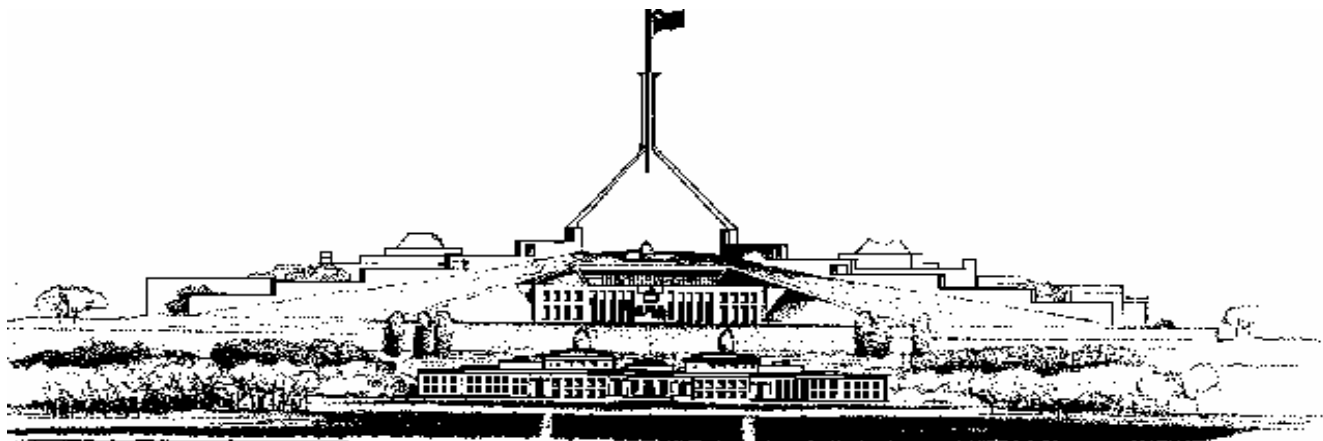




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 8, 2005

TUESDAY, 14 JUNE 2005

**FORTY-FIRST PARLIAMENT
FIRST SESSION—THIRD PERIOD**

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2005

Month	Date
February	8, 9, 10
March	7, 8, 9, 10, 14, 15, 16, 17
May	10, 11, 12
June	14, 15, 16, 20, 21, 22, 23
August	9, 10, 11, 15, 16, 17, 18
September	5, 6, 7, 8, 12, 13, 14, 15
October	4, 5, 6, 10, 11, 12, 13
November	7, 8, 9, 10, 28, 29, 30
December	1, 5, 6, 7, 8

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**FORTY-FIRST PARLIAMENT
FIRST SESSION—THIRD PERIOD**

Governor-General

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

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert

Deputy President and Chairman of Committees—Senator John Joseph Hogg

Temporary Chairmen of Committees—Senators the Hon. Nick Bolkus, George Henry Brandis, Hedley Grant Pearson Chapman, John Clifford Cherry, Patricia Margaret Crossin, Alan Baird Ferguson, Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles, Philip Ross Lightfoot, John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall, Claire Mary Moore and John Odin Wentworth Watson

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

Deputy Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin

Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans

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

Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison

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

Senate Party Leaders and Whips

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

Deputy Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin

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

Deputy Leader of the National Party of Australia—Senator John Alexander Lindsay (Sandy) Macdonald

Leader of the Australian Labor Party—Senator Christopher Vaughan Evans

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

Leader of the Australian Democrats—Senator Lynette Fay Allison

Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston

National Party of Australia Whip—Senator Julian John James McGauran

Opposition Whips—Senators George Campbell and Geoffrey Frederick Buckland

Australian Democrats Whip—Senator Andrew John Julian Bartlett

Printed by authority of the Senate

Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	Tas	30.6.2005	LP
Allison, Lynette Fay	Vic	30.6.2008	AD
Barnett, Guy ⁽⁵⁾	Tas	30.6.2005	LP
Bartlett, Andrew John Julian	Qld	30.6.2008	AD
Bishop, Thomas Mark	WA	30.6.2008	ALP
Bolkus, Hon. Nick	SA	30.6.2005	ALP
Boswell, Hon. Ronald Leslie Doyle	Qld	30.6.2008	NATS
Brandis, George Henry ⁽²⁾	Qld	30.6.2005	LP
Brown, Robert James	Tas	30.6.2008	AG
Buckland, Geoffrey Frederick ⁽⁴⁾	SA	30.6.2005	ALP
Calvert, Hon. Paul Henry	Tas	30.6.2008	LP
Campbell, George	NSW	30.6.2008	ALP
Campbell, Hon. Ian Gordon	WA	30.6.2005	LP
Carr, Kim John	Vic	30.6.2005	ALP
Chapman, Hedley Grant Pearson	SA	30.6.2008	LP
Cherry, John Clifford ⁽³⁾	Qld	30.6.2005	AD
Colbeck, Richard Mansell	Tas	30.6.2008	LP
Collins, Jacinta Mary Ann	Vic	30.6.2005	ALP
Conroy, Stephen Michael	Vic	30.6.2005	ALP
Cook, Hon. Peter Francis Salmon	WA	30.6.2005	ALP
Coonan, Hon. Helen Lloyd	NSW	30.6.2008	LP
Crossin, Patricia Margaret ⁽¹⁾	NT		ALP
Denman, Kay Janet	Tas	30.6.2005	ALP
Eggleston, Alan	WA	30.6.2008	LP
Ellison, Hon. Christopher Martin	WA	30.6.2005	LP
Evans, Christopher Vaughan	WA	30.6.2005	ALP
Faulkner, Hon. John Philip	NSW	30.6.2005	ALP
Ferguson, Alan Baird	SA	30.6.2005	LP
Ferris, Jeannie Margaret	SA	30.6.2008	LP
Fierravanti-Wells, Concetta Anna ⁽⁸⁾	NSW	30.6.2005	LP
Fifield, Mitchell Peter ⁽⁷⁾	Vic	30.6.2008	LP
Forshaw, Michael George	NSW	30.6.2005	ALP
Greig, Brian Andrew	WA	30.6.2005	AD
Harradine, Brian	Tas	30.6.2005	Ind
Harris, Leonard William	QLD	30.6.2005	PHON
Heffernan, Hon. William Daniel	NSW	30.6.2005	LP
Hill, Hon. Robert Murray	SA	30.6.2008	LP
Hogg, John Joseph	QLD	30.6.2008	ALP
Humphries, Gary John Joseph ⁽¹⁾	ACT		LP
Hutchins, Stephen Patrick	NSW	30.6.2005	ALP
Johnston, David Albert Lloyd	WA	30.6.2008	LP
Kemp, Hon. Charles Roderick	VIC	30.6.2008	LP
Kirk, Linda Jean	SA	30.6.2008	ALP
Knowles, Susan Christine	WA	30.6.2005	LP
Lees, Meg Heather	SA	30.6.2005	APA
Lightfoot, Philip Ross	WA	30.6.2008	LP
Ludwig, Joseph William	QLD	30.6.2005	ALP
Lundy, Kate Alexandra ⁽¹⁾	ACT		ALP

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

- (1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
- (2) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Warwick Raymond Parer, resigned.
- (3) Chosen by the Parliament of Queensland to fill a casual vacancy vice John Woodley, resigned.
- (4) Chosen by the Parliament of South Australia to fill a casual vacancy vice John Andrew Quirke, resigned.
- (5) Appointed by the Governor of Tasmania to fill a casual vacancy vice Hon. Brian Francis Gibson AM, resigned.
- (6) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
- (7) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
- (8) Chosen by the Parliament of New South Wales to fill a casual vacancy vice John Tierney, resigned.

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—H R Penfold QC

HOWARD MINISTRY

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

(The above ministers constitute the cabinet)

HOWARD MINISTRY—*continued*

Minister for Justice and Customs and Manager of Government Busines in the Senate	Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation	Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport	Senator the Hon. Charles Roderick Kemp
Minister for Human Services	The Hon. Joseph Benedict Hockey MP
Minister for Citizenship and Multicultural Affairs and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Revenue and Assistant Treasurer	The Hon. Malcolm Thomas Brough MP
Special Minister of State	Senator the Hon. Eric Abetz
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister	The Hon. Gary Douglas Hardgrave MP
Minister for Ageing	The Hon. Julie Isabel Bishop MP
Minister for Small Business and Tourism	The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads	The Hon. James Eric Lloyd MP
Minister for Veterans' Affairs and Minister Assisting the Minister for Defence	The Hon. De-Anne Margaret Kelly MP
Minister for Workforce Participation	The Hon. Peter Craig Dutton MP
Parliamentary Secretary to the Minister for Finance and Administration	The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Warren George Entsch MP
Parliamentary Secretary to the Minister for Health and Ageing	The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence	The Hon. Teresa Gambaro MP
Parliamentary Secretary (Foreign Affairs and Trade)	The Hon. Bruce Fredrick Billson MP
Parliamentary Secretary to the Prime Minister	The Hon. Gary Roy Nairn MP
Parliamentary Secretary to the Treasurer	The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for Transport and Regional Services	The Hon. John Kenneth Cobb MP
Parliamentary Secretary to the Minister for the Environment and Heritage	The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary (Children and Youth Affairs)	The Hon. Sussan Penelope Ley MP
Parliamentary Secretary to the Minister for Education, Science and Training	The Hon. Patrick Francis Farmer MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry	Senator the Hon. Richard Mansell Colbeck

SHADOW MINISTRY

Leader of the Opposition	The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research	Jennifer Louise Macklin MP
Leader of the Opposition in the Senate and Shadow Minister for Social Security	Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology	Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House	Julia Eileen Gillard MP
Shadow Treasurer	Wayne Maxwell Swan MP
Shadow Minister for Industry, Infrastructure and Industrial Relations	Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and International Security	Kevin Michael Rudd MP
Shadow Minister for Defence and Homeland Security	Robert Bruce McClelland MP
Shadow Minister for Trade	The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources and Tourism	Martin John Ferguson MP
Shadow Minister for Environment and Heritage and Deputy Manager of Opposition Business in the House	Anthony Norman Albanese MP
Shadow Minister for Public Administration and Open Government, Shadow Minister for Indigenous Affairs and Reconciliation and Shadow Minister for the Arts	Senator Kim John Carr
Shadow Minister for Regional Development and Roads and Shadow Minister for Housing and Urban Development	Kelvin John Thomson MP
Shadow Minister for Finance and Superannuation	Senator the Hon. Nicholas John Sherry
Shadow Minister for Work, Family and Community, Shadow Minister for Youth and Early Childhood Education and Shadow Minister Assisting the Leader on the Status of Women	Tanya Joan Plibersek MP
Shadow Minister for Employment and Workplace Participation and Shadow Minister for Corporate Governance and Responsibility	Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)

SHADOW MINISTRY—*continued*

Shadow Minister for Immigration	Laurence Donald Thomas Ferguson MP
Shadow Minister for Agriculture and Fisheries	Gavan Michael O'Connor MP
Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Banking and Financial Services	Joel Andrew Fitzgibbon MP
Shadow Attorney-General	Nicola Louise Roxon MP
Shadow Minister for Regional Services, Local Government and Territories	Senator Kerry Williams Kelso O'Brien
Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs	Senator Kate Alexandra Lundy
Shadow Minister for Defence Planning, Procurement and Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations	The Hon. Archibald Ronald Bevis MP
Shadow Minister for Sport and Recreation	Alan Peter Griffin MP
Shadow Minister for Veterans' Affairs	Senator Thomas Mark Bishop
Shadow Minister for Small Business	Tony Burke MP
Shadow Minister for Ageing, Disabilities and Carers	Senator Jan Elizabeth McLucas
Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate	Senator Joseph William Ludwig
Shadow Minister for Pacific Islands	Robert Charles Grant Sercombe MP
Shadow Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Shadow Parliamentary Secretary for Defence	The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education	Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment and Heritage	Jennie George MP
Shadow Parliamentary Secretary for Infrastructure	Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Health	Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Regional Development (House)	Catherine Fiona King MP
Shadow Parliamentary Secretary for Regional Development (Senate)	Senator Ursula Mary Stephens
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs	The Hon. Warren Edward Snowdon MP

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Tuesday, 14 June 2005

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

REPRESENTATION OF NEW SOUTH WALES

The PRESIDENT—I table the original certificate, received through His Excellency the Governor-General, from the Lieutenant Governor of New South Wales, of the choice by the houses of parliament of New South Wales of Senator Fierravanti-Wells to fill the vacancy caused by the resignation of Senator Tierney.

PARLIAMENT HOUSE: SECURITY

The PRESIDENT (12.31 pm)—Senators may be aware that over the last two weeks Parliament House has experienced three incidents where white powder was found in letters delivered to the building. In all instances, the substances were found to be non-hazardous. Unfortunately, parliamentary security staff detected a further suspect package in the loading dock this morning. As a result of the earlier incidents, mail screening procedures have been enhanced, with effect from this morning, by introducing a second level of screening to reduce the risk of letters containing hazardous substances entering the building.

The new screening procedures may delay the delivery of mail to senators' suites. However, the Speaker and I consider this action is necessary while we are experiencing an increase in these incidents. Senators and their staff should also be looking out for any suspect mail and, if they are in doubt, I cannot emphasise too strongly that they should not open any suspect envelope. Instead, they should contact Parliament House security on telephone extension 7117, where they will be given instructions on what action they need to take. I hope that the people who send

these sorts of items realise that the people they put most at risk are those who collect and distribute our mail at Parliament House, not the addressee. The Speaker and I cannot condemn this sort of behaviour strongly enough.

TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005

First Reading

Bill received from the House of Representatives.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.33 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (12.33 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005

The measures contained in this bill will cut personal income tax for all Australian taxpayers.

The tax reductions amount to \$21.7 billion over the next four years. This is in addition to the \$14.7 billion in tax cuts provided in last year's Budget.

From 1 July 2005, the 17 per cent marginal tax rate will be cut to 15 per cent.

The 42 per cent threshold will increase to \$63,000 and from 1 July 2006, will increase again to \$70,000.

From 1 July 2005, the 47 per cent threshold will increase to \$95,000 and from 1 July 2006 will increase again to \$125,000.

The reduction in the 17 per cent rate to 15 per cent means that taxpayers who are eligible for the full Low Income Tax Offset will not pay tax until their income exceeds \$7,567, up from \$7,382 currently.

Senior Australians will also benefit. From 1 July 2005, senior Australians who receive the Senior Australians Tax Offset can earn more without paying tax. Single senior Australians will now pay no tax on their annual income up to \$21,968 and no tax on equal incomes up to a joint \$36,494 for a couple. The Medicare levy threshold for senior Australians will be increased to ensure that they do not pay the Medicare levy until they begin to incur an income tax liability.

The personal income tax cuts will assist low income earners, boost disposable incomes and improve incentives for all Australian taxpayers to participate in the workforce, to invest and to save. This will ensure that over 80 per cent of taxpayers will face a top marginal tax rate of 30 per cent or less.

These personal income tax cuts will further improve the structure of Australia's tax system and increase our international competitiveness. Our strong economy, lifestyle advantages and changes to the top two thresholds will provide incentives to work in Australia. Taxpayers will not reach the highest marginal tax rate until they earn around three times average weekly earnings, with the top marginal rate applying to only 3 per cent of taxpayers from 2006-07.

If the threshold for the top marginal rate had been indexed to inflation since 1996, on 1 July 2006 it would have stood below \$64,000. Under the measures contained in this bill it will stand at \$125,000.

Full details of the measures in this bill are contained in the explanatory memorandum.

I commend the bill.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (12.33 pm)—In speaking to the Tax Laws Amendment (Personal Income Tax

Reduction) Bill 2005 I start by making it clear that the Senate has both a right and a responsibility to debate and review legislation—this legislation and all other legislation that comes before the parliament. That is what Australians expect from this chamber. That is why they elected us. As the alternative government, the Labor Party also have obligations to the Australian people. It is our responsibility to provide an alternative view of legislation, to speak out when we think things are wrong and to fight for those people whose interests we represent.

In the case of this tax legislation, Labor have a very different alternative view. We believe the government's proposal is grossly unfair, and we have been making that case in the strongest possible terms since the budget was delivered. These changes are particularly unfair in the context of the draconian welfare cuts that form the centrepiece of the budget. To fail to speak out against these tax and welfare changes would be a dereliction of our duty to the electorate. But in this case Labor are not just arguing against the government's tax changes; we are presenting a comprehensive alternative. We have presented and are arguing for a different package, a package which offers broader tax relief for working Australians and a much fairer package than that which the government is offering. Even the government has failed to tackle us on that issue. But this is our role as the opposition: to critique the government's legislation, to present alternative views and to put forward alternative strategies. Labor will not shirk that responsibility, and that is what we take up today.

The Treasurer, for his part, would have us not play that role, not carry out our duty as the opposition. He would have us move aside and quietly allow the passage of this unfair legislation. His position, as with the thinking of many, is based on the fact that as of 1 July the coalition will have a majority in the Sen-

ate and will probably be free to pass any legislation it thinks fit. Labor acknowledge that political reality. We respect the verdict of the Australian people handed down in October last year. However, that does not mean we will not oppose as best we can legislation that we think is unfair, legislation that does the wrong thing by Australian families. We will not be running up the white flag now or at any time over the next three years.

Some commentators have supported the Treasurer's view that somehow Labor should quietly constrain our opposition on the basis of the new Senate numbers and the political reality that will confront us after July. But I think people should look very carefully at that proposition. They should consider what is required of the opposition over the next three years. Do they really want an opposition which effectively gives up and goes home, one that says, 'We won't have the numbers; therefore we should give up the argument, give up the fight'? Or do they want an opposition that argues its case, presents alternative views and policies and fights for what it believes in? I would argue that, given the power that this government will very soon have and given the types of extreme and unfair proposals that we are already seeing emerge on the basis of that new-found power, a robust, vibrant opposition is more important than ever.

The new circumstances of the Senate do not reduce our obligation to hold the government to account for its policies and to fight for a better deal for the people we represent. The obligation is even stronger upon us. The Labor opposition's role in this parliament will become even more important than ever. That is an obligation that we accept and will honour. So we will argue against these tax and welfare changes and we will present what we see as better and fairer alternatives. To do otherwise would be a be-

trayal of the trust placed in us by so many Australian people.

The choices made in the budget reflect the values and priorities of the Howard government. This budget comes at a time of extended economic prosperity, on the back of reforms made by the Hawke and Keating Labor governments and highly favourable economic conditions. This budget was an opportunity for the government to make the hard decisions to ensure our future economic prosperity in the areas of skills and infrastructure and to engage in constructive reform of our tax and welfare systems. Labor believe that the hard work that needs to be done can be done with fairness and that as a society we must always ensure that the benefits of prosperity are shared. As a nation we need to make sure that the vulnerable people in our society and those who have fallen on hard times are not left behind.

Against that backdrop, this budget fails miserably. It fails to live up to the responsibilities of economic good fortune and it fails to invest in the skills and infrastructure that are needed to ensure our future prosperity. This budget fails to engage in the hard reforms and it fails the test of fairness. It delivers a kick in the teeth to some of the most vulnerable people in our society: single parents and the disabled. It delivers a meagre \$6 a week in tax cuts to the vast majority of working Australians, while offering 10 times that amount to people on high incomes. This budget is truly the work of the Howard government. It shirks the hard decisions and the reforms that we need for Australia's future prosperity. It delivers a huge bonus to the well-off and it punishes and impoverishes some of the most vulnerable in our society. It does, I am afraid, reflect the values and the priorities of the Howard government.

Over the last few months there has been a lot of big talk from the coalition about re-

form: increasing incentives in the tax system and reforming our welfare infrastructure. There have been lots of leaks to newspapers and background briefings by ministers. But when we saw the budget it was clear that it fails to provide the incentive that is needed to assist participation and economic growth, it fails to provide real incentive to any but the best-off in our community and it fails to meet the challenge of welfare reform. This budget returns to Australians \$24 billion in tax cuts and there is the abolition of the superannuation surcharge, but it does it in a way which is grossly and shamelessly weighted to high-income earners. The maximum tax cut made under this budget will be available only to people with a taxable income of \$125,000 a year or more—just 280,000 taxpayers. In fact, the top 10 per cent of taxpayers will get 45 per cent of the total value of these tax cuts. The other 90 per cent of taxpayers share the remaining 55 per cent.

Coalition members and senators have defended the unfairness of these tax cuts by claiming that higher income earners get a greater cut because they pay more tax, but this assertion is deceptive. Of course our tax system is based on the principle that the more you earn the more tax you pay, but this budget does not reduce the tax burden relative to the difference in tax paid—in fact, it undermines the principle of progressive taxation. A taxpayer on \$125,000 a year pays three times the tax of a taxpayer earning \$62,500. Under this budget, the taxpayer on \$125,000 a year gets a cut of \$65 a week—10 times more than the \$6 a week that goes to the person on \$62,500 per annum. That is what fairness means to this government: the high-income earner gets 10 times the tax cut of the middle-income earner, even though they pay three times the amount of tax.

The choices made in this budget are consistent with the government's approach over

the longer term. On current figures, a taxpayer on average weekly earnings of \$50,000 per annum will, over the period from the introduction of the GST to the end of the forward estimates, get just \$10 a week in tax cuts from this government. Over the same period, a taxpayer on \$125,000 per annum will get almost \$120 per week—nearly 12 times as much as the average earner will get. These are the choices and priorities of John Howard and Peter Costello. They could have made different choices; they could have made fairer choices.

Labor has put forward an alternative fairer tax proposal. This gives the government the opportunity to offer a better deal to Australian families and to offer greater incentives in our tax system. Labor's alternative proposal would implement the following changes from 1 January 2006: introduce a welfare to work tax bonus which, when fully implemented, would effectively raise to \$10,000 the tax-free threshold for people earning up to \$20,000 a year; and raise the threshold where the 30c income tax rate cuts in to \$26,400 per annum. This would deliver a tax cut of \$12 a week to low- and middle-income earners.

The following changes would also apply from 1 July 2006: raise the income threshold where the 42c tax rate cuts in, from \$63,000 to \$67,000 per annum, ensuring that 80 per cent of taxpayers pay a marginal tax rate of 30c in the dollar or less; and raise to \$100,000 the income threshold where the top tax rate cuts in, thereby improving the international competitiveness of our tax system. This model would give a far greater tax cut to Australians on low incomes. A taxpayer earning \$25,000 per annum would gain \$15 a week as opposed to \$6 a week under the government's budget—that is, 2½ times the weekly gain. Taxpayers earning between \$35,000 and \$60,000 per annum would gain \$12 a week, as opposed to the \$6 a week

from the government, therefore doubling the weekly benefit. Under Labor's fairer proposal, taxpayers earning between \$70,000 and \$100,000 per annum would get a cut similar to that proposed by the government. Those earning over \$100,000 would get a tax cut of about \$40 a week—more than \$2,000 a year. That is not as much as under the government's proposal but it is a significant cut and it provides substantial incentive.

Labor's alternative tax proposal is far more generous to those on low and middle incomes, while still offering a substantial tax cut and recognising the hard work and aspirations of people on high incomes. Labor's tax alternative delivers incentives right up the tax scale. It respects the needs and aspirations of the great majority of Australians and it demonstrates that the government could have made a fairer choice—it could have done the right thing by all Australian taxpayers.

The unfairness of the Howard government's tax cuts is reinforced by the other key plank of this budget: the massive cut in welfare. While the government has given a huge tax bonus to the richest Australians and thrown some scraps to low- and middle-income families, it has delivered a sharp kick to the most vulnerable members of our society. This government has always been weak on social policy, and it has made one bad choice after another to try and weather the political fallout from its policy failures. The family tax benefit system has been a fiasco. Despite countless tweaks to the system, 150,000 Australian families still got an FTB debt last year. A further 300,000 families saw no benefit from the \$600 per child supplementary payment—it was simply used to pay off their debts.

Like tax, there has been a lot of big talk from the government about the need for welfare reform. The Treasurer, Mr Costello, was

promoting that as the key reform of this budget but, instead, they have pointed the finger at the 700,000 Australians on disability payments and spoken about increasing participation and making our welfare system sustainable. But what has been delivered is a poorly thought out set of punitive changes that will cut the living standards of the worst-off in our society.

Employment participation offers people not just financial independence but also social inclusion, self-respect and the chance to reach their potential. Government has a role in ensuring that the aspirations and potential of Australians are not wasted. To properly meet the challenge of welfare reform, there are three key areas that need to be addressed. Firstly, we need to build capacity to ensure that people have the skills to be competitive in the labour market, particularly those who bear the burden of long-term unemployment. Secondly, we need to provide incentives to work, so that people are financially better off through work, not deterred by crippling effective marginal tax rates. And, thirdly, we need to encourage business to take on people who have been on welfare on the same basis as they would employ others.

Addressing these three priorities would be a sound basis for welfare reform. However, the government's plan fails to engage with any of them. Instead of providing any assistance to anyone, the centrepiece of the government's changes is a massive cut in payments. Under the new arrangements, single parents will go onto Newstart—the parents' dole—when their youngest child turns six. The tragic sixth birthday present from Peter Costello and John Howard for children in the most disadvantaged families will be a \$22 cut in weekly income. Happy birthday!

Somehow, the government thinks this will encourage parents to look for 15 hours work each week. The absurdity of this claim is

exposed when you do the calculations and find out that those single parents who already work part time will be punished the hardest. For instance, a single parent with three children between six and 16 and who works 20 hours a week for, say, \$600 a fortnight will get \$186 a fortnight less in payments after 1 July 2006. That is a massive cut in family income of nearly \$5,000 a year. Similarly, a single parent of two children between six and 16 who works 15 hours a week for, say, \$400 a fortnight will see their income reduced by \$136 a fortnight after 1 July 2006—around \$3,500 a year.

