiwindi? Why does the decision that Boobera is a significant Aboriginal area need to be reviewed? If the heritage order is delayed and the white community continue using the lagoon for recreational water activities, won't the cultural heritage values you recognised be further desecrated?

Senator HERRON—I thank Senator Woodley for the question. It is the first time that it has been acknowledged that I put in a protection order on Boobera Lagoon. The Labor Party had 13 years to do it, but they did nothing.

Senator Bolkus—It is of no effect. It means nothing.

Senator HERRON—I hear Senator Bolkus calling out. They had 13 years. In fact, the Aboriginal people of Toomelah were asking for 40 years. When I made that decision, did I get loud acclamation from the *Sydney Morning Herald* or anybody else? There was not a mention.

Senator Bolkus—And Robert Hill rescinded it.

Senator HERRON—The most significant thing that was done in 40 years in terms of protection in the Aboriginal community in relation to Boobera Lagoon was that protection order. To allow for the problem in relation to the general community around Goondiwindi in particular and the waterski club, I had to find a solution that was acceptable to the whole of the community and that recognised them. That is the thing that I did: I recognised them. My predecessor had years to do it and did not do it—it was too hard, like most decisions.

Senator Bolkus—The report came down in 1996. And he's rescinded your order.

Senator HERRON—Senator Bolkus interjected and I recognise the interjection. The report came down. They had been asking for

it during the time the Labor Party were in power. They had been asking for the previous seven years for them to do something about it.

The PRESIDENT—Order! This is not a time to be debating the issue across the chamber. There is another occasion when you may do that.

Senator HERRON—Madam President, I recognised his interjection because it came straight back in his face. They had all the time to do something about it and they did nothing. Sorry, I will get back to the original question.

I put the original protection order on, recognising the significance of Boobera Lagoon. It is a very significant decision. I put a time limit on it so that there could be discussion about it. The heritage aspect, as you know, is handed over to Senator Robert Hill and, because there has been difficulty in resolving the situation in relation to the wider community, Senator Hill has put in an order for that to be reviewed to see whether that time limit should be extended. That is all it is at the moment. It is not resiling from the original decision. The original decision stands. But Senator Hill, as I understand it, has asked for a further report to see whether there is some legitimacy in extending the time limit in relation to the waterskiing aspect of it. Probably more importantly, the Goondiwindi Shire Council have taken up the challenge to produce a heritage area which will allow for multiple use close to Goondiwindi, including recognition of the historical aspects of the Aboriginal people of Toomelah and their interest in that area.

I think we are going to be in a win-win situation at the end of this, but it will take time. For heaven's sake, it has taken 40 years to reach this stage. I do not think we need to incite any dispute in the community; rather we should keep the dialogue going, because we have got a dialogue now that can reach a conclusion that I believe will be satisfactory to the whole of the community around that area. So give it a bit more time. I think we can get a resolution which will be satisfactory both to the Toomelah community and to the Goondiwindi community and the waterski club. It is a complex situation. There is

interaction between each of those various groups. I certainly have recognised it and I am grateful to you, Senator Woodley, for the fact that you have acknowledged that that decision was made by the coalition government—something that was not done in all the time that the Labor Party had the opportunity to do it. It is significant. It is a major decision for the coalition government to recognise the significance of the rainbow serpent in Boobera Lagoon and for the people of the community there. *(Time expired)*

Senator WOODLEY—Madam President, I ask a supplementary question. Thank you, Minister. I do recognise and deliberately said that this was one of the most significant decisions you have made. I note that on Brisbane radio this morning you expressed an opinion that you would be disappointed if that decision was overturned, so obviously there is some doubt in your mind. I note that it seems as though Senator Hill, in his capacity, has overturned your decision—or at least overridden your decision. I am wondering if this decision is linked to media reports today that coalition backbenchers are divided over rumours that you are being replaced by Brendan Nelson.

The PRESIDENT—That is hardly supplementary.

Senator HERRON—There is a very serpentine link between all those questions in that supplementary question. The answer to the first part of that supplementary question is that I do not believe that it is overthrowing the decision at all. As I said, I put a temporary order in so that we can get a resolution, because it is an area where there is a fair amount of racial tension, as you would recognise. I do not believe it will be helped by overturning that decision. All that Senator Hill has done is request another report. So let us take it one step at a time so that we can get a resolution that will be satisfactory. Part of the debate, for example, concerns recognition of the historical aspects of Boobera and a museum there which will incorporate the Aboriginal historical aspects and artefacts of the area and can then become a major tourist attraction for Goondiwindi. I have been to the Goondiwindi council and discussed it with them, and they are all in fa-

vour. And, as Mark Twain said, the reports of my political demise are very much premature. *(Time expired)*

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

ANSWERS TO QUESTIONS WITHOUT NOTICE

Goods and Services Tax: Information

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (3.00 p.m.)—I seek leave to incorporate in *Hansard* an answer to a question which Senator West asked me yesterday in relation to expenditure on GST related promotion in relation to the Family and Community Services portfolio.

Leave granted.

The answer read as follows—

Senator West asked the Minister representing the Minister for Family and Community Services, upon notice, on 5 June 2000:

(1) For financial years 1999-2000, 2000-01, 2001-02 and 2002-03 what funds has the Department of Family and Community Services budgeted to spend on GST related promotion, education and/or advertising?

Senator Herron—The answer to the honourable senator's question is as follows:

(1) The amount that the Department of Family and Community Services (FaCS) has currently committed to spend on paid advertising to inform Australians about the tax reform changes it is implementing is \$3.6m in 1999-00. The cost of the FaCS TV and press advertising (which includes NESB and indigenous advertising) is a modest amount given that it is aimed directly at around 8 million people and indirectly at the broader community as a whole, many of whom are required to return forms to receive correct payments.

The cost of a direct mail product to inform families about changes to family assistance was \$378,450 in 1999-00.

For 1999-00, FaCS has budgeted around \$100,000 to educate external service providers about FaCS' 2000-01 GST-related requirements for funding. It has also budgeted around \$750,000 for its child care service provider education strategy and a further \$50,000 for general community sector education activities.

\$lm has been allocated to FaCS for tax reform education and advertising in 2000-01.

No funds have been allocated for 2001-02 or 2002-03.

Goods and Services Tax

Senator CONROY (Victoria) (3.00 p.m.)—I move:

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

In beginning this contribution I would like to draw attention to a couple of press releases from Minister Hockey. Minister Hockey has taken great delight in issuing a couple of press releases attacking me. His latest one this morning is worth noting. He says that the sale of email addresses is not in breach of the government's best practice model on e-commerce. He says that the reason it is not in breach of the e-commerce guidelines is that it is in breach of the Privacy Commissioner's *National Principles for the Fair Handling of Personal Information*. What a great press release! Unlike the minister before, he fesses up that in actual fact it is the Privacy Commissioner's guidelines. So he has actually proved Labor's case. He has actually put out a press release to say, 'No, no. It is not my guidelines. It is the Privacy Commissioner's guidelines.' Well, all you have to say is, 'What an idiot.' To try to get himself off the hook he is prepared to drop the tax office in it. That is where Minister Hockey has had to sink.

Senator Ferguson—I raise a point of order, Madam Deputy President. Is it in order for a senator to refer to a member in another place of any party as an idiot? If not, should the reference not be withdrawn?

The DEPUTY PRESIDENT—You are quite right, Senator Ferguson. It is not correct to use language that is disparaging of another member in either place or in any other parliament. If you did use unparliamentary language, Senator—

Senator CONROY—Truth apparently not being a defence in this place, I withdraw.

The DEPUTY PRESIDENT—Unconditionally, thank you.

Senator CONROY—I unconditionally withdraw. Notwithstanding Minister Hockey's press release, if you actually turn to his guidelines, it makes it quite clear that at a minimum business must 'comply with the standards that are listed below of the Privacy Commissioner'. So, on the one hand, he is trying to distance himself from this appalling breach of trust by the government and the ATO by blaming the Privacy Commissioner's laws and guidelines rather than his own; at the same time, he fails to have even read his own guidelines in which he directs that business, as part of his guidelines, comply with the Privacy Commissioner. He tries to pretend that they are nothing to do with each other. His own best practice guidelines actually contain the principles that the Privacy Commissioner has set out. They are written there in black and white inside his own guidelines.

However, what Mr Hockey has revealed is that his best guidelines are clearly a farce. According to Mr Hockey, if you buy the email details of a business and you promise as part of your disclosure not to send spams to the person whose email you have bought, then it is okay to onsell the email and the person who buys it from you can spam them. Wow! What fantastic guidelines Mr Hockey has been prepared to get into! Senator Kemp has come into the chamber and defended this position. Sections 23 and 40 make it clear that you should advise businesses how you will handle their information and that customers should have the choice to say no to onselling. These are the best practice guidelines. What the tax office have not done is give the option of choice to people whose emails they collected. They have not been prepared to put a box there to say, 'Do you mind if we onsell your email?' Doctors have contacted me—they have all been required to electronically lodge. They do not want their patients to have their email address, because it is not secure for medical information to be transmitted by email. There are genuine concerns in the community. So we have seen this minister today stand here and ignore the fact, try and cover up the fact, that the tax office have pleaded guilty. In finishing I read to you from the ATO last Friday:

Reports today suggesting privacy laws have been breached by the Tax Office are completely false.

But what do we have last night from the Privacy Commissioner:

The ATO has agreed that their disclosure statements in regard to information provided on ABNs do not currently comply fully with the information privacy principles set out in the Privacy Act 1988.

There you have it in black and white: Mr Carmody, who does not seem to be able to get the truth right at estimates or in his press releases, is completely humiliated and exposed by the Privacy Commissioner. The tax office have been forced to fess up that they have been in breach of the law. (*Time expired*)

Senator FERGUSON (South Australia) (3.08 p.m.)—I notice that Senator Conroy is leaving and he is a very busy man because each day he has to come into the Senate after question time and speak in the taking note debate. I note that he started today's little effort by saying, 'In today's contribution'. Can I say that Senator Conroy has not made a meaningful contribution to the tax debate now for weeks and weeks and weeks.

Senator Kemp—Months.

Senator FERGUSON—Yes, months.

The DEPUTY PRESIDENT—Be careful not to reflect adversely upon another member, won't you, Senator Ferguson.

Senator FERGUSON—I am not adversely. I am just saying he has not made a meaningful contribution to the GST debate for weeks and weeks and weeks. We all know that the Labor Party is confused about their tax policy—hopelessly confused about tax. But I had no idea how confused Senator Conroy was until I listened to his contributions both today and in other weeks. Senator Conroy is probably more confused than anybody on that side we have heard speak on the new tax system for a considerable time. In response to what Senator Conroy had to say about the Privacy Commissioner, it is important that we repeat what Senator Kemp said in question time; that is, that discussions with the Privacy Commissioner were held on 5 June, which concluded around 6 p.m. In those discussions a number of suggested im-

provements to notifications on our documents were made, and we will pursue these. Senator Kemp said:

Today we contacted the Deputy Privacy Commissioner to determine whether in their view there had been a breach of the Privacy Act.

Their initial response was that there had been a breach because of their view that we have not made people aware that we were authorised by law to collect information under the ABN application process.

We then directed him to what we believe are clear statements of authority in the application kit.

The Deputy Privacy Commissioner said they would consider whether in the light of this they remained of the view that there had been a breach.

In response to the other matters raised by Senator Conroy in relation to the GST, yesterday we had the spectre of Senator Conroy in here speaking in the committee stage of a bill. He was most determined to amend the bill to make sure that the GST as it applied to any sales or purchases was actually shown on the receipt. This was a most important principle as far as Senator Conroy was concerned.

This is the same Senator Conroy who did everything he could in his power to make sure that the existing wholesale sales tax was never put on a receipt. For 13 years the Labor government went on with the out-of-date wholesale sales tax system we have at present and did not want anybody to know how much tax they were paying. I know that Senator George Campbell, in his determination to make sure that the people know everything about what is going on with taxation, would have wanted that wholesale sales tax amount to be displayed. But even Senator George Campbell did not ever in the time he has been here move to have sales tax put on the docket of a receipt so that people would know how much indirect tax they were paying. That is the sort of confusion that exists in the Labor Party. They want the GST put on the docket so that people know what they are paying but they did not ever and still do not want anybody to know how much wholesale sales tax is being paid.

Not only that. The Woolworths document we had put before us yesterday and tabled by

Senator Murray details the amount of GST that will be paid on a docket. But nowhere on that docket does it say how much the items that were previously subject to a wholesale sales tax had decreased. You have this misleading docket that says, 'This much GST has been collected,' but nowhere does it say how much the prices have been reduced on items which had attracted a wholesale sales tax under the current legislation. The ALP still hate this GST so much that they are determined to keep it. They have this airy-fairy idea that they will 'roll back the worst features'. Nobody knows whether the roll-back will occur. We do not believe it will because in their heart of hearts the ALP are very happy that this government is introducing a GST. Doug Cameron of the AMWU knows how much he wants it rolled back. He wants it rolled back 'a long way'. Not only does he want it rolled back but he want different rates. He is not satisfied with having one rate for a GST. He wants to have more rates. I can only presume that, if they follow Doug Cameron, the Labor Party will have the 10 per cent rate and for some goods they will have an even higher rate. We can only assume that is what Doug Cameron of the AMWU wants. He says that there should not be a flat tax; there must be a varying rate. *(Time expired)*

Senator GEORGE CAMPBELL (New South Wales) (3.13 p.m.)—I also want to take note of the answers given today by Senator Kemp in relation to the GST. I do not think there is any legislation or legislative program that has come before this parliament that has been more politically driven by this new tax system. Nor, when you look at it objectively, has any been handled more politically ineptly than by this current government. The reality is that the introduction of the GST is an absolute shambles, from the point of view of good government.

Senator McGauran—No, it is not.

Senator GEORGE CAMPBELL—You have had the electoral roll. It has gone from one bungle to another, Senator McGauran. I do not think even you could handle something as badly as this government has handled the implementation of the GST, and that is saying something. It has gone from one

bungle to another, with the electoral roll being sold to the tax office. We have seen an advertising campaign costing in the region of \$600 million to try and sell this tax to the Australian public.

Senator McGauran—Six hundred?

Senator GEORGE CAMPBELL—Six hundred million, Senator McGauran, as a rough figure.

Senator McGauran interjecting—

Senator GEORGE CAMPBELL—It depends on how you calculate it. We have been through a whole series of Senate estimates hearings. We have asked a whole series of questions, and the figures keep changing from hearing to hearing. The calculation keeps changing, but it is somewhere in the region of \$400 million to \$600 million for the chains advertising campaign. We heard of a debacle today about how they paid a premium to buy space during the *Austin Powers* movie. The reality is that, if you had waited until Sunday, you could have given the space away for nothing. I would like to see the ratings of how many people watch the *Austin Powers* movie on the Sunday night that you run those ads. You probably could have got the space for free if you had waited long enough. But you were so desperate to keep the brewers' campaign off the television, you were prepared to pay a premium to do it. You do not want the community to expose the deficiencies in your GST campaign, to expose the deficiencies in your goods and services tax legislation. The reality is that it has been an absolute shambles. There has been recent polling done, which was written up by Milne.

Senator McGauran—That was Labor Party polling.

Senator GEORGE CAMPBELL—It does not matter who does the polling if it is accurate, Senator McGauran, I am sorry. It was written up by Milne in the *Australian* the other day. The reality is that 81 per cent of the people polled have said that the advertising money ought to be spent on other more worthwhile programs like health, education and other services. This government have been targeting in the way in which you have approached the GST. You have used the

ACCC, which is supposed to be an independent body and which is supposed to be out there protecting the interests of the consumer, as a price watchdog—as a policeman for the implementation of your goods and services tax. They have run the most massive scare campaign in the community, targeting small business in particular, in order to enforce the compliance of small business by fear with this goods and services tax. The reality is that it is not working.

The ACCC itself acknowledges that it will never have the resources to be able to effectively police price exploitation in the current environment with the introduction of the goods and services tax. But what happens when the large retailers set about putting it in place? What has the ACCC done with David Jones? What has it done in terms of Woolworths? What has it done in terms of compliance with the GST legislation by other huge retailers? Nothing. Professor Fels said at estimates the other day, 'What David Jones has done was marginal, and on balance it was not worth pursuing.' That did not stop the ACCC pursuing Gleebooks unmercifully when someone put a complaint in about them noting that a book would cost 10 per cent more when the GST was introduced. (*Time expired*)

Senator LIGHTFOOT (Western Australia) (3.18 p.m.)—I would like to take issue with Senator George Campbell in respect of some of the remarks he made about this government running a scare campaign. The opposition are so confused over the issue. They know very well the Goebbelsian propaganda they use. Yes, they have become polished at it; yes, some of the media have swallowed their line; and yes, I do not feel too comfortable about some of those things in the media about the GST which come from the opposition. But I am looking forward to the GST and the new tax system being implemented on 1 July.

I would like to take a few minutes to tell you why I am looking forward to not just the ABN—and let me just say with respect to that what Mr Carmody said, because Mr Carmody's name was mentioned here in the most disparaging way today, again by Senator Conroy. Mr Carmody said that businesses

are rushing towards the ABN finishing line. This does not sound like something that businesses find abhorrent or distasteful or distrustful about the taxation department. He went on to say:

We had over 20,000 calls from business just on registering for the ABN yesterday—

being 4 June. And today, he went on:

We still have over 3,000 people an hour lodging last minute ABN applications through the business entry point. We have over 650 trained phone tax advisers around the country taking calls.

That does not sound like an industry, particularly the small business industry, that is distrustful of the ABN.

What they are distrustful about is what going to replace the 'roll-back'. We know now that the Labor Party and the Democrats go along with the GST. In fact, it is well known and it is often referred to as the 'Howard-Lees-Beazley GST' because it is so good. The Labor opposition, the official opposition, are not going to do away with it; they are going to keep it in its entirety.

Senator Cook—That is not true!

Senator LIGHTFOOT—They are going to keep it in its entirety, the exception being that they are going to roll it back. They are going to roll it back because they are going to increase personal income tax. Or they are going to increase company tax.

Senator Cook—No, they are not!

Senator LIGHTFOOT—What we are doing is giving \$12 billion to \$15 billion worth of tax cuts. We are dropping company tax rates from 36 per cent down to 34 per cent and then to 30 per cent. That is not something that the Labor Party can do. We know that they cannot be trusted with money. You heard the interjections of Senator Cook. Senator Cook was one of the architects, if not the prime architect, peddling the rubbish that the budget in 1995-96 was actually in surplus when there was a \$10.4 billion black hole. Do you think the people of Australia are going to trust those people on the other side as an alternative government? Of course they are not. They are irresponsible with money. They are divided amongst themselves with respect to what

should happen if they should, God forbid, ever get back into power.

Doug Cameron says one thing, Senator Cook says another thing, and the old union warhorse over there, George Campbell—'call-a-strike George Campbell'—says another thing.

The DEPUTY PRESIDENT—Order! Please do not refer to somebody in an inappropriate manner.

Senator LIGHTFOOT—Senator George Campbell, the old warhorse—'let's call-a-strike Senator George Campbell'—says another thing. Let me tell you about some of the things they have mixed up. What we do know is that they are going to roll it back. So instead of billions of dollars in GST going to the states, only some of it is going to go to the states. Income tax is going to go up and company tax is going to go back, because they are going to roll back one of the greatest and most innovative changes in our tax collection system since Federation. The Labor Party, in their stupidity, are going to roll it back and increase personal income tax and other taxes.

We know the union movement is divided on this. If you cannot control something as simple as the union movement—and those simple people who run it—how can you control a nation with a multibillion dollar budget? How can you run something as complex as this nation if you cannot run the union movement? We know that you are here only as a result of the union movement. If you cannot run the union movement, how can you possibly believe you can run Australia? You are divided. Roll on the first of July; I am looking forward to the new tax changes. (*Time expired*)

Senator HUTCHINS (New South Wales) (3.23 p.m.)—Before I start, Senator Kemp made a slight about my not being at estimates committees the other week. He said that if I had attended, I may have been enlightened by his answers there. I must put on record that I was ill during that period and, as you can see from my demeanour now, I am not fully on deck. I can only put the fact that I am not as robust as I used to be down to my treatment last year. I would like to

think that those sorts of personal attacks are not necessary in this place. I would like to think that we would try to concentrate on the issues.

In my question, I asked why a company like Video Ezy—which operates a chain of video rental stores—was subjected to an Eliot Ness-style exposure by the ACCC and by the minister, Mr Hockey, earlier this year. It was alleged that Video Ezy had used the GST system for its own ends. We had to be treated to this spectacle of what might be a very reputable company having its name drawn through the press as some sort of scapegoat for the government in order to demonstrate to the Australian people that the government were doing something about price exploitation as a result of the introduction of the GST.

In the last few months, the ACCC has been trying to conclude its case with the Video Ezy outlet. A newspaper article in the *Age* stated:

The ACCC said the company had wrongly blamed the GST for a 15 per cent price rise for new release overnight video hire, but Video Ezy rejected the claim and said that the commission's evidence was based on comments by 16-year-old shop assistants.

This is undoubtedly a reputable company involved in a fairly competitive industry. According to Video Ezy, the ACCC acted on the evidence of 16-year-old shop assistants and went in, Eliot Ness-style, and swooped on this company.

Yet David Jones, which probably retails to a much larger group of people, had in the last month an opportunity to get off the hook. David Jones was able to advertise to shoppers, urging them to buy early and beat the GST. But when Professor Fels was questioned in Senate estimates—which I was not able to attend—he said, 'the matter was borderline'. He further said:

... if the commission unequivocally thought that David Jones had breached the law in some significant fashion, then we would have swept into action and taken action.

There we have the contrast between two businesses—one which may not make any contribution to any political party or assist in any campaign but is hung out to dry because

the government and the ACCC were looking for a scapegoat.

Senator McGauran—This is a long bow.

Senator HUTCHINS—Then we have David Jones. As I understand it, their chairman is Mr Richard Warburton, who is also the Chairman of the Business Coalition for Tax Reform, which assisted your party, Senator McGauran, prior to the last federal election, by putting up over \$4 million in advertising to advocate the benefits of a goods and services tax.

Senator McGauran—Fels is not independent!

Senator HUTCHINS—Your party got into bed with him. It is quite obvious that when you are a small business in this country you have no political clout. You are going to get trotted out like some sort of criminal and convicted on the word of 16-year-old shop assistants. Yet when the Chairman of the ACCC fully understands and knows that a major retailer is ripping off, nothing happens to them. (*Time expired*)

Question resolved in the affirmative.

Cox Peninsula Transmitter: Sale

Senator BOURNE (3.29 p.m.)—I move:

That the Senate take note of the answer given by the Special Minister of State (Senator Ellison), to a question without notice asked by Senator Bourne today, relating to Radio Australia and the closure of Cox Peninsula.

In the answer to that question, Senator Ellison said—I hope I am not misquoting him, but I wrote down his words as he said them—that the Commonwealth was after the best value for the Commonwealth in selling off that equipment and in leasing that land. The question we have to ask ourselves about that answer is: how do we value Australia's reputation in the region? How do we value stability in this region? How do we value having an extensive and reliable news and current affairs service in this region, by people in this region for people in this region? That is what is provided now by Radio Australia, out of Shepparton into a lot of the Pacific. That is what was provided by Radio Australia, and I hope can be again, into South-East Asia.

We saw an article in the *Australian* this morning by Michelle Gilchrist which said that the licences that Radio Australia holds from Taiwan for transmitting into most of Indonesia and into a bit of South-East Asia are about to run out. The only way they can be brought back on line again will be if Radio Australia can pay more money for those transmitters, which of course are much more expensive to run than Cox Peninsula because they hire them from a foreign transmitter service. So where is that money coming from? Does Radio Australia have it? No, they do not have it. Does the ABC have that money to pay for those transmitters? No. The ABC is vastly underfunded by this government, the ABC is abysmally underfunded by this government, and it is an absolute crime the way the ABC is underfunded by this government. So where will this money come from? It does not look like it is going to come from anywhere. If it comes from nowhere, that transmitter will be transmitting something else—it will not be transmitting Radio Australia. There will not be a short-wave service of Radio Australia into Asia. There just will not be one.

There could be if Cox Peninsula were turned on again and were able to broadcast Radio Australia, but it appears that this government has sold a valuable and vital Australian asset to an overseas company which has absolutely no consideration for Australia's national interest. Why would they? They have no reason to have any consideration of Australia's national interest. This government has sold Australia's national interest through selling that hardware and through leasing that site, with absolutely no interest in Australia's position or reputation in this region, with no interest in allowing the people of this region—the ordinary people of South-East Asia—to know what is going on around them.

Unless something happens with this Cox Peninsula site that will allow Radio Australia to transmit from it, those people will now get their news and their current affairs service from the likes of the BBC World Service, which, understandably, does not have a focus on Asia and does not have a focus on our region. It is not their region; it is our region.

The service will come from the likes of Voice of America. Guess what? It does not have a focus on this region either. The service will come from the likes of Voice of Malaysia. It does have a focus on this region, but it is not exactly the focus that Australia has on this region, and it is not exactly the focus that Australia wants going out to this region. It will get its information from government transmitters, which transmit things that governments want transmitted.

Radio Australia is a part of the ABC. Radio Australia transmits reliable and unbiased news and current affairs to our region, to Asia and to the Pacific. I am very grateful that they will still be transmitting it to the Pacific, but the question is: what price do we put on having our voice—having Australia's voice—put out to Australia's region? What sort of influence do we want to have in Asia? At the moment we are cutting ourselves off. Australia is whispering to the world. Australia is not even going to be whispering into Asia; we will have no voice in Asia. It seems to me that this government has no interest in whether or not that is the case. It has no interest in what happens to Australia's reputation in Asia. There just is no interest, and there is no acknowledgment that anybody else would have an interest.

If you look at the editorials in the *Sydney Morning Herald*, the *Age*, the *Australian* and the *Courier-Mail* today and yesterday, there is an awful lot of interest out there. Have a look at the letters to the editor. I have seen one letter to the editor saying, 'What are you going on about a Christian broadcaster for?' The rest of them say, 'What on earth is the government doing? How could you have done this?' I agree with them: how could you have done this? In foreign policy terms, it is just illogical, it is unbelievable, and it is farcical. (*Time expired*)

Question resolved in the affirmative.

PETITIONS

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

Medicare

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

The Petition of the undersigned shows:

We strongly support Medicare, our universal public health system. Medicare is an efficient, effective and fair system. Under Medicare, access to care is based on health needs rather than ability to pay.

Access to quality health care for all Australians is a basic human right.

Your petitioners request that the Senate should:

Do all within its power to ensure the continued viability and strengthening of Medicare by supporting a substantial funding increase for the public health system. Further to this, we strongly urge you to continue to support adequate funding for public health and oppose all government policy initiatives that would undermine the integrity and ongoing viability of Medicare.

by **Senator Crowley** (from 230 citizens).

Uranium: World Heritage Areas

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

The Petition of the undersigned strongly opposes any attempts by the Australian Government to mine uranium at the Jabiluka and Koongara sites in the World Heritage Listed Area of the Kakadu National Park or any other proposed or current operating site.

Your Petitioners ask that the Senate oppose any intentions by the Australian Government to support the nuclear industry via any mining, enrichment and sale of uranium.

by **Senator Lees** (from 141 citizens).

Goods and Services Tax: Vitamin, Mineral and Herbal Remedies

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

The petition of certain citizens of Australia draws to the attention of the Senate, decisions by the Howard Government to apply a 10% goods and services tax to vitamin, mineral and herbal remedies which are listed, along with pharmaceutical medicines, on the Australian Register of Therapeutic goods.

This decision will disadvantage all Australians who use or provide alternative and complementary HealthCare products to maintain and improve their health and wellbeing, to prevent disease and to manage chronic illness. This is a new tax on those who, by taking care of their health with products and services which are not subsidised, reduce the burden on the health budget.

A tax on health is a bad tax. Your petitioners therefore pray that the Senate recognises that imposition of the GST on therapeutic goods

which are listed on the Australian Register of Therapeutic Goods is contrary to the maintenance of our good health and well-being. Our petition requests the Senate to call on the Government to zero-rate these products.

by **Senator Lees** (from 247 citizens).

Goods and Services Tax: Feminine Sanitary Products

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

The petition of residents on the nation of Australia draws to the attention of the Senate that:

The female students of Pittsworth State High School believe that there should not be a GST or increase in price on ladies sanitary products.

by **Senator O'Brien** (from 160 citizens).

Petitions received.

NOTICES

Presentation

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

That so much of standing order 36 be suspended as would prevent the Scrutiny of Bills Committee holding a private deliberative meeting on 21 June 2000 with members of the Scrutiny of Acts and Regulations Committee of the Victorian Parliament in attendance.

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

That the Senate condemns the Government for its misuse of taxpayers' funds in spending \$431 million on promoting and advertising its goods and services tax (GST), its abuse of taxpayers' rights to privacy in relation to their business details and its unprecedented use of the electoral roll to mail out GST propaganda.

Withdrawal

Senator O'BRIEN (Tasmania) (3.34 p.m.)—On behalf of Senator Faulkner, and pursuant to notice he gave on the last day of sitting, I now withdraw business of the Senate notice of motion No. 1 standing in the name of Senator Faulkner for today and business of the Senate notices of motion Nos 1 and 2 standing in the name of Senator Faulkner for three sitting days after today.

Postponement

An item of business was postponed as follows:

General business notice of motion no. 553 standing in the name of Senator Allison for today, relating to welfare services for at-risk school students, postponed till 8 June 2000.

LEAVE OF ABSENCE

Motion (by **Senator O'Brien**)—by leave—agreed to:

That leave of absence be granted to Senator Harris for the period 6 June to 8 June 2000, on account of ill health.

COMMITTEES

Native Title and the Aboriginal and Torres Strait Islander Land Fund Committee

Extension of Time

Motion (by **Senator O'Brien**, at the request of **Senator Bolkus**) agreed to:

That the time for the presentation of the report of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund on the consistency of the *Native Title Amendment Act 1998* with Australia's international obligations under the Convention on the Elimination of All Forms of Racial Discrimination be extended to 28 June 2000.

COX PENINSULA TRANSMITTER: SALE

Motion (by **Senator O'Brien**, at the request of **Senator Schacht**) agreed to:

That the Senate—

- (a) strongly condemns the Coalition Government for closing down Radio Australia's Cox Peninsula radio transmitter and now secretly leasing it to a private operator; and
- (b) notes that Australia's national interest:
 - (i) has been affected by the closure of Radio Australia's Cox Peninsular transmitter, and
 - (ii) may be adversely affected by the transmitter now being used by a private organisation which may have foreign interests involved.

CONGRESS OF 3000 WEST PAPUANS

Senator BROWN (Tasmania) (3.36 p.m.)—I ask that general business notice of motion No. 576, standing in my name for today, which notes the Congress of 3000 West Papuans and their call for independence, be taken as a formal.

The DEPUTY PRESIDENT—Is there any objection to this motion being taken as formal?

Senator O'Brien—Yes.

The DEPUTY PRESIDENT—There is an objection.

Suspension of Standing Orders

Senator BROWN (Tasmania) (3.36 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Brown moving a motion to give precedence to general business notice of motion no. 576.

I note at the outset the objection to this matter being voted upon by the Labor Party and its previously stated reasons for that. However, this motion simply notes an event and an expression of a wish by the unanimous assembly of 3,000 delegates held in Jayapura, the capital of West Papua, in the last week for independence for the purpose of establishing the future of West Papua. I also note that the Labor Party has on the *Notice Paper* a very important motion relating to the overthrow of democracy in Fiji and in the Solomon Islands. I inform the Senate that the Greens will not be blocking the passage of that motion to a vote because it is quite proper that the Senate should vote on such a matter. We do not take the prescriptive attitude of the Labor Party, allowing the Senate to move expeditiously on matters of urgent importance so that messages can be sent where they need to be to intervene on behalf of democracy, human rights and the environment elsewhere in the world.

If this motion were successful, it would simply be a motion letting the Indonesian authorities, including President Wahid, know that the Australian Senate recognises that the meeting of West Papuan leaders took place and that they decided to call for independence. Of itself, the motion is not an endorsement of that call, although I as a Green member of parliament thoroughly endorse the right of the West Papuan people to their day in the sun, their human rights, their right to independence and, basically, their right to self-determination. Is the coalition or the

opposition going to stand here today and deny two million West Papuans their right to self-determination? I have a lot of respect for the President of Indonesia, President Wahid, but if reports in today's Australian press are correct, wherein he said that the majority of West Papuans are opposed to independence, I start to see that respect eroded.

President Wahid knows, like successive Australian governments have known, that that is not true. Everybody knows. Recent documents relating back to the awesome events of the 1960s, when the Australian government turned its back on the aspirations of West Papuans, make it very clear that Australian delegates in West Papua knew that more than 95 per cent of West Papuans wanted their independence. Yet it went along with the sham that denied these people that right. These are our nearest neighbours. This is a nation that has had its rights suppressed. It is time Australian politicians had the backbone to stand up for democratic rights, human rights and aspirations for self-determination when people express them. I find it a total derogation of commitment by the members of the big parties in this place to the basic and fundamental aspiration for freedom, endorsed by the Australian people, when they repeatedly deny the aspirations of the West Papuan people, our nearest neighbours.

I am going to push this debate in this place. I will not have our backs turned on these people. They deserve their right to express their own opinions. And if President Wahid is right and the majority do not want independence, let him put it to a referendum as well.

Senator O'BRIEN (Tasmania) (3.41 p.m.)—The opposition do oppose formality of this motion. As Senator Brown indicated, the reasons we oppose the passage without debate of a motion have been stated a number of times. Simply put, the Labor Party will not be supporting this motion. I understand the government will not be supporting this motion. In relation to Senator Brown's contribution, there is nothing that indicated this motion was urgent. The Labor Party are quite happy to debate this motion in the general business time that Senator Brown might

devote to this when his opportunity arises. He is quite at liberty to do that. But there is nothing in Senator Brown's contribution that indicated why this matter is urgent. It is, after all, simply asking the Senate to acknowledge the statement that is attributed to the Congress of West Papuans. But, of course, the acknowledgment of that by the Senate would have ramifications beyond the determination by the West Papuans. Simply put, we will not be supporting the suspension and Senator Brown will have the opportunity to pursue this matter at another time, because it clearly is not urgent.

Question resolved in the negative.

Senator Brown—Madam Deputy President, I would like my sole vote supporting the motion recorded.

The DEPUTY PRESIDENT—It is now recorded, as you have made a statement.

COX PENINSULA TRANSMITTER: SALE

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

That the Senate—

- (a) condemns the Federal Government's decision to sell Australia's most powerful short-wave transmitter at Cox Peninsula in the Northern Territory to the British-based Christian Voice International;
- (b) notes that this decision betrays Australia's national interests in Asia; and
- (c) calls on the Government to ensure that a reliable and easily accessible source of Australian news and information is available to people in the region by securing air time for Radio Australia to broadcast to Indonesia and South East Asia.

SPENCER GULF AIR CRASH

Motion (by **Senator McGauran** at the request of **Senator Ferguson**) agreed to:

That the Senate—

- (a) expresses:
 - (i) great sadness and sincere regret at the tragic loss of Whyalla Airlines flight 904 on 31 May 2000 in Spencer Gulf in South Australia, and
 - (ii) its deepest sympathy to the families of the pilot and passengers, and to the communities of the northern Spencer

Gulf and Eyre Peninsula that have been so profoundly affected by the tragedy; and

- (b) notes the outstanding effort of emergency services and volunteers in their search and rescue operations in difficult conditions.

FIJI AND SOLOMON ISLANDS: POLITICAL CRISES

Senator COOK (Western Australia—Deputy Leader of the Opposition in the Senate) (3.44 p.m.)—I ask that general business notice of motion No. 579 standing in my name for today, relating to the overthrow of democracy in Fiji and the attempted overthrow of the government of the Solomon Islands be taken as a formal motion.

Senator Brown—Madam Deputy President, I seek to make a point of order. I point out again that I am not going to block this motion.

The DEPUTY PRESIDENT—There is no point of order.

Senator Brown—I think it is very important. I will not resort to the Labor Party's tactics, which were exemplified in its opposition to the motion on West Papua.

The DEPUTY PRESIDENT—There is no point of order. There is no objection to this motion being taken as formal.

Senator COOK—I move:

That the Senate—

- (a) expresses its strongest condemnation at the overthrowing of democracy in Fiji by armed criminal elements;
- (b) notes that the Chaudry Government is the democratically elected Government of Fiji and considers it intolerable that the Prime Minister, after more than 2 weeks, is still being held at gunpoint and the rule of law is being openly flouted on the streets of Suva;
- (c) notes the report, on 5 June 2000, that a criminal group has also attempted the overthrow of the Government of the Solomon Islands and condemns that action;
- (d) calls for:
 - (i) the immediate restoration to office of the Chaudry Government and the Government of the Solomon Islands,

- (ii) the arrest and trial of those responsible for the coups, and
- (iii) an immediate return to law and order, and peaceful assembly, in Fiji and the Solomon Islands;
- (e) backs the strongest possible sanctions against Fiji if the above steps are not immediately taken; and
- (f) declares its support for the cancellation of visas for entry into Australia of any person or persons associated with these unlawful acts in both these countries.

Question resolved in the affirmative.

**HEALTH LEGISLATION
AMENDMENT (GAP COVER
SCHEMES) BILL 2000**

In Committee

Consideration resumed from 5 June.

The bill.

(*Quorum formed*)

Senator CHRIS EVANS (Western Australia) (3.48 p.m.)—I move opposition amendment No. 1:

- (1) Page 2 (after line 5), after clause 3, insert:

4 Review of operation of Act

- (1) The Minister must cause an independent review of the operation of gap cover schemes to be undertaken as soon as practicable after 1 July 2002.
- (2) A person who undertakes such a review must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament not later than 31 December 2002.
- (4) In this section:
 - independent review* means a review undertaken by persons who:
 - (a) in the Minister's opinion possess appropriate qualifications to undertake the review; and
 - (b) include one or more persons who are not employed by a registered organization, the Commonwealth or a Commonwealth authority and have not, since the commencement of this Act, provided services to a registered organization, the Commonwealth or a Commonwealth author-

ity under or in connection with a contract.

