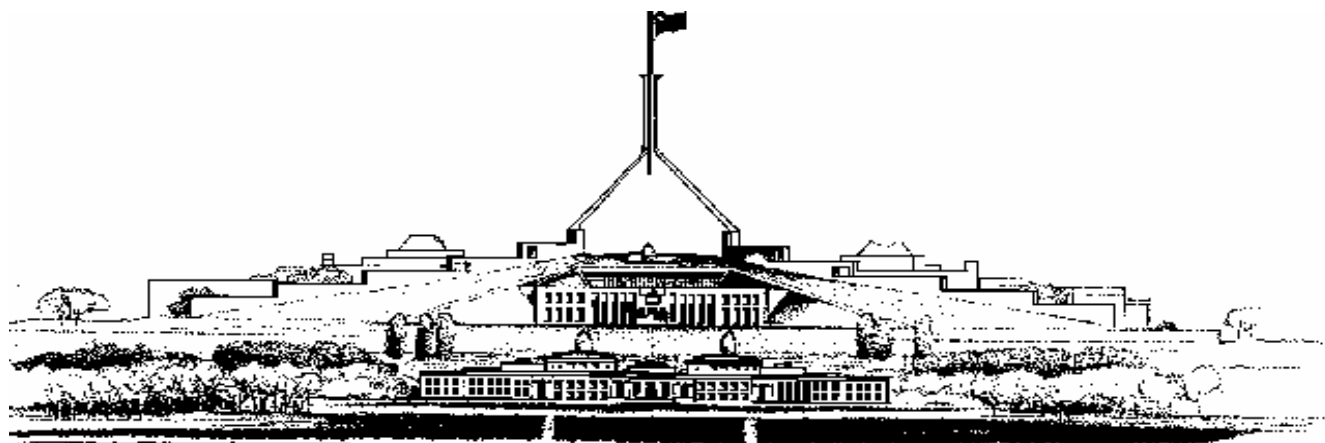




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SENATE

Official Hansard

No. 10, 2003

TUESDAY, 9 SEPTEMBER 2003

FORTIETH PARLIAMENT
FIRST SESSION—SIXTH PERIOD

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2003

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

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<i>HOBART</i>	729 AM
<i>DARWIN</i>	102.5 FM

CONTENTS

TUESDAY, 9 SEPTEMBER

Business—	
Consideration of Legislation	14589
Communications Legislation Amendment Bill (No. 1) 2002—	
Second Reading	14589
In Committee	14602
Questions Without Notice—	
Iraq	14607
Distinguished Visitors	14608
Questions Without Notice—	
Resources: Gorgon Gas Project	14609
National Security	14610
Superannuation: Policy	14610
National Security	14612
Trade: Animal Products	14612
Superannuation: Children's Accounts	14614
Fuel: Ethanol	14614
Superannuation: Temporary Residents	14615
Australian Federal Police: International Law Enforcement	14616
Sport: Antidoping	14617
Employment: Job Network	14618
Howard Government: Australian Stock Exchange	14620
Australian Sports Commission	14621
Questions Without Notice: Additional Answers—	
Australian Customs Service: Security	14622
Immigration: Temporary Protection Visas	14623
Answers to Questions on Notice—	
Question No. 1642	14624
Questions Without Notice: Take Note of Answers—	
Answers to Questions	14624
Centrelink: Job Network	14629
Petitions—	
Child Abuse	14631
Defence: Involvement in Overseas Conflict Legislation	14631
Notices—	
Presentation	14631
Leave of Absence	14633
Notices—	
Postponement	14633
Committees—	
Legal and Constitutional References Committee—Reference	14633
Economics Legislation Committee—Extension of Time	14634
Economics Legislation Committee—Meeting	14634
Education: National Report	14634
Health: Tobacco	14635
Environment: Water Management	14635
Committees—	
Standing Committee on Regulations and Ordinances—Meeting	14636
Rural and Regional Affairs and Transport Legislation Committee—Extension of Time	14636
Joint Standing Committee on Electoral Matters—Meeting	14636

CONTENTS—*continued*

Legal and Constitutional Legislation Committee—Meeting	14636
Environment, Communications, Information Technology and the Arts Legislation Committee—Extension of Time	14636
Education: National Report	14637
Committees—	
Membership	14638
ACIS Administration Amendment Bill 2003 and Customs Tariff Amendment (ACIS) Bill 2003—	
First Reading	14638
Second Reading	14638
Legislative Instruments Bill 2003 and Legislative Instruments (Transitional Provisions and Consequential Amendments) Bill 2003—	
First Reading	14640
Second Reading	14640
Bills Returned from the House of Representatives	14642
Committees—	
Legislation Committees—Reports	14642
Communications Legislation Amendment Bill (No. 1) 2002—	
In Committee	14643
Third Reading	14648
Health Legislation Amendment (Private Health Insurance Reform) Bill 2003—	
Second Reading	14649
In Committee	14665
Documents—	
Office of the Renewable Energy Regulator	14681
Queensland Fisheries Joint Authority	14682
Australia-Pacific Economic Cooperation	14683
Consideration	14684
Adjournment—	
Australian Wool Innovation	14685
Auntie Ida West	14688
Education: Queensland	14691
Medicare: Bulk-Billing	14691
Health: Obesity	14693
Learning Communities	14695
Tourism: Indigenous Culture	14697
Brisbane City Council	14699
Queensland: Arts West School	14699
Child Abuse	14702
Health: Lifestyle Initiatives	14705
Western Australia: Telecommunications	14706
Death Penalty	14709
Child Abuse	14711
Queensland: Arts West School	14711
Documents—	
Tabling	14714
Tabling	14715
Indexed Lists of Files	14715
Questions on Notice—	
Defence: Property—(Question No. 1431)	14717

CONTENTS—*continued*

Natural Heritage Trust and National Action Plan for Salinity and Water Quality:	
Facilitator Positions—(Question No. 1518)	14733
Immigration: SIEVX—(Question No. 1638)	14754
Defence: Reform Program Internal Review—(Question No. 1647)	14755
Employment and Workplace Relations: Job Vacancy Checks—(Question No. 1678).....	14755

Tuesday, 9 September 2003

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

BUSINESS

Consideration of Legislation

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (12.30 p.m.)—At the request of Senator Ian Campbell, I move government business notice of motion No. 1:

That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the Quarantine Amendment (Health) Bill 2003, allowing it to be considered during this period of sittings.

Question agreed to.

COMMUNICATIONS LEGISLATION AMENDMENT BILL (No. 1) 2002

Second Reading

Debate resumed from 8 September, on motion by **Senator Ian Campbell**:

That this bill be now read a second time.

Senator CHERRY (Queensland) (12.31 p.m.)—The **Communications Legislation Amendment Bill (No. 1) 2002** contains a series of five schedules of various amendments to communications legislation. I propose to deal with the schedules in turn. Schedule 1 adds a new section 54A of the Australian Communications Authority Act 1997 to allow a definitions determinations made under subsection 54(1) of the ACA Act to apply, adopt or incorporate materials contained in other instruments. While the government and Labor see this as a minor technical amendment, especially as the provision already exists under the Radiocommunications Act 1992 and the Telecommunications Act 1997, some concerns have been raised by others about this particular bill.

For example, the proposed amendment would override the Acts Interpretation Act and has the potential to introduce uncertainty insofar as it could permit the incorporation of any material that may change or does not exist at the time of making. Examples of non-legislation instruments cited in the proposed amendments include international technical standards or performance indicators and written agreements or writing made unilaterally. The *Bills Digest*, for example, refers to an observation by Professor Dennis Pearce that the Victorian Acts Interpretation Act 1994 does not permit the time-to-time reference to other instruments unless they are expressly permitted by the empowering provision. In other words, amendments to the incorporated instruments must be notified, tabled and available for inspection at the department administering the regulation. Pearce argues that this is essential for community consultation.

In the past, this government has utilised an alternative process to that proposed by Professor Pearce. In the case of the provisions in the Radiocommunications Act, the minister gave an assurance of an extensive consultation process with industry. I would certainly ask the minister in this particular case to provide a similar assurance in respect of the amendments to the Australian Communications Authority Act.

Schedule 2 of the bill contains provisions exempting the Australian Broadcasting Authority, the Classification Board, the Classification Review Board and the Office of Film and Literature Classification from the operation of the Freedom of Information Act in relation to specific documents that are likely to contain either offensive content which is the subject of a complaint to the ABA, or information which would enable or would be likely to enable a person to gain access to that offensive content on the Inter-

net. The Democrats, on balance, do not support this schedule.

The Democrats have a long history of supporting freedom of information. Senator Murray, for example, introduced the [Freedom of Information Amendment \(Open Government\) Bill 2000 \[2002\]](#) as a private senator's bill in 2000 and then introduced an updated version in 2003. Senator Murray's bill attempts to give effect to the changes recommended to the Freedom of Information Act by the Australian Law Reform Commission and the Administrative Review Council in their joint report of 1996. The bill proposes to establish an independent Freedom of Information Commissioner to oversee and monitor the act; alter provisions to promote a pro-disclosure approach; broaden the scope of information that can be accessed under the act; create a fairer, more reasonable fee structure, abolishing many existing fees altogether; reduce the time limit for processing FOI requests to 21 days; and require that education strategies be developed and implemented to inform government agencies of their FOI responsibilities.

The Democrats would certainly urge all parties to support the major provisions of Senator Murray's bill when it again comes before us and to uphold the principles underpinning the importance of freedom of information. We believe that freedom of information is a democratic imperative. Unless citizens have the power to access and independently scrutinise government information, there is little prospect of having a genuinely deliberative and participatory democracy. Freedom of information opens government up to the people. It allows people to participate in policy, accountability and decision-making processes. It opens the government's activities to scrutiny, discussion, comment and review. It is a public right and is in the public interest.

Schedule 2 of the [Communications Legislation Amendment Bill \(No. 1\) 2002](#) goes against the very reasons why we have freedom of information. I must admit that this is an on-balance decision, but there does appear to be very little evidence of a problem and, therefore, the need to exempt these agencies from freedom of information. In our view, every agency should be subject to FOI unless there is a clear overriding public interest. My understanding is that from the 1999-2000 financial year, when the online content regime was introduced, to the 2001-02 financial year, only two FOI requests had been received. It is more appropriate for the agencies listed under this schedule and the tribunal to undertake to determine the appropriateness of disclosing information on a case-by-case basis, as occurred in the *Electronic Frontiers Australia Inc. v. ABA* case, rather than grant a blanket exemption from FOI, as is being sought here. Let us do it case by case and appropriately, rather than simply determine that we will start frittering away the FOI net.

Schedule 3 of the bill makes a number of amendments to the Radiocommunications Act to allow the Commonwealth, state and territory law enforcement and anticorruption bodies to use licensed radio communications devices for covert surveillance to gather evidence in serious criminal and anticorruption investigations. Whilst we are always somewhat concerned about any extensions to these sorts of powers, the Democrats believe that on balance these particular provisions are supportable.

Schedule 4 of the bill seeks to abolish the specially constituted Australian Communications Authority, which was set up to consider carrier applications for facilities installations permits. Given that in the four years of its operation no such applications have been made, and the government has indicated that any residual responsibilities will be under-

taken by the ACA, the Democrats will be supporting this particular schedule.

However, the Democrats have concerns about the current regulatory environment for the installation of mobile phone towers, a matter on which we have campaigned for some seven years, particularly in relation to health effects and environmental issues. Controversy has arisen over the basis of the standards because these rely on placing a safety factor on the least amount of radiation which increases body temperature. There is a long-running dispute in Australia and elsewhere over the adequacy of existing radiofrequency standards. Objectors claim that radiofrequency radiation can disrupt biological systems in ways other than by raising the temperature. Various experts have agreed that at least it is still not possible to say that exposure to radiofrequency radiation, even at levels below international guidelines, is totally without potential adverse health effects. Concerns have been raised that, given the possible risks, mobile phone towers should not be situated adjacent to community sensitive areas such as kindergartens, day care centres and schools. In 2000 the United Kingdom produced an expert report called the Stewart report, which recommended, in relation to macrocell base stations—or mobile phone towers—sited within school grounds, that the beam of greatest intensity should not fall on any part of the school grounds or buildings without the agreement of the school and parents.

While local government planning procedures involving community consultations appear to be strengthening their hold on mobile phone tower siting, there do not appear to be firm policies or regulations for exclusion zones on health grounds around sensitive sites, particularly ones that reflect the current level of community concern. Instead, reliance is mainly placed on international and national radiofrequency standards, which

aim to set a safe minimum exposure for members of the community. As I have already emphasised, these standards are still being debated, and many acknowledge that health risks are still present. As a result, many communities in Australia are not happy with mobile phone towers being built in their neighbourhoods, especially when they are next to sensitive sites.

While the recent ACIF code in Australia requires carriers to have regard to community sensitive sites for smaller, low-impact installations, it does not go far enough in terms of requiring carriers to consider alternatives to minimise radiation risk to the public. And, as recent cases in NSW and Victoria highlight, the courts are taking an increasingly restrictive view of what carriers are allowed to do in terms of their exemptions under the Telecommunications Act. The NSW Court of Appeal, for example, upheld the right of the Hurstville Council to prevent the construction of a mobile facility at Oatley Park which the carriers had claimed would be a low-impact facility. However, it should not take three court cases and a loophole in the Telecommunications Act for a local authority to be able to defend the right of a community to prevent a mobile phone tower being built in a community park.

More recently, in the last two weeks, we have seen the Victorian State Director of Public Housing win a major case for the siting of a mobile phone tower facility—again claimed to be low-impact—in a public housing complex. In that particular case the court again found that the exemptions granted under the Telecommunications Act should be read as narrowly as possible. We will see these matters tested again shortly in Queensland, where the Noosa Council has rejected a mobile phone siting adjacent to the Federal State School, a decision currently being appealed by Vodafone.

Obviously there is, coming out of those court decisions, an increasing awareness that the community has a sensitivity about mobile phone sitings and that the provisions of the Telecommunications Act which allow normal community planning processes to be overridden should be read as narrowly as possible. The Democrats will be submitting amendments that will give the ACA, upon application from a carrier for a permit, the power to reject absolutely the siting of mobile phone towers adjacent to community sensitive sites without community approval. Our wording will follow broadly the wording of the ACIF code for low-impact facilities and will apply it, essentially, to facilities of national significance. It is a small start. It closes one further loop within the act which, as has been said, has not been used to date, and it will ensure at least that we are getting the message out that this parliament takes seriously the siting of mobile phone towers near community sensitive sites. I would hope that, should this provision pass the Senate, we would then be able to start putting pressure on state governments to reflect a similar provision in the final part of the loop, which would be the high-impact facilities which are currently subject to state planning approvals.

Schedule 5 of the bill amends the Telecommunications (Consumer Protection and Service Standards) Act, and seeks to allow the minister to vary the way contributions are made to the national relay service, vary the terms on which payments are calculated by approving a changed calculation formula and grant general exemptions for certain kinds of persons. The Democrats will be supporting this as a fairly non-contentious schedule.

In summary, this bill contains three schedules which are largely non-controversial, one that goes too far and one that does not go far enough. From that point of view, we will be supporting its second

reading and proceeding with some amendments during the committee stage.

Senator HARRADINE (Tasmania) (12.42 p.m.)—I was interested to hear Senator Cherry, a Democrat senator, say that this was a matter of consideration, in other words, that it was an ‘on balance’ decision that they have made in respect of the schedule of the **Communications Legislation Amendment Bill (No. 1) 2002** relating to FOI, and that there would have to be an overwhelming public interest issue to have the Democrats vote for it.

One of the greatest public interests and public issues is protection of children. We have just come from outside Parliament House, where we were demonstrating for National Child Protection Week. What is of great concern to many people is that, besides being physically abused, children are being abused by child pornographers and others. I do not excuse a number of the ISPs in that regard. This is a vital issue, where children are being exposed to pornographic and other types of abusive material.

It was only in March, I think, of this year that the Australia Institute reported, in a paper called *Youth and pornography in Australia*, that 84 per cent of boys and 60 per cent of girls in the 16- to 17-year-old age group have had accidental exposure to Internet sex sites. That is a grave reflection on us all, and we have to do something about it immediately. I asked Senator Alston at the time what was proposed to be done about this. Senator Alston responded, quite correctly, that the ISPs have some responsibility. It may well be, if they do not accept their own responsibility, that there will need to be legislation requiring ISPs to have an effective filtering technique which will empower the parents or other carers to make sure that children are not exposed to this material. In fact, the report of the Australia Institute indicated that

there should be such a requirement on ISPs. The report also highlighted the degradation of women in Internet pornography. It stated:

... one can easily find portrayals in Internet pornography that embody forms of violence and themes of subordination and degradation. Perhaps the most pervasive form of degradation of women is the common use of derogatory language to describe the women pictured and the sexual acts done to them.

I listened to what the Labor Party spokesperson said last night just before the adjournment. I now have the printed copy of what Senator Lundy said and, going through it, I can only describe her contribution in one word: carping. It seems that all the alternative government of Australia is going to do is just have carping criticism without giving any real alternative to what is being proposed. The Australia Institute recommended that action be taken to require ISPs to have effective filtering—not some of the technology that they have now. Frankly, some of the ISPs are not really interested in doing anything about this problem, because the more that people get into the abusive pornography that is around—accidentally or otherwise—the more money they get in their pockets. We have to have a very good look at that.

I have been critical of the Australian Broadcasting Authority. I have asked questions of them on almost every occasion that we have met in estimates and their responses are very revealing. But on this particular occasion the ABA are clearly concerned that, in order to protect children and others, they need to have the power that is being proposed in this legislation. I too have frequently defended the rights of the Australian public to freedom of information. I have gone out on a limb on a couple of occasions in respect of the matter, but here I believe there is an overwhelming public interest matter involved.

Senator Lundy in her speech referred to Electronic Frontiers Australia. Of course, what Senator Lundy did not say is that Electronic Frontiers Australia are the spokespeople of the porn industry. If Senator Lundy wants to take a leaf out of their book, she should go for it, but the shadow minister has to come up with alternatives; otherwise she is failing in her duty not only to her colleagues in the Labor Party but also to the people of Australia. Let us hear from the Labor Party before the day is out: what is the Labor Party proposing to do about this?

In her speech, Senator Lundy said that there is still a need for public investment in educating and empowering Internet users. That will go down pretty well with a single mother of two teenage kids who has to work late and knock off at six o'clock at night! Something that will empower people includes this recommendation for legislation requiring ISPs to have an effective filter; that is the way to go. In the meantime, the Australian Broadcasting Authority needs to do far more monitoring of Internet content than it does at present. I recommend that, together with the undertakings that were given by the minister at the time, immediate action be taken.

People are very concerned about their children. This material is a type of abuse against children. As we were told at the gathering outside Parliament House today, in the last 12 months there have been 138,000 reported incidents of child abuse. Child abuse has many forms, of course, and one that is least recognised but talked about quite frequently is this type of child abuse—letting the pornographers and the ISPs make their money through this sort of abusive activity. We all must now direct our attention to the problem and make it a priority. We ought to commit to that this week, which is Child Protection Week.

Senator GREIG (Western Australia) (12.54 p.m.)—I too want to speak to the **Communications Legislation Amendment Bill (No. 1) 2002**, particularly with regard to the aspect of it that relates to the prospect of freedom of information applications being prohibited—that there will be an exemption within the scope of this bill for aspects of investigation and scrutiny. I take particular issue with some of the things that Senator Harradine has said, and I would like to comment on those. Firstly, it is patently untrue, it is false and it is wrong to say that Electronic Frontiers is the voice or a front group for the porn industry. That is blatantly untrue.

Senator Alston—That is the Lions Foundation.

Senator GREIG—The Lions Foundation?

Senator Alston—No, you set up a silly body in opposition to the Lyons body.

The ACTING DEPUTY PRESIDENT (**Senator Watson**)—Order! Senator Greig address the chair.

Senator GREIG—The minister wrongly interrupts. ‘Front group’ is the wrong term. The spokespeople for the porn industry, if that is the term you want to use, are the Eros Foundation. They are the legitimate, recognised body and that is their role and function. I am sure Senator Lundy has met with them, as I have, to hear their issues and their concerns. I do not agree with them on everything, but they do speak for the legitimate aspects of the adult industry.

Electronic Frontiers are in part a civil liberties group. Their role and function through their literature and their web site are to monitor, scrutinise and keep the public aware of movements and opportunities that governments take to impose increased and unnecessary censorship in areas, most particularly in information technology. That is at the core of

what we are dealing with in relation to the freedom of information aspect of this legislation.

On the plane coming over from Perth for this sitting fortnight, I was reading a new book called *Snatched: sex and censorship in Australia* by Helen Vnuk, which has recently been published and was launched in Sydney just a matter of days ago. It is a very interesting read, giving a snapshot of the way in which censorship has increased significantly under this government over the last few years and the way in which that censorship is creeping into Internet technology, web sites and online access generally. On page 43, Ms Vnuk states—and I recall the debate:

On 1 January, 2000, legislation came into effect—

that is, Commonwealth legislation—

that was aimed at banning sites with the X or RC (refused classification) material and restricting sites with R material to adults only. It was widely seen at the time as an attempt by the government to get the support of conservative Tasmanian independent Senator Brian Harradine.

Whether you agree with that or not is not the point. The point is that the legislation came into effect and the idea behind the legislation was that people would make complaints about sites to the Australian Broadcasting Authority, the ABA, and the ABA would then hand them on to the Office of Film and Literature Classification, the OFLC, to pass judgment. If a site, which was hosted in Australia, were judged to be X or RC, the ABA would issue a take-down notice. If a site were hosted overseas, the ABA would tell the makers of Internet filtering products about the site. Internet service providers are supposed to offer these filters to their users. Ms Vnuk goes on:

The legislation had two major effects. First, it encouraged Australians hosting adult sites on local servers to shift to overseas servers, diverting Australian money into America’s information

technology industry. Secondly, Australia was branded worldwide as the global village idiot. Beyond that the legislation may have made some computer illiterate politicians feel good about themselves and given some parents the false impression that their children would be safe to use the Net without supervision.

I agree with that entirely. I argue what is really happening here is that the scrutiny by Electronic Frontiers, and perhaps some other groups, to try to find out how effective that legislation has been is what really unnerves the government because the legislation has been monumentally unsuccessful. It was fatally flawed to begin with, and the Democrats said so at the time. I remember arguing not to the effect that the Internet ought not be censored but that it technically could not be censored or have censorship imposed upon it because it would then simply move offshore. I have yet to see any evidence to suggest that there were local Australian ISPs hosting such sites.

I brought my laptop into the chamber with me but I have not had the opportunity to demonstrate this. It is a simple fact that, if you were to go into any search engine—and Google happens to be my favourite—and type in, for example, ‘Free sex sites’ or ‘Free porn sites’ or, for that matter, ‘Paid porn sites’ or whatever terminology you wanted to use, hundreds of thousands of links and references would come up within a matter of seconds. The notion that Australian based legislation could prohibit this, deter this or prevent this is absolutely absurd. The fact is that the Internet, whether or not people want to believe it, is a boundless—or boundaryless—medium. Sure, we can in theory legislate to prohibit local ISPs from producing or hosting these sites but to the extent that they exist—and, as I say, I see no evidence of that—that may be effective only in some miniscule way. Overwhelmingly, most of the material some people find objectionable is

hosted and accessible overseas, and with the click of a mouse you can go from one site to another.

I share Senator Harradine’s concern about the protection of children. I think child sexual abuse is the most horrendous crime anyone can commit. But drawing the link, as Senator Harradine is keen to do, between sexually explicit material and child sexual abuse is not supported by any credible evidence. Why is it the case that countries such as Denmark and Norway, which have the most liberalised laws and attitudes towards sexuality and sexually explicit material, have lower levels of rape and child abuse? Why is that?

Senator Harradine—Are you saying that children should watch X material?

Senator GREIG—Child abuse is horrendous, Senator, but as you well know it occurs overwhelmingly in families and the abuser is most often the father or another close male relative.

Senator Harradine—You’ve just said that children should watch X-rated material.

Senator GREIG—No, that is a lie.

Senator Harradine—That is what you said.

Senator GREIG—No.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Order! Address your remarks through the chair and ignore interjections, please.

Senator GREIG—Thank you, Mr Acting Deputy President.

Senator Harradine—You have a look at what you said.

Senator GREIG—I know what I said. What I said is that child abuse, whether it be physical or sexual, is appalling. It is disgraceful, and the full force of the law must apply. I have seen no evidence—and I have

spoken to many clinical psychologists about this—to suggest that there is an intrinsic link between sexually explicit materials and child sexual abuse. I condemn thoroughly and without question the notion that sexually explicit material involving children should be available on the Net or anywhere else. That is disgraceful because it simply perpetuates the production of the materials. You have no argument from me there, Senator. But the notion that blocking freedom of information access on take-down notices within Australia from the Australian Broadcasting Authority is somehow related to child sex abuse is quite literally beyond my comprehension. I do not understand your argument in that area.

I fundamentally believe that, while the government and the minister promoted very strongly the argument that the online services act would be a strong and effective way of censoring pornography from the Internet, it has been no such thing—nor could it be, and I said so at the time. Those free speech advocates, civil libertarians and others who are concerned with the fallacious argument that this rhetoric about child sexual abuse is somehow an effective way of increasing censorship in other areas of the Internet should know it is nonsense. I believe the government is nervous about the fact that its legislation has fundamentally failed. Its legislation is fundamentally flawed. I think it is annoyed and irritated by the fact that there are groups out there that are doggedly determined to uncover the government's failure in this area.

This is another illustration of tokenistic legislation. I think the government is preying largely on the ignorance of the general community—particularly in the areas of Internet technology—and promoting myths about being able to do things with respect to the Internet, like being able to ban gambling. There is that perception, and the Senate passed legislation to that effect. I argued

against it. I believe I have been proven right in that anybody who wants to engage in online gambling can still do so. Once again, you can go into any search engine—be it Google or any other—type in 'Online gambling' or some such words and literally dozens of sites that you can access will come up. The legislation that the Senate and parliament passed on online gambling has been a fundamental failure. Equally, the legislation the government in effect said would ban pornography from the Internet has failed.

I believe strongly that the key reason behind what is happening here is censorship. The aim is to censor the scrutineers and protect those watchdogs of government foolishness and government idiocy in its approach to Internet technology. It is to prevent them from being the rightful irritants that they are. Let us have a sensible approach to Internet technology. Let us have a sensible community debate about what is on the Internet, what can be found there and how parents can best respond to that. The best way for parents and guardians to respond to that is with education. We must not frighten people, particularly children, about the Internet. It is a wonderful medium. I think we are just at the beginning of trying to understand what it can do for us and our community. We are a little like Copernicus in the early days of discovering the stars and exploring the universe. We should not be afraid of what the future may hold for us in terms of accessibility and mechanisms for facilitating what we do in society. Yes, there is nasty stuff on the Internet. I am frankly much more concerned about some of the more violent materials than I am about sexually explicit materials. But can we in any real way ban that? In attempting to do so, are we not just drawing attention to it by some other means?

There is material that some people find offensive available through other mediums. The printed form would be, I guess, the other

key version, and that is available and accessible. It may not have the immediacy of Internet accessibility, but it is still there. If we are serious about protecting children, then we need a sensible discussion about that, not hollow rhetoric, fearmongering and these spurious links between sexually explicit materials and child sexual abuse. There is no credible evidence that I have seen to that effect. There is no credible investigation or reporting from clinical psychologists I have spoken to or read about that I am aware of. Senator Harradine made reference to the recent report from the Australia Institute. I strongly criticised that report at the time and I stand by that. I found that a very shallow report which drew very spurious links.

Senator Harradine—Because it didn't agree with you, that's why.

Senator GREIG—Quite the reverse. In fact, I remember writing an opinion piece that was published I think the following day in which I talked briefly about some of the research which showed that, in some cases, pornographic materials had a therapeutic effect and not the reverse.

Senator Alston—Ha, ha!

Senator GREIG—The minister may chortle, but that was serious research. I would be happy to provide it to his office or he can dig into his own search engine. It does concern me that, whenever we try to have a serious debate about the Internet and security, privacy and censorship, pornography and child sex abuse is thrown in like this great bogey—you cannot have any serious attempt at meaningful engagement as it is blurred with this smokescreen about child abuse. Suddenly, if you support free speech then you are facilitating child abuse. It is patently untrue, it is a cheap shot and a shallow shot and there is no credible evidence to sustain it.

I strongly endorse the arguments which Electronic Frontiers and others have advanced in opposing this legislation. Whilst looking through their web site earlier today, I came across their at-length discussion on this particular bill. They do make one key point, which is that there is a strong argument—and I have heard it here, perhaps not in the chamber but in debate more broadly in recent days—that one of the reasons the government has advanced this as one of the reasons for prohibiting or allowing for the exemption for FOI applications is that some of the sites which may have been taken down or issued with take-down notices may involve child pornography and, therefore, the government is trying to prevent people accessing information about those sites, the hyperlinks or whatever. That is simply untrue, because child pornography is, quite rightly, unlawful. It is not lawfully accessible by any means, so that argument itself is utterly spurious. It illustrates again the red herrings that are thrown into this debate.

Fundamentally, I believe strongly that we are dealing here with a government embarrassed by its hollow rhetoric around the legislation of censorship and sexually explicit materials being exposed. This manoeuvre is to try to prevent those who are doing the exposing, who are engaging in the scrutiny and who are, through their best efforts, trying to bring about a sensible approach to the way in which we address this medium—not knee-jerk reactions and hysterical language about child sexual abuse and pornography. That is not the way forward if we want to be the clever country. We were rightly described internationally as the global village idiot. My encouragement to the minister is: let us have a more responsible, more intelligent debate about these issues; let us have an approach that says to Australians that education and awareness are the key and that we will be cooperative global citizens when it comes to

trying to best manage the way we deal with information technology laws on an international and global basis.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.12 p.m.)—I think the starting point for this whole debate on the Communications Legislation Amendment Bill (No. 1) 2002 would be why it was that we sought to restrict access to offensive Internet content. If you listen to Senator Lundy—and I did not but I have read her outpourings since—and if you listen to the likes of Senator Greig, you would think that we had been out there from the very beginning saying that we were promising faithfully to ensure that there would be no offensive Internet content once our bill was passed. We did nothing of the sort. We are as aware as anyone of the technological difficulties and challenges involved in trying to limit access to the proliferation of offensive web sites. It is a complete and utter furphy—in fact, it is a travesty of the whole debate—to suggest that somehow that was our explicit objective. You say there are perceptions out there. You fostered them. You are the ones who say that. In fact, we do not say any legislation is 100 per cent foolproof. There are laws against murder; it does not stop murders being committed. There are laws against drink driving; it does not stop those offences being committed. Who on earth would ever get up there and promise that this legislation would be 100 per cent effective? We did not, we have not and we will not in the future. But this does not stop Senator Lundy pretending that Labor's concern is:

The obvious glaring issue is that there is nothing the government can do about content hosted overseas that is not subject to Australian law.

Of course, that is a much greater challenge, but the fact is that Labor opposed this root and branch, tooth and nail, right from the

outset. They did not say, 'You cannot fix up offshore so let's see what we can do about domestic.' No, they were implacably opposed to doing anything about domestic—as is, of course, Senator Greig. It was not clear why he was not prepared to explain to the chamber that he and Senator Allison were actually members of an outfit which I think was called the 'Lion club' or the 'Lion forum', which was set up as a parody of the Lyons Forum. It was explicitly endorsed and sponsored by the Eros Foundation. I think there was a Democrat staffer dressed up in a silly suit to try to ensure that it got a run—which it did in the *Canberra Times*. From all the weasel words that we have heard from Senator Greig, I do not think that he in any shape or form accepts that there is a valid concept of pornography.

He uses all sorts of other excuses when we need sensible discussion—and we certainly do. But to suggest that, because you issue take-down notices against domestic sites, which forces it offshore, that somehow undermines the legislation or it is putting money into the pockets of Americans instead of pockets of Australians is the usual line that was always run if a book was offensive in the old days. If there were some other act that was obscene, they would say, 'Thanks very much, you've given great publicity to it; that is terrific.' That is utterly counterproductive, very cute, very silly, very superficial and a fundamentally dishonest line. I have not heard a word that indicates that the Labor Party or Senator Greig, at least, have any concern at all about dealing with these issues of child pornography. Senator Greig's whole line is that you cannot link it with child abuse. So that is code for saying, 'Don't bother doing anything about it.' He said that nearly all the take-down notices that have been issued have been ineffective, I think.

The overwhelming body of those take-down notices which relate to Australian con-

tent sites have dealt with child pornography. This is a very insidious offence. Because Senator Greig says, 'That's criminal,' the argument is that you do not do anything about it, even though you can under our legislation order the taking down of a criminal web site that has been put up there by someone within the jurisdiction. Senator Greig's argument is that, because it is a criminal offence to do that, you should not order a take-down notice. There are web sites containing highly offensive material—I do not know what the latest number is but I think it is well over 100—the great bulk of which is child pornography, paedophile lists and the like, which have been ordered to be taken down; yet all we ever get is this ridicule about the global village idiot which, as I recall, was a term used by someone who wandered out here from the American Civil Liberties Union as a guest, I think, of Electronic Frontiers in complete defiance of any merits of the argument. It was just the usual sort of abuse as you are going to the airport. The fact is that our regime has now been endorsed by bodies such as the Internet Industry Association, which originally had very serious concerns back in the old days when people said, 'You can't regulate the Internet, just get over it; don't even bother,' which is basically Senator Lundy's line.

But, of course, the Internet Industry Association are now on NetAlert, which is our community watchdog, and they say that is a very important step in trying to protect the community. No-one is guaranteeing that you will protect everyone from anything, but it is a very important step forward. As I understand it from them, our regime is now seen as an international model. I recall Bertelsmann had a forum a couple of years ago in which they explicitly used our legislation as the benchmark. I know it suits your purposes, Senator Greig, because you do not believe for a moment in any restrictions on

the Internet and you are not interested, except in finding excuses, about things such as child pornography and paedophile lists—even bomb recipes.

Let us be clear about this. Organisations such as the EFA are the ultimate doctrinaire libertarians. They do not believe in any form of censorship. They do not believe in trying to find a sensible way of dealing with offensive material on the Internet. They are in the 'Just Say No' party, to which Senator Lundy belongs. Of course, that is totally unhelpful if you are trying to address community concerns and if you are trying to find out if there are ways in which you can at least limit mainstream access to some of the more offensive sites. That is why it has always struck me as quite bizarre that Senator Lundy finds herself in the laissez faire camp of saying, 'All you can do is educate and empower.' Labor have never for a moment come up with any alternative regime. They have ridiculed us from the outset. They are not interested in finding a way in which you can limit access to domestic sites, yet the implication from Senator Lundy's speech last night is that Labor's concern is that you cannot control offshore sites. We know that is very difficult, but you can do your best to set an example and work with others. Indeed, if that regime extends itself globally, then you may be quite effective, and that is what we think is likely to happen with spam. That is why we hope that, by going down the path of trying to restrict access to yet more mindless gaming opportunities, we can do something about it. But, once again, the Senator Greigs of this world say, 'No, it's technology; don't even touch it.' He is not interested in community standards and not interested in whether there are some sensible ways in which you might be able to protect children. I understand that when it comes from the 'Lion forum'—the chief lion—but I do not understand it when it comes from the Labor

Party. It seems extraordinary to me that they can run these lines such as, 'We're really opposed to this, because the government attempted to deceive Australians by tricking them into believing the problem was solved.' We have never said that. You will never find anything anywhere that says that. That is a figment of Senator Lundy's fervid imagination to try to justify this absolute ideological opposition to a sensible community proposal. Senator Lundy said:

The idea that FOI could allow people to access and then peddle sites ... is completely absurd.

I do not know why it is completely absurd. That is precisely what this EFA outfit wanted to do.

Senator Lundy—Rubbish!

Senator ALSTON—No. They wanted access to the sites that have been subject to take-down orders. Why would you want to see all that material? They want the URLs and the content. That is what we wanted to stop. There is no blanket restriction, as Senator Lundy suggested. Senator Lundy says that there is an 'implausible assumption that people would willingly identify themselves to government agencies as seeking, for improper purposes, access to material'. She has never looked at the FOI Act. The FOI Act explicitly does not deal with motives. They are not interested in what the applicant is going to use the material for. I would not believe a word the EFA said, even if they said, 'We're just going to keep it to ourselves for "research purposes",' but they have not said that. They just wanted access to it, as any applicant is entitled to have, and they get a judgment on the merits of whether they should have the ability to access it and then make it available to all the world. Of course, what would you do? You would simply load it onto an offshore web site and you would stand there thumbing your nose at the au-

thorities and saying, 'There, there, we've put it beyond your reach.'

That of course is yet another way in which Senator Lundy fails to understand the whole concept of this legislation. The fact is that we are doing what we can to restrict access. There is no blanket exemption. If you look at the bill itself, you will see that it is designed only to deal with offensive Internet content. That is the subject matter of these highly offensive web sites and the URLs, which are the addresses that get you to those sites. It does not stop you exploring the merits of the regime or finding out about a whole bunch of other things under FOI that relate to the administration of the regime. You can get those. Senator Lundy seems to think that none of that will happen anymore. The fact is that it will, and it has in the past.

I just want to make one other point. Australia, through the ABA, is a member of the European complaints hotline called INHOPE, which the ABA uses to exchange information about illegal content, mostly involving child pornography. These referrals are then passed on to the police authorities in the relevant jurisdictions. This is a key element of the complaints process and assists in the prosecution of child abusers worldwide. INHOPE is a highly respected organisation that requires members to maintain confidentiality about illegal or prohibited content. While it operates out of Europe, its membership has grown significantly to include a number of other countries including the US and Australia. It provides an invaluable service to help international law enforcement agencies track down the sickest of deviants peddling child pornography. INHOPE has stated clearly that it will not continue to both refer and receive referrals from the ABA if the ABA is unable to guarantee that information identifying prohibited content will not be unconditionally released to the public, as it is once it is subject to and made available

under FOI. There are no restrictions placed on it; the act does not allow it.

The Labor Party, as Senator Harradine precisely identifies, are policy lazy—it is ‘just say no’—and not the slightest bit interested in trying to protect children, their parents or anyone else. They simply fall back on this pathetic line about the need for education. No-one denies there is a limited value to education—in fact, for responsible parents it may be a very important way of ensuring they can regulate what occurs in the household—but to suggest that that is all you do is just throwing in the towel. We see that as an adjunct, just as the requirement to make available information about various online filters and software packages is a very important ingredient in this whole legislation.

Some people have to take responsibility for their own actions, but that does not mean the government can simply say: ‘We don’t care what you do out there; that is all a matter for you. If you are a good parent, so be it; if you are not, we really don’t care.’ That is the Labor Party approach. I have never, ever heard Senator Lundy say one constructive word about how she would deal with this issue. It is all: ‘Isn’t the government hopeless? Why does it ever bother to go down this path?’ That goes back five or six years. I can recall there were EFA equivalents in the US and elsewhere who said: ‘This is a new paradigm. The online world is amazing stuff. You can’t control the Internet. The technology is completely beyond you.’ Senator Greig still thinks that is the case. He is incorrigible—but at least he doesn’t hide it.

You would have thought the Labor Party would have more sensitivity to community values and would be prepared to at least explore ways in which you might limit access, but they do not. They don’t ever say, ‘We will go this far but no further,’ or, ‘You are trying to do things that aren’t achievable.’

They simply oppose it root and branch. Why would you oppose legislation that has resulted in the taking down of, I think, well over 100 offensive sites, the great majority of which have contained child pornography? I would like to hear Senator Lundy say whether she thinks that has been desirable and in the community interest or whether she would rather those take-down notices were never issued—in other words, that she is perfectly happy for people to access Australian sites within our jurisdiction (people committing criminal offences, on one view of it) and that, in the interests of believing in education and empowerment, they will do nothing at all about it. That is the line. I could not believe it when I read her remarks to see how she has not moved on these issues. She says:

... a bill that effectively excludes key government agencies from any public scrutiny ... I think that is dishonest.

What is dishonest is suggesting that that is what this bill does. It does not effectively exclude key government agencies from any public scrutiny at all. What it does is to prohibit people getting access to URLs, which are the Internet addresses, and the content itself. It does not stop you getting a description of that product. It probably does not stop you getting a description of the regime or any other way you may want to comment. The Labor Party simply say: ‘We do not believe in any of this. We are philosophically opposed.’ They take what in some other circumstances might be regarded as an extreme right-wing view: ‘All we believe in is educating and empowering, and the government have no role to play.’ I think that is very sad, but in a political context it is manna from heaven for us because there is only one party in this parliament that is serious about trying to do something about these very important issues and the other side are just saying no.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.28 p.m.)—I table a supplementary explanatory memorandum relating to the government amendments to be moved to the **Communications Legislation Amendment Bill (No. 1) 2002**. The memorandum was circulated in the chamber on 25 June 2003.

The CHAIRMAN—The question is that schedule 2 stand as printed.

Senator LUNDY (Australian Capital Territory) (1.29 p.m.)—As I indicated in my speech on the second reading, Labor will be opposing the proposition that schedule 2 stand as printed; that is, we will be supporting the removal of schedule 2 from the bill before us. The reason we do this is that this schedule removes the application of freedom of information to the administration of schedule 5 of the Broadcasting Services Act. I have already spelt out in great detail during my speech on the second reading why Labor opposes this amendment. Put simply, it is an unnecessary provision that will remove FOI scrutiny from the government agencies involved in the regulation of offensive Internet content. This schedule will undermine any accountability of these agencies' management of the offensive Internet content regime. Labor believes it is an unnecessary schedule and that claims by the government that it will stop the distribution of offensive material via FOI are farcical in the extreme. I reject the assertions made by the minister.

The government has provided absolutely no evidence that the few FOI requests that have been made might have been made by 'deviants seeking the most despicable and morally contemptible material'. This is a hysterical claim made, I believe with a

straight face, by the minister, Senator Alston. Either it is a question of the minister being completely off track or he is cynically seeking to exempt government agencies from proper public scrutiny in order to indulge in some blatant wedge politics. It is pretty clear from the minister's comments today, which have been specifically surrounding the operation of the online services act, not the bills before us and the question before us today on the five schedules that form the complete bill, that that is exactly what is going on here. The continued references to sexually explicit material online and the obvious challenges that come with managing that and helping parents and children access content that they want are part of a separate debate, Minister. While it is related to this, I reject completely your appalling and I think quite despicable attempt to bring this debate into your standard form of wedge politics, trying to characterise Labor as somehow not caring about these issues. Sadly for the coalition government, it is Labor that has put the credible position from day one in this debate.

Senator Alston—What is it?

Senator LUNDY—That credible position is that the best way to help people protect themselves from unwanted Internet content is to give them the tools, the knowledge and the skills to do it. Yes, filtering plays a part in that. Minister, you know that is Labor's view. What we do not support is some ridiculous notion that the government can put a head end filter on the Internet as the content streams into the country and somehow that can effectively manage the availability of unwanted content. I have to say, Minister, that is completely separate from the issue of illegal content, which you deliberately at every stage of these debates introduce to confuse the issue about what is censored with the online services act regime and what is illegal. The minister conveniently deletes this in all of his presentations on the issue.

The fact is that illegal content is illegal and, if it is illegal, it will be removed by the police, by the appropriate authorities. It is actually not reliant on the online services bill. You know that, Minister. You ignore the facts on this matter and continually try to characterise Labor unfairly and inaccurately as somehow not caring about these content issues. That is completely untrue.

What we are dealing with today is a question about FOI. It is related to these matters because in constructing this bill, as I said in my speech on the second reading, you made sure that a controversial element like this was introduced. I believe your motivation was wedge politics, trying somehow to characterise the government as caring with this ineffective tool that actually does nothing to change the effectiveness of the current laws. As we have already seen with the FOI case that was run, when the appeal was made it was tested and the URL was not released under current law. So the public laws around this matter at the moment can protect that if in fact that is deemed to be in the public interest. We do not need another law like this to somehow make that possible. So do not stand up in this chamber and pretend that it is required. Either way, this schedule is bad public policy. It undermines the FOI regime and it provides absolutely no protection against offensive Internet material that does not already exist.

On the whole issue of the online services act and its operation, Minister, I am sure we will keep debating that and Labor's policies will compete with the coalition's policies. I think it will be Labor's policies that are left standing as the credible alternative for how people can effectively manage Internet content. I will watch with interest how you continue to manage those debates and those issues and whether or not you still hold out the spectre of some notion of head end filtering of Internet content in this country. This is a

concept that I am sure we will have the opportunity to debate at some time if you have your way, and I look forward to that debate. But this debate is not about that; this debate is about freedom of information and how it relates to Internet content and the ABA. I do not think there is a single argument present that creates a reason or an opportunity for FOI to be removed. I have explained that in some detail in my speech on the second reading.

What I am hearing from the minister now is a very grand effort to persist with this blatantly misleading exercise of trying to characterise Labor as not caring about important issues like the management of unwanted and offensive Internet content, and I again reject that completely. I commend Labor's rejection of schedule 2 to the chamber. I think it will be a sensible result if Labor's position is supported and this schedule is removed from the bill before us.

Senator CHERRY (Queensland) (1.36 p.m.)—As I indicated in my second reading amendment, the Democrats will oppose this schedule. We do so because there are some very important principles involved here. One is the importance of a freedom of information regime. That is a fundamental issue for the Democrats. You do not introduce new exemptions to an FOI regime unless there is an overwhelming case in the public interest to do so. As pointed out by Senator Lundy and by Senator Greig earlier, in this particular case there has been no proof from the government, no absolute certainty that the current regime is not working to balance the public interest in favour of disclosure with the public interest in terms of promoting the integrity of the ABA's processes. In fact, the evidence is very much the other way. The courts, particularly the AAT, have actually found in the most recent decision in this area in favour of the ABA in terms of secrecy.

I want to read into the *Hansard* some of the comments from that very important case. There are balancing issues involved here. Those who are in the best position to do that balancing should be left to do it rather than to have blanket rulings made by this particular parliament. The AAT's decision, by Deputy President Forgie, on 12 June 2002 in respect of Electronic Frontiers Australia was a very important decision because it ultimately found in favour of the ABA after balancing the various issues that were involved. Deputy President Forgie said:

Those observations raise important issues relating to censorship, openness of government and even to the confidence that the public has in the agencies of government to implement and administer its schemes with integrity for secrecy can ultimately lead to the public's questioning integrity even where there is no need for such questioning. They also raise questions as to the effectiveness of the scheme to carry out the objects identified in ... the Act.

She went on further to talk about the importance of the complaints procedure having the confidence of the public, which was ultimately the matter that she decided the case would fall on. But she also made the point that on issues of censorship—and censorship is what these decisions are about—there is another overriding public duty: to ensure that there is absolute accountability for the process within which an issue of censorship is brought into play. Deputy President Forgie said:

Although described as classification, this amounts to censorship of what the Australian public may see and of what it may bring into Australia. The public will have means to know what it is not permitted to see.

That is what is really important—to ensure that we are able to look at whether these decisions of classification and censorship have been rightly made under the act. That is what FOI is about. It is about having accountability and ensuring that there are checks on

whether the act is being implemented effectively. The following paragraph is important:

... if the URLs and IPs are exempt under the FOI Act then this effectively means that the Australian public may not know what it may not see. As a consequence, no member of the public has the opportunity to view the material at any time. That lack of opportunity born of a veil of non-disclosure could bring into question whether take-down notices are issued only in relation to Internet content that is prohibited content or potentially prohibited content and so bring into question the integrity of the scheme under the Act. We should say that we have no reason to question, and do not question, the integrity of the ABA. What we do say is that secrecy may of itself undermine the public's confidence.

That is what this debate is about. It is not about whether we are in favour of or opposed to child pornography. I abhor child pornography, but that is not what this debate is about; it is about government accountability. It is about whether we should be putting an exemption into the Freedom of Information Act 1982 to ensure that a particular government agency will no longer be accountable under FOI for its decisions. I make the point that it is a 1982 act, an act of the Fraser government, in the days when the Liberal Party believed that ministers should be sacked for conflicts of interest, in the days when the Fraser government believed—and the Liberal Party used to believe—that accountability of government was actually a very important thing and in the days when we actually believed that there should be a proper Westminster system of government.

Unfortunately today these things have all fallen by the wayside, but some of us are somewhat old-fashioned and believe that integrity of government, integrity of processes and accountability of government are still very important. Whilst I believe that with FOI requests there is a counterbalancing issue between the public interest of ensuring that certain materials are kept confidential

and the public interest in ensuring accountability for decision making, I do not believe that this parliament should be making those decisions when ultimately they will involve lineball calls. The AAT has shown that it can make these decisions. The AAT has shown that it balances these criteria effectively. The AAT has shown that the current act is working well in balancing the issue of disclosure and accountability on the one side and the integrity of government processes on the other. We should leave it to do that, because the government has not shown that very radical legislative intervention—a curtailing of public access to information under the FOI Act—is needed. On that basis, the parliament should reject it.

Senator HARRADINE (Tasmania) (1.41 p.m.)—What we are proposing here is to give the ABA, other organisations and other agencies involved in this particular area the power to prevent the dispersion of this material through a successful freedom of information search. There is nothing to say that decisions on freedom of information by the AAT will be as the decision was on this particular occasion. One example has been given. On that particular occasion, the AAT's decision upheld the ABA against the EFA, but there is no guarantee that that will be the situation in future. Senator Lundy was invited by me and also by the minister to come clean and say precisely what the Labor Party is going to do. I believe that she is failing the Labor Party and the people of Australia with her laissez-faire attitude. The Labor Party should not be involved in a laissez-faire attitude. We have got to the stage where we have laissez-faire not only in this area but also in another area that I am very concerned about—shop trading hours, 24 hours a day, seven days a week, which was a Labor policy. What is happening to the Labor Party?

Labor's view is that protecting the most vulnerable—children—from exposure will

be done through education. Clearly Senator Lundy does not realise how hard it is for many single-income and single-parent families who need to have practical support by every means possible to prevent the exposure of children to this type of, as Senator Greig says, adult material. Well, it is pornographic material or violent material that we are talking about. Frankly, I would just like to quote the report of the UN Commission on Human Rights' Special Rapporteur on Violence against Women. It stated that pornography represents a form of violence against women that 'glamorizes the degradation and maltreatment of women and asserts their subordinate function as mere receptacles for male lust'. Catharine MacKinnon, a feminist writer, wrote:

Pornography is evil. It *is* violence against women ... [it] reinforces the commodification of women's bodies.

And that great Australian sociologist, Professor George Zubrzycki, commented:

Pornography functions quite similarly to anti-Semitic or racist propaganda: it serves as a tool of anti-female propaganda.

One woman, in giving evidence to the commission, said:

I don't need studies and statistics to tell me that there is a relationship between pornography and real violence against women. My body remembers.

And so it goes on, quote after quote after quote—and Senator Greig says that one study says that it could be therapeutic! That is not the experience. Even in our own parliament, after the exhaustive examination by the Joint Select Committee on Video Material, it was stated:

The principle that adults be free to see, hear and read what they choose is dependent on the pornographer's claimed right to freedom of expression and the balancing of this claimed right against requirements fundamental to the common good which legislators are bound to uphold.

It is a balance. Senator Cherry mentioned that as well.

Senator Cherry—Let the AAT do it.

Senator HARRADINE—But what I am saying is that there is no guarantee that the AAT will do it. In fact, what is being proposed in this legislation will ensure that what the AAT did—and, of course, there is more than just what the AAT did—will be done to ensure that FOI is not used in a manner to circulate this material where it would not otherwise be circulated.

Question put:

That schedule 2 stand as printed.

The committee divided. [1.53 p.m.]

(The Chairman—Senator J.J. Hogg)

Ayes.....	34
Noes.....	<u>33</u>
Majority.....	1

AYES

Abetz, E.	Alston, R.K.R.
Barnett, G.	Boswell, R.L.D.
Brandis, G.H.	Calvert, P.H.
Campbell, I.G.	Chapman, H.G.P.
Colbeck, R.	Coonan, H.L.
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Ferris, J.M.
Harradine, B.	Harris, L.
Humphries, G.	Johnston, D.
Kemp, C.R.	Lees, M.H.
Lightfoot, P.R.	Macdonald, I.
Mason, B.J.	McGauran, J.J.J. *
Minchin, N.H.	Murphy, S.M.
Patterson, K.C.	Payne, M.A.
Scullion, N.G.	Tchen, T.
Tierney, J.W.	Troeth, J.M.
Vanstone, A.E.	Watson, J.O.W.