The parents in both of these examples are already doing exactly what the government wants them to do by working part time. These people are not bludgers; these are people who are working and raising kids and who are now going to be worse off as a result of this budget. So the government slashes thousands of dollars from their yearly income. These single parents may be forced to leave the work force altogether, unable to cope with the costly combination of child-care fees, transport fares and other expenses associated with going to work. This means that they will go back to being completely dependent on welfare and will slip into poverty, which is exactly the opposite of what should be happening. Moving parents onto the dole also decreases incentives to find work by exposing them to effective marginal tax rates 20 per cent higher than they face under the current parenting payment. For every extra dollar that they earn, the parent on Newstart will lose 60c through the withdrawal of payments, compared to the 40c that they lose on parenting payment. This is what the government represents as an incentive to work.

The budget also fails to provide other assistance to parents who are forced into work. It provides no assurance that new child-care places will be available to single parents en-

tering the work force and it has failed to engage in any meaningful capacity building programs for single parents. What these changes will do is expose parents to the government's harsh penalty regime and the prospect of further cuts to family income. The Dickensian darkness of the government's plan is illustrated by the news that Centrelink will now have to buy food for the children of families who lose their payments as a result of the government's penalty regime. This marks the government's recognition that it will move already disadvantaged families and children to a state of subsistence. These changes are a new low, even for this government. That they should be announced at the same time as huge tax cuts for the wealthy is simply shameful.

This budget also fails the disabled. After complaining for years about the dire situation of 700,000 Australians on the disability support pension, there is nothing in the budget to address these people's problems. John Howard and Peter Costello simply found it too difficult. There is nothing to help DSP recipients get off welfare and into work. Instead, like single parents, new applicants for assistance after July 2006 will have to cop a massive cut in payments. People with disabilities who are deemed capable of part-time work will be forced onto the dole, where they will be \$77 a fortnight worse off than they would be on the DSP. And, as with single parents, those people with disabilities who are already working part time against the odds face the greatest punishment, through the loss of thousands of dollars each year in payments. These changes are harsh and mean-spirited and they do nothing to help people move from welfare to work.

What has become clear about the government's welfare changes is that they were cobbled together at the last minute. Already we have seen two major backflips as a result of problems exposed at Senate estimates, the

latest being that the Prime Minister had to renege on the assurance he gave to parliament about the treatment of single parents looking for jobs. This deal was cobbled together at the last minute and the Prime Minister did not understand it properly. It was a classic compromise between a Prime Minister trying to hang onto power and a Treasurer chasing his job. There are more examples of the government's abject failure to plan for genuine welfare reform and its ducking of the hard issues. There is nothing more shameful than the fact that it did nothing to address the needs of those 700,000 people who are now stuck on DSP and quarantined but not assisted.

Taken together, these tax changes and the accompanying welfare cuts expose the priorities and values of the Howard government: a bonus for the wealthy, a kick for the vulnerable and very little for middle Australia. They not only show the government's flawed priorities but also illustrate its failure to make constructive changes in our network of social support. The government has knowingly and willingly given thousands of dollars of tax cuts to the wealthy and taken large amounts from single-parent, working families. It has planned for an Australia where kids in vulnerable families will have to turn up to Centrelink to seek food and the payment of bills. The disabled will be worse off. This is a dark and shameful effort from the Howard government, and Labor would be failing in our duty to the Australian people if we did anything but to oppose it in the strongest way possible.

Labor will seek to amend this bill to make it fairer. We will argue for a fairer tax package. We will argue that the so-called welfare reforms are punishment of the disadvantaged in our community. We will take the fight up to the government on both those issues, because the budget reflects wrong priorities and wrong choices. There is a better way. We

want the government to accept that they could do much better with the money and provide a much better solution to the problems confronting Australia than what they have come up with in this budget. In the committee stage Labor will argue to amend this bill. We will argue for our fairer package and continue to fight for a better alternative than that proposed by the Howard government.

Senator MURRAY (Western Australia) (12.52 pm)—The purpose of the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 is to amend the Income Tax Rates Act 1986 and the Medicare Levy Act 1986 to give effect to the coalition government's tax cuts proposals spelt out in its May 2005 budget. The budget tax cuts cost \$21.7 billion over four years. You would be forgiven for thinking that this proposal from the government should have resulted in a debate concerning the public interest. We did not get such a debate, with too much of the media continuing a ridiculous obsession with interpreting posture rather than examining substance. Apart from some quality pieces from a few journalists and commentators—almost invariably in the print media and not the electronic media—the public have had a superficial and very ordinary media debate. The public are not dummies and do not deserve to be treated so.

A public interest debate would require the following questions to be asked. Are the coalition's proposed tax cuts fair? Do they advance equity? Do they improve productivity and efficiency? Do they integrate effectively, productively and fairly with the welfare system? Does Australia need permanent structural reform of its income tax system, and why? What sort of permanent structural reform is needed? Should the tax-free threshold be raised? Should we index the rates? Should we broaden the base? Should we raise the top rate? Should we change the

rates themselves? If income tax reform is only affordable in manageable stages over a number of years, what should be the priority order? Should low-income earners get attention first, then middle- and high-income earners last and, if so, why? Should there be tax cuts at all, or should the budget priority be to satisfy an underspend in areas such as health, education, the environment and infrastructure?

Those interested in the workings of parliamentary process and our democratic system might have expected exploration of such issues as why parliament's views matter, the difference between the substantive tax bill and the consequent regulations and schedules, the various voting permutations and possibilities in the Senate, and what happens when a Senate amended bill is rejected by the House. But there has not been a policy debate, has there? There have been a number of analytical pieces on various cases for tax reform, but there has not been an informed presentation and comparison of the views of the various political parties, academics and others interested in tax, has there?

The electorate remains largely ignorant of the alternative proposals and views they should consider. And whose fault is that? Whose responsibility is that? It is the responsibility of the media, the fourth estate—now mostly a big business oligopoly often rather obviously enjoying its power to veto, suppress and edit and to actively agitate for the interests of its owners. Just after the budget, at 8.45 am on Thursday, 12 May, as the Democrats spokesperson on taxation, I sent this message to AAP:

Just thought I'd send a note to you at AAP, given the ALP's statement that they will oppose the tax cuts package and put up an alternative. They (like us) will need support to get any proposal up.

The Democrats announced their alternative proposal on Wednesday (see below) and will be seeking ALP support.

We will have two amendments. One opposing all tax cuts and raising the tax-free threshold to \$10 000 instead. The second one (if that goes down) will split the tax cuts bill into the low income tax cuts and the high income tax cuts. We will then vote for the 17 to 15 cents low-income earners tax cut, and against the rest of the tax cuts.

AAP did not think that was newsworthy—surprising, really, since we Democrats share the balance of power in the Senate at present. I mentioned my AAP message to a journalist I know—an obedient employee of a newspaper that confuses democracy with duopoly and bias with advocacy—and he exclaimed: 'That lets Beazley off the hook!' Actually it did not, and does not, but do you think he reported my statement? Of course not, because he and his editor wanted to keep Mr Beazley on the hook. They think the public are interested in this strength and leadership nonsense. What the public are interested in are the tax cuts—whether they will get those on offer or whether there should be a different set on offer.

This debate has largely been the coalition and the media versus the parliament. A media lynch mob has assailed the Leader of the Opposition and his party for daring to oppose the government. Their crude message has been: let us have an elected dictatorship—a message that echoes too many journalists' own daily obeisance to the moguls or their lieutenants or the businessmen running their companies. Thank goodness for the many other journo's who do not behave or think like that.

It has all been a question of demanding that the parliament step aside for the executive—never mind the lessons of history and the known dangers of excessive forelock-tugging to the executive, never mind that the majority of Australians did not give their primary vote to Mr Howard's coalition, never mind that the most important power of a parliament is the power to tax and spend

and it should be ever careful in doing so, never mind that democracy means that supreme power is vested in the people and is exercised through their elected representatives and it is they who decide the laws. It is parliament that decides our laws, it is parliament that decides our taxes, not the executive and not journalists and editors who look forward to filling their well-paid pockets with these high-income tax cuts.

If it is not bad enough having many employees of the big business media companies constantly fostering a duopolistic political system, if it is not bad enough having these same employees pursuing their own and their companies' self-interest—with never once a declaration of a conflict of interest—we have them throwing overboard their sacred duty to the freedom of the press. That freedom is not the freedom to indulge your self-interest or your employer's self-interest. It is not the freedom to fail to declare a conflict of interest. That freedom means being an organ of record, of championing free speech, of fairly representing alternative points of view, of abiding by the journalists code of ethics, and it means informing the public fully without fear or favour.

We have much to fear in our future if this is going to continue to be the standard of bias and groupthink we are going to be subjected to by so many in the media. While we can praise the journalists who stand out from the mob, they should be the examples of the best, not exceptions to the rule. Ask the voters. Have they been told what points of view there are on income tax reform, what the issues are and what the alternative policies are? Have they been told how the many combinations of Senate votes could produce different outcomes and how the process could go? No. Most of the media's entire interest has been to lambaste Kim Beazley and his party. They have not lambasted me or my party, but they have lambasted Kim

Beazley and his party and, quite frankly, I think somebody should stand up for them.

Labor do deserve criticism for not having a known, established and thought through income tax structural reform package. They do deserve criticism for just cobbling together their answer and their attitude shortly after the budget and for not having a well thought through approach beforehand. But they do not deserve criticism for believing that the coalition tax cuts package is wrong and that theirs is better and for voting accordingly. That is Labor's duty. That is Labor's responsibility. That is the meaning of parliament and the meaning of our democracy. By all means disagree with Labor. By all means disagree with the Democrats and with all the other political voices and policies in Australia, but at least let them be heard.

Moving from an unusual defence of the Labor Party, let me now go to the Democrats tax cuts. The relevant Democrat policy says:

The Australian Democrats support a taxation system that is broadly based, progressive, and based on capacity to pay.

We support the principle of indexing taxes in general with income tax brackets adjusted regularly to minimise 'bracket creep'.

We believe that income tax brackets should be linked to meaningful social indicators.

We believe that the tax-free threshold should be raised to the poverty line.

For about three years we have been running a campaign to increase the tax-free threshold from \$6,000 to \$10,000 and progressively increasing it thereafter to the poverty line.

In summary, the Democrat position has long been that the first budget priority is to satisfy underspends in areas such as health, education, the environment and infrastructure. Essential tax relief is required for low-income earners with very high effective marginal tax rates to raise their disposable income and living standards and to encourage

welfare to work through greater incentives. Our position has included ending welfare for the wealthy by cracking down on unnecessary tax concessions and loopholes. The government use of tax cuts as an election-winning device perverts the real policy need for structural income tax reform and not just periodic relief. For those members of the coalition tax ginger group who think their job is done, it is not. Much more structural reform is still needed.

If the government is determined on broad tax cuts, I have had a public proposal out there as a contribution to the debate on permanent structural reform. As the Democrats taxation spokesperson, I have said that, because income tax reform is only affordable in manageable stages, in priority order low income should get attention first, then middle and high income last. We think that structural reform over a number of years should occur in this priority order as it becomes affordable: firstly, raise the tax-free threshold to \$10,000; then \$12,500, which is the minimum subsistence line, also known as the poverty line; then towards \$20,000, which currently only some retired Australians enjoy. All Australians get a tax cut this way, but low-income earners benefit most with substantial real disposable income increases. Secondly, we have argued that we should index the rates starting with the tax-free threshold. That is something for the coalition ginger group to get a grip on—indexing the rates. Thirdly, broaden the base. We have a hit list of unnecessary welfare for the wealthy and tax concessions in mind, including, amongst others: exclusive tax cuts for high-income earners being funded by cracking down on tax concessions and loopholes such as taxing trusts as companies, instead of their present arrangements; excessively generous company car schemes, such as those that the Ralph review castigated; income

splitting; negative gearing; and capital gains tax concessions.

We have suggested raising the top rate, and I have suggested \$120,000. The Democrats have not specified what the levels of the rates should be. The key point is the amount of revenue you need to raise, not what the nominal rate should be. Rates are affected by what is fair, by progressivity considerations and by what is internationally competitive. We do of course recognise that other elements of welfare benefits will have to be integrated and adjusted for this approach. So our response has been to put forward our own tax cuts amendments to delete the government tax cuts provisions and to increase the tax-free threshold from \$6,000 to \$10,000. This would provide a \$13 a week tax cut, which is \$680 per annum, to all taxpayers.

Because based on experience we expect this amendment to be voted down by the coalition and Labor, we will oppose the higher income earners tax cuts but attempt to pass the low-income earners reduction in the \$6,000 to \$21,600—that is, 17 per cent—tax bracket. That reduction is to 15 per cent. This is the government proposal which provides a \$6 a week tax cut to all taxpayers earning over \$21,600. The Democrats proposal is much better for low-income earners—it is well over double for low-income earners—than the coalition's proposal.

In our view, the government's tax cuts priorities are all wrong. There is an urgent need for tax relief for low-income earners, who actually have the highest effective tax rates of all. I believe that the Democrats tax position would not only provide greater benefits for low-income earners but also assist the Australian economy materially. Last week we saw the Industrial Relations Commission produce a fair and balanced wage decision on the minimum wage that, pre-

dictably, was criticised by employer groups and the government for being too generous and potentially costing jobs and by the ACTU for being too mean and too lean. Interestingly, the Industrial Relations Commission noted the tax cuts in this year's and last year's budget and commented that the \$17 a week increase was needed to keep low-income earners increases in line with average wages. In their decision they said:

... we have also taken into account the benefits to low-paid employees of changes in the tax and government transfer regimes which occurred during 2004 and which have been foreshadowed in the Budget for 2005-06. We note, however, that while tax reductions will undoubtedly assist low-paid employees in absolute terms, their living standards may not increase greatly in relative terms when all of the changes in taxation and government benefits are taken into account.

In other words, if you want to address low-income earners' needs, you have to address the taxation and welfare intersection. The Democrats proposal to increase the tax-free threshold to \$10,000 would provide a much fairer \$680-a-year benefit to all taxpayers. It would also take the pressure off the Industrial Relations Commission, which has the sole responsibility at present for lifting disposable income for those groups.

We believe that the government should be providing more money for health and education. But, with a projected \$9 billion surplus, we are not opposed to tax cuts. Our approach is simple: we support tax cuts, but we believe that low-income earners should get their tax cut first, then the middle-income earners and lastly the high-income earners. It is beyond me why the Treasurer and the government did not put together a full package and say: 'This is the structural reform we are going to introduce. It will be introduced over a number of years. Here is the entire package.' It just beats me why we have to persist with dribbling out these little gifts periodically

when what is needed is certainty in this area in a policy sense.

The Democrats are critical of the present changes because they provide the highest income earners—and bear in mind the reports we have had about the number of millionaires we are producing every week—with a \$4,502 annual tax cut but provide average taxpayers with only \$312 per annum, or \$6 a week. If you couple high-income earners' income tax cuts with the ending of the superannuation surcharge, which is worth around \$1,500 per annum to a high-income earner, this represents a huge benefit to higher income earners.

The media have publicised the Democrats' opposition to the tax cuts package, although far fewer have said why we oppose it. The great majority of the media have ignored our alternative tax proposal and our parliamentary strategy. That might be all right for them if they want to take that attitude, but it is not all right with respect to Labor, which is the alternative government in this country. Turning back to the Democrat plan, our \$680-a-year tax cut is double the Howard offer to low-income earners and slightly more than the Beazley offer of \$12 a week. It is a better tax cut than the Beazley plan for nearly everyone earning under \$60,000. For everyone earning under \$65,000, it is a better tax cut than the Howard plan. In other words, it picks up the vast majority of taxpayers. The *Financial Review* recently stated that there are 1,801,805 Australians earning less than \$10,000. Most of these people do not currently pay tax. But, if our policy were supported, around 400,000 more taxpayers would no longer have to pay income tax.

The Labor Party have proposed their own tax cuts, using the \$21.7 billion from the tax cuts package and taking the rest from the superannuation surcharge, totalling \$24 billion. Their package includes an increased

low-income earners rebate, greater tax cuts for middle-income earners and a top tax threshold of \$100,000. The Labor Party proposal is fairer than the government's, but it does still favour high-income earners. It lacks the consistency of the Democrats position and it lacks the structural reform that we have built into our plan. The Democrats are the only political party to have outlined a detailed, comprehensive tax plan which contains structural reform rather than ad hoc, irregular tax cuts. We urge the major parties and the media to consider our proposals or listen to others who have structural reform proposals. We urge them to explain why they should not support the plan that provides the greatest assistance to hardworking low-income earners, takes the pressure off the Industrial Relations Commission to increase wages and provides in the future for the proper relief that all taxpayers deserve.

I return to the structural reform package that we have spelt out. We say that raising the tax-free threshold is the first priority. Indexing the rates is the second priority. We say the base should be broadened and the top rate should be raised. That would then constitute structural income tax reform. It should be melded in with welfare reform, particularly to encourage welfare to work.

Over the last few weeks the big issue has been the ATO's regulations covering the taxation schedules. These schedules simply show employers in different industries how much tax to deduct from an employee's wages based on a given salary level. These regulations are subsequent to this legislation. This legislation is the substantive issue that we have to deal with. The attention on the regulations has, to our regret, taken the tension off the question of the kinds of tax cuts that Australia really needs.

Senator HARRIS (Queensland) (1.12 pm)—I rise to speak on the Tax Laws

Amendment (Personal Income Tax Reduction) Bill 2005 and to place on record some concerns with the government's proposal as I believe that, in one particular area, the government could have done better. But, overall, the government's proposal is one that One Nation supports.

First of all, I would like to place clearly on the record some statistics that are not generally talked about in this chamber. We tend to look at the dollar value that is being derived from individual people in set brackets in paying their tax, but we overlook the percentage in relation to government receipts that each particular bracket pays. I would like to put those figures clearly on record. I will quote from the 2002 and 2003 government receipts because they are the latest that we have available.

People paying tax in the 17 per cent bracket pay 22 per cent of the entire receipts that the government derives from taxation. Those in the 30 per cent bracket pay 44 per cent of the receipts that the government derives. Those in the 42 per cent bracket pay eight per cent of the receipts. Those who pay 47 per cent and above pay 26 per cent of the receipts. The area that I would like to focus on is those people who pay in the 30 per cent bracket—currently those whose taxable income is between \$21,600 and \$58,000. The government's proposal for the 30 per cent rate is that it will apply to people whose income falls between \$21,600 and \$63,000. The government has done the right thing in lifting the bracket for that group of people; however, I feel it would have been an additional benefit if the government had introduced another bracket in that area. I believe it would have reflected better on the government if it had split that current bracket into two, creating an additional bracket for people whose income is between \$21,601 and \$40,000, and structuring that rate at 22.5 per cent. That would have given a large per-

centage of lower and middle income Australians a considerable benefit in the tax that they pay. That is my only criticism of what the government is putting forward.

One Nation will support the government's personal income tax reduction bill and will also oppose any disallowance motions on regulations. The reason I make that statement very clear so early in my contribution to this debate is because it is the prerogative of the government of the day not only to administer the revenues that they receive but also to set the levels of tax. If they do get it wrong—and I have highlighted just one small area where I think they have got it wrong—the people at the next election will cast their ballots in relation to how they judge the government. That is called democracy, and that is how this process should proceed.

I will speak in further detail in the committee stage in relation to Senator Murray's amendments because I just have one question for him. What I find interesting in the lead-up to this bill is what the Greens are putting forward. They have made a statement in the media that they will not support a disallowance motion, and I commend them for that. I believe that is the correct procedure. But then the Greens have tabled a second reading amendment which I find somewhat perplexing because the outcome, were it to succeed, would be this legislation not proceeding. So we have the Greens on one hand saying, 'We will not support a disallowance motion,' and then on the other hand bringing into the chamber an amendment which in actuality would send the bill off into the never-never so that it would be irrelevant how they would vote on the disallowance motion on the regulations. I find that somewhat perplexing, and I will be interested to hear how the Greens can explain that not only to the chamber but also to the Australian people.

Senator Kemp—But you always support the Greens, Len!

Senator HARRIS—In the humour of the moment, I will accept the senator's interjection, and invite him to have a look at my voting record. If he then wishes to withdraw that remark, I will accept it.

Senator Fifield—It is a slur!

Senator HARRIS—No, it is in the banter of humour and I accept it as that. Speaking briefly on Labor's amendments, again we have an interesting situation. The government's proposal for the 2005-06 year is for a person who has an income between \$6,001 and \$21,600 to have a tax rate of 15 per cent—that is a reduction of two per cent that the government is proposing. I find it interesting that, in the amendments to be moved by Senator Sherry, the opposition's proposal for the 2005-06 year for a person whose income exceeds \$6,000 but does not exceed \$21,600 is a rate of 17 per cent. Why on earth would the opposition bring a proposal into this chamber to lift the tax rates of a percentage of people that they claim to support? It is a funny way of supporting people.

So, with those brief comments, I commend the government's legislation, both the bill and the subsequent regulations, to the chamber. I look forward to some very interesting explanations in the committee stage.

Senator FIFIELD (Victoria) (1.22 pm)—It gives me great pleasure to speak on the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005. This bill is all about what coalition governments love to do—to cut tax. On this side of the chamber we believe that the government should be as limited as possible, consistent with a compassionate society. On this side of the chamber we believe that, where government intervention in the lives of individuals can be reduced, it should be. The coalition have the strong conviction that Australians know bet-

ter how to spend their money than the government. This bill is a demonstration of that belief. We seek to return to the Australian public what is theirs, what is above and beyond what the government needs to do its job. Several budgets back the Treasurer established a new fiscal principle, the principle that essentially, once the government has paid for schools, hospitals, social services, security and defence and paid down debt, any money left over should be given back to the Australian people in the form of tax cuts. That is what this budget does, and the Treasurer again honoured that principle on budget night.

This government has cut taxes many times before—in 2000, 2003 and 2004—and, Senate willing, will do so again in 2005 and 2006. It is worth reminding the Senate that, in addition to the income tax cuts already delivered, the government has done a tremendous amount in cutting tax. It has cut company tax twice, halved the capital gains tax rate, funded the abolition of FID and BAD, undertaken a range of measures to crack down on tax avoiders and forced the states to honour their agreement as part of the intergovernmental agreement of the new tax system—something which they should have done beforehand.

This bill seeks to reduce personal income taxes even further—providing for a fourth and fifth round of personal income tax cuts. It will reduce the 17 per cent rate to 15 per cent. It will kick out the threshold for the 42 per cent rate in two stages: from \$58,000 to \$63,000 from 1 July this year and to \$70,000 from 1 July 2006. It will kick out the threshold for the top rate of 47 per cent in two stages: from \$70,000 to \$95,000 on 1 July this year and to \$125,000 on 1 July 2006. As a result of this bill, taxpayers will not reach the highest marginal tax rate until they earn around three times average weekly earnings, with the top rate applying to only three per

cent of taxpayers from 2006-07. These tax cuts also maintain the principle that 80 per cent of taxpayers will be on a top rate of 30 per cent or less. The personal income tax cuts delivered by this government have more than returned the proceeds of bracket creep. If all this government had done was to index the thresholds, people would be paying more tax today and into the future.

The way the government has been able to cut taxes is remarkable given the Australian Labor Party bequeathed it a \$96 billion deficit. It is all the more remarkable given the Labor Party opposed every single measure designed to bring the budget back into surplus. It is all the more remarkable given the Labor Party opposed the tax cuts as part of the new tax system.

I cannot talk about the tax cuts of 2000 without acknowledging the contribution of the Australian Democrats. The Australian Democrats from time to time know how to be a responsible non-government party. We should never forget the contribution of their then leader Senator Lees, Senator Murray and Senator Cherry in his former capacity as an adviser to the Democrats. They were a responsible party on the other side of this chamber.

But the Labor Party are at it yet again; they are back in support of higher taxes. I think Australians were stunned—senators on this side of the chamber certainly were—when on budget night the shadow Treasurer, Mr Swan, declared on the *7.30 Report* that the Australian Labor Party would oppose these tax cuts. That soon turned to disbelief when the Australian Labor Party declared that they would vote to disallow the 2005 schedules—that was one of their options; that was their thermonuclear option. I have a copy of the schedules here from another place, which are yet to be tabled. These are like cloves of garlic or a silver cross to a

vampire. When you hold them up to Labor you should see them reel back. They want to stay as far away from these schedules as they possibly can.

We on this side of the chamber want to hold Labor to account. It was farcical watching Senator Conroy plead with the tax commissioner at estimates to provide him with an exit, to provide Labor with an escape clause. He tried to blame somehow the tax commissioner for this situation because he was obeying the law. The tax commissioner is not in a position to provide an exit strategy for the Labor Party. This is a situation of their own making. The Australian Labor Party have got it wrong, and they know it. Senators opposite should do the decent thing. They should convince their leader to abandon this bloody-minded farce, allow the schedules, vote for the bill and get out of the way. I commend this bill to the Senate.

Senator SHERRY (Tasmania) (1.28 pm)—The Liberal government has missed a great opportunity to engage in long-term reform of the taxation system. It has managed to spend some \$22 billion on personal cuts without delivering any real reform. There is no fundamental reform of the taxation system in the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005, which we are considering. The tax measures are ad hoc and not part of any integrated strategy to boost participation and productivity. The overall tax package has clearly been thrown together quickly with no real vision and, as a consequence, the great bulk of taxpayers in this country on low and middle incomes continue to carry the overwhelming proportion of the tax burden.

Notwithstanding these tax cuts, this will still be the highest taxing government in Australia's history, with a total tax at almost \$235 billion in 2005-06. This is an increase of over 100 per cent, a doubling since Mr

Howard came to office. Tax per taxpayer has risen by over \$12,200 under Treasurer Costello and GST is weighing very heavily on Australian families. By 2008-09 the GST bill per household will be almost \$5,400, or over \$100 per week.