This amendment seeks to insert a clause providing for the review of the operation of the act. A concern that was raised by many people during the Senate inquiry was that the proposed gap cover schemes were a bit of an unknown quantity and it was unclear how they would work in practice. The principal concern was that the schemes would result in fee inflation and, as a consequence, push up health insurance premiums. The doctors argued that this was not the intention and that if this happened the scheme would have failed. Consumers, however, were concerned that the benefits of gap schemes would not be delivered and that a form of financial consent would not be provided.

The Catholic Health Association proposed a review of the scheme after 12 months, while the Australian Health Insurance Association went further and wanted a sunset clause on the arrangements to ensure that there was a greater incentive for doctors to moderate their negotiating position. The opposition has considered both arguments and has decided that the gap cover schemes need a longer period to prove themselves but that a full review is necessary to ensure that the goals set out for gap cover schemes are in fact achieved. The medical community needs to be on notice that the obligation lies with them to get gap cover schemes to work.

The proposed mechanism in our amendment is that an independent inquiry be established after two years of operation—that is, in July 2002—and that a written report be provided by the minister to parliament by December of that year. This broad review is separate to the minister's power to individually review schemes which fail to comply with their conditions of approval. The intention is that the two-year review should look at the broad picture and examine whether gap cover schemes have achieved a sufficient market penetration. The government has set no target for the anticipated penetration of no gap and known gap schemes by which the review could judge the success of those schemes. Currently, about 16 per cent of all claims are made as part of the existing no gap schemes. The opposition would hope

that, if these schemes were successful in the way that their promoters have argued, over 50 per cent of all medical claims by mid-2002 would be part of these schemes.

Senator HARRADINE (Tasmania) (3.51 p.m.)—Madam Chair, as this is the start of the committee stage of this legislation, I would like to say something in a broad sense whilst supporting the proposal that has been made by the opposition for the legislation. I think that, as has been recognised in the debate thus far, the legislation, although recognising the need for medical gap cover by health funds, still lacks the rigorous framework which will provide certainty for customers when they approach medical specialists. This is one of the things that I have been concerned about for some considerable time. In other words, the legislation does not guarantee that doctors will provide no gap cover. Consumers will still be at the mercy of their particular specialist's disposition as to whether to provide the no gap cover. The absence of a contract or commercial arrangement between the health fund and the medical specialist will mean that, at best, the benefit for consumers will arise out of the operations of the health care market. People who are sick are not at their best as consumers in the health care market—we all know that. They are at the mercy of their specialists and do not have the capacity, or even the time, to shop around to find those specialists who will provide them with medical gap cover. That is particularly the case where specialist services are very limited—for example, in the regional areas. It is important that legislation such as this should safeguard consumers and not defer to the orthodoxy of market economics as the solution.

There is an inconsistency in this legislation with the imperative that hospitals and health funds must have contractual arrangements. There is no logical reason whatsoever why health funds and doctors are not treated in the same fashion as hospitals and health funds to ensure that no gaps exist for consumers. It is common knowledge that doctors already provide pensioners and other low income people with bulk-billed private services. This means, of course, that those consumers pay no gap. This legislation will ac-

tually increase the payment to doctors for these consumers for no extra gain to consumers—the status quo will remain. Doctors' reimbursements will increase. This will put significant inflationary pressure on the eventual price of health insurance. As we know, increased prices for health insurance become counterproductive in attracting people to insurance.

We will need to monitor the uptake of gap cover products by doctors to ensure that there are more consumers, other than those who are already receiving bulk-billed services, actually being offered no gap cover to justify, even in a minimal way, this legislation. I notice that Senator Evans is proposing, in the amendment that is currently before us, a review of the operation of the act. That will be absolutely essential to see whether people are playing the game properly. But the legislation does lack any robust mechanism to monitor the inflationary impact of medical gap cover. There is a very real danger that doctors will offer medical gap cover to patients and consumers whom they previously have bulk-billed and will only offer known gap cover to other consumers in order to maximise their reimbursements. Both these trends will lead to the overall inflation of private health costs and will place increasing pressure on opening up new gaps in medical fees. The government has not accompanied this legislation with a sensible and workable mechanism to monitor the inflationary impacts and to put in place a far more sound and reasonable commercial arrangement that not only provides consumers with more certainty but will better manage the inflationary pressures this legislation brings to the fore. Senator Evans's amendment relating to the review of the operation of the act will, I hope, set some sort of machinery in motion by which the minister will be required to have an independent reviewer undertake a review of the operation of gap cover schemes after this measure has been in operation for 12 months, or is it two years, Senator Evans?

Senator Chris Evans—Two years—in 2002.

Senator HARRADINE—The independent review is defined as one undertaken by

persons who 'in the Minister's opinion possess appropriate qualifications to undertake the review' and it will 'include one or more persons who are not employed by a registered organisation, the Commonwealth or a Commonwealth authority'. I support that. I am just wondering whether it should be after a year's operation and whether the committee, on reflection, would consider that to be appropriate. Other than that, I would be interested to hear why it is necessary for the review not to take place until after two years of operation.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (3.58 p.m.)—I appreciate that Senator Harradine has taken this opportunity to raise various issues and to alert us to his concerns. They are similar in some respects to those issues raised yesterday in the second reading debate by Senators Evans, Crowley and Lees, and most of those issues were addressed. I would refer Senator Harradine to my response at the end of the second reading debate last evening when I did address most of those particular issues.

As a result of the consideration of this legislation and of the issues and concerns that have been raised by the Democrats and the Labor Party, I am in a position to indicate that the government this afternoon is inclined to accept the amendments put forward by the Democrats and the amendments proposed by the Labor Party with the exception of No. 6, which has a particular constitutional effect in that area. Senator Harradine, can I refer you to yesterday evening's debate with respect to most of the issues you have raised. Monitoring the gap cover, the inflationary aspects and the certainty with regard to medical specialists were certainly addressed in the course of the discussion. I will need to seek a bit more advice on the point that you raised in your last paragraph about the time schedule, but I will certainly put that into the debate.

Senator CHRIS EVANS (Western Australia) (4.00 p.m.)—I will respond to Senator Harradine on the question of the time period while the parliamentary secretary is getting advice. In addressing some remarks to the amendment, I said that we had thought about

it, because there are a couple of propositions on this issue. I think the Catholic Health Association suggested a time period of 12 months. A couple of other parties had various other propositions, including a sunset clause. On balance, we took the view that two years would allow a proper period for the schemes to work before a review and that 12 months might be a bit short. I do not think we would die in a ditch over it, but on balance we came to the view that two years would allow a good period of time in which a proper assessment could be made and that 12 months might be a bit on the short side in terms of making that proper assessment. These things are arbitrary, as you know.

Also, we wanted to note that the minister has the ability to review and approve individual schemes and that that sort of process will be ongoing. This is more of a look at the overall measure and at how the system is performing. On balance, we thought that the two years would be the appropriate measure. As I said, I do not think anyone is particularly wedded to that, but the consensus that has emerged is that two years might be an appropriate time period. I have not been ordered to die in a ditch over the particular period, but the consensus was for two years.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.02 p.m.)—I wish to comment on the Democrats' support for this particular amendment. I believe we need to review the success or otherwise of changes to the private health insurance regime and this gap cover scheme. I agree with some of the comments from Senator Harradine relating to some of the vagaries of how it will operate. I think it is quite important that there is a review. But I support Senator Evans in his comments about where the time falls. There will be a period of adjustment, both by the medical profession and by the community generally, and therefore we will be supporting the proposal that there be a two-year period before there is a review.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.03 p.m.)—Can I also indicate that there is the opportunity for the minister to review the issues, if necessary, at any point and at any time. If anything was particularly brought to

thing was particularly brought to the minister's attention or was abnormal, the minister could review the situation. But on the initial start-up of this part of the legislation, I agree with Senator Evans that a two-year period, bridging financial years and addressing other considerations, is probably initially the appropriate one. We are certainly of a mind to support the amendment.

Amendment agreed to.

Senator CHRIS EVANS (Western Australia) (4.04 p.m.)—I move opposition amendment No. 2:

- (2) Schedule 1, item 6, page 4 (after line 19), before section 73BDD, insert:

73BDDA Purpose of gap cover schemes

The purpose of a gap cover scheme is to enable a registered organisation to offer insurance coverage for the cost of particular hospital treatment and associated professional attention for the person or persons insured where:

- (a) the cost of the treatment or attention is greater than the Schedule fee (within the meaning of Part II of the *Health Insurance Act 1973*) for the treatment or attention; and
- (b) there is not a hospital purchaser-provider agreement, a medical purchaser-provider agreement or a practitioner agreement between the registered organisation and the service provider concerned; and
- (c) the person insured pays a specified amount or percentage under a known gap policy or the full cost of the treatment or attention is covered under a no gap policy.

The bill inserts various sections into the Health Insurance Act 1973. The most significant sections form a new division, 4A. The problem in our view is that none of the new sections spells out exactly what a gap cover scheme is meant to be. There are several important criteria advanced by the proponents of these schemes which are not otherwise written into the bill. The purpose of this amendment is to crystallise the objectives of gap cover schemes so that it is apparent to those who have not been a party to the process of the development of the bill, including the Senate inquiry, what the purposes are. We think that the amendment

gives more clarity to the bill, spells out exactly the purpose of gap cover schemes and is a useful amendment.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.05 p.m.)—The Democrats will be supporting this amendment. It just gives us some additional details; I do not think it materially affects where the legislation is going and its purpose. It gives us some additional details, so we will be supporting it.

Amendment agreed to.

Senator CHRIS EVANS (Western Australia) (4.06 p.m.)—I move opposition amendment No. 3:

- (3) Schedule 1, item 6, page 5 (line 12), at the end of subsection (5), add:

- ; or (d) an index or method for measuring the inflationary impact of gap cover schemes on the total cost of treatment and the rise in private health insurance premiums.

As things get carried much more quickly if I do not speak for long, I might take that as a sign. However, I want to make a few remarks on this amendment. This amendment inserts a regulation specifying what an inflationary impact is. We see one of the basic risks of gap cover schemes—in the form that they are provided for in this bill—as being that they might have an inflationary impact on doctors' fees and health insurance premiums. This is a subject that I covered at length in my speech during the second reading debate. These schemes will only work if both sides are restrained and if additional payments made by health funds above the Medicare schedule fee are offset by a reduction or elimination of gap charges above the level of refund.

All the parties who appeared before the Senate legislation committee hearing said that they were strongly committed to this principle. Dr Brand of the AMA said, as I quoted in my speech during the second reading debate, that if there was an inflationary effect the schemes would have failed and the minister would be entitled to revoke them. The opposition welcomes those statements of commitment and is willing to support this legislation on the understanding that there will not be an inflationary impact. However,

there is a major problem in that nowhere is an inflationary impact defined. Health funds and doctors have no guidance as to what is an acceptable level of increase or how the combined impact of premium rises and changes in gap payments is to be judged.

This amendment provides for the minister to adopt regulations to specify and index a method for assessing the inflationary impact of schemes and will ensure that all parties are put on a level footing. It is important that the health funds know in advance what degree of latitude they have to negotiate and it is important for doctors to be able to assess the extent to which gap fees will need to be amended under a known gap scheme where the health fund is making a payment above the MBS rate. Without the regulations provided for through this amendment, there would be no benchmark and potentially no cap on what some would argue to be non-inflationary. So we think this is a very important amendment to deal with this question of the inflationary impact. We do not want to see any benefits from this eaten away by measures which will drive up inflation and drive up the cost of premiums or the cost of medical services. We think it is a very important amendment, and we hope to get support of this chamber for it.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.08 p.m.)—We will be supporting this amendment. Indeed, we will be moving an amendment after this to further deal with the issue of inflation, because it is not just a risk for patients, it is also a risk for the public purse. If fee inflation does occur, we will get higher costs to consumers and, with the 30 per cent rebate in operation, we will see that the government will be expending considerably more in their rebate program. So I think this is certainly necessary. As I said, I will deal with it further in a moment when we move another amendment to deal further with this issue.

Senator HARRADINE (Tasmania) (4.09 p.m.)—I support this amendment. It does go to the question of how it is proposed to monitor inflation. I think the formula that is put forward by Senator Evans is one which recommends itself to the committee, and I support the amendment.

Amendment agreed to.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.10 p.m.)—I move Democrat amendment No. 1:

- (1) Schedule 1, item 6, page 5 (lines 13 to 18), omit subsection (6), substitute:
 - (6) Without limiting the criteria to be specified in regulations made for the purposes of paragraph (5)(b), criteria must include the following:
 - (a) the provision of particulars sufficient to demonstrate, to the satisfaction of the Minister, that the operation of the gap cover scheme for which approval is sought will not have an inflationary impact;
 - (b) the requirement that a person providing hospital treatment or associated professional attention under a gap cover scheme for which approval is sought must disclose to the insured person any financial interest that the first-mentioned person has in any products or services recommended or given to the insured person.

This amendment is in two parts. I want to deal with these parts separately now. Part (a) is the one I just mentioned as we were dealing with the related amendment from the ALP. Our amendment actually requires that regulations be made under this bill to include specific provisions related to inflation. In other words, basically the Minister for Health and Aged Care has to be satisfied that these schemes will not be fee inflationary before approval is actually given for that particular scheme. I think it is very important that the schemes are monitored as to their inflationary impact.

In the second part of our amendment we are dealing with an issue that just over the last couple of years has become a bigger and bigger issue which has been raised with us by a number of people in the medical profession and also by consumer groups. This is the concern that, where someone in the

medical profession refers on to another, perhaps a specialist, for an additional consultation, there be no financial interest, that the first-mentioned person does not have any financial interest in the product or service that he or she is recommending people move on and receive. Under this legislation we can attach this only to the gap cover issue, but we will in future legislation be attaching it more broadly to health legislation so that this applies more broadly across the board in the health field. It is to deal with the problem of vertical integration.

Looking at the difficulty this government and past governments have had containing costs in a number of areas, legislation was brought in under the last Labor government dealing with practices by doctors that were in fact overservicing. I believe we have a real issue growing where the drive for overservicing is not so much at the provision of service end but at the end where we have a referral based on a commercial interest. In other words, we are backtracking to look at the vertical integration in the health system. I have to stress here that obviously the vast majority of medical professionals would consider only the patient's best interest, but the possibility is there that financial concerns can at least influence where the patient is sent for the next round of diagnostic tests or for the operation. So I think the second part of this amendment is vital to make sure that Australia does not head down the road that some others have headed down in the area of private medicine.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.12 p.m.)—As I mentioned in the debate earlier, the government will be accepting the amendment proposed by the Democrats. As Senator Lees has said, that is in two parts. I repeat the comments that I made last night, particularly for Senator Harradine, with regard to the issues of the inflationary impact. I said last evening:

The approval process provided for in the legislation contains a number of protective measures that will ensure that gap cover schemes deliver maximum benefit to consumers. Most importantly, the legislation ensures that no scheme will be approved unless the health fund can demon-

strate that it will not have an inflationary impact. This information will have to be provided to the minister in detail in the fund's application for scheme approval. It is worth noting that this legislation introduces protective mechanisms that do not apply to current agreements to address the gap. The current measures to address the gap which were introduced by the opposition do not address the issue of the inflationary impact at all. In contrast, this measure has been designed very deliberately to ensure that inflationary impacts are not felt throughout the health system as a result of measures to address the gap.

I believe that we can therefore accept the amendment that has been put forward, which reinforces that particular point.

The second part of the Democrat amendment, which deals with the area of requiring a doctor providing hospital treatment under a gap cover scheme to disclose to the insured person any financial interest that the doctor has in any products and services recommended or given to the insured person, the government accepts.

Senator CHRIS EVANS (Western Australia) (4.15 p.m.)—On behalf of the Labor opposition, I indicate that we also support this amendment. I have already discussed the question of the inflationary impact. That part of the amendment is consistent with the approach which Labor has taken to the bill. I also think that the provision about declaration of other interests is very useful. It is an issue I took up with the department and the HIC in Senate estimates a week or so ago, regarding some complaints about activity going on in Western Australia in particular about corporatisation of health, the role of GPs and their relationship to other services. It is an emerging issue in medicine in this country. I think the principles contained in the Democrat amendment are worthy ones which will be useful in ensuring that the needs of the patient is the paramount issue in determining other services, rather than the corporate relationship of the parties involved. We support the amendment as a useful addition.

Amendment agreed to.

Senator CHRIS EVANS (Western Australia) (4.16 p.m.)—I move:

(4) Schedule 1, item 6 (after line 18), at the end of section 73BDD, add:

(7) The Minister must not approve a gap cover scheme unless the scheme provides for insured persons to be informed, where the circumstances make it appropriate, of any amounts that the person can reasonably be expected to pay for treatment.

I understand there will be a Democrat amendment to my amendment, which I will be supporting, just to confuse the situation. Over the last day or so, there has been a series of negotiations between the various parties about trying to get as much agreement as we can on this bill. That has been a very positive process. I would like to thank the government, the Democrats and Senator Harradine for their involvement in that process. I have seen a draft of the Democrats' amendment to our amendment. Provided it is what I think it is—

The TEMPORARY CHAIRMAN (Senator Hogg)—If you can assist us by speaking for a few more minutes, the amendment has just arrived.

Senator CHRIS EVANS—I will not speak for too long. I have formally moved my amendment and that is important for the formal process. I wanted to say at the outset that we are likely to be in thunderous agreement, but there will be amendments to this amendment. The intention is to make clear that all gap cover schemes must include provisions for informed financial consent of patients. This has been a very important issue and was a very important issue in the Senate inquiry. We think this will ensure that, where the circumstances are appropriate, the patient will be told in advance what they can reasonably expect to pay—a very important principle.

There has been a lot of discussion about exactly how this provision should be expressed. We make it clear that we think it is preferable that we provide it in writing and we have supported that view. The Democrat amendment, as I understand, will help reinforce that. We acknowledge that there are circumstances when that is not possible. At the Senate inquiry, we had a debate where I and other senators tried to tease out how we could handle this issue. It is one of those things where everyone is in favour but it is very hard to get people to move on the issue

because the practicalities are difficult. We are very keen to make a move on the practicalities because one of the major complaints about health insurance and gap payments is where patients are faced with bills that they were not anticipating. This undermines confidence in health insurance and puts great stress on the patient and their families when they are having to deal with bills that they did not know were coming. We think it is reasonable that patients should be told in advance what the anticipated costs would be. It is time the profession came to terms with that and worked to make sure that, as much as possible, that occurs. This could be part of the gap cover scheme. It is an important step towards full, informed financial consent. Having formally moved our amendment No. 4, I forewarn that I am likely to vote for the Democrat amendment to that amendment.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.19 p.m.)—This is an issue which the Democrats have been concerned about for a considerable period of time and, indeed, which successive governments have negotiated bit by bit in various ways, as we did recently. Information is now available in leaflet form through Medicare offices, telling people, basically, that thanks to a number of court cases, they should be provided with information in all circumstances if there is going to be an additional charge. Now we have the opportunity in this legislation to specifically require, for gap cover schemes, that information is provided to, as it reads here, 'insured persons'. The amendment I will be moving is to insist that this is done in writing. I think that is the logical way to do it. After all, if one has a plumber into one's home, it is expected that we get some sort of a written quote. Indeed, virtually all professionals work on the system that you get a written estimate of what it is going to cost, so that you do not sign up for what you think is \$35, only to get a \$300 bill appearing in the mail. The benefits are for patients and for the private health insurance system generally. If we can get rid of the surprise \$1,000-odd bills, then the reputation of private health insurance will improve.

The second amendment we will be moving is to the end of this amendment, to make sure that the insured person does acknowledge receipt of the advice. The final version, as the Democrats would like to see it, would read:

(7) The Minister must not approve a gap cover scheme unless the scheme provides for insured persons to be informed in writing, where the circumstances make it appropriate, of any amounts that the person can reasonably be expected to pay for treatment and the insured person acknowledges receipt of the advice.

Senator HARRADINE (Tasmania) (4.21 p.m.)—I am not too sure where we are at.

Senator Lees—I have flagged the amendments.

The TEMPORARY CHAIRMAN (Senator Hogg)—They have not been moved, nor has Senator Lees sought leave to move those two amendments together. That is where we are at in the debate, Senator Harradine.

Senator HARRADINE—I indicate my support for the foreshadowed amendments to Senator Evans's amendment. The issue here is whether the minister is to approve a gap cover scheme and whether he is to approve it without proper information being supplied to the patient, the insured person. Senator Evans's proposal is:

The Minister must not approve a gap cover scheme unless the scheme provides for insured persons to be informed—

as Senator Lees quite correctly says, in writing—

where the circumstances make it appropriate, of any amounts that the person can reasonably be expected to pay for treatment.

Senator Lees adds:

“and the insured person acknowledges receipt of the advice”.

The reason I am on my feet to ask a question of the proposer, and perhaps of the government as well if it is in mind to support this amendment, is that the amendment says, ‘where the circumstances make it appropriate’. The question in my mind is: when are the circumstances not appropriate and who is to determine that? Obviously, if a person is unconscious or in an exceptional situation,

then of course the person could not receive the information and therefore could not acknowledge it. I am wondering whether I could have any advice from the parliamentary secretary or from the mover of the motion as to precisely what is meant by ‘where circumstances make it appropriate’. Does it really mean unless exceptional circumstances prevail where, for example, the consumer is not in a position to receive the information and to effectively acknowledge it?

Senator LEES (South Australia—Leader of the Australian Democrats) (4.24 p.m.)—by leave—I move:

- (1) Subsection 73BDD(7), after “informed”, insert “in writing”.
- (2) At the end of subsection 73BDD(7), add “and the insured person acknowledges receipt of the advice”.

This is the issue that we have been hung up on probably for at least the last 10 years. You can go down one of two routes. You can go down the route of the detailed regulations in which you specify every single time you think it is definitely necessary, perhaps have a list of where it is probably necessary or possibly necessary and have another list where you acknowledge, as Senator Harradine just said, when someone is unconscious. Obviously if you are being wheeled into the emergency department, you are not going to be able to know what you are likely to be charged. Indeed, the procedure could be quite complex. But there are other times when it is extremely difficult, particularly up-front at the initial consultation, to give advice on anything other than that initial consultation. This often relates to times when someone actually has to go in for a lengthy period of rehabilitation. Who knows, it might take a fortnight to get over a smashed leg or it might take three months of rehabilitation. You also have other issues where there is exploratory surgery or there are various procedures done with just an understanding that these may proceed immediately to surgery and that possibly this would be the amount. The discussions that have been going on and the eventual position taken—and this is now accepted by the AMA—is to move to the other end and to leave it open and vague, to be understood. We have some other amend-

ments on this issue, which we can talk about later, but in this particular instance the wording of 'appropriate' is where we have got to in terms of the broad understanding that it is really 'if at all possible' but we do not want to start having to define 'possible'.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.27 p.m.)—It is important to acknowledge that, in trying to reach this compromise on an amendment that satisfies the criteria which the minister must take into account in the approval, the refinements now being proposed through these amendments enhance that and mean that the minister—as we have done already through substantiating the inflationary issues—must therefore be assured by the sponsor proponent of the scheme that, wherever practical, all of these issues apply. Senator Harradine raises an issue with regard to the phrase 'where the circumstances make it appropriate'. That is seen as very much the exceptional circumstance of the car accident, when there are unforeseen and inevitable consequences that cannot be met in that particular circumstance. My advice is that it is attempting to make sure that that point is well and truly covered and does not hinder the application of the appropriate medical attention at that particular point. But, certainly, the intent with regard to the gap cover is that you do have available to the minister in approving the scheme initially a commitment by the sponsors that they will accept that the proposal must be in writing and acknowledged by the patient.

The TEMPORARY CHAIRMAN (Senator Hogg)—The question is that amendments (1) and (2) moved by Senator Lees be agreed to.

Question resolved in the affirmative.

The TEMPORARY CHAIRMAN—The question is that amendment (4) moved by Senator Evans, as amended, be agreed to.

Question resolved in the affirmative.

Senator CHRIS EVANS (Western Australia) (4.29 p.m.)—by leave—I move opposition amendments Nos 5 and 7 together:

- (5) Schedule 1, item 6, page 6 (after line 22), after section 73BDE, insert:

73BDEA Regulations

Subject to section 73BDE, the regulations may make provision relating to the operation and regulation of gap cover schemes approved by the Minister.

- (7) Schedule 1, item 6, page 5 (line 19) to page 6 (line 22), omit section 73BDE, substitute:

73BDE Review and revocation of gap cover schemes

- (1) Subject to regulations made for the purposes of this subsection, each registered organization must provide an annual report to the Minister and the Council in respect of any gap cover scheme that it operates.
- (2) Regulations made for the purposes of subsection (1):
- must provide for the form and content of each report; and
 - must provide for the date by which each report is to be provided to the Minister and to the Council; and
 - may provide for the Minister to permit the provision of a report after the date provided for under paragraph (b) in specified circumstances; and
 - may provide for the initial report in respect of a gap cover scheme to be provided in respect of a period of more or less than a year in circumstances specified in the regulations; and
 - may provide for reporting on the proportion of cases in which advice about the expected costs of treatment was provided to insured persons in advance.
- (3) Where a scheme fails to perform in accordance with:
- the requirements of paragraph 73BDD(6)(b); or
 - any prescribed criteria for approval; or
 - any condition imposed by the Minister;
- the Minister must establish a review of the operation of the scheme to determine whether it should continue to operate, or continue to operate subject to further conditions.
- (4) The Minister may revoke a scheme if:

- (a) the Minister has established a review of the scheme under subsection (3); and
 - (b) a period of 12 months has elapsed since the review was completed; and
 - (c) the scheme has failed to rectify any faults identified by the review.
- (5) A registered organization may seek variation or revocation of a scheme in prescribed circumstances and the Minister may:
- (a) approve such variations subject to any additional conditions that he or she thinks necessary to achieve the objects of gap free schemes; or
 - (b) revoke the scheme.

I have moved these amendments together because (5) is redundant if (7) is not carried. Basically, these amendments seek to replace some regulations which we think were inadequate in the original draft of the bill. The bill provides for annual reporting but it is vague about the procedure for revocation. This amendment will require that a review be undertaken if the annual report reveals that a scheme has failed to meet the criteria applying to the scheme in a significant way. Another unresolved issue is the extent of leniency to be provided in any one year if a fund is forced to push its premiums up by more than the inflationary amount. The Consumer Health Forum proposes that a fund should have a period to rectify problems if in one period the level of inflation is excessive. The amendments give the fund 12 months to fix a default if the performance is not achieved. We think that these amendments strengthen the original propositions in the bill dealing with the revocation of schemes failing criteria and that they improve the bill. I hope the amendments gain the support of the chamber.

Amendments agreed to.

Senator CHRIS EVANS (Western Australia) (4.30 p.m.)—I move opposition amendment No. 6:

- (6) Schedule 1, page 6 (after line 22), after item 6, insert:

6A After section 73F

Insert:

73FA Disclosure of costs

- (1) A medical service provider who provides a service in a hospital or day hospital must provide the person in respect of whom the service is to be provided, or a person acting on that person's behalf, with a written estimate of any amount in excess of the Schedule fee (within the meaning of Part II of the *Health Insurance Act 1973*) that the person can reasonably expect to be charged for that service.
- (2) A medical service provider must provide a written estimate under subsection (1);
 - (a) before the service is provided, if practicable; or
 - (b) if it is not practicable to provide a written estimate before the service is provided—as soon after the service is provided as the circumstances reasonably permit.
- (3) If more than one medical service provider provides services to a person in respect of the treatment of that person's condition, one provider may provide the written estimate required under subsection (1) on behalf of all the medical service provider providing services to that person.
- (4) If a medical service provider provides a written estimate on behalf of other medical service providers, the estimate must include all amounts in excess of the Schedule fee that the person can reasonably expect to be charged for the services provided by all the medical service providers concerned.
- (5) The Minister may issue guidelines setting out the manner and form in which a written estimate of amounts under subsection (1) should be provided.

I understand that this is where my good run comes to an end. I do not think this will enjoy as much support around the chamber, from indications I have had. This amendment seeks to extend the application of informed financial consent to all doctors. It follows on from the amendments we have just carried relating to informed financial consent in terms of the gap schemes. We think this is important, as there is an irresistible consumer pressure for improvement in the current situation where patients are frequently not properly informed of the costs they might reasonably be expected to incur. In the pre-

vious amendment this principle was incorporated as a requirement for informed financial consent to be provided as part of a gap cover scheme. For some time, the AMA has endorsed the concept of informed financial consent and has done work among its members to build support.

As I indicated earlier, the outgoing president, Dr David Brand, told the Senate committee that he supported informed financial consent extending stepwise from the current level of 50 per cent up to 95 per cent. The opposition supports this goal and believes that informed financial consent should not only be available to those who are members of no gap schemes; it should be available to all patients and, over a period of time, all doctors should become used to providing their patients with this advice on cost upfront. The opposition supports the right of doctors to negotiate their charges directly with patients, but the patient must know what the full cost is and they should have the option of looking elsewhere if they think the fee is unreasonable. I am disappointed that the AMA does not support this particular amendment despite the efforts that have been made to express it in terms that provide the doctors involved with considerable discretion and exclude the cases where informed financial consent cannot be given in an emergency situation or for other practical reasons, as raised by Senator Harradine. I understand, as I said earlier, that this amendment may not receive the support of others in the chamber today, but I hope that the concept that is involved will be further discussed and that in the future more progress is made towards all doctors providing informed financial consent to their patients, whether or not it is related to no gap schemes or otherwise.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.33 p.m.)—This is the one opposition amendment that we cannot support—that is, relating to the disclosure of costs. The government has had legal advice on this amendment, and that is

essentially that the amendment has no constitutional basis. The Commonwealth has no general power to regulate the activities of doctors and, for this reason, the amendment is considered unconstitutional. The advice received by the government from the Australian Government Solicitor on this particular issue reads:

The Commonwealth Parliament, of course, has no general power to regulate the activities of doctors. The principal constitutional power relied upon by the Commonwealth Parliament to make laws in relation to doctors is paragraph 51(xxiiiA) of the Constitution. That paragraph authorises laws with respect to the provision of (amongst other things) 'pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription)'. In referring to the 'provision' of such benefits and services, the paragraph is referring to their provision by the Commonwealth (*British Medical Association v The Commonwealth* (1949) 79 CLR 201). It seems to me that proposed amendments (7) and (8) have no relevant nexus with the power conferred by paragraph 51(xxiiiA). To borrow from the judgment of Gibbs J in *General Practitioners Society v The Commonwealth* (1980) 14:5 CLR 532 at 559, the proposed amendments have 'no necessary relationship with any pharmaceutical benefit or medical services provided by the Commonwealth'.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.35 p.m.)—This is the issue that we have come up against before in terms of what we can do under the Constitution. I just ask the minister if it is possible under the Constitution to link Medicare payments or the ability of a doctor to access the Medicare system—or perhaps to have a provider number—to certain requirements regarding informed financial consent to ensure that the patients they will be treating using this Medicare provider number know what they are likely to be up for. I can understand that the Constitution can be interpreted to mean that a doctor in private practice without any subsidy from anywhere can do what they like. But we are talking about medical professionals that get a very large percentage of their income, particularly if they are not working in the private hospital system, from the Commonwealth, from the public purse. So I ask the minister: is it possible to link the

sible to link the issue of informed financial consent to Medicare provider numbers?

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.36 p.m.)—You are not asking a constitutional lawyer a question here; you are asking a health consumer-patient. I am afraid I do not have available to me sufficient advice to give you that detail. I would be happy to take it on notice and provide a more comprehensive answer to you.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.36 p.m.)—Can I therefore suggest to Senator Evans that we revisit this when we have continued down the line of what is constitutionally possible—and there is another health bill listed on the *Notice Paper* for Thursday. This issue is not necessarily attached to the gap cover bill; this is a separate issue—one that has been pursued for years and one that Senator Harradine has taken a long-term interest in as well. We could get some specific instructions and details so that we know what it is possible to do, and we should do it as soon as we can.

I do not want to sink this bill if there is a constitutional question over this one amendment. Because of the way it is drafted, with so much power vested in the minister and so much oversight and control with the minister, this bill requires an enormous level of cooperation from the medical fraternity. Obviously they are still unhappy with this, and part of that comes back to some of the constitutional issues. I suggest to Senator Evans that this is unfinished business and we can get another round of advice, and perhaps this amendment can be moved to the next health bill that comes past us.

Senator HARRADINE (Tasmania) (4.37 p.m.)—Obviously we all have a very great interest in having this piece of legislation through, and through as quickly as possible. I think the suggestion made by Senator Lees is eminently approvable, so far as I am concerned. I agree with it.

Senator CHRIS EVANS (Western Australia) (4.38 p.m.)—I want to respond briefly to some of the comments made. I recognise

that this amendment is one that could be pursued in other legislation. We thought it was important to push the case about these issues and this provided a good opportunity to take that up. We were debating how we might make the gap cover scheme work and what role the doctors would play in that, and informed financial consent is very important as part of that. Labor do not accept the minister's argument that it is unconstitutional. We think the government would have to provide much more evidence to support their claim. It is very easy to say, 'It's unconstitutional,' and then plead that one is not a lawyer. I am not a lawyer, either, but our lawyers are not convinced. So I think it is an issue worth pursuing. This debate has shown that there is a real consumer interest in pursuing this issue and the Labor opposition will continue to pursue it.

I take the point Senator Lees makes that she does not want to hold up this bill on this particular measure. I can count, and we will be taking that into consideration. But we will be pursuing it in other legislation and we will be demanding a much better explanation from the government as to why we cannot pursue what are allegedly shared objectives. Our view is that this constitutional defence is not as watertight as some would believe and that we do have much more room to move here than the minister indicates. I read the mood of the chamber. I also flag that this is an issue that will not go away and that the Labor opposition will be pursuing. I welcome the Democrats' commitment to also pursue it.

Amendment not agreed to.

Senator CHRIS EVANS (Western Australia) (4.40 p.m.)—I move opposition amendment No. 8:

(8) Schedule 1, item 7, page 6 (after line 30), after paragraph (bc), insert:

(bd) to publish on the Internet, and make available for inspection at its offices, details of all gap cover schemes approved by the Minister under section 73BDD, including details of any terms and conditions that apply to the relationship between a registered organization and individual medical providers;

This relates to the publication of the details of schemes. Public knowledge of prices is one of the most important ways to combat inflation. The ACCC urged health funds to set up their own database of specialist fees for their members to access. It expressed serious concern about a case in Western Australia where a GP wrote to 20 specialists and only one offered details of the fees charged. Many witnesses at the Senate inquiry agreed that it was the intention that agreements should be public. There was concern, particularly, that agreements between the funds and doctors might contain hidden clauses that bind doctors to behave other than in accordance with best clinical practice, for financial reasons. This bill should make this clear. The availability of the Internet makes possible what some years ago might have been seen as a complex and bureaucratic obligation to disclose. The Private Health Insurance Administration Council has a good web site on which it already displays a range of important information about health insurance. It would be a simple task to post on this site all agreements approved by the minister and thereby achieve a high degree of transparency for the new arrangements. I believe that our amendment (8) provides that capacity for transparency, that it is a good consumer measure and that it would improve the bill. I urge the chamber to support the amendment.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.42 p.m.)—I, too, think this is an important amendment. I think the use of the Internet in this case is to be recommended. It is a valuable tool when one wants information to be readily available. It has been a long-term concern that it is very difficult to find out what exactly doctors charge. As Senator Evans says, there is a long history of GPs not being able to find information as to what radiology services or specialist services are going to charge their patients. If they have patients on low incomes, even getting information related to whether or not bulk-billing is possible has often been a feat beyond many GPs. I fully support this amendment.

Amendment agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Motion (by **Senator Tambling**) proposed:

That this bill be now read a third time.

Senator HARRADINE (Tasmania) (4.44 p.m.)—I rarely if ever get up and speak in a third reading debate, and I will not be very long. It would not be appropriate to let this time go without acknowledging the vast potential importance of this health insurance measure to hundreds and hundreds of thousands of Australians. I want to place on record my appreciation of the government in honouring its indications given to me last year when discussions were taking place on the health insurance incentive schemes and so on. I do want to acknowledge the work that has been done by the government, by the opposition and by Senator Lees of the Australian Democrats, not to mention the many people who assisted the committee, of which I was not a member but only a participating member. Those present at the meetings were quite capable of achieving what was achieved.

I want to acknowledge those who took the trouble to provide submissions to the Senate committee and those who contacted us individually with their views on the matter. In particular, I want to acknowledge Francis Sullivan, who was very efficient and who has a very well-informed mind on these matters. So I take the opportunity, which I rarely take, of acknowledging the importance of this moment. I hope that the House of Representatives approves the amendments made by the Senate. I have no doubt that the parliamentary secretary will ensure that that occurs.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.46 p.m.)—I thank Senator Harradine for the comments that he has made. I also thank Senator Lees and Senator Evans for their cooperation in the passage of this gap cover legislation. This bill addresses the major problem facing the health insurance industry in hospital medical gaps. It will allow funds to insure for the difference between what a doctor

charges and the combined health insurance benefit and the Medicare benefit. It is a no contract, voluntary approach to gap cover. Nothing in this bill will hinder the existing arrangements that allow gap cover under existing legislation. The regulations that attach to this bill have been drafted and made available for all interested parties. The schemes will not be approved by the minister, unless the health fund can demonstrate that the scheme will not have an inflationary impact. They will provide for informed financial consent so that patients will know if they will be out of pocket. There will be simplified billing if that is appropriate. There will be professional freedom for medical practitioners. There is also provision for reviews, revocation and reporting of schemes. The opportunity now exists for patients to be covered for no or known gaps through their private health insurance. I hope that doctors and funds take this opportunity for the sake of better value private health care.

Question resolved in the affirmative.

Bill read a third time.