NOES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Bolkus, N.
Brown, B.J.	Buckland, G. *
Campbell, G.	Carr, K.J.
Cherry, J.C.	Cook, P.F.S.
Crossin, P.M.	Denman, K.J.
Faulkner, J.P.	Forshaw, M.G.

Greig, B.	Hogg, J.J.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Mackay, S.M.	Marshall, G.
McLucas, J.E.	Moore, C.
Murray, A.J.M.	Nettle, K.
Ray, R.F.	Ridgeway, A.D.
Sherry, N.J.	Stephens, U.
Stott Despoja, N.	Webber, R.
Wong, P.	

PAIRS

Heffernan, W.	Collins, J.M.A.
Hill, R.M.	Evans, C.V.
Knowles, S.C.	Conroy, S.M.
Macdonald, J.A.L.	O'Brien, K.W.K.

* denotes teller

Question agreed to.

Senator LUNDY (Australian Capital Territory) (1.56 p.m.)—I move opposition amendment (1) on sheet 2954:

- (1) Clause 2, page 2 (table item 3), omit the table item.

I move this amendment on the basis that Labor do not think schedule 2 should ever commence. Labor's view is that it is a schedule that could only be concocted by the quite deluded mind of a fanatic who believes that potential criminals would use FOI right under the government's nose to elicit the web addresses of offensive and potentially illegal Internet sites. As I have already made abundantly clear in my previous speeches on this communication bill, we oppose and continue to oppose schedule 2 outright, and this amendment is consequential to that. I understand that this amendment is in conflict with a subsequent government amendment and on that basis Labor will be opposing the subsequent government amendment.

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (1.57 p.m.)—This seems to be yet another rerun of Senator Lundy's failed attempt to explain to the chamber in any shape or form why Labor are opposed to

a regime that allows take-down notices to be issued in respect of Internet content which is plainly criminal or highly offensive. I find it very disappointing that Senator Lundy cannot engage in that debate and tell us why the Labor Party are not in favour of that regime. I understand your objections about international offshore, but I simply do not understand—

Senator Faulkner—When she said you were deluded, she knew what she was talking about.

Senator ALSTON—She would know a bit about delusions—but not on this issue, I can assure you. Senator Lundy wants to allow the world at large to have access—

Senator Lundy—Under FOI.

Senator ALSTON—That is right, under FOI anyone can apply. You are in favour of giving them the URLs and the pornographic content. That is what you are in favour of. You have always opposed this regime. You have opposed the ABA's position on it. You were in favour of the EFA. You clearly, therefore, are on the side of unrestricted access to offensive material in all its manifestations. It is just tragic that you are not prepared to come clean about it.

Senator Lundy—Mr Chairman, I rise on a point of order. My point of order is one on relevance. The minister is clearly misrepresenting Labor on this. He is not even talking about the bill before us. He is talking about other issues in an attempt to play a pathetic wedge politics game.

The CHAIRMAN—There is no point of order, Senator Lundy.

Senator ALSTON—I would have thought we have all just about had enough. It is very close to 2 o'clock.

Senator Hill interjecting—

Senator ALSTON—Yes, I think I have won the argument. But if I sit down we

might have to have a vote, so I thought I might go for another 12 seconds.

Senator Faulkner—You're running scared.

Senator ALSTON—Yes, I am. I must say that being hit with a wet lettuce for the last hour was not a pleasant experience.

Progress reported.

QUESTIONS WITHOUT NOTICE

Iraq

Senator CHRIS EVANS (2.00 p.m.)—

My question is directed to Senator Hill in his capacity as Minister for Defence. Is the minister aware that the United Kingdom is sending 1,200 more troops to Iraq, and has signalled that even more troops may be sent, in response to the deteriorating security situation? Hasn't the US also recognised that more troops are needed to help bring stability to the country, despite 140,000 of its personnel already being in the region? Hasn't President Bush now asked for an additional \$134 billion for the task of rebuilding Iraq? Does the government share the assessment of the UK and US governments that the situation in Iraq requires more security forces? Given that the Prime Minister has ruled out any more Australian troops being committed to Iraq, and given the government's responsibilities as the third occupying power, what additional contribution does the government envisage making to assist in the stabilisation and rebuilding of Iraq?

Senator HILL—Australia is making a significant contribution towards the stabilisation and rebuilding of Iraq. As I think I said during the last sitting week in answer to a question from the opposition, we currently have about 840 troops operating in the Middle East area of operations. Most of those are concerned with Iraq directly or indirectly. They include air traffic controllers who are keeping open Baghdad International Airport

for military and humanitarian flights. They include C130 crews which are flying personnel and goods and equipment, both for the purposes of the coalition and for humanitarian reasons, into Iraq and around Iraq. They include a frigate which is operating in the northern end of the Persian Gulf, helping to provide maritime security. They include forces that are part of the component still ascertaining issues relating to weapons of mass destruction to ensure that there is no ongoing threat in that regard. They include forces that are primarily securing Australian diplomats or other civilians who are working for the benefit of Australia and Iraq in Baghdad or its surrounds. They include some others who are helping to rebuild the new Iraq army, some who are working within the joint headquarters in Baghdad, others who are working with the CPA, and one who is working with the United Nations—and who behaved heroically on the occasion of the bombing, I might say in passing. They add up to a significant contribution in personnel and, we believe, a contribution which is measured against the size of our forces and our capacity to share the contribution to the task that I have mentioned.

In addition to that, Australia has offered civilians, who are helping across a range of the ministries. The most high profile has been in the area of agriculture, but also in relation to petroleum and other areas. We have provided considerable aid as well, particularly aid that has been related to wheat. In all, we think the contribution we are making is appropriate and we intend to remain on that course. We do not see a need for Australia to make any substantial increase. We have always said that we will keep an open mind and if other areas of niche need become apparent where we can play a worthwhile role we would look at such a circumstance. But basically we think that the financial contribu-

tion and the manpower contribution we are making are appropriate in the circumstances.

Senator CHRIS EVANS—Mr President, I thank the minister for his answer. I wish to ask a supplementary question, which goes to the question of niche capabilities. The minister said on a number of occasions that Australia would be prepared to provide further niche capabilities, as determined, from time to time. But the Prime Minister has ruled out sending any more peacekeepers. The Prime Minister specifically uses the word ‘peacekeepers’. I would like the minister to explain to the Senate whether that means we have ruled out sending further military forces to Iraq who could be described as meeting niche capabilities, rather than specifically in the role of peacemakers, or whether the Prime Minister has ruled out sending any more Australian Defence Force members in any capacity. I am not clear from his answer which is the case. Are we refusing to send any more troops at all, or have we only ruled out the role of peacekeepers?

Senator HILL—By ‘peacekeepers’ I mean a significant infantry component that would be working on the ground to maintain the peace. Many of the some 130,000 Americans and the 15,000 British—I think that is the number—could be described as part of that. In relation to that broad scale peace-keeping function, we have said from the outset that that is not a role we intend to fill in this instance. But if there is a niche need where we have a particular capability that could be useful, we would be prepared to look at that in the circumstances at the time.

DISTINGUISHED VISITORS

The PRESIDENT—Order! Before I call Senator Lightfoot, I draw the attention of honourable senators to the presence in the chamber of a delegation from the French National Assembly led by the President of the New Caledonian government, Mr Pierre

Frogier. On behalf of honourable senators, I welcome you to the Senate and I trust that your visit to Australia is both enjoyable and informative.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Resources: Gorgon Gas Project

Senator LIGHTFOOT (2.06 p.m.)—My question is addressed to the Minister representing the Minister for Industry, Tourism and Resources, Senator the Hon. Nick Minchin. Will the minister advise the Senate of the benefits for Western Australia and Australia generally of the \$11 billion Gorgon gas project which has now been given approval to commence? How will this major project help build on this government's strong economic management and—and this is the rhetorical aspect of my question—is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Lightfoot for that astute question and acknowledge his very strong support for the development of Western Australia's great resource base. Yesterday's announcement of an in principle agreement for the development of the Gorgon gas field is really just the latest in a very long string of milestones in the great Australian liquefied natural gas industry's history. It really is a vote of confidence in the strength of both the economy and our resources sector.

This Greater Gorgon area, off Western Australia's Pilbara coast, is Australia's largest known gas reserve. It represents some 25 per cent of Australia's known gas resources and contains in excess of 40 trillion cubic feet of gas. There is enough gas there to generate all of Australia's electricity for the next 55 years, and it is enough to fill Sydney Harbour 2½ thousand times over. So our government warmly congratulates the Western Australian Labor government on its in prin-

ciple approval for Gorgon to use Barrow Island—subject, of course, to strict environmental safeguards—and, of course, the use of Barrow Island is critical to the development of this very key resource.

The joint venture partners are going to be spending some \$11 billion to develop Gorgon, and it has the potential to generate huge benefits not only for Western Australia but for Australia as a whole. There will be a construction work force of 3,000, a permanent work force of 400, another 6,000 indirect jobs across the nation with about 1,700 of those in WA, annual exports of from about \$2½ billion up to \$11½ billion in revenue for the Commonwealth government to the year 2030, so this is a huge and very important project. It will open development to very big new exports, as I said, on top of the \$25 billion contract that we engineered last year for the export of LNG to China.

You would think, with this being such a good news story for Australia, that there would be bipartisan support for this at a federal level. I have to say I was pretty stunned to read in the *Weekend Australian* on 9 August that someone called Joel Fitzgibbon, who apparently is the shadow resources minister for the Labor Party—

The PRESIDENT—Order, minister. It is Mr Joel Fitzgibbon. He is a member in the other place.

Senator MINCHIN—Mr Joel Fitzgibbon, MP! Well, he actually said that the export of gas from Barrow Island is not in Australia's national interest. While I commend Premier Gallop on ignoring his party colleague and allowing this very important project to proceed, it is again evidence that the federal Labor Party simply does not understand Australia's resources sector. Indeed, the executive director of APPEA, the key industry group, said that the statements by Mr Fitzgibbon had real potential to damage

investor confidence in Australia's projects. And of course Mr Fitzgibbon's outburst comes on top of the ALP proposal, just recently announced, to slug our mining industry to the tune of \$400 million a year by reducing diesel fuel rebates to pump up its higher education package. That comes on top of their insistence that they are going to rush in and sign the Kyoto protocol, which would be extraordinarily damaging to the competitiveness of our resources sector—and then, of course, condemning the Gorgon project. All of this confirms there is only one side of politics that really understands just how important Australia's resources sector is to the future of this country and is going to get behind it and support it. It is about time the federal Labor Party understood the importance of resources to this great country.

National Security

Senator FAULKNER (2.11 p.m.)—My question is directed to Senator Hill, representing the Prime Minister. Minister, when was the attention of the Prime Minister's office drawn to a press article by Mr Andrew Bolt dated 23 June 2003 containing direct quotes from an ONA document classified top secret, AUSTEO? Why didn't the Prime Minister immediately refer this leak to the Australian Federal Police for investigation, as has been done on countless occasions for much more minor transgressions?

Senator HILL—I do not know when the matter was first drawn to the attention of the office of the Prime Minister—I will have to refer that question to the Prime Minister. In relation to whether the matter was drawn to the attention of the AFP, my understanding is that the matter was drawn to the attention of the AFP.

Senator FAULKNER—Mr President, I ask a supplementary question. Minister, if Mr Andrew Bolt is to be believed when he says in his article of 23 June, 'when I go

through the only secret report that Wilkie ever wrote about Iraq as an Office of National Assessments analyst', did ONA make any attempt to urgently retrieve this top secret AUSTEO document from Mr Bolt? And, minister, if they did not, can you say whether the Federal Police have retrieved the document from Mr Bolt?

Senator HILL—I do not know whether ONA have been in contact with Mr Bolt. I will have to make inquiries. They may be prepared to tell me that or they may not; we will ask them. We will ask them whether the nature of the police investigation—and I don't think it will surprise Senator Faulkner to know that I have not been told the details of that investigation either. If Senator Faulkner wishes, I will ask the AFP, but I suspect they will probably tell me to wait until their inquiries have been completed.

Superannuation: Policy

Senator WATSON (2.14 p.m.)—My question is directed to Senator Coonan, the Minister for Revenue and the Assistant Treasurer. Will the minister inform the Senate of how the Howard government is improving incentives for lower income earners to save for their retirement. Secondly, is the minister aware of any alternative policies?

Senator COONAN—Thank you, Senator Watson, for the question and for your long-standing interest in improving the ability of all Australians to save for their retirement. I am pleased to inform the Senate that the government has successfully negotiated an agreement with the Australian Democrats to secure the passage of two key tranches of superannuation reform. The superannuation surcharge reduction and co-contribution measures for lower income earners are aimed at reducing the disincentives facing those able to save for their retirement and at boosting the superannuation savings of lower income earners.

It is a fair and a balanced package, with two-thirds of the benefits weighted in favour of lower income earners, a ratio of 66 to 34. The maximum surcharge rate will be reduced from 15 per cent to 12.5 per cent over three years and the government's co-contribution will provide a top-up of up to \$1,000 for eligible superannuation contributions made by lower income earners, dollar for dollar for those incomes up to \$27,500 and at a tapered rate for incomes between \$27,500 and \$40,000. This means that a lower income person who puts, say, \$20 a week into their super can add about \$45,000 to their superannuation payout over 15 years and, what is more, about \$146,000 over 30 years.

The government expects more than half a million people to receive co-contribution payments in the first year. While a smaller cut than the government's original proposition, the surcharge reduction will go towards removing the disincentive facing Australian employees who do have the ability to save for their own retirement and who can take the pressure off the pension system as our population ages. Many industry groups have come out in support of the government's announcement, with the Association of Superannuation Funds of Australia calling it a triumph of commonsense. The Australian Bankers Association said it is better to negotiate outcomes than to have no agreement at all, and the Investment and Financial Services Association said it was the best super tax news in 15 years. As predictable as ever, however, the Labor Party branded the package as unfair, in an attempt to disguise the fact that they were actually against the surcharge. And now that it is heading downwards, they want to keep it. What hypocrisy!

I have been asked about alternative policies. That is difficult, because Labor's policy on superannuation has now, on my calculations, been cooking for the past seven years. There have been many promises but nothing

delivered. But you have to give it to Senator Sherry for trying to keep a bit of interest alive—

Honourable senators interjecting—

The PRESIDENT—Order! Senators on both sides of the chamber will come to order! There is too much shouting across the chamber.

Senator COONAN—Mr President, I was saying that you have to give Senator Sherry some marks for trying to keep a bit of interest alive, because he now says their policy is coming in November.

Government senators—Which year? Which decade?

Senator COONAN—Well, you know; it is going to be based on something that he released in August last year. Poor Senator Sherry: after 7½ years in the job as shadow spokesperson he will not even get to release the policy, because his news release says that in fact it will be released by Simon Crean. He must be the only one who cannot be 'run over by a Carr', Senator Sherry.

Typically there are naysayers: the Australian Consumers Association says that we should not be doing this for low-income earners and that they cannot actually save for their retirement. This is short-sighted and frankly outrageous. It would rob lower income earners of the ability to take some control of their retirement income, and it assumes that low-income earners do not try to save. *(Time expired)*

Senator WATSON—Mr President, I have a supplementary question. Could the minister provide further information on the alternative policy approaches.

Senator COONAN—I thank Senator Watson for his supplementary question. I was saying that the Australian Consumers Association's view on this is outrageous, on the basis that they say that lower income

earners will not be benefited by this measure—and that assumes, of course, that lower income earners do not or will not save for their retirement. This is entirely unfair. This government wants to help ordinary workers save for their retirement. It is a landmark agreement and it was reached in cooperation with the Democrats, and I commend them for that. It shows this government's willingness to negotiate and deliver on key commitments.

The government is committed to helping Australians save for their retirement. The Labor Party are behaving like Jon Drummond, the runner who lay down in the middle of the track. They should get out of the way, because they are obstructing progress and are becoming utterly irrelevant.

Senator Sherry interjecting—

The PRESIDENT—Order! Senator Sherry, your leader Senator Faulkner has the call, and I would appreciate it if you would give him the chance to ask his question.

National Security

Senator FAULKNER (2.20 p.m.)—My question is directed to Senator Hill, representing the Prime Minister. Can the minister confirm that all ONA documents are routinely classified, numbered, bar-coded and individually grammatically configured to identify the source of leaked documents? Can the minister also confirm that all of these safety measures would have been used on the ONA report on Iraq written by Andrew Wilkie and dated December 2002? Does the minister therefore believe that these measures will assist the Australian Federal Police to quickly and accurately identify both the source of the leak of that document and any person who receives and uses the content of that classified report?

Senator HILL—No, I cannot confirm the methods adopted by ONA to protect their documentation and, as I cannot confirm that,

I really cannot comment further on the investigation being conducted by the AFP or on what will be the results of that investigation.

Senator FAULKNER—Mr President, I ask a supplementary question. I ask the minister to take on notice those issues that I have just raised and to report back to the Senate. While he is checking the veracity of that information, I also ask the minister to confirm that ONA is currently introducing technologies which allow for the identification of persons who have handled classified ONA reports. I ask him to establish whether he and the government would agree that these additional measures will assist in identifying every individual who may have recently handled the Wilkie report, which was classified top secret.

Senator HILL—I will refer the question to ONA, but I will be surprised if they wish measures that they adopt to protect their documentation to be put on the public record. I would have thought there are fairly obvious reasons why they might prefer not to do so, but we will wait for a response.

Trade: Animal Products

Senator BARTLETT (2.23 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. I remind the minister of the public outcry in early July over media reports of many consumer products derived from cat and dog fur being sold in Australia. At the time, the minister was quoted as saying he was currently reviewing it as a matter of priority. On 21 July, AAP quoted the minister as saying that he and three other ministers were developing an options paper that would be presented to the government by the end of the week. In Brisbane's *Sunday Mail* two days ago, an article by Daryl Passmore gave further details of the extent of this trade and the unspeakable cruelty involved. The minister was quoted in that article as saying, 'It's being dealt with as

a matter of priority, with a view to producing an options paper.' Minister, has the options paper been presented to the government? When will a decision be made on this matter? Will the government consider banning the import of dog and cat fur products into Australia, as has been done already in the USA and Italy?

Senator ELLISON—This is a matter of concern to many Australians, and we have received large amounts of correspondence on the matter. As I said earlier, this question covers a range of portfolios in the government. It deals with agriculture, trade, foreign affairs and, of course, the importation aspect which comes within my area of responsibility. Can I say at the outset that the government is deeply concerned about anyone who would trade in cat and dog fur. Cats and dogs hold a special place in the Australian community. Many Australian households have a cat or a dog or both as pets. I do not recall saying that we would have the report within a week, but I did say that we are developing a whole-of-government approach.

I know the same thing is being pursued at the moment in the United Kingdom. They are experiencing the same complexities that we are in relation to the element of free trade and the international trade in fur. That is something which has to be taken into consideration. It is something which has to be looked at across the whole of government. We are developing a position on this and what we are looking at is not just the question of banning importation but the question of labelling as well, which may be an aspect that could be employed.

We do have to have regard to Australia's international obligations in relation to free trade, and there are some countries that do not have a restriction on this. The United States and Italy have placed a ban, as I understand it. There are other countries which

are facing this issue and have chosen not to, for a variety of reasons. As I mentioned, the United Kingdom is going through a similar inquiry, and we have been watching that as well. This is a matter of concern in the community. We are addressing it, and I hope to have the matter resolved very soon.

Senator BARTLETT—Mr President, I ask a supplementary question. To assist the minister, I quote from 21 July AAP where a spokesperson for the minister's office said, 'The government will be presented with options by the end of this week.' Minister, that was nearly two months ago. If, as you say, you are deeply concerned, it is a matter of priority and it is a matter of concern to the Australian people, why have you still done nothing about it?

Government senators interjecting—

Senator BARTLETT—Can I take the abuse from your fellow colleagues on the front bench as an indication that it is not a matter of concern to the government? What possible problem can free trade pose unless Australia is exporting dog and cat fur itself? What possible difference could it make? How can anybody expect to take this government seriously on a basic issue of concern to the people of Australia when you have still done nothing about it?

Senator ELLISON—I notice that Senator Bartlett now says it was a spokesperson from my office who said that. I am not aware that I have ever made any statement of that sort. I have said that it is a priority for me, and I can say that we have also investigated the aspect of whether there is any domestic trade in dog and cat fur and we are not aware of any. I remind Senator Bartlett that there is state and territory involvement in this matter as well. It is not simply a question of any importation but a question of whether there is any domestic trade in cat and dog fur. That is another aspect that we are looking into.

Superannuation: Children's Accounts

Senator SHERRY (2.28 p.m.)—My question is to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Will the minister confirm that only about 500 children's superannuation accounts have been opened some 14 months after the children's superannuation accounts scheme commenced operation? Didn't the Prime Minister boast, when launching this trailblazing centrepiece of Liberal Party superannuation policy prior to the last election, that there would be 470,000 such accounts over four years? Why have children's superannuation accounts been such a flop?

Senator COONAN—As Senator Sherry would know, there are many small to medium enterprises and many funds in which you can take out a child account. It is not possible to either agree or disagree with his proposition about whether the number that have been opened is currently 500 or 5,000. This is not something that should be just estimated with figures plucked out of the air. It is almost impossible to be definitive about how many child accounts there are.

The important point about this is that child accounts are basically available. They are not compulsory; they are optional. They provide a very valuable opportunity for those who wish to take out a child account to do so. This government has introduced many ways to save for retirement. Obviously, one of those is the ability to save for a child in a child account. Another way is for those who have a baby and get the baby bonus to be able to contribute it to superannuation. Another very effective way to save is through the co-contribution for low-income earners. This government does not prescribe how people should save. Instead, it enhances and introduces policies that give people some choice about how they are going to save. A child account is simply a valuable opportu-

nity in a suite of measures designed to provide for children.

It is pretty obvious, though, that because Senator Sherry has no policy and has not had one for 7½ years—and probably will not have one for the next 7½ years—all he can think of asking about is child accounts. That is instead of asking next year when the policy has been running and has had an opportunity to succeed.

Senator SHERRY—Mr President, I ask a supplementary question. The government did predict that 470,000 accounts would be opened, and to date 500 have been opened. The minister is not correct: because of the tax treatment of children's accounts they have to be reported to the tax office, so she should know the number. Isn't it correct that, at the current rate of progress, it will take 910 years for the Prime Minister's election promise to be implemented?

Senator COONAN—I do not know whether the Labor Party will still be in opposition then, but I am sure they will still be lying on the track and objecting to sensible reforms that enable people to save in a variety of ways. The child accounts are one of the voluntary ways in which people can save. I think this simply indicates the sour grapes of the Labor Party, who simply hate the fact that this government cares about working Australians, cares about their retirement savings and is prepared to negotiate and make sensible accommodations. The Labor Party hate it because they have made themselves irrelevant.

Fuel: Ethanol

Senator BROWN (2.32 p.m.)—Mr President, firstly, may I compliment you on your tie. I think good taste should be noted! My question is to Senator Coonan, the Minister for Revenue and Assistant Treasurer. I ask the senator: is it true that, as at 18 September, Manildra will be receiving a 38c a litre

subsidy on ethanol but paying no equivalent fuel tax because of the government's failure to pass the relevant legislation and that, moreover, the fuel tax collected on ethanol over the last year will have to be refunded because retrospectively the regulations will have failed for want of the legislation? I also ask: does the government's failure to legislate for the levy expose it to compensation claims from importers of ethanol from Brazil because the levy which sent their ship away is about to be null and void?

Senator COONAN—The situation with ethanol, as we all know, is that the Senate failed to pass the legislation. That did have the potential of exposing the government to needing to repay the money that had been received by way of compensation. To the best of my knowledge, no action has been commenced. What is important is that the Senate should get on with passing this bill. I am advised by Senator Campbell that in fact it can be brought back this afternoon if the Senate and, indeed, Senator Brown are ready to pass it. That would obviate any problem in relation to any claim for compensation.

Senator BROWN—Mr President, I ask a supplementary question. Aren't the tens of millions of dollars about to be returned to Manildra and the other matters that the minister has just spoken to being held up for want of the release of minutes of a meeting between the Prime Minister and Mr Dick Honan of Manildra? Is the parliament—and therefore taxpayers—not being held to ransom for some tens of millions of dollars by the Senate's demand that the minutes of those meetings be released? In short, will the minister tell the Senate that the minutes promised to the Senate on Labor's request a number of times since last year will be forthcoming?

Senator COONAN—The tariff proposals that were tabled on 18 September granted

provisional authority for revenue agencies to collect excise and customs duty, and the tariff proposals must be validated by the amendment bills by 15 September. If the legislation is not valid, it does leave those who have paid excise and customs in a highly uncertain position, and it is rank political opportunism of the Senate not to pass these bills and not to pass them promptly.

Superannuation: Temporary Residents

Senator SHERRY (2.36 p.m.)—My question is to Senator Coonan. Will the minister confirm that, 14 months after its introduction, only about \$15 million of the Liberals' new tax on superannuation—the so-called backpacker tax on departing temporary residents—has been collected out of the \$325 million budgeted for?

Senator COONAN—As the Senate will be aware, what the government has in fact introduced, and it has been passed in this place, is a measure to allow those who are departing permanently to access their superannuation. Of course, departing temporary residents have the option of leaving their money here if they want to. Temporary residents seeking the prompt return of superannuation have, I am informed, been flocking to the new ATO web site at a rate of more than 13,000 a week. That is a sharp jump in demand from the 1,300 a week who were using the site in April, and it is directly attributable to the launch of the online application system for the measure in mid-April. Since the launch of the online application system, 1,593 electronic applications have been received. The ATO has also recently written to certain recent departees, where appropriate address information is available, to advise them of the measure.

So the ATO is currently engaged in both a domestic and overseas advertising campaign to raise awareness of the measure. It only commenced on 1 July 2002 and, in those

circumstances, details of what has been paid out are not available at this time. It is not due, and the data is not available in relation to revenue, until 31 October this year. The details of the revenue generated by the measure obviously will be available in due course, but the measure has only been in operation since 1 July 2002. I am delighted to tell the Senate of the interest from overseas residents and those who may have eligibility and who are making contact with the Australian Taxation Office in order to take up this measure.

I am always pleased when the Labor Party takes some interest in the tax system and, more particularly, in superannuation. It is certainly novel to be asked some questions about it when we never see any policy at all from the Labor Party about superannuation. We certainly see nothing about tax unless it is all about sticking it up the taxpayer, putting up taxes and hurting ordinary Australians.

Senator SHERRY—I ask a supplementary question, Mr President. They may be flocking to the Internet site but they are not paying the tax. Why won't the minister confirm that only \$15 million out of \$325 million has been collected from this tax? Won't it take 22 years, rather than the four years claimed, to collect this revenue? How will the government make up the likely \$250 million shortfall in tax collection from the back-packer tax to fund its superannuation deal, which she outlined earlier to the Senate?

Senator COONAN—If I were the Labor Party, I would not be too worried about any shortfall that the government might have in any policy, because the Labor Party do not have one. The government have budgeted for departing residents to be able to access their superannuation, as indeed they should. The measures started in July last year, and obviously it is important in those circumstances

that the advertising campaign kicks in. When the data becomes available, it will be discussed. It is simply another example of the Labor Party, who are a total policy vacuum, trying to find some hole in any policy at all because they have an absolute dearth of their own.

Australian Federal Police: International Law Enforcement

Senator PAYNE (2.41 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. How is the presence of Australian Federal Police Commissioner Mick Keelty at the ASEAN Chiefs of Police Conference a further sign of Australia's strengthening ties with law enforcement agencies in our region?

Senator ELLISON—I acknowledge Senator Payne's keen involvement in law enforcement—

Senator Carr—You should, you wrote the question for her!

Senator ELLISON—as the Chair of the Senate Legal and Constitutional Legislation Committee and, particularly, affairs relating to the Australian Federal Police. I note the comments from Senator Carr belittling this question. This is, of course, a very important question, especially when you consider this is the first time that an Australian chief of police has been invited to Aseanapol. This is the 23rd ASEAN Chiefs of Police Conference that is being held in Manila and the Australian Federal Police Commissioner, Mick Keelty, has been invited for the first time as an observer.

This is a crucial meeting for law enforcement in the region. Such things as transnational crime, drug trafficking and sex trafficking will be discussed. I want to dwell on that point for a moment, because the police commissioner has said publicly that he is keen to work with police chiefs in the region in setting up a task force to deal with the

growing trend of criminal activity dealing with sex trafficking. This is a matter of great concern to this government and is one that has been of public concern in recent weeks. It is very important that we deal with this not only domestically but overseas as well. We can deal with this only if we have the cooperation of foreign law enforcement, especially the police forces in the South-East Asian region.

As well as this, Police Commissioner Keelty will be chairing on 14 September in Macau the Asia Pacific Group on Money Laundering. We are co-chairing this with Korea. Australia is, of course, a co-founder of this very important group. We will be looking at the financing of terrorism and, importantly, money laundering in relation to transnational crime. After all, these are the tools of the trade for transnational criminals. If we can attack the money-laundering aspect, we can get to the Mr Bigs in the region. This has a direct influence on domestic crime in Australia, especially in relation to the trafficking of drugs.

All this goes to show the great relations that we have at the law enforcement level across our local region and South-East Asia. This is extremely important to matters directly related to Australia's national interest not only in counter-terrorism but also in transnational crime. This year we will allocate funding of \$12.8 million to our overseas law enforcement program. At the moment, we have some 58 AFP members in 30 strategic locations around the world, including 14 posts in the Asian region. We have opened offices in Bangkok, Chang Mai, Hanoi, Ho Chi Minh City, Manila, Jakarta, Kuala Lumpur, Phnom Penh, Dili, Rangoon and Singapore—all crucial posts for law enforcement activity in the region. Just recently we saw the great cooperation offered to the Indonesian police force in the Marriott bombing in Jakarta. At one point, 23 Australian Federal

Police personnel were involved in assisting Indonesian authorities at the site. This again demonstrates the close relationship that we have with Indonesia on law enforcement matters, particularly on counter-terrorism.

Not only have we been working on investigations such as the Marriott bombing and of course the Bali investigation, which is well known in Australia, Indonesia and also internationally, but also recently we have assisted by handing over patrol boats made in Australia to the Indonesian police. These patrol boats will greatly assist the Indonesian police in patrolling the Indonesian archipelago, which is vital to law enforcement in that area. We have a great record in law enforcement cooperation, and that record is being recognised by the first ever invitation of an Australian Federal Police commissioner to the Aseanapol Conference. *(Time expired)*

Sport: Antidoping

Senator LUNDY (2.45 p.m.)—My question is to Senator Kemp, Minister for the Arts and Sport. Can the minister confirm the alarming increase in the number of Australian athletes testing positive for banned drugs over the past year? Doesn't this mean that this minister is the first Australian sports minister to record an increase in the number of positive drug tests on his or her watch? Does the minister concede that this disappointing outcome is a result of the government's failure to properly communicate the risks and penalties associated with drug taking in sport? Why has the government insisted on placing an increased reliance on a user-pays drug-testing regime when the incidence of drugs in sport is on the rise?

Senator KEMP—First of all, I thank Senator Lundy for her question on sport. It was a poor question. Nonetheless, it shows that at least there is some work being done. Senator Lundy, sometimes things rise because the testing procedures have improved.

Under the Labor government, I think you would agree that the testing procedures on drugs in sport were, to put it frankly, fairly lax and ordinary. This government has launched a Tough on Drugs policy, with a comprehensive testing program. That is why figures used in the way that you have attempted to use them, and to draw the conclusions that you have attempted to draw, can be very misleading indeed.

Let me make it clear to Senator Lundy, the Senate and the public that the government is committed to maintaining a robust and comprehensive drug-testing and education program to deter Australian sportsmen and sportswomen from taking banned substances. ASDA's testing program is designed to ensure drug tests are distributed effectively across the most appropriate athletes and sports. The fact that there were more doping infractions recorded in 2002-03 than since 1998-99 means that ASDA is operating an effective drug-testing program and that the government must continue to take a leadership role on antidoping issues in Australia. The increase in infractions for taking serious substances, masking agents and other substances shows that Australian sport is not immune from doping. Strong action, we believe, must continue to be taken on antidoping by sporting bodies and the government.

The government is committed, as Senator Lundy well knows, to the implementation of the world antidoping code prior to Athens in 2004, and the government will be working with Australian sporting bodies to ensure that they are able to implement the code in their sport. This government has a very proud record in improving the antidoping testing arrangements in this country. They are a vast improvement on the arrangements which were in place under the previous government. I think this should be a matter for praise, not a matter for abuse on your part.

Senator LUNDY—Mr President, I ask a supplementary question. Given that ASDA has called for the full implementation of the world antidoping code as the best chance to achieve a harmonised approach to fight doping across all sports, can the minister explain exactly what steps he is taking to ensure that all sporting organisations in Australia will adopt and adhere to the code?

Senator KEMP—It is always a problem, I have to say, with Senator Lundy because she types out the supplementary question before she comes into question time. So, with Senator Lundy, you give a comprehensive answer and she stands up and reads a supplementary without even listening.

Senator Lundy—Mr President, I raise a point of order. Please direct the minister to answer.

The PRESIDENT—I hear your point of order, Senator Lundy. Minister, you have 37 seconds left of your supplementary answer. I draw your attention to the supplementary question.

Senator KEMP—We are working very closely with the sporting bodies to ensure that they are well informed about the demands which will be made by the new world antidoping code. We are working with the state governments. In fact, I can assure you that we are working with all relevant organisations to ensure that the new code can be implemented on time. As I said, given the record of the Labor government on antidoping in sport, given the slack approach of the Labor government, I think the approach that this government is taking, as I said earlier on, should be a matter for praise. (*Time expired*)

Employment: Job Network

Senator CHERRY (2.51 p.m.)—My question is to the Minister for Family and Community Services. Does the minister agree with the view of the Minister for Em-

ployment Services expressed today that 900,000 missed appointments with Job Network providers are ‘mostly without valid reason’? How does this statement match up with the finding by the Centre for Applied Social Research that 72.4 per cent of breaches recommended by Job Network providers are not accepted by Centrelink because of faults within the Job Network, including insufficient time to comply, incorrect letters, letters sent to incorrect addresses, duplicate reports and unsuitable referrals? How many of those 900,000 Job Network clients have had their payments suspended by Centrelink, despite continuing problems with Job Network? Can the minister assure those job seekers that they will not be breached of payments until the government has done all it can to fix the referral process and the systemic flaws evident within Job Network?

Senator VANSTONE—I thank the senator for his question. I know he has a long-standing interest in the day-to-day workings that affect people, more than the general policy. That is not to say he is not interested in the general policy, but he has a deeper interest in the day-to-day workings of how these things affect people. The question provides me with the opportunity to highlight yet again what a tremendous job Centrelink does. It is the case that Job Network members will refer people for a breach for non-attendance and Centrelink will reject a number of those referrals—quite a high number. But it is that high rejection rate that should give job seekers confidence, because it is not the Job Network that makes the breaching decisions but Centrelink. Centrelink conducts a proper investigation into whether the person had a reasonable excuse or not, and that is why a lot of the Job Network recommendations are not carried forward. It is unfortunate, Senator, that sometimes people play with the figures you refer to and suggest

that somehow breaches are overturned. The Job Network does not impose breaches, so breaches are not overturned; they are recommendations that are not accepted by Centrelink. That should give job seekers very significant confidence that the system is working and that Centrelink does check it out properly.

We are shifting to a new system with the ESC3. We expect the system will operate more efficiently and more quickly. Job seekers will come in and have their interview and an appointment should be made with a Job Network provider on the spot. If they then do not show up to the appointment, processes begin to flow. We have been working on two outbound calls: two did not attend at interviews and two rescheduled appointments. That has taken quite a bit of effort, but we have been working on it because there were some teething problems with the new technology. We should be able to move now to a system where we have a very rapid reconnection. Within 16 days of being advised of a person’s non-compliance by the Network we should be able to rebook the interview, identify a more appropriate form of assistance—if that is the case—or, if they cannot be contacted, suspend their payment.

Senator, you may recall that either earlier this year or last year we introduced a suspension model for breaching. It has actually resulted in a very significant reduction in the number of breaches. It ensures that the person comes in and gets a chance to give an adequate explanation and get immediately reinstated. If there is not an adequate explanation—in other words, they just did not show up and could not be bothered—then they will be breached. I believe the lessons we learnt from using the suspension model in the breaching process earlier can be well applied to this, but of course that was not started until we were satisfied that the tech-

nology system was up and running efficiently.

Senator CHERRY—Mr President, I ask a supplementary question. My key question was not answered, which was: how many people have been suspended and how many of those do you expect will ultimately be breached? The research at RMIT concluded:

At the end of the day, this government will always blame the unemployed person. There's no acceptance that there are problems through the system, and they're still pumping money into it.

Can the minister assure the Senate, as I asked earlier, that those suspensions will not turn into breaches because of faults or, as you say, teething problems with the new technology?

Senator VANSTONE—Senator, if your question relates to suspensions since the suspension aspect was introduced in relation to the new ESC3, I cannot give you that because it has only recently been introduced and, to the best of my knowledge and that of my adviser in this area, I do not have any reports on it. It is very new; it was introduced within the last couple of weeks. If you are asking for longer term figures—that is, suspensions in the broader context from when that model was started—I will get those figures and give them to you. I think you will find they will show a significant fall off, in one sense, in breaches but they will also show people who when they have to show up—otherwise they do not get their payment back—do not show up. Obviously, one of the reasons for that would be that someone has got a job, has still been claiming a benefit and it is too inconvenient for them to get time off from their job to come and pretend they are jobless. So it has actually worked a treat. It has been much better for people who are looking for work, and much better for the government as well. *(Time expired)*

Howard Government: Australian Stock Exchange

Senator SHERRY (2.57 p.m.)—My question is to the Assistant Treasurer, Senator Coonan. Can the Assistant Treasurer confirm that the Australian Stock Exchange is seeking an explanation from the government as to why it gave insufficient warning to the consortium that won the defence patrol boat contract? Is the Assistant Treasurer aware that, as a result, people were able to unfairly profit from the announcement by the Minister for Defence on 29 August this year, with shares being traded after the decision was announced but before the market had been notified? Can the Assistant Treasurer confirm that over six million shares in Austal were traded on the day, with the price jumping from 79c to \$1.04, which means people could have lost a total of \$1.5 million on the day because of the government's blunder? Will the Assistant Treasurer now explain how this occurred? If not, will she undertake to come back with an explanation?

Senator COONAN—The answer to that is that the issue of continuous disclosure is a matter for the companies to abide by. As we have discussed ad nauseam in this place, the guidelines are in the course of being prepared. In relation to Senator Sherry's specific question, it obviously falls within the portfolio of Senator Ian Campbell and I will get a response.

Government senators interjecting—

Senator SHERRY—It is a bit of a cop-out; she represents that area. Mr President, I ask a supplementary question. Can the Assistant Treasurer confirm that the Australian Stock Exchange had previously raised concerns about the government's failure to properly inform the market of action against Pan Pharmaceuticals? Why won't the government do the right thing by investors and en-

sure that it fully informs the market of any decision that will impact on share prices?

Senator COONAN—Senator Sherry has obviously been working too hard on that nonexistent superannuation policy, because he has not realised that that is precisely what the government is working towards in its disclosure guidelines as part of CLERP 9.

Australian Sports Commission

Senator MASON (3.00 p.m.)—My question is to the Minister for the Arts and Sport, Senator Kemp. Is the minister aware of attempts by the Labor Party to damage the integrity of the Australian Sports Commission as an independent authority? Will the Minister advise the Senate of any misleading statements made by the Labor Party as part of their attack on the commission?

Senator Faulkner—Mr President, I raise a point of order. My understanding is that similar questions in this form have been ruled out of order by previous presidents. Could I ask you whether you intend to rule this in order or not?

The PRESIDENT—As the senator knows, asking hypothetical questions and asking for comments on other policies may be out of order, but I would ask the minister to answer those parts of the question that do not fall within that particular standing order.

Senator Faulkner—Mr President, I put it to you that the question as asked was out of order, consistent with the rulings that previous presidents have made. It has been a consistent approach of presidents to accept as in order a broad commentary on alternative approaches, but it has also been, in my understanding, the consistent approach of presidents and others presiding in this chamber to rule out of order questions asked in the very poor form that Senator Mason asked that particular question. I would ask you to rule it out of order.

The PRESIDENT—As I said previously, the second part of the question I believe was not in order but I do not believe that the first part was out of order.

Senator Mason—I happy to rephrase the question.

The PRESIDENT—No, you cannot do that. I ask the minister to answer that part of the question that was in order.

An opposition senator—It's an unfair question.

The PRESIDENT—That is your opinion, Senator; my opinion is different from yours.

Senator KEMP—I thank Senator Mason for that important question. I will certainly confine my remarks following the instruction by the President, as I always do. It pains me to have to do this, but I have to draw the Senate's attention occasionally to statements that Senator Lundy has made which have been dead wrong and which Senator Lundy has failed to correct. I am afraid that in recent times we have another very bad example of statements by Senator Lundy which are just plain wrong.

Let me inform the Senate that in an article in the *Canberra Times* on 27 August Senator Lundy made the outrageous and appalling allegation that the government had politicised two of Australia's very fine institutions, the National Capital Authority and the Australian Sports Commission. What was the evidence to support Senator Lundy's claim? This is the evidence: both those organisations had expressed the view that a major four-lane highway running through the Australian Institute of Sport was not a good idea. It will not surprise senators on this side of the chamber to learn that Senator Lundy has once again embarked on a cheap and disgraceful attack on these two institutions. I should note for the record that in a lengthy response to Senator Lundy's claims by the Chairman of the NCA, Mr David Evans, on

4 September 2003 Mr Evans described Senator Lundy's allegation as 'a serious accusation which is entirely without foundation'. Likewise, Senator Lundy's suggestion that the government has politicised the Australian Sports Commission cannot stand up to scrutiny.

Senator Lundy supported a policy which I do not believe the Labor Party knew that Senator Lundy was proposing as part of the Labor Party policy. Senator Lundy wanted to put a four-lane highway through the front yard of the AIS, one of the jewels in Canberra's crown. She will ever wear it, I believe, as a badge of shame that she did that. Is it surprising that the AIS would be opposed to having a four-lane highway going through the institute? Is it surprising that the ASC, the Australian Sports Commission, would oppose such a policy—not on the grounds of being political but on the grounds of commonsense and of wanting to protect an institute which I believe is world class and is the envy of the rest of the world? Senator Lundy—without authorisation from her own party, I might say—was strongly supporting this crazy policy not supported by one sporting body in Australia. Never have we seen the shadow spokesperson for sport so out of touch with the needs of sport.

Senator Lundy could have played a very constructive role in this. She could have attempted to persuade the ACT government to change their plans—and in the end they had to change them. But Senator Lundy was out there trying to drive this four-lane highway through the Australian Institute of Sport. For Senator Lundy to go to the press and claim that this is a sign that the Australian Sports Commission is politicised is an absolutely outrageous statement, and it is a badge of shame that you will wear, Senator, for the rest of your time in this parliament. (*Time expired*)

Senator Cook—Mr President, I raise a point of order. In view of your ruling on the objection to this question that was raised by Senator Faulkner, will you look at standing order 73, which goes to questions not containing arguments, inferences or imputations and states that questions should stick with the facts? Bearing in mind that this question imputed a motive which was not true, will you later be able to reply to the Senate on how this question conforms with that standing order, for the information of senators?

The PRESIDENT—I will review the *Hansard* and will report back to the Senate on my ruling.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Australian Customs Service: Security

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.07 p.m.)—Yesterday, in relation to a comment on DSD being involved in Customs investigations, I said that it had been made public the day before I made my comment. It was in fact made two days before, on the Friday and not the Saturday. I correct that for the record.

Yesterday Senator Faulkner asked whether ASIO was aware of a stabbing at the Sydney Police Centre and why the attack was not captured by surveillance cameras at ASIO's Sydney office. I am advised that a NSWPol special constable was attacked at the Sydney Police Centre on 10 March 2003. The attacker fled the scene and was apprehended by police outside the ASIO Sydney office. The actual attack occurred outside the range of the surveillance cameras, but the apprehension of the attacker did occur within range of the cameras. The apprehension was not recorded, as the ASIO security cameras are used only for visual monitoring. Conse-

quently ASIO was not able to provide the New South Wales Police with video footage. The suggestion that the cameras were broken or were out of order is without foundation.

Immigration: Temporary Protection Visas

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.08 p.m.)—Yesterday Senator Bartlett asked me a question about Iraqi temporary protection visa holders. I have here a comprehensive answer to that question. On behalf of the Minister for Immigration and Multicultural and Indigenous Affairs, I seek leave to incorporate that answer.

Leave granted.

The answer read as follows—

Iraqi TPV holders

Question: Can the Minister confirm that there has been no processing of protection visa applications from Iraqi refugees despite the fact that many refugees' original visas expired as long ago as December last year?

Answer:

Since the outbreak of hostilities in Iraq began in March 2003, Iraqi nationals in the refugee determination process whose claims for protection depend upon country information have had their decisions deferred until reliable country information is available. This is not a blanket arrangement. The arrangements allow for processing to continue and decision-making to occur where a decision can be made without reference to Iraqi country information.

This approach is in recognition of the consequences of making protection visa decisions in an environment where the country situation is volatile and the country information subject to constant change.

It aims to ensure that Australia does not breach its protection obligations.

Australia's current approach is consistent with the UNHCR calls for asylum countries to exercise caution in decision-making, given the current state of affairs in Iraq. For example, the UK, Denmark, Sweden and Norway have also sus-

pending the consideration of Iraqi asylum applications in response to UNHCR. Each of these countries is keeping these arrangements under review, as is Australia.

Question: How long are these refugees expected to be left waiting and suffering in a state of uncertainty about their future, separated from their family and unable to rebuild their lives?

Answer:

All TPV holders who have had their visas cease received a further interim temporary protection visa pending the determination of their further protection visa application. This means they continue to receive the security of protection in Australia and all associated benefits until their application can be finally assessed. These benefits include:

- a wide range of social security payments, including special benefits, child care benefits, family tax benefits, maternity allowance and rent assistance;
- access to Medicare, work rights, education; and
- early health assessment and intervention which includes torture and trauma counselling.

Much is made of the 'uncertainty' facing temporary protection visa holders in Australia. However, there are 12 million refugees around the world facing such uncertainty, many of those are in camps awaiting a durable solution.

Question: How many Iraqi refugees who were granted temporary protection visas over three years ago have put in an application for a new visa on the expiry of their temporary visa and whether any of those visas have been processed through to finality. How long are they expected to wait?

Answer:

Department of Immigration and Multicultural and Indigenous Affairs' systems indicate that as at 22 August 2003, some 4006 Iraqi TPV holders had lodged further protection visa applications. Of this group, some 950 were granted their original temporary protection visa over three years ago. It is anticipated that most of this caseload

will need reliable and up-to-date country information in order to make a decision.

In addition, departmental systems record that as of 9 September 2003, there have been 79 decisions made in relation to further protection visa applications by Iraqi TPV holders, 78 of these were refusals due to voluntary departure from Australia. The remaining decision was a grant of a permanent protection visa.

ANSWERS TO QUESTIONS ON NOTICE

Question No. 1642

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.08 p.m.)—by leave—In response to a query raised in question time yesterday by Senator Allison in relation to parliamentary question on notice No. 1642, the following response is provided. The question is a 24-part question, with most parts containing numerous sub-parts. The preparation of a reply to question No. 1642 has been delayed because of the complexity of the subject matter, the volume of research required and the diverse range of issues requiring investigation. Some questions required analysis of data dating back to the year 2000. A manual collaboration of records was also required. The response is currently being finalised and will be provided shortly.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator LUNDY (Australian Capital Territory) (3.09 p.m.)—I move:

That the Senate take note of the answers given by ministers to questions without notice asked today.

I would like to turn my comments to those answers provided by Senator Kemp. Firstly, I will take him to task on his pitiful attempt to misrepresent Labor's position with respect to the Gungahlin Drive extension. I stand by my challenge to this government that it has

been Minister Kemp and Minister Tuckey, the Minister for Regional Services, Territories and Local Government, who have sought to politicise the institutions of the National Capital Authority and the Australian Institute of Sport. That charge lays level at their feet, and it is their responsibility to try to work in a way that upholds the credit and the reputation of these institutions. Has that stopped this government from deliberately setting out to tarnish these institutions by politicising them? Absolutely not. Senator Kemp took on the task of politicising the AIS and the Sports Commission with great relish in a Senate estimates committee, where he first asked questions about the Gungahlin Drive extension and the impact on the AIS. The fact of the matter is that the proposed Gungahlin Drive extension did not go through the AIS, as Senator Kemp waxes lyrical in this chamber; it went around the AIS. The route that has now been approved goes around the AIS in a different direction on a different side. Both routes go around the AIS. When Senator Kemp stands up here and talks about the Gungahlin Drive extension going through the AIS and impacting on the AIS in a negative way, we know he is talking about his own political campaign. We know that because the ACT Labor government addressed all of the concerns raised by the AIS, and I say that the AIS was not allowed to say yes to the Labor government in the ACT. The AIS was politicised through the intervention of the minister. That is the situation, and it does not matter how much Senator Kemp or Minister Tuckey try to defend their roles. I think it is patently clear to every citizen of the ACT—to everyone in Canberra—that the coalition government likes to play games with the ACT, and it is absolutely unacceptable.

I will turn now to Senator Kemp's response on drugs in sport. It is worth having a very brief history lesson. Since the Liberal government began to oversee ASDA in 1996

when they were elected, the level of support offered to ASDA has declined in real terms. In 1995-96, 71 per cent of ASDA drug tests were government funded. In the last financial year, this number dropped to 57 per cent. This shows that user-pays testing has increased from 29 per cent in 1995-96 to 43 per cent in 2002-03. Whilst this is a commendable increase in itself, because it could have represented a significant increase in the number of tests, it has been accompanied by a decline in the number of publicly funded tests and is hardly a cause for celebration on those grounds. Despite the cutbacks, ASDA, to its credit—through its innovation and its good administration—has managed to keep pace with increasing world testing requirements by increasing the total number of tests conducted. It is very hard to give this government too much credit for the good work that is occurring at ASDA.

There is another illustration of the decline in support. Between 1995-96 and 2002-03, the total number of tests conducted by ASDA increased by 52 per cent, from 3,296 to 6,263, which is a terrific increase, but over the same period the percentage of government funds dedicated to testing decreased by 14 per cent. This indicates clearly that there is a question about the level of commitment to ASDA and the fight against drugs in sport. I have no doubt that greater pressure on ASDA to keep up with the challenge will continue. I urge the government to pay more attention to this. ASDA needs more resourcing to keep up the fight against drugs, and it does not seem to be forthcoming to the extent that is necessary for that fight to be real and meaningful.

Senator Kemp waxes lyrical about the WADA code, and I do recognise the government's efforts where they are deserved, but today Senator Kemp had the opportunity to explain exactly what was happening with the implementation of the WADA code and

he chose to again say, 'We are working with national sporting organisations, state governments and so forth.' We have heard that now for months. We want specifics. We want to know exactly what the government are doing. It is a question of government accountability. This is a very important issue. The statistics are showing a disappointing and concerning picture. Senator Kemp relinquished the opportunity today to restate his government's credentials on these matters. I am now seriously worried that they do not have those credentials, because Senator Kemp is incapable of articulating the simple steps that I asked him about in question time today. (*Time expired*)

Senator WATSON (Tasmania) (3.14 p.m.)—Following a historic agreement between Senator John Cherry of the Australian Democrats and the Minister for Revenue, Senator Coonan, Australian superannuation fund members are going to get very significant benefits. The first is called the co-contribution for low-income earners. That will provide benefits whereby a contribution by a worker of \$1,000 into a superannuation account, where that worker has an income under \$27,500, will receive a co-contribution of \$1,000 from the Australian government. For incomes between \$27,500 and \$40,000, the benefit tapers off. This is a huge benefit to lots of low-income families.

If I could quote from the Senate select committee that looked into this issue, there was widespread support for the co-contribution initiative in submissions received by the committee. Overall there was recognition of the need to introduce measures to increase the benefits of superannuation for low-income earners and an acknowledgment that the measures proposed in the bill would assist in boosting overall retirement savings. One of the interesting submitters was the Industry Funds Forum, which stated:

... measures to increase the benefits of superannuation for low income earners are essential.