It is revealing to look at who is bearing the burden of tax. Despite the Liberal government's claims to the contrary, successive changes to the personal income tax scales have left low- and middle-income earners paying as much if not more tax than in 1996, with higher income earners paying less. For example, a worker on average earnings—around \$51,000 a year—will lose 22.5 per cent of their earnings in tax after the budget's proposed changes. That is the same average tax rate they faced in 1996. A worker on half the average wage will lose 15.1 per cent of their earnings in tax, a hike from the 12.9 per cent average tax rate they faced in 1996. It is a very different story for higher income earners. Someone on 2½ times the average wage—around \$130,000 a year—will lose 33.4 per cent of their earnings in tax, a cut from the average tax rate of 36.1 per cent average tax rate that they faced in 1996. These figures expose the government's attempts to assert that low-income earners have benefited most from their tax cuts. In fact, the opposite is true: someone on half the average wage is paying more than \$600 a year more in tax than they would have if the average tax rate which they faced in 1996 applied today.

Mr Costello's tax package says a lot about who he believes is entitled to have aspirations for themselves and their families. His message was that unless you are on or approaching a six-figure salary you are not worthy of incentive and a decent tax cut. You see, in the Treasurer's world, if you are a hardworking family slogging your guts out on a combined household income of \$70,000—perhaps with a principal earner on

\$45,000 and a secondary income of \$25,000—you do not have aspirations for yourself or your kids: that is the logic of the Treasurer's argument. You only qualify for some token tax relief—a paltry \$6 each for which you should be grateful, according to the Treasurer.

Labor's package before the Senate today will set out a fairer alternative and give these middle-income earners \$12 each per week or \$24 for the family. High-income earners would do well out of Labor's alternative package—not as well as under the Liberal government's proposal, but they would still do well. Let us take the example of middle-income earners: a steelworker in Wollongong on \$80,000, \$90,000, or even \$100,000 a year would get roughly the same tax cut as they would under Labor's proposal as they would from the Liberal government. But it is the higher income earners, earning more than \$100,000, who would not do as well under the Labor proposal.

There is a profound difference between Labor and the Liberal-National government. We believe in aspirations for everyone. You see, the Labor Party are the real party founded on aspiration. The Liberal Party's political existence is based on opportunity for an exclusive few and aspiration only for high-income earners. We say this and we say it with conviction: whether you lift a pick, tap away at a keyboard, mind children or sick patients, run a small business or work down a mine, you should receive a fair reward for your efforts.

Let us have a look at fairness; let us shine a light on how skewed these tax cuts are to just 280,000 high-income earners who earn more than \$125,000 a year. These are the people Mr Costello believes deserve a tax cut more than 10 times that of the seven million low-and middle-income earners making up to \$63,000 a year. The argument of the Lib-

eral government is that high-income earners deserve a tax cut 10 times bigger, and that is not including the abolition of the surcharge tax on superannuation, which I will deal with in some detail when we get to that bill.

The Liberal government thinks it is fair to give 45 per cent, or almost half, of the \$22 billion value of the tax cuts to Australian workers earning in the top 10 per cent—one in 10. This is a disproportionate skewing of tax relief of the most extreme kind. Let us put this into perspective, because there is a pattern of behaviour here. As it currently stands, over the nine years since the introduction of the GST to fix what was allegedly a broken tax system—that was the argument at the time—those on \$50,000, average weekly earnings, will have received just \$10 a week from this government. That is just over \$1 a year in tax cuts. Compare that with a high-income earner on \$125,000, who will have received almost \$120 a week over the same period. This government has been no friend of low- and middle-income earners. As I described earlier, since 1996 only those on significantly more than average weekly earnings have seen their average tax rates fall. Average income earners are paying as much tax as they were in 1996 as a proportion of their wages. Those on half of average earnings are actually paying more tax.

What has happened here has been the gouging of tax through bracket creep from low-and middle-income earners to provide the only real average tax cuts to those earning significantly more than average earnings. To grow the economy we need to give everyone incentive, not just a few. This is such a short-sighted approach from the Liberal-National government.

Labor sees a fairer way forward: the fairer way that we are fighting for and which we have been arguing for over the last few weeks, and which we will continue to fight

for as long as we are in this place. The figures I touched on earlier do not include the significant tax cut to high-income earners that is in addition to the income tax cut—that is, the abolition of the surcharge tax on superannuation that will provide a further tax cut of between \$35 and \$40 a week plus for high-income earners on more than \$125,000 a year.

Labor is also proposing a genuine tax reform package that tackles the issue of participation in our economy. Any serious analysis of the government's budget shows it was not up to the participation challenge. Labor's tax package is designed to improve participation, particularly for those on lower incomes who are likely to have the strongest behavioural response. Labour market behavioural studies of so-called elasticities suggest that low-income earners are more likely to re-enter the work force or work longer hours when given added incentives. This means reducing effective marginal tax rates among low-income earners and part-time workers. That has a very strong effect on labour market participation and hours worked.

Labor agrees that our highest marginal tax rates need to be more internationally competitive, and our approach reflects that. But we believe the first priority should be sorting out the disincentive problems at the lower end of the scale, because that is what is really dragging down work force participation. The truth is that the government's half-hearted reforms do not do enough to undo the tangle between tax and social security income tests that combine to produce punishing effective marginal tax rates. Labor's strategy for addressing high effective marginal tax rates is superior to the government's strategy.

Because these high MTRs are caused when social security payments are being withdrawn at the same time as tax is being

paid, the best way to tackle them is to stop tax and social security income tests doubling up—it is as simple as that. That is why Labor's alternative proposals lift the effective tax rate threshold to \$10,000 over time through the provision of a welfare to work tax bonus, removing tax on an income equivalent to two-thirds of the taper rate of a single-allowance recipient. The other key element of Labor's proposal is to lift to \$26,400 the income threshold where the 30c marginal tax rate cuts in. This would significantly reduce the overlap between the partner allowance income test and the 30c rate, which currently combines to produce unacceptably high effective marginal tax rates for many couples.

A recent example of this problem was highlighted with the decision to increase the minimum wage. Thanks to the Liberal government's incentive-sapping tax and social security system, for a single-income family with children relying on the minimum wage, \$17.65 of the recent \$17 per week increase is clawed back in tax and lost social security. The family faces an effective marginal tax rate of 104 per cent. So what does the government do about this problem in the budget? Very little. If the Liberal government adopted Labor's tax proposals, such families would see their effective marginal tax rate fall from 104 per cent to 70 per cent. Compared to the government's plan, Labor's plan would see such families have a near halving in their marginal tax rate, from 30c to 17c. Compared to the government's plan, the take-home component of the wage increase would be almost 70 per cent higher under Labor's proposal.

I challenge Liberal-National senators to support Labor's tax package. It gives families on the minimum wage more incentives and more take-home pay. Labor does not argue that these reforms will solve all the problems at once. The structural reforms

necessary will take time. But at least Labor is making a start with its package. These reforms put us a good way down a path on which tax and social security interactions can be untangled and punishingly high effective marginal tax rates can be eliminated or kept to a bare minimum.

Labor has proposed a number of amendments to be moved in the committee stage. I will be dealing with them later. Labor calls on the senators opposite to support a fairer way forward for all those Australia taxpayers who make our economy stronger. From 1 January 2006, the government should lift the effective tax-free threshold for those moving from welfare to work and for other low-income earners by introducing a welfare to work tax bonus that replaces the existing low-income tax offset. Secondly, it should extend the income range where the lowest 17c marginal tax rate applies by raising the threshold where the 30c rate cuts in from \$21,600 to \$26,400. This will improve incentives for low-income earners to return to work and will deliver a tax cut of \$12 per week for low- and middle-income earners.

From 1 July 2006, the government should extend the income range where the 30c marginal tax rate applies by raising the threshold where the 42c rate cuts in from \$63,000 to \$67,000. This will compensate middle- and high-income earners for the effects of bracket creep and ensure that at least 80 per cent of taxpayers pay a marginal tax rate of 30c in the dollar or less over the forward estimates. The government should also extend the income range where the 42c marginal tax rate applies by lifting the threshold where the 47c rate cuts in from \$80,000 to \$100,000 per annum. This will improve the international competitiveness of our tax system.

Labor's proposal is fairer. It takes the prudent approach of waiting until the country is

out of the interest rate red zone before the bulk of tax cuts flows through. Even then, Labor's package aims to fight inflation by offering better incentives to encourage people to move from welfare to work to boost labour supply. The government has not been interested in debating the substance of Labor's package, and here is why: it offers larger tax cuts to low- and middle-income earners, better incentives to move off benefits and into work, and larger tax cuts on retirees' investment returns than the government's package.

Labor will be giving Liberal government members an opportunity to vote for Labor's fairer alternative. As this debate proceeds, government senators can vote for doubling the tax relief to the considerable majority of constituents on average earnings, or they can vote to ensure that not just high-income earners but they themselves—particularly when we take into account the surcharge—receive a massive tax cut of around \$130 per week. In terms of the surcharge tax cut—which I will deal with later in the week—no wonder members of the government stomped their feet and hooted when the Treasurer announced it on budget night!

If government senators oppose Labor's proposals, Labor will be only too happy to campaign in their home states. Government senators stand to gain \$9,200 a year, while average earners will get just \$6 a week. Every Liberal and National Party senator should go back to their home state and explain why they will not support Labor's plan for a \$12 a week tax cut for low- and middle-income earners. They will talk about anything else. They will talk about schedules and disallowable instruments. They will make wild claims about tax cuts being delayed and about software providers such as MYOB complaining that users are not sufficiently literate to enter a password and push a button to select alternative schedules. They

are all smokescreens to divert attention away from the central issue in the debate—which is why, under the Liberal government, average income earners will gain just \$6 a week while those on higher incomes of \$125,000 a year or more will gain \$65 a week. That is 10 times what is being delivered to low- and middle-income Australians, and that is without the value of the surcharge tax cut, which adds another \$35 or \$40 a week. In the interests of their constituents, we challenge Liberal and National Party senators either to support Labor's fairer package or to explain why they believe they should get a tax cut 10 times the size of the tax cut for seven million hardworking Australians—workers on average incomes with aspirations for themselves and their families.

I live on the north-west coast of Tasmania in the electorate of Braddon. I looked at some very interesting figures last week. Some 97 per cent of residents on the north-west coast of Tasmania earn an income of less than \$60,000 a year. It is an overwhelmingly low- and middle-income electorate on the north-west coast of Tasmania. I publicly challenge the local Liberal member, Mr Baker. Labor's proposal is much better in terms of delivering a much more significant tax cut to the overwhelming majority of residents who live on the north-west coast of Tasmania. It is certainly amongst the lowest—if not the lowest—of low- and middle-income electorates in Australia. As an interesting aside, only approximately 500 to 600 people—a relatively small number—on the north-west coast of Tasmania pay the surcharge tax on superannuation.

Senator McGauran—You were against it, weren't you?

Senator SHERRY—Senator McGauran from the long irrelevant National Party interjects. Senator McGauran, you should have a good look at some of the electorates of your

colleagues in the House of Representatives in which there is an overwhelming majority—70 per cent—of low- and middle-income earners for whom, under your deal, because you are the doormat of the government, you support a \$6 a week tax cut. Labor supports our package of a \$12 a week tax cut. (*Time expired*)

Senator NETTLE (New South Wales) (1.48 pm)—The Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 facilitates another redistribution of wealth towards the well off and away from disadvantaged Australians, and also away from public investment in essential services such as protecting the environment and looking after our public health and education services. This government is asking the Senate to waste \$26 billion of public funds by frittering it away on a \$6 a week tax cut for low- to middle-income earners and an \$86 a week tax cut for the wealthy. That is on top of abolishing the superannuation surcharge for high-income earners and cutting business taxation. There is nothing in this budget for the least well off. In fact, the government wants to punish the people who are the least well off and make life harder for poorer Australians with its Welfare to Work policy. The tax cuts in this budget come on top of last year's \$14.7 billion of tax cuts—again, directed at the wealthy.

The Australian Greens oppose these tax cuts. There is a much better and fairer way to spend these funds. We will be asking the Senate to support our amendment, which calls on the government to redirect these personal income tax cuts into investment in public health, public education and the environment—investment that serves everyone. The government's decision to waste \$26 billion on tax cuts means that \$26 billion will no longer be available to spend on these essential services—things such as responding to the crisis facing farming communities. Not

two weeks after the Treasurer delivered the budget, a major gathering of drought affected farmers in my home state of New South Wales prompted the government into action. But the Greens say that it was not nearly enough action. The government's drought relief package that provides an extra \$250 million is more bandaid stuff. There is nothing to address the long-term issues and there is nothing to get on with the difficult but essential task of making our land management ecologically and socially sustainable.

One of Australia's most respected scientists, Peter Cullen of the Wentworth Group—who won the Prime Minister's Environmentalist of the Year award in 2001—has been trying to gain the attention of political decision makers about the urgency of the task, but they do not seem to be listening. Peter Cullen is calling for Australia to recognise that some land under farming is too marginal for the task and is calling on them to develop a plan to change the way that the land is used. I am hearing increasing calls from farmers who are suggesting that drought relief should be tied to improving land management and that one of the criteria for drought relief should be sustainable land management.

They are proposing that, in cases where farming is not ecologically sustainable, we need to develop plans about how to keep rural communities economically and socially viable. This might involve paying people not to farm but rather to manage the land in a sustainable way for the benefits that it delivers to the environment. This is the kind of project that ought to be receiving government funding, not as an ad hoc payment but as part of strategic planning for a sustainable future on this dry continent to safeguard our ecosystems, our economic development and our prosperity. We have the money. As a nation, we are swimming in it, according to the government, but the Treasurer seems to think

that the cash will do more for the nation in the pockets of rich people than by investing in the long-term future of this land and its people.

Treasurer Costello, travelling the country to talk up his budget, made a frank admission when, as quoted in the *Sydney Morning Herald* on 17 May, he said:

... I reckon you would be struggling on \$40-50,000 in Australia if you were paying a mortgage and raising some kids.

Treasurer Costello, this amount, which you say you would be struggling on, is almost twice as much as the current federal minimum wage, which your government believes is too high. Last week's minimum wage case decision by the Australian Industrial Relations Commission took the annual income of some of the lowest paid workers in Australia to \$25,188. What does Treasurer Costello's comment that people are struggling if they are earning between \$40,000 and \$50,000 say about the people on the federal minimum wage which the government thinks is too high at \$25,188?

That minimum wage would be \$2,600 less per year if the Australian Industrial Relations Commission had listened to the argument put by the federal government each year about what level the minimum wage should be set at. Those people would be earning around \$23,000 a year if the Australian Industrial Relations Commission had listened to the federal government about what the minimum wage should be. If people on \$40,000 to \$50,000 are struggling, it would be interesting to hear what the Treasurer thinks about the minimum wage that the government wants—\$23,000. Would people on that be struggling, Treasurer? So the Treasurer's apparent concern for battlers is transparent because, when he had the opportunity in this budget and in many before, he decided not to support them. In fact, he decided that,

through this budget, he would take from the poor to give to the wealthy.

The Australian Greens also have concerns with other tax reforms that have been put forward in this budget. The Greens opposed the goods and services tax when it was introduced, because it undermined the progressive tax system by levying a flat tax on everyone. Irrespective of your capacity to pay, a flat tax is levied on essential goods and services—electricity, gas, telephone or whatever it may be. This budget further undermines the progressive elements of our taxation system through the personal income tax scales.

Income redistribution is an essential tool of any government in order to be able to redistribute wealth. It is particularly important in Australia. We have a relatively high rate of poverty compared with other OECD countries. The combined cost of tax cuts to high-income earners from the last budget and this budget will be \$4.08 billion next financial year and \$6.23 billion in 2006-07. Cutting tax for high-income earners is simply unjustified. There are not many more people paying tax at the top two income rates now compared to when the coalition came into government, and only a small proportion of taxpayers earn very high salaries. For example, only two per cent of full-time employees currently earn above \$100,000 per annum, and the people in that category—which I am privileged to belong to as a member of parliament—have, like me every year I have been in parliament, been delivered a tax cut by the budget. I do not need that tax cut. We do not need that tax cut. The Australian community and our public services need that investment and that money committed there.

As we know, high-income earners already have a large number of legal avenues available to them for reducing their income tax—things like channelling it through company

structures on which the tax rate is only 30 per cent; income splitting, including through family trusts; and salary sacrificing for superannuation and executive shares. The Australian Council of Social Service, ACOSS, estimates that the annual cost to the federal government of these measures is \$6 billion. That is \$6 billion that could be saved by closing these loopholes for high-income earners and could be invested into our essential public services. However, the government chooses to leave that \$6 billion open as opportunities for income for high-income earners rather than investing it in our community and public services.

Wealthy people can often also artificially lower their incomes through negative gearing and dividend imputation, which means that their gross income is not an accurate guide to their final tax bill. Wealthy people also often qualify for a range of government benefits, like the proposed child-care rebate, the private health insurance rebate, the government's superannuation co-contribution for low-income spouses or partners, and family tax benefit part B, which is not means tested on household income. All these government benefits, as well as tax cuts, are available to those who are well off.

Despite all the claims that Australia's tax system is driving people out of the country, Australia's top marginal tax rate is not particularly high when compared with that in many other OECD countries. In France, the top marginal personal income tax rate is 42.62 per cent, in Germany and Italy it is 45 per cent, and in the United Kingdom it is 40 per cent. Australia's total tax take is low compared with that in other OECD countries, and so is our total income tax take as a percentage of gross average wage earnings. For example, in Australia in 2002 it equalled 24 per cent, compared with 43 per cent in Denmark, 41 per cent in Germany and Belgium, and 30 per cent in Sweden.

While the measures in this bill benefit the wealthy at a cost to national wellbeing, they also deprive the Commonwealth of funds that it could use to do things like alleviate poverty. According to NATSEM, the National Centre for Social and Economic Modelling, poverty affects almost two million Australians. In a report on income inequality that was released after the budget, the St Vincent de Paul Society presents a stark picture of the growing disparity in incomes between the highest and lowest earners and the continuing failure to reverse the trend. Between 1994-95 and 2002-03, private household income for the bottom 10 per cent of Australians rose by just \$26 a week, but for the top 10 per cent it rose by \$762 a week. That is a difference of \$736 a week depending on which end of the income bracket you are in. As the report by St Vincent de Paul notes, inequality of income is the open door to inequality in access to health services, housing, education, transport—

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator CHRIS EVANS (2.00 pm)—My question is directed to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Can the minister confirm whether her departmental officials contacted the Chinese embassy or consulate in relation to a request for political asylum they had just received from a Chinese diplomat, Mr Chen Yonglin? Wasn't Mr Chen's request for protection based on Mr Chen's fears for his own and his family's safety if the Chinese government were to be alerted to his application? Why then did the minister's department put Mr Chen's future at risk by contacting the consulate to verify his identity and diplomatic status? Can the minister confirm that this departmental disclosure immediately prompted the consulate to call Mr

Chen's mobile phone while he was still in the immigration office making his application for protection? Does the minister believe that her department has properly carried out its responsibilities in dealing with Mr Chen's application for protection?

Senator VANSTONE—I thank the senator for his question. Senator Evans, there is a short answer to two of your questions: the first one is no and the second one is yes. But let me elaborate on why I cannot confirm what you have alleged in your question. I draw your attention to a press release put out by the department on 8 June, which I assume, if you are interested in this matter, you will have seen. I see that you are not giving me any indication of whether or not you have seen that press release, so I will read the relevant portions of the release into the *Hansard* for you. It begins by saying that the department issued the release because it wanted to 'correct misleading reports and place on record the facts'. There are four dot points under that. The first reads:

- Mr Chen contacted the NSW office of DIMIA wanting to speak with the previous State Director. When told that person no longer worked for the Department he requested to speak with the current State Director. He gave no indication of the subject he wished to discuss.

I might sidetrack to indicate that the current state director has been there from September last year. The previous state director was there until the end of June last year. The second dot point in the release reads:

- As Mr Chen claimed to be a diplomatic official, a DIMIA officer advised him that she proposed to confirm this with the Consulate. Mr Chen provided telephone numbers to do this and did not indicate a problem with his identity being confirmed in this manner.

The media release continues:

- A DIMIA officer accordingly telephoned the Consulate, which confirmed that Mr Chen worked there. The DIMIA officer then ended the call without providing any other information.
- At the time of the conversation with the Consulate, the Department had no knowledge of the matter that Mr Chen wished to discuss. At no time during this call did the DIMIA officer disclose any information as to the whereabouts of Mr Chen or the reason for DIMIA's inquiry.

Given those facts, you will see why I say, 'No, I can't confirm that which you allege,' and why I say, 'Yes, I am happy with the way in which my department has handled this.'

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for her answer. I was really seeking to find out whether she had further information to what the department had said. I ask the minister: is she aware that section 336F of the Migration Act prohibits the unauthorised disclosure of information identifying an applicant for a protection visa to the foreign government from whom the protection is sought? Is the minister satisfied with her department's dealing with Mr Chen's application? Is she personally satisfied that they have acted properly and that they have acted in his best interests in dealing with his application?

Senator VANSTONE—We have from the Leader of the Opposition in the Senate the mistake that some senators opposite fall into, and that is reading out your supplementary question disregarding completely the answer that you have been given. The answer that the leader was given made it very clear that the officer rang the consulate, having told Mr Chen that that was what he was going to do. In fact, Mr Chen gave the officer some numbers to confirm that he was who he said he was. Equally, the DIMIA officer did not

disclose anything because in fact at the time neither the DIMIA officer who made the call nor anyone else, as I understand it, knew what it was that Mr Chen wanted.

Senator Chris Evans—So why did they call?

Senator VANSTONE—To confirm that this man was who he said he was. (*Time expired*)

Whaling

Senator CHAPMAN (2.05 pm)—I direct my question to the Minister for the Environment and Heritage. Will the minister advise the Senate as to what the Howard government is doing to strengthen support within the International Whaling Commission for Australia's stand against the resumption of commercial whaling? Has the minister considered any alternative approaches to this issue?

Senator IAN CAMPBELL—I thank Senator Chapman for his question on an issue which I know all Australians are deeply concerned about. Australians have, in overwhelming numbers, supported the actions of those nations, including Australia, who seek to bring about an end to whaling. Not everyone will remember that Senator Chapman, in a previous Liberal government, was at the forefront of efforts to encourage former Prime Minister Malcolm Fraser to take a leadership role in bringing in the moratorium on whaling.

The question relates to how we have gone about seeking to improve the position of pro-conservation nations within the International Whaling Commission. That commission will meet in Korea in a few days time. I will be leading the delegation to what is the 57th meeting of that commission. There is no doubt that, based on advice from my department and from other countries around the world, for the first time in many years there is a risk of there being a majority of pro-

whaling countries within that commission. That of course would be a tragedy for the world. It would be a tragedy for generations of Australians—in both political parties, I might add.

Under both Mr Whitlam and Mr Fraser there was a bipartisan approach to try to stop whaling, and that has continued. With a vote on what is called the revised management scheme—basically a plan on how to go about whaling and how to reopen commercial whaling—for the first time in many years there is a risk that there will be a majority in favour of whaling. I have been working to try and stop that occurring since July last year, when I was appointed as minister. We have not only been working with like-minded countries but also approaching countries that are not members of the International Whaling Commission and that we believe share our strong whale conservation stance to join the commission.

In the last fortnight I also embarked on a trip to 11 countries—all but one of which are members of the IWC—to try to get more support for the Australian position. I can report that we did receive some encouraging feedback both in Europe and in the Pacific during my trip. The importance of the visit was to ensure that, rather than just relying on the whaling commissioners—who quite often in the past have not always voted in the way their cabinets may have chosen that they do—we raised the issue to the highest levels of government, both in Europe and in the Pacific. I was very pleased to see, for example, the Prime Minister of the Solomon Islands joining me at a press conference to commit that his cabinet would support Australia's opposition to scientific whaling and would abstain from the vote on reopening commercial whaling.

As to the other things we have done—and Senator Chapman would be very interested

in this—the Prime Minister has written to his opposite number in Japan and I have written to all of the like-minded nations throughout the IWC. There has also been a campaign across Australia, with lord mayors writing to sister cities. I note that this has occurred right across Australia. Senator Gary Humphries wrote to the mayor of his sister city in Japan. Also writing were the mayors of Redcliffe in Queensland and of Port Stephens in New South Wales. Today I got a letter from the Mayor of Fremantle, Peter Tagliaferri, who has written to his opposite number. The only person who seems to be a bit out of step on this is one local member. I think it is the member for Brand. Instead of sending a letter to Japan, he decided to get his constituents to write to me. Could I remind the constituents of Brand that I am opposed to whaling and that, if Mr Beazley wants to help, he should write to the Japanese and not to me. (*Time expired*)

Asylum Seekers

Senator KIRK (2.10 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Why was Mr Chen's request for asylum not treated as a bona fide request to be dealt with according to law? When was the minister advised of Minister Downer's rejection of Mr Chen's initial application for protection? Can the minister advise whether this ministerial decision was made within 24 hours of the application? What was the reason for that rejection? Why was Mr Chen being told to apply for other forms of visa whilst also being told that the prospects of success were extremely unlikely? Where exactly is the departmental consideration of Mr Chen's applications up to now?

Senator VANSTONE—Senator, I simply reject outright your assertion that his contact was not treated as bona fide in any particular way.

Opposition senators interjecting—

Senator VANSTONE—This is a very serious matter and I am satisfied that it has been handled in an appropriate way, but clearly the opposition are not. One would have thought that if they wanted the answer they would wait and listen to the answer. I am not satisfied of that assertion. DIMIA would not be in a position to offer advice on the likely outcome of any visa because it may be the decision maker, so DIMIA has not offered advice with respect to likely outcomes. Some advice was offered as to what opportunities there were to stay in Australia. Any questions in relation to DFAT advice should be addressed to the Minister for Foreign Affairs.