**CUSTOMS TARIFF AMENDMENT
BILL (No. 1) 2000**

**EXCISE TARIFF AMENDMENT BILL
(No. 1) 2000**

Second Reading

Debate resumed from 13 March, on motion by **Senator Ian Campbell**:

That these bills be now read a second time.

Senator CONROY (Victoria) (4.48 p.m.)—This tariff legislation amends the Aviation Fuel Revenues (Special Appropriation) Act 1988, the Excise Act 1901, the Excise Tariff Act 1921, the Fuel Blending (Penalty Surcharge) Act 1997, the Fuel Misuse (Penalty Surcharge) Act 1997 and the Fuel Sale (Penalty Surcharge) Act 1997. It will replace references to specific excise tariff items in those acts with generic descriptions. The Fuel (Penalty Surcharges) Administration Act 1997 will also be amended to improve the ability of the government to prosecute those that are undertaking the practice of fuel substitution. This is done by changing the definition of 'fuel' to cover a broader range of products and by removing the requirement for the ATO to show that the al-

leged illegally blended fuel has entered into home consumption.

The story of this bill is a sad story of a government dropping the ball, of a government that is so badly mismanaging the affairs of the nation that Australian motorists have been put in danger, the environment has been polluted, and taxation revenues have been significantly affected. The story starts with fuel substitution rackets that involve rogue petrol stations adding toluene, which does not attract excise, to fuel. Toluene is essentially a paint solvent which, when added to fuel, reduces engine performance, can clog fuel injectors and can even lead to a total breakdown of engines. The extent of the fuel substitution rackets can be seen from the fact that 20 million tonnes of toluene were imported into this country in a period of four months—an amount that the paint industry itself would use in a period of 12 months.

Sadly, fuel substitution rackets have been going on for some time. In 1998, the federal government acknowledged the seriousness of the problem and announced that it was taking action to stamp out the problem. On 30 January 1998, the then minister for Customs and Consumer Affairs, Warren Truss, issued a statement that the government would crack down on fuel substitution rorts which avoid paying customs or excise duty. The government stated that it would be implementing strict new laws to combat the loss of revenue and that it would stamp out dangerous and illegal practices resulting from fuel substitution. Penalties of up to \$50,000 were introduced and Customs officers were given the power to enter premises to audit records and test fuels using specially equipped trucks.

We in the opposition supported the government's legislation, and even went so far as to congratulate them on it. In September 1997, Ralph Willis, the then member for Gellibrand, in a debate on the fuel substitution legislation told the House:

I also note that in the Budget the Government has also provided additional resources to the Customs Service to enable it to monitor the scheme, to investigate where fuel substitution is suspected and to take necessary action against offenders. That is very much supported by the Opposition in order to make sure that the scheme is effective.

By the following year, it appeared that the scheme of investigating petrol stations using special fuel investigation trucks was having some success. In an answer given to a question in the House of Representatives in June 1998, then Customs Minister Truss stated:

Now these concessional fuels have a chemical marker placed in them that can be detected in a simple test. I am delighted to be able to report to the House that these measures have proved to be very successful.

He went on to say that the government were saving around \$10 million a month from this measure—considerably more than the \$25 million per annum they had expected to save. He offered the view that it is clear that the practice of substitution has been more widespread than previously thought. He said that \$35 million worth of potential fuel fraud was under investigation. He concluded that:

... this legislation is a clear demonstration that this government is tough on tax cheats, but it is also concerned about the safety and security of consumers.

But following this early success, the problems began. After the last federal election, the federal government transferred customs excise functions to the Australian Taxation Office. This was part of the government's preparations for the introduction of the GST. While the Customs Service was committed to investigating fuel substitution rorts, it appears that the Australian Taxation Office was interested only in collecting excise.

Since July 1999, when the Australian Taxation Office took over direct management responsibility for fuel substitution, it has tested a total of 42 sites and found fuel substitution in eight of them. This is compared with the action of Customs, which reported in its 1998-99 annual report that it had carried out 551 site tests and found 52 positive instances of fuel substitution. Let me repeat that: the tax office tested a grand total of 42 sites. The Customs Service, when it was in charge, carried out 551 tests. That is a 90 per cent reduction in the level of testing. The tax commissioner, Mr Michael Carmody, said:

The Tax Office is not responsible for the quality of fuel, only for ensuring that the correct excise is paid. Consumer protection matters are the responsibility of the states and territories.

My colleague Mr Kelvin Thomson has questioned the government rigorously on the reduction in fuel substitution investigation and in particular what has happened to the fuel investigation trucks that were supposed to carry out the investigation. The issue was first raised by Mr Kelvin Thomson, MP, in March this year, when Senator Kemp was asked a simple and direct question about where the trucks were. It took until 16 May for an answer to be provided to this question—not through Senator Kemp but as an answer to questions put by Labor senators in the Senate inquiry into this bill. For the record, out of the initial seven trucks, only five remain. Given that only 42 investigations have been made since July 1999, we must question what the remaining five trucks have been used for.

Senator George Campbell—Senator Kemp thought you were talking about a debt truck.

Senator CONROY—We know they have got the debt truck in hiding, Senator Campbell. That is exactly right. The debt truck, as I think someone has said, has turned into a debt semitrailer. So you will not find a debt truck hiding anywhere.

Senator George Campbell—Maybe a road train.

Senator CONROY—It is possibly a road train by now, Senator Campbell. There is no doubt that one of the main reasons why the problem of fuel substitution has spiralled out of control is the government's lack of commitment to investigating its incidence. For the last 18 months, concerns about growing fuel substitution rackets have been raised with the government. In particular, Liberty Oil raised concerns with Customs officials, Minister Vanstone, Senator Kemp and the Australian Taxation Office that fuel substitution rackets were out of control. I will quote from Liberty Oil's letter, dated 22 June 1999, to Senator Kemp. The letter states:

Despite bringing this practice by unscrupulous operators to the attention of relevant departments, for a number of reasons, one of which is the crossover of responsibility between the Australian Customs Service and the Australian Taxation Office, no effective preventative action has been taken. Given the scale of this avoidance we re-

spectfully request your urgent attention and assistance.

Liberty Oil's letter to Senator Vanstone is dated 16 June 1999 and states:

I would like to bring to your attention the well-known and widespread ongoing excise avoidance practice within the oil industry that continues to flourish and which remains unhindered.

Not only is there a continuing loss of excise duty sustained, estimated to be in excess of \$300 million annually, but also there is an ongoing potential health risk together with a real risk of mechanical damage to consumers' property arising from the widespread practice of mixing solvents with motor fuels. The further possibility of carcinogenic substances entering diesel and motor fuels sold to the public exists.

Despite our continuing concerns, and following meetings held with the Australian Customs Service, we remain unconvinced that the Government has the intention to or has provided the necessary resources and means to actively prevent these practices from continuing to occur and expand.

These cries went unanswered for too long. What was Senator Vanstone doing? She is happy to stand in front of a drug bust. There is lots of publicity in a drug bust. But when it comes to standing in front of a petrol station, being caught substituting toluene for petrol, she is missing in action—no pretty pictures, no press conferences, no daring night-time raids, and nothing to add a bit of colour and movement to this issue for Senator Vanstone. As we all know, Senator Vanstone is desperate to get back in cabinet. If you cannot get any publicity, there is no press conference, no head on the nightly news, and no action. At the recent Senate inquiry into this bill, Mr Mark Kevin, the Chief Executive of Liberty Oil, was asked when he had brought the issue of fuel substitution to the government's attention and what had been their response. He stated:

It was not as quick as we would like. We started talking to the tax office well over 18 months ago and then we started writing to Senator Vanstone and the Assistant Treasurer Kemp. That was about April of last year. The reaction was too slow for us. We got letters back from the government saying that they were looking into it, that they were trying to do things about it. It was too slow.

There are a number of questions that we need to ask the government in respect of the fuel substitution debacle. Why did the government take so long to investigate the problem? Were they asleep at the wheel? Why did the government stop investigations into fuel substitution? According to the tax commissioner, Mr Michael Carmody, the investigations were ineffective. He stated:

Previous attempts to deal with this through the use of special chemical markers and testing involving a fleet of trucks had, in our assessment, proved ineffective.

That is a direct contradiction of Minister Truss; I have already read Minister Truss's quotes. Mr Carmody says they were ineffective and Minister Truss says they were very effective. The Australian Automobile Association has recently stated that it believes random testing by government is essential.

At the recent Senate inquiry into the bill, Liberty Oil suggested that fuel substitution rackets cost taxpayers \$400 million last year in lost excise. It seems pretty clear that a thorough program of inspection and detection will not cost the government money; it will save the government money.

There are a number of other questions that we would like to see the government answer with respect to the bill. What is the government's response to the Australian Paint Manufacturers Federation, which is concerned that it is unfair that the paint industry should have to bear the administrative costs of the excise legislation? How will the government stop unscrupulous operators substituting toluene for petrol, even after they have claimed the rebate? Without an effective investigations unit, how will the government know whether or not fuel substitution is occurring? Is it appropriate for the tax office to have responsibility for fuel excise if it is not committed to investigating fuel substitution rorts? Is the tax office unable to fulfil its wide range of duties effectively because it is concentrating on the implementation of the GST? It is fairly clear that a massive rort has been going on, but the tax office has been too involved in its own Keystone Cops debacles—their own maladministration of the ABN number and giving away taxpayers' legitimate details and emails breaching the

privacy principles, as was enunciated by the Privacy Commissioner yesterday. The tax office is in a mess.

This is a complete and utter abrogation of the tax office's responsibilities. They say to us, 'Trust us on the diesel fuel rebate. Trust us on the petrol station rebates—we can manage those,' when it is perfectly clear that they are incapable of doing the jobs they have now, never mind their new ones. The bottom line is this: this government said it would crack down on fuel substitution and instead it transferred the relevant customer staff to the tax office, which have no inclination to do inspections and which have dropped the ball completely. Almost three years after the government first introduced legislation to stop fuel substitution rackets, the problem still remains. This has cost Australian taxpayers millions of dollars in lost revenue and has resulted in increased risks of car breakdown for Australian motorists.

Whilst the opposition support this bill, we believe it is essential that investigations into fuel substitution be reinstated. Aside from the safety issues involved, excise evasion has cost the country millions of dollars in lost excise revenues. Even with the passage of this bill, we need to ensure that fuel substitution does not occur through other avenues. The government has acknowledged that it has a responsibility on this issue. It is time it acted on its responsibilities and sorted out the tax office.

Senator MURRAY (Western Australia) (5.03 p.m.)—The Democrats support the main purpose of the Customs Tariff Amendment Bill (No. 1) 2000 and the Excise Tariff Amendment Bill (No. 1) 2000, which amend the Excise Tariff Act 1921 and the Customs Tariff Act 1995. We believe that the changes that these bills introduce will improve the health and safety of the community and improve the current excise regime for petroleum products. Dealing with tobacco first, the Democrats support the introduction of a per stick rate of tariff on lightweight tobacco products to discourage smoking of high volume lightweight cigarettes. For almost 100 years, the federal government has levied excise duty on cigarettes according to their weight. This differs from most other coun-

tries, I am advised, that levy cigarette excise on a per stick rather than a weight basis.

The weight based excise system was examined by the 1995 Senate community affairs committee inquiry entitled *The tobacco industry and the costs of tobacco related illness*. The inquiry heard evidence that the weight based excise system enabled manufacturers to minimise excise costs by reducing the weight of each cigarette and packaging more cigarettes into larger packs. Submissions by a number of health groups argued that these types of packs encouraged smokers to smoke more cigarettes and were comparatively more attractive to price sensitive smokers, especially young people and people from lower socioeconomic backgrounds.

I am aware that the then Department of Human Services and Health was unable to find any evidence that changing to a per stick regime would have any health benefits. Given the impost on the tobacco industry that such a change would cause, it was important to assess whether or not the change would have those health benefits. The committee recommended that the National Health and Medical Research Council review the weight based system for calculating the cigarette excise. The government accepted that recommendation and instigated a review process which was subsequently overtaken by the review of the tax system announced by the government in 1998.

As part of the government's tax review process, the Tax Consultative Task Force consulted with a range of health and medical groups on the issue of cigarette excise. A coalition of health groups provided a joint submission to the task force, which argued that changing to a per stick levy would reduce rates of smoking, particularly in key target groups with higher smoking rates. The government incorporated this into a new tax system, the ANTS package, announced in August 1998. The Democrats support the details of the excise on cigarettes outlined in the ANTS package. These include a rate of 18.872c per stick to be applied to all cigarettes with a tobacco content up to and including 0.8 gm per cigarette. An excise of \$235.90 per kilogram of tobacco will be ap-

plied to all other tobacco products. The government projected that, as a result of this excise, high volume low weight cigarettes will rise in price. As a result, price sensitive smokers are expected to reduce their level of tobacco usage—a straight elasticity relationship in an economist's language.

As decades-long advocates against smoking, the Democrats strongly support this and other measures to discourage people from smoking. Tobacco usage is the single largest cause of preventable death and disease in Australia. It kills more than 19,000 people a year in this country. This is 25 per cent more deaths in one year than from breast cancer, melanoma, diabetes, suicide, road deaths, leukaemia, cirrhosis of the liver, falls, AIDS, murder, narcotics and drowning combined.

Unfortunately, Australia still has relatively high smoking rates, with approximately 25 per cent of the population classed as regular tobacco users. Any measure that has an assessed potential to reduce this unacceptably high smoking rate should be encouraged. The Democrats would like to congratulate the government for its recent campaign targeting young smokers. I hope it will be successful in reducing the smoking uptake among Australia's youth because, if you can stop the young people smoking, of course, you improve their health for the decades of life ahead of them. I would also urge all Australian governments—that is, all nine governments in this country—to continue to focus on this important health issue through a sustained commitment to ongoing education campaigns about the serious risks of smoking.

Moving to petroleum excise, the Democrats also support the changes these bills make to petroleum excise. We believe it is important to combat the substitution of low excise petroleum products for higher excise fuel. The government has found evidence that this practice is becoming increasingly more common, and so this measure is timely to prevent it from spreading any further. It is important to be clear that the substitution of petroleum products is illegal and, in some cases, can be dangerous. The Democrats support the differential excises on petroleum products, depending upon the intended end

use of the product. We were always very strong supporters of the non-leaded fuel differential. We believe there are environmental and social gains from imposing a relatively higher tariff rate on fuels intended for on-road use, such as diesel fuel and petrol. We support lower tariffs for fuel sold for non-transport uses, such as heating oils and kerosene, and the current exemptions for petroleum products sold for non-fuel use, such as solvents. It is unfortunate that the differential tariff rates have been exploited to avoid excise duty on transport fuels through the substitution or unauthorised blending of lower excise petroleum products. This has resulted in a loss of government revenue which, of course, could be used to provide much needed services such as hospitals and schools, which are always a demand on government revenue.

The practice of randomly blending or substituting fuels for on-road use can cause damage to vehicle engines, with potentially dangerous consequences. It is vital that this practice be stopped to protect consumers who unwittingly fill their cars with contaminated fuel. So it is a safety issue as well as a revenue issue. To stop that practice does not require just legislation; it requires attention to enforcement measures, and that was the focus of much of Senator Conroy's remarks. The Democrats have previously supported amendments to excise and customs legislation to address this issue. For example, we supported the 1993 reforms, which required the licensing of all premises that blend petroleum oil products, including refineries and service stations. As a result of this legislation, these businesses were also required to pay duty on the blended substances at either the diesel or the leaded petrol rate. The Democrats also supported the 1998 legislative changes, which enabled a chemical tracer to be added to fuels that attract concessional rates of excise duty. This has made it much easier for the Australian Customs Service to detect when these products are blended with, or substituted for, excisable fuel—at least, I am told that it has made it much easier.

From July 1999, responsibility for excise functions, including those related to fuel sub-

stitution matters, was transferred from Customs to the Australian Taxation Office. I am previously on record as remarking that that is a desirable move from a policy point of view, but it has to be accompanied by at least equivalent enforcement measures to those that Customs was able to employ. You cannot take on the responsibility without the obligation for enforcement. I hope that the ATO has learnt from the furore surrounding this issue that it needs to be more vigilant in monitoring and enforcing such legislation as is now before us to ensure that consumers are not put at risk from contaminated fuel and to ensure that the Commonwealth is not put at risk from the loss of revenue.

The Democrats support the additional measures proposed by these bills to further refine the tariff regime. We believe that the three main changes proposed are sensible and that they will contribute to a more robust regulatory regime. We welcome the support from the opposition for the government's measures, as indicated in their minority report to the Senate Economics Legislation Committee report on these bills. I also acknowledge that the opposition have expressed strong concerns about the bills, as raised in their minority report and in their remarks today, including the division of responsibility between the ATO and Customs in monitoring and investigating cases of fuel substitution, and I share the concerns of the opposition that the ATO does not yet appear to have given fuel substitution sufficient priority in terms of protecting the revenue base. I know, as one of the authors of the legislation we are dealing with, that they have been extremely busy over the past 12 months. However, the purpose of the Senate and the parliament in passing legislation is to keep them even busier as time goes by. So I would urge them to exercise as much vigilance in this area as possible. (*Quorum formed*)

Senator SHERRY (Tasmania) (5.15 p.m.)—We are dealing with the [Customs Tariff Amendment Bill \(No. 1\) 2000](#) and [Excise Tariff Amendment Bill \(No. 1\) 2000](#). The first matter I want to raise in respect of the legislation is that apparently there is no cost to revenue in the legislation. I would have thought that it would be possible for the

minister to make that information available. The legislation does involve some changes to the excise arrangements for certain categories of alcohol. I do not disagree with the thrust of those changes but it seems to me that there will be some additional revenue as a result of recategorisation of some areas.

I think it is important to look at the history in chronological order of the matters relating to what has become known as the beer controversy. We are dealing here with excise legislation and, obviously, this has an important impact on the price of beer to consumers in this country. Firstly, I want to go back to the so-called ANTS package which purported to outline the impacts of the tax changes that the government put to the Australian people prior to the last election. In that ANTS package it was indicated that the price of beer was to go up by 1.9 per cent. Of course, you had to read that document quite carefully to identify the fact that apparently the 1.9 per cent referred to packaged beer. In the election campaign on a number of occasions the Prime Minister was questioned about the impact of a GST on the price of beer. There are, I think, two occasions when the Prime Minister was asked—

Senator Conroy—Only two?

Senator SHERRY—Only two that I can find, but they were very important references to the price of beer. One was in response to Alan Jones on 14 August 1990 when the Prime Minister said, 'There will be no more than a 1.9 per cent rise in ordinary beer.' Then again, apparently, the Prime Minister was also questioned on the John Laws program in respect of this matter. The question apparently did relate to packaged beer and, again, there was reference to the 1.9 per cent increase in the price of beer.

I think it is clear that the Prime Minister fudged his response. I use the term 'fudged' in a gentle way because any reasonable member of the public listening to the responses by the Prime Minister on these two occasions would certainly have gained the impression that beer being sold by the glass in a club or pub was going to go up by 1.9 per cent. Of course, this is far from correct, as other events have shown.

Following the election it is well known that the Senate established a select committee to examine the various issues relating to the government's tax changes, particularly the GST. My colleague Senator Murray, who is in the chamber representing the Australian Democrats, was a member of that committee and we held numerous hearings around the country. One of the issues that was raised in the Brisbane hearings was the price of beer. We had before us witnesses—I think from the wine and spirits and brandy association—and I asked them about the price of beer and what they thought the increase would be. They indicated on that occasion that they believed the price would go up by approximately seven to eight per cent for beer and wine sold by the glass.

Senator Murray was not there on that occasion and, as I recall, it was Senator Bartlett who was actually sitting next to me at that hearing—it is important, and I will come back to that at a later stage. That, I think, was our first indication that, in fact, the figure in the ANTS package and the comments of the Prime Minister were incorrect. I pursued in Treasury estimates this year this matter of the increase in the price of beer sold by the glass. I spoke to a Treasury official on that occasion, Monday, 7 February. I asked the Treasury officials about the price of beer in pubs and clubs and was told that their estimate was that it would go up by approximately seven per cent. I pursued the issue of the Prime Minister's comments about the price of beer going up by 1.9 per cent. The Treasury official, Mr Blair Comley, confirmed that the increase of 1.9 per cent was, in fact, only in relation to packaged beer and that was the reference in the ANTS package that had been referred to prior to the election.

Since that estimates hearing back on Monday, 7 February, this issue of the price of beer, the commitments given by the Prime Minister of this country and the misleading comments that the Prime Minister made on this issue have been a feature of considerable public comment. What we have here is a very good example of the Prime Minister misleading Australians about the impact of the GST. This is not the only example but I think it is a very important example that

highlights the incorrect and wrong information—the misleading information—that has been given in so many areas of the GST by the Liberal and National parties and by the Prime Minister and other members of his government. So we had the admission by Treasury that the price of beer in a glass was to go up by about seven per cent.

But, of course, the story has progressed further since the admission by the Treasury officials in February this year that the price of beer would go up by about seven per cent. Sections of the brewing industry have indicated that they were very unhappy with the increase in the price of beer. So they should be, because I understand that they were given private undertakings, either by the Prime Minister or the Treasurer of this country, Mr Costello—'Don't raise this issue in the election campaign. We'll sort it out later on. Just trust us.'—and, of course, the commitments they gave on the quiet to get themselves through the election campaign—the very fudged commitments that were given—have not been honoured by the Prime Minister or the Treasurer. That is at least one of the reasons why the brewing industry is so angry with this government about the increases in the price of beer as sold by the glass.

The brewing industry, as is well known, is running a campaign to remind the Australian people—quite rightly—of the comments by the Prime Minister that are on the record in respect of this issue. It is obvious that the campaign by the brewing industry has hit home with the Prime Minister and the Treasurer. The Prime Minister tends to get very angry when his integrity is questioned, and I think this is one example of where the Prime Minister did mislead the Australian public on a very, very important issue. He has got quite agitated, of course, because of the campaign that has been started in some respects by the brewing industry. The Prime Minister has refrained generally from public comment on the matter; he has left it to the Treasurer. Again, you always know when the Treasurer has some concern about his GST package by the type of response that he makes to criticism. The response by the Treasurer has been to embark on a campaign of personal abuse

of sections of the brewing industry. We have had comments about sections of the brewing industry being engaged in a money campaign and that they are foreign owned. If the Treasurer is going to make that criticism about Australian companies, it could be said that there are a lot of companies in this country that are foreign owned.

Minister Wooldridge, the Minister for Health and Aged Care, has raised the issue of advertising alcohol, particularly at sporting events, and I do not believe that the timing of this is coincidental. There has been a campaign of outright intimidation by the Treasurer and the minister for health on this issue, because they are extraordinarily sensitive to the exposure of the misleading comments made by the Prime Minister prior to the last election. I also notice that the Treasurer has made comments about Mr Kevan Gosper of Olympics fame being a member of the board of one of the brewing companies. What on earth that has to do with the issue, I do not know. It is just another example of the Treasurer resorting to a generalised campaign of abuse when he gets into trouble on this matter. So there has been criticism from members of the government about the brewing industry's campaign. What also concerns me about the government's approach is that it is not enough for them to spend \$420-odd million of taxpayers' money promoting the GST and its aspects in this massive media campaign; through the placing of advertisements, they have also tried to restrict and indeed censor the brewing industry in its campaign. My colleague and leader, Senator Faulkner, asked a question about this matter in the Senate yesterday.

The Prime Minister has made misleading comments about the increase in the price of beer, and since then there have been some interesting developments in the price of light beer. Apparently, the GST package, whilst it requires the GST revenue to go to the states, does not deal with the issue of the payment made by the states to lower the price of light beer. The Commonwealth government is not compensating the states adequately in this area, and the price of light beer is estimated to go up by 11 per cent on 1 July as a consequence of the government's GST package.

During the estimates hearings last week, I raised the issue of the price of beer with the ACCC. I believe that the ACCC should be investigating why the price of light beer is going up by more than 10 per cent. It was Professor Fels who said that 10 per cent is 10 per cent and that increases in respect of GST are not to go up by more than 10 per cent. So it will be interesting to see whether the ACCC pursues this issue. I will also pay a compliment to the ACCC. At least in the documentation that they have sent to the Australian electorate, they have included an estimate of the increase in the price of a glass of beer. At least they have included it, in contrast to the grossly misleading behaviour of this government in not including that in their pre-election material. I think it is generally understood in the community that the price of beer is indicated by the price of a glass of beer, not the price of a take-away package of beer.

In Treasury estimates last week, I examined figures in Budget Paper No. 1 relating to excise increases. Here is another example of the government covering up, or attempting to cover up, this issue. If you look at Table 6 on page 5-13 of Budget Paper No. 1, you can see the increase in indirect tax. It lists other excise—beer, spirits, tobacco products—and shows the increase in revenue. That seems to be accurate. There is a 61.6 per cent increase in the excise from beer, going from \$892 million to \$1.441 billion. To be balanced, I should say that a significant part of that increase is due to the change in the taxation revenue collection methods, and it refers to that in that table. But what is misleading is found in Table 7 if you look at the excise rates applying from 1 August for beer. It is contained there, 16.15, and it shows the rate applying from 1 February 2000—obviously that date has passed. But it does not contain the rates to apply from 1 July this year and from 1 August this year—and yet the revenue estimates are there. I asked Treasury why we do not have the precise excise rates, and they have taken it on notice. But this is another example of the government trying to hide the information.

The Labor Party is very concerned about the issues relating to the price of beer and the

misleading statements made by members of this government, the Prime Minister in particular. But their actions have caught up with them. The fact that they misled the public and the brewing industry has come back to bite this government very hard. It is yet another example of the misleading information that we have received on the GST. (*Time expired*)

Senator MURPHY (Tasmania) (5.35 p.m.)—In speaking to the **Customs Tariff Amendment Bill (No. 1) 2000** and the **Excise Tariff Amendment Bill (No. 1) 2000**, I wish to particularly address the question of the amendments in schedule 2 that relate, in part, to the fuel substitution issue. I note with interest Senator Sherry's comments with regard to the government hitting the poor old beer drinker in the neck. However, they are not doing too much in respect of the people who are clearly breaching the law with fuel substitution. We will be supporting these bills, but the reality is that much of the action that is set out in the schedule 2 amendments and regulations that have now been introduced by the government are too little, too late. Indeed, they will not achieve too much in the future either. The bill only changes the structure of the tariffs, adding a chemical mark-up to toluene, for instance. That is okay if you are policing the practice.

I will deal first with toluene. If you look at the issue of fuel substitution, you can see it has a long history. It has probably been around since fuels started to be sold. The Assistant Treasurer claimed that this was a new problem, one that has arisen recently. Not true: it has been around for a long time. Our authorities such as Customs and the tax office, and indeed the government, should have picked up on a lot of these things a lot earlier. The reason I am specifically focusing on the toluene issue is that toluene imports took off, in effect, from 1998. It is not as though this information was not readily available even in the public domain, because a lot of it was. In 1989 toluene imports consisted of only 394,127 litres. In 1998 it was 13.9 million litres. And it did not stop there. The substituters were well and truly into the racket here. By 1999 imports went up to 20.9 million litres. For January alone this year,

January 2000, it was 6.5 million litres. Yet it did not dawn on poor old Customs, those people who are charged with the responsibility of at least keeping track of things that come across our borders, that everything might not be kosher. Perhaps a whole range of people had gone into the painting industry or something, because, although toluene does go into the make-up of petrol, it is used principally, as I understand it, in the painting industry. Senator Kemp would be fully aware of that because he has been part of the process. I am pleased that the Assistant Treasurer is here.

Senator Kemp—I came to hear you.

Senator MURPHY—I am pleased you did because, as I was pointing out before you arrived, Minister, your statement that this is a new problem is a bit off the mark. Even your boss, the Treasurer, knew it was not a new problem, because in the 1997 budget speech he actually made a big announcement about new laws and the introduction of new penalties that would apply, to the tune of \$50,000. Again, Minister Truss on 30 January 1998 said:

The Minister for Customs and Consumer Affairs, Warren Truss, has today announced a major nation-wide crackdown on fuel-substitution rorts which avoid paying customs or excise duty.

Further on he said:

The Federal Government is implementing strict new laws, which include heavy penalties, to combat the loss of revenue and stamp out dangerous and illegal practices resulting from fuel substitution.

That is very true, because the practice of using things like toluene is very dangerous.

Senator Lightfoot—But the Transport Workers Union would have known all about that. They drove the trucks. The Maritime Union of Australia would have known about this coming in. Why didn't they blow the whistle?

Senator MURPHY—I take the interjection of the senator from the west. On the one hand he wants no unions, but he now wants unions to actually monitor this and do the government's job. That is a very interesting concept from Senator Lightfoot from Western Australia. I am sure the Prime Minister

will take note of that. Minister Truss continued:

From tomorrow, operators face penalties of up to \$50,000 if they are caught in fuel substitution rorts. ... Customs officers will be able to enter premises, by consent or under the authority of a judicial warrant, to audit records and test fuels to determine if the chemical marker is present.

That is very interesting, because if we go to the 1998 Customs Service annual report we see that they found that at least one in every 10 service stations was actually substituting fuel.

Senator Lightfoot—I rest my case.

Senator MURPHY—Senator Lightfoot rests his case. It is not a very good case for you to rest, I can tell you. The case is, for Senator Lightfoot's benefit, that the government has failed miserably here. It has failed in every aspect. It has succeeded in having only one prosecution, and yet Customs found that one in every 10 service stations was substituting fuel. There has been one prosecution, and I am not sure that they got fined \$50,000. Perhaps Senator Lightfoot might like to get up after afterwards and inform us as to whether or not they got a fine of \$50,000.

Senator Lightfoot—I may do that.

Senator MURPHY—It will be very good if Senator Lightfoot does get up and do that, because he might spell out specifically how successful the government's campaign has been in this respect. As I said, according to Customs, it is not very successful at all.

Then we come to the ATO, which has now been given the responsibility to run the test trucks. It has gone and scrapped all that. Whilst on the one hand you are implementing these major initiatives—if we can call them that—to stamp out fuel substitution, on the other hand you take away all the processes that you might use to actually detect it. It is a bit like looking at the ACCC's \$10 million fines and \$500,000 fines for people who breach the laws in respect of the implementation of the GST. You have got two hopes of prosecuting anybody: Buckley's and none.

The Assistant Treasurer is back. He said it was a new problem. We know that many in

the fuel industry, and particularly those in the independent sections of the fuel industry, have written to the government. Liberty Oil and I think Apco wrote to the government as early as June 1999, but what happened about this? The imports of toluene sailed on. The government could simply have rung up to check out a few things with regard to toluene. If you go from June through to December and look at the overall imports of toluene, millions of litres continued to come in and went into fuel substitution rackets. Nothing was done about that—not one thing. Even right through to January 2000, when 6½ million litres came in in one month, still nothing had been done.

This was a very serious problem, and this government said back in 1997 and 1998 that it had introduced measures to combat fuel substitution—big fines, big search powers, et cetera—yet we allow this to continue, even with letters from within the industry itself.

Senator Lightfoot—Where was the Transport Workers Union?

Senator MURPHY—For the benefit of Senator Lightfoot, we know and the government ought to know that Shell, one of the refining companies here in Australia, used to refine nearly all the domestic requirement for toluene in this country. They had knowledge, and they would have been concerned about the impact of the imports on them. I do not know whether they ever spoke to the government about it. They may have done. That would be just another reason to accuse the government of inaction.

We now have amendments which place new excises on a range of these fuels, which is a step in the right direction, but of course it will not solve the substitution problem. As recently as six or eight weeks ago, when we were conducting an investigation into a bill referred to the Senate, we heard further evidence about fuel substitution involving naphtha. It would seem that the government authorities responsible for the monitoring, checking and prosecution of such activities are still not up to the game and are still not pursuing these matters as they should. It is all well and good for governments to make claims that they are doing things. If you are to do that, then you ought to be providing the

wherewithal for the authorities responsible to do it. That is the problem, I think. There is an inability on the part of the tax office—who I assume now have the principal responsibility for these things—to get on and do the job.

It was interesting to listen to the evidence from Liberty Oil saying that they are so frustrated by this problem. It is not only a problem with respect to consumers being misled about what they are purchasing and the potential for their vehicles—the car they have saved for or may be paying off a loan for. It is a serious enough problem in itself that that is occurring. That should, of itself, jolt any government into action, to actually get on and do something about this. But oh no, we were still plodding along with this argument from Customs and from the Australian Taxation Office. In my view, they did not have the capacity to deal with the issues; that is, they simply did not have the resources to get on and do the job. In their submission to the inquiry, the Australian Taxation Office said:

Moreover, it is the judgment of the tax office that approaches relying principally on enforcement had not been effective in addressing previous fuel substitution issues.

The Treasurer seemed to think it was going to fix the case in 1997. Minister Truss, in 1998, seemed to think that that was going to fix the problem, but obviously did not tell the tax office. He did not convey the message to the tax office that we want enforcement, that we actually want these things checked out.

At the outset, I think Senator Sherry was talking about the price of beer. It is interesting that the poor old punters who drink beer can pay more, but we can do little to deal with what is a very serious issue. I know we are proposing to pass legislation—a step in the right direction—but there is nothing to back it up. It is all well and good to have excises applicable to various fuels, but if you have nothing to back it up, if you have no mechanism in place to run checks and to find out whether substitution is actually occurring, it is a glaring example of the past where Customs have cleared imports but somehow did not switch on. The bell did not ring for them when, during 1998, 1999 and early 2000, the huge increase in toluene imports

could have meant something in terms of a fuel substitution problem.

I was staggered by their evidence to the committee when they said, 'It's not really something we look at.' I find that sort of approach amazing. I would hope that the government will address themselves to that and will get Customs in—the Assistant Treasurer can probably convey this to the minister responsible for Customs—or the tax office, and pass it down the line that they should look for signs when they occur. They should play a watchdog role here. Fuel substitution has been around a long time.

I have asked Customs and the tax office if they have a list of potential fuel substitutes. I understand from their response that they do. So when we get these imports coming in, I do not see why there would be a problem with them being a bit more forthright in terms of making an assessment of what the end use for the product might be and asking a few questions. They should play a bit of a detective role here. That would be even a half-baked responsible approach to take.

I hope that, as a result of these changes and with the introduction of this legislation, the Assistant Treasurer and the minister for customs will get on the job. I know the Assistant Treasurer is certainly capable of doing this—of getting on and getting the job done.

Senator Kemp—This speech is improving. You keep going; you're getting better now.

Senator MURPHY—I have to say to you, Minister, through you, Mr Acting Deputy President, that the activity in this respect would want to be a lot better than the answers to questions that you have given over the last four years while you have been coming in here, otherwise I might have to withdraw that statement of support. I hope that, with the introduction of these measures, the government will increase its activity substantially in the area of seeking out substitution and prosecuting it. I hope that the record will be a lot better than it has been to date.

Senator KEMP (Victoria—Assistant Treasurer) (5.53 p.m.)—I probably spoke too soon when I said I thought Senator Murphy's contribution—not a great contribution, I

would have to say, Senator Murphy—suddenly took a turn for the better when he started to praise me. It turned out to be very fickle praise indeed, Senator Murphy. I was going to ask you if you might like to sign up to the fan club over there. We are fairly short on members apparently. That is the advice I get. I thought you might have been a potential member, but those hopes were dashed.

Firstly, let me make the point that we appreciate the support these bills are receiving. They are important bills and we should speed the passage. There were a lot of wild claims made. Senator Sherry went off on a frolic on something which had nothing to do with these bills. Nonetheless, these things happen in the Senate. It was a frolic which went a wild way.

Senator O'Brien—That would be like you in question time.

Senator KEMP—Senator, I just hope that someone some day actually notices you are here. I am not convinced that they have as yet. I will not be diverted.

These bills ratify changes to the tariff on tobacco and petroleum products that came into effect in late 1999. The first change implements the ANTS proposal to move to a per stick rate of excise and customs duty on most cigarettes, lightweight cigars, bidis and other lightweight products marketed in the stick form. The change removes the taxation advantage, which had skewed consumption towards higher volume, lightweight cigarettes, which experts considered to be more harmful on health grounds. The amendments also insert a definition of tobacco in the schedule to the excise tariff. This will clarify when tobacco leaf becomes excisable to assist in addressing illicit production. Similar provisions apply to imported leaf. These changes for tobacco have effect from 1 November 1999.

The changes for petroleum have effect from 15 November 1999. These changes are part of a systemic solution to petroleum excise evasions occurring through fuel substitution. They are designed to restrict access to concessionally taxed and duty free products for those who can demonstrate a clear and legitimate need for these products. The Sen-

ate Economics Legislation Committee considered these measures contained in the bills to be important for countering fuel substitution activities and recommended that the Senate pass the bills. A range of issues were raised in the second reading debate, all of which have been answered extensively either before the Senate committee or in the debate in the lower house. Given the quality of some of those assertions which were made relentlessly but were always rejected, I do not propose to delay the Senate or the second reading.

Question resolved in the affirmative.

(Quorum formed)

Bills read a second time, and passed through their remaining stages without amendment or debate.

TELECOMMUNICATIONS (INTERCEPTION) LEGISLATION AMENDMENT BILL 2000

Second Reading

Debate resumed from 13 March, on motion by **Senator Ian Campbell**:

That this bill be now read a second time.

Senator BOLKUS (South Australia) (6.00 p.m.)—I rise to speak on the **Telecommunications (Interception) Legislation Amendment Bill 2000**. This bill amends the Telecommunications Interception Act 1979 and the ASIO Act 1979 to, amongst other purposes, enable the Inspector of the Police Integrity Commission of New South Wales to have access to intercepted material for the purposes of the Inspector's statutory functions, to provide for interception warrants against a named person and to provide for warrants covering foreign communications. The amendments respond in part to a practical operational difficulty arising out of essentially rapid change in the telecommunications industry. In part, they respond to the telecommunications interception policy review which was tabled in the parliament on 25 August 1999. I am informed that many of the amendments effect technical changes to the act to improve the operation of the act in view of the practical experience of law enforcement and security agencies.