Again, the Association of Superannuation Funds of Australia welcomed the co-contribution initiative, advising the committee:

The initiative, we feel, has real merit as a means to improve the adequacy of retirement savings.

Mercer Human Resource Consulting similarly welcomed the co-contribution, indicating:

We are pleased that the Government has seen fit to encourage the use of superannuation. Therefore we offer general support ...

We even had representatives from the West Tamar Council and a number of outworkers there who said:

I understand that the intention of the legislation is to provide a mechanism to support the Federal Government's initiatives to encourage superannuation contributions and ultimately, greater financial self-sufficiency.

Even the Australian Council of Social Service supported the principle of co-contributions for low-income earners. So it is a historic occasion.

Seldom do taxpayers get such significant benefits from a government. To receive \$1,000 in return for an investment of \$1,000, providing the income is under \$27,500, is perhaps one of the most generous benefits ever given by any Australian government. It is not surprising that, since this matter was first mooted, the telephone has rung hot on a regular basis with people asking for progress. The sticking point, unfortunately, has been the Australian Labor Party, who have been reluctant to move on any superannuation measures—a dog in the manger attitude. It was this government's initiative in this area.

The other significant change as a result of this historic agreement has been a reduction in the superannuation surcharge whereby the surcharge over a three-year period will re-

duce from the current 15 per cent to 12.5 per cent. This is significant because it shows a commitment to get rid of the surcharge over time. It is often said that the surcharge benefits only high-income earners. I was speaking last night with representatives of the Australian Federal Police and they queried me on the surcharge issue. They were concerned that so many of their officers who had been affected by trauma as a result of accident investigations et cetera had to go off early and that, while they were not high-income earners, because of the benefits that were provided through the association in the form of redundancy type payments—you would not call it a golden handshake—they came into the surcharge bracket. These were not high-income earners, and it was affecting the amount of money that they were taking away.

So it is a good measure, it is a historic agreement and I think it shows the progressive nature of the federal government in its attitude towards increasing the level of savings. After all, we were recently told there is a \$600 billion gap between the level of savings and people's expectations. We must do more to increase savings, and this is a measure to improve that. (*Time expired*)

Senator SHERRY (Tasmania) (3.19 p.m.)—We have just heard from Senator Watson, and we heard from Senator Coonan during question time. They have outlined what they consider to be a fair and balanced terrific new superannuation package from a deal that they have negotiated with Senator Cherry from the Australian Democrats. This is a bit like the GST, I suppose. There is just one big problem with the package that I want to debate today—that is, the government cannot pay for it. There is a \$250 million shortfall in revenue that is being put aside for this package. The government cannot pay for the package deal it has done with the Australian Democrats.

The Liberal government's election promises prior to the last election, which outlined the package that this deal has modified, referred to a new tax revenue raiser which was to pay for a large part of the cost. It was a new tax on nonresidents who permanently depart Australia and transfer their superannuation out. The Howard government, in its pre-election manifesto, indicated that this new tax would raise \$325 million over four years. It is dependent on temporary residents who have left Australia—and there are well over a million of those—and temporary residents who are in Australia transferring voluntarily their superannuation out of Australia when they leave so the government can collect the new tax, the \$325 million. I asked Senator Coonan quite specifically today whether it is correct, as I am informed by industry sources, that only \$15 million of the \$325 million has been raised to date. Fourteen months into the operation of this new tax, only \$15 million has been raised.

Treasury and the Liberal government assumed that 80 per cent of temporary residents would transfer their money and the government would collect the new tax; however, industry sources tell me that only 10 to 20 per cent, at best, of temporary residents have transferred their money. This means that there will be a \$250 million shortfall over the four years of the costings of these important revenue measures. That is not a surprise to me, frankly, because we have the tax office of Australia trying to contact overseas well over one million former temporary residents—and those one million people include backpackers, holiday-makers, students and other temporary residents who were in Australia working—but they do not have their addresses. They cannot contact the one million people who have already left the country to ask them to voluntarily transfer their superannuation so the tax office can collect the new tax.

This is an absolute farce. We have the Australian Taxation Office on a worldwide search for over one million former temporary residents, including backpackers, to collect the tax and they do not have the addresses. How on earth can the tax office collect the \$325 million? They cannot. They will not collect anywhere near the \$325 million that is necessary to fund the Liberal-Democrat superannuation package that has been announced. And rather than take four years to collect the \$325 million, with the current rate of progress—or lack of progress—it will take 22 years. We have a massive revenue hole in the government-Democrat superannuation tax package of some \$250 million. The minister refused to give the Senate today the accurate figure. She knows the figure, but she is embarrassed and refuses to give the figure. In fact, at last Senate estimates, Treasury confirmed that the revenue estimate from this new tax—the chase for backpackers around the world—will not raise anywhere near \$325 million. (*Time expired*)

Senator CHAPMAN (South Australia) (3.24 p.m.)—As Senator Watson has already indicated, the government has a number of positive initiatives in regard to superannuation but all we hear from the Labor opposition is misrepresentation, carping and unjustified criticism. Senator Sherry has just exemplified that in his remarks of a few moments ago. Senator Sherry not only misrepresents the government's position on superannuation policy and superannuation initiatives; he also misrepresents the position of the Senate Select Committee on Superannuation of which he, I and Senator Watson, who spoke earlier on behalf of the government, are members.

Senator Ludwig—And Senator Buckland.

Senator CHAPMAN—Senator Buckland is also a member of that committee. But I

have not at this stage heard Senator Buckland—and if Senator Buckland is going to speak, I will have to listen carefully to what he says—misrepresent the position in the way that Senator Sherry does.

I want to draw attention to the fact that the Senate Select Committee on Superannuation in its most recent report recommended that over an extended period the government should examine means of encouraging people to take income streams rather than lump sum capital on retirement. Senator Sherry is engaged in conducting a scare campaign on this issue, although he is a member of the very committee that has made this recommendation. He is suggesting that this decision is imminent and that people who wish to access lump sum superannuation for retirement in the immediate future will be required to take income streams rather than lump sums. Of course, that is not the case. That is not what the committee has recommended and that is certainly not what the government is likely to initiate. This is an issue that needs to be examined over an extended period of time, maybe over a generation.

That just exemplifies the way Senator Sherry seeks to gain political advantage out of misrepresenting the position not only of the government but of the very committee of which he is a member. Of course he has done that in relation to temporary residents in questions to Senator Coonan and his comments today. Contrary to what Senator Sherry has said, temporary residents who are seeking the prompt return of superannuation have been flocking—at the rate of some 13,000 a week—to the new tax office web site that has been provided for them. This represents a sharp jump in demand from the 1,300 a week who were using the site in April and this is directly attributable to the launch of the online application system for this measure in mid-April. Since the launch

of the online application system, some 1,593 electronic applications have been received.

The ATO has written to recent departees where address information is available to advise them of their capacity to apply online for the return of their superannuation. Of course, that in turn will result in the tax due to the tax office also being retained. There is also a tax office initiated advertising campaign under way to raise awareness of this issue. So it is important to understand that eligible temporary residents have, from 1 July last year, been able to obtain access to superannuation benefits upon their permanent departure from Australia, subject to the 30 per cent withholding tax that is due to the tax office. This will be of great benefit to temporary residents, including those who have already permanently departed Australia and those who may depart in the future.

The measure is not designed for permanent residents of Australia or residents of New Zealand, because those individuals may leave the country but return later to retire. Of course, under that situation they have the option of retiring in Australia and obtaining the age pension. The measure will benefit superannuation funds by reducing the number of low-balance inactive accounts that attract administration costs for their maintenance. Under this measure, access to superannuation benefits will be subject to the 30 per cent withholding tax arrangement that I mentioned to claw back the concessions originally provided for the benefits on the basis that their initial intention was for retirement income purposes. That will no longer be the case for temporary residents departing so it is reasonable that that withholding tax be levied. But of course departing residents do have the option of leaving their money in the fund until they reach retiring age. Those are the facts in relation to departing temporary residents. Senator

Sherry should not misrepresent the government's situation. (*Time expired*)

Senator BUCKLAND (South Australia) (3.29 p.m.)—I rise to take note of answers given earlier today by Senator Coonan in relation to superannuation questions asked by Senator Sherry. In particular, I would like to address the answers given in relation to children's superannuation accounts. One of the centrepieces of the Liberal Party's superannuation policy was children's superannuation accounts. The Prime Minister said the package 'trail blazes', particularly in the area of superannuation for children, and 'teaches children the wonders of compound interest'. It seems that children were not listening, nor were their parents. The wonders of compound interest fell flat with them. In fact, they had no interest at all.

Along with so many other things, the government's election promise to allow the establishment of children's superannuation accounts has been exposed as a weak and wimpy stunt and a disingenuous attempt to deal with a particularly serious issue—the issue of adequacy of retirement income. Senator Sherry asked the minister, Senator Coonan, if, after 14 months of the children's superannuation accounts scheme commencing operation, only about 500 such accounts had been opened. This was out of the 450,000 such accounts that the Prime Minister suggested would be opened over four years. The minister, when confronted with that, in a very weak attempt to answer the question said, 'We can argue: we can't agree or disagree on the 450,000. It is not definitive.' Then she tried to fob it off by saying, 'This is not a compulsory scheme; it's optional. The government doesn't direct how people should save.' We are not saying the government should direct how people should save. What we are saying is that, when they make something the centrepiece of their policy, they should deliver. Then the minister, in

her usual way when stuck for the real answer, said, 'It's sour grapes on the part of the Labor Party. This government cares about working people.' We do not see very much caring for working people coming from Minister Coonan, nor do we see very much caring coming from this government.

I was pleased that Senator Sherry, in his question, mentioned that it would take 910 years on the current figures to get 470,000 children's superannuation accounts opened because I did that equation also and came to the same answer. So this trail blazing centrepiece of Liberal Party superannuation policy is a dud. The government will not be getting 470,000 children's superannuation accounts opened in four years. It will take 910 years to get that figure.

In discussions I have had with the industry, the children's superannuation accounts scheme has been described as a flop, a non-event, the reflection of a minister not really interested in the future needs of retirees. In February this year, Minister Coonan said: 'There is obviously a very good underlying policy rationale for it.' Well, let's hear it! 'It's a good policy', she said, 'and I will be doing everything I can to talk about it.' What has the minister been saying? Nothing seems to be reported about this trail blazing scheme. (*Time expired*)

Question agreed to.

Centrelink: Job Network

Senator CHERRY (Queensland) (3.34 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Vanstone) to a question without notice asked by Senator Cherry today relating to Job Network and support for disadvantaged job seekers.

This is a vitally important issue. The Minister for Employment Services, Mr Brough, acknowledged today that up to 900,000 peo-

ple have missed appointments with the new Job Network. He says, 'That's mostly without any valid reason given by the job seeker.' This is an extremely worrying situation. We have the Minister for Employment Services saying it is all the fault of the job seekers, yet he knows—as Senator Vanstone knows and as I know—that 72.4 per cent of the breach recommendations recommended by Job Network providers will be overturned by Centrelink because Job Network has not been following proper process.

The minister today has been forced yet again to prop up Job Network by now allowing Job Network providers to receive up to half their payment without having to do anything. They now receive half their payment for work associated with contacting and registering job seekers and following up those who miss appointments, rather than requiring job seekers to turn up for an appointment. This, I hope, will at least result in Job Network providers referring fewer people for breaching than they have done in the past. That might save all of us a lot of angst, given that 72.4 per cent of their referrals prove to be inappropriate.

What really upsets me is the continuing insistence by Minister Brough that it is the fault of the unemployed—that there is no fault on the part of DEWR for setting up a botched referral system for job seekers, that there is no fault on the part of Job Network providers for not following people up, that there is no fault on the part of the government for ignoring all of the independent research which showed that its computer generated referral system was not referring anybody effectively. The minister insists it is all the fault of the unemployed.

Last month a major report was released by the Centre for Applied Social Research at the RMIT University. It has a fascinating analysis of just what a comprehensive failure the

Job Network has been in terms of participation, and of the continuing insistence by Job Network providers on referring people for breaching for inappropriate reasons. As I said, 72.4 per cent of the people referred for breaches from Job Network back to Centrelink were rejected by Centrelink. The reasons are just extraordinary. If you go through them, there were 18,700 because they were no longer on payments, 17,700 because they were working on the day of the interview, 2,400 because they were at a job interview on the day of the interview, 6,900 because the Job Network providers sent them to the wrong address, 4,700 because they had already sent in a report and they did not realise they already had, 5,100 because there was insufficient supporting documentation, 2,300 because the incorrect letter was used, 3,500 because the referrals were inappropriate, 37,300 because the Job Network provider had failed to consider a reasonable excuse put up by the job seeker and—my personal favourite—13,600 because the job seekers were incapacitated on that particular day. All of these valid and reasonable excuses, all of these procedures that were breached by Job Network providers—all of them are being ignored within the Job Network and having to be picked up by Centrelink. Not surprisingly, this is creating enormous tension between Minister Brough and Centrelink, and caught up in the middle of it are the unemployed people of Australia.

The Democrats are very pleased that Minister Vanstone has said that she will now provide the Senate with figures on the number of suspensions since Job Network started. That is essential, because, while I agree with Senator Vanstone that it is preferable to suspend people rather than to breach them, it is preferable to get the process right in the first place rather than suspend people. When you suspend people, you upset their entire financial and economic circumstances.

You upset their lives. It means that their rents and all these things cannot be paid until they sort themselves out with Centrelink. It is really upsetting that tens of thousands of Australians have now been suspended from payments because of the monumental stuff-up that Minister Brough has caused with the Job Network referral system. It is truly time for the Prime Minister to step in, pull in this junior minister and say, 'You have to own up and confess to the fact that your IT system is a mess and that your referral system hasn't worked.' A better way should be found, because 900,000 vulnerable Australians should not be paying the price of Minister Brough's refusal to lose face.

Question agreed to.

PETITIONS

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

Child Abuse

To the Honourable Members of the Senate in the Parliament Assembled

The Petition of the undersigned draws attention to the damaging long-term effects to Australian society caused by the sexual assault and abuse of children and the concealment of these crimes within churches, government bodies and other institutions.

Your petitioners ask the Senate, in Parliament to call on the Federal Government to initiate a Royal Commission into the sexual assault and abuse of children in Australia and the ongoing cover-ups of these matters.

by **Senator Bartlett** (from 19 citizens).

Defence: Involvement in Overseas Conflict Legislation

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

The Petition of the undersigned calls on the members of the Senate to support the Defence Amendment (Parliamentary Approval for Australian Involvement in Overseas conflict) Bill introduced by the Leader of the Australian Democrats,

Senator Andrew Bartlett and the Democrats' Foreign Affairs spokesperson, Senator Natasha Stott Despoja.

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

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

by **Senator Bartlett** (from 44 citizens).

Petitions received.

NOTICES

Presentation

Senator Ferguson to move on the next day of sitting:

That the Foreign Affairs Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Monday, 15 September 2003, from 5.30 pm to 6.30 pm, to take evidence for the committee's inquiry into Australia's relationship with Indonesia.

Senator Sherry to move on the next day of sitting:

That the Migration Amendment Regulations 2003 (No. 6), as contained in Statutory Rules 2003 No. 224 and made under the *Migration Act 1958*, be disallowed.

Senator Coonan to move on the next day of sitting:

That the second reading of the Superannuation (Surcharge Rate Reduction) Amendment Bill 2003 be restored to the Notice Paper and be made an order of the day for a later hour of the day.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

- (i) the recent report *Bipolar disorder: Costs: An analysis of the burden of bipolar disorder and related suicide* commissioned by SANE Australia reveals that one in every six Australians with bipolar disorder commit suicide, a total of 12 per cent of all suicides,
- (ii) 60 per cent develop a substance abuse problem,
- (iii) average treatment levels are less than one-quarter of what is considered 'best practice', and
- (iv) over two-thirds of people with bipolar disorder are likely to be misdiagnosed three times before an accurate diagnosis is made;
- (b) recognises the impact of bipolar disorder on the community, affecting not only the health of those living with it, but also their work, study and ability to maintain relationships and friends; and
- (c) calls upon the Federal Government to:
 - (i) move for better training of medical professionals in diagnosing bipolar disorder, and
 - (ii) provide increased community education about this disorder.

Senator Ian Campbell to move on the next day of sitting:

- (1) That the order of the Senate of 12 November 2002, relating to days of meeting of the Senate for 2003, be varied to provide that the Senate not sit on Monday, 3 November 2003 and Tuesday, 4 November 2003.
- (2) That the order of the Senate of 11 December 2002, relating to estimates hearings, be varied as follows:

At the end of paragraph (1), add:

**2003-04 Budget estimates—
supplementary hearings**

Monday, 3 November and Tuesday,
4 November 2003 (*Group A*)

Wednesday, 5 November and Thursday,
6 November 2003 (*Group B*).

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes:

- (i) the nationally-significant cultural and heritage values contained in the Department of Defence land at Point Nepean in Victoria, and
- (ii) the recommendation of the Community Reference Group in the draft master plan for the Point Nepean land, commissioned by the Federal Government, that the entire site at Point Nepean remain in public hands as a 'public park managed as a whole';
- (b) condemns the Government for ignoring this recommendation and instead offering a 90-hectare portion of the land for long-term commercial lease by private developers;

(c) notes that:

- (i) the admission by the Government that the terms of the lease could permit education, recreational, community and tourism uses leaves open the possibility that hotels, shops, jetties and sporting arenas could be developed on the land, robbing the general public of the right to access and enjoy the land, and potentially compromising or destroying its nationally-significant heritage and cultural values, and
- (ii) under a long-term leasing arrangement between the Commonwealth and a private developer, the Victorian community will have no say in, or control over, what happens to the 90-hectare parcel of land, and the developer will be able to avoid proper local and state planning and heritage controls; and
- (d) calls on the Federal Government to respect the wishes of the Victorian community by:
 - (i) reversing its decision to lease the 90-hectare portion of the site, and

- (ii) gifting the land to the State Government as a national park, as recommended by the Victorian National Parks Authority and the National Trust of Australia (Victoria).

Senator Brown to move on Thursday, 11 September 2003:

That the Senate calls on the Government to ensure that the proposed Barrow Island gas development not proceed if it:

- (a) threatens endangered species or their habits; and
- (b) has a negative environmental impact on the Barrow Island marine and land ecosystems.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.41 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the Australian National Training Authority Amendment Bill 2003, allowing it to be considered during this period of sittings.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in *Hansard*.

Leave granted.

The statement read as follows—

Purpose of the Bill

The bill will amend the Australian National Training Authority Act 1992 to:

- reflect the revised Australian National Training Authority Agreement between the Commonwealth, and states and territories; and
- increase the number of Board members of the Australian National Training Authority.

Reasons for urgency

The bill will reflect the revised Agreement, to be negotiated by Commonwealth, and state and territory governments, which sets out national planning and funding arrangements for the vocational

education and training sector for the period 2004 to 2006 inclusive.

The states and territories will expect the Commonwealth to reflect the revised Agreement in the Act as a matter of urgency.

(Circulated by authority of the Minister for Education, Science and Training)

LEAVE OF ABSENCE

Senator FERRIS (South Australia) (3.42 p.m.)—by leave—I move:

That leave of absence be granted to Senator Sandy Macdonald for the period 8 to 17 September 2003, on account of parliamentary business overseas.

Question agreed to.

NOTICES

Postponement

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the disallowance of the Migration Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 57, postponed till 15 September 2003.

General business notice of motion no. 467 standing in the name of Senator Lees for today, relating to the introduction of the Encouraging Communities Bill 2003, postponed till 2 December 2003.

General business notice of motion no. 566 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the United Nations conference on Accelerating Entry-Into-Force of the Comprehensive Nuclear-Test-Ban Treaty, postponed till 10 September 2003.

COMMITTEES

Legal and Constitutional References

Committee

Reference

Senator MURRAY (Western Australia) (3.43 p.m.)—I move:

That the State Elections (One Vote, One Value) Bill 2001 [2002] be referred to the Legal and Constitutional References Committee for inquiry and report by 30 October 2003.

Question agreed to.

Economics Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.43 p.m.)—At the request of Senator Brandis, I move:

That the time for the presentation of the report of the Economics Legislation Committee on annual reports tabled by 30 April 2003 be extended to 10 September 2003.

Question agreed to.

Economics Legislation Committee

Meeting

Senator FERRIS (South Australia) (3.44 p.m.)—At the request of Senator Brandis, I move:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 13 October 2003, from 4 pm, to take evidence for the committee's inquiry into the Late Payment of Commercial Debts (Interest) Bill 2003.

Question agreed to.

EDUCATION: NATIONAL REPORT

Senator CARR (Victoria) (3.44 p.m.)—I ask that general business notice of motion No. 567 standing in my name for today, proposing an order for the production by the Minister representing the Minister for Education, Science and Training, Senator Alston, of documents relating to the National Report on Australia's Higher Education Sector 2001 be taken as a formal motion.

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

Senator Harradine—Yes.

The DEPUTY PRESIDENT—There is an objection.

Senator HARRADINE (Tasmania) (3.45 p.m.)—by leave—On the technical issues, I think it ought to be decided one way or the other whether we can in fact seek drafts of certain chapters of a national report over a period of time. The matter of advices or notes prepared for the minister goes to the question of our powers and whether we are entitled to ask those sorts of things. I suppose I would err on the other side.

The DEPUTY PRESIDENT—That is interesting, Senator Harradine, but formality has been denied.

Senator CARR (Victoria) (3.45 p.m.)—by leave—I understood that representations had been made to your office on these matters, Senator Harradine. The situation here is that the government has indicated that drafts were prepared but that there had been no discussion with the minister before the drafts were altered in the final production of documents. This was a matter of controversy some weeks ago, and the essence was that the secretary of the department put a statement through to the House of Representatives to say that these drafts had been prepared and had been changed at the instigation of the department itself and that, further, there had been no communication with the minister's office. I understand that drafts were prepared in the department. I am seeking a copy of those drafts at various points to establish the nature of the changes and, further, the nature of the communications within the department between the department and the minister's office. In essence, I wish to test the validity, the veracity, of the statements that have been made by government ministers and by department officials about the operations of the department in the production and altering—the censoring—of this report.

The DEPUTY PRESIDENT—Senator Carr, could I suggest that you seek to postpone this matter to another day?

Senator CARR—It depends on whether Senator Harradine is happy with that explanation.

Senator Harradine—I generally am, but I am letting that sink in. That is the other aspect of it.

The DEPUTY PRESIDENT—We need to dispose of it now.

Senator CARR—I seek leave to postpone this matter till tomorrow.

Leave granted.

Senator CARR—I move:

That general business notice of motion no. 567 be postponed till the next day of sitting.

Question agreed to.

HEALTH: TOBACCO

Senator ALLISON (Victoria) (3.48 p.m.)—I move:

That the Senate—

- (a) notes that tobacco currently kills 5 million people annually worldwide, half in middle age, and that this global epidemic is predicted to double in the first half of the 21st century, to over 10 million deaths per year; and
- (b) calls on the Government to respond to the recommendations of the 12th World Conference on Tobacco in Finland, held from 3 August to 8 August 2003 by:
 - (i) ratifying the Framework Convention on Tobacco Control (FCTC) by January 2005, implementing and enforcing its provisions, and actively involving civil society in this process,
 - (ii) contributing resources and funding proportionate to Australia's gross domestic product for the implementation and monitoring of the FCTC,
 - (iii) urging the United Nations to include non-communicable diseases and

tobacco control as part of its Millennium Development Goals,

- (iv) including a plan for tobacco control as part of Australia's overseas development and poverty reduction agenda,
- (v) not accepting funding or participating in the tobacco industry's youth, social responsibility, voluntary marketing or other programs, and
- (vi) working towards greater coordination and cooperation between all sectors of the tobacco control movement, such as research, prevention, treatment, policy, advocacy, communications, and the world conference organising committee, with a view towards establishing a world association for tobacco control.

Question agreed to.

ENVIRONMENT: WATER MANAGEMENT

Senator NETTLE (New South Wales) (3.48 p.m.)—by leave—I acknowledge Senator Cook's contributions to the motion and move the motion as amended:

That the Senate—

- (a) notes that water has been historically mismanaged in Australia, one of the driest continents in the world, leading to the current crisis facing Australian rivers;
- (b) notes the importance of federal and state governments' ability to regulate the management of Australian water sources to ensure that water is allocated fairly between rural and urban users and for environmental flows; and
- (c) calls on the Federal Government to:
 - (i) instruct the Australian negotiators at the World Trade Organization ministerial in Cancun, Mexico in the week beginning 7 September 2003 to reject any pressure for Australia to enter into a GATS commitment to liberalising Australian water services,

- (ii) in the GATS negotiations, support the rights of the other countries, particularly developing countries, to protect their own sovereignty over their water supplies, management and distribution,
- (iii) uphold the right of all people, particularly those in developing countries, to free access to a plentiful supply of potable water, and
- (iv) recognise the global scarcity of water, and particularly clean drinking water, as a serious threat to the health and wellbeing of people, particularly in developing countries, and to support the initiatives of the World Health Organisation, the United Nations Environment Programme and UNCTAD, to improve sustainable water conservation and accessibility.

Question agreed to.

COMMITTEES

Standing Committee on Regulations and Ordinances

Meeting

Senator FERRIS (South Australia) (3.50 p.m.)—At the request of Senator Tchen, I move:

That the Standing Committee on Regulations and Ordinances be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 September 2003, from 3.30 pm, to take evidence for the committee's inquiry into the provisions of the Legislative Instruments Bill 2003 and the Legislative Instruments (Transitional Provisions and Consequential Amendments) Bill 2003.

Question agreed to.

Rural and Regional Affairs and Transport Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.50 p.m.)—At the request of Senator Heffernan, I move:

That the time for the presentation of the following reports of the Rural and Regional Affairs and Transport Legislation Committee be extended to 16 September 2003:

- (a) annual reports tabled by 30 April 2003; and
- (b) provisions of the Aviation Transport Security Bill 2003 and a related bill.

Question agreed to.

Joint Standing Committee on Electoral Matters

Meeting

Senator FERRIS (South Australia) (3.51 p.m.)—At the request of Senator Mason, I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Thursday, 18 September 2003, from 9.30 am to 11 am, to take evidence for the committee's inquiry into increasing the minimum representation of the Territories in the House of Representatives.

Question agreed to.

Legal and Constitutional Legislation Committee

Meeting

Senator FERRIS (South Australia) (3.51 p.m.)—At the request of Senator Payne, I move:

That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 September 2003, from 6 pm, to take evidence for the committee's inquiry into the provisions of the Age Discrimination Bill 2003.

Question agreed to.

Environment, Communications, Information Technology and the Arts Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.51 p.m.)—by leave—At the request of Senator Eggleston, Chair of the Environment, Com-

munications, Information Technology and the Arts Legislation Committee, I move the motion as amended:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Legislation Committee on the Communications Legislation Amendment Bill (No. 2) 2003 be extended to 15 September 2003.

Question agreed to.

EDUCATION: NATIONAL REPORT

Senator CARR (Victoria) (3.52 p.m.)—by leave—I move:

That there be laid on the table by the Minister representing the Minister for Education, Science and Training (Senator Alston), no later than 3.30 pm on 15 September 2003, the following documents relating to the *National Report on Australia's Higher Education Sector, 2001* ('national report') and the associated supporting research reports to it:

- (a) a copy of the drafts of chapters 4 and 7 of the national report as it was written at:
 - (i) April 2002,
 - (ii) September 2002,
 - (iii) 1 December 2002,
 - (iv) 31 December 2002, and
 - (v) April 2003;
- (b) a copy of the four following reports:
 - (i) P Aungles et al, *HECS and educational opportunities*,
 - (ii) R Fleming and T Karmel, *University participation of persons from non-English speaking backgrounds; Impact of migration patterns*,
 - (iii) M McLachlan and T Karmel, *HECS: The impact of changes*, and
 - (iv) Y Martin and T Karmel, *Expansion in higher education; Effects on access and students quality over the 1990s as at April 2002*;
- (c) any communication between the Secretary of the Department of Education, Science and Training and the head of the Education Information and Analysis

Group, the Higher Education Group and/or the Research, Analysis and Evaluation Group, on the methodological quality of the research underpinning the reports mentioned in paragraphs (a) and (b) above;

- (d) briefing advices or notes prepared for the Minister for Education, Science and Training and/or the Secretary of the Department of Education, Science and Training between April 2002 and July 2003, regarding the reports mentioned in paragraphs (a) and (b) above;
- (e) any minutes of meetings held to consider the research, editing, formatting and indexing of the reports mentioned in paragraphs (a) and (b) above;
- (f) any correspondence, including e-mails, directing the change in status of the reports from being 'forthcoming' to becoming 'advice to the Minister';
- (g) records of any communications between Bill Burmester and any Department of Education, Science and Training officer, or external consultant, on the national report and all four reports mentioned at paragraph (2), from the period when Mr Burmester was appointed head of the Higher Education Group, until July 2003;
- (h) copies of any other Evaluations and Investigations Programme (EIP) reports (either prepared internally, or commissioned by the EIP group) related to higher education, that were reclassified after April 2002, as 'advice to the Minister';
- (i) a copy of the invoices and receipts relating to payment to Ray Adams and Associates, for editing work on the national report; and
- (j) a copy of the invoices and receipts relating to the Department of Education, Science and Training in-house printing service JS McMillan, regarding work on the national report.

Question agreed to.

COMMITTEES**Membership**

The DEPUTY PRESIDENT—The President has received letters from party leaders seeking variations to the membership of committees.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.54 p.m.)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation and References Committees—

Appointed—Participating member:
Senator Mackay

Economics Legislation Committee—

Appointed—Participating member:
Senator Mackay

Economics References Committee—

Appointed—Participating members:
Senators Mackay and Barnett

Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member:
Senator Mackay

Finance and Public Administration References Committee—

Appointed—Participating member:
Senator Mackay

Legal and Constitutional Legislation and References Committees—

Appointed—Participating member:
Senator Mackay

Rural and Regional Affairs and Transport Legislation and References Committees—

Appointed—Participating member:
Senator Mackay.

Question agreed to.

ACIS ADMINISTRATION**AMENDMENT BILL 2003****CUSTOMS TARIFF AMENDMENT
(ACIS) BILL 2003****First Reading**

Bills received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.55 p.m.)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.55 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

**ACIS ADMINISTRATION AMENDMENT
BILL 2003**

The ACIS Administration Amendment Bill 2003 is a bill to amend the ACIS Administration Act 1999.

This bill implements the Government's post-2005 assistance package for the Australian automotive industry. The package will deliver assistance to the value of \$4.2 billion to the industry by extending the Automotive Competitiveness and Investment Scheme to 2015.

The post-2005 Automotive Competitiveness and Investment Scheme will assist the industry to complete its transition to a genuinely world competitive, self-reliant industry. This will be the largest, and the last, assistance package provided to the industry.

Passage of this bill will give Australian car and component manufacturers unprecedented security.

The bill will provide more than a decade of policy certainty, allowing firms to develop their businesses in a stable environment and to prepare for the end of industry specific support on 31 December 2015.

The Australian industry is well-placed to achieve sustainable growth. A judicious combination of direct assistance and tariff reductions has transformed the industry.

The gradual opening of the local market has spurred a revolution in the quality and competitiveness of Australian products. These gains are most obvious in the growth of our automotive exports.

Since 1996, Australia's vehicle exports have trebled to be worth more than \$3 billion. At the same time, production has increased by more than 35,000 vehicles per year.

The Government's policy for assistance beyond 2005 continues to combine assistance and tariff reform. On 1 January 2005, tariffs for passenger motor vehicles and related components are scheduled to fall from 15% to 10%.

A companion bill to this bill provides for similar tariff reductions in 2010. Tariffs on passenger motor vehicles and related components will remain at 10% until 1 January 2010, when they will be reduced to the general manufacturing tariff level of 5%.

In 2008, the Productivity Commission will conduct an inquiry into the scheduled 2010 tariff reductions. The industry has raised concerns about overseas market access; the Commission will be asked *inter alia* to report on this issue.

However, I am confident that the outlook for the industry is very promising and its projections for strong, continuing export growth will be fulfilled. Market access should improve as a result of the World Trade Organisation's Doha Round and the Government's negotiation of bilateral trade agreements such as the Free Trade Agreement with the United States.

The extended Automotive Competitiveness and Investment Scheme will include two important new features.

At the request of industry, the Government has decided to distribute program funds into two

pools. Motor vehicle producers will be allocated a 55 per cent share of these funds; component producers and other participants in the scheme will be allocated the residue.

This decision ensures even greater certainty for the industry and has been implemented with effect from the first quarter of 2003.

Another important initiative will be the establishment in 2005 of a \$150 million Research and Development Fund for motor vehicle producers. Funding will be drawn from the motor vehicle producer's pool of the Automotive Competitiveness and Investment Scheme.

The Fund will offer competitive grants to support significant new research and development. Unallocated monies will be returned to the motor vehicles producers' pool.

The bill also provides for the administrative detail of the Automotive Competitiveness and Investment Scheme to be set out in subsidiary legislation, in the form of Regulations and Ministerial guidelines.

In line with the Government's policy to have open and transparent process concerning the allocation of public monies, the bill clarifies the disclosure of information requirements concerning participants in the Automotive Competitiveness and Investment Scheme.

Passage of this bill will mark a historic step in the evolution of the Australian automotive industry. For the first time, the industry will be assured of a decade of generous public support; at the end of this period, industry specific assistance will end.

In the mid-1970s Australia had tariffs on automotive imports of up to 57.5 per cent, in addition there were import quotas restricting imports to 20 per cent of the market. Import quotas are long gone and, at the end of the extended ACIS, tariffs will be only 5 per cent. Australian companies have demonstrated that they are able to prosper in an increasingly free market, becoming more innovative and competitive.

The next thirteen years represents a tremendous opportunity for the Australian industry to secure its future.

CUSTOMS TARIFF AMENDMENT (ACIS)
BILL 2003

The Customs Tariff Amendment (ACIS) Bill 2003 contains amendments to the Customs Tariff Act 1995.

Those amendments are complementary to, and cognate with, amendments contained in the ACIS Administration Amendment Bill 2003. Together, these Bills extend the provisions of the Automotive Competitiveness and Investment Scheme beyond its original finishing date in 2005.

Customs duty rates for passenger motor vehicles and certain components will reduce from 15% to 10% on 1 January 2005. These rates will be maintained until 1 January 2010 when the Customs Tariff Amendment (ACIS) Bill 2003 will provide for the further reduction of duty rates for passenger motor vehicles and certain components from 10% to 5%.

The enactment of the post-2010 duty rates at this time provides transparency and certainty for automotive and component manufacturers enabling sufficient time for planning prior to the scheduled reduction in 2010.

I commend the bill.

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

LEGISLATIVE INSTRUMENTS BILL
2003

LEGISLATIVE INSTRUMENTS
(TRANSITIONAL PROVISIONS AND
CONSEQUENTIAL AMENDMENTS)
BILL 2003

First Reading

Bills received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.56 p.m.)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.56 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

LEGISLATIVE INSTRUMENTS BILL 2003

The Legislative Instruments Bill 2003 represents the Government's continuing commitment to establish a comprehensive regime for the management of, and public access to, Commonwealth legislative instruments.

The bill will introduce a consistent system for registering, tabling, scrutinising and sunseting Commonwealth legislative instruments.

History of the Bill

The concept of a bill establishing a regime for the management of Commonwealth legislative instruments is not new.

The genesis for such a regime is the 1992 report by the Administrative Review Council, Rule Making by Commonwealth Agencies.

That Report described the framework governing Commonwealth legislative instruments as "patchy, dated and obscure".

More than ten years later, the situation is still the same.

But this is not for the want of effort on behalf of both the Government and the Opposition in trying to reach an agreement on how to improve this state of affairs.

Many of my colleagues on both sides of this House will recall previous attempts to enact such legislation with earlier versions of the bill being introduced in 1994, 1996 and 1998.

The failure of that legislation was not due to lack of support.

There is general broad support on both sides of this House for a regime that will make laws accessible to all those affected by them.

As recently as 6 June last year, during the debate on the Statute Law Revision bill, the Shadow Attorney-General, the Member for Barton, expressed support for an authoritative store place of Commonwealth legislation in electronic form.

This bill will achieve that aim for legislative instruments.

The new Legislative Instruments Bill

The Government is not, however, simply re-introducing a bill that has previously failed.

The bill has been substantially revised and simplified to take advantage of changes in technology and to remove potentially adverse impacts on efficient and effective administration.

The revision process also involved consideration of issues previously raised by the Opposition and the bill takes into account a number of those concerns.

The bill is concerned with laws that are made under a power delegated by Parliament.

It is important for the integrity of those laws that there be transparency in their making and that they be publicly available.

This bill will enhance that transparency and availability.

The Register

The bill establishes the Federal Register of Legislative Instruments, which is the centrepiece of the new regime.

The Register will comprise a database of legislative instruments, explanatory statements and compilations, and be publicly accessible via the Internet.

It will be maintained by the Attorney-General's Department.

Users of the Register will be able to rely on it as providing accurate and authoritative versions of legislative instruments.

The inclusion of compilations, so that readers may see at a glance the current state of a particular legislative instrument, will make the Register particularly user-friendly.

Consultation

The bill will also enhance consultation processes in the making of legislative instruments.

It is already clear Government policy that there be relevant and appropriate consultation with interested parties well before any legislation is made.

This policy has been implemented with measures such as the preparation of Regulation Impact Statements and the Office of Regulation Review's role in monitoring that process.

The bill continues to emphasize the importance of consultation by encouraging rule-makers to consult experts and those likely to be affected by an instrument before it is made.

To ensure that appropriate consultation is undertaken, the explanatory statement for each legislative instrument must set out a description of that consultation.

If no consultation has taken place, then the explanatory statement must contain an explanation as to why it was not appropriate.

These statements must be tabled with the instrument and will appear on the public Register.

Parliamentary scrutiny

Another important feature of this bill is enhanced Parliamentary scrutiny of legislative instruments.

Currently, not all legislative instruments are required to be tabled in Parliament.

Under this bill, all registered legislative instruments will be required to be tabled.

This is a major enhancement of Parliament's ability to view laws made by the Executive.

The bill also sets out the manner in which legislative instruments may be disallowed by the Parliament and the consequences of disallowance.

A number of targeted exemptions from disallowance are provided by the bill.

The bill will not fundamentally alter the balance between the Executive and the Parliament.

The bill will not exempt from disallowance anything that is currently subject to a disallowance process.

Application of the Acts Interpretation Act

The bill substantially re-enacts those parts of the Acts Interpretation Act 1901 that relate to regulations and disallowable instruments and extends their operation to all legislative instruments.

Sunsetting

The final feature of this bill which I wish to emphasise is the sunseting mechanism.

The bill provides for the sunseting or the automatic repeal of legislative instruments after a period lasting approximately ten years from the time that the instrument is registered.

Sunsetting will ensure that legislative instruments are regularly reviewed and only remain operative if they continue to be relevant.

This has clear benefits for business and the community.

The bill provides a number of targeted exemptions from the sunseting provisions because the nature of the instrument would make sunseting inappropriate.

For example where commercial certainty would be undermined by sunseting or the instrument is clearly designed to be enduring.

In addition, either House of Parliament may, by resolution, exempt nominated legislative instruments from sunseting.

This addresses a concern previously expressed by the Opposition.

Review of Bill

The bill provides for a review of the operation of the legislation to take place three years after commencement and for a further review of the general sunseting provisions twelve years after commencement.

The requirement for a review recognises the importance of ensuring that the bill is operating as intended, in particular that the requirement for rule-makers to periodically review and remake legislative instruments is operating in an efficient and effective manner.

LEGISLATIVE INSTRUMENT (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2003

The Legislative Instruments (Transitional Provisions and Consequential Amendments Bill) 2003 deals with a number of consequential and transitional issues to ensure the smooth introduction of

the regime set out in the Legislative Instruments Bill 2003 that I have just introduced.

This bill preserves the status quo for non-legislative instruments by making consequential amendments to the Acts Interpretation Act 1901.

The bill also makes a number of consequential amendments to other acts to ensure that they operate consistently with the Legislative Instruments Bill 2003.

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

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the following bills:

Environment and Heritage Legislation Amendment Bill (No. 1) 2002

Australian Heritage Council Bill 2002

Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002

COMMITTEES

Legislation Committees

Reports

Senator FERRIS (South Australia) (3.57 p.m.)—Pursuant to order and at the request of the chairs of the respective committees, I present reports from five legislation committees in respect of the examination of annual reports tabled by 30 April 2003.

Ordered that the reports be printed.

Senator FERRIS—I advise the Senate that the Community Affairs Legislation Committee will not be presenting a report as no annual reports were referred to them in the period. The reports of the Economics Legislation Committee and the Rural and Regional Affairs and Transport Legislation Committee will be presented later in September.

**COMMUNICATIONS LEGISLATION
AMENDMENT BILL (NO. 1) 2002**

In Committee

Consideration resumed.

The CHAIRMAN—The question is that opposition amendment (2) on sheet 2954 revised be agreed to.

Question negatived.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.00 p.m.)—I move government amendment (1) on sheet QM212:

- (1) Clause 2, page 2 (cell at table item 3, 2nd column), omit the cell, substitute:

27 March 2003

I believe, on advice, that this is a minor and technical amendment. As a matter of courtesy, I am not sure whether we told the shadow minister that Senator Alston was not available. He asked me, having served three years in this portfolio and actually having responsibility for the facilities area, if I would substitute for him. I am not sure whether he informed Senator Lundy, but I hope she and Senator Cherry are happy with me substituting for Senator Alston for 28 minutes.

Question agreed to.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.01 p.m.)—I move government amendment (2) on sheet QM212:

- (2) Clause 2, page 2 (cell at table item 5, 2nd column), omit the cell, substitute:

The day after this Act receives the
Royal Assent

Again, I think it is fair to say that this is a technical amendment which changes the commencement date for obvious reasons.

Senator LUNDY (Australian Capital Territory) (4.01 p.m.)—I do have a few comments on this government amendment. This

amendment relates to the commencement date of schedule 4 which abolishes the specially constituted ACA, or SCACA. The commencement date of 1 April 2003 is now well and truly behind us. This reminds me that the government introduced the bill on 27 June 2002. Now, more than 14 months later, we finally get to debate the bill in the Senate. Due to the minister's usual quite lackadaisical manner in managing the legislative program, we can only assume that the committee has continued past its previous expiry date of 1 April 2003. But I am not actually sure, so while we support this amendment to wipe the dust off an otherwise acceptable schedule, I would be interested in asking the minister a few questions. Were committee members reappointed after 1 April 2003 and, if so, was there any salary, commission or administrative costs for these members and how much? What was the total cost of running this committee prior to 1 April 2003?

The reason I ask these questions is that I think it goes to the broader and more significant pattern of behaviour from the communications minister. He has put into this bill four very reasonable and acceptable schedules that update and improve the communications law and, if these schedules stood alone, this bill would have sailed through the Main Committee and the Senate, I am sure, last year. It is worth commenting now that the seemingly useless specially constituted ACA would have been abolished and some consumer protection arrangements would have been improved, surveillance capabilities for serious criminal and corruption investigations would have been improved and the ACA would have had an improved ability to make written determinations. But, because the minister decided to throw in his highly contentious FOI exemption schedule—schedule 2—which Labor has opposed, these worthwhile amendments have languished for

well over a year. This is another example of the minister's inept handling of his portfolio, and I draw it to the committee's attention. Nevertheless, Labor will support this amendment, and I look forward to getting the answers to those questions.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.04 p.m.)—Firstly, the minister is not responsible for the legislative program; the Manager of Government Business in the Senate is—and that is me, so it is my fault. The minister has been hounding me almost daily since last year, trying to get this bill moved up the program, and it is entirely my fault that it has not been moved higher up the program. So he is entirely innocent of the charge and I take full responsibility.

Secondly, I do not think it makes sense to say that it is his fault to delay the legislation on the one hand and then on the other hand say that, if it had not contained a particular schedule you did not like, it would have sailed through the place—it would have been passed. In a way, you are accepting blame on behalf of the Labor Party. What you are saying is that, if all of our bills have everything in them that you like, they will pass and if they do not, they won't. It is, of course, the right of any senator and the majority of senators to oppose government legislation, and that obviously happens fairly regularly. But you cannot then blame us for being tardy in bringing legislation into the Senate when you are accepting responsibility for not letting it through. The Premier of New South Wales, Bob Carr, said in about 1998 that for the Australian Labor Party federally to seek to govern the country from the opposition benches in the Senate would not be a successful road to follow. We were elected to government, we seek to bring measures to the Senate and we seek to get them through the Senate. The opposition can seek to get a majority here to knock off measures and they

obviously bear the political consequences of those decisions—that is entirely appropriate and democratic. But you cannot blame us for not progressing our legislative program when you are constantly trying to obstruct it, slow it down and, when it suits your ideological purposes, defeat it.

In answer to the specific questions that you raise, the minister did make some reappointments to the committee after April. There are no further expenses relating to those members. In terms of the total cost of maintaining the eligible associate members, I have got a figure in front of me of \$143,000, which includes salaries, travel and incidentals. No office space was allocated to the former eligible associate members and, in the absence of a regulation made under the Remuneration Tribunal Act 1973, section 7, Dr Horton and Mr Horsley are not entitled to be paid any remuneration in respect of their appointment as part-time eligible associate members in addition to their remuneration as full-time members of the ACA.

Question agreed to.

Senator CHERRY (Queensland) (4.08 p.m.)—I move Democrat amendment (R1) on sheet 3036:

(R1) Schedule 4, page 10 (after line 3), before item 1, insert:

2 At the end of subclause 27(1) of Schedule 3

Add:

; and (g) where the facility is proposed to be located near a community sensitive site, including residential areas, childcare centres, schools, aged care centres, hospitals, playgrounds and regional icons:

- (i) the community has been fully consulted, and wherever possible, has agreed to the facility; and

- (ii) alternative less sensitive sites have been considered; and
- (iii) the beam of greatest intensity does not fall on any part of an area frequented by the public without agreement of the usual users of that area; and
- (iv) efforts have been made to minimise electromagnetic radiation exposure to the public.

This particular amendment is a modification of section 27(1) of schedule 3 of the Telecommunications Act. It deals with the circumstances in which the Australian Communications Authority can approve a facilities installation permit. I do not think this provision in the act has actually been used to date, but it is very important, because this is the provision under which the ACA can essentially override state law to approve a mobile phone tower or another telecommunications infrastructure facility.

The Democrats think that it is very important that the law keeps up to date with changing community expectations about what happens with mobile phone towers and the whole general issue of electromagnetic radiation. In the most recent couple of months, we have seen the courts take an increasingly restrictive view of the notion of the exemptions and the protections that telecommunications carriers should have under federal law for the provision of mobile phone towers.

In July we had a major case in the New South Wales Court of Appeal involving Hurstville council at Oatley Park. That particular decision found that an attempt by Hutchison Telecommunications to define an extended low-impact facility as a continuing low-impact facility was inappropriate. The key reasoning for that was their view that exemptions of this particular sort—

exemptions from common law, from the tort of trespass and from the whole general planning regime—should be read as narrowly as possible and also to ensure that the community had input on those sorts of decisions. They found against Hutchison in that particular case, and Hurstville council now gets to approve whether that particular mobile phone tower should be stuck in the middle of a community park.

Only last week, the Victorian Supreme Court came down with a similar decision involving the director of public housing in that state. Again it was a question of whether an attempt by Hutchison Telecommunications to expand an existing low-impact facility still stayed within the exemption provided in the act for a low-impact facility. In that case, the Victorian Supreme Court found again that the protections to telcos in the Telecommunications Act should be read narrowly: any overriding of state planning law or common law or the rights of the community should be read as narrowly as possible.

The third development I wanted to refer to concerns how the federal government now treats low-impact facilities, which are essentially towers less than five metres high. For seven years, the Democrats have been campaigning to try to ensure that the government gives the community more say on the siting of mobile phone towers and telecommunications facilities. Finally, last year, the Australian Communications Industry Forum, ACIF, agreed to a new code of practice in relation to the siting of low-impact mobile phone towers. For the first time the new code of practice actually includes an obligation on telecommunications carriers to have regard to the siting of facilities near what are called 'community sensitive areas'. Those community sensitive areas are defined as being residential areas, child-care centres, schools, aged care centres, hospitals, playgrounds and regional icons, whatever that means. It is a

very important provision because for the first time telecommunications carriers for low-impact facilities—they are the ones which are exempted from state planning laws—now must have regard to the issue of community sensitive facilities. They are required to ensure the community is consulted, that alternative sites are considered and that efforts are made to minimise electromagnetic radiation. The Democrats welcome that. We think that code of practice should have gone much further, but we commend the forum for, after seven years of work, finally coming around to this particular point of view.

What we have are essentially three ways a facility can be approved in this country. The first way is that they can go through as a low-impact facility in which case they are exempted from state planning law. A second way is that they can go through state planning laws and local government authorities, which is a matter for state law, and the third way is that they can apply to the ACA for a facilities installation permit under schedule 3 of the Telecommunications Act. Whilst that third route has not been used, my concern is that that third route may be used, particularly if the increasing recognition at state level and at local government level that communities have rights is enforced by the courts. I would not be surprised to see the telecommunications carriers turning around and seeking to move towards the ACA to override the difficulty of dealing with communities.

That is why it is essential that we update schedule 3 of the Telecommunications Act to ensure that it reflects that changing of community expectations, which is now reflected not just in decisions supporting councils under state law but also in the new code of practice under low-impact facilities. This particular amendment broadly picks up the wording of the ACIF code for low-impact facilities and inserts it into the provisions of the Telecommunications Act to deal with the

facilities installation permits for facilities of national significance. As I have said, it is a provision which has not been used to date but it is a provision which sits there, it is an important power that the ACA has and it is essential that when the ACA exercises that power it is up to date with the most modern view of community expectations. The most modern view is that reflected in the ACIF code in respect of low-impact facilities and in the court decisions that we have seen in respect of high-impact facilities. I commend the amendment to the committee.

Senator LUNDY (Australian Capital Territory) (4.14 p.m.)—I move opposition amendment (R3) on sheet 2954, which is an amendment to the Democrat amendment which has been moved by Senator Cherry:

Omit subparagraph (iii).

Labor's amendment to the Democrat amendment removes part (g)(iii) of that amendment. The Democrat amendment relates to the regulation of mobile phone towers, as we have heard from Senator Cherry. Senators who read their correspondence will be aware that the placement of mobile phone towers causes a great deal of angst in our communities. While the level of radiation emitted by these towers is tiny compared with the levels emitted by mobile phones themselves and there is no evidence as yet that these towers pose any health risk, it is wise to adopt a precautionary approach.

The regulation of mobile phone towers is a difficult balancing act for legislators. While some residents do not want mobile phone towers near their residences, many Australians do want and demand the decent mobile phone services that these towers provide. Labor is looking to further develop our own policy in this area and will, before the next election, seek to properly balance the need to roll out state-of-the-art telecommunications infrastructure with, for instance, the need to

minimise mobile phone tower duplication where possible by encouraging co-location and the need for carriers to consider alternative sites when facing opposition from communities protesting about planned towers in areas that the community views as sensitive.

The Democrat amendment largely draws from a code recently implemented by the Australian Communications Authority and ACIF that provides for greater community consultation regarding the deployment of mobile phone towers. Labor supports those parts of the amendment that simply seek to legislate the provisions of that moderate code or make them more enforceable. Given the level of community angst at present over mobile phone towers, it is not unreasonable to legislate a code developed by the industry over a long period of consultation. If industry genuinely supports their code, which they have been happily promoting, then they should have no issue with giving parts of that code some legislative teeth.