Senator KIRK—Mr President, I ask a supplementary question. Given the bungling of Mr Chen's applications and the disclosure of sensitive information to the very foreign government from which he was seeking protection for himself and his family, does the minister stand by all of the actions taken by her department in relation to Mr Chen Yonglin and his family?

Senator VANSTONE—It is not at all the case that this has been handled inappropriately—quite the opposite. I am aware that some people would like to make the case that that has happened, but I reject that assertion. I particularly reject an allegation being put into a question that sensitive information has been disclosed to a government from which someone is seeking protection. The answer to that was given in an earlier question. It has been out in the public domain since 8 June and there is very little a government can do, other than respond to allegations in the media by putting out a statement and making clear what happened on that day. I can help you, Senator, if you want to have it repeated. Mr Chen claimed to be an official and he was advised that the officer proposed—I

draw your attention to the earlier *Hansard*. (*Time expired*)

Immigration

Senator SCULLION (2.13 pm)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Will the minister inform the Senate about the Howard government's commitment to meeting Australia's skilled migration needs to keep our economy growing? Is the minister aware of any alternative policies?

Senator VANSTONE—The Australian government announced an additional 20,000 places for skilled migrants in the upcoming financial year 2005-06, meaning that the skilled migration program will jump from around 70,000 to just over 90,000. This is the largest increase in history and it will bring the number of places available for skilled migrants to nearly 100,000—it is about 97,000. That is a very important point to reflect on: the largest ever increase in skilled immigration.

Why are we able to do that? Because we have an economy that is continually growing, we have brought down the appalling unemployment rate that existed under the previous government. Under the previous government you did not have to worry too much about skilled immigration because the previous government put skilled workers out of jobs. If you were running a company, all you had to do was put an ad in the paper and have a look around. There would be plenty of skilled workers that Labor had put out of jobs—plenty. So you did not need to worry, because when you had a million unemployed you could find a skilled person for your factory any time you wanted. That was the way Labor managed skilled tradespeople in this country: it put them out of work. A million people were out of work.

So now we are very pleased to have a situation where the unemployment rate has been brought down. Employers now find it more challenging to find the people they need. It is now a situation where people looking for work have much greater confidence that they will be able to get a job. The tables have turned, because now the workers of Australia can be picky and choosy about where they go to work. Under Labor, the irony was that the employers could be picky and choosy about whom they took on. We have given Australian workers the power to be picky and choosy about where they go to work. That is the real irony: the party that says it is here to protect the workers put them out of jobs and gave employers the greatest opportunity to just take whom they wanted off the streets. It is this party—it is not the first recognised as the party for workers—that has been the best supporter of battling workers in Australia that this country has ever seen, because it has given them jobs and created a situation where they can now pick and choose where they go to work.

Senator, in relation to your question, I am very pleased with this substantial increase in immigration because it shows that we are a well-run government, we have a well-run country and we can afford to grow and bring more people in, which in turn will make the economy stronger and provide even more jobs for Australians. We hope that this increase will come from three particular focal areas. Firstly, it will come from working with employers to make sure they understand that they can sponsor people to come. The person who knows best the skills they need in their factory or their office is the employer. Secondly, we plan to expand the use of state and territory sponsored visas, because states, territories and regional areas understand what development is coming on in their area and they understand what skills they will need. We have given them the capacity to have

some say in whom we bring into Australia. Thirdly, there will be an increase in the general skilled migration pool so that smaller businesses that do not have a human resource department and other capacity will be able to benefit from this increase. In summary, I am very proud to be part of a government that has given the workers of Australia the opportunity to be in a situation where they pick and choose whom they work for, and I am proud to be in a country where we want to bring in more skilled workers.

Immigration

Senator LUDWIG (2.18 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. My question concerns the explosive allegations levelled last night by a DIMIA whistleblower. Can the minister confirm that officials from Queensland Health, police and corrective services have already stated that they are unable to testify before the Palmer inquiry due to a lack of basic judicial protections? Is the minister also aware that the *Lateline* whistleblower, known only as 'Jamie', is too afraid to give evidence to Mr Palmer or to Mr Comrie because he fears retribution and that he has alleged that departmental officers have already been moved out of sensitive areas so they cannot be called before the inquiry? Is it time that the minister admitted that the closed-door Palmer inquiry is an abject failure with no powers to protect witnesses or to compel testimony from responsible officers who have been hidden elsewhere in the department? Is it not now time for the minister to have a royal commission?

Senator VANSTONE—I am aware of the *Lateline* program that was run last night with allegations from an alleged whistleblower within the department. I have had a quick look at the transcript of that program. There is some history here that might be relevant.

Lateline, in an earlier program, alleged that they had a whistleblower who was not, at that point, identified. In that program, I indicated that if anyone—in the department, particularly, but also outside—had concerns, they should raise them firstly with the secretary of the department or, if they were not happy with that, with their minister. That piece was put to air by *Lateline*. The following question from *Lateline* was: ‘and would you agree to see someone if they approached you?’ The automatic and immediate answer was yes. *Lateline* editors can answer why they chose not to run that portion of the program. I do not know whether the person interviewed last night saw that and why they have chosen to go to the media as opposed to going where any public servant should go first—that is, to their secretary or, if not, to their minister. But, in any event, I am aware of the allegations by one person.

The previous person who made allegations turned out to be no longer employed by DIMIA, and I thought the previous set of allegations were quite easily answered. I will have a close look, when I get a minute, at what this person has had to say and see if there is anything I can do with it. As to who has and has not been approached by the Palmer inquiry, that is a matter for Mr Palmer to comment on. I simply make the point that at the moment Ms Rau is in a mental health facility in South Australia and getting all the appropriate support that she needs. Calls, from Queensland in particular, for a public inquiry are somewhat puzzling in light of the Queensland government’s response to the death of Mr Doomadgee.

Senator LUDWIG—Mr President, I ask a supplementary question. Minister, given your earlier assurances of a low error rate in handling your portfolio, can you explain how this fits in with the whistleblower’s claim that:

Things have gone wrong in every case load, particularly in the refugee and compliance areas.

Can the minister confirm that it continues to be the case that without judicial protections being offered to these people they will not come forward to the Palmer inquiry and that a royal commission is the only way that witnesses such as Jamie and the departments of police and corrective services will come forward?

Senator VANSTONE—We have one person identifying themselves as a whistleblower with what appeared at first glance to be general claims. They are of course impossible to test. The real test of whether someone is prepared to step forward and get something corrected, is for them to come forward with a specific case that can be investigated, measured and tested. But that has not happened. I have already indicated that I will have a good look at the transcript and see if there is anything I can do in that respect.

As to an inquiry of corrective services, I think there was an inquiry in Queensland into corrective services, the transcripts of which, you might remember, Senator, were shredded. As I recall, they were shredded. Was that a Queensland government that did that? Has the Queensland government given Mr Doomadgee, who has lost his life, a royal commission? Let me help you with the answer to that. The answer is no. (*Time expired*)

Asylum Seekers

Senator STOTT DESPOJA (2.23 pm)—My question is for the Minister for Justice and Customs and representing the Attorney-General. What steps has ASIO or any other government agency taken to investigate the substance of Mr Chen’s claims? In particular, has the government sought to investigate the claim by Mr Chen that a Chinese student was kidnapped by the Chinese government while

he was studying in Australia, in an attempt to lure his father, a Chinese official, Mr Lan Fu, back to China, where he was later sentenced to death? Has the government looked into this specific case or indeed made any attempts to investigate the substance behind the claims made by Mr Chen?

Senator ELLISON—I can confirm that the relevant authorities have made arrangements with both individuals, Mr Chen and Mr Hao, to obtain information regarding the allegations that they have made. Those are security related matters and of course I am not going to discuss them in public. But I can say that those arrangements have been put in place and the opportunity has been provided to both individuals to provide any information they wish to provide. Certainly, it would be naive to think that these allegations are not being looked at closely by the relevant authorities. I cannot comment further in relation to the specific incidents referred to by Senator Stott Despoja, for obvious reasons. It is security related.

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. I ask the minister if he could confirm whether the government is aware of the case of Mr Lan Fu and whether he has been executed. He has been sentenced to death. I would like to know whether he has been killed. Is the government aware of that case? Does it know what has happened to this man? Generally speaking, does the government have any comment on whether there is substance to the allegations that Mr Chen and others have put forward?

Senator ELLISON—I think the best thing I can do is take on board the question put by Senator Stott Despoja. If there is anything further I can advise the Senate I will do so, but that of course will be within the parameters of what is an operationally sensitive area and one which relates to security related

matters. If I can provide any further information on that issue within those parameters, I will.

Ms Vivian Alvarez

Senator FAULKNER (2.26 pm)—My question is directed to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Does the minister recall that, after many hours of questioning in Senate estimates, the Australian public was told, finally, that it was the minister's chief of staff who issued the directive not to go public with the fact that Ms Alvarez—then registered as a missing person—had been deported to the Philippines? Why did the minister's office decide on a cover-up about the fact that Vivian Alvarez, an Australian citizen, had been deported? Why was this decision to cover up taken by the minister's chief of staff? Does the minister accept responsibility for the actions of her chief of staff? Is it not the case that it was the media who found Ms Alvarez and that no-one else could because the department and the minister covered the matter up?

Senator VANSTONE—In relation to whether I have confidence in and take responsibility for what my chief of staff does, yes—absolutely. I have worked with him for the entire time we have been in government. Secondly, has there been an attempt to have a cover-up in relation to this matter? Hardly; that is simply not the case. What was made clear was that one of Ms Alvarez's previous partners had contacted the office and had asked that there be as little publicity on this as possible.

Senator Conroy—So what?

Senator VANSTONE—I acknowledge the interjection 'So what?'

Senator Conroy—What about the family?

Senator Ludwig interjecting—

The PRESIDENT—Order! Senator Ludwig and Senator Conroy, come to order.

Senator VANSTONE—This gentleman is the father of one of Ms Alvarez's children, who at that point was not in a position, in any way, to benefit from the media scrambling all over their lives. That was the request that was passed on to the department, and I think it was quite appropriate.

Senator Conroy interjecting—

Senator Chris Evans interjecting—

The PRESIDENT—Order! Senator Evans and Senator Conroy, shouting across the chamber is disorderly.

Senator FAULKNER—Mr President, I ask a supplementary question. I ask the minister why Ms Alvarez is still waiting to come home. Is it not the case, Minister, that the main impediment to bringing Ms Alvarez home is in fact the Howard government's inability to adequately and responsibly deal with Ms Alvarez's medical and accommodation needs?

Senator VANSTONE—Senator, you will be aware that the Australian government has offered an appropriate settlement package, including assistance with accommodation, medical and rehab needs, as well as income support—all to be managed by a case coordinator. Ms Alvarez requested our embassy in Manila to cancel her flight to Australia until further notice. A senior Centrelink caseworker is already in Manila ready to accompany Ms Alvarez on her return to Australia.

Senator Patterson—And has been there for some time.

Senator VANSTONE—And has been there for some time, as Senator Patterson reminds me. The government will be providing support to Ms Alvarez, and it is up to her whether she chooses to seek compensation. In order to facilitate Ms Alvarez's return, the

government has provided Mr Feleno Solon Jr a visitor visa, valid for three months, to enable him to accompany his sister and to assist with her settlement. Mr Solon will be offered a reasonable allowance to cover his costs while in Australia.

Asylum Seekers

Senator HARRADINE (2.30 pm)—I want to ask a question about a matter that has been of concern to me for the last 30 years, and it is to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Is it a fact that there are now four Chinese dissidents reported to be seeking asylum in Australia? How many other dissidents is the government aware of who are seeking asylum in Australia? How will the government assist them to escape persecution in China, or does the government believe the words uttered by the Chinese ambassador that no harm will come to these people? How will the government ensure that no other dissidents will be betrayed to the Chinese government?

Senator VANSTONE—Senator Harradine, I will answer your question as best I possibly can without going into the detail of the caseload. You would understand—albeit I do not think the opposition do, and I certainly do not think the media do—that it is simply not appropriate when someone has made a request for protection for all the details of that to be bandied about publicly. There are very good reasons for that. Nonetheless, I can give you some general advice that you might find helpful.

DIMIA receive about 3,000 applications for protection visas every year from a range of nationalities. It is not new to receive protection visa applications from PRC nationals. We might have 700, 900 or 1,000 in any one year. So, quite the opposite to the media drama of this being particularly unusual, we have quite a lot of protection claims from

China. Every protection visa is assessed on its individual merits and takes into account up-to-date country information. On the advice I have, about five or six per cent of the applications are successful in the end, and by that I mean taking primary and review decisions into account. What I am trying to convey is that the government does not accept the proposition that everyone who applies for protection should get it; nor does it take the proposition that everyone who applies should not get it. Each case is dealt with—as it ought to be—individually on its merits.

Senator HARRADINE—Mr President, I ask a supplementary question. Minister, I am not referring to the requests on economic grounds; I am referring to the requests for political asylum or for asylum due to the violation of human rights.

Senator VANSTONE—Senator Harradine, I understood that you were not referring to ones that were specifically economic; neither was I. The figures I gave you relate to general applications for refugee protection visas. I certainly do not have at this point available to me a breakdown within each country—or, for that matter, across the board—as to the basis of each claim. Each claim is considered individually. I do not have summary information—it may be available, but I certainly do not have it at this point—as to the types of claims that are made. It is a regrettable development in immigration law that there are people who put in a protection visa claim for the purpose of staying in Australia longer, while their claim is heard.

Immigration

Senator LUDWIG (2.34 pm)—My question is to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. Is the minister aware of a branch briefing by senior Immigration official Karen Stanley held in Brisbane on 8

June 2005, at which some 100 staff were in attendance? Can the minister confirm that the following advice was given by Ms Stanley, the Queensland state manager, at that meeting? She advised: (1) to ignore the existing legislation as it is too slow to change; (2) policy is being rewritten as fast as it can but in the meantime, even though we can legally refuse a visa, we should now ask ourselves to consider if it is the right decision; (3) the staff were invited to imagine that they are Amanda and the client is Kerry O'Brien, and Kerry is concerned not about the law but only about the rightness of the decision; and (4) to prioritise handling of cases according to media potential. Did the minister herself authorise the issue of any such or similar directives to DIMIA staff to ignore their own legislation or did the authorisation come from her office?

Senator VANSTONE—Senator Ludwig, thank you for the question. I am simply not aware of the briefing to which you refer, but I will make inquiries.

Senator Conroy interjecting—

The PRESIDENT—We can do without the interjection, Senator Conroy. Your colleague is trying to ask a supplementary question.

Senator LUDWIG—Mr President, I ask a supplementary question. Can the minister confirm if a cultural problem still exists within her department? Does the minister condone directives to decision-making officers in her department which require prioritisation according to their potential for adverse media comment on the department and on the minister? Can the minister clarify for the Australian public if the law applies to DIMIA or does DIMIA pick and choose which ones it wants to obey according to potential media interest?

Senator VANSTONE—Senator Ludwig, I have indicated to you that I have no know-

ledge whatsoever of this briefing. I certainly do not condone what I think you were alleging this person said—namely, that it is to consider not so much the law but the rightness of it. I cannot do any more than to tell you that I will make inquiries about this alleged meeting and what was allegedly said, and I will do so.

Taxation

Senator FIFIELD (2.37 pm)—My question is to the Minister for Finance and Administration and Minister representing the Treasurer, Senator Minchin. Will the minister advise the Senate what the Howard government is doing to lower the burden of personal income tax for all Australians? For the benefit of hardworking taxpayers and businesses, will the minister advise if there are any obstacles to the implementation of these much-needed changes?

Senator MINCHIN—I thank Senator Fifield for that good question on tax and I acknowledge his very keen interest in lowering the tax burden on ordinary Australians. It is good to get a question on tax. We thought that Labor were coming in here breathing fire and brimstone to talk about tax and to make that the big issue of the week. We have had five Labor questions today and not one mention of income tax. It shows how important that issue is to the Labor Party.

Unlike Labor, we are very keen on lowering the tax burden on all Australians. Since the year 2000 we have announced four instalments of personal income tax cuts for Australians. The effect of these cuts has been to reduce the tax paid by Australians on incomes of \$10,000 by 53 per cent, of \$20,000 by 33 per cent, of \$40,000 by 20 per cent, of \$50,000 by 23 per cent and of \$80,000 by 25 per cent. They are substantial cuts and they are skewed to those on low incomes. Those cuts are complemented by the rise in real wages under this government, unlike under

Labor. This gives a very big rise in real disposable income for Australians. A single person on average weekly earnings will have received a 21 per cent improvement in real disposable income in the 10 years from 1996 to 1997. That sort of rise in real disposable income applies right through the income-earning profile of ordinary Australians.

Those figures do take into account the tax cuts that we announced in the 2005-06 budget. The tax cuts we announced in the 2005-06 budget will be delivered. But, of course, despite the inevitability of those tax cuts coming into effect, the Labor Party have spent the last five weeks since the budget creating total and utter confusion not only amongst themselves, of course, but also amongst ordinary Australians and for Australian businesses, which do not know what sort of tax they should deduct from their workers' incomes on 1 July. It has prevented the tax commissioner from sending out the schedules to employers. So 850,000 Australian businesses have been in a state of total confusion—like the Labor Party's state of confusion—about how much tax they deduct on 1 July.

Mr Beazley has been all over the place. He has refused to tell us what his position is on the tax schedules. He will not say anything about his position until the legislation is debated. Everybody knows that this is a completely absurd position. The press gallery knows it, the Labor Party know it and all Australians know it. It is apparently all right for other senators in this place to state a position on the schedules, but it is apparently not all right for the Labor Party. We have seen statements from Senator Harris and from the Australian Greens, and today we have had a position from the Australian Democrats, making it clear and making a decision that they will not vote to disallow these tax schedules. But apparently not the Labor Party—they are resolutely irresolute on the

question of what to do about the tax schedules. They cannot make up their minds. They have agonised for weeks and weeks, not knowing what to do. Around this place, it is known as the cock-up in the lock-up. After that cock-up, the Labor Party have been reduced to total irrelevance on this question.

Five weeks of bluster and bluff from Mr Beazley and five weeks of uncertainty for employers have amounted to absolutely nothing. Their farcical position on this issue just shows how unfit the Labor Party are to govern. This is one of the all-time great own goals in the history of Australian politics. The Labor Party know that they are entitled to announce a different position. They could have announced that on budget night and then got out of the way and let ordinary Australians have their tax cuts, which they will now get on 1 July.

Immigration

Senator FORSHAW (2.41 pm)—My question is directed to Senator Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs. My question again concerns the allegations aired last night by the DIMIA whistleblower. Given the revelations last night that the department knew in 2002 that mental health was an issue, is the minister familiar with the recommendations of the HREOC inquiry of 1999-2002? In particular, it says:

Children in immigration detention for long periods of time are at high risk of serious mental harm. The Commonwealth's failure to implement the repeated recommendations by mental health professionals that certain children be removed from the detention environment with their parents, amounted to cruel, inhumane and degrading treatment of those children in detention ...

In the light of the statement by 'Jamie' about DIMIA's knowledge of the significant mental health issues in 2002, how can it be that the Howard government rejected this report and

its recommendations, saying in the minister's press release of 13 May 2004:

The government rejects the major findings and recommendations contained in this report.

Senator VANSTONE—I thank the senator for the question. Senator, you will be aware that, under the previous government, there were hundreds and hundreds of children in detention centres. Under the previous government, as you will be aware, there were no residential housing projects. This government take the view that it is not anywhere near ideal and we do not want to see children in detention. It is one of the last things we would like to see. But we do not want to separate children from parents and equally we do not want to say to families that, if they come with children, they will be out scot-free. So there is a difficult balance to be found. It is a very difficult balance. I do not think it is appropriate to release children into some sort of care without their parents.

What the government have done has been to work quite assiduously at providing a midway mark—that is, the housing project and other forms of alternative detention where there are families with children. We have consistently done that. As a matter of fact, we have at the moment 23 children in alternative detention arrangements. That would be in the housing project or in community based alternative detention arrangements, including foster care. There are six kids on Christmas Island and 29 in the mainland immigration detention centres. Of those 29, 27 were detained as a consequence of compliance action and are therefore not expected to be there as long as others would be. Two were unauthorised air arrivals. There are no unaccompanied minors in Australian immigration detention centres, which is a record that Labor cannot say they were ever able to achieve.

Having said that, we are always looking to find better ways to do things, and one of those is to maintain the very strong border protection policies that we implemented. We had thousands of people coming unannounced. For example, in the first three weeks of August 2001 we had over 1,000 people arrive—1,200 people in the first three weeks of August 2001. We are very proud of the fact that we stopped those boats coming—very proud—and we are not backing down on those policies at all. But we are constantly looking for ways to soften the individual impact and we will continue to do that.

As to the mental health aspects, this issue got some coverage over the estimates period. I refer you to the, I think, opening statement made by Mr Palmer, and to some of the transcript of the estimates *Hansard*, where you will see some changes that are already under way, which I presume you would welcome.

Senator FORSHAW—Mr President, I ask a supplementary question. I thank the minister for her answer and acknowledge that she did finally get to the essential part of the question regarding mental health. But the question went to the statements made last night. My supplementary question is this: how is it that the minister's department could have known that this was an issue of concern back in 2002, as is evidenced by the HREOC report, and yet the then minister publicly denied that mental health problems were widespread among the detainee population? Is not the real problem here that the government's attitude, as evidenced by the then minister's comment on the HREOC report, is one of sheer arrogance and denial? Why is it that the children still continue to suffer and be exposed to serious risk of mental health problems developing?

Senator VANSTONE—The senator did ask me about some allegations made last

night. I assumed he was here for all of question time and had heard me say that I would look at those, but that what I had seen at this point, prior to question time, was pretty generalised complaints. They are very hard, of course, to disprove, so they are easy allegations to make.

But let make this clear. There have been disagreements about mental health issues; there is no doubt about that. But I will not allow the proposition to be put that the department or the government has not cared about mental health issues. We have had differences of opinion about them. That is what has happened. The senator puts a proposition that because the government does not agree with one argument that is put that therefore it does not care. That is simply not a useful or correct proposition to put.

Telstra

Senator CHERRY (2.47 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Telstra's new CEO, Solomon Trujillo is reported today as saying he will take an aggressive stance against increased regulation, and that competition was not the answer to meet the needs of end users. Does the minister agree with Mr Trujillo's assessment, particularly given that phone costs are much lower in the US, where there is more competition and a regulator with a lot more teeth than in Australia? Will his comments deter the government from tightening the regulatory regime and promoting more competition? Was the minister or Minister Minchin, on behalf of the majority shareholder, the Australian public, consulted prior to Mr Trujillo's appointment and made aware of his views?

Senator COONAN—Thank you to Senator Cherry for what will probably be your last question—I will miss you. The answer is that of course the government was consulted

on the appointment of Mr Trujillo. It would not be appropriate to discuss entirely the substance of what the communications were, but obviously there is an obligation under the act to consult the shareholder ministers, and we were so consulted.

As to Mr Trujillo's views, I can say that the government has welcomed the appointment of such an outstanding CEO as Mr Trujillo to take the helm of Telstra, at a time when the government is considering whether or not to proceed with the sale of the remainder of the government's interest in Telstra. As we have said, we will do so subject to conditions which include the adequacy of services in rural and regional Australia, value for taxpayers and, of course, legislation passing the Senate giving the authority to so proceed. As Senator Cherry would be aware, as part of the government considering the regulatory environment that ought to accompany the telecommunications industry more broadly—whether or not Telstra is sold—we have instigated a paper, an inquiry and a review into the regulatory environment and what adjustments may be necessary to ensure that there is competition and adequate incentives for investment going forward.

So the government's position on competition is clear. We have in place a process to get the review organised. We think that competition is important, and the chairman of Telstra has the same view that it is appropriate that there be some transparency between Telstra's retail and wholesale operations. That is a matter of agreement. So far as I have been able to tell from Mr Trujillo's comments, there is certainly nothing at odds with the government's position on the competitive environment relating to Telstra and, indeed, to other competitors. There certainly seems to have been, in what has been put to Mr Trujillo in some of the interviews that I have seen, some confusion on the part of those who put questions to him about

whether they are talking about full structural separation, functional separation or operational separation. Mr Trujillo would understand very well the critical difference with full structural separation. That is what he has resisted and, in fact, he has suggested and asserted that that could hardly be in Telstra's interests. So, in the context of those comments—admittedly we have not yet had an opportunity to really thrash these matters out with Mr Trujillo—I do not see that there is any great distance between his view of what is necessary for a competitive regime and the way in which the government would see it as appropriate to conduct the review on competition regulation and to get the very best telecommunication environment for Australia going forward.

Senator CHERRY—Mr President, I ask a supplementary question. The minister would be aware of growing opposition to the privatisation of Telstra among the various members of the National Farmers Federation and in particular with its new report card released today and its campaign for the New South Wales Farmers Association. Given Mr Trujillo told the ABC's *Insiders* program that he probably would not have joined Telstra if the privatisation was not—

Government senators interjecting—

The PRESIDENT—Order! Senators on my right!

Senator CHERRY—I will start the question again. Given Mr Trujillo told the ABC's *Insiders* program that he probably would not have joined Telstra if the privatisation was not on the cards, if he does not get his way on privatisation how much will Telstra, particularly its majority shareholders the Australian public, be paying out to him on top of the reported \$10 million annual pay package and his million-dollar sign-up fee?