At the outset I note that it is the view of our shadow Attorney-General, Rob McClelland, that this act seeks to balance two very important objectives: (1) providing our law enforcement and security agencies with appropriate powers to carry out their functions—functions to improve the safety of the community and the Australian nation; and (2) ensuring that the rights of Australian citizens are adequately safeguarded in the process of approving warrants for telecommunications interception. These are the two considerations that quite often riddle debates in this area. They have been the considerations that have been quite important over the years as parliaments have tried to work out the balance between them and to ensure that, for instance, issues of national security are taken into account but at the same time measures are put in place to ensure adequate protection of Australian citizens.

It is interesting to note that a Senate committee was charged with looking at this legislation. There have also been other comments made with respect to the legislation. Those same matters were raised at the Senate committee, and the view of the committee was that the changes as proposed could be accepted. It is also interesting to note that there were not all that many submissions put to that committee from people concerned about the issue of whether the balance was not struck in this legislation. That is something that in a sense may be unprecedented, given the history of this legislation over the years.

The opposition's view is that law enforcement agencies must be provided with powers to intercept telecommunications for proper law enforcement purposes. However, our view also is that Australians are entitled to the reassurance that there are appropriate limits on the availability of warrants for these purposes. This legislation, as I said, was referred to the Senate Legal and Constitutional Legislation Committee for examination and report. That committee considered the need for new warrants, the adequacy of safeguards and the adequacy of reporting mechanisms. I shall refer to that committee's recommendations further down the track.

I turn to some of the key amendments, particularly to the amendments with respect to the Inspector of the Police Integrity Commission of New South Wales. The amendments in schedule 1 of the bill will enable that Inspector—which is a New South Wales government statutory entity, separate from the Police Integrity Commission—to receive intercepted information collected by other agencies and to use that information in the performance of its statutory functions. The commission itself obtained intercepting powers after the amendments to the interception act in 1997. It is the view of the opposition that these amendments do not confer any additional authority on the Inspector or the Police Integrity Commission to undertake interceptions of its own volition.

Turning to warrants, I note that the interception act was framed some 20 years ago. It is the view of the opposition that in those days everyone used a fixed-line telephone based on an analog technology provided by Telecom. Interception was, in a sense, a very simple matter. The interception act is structured around the premise of a warrant authorising the interception of a single, identified telephone service. Rapid advances in technology mean that customers may now choose from a variety of services and means of communications rather than a fixed single phone line. For example, a person may subscribe to multiple services by acquiring several prepaid mobile phone cards for use in one telephone handset, and these cards can be swapped around and discarded at will. The interception act in its present form would require an agency wishing to intercept all of the telecom services used by a particular suspect to obtain a separate warrant for each service. This bill will update the principal act to enable connections, disconnections and reconnections, in rapid succession, of interceptions of multiple services without the need to obtain a fresh warrant each time. Those multiple services, of course, would be used by a particular suspect in connection with the same matter.

The criminals and those persons who may pose a threat to Australian security are quick to pick up new technologies with the express intention of evading investigation. Modern

technology can be used to disguise the identity of users. The current legislation, which requires the individual service and each individual subscriber to be identified before a warrant can be issued, is rapidly losing its effectiveness in the modern telecom environment. Schedule 2 of the bill will amend the interception act to enable interceptions of multiple services used by a particular suspect in connection with the same offence without the need to obtain a fresh warrant each time. The schedule will provide for the interception of foreign communications and there will be three categories of warrant. The first category is that of telecommunications service warrant. These warrants are already available under existing provisions of the intercept act and they will continue unchanged.

The next category is that of a named person warrant. This is a new category of warrant designed to overcome the problems presented by suspects using multiple services. The NCA told the Senate committee which inquired into the need for these warrants that investigations undertaken by 19 law enforcement agencies participating in the Blade National Task Force, the task force which coordinated a national effort against South-East Asian organised crime, noted an increase in use of multiple SIM cards, quite often used under false identities, and multiple mobile phone handsets amongst people involved in heroin trafficking. Persons under investigation freely switched mobile phone SIM cards using an array of phone and SIM card combinations. That is a concern that needs to be factored into the legislation formulation process. This category of warrant will authorise the agency to intercept any fixed or mobile service, telephone line, pager, et cetera used or likely to be used by the person named on the warrant. It is only available if the telecom service warrant would be ineffective in the circumstances. Any agency which aims to obtain a named person warrant must first demonstrate that a regular telecom service warrant is not adequate. The agency must still identify each particular service the named person is using or is likely to use and must notify the carrier concerned in writing before the service may be intercepted.

The existing procedures and criteria for the issue of a warrant and the record keeping and reporting requirements of the interception act will apply in full to a named person warrant. Those procedures relating to accountability, as we have shown in the debate in previous days, aim to protect the abuse of the issue of warrants and to protect privacy so far as is consistent with the legal use of interceptions. However, we note that there will be an extra requirement in this legislation: that is, the judge or members of the Administrative Appeals Tribunal before issuing a named person warrant must first be satisfied that other methods of investigation, including less intrusive telecom service warrants, have been considered and are either unavailable or ineffective in the circumstances. There will also be additional reporting requirements. After the expiry of a named person warrant, the agency to which the warrant was issued will be required to report to the minister specified information about the warrant, the interceptions conducted under its authority, including a list of the services intercepted under the warrant and the reasons why it was ineffective to use a telecom service warrant.

Under the principal act, the accountability provisions are expressed to apply to Commonwealth agencies only, but section 35 provides that similar reporting will apply to a state or Northern Territory agency declared under section 34 to be able to apply for a warrant to intercept telecommunications. The responsible state minister to whom the initial reporting must be made is also required to report to the Commonwealth minister responsible for the administration of the principal act, the Attorney-General. A number of other accountability measures for Commonwealth bodies are specified in the legislation. Agencies are to keep records of warrants issued and details of warrants issued to bodies other than ASIO are to be kept on a general register maintained by the Commissioner of the AFP. The general register is to be submitted to the minister every three months. Similar requirements apply in relation to warrants that have ceased to be in force and did not lead to criminal proceedings being or likely to be commenced. The A-G must be provided with copies of war-

rants issued to a Commonwealth or state authority and copies of instruments revoking the warrants or warrant. This information must be provided as soon as practicable after the issue or revocation of a warrant. Where a warrant is issued or revoked, details of the usage of the warrant and to whom information gained from the warrant has been communicated, any arrests that have been made or are likely to be made because of the information gained from the warrant and the usefulness of the information obtained must be provided within three months of the issue or the revocation of the warrant. A telecom carrier must give to the minister within three months of a warrant ceasing to be in force details of the action taken by the carrier. The Commonwealth Ombudsman has the power to check the records of Commonwealth agencies to ensure that the above requirements are complied with. State agencies may only be authorised to apply for a warrant if their establishing law provides for an independent body to scrutinise the agency's records. All these measures are in place in respect of this particular category of warrant. Those measures, as I indicated earlier, are there to try and give some balance in the interest of protecting the privacy of individuals.

The third category of warrant is the foreign intelligence warrant. A foreign intelligence warrant will enable interception of particular communications which cannot be identified by reference to specific services or named individuals. I note there is a bit of debate about the broadness of the legislation in this respect.

Moving on to the Senate committee report, on 11 May 2000 the Senate committee handed down its report on the bill. The committee made three recommendations: firstly, that the bill provide for a review of its operations within three years of it coming into effect; secondly, that a note be inserted in the bill to make it quite clear that the proposed section 75A, the section which deals with the way in which evidence obtained under warrant is given, is subject to the general rules of admissibility; and, thirdly, that the bill proceed without amendment. In response to the committee's report, the gov-

ernment has advised that it will commit to conducting the review within three years of the legislation coming into effect in accordance with the recommendation. We on this side of the parliament welcome that commitment. In response to recommendation 2, the government has advised that section 78 of the interception bill provides:

Nothing in Part 2A or in this Part renders information, or a restricted record, admissible in evidence in a proceeding to a greater extent than it would have been admissible in evidence in that proceeding if this Part had not been enacted.

It is the view of the shadow attorney that, as new section 75A falls within part 2A, it is considered that section 78 achieves the purposes of the committee recommendation 2. Accordingly, it is our view that it is not necessary to amend the bill. In summary, the opposition appreciates the change of circumstances that has given rise to most of these amendments to the telecom interception regime now in place, and we support the legislation.

Senator GREIG (Western Australia) (6.15 p.m.)—I too rise to express support for this legislation. The [Telecommunications \(Interception\) Legislation Amendment Bill 2000](#) deals with a very important matter concerning law enforcement and the process of law enforcement, and equally important matters of privacy and the presumption of innocence and the right to a fair trial. At its essence, telecommunications interception has become very necessary because of the criminal activity that has become more technically proficient than ever before. I noted that proponents in one of the submissions to the inquiry spoke particularly about the use—or as they would refer to it the 'abuse'—of so-called SIM cards and silicon technology in today's mobile phones where it is so very easy simply to not only have a number of mobile phones and exchange them but also exchange the SIM cards within them. These cards can be purchased anonymously, making it very difficult for law enforcement agencies. But I suspect that is a sign of things to come in terms of the dramatically evolving pace of information technology in today's society.

I will not take too much of the Senate's time, but I would like to briefly add some comments to what I have already said. I want to pick up on the last time that the Senate considered telecommunications interception legislation. My colleague and then Democrats spokesperson for law and justice, Senator Andrew Murray, made the following observations:

Clearly, the area of law enforcement which has the greatest demand for telecommunications interception warrants is drug law enforcement and I expect it will continue to be so. Villains do not have concern for civil liberties, nor do they care much for issues of privacy, the rule of law, or for that matter, the value of human life.

Indeed, the Australian Democrats have been at the forefront of the debate in trying to seek a rational, enlightened approach to the issue of heroin addiction, such as the now scuttled, but soon to be revived ACT heroin trial. The government does not have the answers, we do not think Labor has the answers and we doubt that we have the answers. But we certainly do believe that we should continue to explore methods of finding the answers.

The response of the Prime Minister (Mr Howard) to the ACT heroin trial is the classic reactionary position of putting your head in the sand. It stands as a testament to the lack of any attempt to find new solutions to this problem.

Clearly, he was referring to a specific issue at the time—but the premise is clear. I would concur with those comments, but I would also add that the myopia experienced by the government concerning harm minimisation in a general sense is really quite distressing. Prohibition does not work. It never has worked and, while we continue as a nation to ignore the harm and suffering of those who are chemically dependent, we are by omission contributing to that suffering.

I will turn now to the matter of civilian oversight of its Australian police forces. In my comments, I am indebted to the Australian Institute of Criminology *Trends and Issues* paper. The Roman satirist, Juvenalis, rhetorically once asked: 'Who will guard the guardians.' That in part is one of the issues that we are really dealing with here tonight—how do we keep an eye on those powers in our society that have power themselves. Historically, countries like Australia have

largely preferred to trust police—and in that I include ASIO—to keep their own houses in order, with minimal guardianship administered by the courts and governments. That minimal approach was, in quite simple terms, found wanting. Numerous inquiries have demonstrated the vulnerability of policing and police officers to corruption and misconduct. Whilst it must be stated that a large number of officers in our forces are untouched by corruption, when incidents of corruption are exposed they bring into disrepute the entire administration of the criminal justice system.

There can be no doubt that constant vigilance and strong measures are required to prevent maladministration and misbehaviour becoming widespread and entrenched in policing organisations. The issue is no longer one of whether or not the guards need guarding, but that of determining the best form of guardianship. A diverse range of systems has emerged in recent years with competing claims for effectiveness. I, for one, believe we are fortunate to have a quality Australian Federal Police service, and I commend them for their continuing professionalism in that regard. At essence here is ongoing concern that has been articulated by the Australian Democrats over many years in terms of the protection of the rights and the civil liberties of the citizens—when we, as a parliament, extend powers to policing authorities, what protections are there for the citizens such as they are not subject to civil liberty abuse.

Having read through the submissions to this inquiry and having looked at the correspondence between the various offices, including the Attorney-General's office, I am confident—convinced, in fact—that those protections are there and that there is no particular extension on this occasion as to the involvement that policing services may have in terms of how and why they might go about interception possibilities. It is clear from the act and also through correspondence from the Attorney-General that those gatekeeping procedures are there to protect citizens and can and will be accessed by those people who want to make an interception application order.

I am also confident that the structure of the reporting procedures is such that citizens can have faith in the system. I note that, through the inquiry process, it was suggested that there ought to be a third year review after the implementation of this legislation. I would support that. I am given to understand that amendments to that effect will not be moved, but that the minister may be indicating that in her second reading speech. I am confident in regard to the protections in the bill. It is clear that, under the principal act, warrants can be obtained for two purposes: firstly, national security; and, secondly, law enforcement. The Attorney-General may issue warrants for the interception of telecommunications where the subject of the warrant is reasonably suspected of engaging in activities prejudicial to security. I think that is fair and reasonable. An application for such a warrant is made to the Attorney-General by ASIO's director general of security, and in certain circumstances the Director General may issue a warrant for a limited period if, for example, waiting for a response from the Attorney-General would be prejudicial to national security.

I am also confident in the structure of the bill in terms of law enforcement agencies that can apply for interception warrants. This is also prescribed in the principal act, and the warrants are confined to the Australian Federal Police and the National Crime Authority. The act also provides for eligible authorities such as the New South Wales Crime Commission, the NSW royal commission into police corruption, the New South Wales Police Integrity Commission, and the Anti-Corruption Commission in my home state—bodies of reasonable integrity—which might have need or cause to access information but cannot initiate an interception procedure themselves.

Without recapping what Senator Bolkus has already said, the Democrats are pleased to support this legislation. We see it as necessary with today's evolving, modern information technology. I make the point that there seems to be a catch-up, if I could call it that, in terms of the parliament feeling the need to respond to the evolution that is taking place with regard to information technol-

ogy, and we have seen this played out across politics and within different pieces of legislation. I am thinking in particular of moves by the parliament to impose what is perceived to be Internet censorship in a way that, I would argue, and have argued for some years, is like trying to catch smoke with your hands. It cannot, in any real sense, be done.

Politicians are light-years behind where today's information technology is at, and Internet censorship is a case in point. Particular Australian sites which are banned or to which access is refused—because they are considered offensive by self-appointed moral guardians—can be accessed simply by going around them to sites from other countries which may be providing that material on the Internet. Simply by removing the suffix 'au' on an Internet address and replacing it with another country's suffix, you can, in a matter of seconds, get to a site elsewhere.

I also refer to the crackdown on phone sex mechanisms which has occurred in this place and in the House of Representatives. It will soon be pretty much impossible to access those phone sex chat lines which 1.5 million Australians per month enjoyed. However, anybody who wants to access such a service can do so simply by phoning overseas. I think this is yet another example of politicians' response to the reality of today's world and the changing nature of information technology.

This brings me back to the earlier point I made about the use of SIM cards in mobile phones. With the advent of mobile phone technology, I wonder—as this legislation aims to target the person rather than a fixed line of telecommunications in terms of a telephone—about the extent to which interception can be carried out. I wonder, for example, how easy it is going to be to trace a particular person who is changing mobile phones and/or SIM cards. I think we should also acknowledge that, within the next two, four or six years, we are going to have even more extraordinary developments in information technology. I do not know what will follow on from the SIM card, but I am sure something is in the pipeline. It may not be all that long before there is a form of informa-

tion technology through the use of mobile phones or some other communication device which cannot, whether we like it or not, be followed.

Given that it does not seem unreasonable at this point in time, I am confident that the civil libertarian protections in this legislation are there for the citizens and that the reporting procedures for services accessing these devices are also adequate. I do support the notion that there should be a review after three years, and I understand the minister will speak to that. Having said all that, I support the legislation, and the Australian Democrats will be voting for it.

Senator COONEY (Victoria) (6.27 p.m.)—Senator Bolkus and Senator Greig have both set forward principles which we all agree with and, as a result of the approach that the parties have taken to this matter, the bill is going to be passed into law. However, I think some of the principles which Senator Bolkus and Senator Greig have raised need to be reiterated in the present context.

The [Telecommunications \(Interception\) Legislation Amendment Bill 2000](#) amends the Telecommunications (Interception) Act 1979. The central provision in the act is section 7, which is headed 'Telecommunications not to be intercepted'. Subsection (1) reads:

A person shall not:

- (a) intercept;
 - (b) authorize, suffer or permit another person to intercept; or
 - (c) do any act or thing that will enable him or another person to intercept;
- a communication passing over a telecommunications system.

So the central feature of this act is that it preserves the integrity of communications passing over electronic equipment. The act makes exceptions in certain circumstances, but the exceptions should be limited and hopefully will remain limited into the future—although there is a tendency for legislative creep in this act and more and more people get the right to use telecommunications that have been intercepted under this act. The principle to remember is that we should preserve the integrity of phone calls—and I show my age when I use that

expression—or any conversation. No matter what the communication, we live in a decent, proper and humane society, and we ought to be able to communicate free from spying.

It is the sort of thing that Sir Winston Churchill was talking about in 1938. Unfortunately, I can remember Sir Winston Churchill, certainly during the war. In 1938 he made a broadcast to the United States of America. He was then a backbencher, and the great glory that was to be his seemed to be distant, but he did make this radio broadcast to the United States on 16 October 1938. He talked about the sort of society the Nazis were creating in Germany—this was before the war. He was concerned about the culture and the climate that reigned in the society that then pertained to Germany. The great man described it as a state of society where men may not speak their minds, where children denounce their parents to the police, where businessmen or small shopkeepers ruin a competitor by telling tales about his private opinion. Sir Winston was talking about conversations between people being made available to the police, and the wrong that could arise from that unless the police were people of integrity—which the police in Australia are, particularly the Australian Federal Police. That creates the background as to why we have an act and why it is proper for us as parliamentarians to make statements such as this when the integrity of those communications is being modified.

We have talked tonight about how technology creates an environment such that changes have to be made to the law. But the principle of keeping communications safe and protected has always been there in societies that developed from the English common law system. In that context, I would like to quote from a court case, *Pearse v. Pearse*, that took place back in 1846—well over 150 years ago. The case was decided by the Vice-Chancellor. People had said, 'We ought to have this material available. The more truth we have available to us the better.' This was in the context of communications between a client and a solicitor. I think it is very pertinent to what we are talking about tonight, the Vice-Chancellor said:

Truth, like all other good things, may be loved unwisely—may be pursued too keenly—may cost too much. And surely the meanness and mischief of prying into a man's confidential consultations with his legal adviser, the general evil of infusing reserve and dissimulation, uneasiness, and suspicion and fear, into those communications which must take place, and which, unless in a condition of perfect security, must take place uselessly or worse, are too great a price to pay for truth itself.

This was in a time before phones were invented, so the judge was talking about communications by letter and conversation. Since then, telephones have come about, and communications have developed to a very sophisticated extent indeed—to the extent that the law needs to be modified by the present bill. But the general principle that the judge was talking about—the principle that we ought to be able to talk to people free of other people's prying—remains. If we in Parliament House, or indeed anywhere, want to speak to our wives or to our partners; or if we are in the professions, to our clients; or if we are in business, to our customers; or just to our friends, to our coach or, indeed, to our lovers, shouldn't we be able to do so without people prying?

In a certain sense there is no logic to underpin that. That is a principle that comes from our visceral feelings as human beings. As human beings, there should be some cases whereby we can go forward and talk to people; indeed, in the case of confession we should be able to speak to our clergy, confident in their keeping our revelations safe and sound. The point I want to make is this: when we withdraw the integrity of communications to any extent, as we have in the Telecommunications Act and which we will do when we pass this bill tonight, we should do that only in the most serious of circumstances and with the understanding of what we are doing. It would be very bad if we developed a culture—if we developed a custom in the community—where we said, 'If you want to listen to what Senator Hogg, Senator Ludwig, Senator Greig or Senator Alston said, that's all right.' It would be very bad if we got to that, and that is why it is very important that we as a parliament say, 'Yes, we will give these powers but we give these powers reluctantly because we know it is

part of human life, part of the decent way we live, that this should not happen.' One of the worst things that criminals do to us is to lead us to make these laws. As has been pointed out by previous speakers, we have to get to the point where we have to make this judgment as to what should and should not happen. Nevertheless, that is how life is and that is what happens.

In this context I will set out some principles that are contained in the Senate Standing Committee for the Scrutiny of Bills fourth report of 2000, entitled *Entry and search provisions in Commonwealth legislation*. I declare an interest in this; I am chairman of the committee. I think it would be good if everybody read the profound words that are contained in this document. It deals with the issue of powers of entry and search, but it also sets out principles that I think are very pertinent to this present debate. The first one set out is this:

- people have a fundamental right to their dignity, to their privacy, to the integrity of their person, to their reputation, to the security of their residence and any other premises, and to respect as a member of a civil society;

Of course, what should also have been put in there is: 'and to the integrity of their communications with other people.' Perhaps we will take it back and rewrite it. The second dot point says:

- no person, group or body should intrude on these rights without good cause;

And it is that good cause that we are arguing about now. It is agreed by the parliament that the good causes—and I will come to those in a minute—set out in this bill satisfy the tests that are propounded here. The third dot point states:

- Such intrusion is warranted only in specific circumstances where the public interest is objectively served and, even where warranted, no intrusion should take place without due process;

The due process idea has been a long time in development. I think it is a worthy one. It is set out and relied on strongly in the American Constitution. I think there are due process clauses in constitutions more and more in the English speaking world. America has one in the constitution which underpins its pres-

ent system of government. New Zealand has one; it is a legislated one. Canada and England each have one. We have been through this before. I will just digress a while. I think it is very important to point out that all nations comparable to ours have a bill of rights, and we have not. I think it is time we got one. I do not think it will happen readily but, nevertheless, it should, because what it does is set out certain fundamental rights which, unless they are defined and overarching, are likely to be attacked by legislative creep.

It is easy to say that we should have integrity of communications and that we are going to make sure that the integrity of communications is preserved. We are told that, in the particular circumstances that pertain at the moment, the Police Integrity Commission of New South Wales wants access to the information obtained through telephone tapping. It is easy enough if you have a bill of rights to ask, 'Does that commission satisfy the test?' But it is a lot harder when you do not have a bill of rights to say, 'We haven't got a bill of rights and we can't think of any overriding principle that is expressed in law that would stop the Police Integrity Commission having it and, therefore, we will give it to the commission.' In other words, it is easier for legislative creep to occur where there is no bill of rights. If there were a bill of rights we would say, 'There are all these good reasons why this particular body or person should have the right to tap your telephone but, nevertheless, there is this overriding principle that it or he or she must comply with to stop this happening.' If you have the overriding principle, it is much more difficult to allow the legislative creep to occur.

I think that is well set out in a paper from the Information Research Services of the Department of the Parliamentary Library. As a parliament I do not think we give enough acknowledgment to the Parliamentary Library for the great research that is done there. I know I have not done it enough. I would like to quote from this document because I think it sets out the situation well. I think we ought to acknowledge that it was written on 31 May 2000 by Jennifer Norberry, Law and Bills Digest Group. In talking about the background to the [Telecommunications \(In-](#)

[terception\) Legislation Amendment Bill 2000](#), I think she sums up very well what happens with legislative creep. She says:

Prior to the commencement of the *Telephonic Communications Act 1960* (Cwlth) there were no statutory prohibitions on telephone interception in Australia. The 1960 Act prohibited telephone interception except in very limited circumstances. Interceptions could only be carried out for national security reasons or by the Postmaster-General's Department—

there was such a department at one stage—

for technical purposes or to trace unlawful calls (eg nuisance calls). Interception for general law enforcement purposes was not permitted. The use of telephone intercepts for general law enforcement purposes 'lacked a secure legal basis until the enactment of the *Telecommunications (Interception) Act 1979*'¹ (the Principal Act).

And so it goes on. There has been a big change since then. I notice that Mr Holland is in the advisers box. He would know this better than anyone because he was very close to it in the 1980s and 1990s, and he still is very close, with a profound mind, may I say.

What has happened for all the very best of reasons is that more and more people have gained access to telephone taps since 1979. I think we have grown used to it and, as people before me have said, the extension of the power to intercept phones is justified in this case and accordingly it will happen. As pointed out by people who came before us in the Senate committee, the technology is such that it is not nearly as useful now to try to get a particular telephone service tapped. You have to get all the services that a particular person uses, or might use, and tap those to get intelligence and evidence.

One thing I should say—and it happened in a previous inquiry that we were doing on the telephone tap—is that we should keep in mind that the police say this is a good safe means of investigation. In other words, if you are tapping a telephone you are not likely to be shot or assaulted by somebody who suddenly comes upon you. I think that is a big factor. I have talked about the rights of citizens and of enforcement officers and, of course, those rights are profoundly important. I think that is a factor in favour of allowing an extension here, knowing that people are able to be properly authorised and to

get information in less dangerous situations than would otherwise be the situation.

We agree to the legislation but we say that every time it is amended—and it will be amended again and again in the future—speeches like this ought to take place. This is the only way to keep in mind the fact that we want to live in a society that is free and where we can communicate reasonably and with confidence.

Senator BROWN (Tasmania) (6.47 p.m.)—I congratulate Senator Cooney for that speech and particularly for his concern that there is a tendency for legislative creep in this act and his concern that we have to be very vigilant about legislation like this, which is the reason I do not support it. The first parts of it which are to do with being able to more effectively tap in on criminals does not concern me, but the proposal from the second reading speech of the minister does concern me. He said:

The foreign communications warrant will enable the interception of particular communications which cannot be identified by reference to specific services or named individuals—

and he goes on to say:

This is a characteristic of the sophisticated digital technologies which are increasingly dominant in modern telecommunication systems.

The bill limits the powers to issue this category of warrants to interception for the purpose of collecting foreign intelligence. To reduce the possibility of inadvertently intercepting communications between Australians, these warrants may be issued only in relation to foreign communications.

What it does not say is that this opens up the whole arena of spying for commercial purposes and to the spying on all Australian telecommunications going overseas. We know from the remarkable *Sunday* program on Channel 9 called *Big Brother is Listening* on 23 May last year that there is enormous facility these days, particularly through the installations at Geraldton and Waihopai in New Zealand with massive computers and dictionaries to pick out calls from amongst the millions of faxes, emails and phone calls and to scan these so that every conversation going out of this country is being listened into—and, moreover, the information and the

scanning of those calls can go direct to Washington without any Australian intervention.

I will be asking the minister tomorrow to give more information about this process, this tearaway modern communication which is not dealt with under this legislation. In fact, I am very concerned that this legislation gives some legitimacy to this process of comprehensive spying which is not confined to Australia or the United States—it is carried on around the world. I believe that citizens should know about it and be aware of the enormous potential damage that can accrue from it, and tomorrow I will give the Senate some specific cases where this form of intelligence has been abused in the political arena, in the economic arena and used against the interests of ordinary citizens speaking on mobile phones in the street. *(Time expired)*

Debate interrupted.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Hogg)—It being 6.50 p.m., the Senate will move to consideration of government documents.

Regional Forest Agreement: Gippsland

Senator FORSHAW (New South Wales) (6.50 p.m.)—I move:

That the Senate take note of the document.

Firstly, it is pleasing to see that we have today in the *Notice Paper* three of the remaining RFAs—Regional Forest Agreements—that have been negotiated between the respective states and the Commonwealth. But I have to take this opportunity to correct the record—and I am sure that it is going to take me more than the four or five minutes I have on this report. Fortunately there are a couple more to come.

The record of this government in respect of promoting and bringing about a resolution of the Regional Forest Agreement process is a very shabby one. That is not unusual because the minister responsible for forestry issues in this government is, of course, Mr Wilson Tuckey who, since he assumed the portfolio from the previous hapless minister, Mr Anderson, has simply treated the issue of

forests as a political football to be kicked at his whim.

We have seen, during the period of time that Mr Tuckey has been the minister, a situation where agreements have been negotiated and then disowned by the Commonwealth government or, in the case of Western Australia, by the state government. In fact, it has got to a point where the states really do not have any confidence in Mr Tuckey at all and they have really gone about negotiating the remaining regional forest agreements in spite of Mr Tuckey. Fortunately, they have been able to do that because they have been prepared to apply themselves to bringing about agreements between industry and the conservation movement to, first of all, protect, where appropriate, native forest estates and, secondly, to provide resource security to the industry both in terms of timber from native forests and in promoting plantation forests for the future. This agreement, the Gippsland Regional Forest Agreement, is one of those. Mr Tuckey, just after the budget was announced on 9 May, put out a portfolio summary media release which he headed 'Forestry under the Coalition—1996-2000'. In that document he attempted to set out what he believed were the achievements of his government and he claimed that during the period of the Labor government we had done nothing. For instance, he made the claim that we had not signed any RFAs whilst we were in government. Of course, we all recall that it was the Labor Party, when it was in government prior to 1996, that developed the regional forest agreements process.

Senator McGauran—Then you voted against it.

Senator FORSHAW—It was the Labor Party in government actually that finally took action to remove the annual political bunfight that used to go on in the industry.

Senator McGauran—And then you wouldn't support us.

Senator FORSHAW—It was the Labor government that established a process to bring the various stakeholders together to sit down and scientifically examine the resources in this industry, to examine the environmental considerations and to promote

regional forest agreements. We did that, but unfortunately we lost government in 1996 before that process was really able to get into the stage of negotiation. Mr Tuckey criticises us and Senator McGauran again shoots his mouth off, but the government were elected in March 1996 and if, as they claim, they were so good, and if they want to criticise us because they said we did not get any RFAs negotiated while we were in office, why did it then take them another 12 months to sign the first RFA? It was not until February 1997, 12 months after they got into office, that they were able to sign the first RFA. But, further to that, the target date that was set down to complete the nine RFAs—(*Time expired*)

Senator BROWN (Tasmania) (6.55 p.m.)—In noting the Gippsland Regional Forest Agreement between the Commonwealth and the state of Victoria, the first thing I have to do is concede to the Labor Party that they were at the cutting edge of the regional forest agreement process—and how many thousands of hectares of Australia's forests have been cut since that process began? It is proceeding, of course, at the greatest rate in history but we have now had it overtaken by the Howard government, which has a reprehensible environmental record around the world.

Just two weeks ago I delivered to the German government pictures of the fire-bombing and destruction of Tasmania's forests, which goes on while this government is off to the next round of meetings on global warming, pretending it does not occur, dis-counting it but wanting to count the seedlings that it puts in the ground as an offset to industrial pollution. It is that sort of studied ignorance and deception which the Greens will never allow to go not commented upon. In commenting on this particular agreement between the logging industry and the other logging industry—that is, the Victorian government, the Bracks government, and the Howard government, and what unholy bed-fellows they make when it comes to the destruction of forests—that \$333 million of taxpayers' money has gone into propping up the logging industry through the regional forest agreement process. But, as far as the

production of jobs is concerned, that has not happened. In the case of the Tasmanian agreement, since it was signed in 1998, instead of jobs being secured, some 800 people have been sacked from the industry. There has not been a comment by the Tasmanian Labor government or any process of redressing that, nor will there be anything similar from the Labor government in Victoria. They are co-villains in signing these regional forest agreements—against the wishes of 80 per cent of people in all the opinion polls—with the Prime Minister of Australia, Mr Howard, for the continued onslaught on native forests in places like East Gippsland. Everybody knows these days that it is not warranted, that there is a plantation establishment in Australia which already—

Senator McGauran—You are against plantations.

Senator Sherry—You don't support plantations. But you wanted plantations—that is the hypocrisy of it.

Senator BROWN—I will tell you why I do not support more plantations: we already have more than enough for this nation's needs. People on both sides of the house rip into me about this because they do not like the facts being placed before them. They will twist it, but here is a fact: there is a plantation establishment—and it has grown to maturity in Australia—which is meeting more than Australia's total wood needs. In fact, under these regional forest agreements, in the last 12 months 600,000 cubic metres of logs were exported overseas, largely to Korea, out of our plantations without downstream processing, without jobs, without the economic return that this country should have had for investment in those plantations, because the regional forest agreement process uses public money to subsidise the destruction of native forests against the wishes of the Australian people. It does that because the woodchip corporations, amongst other things, are such handy cheque writers for the coffers of the big political parties. So we have this extraordinary situation where 80 per cent of Australians want this destruction stopped because they know that it is unnecessary and that there are alternatives, but 80-plus per cent of the political establishment

votes for it, like members of this chamber. There is a failure of democracy there simply because of the power of the woodchip corporations.

Senator Sherry—Rubbish!

Senator BROWN—Senator, you will have your opportunity to get up and defend that statement. You do not like it, but that is the fact; that is the political dynamic of what is happening here. This regional forest agreement sells out not only the people of Gippsland but the people of Victoria as a whole.

Senator MURPHY (Tasmania) (7.00 p.m.)—I wish to take note of the regional forest agreement for Gippsland and to say a few words about the final signing of these three regional forest agreements. It is good to see that they have finally been done. I just hope that there will be more employment as a result of these agreements being signed. I suspect that in Victoria they will probably lead to more employment because the Victorian government, both the current Labor government and the former Liberal government, has taken a different view to that taken in my home state on what we should be doing with the forest resource.

When this process started, a long period of time ago, it was intended that it would generate a significant amount of employment and that we would see an industry develop. I am talking about an industry developing in manufacturing terms, with greater utilisation of the resource that we take from the forest. But in many instances that has not occurred, and that is the sad thing about this whole process. Despite the current federal minister making a lot of claims about his proposals to assist the generation of employment, nothing has happened. I noted an interjection earlier from Senator McGauran about Labor not supporting the regional forest agreement legislation. We did not support it, simply because the current government, which had given a commitment to implement the proposals that were put forward on industry development, reneged on those issues. You did not set up the council envisaged under the former Labor government, which you committed yourselves to prior to the election. You did not stick with that commitment. You

did not set up anything. You set up a bit of a forum, and then you let that lapse. That is the reason we opposed the legislation at the time. You had all the opportunity, but no. Your problem was that you could not cop a situation where workers would be represented on a council by their union, a situation that would actually drive some development in this industry. That is the only body that has driven industry development. The unions were the ones that the industry came to when the issue about access to forests was a live issue. They were the ones that rallied their members. They were the ones that rallied workers to fight for continued access to native forests.

But what did they get for all of that, and what did the workers get? Very little, I would suggest to you. They certainly have not got job security and they certainly have not got industry development. Here we are, a country that produces a very small proportion of the world's wood products; we intended to have a great increase in manufacturing but we have seen a very significant decline in manufacturing. In particular, we are not utilising the hardwood species in this country to the extent that we should—not to anything like the extent that we should. Yet we know that there is a huge marketplace out there, particularly in the industrial hardwood area. We know that the major populations of the world, such as China, have a huge requirement for wood that we as a country could be supplying in manufacturing terms. But what are we doing? We are exporting a lot of it as woodchips and all-round wood. Frankly, I cannot accept that, and I hope that at some point in time this government will wake up and the minister will get on with the job and start heading down the road to proper and appropriate industry development and resource utilisation.

Senator SHERRY (Tasmania) (7.05 p.m.)—I want to make some comments about the regional forest agreement in Gippsland. Senator Brown has made a contribution on the general principles of regional forest agreements, and I want to cover a few of those aspects in the time available. Regional forest agreements were a development of the former Labor government, and they origi-

nated from initiatives developed in Tasmania under a state Labor government—that is, the so-called Salamanca process. Regrettably, with most processes you enter into with some in the environment movement—and I include Senator Brown in this—you become involved in a process to try to resolve disputes. They are significant disputes and they involve legitimate concerns about forestry in this country. But when you get close to finalising a position, the environment movement does not accept the outcome. That is Senator Brown's track record in this area. The height of hypocrisy in forestry issues is the attitude shown by Senator Brown on an issue he referred to in question time today: plantations. I can recall Senator Brown and some of his colleagues urging both state and Commonwealth, Labor and Liberal, governments to encourage the development of plantations in this country. Senator Brown has made comments to that effect on many occasions. He wanted to move forestry from native forests and old-growth forests into plantations. Of course, that is occurring to a very significant extent. There are some tax incentives to do that, and that in part is the reason for the shift to plantations. This shift was called for by Senator Brown in the past, and it is now occurring.

Plantations are controversial. I have said on the public record on a number of occasions, before the recent controversies erupted surrounding plantations, that plantations are controversial. In Europe particularly the environment movement has had mixed views about plantations for a very long period of time. However, Senator Brown referred to firebombing the forests. I would like to make it clear to the Senate that you have to burn the waste that is left over from forestry operations, at least with respect to native forests in Tasmania. If you do not burn it, the regeneration that occurs is dreadful. The regeneration is not a balanced bush and you end up with a heap of scrub and rubbish, so you have to burn to regenerate. Fire is part of the natural cycle of a eucalypt forest.

With respect to plantations, Senator Brown alleged that dairy farms are being bulldozed, but the central issue is that farmers, certainly in my home state of Tasmania,

in dairy and mixed cropping areas—potatoes, onions and other vegetables—with the possible exception of the poppy industry, are not getting a reasonable return, so many of them are turning to plantations because the returns are higher. You cannot blame them for doing that. If you are a farmer, particularly if you are a dairy farmer working 12 hours a day, seven days a week, and you have the option of plantations being developed on your land, and those plantations are managed by either the forestry department in your particular state or by a private operation, then it is a fairly obvious option. There is a very important principle here: I believe that you cannot tell farmers what to do with their land, and Senator Brown is effectively advocating that we should be telling farmers what to grow on their land. I just think that in principle that is an appalling position to advocate. There are legitimate concerns about chemicals and the way they are used, shade problems and fire problems. They are legitimate concerns that should be taken into account when plantations are developed in any area. But as usual Senator Brown does not take a particularly balanced view on the issue of plantations. As I illustrated earlier, there is some hypocrisy in the comments he makes in this area. (*Time expired*)

Senator McGAURAN (Victoria) (7.10 p.m.)—I want to add some brief comments—

Senator Carr—Do you know where Gippsland is?

Senator McGAURAN—I do not even know what we are arguing about here at all. We are in fact in agreement. Bar Senator Brown, we are all in agreement on this matter. We agree that, yes, your government were wise enough to establish the principles of RFAs. They had to do it because it followed one of the most disruptive protests ever known in Canberra. That was when the logging trucks circled—

Senator Carr—In Gippsland?