The part of the amendment Labor opposes, part (g)(iii), is not in the industry code. Labor is unsure of the term used by the Democrats, 'beam of greatest intensity', and its scientific and legal application. We would prefer a proper consultation process, like that undertaken by AMTA and the MCF in developing their code and for that to be adopted before this provision becomes law. Labor therefore supports the Democrat amendment as amended by what Labor is proposing. We commend it to the committee.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.17 p.m.)—We believe that the amendment is unnecessary and that it will not be effective. As Senator Cherry pointed out in his own intervention in the debate, this provision, which relates only to the installation of facilities of national significance, has never been used. It does not particularly af-

fect the low-impact facilities and other facilities that he referred to in his speech. I think Senator Cherry would accept that, by quoting those court cases, he has really shown that the low-impact facility exemption and its application are working. These councils are going to the courts and saying, 'Hang on, that's not a low-impact facility; you can't use that exemption.' I found when I was in the portfolio that if you look closely at it, which I am sure Senator Lundy and Senator Cherry have done, the low-impact facility exemption is very well defined and, although carriers and the engineering firms that work for them come up with ingenious ways of trying to stretch the boundaries, it is pretty clear that where there is a problem, councils will take on the carriers. Generally, because of the adverse publicity that would be caused to a carrier that was trying to stretch the boundaries, they tended to concede before they got to court. Obviously, there have been a couple of cases recently where that has not happened.

The regime, which includes the code of conduct, the excellent work done by the Australian Radiation Protection and Nuclear Safety Agency and the ACIF code that has been developed with community, consumer and telecommunications company input, is a very good one. I am pleased to hear Senator Lundy's approach to this issue; it is certainly a more informed, practical and sensible approach than that taken by the former shadow minister, Stephen Smith, who wanted to play cheap politics with this issue. There is a need for a balancing act. There are very good communications reasons for having high-quality networks so that people do not suffer from call dropout. I think Senator Lundy would understand better than most people that, if you are trying to build wireless networks and develop Internet access over mobile phone networks, you need good quality networks that do not have shadows and holes

in them. That does require comprehensive networks of mobile phone towers. But you do have to, as Senator Lundy said, balance that against community concerns and, particularly near schools, hospitals and high density areas, you need to find whatever possible practical solution you can to locate these facilities in a way that does not upset the community, create health concerns or upset the aesthetics of the community.

Generally the regime has performed well in that regard but the government has shown that it is keen to keep ensuring it is matching community expectations against those balancing acts. Our position is that we will support the Labor amendment to Senator Cherry's amendment and then oppose it overall. But I understand from my quick headcount that what will happen is that the amended amendment will probably get the support of the majority if not the support of the government.

Senator CHERRY (Queensland) (4.21 p.m.)—I would like to note for the record that I will accept the Labor amendment. I wanted to note where that particular paragraph comes from. The issue of the beam of greatest intensity not going over a sensitive area is an issue raised in the Stewart report in the UK, particularly in relation to schools. I think the report came out in 2001. It is a matter that we need to look at in this country, possibly in a further revision of the ACIF code itself. Given the need to ensure that this provision is at least consistent with the ACIF code, I am prepared to concede that that is probably a bit ahead of where people are up to in the chamber at the moment. I certainly hope that we catch up to that position in the near future.

Question agreed to.

Original question, as amended, agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.23 p.m.)—I move:

That this bill be now read a third time.

Senator LUNDY (Australian Capital Territory) (4.23 p.m.)—Because of the failure of the Labor amendments to remove schedule 2, Labor will be opposing the **Communications Legislation Amendment Bill (No. 1) 2002** on its third reading.

Senator CHERRY (Queensland) (4.23 p.m.)—Again, on principle the Democrats will be opposing the third reading of the **Communications Legislation Amendment Bill (No. 1) 2002**. We really do not believe that a bill that restricts access to the freedom of information regime in this country should stand. We believe that this bill is bad law in that respect. Regardless of what the issues about the content of the material are, it is far more appropriate that these issues be dealt with through the review of administrative decisions by the AAT and through the FOI officers, rather than through a carte blanche decision in this place. From that point of view the Democrats will, with great regret, be voting against the third reading of this bill.

We ask that the Senate, and particularly the crossbench senators, give careful consideration to whether we should allow a precedent to stand of restricting FOI access in matters involving censorship and classification where the public may not know why those decisions are being made and what the standards should be. The courts and the administrative tribunals have shown that they can deal with the current subject matter of these areas properly, effectively and carefully, and the government certainly has not proven that so important a matter as the re-

striction of FOI access is needed in this area. From that point of view, this is an excessive response to a nonexistent problem and on principle we should not support it.

Question agreed to.

Bill read a third time.

**HEALTH LEGISLATION
AMENDMENT (PRIVATE HEALTH
INSURANCE REFORM) BILL 2003**

Second Reading

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

That this bill be now read a second time.

Senator CHRIS EVANS (Western Australia) (4.25 p.m.)—The **Health Legislation Amendment (Private Health Insurance Reform) Bill 2003** amends the National Health Act 1953 and the Private Health Insurance Incentives Act 1998. The amendments are designed to streamline the regulation of the private health insurance industry and provide consumers with better value for money. Labor supports these measures in the interests of good management of the private health insurance sector and fair treatment of Australian consumers and because the bill establishes better mechanisms for investigating and acting on any problems in the industry.

At present, registered health benefit organisations are required to submit all rule changes, no matter how insignificant, to the government for approval. This bill replaces this process with a more efficient system of monitoring and compliance. It contains the framework for a set of indicators to be established to ensure that the government retains the ability to effectively monitor the performance of registered health benefit organisations, including any breaches of the National Health Act. It gives the minister a broader range of investigative powers and administrative sanctions which may be used when a registered health benefit organisation,

or RHBO, is found to be in breach of the NHA or is failing to meet government objectives—for example, breaching community rating obligations.

Importantly, the Private Health Insurance Ombudsman will be given increased powers to protect consumers by investigating complaints and resolving disputes. For instance, the bill provides that the RHBOs will be required to respond to requests for information or recommendations from the Private Health Insurance Ombudsman within a specified time frame, and the ombudsman will have the power to report the outcomes of an investigation to the minister and make recommendations on ways of dealing with specific issues arising from an investigation. The ombudsman will be required to produce an annual ‘state of the health funds’ report providing important information for government and consumers on how RHBOs are performing and how well they are serving their members. I think senators will agree that some of the work done by the ombudsman in the past has been very helpful to the Senate in its deliberations.

Lastly, the bill makes a number of minor improvements to the Lifetime Health Cover regulations. It establishes a notional annual birth date of 1 July, giving people some leeway before accruing Lifetime Health Cover loadings on their premiums. It provides that the gold card for veterans counts towards hospital cover for the purpose of calculating a Lifetime Health Cover loading, which ensures that our veterans are not unfairly hit with extra charges. New migrants over the age of 30, as well as Australians who are overseas on their notional 31st birthday, will have a fair 12 months to take up hospital cover without being subjected to a Lifetime Health Cover loading. And Australian citizens who have hospital cover and go overseas for longer than 12 months will not be penalised for their time away with a higher

loading. These are all sensible measures that improve the regulation of the private health industry and give consumers better value for money and greater transparency. They will, I think, help build a better private health insurance system. For this reason, Labor will be supporting the bill.

Senator ALLISON (Victoria) (4.29 p.m.)—The **Health Legislation Amendment (Private Health Insurance Reform) Bill 2003** amends the National Health Act 1953 and the Private Health Insurance Incentives Act 1998. Part 1 of schedule 1 of the bill will decrease the regulatory burden surrounding health fund product design. Currently health funds are required to seek approval from the Department of Health and Ageing for all changes to rules and/or products, no matter how insignificant. The bill will replace that process with a system of monitoring and enforcement through the establishment of a series of performance indicators designed to ensure that changes are consistent with government policy objectives and maintain the principle of community rating. Part 2 of schedule 1 of the bill provides the Private Health Insurance Ombudsman with increased powers to investigate complaints and resolve disputes. Lastly, part 4 of schedule 1 of the bill will make a number of minor changes to the Lifetime Health Cover regulations.

It is important to have a health system that is responsive to community needs, provides incentives to doctors to excel and innovate and, above all, has some ability to take the overflow from the public system. Therefore it is important to recognise that a mixed system of health can be useful and enhance quality. However, we should recognise that health is not, as Mr Graeme Samuel suggested in a paper to the National Competition Council, a free market. The public good of having healthy neighbours, healthy fellow travellers and healthy workers is immense,

but as important is the sense of our values as a community. Do we, in our fairly wealthy nation, believe that all of us, irrespective of our income, should have access to good quality health care? The Australian community has made it clear that this is indeed a core value and that Prime Minister Howard should have made Medicare and public health a core promise that he would keep. Instead, we are expected to believe, as Mr Howard and the Minister for Health and Ageing, Senator Kay Patterson, dismantle our public health system in favour of a market-driven private system, that somehow this equates to the Australian value of egalitarianism in health care.

Obviously it is important to have a good functioning private system as long as the purpose of that private health system is clear and the policy is coherent. In fact, we do not have clear goals for the private system, merely a confused morass of policies where sometimes the aim is to produce competition; hence we get the rhetoric of choice. And sometimes the aim is to take some overflow from the public system; hence the rhetoric of relieving pressure on the public system. At the same time that the government is trying to introduce more market signals through price in the public system it is also bending over backwards to control and regulate price and access in the private sector. Since the government has a 30 per cent investment in private health insurance, insurers have effectively become agents of Commonwealth health policies and insurers have been forced by government to limit the blatantly junk benefits in their ancillary products. Their premium increases are effectively controlled by cabinet and the minister has made it clear that management expenses are an issue that she is going to monitor.

In this regard it is interesting to note that in this year's health budget one of the most significant increases in spending is in Public

Service administration. It increased from an estimated \$778 million in 2002-03 to \$884 million in 2003-04. That is a massive 13 per cent increase in administration. This is an increase of \$106 million—and that is about half of the program budget for Aboriginal health, for instance, or more than the necessary budget for the childhood vaccinations, which have not been funded this year. This is an enormous increase and it would be absolutely hypocritical if the government were to criticise insurers for their seven per cent increase in premiums, two-thirds of which will be redistributed as benefits. I think this also demonstrates the value of the Senate: the ability to scrutinise government and its workings to ensure that power is used sensibly and that at all times taxpayer money is used for the good of the Australian community rather than wasted on a bureaucracy that is more and more being used to prop up the government in effectively a very inefficient public relations institution. I mean in no way to cast aspersions on the thousands of very professional and hardworking public servants but rather to criticise the purpose for which many of them are being used.

Inefficiency is something that the minister has expressed concern about. Her press release of 2 April last year signalled her concern about the efficiency of the private health insurance sector. She said:

The review will consider ways of ensuring that health funds are as efficient and as competitive as possible to continue to deliver affordable premiums to members ... I have announced my review to ensure that health fund members continue to get maximum value for money from their 30 per cent discount on health fund premiums.

On 11 September she announced reforms to the private health insurance regime that would 'make private health funds efficient and competitive, with the aim to deliver better value for money to fund members'. I think we can ask why, in the explanatory

memorandum of the bill that we have before us, it is said that there are no significant financial implications for the Commonwealth. It appears that this is a result of six months work by a high-level task force—according to the first press release—but there are absolutely no financial implications. We might ask: what exactly is the importance of this legislation? What was the cost of this high-level task force and why did we have to have it? Does this mean that there are no efficiencies to be made or that the government decided that it was all just a bit too hard? Is it just another example of the government being unable or unwilling to take on business rather than consumers as a source of savings? I think this is symptomatic of the government's progress to date in all areas of health.

Cost shifting to consumers has become an art form—one that is not shared by the Democrats—as a legitimate means of saving money. A more sensible and popular form of saving would be to remove the Lifetime Health Cover and to means test the private health insurance rebate. It is likely that immediately this would free up \$500 million when the so-called 'grudge purchasers'—who have been frightened into funding a system they would really prefer not to use—drop out of private health insurance. This would work wonders in freeing up taxpayers' money to be utilised for providing access to primary health care or dental services, to name two. The Democrats have found widespread support for reform of the primary health care system. The ideas that we floated with regard to the Commonwealth's providing walk-in, walk-out infrastructure to rural GPs, multidisciplinary health centres and different funding mechanisms have all been warmly received by many health policy and economic policy experts.

In contrast, in the public hearings of the Senate inquiry into Medicare there have been

extremely few supporters of either the Medicare package or the private health insurance rebate in terms of the provisions of equitable access to health care. If we accept that this bill does not produce any savings to the Commonwealth—and that means no reductions in outlays for the 30 per cent rebate in out years—what does this bill provide for consumers, insurers or hospitals? It appears that the government has decided that the principle of community rating should be retained, despite its erosion through the implementation of Lifetime Health Cover. Let us remember that the principle of community rating predates Medicare. It was introduced in the 1950s, I understand, to ensure a flat rate of payment to health insurance as a means of ensuring access to health care for the poorer members of our society. However, Medicare went one step further by funding a public system through the income tax system. It is more progressive and ensures that the wealthy pay a higher proportion of income for their own care as well as subsidising the poor.

This is what makes a mockery of the government's claims behind closed doors that Medicare is middle-class welfare. In fact, the middle-class are the group who pay for it. They typically fund not only their own care but that of the elderly and the poor as well. There is less reason to retain community rating as a principle when Medicare has replaced private health insurance as the core and fundamental funding mechanism for access to health services. Already we see that the principle of community rating is outdated. There is no reason to strengthen it in our view unless, of course, what this government intends to do is dismantle Medicare and return to private health insurance as the main funding mechanism for health services. This is a very real scenario and one that the Democrats are not prepared to countenance.

The Democrats did not support the passage of the 30 per cent rebate bill in 1998 and we do not support it now. We have heard in this place about the politicisation of the Public Service. In the case of private health insurance, the regulator of the insurers is also the policy adviser to the minister, which I think blurs the boundaries considerably, leaving the industry at the mercy of unpredictable political decisions. Now we have direct involvement by the minister in the administration of operational issues that affect the industry. In this bill, the minister is granted considerable discretion in determining whether insurers should be disciplined, as well as the powers to refuse loyalty benefits dependent on management expenses. There are no guidelines provided as to what the parameters are for the minister's discretion.

This government seems to have real problems deciding whether it wants a free market or a nationalised industry. Irrespective of that, I believe that greater transparency is important in this \$2.3 billion investment by taxpayers. Taxpayers and industry should be able to see where the intervention of the minister and the Public Service occur and for what reasons. Perusal of the private health insurance web site and the Department of Health and Ageing's circulars reveals an extraordinary lack of guidance by the department in terms of how they interpret in operational terms the regulations for private health insurance. In stark contrast to other agencies with regulatory powers, such as the Australian Taxation Office, there is absolutely no information on how the department interpret the law. I do not believe this should be allowed to continue, given the size of the government investment and the lack of certainty this provides to insurers, hospitals and manufacturers. At best there appears to be a conspiracy of silence.

I will therefore be moving amendments to make more transparent the operation of the Department of Health and Ageing and the minister with regard to the operation of private health insurance. If indeed the insurance industry is effectively an instrument of government policies then the Democrats want the interventions of the minister and her department available for scrutiny. I will also be moving a second reading amendment which calls on the government to study the replacement of the 30 per cent private health insurance rebate with a capped and means tested rebate in line with the Private Health Insurance Incentives Scheme previously in place and the removal of the Lifetime Health Cover age loading on premiums. I move:

At the end of the motion, add:

“but the Senate accepts that while private health insurance will continue to be important in people’s health choices should they wish to pay for it, it calls on the Government to limit the use of taxpayer subsidies of private health insurance by:

- (a) replacing the 30 per cent private health insurance rebate with a capped and means-tested rebate in line with the private health insurance incentive scheme previously in place; and
- (b) removing Lifetime Health Cover age loadings on premiums”.

Senator HUMPHRIES (Australian Capital Territory) (4.42 p.m.)—The next decade in Australia’s health system will probably be as challenging as the last decade. We have an ageing population, medical technology is advancing in a rapid and costly fashion and we have a significant undersupply of health professionals. The health system in this country, and the public health system particularly, is feeling the weight of these changes. Undoubtedly that weight will make the quality of health care significantly lower for Australians unless changes are made. The government has recognised this factor and

has formulated affordable solutions that I think will shore up the future of public health in this country. A number of those changes, despite being held up or blocked in this place, are extremely important in ensuring that Australians can continue to look forward to a high quality, and indeed world-class, health system.

In speaking in favour of the **Health Legislation Amendment (Private Health Insurance Reform) Bill 2003**, a certain degree of weariness attaches to one’s remarks. This chamber has already blocked necessary changes to the Pharmaceutical Benefits Scheme and is likely to reject the government’s Medicare reform package, if comments today are anything to go by. The only bright sign in this debate is that state and territory Labor governments have accepted the government’s offer in the Australian health care agreements and have returned to their respective states sobbing and wringing their hands, but with the \$10 billion extra for the public health system very firmly in their pockets and the 17 per cent increase factored into their forward estimates.

At the heart of this government’s private health insurance agenda is a determination to provide Australian families with choice and, by doing so, to ease the burden on Australia’s public hospitals. The coalition government has already taken significant steps in achieving this through a range of measures including the 30 per cent private health insurance rebate, Lifetime Health Cover and the no gap, known gap scheme. This bill is a continuation of this and I think provides practical, sensible changes that reflect the realities of Australia’s private health insurance industry. These changes will benefit all stakeholders whether public or private in the nature of their requirements and, most importantly, consumers will benefit in a range of fields and those consumers will be able to take advantage of these changes with negli-

gible impact on their own pockets. If we look at what the bill proposes we can see very sensible changes to the present regime.

One weakness in the private health insurance market, and this applies across all Western societies, is that product differentiation and information is heavily weighted in favour of the health funds themselves. Subsequently, members of those funds generally switch funds fairly infrequently and the main objective of competition in this market is to sign up new members rather than to take members from one fund to another. This bill attempts to address that lack of competition in a crucial field by establishing a state of the health funds report that will allow consumers to easily compare the prices, products and performance of the various health funds available in this country. The bill will establish also a notional birthday for the purposes of Lifetime Health Cover. This is a simple but effective measure that will provide an arena for competition in the signing up of new members.

It is worth reflecting for a moment on the benefits of having a state of the health funds report. At the present time the consumer is forced to wade through a veritable jungle of literature and statistics provided by the health funds themselves and occasionally by other parties that often do not compare apples with apples. By having easy to read comparative information at the disposal of consumers, competition in the private health insurance industry is likely, I believe, to increase significantly. Furthermore, the administrative burden to provide this information should prove negligible as the funds already have this information within their own databases. The only difference will be that in future they will have to compile it in a readable form. I stress, however, that it is important that this information be presented in a way that does not put an overemphasis on price, keeping in mind that there have been

recent unfortunate experiences when looking purely at the price of premiums charged by health funds. I note that in the last few years the Australian Consumers Association, through its magazine *Choice*, did a survey of health funds and recommended a couple of, I think, Victorian based funds as their best buys with respect to private health insurance. Unfortunately, not very long after those recommendations were made both funds folded and presumably occasioned some inconvenience and perhaps loss to the people who had paid premiums to them. I am sure this chamber has not forgotten the fate of OneTel and Impulse Airlines, both of whom used a similar strategy. It is important not to look merely at price. But understanding what issues face consumers on questions other than price is difficult. What this bill proposes, with a state of the health funds report, gives consumers the opportunity to judge those things on a reasonable and rational basis.

In order that private health funds can compete effectively there must be an absence of onerous, outdated and overly bureaucratic regulations. This is true in any industry. At present, health funds have to submit every change, no matter how insignificant, to the Department of Health and Ageing for approval. Under this bill, funds will have the flexibility to respond to consumer needs without unnecessary paperwork while being monitored by a strengthened private health insurance ombudsman who will penalise health funds if they do not adhere to performance indicators.

Whether or not this bill is passed, the private health insurance industry in Australia will remain one of the most heavily regulated in the Western world. For example, the Department of Health and Ageing will continue to ultimately determine the extent of premium rises and the community rating regime will be retained. Compliance with the latter contributes a large part to the funds' adminis-

trative burden but it does retain bipartisan support. On the question of community rating, it is worth reminding this place that the aim of community rating is to keep private health insurance and cover affordable for high-risk consumers. By not allowing premiums to rise or fall based on individual circumstances, low-risk customers, particularly the young and the healthy, subsidise in effect high-risk customers—the old and the sick most particularly. However, the health funds have circumvented this somewhat in recent years by the offering of low-coverage low-price plans that are aimed in advertising packages very particularly at young people. Although this has undermined to some extent the cross-subsidisation objective of community rating, I think there are other ways of addressing the problem that that presents. For example, by taking steps to reduce the amount of red tape associated with the administration of those funds—an issue which this bill very directly addresses—some pressure is placed on those premiums to come down. This proportionately benefits the sick and the old.

I think that the figures available to us indicate very clearly that the government's approach to private health insurance is working. Under the Howard government the total growth in public hospital admissions has been around six per cent. The last five years of Labor produced a growth in public hospital admissions of a total of 22 per cent. An increase of that kind of course is entirely unsustainable and that is why this government took the decision to act and to change those parameters. Between 1996 and 2000—although there is some difference in these figures depending on where they come from—there was a 10 per cent increase in the number of people with private hospital cover. Under the Hawke and Keating governments it decreased in total by something in the order of 30 per cent. Some may see that as

ideologically appropriate, but whatever one's view there is no doubt that it was having a significant effect on hospital waiting lists and the quality of services being provided in Australia's public hospitals.

There is no doubt that the changes that have been effected by this government have had a significant effect on public hospital waiting lists—not that one would understand that from the rhetoric of state Labor governments. They have crowed consistently about good results in public hospital waiting lists without giving adequate credit to what is at least part of the source of that improvement, the shift in the number of people in this country who are moving to have operations conducted in private hospitals and privately generally. Separations in private hospitals have increased by more than 450,000 over the last two years alone. I ask members of this place to imagine what would happen if those 450,000 operations had been shifted into the public hospitals of this country. Clearly some of them would not have been shifted because they would have been elective in nature, but many were not; and, undoubtedly, without those incentives the pressure on public hospitals would have been absolutely enormous.

Today, private hospitals are providing 60 per cent of major joint replacements, 50 per cent of chemotherapy in Australia, 53 per cent of procedures for malignant breast conditions and 70 per cent of major eye lens procedures. These are not marginal or cosmetic in nature. They are not optional in the case of many people. These are important and central to the health and wellbeing of many people, and they are being provided for in Australia's private hospitals.

Senator Allison in this debate made the point that she felt that very few of the submissions to the Senate Select Committee on Medicare supported the government's re-

forms to private health insurance. I will concede that a number of organisations made that point, although they were organisations from whom I would have expected no other point of view to be forthcoming. However, there are two important points to make about that. One is that support for private health insurance measures did come from doctors' organisations. I think all of them, with the exception of bodies like the Doctors Reform Society, put on record their support for the measures the government has taken to encourage the level of private health insurance. Bear in mind that doctors themselves do not benefit in the same way from measures that encourage people to use private hospitals. There is a different level of support or benefit that flows to doctors from that kind of measure.

The other point is that it became clear from evidence that the committee received that there was a major problem in glibly promising to abolish the government's private health insurance rebate of 30 per cent, that doing so was not simply a matter—as some organisations purported it was—of taking the \$2.3 billion or \$2.4 billion that it costs the taxpayer each year to provide that rebate and transferring it to, say, the public hospital sector. In fact, the cost of abolishing the rebate could be of an order much greater than the \$2.3 billion or \$2.4 billion. On the estimates of the private health industry itself, it could be between \$4 billion and \$5.5 billion.

Senator Chris Evans—They would say that, though, wouldn't they?

Senator HUMPHRIES—Well, they would say that. But the critical question, Senator, is what you will say about it when you have the chance to say something about it. We are yet to see whether you and your party will decide to bite the bullet and agree

to abolish the federal government's private health insurance rebate.

Senator Chris Evans—You will be the first to know.

Senator HUMPHRIES—I would like to be sure that I and other consumers of health services in this country know before the next election comes around and that we understand very clearly what you propose to do about that rebate. In my electorate, the ACT, there is a very high take-up rate of that rebate. The cost of abolishing the rebate to each family in this country with private health insurance would be somewhere between \$800 and \$1,000. If you want to promise to abolish the rebate in the ACT, I look forward to being able to go out into the ACT community to tell them what effect that is going to have on both the pockets of families and the hospital waiting lists of the ACT. I very much look forward to seeing what those opposite have to say in due course about private health insurance.

The passing of this bill will increase competition among health funds, will encourage consumer protection and will significantly reduce the administrative burden on health funds in this country. In that sense, improving the delivery of those services to the community will be enhanced. Most importantly, it will aid in the maintenance of a viable private health industry, which has done so much to ease the burden on public hospitals in this country. I think that kind of change can only be for the better, and I hope that this bill receives the support it deserves to improve the quality of those health services in both the public and private sectors in this country.

Senator NETTLE (New South Wales) (4.58 p.m.)—The Health Legislation Amendment (Private Health Insurance Reform) Bill 2003 reduces government scrutiny of private health insurance funds under the

guise of easing their administrative burden. The government tells us that this will cut costs for funds, allowing them to become more competitive, thereby benefiting consumers. Where health funds now are required to submit details of their insurance products to the government for assessment, they will under this legislation face strategic monitoring and possible sanctions. The government has already distanced itself from responsibility for premium increases by automatically allowing annual rises. Now the government wants to further weaken public scrutiny. The details of the strategic monitoring, and the performance indicators that will be the benchmark for it, are to be dealt with by regulations which are not before the Senate, so our consideration of the legislation is hampered from the outset.

The Private Health Insurance Ombudsman, John Powlay, admitted on Radio National last month that the claimed improvements in his powers under this legislation were simply a clarification of existing provisions. Substituting strategic monitoring for direct oversight is doubly troubling when so much public money is being thrown at propping up the private health industry through the private health insurance rebate. The rebate costs almost \$2.3 billion per year, but the full cost of the measure is higher. The Australia Institute has estimated that around \$1.1 billion is lost in government taxation forgone if high-income earners take out private cover to avoid the Medicare levy surcharge. There are additional costs to Medicare and for pharmaceutical expenses associated with higher private hospital use and, of course, there is all the money that is being spent on the government's advertising campaign for the rebate and lifetime health cover.

The private health insurance rebate is a scandalous waste of public money in an area where government spending, we are told, is

so often stretched for resources. That is why the Greens will be moving an amendment in the committee stage of this bill to abolish the private health insurance rebate. The government claims that we cannot afford the Pharmaceutical Benefits Scheme without increasing the copayment for patients by 28 per cent, imposing hardship on low-income earners and people with chronic medical conditions, but it is happy to spend billions each year to underwrite private health insurance under the ideology of maximising choice. The private health insurance rebate provides a 30 per cent subsidy of premiums for hospitals and some ancillary health insurance products. It does not purchase a single health service; it buys insurance. Because there is no cap on the rebate, it constitutes an open-ended industry subsidy at a time when our public health system urgently needs funds.

The private health insurance industry lost members in the 1980s and 1990s after the introduction of Medicare and because of premium increases of more than 10 per cent a year. The industry claimed that, by increasing membership levels, it could stabilise premiums. But a rise in membership to 45.7 per cent of Australians of September 2000 did not prevent the funds from seeking and being granted hefty premium increases last year. Nor has the government's policy of a rebate coupled with financial penalties through the Medicare levy surcharge and the lifetime community rating stabilised membership. The latest figures released by the Private Health Insurance Administration Council last month showed another fall in membership, to 43.4 per cent in June this year.

Canberra University academic Ian McAuley has recently calculated that from September 2000, when the aged based premium penalties commenced, to March this year the funds lost 317,000 members under

the age of 54 while they gained 225,000 older members. This trend is clearly unsustainable. Yet we are now being told that fiddling at the margins will help the industry. The fact of the matter is that Australians are voting with their feet: they are dropping their private health insurance cover. Australians want the government to strengthen—not weaken—Medicare and our public health system.

The current government policy is clearly inequitable. Most of the funds spent on the rebate benefit high-income earners. A report by Julie Smith for the Australia Institute in October 2001 found that approximately half of the private health insurance rebate goes to the top 20 per cent of taxpayers and nearly three-quarters of the rebate goes to the top 40 per cent of taxpayers. They receive this money regardless of their health needs because the rebate is used to buy insurance, not to pay directly for health services.

The Greens acknowledge that some people on low and middle incomes struggle to pay for private health insurance. They do it for peace of mind, because they fear that the public system will not be able to provide the care that they need when they need it. They take out private insurance so that they can jump the queue of public patients. This fear undermines the collective agreement to provide for each other on the basis of need and not ability to pay. It is an indictment of government spending priorities, in federal and state spheres, that people should have so little confidence in the ability of their public health system to provide quality care. The more that the Howard government tells people that the public system is overburdened, under strain and cannot cope, the more it undermines the collective commitment to public health care. The more money it throws at private health insurance and the more often it tells people to pay their own way, the more it erodes the value to all Australians of

our national health insurance scheme, Medicare. This is part of laying the groundwork for Australians to accept the end of Medicare. That is what the government's Medicare package does: it turns Medicare into a safety net.

Now we have the Private Health Insurance Association mounting a campaign to retain the rebate. It has sent letters to millions of policyholders, telling them that the rebate is under threat and that they need to campaign to keep it. Last month the industry's peak body, the Australian Health Insurance Association, made the patently ridiculous claim that the rebate had 'saved Australia's hospital system from collapsing'. In fact, the rebate is endangering our public health care system. In a paper to the Australian health care summit in Canberra in August, Australian health professor Stephen Leeder said that the government's Medicare package disproportionately favours those who can afford private health insurance. He pointed to research that shows that private spending in health care drags public money with it, further eroding the principle of equity which should be the foundation of our health care system. As he observed, the private health insurance rebate has increased government spending on health but it has not improved equity because public funds go inequitably to those with private cover, mostly high-income earners. The rebate now accounts for around 17 per cent of total funding to the private hospital sector—a sector that is dominated by for-profit entities, which account for 56 per cent of the sector by ownership and are mostly publicly listed groups. These companies exist to make a profit; that is their business. And the federal government is pumping an uncapped amount of public money to fund 30 per cent of the private insurance premiums that directly provide benefit to these companies.

The government argues that the rebate has reduced pressure on the public hospital sys-

tem, but it makes this claim without foundation. La Trobe University Professor of Health Policy, Stephen Duckett, told the Senate Medicare inquiry that the rebate constituted a government payment of more than \$10,000 per additional patient treated through private hospitals, more than three times the average cost per patient treated in a public hospital. He said:

Direct support for public hospitals is clearly a more efficient way of assisting public hospitals than an indirect policy such as the rebate.

Monash University health economist Jeff Richardson told the health care summit that Australians have been deceived for 15 years. We have been told that a fall in private health insurance has put pressure on the public system and so the response should be to reverse the slide. But he said that the real reason for the pressure on our public system and waiting lists for treatment was government spending cuts. State and territory governments must share the blame for this, but it also suits the Howard government's agenda to cut health funds to the states and territories. We saw this with the government's slicing of almost \$1 billion from the forward estimates for the Australian health care agreements on the basis that higher private hospital admissions reduce pressure on public hospitals, which of course we know to be untrue. Private hospital admissions have increased dramatically but public hospital admissions have hardly shifted.

The Greens are not surprised by the Commonwealth government's agenda to retain the rebate regardless of the damage it is doing, but we are surprised that the federal Labor Party cannot decide where it stands on the matter. This is despite the view of the majority of state and territory Labor governments conveyed to the Senate Medicare inquiry that the private health insurance rebate is a failure. Leader of the Opposition, Simon Crean, when asked in July about the

future of the rebate under a Labor government, said:

... what we should be doing is looking for better ways to spend that money.

All the evidence shows that the private health insurance rebate is a waste of scarce health dollars and that the funds would be better spent on public health services for all Australians.

Shadow Treasurer Mark Latham has previously spoken against the rebate, saying that there is no crisis in private health insurance and that the rebate is unnecessary. ACTU President Sharan Burrow told the ACTU congress last month that the rebate 'deprives our public hospitals of critical resources, undermines a universal public health system and is paid for from the taxes of too many working people who can't afford private health cover', yet Simon Crean refuses to commit Labor to abolish the rebate.

There are suggestions that Labor may propose a means test, but what good is that? I note the second reading amendment from the Australian Democrats in relation to means testing the rebate. Means testing of the rebate may reduce the total cost to the Commonwealth budget, but the very people who are likely to be eligible under a means-tested rebate—that is, low- to middle-income earners—are the people who need public health care the most. It is time for Labor to commit to abolishing the rebate and redirecting the funds to public health to defend and extend Medicare. This is what the Australian Greens are committed to doing. We want to redirect the rebate to where it is needed and to where it provides the best value for money. We have proposed using the savings to increase the GP rebate, to encourage bulk-billing for GPs, to extend Medicare to dental health and more mental health services, and to improve public hospital services.

Under the rebate, every Australian is subsidising the cost of private dental cover. In 1998, it cost the public \$300 million, but only a portion of Australians benefit from this subsidy for dental cover—that is, those with private health insurance. Yet we know that for less than half of the current cost of the rebate—that is, around \$1.13 billion a year—Australia could provide dental treatment for all. This is just one example of the unfair distribution of health care under the rebate. We should be funding services to redress the disparity in health outcomes for people who live outside of major cities or who are marginalised—Indigenous Australians, whose health outcomes are appalling; people with disabilities; people who suffer from mental illness; unemployed people; and low-income earners.

A report by the New South Wales Cancer Council last month concluded that people in poorer socioeconomic areas are more likely to die once they are diagnosed with cancer and that delays in diagnosis were considered to be one of the factors in the difference. This is unacceptable in a nation as affluent as Australia. There is no question that \$2.3 billion a year of taxpayers' money could buy a great deal for public health, but the government prefers to spend public funds propping up an industry that gambles on whether people are sick. Let us make no mistake about the government's agenda nor fail to understand the consequences of it. Our public hospitals are stretched and in some parts of Australia there are no GPs who bulk-bill. We can expect more of this under Prime Minister Howard. The government claims to be concerned with cost, but squeezing public health spending and forcing more people to spend directly on their health care will not reduce overall spending. In fact, it is more likely to increase the total cost of health care at the same time as it reduces the purchasing power of each dollar spent.

The United States spends around 14 per cent of its gross domestic product on health, yet almost 42 million of its people have no cover. In Australia, we spend around nine per cent of GDP and, while we have many problems, our system is much better than that of the United States. The cost of ensuring that all Australians have access to quality health care no matter where they live is not cheap, but money spent on public health is an investment in the health of the nation and of its people.

The Greens recognise the importance of being economically responsible, but a focus on finances alone will lead neither to good social outcomes nor to good economic outcomes. Australians, unlike our Prime Minister, understand that health care is not like any other product that might be purchased in the marketplace. They believe in the social good that a strong, well-funded public health care system delivers. Australians deserve better than this government intends to give them by turning Medicare into a safety net and forcing everyone else into private health cover. The private health insurance rebate is integral to the government's strategy. It undermines Medicare and it must be abolished. The Australian Greens will continue to campaign for an end to the rebate, to resist the Howard government's drive to privatise our health system and to make Medicare stronger for all Australians.

Senator LEES (South Australia) (5.15 p.m.)—It seems that today there is general support by all sections of the chamber for the **Health Legislation Amendment (Private Health Insurance Reform) Bill 2003**. I will not speak for very long, but I want to make a couple of points. It is yet another example of what is almost an obsession of this government with private health insurance. Again we are tinkering with the rules to try and somehow make it more efficient and effective. The fact that the most efficient and effective

system is our Medicare system seems to escape those who are drawing up our health policy and health legislation.

This bill effectively changes the way in which community rating will be assessed and monitored. Community rating is basically the system that makes sure that funds provide support for, and accept as members, those Australians who are the sickest. Obviously, they are the most expensive members of our community, and the funds would much prefer to have as members of their insured community people who are fit and well and who therefore rarely call on their finances for support.

I think the legislation will go through without any dissent. After listening to the previous speakers, I think there is a range of issues, but it will all come back to the health system itself and its structure—which is what the three-day health summit was about—rather than just funding. It will come back to looking at how the system is actually structured. This government seems to be locked into a silo-by-silo model where it is a matter of private versus public and states versus the Commonwealth, where there are a lot of opportunities to pass the buck, to pass the blame to somebody else when something goes wrong, to shift costs if possible. Indeed, in various Senate inquiries we have found people actually employed out there to do nothing but shift costs from one level of government to the other. This all makes for an enormous amount of waste, for considerable inefficiency. We can still all confidently say that our health system is a good one, but some major problems are emerging and some major cracks are appearing. Perhaps the most obvious is that now we rank only 17th in the world when it comes to equity of access.

It would be a really pleasant change for us in this chamber to spend some time debating those health issues that are really critical. If

we as a nation, as a community, actually want to begin with our highest priority, I would argue that we should begin with those Australians who are the sickest—look at where the system is failing them and look at how we as a nation should begin to do something for those amongst us that are faced with chronic illness.

There is no group in our community as badly off for basic services as Indigenous Australians. Yet we know what works. It is not a matter of saying that we need another trial or saying that we should go out and have another committee inquiry. We know that what works are community Aboriginal-controlled health services where Indigenous peoples have a say in the level of services in various areas and set their priorities. We know this works. Looking at the funds pooling model in the Territory, we know what works, we know where there are really good and positive results. I congratulate this government for increasing the amount of money that has gone to Indigenous health, but these new funding models, these pool funding systems, can only operate in 10 out of the 21 Northern Territory zones, because we only have about half the funding we need to make sure that all the Indigenous communities out there have access just to the same level of services, the same amount of money, as the rest of us.

I say this to the government: while this piece of legislation will obviously get through today, how about bringing before us some ideas, some extra funding packages? Let us really concentrate on the areas of our health system that are in need, not have yet another example of tinkering with private health insurance and somehow hoping that we will get a model that is sustainable without the billions of dollars of subsidy that the government is pouring into it at the moment.

Senator FORSHAW (New South Wales) (5.20 p.m.)—As has been already stated, the opposition supports the **Health Legislation Amendment (Private Health Insurance Reform) Bill 2003**. The bill is fairly non-controversial. It makes a number of technical changes in respect of the operation of private health insurance. From the second reading speech tabled on behalf of the Minister for Health and Ageing, I note particularly that it is intended to ‘drive increased value for money in private health insurance’. That is a noble objective. Anyone who takes out private health insurance in this country at the moment, and has done so for some years, knows that it does not give the best value for money. Many people who have been paying into private health insurance for years recognise that they have been paying substantial premiums, in many cases for very little return. Often the level of the refund provided by a fund for expenses—particularly in the ancillary areas such as physiotherapy, dental, orthodontics and optometry—is less than 50 per cent of the total price that is charged. Furthermore, in a number of cases you will find that there are annual caps in respect of the refunds that are paid.

So, while private health insurance is clearly recognised, and has always been recognised, as an inherent part of the health system, it is not and has not been for many years the best value for money. That is why of course at various periods in our history many people have dropped out of health insurance, particularly following substantial and regular premium increases. It is a sad fact too that under this government, despite the massive subsidy provided to the private health insurance industry—a 30 per cent rebate—premiums have continued to increase at substantial levels well above CPI increases. The funds have taken other steps to put more limitations on some of the refunds or payments that they would make by introducing

additional excesses in respect of claims. There has also been an explosion in the take-up of private health insurance as a means of getting around having to pay the government’s tax penalty if you happen to be in an income bracket where, if you do not have private health insurance, you have to pay an additional tax.

Evidence presented to the Senate Select Committee on Medicare, of which I am a member, has demonstrated that there is a lot of concern out there in the community about how private health insurance is operating in this country. There are concerns about premiums, concerns about the quality of the product, concerns about the massive amount going into the rebate and concerns about the fact that it has not achieved what it set out to achieve—a substantial increase in private health insurance cover. Furthermore, as the states have pointed out, under the federal government’s attacks on Medicare, more and more people are utilising public hospitals, whether it be the emergency and accident service or other public services, even though they have private health insurance and might be able to have those procedures undertaken in a private hospital. There is a lot of concern in the community about the current state of the private health insurance sector.

However, I have to say—and it is the purpose I have risen to speak briefly in this debate—that it is not appropriate to use this legislation, in the way that the Greens have, to propose that we just abolish the 30 per cent rebate. That is the effect of their amendment, and no doubt we will come to that in the committee stage. I acknowledge that would be a very blunt instrument that would have a substantial impact upon a lot of people in this country who have taken out insurance or who are contemplating doing so.

Moreover, what is missing from the proposal in the Greens amendment is what should then happen to the \$2½ billion to \$3 billion—and it is growing—and where should it be redirected to in the health sector. There is no indication in the Greens amendment about what should be done with that money. Again, in the Senate select committee hearings—and the committee is due to report in a few weeks time—a lot of proposals have been put forward about how the rebate might be treated in the future. We have heard all the arguments, from those who solidly support it and want it maintained to those who want it abolished, and in between that there is an infinite range of proposals about means testing, capping, reducing the rebate and utilising the savings in other areas. For instance, more money could be utilised for public hospitals or put into related health services such as dental care.

This amendment is untimely. Indeed, I think I have to be more blunt than that and say that this is just a stunt. I think it would be of great value to the Senate to have before it the findings of the select committee looking at this issue in the total context of Medicare and the health system. We should await the outcome of the report of the Senate select committee before we even move to consider such a proposal that the Greens have advanced today. I do not disagree with a number of the arguments that Senator Nettle has put forward about the problems. I have already highlighted some of those myself. But I wanted to rise on this occasion to make it absolutely clear that we will not support that amendment. It is not appropriate that it be moved in this legislation and, moreover, this is too serious an issue to just put up an all-or-nothing proposal to abolish the rebate without having any alternative, any plan or any strategy for how that money might otherwise be better utilised.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (5.28 p.m.)—I would like to thank senators for their input—I am not sure that I agree with their input but I thank them for their input—to the debate on the **Health Legislation Amendment (Private Health Insurance Reform) Bill 2003**. I cannot not respond to Senator Forshaw talking about our attack on Medicare. That is outrageous. It is \$917 million to strengthen Medicare—\$917 million to increase the number of doctors. It is amazing that the Labor Party has taken up a significant part of our package: increasing the number of medical students by 234, increasing the number of GP registrars by 150 and increasing the number of practices that will have practice nurses assisting them. There will be 800 new practices in outer metropolitan areas. They have accepted those as part of strengthening Medicare.

The other issue that has concerned me, but does not seem to have concerned the Labor Party, is that there are people in Australia who never get to see a bulk-billing doctor who are on incomes significantly lower than many people who can get to see a bulk-billing doctor. I have bulk-billing doctors within walking distance of my home, but there are people on very low incomes—on pensions—who cannot get access to a bulk-billing doctor. But the Labor Party does not care about that; it cares about headline bulk-billing rates and not about access and affordability—particularly affordability for people on low incomes. So for Senator Forshaw to stand up here and say that we are attacking Medicare is outrageous.

The Labor Party also refuses to accept that the bill will provide a safety net for the 30,000 people on health care cards with expenses of over \$500. The bill will test the Labor Party. The 30,000 people with \$500 out-of-pocket, out-of-hospital expenses will receive assistance in the form of the govern-

ment paying 80 per cent of their out-of-pocket expenses. There will also be help for people who are not on a health care card and who cannot insure now against out-of-pocket, out-of-hospital expenses. There are 50,000 people who have expenses over \$1,000. For some young families with mortgages, a bill of \$3,000 in out-of-pocket expenses can hit you like a tsunami.

Senator Forshaw—Do something about it. Do something about bulk-billing.

Senator PATTERSON—Senator Forshaw ought to interject on things he knows something about. The gaps are usually for non-GP services. Since we have come into government and since we have introduced changes to private health insurance, we have now seen four out of five in-patient episodes in hospitals with no gap. Guess what it was under Labor? Zero. So do not talk to me about gaps. Labor had zero visits to hospitals without a gap; we have now achieved four out of five visits to private hospitals by those with private health insurance without the gap. So those people who pay more than \$1,000 on out-of-hospital services—chemotherapy, radiotherapy or other areas—will be able to insure against it. That is the package. It is strengthening Medicare, not destroying it.

Senators may recall that I announced on 2 April that we would reform the regulation of the private health insurance industry. A review was established to consider if the current rules and regulations delivered the best outcomes for fund members. In September 2003 I announced a series of government decisions arising from stage 1 of the review. The amendments to health legislation required to implement a range of these recommendations are set out in this bill.

A key finding of the review was that the current legislative framework for the consideration of changes to health fund rules: lim-

ited the ability of health funds to respond expeditiously to changes in the market; added a level of uncertainty in health funds' planning processes and risk management; was administratively cumbersome for both the health funds and the department; had the potential to stifle innovation in product design; and tended to hinder the efficiency of the private health insurance industry.

As a result, the government decided to amend the rules approval process to reduce the regulatory burden on funds. However, it was considered important that any deregulation be offset by the introduction of measures to ensure health fund compliance with obligations such as not to discriminate on the grounds of a person's age, sex or health status. Deregulation is also balanced with the introduction of a new enforcement and sanctions regime. Previously, the powers under the act in relation to monitoring and enforcement did not enable a range of actions proportionate to the issue of concern. The amendments, including those increasing the minister's discretion, will allow timely, flexible and proportional responses to possible breaches of the act.

Many of the items in this bill relocate existing provisions to provide a cohesive and transparent framework that will make the new system more readily understandable to the industry. The only new powers provided to the minister are: requesting a health fund to enter into enforceable undertakings; the ability to remove the 30 per cent rebate as a premium reduction; and the ability to apply to the Federal Court for an order to redress a breach of the National Health Act.

The option to revoke a fund's capacity to claim the 30 per cent rebate is limited to cases where a fund is in breach of the principles of community rating. While this would never be used lightly, the power of revocation is a very important deterrent to health

funds. If a health fund were ever to lose its right to offer the 30 per cent rebate as a premium reduction, contributors could still access the 30 per cent rebate either by receiving a direct payment through their local Medicare office or by claiming it back via their tax return. Members would get their rebate, but some of the benefits of the fund being able to give it back to their members in a timely and easy way would be taken away.

Health fund members can also vote with their feet and join another health fund without any loss of rights. I remind people that it was the coalition government that brought in the amendment so that people could move from one health fund to another without having to complete a new waiting period. It means increased competition, making funds more responsive. It means that people can move from one fund to another if a fund is not giving them the sort of service or product that they want.

The bill proposes amendments to Lifetime Health Cover. When I was looking at the issue of private health insurance, I was cognisant that we had had a very significant advertising campaign for Lifetime Health Cover when it came in. The cohort of young people were very aware through the campaign using the umbrella that they needed to join a private health insurance fund early if they were to benefit from lower premiums as they moved through the age groups. Having been a member of a fund since my student days, I thought it was important, as I would object at 60 or 70 to find someone coming into a fund and being a member for only a year getting exactly the same benefit as someone who had been a member all their life.

Lifetime Health Cover was introduced to share the membership across a lifetime and, for those who joined early, to have some benefit from having joined early. We wanted

to make sure that they knew about it. I suggested to the funds that we should have a 'horse's birthday'—that we would assume that everyone turned a certain age on the same day—which would mean that the funds could advertise in a concerted way the fact that it was important for young people to understand the potential impact of Lifetime Health Cover and would assist them in recruiting members to private health insurance. This would help maintain a balanced age profile across the industry and contribute to the ongoing viability of the sector. This is a minor but important amendment in that one message can go out rather than having to repeat it all year round as young people have their birthdays.

Other amendments proposed in the bill address minor anomalies that only became apparent after the introduction and implementation of Lifetime Health Cover. These anomalies primarily relate to the grace period allowed by the LHC for veterans, new migrants and Australians living overseas. Finally, I would emphasise that the bill does not alter the community rating obligations of funds. It consolidates and clarifies existing provisions of the act and, as such, it is not expected to have any fiscal implications for the funds or the government. I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—The question is that the second reading amendment moved by Senator Allison be agreed to.

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (5.38 p.m.)—I table a supplementary explanatory

memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber on 12 August 2003. I seek leave to move government amendments (1) to (3) together.

Leave granted.

Senator PATTERSON—I move government amendments (1), (2) and (3) on sheet PC210:

- (1) Schedule 1, item 3, page 4 (line 18), omit “or sexual orientation”, substitute “, sexual orientation or religious belief”.
- (2) Schedule 1, item 3, page 4 (after line 21), after paragraph (ba), insert:
 - (baa) the place of residence of a person, except to the extent that the person’s place of residence may be taken into account under section 73AAL;
- (3) Schedule 1, item 3, page 4 (line 23), omit “place of residence, occupation,”, substitute “occupation or”.

These amendments have been developed in response to issues identified by the department or raised in the Senate Community Affairs Legislation Committee hearing in relation to the bill.

The amendments will enhance clarity and certainty in the operation of the reforms contained in the bill. The proposed amendments will make it clear that health funds may not discriminate in conducting health insurance business having regard to a person’s religious beliefs. The amendments also clarify that a health fund will not breach community rating principles if it sets different contribution rates or benefit levels having regard to the state or territory which is the place of residence of the contributor, or if it limits the amount of benefits payable under ancillary health benefit tables by reference solely to the amount of benefits already paid in respect of a specified period. This recognises the current ability of health funds to set different rates and benefits having regard to the

different cost of health services between the states and territories and to limit the quantum of benefits paid via ancillary health benefits having regard to the benefits already paid within a specified period. I commend the amendments to the committee.

Question agreed to.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (5.40 p.m.)—I move government amendment (4) on sheet PC210:

- (4) Schedule 1, item 10, page 8 (after line 3), at the end of section 73AAH, add:
 - (4) Determining entitlement to ancillary health benefits claimed in respect of a period by or on behalf of a contributor to a health benefits fund conducted by a registered health benefits organization, or by or on behalf of a dependant of such a contributor, by reference solely to the quantum of ancillary health benefits already claimed in respect of that period is consistent with the principles of community rating referred to in subsections (2) and (3).

Question agreed to.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (5.41 p.m.)—I move government amendment (5) on sheet PC210:

- (5) Schedule 1, item 10, page 9 (after line 36), after section 73AAK, insert:

73AAL Discrimination on basis of place of residence

Nothing in this Act prevents a registered health benefits organization:

- (a) from charging different rates of contribution; or
- (b) from paying different levels of benefit;

In respect of persons who are contributors to the health benefits fund conducted by the organization, or in respect of persons who are dependants of such contributors, where such

contributors or dependants have their place of residence in one State or Territory as distinct from another.

Question agreed to.

Senator GREIG (Western Australia) (5.41 p.m.)—I move Democrat amendment (1) on sheet 3046:

- (1) Schedule 1, page 10 (after line 34), after item 15, insert:

15A Subsection 73B(2)

After “*Gazette*”, insert “, and free of charge on the Department’s website not later than 5 working days after the action is taken by the Minister.”.

On behalf of Senator Allison, I will speak briefly to amendment (1) circulated earlier in her name. This amendment seeks to increase the accessibility of information about decisions the minister makes by ensuring that any conditions imposed on insurers are publicly available on the departmental web site and I seek the committee’s support for the amendment.

Question agreed to.

Senator GREIG (Western Australia) (5.42 p.m.)—I move Democrat amendment (2) on sheet 3046:

- (2) Schedule 1, item 20, page 12 (line 5), subsection 73BEA(1), omit “may”, substitute “must”.

This amendment will provide that performance indicators that the industry must adhere to will be transparent in regulations by replacing the word ‘may’ with the word ‘must’. I seek the committee’s support for the amendment.

Question agreed to.

Senator GREIG (Western Australia) (5.43 p.m.)—I move Democrat amendment (3) on sheet 3046:

- (3) Schedule 1, item 20, page 12 (after line 14), at the end of section 73BEA, add:

- (3) The Department must publish on its website guidance to the public on how the Department will interpret and apply the performance indicators provided for by this section.

This amendment will require that the department provide publicly, through the Internet, guidance on how the performance indicators will operate.

Question agreed to.

Senator GREIG (Western Australia) (5.43 p.m.)—I move Democrat amendment (4) on sheet 3046:

- (4) Schedule 1, item 20, page 19 (after line 15), at the end of section 73BEJ, add:
- (6) A direction given by the Minister in accordance with this section must be published free of charge by the Secretary on the Department’s website not later than 5 working days after the direction is given.

This amendment will provide that any directions the minister may make should an insurer fail to adhere to community rating standards will be public information accessible through the Internet.

Question agreed to.

Senator NETTLE (New South Wales) (5.44 p.m.)—by leave—I move Australians Greens amendments (R1), (2) and (3) on sheet 3033:

- (R1) Clause 2, page 2 (after table item 13), insert:

14. Schedule 1, 30 June 2004
item 40

- (2) Schedule 1, item 40, page 26 (lines 13 to 20), omit the item, substitute:

40 The whole of the Act

Repeal the Act.

- (3) Schedule 1, page 26 (after line 20), at the end of Part 1, add:

Taxation Laws Amendment (Private Health Insurance) Act 1998

40A The whole of the Act

Repeal the Act.