Senator COONAN—I am not quite sure what Senator Cherry is getting at in this sup-

plementary question, because it is entirely a matter of speculation as to whether Mr Trujillo will be happy, not happy or indeed indifferent about the way in which the government considers whether or not to proceed with the full sale of Telstra. It is an entirely speculative question, but let me say that the government has always been very clear. Our policy has been clear for a number of years that, subject to all the conditions being met that the government has articulated consistently—certainly since I have been in the portfolio it has been consistently said—the government would consider whether or not to proceed with the full sale of Telstra. I do not think I need to repeat them again, because I elucidated them in my initial answer to Senator Cherry. So in those circumstances it is entirely speculative, and I am not going to engage in speculation. (*Time expired*)

Telstra

Senator CONROY (2.54 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Can the minister update the Senate on the government's policy regarding the proceeds of any sale of Telstra? Do the Treasurer's comments at the time of the federal budget, that the government's object is for the full proceeds of the Telstra sale to go into the Future Fund, still represent government policy?

Senator MINCHIN—I thank Senator Conroy for his question and note again that it is not about tax at all. All the fire and brimstone about tax has withered away. I am happy to answer this question again.

Senator Chris Evans—We follow the standing orders. The President doesn't, but we do.

The PRESIDENT—Are you reflecting on the chair, Senator? I hope not. You cannot ask about the bill, but you can talk about tax.

Senator MINCHIN—If we do have the opportunity to implement our policy, the

great thing about it is that there will be proceeds. Instead of having some \$30 billion tied up in a telephone company, there will be proceeds which can be better deployed and put to better use for the Australian people. We have said that we will establish a Future Fund to ensure that we can, as a government and as a people, ensure that the unfunded superannuation liabilities, which this government has inherited after 100 years of public sector employment, can be met from that Future Fund.

We have indicated a disposition to have the proceeds of the Telstra sale go into the Future Fund. I think the Treasurer on budget night did not indicate his personal view that the Telstra proceeds should all go into the Future Fund. The government has not as yet made any formal decision on that matter, because as yet there are no proceeds. The Labor Party should finally get mugged by reality, accept the reality that the government should not continue to own over 50 per cent of Australia's major corporation and that it is ridiculous for the government to have some \$30 billion tied up in a telephone company—

Senator Conroy interjecting—

The PRESIDENT—Senator, you have asked your question.

Senator MINCHIN—For all the bluster about the Labor Party being committed to economic reform and setting Australia up for the 21st century, it should abandon its socialist objective and recognise that the government should not own half of Australia's major corporation. This is an idiotic position which most left-wing governments around the world have abandoned and which we want to abandon. We hope the Senate will in due course give the government the authority to proceed with the sale. When we have that legislative authority we will then make a decision as to whether the circumstances are right for us to proceed to a sale. Once we

have a sale and sale proceeds we will then make a formal decision about the direction in which those proceeds should go. It is certainly our disposition that the proceeds should go to the Future Fund.

Senator Conroy interjecting—

The PRESIDENT—Is that a supplementary question or an interjection?

Senator CONROY—Question, thank you, Mr President.

The PRESIDENT—It is very hard to tell the difference, Senator.

Senator CONROY—Is the minister aware of comments on the weekend from Senator elect Barnaby Joyce that at least \$5 billion of the proceeds of the sale should be allocated for regional development? Can the minister assure the chamber that no money from any sale of Telstra will be wasted on National Party pork-barrelling? Will the minister tell Mr Joyce and the National Party today that the government will not be buying their votes with Australian taxpayers' dollars?

Senator MINCHIN—The Labor Party of Australia are experts on pork-barrelling. We had 13 years of it from the Labor Party. They certainly know all about pork-barrelling. This government has a very proud record of directing resources to the national interest, which I assure you we will do with the proceeds of Telstra.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left will come to order. Question time has been reasonably quiet today, but I am not going to put up with that racket on my left.

Forestry

Senator BARNETT (2.59 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald. Will the minister advise the Senate on the progress being made towards achiev-

ing a sustainable forest industry in this country which provides employment opportunities, in particular in rural and regional Australia?

Senator IAN MACDONALD—I thank Senator Barnett very much for that question. Since the Senate last met we have launched the Tasmanian Community Forest Agreement. Senator Barnett and his Liberal colleagues from Tasmania were instrumental in getting that very good outcome for the Tasmanian people and for the Tasmanian environment.

That program will achieve sustainable forestry and it will support jobs and workers in country communities. The \$250 million package will provide for a total of one million hectares in old-growth forest reserves. That is 100 million trees in reserves in Tasmania. That puts the lie on the campaign of the Greens which suggests that there are only a few old-growth trees left—there will be 100 million trees reserved in Tasmania. The package also provides money for upgrading mills and ensuring that workers in Tasmania do have jobs into the future. Those jobs will be throughout the whole of the state of Tasmania and really do demonstrate that the Howard government is interested in workers' jobs.

I know Senator Barnett was interested in any possible alternative policies that might be around. I am pleased to say that the opposition leader, Mr Beazley, has dumped the policy of his predecessor Mr Latham and has supported the Howard government's program in Tasmania. Of course, Mr Beazley flip-flops so much you do not know what his policy is likely to be next week, but at least today he does support it.

I am aware that other Labor leaders do not share the Howard government's interest in workers' jobs. For example, in my own home state of Queensland the Labor premier, Mr

Beattie, is in the process of shutting down the western hardwood industry at a cost of some 300 unionists' jobs. To overcome that he has promised to create 50 new jobs in the Queensland Environmental Protection Agency to make up for the 300 unionists who will be sacked as a result of his forest policies in Queensland. In New South Wales, the Labor premier is shutting down the forestry industry in the Brigalow region, which will cost 472 jobs. In Victoria, the Labor premier, Mr Bracks, is shutting down production forests and causing problems with jobs.

I expect the Greens have different policies. They understand that as the Howard government attends to all of these significant environmental problems their backing and the cash that supports them will fade away. They unsuccessfully try to create issues artificially, but they realise now that the Howard government is the real government of the environment.

Finally, I suggest to the Labor senators that they might warn their state colleagues about abandoning workers. Mr Latham abandoned the workers in Tasmania and look what happened to him. The Labor senators would be doing the state premiers a favour if they reminded the state premiers of what happens to a Labor party when it rejects the workers of the nation and disregards entirely the jobs and the communities that depend upon those jobs in country Australia.

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

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

Immigration

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to questions without notice asked today relating to immigration.

While the government seems to have the view that there is no issue here, all Australians are concerned about the administration of the immigration department and the minister's performance. Today was another example of the minister not being on top of what is going on in her own department, unable to provide answers to the most basic questions about a Chinese citizen, Mr Chen, who sought political or territorial asylum in this country.

The minister was unable to offer us any information, despite four or five questions on these issues, other than to refer us to a week-old press release put out by her department. That is the extent of her grasp—that is the extent of her knowledge of these matters and the extent to which she has informed herself about Mr Chen's plight. The best she can do is read a week-old press release from the department in which it seeks to defend itself against accusations he has made about his treatment.

It is not good enough. It was not good enough for Ms Rau, it was not good enough for Ms Alvarez-Solon and it is certainly not good enough for Mr Chen. This is a minister who has totally lost control of her portfolio and a department that seems to have no idea of what the right thing to do is. We have had no explanation today—no detail and no answers to the legitimate questions about why a person in fear of his life and the life of his family was not granted political asylum and was not assisted.

Instead, what we got was an explanation which beggared belief. The explanation was, 'Mr Chen did come into the DIMIA office. He did come in to have a chat with us. We didn't know why he was there, but we rang

up the Chinese consulate and discussed who he was with them.' Mr Chen has produced a letter which is headed, 'Seeking political asylum in Australia.' We know he gave that to DIMIA at some stage, but DIMIA and the minister would have us believe that they did not know why this chap popped in. He popped in, he introduced himself and what do they do? Give the Chinese consulate a call and have a chat about him! DIMIA did not know why he was there but they gave the Chinese consulate a call. This is a man who is seeking political asylum because he fears for his life. We hear from Mr Chen in fact that within minutes he received a call on his mobile, while still in the immigration department's offices.

What is the explanation for this? None. What answers can the minister provide? None. The minister was asked whether or not DIMIA were in fact in breach of the Migration Act, which provides protection for people seeking political asylum—section 336F of the Migration Act prohibits disclosure of information identifying an applicant to the foreign government from whom protection is sought. It is pretty straightforward: if you are looking to get political asylum, the Migration Act says you have got certain protections. But what does DIMIA do? On the face of it, it rings up the Chinese consulate and says, 'We've got this bloke here. Is he really one of yours?'

Senator Santoro—That's not what happened.

Senator CHRIS EVANS—That is what he says happened; that is what the minister said happened today: 'We didn't know why he was there but we just gave them a call and mentioned that this bloke was here.' Mr Downer, when asked, said, 'He didn't really formally apply for political asylum; he didn't fill in the form.' There is no form. He produced a letter seeking political asylum and

Mr Downer tried to say he didn't fill in the proper form. What we now know is that there is no form.

What he did was to seek protection and asylum from persecution and this government ignored him and tried to fob him off. They rang the Chinese consulate. That is not good enough, and the minister's explanation today was not good enough. Something is deeply wrong inside that department and something is deeply wrong with her administration of that department. Mr Chen's case is just another example. I understand that in the other place today Mr Downer admitted to a conversation with the Chinese ambassador about Mr Chen's case. This will come out; we will get to the bottom of this. This government is arrogantly refusing to answer questions about how they have dealt with this man, a man who was in fear of his life and the life of his family. It is not good enough. It is not good enough for the minister to come in and try to close the asking of questions by simply referring to a week-old press release from her department. She has to be more accountable to this parliament.

There was no accountability today. What we are seeing is arrogance creeping into this government. They are not prepared to provide details as to why this man was fobbed off or why this man had DIMIA ring the consulate and effectively alert them to the fact that he was seeking asylum. These are serious issues that go to someone's liberty and life. They are serious issues that deserve answers. Whether Mr Chen's story is 100 per cent right, I do not know. But what we know from the minister today is that she is unable to provide an alternative version. She did not come clean. She read a week-old press release. That is not good enough. (*Time expired*)

Senator SANTORO (Queensland) (3.08 pm)—It is not coincidental that we are par-

ticipating in this take note debate at the end of question time while at the same time we in this place and those in the other place are debating the merit of the government's Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005. This take note debate today is a political debate, as have been all the other debates initiated in this place on this issue by senators opposite. This debate, like all the other debates, is about getting the minister. The opposition is obsessively pursuing a witch-hunt against a minister who fulfils her responsibilities in a diligent and effective manner.

This is a debate that seeks to divert attention away from Labor's dismal policy and leadership failures in the vital area of taxation, and to particularly divert attention away from the government's reduction of the taxes that are levied on all Australians. That is what this debate is all about, as was the similar debate a week or two ago. The main reason why we are having this debate today is to divert attention from the Labor Party's shameless and ignorant attitude and position in relation to the government's tax cuts. Australians are not fooled by debates such as this.

Today the opposition raised several issues relating to Minister Vanstone's administration of her department, including, among others, claims by a current Immigration officer on *Lateline* on Monday, 13 June 2005 and the handling of an asylum claim of a Chinese national. We just heard the leader of the Labor Party in this place talk about the minister not providing answers to questions asked of her. I listened very carefully to what the minister had to say in here today and, in relation to the claims made by a current Immigration officer on *Lateline* last night, there were several salient points which can and should be made and which obviously the leader of the Labor Party in this place missed taking note of.

The minister said today that if any officer within the department had any specific issues of concern, or still has specific issues of concern that they would like to make known, she is always available to see them and listen to them. We know that. Members opposite, including the leader of the Labor Party in this place, certainly know that. Anonymous claims, as the minister said, are obviously open to interpretation. Claims should not be made anonymously, particularly when the minister's door is open.

Having said this, Australia's asylum processes are world class. Claims of bias against unauthorised arrivals just do not stand up to even the most superficial scrutiny. It should be noted—and I know that all reasonable Australians will note this—that of the 10,000 unauthorised boat arrivals seeking protection since 1999, almost 80 per cent have been granted protection in the first instance by the minister's department. Given this record, it is hard to see how claims of bias stand up. I respectfully suggest to honourable senators opposite that it is a matter for praise not criticism that the department was able to cope with the sheer number of unauthorised boat arrivals between 1999 and 2001.

In relation to the handling of the asylum claim by the Chinese national, the minister has also made several very relevant points which again senators opposite seek to ignore. But it is worth again going on the record very clearly and very precisely with what happened. This person's visa application is being processed on its merits in the normal manner, although I stress here that it has priority. The circumstances demand that it be handled as a priority. Mr Chen was provided with a briefing on his visa options before he lodged a protection visa application with the department on Friday, 3 June 2005. That is a matter of public record. He was contacted by DIMIA early in the following week and offered the opportunity for a protection visa

interview to be held later that week. At his request—and I stress that this was at his request—this interview has been rescheduled for a date acceptable to him, as he and his representative wanted more time to prepare his case. That again is a matter of public record which honourable senators opposite seek to ignore.

Much has been made of the minister's reference to the media release. But it is a matter of public record that the department issued a press release making it clear that contact with the PRC consulate was short and that it only confirmed that the person in question worked with the consulate. It did not disclose any information about that person's whereabouts or intentions. Again, honourable senators opposite ignore that. His position and his status were in no way compromised. The fact that he was seeking protection was not known to the department at the time, so how could they pass on any information to that effect? (*Time expired*)

Senator LUDWIG (Queensland) (3.13 pm)—What we have heard today from Senator Vanstone only confirms for the opposition that the department and the minister responsible for it should discontinue the view that the Palmer inquiry is a fix-all. It is not. It is not going to produce the results. The minister continues to hide behind the fact that the Palmer inquiry will provide an answer to all of the woes that currently beset the Department of Immigration and Multicultural and Indigenous Affairs. Yet all we have had from the case of Rau onwards is mistake after mistake. These mistakes even go to areas which hitherto we would not have considered. We look at the Chen matter and we find another episode of DIMIA bungling administered by the minister.

More information entered the public arena through 'Jamie' on *Lateline* last night, when it came to light that people are not going to

come forward to the Palmer inquiry. People are concerned about the way that they may be treated as a consequence of putting their hand up and saying, 'I've got information that may assist. I've got information that may expose how the department of immigration actually works'—not how it should work or could work. Instead, we have people—and I suspect that there are more than simply the person on *Lateline* last night—who are too concerned, too afraid to demonstrate who they are and what the actual issues are because of the retribution that may be visited upon them. That is a culture within the department administered by the minister. It is not a culture that has just grown up without both former Minister Ruddock and now Minister Vanstone having anything to do with it. They are not in a position to be able to divorce themselves from the truth. The truth is that the department of immigration has gone downhill under their control and under their watch and something needs to be done—not something such as the Palmer inquiry, where Mr Palmer, for all his good intentions, is going to leave after the Rau case, as we understand it. We then find that Mr Comrie is going to take up the cudgels in relation to some 200 other cases that might need to be investigated, including the case of Ms Solon.

We need the minister to come into the chamber, to cut through all of this and to indicate that a royal commission is the only way that these issues will be dealt with, and dealt with in a serious and profound manner once and for all. Otherwise what we will face is this issue continuing to bubble through and other people coming forward and saying, 'I was a bit concerned about making this known during the Palmer inquiry and I have more to add.' Today Gerard Henderson, former chief of staff to John Howard, had this to say:

It is one matter for department officers to be given such powers of assessment, detention and deportation—

and, as an aside, very serious powers. Mr Henderson continued:

It is quite another matter when it is accepted by the minister that the same officers have a cultural problem with the way in which they handle asylum and migration issues.

The deauthorised department cannot be reformed without radical and all embracing change. In the meantime, victims of its deficient culture should have their cases reviewed by someone not in the need of “cultural change”.

That means that a royal commission is the only way that we are going to be presented with what actually happened, how it happened, what happened and when it happened, and not the farce we have at present, whereby Mr Palmer will hand down his full and complete report to the secretary of the very department that he is inquiring into. We may never know all of the issues that are ventilated in the report. The minister has not given us a guarantee that the report will be made public. It is a convenient way and it is a sleight of hand means of saying: ‘This is what we will do. We will get the report and we will consider what we will release. We will consider the recommendations.’ It is a filter. That is what the minister has in fact said she will do.

What we do not know is when the Palmer inquiry will finalise its report and for how long it will sit on the minister’s desk. Will she then sit on it until next Friday and release it at the end of this session of parliament so that we do not have an opportunity of seeing it? That is the usual course that this government would take and someone on that side should put a stop to it. We already heard that Mr Georgiou is not going to put up with it. He has not reached an agreement with the Howard government. He thinks the department of immigration is still in need of a fix-it

job and he is going to introduce his bill today as well. (*Time expired*)

Senator SANDY MACDONALD (New South Wales) (3.18 pm)—The government and Minister Vanstone have responded promptly and appropriately to the request of Mr Chen, the Chinese national, for safety and protection. Mr Chen’s protection visa application was lodged, I understand, on 3 June. I also understand that it is being treated as a priority. Mr Chen has been contacted concerning his application and he has deferred the interview so that he and his advisers can further prepare for it. The government will follow normal processes in determining his status. Above all, he will be given a full and fair hearing. Mr Chen’s supporters also want Australia to provide him with territorial asylum. Mr Chen is like any other person seeking asylum. It will only be granted if he is considered to be at great personal risk. His application for a temporary protection visa is considered to be the most appropriate way to respond and to move forward, and that process is in place at the moment.

Australia has an enviable record in the strength and the administration of its immigration program. Australia will receive about 110,000 new Australians under our general immigration intake in 2004-05 and around another 10,000 to 12,000 under our humanitarian intake. This will include a large number of refugees and others who might qualify under TPV guidelines. Over one million potential Australian citizens take out papers to seek immigration to Australia each year. I think it is more than that; it is approaching 1.2 million. We are probably the destination of choice for many tens of millions around the world who wish to make a better life for themselves away from their country of birth.

We acknowledge our established responsibilities in this area and have done so consistently since World War II. More than

seven million new Australians have made their way to our shores since that time to begin a new life for themselves. Included in that number are over 600,000 people who came here with a status that was based on humanitarian grounds. Australia has a non-discriminatory immigration policy. Above all, that policy is about nation building and it is based on priorities that most Australians feel comfortable with and in fact most Australians feel proud of. It is very much part of the make-up of our country and the way we see ourselves and, as a government, we will work very hard to maintain it.

The minister has responded to Mr Chen's self-created status in an appropriate way. His rights will be considered in a proper way, and I understand that he and his family are safe. I might finish by saying that continued criticism of DIMIA and the minister is entirely counterproductive and should be seen for what it is—political opportunism from the Labor Party.

Senator FAULKNER (New South Wales) (3.22 pm)—I note that the second speaker in support of Senator Vanstone managed to go for just three minutes in defence. That is not a very good effort from you, Senator Macdonald. I want to say that, in a government that is characterised by shoddy ministers and shoddy ministerial performance, Senator Vanstone takes the cake—not the birthday cake, of course, but what she herself now describes as a 'sorry cake'. And what a sorry saga it is. Let us have a look at the ministerial record of Senator Vanstone and her predecessor, Mr Ruddock.

We have the case of Cornelia Rau, an Australian resident detained. We have the case of Vivian Alvarez Solon, an Australian citizen deported. We have a situation where an Australian citizen of Chinese origin was wrongfully detained because he was not carrying his passport. We have the case of a mentally

ill person who was improperly detained, despite the fact that DIMIA itself sought to have him psychiatrically assessed. We have a judicial decision saying that DIMIA was responsible for culpable neglect and breached duty of care in relation to the refusal of psychiatric treatment for two detainees at Baxter. Neither detainee had seen a psychiatrist for 12 and 21 months respectively. We have the Chinese defector, Chen Yonglin, whose desire to defect was blown to the Chinese embassy by the very DIMIA staff that he had turned to for help. We have 201 other possible bungs that are being investigated by Mr Palmer. We have seen Minister Vanstone forced to backtrack over the fiasco surrounding East Timorese refugees. We have seen the minister overruled by Mr Howard when she tried to send newborn baby Michael Andrew Tran to Christmas Island with his parents. And, of course, we have a situation where Liberal Party backbenchers are in open revolt over the policies that Minister Vanstone is pursuing and over her administration of the Department of Immigration and Multicultural and Indigenous Affairs.

It is no wonder that they are in such open revolt, because we do have a government department that seems to be out of control. It is out of control because there is no ministerial responsibility or no ministerial hand being applied to deal with the problems. Minister Vanstone is either unwilling or unable to fix these problems. What is the minister's response to these issues? It is blame shifting. The two people who are responsible for the situation in which we find ourselves in relation to immigration policy and the administration of the department of immigration are Mr Ruddock, the previous minister, and Senator Vanstone, the current minister. They are the two people who are responsible—Mr Ruddock and Senator Vanstone—and the only response from Senator Vanstone is blame shifting. She always blames the de-

partment. She never accepts responsibility herself, and Mr Ruddock never accepts responsibility for his appalling administration. And do you know who the sacrificial lamb is going to be, Mr Deputy President Hogg? I will tell you. The sacrificial lamb will be Mr Bill Farmer, the secretary of the department of immigration—and if you did not know it before the weekend, you certainly know it now, because he has already been rewarded with an Order of Australia. Yes, the writing is on the wall for Mr Farmer. He is a goner. He is getting the blame. The end is nigh for Mr Farmer. (*Time expired*)

Senator STOTT DESPOJA (South Australia) (3.27 pm)—I agree with and support the Labor Party in taking note of the broad issues of immigration today.

Senator Faulkner—Thank you very much for that.

Senator STOTT DESPOJA—I accept Senator Faulkner's thanks. However, I do have to put on the record that the Labor Party's case in relation to exposing human rights abuses in China, particularly recently, has been a little less than sparkling. The Democrats have attempted in the past to draw attention to these issues. However, motions I have tried to move highlighting the issues involving Falun Gong practitioners and their persecution have not been supported by the Labor Party. Similarly, as I am sure honourable senators would recall, in the lead-up to the visits from both President Bush and President Hu, there were motions bringing the parliament's attention to human rights abuses in both of those countries. Extraordinarily, the Labor Party supported the motion that exposed US problems but did not support the motion involving human rights abuses in China. So the Labor Party start from a pretty low base.

But, even saying that, in this case the Labor Party have gone on recording stating that

a number of individual cases—cases where application has been made for asylum—are worth supporting, and they should be heard on that issue. I also asked a question on this in the parliament today. In particular, I was curious to know what moves the government had made in terms of looking into the issue of the Lan Fu kidnapping. Given that the case is a few years old, I would have thought that the Minister for Justice and Customs would have had a little more to report today, but he did not.

In relation to ASIO or any other government agency's investigation into the substance or otherwise of the claims that have been made by Mr Chen, again, there has been a lack of information provided to the chamber by the minister. When Mr Chen's case first came to light, I said that the first and foremost priority for our government must be to ensure the safety of Mr Chen and his family. Of course, the same must be said of other Chinese defectors who have sought asylum in this country. In this respect, the government's actions deserve further questioning. Although the Minister for Immigration and Multicultural and Indigenous Affairs came out yesterday assuring the public that Mr Chen's case would be given priority by the department, she has failed to explain to the chamber why Mr Hao's case has received low priority. I think his application was made in February. What about the applications made by Professor Yuan Hong Bing and his assistant Zhao Jing? They also remain unresolved after a year. So it is not just Mr Chen's case; there are many other cases that we feel the department and the government should come clean about. Given that numerous states, international bodies and human rights organisations around the world have condemned human rights abuses—

Opposition senators interjecting—

Senator STOTT DESPOJA—You cannot argue that you want to be taken seriously and then talk and laugh through any discussion about human rights abuses in China. Human rights organisations have condemned human rights abuses in China. There is widespread evidence of ongoing human rights violations currently, so it seems extraordinary to me and to the Democrats that the government should take such a long time to establish that these individuals are likely or not likely to be persecuted if they return. We need information from the government on those particular cases.

The Chen case also raises a number of issues in relation to application for political asylum in Australia. Our law does provide for individuals to seek political asylum in Australia. I would assume that Mr Chen's circumstances, are the precise circumstances in which political asylum could reasonably be granted. Mr Chen, it has been indicated, has been told that it is more appropriate that he apply for a protection visa. The Minister for Foreign Affairs said there have been only two successful claims for asylum under the political asylum category in Australia. Is that being used as an excuse: the fact that this particular category is invoked rarely and therefore it is unlikely that he would be successful or that it is inappropriate for him to claim under that particular asylum or visa category? Our law allows for it, and he should be allowed to apply successfully. *(Time expired)*

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 so-

ciety 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 seven citizens).

Live Animal Exports

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

The Petition of the undersigned notes the inadequate numbers of livestock available for Australian slaughter, food consumption and hides; the increase in Australian abattoir closures; the growing negative economic, employment and social impacts on rural Australia; and the unnecessary suffering endured by Australian livestock because of this nation's pursuit of trade and financial benefits at any cost. Your petitioners call on the members of the Senate to end the live export trade now in favour of developing an Australian chilled and frozen halal and kosher carcass trade using humane slaughtering practices.

by **Senator Bartlett** (from 17 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 nine citizens).

Asylum Seekers

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

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

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

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

We, therefore, the individual, undersigned attendees at St Peter’s Anglican Church, Craigieburn, VIC, 3064, petition the Senate in support of the above mentioned motion.

AND we, as in duty bound will ever pray.

by **Senator Carr** (from 25 citizens).

Petitions received.

NOTICES

Presentation

Senator Hutchins to move on the next day of sitting:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold public meetings during the sittings of the Senate on 16 June, 20 June, 21 June and 22 June 2005 from 4.30 pm, to take evidence for the committee’s inquiry into Australia’s relationship with China.

Senator Santoro to move on the next day of sitting:

That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate on Thursday, 23 June 2005, from 9.30 am to 11 am, to take evidence for the committee’s inquiry into the trafficking of women for sexual servitude.