Senator McGAURAN—They started from Gippsland and headed here to Canberra. They circled Canberra and basically blocked the parliament in for a week, and that is when the Keating government decided that we needed something a little more cer-

tain and less disruptive on this highly political issue. That is when you came up with the idea of RFAs, which we supported you on from day one. It is a good idea. It sets down the principles of certainty and balances the environmental demands with sustainability and employment in the industry. These are principles we are in agreement on, but when we came to government none had been signed. We have in front of us reports on three RFAs that have now been signed. The irony of it for a group that set up the RFAs, laid down very good principles and had our support is that not only could you not get one signed in your term of government but also, when it came to passing legislation in this parliament and supporting us in the RFAs, you refused to do so. You delayed until the union movement came out and told you to let the legislation go through the Senate. Your own union movement pushed you to support this government in the final analysis. In your whole term in opposition, whether it is the RFAs or the government's tax package, whatever it is you just oppose for the sake of it.

Really we have always been in agreement on this. It is only Senator Brown that disagrees with the government's position on this. Look what we have before us here, Senator Brown. I know I am not going to convince you, but we have the whole area of Gippsland, the East Gippsland and Gippsland Regional Forest Agreements, now signed up. That means employment for the region and it takes out the disruption that used to come out of the East Gippsland area. There were numerous reports that the East Gippsland area had to endure under the Labor state government and the Labor federal government. There were at least a dozen environmental reports on the East Gippsland area prior to the RFA concept, and no decision was ever made. It was the most disruptive area in the forestry industry. East Gippsland now can settle down to a properly balanced industry. Senator Sherry was right about Senator Brown, that we are all utterly confused now about Senator Brown. What a mixed-up proposition he puts to us. At question time he tells us that there are now too many plantations, that dairy farms are being bulldozed—I suppose you can bulldoze a

shed—and there are now too many plantations. We know only too well that he has pushed for the government to create incentives for the plantation industry, and that is exactly what we have done. It is now a growing industry; it is a market that is, quite frankly, taking off and we are very proud of that. Quite obviously the plantation industry supplements the forest industry. The more plantations you plant, the less you have to go into the forest to find your wood. What is more, we have in this country a deficit in regard to this industry—

Senator Sherry—Two billion dollars.

Senator McGAURAN—Yes, \$2 billion, as Senator Sherry says. There is so much on this that we are in agreement on. We have a \$2 billion deficit, and there is only one way to turn around the deficit: by creating plantations in this country.

Your going over to Germany, showing them pictures of fire bombing and condemning Australia is not only very unAustralian, but what a wacky bunch of Greens! The German Greens are—beside yourself—the wackiest Greens in the whole world. What is more, they run Germany. What an embarrassment. You have finally found your soul mates. The whole world knows how wacky the German Greens are. (*Time expired*)

Question resolved in the affirmative.

Regional Forest Agreement: West Victoria

Senator FORSHAW (*New South Wales*) (7.15 p.m.)—I move:

That the Senate take note of the document.

When my time on the previous debate expired, I was caught midstream, but this agreement, the West Victoria Regional Forest Agreement, gives me an opportunity to make some further comments about the appalling performance of the Minister for Forestry and Conservation, Mr Tuckey. It also gives me the opportunity to refute some of the remarks made a moment ago by Senator McGauran.

If you are going to come into this parliament and make assertions, you should check your facts. I make that remark in respect of Senator Brown. He has a habit of coming in here and making grandiose statements, but

never really backs them up with any factual information. Senator McGauran has just repeated the same error. For instance, Senator McGauran referred to the fact that we established the RFA legislation and process but had not had any agreements signed before we lost office in 1996. That is true, and there was a reason for that. The reason was, as everyone who has been involved in this process knows, that the first couple of years from 1994 through to at least mid or late 1996 were taken up with scientific analysis that had to be undertaken. To make it a fair dinkum process, the states, the industry, various groups and Commonwealth departments had to exhaustively analyse what was the national forest estate and all of the other scientific work that had to be done to form the basis for establishing an RFA. That work was being done at the time that we lost office in 1996.

If you want to criticise us, Senator McGauran, have a look at your own record. You got into office in March 1996 and you did not sign the first agreement until February 1997. Further, Jeff Kennett was the Premier of Victoria for quite a number of years. How many RFAs were signed while he was Premier? The fact of the matter is that the RFAs before this parliament today have been signed off by the Labor government in Victoria, not by Mr Kennett. Have a look at the state of Western Australia. Mr Court, the Premier, and the Prime Minister, Mr Howard, signed off an RFA for Western Australia—Senator Lightfoot's own state, and he is sitting here mute, not saying a word. That RFA was disowned by his own state Premier within a matter of a week. And whilst it is on the books, Mr Tuckey says, 'There's an agreement in Western Australia,' and Mr Court and his government say, 'There is no agreement.'

Further than that, the RFA process was supposed to have been completed by the end of 1999 when there were supposed to be nine agreements in place. There were only six completed. It is now six months past that expiry date and you still do not have all of the RFAs signed off. In Queensland, the industry, the conservation movement and the Labor government have reached agreement,

but what does Mr Tuckey say? He says, 'I don't like it. So I'm not going to sign it.'

In southern New South Wales, there has been a perfectly reasonable, far-reaching and visionary RFA negotiated by the New South Wales government. Mr Tuckey says he is not going to sign that. Furthermore, he is going to freeze the forest industry structural assistance package money, which is owed to New South Wales industry to do the sorts of things that Senator Murphy and Senator Sherry talked about, but Mr Tuckey says he will not pay the money. What we have here is a minister who is basically out of control when it comes to forestry, who is not really interested in promoting RFAs. All he is interested in doing is scoring political points. I seek leave to continue my remarks on this most important issue.

Leave granted; debate adjourned.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! It being 7.20 p.m., I propose the question:

That the Senate do now adjourn.

Global Conflicts

Senator LIGHTFOOT (Western Australia) (7.20 p.m.)—I want to talk about a very serious subject, that is, the conflicts that Australia is privy to in its own area and those in the wider part of the globe. I believe there has rarely been a time since the Second World War when we have had so many conflicts taking place simultaneously around the world. Africa has always been a problem, at least in postwar years. When I was in Zimbabwe late last year, I tried to get up to see President Laurent Kabila in the Congo. I got as far as their border with Zambia, after going by four-wheel drive, by scheduled aircraft and by light aircraft. Unfortunately, there was a resurrection within the army there and the border posts were closed.

Senator Sherry—Resurrection! Insurrection.

Senator LIGHTFOOT—Insurrection—thank you. I thank the senator who has been resurrected for that information! When I think of other areas around the globe, I cannot help but wonder where we are going,

what part Australia can play—if any, indeed, in those wider areas—and whether in fact those conflicts are going to get worse before they get better.

I would like to speak closer to home with regard to those areas that are of much concern to me. Fiji, of course, is one of those. The Solomon Islands is another one. Bougainville is another one. West Papua, as it is called now, formerly Irian Jaya, is another one. Then there is Aceh, part of the Indonesian empire, if I can refer to it as that. In all of these conflicts around the world, whether they are the Israeli-Lebanese, whether they are the Russian-Chechnyan, whether they are in Colombia or in other parts of South America, or whether they are in Yugoslavia and the Balkans, there is a common thread or threads with which one can identify these conflicts: they arise from either sectarian or land issues or both.

In our hemisphere I wish to speak particularly of Fiji, which is not a great land mass. It has an area of some 18,300 square kilometres, much less than Australia's eight million square kilometres, that is much, much more if you include our territories and particularly the territory of the Antarctic, or if you want to include our continental shelf, which makes us one of the biggest, if not the biggest, land areas in the world—bigger than Russia and bigger than Canada. Fiji had a population in 1997 of 800,000 people living on 18,300 square kilometres. The other area in conflict, the Solomon Islands, has 27,500 square kilometres, with a population of 280,000 in 1986 and 400,000 in 1996. If you include Indonesia in the equation to get some idea of the problems facing those countries, it has a land area of nearly two million square kilometres and had a population at the end of 1999 of nearly 208 million people. So one can see that Australia is not only relatively well off, but is extraordinarily lucky to be in the position it is in.

Can we ignore those conflicts around us? What if we did have a humanitarian program that took just one per cent as refugees from Indonesia? That would amount to 20 million people or more. What if we just said we would take 0.1 per cent as refugees from the population of Indonesia? That would amount

to more than two million people. What is our responsibility? We do have a responsibility for these areas, but just what is it? To whom or what do we give preference? Do we give preference to Christians? Do we give preference to Muslims? If so, what Muslim sects do we give preference to? Do we give preference to those that are closest to us? Do we give preference to those that are English speaking or to those that are non-English speaking? Do we give preference to Papua New Guinea or to their ethnic brothers and sisters in West Papua because they were part of a closer alliance that we had when the British ruled this part of the world? Are we to stand back and continue to criticise but not help in a real sense? We know the days of sending a gunboat up the river are gone and that we cannot do that. But what is it that we can do? What is it that Australia can do, given the gifted position that it is in today, with a GDP that is probably 10 times that of all of those countries I have mentioned close to Australia?

Are we to just offer some solutions in the form of words? Should we send in a police force or should we send in paramilitary forces, like we have in Bougainville, which is not ethnically part of Papua New Guinea? There must be some sympathy for that alone. What of the position of the ethnic Indians, Fijian born nonetheless? Between 1876 and 1916, 2,000 indentured labourers from India were brought into Fiji annually to mostly, though not exclusively, grow sugarcane. I think of my own country of Australia and its racially divided lines between black and white areas, into some of which white Australians are now not allowed to enter. Is this the lull for us before the storm that is coming? Is this relatively long period of peace, excluding the fracas or civil wars that have been going on, about to come to an end? Are the places like Fiji, the Solomon Islands, Bougainville, Aceh and West Papua the touchpaper of an explosion of more significant forces in this area of the world?

I do worry about my country. I have children of my own. I have grandchildren. I look for a solution. I think a solution could be found if it was an effort made between both sides of parliament and not a parliament that

has been used, certainly in my three-and-a-bit years here, to score points, no matter whether there is relevance in a suggestion from the opposite side or whether there is relevance in that which is promoted by the coalition government of this day. Something needs to be done. It is not something that I can offer any solution to of great significance—nor would I try. But I do feel very much not only for the Fijians and those other people who have been, to some degree, dispossessed of their lands, as indeed have Australian Aborigines. I feel for Ratu Sir Kamisese Mara and the problems that he is having at the moment. I know that you have personal knowledge of him, Madam President. I have met him on one occasion and I found him to be most elevating in his dialogue; a very kindly man, a highly intelligent person and one with whom I had an immediate affinity. My heart goes out to Ratu Sir Kamisese Mara, not just tonight but on many nights when I look at and read media news. I am going to finish, because time is almost up, by saying that we are blessed in this country of Australia. In considering the blessing that we have been given, we must share that great resource with other countries in our vicinity.

Australia Post: Workplace Health and Safety Practices

Senator CONROY (Victoria) (7.31 p.m.)—I am very pleased that a couple of my fellow Victorian senators are here with us tonight to listen to this adjournment speech. I wish to raise a serious matter concerning the workplace health and safety practices of Australia Post in Victoria. Initially, I was alerted to the problem by a report in the *Herald Sun* on 8 October 1999 titled 'Bully Tactics Claim on Sick'. The article alleges that Australia Post employs a variety of alarming practices with the sole aim of reducing workplace injury claims, to the detriment of its employees. The article claims:

Victorian managers from retail and letter delivery centres allegedly paid bonuses for impressive health and safety records and have been accused of: directing injured staff to attend work and sign duty registers; hand picking doctors to try to overrule medical certificates; making employees use sick leave instead of lodging compensation

claims; rewarding staff with gift vouchers for zero lost time injury achievements.

It goes on to state:

One woman's letter seen by the *Herald Sun* says her manager told her that if she came to work for even 10 minutes it would reflect positively on his centre's lost-time injury rate record.

Little wonder then that Australia Post's official Victorian lost time injury figures had dropped from 30 per million hours two years ago to 10 per million hours. Any company able to reduce its workplace injuries is to be commended for its efforts. However, Australia Post appears to have implemented an ambitious and somewhat dubious plan to sweep workplace injuries under the carpet, or worse: force injured workers back to the workplace.

A number of Australia Post workers have subsequently confirmed the extraordinary measures employed by Australia Post. One such employee, Marcela Villalobos, a mail officer working night shift, went to see her doctor following severe pain in her wrist after a shift. Her doctor diagnosed a sprain and issued a medical certificate. On the same day her manager told her she must see a doctor nominated by Australia Post. With some difficulty, she saw the doctor, who then ridiculed her own doctor's diagnosis and advised her to return to work. Her claim for compensation was denied and the treatment that the doctor prescribed, which he claimed would be paid for by Australia Post, was not.

Already nursing one injury, she suffered a further injury and again was told she must return to the same Australia Post nominated doctor. When she did, she told him that her original claim for compensation had been denied. The doctor made a phone call, and she heard him say words to the effect that he was not happy with the way she had been treated. He then told her that he was sick and tired of dealing with Australia Post and that he no longer wished to continue his relationship with Australia Post. On the way out from her appointment, she heard the doctor tell his receptionist to contact Australia Post and tell them to stop referring injured workers to his surgery. When she did return to work, her fellow employees made numerous comments to the effect that they would not

be getting their bonus, because she had been injured.

The doctor she saw was part of Australia Post's Injury Prevention Unit managed by Mr Anton Grodeck, who originally worked for Comcare. The Injury Prevention Unit has established a network of doctors identified as facility nominated doctors. It appears that the role of these facility nominated doctors has been to see employees who present at work with a medical certificate for either restricted duties or time off work from their personal doctor. The employee's manager immediately makes an appointment for them to attend a facility nominated doctor, who in many cases changes the original certificate. At times, these facility nominated doctors blatantly ignore the initial diagnosis and send the employee immediately back to work with no medical limitations.

It is worth noting that Mr Anton Grodeck has placed a close business colleague and friend in charge of maintaining the network of facility nominated doctors. Dr David Milecki is the man Anton Grodeck relied upon to handpick the doctors willing to do whatever it takes to meet Australia Post's demands to reduce workplace injury claims. He is also the man Mr Anton Grodeck calls upon to remove from the list a doctor who is unwilling to meet Australia Post's desired outcomes.

Clearly, the Injury Prevention Program has been designed to punish employees who are legitimately injured at Australia Post work sites. Any program which sends injured employees back to the workplace to perhaps further injure themselves or other co-workers should immediately be scrapped. According to other workers, Australia Post is too reliant on its Injury Prevention Unit to improve workplace safety and often studiously ignores obvious and dangerous safety hazards at the workplace.

Australia Post proudly boasts that it has reduced workplace injuries by 'continually checking for possible dangers and eliminating unsafe practices' in its magazine titled *PostScripts*; yet I have been reliably informed of dangerous workplace practices and site problems that have been continually overlooked by management, despite the

magazine and their claims. The truth of Australia Post's reduction in workplace injuries is in its willingness to bully injured workers and fudge attendance records. The use of Myer gift vouchers and other such inducements further brings pressure to bear on workers to return to work sooner or not report workplace injuries.

A large billboard at every workplace which records the number of hours lost through injury makes it even easier for co-workers to discover who has taken time off work. The pressure placed on injured workers is then twofold: from management through the use of facility nominated doctors and from co-workers. *PostScripts*, the magazine, also regularly provides details of work sites which have achieved outstanding injury-free periods through these dubious practices.

Such work sites not only receive Myer gift vouchers for each individual employee but also are presented with plaques and certificates. It is worth noting that the man who has often personally presented these awards, Mr Bob Finch, the then General Manager of Victoria, has subsequently been allocated another role within Australia Post following complaints about his performance and role in Australia Post's Injury Prevention Program.

Other injured workers have confirmed that Australia Post managers have forced sick or injured employees to sign the attendance book despite having a medical certificate for incapacity. The employees have been coaxed into their place of work under the misleading notion of outstanding paperwork, rehabilitation discussions or claim inquiries. Once they arrived for work the employees would be asked to sign in for the full day, so as not to impact on the centre's injury-free record. Sometimes the employees would be in their workplace for as little as 10 minutes but would be paid for a full day to avoid a lost time injury.

I have only touched upon the problems associated with Australia Post's workplace safety practices and intend to investigate them further. I believe that there are many more instances of abuse of employees' rights and that there is a fundamental problem with Australia Post's approach to occupational

health and safety. I understand that the Medical Practitioners Board and Comcare are also investigating the practices employed by Australia Post. I believe that the Medical Practitioners Board have identified serious ethical breaches in the way facility nominated doctors treat injured workers. I intend to follow this matter closely and inform the Senate and my fellow Victorian senators on the other side of my findings in the near future.

Biotechnology

Senator WATSON (Tasmania) (7.39 p.m.)—I wish to remind honourable senators and others listening to this adjournment debate that the Australian government's vision for biotechnology is directed to safeguarding human health, ensuring environment protection and enabling Australia to capture the benefits of biotechnology for the Australian community, industry and the environment. I believe this to be a sound, clever vision and that is why I am extremely concerned that David Llewelyn, the Tasmanian Minister for Primary Industries, is turning his back on trials associated with genetically modified crops in Tasmania. At the same time, other countries are forging ahead, investing significant amounts of money in the development of biotechnology. I will take a few moments of the Senate's time to outline some of those developments in other countries.

In the United States of America, federal spending on biotechnology is \$US6 billion annually, and in addition many states also have their own biotechnology programs. In 1997, members of the European Union had a combined budget for biotechnology of more than \$4.4 billion. Germany alone had a budget of \$900 million. Canadian government expenditure on biotechnology research and development is estimated to be about \$Can300 million, plus considerable additional expenditure on genomics. The Japanese government in 1999 boosted spending on biotechnology across five ministries to \$US2.5 billion, an increase of 12.3 per cent from the previous year.

The Australian government, proportionately, spends nowhere near these amounts, but is increasing its spending quite markedly.

I pay tribute to the work of the CSIRO. They continue their work, which is significant. In his 1999-2000 budget, Peter Costello announced the establishment of a national strategy for biotechnology—good news indeed. The federal government is spending \$9.8 million in 1999-2000 and \$7.8 million next year, specifically for the establishment of Biotechnology Australia in the Department of Industry, Science and Resources and a statutory office in the Health and Aged Care portfolio to regulate gene technology and its application on a consistent basis.

To ensure safety, there is currently a variety of Commonwealth and state legislation and regulatory regimes covering products derived from gene technology. It is an impressive regulatory list that we have. The Gene Manipulation Advisory Committee, the Australia New Zealand Food Authority, the Agricultural Resource Management Council of Australia and New Zealand, the Office of the National Health and Medical Research Council, the Therapeutic Goods Administration, the National Registration Authority for Agricultural and Veterinary Chemicals, the National Industrial Chemicals Notification and Assessment Scheme, the Australian Quarantine and Inspection Service, and the Wildlife Protection (Regulation of Exports and Imports) Act 1982 all work to protect and safeguard community, industry and environmental interests in regard to biotechnology. In Australia, gene technology is now highly regulated and we have all bases covered. So the question has to be asked: why are the Tasmanian Labor government and the Green movement, in particular, trying to whip up hysteria in my home state of Tasmania? Gene technologies give us the potential to improve our health, create a safer and more secure food supply, generate greater prosperity and attain a more sustainable environment. I ask you to ponder a moment on the green revolution of 20 years ago and the impact on increased rice yields, feeding the poorer nations of the world.

Technologies, though, as we have witnessed with the information technology revolution, can radically alter society; and perhaps this is at the heart of much of the community concern. People generally have a

fear of the unknown and are sceptical of science. But humans have been modifying plants and animals for thousands of years through selective breeding. What we are doing is speeding up that process. Australia must remain competitive with other countries. In Tasmania, we must not be an island unto ourselves. We must take on all challenges if we are to experience maximum growth. I am particularly concerned that the Tasmanian government has denied the Tasmanian agricultural company Serve-Ag access to its government research stations for experimental work with a genetically modified crop. Serve-Ag specialises in high-tech agriculture and employs dedicated scientists who are all professional people. They are some of the best people in their field in Australia and the work planned was within the ambit of the Commonwealth regulations, which has stringent requirements that I outlined earlier.

Research farms are provided for experimental purposes, to work in isolation and under controlled conditions. They would have been the most appropriate place for this highly regarded company, Serv-Ag, to carry out its work. Genetic modification covers a much wider scope than the Tasmanian minister for primary industries is prepared to examine. Unfortunately, his head-in-the-sand attitude does nothing to further opportunities for Tasmanian agriculture and Tasmanian exports.

Tasmania's north-west coast is a regional area with high unemployment. The Tasmanian Treasurer, David Crean, has acknowledged that jobs growth has almost eluded this area of the state. It is also the area of the state with rich basalt soils that grow most of the state's crops. These crops, which I have highlighted in the Senate, include potatoes, poppies, pyrethrum, onions, carrots, tulip bulbs and the like. North-west coast farmers and agricultural companies need to keep up with the rest of the world. They must. Their livelihood depends on them doing so.

The Tasmanian Farmers and Graziers Association has slammed the Tasmanian government's negative attitude towards trials of genetically modified produce. A poppy producer, Tasmanian Alkaloids, has actually

threatened to pull out of the state. I do not need to explain what that would do to local farmers, unemployment figures and the state's growth. Selected crops stand to benefit from scientific advancement, and Australia's cotton industry is a case in point. We must never lose sight of the fact that Australia's prosperity remains highly dependent on our ability to increase our exports to world markets. This is especially true for Tasmania.

I therefore take this opportunity to condemn the Tasmanian government for throwing Serv-Ag off its research farms. I also condemn the Tasmanian government's request that no further trials of genetically modified crops be approved in Tasmania. At the same time, I support the federal health minister, Mr Michael Wooldridge, in recently approving 14 new genetically modified crop trials in Tasmania. But there is no doubt about it—there is going to be conflict on this issue in Tasmania in the near future.

Child Disability Assessment Tool

Senator CHRIS EVANS (Western Australia) (7.47 p.m.)—I speak in the adjournment debate tonight in response to the tabling of the Department of Family and Community Services evaluation of the child disability assessment tool final report in the Senate earlier today. I wish to take this opportunity to make a few remarks about that response. I have been pursuing the issue at the estimates committees of the Senate for some time and today, finally, we were provided with a copy of the evaluation. Since the child disability assessment tool was introduced to assess eligibility for the child disability allowance—now called the carer's allowance—I, like many other senators, have received a steady stream of letters and phone calls from concerned and distressed parents struggling to care for children with severe disabilities. Overwhelmingly, these parents were caring for kids with cystic fibrosis, epilepsy, insulin-dependent diabetes and PKU.

Prior to 1 July 1998, a person qualified for financial support if the child suffered from listed or manifest disabilities, or if they required substantially more care and attention than another child of the same age without a disability. Since that time, due to the removal

of some conditions—including cystic fibrosis—from the list and the nature of the new assessment tool, many families are now ineligible for the carer's allowance. The nature of the CDAT, which measures levels of functional ability rather than levels of cost or care borne by families or carers, means that many more persons caring for children with severe disabilities are failing to qualify for financial support. While these families may still be eligible for the health care card, this only offsets the costs of prescribed medication. In the case of CF—to use one example—there is no assistance for the costs associated with pumps, masks, ventilation tubing or sterilising equipment. This alone can add up to thousands of dollars each year. Nor does the CDAT recognise the complex and time-consuming daily treatment regime that requires considerable care and attention from parents or other carers and is likely to place restrictions on the primary carer's ability to undertake paid work.

The valuation of the CDAT table today did give explicit consideration to the assessment of CF, PKU, epilepsy, juvenile-onset diabetes and their possible addition to the list of recognised disabilities. Unfortunately, none of these conditions have been recommended for addition to the list. The problem with the review is that it did not get to the heart of the problem. The thing that concerns the parents who contact me and who contact their association and the thing that concerns Labor is the very contradiction this evaluation failed to address—that is, the contradiction between providing a carer's allowance for the purpose of supporting families and carers and using an assessment tool that is not framed to consider the financial, social or emotional impact of caring.

The underpinnings of CDAT were not up for consideration. The focus of the review was purely on the technical and practical issues that had arisen and the functional assessment of children. The review did not consider whether functional assessment is the most appropriate determinant of eligibility for carer's allowance—the review did not consider whether it was better than the criteria it replaced. While the technical issues are not unimportant, Labor remains concerned

that parents supporting children with disabilities requiring complex, costly and time-consuming treatments, ongoing or episodic, do not receive adequate support. It is often the case that the extraordinary efforts and care provided by parents is the very reason that children are able to function day to day, even when their lifespan is limited. Ironically and sadly, these efforts may also serve to disqualify them from appropriate levels of assistance.

Clearly, these families are fulfilling any notion of mutual obligation. It is the government that loves to articulate the notion of mutual obligation for others, but it seems that it is reluctant to fill its own obligations. Families and children dealing with severe disabilities deserve more than this, and I and others, I am sure, will be pursuing the government to make a much fairer response to the needs of those families than is provided by this evaluation of the child disability assessment tool.

Senate adjourned at 7.52 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Advance to the Minister for Finance and Administration—Statement and supporting applications of issues—March 2000.

Australia-India Council—Report for 1998-99.

Australian Government Solicitor—Statement of corporate intent 1999-2000.

Australian Maritime College—Report for 1999.

Department of Family and Community Services—

Evaluation of stakeholders' experience with the use of the tables for the assessment of work-related impairment for disability support pension—Government response, April 2000.

Evaluation of the Child Disability Assessment Tool—Final report, December 1999.

Ministerial Council on Education, Employment, Training and Youth Affairs—National report on schooling in Australia 1998.

Regional Forest Agreement between the Commonwealth of Australia and—

State of New South Wales—North East New South Wales (Upper North East and Lower North East Regions), March 2000.

State of Victoria—

Gippsland, March 2000.

West Victoria, March 2000.

Treaties—Text, together with national interest analysis—

Bilateral—Agreement between the Government of Australia and the Kingdom of Spain on Remunerated Employment for Dependants of Diplomatic, Consular, Administrative and Technical Personnel of Diplomatic and Consular Missions, done at Madrid on 6 March 2000.

Multilateral—Amendments, done at Nairobi in April 2000, to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, of 3 March 1973.

Tabling

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—Regulations—Statutory Rules 2000 No. 89.

Agricultural and Veterinary Chemical Products (Collection of Levy) Act—Regulations—Statutory Rules 2000 No. 91.

Australian Sports Drug Agency Act—

Australian Sports Drug Agency Regulations—Australian Sports Drug Agency Drug Testing (Scheme A) Amendment Orders 2000 (No. 1).

Regulations—Statutory Rules 2000 No. 87.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Directive—Part 105, dated 15 [2], 19 and 30 May 2000

Commonwealth Authorities and Companies Act—Regulations—Statutory Rules 2000 No. 83.

Customs Act—Regulations—Statutory Rules 2000 No. 93.

Defence Act—Regulations—Statutory Rules 2000 No. 82.

Fisheries Management Act—Regulations—Statutory Rules 2000 No. 92.

Health Insurance Act—Regulations—Statutory Rules 2000 No. 85.

Income Tax Assessment Act 1936—Regulations—Statutory Rules 2000 No. 90.

International Organisations (Privileges and Immunities) Act—Regulations—Statutory Rules 2000 No. 84.

National Health and Medical Research Council Act—Regulations—Statutory Rules 2000 No. 86.

Road Transport Charges (Australian Capital Territory) Act—Regulations—Statutory Rules 2000 No. 88.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Aged Care Reforms: Report
(Question No. 1665)**

Senator Allison asked the Minister representing the Minister for Aged Care, upon notice, on 11 October 1999:

With reference to point 5 of the terms of reference for the 2-year review of aged care reforms, which refers to 'Industry viability, including the adequacy of subsidies and the impact of the new fees and capital funding arrangements':

(1) What key concerns have been expressed by each of the various stakeholders, including consumers, private sector residential aged care providers, providers of other related services (for example, community services), state and local government providers, state and local government regulators, staff, and other sources, in their submissions in relation to: (a) industry viability; (b) the adequacy of subsidies, particularly nursing home subsidies; (c) the impact of the new fees; and (d) capital funding arrangements.

(2) What suggested changes have been proposed in the submissions to: (a) subsidies; (b) fees; and (c) capital funding.

Senator Herron—The Minister for Aged Care has provided the following answer to the honourable senator's question in accordance with advice provided to her:

Professor Len Gray, Chief of Aged Care for the North Western Health Care Network in Melbourne, was commissioned to undertake an independent 2-Year Review of Aged Care.

The first progress report has been provided to the honourable senator. Its main focus was consultations through focus groups involving 508 participants (service providers and staff, service clients and regulators) in 17 locations across the country. The report has been published.

Professor Gray has advised the Minister that he does not wish to draw conclusions from anecdotal evidence but wishes to test assertions with reliable data. Some areas are further progressed than others and he does not wish to make a part of the Review stand for the whole as this could lead to unbalanced results.

**Goods and Services Tax: Second-hand Book Sellers
(Question No. 1798)**

Senator Brown asked the Minister representing the Treasurer, upon notice, on 3 December 1999:

(1) (a) How are second-hand booksellers required to treat stock on hand on 1 July 2000 for the purposes of the goods and services tax (GST); (b) does each book have to be valued; (c) does the whole stock have to be valued; (d) in either case, how is the 'value' to be determined in cases where the book has essentially no value and may be held for long periods of time on the chance that it will interest a particular customer; and (e) how much time is allowed to undertake the valuation after the starting date of 1 July 2000.

(2) (a) After 1 July 2000, how are second-hand booksellers required to treat acquisitions and sales of: (i) single books, (ii) boxes of books, and (iii) 'house lots' which may include hundreds or thousands of books; and (b) what documentation is required in each case.

(3) (a) Is it the case that books sold in the United Kingdom and United States are not subject to the GST; (b) with the growing volume of internet sales, will this not disadvantage Australian sellers of both new and second-hand books; and (c) how will this disadvantage be addressed.

(4) What happened to book sales and booksellers, new and second-hand, in Canada and New Zealand when a GST was imposed on books.

(5) What impact will the GST have on second-hand booksellers in Australia.

(6) What does the Government estimate to be the GST compliance costs for a second-hand bookseller holding tens of thousands of titles.

(7) Will the Government compensate micro-business, like the many second-hand booksellers, if they are forced out of business by the GST.

Senator Kemp—The Treasurer has provided the following answer to the honourable senator's question:

(1) (a) Stock on hand on 1 July 2000 held for purposes of sale or exchange is eligible for an input tax credit equal to one-eleventh of the consideration paid to acquire that stock.

(b) No. The credit is based on the consideration paid for each book.

(c) See (b).

(d) See (b).

(e) See (b).

(2) (a) (i) For a single book, unless the price is more than \$300, a credit of one-eleventh of the purchase price is claimed when the book is acquired, and GST of one-eleventh of the selling price is payable when the book is sold. If the book is acquired for more than \$300, the credit is not available until the book is sold, when it is offset against the GST payable at that time.

(ii) and (iii) For a box of books and house lots, where a single amount of less than \$300 is paid for a quantity of books, the credit may be claimed when the books are acquired, or alternatively, the bookseller may use the procedure outlined below. GST is payable when each book is sold.

If the cost of a bulk acquisition is more than \$300, the bookseller will account for GST only on the value added by the bookseller on all such acquisitions. Rather than claim an upfront credit on the acquisition, no GST is payable on sales made from these acquisitions until the total credits available have been offset against the total GST on sales.

(b) Where the value of an acquisition exceeds \$50, the second hand bookseller is required to prepare a record which sets out the name and address of the supplier of the books, a description and quantity, the price of the books and the date of the acquisition. It is not intended that a record be required where the value is \$50 or less.

(3) (a) Yes but in the United States a retail tax applies in many States at varying rates.

(b) There should be no disadvantage to Australian booksellers. Books that are purchased overseas via the internet and imported into Australia would be assessed for GST at the customs barrier, subject to a low value threshold. Consumers who utilise the low value threshold may still find that there is little real advantage in purchasing books this way, once postage and handling expenses and the greater risks are taken into account.

(c) See (b)

(4) The Department of Finance in Canada and the New Zealand Treasury are not aware of any specific studies on the effect of a GST on sales of books in their respective countries.

(5) The GST will apply to the sale of second hand goods—but only those sold by a registered business.

Income tax cuts and increased pensions and other Government benefits will more than compensate consumers for any increases in prices for particular goods, including second hand books.

(6) Estimates of the GST compliance costs for a second hand bookseller are not available. However, the estimate for the average net recurrent compliance cost per firm across all industries is \$240. This measure takes into account the removal of other taxes, the impact of tax deductions, and the cash flow benefit of the GST.

(7) The Government does not respond to hypothetical questions.

Attorney-General's Department: SES Officers

(Question No. 1841)

Senator Faulkner asked the Minister representing the Attorney-General, upon notice, on 20 December 1999:

(1) How many senior executive service (SES) officers did the department, and all agencies within the portfolio, employ as at 15 December 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications within the SES band structure; and (c) what are the officers' total emoluments, including but not limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax

paid on the officers' behalf, (iv) use of motor vehicles, (v) mobile or home telephones, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments; and (b) in particular, what is the relationship between the performance payments policy and the department's and/or agency's actual performance.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

(1) As at 15 December 1999, the Attorney General's Department and portfolio agencies employed a total of 190 SES employees. (This figure includes 4 inoperative SES employees on leave without pay but excludes non-SES employees acting in SES positions).

(2) (a) and (b) The names of these employees and their employment classifications within the SES band structure, as at 15 December 1999, are provided in the following table.

Name of Employee	Classification	Comments
Administrative Appeals Tribunal		
Kay Ransome	SES Band 1	Currently performing the duties of statutory office holder under the AAT Act 1975 as Registrar, AAT
Attorney General's Department		
Liz Atkins	SES Band 1	
Rosalie Balkin	SES Band 1	LWOP
Leslie Blacklow	SES Band 1	
Stephen Bourke	SES Band 1	
Margaret Browne	SES Band 2	
Tony Bridges	SES Band 1	
George Caddy	SES Band 1	
Bill Campbell	SES Band 2	
Ian Carnell	SES Band 2	
Geoffrey Dabb	SES Band 2	
Helen Daniels	SES Band 1	
Jill Dickins	SES Band 1	
Kym Duggan	SES Band 1	
Sandra Ellims	SES Band 1	
Mike Fish	SES Band 1	
Peter Ford	SES Band 2	
Terrence Gallagher	SES Band 2	
Ian Govey	SES Band 2	
Geoff Hine	SES Band 2	
Keith Holland	SES Band 1	
Philippa Horner	SES Band 2	
Maggie Jackson	SES Band 2	
Mark Jennings	SES Band 1	
Laurel Johnson	SES Band 1	
Kathy Leigh	SES Band 1	
Renee Leon	SES Band 1	
Maureen Lewis	SES Band 1	
Peter Lowe	SES Band 1	
Philippa Lynch	SES Band 1	

Roger Mackay	SES Band 1	
Steven Marshall	SES Band 1	
Geoffrey McDonald	SES Band 1	
Chris Meaney	SES Band 1	
Richard Morgan	SES Band 1	
Richard Moss	SES Band 3	
Ashley Page	SES Band 1	
Sue Pidgeon	SES Band 1	
Norman Reaburn	SES Band 3	
Kevin Rogers	SES Band 1	LWOP
Digby Ross	SES Band 1	
Leigh Schneider	SES Band 1	
Joan Sheedy	SES Band 1	
John Simons	SES Band 1	
Di Stafford	SES Band 1	LWOP
Chris Staker	SES Band 1	LWOP
Bryan Stevens	SES Band 1	
Martin Studdert	SES Band 2	
Rene van den Tol	SES Band 1	
Jeremy Wainwright	SES Band 1	
Antony Ward	SES Band 1	
Roy White	SES Band 2	
Mark Zanker	SES Band 1	
Australian Customs Service		
John Drury	SES Band 3	
John Hawksworth	SES Band 2	
John Jeffery	SES Band 2	
Les Jones	SES Band 2	
Virginia Stretton	SES Band 2	
Colin Vassarotti	SES Band 2	
Deborah Bates	SES Band 1	
Gail Batman	SES Band 1	
Jeffery Buckpitt	SES Band 1	
Phillip Burns	SES Band 1	
Melanie Challis	SES Band 1	
David Collins	SES Band 1	
Jan Dorrington	SES Band 1	
Brian Gallagher	SES Band 1	
Marion Grant	SES Band 1	
Mark Harrison	SES Band 1	
Stephen Holloway	SES Band 1	
Brian Hurrell	SES Band 1	
Richard Janeczko	SES Band 1	
Julian Mallett	SES Band 1	

Robert Mitchell	SES Band 1	
Peter Naylor	SES Band 1	
Paul O'Connor	SES Band 1	
Jennifer Peachey	SES Band 1	
Susan Pitman	SES Band 1	
Ken Riordan	SES Band 1	
Trevor Van Dam	SES Band 1	
Australian Security Intelligence Organisation (ASIO)		
1 employee	SES Band 3	The names of ASIO employees are protected under the ASIO Act
3 employees	SES Band 2	
8 employees	SES Band 1	
Australian Transaction Reports and Analysis Centre (AUSTRAC)		
Graham Pinner	SES Band 1	
Neil Jensen	SES Band 1	
Commonwealth Director of Public Prosecutions		
Peter Walshe	SES Band 3	
Grahame Delaney	SES Band 3	
John Thornton	SES Band 2	
Stela Walker	SES Band 2	
Jim Joliffe	SES Band 2	
Mark Pedley	SES Band 2	
Paul Evans	SES Band 2	
Paul Foley	SES Band 2	
Ian Bermingham	SES Band 2	
Geoff Gray	SES Band 1	
Graeme Davidson	SES Band 1	
Grant Lalor	SES Band 1	
Justin McCarthy	SES Band 1	
Gabrielle Drennan	SES Band 1	
Brian Doherty	SES Band 1	
Paul Shaw	SES Band 1	
Shane Kirme	SES Band 1	
Elizabeth West	SES Band 1	
Carolyn Davy	SES Band 1	
Ken Wiltshire	SES Band 1	
Sylvia Grono	SES Band 1	
June Phillips	SES Band 1	
Glen Rice	SES Band 1	
Elizabeth Bolton	SES Band 1	
Family Court of Australia		
Ronald Eather	SES Band 2	
Andrew Phelan	SES Band 2	
Elizabeth Benjamin	SES Band 2	

Elizabeth Boyle	SES Band 2
Greg Burnett	SES Band 2
Cathy Cashen	SES Band 2
Rosemary Cater-Smith	SES Band 2
John Coker	SES Band 2
Brian Dittman	SES Band 2
Angela Filippello	SES Band 2
John Fitzgibbon	SES Band 2
Geoff Gersbach	SES Band 2
Maurice Harold	SES Band 2
Glenn Hay	SES Band 2
Louise Henderson	SES Band 2
Charlotte Kelly	SES Band 2
Terese Messner	SES Band 2
Jill Raby	SES Band 2
Algis Radzevicius	SES Band 2
Jennifer Rimmer	SES Band 2
Leanne Spelleken	SES Band 2
Frank Wilkie	SES Band 2
Mark Wilson	SES Band 2
Carole Brown	SES Band 1
Stewart Brown	SES Band 1
Mario Cattapan	SES Band 1
Jennifer Cooke	SES Band 1
Charles Edney	SES Band 1
Bruce Frankland	SES Band 1
Margaret Harrison	SES Band 1
Federal Court of Australia	
Alan Dawson	SES Band 1
Rod Tout	SES Band 1
John Mathieson	SES Band 1
Margaret Quinn	SES Band 1
Jenny Hedge	SES Band 1
Peter Seccombe	SES Band 1
Graham Ramsey	SES Band 1
Peter Carey	SES Band 1
Martin Jan	SES Band 1
High Court of Australia	
Carolyn Rogers	SES Band 1
Jacqueline Elliott	SES Band 1
Lex Howard	SES Band 1
Human Rights and Equal Opportunity Commission	
Diana Temby	SES Band 2
Timothy Pilgrim	SES Band 1

National Crime Authority		
Peter Lamb	SES Band 3	
John Adams	SES Band 2	
Garry Allen	SES Band 2	
Dene Hawke	SES Band 2	
Mervyn Keehn	SES Band 2	
Nicholas Anticich	SES Band 1	
Ross Barnett	SES Band 1	
Peter Brady	SES Band 1	
Ann Carson	SES Band 1	
Michael Cashman	SES Band 1	
Constantine Differding	SES Band 1	
John Ganley	SES Band 1	
Kenneth Goodchild	SES Band 1	
Keith Inman	SES Band 1	
William Laing	SES Band 1	
National Native Title Tribunal		
Merranie Strauss	SES Band 1	
Office of Parliamentary Counsel		
Thomas Reid	SES Band 2	Currently performing the duties of statutory office holder under Parliamentary Counsel Act 1970 as Second Parliamentary Counsel
Kerry Jones	SES Band 2	Currently performing the duties of statutory office holder under Parliamentary Counsel Act 1970 as Second Parliamentary Counsel
Adrian van Wierst	SES Band 2	
Steven Reynolds	SES Band 2	
Vincent Robinson	SES Band 2	
Keith Byles	SES Band 2	
Paul Lanspeary	SES Band 2	
Iain McMillan	SES Band 2	
Peter Quiggin	SES Band 1	
Camilla Webster	SES Band 1	
Stephen Mattingley	SES Band 1	
Jonathan Woodger	SES Band 1	

(2)(c) The identification and assessment of each officer's individual financial arrangements and details is a major task and I am not prepared to authorise the time and expenditure to undertake it. In addition, the release of individual remuneration outcomes could raise privacy concerns. However, aggregate figures for SES salary packages were published by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in the September 1999 Key Pay Indicator (online) Update No. 1999/03. The update document is located on the DEWRSB website under the Government Employment entry point (Agreement Making): www.dewrsb.gov.au/group/wr/agreemak/agree.htm. These figures were prepared in December 1998 by the Australian Bureau of Statistics on behalf of DEWRSB and cover 24 agencies and approximately 75% of all SES staff.