These Australian Greens amendments seek to abolish the private health insurance rebate. They do so by repealing the act that established the rebate and they also remove a related taxation act. We are proposing that the rebate cease from 1 July 2004. That would provide sufficient time for private health fund members to notify their fund if they wish to change or cancel their insurance as a result of the withdrawal of the rebate. It would also ensure that anyone planning to use private cover for the birth of a child would have sufficient notice of the rebate's withdrawal.

The Greens believe there are many strong arguments for abolishing the private health insurance rebate. I have gone into some of those already in my speech in the second reading debate so I will just touch on a couple of them. The private health insurance rebate constitutes an expensive public subsidy for private insurance; it is not used to purchase health services. It is an open-ended subsidy that distorts the price of insurance, encouraging rather than discouraging inefficiency, and it contributes to inflation of the price of health care. Overseas evidence presented at the Australian health care summit in Canberra last month also showed that private expenditure in health care tends to attract public funds, and this has happened with the private health insurance rebate. The Commonwealth government has increased health outlays by almost \$2.3 billion a year, yet none of the money has actually funded a single public health service.

Senator Patterson—What!

Senator NETTLE—For the minister's clarification, the private health insurance rebate buys insurance. The private health insurance rebate does not buy health services.

Senator Patterson—What about in public hospitals?

Senator NETTLE—It is an inefficient use of public funds in an area of growing demand. We have heard various health academics explain to Senate committee inquiries that it would be a far more efficient use of public money to put it directly into public hospitals, not like the \$1 billion the minister took out of the Australian health care agreements just last month. Rather than putting it indirectly through private health insurance companies, putting it directly into public hospitals would provide us with a health service. Redirecting this money into the public system would provide a substantial boost to health services and it would benefit all Australians, not just those who can afford private health insurance.

Private insurers spend substantially more on administration than the cost of collecting the Medicare levy and Medicare management expenses. Professor Ian McAuley has calculated the difference to be around \$440 million in 2001-02. The private health insurance rebate has also not achieved its stated policy goals. Whilst private hospital admissions have increased, there has been a negligible reduction in public admissions, and all of the anecdotal evidence suggests that public hospitals remain under stress. The answer to this is not to use the rebate to try to encourage more patients into the private sector, which is not as efficient in the use of resources as the public sector in the matter of health. We should be looking for ways to get better value for money currently being expended. We should also be looking to allocate additional funds to the public health system.

It has been demonstrated that the rebate did not trigger a substantial increase in fund membership. The triggers that have had the greatest impact on private health insurance

membership were the Medicare levy surcharge and the introduction of the lifetime community rating. Nor has the private health insurance rebate stabilised fund memberships. People continue to leave funds and, as Professor Ian McAuley's analysis of the latest membership figures shows, those leaving are the people who generally use fewer health services, which means the funds are facing the same problem as when membership fell to around 30 per cent. The largest beneficiaries of the rebate are high-income earners, and we saw that in the Australia Institute study of 2001, based on taxation statistics showing that three-quarters of the rebate goes to the top 40 per cent of taxpayers. This means all Australians are contributing to the insurance premiums of mostly wealthy people in order for them to buy fast-tracked health services. It is clearly unfair when the same amount of money could provide more services more efficiently to more people based on medical need not on the capacity to pay.

The government argues the private health insurance rebate is needed to ensure the viability of the private health sector, but evidence from OECD countries shows that the best financial outcomes for public outlays are achieved when the purchase of health services is centralised, when there is a single strong insurer. Medicare is best placed to play that role and, in doing so, to ensure the best value for public money. The private health insurance rebate undermines the role of Medicare as a single insurer by directing an open-ended amount of public funds to the private sector. It also undermines the principle of universality on which Medicare was founded by providing additional public funds to only some Australians, based not on medical need but on their capacity and their desire to buy private health cover. Australians have overwhelmingly indicated that they support Medicare and, consistently, almost eight out

of 10 Australians say that they would pay a higher Medicare levy to fund more services.

The Greens say that the funds spent on the rebate should be redirected to the public health system to strengthen and expand Medicare. We believe there is overwhelming evidence for abolishing the rebate. Certainly, in travelling around and speaking about these issues in the community, I have seen that support from people. People recognise clearly that there is \$2.3 billion of public money going into the private health insurance industry when it could be going into the public health system about which there is so much discussion of its need for more resources from the government. I do not know if I was disappointed or shocked to hear Senator Forshaw saying before that the best excuse the Australian Labor Party could come up with for not supporting the Greens' abolition of the private health insurance rebate was that 'the committee has not reported yet'.

Senator Chris Evans—I have got better excuses than that.

Senator NETTLE—I am waiting to hear them, Senator Evans. Senator Forshaw is correct in that a number of people who have made submissions to the Medicare inquiry have put forward ways in which the private health insurance rebate could be used. It is correct that the debate continues. The Greens have proposals as to how it could be used. Senator Forshaw seemed to be asking for those and I am quite happy to outline them further, as I have in this chamber before and indeed in my speech on the second reading of this bill.

All of the proposals from the committee process can feed into determining what we do with the private health insurance rebate. The Senate cannot make that decision. We cannot pass legislation which says, 'This is how the money from the rebate should be

spent.' But we do have the opportunity right now, in this piece of legislation, to right an inequity that exists in the health care system in this country—to say, 'This is our public taxpayers' money for health cover. Let's put it into that public service where it buys health outcomes for all Australians. That is something we can do here and now.' The Greens are committed to seeing that money put into public health in this country, because that is how we will get health outcomes based on people's medical need, not on whether or not they have the money to take out private health insurance. I commend these amendments to the Senate.

Senator CHRIS EVANS (Western Australia) (5.53 p.m.)—The Australian Labor Party will not be supporting Senator Nettle's amendments to the **Health Legislation Amendment (Private Health Insurance Reform) Bill 2003**, in part for some of the reasons advanced by Senator Forshaw but for broader reasons as well. Senator Nettle has used the opportunity of this debate to bring to the Senate the question of the continuation of the 30 per cent rebate. That is obviously her prerogative. I think, though, that Senator Nettle even in her own contribution could see that this is not going to occur as a result of the consideration of this legislation. The government are not suddenly going to roll over and say, 'The Senate abolished it and we're going to agree to that. It's all going to be fixed and the world's going to be as Senator Nettle hopes.'

It is a legitimate tactic by Senator Nettle to use the amendments to raise the issues she wants to raise in the debate about the financing of private health insurance and public health in this country, but I do not think we ought to pretend that the amendments have any chance of success in being supported by the government. This is a largely uncontroversial bill that would have passed pretty much without note if it had not been used to

raise the Greens' opposition to the rebate. The Democrats, through Senator Allison, tried to do the same thing with a belated second reading amendment, which was defeated on the voices—I do not think any of the minors were in the chamber at the time. That amendment sought to means test the rebate but with a similar intention, I suppose, to that of Senator Nettle: to raise concerns about it.

There are good technical reasons why you would not support the Greens amendments in any event. The immediate loss of the rebate that would occur as a result of this would move many people onto full premiums immediately and there is no provision for redirecting the money that would be lost from the health system. But those are technical arguments and Senator Nettle is raising the principal issue about the future of the rebate, so I will not spend a lot of time on them. I think there are some technical flaws in the amendments but the reality is that the government is not going to accept the amendments. The opposition are not going to support the amendments either, so they are not going to be carried in this chamber and clearly they would not receive support in the House of Representatives.

What I want to do is indicate the views of the Australian Labor Party on the issue. As I say, it is fair enough to raise it as an issue. There is a debate in the community about the effectiveness of the rebate. Labor is currently reviewing its policy on the rebate and examining the evidence on the impact of the scheme on the cost of private health insurance and on public health more generally. We will do that in our own time, through proper ALP process and in consultation with health consumers. We will not respond on this occasion to Senator Nettle's opportunistic—and I do not mean that pejoratively—invitation to knock off the rebate. We are going to have a proper examination of the

issues and announce our policy and our response at an appropriate time.

The Australian health system has always included the private sector through private practice, private hospitals and private health insurance for hospital and ancillary services. Labor's position has always been that, while the public system is the primary system, there is a role for private services and private insurance. The Howard government has introduced a range of measures to encourage Australians to take out private health insurance. These have included Lifetime Health Cover, the Medicare levy surcharge and, of course, the 30 per cent rebate for private health insurance premiums. I note that I am one of the few in this chamber who have resisted all such inducements.

The effectiveness of the 30 per cent rebate in encouraging take-up of insurance is unclear. Certainly there was no immediate jump in membership, but the subsequent introduction of Lifetime Health Cover has made it difficult to distinguish the effect of each measure. While the outcome of the 30 per cent rebate in terms of private health insurance holding remains unclear, the costs have substantially escalated. The then Minister for Health and Aged Care, Michael Wooldridge, woefully underestimated the cost of the rebate, an issue we pursued at length at Senate estimates. I understand that it is now costing the government about \$2.4 billion each year. The question is: what is the government getting for its money?

The effectiveness of the 30 per cent rebate in alleviating pressure on the public system is debatable. While the number of private services delivered has increased in recent years, the number of public services delivered has also increased and the majority of complex and serious cases are still managed through our excellent public hospital system. The effectiveness of the rebate in providing

cover for allied health services is also debatable. While private insurance is currently the only way for Australian families to get assistance in meeting the costs of dental care, physiotherapy et cetera, private insurance has not targeted those who need it the most but has been disproportionately aimed at middle- to high-income earners.

The effectiveness of the rebate in alleviating the cost of private insurance is also debatable. It is offset by an average 14 per cent increase in premiums over the last two years, in addition to increasing gap payments. Labor believes that every government has a responsibility to ensure that taxpayers' money is spent as effectively as possible, which is why as a potential alternative government we are committed to a careful, thoughtful review of the rebate. This review is being conducted in a consultative way with all those interested in health—and the Senate Medicare inquiry is a very useful part of that process. Our aim is to maximise health outcomes for health dollars spent. Any money saved as a result of changes to the rebate will go to the health system. That is an iron-clad Labor commitment. One of the concerns I have in this regard is about the effect of Senator Nettle's amendments, were they to be carried.

Labor's review includes consideration of other more direct means of tapping into the resources of the private sector to support our public system. It will include consideration of the value of government support for allied health services. The financial impact on those Australians who choose to have private insurance must also be considered—including the impact of the various penalties which may apply should Australians choose to discontinue their insurance. Labor has publicly committed to using savings from the rebate to improve health care for all Australians, providing better services and better access to care. Whatever decisions we make

will be supported by careful thought and discussion with experts and participants in the health systems, especially with Australian families, who are the consumers of those systems.

Labor indicate on this occasion that we will not be supporting the amendments—as we did not support the second reading amendment of the Democrats. We are committed to reviewing our policy on the rebate. It is something that we are actively pursuing at the moment. We are not in a position to announce that today. I know that might frustrate some and give political opportunities to others, but that is part of the proper process that the party has embarked upon. Our new health spokesperson, Ms Julia Gillard, will be pursuing that review. As I said, while I appreciate that Senator Nettle's amendment has allowed the debate about withdrawal of the rebate to be held in the Senate today, Labor will not be supporting that and we will vote against the amendments accordingly.

Senator BROWN (Tasmania) (6.02 p.m.)—Of course I will be supporting these excellent amendments put forward by Senator Nettle, with hypothecation written all over it—that is, the \$2.4 billion that would be saved from this very wasteful rebate would be targeted at helping the public health system: not least the right of old people not to be in hospitals and the right of hospitals to have beds available for people when they need them, without keeping people on trolleys or for extended periods in casualty bays.

The importance of Senator Nettle's amendments highlights again the Greens' position of seeing the role of parliament as providing public services through the taxation system. It is similar to our view on education. The private sector is there to provide private services. This rebate of \$2.4 billion, as Senator Nettle has so cogently put it, does

not go to the medical services but to the insurance which backs up private medical services. It is therefore \$2.4 billion of corporate welfare when there is an enormous need for the public system in Australia to be the direct beneficiary of taxpayers' money. We all have options. Senator Evans has said that many of us here are privately insured. I think there are good arguments why senators should be privately insured and why they should not. After all, we are earning \$2,000 a week. The average wage in this country is \$500 a week. That means that 50 per cent of the people—or more because they are more numerous below that median line—have great difficulty in paying private health insurance. The figures that Senator Nettle has been given point to that. This money should be going to ensure that those people who are on lower incomes have access to the excellent services that are available to the rest of the community. The private system is well able, in a competitive world, to look after itself in competition with government. But, with the public health system and Medicare established, the private system has been able to tweak the policies of the major parties—and in particular in this case the Howard government—to facilitate the private system. This has ultimately been at the expense of the public health delivery systems.

This is one of those issues we will certainly be taking to the next election. If Labor is evolving its policy at the moment, it is very important that Senator Nettle has brought forward these amendments because the Greens will be tackling the big parties on this very issue in the run to the next election. That is our role in here. If the government is going to say, in a dinkum fashion, that this \$2.4 billion should be going to the private health industry and not to the public health services directly from government, Senator Patterson ought to be able to say what the government would be spending this on if it

went into the public system. If Senator Patterson told us how the government would spend it, then we would have a comparison and we could have a real debate in here. The fact is, she will not. She will talk about the private system and what good it does, indirectly, for the public system, but she is not going to tell us what her advice has been on redirecting this money to the public system, how it would be spent and what the benefits would be. The government simply has not done its homework on that, and it is not going to give this committee that information. It is not going to look at that. It would not dare look at it. But I can tell Senator Patterson that there are people on this side of the house who are looking at that and who are going to continue to pursue that outcome because it is a much better way of spending public money than in this indirect, multibillion dollar gift to the private insurers.

Senator GREIG (Western Australia) (6.07 p.m.)—We Democrats will also be supporting Senator Nettle's amendments for much the same reasons that she has already outlined. But I would like to add a few further points. Firstly, I think Senator Evans is quite right when he says that pursuing this amendment to the nth degree would be pointless because it is clear the government is not going to accept it at the end of the day. It is worth noting, though, that that is the exact opposite to the position he took on amendments to the ASIO legislation, where he quite openly moved amendments to establish a point of principle, knowing that they would be defeated by government.

Senator Chris Evans—I look forward to you moving the same six amendments to the super bill in a few days time.

Senator GREIG—Not a problem. However, he did qualify his position by saying that this, in terms of policy process, is something that Labor is still dealing with. It is fair

and reasonable for the electorate to find out what the alternative government's position would be on this. I am one of those people who genuinely anguished over the issue of private health insurance when it came up some years ago because I personally did not have it. The question before me was: should I take it out or not? I looked comprehensively at both sides of the argument, struggling with what I felt was the moral obligation for higher income earners to take out private health insurance, accompanied by my belief that the state should provide and my belief in, if you like, a socialised medical system.

I ultimately decided that I would take it out and consequently do have private health cover. But I have to say to the minister that I am one of those people to whom I think she has referred recently in some comments and answers who are seriously thinking about relinquishing it, because it is starting to feel like wasted money. It is a kind of strange, catch-22 situation when you are paying what seems to be dead money for something that you are not using and you are not likely to use until you are older and perhaps in ill health.

Senator Patterson—So your house insurance is dead money too?

Senator GREIG—That was a fair interjection from the minister. The difference there, though, is that a house is private property. One of my beliefs in coming to this debate is that it is the role of the state to provide certain essential services: public transport, public education, public medicine and public medical services.

Senator Chris Evans—They have made private health insurance cheaper than if you stay in the public system. You pay more in tax.

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—I am quite happy,

Senator Evans, if you want to have a private conversation with the minister or Senator Greig after the bill has been passed. Until then I would appreciate it if everyone directed their remarks through the chair.

Senator GREIG—Ultimately, my feeling is that if we were not pouring \$2.4 billion into private health funds but into the public sector—directly into medical facilities that the government can and should provide—we would not merely have a world-class system but, arguably, the best medical system in the world. Then there would be, you could argue, no great pressure or impetus for those people who feel that the private health system provides a better service when the best service was being provided by the state. That is where I think the money should rightfully be going.

It is a debate, I gather, that will continue for some time. There is no question that the issue of health generally will be a key one at the next election and the issue of the private health rebate will be one on which many people will be focusing. My position is that the money would be better spent in other ways and that this taxpayer funding ought to be directed towards all taxpayers and not just those who can most afford it. I acknowledge the complexity of this debate in terms of, as Senator Brown has said, the pros and cons on both sides, but at the end of the day I think it is a matter of the Commonwealth at this stage abrogating its responsibility to provide the best public health system that it can by pandering to what is currently a private market. On that basis, we support the amendments moved by Senator Nettle.

Senator LEES (South Australia) (6.12 p.m.)—Let us be quite certain about what private health insurance is and what it does. It gives people the opportunity to jump the queue. It has nothing to do, really, with where you fit or where the person with pri-

vate insurance fits in the scheme of things in terms of severity of illness or specific need. All of that goes out the window. They have a bit of extra money so up the queue they go, in fact frequently, I believe—certainly from looking at what happens in South Australia—pushing past people who are in far more desperate need of treatment. In particular, I highlight some of the waiting times for cancer treatment in the public system, where people simply cannot wait and should not be waiting.

I have no problem with insurance if what it does is offer people that little bit extra—a private room and perhaps a glass of wine with a meal—and I have no problem whatsoever if it actually assists people to select the doctor of their choice. But I do have a problem with a government subsidy that enables people to jump the queue ahead of those people who are in greater need of our health care system. While agreeing with some of the points that Senator Evans has made about the fact that the ultimate of this would probably be far too traumatic for the system, that as we—we hope—in the future move away from this rebate, the system would probably need to be phased and we would need guarantees from government that the money would be distributed on the basis of need, I think it is very important that we have this debate.

We have this debate time and time again when we have health bills in front of us. We try and focus this government's attention on those Australians that have the greatest need. While the minister likes to quote the number of pensioners who have private health insurance, unfortunately for many of them—judging by the letters I receive and the meetings I have had recently in rural South Australia—it is at extreme cost to them and their personal budgeting. They are forgoing other essentials. They are worried about the public

system and consider that it is so risky now that private health insurance is essential.

It is a very sad day when people put aside their needs. We heard from the poverty inquiry—in Hobart, actually, Senator Brown—that pensioners are deciding to go to bed at three and four o'clock in the afternoon on a cold day rather than heat their house or indeed have any lights on because of electricity costs. Some of those people—yes, Minister—are struggling with private health insurance because they are now so scared about what may happen to them in the public system.

While my first choice certainly is not to abolish this rebate, I am going to support this amendment. As we know, unfortunately, the Labor Party cannot give us at least a chance to jolt the government, to at least have this go over the other way and then come back again for further debate. It would have been nice if we had at least gone once around the block to highlight the need for this government to focus more on those Australians, such as Indigenous Australians, who really are in need of these scarce health dollars.

To sum up: yes, I will support this amendment, but I do see some major problems in the fact that this government will not even have a discussion about other priorities and will not even consider at least means testing it and getting it off extras or focusing on what they claim is the focus, and that is a reduction in pressure on our public hospitals. As we have seen, the pressure on our public hospitals is increasing. One of the greatest frustrations for me is that we keep arguing about hospitals when the prime purpose of our health system should be to keep people out of them.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (6.16 p.m.)—I agree with Senator Lees on one thing and that is that we ought to aim to keep

people out of hospitals. That is probably the only thing I can agree with her on at the moment. I am astounded by the proposal from the Greens that action be taken to increase the health care costs for millions of Australian families by around \$750 a year and for some of them \$1,000 a year. That is what the removal of the 30 per cent rebate would do, and it has the potential to increase the cost of private health insurance by 42 per cent. But I know I am not going to convert a person who is absolutely totally committed to socialised medicine. If Senator Nettle took a trip to places like Denmark, Sweden, Spain and Portugal—I think they are four of the countries that former Senator Herron indicated to me when he drew my attention to a paper given in Dublin at a chamber of commerce meeting by an emeritus professor there, looking at a number of issues and talking about the health system in Ireland, but I will stand corrected on those countries—she would see a strong move there towards achieving a better balance between public and private systems. Yet what the Greens want to do is to take us backwards when other people are trying to get the sort of system where you have a balance between public and private.

There have been suggestions that the rebate should be means tested. Dr Wooldridge tried to address that issue and one of the things he found was that people's incomes changed so frequently that it was impossible to try to work out who was in and who was out. Senator Lees said that it is an extreme cost for people on very low incomes, particularly those people on a pension. There are over one million Australians on incomes less than \$20,000 a year who have private health cover. Let me tell you, it would be much more expensive if the rebate were taken away. Over 8.6 million Australians now have private health cover. Unlike those opposite whose position on private health care is

driven by an ideological belief that Australians should not have the right to an affordable choice when deciding who provides their health care—and I do not include Senator Lees there because she did qualify her comments—the policies of our government are based on the need for sensible and rational policy outcomes.

The latest figures from the independent Private Health Insurance Administration Council show that in the June quarter 2003, the last quarter, there were more than 530,000 privately insured episodes in Australia. The Greens and the Democrats need to understand that two-thirds of the cost of that was provided by the patients, by paying private health insurance. These are people who would otherwise have joined the waiting lists for public hospitals. Often we are told it is not for the more complicated procedures. I have heard Wendy Edmond in Queensland, the minister up there, saying that it is all elective surgery. Here are the figures: six out of 10 major joint replacements, around half of the chemotherapy procedures—I do not call chemotherapy procedures elective—over half the major procedures from malignant breast conditions—that is not elective—almost six out of 10 cardiac valve procedures—that is not elective—and so on are done in private hospitals. If you were to go to some of the larger private hospitals and see some of the fairly intricate neurosurgery and other surgery that goes on, you would see that it is not just public hospitals. I admit that public hospitals do do major complicated surgery but it is not their province alone and there are some major private hospitals that do undertake those sorts of services.

We have seen a significant increase in the number of admissions to private hospitals and enormous pressure being taken off the public hospital system. The Australian Institute of Health and Welfare's figures for the

last year for which they have figures, which is 2001-02, show an increase in public hospital admissions of 2.6 per cent and a threefold increase—a 9.5 per cent increase; three times the number of admissions to public hospitals—in private hospital admissions. We are looking at Queensland getting almost double the national average in terms of patients going into private hospitals.

Professor Harper from the University of Melbourne has done some analysis and demonstrates that if you were to take away the rebate the government would have to contribute, in lieu of the \$2.4 billion that we contribute to the private health insurance rebate, \$4.3 billion on public services.

Senator Chris Evans—Whose figures are those?

Senator PATTERSON—Professor Harper's—from the University of Melbourne. The load comes off because the patients who are being treated in private hospitals make a major contribution to the cost of their health over and above their Medicare levy, and they choose to do that. Some on very low incomes choose to do that. The Labor Party have been shillyshallying around for almost two years and have not been prepared to say what they are going to do about the rebate. They have a foot in this camp and a foot in that camp. At least the Greens have now come out and told us where they stand. The Democrats 1½ hours ago believed in capping the rebate and means testing it, but now they do not and they seem to be agreeing with the Greens' amendment. I do not know whether they have shifted policies since they started the debate on the bill.

Senator Chris Evans—They've changed spokesman.

Senator PATTERSON—Thank you, Senator. That explains why. The two senators there ought to get together, because it seems as if we had a change in the middle of it all. I

do not know what the Democrats believe in. They had one position on one amendment and now they have this position on this amendment. Senator Lees was quite clear about what she believed in. The Greens were quite clear. I do not agree with the Greens or the Democrats. The Labor Party have a bit this way and a bit that way and say they are not going to tell us. They say: 'You can wait. We're reviewing it. We've got a new shadow minister, so we'll continue to review it.'

The public who have private health insurance are waiting to hear what you are going to do. They are very interested. Those people who have ancillary cover—who benefit from the 20 million dental procedures that are done every year or who have optometry and optical or physio; 70 per cent of ancillary payouts are on dental, optical and physio—will be very interested to know. They get dental, optical and physio; 70 per cent of rebates of the ancillary payouts go on those sorts of benefits. They will be very interested to hear what Labor have in store for them. They can be absolutely sure that under the coalition their private health insurance will be 30 per cent cheaper. We will maintain the rebate because we believe it does give people a choice, it takes the pressure off the public hospital system and it enables those people who choose to use a portion of their additional income to self-insure—to insure themselves—and that assists in taking off pressure. How can you argue that the two-thirds of the cost that people contribute to private health insurance does not make a difference? It does not make sense.

Now we have flushed the Greens out, and that is good. We will be able to tell people what their position is. We have not quite flushed the Democrats out yet, Meg Lees has made her position clear and the Labor Party are still shillyshallying. The public, the 8½ million people who have private health insurance, are eagerly waiting to hear what you

are going to do but they know that under us it will be 30 per cent cheaper.

Senator CHRIS EVANS (Western Australia) (6.25 p.m.)—I will not hold up the debate much longer. I think it has been quite an interesting debate in many ways. I want to make one point, and it is really on a personal level. I think it was Senator Greig who referred to the moral pressure on high-income earners to insure, as if there were some sort of moral element to taking out insurance. It is an argument that Senator Knowles has put on a number of occasions in this debate. I never understood what the moral element of insurance was, and I do not understand it now in this debate. Even Senator Brown seemed to be making that point in his contribution.

Senator Brown—No, I don't. I wasn't making that point at all.

Senator CHRIS EVANS—I make the point that the question about whether one insures or not is a question for each individual. One can self-insure, one can privately insure or one can use the public system. I have always worried about that argument. Effectively, this government have said, 'In order to drive people into private health insurance, we will offer a public subsidy and we will tax them at a lower rate,' so that many Australian citizens have joined private health insurance because it is financially beneficial for them to do so. Putting the insurance to one side, they are financially better off from a taxation point of view by being in private health insurance. If they take out a cheap private health insurance product, they pay less in taxation. The government are almost encouraging them to pay less in taxation, whether or not they use the private health insurance they take out. Many young people took out private health insurance with no intention of using it, but it was financially advantageous for them to take out insurance.

We have this crazy situation where the government are paying people a subsidy and taxing them at a lower rate to drive them away from public health.

When we talk about these issues, we should remember the question of progressive taxation. One of the ways we used to argue that we provided for services in our community was by having a system of progressive taxation. We did not say that the only way people who had a higher income could use services was if they went to the private sector. They could access the public sector but they paid more tax, on a progressive scale, because of their opportunities and their income. That is an unfashionable concept these days, but it is one I thought we ought to remember because now we have a government doing the exact opposite. It is paying people and saying they can pay less in taxation if they go to the private system, which I find a rather bizarre concept.

The other point I want to make—and, again, this is a private point—is that I think there is something to be said for politicians and other decision makers in our community using public services. If politicians do not use public health services and if politicians' children do not go to government schools then we will find that some systems—

Senator Patterson—Some of your colleagues would be interested in that view.

Senator CHRIS EVANS—I said it was a personal, private view, but I thought I would add it to the debate because I feel very strongly about it. If we do not have people who are in leadership positions in our community using those public institutions, then they do not appreciate their value, they do not understand the problems those institutions confront and they do not therefore respond in an appropriate way when considering funding needs and the issues that ordinary Australians have to confront. We have

seen that problem in the education debate in this country, and now we are seeing it in the public health debate.

It is worth remembering, when people attack others for not being in private health insurance by saying, 'On their income, they ought to be in it,' and applying some sort of moral pressure, that a lot of people choose to self-insure and that there is some value in having the whole range of the community accessing public institutions. That helps to prevent us ending up with a two-tiered system, where the public system is for those who cannot afford to utilise the private sector. That is one of the things that worries me about the government's private health policies. We seem to be driving towards a two-tiered system, with a safety net for those who cannot afford to be in the first-class system. That is what worries me about the government's approach. As I say, there is some value in politicians and others in the community having a real understanding as consumers of public health services and public education services. I reject the suggestion that there is something morally bankrupt in high-income earners not taking out private health insurance. I think that is a terrible twisting of the logic. People can make their own choices. The government argues for choice but then seeks to denigrate those who make a choice to self-insure or to use the public health system. I wanted to make that personal contribution to this debate.

Senator ALLISON (Victoria) (6.30 p.m.)—I need to respond to the minister. She is obviously unclear about the Democrats' position so I ought to set her straight. She would be well aware that the Democrats did not support the private health insurance rebate when it was introduced, for all the reasons that Senator Lees said at the time were good ones for not supporting it. As my second reading amendment suggested, we would prefer to see the government take this

action rather than force it on them by way of an amendment. Clearly we could not do that, and this bill would simply be laid aside if this amendment was to win the day. However, it is our view that this money is a waste. It is the case that it has managed to increase the number of people who take up private health insurance, but there is no evidence whatsoever to suggest that that has relieved the pressure—as the phrase goes—on the public hospital system. Instead we have \$2.4 billion or \$2.5 billion, depending on which year you are talking about, effectively propping up a system which does not deserve to be propped up, partly because it is such an expensive system. We all know that procedures in private hospitals are much more expensive than they are in public hospitals, which is why most people with private health insurance, if they are really sick, choose to go to public hospitals. For one thing, they will not have any out-of-pocket expenses, unlike what they would have if they attended private hospitals.

The minister says, ‘But what a great job private health insurance does in funding dental health services.’ We could debate here tonight the fact that in 1996 or 1997 this government took away the \$100 million which it was providing to the states to help with the public dental health system. It is now paying \$300 million a year to people who are probably mostly on high incomes who insure for dental health services. That is just the rebate. So we have transferred money out of an important public service into a private one which is very expensive indeed. In fact, it would be good to get some analysis of what has been achieved with that \$300 million compared to what was achieved previously in the public dental health system.

We will support this amendment. Senator Evans’s remarks a moment ago suggest that the ALP, or at least Senator Evans, supports this amendment as well. Like him, I feel un-

der no obligation whatsoever to take out private health insurance even though I can afford to do so quite easily. I think that it is important that people such as us use public transport—occasionally, if not always—and use the public health system because it is up to us to come into this chamber and say what is wrong with it. We should have a direct first-hand experience of public services so that we as lawmakers are in a position to know about them first-hand and argue about them in an articulate way. So we will support the amendment.

As I said, we would rather the government came to its senses on private health insurance and the rebate and saw that this country is not better off with a balance of public and private. You could say that about America; it has a balance of public and private, but just look at the tables and you can see that America has to spend 13 per cent of its GDP on health services compared to our 8.3, or a bit closer to nine, I think it is now. It is quite obvious that the American system has enormous numbers—millions—of people who are losers in a very big way because they are not covered by private health insurance. Heaven forbid we go down that path, Minister. If we are talking balance, America has a balance of sorts—it is about fifty-fifty in terms of public and private. We do not want to go there. I think the strength of this country is in its public health services. The Democrats will do all we can to make sure that that remains the case and that we do not drift in that direction.

Senator PATTERSON (Victoria—Minister for Health and Ageing) (6.35 p.m.)—I need to respond to a couple of things that have been said. Senator Allison’s comments about going the way of the American system—not that she was saying that—is the sort of scaremongering that the Labor Party has used, as well as using the term ‘two-tiered system’. In fact, what we

have done is rescue a private health insurance system that had been neglected and left on its knees. The load that was going to be placed on public hospitals as a result of that was going to be unsustainable and not able to be dealt with. There has been a load taken off the public hospitals. If you look at the year before last, for which we have figures, there was a decrease—albeit a small decrease—in the number of public hospital admissions and a significant increase in private hospital admissions. Then when you look at the last year, which I have just given you figures for, there was a 9.5 per cent increase in private hospital admissions and a 2.6 per cent increase in public hospital admissions. Senator Evans said that he has his moral view about not taking out private health insurance. Personally, I have just as strong a view that I should take out private health insurance, and I have.

As I student, I found it very difficult to maintain my private health insurance, but I did because I had the belief that if I had the capacity to do so I ought to try to maintain it so as not to be a burden on a system to which I could manage to contribute. That is a different view of the world. Obviously, the reason we are all here is that we have different views of the world. I happen to think that my view about this is right, but you all think that your view is right. I know that Senator Nettle is sitting there and thinking that her view is right. I still have the view that Senator Nettle, on her income, maybe ought to contribute towards taking the load off public hospitals, but she does not agree with that.

I have to say that I was very grateful that I had private health insurance in 1978 when I had three episodes in hospital which I would still be paying off if I had not had health cover. Those three episodes in hospital cost me a quarter of what my house cost at the time, and I was not a burden on the public hospital system. I was very glad that I was

able to do that and very glad that I was not left to self-insurance. But that is by the bye. If we are going to have a personal discussion about health and what we believe about private health insurance, I believe that, personally, I had a responsibility to try to keep the load off the public hospital system, and I have believed that ever since I was a student.

The data shows that pressure is taken off the public hospital system by increasing the membership. The states agreed with that—and there were some Labor states in that—because in the agreement before last they were going to accept a clawback, as private health insurance membership went up by two per cent. Conceptually, there was an agreement by the states that increasing the membership of private health insurance would take pressure off public hospitals; otherwise they would not have signed up to the agreement. Mind you, let me add, we did not claw that back, so the states got a \$2.5 billion windfall—\$800 million over the last three years of the agreement—that they would not otherwise have had while, at the same time, we were taking the pressure off the public hospitals.

So the states admitted that the pressure would be taken off because they signed the agreement. I think those in the Labor Party need to go back and have a yarn to those people who were involved in signing up to the agreement, because they admitted that pressure would be taken off. They knew that private health insurance was not sustainable the way it was. They knew that if it did not go up there would be enormous pressure on the public hospitals. I commend the bill to the chamber.

Senator NETTLE (New South Wales) (6.39 p.m.)—I have been pleased to hear the contributions to this debate of a range of people, and I have been particularly pleased to hear from people on this side of the cham-

ber, about the flaws that exist in the current private health insurance rebate, about the problems with the rebate and about the balance between public and private health care that we have in this country. But I am disappointed that people are not taking the opportunity that we have here to refocus spending in this country on health care. I agree with Senator Evans that we have a moral obligation to ensure that all Australians with health needs can access a quality public health care system. What the Australian Greens amendments do today is to say that the \$2.3 billion of public money that is there for the health system needs to be spent in that system to ensure that there are health outcomes for all Australians. That is what the Australian Greens are putting to the chamber today.

I have been pleased to hear the comments—such as how we spend public money on health outcomes—on this important issue of public debate. Do we put it into the private health insurance industry or do we put it into our public hospitals? Do we put it into ensuring that our GPs bulk-bill or do we put it into ensuring that we have Indigenous health services available in community centres across this country? It is an important and crucial debate, and it will continue to be so in the public arena in Australia. So I have been pleased to have had this opportunity, but I am disappointed that people have not seized the opportunity the Australian Greens have offered today to commit that public money to our public health care system to ensure that it is there for all Australians. I commend the amendments.

Question put:

That the amendments (**Senator Nettle's**) be agreed to.

The committee divided. [6.46 p.m.]

(The Chairman—Senator J.J. Hogg)

Ayes.....	10
Noes.....	34
Majority.....	24

AYES

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

NOES

Barnett, G.	Bishop, T.M.
Boswell, R.L.D.	Brandis, G.H.
Campbell, G.	Carr, K.J.
Chapman, H.G.P.	Colbeck, R.
Cook, P.F.S.	Crossin, P.M.
Denman, K.J.	Eggleston, A. *
Evans, C.V.	Ferris, J.M.
Forshaw, M.G.	Hogg, J.J.
Humphries, G.	Hutchins, S.P.
Johnston, D.	Kirk, L.
Lightfoot, P.R.	Mackay, S.M.
Mason, B.J.	McLucas, J.E.
Patterson, K.C.	Payne, M.A.
Scullion, N.G.	Sherry, N.J.
Stephens, U.	Tchen, T.
Tierney, J.W.	Watson, J.O.W.
Webber, R.	Wong, P.

* denotes teller

Question negatived.

Progress reported.

DOCUMENTS

Office of the Renewable Energy Regulator

Senator MURPHY (Tasmania) (6.52 p.m.)—I move:

That the Senate take note of the document.

The annual report of the Office of the Renewable Energy Regulator contains some interesting reading. With regard to renewable energy per se and this report of the regulator, there are some interesting statistics contained in the report. What is important is that the report does in part show that in respect of renewable energy generation there has been a significant focus on cogeneration by the companies involved with renewable energy.

Page 6 of the report sets out summary statistics for accreditation by 31 December 2001 and by 31 December 2002. Bagasse cogeneration went from seven to 25. That is different from, say, wind, which went from 10 to 14.

This is one of the important things about the renewable energy accreditation process. It is important that the level was set at two per cent of energy to be renewable energy by 2010. Even in this report, it is clearly evident that that target is way below what we ought to be seeking to achieve. I hope that at some point in time when we get to the review process the parliament will see fit to increase the renewable energy credits system. Rather than being two per cent, it should be increased by an additional 10 per cent. If we are to really drive renewable energy in this country, that is what is going to be important.

The target has been surpassed, so it is even more important that we take the approach of increasing the target to a level that will drive investment in real renewable energy. That is critically important. In this country, renewable energy is very important from a long-term economic point of view. In the northern part of the country, we have a significant amount of sunshine, but we are not seeing a greater requirement in the use of energy from the sun. Likewise, in my state, Tasmania, we have established one reasonable-size wind farm, but we are not seeking to increase the amount of wind farms to generate much more electricity from what is probably one of the better renewable energy sources. In Tasmania, of course, we have a hydro power system which is water generated and which is very good, but it is subject to rain. Sometimes it can also have a significant impact on the environment when we do not get rain. The dams that provide that source of energy can get very low, and that has significant impacts in other areas.

The report is welcome, but I hope that at some point in time we will see a parliament that is prepared to actually set some targets for renewable energy that will be more representative of a country that really has a commitment to renewable energy per se.

Question agreed to.

Queensland Fisheries Joint Authority

Senator MURPHY (Tasmania) (6.56 p.m.)—I move:

That the Senate take note of the document.

Unfortunately, I have not read this report yet, but I want to take the opportunity to emphasise the importance of Commonwealth fisheries management in this country. Another report has demonstrated that of the 20 Commonwealth fisheries the great bulk of them are being overfished and, indeed, of the 74 species that are commercially fished in this country an increasing number are currently being overharvested to the extent that the species may well be threatened. That clearly is not a good approach to have.

I refer to the answer that the Minister for Fisheries, Forestry and Conservation gave me on Monday when he said that the Commonwealth was committed to management programs through AFMA, the Australian Fisheries Management Authority. That is fine, but the reality is that AFMA and governments in this country have known for some time that overfishing of stocks is a major problem. It is of concern that we are seeing an increase in the number of fish that are being overfished. We have been aware of this problem for many years. One would have expected that in 2002-03 we would have been able to manage the fish stocks such that there would not have been an increase in the number of species that are being overfished. Rather, we should have been able to at least maintain the numbers. What we really should be trying to achieve is a halt to the decline in fish stocks or, indeed, to reduce the number

of fisheries that are being overfished. But that simply is not the case.

This position is just not acceptable in this day and age when we know that many of the fish stocks globally are threatened. We really have to take the bit between our teeth here. Yes, there are plenty of fish stocks that fall outside Commonwealth waters and/or Commonwealth fisheries management arrangements, but that should not stop us from doing what we need to do in addressing the problems of overfished fish species and fish stocks. It is just not good enough for the Commonwealth to say, 'We are trying to do what we can.' While we are considering a report by the authority responsible not only for the management of the Commonwealth fisheries but also for the management of state fisheries, I say it is imperative that the government take a much more proactive role in dealing with this issue. That appears not to be the case.

I suggest that the government take a more proactive role because, if we see an increase in the number of fish species that are overfished, it is only going to spell disaster. As was pointed out in the AFMA report, they have taken some steps and those steps have had impacts. Yes, this is going to require hard decisions, but they are decisions that have to be taken because, if you do not take them, what will happen at the end of the day is that those fish stocks will be depleted to such an extent that they might be unrecoverable. There are some very good lessons to be learned here from other countries where overfishing of fish stocks did wipe out certain fish species: for example, the cod in the North Atlantic for Canadian fishermen and the Atlantic salmon where they had to ban commercial fishing—full stop. Even after doing that, it is quite probable that the fish stocks are so low that the brood stock will be insufficient to ensure that the fish can continue in a healthy, gender based fashion. That

is something that we should really pay a lot of attention to in this country. I will look at this report with interest. We cannot ignore the management of fish stocks, and I hope the government will take a more proactive role. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Australia-Pacific Economic Cooperation

Senator COOK (Western Australia) (7.02 p.m.)—I move:

That the Senate take note of the document.

I have not had a chance to read the document *APEC—Australia's individual action plan 2003*. The asterisk beside it on the *Notice Paper* indicates that it is not available until we come to this item, but I now do have a copy. This is a report of 408 pages in length. It is quite an important report. It is a report of progress Australia has made in opening its market over the last year and it is a report to our APEC trading partners. It is our individual action plan, showing how this country is moving to the Bogor declaration goal of free trade in the Asia-Pacific region by the year 2010 for developed countries and 2020 for developing countries.

The Bogor declaration brought down at Bogor, Indonesia during the Indonesian presidency of APEC in 1994 set those goals clearly in place. They are and remain an enduring testament to the activism on APEC that typified the Keating and Hawke governments. We know that the Hawke government took the initiative to establish APEC and that nations within our Asia-Pacific region and in North America and Latin America hailed that as a major breakthrough at the time and a trailblazing initiative by the then Labor government. We know as well that the Keating government followed it up by putting in place a substantial program, one of which was these goals declared by the presidents and prime ministers of APEC at Bogor.

This individual action plan says what Australia is doing to achieve the goals that have been set. The fact that it comes almost unremarked onto our Senate *Notice Paper* is unfortunate. There are many changes in a quick flick through the 408 pages that I have managed in the few minutes that I have had that ought to be changes that Australians know more about. They are changes which show that we are continually—albeit in very minor ways mostly—opening our market and continuing the process of strengthening our economy by doing so. The lack of fanfare that attends the launch of the individual action plan for 2003 is an indicator that, to some extent, this government lacks interest in APEC and lacks interest in the region.

We had under us an activist government. We have under the Howard administration a routine government, a tick and flick government, and a government that goes with the flow but does not take any Australian initiatives of any significance within the region. When you consider that most of our exports go to this region and that our trade account is a record trade deficit, you have to ask yourself: why are we not doing more to build stronger market penetration in this region? You also have to ask yourself: is the right balance a balance in which we give most of our energy and effort to negotiating what the President of the United States and the Prime Minister of Australia agreed at the Crawford ranch meeting some months back—an Australia-US free trade agreement—and leave the area where our biggest trade interests stands, if you like, only attended in a routine way without this nation putting its shoulder to the wheel and developing this market more strongly? I say that mindful of the fact that just two weeks ago the Prime Minister returned from a visit to China and announced that there are prospects for a China-Australia free trade agreement but not yet and not for some time and not until after China has

completed its commitments to the WTO—some five years hence. It was an important statement, and I do not belittle it, but it is small beer and not the main game as far as opening up this region and this market is concerned.

The individual action plan is welcome. However, if I can make through the medium of this address an observation for the Department of Foreign Affairs and Trade, it would be appreciated if we could get a summary from the department of the individual action plans of all the other APEC partners so that we can see in what way those other nations are moving towards the goals set for APEC. That would give us an idea of how close we are to opening up his entire regional market. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following government documents were considered:

Roads to Recovery Act 2000—Roads to Recovery programme—Report for 2002-03 on the operation of the Act. Motion to take note of document moved by Senator Murphy. Debate adjourned till Thursday at general business, Senator Murphy in continuation.

Defence Housing Authority—Statement of corporate intent 2003-04. Motion to take note of document moved by Senator Murphy. Debate adjourned till Thursday at general business, Senator Murphy in continuation.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator McLucas)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Australian Wool Innovation

Senator FERRIS (South Australia) (7.08 p.m.)—I want to speak about one of the greatest abuses of corporate power that I have seen since the collapse of the South Australian State Bank in 1991 and the corporate excesses at that time of Tim Marcus-Clarke. The Senate Rural and Regional Affairs and Transport Legislation Committee inquiry into Australian Wool Innovation and the expenditure of funds under AWI's Statutory Funding Agreement has exposed evidence of the most serious misuse of power by the former Managing Director, Mr Colin Dorber.

Two weeks ago the President of WoolProducers, the peak representative body for wool growers in Australia, Mr Simon Campbell, came to Canberra to give evidence to the Senate inquiry. The evidence of the corporate excesses that Mr Campbell heard that day led him to say:

I have found today's extraordinary evidence disturbing—as will growers. Growers and my members are going to find things that are either not best practice, illegal or morally repugnant.

'Morally repugnant' is an appropriate way to sum up what transpired under the former management of AWI. At times during the evidence I felt nauseated as I learned the full extent of the abuse and disgraceful waste of wool growers' money by the former management. When Mr Campbell was asked for his view on a number of other allegations made, he said:

It takes rather a lot to set me back on my heels. Given that so many of our constituents are in drought, have debt and are still obliged to meet their compulsory two per cent levy payments, I am absolutely horrified.

His comments here are particularly significant because it is very important to set the context within which these disgraceful activities took place.

Australian wool growers are just emerging from the worst drought in 100 years. Over the last two years, roughly half of Australia's wool growers have been on welfare, receiving exceptional circumstances drought relief payments. In fact, according to ABARE's latest *Profile of Australian Wool Producers*, farm cash income for specialist wool producers was around \$58,000 per farm. Current specialist wool growers' average incomes have been amongst the lowest recorded for the last 50 years and well below the high levels recorded in the late 1980s. They have also gone through great turmoil at an organisational level, lurching from one set of corporate arrangements to another. In fact, AWI was born out of the fires of disaster following the meeting of hundreds of angry wool growers at Goulburn in 1999 when they voted to sack the entire board of AWI's predecessor, AWRAP.

AWI was created by federal government legislation in January 2001, but it was not long at all before the rumblings began which indicated discontent with the operation of some of the individuals in the new body. Most notable at that time was the announcement by Mr Dorber of a donation from AWI of half a million dollars to the Farmhand appeal in October 2002. It was of real concern to wool growers as to how that money was being spent given that, at that time, it was an untied gift.

My attention was first brought to the seriousness of the problems within AWI when last year I received a brown envelope that contained numerous deeply disturbing claims about how AWI was being administered. The source of that document is still unknown to me, but I would like to take this opportunity to congratulate and thank that very courageous person, who obviously made a brave decision on behalf of Australia's wool growers.

The document included the following revelations. There were 50 research and marketing projects worth approximately \$20 million that had been funded under the former management without formal contracts. Mr Dorber had employed and then sacked his two children, Luke and Holly Dorber, from AWI after the new board had been elected and they each received large termination payments. Luke Dorber had received a substantial pay rise, from approximately \$40,000 to \$80,000, just before his termination. Ten days before the termination of his employment he had also received a cash bonus of some thousands of dollars.

There was an allegation that Mr Dorber had received fees for his position as the chair of the ShearExpress board—some of which he had prepaid to himself—despite telling press and industry that his position as chair of ShearExpress did not entitle him to directors fees. He donated, on behalf of AWI, \$100,000 to a collection at Charles Sturt University with another in-kind donation of \$150,000. Mr Dorber paid a freelance journalist to attend a Rural Press Club lunch in Victoria and to ask aggressive questions of the now Chair of AWI. All that information turned out to be just the tip of the iceberg in the misuse of wool growers' precious compulsory levy funds.

In December 2002, following the election by shareholders of a new board, AWI formed a finance and audit committee which commissioned an independent auditor to conduct a midyear review of AWI's financial affairs. The audit report has been released by the committee and it not only confirms those allegations that I have just raised but also contains the most damning series of revelations about the practices of Mr Dorber as well as the former Chair of AWI, Ms Maree McCaskill.

These include that Mr Everist, a Melbourne freelance journalist, was paid \$638 by AWI to ask questions of the now Chair of AWI at the Press Club. As an aside to this issue, I would like to point out that when I questioned Mr Dorber's engagement of Mr Everist at the Senate committee, he said:

I vividly recall the instructions.

I asked, 'Were they written instructions?' and he said:

No. I sought advice from the communications manager about who should do the job and subsequently had a conversation with Mr Everist and I said, 'I understand that you journalists basically write what you want and I am not telling you what you have to do or say but we want a journalist present who will ask some of the questions ...

The evidence now reveals that Mr Dorber substantially misled the Senate committee. Tab 5 of AWI's submission to the inquiry includes an email to Mr Everist from Mr Dorber which says:

Please accept this email as confirmation that AWI will retain your services as a freelance journalist ... The fee is \$500 plus expenses.

He then wrote the questions he wanted to be asked of the guest speaker. So much for saying he had nothing to do with it. Mr Dorber also received \$24,062.50 worth of directors fees for his role as Chair of ShearExpress, despite having said in the minutes that he would not take them. When I questioned him during the committee hearing—and I might say this evidence was sworn evidence—as to whether he had received any fees, the following exchange took place:

Mr Dorber—There was a resolution that I put to AWI that I not be paid for being a director of ShearExpress and, until Monday night, I was under the understanding that that was the situation. I sought some advice yesterday and I am advised by my lawyers that, if a payment was made, that payment would have been dealt with by the deed of release negotiated between my lawyers and AWI.

Senator FERRIS—Are you able to confirm that you received fees as a director of ShearExpress?

Mr Dorber—No.

Senator FERRIS—You are not able to confirm it?

Mr Dorber—No. I have no records that tell me that.

Senator FERRIS—If they had paid you, surely you would know it?

Mr Dorber—I did not check my salary every fortnight.

In fact, the committee has received evidence that two letters had already been written by Minter Ellison on behalf of AWI to ShearExpress requesting that they recover the payments from Mr Dorber.

Luke Dorber, Mr Dorber's son, began employment with AWI on 27 August 2001 on an annual salary of \$47,500. On 3 May 2002 it was increased to \$86,000—he must have been a pretty good employee. On 17 June 2002 he was paid a performance bonus of \$5,000 and on 15 November another performance bonus of \$10,000. Ten days later his employment was terminated and he received a pre-tax termination payment of \$94,649.18. Holly Dorber originally commenced employment with AWI on 11 March 2002 as a part-time employee. Her salary was then increased to \$35,000 and she subsequently got a termination payment of \$37,989.17. Mr Dorber signed off on his daughter's termination payment. However, when Mr Dorber was asked during this public hearing whether he could state what the value of the redundancy packages were, he said, 'I never saw the paperwork.'

I could go on all night about these and other outrageous instances of the abuse of wool growers' money and of misleading evidence given by this man to our committee. These are just a couple of examples of this sickening opportunist. Not only did this man

grossly misappropriate wool growers' funds, he consistently used tactics of verbal intimidation and bullying to try to influence the course of events. In a letter made public today there is evidence of that bullying.

In view of the seriousness of this issue and with the concurrence of the opposition, I now seek to incorporate the remainder of the speech which outlines very important abuses of corporate power made by this man.

Leave granted.

The speech read as follows—

In a letter made public by the Committee today from the Chair of WoolProducers Simon Campbell to the Chair of the Committee, Mr Campbell states that he believes that Mr Alix Turner, a wool grower and member of WoolProducers Executive, was subject to verbal intimidation and threats designed to influence the private evidence provided by Mr Turner to the Committee in a written submission to the Inquiry into AWI.

The letter reveals that Mr Dorber made a phone call to Mr Turner at 8:30pm on Saturday 28th June at his home. Mr Turner has provided details of the conversation:

"At approximately 8:30pm on Saturday night Col rang our home....to advise that he had studied the relevant Senate proceedings and to invite me to repeat the appropriate part of my submission outside parliamentary privilege ... Elsewhere in the conversation he confided that had I made such a statement outside parliamentary privilege he would have expected me to be paying the resulting fine 'for the rest of my life'."

"Col then suggested that I may be called before the Senate Committee and that perhaps I might consider withdrawing this part of my submission on the grounds of inability to substantiate my alleged allegations ...

He then referred to all the trauma that the current situation was causing his family and I agreed that this was unfortunate. He also suggested the possibility that if things went badly for him he may even finish up doing some time in jail.

Finally he pointed out that although 'your crowd are now in control of the trough' he was going to

make it his business to see that growers elected to terminate the payment of any levies to support AWI.”

The trough indeed!

Another letter made public by the Committee shows clearly Mr Dorber’s complete disregard for woolgrowers’ money and proper corporate governance practices. A letter to the current Chair of AWI from a former Program Manager of Communications for AWI, who was employed by AWI from May 2001 to November 2002, describes a meeting with Mr Dorber and I quote:

“Upon taking my seat Mr Dorber said to me ‘I would like you to go back to your office and write a letter of resignation’.”