Senator Brandis to move on the next day of sitting:

That the time for the presentation of the report of the Economics Legislation Committee on the Tax Laws Amendment (2005 Measures No. 1) Bill 2005 be extended to 21 June 2005.

Senator Cherry to move on the next day of sitting:

That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 20 June 2005, from 6.30 pm, to take evidence for the committee’s inquiry into the performance of the Australian telecommunications regulatory regime.

Senator Bartlett to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to promote humane, responsible and accountable care, protection and use of domestic animals, livestock, wildlife and animals kept for scientific purposes, and the standards required to achieve this end, and for related purposes. *National Animal Welfare Bill 2005*.

Senator Payne to move on the next day of sitting:

That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 15 June 2005, from 5.30 pm, to take evidence for the committee’s inquiry into the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005.

Senator Crossin to move on the next day of sitting:

That the time for the presentation of reports of the Employment, Workplace Relations and Edu-

cation References Committee be extended as follows:

- (a) Indigenous education—to 21 June 2005; and
- (b) student income support—to 22 June 2005.

Senator Carr to move on Thursday, 16 June 2005:

That the Public Service Amendment Regulations 2004 (No. 2), as contained in Statutory Rules 2004 No. 396 and made under the *Public Service Act 1999*, be disallowed.

Senator Allison to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than 4.30 pm on Tuesday, 21 June 2005, copies of all reports provided by the Australian Episcopal Conference of the Roman Catholic Church to the Department of Health and Ageing for the past 5 years as part of their reporting requirements, including financial statements.

Senator Allison to move on the next day of sitting:

That the Senate—

- (a) congratulates the Royal Australasian College of Physicians and the Royal Australian and New Zealand College of Psychiatrists on the release of their comprehensive tobacco policy;
- (b) notes that:
 - (i) the policy highlights the importance of smoke-free environments in reducing the harm caused by exposure to environmental tobacco smoke,
 - (ii) research shows that exposure to second-hand smoke in a vehicle is 23 times more toxic than in the home, and
 - (iii) the Western Australian branch of the Australian Medical Association has called on the Western Australian Government to protect children from passive smoking by introducing a ban on smoking in cars, particularly when there are children under the age of 18 in the vehicle; and

(c) calls on the Federal Government and governments in all Australian states and territories to:

- (i) introduce a ban on smoking in cars when there are any passengers in the vehicle, and
- (ii) provide funding for public education campaigns on the importance of support for smoke-free homes and cars.

Senator Allison to move on the next day of sitting:

That there be laid on the table by the Minister for Justice and Customs, no later than 10.30 am on Wednesday, 15 June 2005, copies of all reports prepared by the Australian Customs Service since 1 January 2004 which refer to issues of airport security, including the report completed in September 2004, referred to on page 1 of *The Australian* on 31 May 2005 ('Airport staff "smuggling drugs"').

Senator Nettle to move on Thursday, 16 June 2005:

That the Senate—

- (a) notes that:
 - (i) 20 June 2005 is World Refugee Day of which the theme for 2005 is a 'celebration of courage'—a salute to the courage of the world's refugees, not just in enduring the persecution, but also in the courage they show in rebuilding their lives and contributing to society in difficult or unfamiliar circumstances,
 - (ii) Australia has failed many of the courageous asylum seekers who have sought protection here, and
 - (iii) thousands of Australians will mark World Refugee Day by protesting against mandatory detention and for a compassionate approach to asylum seekers;
- (b) condemns the Government's treatment of asylum seekers in areas including:
 - (i) the indefinite detention of asylum seekers in conditions so harsh and without hope that it causes mental illness in many long-term detainees,

- (ii) the official discrimination and denial of services and rights to those asylum seekers found to be refugees but granted only Temporary Protection Visas,
 - (iii) the continuation of the 'Pacific Solution', where asylum seekers have languished on Nauru for almost 4 years, and
 - (iv) the forced deportation of asylum seekers, often to danger, in the country they have fled or an inappropriate third country; and
- (c) calls on the Government to:
- (i) end mandatory, non-reviewable detention of asylum seekers in Australia and on Nauru,
 - (ii) initiate a royal commission into the conditions in immigration detention and the wrongful detention of Australians and lawful visa holders, and
 - (iii) sack the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) and the Secretary of the Department of Immigration and Multicultural and Indigenous Affairs for the serious and chronic failures of that department.

Senator Nettle to move on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) 20 June 2005 is World Refugee Day,
 - (ii) according to the International Federation of Red Cross and Red Crescent Societies in their *World Disasters Report 2001*, more people are now forced to leave their homes because of environmental disaster than because of war,
 - (iii) there are approximately 25 million people who could currently be classified as being environmental refugees, some 58 per cent of the world's total refugee population, many of whom are victims of climate change,

- (iv) according to Dr Norman Myers of Oxford University climate change could increase the number of environmental refugees six-fold to 150 million over the next 50 years, and
 - (v) Australia has an unequivocal obligation to provide a humanitarian response both to addressing climate change and accepting environmental refugees, especially from our region; and
- (b) calls on the Government to:
- (i) ratify the Kyoto Protocol,
 - (ii) set the Mandatory Renewable Energy Target to at least 20 per cent by 2020, and
 - (iii) agree to accept Tuvaluan refugees in the event that rising sea levels force an evacuation of Tuvalu.

Senator TCHEN (Victoria) (3.33 pm)—I give notice that at the giving of notices on the next day of sitting I shall, on behalf of the Senate Standing Committee on Regulations and Ordinances, withdraw:

Business of the Senate Notice of Motion No. 1 standing in my name for 4 sitting days after today for the disallowance of the Administration Guidelines made under section 238-10 of the Higher Education Support Act 2003 and;

Business of the Senate Notice of Motion No. 2 standing in my name for 5 sitting days after today for the disallowance of the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the Workplace Relations Act 1996.

I seek leave to incorporate in *Hansard* the committee's correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—

Administration Guidelines made under section 238-10 of the Higher Education Support Act 2003

2 December 2004

The Hon Brendan Nelson MP
Minister for Education, Science and Training
Suite M1.24
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the following Guidelines made under section 238-10 of the *Higher Education Support Act 2003*.

Administration Guidelines

These Guidelines revise the Administration Guidelines by including new provisions concerning the reporting obligations of higher education providers and the requirements for provision of Commonwealth Assistance Notices to students.

According to the Explanatory Statement, these Guidelines purport to revoke and replace the previous Administration Guidelines that commenced on 30 June 2004. However, neither the making statement that accompanies these Guidelines, nor the Guidelines themselves, expressly revoke the previous Guidelines.

The Committee would appreciate your advice on the above matters as soon as possible, but before 22 January 2005, to enable it to finalise its consideration of these Guidelines. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Tsebin Tchen

Chairman

7 March 2005

Mr Tsebin Tchen

Chairman

Standing Committee on Regulation and Ordinances

Parliament House

CANBERRA ACT 2600

Dear Senator Tchen

Thank you for your letter of 2 December 2004 concerning your request for clarification on a number of matters relating to the content of some

of the *Higher Education Support Act 2003* Guidelines. I appreciate the Committee's input and apologise for the delay in replying.

Administration Guidelines

The Committee has asked for clarification about the status of the Administration Guidelines. These were first gazetted on 17 July 2004 and then amended with a full version gazetted on 10 August 2004. The Explanatory Statement revoked the previous version.

Amendment No. 1 was made to the Guidelines on 17 August 2004. Only the amendment was gazetted on that date and the Explanatory Statement clearly states that "These Guidelines amend the Administration Guidelines."

Comments

To avoid further uncertainty in the content and status of the *Higher Education Support Act 2003* Guidelines in the future, I have asked my Department to ensure that all Explanatory Statements that accompany the Guidelines and amendments to the Guidelines are as informative as possible.

Thank you for bringing these matters to my attention.

Yours sincerely

Brendan Nelson

Minister for Education, Science and Training

10 March 2005

The Hon Brendan Nelson MP

Minister for Education, Science and Training

Suite M1.24

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 7 March 2005 responding the Committee's concerns with the following Guidelines made under section 238-10 of the *Higher Education Support Act 2003*.

Administration Guidelines

The Committee notes your advice that these Guidelines were first gazetted on 17 July 2004 and then amended with a full version gazetted on

10 August 2004. The Committee is, however, concerned that the version gazetted on 17 July 2004 was taken to have been revoked by the Explanatory Statement accompanying the full version. An Explanatory Statement accompanying an instrument has no legislative character and as such the statement revoking the previous version on 17 July 2004 has no effect. The Committee therefore suggests that the status of the earlier Guidelines should be clarified with their revocation by another legislative instrument. In the meantime, the Committee has given a notice of motion to disallow the Guidelines gazetted on 10 August 2004.

The Committee would appreciate your advice on the above matters as soon as possible, but before 22 April 2005, to enable it to finalise its consideration of these Guidelines. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Tsebin Tchen

Chairman

4 May 2005

Chairman

Standing Committee on Regulations and Ordinances

Australian Senate

Parliament House

CANBERRA ACT 2600

Dear Mr Tchen

Thank you for your letter of 10 March 2005 concerning certain *Higher Education Support Act 2003* Guidelines, which was in response to my letter of 7 March 2005. I appreciate the Committee's continued feedback on this matter.

The Administration Guidelines

Thank you for your advice that an Explanatory Statement accompanying an instrument has no legislative character and consequently, the statement revoking the 17 July 2004 version of the Administration Guidelines has no effect. I note the Committee's suggestion that the status of the

earlier Guidelines should be clarified with their revocation by another legislative instrument.

In line with this suggestion, I will shortly make and table in Parliament a consolidated version of the Administration Guidelines incorporating all previous amendments and this will allow the publication of the Guidelines in their entirety. Furthermore, all previous versions and amendments to the guidelines will be revoked.

I trust that the Committee will agree to withdraw its notice of disallowance on the Guidelines gazetted on 10 August 2004.

Once again, thank you for your input on these matters.

Yours sincerely

Brendan Nelson

Minister for Education, Science and Training

Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the *Workplace Relations Act 1996*

6 December 2004

The Hon Kevin Andrews MP

Minister for Employment and Workplace Relations

Suite MG48

Parliament House

CANBERRA ACT 2600

Dear Minister

I refer to the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the *Workplace Relations Act 1996*. These Guidelines specify guidelines to be used by a delegate of the Secretary to the Department of Employment and Workplace Relations in exercising powers under Part VA of the Act, such as requiring a person to provide information or documents in relation to a building industry investigation. The Committee raises the following matters with regard to some of the provisions contained in these Guidelines.

These Guidelines commence on the date from which Schedule 4 to the *Workplace Relations*

Amendment (Codifying Contempt Offences) Act 2004 commences. The Explanatory Statement does not give any indication of a likely or anticipated commencement date for that Schedule although the Summary to the Guidelines indicates that this date was expected to be in September 2004. Schedule 4 does not appear to have commenced at this time and the commencement of these Guidelines remains uncertain. The Committee would therefore appreciate your advice on the expected commencement of the amendment Act.

Clause 15 of these Guidelines specifies limitations on the use of the power to issue a notice. Paragraph (a) states that a power must only be used for building industry investigations, but must not be used for matters that are minor or petty. This reflects subsection 88AA(3) of the *Workplace Relations Act 1996* (as amended). There may be differences of opinion as to whether a matter is 'minor or petty'. The Committee therefore seeks your advice as to the processes to be followed when a recipient of a notice believes that the matter is minor or petty.

Further, clause 15(b) of the Guidelines states that the power to issue a notice must be used in good faith and not for a collateral purpose. Subsection 88AA(1) of the Act requires the Secretary to have reasonable grounds for believing that a notice should be issued. The Committee suggests it may be preferable if the good faith/non-collateral purpose requirement was also specified in this subsection, rather than the Guidelines.

Finally, the Committee seeks your advice as to whether there are procedures for the return of documents that have been supplied in response to a notice.

The Committee would appreciate your advice on the above matters as soon as possible, but before 22 January 2005, to enable it to finalise its consideration of these Guidelines. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Tsebin Tchen

Chairman

5 January 2005

Senator Tsebin Tchen

Chairman

Senate Standing Committee on Regulations and Ordinances

Room SG49

Parliament House

CANBERRA ACT 2600

Dear Senator Tchen

Thank you for your letter of 6 December 2004 concerning the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction industry made under section 88AGA of the *Workplace Relations Act 1996*.

You asked for advice as to when Schedule 4 of the *Workplace Relations Amendment (Codifying Contempt Offences) Act 2004* commences. The Act provides that Schedule 4 will commence on a single day to be fixed by Proclamation or six months after the Act receives the Royal Assent. As the Schedule has not been proclaimed it will commence on the 13 January 2005. However the Guidelines will not commence until after a disallowance period. The period for disallowance commenced on 16 November, the first day of the 41st parliament. The Building Industry Taskforce can not exercise the Schedule 4 powers until the Guidelines have passed the disallowance period.

You asked for advice as to the processes to be followed when a recipient of a notice to produce documents believes that the matter is minor or petty. The legislation and Guidelines include sufficient safeguards, including extensive preliminary procedures the delegate must satisfy before issuing a notice, which should prevent notices relating to minor or petty issues being issued. However, if a person believes that the power is being used for a minor or petty purpose they may refuse to comply, just as they can refuse to comply if some other element of the requirements has not been complied with. It would also be open for a person to seek a declaration from the Federal Court that the notice was invalid.

The Committee's suggestion that it may be preferable if the good faith/non-collateral purpose requirement be specified in subsection 88AA(1), rather than the Guidelines is noted. However,

given the safeguards contained in the Guidelines and legislation I consider that it is sufficient that such requirements are contained only in the Guidelines.

You asked for advice as to whether there are procedures for the return of documents that have been supplied in response to a notice. The process and procedures by which documents are returned would be a matter for the Building Industry Taskforce or the Secretary to determine. However it should be noted that the Secretary or delegate can only keep a document for as long as it is necessary for the purposes of the conduct of the investigation to which the document is relevant (subsection 88AD(1)). The person that is otherwise entitled to possession of the document is entitled to be supplied with a certified copy of the document (subsection 88AD(2)). The processes put in place will ensure that the Secretary or Building Industry Taskforce do not retain documents for any longer than they are legally entitled to.

I trust that this letter is of assistance to the Committee.

Yours sincerely

Kevin Andrews

Minister for Employment and Workplace Relation

10 February 2005

The Hon Kevin Andrews MP

Minister for Employment and Workplace Relations

Suite MG.48

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 5 January 2005 providing advice in relation to the Guidelines for the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the *Workplace Relations Act 1996*. This advice addresses a number of the Committee's concerns.

The Committee sought advice on the processes to be followed where the recipient of a notice to produce documents believed that the matter was minor or petty. In your letter you advise that such

a recipient "may refuse to comply" or, alternatively, might seek a Federal Court declaration.

I seek your confirmation that these are the only two procedures available, and that the Guidelines do not contemplate a way of resolving such a matter without compelling the involvement of the Court. I also seek your advice on the consequences for a recipient who simply refuses to comply because he or she considers the matter to be minor.

The Committee would appreciate your further advice on the above matters as soon as possible, but before 3 March 2005, to enable it to finalise its consideration of these Guidelines. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Tsebin Tchen

Chairman

2 March 2005

Senator Tsebin Tchen

Chairman

Standing Committee on Regulations and Ordinances

Parliament House

CANBERRA ACT 2600

Dear Senator Tchen

Thank you for your letter of 10 February 2005 seeking further advice on behalf of the Standing Committee regarding the Guidelines for the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the *Workplace Relations Act 1996*.

You seek confirmation that the Guidelines do not contemplate a way of resolving such a matter without compelling the involvement of the Court.

The Guidelines, which are closely modelled on Guidelines issued by the Australian Competition and Consumer Commission in relation to the exercise of information gathering powers under section 155 of the *Trade Practices Act 1974*, have been carefully devised to ensure that there are

adequate safeguards to prevent a notice being issued for a minor or improper purpose.

The Guidelines make it clear that seeking information or documents voluntarily is to be preferred and that resort to the compliance powers should only be contemplated in circumstances in which other avenues have been pursued. A notice is not to be issued without a 'belief on reasonable grounds' in relation to the matter. It is made clear in the Guidelines that the power cannot be exercised for minor or petty purposes.

The Guidelines also refer to directions to be issued by the Secretary to the Department of Employment and Workplace Relations that will, amongst other matters, provide that the Secretary will have to approve each exercise of the powers.

The Guidelines and directions taken together will ensure a high level of scrutiny of the issuing of a notice to ensure that it is issued for proper purposes.

The combined effect of the Guidelines and the Secretary's Directions will ensure that the powers are not used for minor or petty matters. As there are sufficient safeguards contained in the Guidelines and Secretary's Directions it is not necessary to provide a process for a person to challenge the notice. Doing so would only provide a means for any person who receives a notice to seek to avoid or delay compliance with that notice.

The compliance powers are similar to those contained in section 155 of the *Trade Practices Act 1974*. It is noteworthy that neither the *Trade Practices Act* nor the Guidelines issued by the ACCC provide any process for a person to challenge a notice.

You also seek advice on the consequences for a recipient who simply refuses to comply because he or she considers the matter to be minor.

Section 88AA(7) provides that failure to comply with a notice is an offence. However, this will only be the case if the notice is valid. If a notice was issued for the purpose of an investigation that was minor or petty it would not be a valid notice.

As noted in my response to your previous letter, it would also be open to a person to seek a declaration from the Federal Court.

Thank you for bring the Committee's concerns to my attention. I trust that this letter will address those concerns.

Yours sincerely

Kevin Andrews

Minister for Employment and Workplace Relations

10 March 2005

The Hon Kevin Andrews MP

Minister for Employment and Workplace Relations

Suite MG48

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 2 March 2005 providing further advice in relation to the Guidelines for the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the Workplace Relations Act 1996. The letter raises two further issues in relation to which the Committee seeks clarification.

The Committee previously sought advice on the processes to be followed where the recipient of a notice to produce documents believes that the matter is minor or petty. In your letter you advise that the "combined effect of the Guidelines and the Secretary's Directions will ensure that the powers are not used for minor or petty matters," and that "as there are sufficient safeguards contained in the Guidelines and Secretary's Directions it is not necessary to provide a process for a person to challenge the notice". Given the significance of the Secretary's Directions in regulating the exercise of power in this area, the Committee would appreciate an opportunity to examine those Directions.

Secondly, in your letter you note that section 88AA(7) of the Act provides that failure to comply with a notice is an offence. However, this is only the case if a notice is valid, and a notice issued for the purpose of a minor or petty investigation would not be a valid notice. Ultimately, it becomes a matter for challenge in the Federal Court. This approach seems to continue a trend of

imposing an obligation on recipients of notices and other 'offenders' to challenge the validity of actions taken against them. As a matter of principle, applicants should bear the burden of having to demonstrate the validity of their claims. Defendants should not have to bear the burden of, in effect, disproving the validity of claims made against them.

The Committee would appreciate your further advice on the above matters as soon as possible, but before 26 April 2005, to enable it to finalise its consideration of these Guidelines. In the meantime, the Committee has given a notice of motion to disallow the Guidelines pending your response on these matters. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Tsebin Tchen

Chairman

29 March 2005

Senator Tsebin Tchen

Chairman

Standing Committee on Regulations and Ordinances

PARLIAMENT HOUSE ACT 2600

Dear Senator Tchen

Thank you for your letter of 10 March 2005 seeking further advice on behalf of the Standing Committee regarding the Guidelines for the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the Workplace Relations Act 1996.

You have requested an opportunity to examine the Secretary's Directions in relation to the exercise of these powers. My Department is currently developing these Directions but they are not expected to be finalised until the powers take effect. However, I consider that the Guidelines provide comprehensive insight into what the Directions will ultimately contain. At page 5 of the Guidelines, there is a comprehensive section dealing with what the Directions will contain.

Essentially the Guidelines will be the main source of the Directions. The relevant sections setting out what will be in the Directions is extracted below.

The Secretary's directions require:

- (a) Taskforce investigations to be initiated using the general powers available to Taskforce investigators under the Act e.g. section 86.
- (b) The voluntary provision of information/documentation and the use of pre-existing information gathering powers are to be the preferred forms of obtaining information/documentation directed at ensuring compliance with and/or investigating suspected/alleged breaches of the Act or an agreement or award made under the Act.
- (c) Resort to the use of Pt VA compliance powers should only be contemplated by the delegate in circumstances in which other avenues available to the Taskforce to obtain information on a voluntary basis or by use of information gathering powers under section 83BH and 86 of the Act have been pursued or are not considered to be adequate to obtain information necessary for an investigation, because for example there is a risk that the information may be destroyed, not provided or provided only on terms unacceptable to the Secretary or the delegate.
- (d) Where the delegate proposes to exercise the power under subsection 88AA(1), by written notice, and require a person to give information, produce documents, or attend and answer questions on oath or affirmation, the delegate will advise the Secretary prior to issuing a notice and will provide the Secretary with details of the types of the information/documentation/evidence being sought; a summary of the alleged incident, conduct/behavior or case being investigated and the reasons for his belief that the power should be exercised in this case. In accordance with subsection 88A1(2) the Secretary will provide, the

Ombudsman with such information and access to documents as required.

- (e) The Secretary will consider the delegate's advice and convey in writing to the delegate whether he agrees with the delegate's decision to do so.
- (f) The delegate will not issue a notice without the Secretary's agreement.

The Directions will simply be a brief document outlining the requirements as detailed above.

In addition to the Secretary's Directions, I would draw your attention to the following sections from the Guidelines indicating the 'Limits on the use of powers' (p8) and the 'Requirements of a valid notice' (p9):

'Limits on the use of powers'

- 15. There are a number of limitations on the use of the power.
 - a The power must only be used for building industry investigations, but must not be used for matters that are minor or petty.
 - b. The power to issue a notice must be used in good faith, not for a collateral purpose.
 - c. The notice should not be unreasonably burdensome.
 - d. The delegate is required to, and will, have regard to the effect the exercise of the power has on the recipient, including the burden it imposes on the recipient. However, the mere fact that a notice may pose a substantial burden does not invalidate it provided the delegate has given it and the benefit to be derived from obtaining that information consideration and provided it is reasonable in the circumstances to seek the information requested.
 - e. The burden of complying with a notice may be affected by the amount of time allowed to comply with it. The delegate will provide reasonable time to comply with a notice. That reasonable time must be at least 14 days.
 - f. It is not appropriate that the power be used to seek information, documents or

evidence to use as evidence merely because a court has not compelled the production of that material.

- 16. The investigative power does not extend to evidence gathering once an investigation is concluded and proceedings commenced. The delegate may not be able to issue a notice after legal proceedings have commenced if doing so would interfere with a person's rights to protection against self-incrimination and self-exposure to a penalty which apply in court proceedings and/or would interfere with the court's inherent power to conduct its own proceedings.
- 17. While it is not possible to provide guidance on all possible circumstances, the delegate will generally not issue a notice to a private individual or a corporate respondent involved in proceedings. Rather, the delegate will rather rely on court procedures, such as discovery, notices to produce and admit, interrogatories and subpoenas.
- 18. The power to issue a notice for the purposes of a Taskforce investigation is not affected by another party instituting proceedings against the proposed addressee of the notice. A decision by the Taskforce to begin proceedings, as distinct from actually beginning proceedings, does not necessarily preclude it from issuing a section 88AA notice.

These limits are one of the many safeguards against the improper use of these powers. The protections that the limits on the use of the powers provide include that the power can not be used for a matter that is minor or petty, that the power to issue a notice must be used in good faith and that the notice should not be unreasonably burdensome. They place conditions on when the powers may be exercised and require that the potential burden on a recipient be considered.

'Requirements of a valid notice'

- 19. A notice requiring the addressee to provide information or documents must:
 - a. disclose on its face the nature of the building industry investigation in relation to which the Secretary or delegate believes on reasonable grounds that a person has information, documents or

- evidence relevant to a building industry investigation;
- b. specify the information or documents in enough detail to provide the addressee with a point of reference by which to judge whether the notice validly requires information/documents/evidence to be provided; and
 - c. request information or documents relevant to the investigation.
20. If a notice requires a person to attend an oral examination, the description of the nature of the building industry investigation determines the scope of the questions that can be asked at the examination.
 21. Given the investigative nature of the notice, there is no requirement that it will set out all the facts necessary to constitute a contravention or possible contravention. Nor is it necessary to set out the relevant evidence or information on which the delegate decided to issue the notice.
 22. The nature of the investigation will be described simply but in enough detail for the addressee to know what the subject matter (and possible contravention of the Act) is.

These criteria should ensure that a notice is only issued for a valid purpose. They require the nature of the investigation to be disclosed in the notice, for the notice to give enough detail of the information or documents required and that the notice must request information or documents relevant to the investigation. The detail that must be provided in a notice will make it clear the matter is not to be minor or petty.

Scope of information and documents that can be required

23. Information/documents shall not be sought that would:
 - a. require the addressee to give an interpretation of a document, except where explanations of symbols, codes, etc. may be necessary; or
 - b. require the addressee to seek out information or documents which are not in its possession, custody or control or to formulate an opinion on a particular matter.

24. A notice may be directed to a body corporate, but where information about awareness, knowledge or belief is required; the notice should be directed to particular persons, for example company officers, directors or employees.

This restriction on the scope of information should further ensure the appropriate exercise of these powers.

As I explained in my previous letter, these Directions taken in conjunction with the limitations contained in the Guidelines provide sufficient safeguards to ensure that the powers are not used for minor or petty matters.

The purpose of these powers is to facilitate compliance activity in the building and construction industry. There are limits imposed on the operation of these powers and the Taskforce will be required to satisfy extensive requirements before they issue a notice. It is the nature of an investigation of this kind that the powers should operate in this way and I consider that too many conditions would render these powers ineffective. I am confident that there are sufficient safeguards to ensure they are used appropriately.