(3)(a) and (b) The Attorney-General's Department employment agreements for SES employees provide for the Secretary to determine whether an employee is entitled to a performance bonus following a performance appraisal. No performance bonus payments have been made under the current arrangements. Performance bonuses were last paid to SES employees in September 1999 in respect of their

performance during the 1997/98 financial year. The bonuses were determined under the terms and conditions set out in the *Continuous Improvement in the APS Enterprise Agreement 1995-96*. Arrangements for the determination of bonuses under current employment agreements are under consideration.

SES employees in the Department participate in the Program for Performance Improvement (PPI). Under the PPI, each employee's performance is appraised against their performance agreement. Appraisal of performance under the PPI is a prerequisite for payment of a performance bonus under SES employment agreements.

The PPI encompasses both the performance feedback and performance assessment processes and is designed to align individual and team performance with corporate objectives by:

- . providing a clear understanding of roles and responsibilities;
- . encouraging regular feedback on performance;
- . providing a base for rewarding performance; and
- . improving working relationships.

Agreements for SES employees reflect the employee's expected contribution towards fulfilling the relevant Divisional operational plan. Operational plans are, in turn, linked to the Department's Corporate Plan.

The High Court, the Office of Film and Literature Classification and the Office of Parliamentary Counsel do not provide performance payments. The remaining portfolio agencies operate in a similar manner to the Department. However, in the case of the Australian Security Intelligence Organisation and the Office of the Commonwealth Director of Public Prosecutions (DPP), there is no direct link between their performance pay arrangements and the agencies' actual performance.

Attorney-General's Department: Provision of Income and Expenditure Statements (Question No. 1961)

Senator Faulkner asked the Minister representing the Attorney-General, upon notice, on 23 February 2000:

Has the department, or any agency of the department, provided an annual return of income and expenditure for the 1997-98 and 1998-99 financial years pursuant to section 311A of the Commonwealth Electoral Act 1918; if so, can a copy of those statements be provided; if not, what, in detail, are the reasons for not providing those statements.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

Yes. The department and portfolio agencies, subject to the provisions of section 311A of the Commonwealth Electoral Act 1918, have provided the following information in accordance with the Act:

Attorney General's Department

The Attorney General's Department has provided this information in its annual reports. The information can be found at Appendix 12 (page 224) of the 1997-98 annual report and Appendix 13 (page 237) of the 1998-99 annual report. The information has been tabled in Parliament and is also available on the department's website (under the publications page located at <http://law.gov.au/> Appendix 13, page 245).

Australian Government Solicitor

The information provided by the Australian Government Solicitor for the 1997-98 financial year is incorporated in the Attorney General's Department Annual Report 1997-98 (above). AGS did not complete the return for 1998-99 through oversight during preparations for its change to become a Government Business Enterprise on 1 September 1999. After that date AGS is no longer subject to section 311A of the Commonwealth Electoral Act 1918 and will not therefore be required to produce such returns in future.

Australian Customs Service

The Australian Customs Service has provided this information in the Customs Annual Report. The information can be found under the heading 'Advertising and Market Research' in the 1997-98 annual report (page 259) and the 1998-99 annual report (page 10).

Administrative Appeals Tribunal

The Administrative Appeals Tribunal has not provided this information for the 1997-98 and 1998-99 financial years. The omission is an oversight and will be rectified in future years.

Australian Bureau of Criminal Intelligence

The Australian Bureau of Criminal Intelligence advises a nil return for the 1997-98 and 1998-99 financial years.

Australian Federal Police

The Australian Federal Police advised a nil return in its annual reports for 1997-98 (page 67) and 1998-99 (page 44).

Australian Security Intelligence Organisation

The Australian Security Intelligence Organisation advises a nil return for the 1997-98 and 1998-99 financial years.

Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions advised a nil return in its annual reports for the 1997-98 (page 61) and 1998-99 (page 64) financial years.

Family Court of Australia

The Family Court of Australia has provided this information in its annual reports for 1997-98 (Appendix 4, page 132) and 1998-99 (Appendix 6, page 106).

Federal Court of Australia

The Federal Court of Australia has provided this information in its annual reports for 1997-98 (page 56) and 1998-99 (page 66).

Human Rights and Equal Opportunity Commission

The Human Rights and Equal Opportunity Commission advises a nil return for the 1997-98 and 1998-99 financial years.

National Crime Authority

The National Crime Authority advises a nil return for the 1997-98 and 1998-99 financial years.

National Native Title Tribunal

The National Native Title Tribunal advises a nil return for 1997-98, and has provided this information in its annual report for 1998-99 (page 181).

Office of Film and Literature Classification

The Office of Film and Literature Classification has provided this information in its annual report for 1998-99 (Appendix 6, page 190).

The Office of Film and Literature Classification did not publish an annual return of expenditure on advertising and market research in 1997-98. This was an oversight in the production of the Office of Film and Literature Classification Annual Report for 1997-98.

Office of Parliamentary Counsel

The Office of Parliamentary Counsel has provided this information in its annual reports for 1997-98 (Section 8, page 49) and 1998-99 (Section 9, page 56).

**Goods and Services Tax: Department of Communications, Information Technology
and the Arts Research
(Question No. 1980)**

Senator Faulkner asked the Minister for Communications, Information Technology and the Arts, upon notice, on 3 March 2000:

(1) Has the department, or any agency of the department, commissioned or conducted any quantitative and/or qualitative public opinion research (including tracking research) since 1 October 1998, related to the goods and services tax (GST) and the new tax system; if so: (a) who conducted the research; (b) was the research qualitative, quantitative, or both; (c) what was the purpose of the research; and (d) what was the contracted cost of the research.

(2) Was there a full, open tender process conducted by each of these departments and/or agencies for the public opinion research; if not, what process was used and why.

(3) Was the ministerial Council on Government Communications (MCGC) involved in the selection of the provider and in the development of the public opinion research.

(4) (a) What has been the nature of the involvement of the MCGC in each of these activities; and (b) who has been involved in the MCGC process.

(5) Which firms were short-listed; (b) which firm was chosen; (c) who was involved in this selection; and (d) what was the reason for this final choice.

(6) What was the final cost for the research, if finalised.

(7) On what dates were reports (written and verbal) associated with the research provided to the departments and/or agencies.

(8) Were any of the reports (written and verbal) provided to any government minister, ministerial staff, or to the MCGC; if so, to whom.

(9) Did anyone outside the relevant department and/or agency or Minister's office have access to the results of the research; if so, who and why.

(10) What reports remain outstanding; and (b) when are they expected to be completed.

(11) Are any departments and/or agencies considering undertaking public opinion research into the GST and new tax system in the future; if so, what is the nature of that intended research.

(12) Will the Government be releasing the full results of this taxpayer-funded research; if so, when; if not, why not.

Senator Alston—The answer to the honourable senator's question is as follows:

(1) Neither the Department of Communications, Information Technology and the Arts nor any agency of the Department has commissioned or conducted any quantitative and/or qualitative public opinion research (including tracking research) since 1 October 1998, related to the goods and services tax (GST) and the new tax system.

This being the case none of the other parts of the question are applicable.

**Department of the Treasury: Contracts with Deloitte Touche Tohmatsu
(Question No. 1998)**

Senator Robert Ray asked the Minister representing the Treasurer, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm Deloitte Touche Tohmatsu in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Deloitte Touche Tohmatsu; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select Deloitte Touche Tohmatsu (open tender, short-list or some other process).

Senator Kemp—The Treasurer has provided the following answer to the honourable senator's question:

(1) and (2) The requested information is displayed in the tables below:

Treasury

Contract/Purpose	Cost	Selection Process
Calculation of provision for outstanding claims, unearned premium, deferred acquisition costs on outstanding mortgage insurance policies, technical provisions and taxation services for the Housing Loans Insurance Corporation.	\$27,200	Select procurement

SAP Financial Management System: To manage the implementation and integration in SAP R/3 of DoFA reforms and other Governmental initiatives (EG AOFM)—assist with operational issues directed towards improving Treasury's SAP R/3 system performance.	\$157,962	Select procurement
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Australian Bureau of Statistics

Contract/Purpose	Cost	Selection Process
To provide advice, assistance and direction relating to benchmarking of statistical outputs in preparation for visits to overseas statistical organisations.	\$16,137	Select procurement

Benchmarking of Survey Costs: To provide advice, assistance and direction relating to the internal benchmarking of economic costs and their statistical outputs.	\$12,490	Select procurement
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To provide advice, assistance and direction in relation to the Business Process Re-engineering (BPR) exercise on Household Surveys.	\$12,106	Select procurement
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To provide a review of remote localities provisions for staff in ABS Darwin Office.	\$8,094	Select procurement
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Australian Competition and Consumer Commission

Contract/Purpose	Cost	Selection Process
To provide assistance in relation to current proceedings instituted by ACCC against Telstra relating to Telstra's Commercial Churn Service	\$45,987	Engaged on ACCC's behalf by Australian Government Solicitor

Reserve Bank of Australia

Contract/Purpose	Cost	Selection Process
To provide an end-year audit of Reserve Bank Health Fund Friendly Society	\$2,650	Open procurement
Modification of accounting software	\$4,200	Select procurement
To provide a report required by NSW Financial Institutions Commission on the risk management systems of Reserve Bank Health Fund Friendly Society	\$640	Select procurement

Australian Securities and Investments Commission

Contract/Purpose	Cost	Selection Process
Witness Statement and assistance in claim against Personal and Financial Planning Pty Ltd	\$8,375	Select procurement
CALDB report (Wylie matter). AAT appearance, CALDB report (Westworth)	\$26,000	Select procurement
To conduct Professional Development Seminars.	\$14,769	Select procurement

Australian Taxation Office

Contract/Purpose	Cost	Selection Process
Program leadership framework, consistent project management methodology and support for projects to implement the framework and methodology	\$4,275,251	Select procurement
Develop a generic field capability to deal with the small business market.	\$750,029	Open procurement
Business design, business case for design options, cultural print across business line and development of change leadership strategies	\$720,600	Contract already existed
Electronic publishing re-engineering	\$676,119	Open procurement
Professional services in regard to 360-degree feedback	\$333,400	Select procurement
Completion of stages one and two of superannuation business process re-engineering	\$99,000	Select procurement
Review of information technology baseline costs	\$40,000	Contract already existed
Assistance with ATO call centre location project	\$30,995	Select procurement
Completion of superannuation business process re-engineering	\$21,118	Select procurement
Risk management advice for Sydney and Melbourne call centres	\$18,126	Select procurement
Assistance with implementing the 360-degrees feedback process	\$18,023	Open procurement
Development of field capabilities workshop	\$14,400	Select procurement
Planning assistance	\$7,961	Contract already existed

**Attorney-General's Department: Contracts with Deloitte Touche Tohmatsu
(Question No. 2010)**

Senator Robert Ray asked the Minister representing the Attorney-General, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm Deloitte Touche Tohmatsu in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Deloitte Touche Tohmatsu; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select Deloitte Touche Tohmatsu (open tender, short-list or some other process).

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

Attorney-General's Department

(1) and (2)(a)The Corporate Services Division entered into a contract with Deloitte Touche Tohmatsu for the provision of SAP Financial System configuration services.

(2)(b) \$13,208.33

(c) Select tender.

(1) and (2) (a)The Insolvency and Trustee Service (ITSA) entered into two contracts with Deloitte Touche Tohmatsu to (i) assist with preparation for management of Year 2000 issues; and (ii) to develop draft service level specifications for the delivery of IT infrastructure support.

(2) (b) (i)\$14,189(ii)\$17,607

(c) (i) and (ii) Deloitte was under contract with ITSA as a result of a tender process for the enhancement of ITSA's OTISS computer system. This contract was entered into as an extension to the existing contract.

Australian Customs Service

(1) and (2) (a)Implementation of the Human Resources Management System (Peoplesoft).

(2) (b) \$29,000

(c) Shortlist.

Australian Government Solicitor

(1) and (2) (a)The Australian Government Solicitor (AGS) entered into contracts with Deloitte Touche Tohmatsu for the maintenance and enhancement of (i) the AGS Law3000 Practice Management System; and (ii) for the implementation of the Platinum Financial Management Information System.

(2) (b) (i)\$206,876(ii)\$84,103

(c) (i)Deloitte Touche Tohmatsu was used because it is the original supplier of Law3000 and holds a contract for the maintenance and improvement of the product.

(ii)Deloitte Touche Tohmatsu was chosen by Epicor, the supplier of Platinum, which AGS selected as its financial management information system after competitive procurement.

Family Court

(1) and (2) (a)The Family Court entered into contracts with Deloitte Touche Tohmatsu for the (i) provision of internal audit services; and (ii) for the development of a Business Continuity Plan.

(2) (b) (i) \$65,243 (ii) \$19,630

(c) (i) Open tender. (ii) Selected quotation invitations.

Office of the Director of Public Prosecutions

(1) and (2) (a)Provision of legal advice on two corporate prosecution matters.

(2) (b) \$131,590

(c) Relative expertise and conflict of interest considerations.

Department of the Treasury: Contracts with PricewaterhouseCoopers**(Question No. 2017)**

Senator Robert Ray asked the Minister representing the Treasurer, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm PricewaterhouseCoopers in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by PricewaterhouseCoopers; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select PricewaterhouseCoopers (open tender, short-list or some other process).

Senator Kemp—The Treasurer has provided the following answer to the honourable senator's question:

(1) and (2)The requested information is displayed in the tables below:

Treasury

Contract/Purpose	Cost	Selection Process
To provide assistance with preparation of 1997-98 "Administered" Statements	\$52,525	Select procurement
To provide assistance with the development of the Departments 1999/2000 accrual budget	\$30,822	Select procurement
To provide assistance with the March update of the Department's 1999/2000 accrual budget	\$4,725	Select procurement
To assist with the preparation of the department's and the Royal Australian Mint's 1999/2000 accrual estimates	\$2,080	Select procurement
To assist with the preparation of the 1999/2000 Portfolio Budget Statement, the revision of Public Debt Interest estimates, and the construction and update of a financial model for appropriations and function reporting.	\$48,250	Select procurement
Tax Consultative Committee	\$31,014	Direct approach to recognised expert in field
To provide communications strategy and document framework and to develop advice on the taxation of financial arrangements for the Review of Business Taxation.	\$16,000	Select procurement
To provide advice on technical tax policy matters	\$1,765	Select procurement
To conduct the SAP functionality review	\$48,250	Select procurement

Australian Prudential Regulation Authority

Contract/Purpose	Cost	Selection Process
To prepare the ISC Financial Statement	\$20,000	Select procurement
To provide APRA Transition Assistance	\$2,190	Select procurement
To provide APRA Accounting Assistance July/August	\$47,784	Select procurement
To provide HR Advice to 15/10/98	\$2,600	Select procurement
To provide Accounting Assistance	\$13,600	Select procurement
Professional fees - Risk Profile & Management Strategy	\$35,639	Select procurement
User Acceptance Testing Course	\$8,000	Select procurement
Professional Services - Disbursement Cycle	\$7,615	Select procurement

To provide FBT Calculator for 1999	\$1,450	Select procurement
Professional Services - Lodgement of 1999 FBT	\$7,100	Select procurement
Australian Taxation Office		
Contract/Purpose	Cost	Selection Process
To provide business advice in relation to valuation work on research and development syndicate	\$50,664	Select procurement
To design an approach for knowledge building and collaborative communication	\$50,000	Select procurement
Provision of valuation report	\$44,387	Select procurement
National Competition Council		
Contract/Purpose	Cost	Selection Process
Preparation of the NCC financial statements	\$13,426	Short-list
Productivity Commission		
Contract/Purpose	Cost	Selection Process
Undertake a quality control and review of Commission's 1997-98 financial statements	\$11,000	Select procurement
Royal Australian Mint		
Contract/Purpose	Cost	Selection Process
To provide advice on accounting treatment of foreign currency hedge	\$2,250	Short-list

**Attorney-General's Department: Contracts with PricewaterhouseCoopers
(Question No. 2029)**

Senator Robert Ray asked the Minister representing the Attorney-General, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm PricewaterhouseCoopers in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by PricewaterhouseCoopers; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select PricewaterhouseCoopers (open tender, short-list or some other process).

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

Australian Customs Service

(1) and (2)(a) The Australian Customs Service provided seven contracts to PricewaterhouseCoopers to (i) provide a specialist audit service in relation to passenger movement charges to Malaysian Airlines; (ii) provide an internal audit service; (iii) undertake a cost analysis of the information management system; (iv) provide training on audit software; (v) undertake a cost benefit analysis of the Cargo Management System; (vi) undertake a review of financial statements; and (vii) undertake fraud investigation.

(2)(b)(i) \$6,760 (ii) \$894,145 (iii) \$17,754.60 (iv) \$17,136 (v) \$9,985 (vi) \$3,135 (vii) \$25,000.

(c)(i) Already providing internal audit services; (ii-iv) Select tender; (v) Short-list; (vi) Already providing internal audit services; (vii) Select tender.

Australian Federal Police

(1) and (2)(a)The Australian Federal Police (AFP) provided two contracts to PricewaterhouseCoopers to (i) assist in developing their 1999-2000 and forward years accrual and output budget; and (ii) provide accrual accounting training.

(2)(b)(i) \$40,000 (ii) \$24,300.

(c)(i) This contract was essentially a follow on from earlier work done by Coopers and Lybrand associated with the Ayers Report.

(ii) PricewaterhouseCoopers were accredited trainers endorsed by a Government panel.

Australian Security Intelligence Organisation

(1) and (2)(a)The Australian Security Intelligence Organisation (ASIO) provided two contracts to PricewaterhouseCoopers to (i) run four two-day courses on the implementation of information technology projects and (ii) provide a consultancy on Y2K testing compliance.

(2)(b)(i) \$14,600 (ii) \$42,750.

(c)(i) and (ii) PricewaterhouseCoopers was providing services which met ASIO's needs at the time.

Family Court of Australia

(1) and (2)(a)The Family Court of Australia provided a contract to PricewaterhouseCoopers for development and implementation of a judicial rostering system.

(2)(b) \$58,613.

(c) PricewaterhouseCoopers was selected from an endorsed supplier panel.

Federal Court of Australia

(1) and (2)(a)The Federal Court of Australia provided a contract to PricewaterhouseCoopers for a benchmarking study of administrative support services and costs within the Court against other public and private sector organisations.

(2)(b) \$5,000.

(c) PricewaterhouseCoopers was appointed directly as it conducts a regular national benchmarking survey of public and private sector agencies.

High Court of Australia

(1) and (2)(a)The High Court of Australia provided two contracts to PricewaterhouseCoopers to (i) provide maintenance and user support services in respect of the Court's Case Management System; and (ii) for development and programming of certain specialised management reports from the Case Management System.

(2)(b)(i) \$9,800 (ii) \$17,500 (\$8,750 paid during 1998-99).

(c) (i) and (ii) PricewaterhouseCoopers was selected for both contracts because of its specialised knowledge as the original developer of the Court's Case Management System (selected by open tender in 1997) which made it uneconomical to retender for these services.

National Crime Authority

(1) and (2)(a)The National Crime Authority (NCA) provided a contract to PricewaterhouseCoopers for the provision of imaging equipment.

(2)(b) \$4,100.

(c) PricewaterhouseCoopers was selected on the basis of its expertise in relation to similar previous work it did for the NCA's Sydney Office. Nevertheless, inquiries were also made of another company before selecting PricewaterhouseCoopers.

Department of the Treasury: Contracts with KPMG**(Question No. 2036)**

Senator Robert Ray asked the Minister representing the Treasurer, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm KPMG in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by KPMG; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select KPMG (open tender, short-list or some other process).

Senator Kemp—The Treasurer has provided the following answer to the honourable senator's question:

(1) and (2) The requested information is displayed in the tables below:

Treasury

Contract/Purpose	Cost	Selection Process
Advice on technical tax policy matters	\$1,768	Select procurement

Australian Competition and Consumer Commission

Contract/Purpose	Cost	Selection Process
To carry out the function of Internal Auditor for the Commission, and complete the Internal Audit Programme for the Commission for the current financial year	\$22,870	Select procurement

Australian Prudential Regulation Authority

Contract/Purpose	Cost	Selection Process
To review APRA IT function	\$43,500	Select procurement
Professional fees for appointment of staff	\$2,383	Select procurement
Recruitment Advertising costs	\$6,000	Select procurement
Development of business case	\$7,500	Select procurement
Recruitment of staff	\$3,250	Select procurement
Candidate short-list and placement fee	\$6,500	Select procurement
Recruitment Advertising costs	\$4,073	Select procurement
Professional Services—Financial Modelling	\$27,000	Select procurement
Recruitment Advertising	\$4,498	Select procurement
Recruitment of staff	\$4,750	Select procurement
Financial Modelling	\$33,000	Select procurement
Recruitment of staff	\$12,289	Select procurement

Australian Securities and Investments Commission

Contract/Purpose	Cost	Selection Process
Professional services 5/3—15/4/94 CONS—Prosecution of Directors of AH No.2 P/L in Liquidation	\$4,051	Select procurement
Opinion offered in Investigation of Wattle Matter	\$2,526	Select procurement
Professional services—Interim Acc Scott Heath-wood/Wealthy & Wise 23/10/98	\$5,435	Select procurement

Australian Taxation Office

Contract/Purpose	Cost	Selection Process
Applications development for best practice and contestability	\$346,000	Select procurement
Assist with work to develop legislation on a goods and services tax	\$128,390	Select procurement
Investigation of national taxpayer system processes	\$86,000	Select procurement
Legal services for the ATO reform project	\$77,587	Select procurement
Advice on research and development syndication	\$16,450	Contract already existed

Reserve Bank of Australia

Contract/Purpose	Cost	Selection Process
To provide independent verification that Austraclear maintains controls over the Bank's system.	\$105,710	Select procurement
The work performed by KPMG is partly an extension of the Bank's internal audit function and partly to meet the requirements in the RITS Regulations for independent verification that controls over the system are maintained to the required standard.		

Attorney-General's Department: Contracts with KPMG**(Question No. 2048)**

Senator Robert Ray asked the Minister representing the Attorney-General, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm KPMG in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by KPMG; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select KPMG (open tender, short-list or some other process).

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

Australian Customs Service

(1) and (2)(a) The Australian Customs Service provided a contract to KPMG for the implementation of accrual budgeting and related infrastructure.

(2)(b) \$59,250.

(c) Short-list.

Australian Transaction Reports and Analysis Centre

(1) and (2)(a) The Australian Transaction Reports and Analysis Centre provided two contracts to KPMG to (i) assist in meeting its obligation under the Financial Management and Accountability Act in the implementation of a Fraud Control Plan, and (ii) undertake an audit of the Y2K system compliance certification as required by the Office of Government Online guidelines.

(2)(b)(i) \$15,392 (ii) \$21,339.

(c)(i) Open tender. (ii) Short-list.

Family Court of Australia

(1) and (2)(a) The Family Court of Australia provided two contracts to KPMG for (i) the mapping of Family Court processes and (ii) for the development of a resource management strategy (Phases 1-3).

(2)(b)(i) \$73,574 (ii) \$68,677 for Phase 1 (Phases 2-3 not billed as at 30 June 1999).

(c) (i) Selected quotation invitations.(ii) Extension of (i).

Federal Court of Australia

(1) and (2)(a)The Federal Court of Australia provided a contract to KPMG for an independent pro-bity evaluation and assessment of processes and procedures followed by the Court in examining alternative options for a national case management system.

(2)(b) \$3,150.

(c) KPMG was directly appointed on the basis of its particular experience in the selection of a case management system for other courts.

National Crime Authority

(1) and (2)(a)The National Crime Authority (NCA) provided two contracts to KPMG for the purposes of (i) Y2K system testing and (ii) implementation of the NCA Business Continuity Plan.

(2)(b)(i) \$13,645 (ii) \$27,850.

(c)(i) and (ii) KPMG was selected as the preferred contractor based on its previous work in law enforcement agencies, the framework was already in place, and because of its background knowledge and the short time frame involved.

Office of the Director of Public Prosecutions

(1) and (2)(a)The Office of the Director of Public Prosecutions provided a contract to KPMG to provide advice on a corporate prosecution matter.

(2)(b) \$12,435.

(c) Selection was based on relative expertise and conflict of interest considerations.

Department of the Treasury: Contracts with Arthur Andersen

(Question No. 2055)

Senator Robert Ray asked the Minister representing the Treasurer, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm Arthur Andersen in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Arthur Andersen; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select Arthur Andersen (open tender, short-list or some other process).

Senator Kemp—The Treasurer has provided the following answer to the honourable senator’s question:

(1) and (2)The requested information is displayed in the tables below:

Treasury

Contract/Purpose	Cost	Selection Process
To perform as member of the Business Income Taxation Review and pursuant to the review prepare report on a comparison of Australian Business Taxation System with International experience.	\$367,538	Select procurement

Australian Competition and Consumer Commission

Contract/Purpose	Cost	Selection Process
To determine the economic written down value of the Gas and Fuel Sunk Assets, of the Victoria Gas Assets.	\$32,850	Short-list

To develop for the accounting separation model for the Commission's Record, Keeping, Rules, Power in the Telecommunications industry	\$485,475	Short-list
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Australian Securities and Investments Commission

Contract/Purpose	Cost	Selection Process
Employment of Ross Zagari—forensic computing service—download of files	\$1,575	Select procurement

Australian Taxation Office

Contract/Purpose	Cost	Selection Process
Goods and services tax compliance	\$264,768	Select procurement
Business and information technology architecture, and accounting software solution	\$97,226	Select procurement

National Competition Council

Contract/Purpose	Cost	Selection Process
To provide secondees to work on competitive neutrality issues, assisting in completion of Council's Second Tranche Assessment	\$16,000	Short-list

**Attorney-General's Department: Contracts with Arthur Andersen
(Question No. 2067)**

Senator Robert Ray asked the Minister representing the Attorney-General, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm Arthur Andersen in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Arthur Andersen; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select Arthur Andersen (open tender, short-list or some other process).

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

Attorney-General's Department

(1) and (2)(a) The Information Technology Branch provided eight contracts to Arthur Andersen to (i) provide Help Desk Services for which there were insufficient permanent resources available; (vi) provide operational management of the Y2K test laboratory; (vii) identify IT services required by the Insolvency Trustee Service Australia, and to develop a costing model and service levels for the services to be provided by the Information Technology Branch; and (viii) develop, maintain and manage a detailed project plan for the achievement of Y2K compliance.

2 (b) (i) \$17,532 (ii) \$29,013 (iii) \$32,864 (iv) \$33,997 (v) \$14,857 (vi) \$37,509 (vii) \$63,028 (viii) \$73,376.

2 (c) (i)-(viii) Short-list.

Australian Customs Service

(1) and (2)(a) The Australian Customs Service provided a contract to Arthur Andersen to review border control activities to ensure cost effective management arrangements.

2 (b) \$73,644.

2 (c) Short-list.

**Department of the Treasury: Contracts with Ernst and Young
(Question No. 2074)**

Senator Robert Ray asked the Minister representing the Treasurer, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm Ernst and Young in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Ernst and Young; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select Ernst and Young (open tender, short-list or some other process).

Senator Kemp—The Treasurer has provided the following answer to the honourable senator's question:

(1) and (2) Information is displayed in the tables below:

Treasury

Contract/Purpose	Cost	Selection Process
To provide accounting classification advice	\$6,050	Short-list
To provide independent quality assurance review of the 1999/2000 accrual budget statements	\$4,853	Select procurement
To provide internal audit services	\$93,148	Select procurement
To work on a fraud control plan	\$6,200	Select procurement

Australian Bureau of Statistics

Contract/Purpose	Cost	Selection Process
The provision of internal audit services for the ABS	\$187,131	Select procurement
To review ABS Divisional Support Units, and provide recommendations on improved efficiencies	\$22,500	Select procurement
Provision of consultancy services in relation to the preparation and facilitation of the Corporate Services Strategic Planning Session held in August 1998	\$3,000	Select procurement
To assistance with Financial Management Guidelines Development, and the development of an issues paper	\$5,000	Select procurement
Consultation on, and the provision of advice in relation to travel allowances and Saturday night stopovers	\$2,000	Select procurement
To develop SES vehicle scheme policy and procedures document	\$9,136	Select procurement
Provision of specialist accounting advice	\$45,261	Select procurement
Provision of leadership and training services, including workshops to assist with implementing the ABS Performance Management Scheme and Strategic Management Program	\$137,350	Open tender

Australian Prudential Regulation Authority

Contract/Purpose	Cost	Selection Process
To provide internal Audit Services	\$8,400	Select procurement

To provide internal Audit Program	\$23,912	Select procurement
To provide Internal Audit Services	\$18,200	Select procurement
Australian Securities and Investments Commission		
Contract/Purpose	Cost	Selection Process
Media Entertainment Group—expert witness report	\$7,900	Select procurement
Expert Report on Hallmark Gold & Kanowna Lights N/L	\$8,500	Select procurement
Australian Taxation Office		
Contract/Purpose	Cost	Selection Process
To provide business advice on contestability, benchmarking, tender processes	\$185,388	Contract already existed
To provide services for high-level design	\$89,127	Contract already existed
To provide a fraud control plan	\$13,000	Select procurement
Royal Australian Mint		
Contract/Purpose	Cost	Selection Process
Preparation of cash flow statement	\$7,540	Short-list

**Attorney General's Department: Contracts with Ernst and Young
(Question No. 2086)**

Senator Robert Ray asked the Minister representing the Attorney-General, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm Ernst and Young in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Ernst and Young; (b) what has been the cost to the department of the contract; and (c) what selection process was used to select Ernst and Young (open tender, short-list or some other process).

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator's question:

Australian Customs Service

(1) and (2) (a) The Australian Customs Service provided a contract to Ernst and Young for computer audit assistance of major importers.

(b) \$9,850.

(c) Short-list.

Australian Government Solicitor

(1) and (2) (a) The Australian Government Solicitor (AGS) provided two contracts to Ernst and Young to provide (i) various corporate planning and financial management services related to the re-structure of AGS; and (ii) recruitment services and temporary fill-in arrangements related to the position of Chief Financial Officer, AGS.

(b) (i) \$24,928 (ii) \$67,293.

(c) (i) Shortlist.

(ii) Selected on the basis of previous work undertaken for AGS as described in 2(a)(i) above.

Family Court of Australia

(1) and (2) (a) The Family Court of Australia provided a contract to Ernst and Young for a review of the Family Court library network.

(b) \$29,081.

(c) Selected from an endorsed supplier panel.

Federal Court of Australia

(1) and (2) (a) The Federal Court of Australia provided a contract to Ernst and Young to undertake national internal audit services for the Court.

(b) \$49,117.

(c) Open tender.

Office of the Director of Public Prosecutions

(1) and (2) (a) The Office of the Director of Public Prosecutions provided two contracts to Ernst and Young to (i) provide advice on corporate prosecution matters; and (ii) undertake an IT risk assessment.

(b) (i) \$32,480 (ii) \$6,750.

(c) (i) & (ii) Selection was based on relative expertise and conflict of interest considerations.

Australian Greenhouse Office: Green Power Program**(Question No. 2093)**

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 6 March 2000:

(1) (a) How does the Australian Greenhouse Office define 'sustainably managed forestry operations' for inclusion in the '2% for renewables' program; and (b) what criteria and procedures will it use.

(2) (a) Does the Minister agree that logging of old-growth forests is not greenhouse neutral because it releases a much greater quantity of greenhouse gases than is taken up by regrowth or plantations managed on common commercial rotations (15 to 60 or 80 years); and (b) does the Minister therefore agree that wood from old-growth logging cannot be regarded as a renewable energy source and should not be included in the '2% for renewables' program.

(3) (a) Which power stations currently use woodchips to generate electricity; and (b) are the woodchips from native forests or plantations.

(4) (a) Are three New South Wales power stations currently using woodchips; (b) where are the woodchips from; and (c) would they be classified as being from 'sustainably managed forestry operations' in accordance with the requirements for the '2% for renewables' program.

(5) Has the Australian Greenhouse Office approved any specific proposals for the use of woodchips in generating electricity; if so, what are the details.

(6) (a) Is it a fact that 'green power' schemes don't recognise electricity from woodchips as 'renewable'; and (b) won't the inclusion of woodchips as a source of 'renewable' by the Government create confusion and undermine public confidence in the integrity of 'green power' marketing schemes.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) (a) and (b) the sustainability of managed forestry operations for the purposes of the 2% renewable energy measure will be based on existing assessment procedures which apply in each jurisdiction, including those established under a RFA.

(2) (a) The quantities of greenhouse gases sequestered by native forests and plantations differ markedly with species, age and management practices and it is not possible to generalise regarding the quantities of carbon sequestered by an old growth forest, regrowth forest or plantations. The National Carbon Accounting System is undertaking research into carbon sequestered in native forests and plantations of a range of species, growth stages and environments. (b) The eligibility of biomass from old-growth forests for the purposes of the 2% renewable energy target will depend entirely on the extent to which the State approvals processes referred to in (1) above approve such biomass use.

(3) (a) and (b) The government does not hold this information. Decisions to allow a power station to use biomass to generate electricity are made at the State/Territory government level.

(4) (a) and (b) The government does not hold this information. (c) This will not be able to be determined until the legislation to support the measure is in place and an application for accreditation is made.

(5) The Australian Greenhouse Office is not involved in decisions to approve the development of power plants using woodchips to generate electricity.

(6) (a) The Green Power program can cater for the generation of electricity from wood wastes. The current guidelines state that utilisation of waste from existing forestry plantations is likely to be gener-

ally acceptable under Green Power, as would utilisation of product from forestry plantations specifically established for bioenergy production likely to be generally acceptable. Utilisation of waste products from regrowth native forests would be considered on a case by case basis. (b) Some renewable energy projects which may be accredited under the 2% renewable energy program may not receive Green Power accreditation, as a result of the different nature of, and drivers for, these programs. The accreditation processes for the 2% renewable energy measure and Green Power is not expected to reduce confidence in either scheme. The Commonwealth has advised the States/Territories that it would prefer to see biomass sourced from forests covered by a Regional Forest Agreement (RFA) treated consistently under both schemes as the RFA establishes agreed sustainability principles.