On asking on what grounds his resignation was being sought, Mr Dorber was unable to point to any specific reasons behind his request. He stated that whilst he trusted the manager, he did not have the trust of senior management. Mr Dorber could not provide any further clarification, despite the fact that just two months prior to this time Mr Dorber had provided the Manager with a cash bonus for work he had indicated was of an exceptional standard.

Mr Dorber then made an offer of six months salary tax free for this man to resign. When this offer was rejected Mr Dorber replied that his options were simple - he could accept payment and resign or take the matter to the courts.

The letter then states that Mr Dorber asked the Manager what it would take for him to resign. The Manager then replied, no doubt under great pressure, that he wanted a total of \$100,000 tax free, and for AWI to sign over possession of his mobile phone, palm pilot and computer. Mr Dorber agreed to this request. The Manager was then escorted by AWI’s Operations Manager to the accounts department where a cheque was written for the agreed amount. The Manager was refused the opportunity to speak to his two staff, he was escorted back to his office, where he packed up his belongings, typed his letter of resignation, and was escorted from the building.

So much for management responsibility.

So after all of this, how was Mr Dorber rewarded for his time at AWI?

Unfortunately for the woolgrowers of Australia the news doesn’t get much better. Today the Committee has made public the Deed of Release executed by AWI and Mr Dorber, releasing him from the second contract of employment signed with AWI. Importantly, this deed was executed after he had lost the confidence of the Board but before the audit report was undertaken. Woolgrowers will again be sickened when they learn of the circumstances under which Mr Dorber left the company.

Mr Dorber received a grossed out termination payment of \$1,081,555.02. This included \$98,000 in sick leave.

This amount does not include the transfer of ownership of Mr Dorber’s company car at no cost to Mr Dorber for a notional transfer value of \$50,000 and with the company ensuring that any tax liability arising in relation to that transfer is met by AWI.

It is now important for the Committee to consider what can be done to ensure that such an abuse of power and such a horrendously corrupt and wasteful misappropriation of woolgrowers’ funds can never occur again. The Senate Committee is now considering this question.

Woolgrowers have been badly let down by Mr Dorber. The power he enjoyed as Managing Director of AWI was severely abused. The extent of the misuse of woolgrower’s money is a disgrace.

Mr Dorber has stated that he intends to run for the Board of AWI in its upcoming elections. I urge all of Australia’s woolgrowers in Australia to reject this man.

Auntie Ida West

Senator MACKAY (Tasmania) (7.18 p.m.)—Tonight I would like to speak about what is a very sad day for the Indigenous community of Tasmania, the broader Tasmanian community and the nation as a whole. We heard this morning that Auntie Ida West had lost her battle with cancer and had passed away last night. Auntie Ida was born on 30 September 1919 on the reserve at Cape Barren Island. She was the second daughter of the late Ivy Everett and Henry Armstrong.

The family moved to Killiecrankie on Flinders Island in the 1920s, where Ida later married. She had two children, Lennah and Darrell. On Flinders Island is Wybalenna, one of the most important historic sites in this country. Wybalenna, which means 'black men's houses' was where, in 1834, 135 Indigenous Tasmanians were resettled to be 'civilised and Christianised', to quote the parlance of the day. What happened there should be a matter of shame for us all. Those moved to Wybalenna were forbidden to practice their culture and most died of respiratory illnesses, poor diet and despair. The surviving 47 people were removed to Oyster Cove, back on mainland Tasmania, in 1847.

Auntie Ida worked tirelessly over 20 years with other members of her community for the return of Wybalenna to the Aboriginal people. In what he has described as one of his proudest moments as Premier, Jim Bacon handed the title deeds to Wybalenna to the Aboriginal community on 18 April 1999. In doing so he said:

It is a sacred site which lives in the memories of Tasmania's Aborigines as a place that needs to be preserved to show future generations the consequences of cultural conflict. In fact Aboriginal people from all around Tasmania can trace their ancestry to those buried here. And in fact the first petition calling for recognition of land rights for Aboriginal people was sent from Wybalenna in 1845.

What happened at Wybalenna should never have occurred. It was a site of genocide. Whilst we cannot change history and what occurred at Wybalenna, we can attempt to redress past injustices that have occurred.

Auntie Ida West became politically active after joining a union and she joined the Labor Party in the 1940s. As she told delegates at the ALP National Conference in Hobart in 2000, her initial membership of the ALP cost her 'two shillings'. She had remained a member since then. Auntie Ida became in-

volved in Indigenous politics in the 1970s and was President of the Tasmanian Aboriginal Centre.

As well as being a tireless worker for her community, Auntie Ida did more than maybe any other Tasmanian to promote the cause of reconciliation. She spoke out publicly against Pauline Hanson, arguing that Hanson's views on Indigenous issues were out of step with reconciliation and were not welcome in my home state of Tasmania. On 23 July 2000, Auntie Ida released the hundreds of red, black and yellow balloons that marked the start of the Walk for Reconciliation across the Tasman Bridge. Over 25,000 Tasmanians walked in what was, per capita, the largest of the many walks for reconciliation held around the country. At the end of the walk, addressing the huge crowd Auntie Ida said, 'Today has said it all. Thank You.'

The major contribution Auntie Ida has made to both the Indigenous community and the wider Tasmanian community has been recognised with a number of awards in recent years. Auntie Ida was named the national Female Aboriginal Elder of the Year at the NAIDOC ceremony in 2002 and was made a member of the Order of Australia on Australia Day in the same year. This year she was presented with a special national achievement award at the NAIDOC ceremony. In November 1999 the *Mercury* newspaper nominated Auntie Ida as one of the 10 Tasmanians of the century.

Auntie Ida was also the author of the book *Pride Against Prejudice*, which was published in 1984 and is listed in the State Library of Tasmania's '101 Important Tasmanian Books', a list compiled for the Centenary of Federation. This book is being reprinted and is still studied in universities around the country. It tells the story of growing up on Flinders Island and the difficulties faced by those labelled 'half-castes', as

Auntie Ida was. Among the many stories in the book is one about a woman who would always run away from Auntie Ida until one day Auntie Ida caught up with the woman and found out that she had been told that Aborigines are cannibals and if you speak to them they will eat you. This was on Flinders Island. Telling such stories would have been really hard—I read the book many years ago and I commend it to everybody as heart-rending and extraordinarily touching—but Auntie Ida never resiled from telling people about her life. I am sure she felt that doing so was an important way of promoting understanding and ultimately reconciliation.

The loss of Auntie Ida is a truly significant one for the Tasmanian community. She had the unique ability to speak to all people, Indigenous and non-Indigenous alike, and bring them together. She made you feel special when you met her. As her daughter Lennah said in an interview on the ABC's *State-line* program on 23 May this year:

... everybody loves her—white, black or brindle.

She's just a special person and they all call her Aunty Ida.

Lennah was right. Everybody did love her, and her loss will be keenly felt. It is pleasing to know that the Aboriginal Land Council of Tasmania has been working with the Flinders Council to establish the Auntie Ida West Healing Garden at Wybalenna.

Auntie Ida will be remembered by many for taking her jar to meetings to collect money for the restoration of Wybalenna. The money she raised went to the purchase of benches on which people can sit at Wybalenna and reflect and remember. As recently as last week she had a delegation of people she had chosen to carry on her work come to the Whittle Ward to sign up to the Wybalenna Trust. In yet another example of her commitment to reconciliation, this group was made up of equal numbers of Indigenous

and non-Indigenous people. The trust is now going on to fulfil her wish that all the graves at Wybalenna, both black and white, be marked.

I would like to tell a little story at this point. In 1991 I was an adviser to the then Minister for Health and Aboriginal Affairs in Tasmania, the Hon. John White. John and I, plus other people, spent 18 months in recent years putting together the first significant tranche of land rights legislation, which proved quite difficult, to say the least. One of the reasons why it was difficult is that Tasmanian Aboriginal people do not have the level of oral history and tradition that Aboriginal people in many other parts of Australia do. The difficulty was whether one could prove with respect to many areas of Tasmania whether there was continuous settlement. It is our fault that that cannot be proven.

Wybalenna, as those who have been there would know, is an extraordinarily sad place. You can feel it when you are there. I remember the first time I went to Wybalenna. There are two cemeteries there. This has changed, but way back when we first went there in 1990 or so one cemetery was beautifully kept and mowed and the gravestones were clean and marked. The other cemetery was an expanse of three-foot high grass, never mowed and never looked after, and that was where the Aboriginal people were buried. I am pleased to say that that has now changed but I will never forget being there on that first visit I made while working with John White—whom I would like to pay particular tribute to for his very gutsy effort and extraordinary commitment to Aboriginal and Indigenous rights. John put the first tranche of Aboriginal land rights legislation into the Tasmanian parliament. When the legislation got to the upper house in Tasmania it did not get past the first reading—I think it was debated for an hour and a half. Things have

changed in Tasmania, and thank God for that.

It is fitting to leave my last words tonight to Auntie Ida. On the same *Stateline* program I referred to before, Auntie Ida spoke about what would happen after she was gone. She had great faith that her work would be continued and was determined to make sure it was. I truly hope she was right when she said:

I'll get up there and look down upon them, tell them what to do.

They'll carry on, they'll do it alright.

Education: Queensland

Medicare: Bulk-Billing

Senator CHERRY (Queensland) (7.27 p.m.)—I rise to talk about higher education in our universities in Queensland and the distressing figures that continue to be produced about rising staff-student ratios. Australia has a quality education and training system envied by many other nations. It is one that has taken many years to develop and one that has been under particular stress and strain over the last 10 years.

Senator Abetz—Record number of students.

Senator CHERRY—Yes, a record number of students and not enough teachers to teach them. Our higher education and training system educates and trains over 200,000 international students. This generates over \$5 billion in export earnings each year. Education does not just give individuals opportunities; it strengthens our society as a whole. It is a bridge to our future. There can be no doubt that Australia has a strategic advantage over its neighbours in being able to offer tertiary education at a lower cost to its citizens, but we are all aware of the challenges facing university funding.

One thing that does not get a lot of air time is the changes that have occurred over

the last 10 years with respect to student-staff ratios. Interestingly enough, for those going to university in 1993 the student to staff ratio was around 14 students per staff member across the country. In my home state of Queensland the ratio then was 14.8, a bit higher than the national average but not far above it. Over the last 10 years this figure has risen in every university in Queensland.

The university with the biggest rise is Central Queensland University in Rockhampton. In 1993 it had a student to staff ratio of about 16 students per staff member. By 2002, this had risen to 38.3. This is more than double in just 10 years, and it is now the highest student-staff ratio in Australia. This places CQU almost 18 students per staff member higher than the national average. This position further degrades and challenges the standard of education that can be offered to students. The third worst student-staff ratio in Australia is also in Queensland, at our newest university—the University of the Sunshine Coast, which has 27.5 students per staff member, a ratio that has risen in each of the previous two years. And the fourth worst is another Queensland university, QUT, which has seen its student-staff ratio blow out from 16 to 25.7 in the last seven years.

That is bad news for Brisbane's north side, where two of QUT's three campuses are located. But, for Rockhampton, the rise in student-staff ratios is very bad news for a town where the university is now the town's biggest employer, following the closure of the Lakes Creek Meatworks last year. In fact, the news for CQU is about to get worse because the department of education figures reveal it will suffer a significant funding hit under the Nelson proposed reforms. The rise in funding for CQU under the Nelson reforms is just 1.6 per cent. This is less than a third of the state average, and less than a quarter of the funding increase needed to return CQU to the pre-2001 funding position. QUT staff-

student ratios are also set to worsen under the Nelson reforms as its proposed funding change falls \$4.4 million short of what was needed to restore it to its pre-2001 position.

Universities are vital in ensuring that we continue to advance as a society and as an economy into the future. Students, and most particularly regional students, are getting slogged at every turn: there are the stresses of study, higher HECS debts and the loss of available courses. And now I fear that the standard of education will drop in places like Rockhampton, the Sunshine Coast and Carseldine to such a level that people will choose to go somewhere else—that is, if they can afford it. The Howard government has been starving universities of funds for seven years and now proposes to ‘fix’ its self-created crisis with Dr Nelson’s harsh medicine. But Dr Nelson’s reforms fail to help CQU—Queensland’s most overcrowded and underfunded university—and fail to reverse the blow-out in student-staff ratios in our second biggest university, QUT. Queensland deserves much better in educational terms from the Howard government.

On the matter of community expectations of government, I would like to turn my attention for the next few minutes to the issue of Medicare and bulk-billing. Medicare is in a very desperate position. Back in December 2000, which was not that long ago, Queensland led the nation in bulk-billing rates. For normal GP visits, Queensland had a rate of almost 81 per cent of visits being bulk-billed. In figures for this year Queensland’s bulk-billing rates were down to less than 66 per cent. In particular, the northern suburbs of Brisbane have been hit the hardest. The electorates of Petrie, Lilley and Fisher have seen falls over this period of over 24 per cent. But nowhere has it hit harder than in the Pine Rivers Shire in the electorate of Dickson. In December of 2000, bulk-billing rates in this area were above 78 per cent, about on par

with the national average. However, in early 2003 this figure had dropped below 50 per cent. That means that fewer than one in two doctor visits in the Pine Rivers Shire are being bulk-billed.

This is part of a Medicare bulk-billing crisis that has hit the north side of Brisbane harder than any other part of Australia. Across the five north side electorates of Dickson, Petrie, Lilley, Brisbane and Ryan, the average bulk-billing rate fell from 83.9 per cent in December 2000, to 59.5 per cent in March 2003—a fall of 24.4 per cent, the worst fall in any region in Australia. Just 2½ years ago, Brisbane’s north side enjoyed a bulk-billing rate 5.4 per cent above the national average; now its bulk-billing rate is nine per cent below the national average, and the decline in bulk-billing is dropping at almost four times the national average. If Medicare bulk-billing is declining across Australia, on Brisbane’s north side it is in free-fall. Aged care facilities in the Pine Rivers Shire, I have been advised, are having particular trouble finding any doctors prepared to service them. Bulk-billing of their patients is completely out of the question. This crisis in primary health care on Brisbane’s north side is the worst in Australia. It needs to be addressed by both state and federal governments.

There are examples of things that can be done. In the next worst affected region, the Hunter Valley in New South Wales, the state government, the federal health department and local health authorities have agreed on an innovative set of procedures to ensure that there is community cover for health services. But the Queensland government simply prefers to point the finger at the Howard government. The Howard government, of course, rightly deserves most of the blame. It has failed to ensure that Medicare rebates kept up with the cost of medical practice, with much of the bulk-billing crisis dating

back to the freezing of rebates in the 1996 budget. Medicare has been deliberately starved of funds as a matter of public policy, and Brisbane residents, more than people anywhere else, are now paying the price.

With consultation rates being over \$45 in many practices, a family with three kids, taking everyone who was sick in turn to the doctor, would have to shell out over \$225, with only \$125 of that being returned in Medicare rebates. Then if any of them needed medication the whole exercise could cost well over \$150. This is a lot of money to fork out up front, even if half of it would eventually come back from Medicare.

Medicare was designed to support the health of all Australians through a funding system based on five key principles: universality, access, equity, efficiency and simplicity. Its fundamental strategy is to ensure everyone in the community can access primary medical care. With all the pressures of rising house prices, debt servicing and the general increase in the cost of living, this substantial decline in the bulk-billing rate, places even further—and I believe completely unnecessary—additional burdens on working families. We as a community expect and accept that we have to pay taxes to ensure that such things as health, education, and welfare are provided for. If that family of three sick kids had an income of around \$40,000, it would see nearly half of the weekly take-home pay spent at the doctors. This is not universal or accessible health care. It is well past time that John Howard and his ministers started focusing on things that matter to everyday Australians, particularly the quality of their health and their education systems.

Health: Obesity

Senator LUNDY (Australian Capital Territory) (7.35 p.m.)—I rise tonight to talk about the issue of obesity. We live in an era when the issue of health and public policy is

on everyone's mind. It is a time when there is massive and necessary expenditure and investment in the health sector and industry. So it is quite extraordinary that obesity rates in Australia are out of control to such an extent that the problem is now being referred to as an epidemic. Despite the fact that the World Health Organisation started to sound the alarm in the early 1990s, it is amazing that obesity, one of today's most visible health issues, is at the same time one of Australia's most neglected.

In the year 2000, the United States had the dubious distinction of having the world's highest proportion of unhealthily overweight adults. Recent statistics indicate that the unfortunate mantle of the world's fattest nation may have passed to Australia. First or second is irrelevant: the simple fact is that this is a podium finish that we would rather not have.

The increase in overweight and obesity incidence in Australia in the past 10 years is quite distressing. Results of the National Heart Foundation's national risk factor prevalence study showed that in Australia 52 per cent of adult males and 36 per cent of adult females were either overweight or obese in 1998. By the year 2000, the Australian diabetes, obesity and lifestyle study showed that these rates had increased to 68 per cent for males and 53 per cent for females. That represents a combined increase of over 30 per cent. And it is not just a matter of national pride of not wanting to be labelled the world's fattest nation; it is a matter of national health and wellbeing. Obesity is killing people.

Incontrovertible evidence shows that being overweight or obese is a serious risk to both physical and mental health. People who are excessively overweight have a significantly increased risk of suffering from heart disease, hypertension, stroke, diabetes and certain types of cancer, including endo-

metrial, ovarian, cervical and post menopausal breast cancer in women and prostate cancer in men. Obese individuals also show an increased incidence of mental health problems such as low self-esteem, negative body image and self concept, increased stress levels and sometimes poor socialisation ability.

The Australian Institute of Health and Welfare has stated that there is a direct positive relationship between the degree and duration of obesity and the relative risk of premature death. Estimates indicate that excess weight accounts for around 4.5 per cent of all deaths in Australia. Further, trends show that the risk of premature death almost doubles at body mass indices between 25 and 32 and that at severe obesity levels, as measured by a body mass index of 40 or greater, there is a twelvefold risk of mortality in 25- to 35-year-olds compared to the mortality rates of leaner individuals.

Obesity is not just a problem for Australia's adult population. Available data shows that childhood and adolescent overweight and obesity rates in Australia have risen concurrently with those of adults. Again, in what can only be described as an ignorance is bliss attitude, few resources have been dedicated to making ongoing assessments of the actual obesity and overweight incidence rates of Australian children since the World Health Organisation identified what they called globesity as a major issue 10 years ago. However, the limited data shows that youth obesity rates rapidly accelerated towards the end of last century.

To give a clearer indication of the trend, comparative figures between the 1985 Australian health and fitness survey and the 1995 national nutrition survey show that during this time the level of obesity in Australian children aged between seven and 15 years tripled from 1.7 per cent to 5.1 per cent. Data

analysis of the three recent cross-sectional surveys by Dr Michael Booth from the Centre for the Advancement of Adolescent Health at the Royal Alexandra Hospital for Children indicates that approximately 25 per cent of Australian children and adolescents are currently overweight or obese—a 20 per cent increase since 1996.

As is the case for adults, being excessively overweight or obese as a child or adolescent is a risk to both physical and mental health. By far and away the most significant long-term health related consequence of childhood obesity is the high risk of persistence into adulthood. Research suggests that obese children have a 25 to 50 per cent chance of becoming obese adults, while obese adolescents have a 78 per cent chance of suffering from adult obesity. Obviously, the behaviours we learn as children and the negative psychosocial scars inflicted carry over strongly into the adult years.

How has it gotten so out of control? What in the past 10 years has gone so wrong that we are now in the grips of this epidemic? Two of the main factors are obviously the concurrent decrease in the level of physical activity amongst Australians at all levels and the decrease in the quality of diet. There is little doubt that the modern world today has a more sedentary focus as technology takes over some things and people spend more time at work and less time doing physical leisure activities. Add to this the fact that sport and physical education have gradually been pushed off the education curriculum to the point where now in most states there is little requirement for schools to include any physical activity opportunities for students and you find little left to encourage people, young or old, to exercise.

Paradoxically, as the amount of time dedicated to exercise both at work and at play has decreased, the amount of food being con-

sumed has increased. Data from comparative national nutrition surveys has shown that the average intake of 10- to 15-year-olds increased by at least 10 per cent between 1985 and 1995. Meanwhile, activity rates for these children decreased. According to the research group MINTEL, Australians buy an average of 327 packets of snack food each per year. That is almost a packet a day. This makes Australians the world's fourth largest consumer of snack foods behind the US, Britain and Ireland.

Studies of Australia's food advertising trends over the past 10 years show that, on average, 72 per cent of ads shown during children's television viewing hours promote non-nutritious foods rather than healthy foods, with confectionary being the most commonly advertised food during children's TV viewing times, followed by fast food. At the same time as our children are having their sport and recreation opportunities reduced, they are being bombarded with advertising information that at best can only be described as socially irresponsible. The continuing apparent disinterest in the welfare of our children shows a total lack of concern for the care of the impressionable minds of Australia's youth and a gross disregard for the physical and mental health of our nation.

If the obvious costs to the health of the people of Australia cannot convince the current government that steps must be taken to control this issue, then the monetary cost of an obese society must surely appeal to their preoccupation with bottom line economics. The Department of Health and Ageing has recently provided estimates which indicate that the direct cost to the Australian health system of treating the major obesity related illnesses in 1996 was between \$680 million and \$1,239 million. That was worked out at a per capita rate of somewhere between \$38 and \$69 per person eight years ago. With the rapid rise in obesity since that time, one

could only begin to imagine what the costs to the health system would be in the current financial year.

The federal coalition government has been irresponsible in its attitude toward addressing the Australian obesity issue and has placed the nation's health and wellbeing in serious jeopardy. I note recent efforts of hosting forums and so forth to start talking about it, but this was an issue that was raised 10 years ago and we are seven years into a coalition government. The federal Liberal government was given the responsibility for caring for the general health and wellbeing of all Australians when they took government, and yet all we have seen during the Liberal term is a level of ignorance about this issue, I suspect because they see it as being too hard to tackle. It has been interesting to see the states develop obesity forums and try to address this national crisis, and I think that that has had a significant impact on prompting the coalition government to respond. I note that a couple of individuals within the coalition government have taken what seems to be a genuine interest in the issue. There is much more to be done about this issue. It is not something that can be ignored. It is not something that can be spoken about in terms of a quick fix; it will require a long-term strategy. I commend this issue to the Senate.

Learning Communities

Senator TIERNEY (New South Wales) (7.45 p.m.)—I rise tonight to address the potential for Australian learning communities, their role in sustaining local economies and their role and the role of government in encouraging local learning. Last week I attended the Learning Communities Catalyst website launch and the national forum in Canberra to discuss what is happening around Australia in the various regions with Australia's learning towns and communities. The central role of a learning community is

learning in both formal and less structured settings with the aim of creating sustainable viable economic activity and social cohesion in Australia's towns and cities. A learning community is a way that populations develop their own way to educate residents, depending on the individual's aims and the resources available in the particular locality.

The hunger for learning in Australia's communities has a very long history. The schools of art early in Australia's history were a central point for the dissemination of information to a population that largely had only a very elementary education. In the schools of art you could borrow books and other printed material, you could listen to public lectures and you could take part in group discussions. These fine schools of art that were built in the 19th century are still dotted across the Australian landscape and during their heyday they were a central point for community engagement. They now stand as a testimony to the demand for information in isolated Australian communities early in our history. Moving on a century, we now see the need emerging in communities that are undergoing rapid economic change. At last count, 38 geographical areas identified themselves as learning communities to assist our citizens in coping with their changing circumstances.

It is now an accepted reality that most people are expected to have as many as three careers over their working lives. The need to upskill is necessary to remain competitive in the employment market, particularly in regional areas. The concept of lifelong learning is particularly important in regional areas, both for those who are in work and for those who have retired. For ageing communities it teaches citizens new skills to move forward in an increasing technological era. These skills contribute to the health of ageing communities by keeping minds active as

ageing people see new ways they can contribute to their community.

Learning communities are the latest manifestation of the community development movement that occurred in the seventies, and then the eighties saw other manifestations such as the Building Better Cities program and the Healthy Cities movement. We now have learning communities. Such communities have the potential to close the urban rural divide. For example, the Scone Cyber Centre, which I had the opportunity of opening, gives people access to information that they feel they need that can be used to trace their family tree, to find entertainment, to learn about business, to improve their education and to help them fully function in our modern society.

All of these movements stem from the same principle and that is that to bring about change in a particular community you need to start by identifying the needs of that community and then engage the key stakeholders to become involved. The four main functions of a learning community are: to develop skills within a community such as basic literacy and numeracy as well as skills needed to adjust to new employment opportunities; to grow business within a community through increased skills and community capacity to expand commercial opportunities; to foster collaboration, which manifests itself in better sharing of resources, and matching solutions to local needs; and to strengthen the communities as a result of new skills being learnt to alleviate issues such as boredom and low self-esteem.

Local education institutions have a very large role to play in the concept of a learning community. Without their commitment and involvement it is unlikely that the idea will work. In my view, a successful learning community will have the following characteristics. Local industry and councils will be

engaged in the process and funds for these learning activities will be found locally. An example of this in the Hunter area is the case of BHP's downsizing. Workers in BHP's steel-smelting operations were put out of work, but through the use of local funds supplemented by state and federal funding many of these workers were retrained in new jobs, particularly in modern industries and areas relating to information technology. The second characteristic of a successful learning community is that they will stimulate an interest in learning in an appropriate and accessible environment. The neighbourhood centres are often the first point of call for people who live in regional areas who might not have had a very high level of skill in their earlier training but who want to get back in contact with education for their own personal development and perhaps to improve their job prospects.

Thirdly, the social capital of a town or a community will be developed by increasing the networks and the feeling of trust and connectedness. The Scone Cyber Centre as well as rural transaction centres at East Gresford and the Dungog technology and learning centres are examples in my region of information being made directly available to the community for those purposes I have mentioned. Finally, the needs of particular groups such as at-risk and young people, underemployed mature age residents, job seekers or isolated women can be met through such developments as learning communities.

In the Hunter, groups such as I have just mentioned as well as pockets of unemployment have been targeted and learning experiences enhanced by such movements and funding programs as the Two Bishops Trust, which is a joint initiative of the Anglican and Catholic churches in the Hunter region to target areas of deep social need. Community education has a vital and growing role in the

social and economic sustainability of our communities in Australia. The learning community concept has the potential to drive local education and its consequent benefits into the information age. With continuing local support, the learning community's central and localised focus will bring economic and social benefits to the communities that they serve and will remain a driving force behind lifelong learning.

Tourism: Indigenous Culture

Senator RIDGEWAY (New South Wales) (7.52 p.m.)—I would also like to take this opportunity, following on from Senator Mackay's speech, to offer my condolences at the passing away of Auntie Ida West. She was certainly a stalwart for not just Indigenous Tasmanians but also Indigenous people right across the country.

I rise tonight to speak about the nexus between the tourism industry and Indigenous cultures, because there is a strong natural synergy between these elements that lie at the very heart of why people travel and, in particular, why they travel to Australia. Australia's unique cultural identity is one of the greatest assets we have. It lures people from around the world to travel vast distances to experience a completely different country from their own—a unique mix of landscape, climate, people and cultures—that really sets Australia apart from the rest of the world. Australia's image overseas relies on the perception that we are clean and green, laid back and friendly. These are priceless assets, but once this image fades it will be next to impossible to resurrect.

I noted with interest this week that the Queensland regional tourism organisation backed a move to increase restrictions on fishing in the Great Barrier Reef Marine Park, understanding that protecting the reef environment and balancing the interests of both tourism operators and commercial fish-

ing interests is essential to preserving the value of the reef for generations to come. This is in marked contrast to recent suggestions by tourism representative body the National Tourism Alliance that restricting tourists' access to sites of Indigenous cultural significance is harming the industry. I believe such comments show a frightening misunderstanding of the value that environmental and heritage protection adds to the tourism experience. People want to visit Indigenous sites and attractions for the very reason that they are culturally significant. Allowing unfettered access to these places would undermine the reason why they draw tourists in the first place and diminish their cultural and tourist value in the future. They reflect thousands of years of the history of the oldest living culture in the world, and it is no wonder that large numbers of people do visit them every day.

Sites such as those found in the Uluru and Kakadu national parks have earned their World Heritage significance and are of enormous and unique cultural significance. Hundreds of thousands of tourists visit the parks each year under the joint management arrangements in these areas. Measured, appropriate and sustainable protection and management mean that these sites will be available for all to experience right into the future. There were concerns back in 1985 that handing over the freehold title to Uluru National Park and vesting it in the hands of the traditional owners would result in restricted access to Uluru itself. However, the opposite is the truth, and annual visitor numbers have risen to over 400,000 each year. Ownership and management of these sites by the traditional owners ensures that visitors continue to have a unique cultural experience and leave knowing that the sites are managed according to cultural practices that date back tens of thousands of years. It essentially operates on the principle of complementarity. If

you look after the land, then the land will look after you.

Indigenous tourism contributes millions of dollars to the Australian economy each year and provides a valuable economic base for the regional areas in which these businesses are generally located. We know that Indigenous cultures hold a deep interest for many travellers, especially those from western Europe and the United States. Seventy to 80 per cent of visitors from these regions come here wanting to experience Indigenous cultures first-hand and to have an authentic and rewarding experience when they do so. Overseas visitors are also serious investors in the Indigenous art industry, which is worth somewhere between \$100 million and \$300 million per annum.

Just as the tourism industry needs to be working with government and the private sector to improve our ecological sustainability and how we manage our natural environment, so too does the industry need to be a strong advocate of the promotion and protection of Indigenous cultures. I commend the tourism industry as a whole for the steps it has begun to take in recent years to get behind Indigenous people interested in sharing their cultures and knowledge through tourism. Whilst we are in very early days in this respect, I think we are beginning to see the foundation stones being laid. The progress that we have seen since the first Indigenous tourism conference back in 2000 in Sydney is due largely to the Indigenous Tourism Leadership Group and its supporters. It is wholly appropriate that this group is focusing its energies on establishing a venture capital scheme for Indigenous operators and backing the establishment of a national accreditation scheme for Indigenous tourism operators. At the core of an Indigenous tourism business is community culture, and it is essentially about expressing a way of life.

Just as Indigenous people are cautious about expressing their culture in artworks that are then sold and entered into the public domain, so too is there a similar concern about opening up their communities and their country to the tourism industry. On the one hand, cultural tourism can present an opportunity for economic benefit, cultural exchange and greater mutual understanding but, on the other, it presents a whole new means of cultural appropriation and rip-off if it is not done properly—that is, if it is not done in a manner that reinforces the traditions and protocols that have kept that cultural knowledge alive for millennia. That means reinforcing and respecting the fact that Indigenous people are the custodians of their cultures. Their values and ways of doing business need to be respected.

The opportunities that tourism, and ecotourism in particular, present to Indigenous communities are very enticing. But the tourism industry has a responsibility to stand alongside Indigenous operators and work with them to develop the basic infrastructure that can carry an enterprise beyond the start-up phase. I think the challenge for the broader tourism industry is to be supportive without being too interventionist, to resist the temptation of imposing constraints that do not allow Indigenous people to own the end product or manage it in a way that feeds the very cultures that inspire the enterprise.

I note in the government's green paper for the tourism industry that it identified the need to improve tourism research as an important factor in building the future success of the industry. I would on this occasion urge the government to pay particular attention to the fact that there is a need for serious investment in research to promote the development of a sustainable Indigenous tourism sector. At present, there do not seem to be any attention or resources being directed into the level of research that is urgently needed

in the Indigenous tourism sector at this critical establishment phase of its development.

The Australian Tourism Commission has also advised that no reliable research has been conducted by the ATC within a relevant time frame. Neither the International Visitor Surveys nor the National Visitor Survey assess any specific participation in Indigenous tourism activities or the satisfaction levels from such involvement, which, in my view, is critical information for product development plans to assess specific market demand from particular markets. It is imperative that the forthcoming white paper also addresses the particular needs of Indigenous tourism. No-one should expect that the Indigenous tourism industry will be able to fall into line behind the broader tourism industry, nor that it should even want to be a carbon copy. It is an industry based around the Indigenous experience and Indigenous values and it is about what has meaning in the lives of Indigenous people and is therefore worth protecting.

Finally, it is essential that we fully understand the value of our Indigenous cultural heritage and work with it, not against it. It is unhelpful that comments can be made by representatives of the tourism industry saying that the restrictions on access somehow interfere with the industry's capacity to get on with business. It is simply not the case, and I think we ought to respect and acknowledge that.

Brisbane City Council

Queensland: Arts West School

Senator SANTORO (Queensland) (8.01 p.m.)—Choice, convenience and competition are three things about which the Brisbane City Council and the Westfield shopping centre empire seem to have a remarkably similar view. It apparently is that consumers should only have choice, convenience and competition when in Brisbane City Council's

case it fits with a planning regime that apparently seeks to extend local government control over Commonwealth land, and when in Westfield's case it quarantines that corporation from the cost penalties to Westfield of consumers exercising choice, opting for convenience and shopping with the competition.

What are Brisbane ratepayers to make of the fact that their Lord Mayor can now bowl up to people and brightly announce: 'Hello, I'm Tim Quinn, and I'm suing myself'? What are they to make of the fact that the city council has sought to join the Westfield corporate empire in a lawsuit against itself as a shareholder in Brisbane Airport Corporation? What will they make of the fact that, whether by design or accident, the city council is backing an attempt by Westfield to continue protection of its big rental income in its shopping malls at the expense of low-cost direct outlet options that are opening up in the new retail environment? And what are they to make of the fact that the city council now proposes, at the 11th hour, to limit the growth potential of the ratepayers' \$10 million investment in Brisbane airport? What are they to make of the fact that their city is still represented on the board of the airport corporation by former lord mayor Jim Soorley in an exercise of one of the sinecures of past office that apparently are within the gift of the Queensland Labor Party? These are substantial questions. Getting answers to them from the city council is important and urgent.

There are other substantial questions. One of them is: why did Westfield America give the Queensland Labor Party \$40,000 in 2002 at the very time Westfield began trying to turn the screws on Brisbane Airport Corporation's development proposals? All up, Westfield entities gave around \$60,000 to the Queensland Labor Party between 1999-2000 and 2001-02 and nothing to the Liberal Party. Nationally, in the same years, West-

field donated a total of \$258,467 to Labor and \$43,050 to the Liberals. That is fine—corporate donations are a matter for corporations to decide. But in a highly contentious retail environment, where Westfield has always been energetically litigious in pursuit of its own interests to the exclusion of the public interest, questions will be asked.

I want to tell the Senate some salient facts about the operation of the privately operated Brisbane airport that the Labor-controlled Brisbane City Council seems to have some difficulty acknowledging. The airport is on Commonwealth land held by the private operators on a 49 plus 50 year lease. It is therefore outside the planning authority of the local government. It has always been outside the city council's direct control, and nothing has changed on that score. Brisbane Airport Corporation contributes to public infrastructure costs. It has put about \$1 million into the provision of new slip lanes at the East-West Arterial-Airport Drive roundabout under the Gateway Motorway—on a public road, in other words. It has done this to assist with accommodating traffic demand. It also pays a per litre charge on airport waste delivered to the Luggage Point treatment plant. Brisbane City Council gets some rate-equivalent income from the airport. Most importantly of all in the context of this issue, future retail development has been in the airport master plan since 1983.

A master plan is an indicative document, a conceptual paper; it is not an application for development approval. But a substantial future retail component has been a feature of the airport's concept of its future, and Brisbane's, for a whole two decades. Why is the former longstanding chairman of the Brisbane City Council's planning committee apparently unaware of this? Is it that he would really rather not know? Brisbane's Lord Mayor says the council wants to join Westfield in its suit against Brisbane Airport Cor-

puration because of traffic problems. He says the very large shopping centre planned for No. 1 Airport Drive would 'draw people from all over Brisbane'. The fact is the retail areas planned for No. 1 Airport Drive do include a direct factory outlet, the sort of place where people can buy at lower prices than those commonly found in shopping malls. It is a fact that people will travel to get a bargain. Probably even the lord mayor does that. It is also a fact that people mostly shop outside the morning and afternoon peak hours.

Brisbane airport already has a work force of some 8,000 employed by companies at the airport. Within 20 years, the airport is expected to be a place where more than 40,000 Queenslanders work. Many of them would work at the development at No. 1 Airport Drive that the Brisbane City Council and Westfield, for their own motives, would like to hobble. The proposed development includes a child-minding facility—cited as a big attraction by the present airport work force, incidentally—a convenience store, homemaker centre, specialty shops, a hotel and an 18-hole pitch-and-putt golf course. Airports worldwide are changing their overall functions and roles to meet today's demands and, importantly, tomorrow's demands. They are no longer just places to catch planes. They are becoming destinations in themselves and significant drivers of local and regional economies.

Brisbane airport is Australia's leader in terms of the new direction of the aviation industry. Both the present Lord Mayor of Brisbane and his predecessor are fully aware of that, yet both of them are now running interference for Westfield. They are doing so over a future consumer benefit on land over which the city council does not—I stress; does not—exercise planning control. They are doing so, they say, because it does not fit with the city council's preferred model for

regional retail development. For the city council and for Westfield, this is a battle for turf. The city council says it is worried about traffic volumes in the vicinity of the proposed airport development. But a Sinclair Knight Merz study shows the projected retail centre would generate an additional 18,813 cars a day to the site by 2020, whereas an office development would generate 20,000. Traffic to and from an office development would also concentrate in peak hours, yet traffic in a retail environment would be chiefly outside peak hours.

No wonder the hardworking Liberal city councillor Tim Nicholls, whose ward of Hamilton is close to the airport, says that the city council's concern with traffic in relation to the proposed development is a furphy. It is obviously a difficult legal situation, and it might be beneficial for the parties to seek to reach agreement. It is difficult in fact to see Westfield Labor Party donor and serial litigant doing so, but it would clearly be in the interests of the people of Brisbane to resolve the argument the city council has suddenly chosen to have with the airport. In such matters there can often be an exchange of without prejudice letters, and sometimes these bear fruit; sometimes they do not. However, what I am convinced of, of course, is that the Brisbane City Council owes its ratepayers a duty to fully explain, without the Lord Mayor's clumsy politics getting in the road, precisely what its real objections are and precisely what its real relations with Westfield are.

With the bit of time remaining in this part of my adjournment contribution I would like to remark and reflect that July is a lovely time of year in Queensland's central west inland on the Tropic of Capricorn, with wonderfully mild, sometimes warm, crisp and clear days and briskly crisp crystal nights that can be so much on the chilly side that you really do wonder why you did not pack

that second blanket in the swag. It is a place that makes your heart sing. In the case of students at the annual Qantaslink School of Creative Arts—people drawn from throughout that magic inland—clearly it adds considerable zest to natural talents.

I was fortunate—again, thanks to the Minister for Agriculture, Fisheries and Forestry—to have had the opportunity to attend and speak at the dinner that traditionally closes the Arts West school each year. It was the 35th such school—and let me say that some of the work on show was absolutely first class. The pewter, in particular, was exquisite. I inform the Senate that I won the prize. The minister could not make it, so I got to help celebrate 35 years of nurturing creative excellence in the very area where our outback tradition, heritage and, yes, myths were born.

Art is sometimes a fragile beast. So often it is in the eye of the beholder. It was the French philosopher Andre Gide who said that art is a collaboration between God and the artist and the less the artist does the better. Perhaps John F. Kennedy, the 35th President of the United States—someone whom I know, Mr Acting Deputy President Brandis, you greatly admire and are interested in—more closely aligns with the view of our own Western communities in these matters. He said:

If art is to nourish the roots of our culture, society must set the arts free to follow his vision wherever it takes him.

Stella Adler told us:

Life beats down and crushes the soul and art reminds you that you have one.

It was, however, I believe, the medieval master Michelangelo Buonarroti who hit the nail on the head. He said:

The true work of art is but a shadow of the divine perfection.

It certainly was on a perfect night out there in Longreach on 24 July. It was a lot of fun and, more importantly, it was a tribute to a lot of people—to members of the Arts West Board; to ArtsWest Patron Brian Tucker; to Jane Colvin, Chairman of Arts West; to Lindy Scotton, Arts West's first executive officer who was retiring at the dinner after 10 years in the job and who was quite deservedly the guest of honour; to her successor, Julianne Doonar; and to many others, including Longreach Shire Mayor Joan Maloney, local churchman Canon Lamb, and tutors Shirley Williams for pottery, John Trier for horn and pewter, and Linda Diefenback for pastel painting. Also present were my friend the state member for Gregory, Vaughan Johnson, and his wife Robyn, true stalwarts ever ready to lend a hand.

I came to learn that night of the tremendous amount of creativity and initiative that exists in promoting the arts in Western Queensland, and all those people that I mentioned so very happily and ably interwoven within the conceptual and the creative framework of Arts West have made me very proud indeed to be a Liberal Queensland senator in a great state.

Child Abuse

Senator KIRK (South Australia) (8.11 p.m.)—This week the nation marks National Child Protection Week as 'everybody's business'. As senators and legislators, it is perhaps our business in particular. We all know that child abuse is a significant problem in our community. Not only is its incidence rising but also it is increasingly recognised that its consequences must be dealt with by the whole community.

Today, members of the group Parliamentarians Against Child Abuse, of which I am the convenor, publicly expressed its support for an end to child abuse. This morning in Federation Mall I was joined by several of

my parliamentary colleagues, including Senator Santo Santoro representing the coalition and many of my Labor colleagues and colleagues from other parties, and members of the public. I was also very pleased that the Leader of the Opposition, Simon Crean, was able to join us at the event. Sadly, however, the Prime Minister was not present, nor was any other minister from the government.

Before I go on with my remarks, I would like to acknowledge the work of the original convenors of Parliamentarians Against Child Abuse. Danna Vale and Craig Emerson first established this group in 2000 to coordinate a cross-party effort in raising awareness of child abuse in the federal parliament and in the wider community.

At today's rally, the editor of *marie claire* magazine, Jackie Frank, presented to Senator Santoro, who represented the government, thousands of pledges collected over the past three months from the public and from the readers of *marie claire* at the culmination of its three-month campaign known as 'Child abuse: stopping it starts with us'. Included among the names of those who had pledged their support to end child abuse were a number of Australian celebrities and other high profile Australians, including Cathy Freeman, Kylie Minogue and Johanna Griggs. The number of pledges that *marie claire* received in such a short period of time clearly demonstrates the level of hurt and anguish in the community around the issue of child abuse.

As convenor of Parliamentarians Against Child Abuse I have received many emails from members of the public and phone calls of support from community organisations engaged in the battle to prevent child abuse and to treat its survivors. One email I received a couple of weeks ago read as follows:

I am a 29 year old, mother of two children. Outwardly I have been successful in many avenues.

From the age of six, I was abused sexually and physically by my stepfather. At the age of 13 my mother left me with my stepfather when she decided to end her relationship, and I did not see her again until I was 27. From the age of 13 my only contact was with my step father who continued to abuse me until I was 19, when I had a baby, at which point I demanded that he leave. I had told friends about this situation I was in, their parents knew, but no one intervened ... I would have appreciated someone asking me if I was OK once in my entire childhood years.

No-one intervened. No-one ever asked her if she was okay. Time and time again we hear from advocacy groups and survivors that recognition of child abuse and supporting its survivors are very important. Sadly, such recognition has been too often lacking. Showing your support, as an individual, for an end to child abuse is a really important step for us as a society to take to deal with this terrible issue.

For many years child abuse has been swept under the carpet, and today there is still much to be done to bring this issue to the forefront. In recently published survey results, child abuse ranked 13th on a list of community issues. Disturbingly, this was less concerning to the persons who were surveyed than council rates. That was the situation for many of these persons who were polled.

Dr John Birrell OAM was a pioneer of child abuse research and advocacy in Australia. In 1966 he published an article in the *Medical Journal of Australia*, drawing attention to the prevalence of child abuse in Victoria. Dr Birrell passed away earlier this year, but in an interview he gave in 1997 he was asked what he saw as the main issue when he first began to work in the area of child abuse research and advocacy. He responded as follows:

There was a general attitude of disbelief that parents could really hurt their children, even the police did not believe it.

Certainly that attitude has changed somewhat since Dr Birrell wrote those words. We now know only too well that parents can hurt their children, and allegations of child abuse are treated extremely seriously. Still, the statistics reflect that notifications far outweigh substantiations of child abuse. And, as we know, notifications themselves are a crude reflection of actual incidence.

There is much more that can be done. Broadly, there seems to be a recognition of the seriousness of the crime, in particular in cases of child sexual abuse, but far fewer concerted resources have been put into prevention and help for survivors. Much could be done to narrow the gap that so many children fall through between the myriad service providers and government departments that have dealings with children that vary from state to state and between states and the Commonwealth. I will mention just a few of the problems: differing standards from one jurisdiction to another; jurisdictional complexities between state and federal courts; complications when families move from one state to another; different legal definitions of abuse and neglect; and different requirements in relation to reporting of allegations of abuse and neglect.

A whole range of areas, including employment, education, health and family relationships, are increasingly recognised to have an impact on child protection. It is important that we recognise that child abuse goes beyond child sexual abuse, and provision of services in all these areas can impact on prevalence of child abuse, including physical abuse and neglect. Supporting families is a really crucial aspect of what should be a national approach to child protection.

Too often, child survivors are caught up in the web of bureaucracy that exists between different state and federal agencies. This is why Labor is calling for a national commissioner for children and young people. Already, state governments in Queensland, New South Wales and Tasmania have appointed commissioners for children. Recently, in my home state of South Australia, the Layton report, prepared by Robyn Layton QC, has recommended the appointment of a commissioner for children and young people as part of a package of reforms.

A national commissioner for children and young people would provide national leadership and advocacy on children's and young people's issues. A national children's commissioner would put in place a national working with children check to apply across all areas of work and volunteering where adults have unsupervised care of children and, more broadly, could monitor and promote the wellbeing of children and young people, particularly those who are vulnerable or disadvantaged. A national children's commissioner would also encourage understanding of the interests, rights and welfare of children and young people and encourage the participation of children and young people in the community. The commissioner could also develop a national code for the protection of children, including attaching conditions to government funding so that only organisations with adequate procedures for the prevention and handling of child abuse matters could receive public funds.

A national commissioner for children and young people is an important step towards saying that, despite the fact that people under 18 do not vote, they are important. A national commissioner for children and young people is Labor's policy because Labor believe it is vital to show that we believe that children do matter and that they deserve a better deal.

Health: Lifestyle Initiatives

Senator BARNETT (Tasmania) (8.21 p.m.)—Tonight I want to congratulate the Australian Association of National Advertisers for developing a historic code for advertising to children. The new code, drawn up by the association this year, includes safeguards against advertising which promotes an inactive lifestyle and unhealthy eating and drinking habits among children. The code also safeguards against advertising which demeans children, distresses them or frightens them as well as making exaggerated and misleading advertising claims. The code safeguards against advertising which may encourage underage drinking of alcohol. The code has just been released.

I applaud the AANA for this initiative and specifically acknowledge the efforts of Ian Alwill, Robert Koltai and Collin Segelov. They are professional and committed and the members of my office and I have enjoyed working with them on this and other lifestyle initiatives since November last year. The AANA are meeting their obligations towards children head-on. This code is a great first step forward and will assist greatly in the fight against obesity in children because it will help guard against children being manipulated into overindulgence in unhealthy food and drink products.

It is all too easy for children to get sucked into a vortex of a sedentary lifestyle in this 21st century by the attractions of computers, videos, the Internet, video games and the like. I believe self-regulation in the industry is the preferred way to go and should be given a chance before governments are forced to consider imposing a more expansive and fixed regulatory climate. I believe that if the advertising industry is prepared to be proactive in the interests of our children and their lifestyles then they should be given every chance and encouragement to work

towards that end. The code is a voluntary code and has been distributed to members of the advertising industry and is being provided to the Australian Food and Grocery Council and their food and beverage manufacturing members. I hope also that the fast food industry will take it on board.

Since November 2002 I have worked with my parliamentary colleague Trish Draper, chair of the government's health and ageing policy committee, and, in my own capacity as secretary of that committee, with the AANA in a range of healthy lifestyle initiatives including the development of a code of advertising and a national advertising and awareness campaign aimed at children, which will promote regular exercise and a balanced diet. In July last year I called for labelling of the nutritional content on fast food packaging. The fast food industry's response at the time was that it was all too hard. But now McDonald's have agreed to implement the practice. They made this announcement together with a number of other healthy lifestyle initiatives at a healthy lifestyle forum that I hosted in Hobart on 8 May this year. I have also written to other fast food companies seeking detail from them on measures to combat childhood obesity and to promote a healthy lifestyle among children and adults. I congratulate McDonald's and their CEO in particular, Guy Russo, for the lead they have taken, and I have been pleased to play my part in encouraging a more proactive approach by McDonald's and the fast food industry. I look forward to receiving the response from the fast food industry.

You may ask: why tackle the fast food companies? The answer is simple. Childhood obesity has more than doubled in the past 10 years with 50 per cent of obese children likely to carry their obesity into adulthood. Among adults 67 per cent of Australian men and 57 per cent of Australian women are

obese or overweight. Eight thousand deaths in Australia annually are related to weight problems. The health costs alone relating to overweight and obesity are \$400 million each year. The International Obesity Task Force estimated that the intangible—for example, quality of life—costs of obesity to the Australian population is in the order of \$5.5 billion.

Since last November I have held two childhood obesity forums in Tasmania—in November last year and May this year—and, as secretary of the Australian government's health and ageing policy committee, I am helping committee members organise similar forums in other states. I want to pay tribute to the organisations which participated in those forums, such as the AANA, the Australian Division of General Practice, Commercial Television Australia, Diabetes Australia, the International Diabetes Institute, McDonald's, the Federation of Canteens in Schools, the University of Tasmania's Dr Peter Rehore, the Cancer Council of Australia, and the Tasmanian School Canteen Association. They have each made a very positive contribution.

The advertising, grocery and fast food industries need to continue to be proactive. All these groups must be engaged and challenged to be part of the solution and not part of the problem. I believe it represents a great step forward in combating obesity in Australia especially among our children because, as I said, up to half of our obese children are likely to remain obese in later life when there is a greater chance of complications such as diabetes, heart attack and stroke.

We have to face the fact that obesity is an epidemic. The diabetes community knows it, nutritionists and doctors know it, fast food chains and processors know it, and lawyers know it. Companies that engage in advertising and marketing that encourage poor life-

style habits are at risk of litigation. The world's fast food companies could become the tobacco industry defendants of tomorrow and in some cases in the United States they have. It does not have to be that way. Governments can get tough. But surely a better way is for governments to be proactive in the field of preventative health and to take the food advertising industry and other key stakeholder groups with them on a cooperative path, and that is what we are doing.

Before I sit down I want to warmly congratulate my colleague the Minister for Health and Ageing, Kay Patterson, for creating and being a driving force behind the National Obesity Task Force and for driving it to the presentation of its report in November this year. We look forward to reading and perusing that report very carefully. There should be a national effort to tackle this obesity crisis. I also wish to acknowledge my colleague the Minister for Children and Youth Affairs, Larry Anthony, for the work that he has done to protect and promote the good health of children. When you consider that the Australian government's health expenditure will top \$35 billion in just a few years, then tackling obesity must be a top priority in preventative health in Australia. That can only be tackled, in my view, with a united and cooperative effort.

Western Australia: Telecommunications

Senator COOK (Western Australia) (8.29 p.m.)—When it comes to telecommunications, like in so many other areas, this government has hung up on regional Australia. This government still does not listen—it is just disconnected from regional concerns. It cannot say as a government that it has its lines crossed or that there is static on the line because, when it comes to the full privatisation of Telstra, regional Australia continue to send the same message: they do not want it. The government's own backbenchers deliver

that message, too. Still the government presses ahead with the full privatisation legislation. What this arrogant government has done is pull the plug on regional concerns. The fact is that regional Australia knows that Telstra in private hands means that the profit motive will overwhelm the community service obligation. It does not matter if you talk about the guidelines that the legislation might impose on a privatised Telstra requiring it to deliver a community service obligation, country people simply say, 'Oh yeah, pull the other one.'

Tonight I want to talk about a survey the Western Australian government has conducted on telecommunications needs in Western Australia. I want to talk about the area in which my office is located—the Goldfields-Esperance region of Western Australia. But, on other occasions, when I have the opportunity, I will talk about the lack of telecommunications services throughout regional Western Australia generally. I am prompted to do this by representations from individuals and local government organisations throughout the state of Western Australia who oppose the full sale of Telstra while the level of services in the regions remains below that of Perth. The regions, in fact, miss out.