In the process of drawing up the Guidelines, my Department has drawn upon its extensive legal experience in drafting legislation specifically for the construction industry. As a result, I believe that we have struck a balance between ensuring that the powers are used appropriately and ensuring that the powers are able to be effective. I consider that too many additional conditions would now render these powers ineffective. I am confident that there are sufficient safeguards to ensure they are used appropriately.

It should be noted that it would be for the Director of Public Prosecutions to prosecute any case involving failure to comply with a notice to produce documents or give evidence. The 'Prosecution Policy of the Commonwealth' sets out criteria governing the decision to proceed. Key amongst these criteria are considerations of fairness and consistency. The criteria governing the decision to prosecute specifically state that "[t]he initial consideration in the exercise of this discretion is whether the evidence is sufficient to justify the institution or continuation of a prosecution." Applying these Guidelines would mean that it

would be extremely unlikely that a prosecution would be pursued in a case of a notice being issued for a minor or petty purpose.

I do not accept your concerns that the defendant is bearing an unreasonable burden in a situation where they consider that a notice is invalid as it relates to a minor or petty matter.

My Department has sought advice from the Australian Government Solicitor (AGS) about whether it would be for the prosecution or defence to establish that a notice had been issued for a minor or petty purpose. AGS have advised that if a prosecution has been commenced against a person for non-compliance with a notice and the person claims, at any point, that the notice has been issued for a minor or petty purpose then the prosecution would have to prove the notice was not issued for the purposes of an investigation that is minor or petty. The prosecution would have to prove this beyond a reasonable doubt. I have attached a copy of that advice for your information.

In conclusion, I would also note that the Guidelines are modelled on the Australian Competition and Consumer Commission Guidelines for their information-gathering powers. In addition section 88AI of the Act provides that there will be an annual review by the Ombudsman of the exercise of the section 88AA power. The Secretary must provide the Ombudsman with such information and access to documents as the Ombudsman requires. The Ombudsman must cause a copy of each report to be tabled in each House of the Parliament.

As set out in this letter and in my previous letters there are more than sufficient safeguards to ensure that the powers are used properly.

Thank you for bringing the Committee's concerns to my attention. I trust that this letter will resolve all of the Committee's concerns.

If you have further concerns I am happy to arrange for a member of my staff or a departmental officer to meet with you and/or members of the Committee in the interests of resolving the Committee's concerns expediently.

Please contact Peter Cully on (02) 6121 7237 if you would like to discuss these matters further or to arrange a meeting.

Yours sincerely

Kevin Andrews

Minister for Employment and Workplace Relations

Attachment—Advice from the Australian Government Solicitor

22 March 2005

Mr Peter Cully

Director

Organisations, Freedom of Association and International Section,

Legal Policy Branch 1

Workplace Relations Legal Group

Department of Employment and Workplace Relations

GPO Box 9879

CANBERRA ACT 2601

By facsimile:

Dear Mr Cully

Subsection 88 AA(3) of the Workplace Relations Act 1996—burden of proof issues

1. We refer to your request of 18 March 2005.

BACKGROUND

2. Section 88AA of the Workplace Relations Act 1996 ('the WR Act') provides the Secretary to the Department of Employment and Workplace Relations with certain powers to obtain information in relation to a 'building industry investigation'. Subsection 88AA(7) makes it an offence to fail to comply with a relevant notice issued by the Secretary.
3. Subsection 88AA(3) of the WR Act provides that the power to issue a notice 'must not be used for the purposes of an investigation that is minor or petty'. You have requested advice as to the burden of proof in circumstances where it is claimed that a notice under s.88AA has been issued for a minor or petty purpose.

ADVICE

4. For the following reasons, we are of the opinion that the prosecution would bear the burden of proving that a notice was not is-

sued for the purposes of an investigation that is minor or petty. The prosecution would have to prove that matter beyond a reasonable doubt.

Section 88A of the WR Act

5. Section 88AA of the WR Act relevantly provides as follows:

- (1) Subject to subsections (2) and (3), if the Secretary of the Department believes on reasonable grounds that a person (the relevant person):
 - (a) has information or documents relevant to a building industry investigation; or
 - (b) is capable of giving evidence that is relevant to a building industry investigation;

the Secretary may, by written notice given within 3 years of the commencement of this Part to the relevant person, require the relevant person:

- (c) to give the information to the Secretary, or to an assistant, by the time, and in the manner and form, specified in the notice; or
 - (d) to produce the documents to the Secretary, or to an assistant, by the time, and in the manner, specified in the notice; or
 - (e) to attend before the Secretary, or an assistant, at the time and place specified in the notice, and answer questions relevant to the investigation.
- (2) The time specified under paragraph(1)(c), (d) or (e) must be at least 14 days after the notice is given.
 - (3) The power given by subsection (1) must not be used for the purposes of an investigation that is minor or petty.

.....

- (7) A person commits an offence if:
 - (a) the person has been given a notice under subsection (1); and
 - (b) the person fails:

- (i) to give the required Information by the time, and in the manner and form, specified in the notice; or
- (ii) to produce the required documents by the time, and in the manner, specified in the notice; or
- (iii) to attend to answer questions at the time and place specified in the notice; or
- (iv) to take an oath or make an affirmation, when required to do so under subsection (5); or
- (v) to answer questions relevant to the investigation while attending as required by the notice.

6. Section 7B of the WR Act provides that Chapter 2 of the Criminal Code (except Part 2.5) applies to all offences against this Act.

Note 1: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.

Note 2: For the purposes of this Act, corporate criminal responsibility is dealt with by section 349, rather than by Part 2.5 of the Criminal Code.

The Criminal Code

- 7. The Criminal Code is set out in the Schedule to the Criminal Code Act 1995.
- 8. Part 2.6 of the Criminal Code deals with criminal responsibility. Section 13.1 relevantly provides:

Legal burden of proof-prosecution

- (1) The prosecution bears a legal burden of proving every element of an offense, relevant to the guilt of the person charged.

.....

- (3) In this Code:
 - legal burden, in relation to a matter, means the burden of proving the existence of the matter.

9. Section 13.2 provides:

Standard of proof-prosecution

- (1) A legal burden of proof on the prosecution must be discharged beyond reasonable doubt.
- (2) Subsection (i) does not apply if the law creating the offence specifies a different standard of proof.
10. The burden of proving each of the elements of the offence in subsection 88AA(7) would be borne by the prosecution. An essential element of the offence is that the conduct of the defendant is in response to the issue of a notice under subsection 88AA(1). In our view, this presupposes a requirement to prove that a notice has been validly issued, should that issue be raised.
11. The issuing of a notice under s.88AA(1) is subject to s.88AA(3) which states that a notice may not be issued 'for the purposes of an investigation that is minor or petty'. Therefore, if an objection to the notice was raised in the course of proceedings, it would be for the prosecution to prove, beyond a reasonable doubt, that the notice was validly issued.

When an evidential burden may be placed on the defence

12. There are certain circumstances in which the Criminal Code places what is referred to as an 'evidential burden' on the defence. These circumstances can include when the defendant is relying upon some excuse or justification provided for by the law creating the offence. We do not consider those circumstances apply here but we mention them for completeness.
13. For purposes of the present discussion, we refer to s.13.3 of the Criminal Code, which relevantly provides:

Evidential burden of proof-defence

-
- (3) A defendant who wishes to rely on any exception, exemption, excuse, qualification or justification provided by the law creating an offence bears an evidential burden in relation to that matter. The exception, exemption, excuse, qualification or justification need not accompany the description of the offence.

.....

- (6) In this Code:
evidential burden, in relation to a matter, means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist

14. All that is required to discharge an evidential burden is for the defendant to point to some evidence to support the contention that the exception, exemption, excuse, qualification or justification applies to his or her circumstances. The defendant does have the burden of proving his or her case in that regard. The burden of disproving the matter remains with the prosecution, and it must do so beyond a reasonable doubt; s.13.2 of the Criminal Code provides:

- (2) The prosecution also bears a legal burden of disproving any matter in relation to which the defendant has discharged an evidential burden of proof imposed on the defendant.

15. In any event, we do not consider that the circumstances of an alleged offence against s.88AA(7), on which you have requested advice, give rise to any evidential burden for the defendant. As we have noted, the validity of the notice under s.88AA(1) (including that it was not issued for the purposes of an investigation that is minor or petty) would become an essential element of the offence for the prosecution to prove, if the matter was put in issue. (The defence would merely have to raise it as an issue rather than satisfy any evidential burden.) Moreover, s.88AA(3) of the WR Act exists as a qualification on the valid exercise of the power under s:88AA(1). That provision is not 'an exception, exemption, excuse, qualification or justification provided by the law creating an offence' (which is s.88A(7)). Hence, we are of the view that s13.3.(3) of the Criminal Code would not apply.

16. Please let me know if we can be of any further assistance in this matter.

Yours sincerely

Mark Molloy

Senior General Counsel

12 May 2005

The Hon Kevin Andrews MP

Minister for Employment and Workplace Relations

Suite MG48

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 29 March 2005 providing further advice concerning the Secretary's Directions in relation to the exercise of Compliance Powers in the Building and Construction Industry made under section 88AGA of the Workplace Relations Act 1996.

In your letter you note that, while the Guidelines are to be the main source of the Secretary's Directions, these Directions are still being developed and are not expected to be finalised until the compliance powers take effect. The issue of the effect of these unfinished Directions, particularly in the context of the need for 'reasonable' exercise of the powers, remains a matter of concern to the Committee.

You conclude your letter by offering to arrange for a departmental officer to brief the Committee in the interests of resolving the issues expediently. The Committee would welcome the opportunity of a briefing. I will arrange for the Committee Secretary, Mr James Warmenhoven, to arrange a briefing with Mr Peter Cully—the nominated Departmental contact officer—within the next few weeks.

Yours sincerely

Tsebin Tchen

Chairman

Officers from the Department of Employment and Workplace Relations briefed the Committee on 30 May 2005. The information provided by the departmental officers together with the minister's responses has satisfied the Committee's concerns.

Senator Brown to move on Thursday, 16 June 2005:

That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 9 August 2005:

The Australian Government's response to the defection of Chinese diplomat Chen Yonglin, including:

- (a) any information, advice, assistance or protection, or lack thereof, given to Mr Chen from any Australian Government official including advice that may have endangered Mr Chen's wellbeing;
- (b) the response of the Minister for Foreign Affairs (Mr Downer) and his department to Mr Chen's application for asylum and whether the Minister gave proper consideration to the request;
- (c) the response of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) and her department to Mr Chen's application for asylum and whether the Minister gave proper consideration to the request;
- (d) the response of Australia's agencies, including security agencies, to the defection;
- (e) any contact between the Australian and Chinese Governments in relation to the defection;
- (f) the Australian Government's response to other requests from Chinese asylum seekers including Yuan Hongbing, Zhao Jing and Hao Fengjun; and
- (g) any related matters.

Senator Brown to move on Monday, 20 June 2005:

That the Senate commends Mr Mark Felt for his public service in helping to expose, through *The Washington Post*, the involvement of the Nixon White House in the criminal conspiracy of Watergate.

Senator Nettle to move on the next day of sitting:

That the Senate opposes the development of nuclear power in Australia.

Senator Nettle to move on the next day of sitting:

That the Senate—

- (a) notes the opposition to a nuclear waste dump in the Northern Territory by both the Australian Labor Party and the Country Liberal Party; and
- (b) calls on the Government to guarantee that a nuclear waste dump will not be placed in the Northern Territory.

Senator Stott Despoja to move on Thursday, 16 June 2005:

That the Senate—

- (a) notes that:
 - (i) 19 June 2005 is Daw Aung San Suu Kyi's 60th birthday and that she will once again spend her birthday under house arrest, and
 - (ii) at the time of her birthday, Aung San Suu Kyi will have spent approximately 10 of the past 16 years, or a total of 2523 days, in detention;
- (b) expresses its deep concern at recent reports that the Burmese military is forcibly displacing civilians in the Shan state by burning down entire villages and executing, torturing and raping civilians;
- (c) strongly condemns the Burmese military's recruitment of up to 70 000 child soldiers, which is more than any other nation in the world; and
- (d) calls on the Government to:
 - (i) repeat its calls for the release of Aung San Suu Kyi, her deputy U Tin Oo, and all remaining political prisoners,
 - (ii) make representations to members of the United Nations Security Council, calling on the Council to pass a strong resolution addressing the need for urgent democratic reform and greater protection for human rights in Burma, and
 - (iii) make representations to members of the Association for Southeast Asian Nations, calling on them to revoke Burma's chairmanship of the associa-

tion in 2006, in the absence of immediate democratic reforms and the unconditional release of Aung San Suu Kyi and other political prisoners.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Extension of Time

Senator GEORGE CAMPBELL (New South Wales) (3.38 pm)—by leave—At the request of Senator Crossin, I move:

That the time for the presentation of the report of the committee on unfair dismissal laws and the provisions of the Workplace Relations Amendment (Fair Dismissal Reform) Bill 2004 be extended to 21 June 2005.

Question agreed to.

BUSINESS

Rearrangement

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.39 pm)—by leave—I move:

That consideration of the business before the Senate today be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Fierravanti-Wells to make her first speech without any question before the chair.

Question agreed to.

COMMITTEES

Legal and Constitutional Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (3.39 pm)—by leave—At the request of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I move:

That the time for the presentation of the report of the committee on Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005 be extended to 17 June 2005.

Question agreed to.

Economics Legislation Committee**Meeting**

Senator FERRIS (South Australia) (3.40 pm)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 1) 2005 and a related bill.

Question agreed

Rural and Regional Affairs and Transport Legislation Committee**Meeting**

Senator FERRIS (South Australia) (3.41 pm)—by leave—At the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Hefferman, I move:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 15 June 2005, from 3 pm to 7.30 pm, to take evidence for the committee's inquiry under standing order 25(2)(b) into the administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee**Meeting**

Senator GEORGE CAMPBELL (New South Wales) (3.41 pm)—by leave—At the request of Senator Hutchins, I move:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm, to take evidence for the committee's inquiry into Australia's relationship with China.

Question agreed to.

LEAVE OF ABSENCE

Senator FERRIS (South Australia) (3.42 pm)—by leave—I move:

That leave of absence be granted to Senator Ian Campbell for the period 20 June 2005 to the end of the 2005 winter sittings, on account of government business overseas.

Question agreed to.

LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (3.42 pm)—by leave—I move:

That leave of absence be granted to Senator Mackay for the period 14 June 2005 to 23 June 2005, on account of ill health.

Question agreed to.

NOTICES**Postponement**

Items of business were postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Bartlett for today, proposing the reference of a matter to the Legal and Constitutional References Committee, postponed till 15 June 2005.

General business notice of motion no. 123 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to reproductive health, postponed till 15 June 2005.

General business notice of motion no. 133 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to nuclear weapons technology, postponed till 15 June 2005.

MELBOURNE UNIVERSITY STUDENT UNION

Senator CARR (Victoria) (3.44 pm)—by leave—I move the motion as amended:

That there be laid on the table, no later than 5 pm on Wednesday, 15 June 2005, the following documents:

- (a) all correspondence between the Minister for Education, Science and Training (Dr

Nelson) and all office-holders and members of the Board, Council or Executive of the former Melbourne University Student Union (MUSU) in 2002 and 2003, including all correspondence between the Minister and Mr Nathan Barker, elected in late 2002 as the incoming MUSU House and Services Officer; and

- (b) all correspondence between the Minister and others who may not have been office-holders and members of the Board, Council or Executive of the former MUSU in 2002 or 2003 but who subsequently became office-holders of MUSU.

Question agreed to.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Reference

Senator GEORGE CAMPBELL (New South Wales) (3.44 pm)—On behalf of Senator Bishop, I move:

That the following matters be referred to the Joint Standing Committee on Foreign Affairs, Defence and Trade for inquiry and report:

- (a) the ability of the Australian Defence Force to maintain air superiority in our region to 2020, given current planning; and
- (b) any measures required to ensure air superiority in our region to 2020.

Question put:

The Senate divided. [3.49 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	36
Noes.....	<u>31</u>
Majority.....	5

AYES

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.	Collins, J.M.A.
Conroy, S.M.	Cook, P.F.S.

Crossin, P.M.
Faulkner, J.P.
Greig, B.
Hogg, J.J.
Kirk, L.
Ludwig, J.W.
McLucas, J.E.
Murphy, S.M.
Nettle, K.
Ridgeway, A.D.
Stephens, U.
Webber, R.

Denman, K.J.
Forshaw, M.G.
Harradine, B.
Hutchins, S.P.
Lees, M.H.
Lundy, K.A.
Moore, C.
Murray, A.J.M.
O'Brien, K.W.K.
Sherry, N.J.
Stott Despoja, N.
Wong, P.

NOES

Abetz, E.
Brandis, G.H.
Campbell, I.G.
Colbeck, R.
Eggleston, A.
Ferguson, A.B.
Fifield, M.P.
Heffernan, W.
Kemp, C.R.
Lightfoot, P.R.
Mason, B.J.
Minchin, N.H.
Payne, M.A.
Scullion, N.G.
Troeth, J.M.
Watson, J.O.W.

Barnett, G.
Calvert, P.H.
Chapman, H.G.P.
Coonan, H.L.
Ellison, C.M.
Ferris, J.M. *
Harris, L.
Johnston, D.
Knowles, S.C.
Macdonald, I.
McGauran, J.J.J.
Patterson, K.C.
Santoro, S.
Tchen, T.
Vanstone, A.E.

* denotes teller

Question agreed to.

TASMANIAN PULP MILL

Senator BROWN (Tasmania) (3.53 pm)—I move:

That there be laid on the table by the Minister representing the Prime Minister, no later than 3.30 pm on 22 June 2005, all correspondence from January 2002 to the present between the Prime Minister, his staff and department and Gunns Pty Ltd relating to the proposed pulp mill in Tasmania.

Question agreed to.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT—Pursuant to standing orders 38 and 166, I present documents listed on today's *Order of Busi-*

ness at item 13 which were presented to the President, the Deputy President and a temporary chair of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

Committee reports

Employment, Workplace Relations and Education Legislation Committee—Additional information relating to the 2004-5 additional estimates: 6 volumes (received on 16 May 2005)

Environment, Communications, Information Technology and the Arts References Committee—Report—Lurching forward, looking back: Budgetary and environmental implications of the Government's Energy White Paper (received on 16 May 2005)

Standing Committee for the Scrutiny of Bills—Alert digest no. 5 of 2005 (received on 1 June 2005)

Government documents

1. Government Co-contribution Scheme: Quarterly report for 1 January 2005 to 31 March 2005 (received on 16 May 2005)

Correction to the Department of Human Services (Finance and Administration Portfolio) portfolio supplementary additional estimates statements No. 2: Appropriation Bill (No. 5) 2004-05 and the Appropriation Bill (No. 6) 2004-05 (received on 20 May 2005)

Office of the Gene Technology Regulator—Quarterly report for the period 1 October to 31 December 2004 (received on 10 June 2005)

Reports of the Auditor-General

Report no. 43 of 2004-2005—Performance Audit—Veterans' Home Care: Department of Veterans' Affairs (received on 17 May 2005)

Report no. 45 of 2004-2005—Performance Audit—Management of selected Defence system program offices: Department of Defence (received on 27 May 2005)

Statement of compliance with Senate orders relating to a list of contract

Correction—Statement—Attorney-General's portfolio agencies (presented out of sitting on 25 February 2005) (received on 24 May 2005)

Returns to order

Health—Pregnancy support services (pursuant to order of the Senate agreed to 12 May 2005) (received on 24 May 2005)

Health—Tobacco—Interim report by the Australian Competition and Consumer Commission (pursuant to order of the Senate agreed to 27 June 2002) (received on 25 May 2005)

Employment—Building on Success Community Development Employment Project: Part 1 (received on 30 May 2005), and Part 2 (received on 31 May 2005)

Ordered that the report of the Environment, Communications, Information Technology and the Arts References Committee be printed.

Tabling

The DEPUTY PRESIDENT—I present various documents and responses to resolutions of the Senate as listed at item 14(a) to (c) on today's *Order of Business*.

The list read as follows—

Responses to resolutions of the Senate received from:

High Commissioner of India (P.P. Shukla)—Resolution of 10 March 2005—Nuclear Non-proliferation Treaty Review

Chief of the Defence Force (General PJ Cosgrove, AC, MC)—Resolution of 11 May 2005—Helicopter accident on the island of Nias, Indonesia

Auditor-General's reports:

Report no. 44 of 2004-2005—Performance Audit—Defence's Management of Long-term Property Leases

Report no. 46 of 2004-2005—Business Support Process Audit—Management of Trust Monies in CAC Act Entities

Report no. 47 of 2004-2005—Performance Audit—Australian Taxation Office Tax File Number Integrity

Report no. 48 of 2004-2005—Performance Audit—Internationalisation of Australian Education and Training: Department of Education, Science and Training

Report no. 49 of 2004-2005—Business Support Process Audit—Administration of Fringe Benefits Tax

Report no. 50 of 2004-2005—Performance Audit—Drought Assistance

Other documents:

Report prepared by Eureka Strategic Research of the survey of senators' satisfaction with departmental services

Letter from the Clerk of the Senate (Mr Evans)—Proposal of the Australian National Audit Office to claim parliamentary privilege over certain documents

Letter from the President of the Senate to the Leader of the Government in the Senate (Senator Hill)—Estimates questions on notice summary

BUDGET

Portfolio Budget Statements

Additional Information

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.55 pm)—I table corrections to the Immigration and Multicultural and Indigenous Affairs portfolio budget statements for 2005-06.

COMMITTEES

Community Affairs References Committee

Additional Information

Senator GEORGE CAMPBELL (New South Wales) (3.55 pm)—At the request of the Chair of the Community Affairs References Committee, Senator Marshall, I present further submissions and additional information received by the committee on its inquiry into children in institutional care.

BUDGET

Consideration by Legislation Committees

Additional Information

Senator McGAURAN (Victoria) (3.56 pm)—At the request of the Chair of the Community Affairs Legislation Committee, I present additional information received by the committee relating to hearings on the 2004-05 additional estimates.

COMMITTEES

Public Works Committee

Reports

Senator McGAURAN (Victoria) (3.56 pm)—On behalf of the Parliamentary Standing Committee on Public Works, I present the following reports: 2nd report of 2005 relating to the proposed new housing for Defence Housing Authority at McDowall, Brisbane, Queensland; 3rd report of 2005 relating to the proposed Maribyrnong Immigration Detention Centre additional accommodation and related works, Maribyrnong, Victoria; 4th report of 2005 relating to the development of on-base housing for Defence at Puckapunyal, Victoria; and the 5th report of 2005 relating to the Defence Science and Technology Organisation ordnance breakdown facility, Port Wakefield, South Australia.

Ordered that the reports be printed.

Senator McGAURAN—I seek leave to move a motion in relation to the reports.

Leave granted.

Senator McGAURAN—I move:

That the Senate take note of the reports.

I seek leave to incorporate tabling statements in *Hansard*.

Leave granted.

The statements read as follows—

New Housing for Defence Housing Authority at McDowall, Brisbane, Queensland

The McDowall project was referred to the Committee on 6 December 2004 at an estimated cost of \$17.5 million.

The purpose of the work is to provide 50 houses to meet the operational requirements of Defence, mainly to service the nearby Enoggera Army Base. It is intended that the houses will be ready for occupation in November 2006.

The proposal presented to the Committee comprises

- 40 conventional and ten small housing lots;
- two park areas with a total area of 6,170 square metres;
- internal roads and footpaths;
- access roads; and
- stormwater, drainage, sewerage, communications and electrical services.

The Committee inspected the site of the proposed development and conducted a public hearing in Brisbane on 24 February 2005. Issues explored at the hearing included site selection, the nature of the development, traffic management, consultation and a range of environmental issues.

Subsequent to the hearing, the Committee received a letter from a McDowall resident outlining some concerns in relation to the proposed development. This correspondence was forwarded to the Defence Housing Authority and the Committee recommends that the Authority continue to engage in close consultation with owners of neighbouring properties and the wider McDowall community. Having examined all the evidence presented to it, the Committee recommends that the proposed housing development project proceed at the estimated cost of \$17.5 million.

Provision of Facilities for Maribyrnong Immigration Detention Centre Additional Accommodation and Related Works, Maribyrnong, Victoria

The Committee's third report of 2005 addresses a proposal from the Department of Immigration and Multicultural and Indigenous Affairs to provide additional accommodation and carry out related

works at the Maribyrnong Immigration Detention Centre at Maribyrnong in Victoria.

This work was referred to the Committee for consideration and report on 9 December 2004 at an estimated cost of \$7 million.

The Department's proposal is driven chiefly by the need to provide adequate separation for different categories of detainees. In its current form, the Centre allows only for the separation of adult males from females and families. The facility needs to be expanded and reconfigured in order to protect the welfare of residents and staff.

The Department intends that the proposed works should deliver:

- the ability to separate different detainee groups;
- an increase in capacity of some 50 places;
- increased amenity for residents, particularly women and children;
- improved resident recreation and access to outdoor facilities;
- improved disabled facilities for residents and visitors;
- increased privacy in the new areas;
- better security;
- improved OH&S conditions for staff; and
- the provision of some self-catering facilities.

In order to achieve these outcomes, the Department proposes to construct additional accommodation in the form of demountable buildings and to reconfigure existing facilities to accommodate a further 50 detainees within the existing Centre boundaries. The Department intends that the proposed works will:

"...achieve additional accommodation that provides improved amenity and demonstrates a clear regard for the personal needs and dignity of the residents" and

"...provide detention infrastructure that is humane, non-punitive and sensitive to the needs of people held under administrative detention."