**East Timor: Official Language
(Question No. 2101)**

Senator Bourne asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 March 2000:

(1) (a) What is the Australian Government's position with regard to Portuguese being the official language in a country where less than 10 percent of the population speak Portuguese; and (b) is the Minister addressing the issue at any level.

(2) (a) What programs, if any, is the Australian Agency for International Development (AusAID) conducting to rebuild the East Timorese education system; (b) what language is AusAID promoting through these programs; and (c) what steps is AusAID taking through its programs to address the issue of replacing the many Indonesian teachers who have fled the country.

(3) Given that the United Nations Transitional Authority in East Timor has announced Indonesian textbooks will be used until the end of the school year: (a) is the Minister aware of reports that the Portuguese have distributed language textbooks to the schools; and (b) in addition, given that reports suggest that the Portuguese are planning to send in hundreds of Portuguese language teachers to teach Timorese teachers that language, what steps are being taken to bring all parties together and to work to a common agenda.

Senator Hill—The answer to the honourable senator's question is as follows:

(1) (a) East Timor has no designated official language at present. The Government is aware that there is a strong view amongst CNRT officials that for historical and cultural reasons Portuguese should be adopted as East Timor's official language. It is the Government's view that the matter of language is for the East Timorese to decide.

(b) The Government will continue to encourage the East Timorese, in making their decision, to take into account the long-term interests of East Timor, including the desirability of adopting a language which can support the development of an effective education system and assist with East Timor's integration into the region.

(2) (a) Education is a priority area for Australian assistance in East Timor. Australia will contribute A\$25 million in cash and in-kind contributions to United Nations and World Bank/Asian Development Bank trust funds this financial year. These trust funds are supporting, inter alia, priority activities in the education sector, including payment of teacher salaries, rebuilding schools, providing textbooks, and establishing a National Education Authority.

Australia has also provided A\$1.5 million to a UNICEF Education and Community Action project which is reopening primary schools, appointing teachers, providing teaching materials, repairing facilities, and providing a schools feeding program. The aid program is currently providing seven English language teachers to the Civil Service Academy.

Restoring basic educational services, and improving service delivery, will be major objectives of Australia's longer term reconstruction and development assistance. Australia's longer term program of assistance is being developed in close consultation with East Timorese representatives, the World Bank, the United Nations, and other donors. In March, Australia participated in a World Bank mission to identify priority areas for assistance. The outcome of this mission will help guide Australia's program of support for rebuilding East Timor's education system.

In response to immediate needs in East Timor, Australia will provide up to twenty scholarships for East Timorese students. A reference group has been formed by Commonwealth and state and territory education departments, which will act as a point of liaison with AusAID and the Department of Foreign Affairs and Trade on matters of education assistance. Australia's overseas aid program is also looking at

further opportunities for assistance, including providing distance education courses, English language training, employment related skills training, and support for East Timor's interim national education authority.

(b) Australia's aid program will be guided by East Timorese decisions regarding language. We understand that Bahasa Indonesia will be the medium for instruction in schools during the immediate period as, even once a decision is made on the official language, it will take time to develop a new curriculum. Whatever the final decision, it is clear that English language skills will be important for East Timor's development and for building regional linkages. English language training will be a priority for Australia's aid program.

(c) Australia's aid program is supporting a UNICEF Basic Education Program to recruit teachers, and run accelerated teacher training programs. In addition, through the Australian Volunteers International, Australia is providing a number of teachers to meet immediate needs in East Timor.

Teacher recruitment and training are priorities for the United Nations and the World Bank, including re-establishing the Faculty of Education and the National Centre for Continuing Education at the University of East Timor. Australia will continue to work closely with the United Nations and the World Bank to ensure that these issues are addressed, and will provide assistance where required.

(3) (a) The Government is aware of these reports. It is my understanding that Portugal has provided textbooks and Portuguese language trainers in response to a request from CNRT.

(b) Australia is strongly supportive of a coordinated approach to donor assistance in the education sector. The most significant step to promote donor coordination to date was the joint education planning mission held in March 2000. Australia participated in the mission, along with representatives from East Timor, the World Bank, UNICEF, UNTAET, and Portugal. The United Nations and the World Bank are also working to distribute texts and materials as an immediate activity under the Trust Fund arrangements. Australia will continue to support strongly activities to coordinate donor assistance in the education sector.

Western Sahara: Referendum

(Question No. 2105)

Senator Bourne asked the Minister representing the Minister for Foreign Affairs, upon notice, on 10 March 2000:

(1) What is the Government's assessment of the UN's current position on the referendum.

(2) Does the Minister have any information regarding the allegations that Morocco has employed delaying tactics, such as trying to register people that are not associated with the territory.

(3) In light of Polisario's opinion that the lack of outcomes is rapidly diminishing the benefits of the UN presence in Western Sahara, resulting in the threat of a resumption of hostilities, what representations is the Australian Government making to seek a peaceful and prompt resolution to the situation, to (a) the UN; and (b) the Moroccan Government.

Senator Hill—The following answer to the honourable senator's question is as follows:

(1) Australia has consistently supported the United Nations (UN) on the holding of a UN referendum for the self-determination of the people of Western Sahara and supports the UN's extension of the mandate of the UN Mission for the Referendum in the Western Sahara (MINURSO) for a further three months from 28 February 2000. The extension was necessary for the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro (Polisario Front) to allow time for the completion of voter identification, the issuance of the second provisional voter list and the initiation of appeals from applicants of tribal groupings. The UN Security Council has also endorsed the Secretary-General's plan to task his personal envoy to explore ways of re-galvanising the stalled referendum process. Under the terms of Security Council United Nations Resolution (UNSCR) 1292, the Secretary-General is to assess conditions and report back within the three-month extension period.

(2) The conduct of the referendum process, including voter registration, is the responsibility of MINURSO in consultation with the concerned parties. We are not aware of any comment by MINURSO on allegations of delaying tactics in the voter process.

(a) Australia is not a member of the United Nations Security Council and does not have a significant influence over Security Council decisions. As the Australian Government fully supports the extension of MINURSO's mandate and the UN's resolution on the holding of a referendum, we have not had

cause to make further representations to the United Nations on this issue since the Security Council extended MINURSO's mandate through UNSCR 1263 on 13 September, 1999.

(b) Regular representations are made to the Moroccan Government during visits to Morocco by the Australian Ambassador to Paris, who is accredited to Morocco, to encourage a peaceful and prompt resolution on the status of Western Sahara and to make clear our support for a United Nations-sponsored referendum. The referendum will indicate the wishes of the population of Western Sahara on the question of independence, or incorporation into the Kingdom of Morocco.

New South Wales Non-Government Schools: Funding
(Question No. 2122)

Senator Brown asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 3 April 2000:

(1) Can the following data be provided, for each non-government school in New South Wales, for the schools census year 1999: (a) the full-time equivalent number of primary students; (b) the full-time equivalent number of junior secondary students; and (c) the full-time equivalent number of senior secondary students.

(2) What is the funding level (Education Resources Index Category) for each of these schools.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the tables at Attachment A in answer to the honourable senator's question:

ATTACHMENT A

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Abbotsleigh	Wahroonga	NSW	1	362.0	604.0	303.0
Aberfeldy Preparatory School	Turrumurra	NSW	3	38.0		
Aetaoma School	Terragon Via Uki	NSW	10	17.0		
Aim Senior Secondary Music College	Surry Hills	NSW	3			42.0
Al Amanah College	Bankstown	NSW	12	150.0		
Al Noori Muslim Primary School	Greenacre	NSW	6	175.0		
Alexander Primary School	Duffys Forest	NSW	11	46.0		
Alfaisal College	Auburn	NSW	12	267.0		
All Hallows Primary School	Five Dock	NSW	11	330.0		
All Hallows School	Gulgong	NSW	11	82.0		
All Saints Catholic Boys College	Liverpool	NSW	11		631.0	
All Saints Catholic Girls College	Liverpool	NSW	11		641.0	
All Saints' Catholic Primary School	Liverpool	NSW	11	860.0		
All Saints Catholic Senior College	Casula	NSW	11			517.0
All Saints College	Bathurst	NSW	3	148.0	288.0	158.0
All Saints College St Joseph's Campus	Lochinvar	NSW	11		1332.0	505.0
All Saints Greek Orthodox Grammar School	South Belmore	NSW	8	392.0	196.0	31.0
All Saints Primary School	Tumbarumba	NSW	11	103.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Allowera Christian School	Riverstone	NSW	10	14.0	6.0	
Al-Zahra College	Arncliffe	NSW	11	130.0		
Aquinas College	Menai	NSW	11		541.0	148.0
Arden Anglican School	Beecroft	NSW	3	363.0		
Arkana College	Kingsgrove	NSW	3	127.0		
Armidale Boys College	Armidale	NSW	10	33.2		
Arndell College	Oakville	NSW	10	227.0	215.0	31.0
Ascham School Ltd	Edgecliff	NSW	1	406.0	389.0	180.0
Auburn Seventh Day Adventist School	Auburn	NSW	7	143.0		
Australian International Conservatorium of Music High School	Harris Park	NSW	5		5.0	
Australian International Independent School Ltd	Epping	NSW	4		84.0	77.0
Avondale Primary School	Cooranbong	NSW	7	356.0		
Avondale Seventh Day Adventist High School	Cooranbong	NSW	7		309.0	86.0
Ballina Christian School	Ballina	NSW	11	51.0		
Bankstown Grammar School	Georges Hall	NSW	6		361.0	119.5
Barker College	Hornsby	NSW	2	306.0	807.0	649.0
Bathurst Christian College	Windradyne	NSW	8	30.0		
Bede Polding College	Windsor South	NSW	11		848.0	226.0
Bega Valley Christian College	Pambula Beach	NSW	10	197.4	237.0	31.0
Bellhaven Special School	Young	NSW	8	3.0	7.1	
Belmont Christian College	Belmont	NSW	8	313.0	250.0	69.0
Benilde Catholic College	Bankstown	NSW	11			215.0
Berne Education Centre	Lewisham	NSW	8		38.0	
Berowra Christian Community School	Berowra	NSW	10	94.0		
Bethany Catholic Primary School	Glenmore Park	NSW	11	365.0		
Bethany Christian College	Young	NSW	10	20.0		
Bethany College	Kogarah	NSW	11		554.0	244.0
Bethel Christian Academy	Mount Druitt	NSW	9	158.0	105.0	
Bethel Learning Centre	Macquarie Fields	NSW	1	13.0		
Bethlehem College	Ashfield	NSW	11		585.0	262.8
Bhaktivedanta Swami Gurukula	Eungella	NSW	5	24.0		
Biala Special School	Ballina	NSW	8	6.0	10.0	
Birchgrove Community School	Birchgrove	NSW	12	30.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Bishop Drutt College	Coffs Harbour	NSW	8	303.0	349.0	53.0
Bishop Tyrrell Anglican College	Fletcher	NSW	10	43.0	17.0	
Blessed Sacrament School	Mosman	NSW	11	170.0		
Blue Hills College	Goonellabah	NSW	7	116.0	59.0	
Blue Mountains Grammar School Ltd	Wentworth Falls	NSW	3	209.0	402.0	191.0
Blue Mountains Steiner School	Hazelbrook	NSW	6	101.0		
Bob Hughes Christian School	Georges Hall	NSW	12	17.6		
Border Christian College	Thurgoona	NSW	6	95.0	55.0	
Bowral Adventist Christian School	Bowral	NSW	6	24.0		
Bowral Rudolf Steiner School	Bowral	NSW	6	125.2	10.0	
Boys' Town	Engadine	NSW	12		43.0	
Brigidine College	St Ives	NSW	8		550.0	194.0
Brigidine Senior School	Randwick	NSW	11		594.2	256.0
Broughton Anglican College	Campbelltown	NSW	8	236.0	428.0	117.0
Byron Community Primary School	Byron Bay	NSW	11	98.0		
Calrossy School	Tamworth	NSW	5		211.0	114.0
Calvary Chapel Christian School	Georges Hall	NSW	6	203.0		
Cape Byron Rudolf Steiner School	Ewingsdale	NSW	10	180.0	76.0	6.0
Carinya Christain School	Gunnedah	NSW	10	31.0		
Carinya Christian School	Tamworth	NSW	10	354.0	265.0	63.0
Caroline Chisholm Catholic High School	Glenmore Park	NSW	11		753.0	94.0
Carroll College	Broulee	NSW	11		351.2	62.0
Casimir Catholic College	Marrickville	NSW	11		491.0	262.0
Casino Christian School	North Casino	NSW	10	63.2		
Castle Hill Seventh Day Adventist School	Castle Hill	NSW	7	117.0		
Casuarina School	Coffs Harbour	NSW	9	73.6		
Cathedral School	Bathurst	NSW	11	316.0		
Catherine McAuley College	Grafton	NSW	11		394.0	125.0
Catherine McAuley High School	Westmead	NSW	11		723.0	328.0
Catholic High School	Griffith	NSW	10		354.0	85.0
Central Coast Adventist School	Erina	NSW	7	220.0	133.0	23.0
Central Coast Grammar School	Erina Heights	NSW	3	509.0	374.0	198.0
Central West Christian Community School	Parkes	NSW	9	54.0	56.0	

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Cerdon College	Merrylands	NSW	11		765.0	339.0
Chevalier College	Bowral	NSW	9		759.0	304.0
Chisholm Catholic Pri- mary School	Bligh Park	NSW	11	461.0		
Christ Catholic Col- lege(Clare Campus)	Hassall Grove	NSW	11		1338.0	339.5
Christ the King School	North Rocks	NSW	11	427.0		
Christ the King School	Yagoona	NSW	11	217.0		
Christadelphian Heritage College	Cooranbong	NSW	12	32.0	15.0	3.0
Christadelphian Heritage College Sydney Inc	Kemps Creek	NSW	12	58.0	41.0	9.0
Christian Brothers High School	Burwood	NSW	11		373.0	
Christian Brothers High School	Lewisham	NSW	9	191.0	656.0	299.2
Christian Community High School	Regents Park	NSW	9		355.0	156.0
Christian Outreach Col- lege	Long Beach	NSW	10	17.0		
Chrysalis School For Rudolf Steiner Education	Thora	NSW	9	127.6	26.0	
Church of England Pre- paratory School Mosman Ltd	Mosman	NSW	1	255.0		
Claremont College	Randwick	NSW	3	311.0		
Coffs Harbour Bible Church School	Crossmaglen	NSW	7	9.0	2.0	
Coffs Harbour Christian Community School	Coffs Harbour	NSW	9	211.0	311.0	86.0
Condell Park Christian School	Condell Park	NSW	8	43.0	17.0	
Coogee Boys Preparatory School Pty Ltd	Randwick	NSW	5	117.0		
Cornerstone - Burradine Christian Community School	Dubbo	NSW	8	19.4		
Corpus Christi College	Tuggerah	NSW	11			482.4
Corpus Christi Primary School	Cranebrook	NSW	11	556.0		
Corpus Christi Primary School	Waratah	NSW	11	156.0		
Corpus Christi School	St Ives	NSW	11	334.0		
Covenant Christian School	Belrose	NSW	9	318.0	233.0	92.0
Coverdale Christian School	Riverstone	NSW	10	376.0	271.7	93.0
Cranbrook School	Rose Bay	NSW	1	457.0	527.0	273.0
Currambena School	Lane Cove	NSW	5	78.0		
Dale Christian School	Waratah	NSW	8		21.0	
Danebank School	Hurstville	NSW	3	376.0	370.0	154.0
De La Salle College	Ashfield	NSW	11		518.0	274.0

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
De La Salle College	Caringbah	NSW	11		315.0	
De La Salle College	Cronulla	NSW	11			350.8
De La Salle College	Revesby Heights	NSW	11		368.0	
De La Salle College (Kingsgrove)	Kingsgrove	NSW	11		211.0	
Delany College	Granville	NSW	11		463.0	146.0
Deniliquin Christian School Inc.	Deniliquin	NSW	12	16.0	4.0	
Domremy College	Five Dock	NSW	11		312.0	129.0
Dubbo Christian School	Dubbo	NSW	10	281.0	211.0	78.0
Dunmore Lang Christian Community School	Muswellbrook	NSW	11	6.8		
East Sydney Community- Based High School	Darlinghurst	NSW	12		64.0	
Eastern Suburbs Montessori School	Vaucluse	NSW	8	40.0		
Edmund Rice College	Wollongong West	NSW	11		601.0	236.0
Elonera School Ltd	Gwynneville	NSW	5	75.0	6.0	
Elouera Special School	Cootamundra	NSW	8	5.0	6.6	
Emmanuel Anglican College	East Ballina	NSW	12	62.0		
Emmaus Catholic Col- lege	Erskine Park	NSW	11		935.0	262.0
Essington Christian Academy	Westmead	NSW	6	78.0		
Fern Valley Montessori Primary School	Cardiff	NSW	10	4.0		
Forestville Montessori School	Forestville	NSW	4	84.0		
Fr John Therry Catholic Primary School	Balmain	NSW	11	131.0		
Freeman Catholic High School	Bonnyrigg	NSW	11		868.0	345.0
Frensham School	Mittagong	NSW	1		155.0	115.0
Garfield Barwick School	Parramatta	NSW	8	14.0		
Gateway Christian School	Blackheath	NSW	11	156.4	97.0	16.0
German School Johannes Gutenberg	Ryde	NSW	1	110.0	17.0	
Giant Steps Sydney Lim- ited	Gladesville	NSW	8	38.0	1.0	
Gib Gate School	Mittagong	NSW	1	140.0		
Gilroy College	Castle Hill	NSW	11		760.0	297.5
Glanaeon Rudolf Steiner School Limited	Middle Cove	NSW	3	211.6	186.0	97.0
Good Samaritan Catholic College	Hinchinbrook	NSW	11		99.0	
Good Shepherd Primary School (Hoxton Park)	Hoxton Park	NSW	11	266.0		
Good Shepherd School	Plumpton	NSW	11	665.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Gosford Christian Com- munity School	Narara	NSW	10	266.0	227.0	64.0
Green Point Christian College	Green Point	NSW	9	398.0	362.0	112.5
Greenacre Baptist Chris- tian Community School	Greenacre	NSW	10	182.0		
Hamazkaine Arshak And Sophie Galstaun School	Ingleside	NSW	9	194.0	70.0	34.0
Hawkesbury Independent School	Kurrajong	NSW	10	27.0		
Henschke Primary School	Wagga Wagga	NSW	11	618.0		
Heritage Christian School	South Kempsey	NSW	10	195.0	109.0	18.0
Highfields Preparatory & Kindergarten School Limited	Lindfield	NSW	5	70.0		
Holy Cross College	Bondi Junction	NSW	11		219.0	172.0
Holy Cross College	Ryde	NSW	11		525.0	156.5
Holy Cross Primary School	Bondi Junction	NSW	11	244.0		
Holy Cross Primary School	Glendale	NSW	11	104.0		
Holy Cross Primary School	Helensburgh	NSW	11	204.0		
Holy Cross Primary School	Kincumber	NSW	11	463.0		
Holy Cross Primary School (Glenwood)	Glenwood Park	NSW	11	36.0		
Holy Family Catholic Primary School	Skennars Head	NSW	11	221.2		
Holy Family Primary School	Lindfield	NSW	11	247.0		
Holy Family Primary School	Ingleburn	NSW	11	420.0		
Holy Family Primary School	Luddenham	NSW	11	357.0		
Holy Family Primary School	Menai	NSW	11	843.0		
Holy Family Primary School	Merewether	NSW	11	248.4		
Holy Family School	Granville East	NSW	11	393.0		
Holy Family School	Kelso	NSW	11	361.0		
Holy Family School	Orange	NSW	11	42.0		
Holy Family School	Parkes	NSW	11	229.0		
Holy Innocents Primary School	Croydon	NSW	11	311.0		
Holy Name Primary School	Forster	NSW	11	222.4		
Holy Spirit College	Bellambi	NSW	11		614.0	193.1
Holy Spirit College	Lakemba	NSW	11		778.0	193.0
Holy Spirit Infants School	Abermain	NSW	11	106.0		
Holy Spirit Primary School	Kurri Kurri	NSW	11	132.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Holy Spirit Primary School	Lavington	NSW	11	309.0		
Holy Spirit Primary School	St Clair	NSW	11	602.0		
Holy Spirit School	North Ryde	NSW	11	464.0		
Holy Trinity Primary School	Wagga Wagga	NSW	11	209.0		
Holy Trinity School	Granville	NSW	11	230.0		
Holy Trinity School	Inverell	NSW	11	313.0	144.0	
Hope Town Special School	Wyong	NSW	8	1.0	31.0	
Hunter Christian School	Mayfield	NSW	8	188.0	208.0	74.0
Hunter Valley Grammar School	Ashtonfield	NSW	3	279.0	311.0	119.0
Hunter Vineyards Christian College	Cessnock	NSW	11	14.0		
Hurstville Seventh Day Adventist School	Hurstville	NSW	7	100.0		
Illawarra Christian School	Cordeaux Heights	NSW	10	412.0	250.0	91.5
Illawarra School For Autistic Children	Corrimal	NSW	8	35.0	5.0	
Illawarra Seventh Day Adventist School	Corrimal	NSW	7	31.0		
Immaculate Heart of Mary School	Sefton	NSW	11	410.0		
Inaburra School	Bangor	NSW	7	211.0	371.0	153.0
Inala Rudolf Steiner School For Curative Education	Cherrybrook	NSW	8	2.0	14.0	
Inner City Montessori Association School	Balmain	NSW	6	103.0		
James Sheahan Catholic High School	Orange	NSW	11		637.0	238.0
Jervis Bay Christian Community School	Vincentia	NSW	11	14.0		
John Colet School	Belrose	NSW	8	66.0		
John Paul College	Coffs Harbour	NSW	11		737.0	280.9
John the Baptist Primary School	Bonnyrigg	NSW	11	831.0		
John Therry Catholic High School	Rosemeadow Campbelltown	NSW	11		678.0	249.6
John Wycliffe Christian School	Warrimoo	NSW	10	405.0	254.0	104.0
Joseph Varga School	Randwick	NSW	8	14.0	21.0	
Kaivalya School of Human Values	Mt Warning	NSW	11	11.0		
Kamaroi Rudolf Steiner School	Belrose	NSW	8	187.5		
Kambala Church of England Girls' School	Rose Bay	NSW	1	361.0	320.0	176.0
Kangia Steiner School	Murwillumbah	NSW	10	69.6		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Kempsey Seventh Day Adventist School	Kempsey	NSW	7	20.0		
Key College	Surry Hills	NSW	8		9.4	
Kincoppal-Rose Bay School of the Sacred Heart	Rose Bay	NSW	3	361.0	291.0	162.0
Kindalin Christian School	Castlereagh	NSW	8	143.0	16.0	
King Abdul Aziz Primary School	Rooty Hill	NSW	11	149.0		
Kingsdene Special School And Hostel	Telopea	NSW	8	7.0	21.0	
Kinma School	Terrey Hills	NSW	3	42.0		
Kinross Wolaroi School	Orange	NSW	3	208.0	393.0	229.0
Knox Grammar School	Wahroonga	NSW	1	461.0	856.0	445.5
Kogarah Marist High School	Bexley	NSW	11		613.0	410.0
Koinonia Christian Acad- emy	Bourke	NSW	11	29.0	18.0	1.0
Korowal School	Leura	NSW	4	142.0	97.0	39.0
Kuyper Christian School	North Rich- mond	NSW	10	140.0	43.0	
La Salle Academy	Lithgow	NSW	11		273.0	63.0
Lake Macquarie Christian College	Toronto	NSW	11	44.0	17.0	
Lakes Anglican Grammar School	Summerland Point	NSW	6	126.0	77.0	14.0
Lakeside Christian Col- lege	Tweed Heads	NSW	9	129.0		
Lalirra Lutana School Central Coast Campus	Ourimbah	NSW	12	36.2		
LaSalle Catholic College	Bankstown	NSW	11		460.0	128.0
Liberty Christian School	Goulburn	NSW	11	27.0	32.1	
Liberty College	Tamworth	NSW	11	12.0		
Lindisfarne School	Tweed Heads South	NSW	10	417.0	344.0	75.1
Linuwel School Ltd	East Maitland	NSW	6	66.0	40.0	
Loquat Valley Anglican Preparatory School	Bayview	NSW	3	254.0		
Loreto Kirribilli	Kirribilli	NSW	8	263.0	526.4	242.3
Loreto Normanhurst	Normanhurst	NSW	5		570.0	273.0
Lorien Novalis School For Rudolf Steiner Edu- cation	Glenhaven	NSW	5	160.0	69.0	31.0
Lutheran Primary School Wagga Wagga	Wagga Wagga	NSW	10	407.0		
Macarthur Region Angli- can Church School	Narellan	NSW	10	307.0	428.0	134.0
Mackillop College	Bathurst	NSW	11		377.0	167.0
Macksville Seventh Day Adventist School	Macksville	NSW	7	13.0		
Macquarie College	Wallsend	NSW	7	238.2	162.0	47.0

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Macquarie Fields Seventh Day Adventist School	Macquarie Fields	NSW	7	85.0		
Macquarie University Special Education Centre	North Ryde	NSW	8	44.0	8.2	
Magdalene Catholic High School	Camden	NSW	11		86.0	
Maitland Christian School	Metford	NSW	10	161.0	99.0	
Malek Fahd Islamic School	Greenacre	NSW	10	1030.0	317.0	64.0
Mamre Christian College	Erskine Park	NSW	9	204.0	221.0	48.0
Manning District Seventh Day Adventist School	Tinonee	NSW	7	16.2		
Manning River Centre For Steiner Education	Taree	NSW	12	66.0		
Marcellin College	Randwick	NSW	11		656.0	229.0
Margaret Jurd Learning Centre	Lambton	NSW	8		12.0	
Maria Regina School	Avalon Beach	NSW	11	169.0		
Marian College	Goulburn	NSW	10		321.0	157.0
Marian College	Kenthurst	NSW	11		486.0	179.5
Marion Primary School	Horsley Park	NSW	11	205.0		
Marist Brothers' High School	Penshurst	NSW	11		487.0	
Marist College	Eastwood	NSW	11		264.0	163.0
Marist College North Shore	North Sydney	NSW	11		440.0	161.0
Marist College Pagewood	Maroubra	NSW	11		310.0	136.0
Marist Sisters College	Woolwich	NSW	11		586.0	231.0
Mary Help of Christians Primary School	Bayldon	NSW	11	253.0		
Mary Immaculate Parish Primary School	Quakers Hill	NSW	11	826.0		
Mary Immaculate Primary School	Bossley Park	NSW	11	637.0		
Mary Mackillop College	Wakeley	NSW	11		683.0	282.0
Mary Mackillop School	South Penrith	NSW	11	419.0		
Masada College High School	St Ives	NSW	3		249.0	136.6
Masada College, Lindfield	Lindfield	NSW	3	324.0		
Mater Dei Catholic School	Wagga Wagga	NSW	11	213.0		
Mater Dei College	Tuggerah	NSW	11		849.0	
Mater Dei School	Blakehurst	NSW	11	224.0		
Mater Dei Special School	Camden	NSW	8	15.0	70.0	
Mater Maria College	Warriewood	NSW	11		502.0	206.0
Matthew Hogan School	Canyonleigh	NSW	8		33.0	
Mcauley Catholic Central School	Tumut	NSW	11	234.0	138.0	

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Mcauley Primary School	Rose Bay	NSW	11	143.0		
Mccarthy Catholic Col- lege	Emu Plains	NSW	11		185.0	422.0
Mccarthy Catholic Senior High School	Tamworth	NSW	11			225.8
Medowie Christian School	Medowie	NSW	8	74.0		
Mercy College	Chatswood	NSW	11		293.0	143.0
Meriden School	Strathfield	NSW	2	328.0	307.0	203.0
Met School/Meadowbank Education Trust	Meadowbank	NSW	12		44.6	
Minimbah Primary School	East Armidale	NSW	12	58.0		
Mirriwinni Gardens Aboriginal Academy	Bellbrook	NSW	12	19.0	35.0	
Mlc School	Burwood	NSW	3	294.0	564.0	337.0
Monte Sant' Angelo Mercy College	North Sydney	NSW	6		698.0	339.0
Montessori Children's World	GyMEA	NSW	3	47.0		
Moree Christian Com- munity School	Moree	NSW	10	47.0	5.0	
Moriah College	Rose Bay	NSW	3	749.0	464.0	235.0
Mount Annan Christian College	Mount Annan	NSW	11	50.0	14.0	
Mount Carmel High School	Varroville	NSW	11		716.0	251.5
Mount Erin High School	Wagga Wagga	NSW	11		620.0	
Mount Sinai College	Maroubra	NSW	4	232.0		
Mount St Benedict Col- lege Ltd	Pennant Hills	NSW	10		539.0	242.0
Mount St Bernard's School	Pymble	NSW	11	257.0		
Mount St John Primary School	Dorrigo	NSW	11	59.0		
Mount St Joseph Mil- perra	Milperra	NSW	11		662.0	132.0
Mount St Patrick College	Murwillumbah	NSW	11		441.0	123.3
Mount St Patrick Primary School	Murwillumbah	NSW	11	275.0		
Mountain View Adventist College	Doonside	NSW	7	169.0	72.0	20.0
Mt Carmel Central School	Yass	NSW	11	232.0	73.0	
Mullumbimby Christian School	Mullumbimby	NSW	9	34.6		
Mullumbimby Seventh Day Adventist School	Mullumbimby	NSW	7	17.0		
Mumbulla School	Bega	NSW	10	109.6		
Murwillumbah Christian Community School	Via Murwil- lumbah	NSW	11	50.0	5.0	