Let me deal first with this survey and what it says about fixed telephones. Even in the basic service of a home telephone, Goldfields-Esperance residents are worse off than elsewhere in the state. The state government report shows a considerable dissatisfaction with fixed line telephone services in the Goldfields-Esperance region. Only 55 per cent of Goldfields-Esperance residents assess their telephone services as meeting their current needs. This is the lowest satisfaction rating for any area in the state and a big fall in satisfaction since the last survey in 1996. One of the particular complaints is the length of time taken for repairs to be made to tele-

phone faults. This can create for business considerable costs. The business community are foremost in the complaints. The report uses the example of a roadhouse in Balladonia being without its EFTPOS facilities for over a week. Business rate the importance of a telephone as significant for their ability to deliver services to their customers, to maintain their own efficiency and, in outback Australia, for safety reasons as well.

Moving to mobile telephones, people's satisfaction with mobile telephone services has also fallen. Most people and businesses in the region own GSM mobile phones. However, Telstra's roll-out of phone towers is mostly of the CDMA service. At the same time, many mine sites are only covered by GSM. This means that many local residents are forced to use and pay for two different phones. Twenty per cent of households and 11.9 per cent of businesses do this. Mobile phone coverage is also a major issue for local residents. This is highlighted particularly by the reports of the local shire councils. For example, the Shire of Dundas is particularly concerned about the lack of mobile phone coverage along the vast distances of National Highway One within its boundaries, particularly the 700-kilometre stretch between Norseman and Eucla. This is despite the availability of unused microwave towers dotting this route throughout.

Let me turn to the Shire of Menzies. The town of Menzies, of course, shares the same name as the founder of the Liberal Party but, when it comes to the people of Menzies, those who are the current heirs of the Menzies mantle do not seem to care. The Shire of Menzies also see mobile phone coverage as critically important to them. Currently, the town of Menzies has no mobile phone coverage. While the town's permanent population is small and mostly Indigenous, it is an important stop on the Goldfields Highway and has a large volume of traffic passing through.

From example, over 14 days in October 2002, over 6,000 vehicles passed through the town. The absence of mobile phone coverage in a town as important as Menzies is disgraceful.

Internet access is another area of complaint. Of course, Internet access is of particular importance to people living in regional Australia and is significant in the Goldfields-Esperance region as well. The Internet helps to break down the tyranny of distance that can otherwise severely limit opportunities for those living in remote and regional areas. For example, many towns in the Goldfields-Esperance region do not have a bank branch of any kind. In this situation, Internet banking becomes the preferred choice of many residents. Forty-one per cent of Goldfields-Esperance households make use of Internet banking. Online shopping is also of particular importance to this region. Online shopping services is of course denied to those residents with a lack of or poor Internet access.

The importance of the Internet to the Goldfields-Esperance residents is significant when you look at the dissatisfaction with Internet services posted by the survey. Only 57.9 per cent of local residents are happy with their Internet service compared with 81.8 per cent in Perth. The main source of frustration with Internet services is the lack of speed. This is partly due to the outdated infrastructure that exists in many parts of regional Western Australia. It is widely accepted that the minimum connection speed required to access many services, such as Internet banking, is 33.6 kilobits per second. Accessing the Internet at speeds slower than this can be frustrating and can cause drop-outs. The report lists many submissions where people were unable to access the Internet at speeds fast enough to access Internet banking. One submission from Esperance claimed that they were only able to

access the Internet at two kilobits per second. For most people in regional Australia who want high-speed Internet access, the only option is expensive satellite connections. Many individuals and businesses want access to affordable broadband Internet services, such as ADSL, that are readily available in Perth but are denied to those outside major centres. This need is highlighted by shire consultations. The shires of Coolgardie, Laverton and Leonora all list the lack of high-speed Internet services as their highest priority issue.

Telecommunications services in regional Australia are not up to the standard that people in the metropolitan areas take for granted. People in regional areas rely on telephone and Internet services perhaps even more than most of the people who live in urban Australia. While the level of service in the bush is so poor, it is unthinkable that the government should consider selling their remaining stake in Telstra. The only feasible solution to the many problems listed in the report is to keep the majority of Telstra in government hands and to have a government willing to take on these problems rather than wash their hands of them.

The other issue highlighted by this report is the lack of telephone services available in predominant Indigenous communities in outback Western Australia. The report uncovers the sad fact that most of these communities are underserved and well below what is available to their cousins elsewhere in that region, which is also well below the level of services available to urban Australians.

We have seen, and we will shortly debate, legislation on this in the Senate. I make these remarks based on the survey conducted, which was a very representative survey of business and consumers. I again highlight the point that, even with majority public owner-

ship, Telstra, with guidelines for community services obligations, still does not deliver to regional Australians—and in this example, backed by the evidence, regional Western Australians—a service that they desire or that is at the level available to other Australians. If Telstra ever were to become 100 per cent privately owned, it will have at the top of its objectives delivering value to its shareholders and that means skinning down the services and finding other savings. Irrespective of what community services obligations are legislated for, the objective for a privatised Telstra ought to be returning value to shareholders rather than delivering services to its consumers.

While some areas of government activity are properly and appropriately privatised, Australians, who live in a large country with a small population mostly clinging to the sea borders of the nation, require services that enable them to be on equal standing with other Australians and to be able to develop businesses and communities in regional Australia. That clearly, as disclosed by the results of this survey, does not apply. There is outrage about that in the outback, and this government should drop that legislation and not proceed. There are many shires most of whom may not support Labor, if you were to ask them for their political preference, but who are absolutely outraged at the lack of service.

Death Penalty

Senator WEBBER (Western Australia) (8.39 p.m.)—I rise tonight to speak on the issue of the death penalty. I did so during the last sitting period and will do so again for as long as it takes for the Prime Minister to declare that the debate is over. Let us make no mistake. This is yet another example of the Prime Minister opening Pandora's box, claiming that he is opposed to it but letting the debate run its course propelled along by

right wing commentators. And, of course, it is only raised because it can be linked to terrorism this time.

Let me put this in simple terms. If you do not support the death penalty, you do not support it. None of this conditional nonsense is acceptable. Principles gain strength when we commit to them, not when they are easy but when they are hard. The debate is opened by a Prime Minister demonstrating how reasonable he is on the subject but then leaves it up to his fellow travellers to keep the debate going. I suspect that the strategy is that at some point he will reintroduce it, link it to terrorism and claim that he is only reflecting the public will.

Senator McGauran—It's a state issue.

Senator WEBBER—Not necessarily. In fact, on one of the media outlets' web sites during August there was a survey asking whether you supported the death penalty for an act of barbarism. What is an act of barbarism? That is what is clever of course. It is not defined.

Geoffrey Barker in the *Australian Financial Review* of Monday, 18 August argues against the death penalty in an article called 'Force the martyrs to live'. I am heartened to find that many of the arguments he advances are similar to those that I also put forward. In fact, over the last month, a number of commentators have written or spoken out against the death penalty and they point out that you cannot be a conditional opponent of the death penalty. Geoffrey Barker says:

State-sanctioned executions are either universally defensible or indefensible.

Mr Barker states that there are two reasons for opposing the death penalty for terrorists. Firstly, executions bring the state down to the level of the terrorist. Secondly, execution gives the terrorist what they want.

Proudly, Australia does not allow the death penalty. By any stretch of the imagina-

tion, that makes us a civilised society—not for us the bloodlust of revenge and retribution. We have grown as a nation and we accept that state sanctioned killings diminish all of us. The Death Penalty Abolition Act 1973 states in section 4:

A person is not liable to the punishment of death for any offence.

Even though the Commonwealth had the capacity to sentence a person to death for over 70 years, there was not a single person executed for Commonwealth crime in that time. The death penalty only existed under the Crimes Act 1914 for the offence of treason and in the Defence Act 1903 for various offences.

During the First World War, the Australian Army served under British command. The dominions of Canada and New Zealand allowed their personnel to serve under the jurisdiction of the British Army Act. The Australians allowed the British Army Act to apply as long as it did not contradict the Australian Defence Act 1903. This essential difference meant that during the war, although some 121 Australians were sentenced to death, none were executed. Most of these sentences were in relation to either sleeping at their post or unauthorised absence from duty. All the recommendations for death penalties were forwarded to the then Governor-General in Council. Approval was not given in a single case. During the same period, the British Army executed some 346 soldiers. Pressure was placed on the Australian government to change its legislation or to allow the British Army Act to take precedence.

The Australian government's position was reflected within the community at that time and is best expressed by C.E.W. Bean in the official history of the AIF. On page 871 he says:

... there was an invincible abhorrence of the seeming injustice of shooting a man who had volunteered to fight in a distant land in a quarrel not peculiarly Australian.

By any measure the principles being applied were consistent not selective. Even under pressure from the British government and, at times, their own military commanders, the Australian government would not budge.

This debate by proxy by the Prime Minister is one that Australia cannot have and should not have. The simple reason is that Australia is a party to the second optional protocol to the International Covenant on Civil and Political Rights. Under that covenant we have an obligation not to make laws that have capital punishment as one of the sanctions. We have signed up as a country that will not introduce laws relating to capital punishment. Therefore as a country we are opposed to the death penalty—not a conditional opposition but a total opposition.

I also want to speak briefly about the case of the Nigerian woman Amina Lawal. Amina has been sentenced to death by a religious court in Nigeria for the offence of bearing a child outside marriage. Her execution, if it takes place, will be by stoning. I know that all Australians would reject such a punishment. We do so because it is hardly civilised or humane for such a penalty to be applied or carried out. However, if we argue that it is inappropriate in Amina's case then we must accept that we cannot argue that it is appropriate in other situations. That being the case, we should accept that to argue in favour of the death penalty means we have to accept it for all the Aminas of the world. That is clearly not what a civilised society like Australia should do.

I turn now to another example showing the idiocy of the death penalty. Last week in Florida they executed Paul Hill. Paul Hill believed so strongly in the sanctity of human

life that he shot dead a doctor and the doctor's escort outside a women's clinic. Life meant so much to Paul Hill that he extinguished two lives to prove how right he was. And then the State of Florida, to prove that it too believed in the sanctity of life, executed Paul Hill. The stupidity, the irony and the farce of it all will no doubt be lost on people who are in favour of the death penalty. I want to finish by quoting from a 1987 Australian Institute of Criminology report on capital punishment. It says:

The concept of 'an eye for an eye, a tooth for a tooth' is said to be applicable to capital punishment. Under this theory ... *the person who murders*, it is said, *should be executed for the sake of justice alone*. Against this moral argument is one which holds that the community itself has the power to determine what is just and fair punishment. ... it is possible to argue that *there is something illogical in the State employing execution to demonstrate its high regard for the sanctity of human life*.

Child Abuse

Queensland: Arts West School

Senator SANTORO (Queensland) (8.49 p.m.)—Today, with a lot of colleagues, I celebrated National Child Protection Week in Federation Mall at the front of Parliament House. It was an occasion that quite properly sparked some serious thinking about what is, reprehensibly and regrettably, an epidemic of child abuse in our country. There are few crimes as heinous in my view as crimes of abuse against children, who are not only our future as a nation but who also are entitled to the strongest measures of protection that adult society can provide.

This is not a partisan issue and it never can be. That is why I was pleased to join with Senator Linda Kirk to promote the concept of Parliamentarians Against Child Abuse among our colleagues. There were many of us there this morning, including coalition, Labor, Democrat, Green and Independent

members of this parliament. Parliamentarians Against Child Abuse is a cross-party organisation formed to raise awareness, among parliamentarians and in the wider community, of child abuse and the surrounding issues. I pay tribute to Senator Kirk for her leadership and the organisational acumen she has brought to the organisation of this parliamentary group.

Child abuse is a national issue. It is an issue that transcends politics, is oblivious to borders and ignores the differences of wealth, standing, culture and every other demographic measure by which we make our complex country and society a governmental possibility. The Minister for Children and Youth Affairs notes that, while child protection is a state and territory government matter to administer, it is important that the community recognises it is not an issue owned by governments—everyone has a responsibility to care for and protect children and young people. The size of the problem is truly daunting—but we cannot let it daunt us.

Latest figures from the Australian Institute of Health and Welfare show that substantiations of child abuse and neglect rose from 24,732 in 1999-2000 to 30,473 in 2001-02. They show the number of children placed in out-of-home care increased from 14,078 to 18,880 over the same period. They show that 51 per cent of children in out-of-home care are in foster care. And they show that Aboriginal and Torres Strait Islander children are overrepresented in the child protection system.

The Commonwealth's focus is on early intervention and prevention. This is a practical leadership position—and a proper one—that is designed to staunch the problem before it overwhelms state and territory governments' care and prevention systems. The federal government has allocated \$19 billion in family assistance for 2003-04. It is consulting

with the community on a national agenda for early childhood. The Prime Minister has announced a \$10 million program to strengthen existing investment in early childhood as well as to test new approaches.

Today is also White Balloon Day. It is a day that was founded by Queenslander Hetty Johnston in Brisbane during Child Protection Week in September 1997. Hetty took this action in response to learning that a family member was a paedophile, a fact brought to light only by the brave action of a seven-year-old child. The white balloon was chosen as the symbol of Hetty's public campaign to end child abuse because the previous year, in Belgium, thousands of people had demonstrated with white balloons and white flowers in a show of public sympathy for the parents of young girls murdered or missing, presumed dead, at the hands of a previously convicted and released paedophile.

White Balloon Day is now an annual national event run by the organisation Hetty Johnston heads, Bravehearts. It is credited by Queensland police as the primary cause of a 514 per cent increase in child assault notifications to the Child and Sexual Assault Investigation Unit, based in Brisbane. One of the most important elements in combating crimes such as paedophilia is to make victims feel safe and comfortable about coming forward to tell their story.

Sexual abuse of children is abhorrent. It is a despicable and unforgivable breach of trust by an adult against a child. It is horrifically prevalent. In 1993 an Australian Institute of Criminology conference was told that one in three girls and one in six boys would be sexually abused in some way before they were 18. Girls and boys of all ages are sexually abused and the victims are sometimes toddlers, very young children and even babies.

The academic literature on child sexual abuse makes it clear that this aberrant behaviour spans all races, economic classes and ethnic groups. In Queensland alone in 1997 it was estimated that more than 150,000 children under the age of 17 had been sexually abused and an estimated 420,000 Queenslanders over the age of 18 had experienced such abuse while children.

According to a Queensland University of Technology study by Dr Christine Eastwood, a Bravehearts board member, Queensland police in 2000-01 recorded 2,635 sexual offences against victims aged from under one to 19. They involved 208 infants and toddlers aged from zero to four, 541 children aged from five to nine, 1,000 children aged from 10 to 14 and 886 children aged from 15 to 19. At a national level the Australian Bureau of Criminal Intelligence estimates that 40,000 Australian children will be sexually abused in any 12-month period. We simply cannot ignore these grim statistics.

The evidence is clear that child sexual abuse can lead to dysfunctional adults. That means—and let us not mince words about this—ruined and unproductive lives and in some cases criminality. A recent study of child sex abuse victims found that 32 per cent—almost one-third—had attempted suicide or thought about it. In Australia, suicide now kills more men per year than the national road toll. Figures for 2000 show that 1,860 men and 503 women committed suicide in this country.

Around 70 per cent of psychiatric patients have been sexually abused as children. Up to 85 per cent of women in Australian prisons have been victims of incest or other forms of sexual abuse. Of course there is also an economic cost. A recent Criminology Research Council funded study estimated the tangible cost to society of child sexual assault at more than \$180,000 per child. On the basis of

40,000 sexually abused children a year—the figure I have already cited—that is \$7.2 billion annually.

In Queensland the Forde inquiry by former State Governor Leneen Forde found that chronic underfunding and mismanagement of the state's efforts against child sexual abuse had rendered those efforts seriously deficient over a very long period of time. This week the Queensland government has put another \$2.1 million into repairing the state's mechanism for dealing with abused children. This extra effort was announced on Sunday.

The announcement coincided with child protection workers being honoured in Queensland's child protection awards. The winners were Tania Major, an ATSIC regional commissioner; child protection officer Beverly Patterson; Children's Services Tribunal President, Beverly Fitzgerald; author Cynthia Morton; Goodna child health nurse Wendy Engler; and the AARDVARC children's program developed by the North Queensland Domestic Violence Resource Centre. I congratulate all the winners. They demonstrate by their effort and commitment just what can be achieved in this crucial area and are the strongest possible argument for the Queensland government to fully live up to its responsibilities.

The new measures announced by the Queensland government on Sunday will put five more quality assurance staff into the works, pay for nine more senior practitioners and fund a review of record keeping—the latter being a key area of grave concern. It follows, by only three weeks, the announcement of an extra \$2 million to pay for 25 new suspected child abuse and neglect coordinators. So over the past three weeks the Queensland government has put \$4.1 million worth of new money into the effort to combat child abuse.

That is good but it in no way removes the requirement that the state government take the findings of the current CMC inquiry very seriously indeed when they emerge. And it in no way removes the obvious necessity for a full inquiry—including, if necessary, as I have stated in this place before, a royal commission—into what has gone so horribly wrong with Queensland's child abuse management and detection for a very long time. Those people in Queensland who are still pushing the state government to do what it knows must be done continue to have my full support in this place.

I will continue on from some remarks I made earlier in the evening in relation to the Arts West School of Creative Arts. Australians living outside big cities—and we should never forget that that is one in three of us—have long known that if you want something done in your community the best place to start is with your own two hands. Initiating a venture such as the School of Creative Arts was an achievement in itself and typical of the spirit that has always animated regional Australia. Keeping such an enterprise going for 35 years is a far greater achievement. It does not depend on the enthusiasm and hard work of a faithful few; it depends on the dedication of whole communities.

Arts West has helped to give Queensland's Central West a unique cultural identity. Through ventures such as Artesian Arts it has given local artists a commercial showcase for their work. Honourable senators who are interested might like to visit the virtual art gallery at www.artswest.asn.au. I record in this place my pleasure at having had the opportunity to attend the 2003 farewell dinner at the School of Creative Arts and I thank the minister, whose schedule fortunately made it possible for me to do so.

Arts West is funded through Arts Queensland, a state body. Unfortunately, I am informed that its contributions have been static for five years, causing difficulty in providing continuing core services and cutting out new and innovative activities. The support and development of regional arts is also a federal matter, and on that score I have written to the Minister for the Arts and Sport, Senator Kemp, and to the President of the federal Regional Arts Australia organisation, Mrs Nicola Downer, reporting on the financial situation of Arts West. This appears to be yet another case where the Queensland Labor government talks up a storm but delivers only a dribble—if it does not deliver a drought. Obviously the issue is one principally for Arts Queensland and the Queensland government. They should reflect that in the state's inland, with its small and widely dispersed population, developing an arts and crafts based element of local economies can provide substantial benefits.

Senate adjourned at 8.59 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Advance to the Finance Minister—Statement and supporting applications for funds for June 2003.

APEC—Australia's individual action plan 2003.

Defence Housing Authority—Statement of corporate intent 2003-04.

National Health and Medical Research Council—Report for 2002.

Office of the Renewable Energy Regulator—Report for 2002.

Queensland Fisheries Joint Authority—Report for 2001-02.

Roads to Recovery Act 2000—Roads to Recovery programme—Report for 2002-03 on the operation of the Act.

Snowy Hydro Limited—Report for the period 27 June 2001 to 28 June 2002.

Treaties—

Bilateral—

Text, together with national interest analysis and annexures—Agreement between the European Community and Australia amending the Agreement between Australia and the European Community on Trade in Wine, and Protocol, of 1994.

Text, together with national interest analysis, regulation impact statement and annexures—

Agreement between the Government of Australia and the Government of the United Mexican States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and Protocol, done at Mexico City on 9 September 2002.

Convention between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital Gains, done at Canberra on 21 August 2003, and an Associated Exchange of Notes.

Multilateral—Text, together with national interest analysis and annexures—

Agreement, done at Townsville on 24 July 2003, between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga concerning the operations and status of the Police and Armed Forces and Other Personnel deployed to Solomon Islands to assist in the restoration of law and order and security.

Amendments, done at Berlin, Germany on 19 June 2003, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946.

International Labour Organization Convention No. 155: Occupational Safety and Health, 1981.

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on 10 September 1998.

Stockholm Convention on Persistent Organic Pollutants (POPs), done at Stockholm on 22 May 2001.

Tabling

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 12 of 2003.

Dairy Produce Act—Deed between the Commonwealth of Australia and certain proposed directors of Dairy Australia Limited, dated 26 June 2003.

Environment Protection and Biodiversity Conservation Act—Instrument amending list of exempt native specimens under section 303DB, dated 3 September 2003.

Gene Technology Act—Gene Technology (Recognition of Designated Areas) Principle 2003.

Tradesmen's Rights Regulation Act—Explanatory statement to Statutory Rules 2003 No. 104 (*in substitution for explanatory statement tabled with Statutory Rules 2003 No. 104 on 16 June 2003*).

Indexed Lists of Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period—

1 January to 31 December 2003 and 1 January to 30 June 2003—Statement of compliance—Industry, Tourism and Resources portfolio—

Australian Government Analytical Laboratory.

Australian Tourist Commission.

Department of Industry, Tourism and Resources.

Geoscience Australia.

Ionospheric Prediction Service [nil return].

IP Australia.

National Standards Commission.

1 January to 30 June 2003—Statements of compliance—

Agriculture, Fisheries and Forestry portfolio agencies.

Attorney-General's portfolio—

Administrative Appeals Tribunal.

Australian Crime Commission.

Attorney-General's Department.

Australian Customs Service.

Australian Federal Police.

Australian Institute of Criminology and the Criminology Research Council.

Australian Law Reform Commission.

Australian Transaction Reports and Analysis Centre.

Commonwealth Director of Public Prosecutions.

CrimTrac.

Family Court of Australia.

Federal Court of Australia.

High Court of Australia.

Human Rights and Equal Opportunity Commission.

Insolvency and Trustee Service Australia.

National Native Title Tribunal.

Office of Film and Literature Classification.	ComSuper.
Office of Parliamentary Counsel.	CSS Board.
Office of the Federal Privacy Commissioner.	Department of Finance and Administration.
Australian Public Service Commission.	PSS Board.
Communications, Information Technology and the Arts portfolio—	Immigration and Multicultural and Indigenous Affairs portfolio—
Department of Communications, Information Technology and the Arts.	Aboriginal and Torres Strait Islander Services.
National Office for the Information Economy.	Aboriginal Hostels Limited [nil return].
Department of Defence.	Australian Institute of Aboriginal and Torres Strait Islander Studies.
Department of Foreign Affairs and Trade.	Department of Immigration and Multicultural and Indigenous Affairs.
Department of Transport and Regional Services.	Indigenous Business Australia [nil return].
Department of Veterans' Affairs.	Indigenous Land Corporation.
Finance and Administration portfolio—	Migration Review Tribunal.
Australian Electoral Commission.	Refugee Review Tribunal.
Commonwealth Grants Commission.	Torres Strait Regional Authority.
	Office of the Official Secretary to the Governor-General.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Defence: Property

(Question No. 1431)

Senator Chris Evans asked the Minister for Defence, upon notice, on 7 May 2003:

In relation to Defence property sales:

- (1) For each financial year since 1996-97, what were the Budget forecasts of receipts from Defence property sales.
- (2) For each financial year since 1996-97, what were the actual receipts from Defence property sales.
- (3) For each financial year from 1996-97 to 1999-2000 (inclusive) can a list be provided of all property sold by Defence, in the same format as the answer to question no. W10 taken on notice during the estimates hearings of the Foreign Affairs, Defence and Trade Legislation Committee in February 2002, indicating the location (town/suburb, state/territory, postcode), size of the property, nature of the property (vacant land, facilities), sale price and purchaser.

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

- (1) and (2) The budgeted plan and subsequent proceeds relating to sales are as follows:

Proceeds	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02
	\$m	\$m	\$m	\$m	\$m	\$m
Revised Budget Est	69.0	79.0	95.7	63.0	480.2	71.7
Actual *	69.2	27.9	39.1	102.7	47.0	161.1

* Note that these figures include proceeds from the sale of Land, Buildings, and Infrastructure. However, due to government reporting requirements, proceeds from 'Infrastructure' are included in the 'Infrastructure, Other Plant and Equipment' category in the Department's financial statements.

- (3) See attached table. Details provided are those readily available. Additional information could be provided but at significant time and cost. You may care to note that the properties are listed in the year in which the contract for sale was signed.

DISPOSALS FOR FY 96/97

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
"NETHERBY", SOUTH MELBOURNE	\$1,575,250.00		8 Queens Rd, South Melbourne	VIC	3205	0.232	ADMINISTRATION FACILITY	KAH Australian Pty Ltd (ACN 052 003 139)
ALICE SPRINGS	\$150,096.00		Various	NT	870		US HOUSE	
BANDIANA	\$20,000.00			VIC	3694		SURPLUS LAND	
BEAUFORT	\$75,000.00	29-Oct-96	Stones End Rd, Beau- fort	VIC	3373		RIFLE RANGE	Zignet Pty Ltd
BENDIGO ALLINGHAM ST	\$20,000.00	09-May-97	15-17 Allingham St, Golden Square, Bendigo	VIC	3550		TRAINING DEPOT	City of Greater Bendigo
BENDIGO, "TURRIFF"	\$230,000.00	10-Jan-97	5 Carpenter St, Bendigo	VIC	3550		ADMINISTRATION FACILITY	Janet Lawson & Alexander Karam
BEULAH PARK	\$476,000.00	04-Jul-97	3-5 Union St, Beulah Park, Adelaide	SA	5067	0.364	TRAINING DEPOT	Steven Evans and/or nominees
CHESTER HILL	\$7,200,000.00		Sydney	NSW	2162		ACCOMODATION	

QUESTIONS ON NOTICE

Tuesday, 9 September 2003

SENATE

14719

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
CONCORD	\$765,908.00	19-Jun-97	101-105 Parramatta Rd	NSW	2137		OFFICE ACCOM	Regla Pty Limited
DERRIMUT	\$2,500,000.00	02-Dec-96	Cnr Doherty & Palmers Roads, Derrimut	VIC	3030		EXPLOSIVES AREA	Vincenzo Ceravalo
DUBBO, THORBY AVE	\$1,252,000.00		Thorby Ave, Dubbo	NSW	2830		ADMINISTRATION FACILITY	
DYSART SIDING	\$60,250.00	29-Jan-97	Schoolhouse Lane, Seymour	VIC	3660		RAILWAY SIDING	Mr FR and Mrs MJ U'Ren
FITZROY NORTH	\$791,000.00	19-Mar-97	140 Queens Pde, Fitzroy Nth	VIC	3068	0.150	TRAINING DEPOT	Millenium Properties Pty Ltd
GLENORCHY	\$385,000.00	13-Jan-97	2 Harold St, Glenorchy	TAS	7010	0.558	TRAINING DEPOT	
HOLSWORTHY (PART)	\$2,950.00			NSW	2173		EASEMENT	
HUON	\$610,000.00		Pavillion Point, Queens Domain	TAS	7000	2.000	NAVAL ESTABLISHMENT	
HUONVILLE	\$50,000.00	30-Apr-97	20 Wilmot St, Huonville	TAS	7109	0.110	TRAINING DEPOT	Mr Ronald Eric Kruse
HURSTVILLE	\$1,800,000.00		Dora Street	NSW	2220	0.399	TRAINING DEPOT	

QUESTIONS ON NOTICE

14720

SENATE

Tuesday, 9 September 2003

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
IVANHOE	\$740,000.00	04-Mar-97	4-6 Tate St, Ivanhoe	VIC	3079	0.454	TRAINING DEPOT	Ang Shun Group Development Pty Ltd
KELSO	\$545,000.00	02-Jun-97	Cnr Lee St & White Rock Rd	NSW	2795	15.000	TRAINING DEPOT	Bathurst City Council
LAVERTON (PART)	\$655,000.00	01-Mar-97		VIC	3028		GEMS	Hiddins Trading Pty Ltd
LEICHHARDT	\$9,860,000.00		Marlborough St	NSW	2040	0.066	TRAINING DEPOT	
LONGFORD	\$55,000.00	26-Oct-96	Cnr Malcombe & Marlborough Sts, Longford	TAS	7301	0.521	TRAINING DEPOT	
MORETON	\$4,100,000.00	17-Feb-97	Methyr Rd, New Farm, Brisbane	QLD	4005	1.000	NAVAL ESTABLISHMENT	Mr N Gordon and Mr C Oatley
MUSWELLBROOK (PART)	\$175,000.00		New England Highway	NSW	2333		VACANT LAND	
CARLTON NORTH	\$2,510,000.00	24-Mar-97	526 Park St, Nth Carlton	VIC	3054	0.471	TRAINING DEPOT	Cassar Constructions Pty Ltd

QUESTIONS ON NOTICE

Tuesday, 9 September 2003

SENATE

14721

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
PENRITH (Part)	\$26,100.00	28-May-97	2215 - 2227 Castlereagh Rd, Penrith	NSW	2750		STORES DEPOT	Roads & Traffic Authority
RANDWICK (CARRINGTON RD)	\$1,672,000.00		Carrington Rd, Randwick	NSW	2031	0.162	TRAINING DEPOT	
RICHMOND	\$450,000.00	17-Jun-97	24 Gipps St, Richmond	VIC	3121	0.078	TRAINING DEPOT	Lawson Consultancy Pty Ltd (consortium)
SCOTTSDALE DSTO	Priority sale	12-May-97	Lots 3, 90, 91 & 92 Beattie St, Scottsdale	TAS	7260	1.000	SURPLUS LAND	Dorset Council
STURT ST	\$9,000,000.00		220 Sturt St, Sth Melbourne	VIC	3205	1.538	STORES DEPOT	
TOMAGO	\$1,800,000.00			NSW	2322		SHIPYARD	
ULVERSTONE	\$90,250.00	04-Nov-96	17 Water St, Ulverstone	TAS	7315	0.146	TRAINING DEPOT	
VILLAWOOD	\$5,470,933.00	28-Nov-97	Cnr Woodville Rd & Tangerine St, Villawood	NSW	2163		STORES DEPOT	Saranbay Pty Ltd

QUESTIONS ON NOTICE

14722

SENATE

Tuesday, 9 September 2003

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
YERONGA	\$4,100,000.00	21-Feb-97	Kadumba St, Yeronga, Brisbane	QLD	4101	5.000	MILITARY HOSPITAL	Halken Pty Ltd
ZETLAND	\$54,080,000.00	18-Jun-97	Joynton Ave, Zetland	NSW	2017	25.000	STORES DEPOT	Landcom

DISPOSALS FOR FY 97/98

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
ACACIA RIDGE	\$259,260.00		Broadbent Rd, Acacia Ridge, Brisbane	QLD	4110		COMMUNICATION STATION	
ALBERTON	\$119,967.02	21-Apr-98	20-32 Sussex St, Alberton, Adelaide	SA	5014	0.380	TRAINING DEPOT	Adelin Pty Ltd
BEAUMARIS HOUSE	\$953,135.00	12-Jun-98	82 Sandy Bay Rd, Hobart	TAS	7000	0.509	TRAINING DEPOT	M A Keady Pty Ltd - 212A Clarke Street, Northcote VIC
BROOME	\$192,232.00	02-Feb-98	Lot 1801 Blackman St, Broome	WA	6725	0.400	NORFORCE DEPOT	Mr Eric John McCormick (c/- Adair Settlements Pty Ltd)
COBRAM	\$250,000.73	05-May-98	Dillon St, Cobram	VIC	3644		TRAINING DEPOT	Monsfar Pty Ltd

 QUESTIONS ON NOTICE

Tuesday, 9 September 2003

SENATE

14723

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
COLLIE	\$195,000.00	14-May-98	Throssell St, Collie	WA	6225	1.000	TRAINING DEPOT	Department of Conservation & Land Management, WA
DIGGERS REST (PART-32.41ha)	\$210,000.00	23-Jul-98	Cnr Vineyard Rd & Coimadai Rd, Diggers Rest	VIC	3427	32.410	VACANT LAND/BUFFER ZONE	Hossam Omar
ESSENDON	\$24,320.00	22-May-98	Afton St, Essendon	VIC	3040		VACANT LAND	City of Moonee Valley Council, Victoria
FAIRBAIRN	\$21,500,000.00	28-May-98	Piallago Rd & Glenora Dr, Piallago, Canberra	ACT	2609	510.000	RAAF BASE	Capital Airport Group
FISHERMENS BEND	\$685,000.00	12-Jan-98	332-342 Lorimer St, Fishermens Bend	VIC	3207	18.000	TEST CELLS	DPA Investments Pty Ltd
FISHERMENS BEND	\$3,500,000.00		Lot 1 Lorimer St, Fishermens Bend	VIC	3207		STORAGE DEPOT	
FITZROY	\$1,580,000.00	13-Jan-98	16 George St, Fitzroy	VIC	3065	0.167	DRILL HALL	George Street Developments Pty Ltd
FRENCHVILLE (ROCKHAMPTON)	\$720,000.00	14-Oct-98	Norman Rd, Rockhampton	QLD	4700		RIFLE RANGE	Ariah Park Investments Pty Ltd

QUESTIONS ON NOTICE

14724

SENATE

Tuesday, 9 September 2003

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
GROSVENOR	\$1,915,955.51	29-Jun-98	55 Queens Rd, South Melbourne	VIC	3205		ADMINISTRATION FACILITY	Landmark Queens Road Pty Ltd
KUNUNURRA	\$160,087.00	28-Apr-98	Lot 1544 Poincettia Way, Kununurra	WA	6743	0.320	NORFORCE DEPOT	Mr Anton Cavlovic and Mrs Cheryl Anne Cavlovic
LAVERTON (PART)	\$9,450,770.50	15-Jun-98	RAAF Williams Airfield, Laverton	VIC	3028		AIRFIELD	Cedar Woods Pty Ltd
MARIBYRNONG	\$4,202,414.20	29-Jun-98	Chicago St, Maribyrnong	VIC	3032		STORAGE DEPOT	Mr Nicholas Psaltis
MILES ST, STH MELB	\$2,630,000.00	03-Apr-98	161-169 Miles St, Southbank	VIC	3205		TRAINING DEPOT	State of Victoria
MOB SIDING	\$10,000.00	19-May-98	Wimble St, Seymour	VIC	3660		RAIL SIDING	Rhode & Paterson
SCOTTSDALE GRES	\$41,718.00	02-Dec-97	29 Alfred St, Scottsdale	TAS	7260	0.242	TRAINING DEPOT	Mr Jamie McDougall
TRESCO	\$9,322,185.14	30-Jan-98	97 Elizabeth Bay Rd, Elizabeth Bay, Sydney	NSW	2000		REPRESENTATIONAL HOME	Paliflex Pty Limited
WARRNAMBOOL	\$55,000.00	09-Jul-97	Elliot St, Warrnambool	VIC	3280		RIFLE RANGE	South West Water Authority

 QUESTIONS ON NOTICE

Tuesday, 9 September 2003

SENATE

14725

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
WILLOUGHBY	\$5,730,525.00	25-Feb-98	Lot 9 Warrane Rd, Willoughby	NSW	2068	2.000	TRAINING DEPOT	Robert Dunnet Pty Limited

DISPOSALS FOR FY 98/99

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
"CHARSFIELD", MELBOURNE	\$2,311,000.00	15-Jan-99	478 St Kilda Rd, Melbourne	VIC	3000	0.232	ACCOMODATION	Michael Renzella
"LANDENE", MELBOURNE	\$2,675,000.00	15-Jan-99	8 Louise St, Melbourne	VIC	3000		ACCOMODATION	Lawonnue Pty Ltd
ALBION	\$19,367,117.00	04-Mar-99	Deer Park, Melbourne	VIC	3020	504.000	EXPLOSIVES FACTORY	Urban Land Corporation (Victoria)
ALEXANDRIA	\$7,107,318.00	11-Jun-99	51-55 Bourke Road, Alexandria	NSW	2015		MATERIALS TESTING LABORATORY	Hassan Choker
ALICE SPRINGS	\$70,000.00	08-Feb-99	Lot 2503 Stuart Highway	NT	870		FUEL DEPOT	Indigenous Land Corporation
ARNCLIFFE	\$3,600,616.00	06-Nov-98	2 Arncliffe St, Arncliffe	NSW	2205	1.000	TRAINING DEPOT	NSW Roads and Traffic Authority

QUESTIONS ON NOTICE

14726

SENATE

Tuesday, 9 September 2003

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
CROWS NEST	\$3,900,000.00	19-Sep-98	Carlow St, Crows Nest	NSW	2065	0.250	TRAINING DEPOT	Hampton Properties Pty Ltd
FOREST LODGE	\$3,886,175.00	04-Jun-99	69-73 Hereford St, Glebe	NSW	2037	0.432	TRAINING DEPOT	Harb Enterprises Pty Ltd
GREENBANK (Part - 1 Ha portion)	\$30,000.00	02-Jun-99	Lot 10 Goodna Rd	QLD	4124	1.000	VACANT LAND	QLD Govt - Dept of Natural Resources
INDIGO VALLEY	\$386,000.00	05-Feb-99	Indigo Valley, Barnawartha	VIC	3688	243.515	VACANT LAND	Mr Ian Jack and/or nominees (Indigo Investments Pty Ltd)
JENNER HOUSE, POTTS POINT	\$2,307,226.00	19-Oct-98	2 Macleay St, Potts Point	NSW	2011		OFFICE ACCOMODATION	Mr Anthony Francis Peterson
MOORABBIN	\$223,000.00	12-Jun-99	1 Bibby Court, Moorabbin	VIC	3189		INDUSTRIAL LAB	Robin John Murdoch and/or nominee (14 Clive St Murrumbena)
PARKES (Part - northern portion only)	\$110,000.00	03-Feb-99	Cnr Clarinda & Thornbury Sts, Parkes	NSW	2870	2.000	TRAINING DEPOT (PART)	Mr Max Harrison

QUESTIONS ON NOTICE

Tuesday, 9 September 2003

SENATE

14727

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
RANDWICK (FRENCHMANS RD)	\$715,000.00	04-Sep-98	49 Avoca St, Randwick	NSW	2031		MARRIED QUARTER (ARCHINA)	W H & M J Measday - 25 Junction Street, Woollahra NSW 2025
RANDWICK (FRENCHMAN'S RD)	\$5,220,000.00	04-Sep-98	Lot 2 Frenchmans Rd, Randwick	NSW	2031		TRAINING DEPOT	Baypine Pty Limited (47 Rosebery St, Penshurst NSW 2222)
RANDWICK (FRENCHMAN'S RD)	\$1,150,000.00	17-Aug-98	4 Dutruc S, Randwick	NSW	2031		MARRIED QUARTER (ASCOT)	Danuta Kozaki (1A Thomas St, Coogee NSW 2034)
ROCKBANK (PART)	\$318,550.00		Beattys Rd, Rockbank	VIC	3335		2 X 12 ACRE BLOCKS	Anthony, Milam, and Simon Luleerie.
SOMERTON PARK	\$1,240,000.00	06-Jan-99	32A Scarborough St, Somerton Park, Adelaide	SA	5044	0.437	TRAINING DEPOT	Terence Raymond Webber and/or nominees (Scarborough Mews Estate Pty Ltd)
SOUTH GUILDFORD, PALMER BKS (Part)	\$16,569.00	24-Mar-99	Barker Rd, South Guildford	WA	6055		VACANT LAND	Shire of Swan, WA

QUESTIONS ON NOTICE

14728

SENATE

Tuesday, 9 September 2003

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
TIGHNABRU AICH	\$2,642,250.00	17-Aug-98	213 Clarence Rd, Indooroopilly	QLD	4068		REPRESENTATIONAL HOME	D & C J Malloy
TIGHNABRU AICH	(part of above)	14-Sep-98	213 Clarence Rd, Indooroopilly	QLD	4068		VACANT LAND	Trikam
TOWNSVILLE	\$51,750.00	07-Oct-98	441 (Lot 119) Ingham Rd Garbutt	QLD	4810		VACANT LAND	BW & DS Addison
TOWNSVILLE	\$1,000,000.00	30-Jun-99	Cnr Woolcock & Duckworth Sts (Lots 100 & 200)	QLD	4810		VACANT LAND	Duckworth Street Investments Pty Ltd
WERRIBEE	\$3,000,634.00	25-Oct-99	Dunnings Rd, Werribee	VIC	3030	44.614	COMMS SITE	Prime Equity Investments Pty Ltd

DISPOSALS FOR FY 99/00

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
"DILHORN", PERTH	\$767,438.07	03-Sep-99	Cnr Lord & Bulwer Sts	WA	6000	0.284	MUSEUM	Nicholas & Alexandra Kennedy
BELMONT	\$250,000.00		124 Epsom Ave, Belmont	WA	6104		TRAINING DEPOT	Jindabyne Pty Ltd as trustee for the H W Daly Family Trust

QUESTIONS ON NOTICE

Tuesday, 9 September 2003

SENATE

14729

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
BENALLA	\$90,000.00	30-Sep-99	Cnr Bridge & Arundel Streets	VIC	3672	0.189	TRAINING DEPOT	Delatite Shire Council
BENDIGO, TEMPLE	\$1.00	16-Apr-99	Finn St, Bendigo	VIC	3550		CHINESE TEMPLE	City of Greater Bendigo
BOMERA/TARANA	\$6,550,000.00	06-Jun-00	1 Wylde Street, Potts Point	NSW	2011	1.000	OFFICE ACCOMMODATION	Tesrol Holdings P/L
BULLSBROOK	\$21,300.00	07-Jul-00	Great Northern Highway	WA	6084		VACANT LAND	Department of Main Roads, WA
BUNBURY	\$245,000.00	26-Apr-01	61-63 Moore St, Bunbury	WA	6230	0.275	TRAINING DEPOT	Citygate Engineers Pty Ltd
CAMPBELL BKS, SWANBOURNE (PT)	\$257,020.00	24-Jan-00	Servetus Street	WA	6010		TRAINING DEPOT	WA Department of Main Roads
DIGGERS REST	\$975,000.00	10-Feb-00	Coimadai Rd, Diggers Rest	VIC	3427		COMMS SITE	Prime Equity Investments Pty Ltd
DUNLOP BKS, BRIGHTON	\$2,850,000.00	14-Jun-00	16-24 Landcox St, Brighton	VIC	3186		TRAINING DEPOT	Australand
EAST MELBOURNE	\$710,444.31	03-Sep-99	Powlett St, East Melbourne	VIC	3002	0.106	DRILL HALL	Lawson Consulting Pty Ltd

QUESTIONS ON NOTICE

14730

SENATE

Tuesday, 9 September 2003

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
ENCOUNTER	\$337,000.00	17-Dec-99	Cnr Fletcher & Semaphore Rds, Birkenhead	SA	5015	3.146	NAVAL ESTABLISHMENT	Tripodi
GAWLER	\$115,014.41	23-Jun-00	Barnet Road, Evanston	SA	5116	1.568	TRAINING DEPOT	Tripodi
HAMILTON	\$87,250.00	06-Jan-00	Cnr Milton, Francis & McPherson Sts	VIC	3300	1.106	TRAINING DEPOT	Lot 1: Clarence Mark Uebergang Lot 2: Dean Robert Menzel
HOLSWORTHY	\$6,725,000.00	29-May-00	Huon Cres, Holsworthy	NSW	2173		VACANT LAND	Mirvac Homes (NSW)
HOME BUSH	\$8,100,000.00	26-May-00	14-16 Station Street, Homebush	NSW	2140	1.000	TRAINING DEPOT	Crown International
JASPERS BRUSH	\$261,086.81	16-Mar-00	Lot 1 Swamp Rd, Jaspers Brush (near Nowra)	NSW	2535		PARACHUTE DROP ZONE (AIRSTrip)	Mornington Waters Pty Ltd (skydiving consortium)
KELVIN GROVE (Gona Barracks)	\$6,000,000.00	30-Jun-00	Rasmgate Street, KELVIN GROVE	QLD	4059	6.978	TRAINING DEPOT	QLD State Government/QLD Housing Commission

 QUESTIONS ON NOTICE

Tuesday, 9 September 2003

SENATE

14731

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
LITHGOW	\$225,000.00	13-Jan-00	Cnr Sandford Ave & Railway Parade	NSW	2790	1.000	TRAINING DEPOT	Loch Co No 28 Pty Ltd (local family trust company)
MERRYLANDS	\$40,020.00	02-Mar-00	Woodville Road	NSW	2160	1.000	VACANT LAND	Parramatta City Council
PORTON BARRACKS	\$940,000.00	19-Jun-00	Tills St, Westcourt, Cairns	QLD	4870	1.061	TRAINING DEPOT	AFL Cairns (Cazaly's)
SANDGATE	\$800,000.00	21-Jun-00	Cnr Lagoon St/Bowser Pde, Sandgate	QLD	4017	0.247	TRAINING DEPOT	Havenfleet Pty Ltd and MG & DM Cross as trustee
STAWELL	\$35,000.00	06-Aug-99	Lavett St, Stawell	VIC	3380		RIFLE RANGE	Northern Grampians Shire Council
STUART HIGHWAY	\$10,000.00	08-Feb-00	Stuart Highway	NT			VACANT LAND	Indigenous Lands corporation
THURSDAY ISLAND DEPOT	\$876,599.00	18-Jul-00	Cnr Douglas & Normanby Streets, Thursday Island	QLD	4875	2.000	OFFICE BUILDING, ARMOURY AND STORAGE BUILDINGS	Frank Markert Pty Ltd

QUESTIONS ON NOTICE

Property Name	Sale price	Settlement Date	Address	State	Postcode	Size (ha)	Nature of Property	Purchaser
TOWNSVILLE	\$510,000.00	13-Sep-99	Duckworth St (Lots 1 & 2 RP119470 - Cnr Hills St)	QLD	4810		VACANT LAND	MVO Industries Pty Ltd
TOWNSVILLE	\$375,321.00	27-Aug-99	Duckworth St (Lot 6 RP895734)	QLD	4810		VACANT LAND	O'Keefe Investments Ltd
TOWNSVILLE	\$1,275,000.00	12-May-00	Duckworth St (BMX Lots 1 & 2 - near Bayswater Rd)	QLD	4810		VACANT LAND	Bayswater Road Properties Pty Ltd (on behalf of Kilcor)
TOWNSVILLE	\$370,000.00	30-Nov-99	Duckworth St (BMX Lot 3 - near Bayswater Rd)	QLD	4810		VACANT LAND	Townsville Resorts Pty LTd
TOWNSVILLE	\$551,000.00	29-Oct-99	Duckworth St (BMX Lot 4 - near Bayswater Rd)	QLD	4810		VACANT LAND	A. Gabrielli Constructions Pty Ltd
TOWNSVILLE	\$1,400,000.00	12-Oct-99	Duckworth St (BMX Lots 5 & 6 - near Bayswater Rd)	QLD	4810		VACANT LAND	Mike Carney Motors Pty Ltd
ZILLMERE	\$88,000.00	01-Nov-99	441 Beams Rd, Carseldine	QLD	4034		VACANT LAND	Pelling

QUESTIONS ON NOTICE

**Natural Heritage Trust and National Action Plan for Salinity and Water Quality:
Facilitator Positions
(Question No. 1518)**

Senator McLucas asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 16 June 2003:

- (1) What is the total budget for the 91 Commonwealth Natural Heritage Trust (NHT) and National Action Plan for Salinity and Water Quality facilitator positions recently advertised in national newspapers (and now listed on the department's web site) and being recruited through Effective People Pty Ltd and; and (b) from which program or programs is this funding coming.
- (2) (a) How much is Effective People Pty Ltd being paid to recruit these people; and (b) from which program or programs is this funding coming.
- (3) Can an organisational chart for the positions be provided showing how they will report to the department.
- (4) How is coordination of NHT activities managed with the Department of Agriculture Fisheries and Forestry.
- (5) How will these facilitators work with state department-employed NHT facilitators and project officers.
- (6) Can a copy be provided of all documentation which outlines the rationale for the employment of these facilitators, including how their effectiveness will be measured and/or evaluated.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) Recently advertised in the national newspapers were 30 Commonwealth Natural Resource Management (NRM) facilitator positions and 13 Indigenous Land Management Facilitator positions to be fully funded by the Commonwealth's Natural Heritage Trust. Also advertised were 48 Regional NRM Facilitators. The Regional NRM Facilitators will be jointly supported by the Commonwealth and the States and Territories from both the Natural Heritage Trust and the National Action Plan. The total budget to support this network of 91 facilitators is \$9.97 million.
- (2) Effective People is being paid \$80,000 to recruit 91 facilitators. This contract is being paid from the Natural Heritage Trust.
- (3) An organisational chart has not yet been created, however facilitators will report to the Department of the Environment and Heritage (DEH) and the Department of Agriculture, Fisheries and Forestry (AFFA) on a regular basis. The 30 fully funded Commonwealth NRM Facilitators will be employed directly by the Commonwealth through DEH and AFFA and will report regularly to the Commonwealth Regional NRM Team (CRNRM) (a unit jointly staffed by DEH and AFFA). Officers in CRNRM will directly supervise facilitators in each State and Territory. Commonwealth NRM Facilitators will be required to sign Performance Agreements and will be required to report to their supervisors on a regular basis. The 13 Indigenous Land Management Facilitators and Regional NRM Facilitators will be managed by their host organisations on a day to day basis, however 12 month work plans will be developed and monitored by Commonwealth, State and regional representatives. The Commonwealth officers developing and monitoring the work plan will be from the CRNRM representing both AFFA and DEH interests.
- (4) Natural Heritage Trust activities occur at four different levels; National, State, regional and local (Envirofund). The majority of State, regional and local level activities are coordinated and administered by the CRNRM, a joint venture that operates with staff from both DEH and AFFA. The CRNRM was established to deliver the National Action Plan for Salinity and Water Quality and the Trust Extension at the regional and local levels. The CRNRM is managed jointly and

cooperatively by Senior Executive Officers from both Departments. The majority of national NHT activities are delivered by various parts of the two portfolio areas. Decisions on priority investments at the national level are determined through a coordinated process between DEH and AFFA and then delegated to the relevant policy or program area for delivery in either Department. Once decisions on priority investments are determined, individual officers consult regularly with their counterparts in DEH and AFFA on delivery of projects.

- (5) In States and Territories where some NRM Facilitators are to be fully state-funded, those facilitators will work closely with the Commonwealth NRM Facilitators. Both Commonwealth and State NRM officials are anticipating that these facilitators will work as a team. In some states they will even be co-located.
- (6) Attached is a discussion paper focusing on the future arrangements for facilitators and coordinators that was prepared by DEH and AFFA and released for public comment in October 2002. The effectiveness of the network of NRM Facilitators will be measured as part of the Natural Heritage Trust and National Action Plan Monitoring and Evaluation framework.

ATTACHMENT A

THE FUTURE OF FACILITATION AND COORDINATION NETWORKS UNDER NATURAL RESOURCE MANAGEMENT PLANNING AND IMPLEMENTATION

A discussion paper prepared by Environment Australia and Agriculture, Fisheries, Forestry – Australia

October 2002

Introduction

This discussion paper seeks community comments on governments' future responsibility for, and role in providing facilitation and coordination support under both the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality.

Background

Since the late 1980s facilitator and coordinator networks have played an important role in supporting community groups to achieve effective on-ground results aimed at sustainable natural resource management.

In March 2002 the Minister for Agriculture, Fisheries and Forestry, Warren Truss, and the Minister for the Environment and Heritage, David Kemp, announced interim arrangements for up to 650 facilitator/coordinator positions during 2002/03 to assist the community in the transition from the first to the second phase of the Natural Heritage Trust.

In making this announcement, the Commonwealth Government undertook to conduct an analysis of the needs and options for, and roles and responsibilities of the facilitator and coordinator networks in the delivery of the extension of the Trust from 2003/04 to 2006/07. This paper seeks your input to that analysis to be undertaken by the Commonwealth [Agriculture, Fisheries, and Forestry – Australia (AFFA) and Environment Australia (EA)] in consultation with the States and Territories.

Timetable And Consultation Processes

This paper addresses a range of issues. We would appreciate your comments, including alternative approaches, and your responses to the questions asked. To facilitate analysis of submissions, please structure your responses in accordance with the Questionnaire at Attachment A.