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Nagle College	Blacktown South	NSW	11		468.0	173.9
Nambucca Valley Christian Community School	Nambucca Heads	NSW	9	104.0		
Namoi Valley Christian School	Wee Waa	NSW	3	26.0		
Narromine Seventh Day Adventist Primary School	Narromine	NSW	6	37.0		
Nazareth Senior College	Bankstown	NSW	11			170.0
Nepean District Christian School	Mulgoa	NSW	10	196.0	105.0	
New England Girls School	Armidale	NSW	3	48.0	182.0	126.2
Newcastle Grammar School	Newcastle	NSW	3	226.0	330.0	118.0
Newcastle School For Children With Autism	Shortland	NSW	8	20.0		
Newington College	Stanmore	NSW	1	538.0	703.0	383.0
Noor Al Houda Islamic College	Condell Park	NSW	9	360.0	189.0	29.0
North Coast Christian Community School	Mullumbimby	NSW	10	45.0		
Northern Beaches Christian School	Terrey Hills	NSW	10	199.0	174.0	42.0
Northholm Grammar School	Arcadia	NSW	3		320.0	112.0
Northside Montessori School	Turramurra	NSW	6	101.0		
Nowra Christian Community School	Nowra	NSW	10	211.0	154.0	
Nsw Matriculation College	Bondi Beach	NSW	UF		46.0	221.0
Oakhill College	Castle Hill	NSW	9		903.0	539.0
Obadiah Christian College	Johns River	NSW	8	7.0	16.0	
O'Connor Catholic High School	Armidale	NSW	11		291.0	95.0
Odyssey House	Eaglevale	NSW	12		80.0	
Orange Christian School	Orange	NSW	10	210.0	134.0	21.0
Orchard Hills Preparatory School	Orchard Hills	NSW	12	14.0		
Our Lady Help of Christians Infants School	Grafton	NSW	11	113.0		
Our Lady Help of Christians Primary School	Lismore South	NSW	11	224.2		
Our Lady Help of Christians Primary School	Rosemeadow	NSW	11	413.0		
Our Lady Help of Christians School	Epping	NSW	11	183.0		
Our Lady of Dolours Primary School	Chatswood	NSW	11	355.0		
Our Lady of Fatima School	Caringbah	NSW	11	558.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Our Lady of Fatima School	Kingsgrove	NSW	11	242.0		
Our Lady of Good Counsel Catholic School	Forestville	NSW	11	186.0		
Our Lady of Lebanon School	Harris Park	NSW	12	702.0	283.0	114.0
Our Lady of Lourdes Infants School	Lismore East	NSW	11	84.0		
Our Lady of Lourdes Primary School	Tarro	NSW	11	202.0		
Our Lady of Lourdes School	Baulkham Hills	NSW	11	261.0		
Our Lady of Lourdes School	Earlwood	NSW	11	268.0		
Our Lady of Lourdes School	Seven Hills	NSW	11	380.0		
Our Lady of Mercy College	Parramatta	NSW	9		644.0	263.2
Our Lady of Mercy College Burraneer	Cronulla	NSW	11		431.0	
Our Lady of Mount Carmel Primary School	Waterloo	NSW	11	183.0		
Our Lady of Mount Carmel School	Bonnyrigg	NSW	11	850.0		
Our Lady of Mount Carmel School	Wentworthville	NSW	11	389.0		
Our Lady of Perpetual Succour School	Pymble West	NSW	11	111.0		
Our Lady of the Annunciation School	Maroubra	NSW	11	144.0		
Our Lady of the Nativity School	Lawson	NSW	11	179.0		
Our Lady of the Rosary Catholic Primary School	Wyoming	NSW	11	411.0		
Our Lady of the Rosary College	Tamworth	NSW	11		552.0	
Our Lady of the Rosary Primary School	Fairfield	NSW	11	577.0		
Our Lady of the Rosary Primary School	Kellyville	NSW	11	468.0		
Our Lady of the Rosary School	Kensington	NSW	11	312.0		
Our Lady of the Rosary School	St Marys	NSW	11	591.0		
Our Lady of the Rosary School	The Entrance	NSW	11	403.0		
Our Lady of the Rosary School	Waitara	NSW	11	392.0		
Our Lady of the Sacred Heart Regional College	Kensington	NSW	11		463.0	202.0
Our Lady of the Sacred Heart School	Randwick	NSW	11	420.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Our Lady of the Way Primary School	Emu Plains	NSW	11	362.0		
Our Lady of Victories Primary School	Shortland	NSW	11	115.0		
Our Lady Queen of Peace School	Gladesville	NSW	11	182.0		
Our Lady Queen of Peace School	Greystanes	NSW	11	804.0		
Our Lady Star of the Sea School	Miranda	NSW	11	394.0		
Oxford Falls Grammar School	Oxford Falls	NSW	6	407.0	46.0	
Oxley College	Burradoo	NSW	3		324.0	131.0
Pacific Hills Christian School	Dural	NSW	7	510.0	363.0	131.9
Parramatta Marist High School	Westmead	NSW	11		708.0	312.0
Patrician Brothers College	Fairfield	NSW	11	346.0	754.0	302.0
Patrician Brothers' College (Blacktown)	Blacktown	NSW	11		770.0	261.0
Penrith Anglican College	Orchard Hills	NSW	10	211.0	102.0	
Penrith Christian Community School	Orchard Hills	NSW	9	212.0	183.0	34.0
Pera Bore Christian Community School	Bourke	NSW	6	30.0	21.0	
Pittwater House Girls' College	Collaroy Beach	NSW	2	116.0	116.0	73.0
Pittwater House Grammar School	Collaroy	NSW	1	155.0	161.0	134.0
Plc Armidale	Armidale	NSW	6	106.0	137.0	61.0
Port Macquarie Seventh Day Adventist School	Port Macquarie	NSW	7	64.8		
Presbyterian Ladies College	Croydon	NSW	2	407.0	471.0	249.0
Prouille School	Wahroonga	NSW	11	381.0		
Pymble Ladies' College	Pymble	NSW	2	773.0	889.0	481.0
Queenwood School For Girls Ltd	Mosman	NSW	3	309.0	318.0	168.0
Quibla College	Leumeah	NSW	8	64.0		
Quirindi Special School	Quirindi	NSW	8	2.0	0.2	
Rainbow Ridge School Ltd	Martin Rd, Larnook	NSW	12	24.0		
Ravenswood School For Girls	Gordon	NSW	1	266.0	506.0	260.0
Red Bend Catholic College	Forbes	NSW	10		504.0	233.0
Redeemer Baptist School	North Parramatta	NSW	10	296.0	132.0	51.2
Redfield College	Dural	NSW	6	154.2	118.0	59.0
Regina Coeli School	Beverly Hills	NSW	11	389.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Richard Johnson Angli- can School	Oakhurst	NSW	10	101.0		
Rissalah College	Lakemba	NSW	11	131.0		
Rosebank College	Five Dock	NSW	11		363.0	243.0
Roseville College	Roseville	NSW	3	195.0	407.0	181.0
Ryde Christian Commu- nity School	Ryde	NSW	9	144.0		
Sacred Heart Catholic School	Mona Vale	NSW	11	324.0		
Sacred Heart College	Broken Hill	NSW	11	195.0	95.0	
Sacred Heart Infants School	Orange	NSW	11	218.0		
Sacred Heart Primar	Mosman	NSW	11	355.0		
Sacred Heart Primary School	Coolah	NSW	11	65.0		
Sacred Heart Primary School	Koorinal	NSW	11	381.0		
Sacred Heart Primary School	Mt Druitt South	NSW	11	389.0		
Sacred Heart School	Boggabri	NSW	11	39.0		
Sacred Heart School	Cabramatta	NSW	11	534.0		
Sacred Heart School	Cootamundra	NSW	11	165.0	108.0	
Sacred Heart School	Taralga	NSW	11	30.0		
Sacred Heart School	Tocumwal	NSW	11	60.0		
Sacred Heart School	Villawood	NSW	11	127.0		
Sacred Heart School	Westmead	NSW	11	199.0		
Saints Peter And Paul Primary School	Goulburn	NSW	11	305.0		
San Clemente High School	Mayfield	NSW	11		516.0	
Santa Sabina College	Strathfield	NSW	7	494.0	665.0	325.8
Sceggs Darlinghurst	Darlinghurst	NSW	1	224.0	381.0	223.0
Scone Grammar School	Scone	NSW	8	167.0	124.0	45.0
Shearwater The Mullim- bimby Steiner School	Mullumbimby	NSW	8	199.0	77.0	
Sherwood Cliffs School	Glenreagh	NSW	UF	7.0		
Sherwood Hills Christian School	Bradbury	NSW	4	46.0	35.0	6.0
Shoalhaven Anglican School	Milton	NSW	9	225.0	157.0	
Shore - Sydney Church of England Grammar School	North Sydney	NSW	1	181.0	754.0	369.0
Singleton Christian Community School	Singleton	NSW	10	54.0		
Snowy Mountains Chris- tian School	Cooma	NSW	10	45.8	8.0	
Snowy Mountains Grammar School	Jindabyne	NSW	7	13.0	73.0	39.0
South East Sydney School For Children With Autism	Peakhurst	NSW	8	41.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
South Granville Christian Community School	Sth Granville	NSW	10	112.0		
Southern Highlands Christian School	Bowral	NSW	9	183.4	96.3	
Southside Montessori School	Riverwood	NSW	5	81.0		
St Agatha's Primary School	Pennant Hills	NSW	11	556.0		
St Agnes' Primary School	Port Macquarie	NSW	11	413.0		
St Agnes' School	Matraville	NSW	11	193.0		
St Aidan's Primary School	Maroubra	NSW	11	197.0		
St Aidan's Primary School	Rooty Hill	NSW	11	410.0		
St Aloysius' College	Milsons Point	NSW	6	325.0	527.0	261.0
St Aloysius' Primary School	Cronulla	NSW	11	217.0		
St Ambrose' Primary School	Concord West	NSW	11	310.0		
St Andrew's Cathedral School	Sydney	NSW	1	132.0	416.0	225.0
St Andrew's Christian Community School	Grafton	NSW	11	72.0	32.0	
St Andrew's College	Marayong	NSW	11		726.0	460.0
St Andrew's Primary School	Marayong	NSW	11	829.0		
St Andrew's School	Malabar	NSW	11	264.0		
St Anne's Primary School	Bondi Beach	NSW	11	123.0		
St Anne's Primary School	North Albury	NSW	11	297.0		
St Anne's School	Strathfield South	NSW	11	180.0		
St Anne's School	Temora	NSW	11	169.0	98.0	
St Anthony's Primary School	Kingscliff	NSW	11	181.0		
St Anthony's School	Clovelly	NSW	11	135.0		
St Anthony's School	Girraween	NSW	11	391.0		
St Anthony's School	Marsfield	NSW	11	215.0		
St Anthony's School	Picton	NSW	11	384.0		
St Augustine's College	Brookvale	NSW	9	114.0	342.0	141.0
St Augustine's Primary School	Coffs Harbour	NSW	11	616.0		
St Augustine's School	Narromine	NSW	11	129.0		
St Bede's School	Braidwood	NSW	11	67.0		
St Benedict's Primary School	Edgeworth	NSW	11	160.0		
St Bernadette's Primary School	Castle Hill	NSW	11	619.0		
St Bernadette's School	Dundas Valley	NSW	11	168.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Bernadette's School	Lalor Park	NSW	11	387.0		
St Bernard's Primary School	Batehaven	NSW	11	490.0		
St Bernard's Primary School	Berowra Heights	NSW	11	172.0		
St Bernard's School	Botany	NSW	11	141.0		
St Bernard's School	Coonamble	NSW	11	162.0		
St Brendan's Catholic Primary School	Lake Munmorah	NSW	11	289.0		
St Brendan's Primary School	Ganmain	NSW	11	47.0		
St Brendan's School	Annandale	NSW	11	75.0		
St Brendan's School	Bankstown	NSW	11	397.0		
St Brigid's Primary School	Branxton	NSW	11	103.0		
St Brigid's Primary School	Coogee	NSW	11	111.0		
St Brigid's Primary School	Kyogle	NSW	11	199.0		
St Brigid's Primary School	Marrickville	NSW	11	439.0		
St Brigid's Primary School	Raymond Terrace	NSW	11	411.0		
St Brigid's School	Gwynneville	NSW	11	199.0		
St Canice's School	Katoomba	NSW	11	183.0		
St Carthage's Primary School	Lismore	NSW	11	633.0		
St Catherine Laboure School	GyMEA	NSW	11	427.0		
St Catherine of Siena Primary School	Prestons	NSW	11	56.0		
St Catherine's College	Singleton	NSW	11		284.0	96.2
St Catherine's School	Waverley	NSW	3	365.0	339.0	185.0
St Cecilia's School	Balgowlah	NSW	11	156.0		
St Cecilia's School	Wyong	NSW	11	351.0		
St Charbel's College	Punchbowl	NSW	12	491.0	265.0	116.0
St Charles' Primary School	Ryde	NSW	11	417.0		
St Charles' School	Waverley	NSW	11	270.0		
St Christopher's School	Panania	NSW	11	423.0		
St Clare's College	Waverley	NSW	9		336.0	149.0
St Clare's High School	Taree	NSW	11		518.0	180.0
St Clares Primary School	Narellan Vale	NSW	11	370.0		
St Columban's Primary School	Mayfield	NSW	11	199.0		
St Columba's High School	Springwood	NSW	11		726.0	280.0
St Columba's Primary School	Adamstown	NSW	11	149.0		
St Columba's School	Berrigan	NSW	11	50.0		
St Columba's School	Leichhardt North	NSW	11	144.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Columba's School	Yeoval	NSW	11	38.0		
St Columbkille's School	Corrimal	NSW	11	401.0		
St Declan's School	Penshurst	NSW	11	419.0		
St Dominic Savio School	Rockdale	NSW	10	26.0		
St Dominic's Centre For Hearing Impaired Chil- dren	Mayfield	NSW	8	13.0	15.0	
St Dominic's College Obley Education Centre	St Marys	NSW	11		826.0	120.0
St Dominic's School	Homebush West	NSW	11	105.0		
St Edmund's School For Blind & Visually Im- paired Students	Wahroonga	NSW	8		41.0	
St Edward's Christian Brothers College	East Gosford	NSW	10		722.0	175.0
St Edward's Primary School	Tamworth	NSW	11	512.0		
St Edward's School	Canowindra	NSW	11	97.0		
St Euphemia College	Bankstown	NSW	8	455.0	215.0	76.0
St Felix Primary School	Bankstown	NSW	11	431.0		
St Fiacre's School	Leichhardt	NSW	11	126.0		
St Finbarr's Primary School	Byron Bay	NSW	11	236.6		
St Finbar's School	Glenbrook	NSW	11	347.0		
St Finbar's School	Sans Souci	NSW	11	214.0		
St Francis De Sales Re- gional College	Leeton	NSW	11		517.0	128.0
St Francis De Sales School	Woolooware	NSW	11	167.0		
St Francis of Assisi Pri- mary School	Glendenning	NSW	11	422.0		
St Francis' of Assisi Regional Primary School	Paddington	NSW	11	82.0		
St Francis of Assisi School	Warrawong	NSW	11	205.0		
St Francis Xavier Pri- mary School	Ballina	NSW	11	414.0		
St Francis Xavier Pri- mary School	Lake Cargelligo	NSW	11	81.0		
St Francis Xavier Pri- mary School	Woolgoolga	NSW	11	230.0		
St Francis Xavier's Col- lege	Hamilton	NSW	11			1028.6
St Francis Xaviers Infants School	Singleton	NSW	11	175.4		
St Francis Xavier's Pri- mary School	Belmont	NSW	11	221.0		
St Francis Xavier's Pri- mary School	Singleton	NSW	11	231.0		
St Francis Xavier's Pri- mary School	Urana	NSW	11	17.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Francis Xavier's School	Arncliffe	NSW	11	163.0		
St Francis Xavier's School	Ashbury	NSW	11	309.0		
St Francis Xavier's School	Lurnea	NSW	11	464.0		
St Francis Xavier's School	Narrabri	NSW	11	276.0		
St Francis Xavier's School	Wentworth	NSW	11	62.0		
St Francis Xavier's School	Wollongong	NSW	11	249.2		
St Gabriel's School	Bexley	NSW	11	201.0		
St Gabriel's School For Hearing Impaired Children	Castle Hill	NSW	8	31.0	3.7	
St George Christian School	Sans Souci	NSW	9	301.0	196.0	63.0
St Gerard Majella School	Carlingford	NSW	11	331.0		
St Gertrude's Primary School	Smithfield	NSW	11	680.0		
St Gregory's Armenian School	Rouse Hill	NSW	8	192.0	76.0	
St Gregory's College	Campbelltown	NSW	10		730.0	295.8
St Gregory's Primary School	Queanbeyan	NSW	11	664.0		
St Ignatius' College	Lane Cove	NSW	3	86.0	789.0	430.0
St Ignatius' School	Bourke	NSW	11	184.0		
St James Primary School	Banora Point	NSW	11	282.0		
St James Primary School	Kotara South	NSW	11	187.0		
St James Primary School	Muswellbrook	NSW	11	321.0		
St James Primary School	Yamba	NSW	11	137.6		
St James' Primary School	Forest Lodge	NSW	11	114.0		
St Jerome's School	Punchbowl	NSW	11	606.0		
St Joachim's School	Lidcombe	NSW	11	385.0		
St Joan of Arc School	Haberfield	NSW	11	345.0		
St John Bosco College	Engadine	NSW	11		489.0	116.0
St John Bosco Primary School	Engadine	NSW	11	819.0		
St John Fisher Primary School	Tumbi Umbi	NSW	11	281.0		
St John of God - Kendall Grange Limited	Kendall Grange Via Morisset	NSW	8	29.0		
St John the Baptist Primary School	Harbord	NSW	11	171.0		
St John the Baptist Primary School	Maitland	NSW	11	210.0		
St John the Baptist School	Woy Woy South	NSW	11	467.0		
St John the Evangelist High School	Nowra	NSW	11		520.0	182.3

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St John the Evangelist Primary	Campbelltown	NSW	11	568.0		
St John Vianney Primary School	Doonside	NSW	11	385.0		
St John Vianney Primary School	Morisset	NSW	11	122.0		
St John Vianney's School	Fairy Meadow	NSW	11	335.0		
St John Vianney's School	Greenacre	NSW	11	404.0		
St John's College	East Dubbo	NSW	11		583.0	167.1
St John's College Woodlawn	Lismore	NSW	10		356.0	113.0
St John's Lutheran Primary School	Gilgandra	NSW	10	37.0		
St John's Lutheran School	Jindera	NSW	10	193.0		
St John's Primary School	Auburn	NSW	11	364.0		
St John's Primary School	Dapto	NSW	11	453.0		
St John's Primary School	Dubbo	NSW	11	393.0		
St John's Primary School	Lambton	NSW	11	200.0		
St John's Primary School	Mullumbimby	NSW	11	184.0		
St John's Primary School	Riverstone	NSW	11	259.0		
St John's School	Baradine	NSW	11	25.0		
St John's School	Cobar	NSW	11	218.0		
St John's School	Narraweena	NSW	11	224.0		
St John's School	Trangie	NSW	11	72.0		
St Joseph the Worker School	Auburn	NSW	11	195.0		
St Joseph's Catholic College (Gosford East)	Gosford East	NSW	11		643.0	63.0
St Joseph's Catholic High School	Albion Park	NSW	11		700.0	251.6
St Joseph's Catholic School	Eugowra	NSW	11	26.0		
St Joseph's Central School	Blayney	NSW	11	183.0	49.0	
St Joseph's Central School	Oberon	NSW	11	165.0	80.0	
St Joseph's College	Banora Point	NSW	11		442.0	130.6
St Joseph's College	Hunters Hill	NSW	6		509.0	403.0
St Joseph's High School	Aberdeen	NSW	11		460.0	125.0
St Joseph's Primary School	Alstonville	NSW	11	256.0		
St Joseph's Primary School	Belmore	NSW	11	367.0		
St Joseph's Primary School	Bulahdelah	NSW	11	51.0		
St Joseph's Primary School	Charlestown	NSW	11	347.0		
St Joseph's Primary School	Como	NSW	11	408.0		
St Joseph's Primary School	Coraki	NSW	11	57.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Joseph's Primary School	Culcairn	NSW	11	46.0		
St Joseph's Primary School	Denman	NSW	11	91.0		
St Joseph's Primary School	Dungog	NSW	11	78.0		
St Joseph's Primary School	East Maitland	NSW	11	253.0		
St Joseph's Primary School	Enfield	NSW	11	400.0		
St Joseph's Primary School	Finley	NSW	11	131.0		
St Joseph's Primary School	Gloucester	NSW	11	90.0		
St Joseph's Primary School	Goulburn North	NSW	11	198.0		
St Joseph's Primary School	Junee	NSW	11	115.0		
St Joseph's Primary School	Kempsey West	NSW	11	501.0		
St Joseph's Primary School	Kilaben Bay Toronto	NSW	11	364.0		
St Joseph's Primary School	Laurieton	NSW	11	207.0		
St Joseph's Primary School	Leeton	NSW	11	450.0		
St Joseph's Primary School	Lockhart	NSW	11	67.0		
St Joseph's Primary School	Maclean	NSW	11	159.0		
St Joseph's Primary School	Merewether	NSW	11	217.0		
St Joseph's Primary School	Merriwa	NSW	11	58.0		
St Joseph's Primary School	Moorebank	NSW	11	436.0		
St Joseph's Primary School	Murwillumbah South	NSW	11	192.0		
St Joseph's Primary School	Narrabeen	NSW	11	140.0		
St Joseph's Primary School	Oatley	NSW	11	172.0		
St Joseph's Primary School	Orange	NSW	11	367.0		
St Joseph's Primary School	Port Macquarie	NSW	11	414.0		
St Joseph's Primary School	Riverwood	NSW	11	432.0		
St Joseph's Primary School	South Grafton	NSW	11	259.0		
St Joseph's Primary School	Taree	NSW	11	420.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Joseph's Primary School	Tweed Heads	NSW	11	271.0		
St Joseph's Primary School	Wagga Wagga	NSW	11	154.0		
St Joseph's Primary School	Wauchope	NSW	11	210.0		
St Joseph's Primary School	Wingham	NSW	11	117.0		
St Joseph's Primary School	Woodburn	NSW	11	136.0		
St Joseph's Primary School (Schofields)	Schofields	NSW	11	275.0		
St Joseph's Regional High School	Port Macquarie	NSW	11		508.0	373.7
St Josephs School	Cambewarra	NSW	1	21.0		
St Joseph's School	Adelong	NSW	11	29.0		
St Joseph's School	Balranald	NSW	11	70.0		
St Joseph's School	Barham	NSW	11	63.0		
St Joseph's School	Barraba	NSW	11	57.0		
St Joseph's School	Bombala	NSW	11	60.0		
St Joseph's School	Boorowa	NSW	11	94.0		
St Joseph's School	Bulli	NSW	11	184.0		
St Joseph's School	Condobolin	NSW	11	112.0		
St Joseph's School	Eden	NSW	11	135.0		
St Joseph's School	Gilgandra	NSW	11	218.0		
St Joseph's School	Glen Innes	NSW	11	144.0	62.0	
St Joseph's School	Grenfell	NSW	11	54.0		
St Joseph's School	Hillston	NSW	11	81.0		
St Joseph's School	Jerilderie	NSW	11	55.0		
St Joseph's School	Kingswood	NSW	11	493.0		
St Joseph's School	Manildra	NSW	11	34.0		
St Joseph's School	Molong	NSW	11	92.0		
St Joseph's School	Mungindi	NSW	11	64.0		
St Joseph's School	Narrandera	NSW	11	236.0		
St Joseph's School	Nyngan	NSW	11	110.0		
St Joseph's School	Peakhill	NSW	11	41.0		
St Joseph's School	Portland	NSW	11	73.0		
St Joseph's School	Quirindi	NSW	11	97.0		
St Joseph's School	Rockdale	NSW	11	261.0		
St Joseph's School	Tamworth West	NSW	11	49.0		
St Joseph's School	Tenterfield	NSW	11	108.0		
St Joseph's School	Uralla	NSW	11	112.0		
St Joseph's School	Walgett	NSW	11	199.9		
St Joseph's School	Warialda	NSW	11	47.0		
St Joseph's School	Wee Waa	NSW	11	146.0		
St Joseph's School	Werris Creek	NSW	11	25.0		
St Kevin's Primary School	Cardiff	NSW	11	148.0		
St Kevin's Primary School	Dee Why	NSW	11	130.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Kevin's School	Eastwood	NSW	11	402.0		
St Kieran's School	Manly Vale	NSW	11	359.0		
St Laurence's Infants School	Dubbo South	NSW	11	161.0		
St Laurence's School	Forbes	NSW	11	330.0		
St Lawrence's Central School	Coonabarabran	NSW	11	121.0	68.0	
St Leo's College	Wahroonga	NSW	11		623.0	343.0
St Lucy's School Limited	Wahroonga	NSW	8	41.0	7.4	
St Luke's Grammar School	Dee Why	NSW	3	287.0	241.0	96.0
St Luke's School	Revesby	NSW	11	586.0		
St Madeleine's Primary School	Kenthurst	NSW	11	443.0		
St Margaret Mary's School	Merrylands	NSW	11	582.0		
St Margaret Mary's School	Randwick	NSW	11	167.0		
St Mark's Coptic Ortho- dox College	Wattle Grove	NSW	10	236.0	102.0	
St Mark's Primary School	Drummoyne	NSW	11	218.0		
St Maroun's School	Dulwich Hill	NSW	11	479.0	75.0	
St Martha's School	Strathfield	NSW	11	247.0		
St Martin De Porres School	Davidson	NSW	11	155.0		
St Mary - St Joseph Pri- mary School	Maroubra	NSW	11	280.0		
St Mary And St Mine Coptic Orthodox College	Bexley	NSW	11	81.0		
St Mary of the Angels School	Guyra	NSW	11	76.0		
St Mary's Cathedral College	Sydney	NSW	11	20.0	450.0	245.0
St Mary's Catholic Pri- mary School	Eaglevale	NSW	11	417.0		
St Mary's Catholic Sec- ondary School	Young	NSW	11		193.0	
St Mary's Central School	Wellington	NSW	11	228.0	97.0	
St Mary's College	Gunnedah	NSW	11		310.0	73.0
St Mary's High School	Casino	NSW	11		360.0	113.0
St Mary's High School	Gateshead	NSW	11		702.0	
St Mary's Infants School	Greta	NSW	11	98.0		
St Mary's Infants School	Tenambit	NSW	11	83.0		
St Mary's Preparatory School	North Sydney	NSW	11	203.0		
St Mary's Primary School	Armidale	NSW	11	298.2		
St Mary's Primary School	Bellingen	NSW	11	132.0		
St Mary's Primary School	Bowraville	NSW	11	59.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Mary's Primary School	Casino	NSW	11	429.0		
St Mary's Primary School	Concord	NSW	11	462.0		
St Mary's Primary School	Corowa	NSW	11	190.0		
St Mary's Primary School	Dubbo North	NSW	11	169.0		
St Mary's Primary School	Georges Hall	NSW	11	232.0		
St Mary's Primary School	Grafton	NSW	11	160.0		
St Mary's Primary School	Noraville	NSW	11	414.0		
St Mary's Primary School	Orange East	NSW	11	272.0		
St Mary's Primary School	Scone	NSW	11	241.0		
St Mary's Primary School	Warners Bay	NSW	11	346.0		
St Mary's Primary School	Young	NSW	11	270.0		
St Mary's School	Batlow	NSW	11	41.0		
St Mary's School	Bingara	NSW	11	19.0		
St Mary's School	Crookwell	NSW	11	164.0		
St Mary's School	Erskineville	NSW	11	168.0		
St Mary's School	Hay	NSW	11	136.0		
St Mary's School	Manly	NSW	11	128.0		
St Mary's School	Moruya	NSW	11	204.0		
St Mary's School	Oxley Vale	NSW	11	41.0		
St Mary's School	Rydalmere	NSW	11	305.0		
St Mary's School	Warren	NSW	11	134.0		
St Mary's School	Yoogali	NSW	11	133.0		
St Mary's Star of the Sea College	Wollongong	NSW	11		756.0	311.0
St Mary's Star of the Sea Primary School	Hurstville	NSW	11	415.0		
St Mary's Star of the Sea School	Milton	NSW	11	166.0		
St Mary's War Memorial School	West Wyalong	NSW	11	146.0	58.0	
St Matthew's Central School	Mudgee	NSW	11	322.0	136.0	
St Matthew's School	Windsor	NSW	11	359.0		
St Mel's Primary School	Campsie	NSW	11	458.0		
St Michael's Infants School	Casino South	NSW	11	74.0		
St Michael's Primary School	Nelson Bay	NSW	11	322.0		
St Michael's Regional High School	Wagga Wagga	NSW	11		477.0	

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Michael's School	Baulkham Hills	NSW	11	863.0		
St Michael's School	Belfield	NSW	11	200.0		
St Michael's School	Blacktown South	NSW	11	631.0		
St Michael's School	Coolamon	NSW	11	60.0		
St Michael's School	Daceyville	NSW	11	166.0		
St Michael's School	Deniliquin	NSW	11	193.0		
St Michael's School	Dunedoo	NSW	11	72.0		
St Michael's School	Lane Cove	NSW	11	457.0		
St Michael's School	Manilla	NSW	11	72.0		
St Michael's School	Meadowbank	NSW	11	267.0		
St Michael's School	Mittagong	NSW	11	211.0		
St Michael's School	Nowra	NSW	11	634.0		
St Michael's School	Stanmore	NSW	11	167.0		
St Michael's School	Thirroul	NSW	11	195.0		
St Monica's School	North Par- ramatta	NSW	11	141.0		
St Monica's School	Richmond	NSW	11	401.0		
St Nicholas of Myra School	Penrith	NSW	11	201.0		
St Nicholas' School	Tamworth	NSW	11	330.0		
St Oliver's Primary School	Harris Park	NSW	11	178.0		
St Patrick's College	Campbelltown	NSW	11		678.0	245.4
St Patrick's College	Goulburn	NSW	10		277.0	127.0
St Patrick's College	Strathfield	NSW	8	358.0	695.0	314.0
St Patrick's College	Sutherland	NSW	11		697.0	332.5
St Patrick's Marist Col- lege	Dundas	NSW	11		653.0	256.0
St Patrick's Parish School	Albury	NSW	11	534.0		
St Patrick's Primary School	Asquith	NSW	11	369.0		
St Patrick's Primary School	Bega	NSW	11	238.0		
St Patrick's Primary School	Blacktown	NSW	11	374.0		
St Patrick's Primary School	Cessnock West	NSW	11	352.0		
St Patrick's Primary School	Gosford East	NSW	11	428.0		
St Patrick's Primary School	Guildford	NSW	11	568.0		
St Patrick's Primary School	Holbrook	NSW	11	80.0		
St Patrick's Primary School	Kogarah	NSW	11	273.0		
St Patrick's Primary School	Lochinvar	NSW	11	210.0		
St Patrick's Primary School	Macksville	NSW	11	191.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Patrick's Primary School	Parramatta	NSW	11	436.0		
St Patrick's Primary School	Summer Hill	NSW	11	188.0		
St Patrick's Primary School	Sutherland	NSW	11	389.0		
St Patrick's Primary School	Swansea	NSW	11	130.0		
St Patrick's Primary School	Wallsend	NSW	11	267.0		
St Patrick's School	Bondi	NSW	11	128.0		
St Patrick's School	Brewarrina	NSW	11	96.0		
St Patrick's School	Cooma North	NSW	11	321.0	173.0	
St Patrick's School	Griffith	NSW	11	616.0		
St Patrick's School	Gundagai	NSW	11	130.0		
St Patrick's School	Lithgow	NSW	11	384.0		
St Patrick's School	Port Kembla	NSW	11	182.0		
St Patrick's School	Trundle	NSW	11	61.0		
St Patrick's School	Walcha	NSW	11	55.0		
St Paul of the Cross School	Dulwich Hill	NSW	11	308.0		
St Paul the Apostle School	Winston Hills	NSW	11	421.0		
St Paul's Catholic College	Greystanes	NSW	11		326.0	153.0
St Paul's Choir School Limited	Georges Hall	NSW	3	242.0		
St Paul's College	Manly	NSW	11		216.0	86.5
St Paul's College	Walla Walla	NSW	6		153.0	60.0
St Paul's College	West Kempsey	NSW	11		315.0	97.0
St Paul's Grammar School Penrith	Cranebrook	NSW	6	451.0	548.0	240.0
St Paul's High School	Booragul	NSW	11		577.0	
St Paul's High School	Port Macquarie	NSW	11		538.0	
St Paul's International College	Moss Vale	NSW	8		59.0	72.0
St Paul's Lutheran Primary School	Henty	NSW	10	45.0		
St Paul's Primary School	Gateshead	NSW	11	210.0		
St Paul's Primary School	Rutherford	NSW	11	225.0		
St Paul's School	Albion Park	NSW	11	395.0		
St Paul's School	Camden	NSW	11	624.0		
St Paul's School	Moss Vale	NSW	11	181.0		
St Peter Chanel Primary School	Regents Park	NSW	11	358.0		
St Peter's Anglican Primary School	Campbelltown	NSW	7	427.0		
St Peter's Primary School	Coleambally	NSW	11	86.0		
St Peter's Primary School	Port Macquarie	NSW	11	327.0		
St Peter's Primary School	Stockton	NSW	11	131.0		
St Philip Neri School	Northbridge	NSW	11	194.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Philip's Christian College	Salamander Bay	NSW	9	224.0	76.0	
St Philip's Christian College	Waratah	NSW	8	251.0	328.0	114.4
St Philomena's School	Bathurst	NSW	11	157.0		
St Philomena's School (Moree)	Moree	NSW	11	374.0	46.0	
St Pius School	Enmore	NSW	11	150.0		
St Pius X College	Chatswood	NSW	9	218.0	599.0	226.0
St Pius X High School	Adamstown	NSW	11		901.0	
St Pius X Primary School	Dubbo West	NSW	11	160.0		
St Pius X Primary School	Windale	NSW	11	59.0		
St Pius X School	Unanderra	NSW	11	408.0		
St Raphael's Central School	Cowra	NSW	11	209.0	132.0	
St Raphael's Primary School	South Hurstville	NSW	11	215.0		
St Rose School	Collaroy Plateau	NSW	11	205.0		
St Scholastica's College	Glebe	NSW	11		448.0	252.0
St Spyridon College	Maroubra	NSW	9	370.0	217.0	105.0
St Stanislaus College	Bathurst	NSW	9		479.0	147.0
St Therese Primary School	Padstow Heights	NSW	11	216.0		
St Therese' Primary School	Eastwood	NSW	11	193.0		
St Therese School	Sadleir	NSW	11	394.0		
St Therese' School	Lakemba	NSW	11	357.0		
St Therese's Community School	Wilcannia	NSW	11	47.0		
St Therese's Primary School	New Lambton	NSW	11	382.0		
St Therese's Primary School	Yenda	NSW	11	45.0		
St Therese's School	Mascot	NSW	11	543.0		
St Therese's School	Wollongong West	NSW	11	408.0		
St Thomas Aquinas School	Springwood	NSW	11	590.0		
St Thomas Aquinas School	Tarcutta	NSW	11	19.0		
St Thomas Aquinas' School	Bowral	NSW	11	405.0		
St Thomas Becket Primary School	Lewisham	NSW	11	86.0		
St Thomas More School	Campbelltown	NSW	11	418.0		
St Thomas More's School	Brighton-Le-Sands	NSW	11	187.0		
St Thomas' School	Willoughby	NSW	11	156.0		
St Ursula's College	Kingsgrove	NSW	11		603.0	304.0
St Vincent's College	Potts Point	NSW	7		373.0	208.0
St Vincent's Infants School	East Maitland	NSW	11	92.0		

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
St Vincent's School	Ashfield	NSW	11	393.0		
St Xavier's School	Gunnedah	NSW	11	370.0		
Star of the Sea School	Terrigal	NSW	11	267.0		
Stella Maris College	Manly	NSW	10		475.2	186.8
Stella Maris School	Shellharbour	NSW	11	434.0		
Sts Peter And Paul Pri- mary School	Kiama	NSW	11	386.0		
Sule College	Shellharbour	NSW	12	397.0	167.0	
Summerland Christian School	Goonellabah	NSW	10	194.0	91.0	
Sutherland Shire Chris- tian School	Barden Ridge	NSW	10	425.0	245.0	75.6
Sydney Adventist Col- lege	Strathfield	NSW	7		270.0	115.0
Sydney Church of Eng- land Co-Educational Grammar School - Redlands	Cremorne	NSW	1	634.0	620.0	401.0
Sydney Grammar Edge- cliff Preparatory School	Paddington	NSW	1	294.0		
Sydney Grammar School	Sydney	NSW	1		724.0	365.0
Sydney Grammar School St Ives Preparatory	St Ives	NSW	1	419.0		
Sydney Japanese School	Terrey Hills	NSW	2	316.0	48.0	
Sylvanvale School	Kirrawee	NSW	8	20.0	20.4	
Tallowood School	Bowraville	NSW	7	26.2		
Tambelin Independent School	Goulburn	NSW	8	11.6		
Tangara School For Girls	Wahroonga	NSW	4	331.0	118.0	58.0
Tara Anglican School For Girls	North Par- ramatta	NSW	3	239.0	396.0	197.0
Taree Christian Commu- nity School	Taree	NSW	10	162.0	135.0	38.0
Terra Sancta College	Schofields	NSW	11		674.0	253.0
Terrigal School For Autistic Children	Terrigal	NSW	8	22.0	2.0	
The Alice Betteridge School	North Rocks	NSW	8	45.0	38.0	
The Armidale School	Armidale	NSW	2	119.0	223.0	128.0
The Armidale Waldorf School	Armidale	NSW	6	72.0	7.0	
The Assumption School	Bathurst West	NSW	11	380.0		
The Athena School	Balmain	NSW	3	55.0		
The Cathedral School	Grafton	NSW	10	99.0	21.0	
The Children's Garden	Randwick	NSW	10	64.8		
The Emanuel School	Randwick	NSW	2	267.0	246.0	92.0
The French School of Sydney	Maroubra	NSW	1	213.0	58.0	11.0
The Hills Grammar School	Kenthurst	NSW	3	358.0	380.0	166.0
The Illawarra Grammar School	Wollongong West	NSW	3	261.0	366.0	137.0

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
The International Gram- mar School	Ultimo	NSW	1	458.0	161.0	79.0
The King's School	North Par- ramatta	NSW	1	235.0	572.0	283.0
The Learning Centre	Doonside	NSW	8		7.7	
The Mcdonald College	Norht Strath- field	NSW	5	58.0	182.0	88.0
The Michael School	Leichhardt	NSW	9	19.0		
The Newcastle Rudolph Steiner School	Glendale	NSW	8	128.0	57.0	
The Riverina Anglican College	Wagga Wagga	NSW	10		27.0	
The Sai School of NSW	Murwillumbah	NSW	11	15.0		
The Scots College	Bellevue Hill	NSW	1	379.0	546.0	351.0
The Scots School	Albury	NSW	3	204.0	321.0	182.0
The Scots School	Bathurst	NSW	2	51.0	126.0	95.0
The Southern Cross Baptist Church Christian School	Engadine	NSW	10	7.0	12.0	2.0
The William Branwhite Clarke College	Kellyville	NSW	10		598.0	240.0
Thomas More Christian Montessori School	Bega	NSW	9	10.6		
Thomas Pattison School	North Rocks	NSW	8	33.0	10.0	
Toongabbie Baptist Christian Community School	Toongabbie	NSW	9	344.0	212.0	52.0
Toronto Seventh Day Adventist Primary School	Toronto	NSW	7	33.6		
Trinity Catholic College	Lismore	NSW	11		1040.0	410.7
Trinity Catholic College	Regents Park	NSW	11		992.0	397.0
Trinity Catholic Primary School	Erskine Park	NSW	11	429.0		
Trinity Grammar School	Summer Hill	NSW	1	549.0	777.0	377.2
Trinity School	Murrumburrah	NSW	11	91.0		
Trinity Senior High School	Wagga Wagga	NSW	10			397.0
Tudor House	Moss Vale	NSW	1	152.0		
Tunable Falls Commu- nity Primary School	Via Nimbin	NSW	10	28.0		
Tweed Valley College	Murwillumbah	NSW	7	82.0	82.0	36.0
Tyndale Christian School	Western High- way, Prospect	NSW	10	491.0	322.0	115.0
Vern-Barnett School For Autistic Children	Forestville	NSW	8	48.0	8.0	
Villa Maria Primary School	Hunters Hill	NSW	11	288.2		
Vistara Primary School	Richmond Hill	NSW	8	43.8		
Wagga Wagga Adventist Primary School	Wagga Wagga	NSW	6	15.0		
Wagga Wagga Christian College	Wagga Wagga	NSW	8	81.0	229.0	49.0

SCHOOL NAME	LOCATION	STATE	ERI CATE- GORY	PRIMARY FTE	JUNIOR SECONDAR Y FTE	SENIOR SECONDARY FTE
Wahroonga Preparatory School	Wahroonga	NSW	4	75.0		
Wahroonga Seventh Day Adventist School	Wahroonga	NSW	7	168.0		
Warrah Village Rudolf Steiner School For Curative Education	Dural	NSW	8	3.0	12.0	
Waverley College	Waverley	NSW	9	262.0	800.0	355.0
Wellington Christian School	Wellington	NSW	11	138.0	57.0	
Wenona School Ltd	North Sydney	NSW	2	208.0	335.0	172.0
Wetherill Park School For Autistic Children	Wetherill Park	NSW	8	65.0	7.0	
William Carey Christian School	Prestons	NSW	10	593.0	444.0	156.0
William Cowper Anglican Primary School	Tamworth	NSW	10	40.0		
Wollongong Christian Community School	Farmborough Chase	NSW	9	167.0	87.0	
Wyong Christian Community School	Wyong	NSW	10	88.0		
Xavier College	Cranebrook	NSW	11		162.0	
Xavier High School	Albury	NSW	11		511.0	182.5
Yanginanook Ltd	Belrose	NSW	6	9.0		
Yeshiva College	Dover Heights	NSW	10	310.0	135.0	34.0
Young And Powerful School	Lismore	NSW	12	44.0	31.0	

Western Sahara: Referendum

(Question No. 2126)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 4 April 2000:

- (1) Why has the peace plan for a referendum in Western Sahara failed so far.
- (2) What is Australia doing to help the referendum process become a reality.
- (3) What representations has Australia made on this issue this year, to (a) the United Nations; (b) Morocco; and (c) the Polisario Front of Western Sahara.
- (4) How many Sahrawi people of Western Sahara remain in refugee camps; (b) where are these camps; and (c) how many such refugees have been accommodated in Australia.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) In April 1991 the United Nations Security Council (UNSC) approved, under Resolution 690, the authorisation of the establishment of a UN Mission for the Referendum in Western Sahara (MINURSO) to implement the plan for a referendum on self-determination to indicate the wishes of the population of Western Sahara on [the question of independence, or incorporation into the Kingdom of Morocco. In May 1991 the Security Council approved plans for a referendum in the disputed territory. The conduct of the referendum process, including voter registration, is the responsibility of MINURSO, in consultation with the concerned parties, i.e. the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro (the Polisario Front). MINURSO's inability to resolve a range of outstanding issues, comprising agreement on the voter appeals process; protocols for repatriation of Saharan refugees, and security conditions required for voting, have stalled the referendum to date.

(2) Australia is not a member of the United Nations Security Council and does not have significant influence over Security Council decisions. However, Australia has consistently supported the decision of the UNSC on the holding of a UN referendum for the self-determination of the people of Western Sahara. Australia also supports the extension of the mandate of MRTURSO for a further three months from 28 February 2000. This extension was necessary to allow time for the Kingdom of Morocco and Polisario to complete the voter identification process, the issuance of the second provisional voter list and the initiation of appeals from applicants of tribal groupings.

(3) (a) As the Australian Government fully supports the extension of MINURSO's mandate and the UNSC's resolution on the holding of a referendum, we have not had cause to make representations to the United Nations on this issue.

(b) Regular representations are made to the Moroccan Government during visits to Morocco by the Australian Ambassador to France, who is accredited to Morocco, to encourage a peaceful and prompt resolution on the status of Western Sahara and to make clear our support for a United Nations-sponsored referendum. The Ambassador's most recent representation was made in Morocco in early April 2000.

(c) Australia does not make representations to either the Polisario Front or the Sahrawi Arab Democratic Republic (SADR), as it does not recognise either as the legitimate government of the Western Sahara. Australia considers the Polisario Front, a Saharan liberation movement founded in 1973, to be representative of an important body of West Saharan opinion, but does not regard it as the sole representative of the West Saharan people. Since many Polisario representatives also hold SADR positions, Australian Ministers do not normally receive them, because to do so might be presented as Australian acceptance of the SADR as the government of Western Sahara. Australian Parliamentarians and officials may meet Polisario representatives informally. The Director of the Middle East Section of the Department of Foreign Affairs and Trade last met informally with a representative of Polisario in Canberra on 12 April this year, and reaffirmed Australia's support for the holding of a referendum.

(4) (a and b) The United Nations Commission on Human Rights (UNHCR) figures indicate that, at the end of 1998, there were more than 185,000 Sahrawi refugees in countries neighbouring Western Sahara. Included are 165,000 in Algeria (in camps in western Algeria at Dakhla, Smara, Awserd and El Aitin, nearby to the UNHCR presence in Tindorf) and 23,100 in Mauritania (in camps in Zouerate and Nouadhibou, which both have UNHCR presence).

(c) UNHCR's operations for Western Sahara refugees are aimed at facilitating the repatriation of Sahrawi refugees, in accordance with the UN Settlement Plan and Security Council Resolutions regarding the territory. The implementation of the repatriation plan has been stalled due to difficulties in identifying and registering voters. Repatriation from the Tindouf area of Algeria, however, recommenced in July and August 1999. Asylum statistics show that refugees from Western Sahara have not left the region in significant numbers.

Australia's humanitarian program provides resettlement for those in greatest need of this form of protection. In Africa, UNHCR has identified Sudanese and Sierra Leonean refugees as resettlement priorities.