Submissions on this discussion paper will assist Commonwealth and State/Territory governments to develop an appropriate facilitation and coordination support mechanism for integrated natural resource management planning and implementation from 1 July 2003. Your views will be valuable in informing the decision-making process. Recommendations will be submitted to Ministers Truss and Kemp for their consideration.

Submissions are due on Friday 29 November 2002.**External Review**

The Commonwealth is currently undertaking an evaluation of Trust funded facilitator and coordinator community support networks as part of the evaluation of the first phase of the Natural Heritage Trust. The findings of the evaluation will feed into the development of recommendations.

Previous Reviews

A number of reviews already completed will also feed into the process, in particular, URS and Griffin nrm (2001) An Evaluation of Investment in Landcare Support Projects and Howard Partners (1999) Mid-Term Review of the Natural Heritage Trust: Review of Administration.

If You Have Any Questions ...

Please contact Sally Petherbridge, Environment Australia on 02 6274 1568 or Ron Cullen Agriculture, Fisheries, Forestry - Australia on 02 6272 4622.

Submissions should be emailed to Sally.Petherbridge@ea.gov.au or posted to Sally Petherbridge Environment Australia GPO Box 787 Canberra City ACT 2601 or faxed to Sally Petherbridge 02 6274 2532

Coordination and facilitation under the first phase of the Natural Heritage Trust

Under the first phase of the Natural Heritage Trust, the facilitator and coordinator networks evolved as separate networks to support, in particular, the community programs Landcare, Bushcare, Coastcare and Waterwatch. An outline of the current structures and roles of these networks is at Attachment B.

Facilitators and coordinators have played a key role in communicating government policies and priorities to communities and regional organisations, including catchment management groups and local government.

The Mid-Term Review of the Natural Heritage Trust found that 'Coordinators and facilitators are playing a vital role in the delivery of the Natural Heritage Trust ... They are "first line managers" as well as "system integrators".'

Facilitation And Coordination In The Context Of Regional Investments

Under the extension of the Natural Heritage Trust, investments will be made in natural resource management at the national/state and regional/local levels. Regional investments will be the principal delivery mechanism for natural resource management and will follow, as far as practical, the model developed for the National Action Plan for Salinity and Water Quality. Under this model, investment is made on the basis of an accredited, integrated natural resource management (NRM) plan and investment proposal developed by the region.

The National Natural Resource Management Capacity Building Framework was developed as a guide for capacity building under the National Action Plan for Salinity and Water Quality and the Natural Heritage Trust and supports broader NRM processes. A copy of this document is at Attachment C.

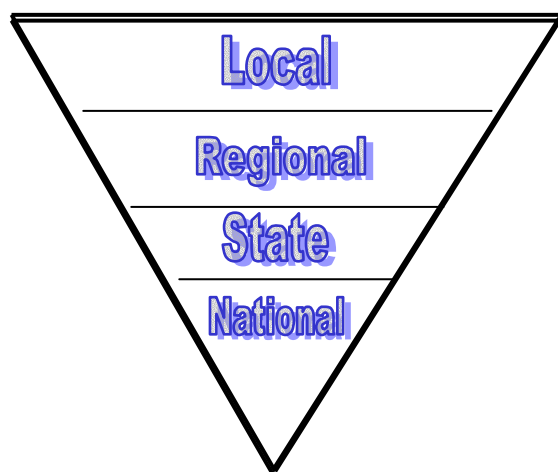
The Framework identifies facilitation and support as one of four areas of potential investment in capacity building, the other three being awareness raising, information and knowledge and skills and training. The Framework states that facilitation and support systems are required to ensure the engagement and motivation of the community, build social capital and enable skilled NRM managers and users to exercise ownership over regional NRM decision-making processes, and effectively implement actions arising from these processes.

Social capital is an important element of capacity in the context of NRM as it facilitates the workings of groups to produce desired outcomes. Moreover, given the primacy of regional and local groups and organisations in contemporary NRM policy, recognising those aspects of social structure that enhance group effectiveness is fundamental.

The Way Forward ...

Changes to the way in which regional natural resource management planning and implementation is to be undertaken in the future have generated questions as to whether there should be a facilitation and coordination network support mechanism under the new arrangements and, if so, the structure and roles of such a mechanism. These issues should be considered against the background that there are many competing priorities within the context of finite Commonwealth and State funding.

The facilitator and coordinator networks under the first phase of the Trust operated at various levels: local, regional, state, and national. A new support mechanism could operate at any or all of these levels. This is illustrated in the following diagram. While positions could be at any level, it is expected that most positions will be identified in regional plans and investment strategies because of the regional focus of the new arrangements.



We would appreciate your responses to the following questions in the format at the Questionnaire at Attachment A.

What are your views on the need for a facilitator and coordinator support mechanism?

In considering whether a facilitator and coordinator support mechanism should be established, it is necessary to identify the national, state, regional and local objectives that such a mechanism should promote.

Some key national objectives are:

- ensuring government NRM policies are communicated and implemented regionally, including providing landholders, community groups and other natural resource managers with understanding and skills to contribute to biodiversity conservation and sustainable NRM and establishing organisational frameworks that promote conservation and ecologically sustainable use and management of natural resources;
- integrating local, regional, State and Commonwealth policies and interests; and
- achieving changed practices at all levels.

You are requested to identify your needs for support in the context of the national goals and outcomes of the Trust and the National Action Plan for Salinity and Water Quality for natural resource management. (A copy is at Attachment D).

What would be the role(s) of positions under the new facilitator and coordinator support mechanism?

A wide range of possible roles for positions in a new facilitator and coordinator support mechanism has been suggested. Some possibilities are to:

- communicate Commonwealth and State policies;
- support regional plan development, implementation and revision;
- involve stakeholders and the community in NRM activities;
- promote communication and coordination across regions;
- provide feedback to the Commonwealth and States;
- provide technical or specialised support in specific aspects of natural resource management, for example, Indigenous issues;
- support capacity building activities eg providing and/or facilitate provisions of information, education and training;
- support the Australian Government Envirofund, the local delivery mechanism of the Trust;
- assist project development and/or implementation;
- support Commonwealth/State education campaigns.

Your comments on the value or otherwise of these roles and suggestions as to alternative or additional roles would be appreciated. In addition, it would be useful to consider how positions would support and complement, rather than duplicate, each other.

What structure could the facilitator and coordinator support mechanism take?

It has been suggested that integrated regional natural resource management planning and implementation requires an integrated facilitator and coordinator support mechanism. This suggests that positions in a new support mechanism would require knowledge of the four programs under the Trust (Landcare, Bushcare, Rivercare and Coastcare) and the National Action Program, and the ability to ensure that the objectives of all these programs are reflected in regional plans. However, this need not necessarily preclude specialised positions. It has also been suggested that the existing networks have well-established, distinct but nevertheless flexible roles and expertise which have evolved to meet specific needs and should therefore be maintained.

You are invited to consider the structure that a new support mechanism could take, including the levels at which positions could operate. You may also wish to comment on how national, state, regional and local natural resource management objectives and interests can be met and balanced in a new facilitator and coordinator support mechanism, as well as how the range of issues involved in biodiversity conservation and the sustainable use and management of natural resources can be adequately addressed.

You may also wish to comment on whether any of the existing facilitator and coordinator networks should be retained and, if so, how they might relate to a possible new mechanism.

A new support mechanism?

Given your answers to the above questions, and in light of the significant change in delivery between the first and second phases of the Trust, we would appreciate your responses to the following questions, which relate to more specific aspects of the funding and administrative arrangements of a new system.

Who should fund the positions? What kinds of management and accountability systems could investors establish to promote their objectives in funding the positions?

Funding may come from one or more sources (Commonwealth, state, regional, local) with the source not necessarily being the employer. Investors are likely to have an interest in management and accountability arrangements to ensure that their investment objectives are met. (The draft Natural Heritage Trust bilateral agreement states 'The Parties agree that where Commonwealth funds are used to employ persons they will have a statement of duty and work plans that include meeting national Trust outcomes and working with Local Government, and have access to training and career development opportunities.')

Who should be the employer of the positions? What levels of salary and employment conditions are required?

The employer (as distinct from the investor) will have the major responsibility for salaries and employment conditions. Investor(s) may wish to play a role (and indeed may insist on such a responsibility) in influencing salary, employment conditions and related issues. Possible employers are State governments, local governments, environment groups and industry groups.

Consideration needs to be given to salaries and conditions which will attract and retain qualified and experienced people, bearing in mind the roles envisaged for the positions. This includes issues such as whether the positions are fulltime or part-time, the length of contracts, employment conditions (including superannuation and long service leave), recruitment and selection processes, the content of duty statements, work plans, performance agreements, supervisory and management structures, the provision of support and administrative staff and in kind support (such as accommodation and vehicles), budgets, and training, development and promotion opportunities.

How many positions should there be and where should they be located?

Issues to be addressed include how many positions may be required, including the balance between fulltime and part-time positions (which will have a bearing on the total number) and how they should be shared between (and possibly across) regions.

Central to this question is the need to ensure that such positions provide support for the delivery of objectives under the Trust and the National Action Plan, and do not simply duplicate/supplement core natural resource management extension services provided by States and Territories.

This is particularly relevant given the competition for scarce funds and the need to ensure the most efficient use of these resources.

What qualifications and experience are required of the positions? Should the positions be program specific or generic or a mixture of both?

Positions in a new facilitator and coordinator support mechanism will require people with appropriate qualifications, including technical qualifications, and experience. Some positions may require program specific knowledge (for example, specialised expertise in land, water, vegetation or Indigenous issues), others may require more generic skills such as policy knowledge, strategic planning skills, networking and negotiation skills; some may require a mixture of all of the above. Comments on the anticipated requirements of your proposed support structure in the light of national, state and regional or local objectives and needs would be useful.

What should the positions be called?

The terms 'facilitators' and 'coordinators' have been used in the past and may be appropriate in the future. However, new terms which reflect the changed nature of the roles of positions in the new NRM arrangements may be desirable. Whatever terms are chosen, consistency in their meaning is desirable to the extent possible.

How can communication be conducted?

Communication is vital to ensure that information is shared and to encourage the development of productive working relationships. Existing communication mechanisms in the current networks might be adapted and/or improved to meet the needs of the new support mechanism. The nature of communication within and between the levels (local, regional, state and national) will be influenced by the roles of the new positions under a new mechanism and the organisations by which they are employed.

Should the positions be badged?

Badging (eg Coastcare, Landcare, Waterwatch) may increase the level of community identification and hence effectiveness of the support mechanism. Badging may more easily identify expertise in a specific issue where this is needed.

ATTACHMENT A QUESTIONNAIRE

1. What are your needs for a facilitator and coordinator support mechanism?
2. What would be the role(s) of positions under a new facilitator and coordinator support mechanism?
3. What structure could the facilitator and coordinator support mechanism take?
4. Who should fund the positions?
5. What kinds of management and accountability systems could investors establish to promote their objectives in funding the positions?
6. Who should be the employer of the positions?
7. What levels of salary and employment conditions are required?
8. How many positions should there be and where should they be located?
9. What qualifications and experience are required of the positions?
10. Should the positions be program specific or generic or a mixture of both?
11. What should the positions be called?
12. How can communication be conducted?
13. Should the positions be badged?
14. Other comments or suggestions

Please ensure you include your:

Name

Position

Employer

Address

Tel no

Email address

Basis of interest in this issue eg current network officer, regional body member, local/State government etc.

ATTACHMENT B**OUTLINE OF THE CURRENT STRUCTURE AND ROLES OF TRUST FUNDED FACILITATION AND COORDINATION NETWORKS****Bushcare**

Bushcare comprises Bushcare Coordinators and Facilitators, Bushcare Support and the National Bush for Wildlife Coordinator.

Bushcare Coordinators act as a conduit between program policy development and implementation. Bushcare Support is a national network of regionally based staff.

The primary role of coordinators is to provide broad direction at a State/Territory level to Bushcare Support and assist in institutional reforms. This includes the facilitation of program information between Commonwealth, State/Territory governments and regional administrations and facilitators, toward Bushcare objectives being adopted nationally, as well as at other levels of government.

The primary purpose of Bushcare Support is to:

- provide the community with practical and technical assistance in implementing Bushcare projects including planning, on-ground activity and on going evaluation;
- facilitate the use of native seed in vegetation management;
- work with the Bushcare Network to undertake Bushcare project evaluations, and provide follow-up support; and
- provide community awareness, education and training.

The role of the Bush for Wildlife National Coordinator is to support and encourage the conservation of wildlife habitats on private and public land, particularly in rural areas. The Coordinator is also the national facilitator for Land for Wildlife, a voluntary conservation scheme which operates in several states.

Coastcare Coordinators and Facilitators

Coastcare State Coordinators are employed and funded by the State agencies with responsibility for managing Coastcare grants, as agreed under the Coasts and Clean Seas Memoranda of Understanding. They manage the state team of Coastcare facilitators, coordinate the Coastcare State Assessment Panel and approvals of grants by state Ministers, administer grant contracts, and manage education and training activities.

Coastcare regional facilitators are primarily funded by the Commonwealth and hosted and supported by a number of organisations.

The role of the Coastcare regional facilitators is to:

- assist in raising the awareness of Coastcare and the Natural Heritage Trust;
- advise on and coordinate activities funded under Coastcare within their region;
- assist with the implementation of Coasts and Clean Seas initiatives and contribute to integrated approaches to coastal management;
- work closely with and encourage community participation in coastal zone management and associated activities within their region;
- provide advice to community groups and others on best practice coastal management;
- facilitate communication and cooperation within and between community interest groups, industries, local government and government agencies;
- assist in the promotion of indigenous interests in coastal management;
- assist community groups and others to prepare applications for Coastcare funding; and
- obtain from project groups receiving Coastcare funds, project documentation including project reports, budget acquittals, development applications and relevant licences and permits.

Coasts and Clean Seas Officers

The role of Coasts and Clean Seas Officers is to facilitate the delivery and implementation of the Coasts and Clean Seas Programs.

Their role is to

- assist proponents to develop applications
- undertake an administrative assessment of applications as received
- organise technical assessment and State assessment panels
- prepare a recommendations brief to the State Minister
- following project approval, prepare contracts
- manage contracts, and
- liaise with the Commonwealth.

Marine and Coastal Community Network

The Network's primary objective is to assist community involvement in caring for oceans and coasts.

The Network's aim is to bring organisations, government agencies and industry together to develop a more cooperative and coordinated approach to marine resources management. The Network provides an accessible link between the community and Commonwealth and other government programs delivering marine and coastal conservation and management initiatives.

Key projects involving the Network include:

- facilitating community input to the development and implementation of the Commonwealth Government's Oceans Policy and Regional Marine Plans and implementation of the marine protected areas program;
- contributing to the production of community radio programs on marine and coastal themes;
- publication of the national newsletter, Waves, and regional inserts, Regional Ripples, and maintenance of a Web page;
- development and distribution of coastal contact directories;
- facilitation of various marine monitoring projects including Dragon Search and Reefwatch and preparation of The Australian Marine Project Guide;
- coordination of workshops on Oceans Policy, seagrasses, oil spill response plans, marine protected areas and aquaculture and fisheries; and,
- preparation of materials relating to temperate and tropical marine habitats and species, fringing reefs and marine protected areas.

Farm Forestry network

The Farm Forestry Program's industry development support network, comprising the Regional Plantation Committees, National Farm Forestry Coordinator, and the Greening Australia Farm Forestry Support program, was developed to promote the objectives of the NHT's Farm Forestry Program in regional Australia.

Regional Plantation Committees (RPCs) were funded under the Commonwealth component of the NHT Farm Forestry Program, with matching cash and in kind funding provided by State Governments. RPCs were developed in the main plantation regions of Australia to promote and work actively with local and regional stakeholders, industry and all tiers of government to promote the development of a farm forestry industry. Eighteen RPCs are currently operating within five States. A National Farm Forestry Coordinator has been appointed until the end of 2003 to help represent the sector's stakeholders at the national level.

Greening Australia has been contracted to deliver the Farm Forestry Support program (FFS). The FFS provides a non-government farm forestry advisory and information service, tailored to the needs of local landholders and community groups. There are seven full-time equivalent regionally based FFS coordinators.

Fisheries Action coordinators

Although the Fisheries Action Program will not be continued in the second phase of the NHT there remains a need to effectively engage fishing communities. The Commonwealth will therefore extend funding for the small network of fisheries co-ordinators to 30 June 2003. The fisheries coordinators will play an important role in ensuring community access to the Envirofund; help ensure fisheries issues are integrated into Natural Heritage Trust regional plans; and help develop State proposals for funding under the Trust's national component. The coordinators are hosted by state fisheries agencies and based in the capital cities.

Indigenous Land Management Facilitators

A national network of 13 Indigenous Land Management Facilitators was established to help Indigenous Australians to manage and protect Australia's natural and cultural resources, contribute to national objectives and gain access to Natural Heritage Trust funding

Their role is to:

- act as a link between Indigenous land managers and other individuals and organisations involved in promoting sustainable land management and biodiversity conservation;
- ensure that Indigenous communities within a region are aware of the land management issues and initiatives in their region;
- provide information about the Natural Heritage Trust and other programs;
- provide feedback to Commonwealth Government policy makers on land management issues of concern to Indigenous communities; and
- raise awareness in Government agencies and non-Indigenous communities of Indigenous values, aspirations and capacities in land management.

Landcare network

Between 1996 and 2002, AFFA's NHT and related programs (usually the National Landcare Program) funded on average each year about 1,900 full-time equivalent (fte) community support positions. Over 400 of these are community facilitator and coordinator full-time equivalents (estimated to be about 500 people). The remaining 1500 fte are mostly technical specialists and project managers.

The landcare facilitators and coordinators operate through the landcare movement to engage private landholders in national initiatives aimed at sustainable natural resource management. There are over 4000 community landcare groups across Australia. Most of these groups are located in regional or rural Australia and involve farmers.

Over 400 fte landcare facilitators and coordinators are funded under "matching" arrangements through the Natural Heritage Trust "One Stop Shop". Each landcare facilitator and coordinator position is therefore a project proposed as a high priority by the community. The community ownership that obtains from this arrangement is valuable in terms of helping AFFA engage effectively with natural resource managers. Because of its "bottom-up" demand driven nature, there is substantial variability in organisation between regions and between states. Generally, one finds a regional landcare facilitator helping landholders to effectively engage in regional or catchment scale planning processes. The regional facilitator will be assisted by several coordinators, each working closely with a smaller network of community groups helping them with their meetings and projects. The State Landcare Facilitators coordinate activities across regions. The National Landcare Facilitator provides leadership and assists communication at a federal level.

Threatened Species Network

The Threatened Species Network undertakes several roles for the Endangered Species Program. These include public education and awareness raising, capacity building for community groups and regions, involvement on a number of threatened species recovery teams and NHT assessment panels.

The Network produces a wide range of information products that relate to the recovery of nationally listed threatened species; this includes EPBC Act information sheets, newsletters, website and responding to many public enquiries and culminates in the program's major media event, National Threatened Species Day.

The Network also manages a devolved community grants program. This devolved program sponsors some 40-50 community projects each year across Australia and is principally focused on increasing community group involvement in threatened species recovery activities.

Waterwatch

The Waterwatch Network consists of a nationally based team in Environment Australia, a facilitator in every State and Territory and 130 coordinators based regionally.

The role of state/territory facilitators is to:

- facilitate and coordinate the Waterwatch program in their State/Territory;
- liaise with regional host organizations to ensure the effective management of the state team of Waterwatch Coordinators;
- provide regular training and development opportunities for regional coordinators;
- provide effective communication systems for the network of coordinators and volunteers;
- coordinate the State Steering Committee and Statewide Strategic Plan;
- promote Waterwatch;
- produce and distribute education and training resources to support the network.

The role of the regional coordinators is to:

- implement awareness raising and educational activities to promote better understanding of water and catchment issues amongst the community;
- provide a focal point for community liaison with regional stakeholders;
- provide training to the community in water monitoring techniques and catchment management processes;
- coordinate water monitoring programs and the collection of data;
- assist the community to interpret and use their data to undertake action to address environmental degradation issues;
- assist the community in gaining sponsorship to support their activities;
- develop and maintain partnerships with stakeholders and other networks; and
- assist the community in the development of Natural Heritage Trust projects.

Table 1: Employment of community support networks under NHT1 (approx.)

(These figures are averages over the last six years because of year by year fluctuations).

NETWORK	Local or regional level (FTE)	State or Territory level (FTE)	National level (FTE)	TOTAL (FTE)
Bushcare	131	14	1	146
Coastcare	30	6	0	36
Coasts and Clean Seas	0	7	0	7
Marine and Coastal Community Network	7	0	2	9
Farm Forestry	25	0	1	26
Fisheries Action coordinators	0	8	0	8
Indigenous Land Management Facilitators	13	0	0	13
Landcare facilitators and coordinators	391	8	1	400
Landcare technical specialists & project managers	†	†	0	1500
Waterwatch	130	8	0	138
TOTAL	†	†	5	2283

NOTES

FTE THE NUMBER OF POSITIONS EXPRESSED AS FULL-TIME EQUIVALENTS. OFFICERS OF THE COMMONWEALTH PUBLIC SERVICE ARE NOT INCLUDED. THERE IS A SIGNIFICANTLY LARGER NUMBER OF PEOPLE THAN FTE POSITIONS BECAUSE MANY OF THE JOBS ARE PART-TIME.

† THE DATA IS UNAVAILABLE.

ATTACHMENT C**NATIONAL NATURAL RESOURCE MANAGEMENT CAPACITY BUILDING FRAMEWORK****INTRODUCTION**

The Natural Resource Management Capacity Building Framework provides a common, consistent and complementary approach to capacity building as a guide to all jurisdictions in planning and implementing capacity building investments. While it is initially focused on supporting the NAP and NHT processes, it also provides a potential framework for other programs with natural resource management (NRM) capacity building components. Rather than stand in isolation of similar initiatives within other sectors, it is recognised that it is important to be cognisant of, learn from and draw upon the wide range of capacity building frameworks and strategies already in existence and become an integral component of existing policies and programs for natural resource management.

This framework is a resource tool for a wide range of stakeholders in natural resource management including:

- The Natural Resource Management Ministerial Council and its committees and working groups;
- Commonwealth and State/Territory program Steering Committee members;
- Capacity Building technical officers at all levels of government;
- Planners at all levels of government; and
- Regional NRM bodies.

WHAT IS MEANT BY CAPACITY BUILDING

Capacity building relates to a range of activities by which individuals, groups and organisations improve their capacity to achieve sustainable natural resource management. Capacity in this context includes awareness, skills, knowledge, motivation, commitment and confidence. While regional bodies are a key target audience for capacity building, it is equally an issue for diverse players such as landcare groups, indigenous communities, industry sectors, local government and State/Territory and Commonwealth Government agencies.

Capacity building for natural resource management goes beyond the traditional, top-down approach of enhancing skills and knowledge through training and provision of technical advice. It focuses on enhancing genuine community engagement in all aspects of NRM, from planning to on-ground actions. Therefore, in addition to the transfer of technology and technical capability, capacity building should foster social cohesion within communities, and build both human and social capital. For the purposes of this framework, human capital refers to the capability of individuals, and social capital refers to the level to which social networks, relationships and processes within a community support individuals to exercise their capabilities.

RATIONALE FOR CAPACITY BUILDING

To obtain on-ground improvement in our environment, those who live and work directly with it have a major role to play along with government and industry. It is well recognised that in order to achieve long-term environmental outcomes, investments in people are as critical as investments in on-ground works. The long-term success of NRM programs depends on the degree to which the people owning, living with and dependant on our natural resources are able to make informed decisions that result in sustainable NRM and ongoing economic viability. Without this investment in people at all levels, including Government, there will be little chance of securing positive and long-lasting natural resource outcomes. In essence, long-term sustainable NRM depends largely on building human and social capital.

It is understood that significant, positive environmental change will only be evident in the longer term. Therefore, it is important to identify intermediate outcomes such as increased awareness of NRM issues and on-ground actions that contribute directly to the longer-term bio-physical goals. Although they are the means to an end, rather than an end in themselves, these intermediate outcomes form the foundation upon which sustainable NRM will be built over time. Important intermediate outcomes of capacity building relate to attitude behaviour and practice change, and the development of the necessary skills and knowledge that will enable key stakeholders to be pro-active about change, and direct it rather than being overtaken by it.

CAPACITY BUILDING AS A KEY INVESTMENT UNDER THE NAP AND TRUST EXTENSION

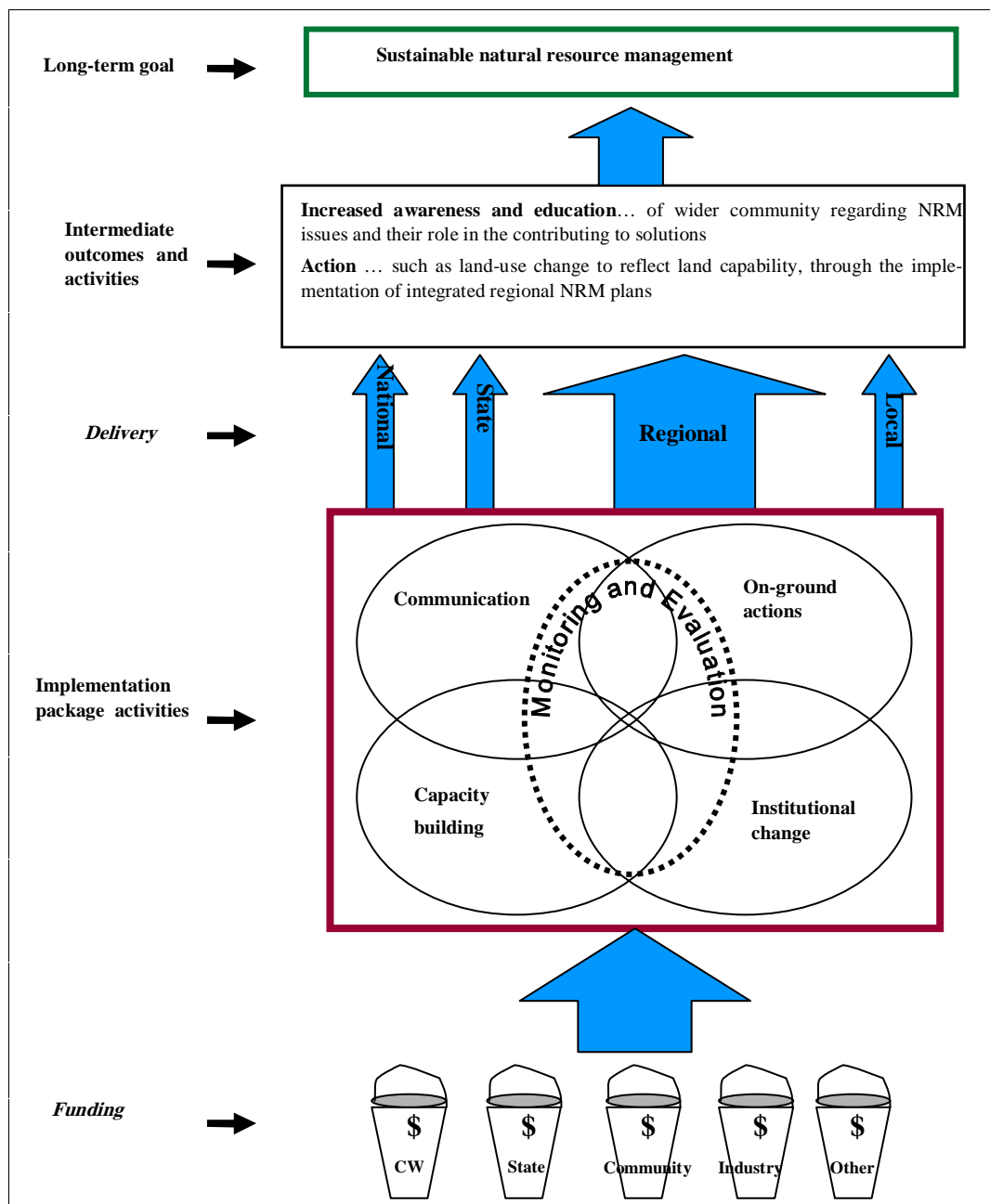
Natural resource management problems are extremely complex and occur on a broad spatial and temporal scale. Furthermore, they are likely to involve difficult trade-offs between alternative land uses – and users – at local, regional and national level. Individuals within communities and within Government require the skills, knowledge and will to respond effectively to new NRM challenges, and adopt an integrated approach in their quest for long-term solutions.

To assist natural resource managers and users within communities to deal with these complex NRM issues, the Commonwealth, State and Territory Governments, in partnership with communities, will build on previous initiatives by making further investments through long-term, strategic programs. Through the NAP and the Trust extension, governments will invest in activities and projects over the next 5-7 years, with a focus on addressing issues of salinity, water quality, biodiversity and sustainable natural resource use in general. Emphasis will be placed on strengthening planning for and delivering investments at the regional level.

Governments will endeavour to maximise the effectiveness of the investments they make in NRM. Enhancing the capability of stakeholders to be actively involved at all stages of NRM planning and implementation will be a critical component of this investment, as it will promote local ownership and increase the uptake of existing and newly developed sustainable NRM practices and processes. Governments must also review and change their own processes to work more effectively with the community.

CAPACITY BUILDING WITHIN THE BROADER NATIONAL SUSTAINABLE NRM FRAMEWORK

While the tendency within NRM program development is to compartmentalise elements, capacity building cannot be viewed in isolation. Other elements are equally important in bringing about change. Elements such as institutional change and communication which are currently being pursued in parallel through the NAP and NHT, are linked with – and in some cases actually overlap with – the activities identified in the capacity building framework. Therefore, rather than being viewed as discrete, the various components of support for sustainable NRM should be seen as interdependent components of a holistic implementation package. This is illustrated in Figure 1.

Figure 1: Conceptual model of integrated Government support to sustainable NRM

THE GUIDING PRINCIPLES OF CAPACITY BUILDING

Implementation of the specific activities of the framework will be guided by a series of principles. The principles for capacity building (as specified below) should be reflected in the development of capacity building components of the regional NRM plans.

Capacity building:

- should ensure that the key stakeholders and priority issues are targeted to meet the priority NRM outcomes of the region;
- should encourage partnerships between stakeholders;
- should value and build on existing capacity local expertise and knowledge;
- should be based on learning from each other through sharing resources, experience and expertise;
- should be based on principles of trust, mutual reciprocity and norms of action;
- should encompass 'learning by doing' and other appropriate learning styles;
- should value and utilise indigenous expertise and knowledge;
- should be accessible to the entire community, including people of non-English speaking backgrounds;
- should be based on access to accurate, scientific and technical information; and
- should contribute to building human and social capital.

The Goal and Expected Strategic Activity Areas of the Capacity Building Framework

This Framework is one of the mechanisms through which the broader NAP and NHT2 goals can be achieved. In particular, the specific goal of the Capacity Building component of these programs is:

Informed and improved decision-making, and the implementation of these decisions resulting in the sustainable management of natural resources.

Community engagement in NRM decision making and implementation is a critical outcome of capacity building investments. Four broad activity areas have been identified as the vital pillars for achieving community engagement, and they should not be pursued in isolation of one another. It is the combination of enhancing the ability to act through provision of knowledge and skills, and fostering motivation to act through awareness raising and the provision of facilitation and support that should lead to effective community engagement in sustainable NRM.

The four key areas are specified below, with details of potential activities under each of these outcomes specified in Appendix 1. Bilateral agreements between the Commonwealth and States/Territories will provide further detail on the activities within each jurisdiction. Regional NRM plans will specify the activities within these conceptual areas to be invested in, and the resource management targets being sought by these investments.

- 1) **Awareness:** Individuals within the community being aware of regional NRM issues, and understanding the link between these issues and the long-term viability of the community.

The development of a sound understanding of NRM issues and how they may affect the community, both now and into the future requires an increase in an individual's awareness. When the level of awareness of NRM issues is raised, it is hoped that individuals will seek to understand more, and be motivated to support and participate in the assessment, planning, implementation and evaluation of solutions.

Potential areas of activity include:

- Awareness raising activities through community based organisations and local events;

QUESTIONS ON NOTICE

- Formal advertising and marketing activities in regions; and
 - Engagement of primary and secondary educational institutions in increasing awareness of future land managers with regard to NRM issues.
- 2) **Information and knowledge:** Natural resource managers and users able and willing to access the necessary information, data and science – biophysical, social and economic – to make sound NRM decisions.

Effective sustainable NRM at the farm, catchment and regional level requires sound and relevant bio-physical, social and economic data and information. This information can be used to build knowledge of environmental systems, facilitate the development of long-term practical models, undertake social impact assessments, evaluate alternative options and contribute to day-to-day management decisions. The provision of practical models and tools can also assist the regional planning process. All the required information for making sustainable NRM decisions may not be available, and this should be the focus of research and development (R&D) investments. It is important to ensure that this information is packaged in a way that meets the needs of land managers seeking to implement sustainable NRM, thereby turning information into knowledge.

Potential areas of activity include:

- Research into the impediments of change to more sustainable NRM practices;
 - Identification of bio-physical, social and economic data and research gaps;
 - Collection of information and undertaking research to fill those gaps;
 - The development of decision support and negotiation tools for complex decision making;
 - Improving community and Government awareness of the availability of existing information and data resources;
 - Facilitating involvement of community, government agencies, universities and others in data collection and research;
 - Development of mechanisms for identifying, valuing and making use of local knowledge;
 - Supporting the development of consistent and reliable frameworks for natural resource monitoring and reporting in regions;
 - Developing new approaches to extension and adoption;
 - Packaging information so it is accessible to users; and
 - Collection of baseline data for target setting and monitoring and evaluation.
- 3) **Skills and training:** Natural resource managers and users equipped with, or having access to, the necessary technical, people management, project management and planning skills to participate in the development and implementation of sustainable NRM at the property, local and regional scales.

Sustainable NRM requires the available knowledge to be implemented as on-ground activities. In addition to knowledge, natural resource managers and users require skills to undertake the implementation of these activities. A considerable level of skills already exists within communities. However, a broader range of skills are required for the community to fully engage in NRM programs, in particular those with a regional focus.

Potential areas of activity include:

- Development of tools for the identification of skills and knowledge gaps;
- Development of new, and modification of existing training materials; and
- Strategic delivery of training based on identified skills and knowledge gaps and strategic partnerships with training institutions, industry etc.

- 4) **Facilitation and support:** Support systems in place to ensure the engagement and motivation of the community, build social capital and enable skilled NRM managers and users to exercise ownership over regional NRM decision-making processes, and effectively implement actions arising from these processes.

Natural resources managers and users must be genuinely engaged in NRM planning and decision-making processes in order to develop real commitment to take action. A strong feeling of ownership over the NRM planning process will increase motivation and the likelihood that the outcomes identified in the regional integrated NRM plans are achieved. The provision of skills and knowledge alone may not be sufficient to initiate, plan and manage change. It is critical to provide an environment for community engagement to take place, which supports, promotes and encourages innovation, commitment and action.

Potential areas of strategic activity include:

- The provision of community support networks;
- Provision of technical support for regional bodies in developing integrated regional natural resource management plans;
- Leadership development programmes within the community regarding NRM;
- Community motivation initiatives such as recognition of accomplishments and information sharing fora;
- Mechanisms for engaging and supporting indigenous and non-English speaking communities in sustainable NRM; and
- Mechanisms for engaging land managers and other NRM stakeholders such as local governments and agriculture industry bodies.

Participants in Capacity Building

The participants in capacity building are those involved with natural resource management and planning, including:

- Regional integrated NRM groups and key stakeholder groups;
- Landholders, their representatives and other resource users;
- Indigenous communities;
- Regional and local community-based groups and organisations;
- Scientific and research organisations;
- Local government, State and Commonwealth agencies and elected representatives;
- NRM service providers and managers, including facilitators and coordinators; and
- Technical and financial advisers and consultants.

MONITORING AND EVALUATION

Given that NRM outcomes are only achievable over the long term, monitoring the achievement of intermediate outcomes, such as attitude, practice and behaviour change, is critical in assessing the impact of short-term investments of NRM programs such as the NAP and NHT. Capacity building activities are key mechanisms through which these intermediate outcomes can be realised. Monitoring and evaluation of the effectiveness of these activities in bringing about the desired change should be an integral component of developing and implementing a capacity building plan. Monitoring and evaluation is the key mechanisms for:

- reporting activities against expenditure;

- assessing the success of various capacity building initiatives and revising the approach towards capacity building accordingly; and
- revising progress towards your targets and based on this information, reviewing the level to which your targets are realistic and achievable in the given time-frame.

ATTACHMENT D**COMMONWEALTH PROGRAMS NATIONAL GOALS AND OUTCOMES****RIVERCARE****National Goal**

To improve water quality and environmental condition in our river systems and wetlands.

National Outcomes

The principal outcomes sought by Rivercare are: improved water quality and reliable allocations for human uses, industry and the environment; and effective management and sustainable use of rivers, streams, wetlands and groundwater, and their associated biodiversity. Specific outcomes will be pursued in the following areas:

- improved water quality in rivers and streams, and in coastal and estuarine environments affected by river systems;
- improved resource security and sharing arrangements between the environment, human uses and industries;
- sustainable and productive land and water management systems, including
 - caps on the extractive use of water from all surface and groundwater systems that are over-allocated or approaching full allocation, and a strategy and timetable for meeting the caps; and;
 - removal of impediments to the effective operation of trading markets in, and integrated management of, both surface and groundwater systems;
- improved water use efficiency and re-use;
- improved adoption of clean wastewater and stormwater systems;
- protection, conservation and restoration of wetland systems;
- conservation of the biodiversity of aquatic and riparian systems;
- restoration of important fish migration routes through such activities removal of barriers and the construction of fish passage devices;
- protection of priority instream, riparian and floodplain habitats, including Ramsar sites, nationally significant wetlands and migratory water bird habitat;
- reduction in inputs of nutrients, sediments and other pollutants into waterways and groundwater;
- reduced impact on water quality and biodiversity from feral animals and weeds;
- prevention or control of the introduction of aquatic pests and weeds and reduction of their ecological and economic impact;
- engagement of the community in monitoring and protecting Australia's waterways, wetlands and groundwater;
- improved awareness, understanding and support among the wider community of the need for sustainable water management and aquatic biodiversity conservation;

- development of data collection, information, research and skills to support decision making; and
- improved and integrated management of aquatic systems, rivers, streams, wetlands and groundwater and their associated environments as a single integrated resource, while not discounting the special requirements of any aspect of that resource.

COASTCARE**National Goal**

To protect our coastal catchments, ecosystems and the marine environment.

National Outcomes

The principal outcomes sought by Coastcare are protection of the environmental values of our coasts, estuaries and marine environment, sustainable development of their resources and enhanced amenity of coastal areas. Specific outcomes will be pursued in the following areas:

- an improved national framework for integrated coastal zone management;
- implementation of more coordinated and effective planning regimes for coastal, marine and estuarine areas, including addressing ribbon development in the coastal fringe;
- development and implementation of recovery plans and threat abatement plans for nationally listed coastal, marine and estuarine species and ecological communities;
- identification and conservation of estuarine, coastal and marine biodiversity hotspots;
- development of a national framework to reduce the threats to coastal and marine species;
- inclusion of under represented marine regions in the national representative system of marine protected areas;
- achievement of target reductions in marine, coastal and estuarine pollution from source, particularly in coastal and urban water quality hot spots, including the Great Barrier Reef lagoon;
- development and application of appropriate economic and market-based measures to support the conservation of coastal and marine native biodiversity;
- integration of coastal water quality protection and biodiversity conservation into the core business of regional/catchment organisations;
- improved management of important migratory shorebird sites, including enhanced conservation of habitat for nationally and internationally significant shorebirds;
- prevention or control of the introduction of coastal weeds and introduced marine pests, and reduction of their ecological and economic impact;
- effective control of the loss of native coastal and marine vegetation;
- minimising the impact of land-based sources of pollution and nutrients on coastal, estuarine and marine habitats;
- improved ecologically sustainable use of fisheries resources in estuarine and marine environments;
- effective control of the loss of critical coastal, estuarine and marine fish nursery areas through measures to ensure biodiversity conservation and the productivity of fisheries;
- the commitment, skill and knowledge of coastal and marine managers to manage coastal and marine environments sustainably and make well-informed decisions; and

- understanding and appreciation by coastal communities, including indigenous communities, of the role of coastal and marine native biodiversity in Australia's rural and urban landscapes and an enhanced involvement in coastal and marine management activities;

Coastcare will work with the other Trust programs to achieve improved marine, coastal and estuarine water quality, habitat protection and biodiversity conservation outcomes, and promote the ecologically sustainable use of marine and coastal natural resources.

LANDCARE

National Goal

To reverse land degradation and promote sustainable agriculture.

National Outcomes

The principal outcome sought by Landcare is increased profitability, competitiveness and sustainability of Australian agricultural industries, enhancement and protection of the natural resource base, and improved land use leading to better soil health, water quality and vegetation condition. Specific outcomes will be pursued in the following areas:

- measures to reduce land degradation, including its impact on water quality;
- improvement in clarity and certainty of property rights to underpin sound management practices;
- the use of land resources within their capabilities;
- development and implementation of best practice systems, including codes of practices and environmental management systems;
- maintenance and improvement of the productivity and efficiency of land resource use;
- equipping individual farmers and communities with the understanding, skills, self-reliance and commitment necessary to maintain economic viability and sustainably manage natural resources;
- increased capacity of natural resource managers to make well informed decisions; and
- support for institutional arrangements for regional delivery.

BUSHCARE

National Goal

To conserve and restore habitat for Australia's unique native flora and fauna that underpin the health of our landscapes.

National Outcomes

The principal outcome sought by Bushcare is a reversal of the trend of depletion of the nation's key terrestrial biodiversity assets. The following specific outcomes will be pursued:

- development and implementation of recovery plans and threat abatement plans for nationally listed terrestrial threatened species and ecological communities;
- identification and conservation of terrestrial biodiversity hotspots;
- implementation of effective measures to control the clearing of native vegetation, specifically including:
 - prevention of clearing of endangered and vulnerable vegetation communities and critical habitat for threatened species;
 - limitation of broadscale clearing to those instances where regional biodiversity objectives are not compromised;

- a substantial increase in the area and quality of the national reserve system;
- enhanced engagement with indigenous communities, leading to an expansion of the Indigenous Protected Area network;
- integration of biodiversity conservation as part of the core business of regional/catchment organisations;
- development and application of appropriate economic and market-based measures to support the conservation of terrestrial native biodiversity;
- improved protection and management of World Heritage properties;
- conservation and enhancement of remnant native vegetation;
- more sustainable management of rangeland ecosystems through measures including identification and protection of areas of high conservation significance, improved fire management and implementation of total grazing management practices to conserve biodiversity;
- increased revegetation, integrating multiple objectives including biodiversity conservation, salinity mitigation, greenhouse gas abatement, improved land stability and enhanced water quality;
- reduction in the impact on terrestrial biodiversity of feral animals and weeds, focussing on weeds of national significance and “sleeper” weeds;
- improved quarantine controls and enhanced risk assessment procedures to eliminate the introduction of new live organisms harmful to native biodiversity;
- the commitment, skill and knowledge of land managers to manage terrestrial native biodiversity sustainably; and
- understanding and appreciation by communities of the role of terrestrial native biodiversity in Australia’s rural and urban landscapes.

INTERGOVERNMENTAL AGREEMENT ON A NATIONAL ACTION PLAN FOR SALINITY AND WATER QUALITY

PURPOSE

- 5) The purpose of this Agreement is to establish the arrangements between governments, in accordance with the National Action Plan on Salinity and Water Quality, that are necessary to motivate and enable regional communities to use coordinated and targeted action to:
- i) prevent, stabilise, and reverse trends in salinity, particularly dryland salinity, affecting the sustainability of production, conservation of biological diversity and the viability of infrastructure; and
 - ii) improve water quality and secure reliable allocations for human uses, industry and the environment.

Immigration: SIEVX

(Question No. 1638)

Senator Jacinta Collins asked the Minister for Defence, upon notice, on 17 July 2003:

With reference to the Australian Federal Police (AFP) response to Senator Collins’ question on notice 58, from the additional estimates hearings of the Legal and Constitutional Legislation Committee in November 2002, in which it was indicated by the AFP that assistance was sought of the Royal Australian Navy (RAN) personnel at Post to calculate where the vessel (SIEV X) may have foundered:

- (1) What was the outcome of the RAN's investigation into calculating where the SIEV X sank.
- (2) (a) What was the information that the RAN obtained about the company believed to have owned SIEV X; and (b) can the RAN name that company.
- (3) Did the RAN, when attempting to calculate where the SIEV X foundered, also take into account the North Jakarta Harbourmaster's report of the SIEV X survivor rescue coordinates dated 24 October 2001 (10241530 G); if not, why not.
- (4) Did the RAN or any other Australian agency, whilst investigating where the SIEV X had foundered, ever interview the Harbourmaster at the Sunda Kelapa Port, North Jakarta; if so what was the outcome of this interview; if not, why not.
- (5) If the Harbourmaster's coordinates have not been fully investigated by the AFP, how then can the AFP claim 'all avenues of enquiry have been exhausted' with regard to calculating where 'SIEV foundered.

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

- (1) There has been no Royal Australian Navy (RAN) investigation into calculating where SIEV X sank. RAN personnel in Jakarta at the time provided input to the Australian Federal Police (AFP) on where it was thought SIEV X might have gone down, based on timings given by the AFP of the most likely time and place of departure. No precise position was given because of the many variables involved, which include time spent offloading passengers, tidal stream, wind, the vessels speed and sea state.
- (2) There were no RAN investigations into the owner of SIEV X.
- (3) No. The Harbourmaster's report of 24 October 2001 did not exist on 22 October 2001.
- (4) No. It was an Indonesian National Police matter. Defence does not know if other Australian agencies interviewed the Harbourmaster.
- (5) This is a question for the AFP, not Defence.

Defence: Reform Program Internal Review

(Question No. 1647)

Senator Chris Evans asked the Minister for Defence, upon notice, on 23 July 2003:

Can a copy be provided of the department's Organisational Effectiveness Branch report, The Defence Reform Program Internal Review and Lessons Learned – March 2001, which is quoted extensively by the Australian National Audit Office in its audit report, Defence Reform Program management and outcomes (No.16 of 2001-02).

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

Yes. A copy of The Defence Reform Program Internal Review and Lessons Learned which was finalised in May 2001, has been forwarded separately to your office.

Employment and Workplace Relations: Job Vacancy Checks

(Question No. 1678)

Senator Jacinta Collins asked the Minister representing the Minister for Employment Services, upon notice, on 29 July 2003:

With reference to checks etc made by the department on vacancies listed on the Australian JobSearch website (and the media release of the Minister for Employment Services, dated 15 July 2003), and more generally, on the activities of employment agencies and employers offering employment:

- (1) How many random checks has the department made on positions listed on the Australian JobSearch website in each of the following financial years: (a) 2000-01; (b) 2001-02; and (c) 2002-03.
- (2) How many complaints has the department received about positions listed on the website in each of the following financial years: (a) 2000-01; (b) 2001-02; and (c) 2002-03.
- (3) How many complaints has the department investigated about positions listed on the website in each of the following financial years: (a) 2000-01; (b) 2001-02; and (c) 2002-03.
- (4) Can details be provided of the nature of the complaints; for example, the employer failing to confer lawful conditions, agencies exaggerating emoluments, requirements to pay for training before employment can commence, job offers as prostitutes etc.
- (5) Can details be provided of the nature of the inappropriate practices uncovered by random checks; for example, the employer failing to confer lawful conditions, agencies exaggerating emoluments, requirements to pay for training before employment can commence, job offers as prostitutes etc.
- (6) In relation to the matters referred to in (1) to (5) above, has the department come across any activity that may constitute a breach of section 338 of the Workplace Relations Act 1996; if so: (a) can details of the breaches be provided; and (b) did the department inform the relevant prosecutorial authority or authorities of the breaches and if not, why not.
- (7) In relation to the matters referred to in (1) to (5) above, has the department come across any activity that may constitute a breach of section 75AZE of the Trade Practices Act 1974; if so: (a) can details of the breaches be provided; and (b) did the department inform the relevant investigative and/or prosecutorial authority or authorities of the breaches and if not, why not.
- (8) How many complaints has the department received in respect of employment agencies and employers offering employment about alleged unlawful or inappropriate activities in each of the following financial years: (a) 2000-01; (b) 2001-02; and (c) 2002-03.
- (9) How many investigations into alleged unlawful or inappropriate activities has the department carried out in respect of employment agencies and employers offering employment in each of the following financial years: (a) 2000-01; (b) 2001-02; and (c) 2002-03.
- (10) Can details be provided of the nature of the complaints and investigations; for example, the employer failing to confer lawful conditions, agencies exaggerating emoluments, requirements to pay for training before employment can commence, job offers as prostitutes etc.
- (12) In relation to the matters referred to in (8) to (10) above: (a) has the department come across any activity that may constitute a breach of section 338 of the Workplace Relations Act 1996; if so: (i) can details of the breaches be provided, and (ii) did the department inform the relevant prosecutorial authority or authorities of the breaches and if not, why not; and (b) does the department actively police breaches of section 338 of the Workplace Relations Act 1996.
- (13) In relation to the matters referred to in (8) to (10) above: (a) has the department come across any activity that may constitute a breach of section 75AZE of the Trade Practices Act 1974; if so: (a) can details of the breaches be provided; and (b) did the department inform the relevant investigative and/or prosecutorial authority or authorities of the breaches and if not, why not; and (b) does the department actively police breaches of section 75AZE of the Trade Practices Act 1974.

Senator Alston—The Minister for Employment Services has provided the following answer to the honourable senator's question:

- (1) In the years in question:
 - (a) All positions lodged directly by employers were reviewed prior to display;
 - (b) All positions were electronically filtered for unacceptable language prior to display;

-
- (c) All positions were subject to risk based and random monitoring by DEWR officers for compliance with the JobSearch Conditions of Use and, where applicable, Job Network contractual arrangements. The numbers of positions subjected to monitoring is not available.
- (d) An additional process of random vacancy sampling commenced on 24 February 2003 in preparation for the introduction of the Action Participation Model. From 24 February to 18 July 2003, 7125 positions were checked under the random vacancy sampling process.
- (2) The DEWR Customer Service Line and JobSearch on-line feedback received the following number of vacancy related complaints:-
- (a) In financial year 2000-01 1612
 - (b) In financial year 2001-02 1018
 - (c) In financial year 2002-03 1129
- (3) All complaints recorded at (2) were followed up by DEWR officers, with the exception of 277 cases where the complainant requested no action.
- (4) Vacancy complaints can be categorised into five (5) chief areas – advertisement details different to actual duties, potential discrimination (for example, age), potentially unlawful or misleading vacancies, incorrect vacancy details (for example contact details were incorrect or the vacancy had closed) and vacancy referral issues (for example job seekers unhappy that they have not been referred to a particular vacancy).
- (5) For vacancies subjected to random checks, the main causes of vacancy removal or modification were insufficient or inaccurate pay information, insufficient vacancy details, closed jobs, jobs that potentially discriminate (eg age), formatting of vacancies and non-vacancy advertisements. No breakdown is available of any inappropriate employment practices.
- (6) The department's information systems do not allow it to disaggregate its records about claims received about alleged breaches of the Act by section of the Act.
- (a) Not available.
 - (b) The department actively investigates all alleged breaches of federal awards, agreements and relevant parts of the Act, including s 338.
- (7) The department's information systems do not allow it to disaggregate any complaints received about alleged breaches of the Trade Practices Act by section of the Act. DEWR complaints management guidelines instruct Customer Service Officers to refer complainants raising allegations that do not relate to the Employment Services market to the relevant authority.
- (8) The DEWR Customer Service Line received the following number of complaints in relation to potentially unlawful or misleading positions:-
- | | |
|---------|----|
| 2000-01 | 15 |
| 2001-02 | 50 |
| 2002-03 | 37 |
- (9) As indicated in questions 3, 6 and 7 such allegations are followed up and where appropriate, the complainant is referred to the relevant agency.
- (10) Refer to question 4 and 5.
- (12) (a) The department's Workplace Relations information systems do not allow it to disaggregate its records about claims received about alleged breaches of the Act by section of the Act.
- (b) Yes, the department actively investigates all alleged breaches of federal awards, agreements and relevant parts of the Act, including s 338.
- (13) Refer to question 7.
-