The Committee visited the Maribyrnong Immigration Detention Centre on 23 February 2005 and conducted public hearings in Melbourne on 23 February and in Canberra on 7 March.

During its investigations, the Committee considered a range of matters relating to the need, purpose, scope, cost and value-for-money of the proposed work.

The Committee was primarily concerned at the Department's proposal to accommodate a further 50 detainees within the boundary of the existing site. The Committee acknowledges the considerable challenges faced by the Department in respect of providing additional places at the Maribyrnong facility and is appreciative of the efforts made to make the best possible use of the limited space available. However, the Committee does not believe that a population increase of the magnitude proposed would enhance amenity to residents or satisfy the Department's intention to provide "humane and non-punitive detention infrastructure".

Following their inspection of the existing facilities, members were in no doubt as to the pressing need for refurbishment, particularly in respect of the existing ablutions and family accommodation area. Members were disappointed to note that the detailed project cost estimate did not include specific amounts for extensive refurbishment of the existing accommodation. The Committee was unanimous in its view that the proposal did not appear to be accomplishing the stated purpose of improving the overall amenity of the facility and providing "humane and non-punitive detention infrastructure"—particularly considering the proposed 65 per cent increase in occupancy. The Committee therefore recommends that, in order to maintain a reasonable level of amenity, the current maximum occupancy of the Maribyrnong Immigration Detention Centre be increased by no more than 20 places, with a total maximum occupancy in surge periods of not more than 100 detainees.

In respect of the project scope, the Committee noted the Department's intention to utilise portable accommodation units at the site and recommends that these be of an acceptable standard to ensure a reasonable level of comfort and amenity for detainees.

The Committee was concerned to learn that there is no single national or international building code or standard for immigration detention facilities and believes that this deficiency should be

addressed. The Committee does not believe that remand centres and backpacker hostels are entirely appropriate analogies for detention accommodation as the freedom of movement available to the occupants of such facilities are markedly different. In respect of building codes and standards, the Committee therefore recommends that the Department of Immigration and Multicultural and Indigenous Affairs consult with appropriate government and professional bodies to establish a national benchmark for the construction and fit-out of Immigration Detention Centres and Immigration Reception and Processing Centres.

Similarly, the Committee noted that there is no agreed standard for the per capita provision of space and amenities at immigration detention facilities. In respect of the ratio between living/recreation space, amenities and occupancy, the Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs consult with appropriate government and professional bodies with a view to establishing a national benchmark for room occupancy and related indoor and outdoor recreation areas, ablutions, kitchen and laundry facilities at Immigration Detention Centres and Immigration Reception and Processing Centres.

Members were also concerned to note that accommodation at the Centre is based on quadruple occupancy of double bunk rooms. Whilst the rooms in the proposed new accommodation zone will measure 15 square metres plus ensuite, some rooms in the existing section are only 11 square metres, with access to shared ablutions. Members concluded that, whilst quadruple occupancy of the larger ensuite rooms proposed for construction under the extension project would be acceptable, quadruple occupancy of the existing non-ensuite rooms did not represent an appropriate level of amenity. In order to fulfil the Department's objective of providing "humane and non-punitive detention infrastructure", the Committee recommends that the Department reduce the number of detainees accommodated in the existing double-bunk rooms at the Maribyrnong Immigration Detention Centre to two persons per room. Moreover, the Committee recommends that, wherever possible, occupancy of new ensuite rooms should be kept below the maximum of

four, especially in cases where the detention period is prolonged.

The Committee is of the view that the Department should act promptly to redress the shortcomings of the existing accommodation at Maribyrnong in order to meet the stated project objective of providing “humane and non-punitive” detention facilities. The Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs expedite the proposed routine maintenance and upgrade of existing ablutions and accommodation facilities in order to reduce the disparity in quality of accommodation between the old and new wings of the Maribyrnong Immigration Detention Centre.

During their visit to the Centre, members observed that the existing bedrooms do not have doors, but were pleased to note that the Department includes improved privacy for residents among the anticipated project outcomes. In order to fulfil the Department’s objective of providing “humane and non-punitive detention infrastructure which provides a clear regard for the personal needs and dignity of residents”, the Committee recommends that the Department install bedroom doors or bed-curtaining in all rooms at the Maribyrnong Immigration Detention Centre to ensure an appropriate level of privacy for detainees.

In respect of the reconfiguration of the Centre, members questioned whether the design represented the best solution in terms of access to recreational space for families and children, as the selected option will not provide families with immediate and unescorted access to the largest outdoor recreation area. The Committee questions whether this solution adequately meets the Department’s intention to improve “...amenity for residents, particularly women and children...”. In view of this, the Committee recommends that the Department give consideration to using the proposed new Zone A of the extended Maribyrnong Immigration Detention Centre for the accommodation of families in order to allow children greater access to the centre’s largest outdoor recreation area.

Having reviewed the evidence presented to it, the Committee recommends that the works proceed subject to the acceptance of recommendations 1,

2, 4, 5 and 7 of its report. Further, the Committee seeks a response from the Department of Immigration and Multicultural and Indigenous Affairs in respect of the Department’s intention to adopt the recommendations made herewith.

In closing, I wish to thank my Committee colleagues for their cooperation throughout this inquiry, the Hansard and the staff of the secretariat.

I commend the Report to the Senate.

DEVELOPMENT OF ON-BASE HOUSING FOR DEFENCE AT PUCKAPUNYAL, VICTORIA,

The first of the proposed works is intended to provide 80 on-base houses to meet current and future Defence Force accommodation requirements at the Puckapunyal Military Area. The Defence Housing Authority intends that delivery of the new homes will occur progressively between February and November 2006. The estimated cost of the project is \$19.6 million.

The proposed works will comprise:

- construction of 80 houses; and
- associated stormwater drainage, communications, sewerage reticulation, gas and electrical services.

The Committee visited the site of the proposed works and conducted a public hearing at Puckapunyal on 20 April 2005.

Having explored a variety of issues relating to the need for the new homes, the consultation conducted with stakeholders, the provision of services and amenities, and the environmental management of the project, the Committee was satisfied that the works would meet all stated project objectives and would represent an improved level of amenity for Defence families. The Committee therefore recommends that the works proceed at the estimated cost of \$19.6 million.

DEFENCE SCIENCE AND TECHNOLOGY ORGANISATION ORDNANCE BREAK-DOWN FACILITY, PORT WAKEFIELD, SOUTH AUSTRALIA

The Committee’s fifth report of 2005 addresses works required to enhance Defence research ca-

pability in respect of explosive ordnance and weaponry. This research is necessary to support the work of the Australian Defence Force and associated organisations in ensuring national security.

At present, research into weapons and ordnance is conducted at the Defence Science and Technology Organisation Facility at Edinburgh, South Australia, and the Proof and Experimental Establishment at Port Wakefield. Safety requirements at these sites currently limit investigation to small-size ordnance. The proposed work would address this deficiency by enabling research into a wider range of explosive ordnance and weapons.

Work elements to meet Defence's objectives consist of:

- a control room for the remote monitoring and operation of ordnance breakdown equipment in other areas of the facility;
- a cutting building for the radiography and remotely controlled cutting of ordnance;
- a disassembly building for the safe radiographic examination and breakdown of explosive ordnance;
- two explosive ordnance storehouses;
- a storage building to house general equipment;
- engineering services, including power, water, sewerage, communications and sealed roads; and
- security provisions, comprising fencing and a Type 1 security system.

In the course of its inquiry, the Committee was assured that the proposed works would take account of all necessary occupational and public safety requirements, and would also entail appropriate security measures. The Committee was also satisfied at the level of consultation conducted by the Department with the community and other stakeholders, including the execution of land acquisition procedures.

In respect of environmental impacts, members were pleased to learn that the works would result in improvements to the habitat of an endangered local bird species, and further, that the Proof and Experimental Establishment site had met four of

the eight criteria for inclusion on the Ramsar List of Wetlands of International Importance.

Having thoroughly examined the proposal, the Committee recommends that the construction of an ordnance breakdown facility for the Defence Science and Technology Organisation at Port Wakefield, South Australia, proceed at the estimated cost of \$8.4 million.

Mr President, I would like to extend thanks to my Committee colleagues, the secretariat staff and all those who helped with these inquiries, and I commend the Reports to the Senate.

Senator BARTLETT (Queensland) (3.57 pm)—I rise to speak to the motion moved by Senator McGauran in relation to the four reports of the Parliamentary Joint Standing Committee on Public Works. I specifically want to speak to the report on the proposed Maribyrnong immigration detention centre. The motion moved by Senator McGauran was that the Senate take note of that report and the other reports before us.

I must emphasise that I am not a member of the Joint Standing Committee on Public Works, so I have not seen the report and was not able to participate in the specific inquiry. The Joint Standing Committee on Public Works does have a very narrow term of reference. It does not relate specifically to policy matters per se; it looks much more narrowly at public works—usually buildings, defence housing and other government facilities.

The issue at the heart of this report, the proposed new Maribyrnong immigration detention centre, is an issue that I believe needs further noting, not so much in terms of whether we are getting value for money—whether we are picking the right quality cement and those sorts of things—but in terms of whether it is actually necessary, desirable and appropriate to be building expanded immigration detention facilities. People would say that, if we are going to have better quality facilities, that is better for the people

who are detained within them—and I do not dispute that. Any opportunity to have better facilities for people whilst they are in detention is, on the face of it, desirable. But the bigger question, of course, is whether we should be having so many of those people in detention facilities.

Senators would know that the Australian Democrats have long opposed mandatory detention in this country. Our record on that is totally consistent and very longstanding, over more than a decade. But the bigger issue here is not even mandatory detention. Many people misrepresent the position of the Democrats and others who oppose mandatory detention, saying that we support an open door policy and believe there should be no detention at all. That is not the case. Certainly, on behalf of the Democrats, I state that we do not support an open door policy and we certainly do not suggest that there are not circumstances where it may be appropriate to have people in detention for migration related matters. But the fact is that we have far too many people in migration detention and far too many of those people are in there for far too long. We have people in there, including children, who are in detention for months and years.

The simple matter is that, if we did not have that policy—an unjustified, immoral and unnecessary policy—we would not need this report at all. We would not need the additional accommodation or the related works because we would not need the detention centre. As I said before, there is a case for people being detained for migration purposes in select circumstances for specific reasons and for limited periods of time. If we had that policy, obviously we would need to have one or two facilities somewhere. But we would certainly not need to have the vast and continuing endless expenditure on building, expanding, refurbishing and adding new detention centres, time after time. If we look at

the amount of expenditure in this area over recent years, we see it is simply scandalous.

The broader issue here that underpins what these reports are about is value for money for the taxpayer. There is no way that it is value for money for the taxpayer to be spending hundreds of millions of dollars on new facilities and on expanding and upgrading facilities to detain people when we do not need to be doing that in the first place. The Maribyrnong centre, which is in Melbourne, is small bickies compared to some of the others. It is estimated, depending on which document you read, that the one that is still proposed for Christmas Island, which will accommodate a total of around 800 people, will cost over \$300 million. That is \$300 million to build a detention facility on Christmas Island, when we have an empty detention facility, in mothballs, at Port Hedland, when we have the Baxter detention facility at less than half capacity, and when we have an empty facility—it has been empty for a few years—in Darwin, which we are now going to spend more money on to upgrade. We have a proposal for a facility in Brisbane still on the books, and we have the facility at Woomera. Enormous amounts of money have been spent upgrading and expanding that facility—mainly on security—and then within a year or two that money is mothballed.

Billions of dollars have been spent on a totally unnecessary policy that causes immense harm to people, distorts the rule of law, subverts due process and, on any objective criteria, does not contribute one bit to border protection under any sensible meaning of the term. It is a stupid waste of money purely because the government will not admit the blatantly obvious: that this policy is not necessary, that it causes immense harm and that there are alternatives that are not only more humane but more workable and much more in accordance with our legal and

democratic traditions, and they would save us a fortune.

I for one believe that it is time to start saying no to more and more public money being spent on more and more detention facilities, with a few little bandaids around the side now and then to take the pressure off the Prime Minister whenever one case comes up that makes things look difficult. It is time to recognise that the whole policy does not work, and you cannot continue to adjust, amend and build on something when its foundations are completely and utterly in ruins. The foundations of the mandatory detention policy—its legal foundations, its ethical and moral foundations, and its policy foundations—are completely bankrupt. Continuing to build on and amend that policy, whether it is building new centres or changing the way that the policy works so that it can operate in a supposedly more flexible or more humane way, is ignoring the core problem, which is that the policy, the law itself, is corrupt.

Until we acknowledge that, we will continue to waste more money. It is bad enough to be wasting money but this is wasting money to generate human suffering for no good end, other than political ends for a government that refuse to admit that they have got it wrong—and both major parties have refused to admit that they have got it wrong. Time after time they have kept cracking down, one thing after another, and they have never taken a step back and said: 'Maybe we've gone in the wrong direction. Maybe we need to choose another path.' Surely there is enough evidence out there now that we need to choose another path. It certainly does not involve building more detention centres, additional accommodation and related works, even if it means good value for money, and we are getting top quality bricks and cement and nice clean floors. The simple fact is that the policy that is behind the con-

struction of these detention centres is wrong. It is time for that policy to be changed.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (4.05 pm)—I also rise to speak to the report of the Public Works Committee on the Maribyrnong detention centre. As a Victorian I want to make some brief remarks about this report. I have not yet had the benefit of seeing it, but being a regular visitor to Maribyrnong I do know something of the background to this. It is not a bad thing that we are improving that accommodation, although I agree with my colleague that quite a few of the people who are at Maribyrnong ought not be there.

I agree too that we should not be increasing accommodation in detention centres overall, including Maribyrnong. One of the reasons is that this will take over a substantial area of open space at the present time—space which had been denied to detainees for about two years because the government argued that security arrangements were not in place, despite several-metres-high steel walls and ribbon wire and what appeared to me to be a very secure environment. These detainees have only just had access to that outdoor space—a pretty miserable outdoor space too—but this development is proposing to use much of that space up. The problem is that, when people are there for lengths of time—many years in some cases; the people that I have talked with are still there or have been kept there for five years or more—whilst nothing is more important than getting them out, if they cannot move around in this very confined environment it is obviously not good for their mental health.

I point out as well that Maribyrnong council has been very opposed to this expansion. I think the government let the council know that this was happening, but that was about the extent of the consultation that took place. This does matter to the Maribyrnong

City Council because adjacent to the Maribyrnong detention centre is a brand new housing development. Quite a substantial area of land has been set aside for redevelopment. You are going to have some quite expensive housing, I would say, which will back onto the detention centre. In fact, the mayor, when I last spoke with her, indicated that the plan was to put up another very large fence so that the people in this new housing development would not have to look onto the misery of the Maribyrnong detention centre and very obviously prison-like circumstances in which people live—that is, as I said, with razor wire and very high walls.

Having said all of that, I should also say that the conditions inside the Maribyrnong centre—and I am told this is better than most other detention centres—are pretty miserable. In the male quarters the dormitory spaces are occupied by four men in very narrow, short, steel double bunks, with a very narrow space in between those two sets of beds. There is very little by way of furniture—a simple metal cabinet—and there are bars on the window and a pretty miserable outlook. Together with that there are the so-called isolation rooms, which have nothing in them. All in all, this is not good place for anyone to be. I welcome any proposal to improve those conditions.

However, I reiterate what my colleague has just said: most of the people who are there should not be there in the first place. They are there because they are asylum seekers and they are going through a process. It makes no sense to be locking them up when most of them are waiting for some court process to take place. They are the last ones likely to abscond. It puzzles me. Even the minister today said, 'We're not going to let people off scot-free.' These people are not going to wander off and disappear. It is in their interest to have visas and full permanent residency in this country. I cannot see

them running off and disappearing, particularly those people with children. Children have to be put through school and looked after. It would be extremely difficult, I would suggest, for a couple or an individual with children to simply 'get off scot-free', as the minister suggested, as if they had committed a crime—and, of course, the majority of asylum seekers have not. As a Victorian senator I want to add my voice and express my concern at this proposal—a concern which, from what I can gather, has been echoed to some extent in some of the comments and content of this report.

Senator NETTLE (New South Wales) (4.11 pm)—I rise to take note of report of the Public Works Committee on the Maribyrnong detention centre. The Senate, in taking note of this document, is being asked effectively to approve the building of more immigration detention centres—this one at Maribyrnong. Last Thursday I was out the front of Villawood detention centre when the Minister for Immigration and Multicultural and Indigenous Affairs turned the first three sods of the new detention centre to be built at Villawood. I thought then, as I think now, that, in the midst of all of the claims about the way in which we need to be ending this system of mandatory detention, the minister on Thursday opened and turned those first sods of a brand new detention centre that is not just any detention centre but a new detention centre that is designed specifically for locking up women and children.

The minister seeks on these sorts of occasions, as she did on Thursday and has subsequently, to claim that this is an opportunity for families to live in the community. As for these residential housing projects that the minister was opening at Villawood last Thursday, I have been to visit such a residential housing project in Port Augusta. It is quite incredible to see the way in which this government is able to transform a normal

suburban street into a prison. What they do is build two large fences all of the way around it. Regularly around it they position cameras, which give 24-hour monitoring of people who are held within that particular facility. There are motion detectors so that, if anyone opens the window after 11 o'clock at night, an alarm goes off, given the expectation that they are going to escape over the two fences, through the motion detectors, past the 24-hour security cameras and out into the community.

If there are schoolchildren in that area—and there often are—then, on their way to school, they go through an X-ray. An X-ray wand is waved over them, as is done in our airports, and their bags are also searched. On the way home from school, yet again their bags are searched and they go through an X-ray by these guards. Regularly throughout the day in these places—and the minister likes to describe this as families living in the community—guards from the private security company contracted to run our immigration detention centres come into people's homes every couple of hours to do a head count. When I went and visited one of those homes in a residential housing project in Port Augusta, the place was in disarray. One woman had been in there for an indeterminate period of time. She did not know how much longer she was going to be in there. She was being held in there away from her partner, who was elsewhere. Often the partner is in another immigration detention centre and mothers are held there with their children away from and without any ability to engage with the community, certainly without any ability to know what is going on and for how much longer they will be held there.

When I visited those women and children they told me about the circumstance where, once a week, they are being taken by the guards to the local shopping centre. They

have a specific allowance—that is the only money they are allowed to spend—for buying food that they may cook for their family in the residential housing project. When they are there we have the circumstance where, if they seek to spend any more money than that allowance or to spend that money inappropriately, the private security guard argues with the mother at the checkout about what she can be buy and how much money she can spend buying food for her children. If that is not a paternalistic attitude about the way in which asylum seekers and mothers should be able to look after their own children, I do not know what it is. But the minister claims that this is about women and children being able to live in the community. You are not living in the community when, as occurs in these residential housing projects, if you run into somebody in the supermarket that you know and enter into a conversation, the guard not only removes you from that situation but also can deny you the right to go the shopping centre the next week to buy food for your children. That is not living in the community. It is not living in the community if you cannot talk to people in your local shopping centre. It is not living in the community if you cannot lean over the two fences and the security cameras to talk to your neighbours. It is not living in the community if you have your bag searched on the way to school when you are a six-year-old. It is not living in the community if you have a security guard arguing with you at the checkout about what you can and cannot buy to feed your children. And yet the minister puts up this ridiculous idea that this is about allowing women and children to live in the community.

Today we hear more announcements. The government, in their negotiations with Petro Georgiou and others, are saying perhaps we should allow fathers to live in this environment as well. That is not living in the com-

munity. Allowing fathers to be able to be treated in this degrading way and to be a part of an area that has turned from a suburban street into a prison is not living in the community. It is just another form of prison. The minister for immigration, in response to the concerns we have seen now for years—particularly about children in detention but, in general, about the operations of our immigration detention centres—responds to these concerns by opening a new detention centre for women and children last Thursday. And here in the Senate we are again being asked to consider more changes and the building of more expansive detention centres, this time in Victoria. That is not a minister who is taking seriously her responsibility to her portfolio and to her individual duty of care for the people that she holds in detention.

A minister who was responsible would not respond to this crisis by going out and turning three sods of soil, like the minister did on Thursday, for the building of another detention centre for children and women to be locked up in. That is not an appropriate way to be dealing with this immigration detention debacle that the current minister is presiding over. An appropriate way would be to set up a judicial inquiry—an open, public inquiry—where we can hear about the way in which this department and this minister are administering this system of mandatory detention. The Greens certainly say that we need to go further than that. The system of mandatory detention that exists in this country, which this government, minister and department preside over, is one which says, ‘We will lock people up and ask questions later.’ That is not appropriate. Think of all of the scandals that we have seen, whether it be Vivian Alvarez, Cornelia Rau or three-year-old Naomi Leong, who has spent all her life up until a couple of weeks ago when she appeared on the front page of the newspaper, living in a detention centre. I think it has

been 10 children now living in detention centres who have been born there. All of those people do not deserve to have a minister who sends these issues off to a closed inquiry. They deserve for there to be an open, public and transparent inquiry. They do not deserve to have a system of mandatory detention supported by both the major parties which says, ‘We are going to lock these people up. Maybe if they appear on the front page of the newspaper we will ask some questions later.’ That is an utterly irresponsible way for the government to run public administration of these affairs.

The way in which, scandal after scandal, the department changes and manipulates the way it deals with these issues is outrageous. It is an outrageous way to run this administration. During the estimates committee process I asked a number of questions about particular detainees. One of those was an Iraqi man with a hand deformed because members of Saddam Hussein’s Baathist regime had hit it with a burning metal rod. They also tortured and killed his father. That man was sitting in Baxter detention centre at the time I asked the minister questions about whether he could be released on a bridging visa for the torture and trauma that he had faced. Two days later, I got a message to say the man had been released. I asked another question about a man in immigration detention who, out of desperation—he had been in there for five years and was the longest serving detainee in Villawood detention centre—had drunk a bottle of bleach the night before the estimates hearings. That is the action of a desperate man in a desperate situation—a man who happens to have been one of the carers for the three-year-old in Villawood, Naomi Leong, who I mentioned before. I asked questions about that particular man of Immigration and a week later, I think it was, he was released from detention.

I hope that the asking of those questions and the release of those detainees were not connected. I hope sincerely that this government, minister and department are not making decisions on the basis of issues being raised in the Senate, the estimates process, the media or wherever it may be, and to decide only then to release people from detention. If that is so, it is an appalling way to run public administration of the department of immigration, or any other department for that matter. So I hope those issues, the asking of questions about detainees and the subsequent release of those particular individuals, are entirely unrelated. We should not be supporting the building of any new detention centres. We should be supporting the dismantling of this system of mandatory detention which says, 'Lock people up first and ask questions later.'

Question agreed to.

ASIO, ASIS and DSD Committee

Reports

Senator McGAURAN (Victoria) (4.21 pm)—On behalf of the Parliamentary Joint Committee on ASIO, ASIS and DSD, I present a report on the review of the listing of Tanzim Qa'idat al-jihad fi Bilad al-Rafidayn (the al-Zarqawi network) as a terrorist organisation and the annual report of the committee's activities for 2004-05.

Ordered that the report be printed.

Senator McGAURAN—I seek leave to move a motion in relation to the reports.

Leave granted.

Senator McGAURAN—I move:

That the Senate take note of the reports.

I seek leave to incorporate a tabling statement in *Hansard*.

Leave granted.

The statement read as follows—

I present the third report of the Parliamentary Joint Committee on ASIO, ASIS and DSD under section 102.1A of the Criminal Code Act 1995. In this report the Committee has reviewed the listing of the al-Zarqawi network as a terrorist organisation for the purposes of section 102.1 of the Criminal Code.

In its first report, Review of the listing of the Palestinian Islamic Jihad (PIJ), the Committee decided that it would test the validity of the listing of a terrorist organisation under the Criminal Code on both the procedures and the merits.

Overall, the Committee is pleased that the Government's procedure in listing terrorist organisations is developing into a more focused and thorough process. In particular, on this occasion, the States and Territories were provided with more notice than previous listings and consultation occurred between the Prime Minister and Premiers and Chief Ministers as required under sub-clause 3.4(6) of the Inter-Governmental Agreement on Counter-terrorism Laws.

However, consultation with the Department of Foreign Affairs and Trade still appears to be somewhat inadequate. The Committee would encourage DFAT to provide more detailed advice to the Attorney-General's Department in future listings under the Criminal Code. This advice may include an assessment of the foreign policy implications of a listing and any information relating to Australia's obligations to the United Nations on the particular organisation.

In its previous report, Review of the listing of six terrorist organisations, the Committee recommended that a comprehensive information program, that takes account of relevant community groups, be conducted in relation to any listing of an organisation as a terrorist organisation. At the hearing on this listing, the Attorney-General's Department advised that they are developing a response to the Committee's recommendation on community consultation and the Committee looks forward to the implementation of this recommendation.

At the hearing for the Committee's earlier report, Review of the listing of six terrorist organisations, ASIO advised the Committee of their evaluation process in selecting entities for proscription under the Criminal Code. In this review, the Committee

examined ASIO's criteria in more detail and continues to gain a better understanding of the process of selecting organisations for listing. The proscription of an organisation under the Criminal Code creates serious criminal offences and the Committee would like to stress the need for clear reasons explaining why it is necessary to proscribe an organisation.

The Committee is pleased that links to Australia is one of the factors considered by ASIO. Although the Committee understands that direct links to Australia are not legally necessary in order for an organisation to be listed under the Criminal Code, it is the Committee's view that it should be a primary consideration in determining whether to proscribe an organisation.

In this review, the Committee measured the al-Zarqawi network against ASIO's stated evaluation process. The al-Zarqawi network has engaged in and continues to engage in violent terrorist acts, in particular, the organisation has claimed responsibility for an attack on an Australian Defence Force convoy in Baghdad last year and a vehicle bombing near the Australian Embassy in Baghdad in January of this year. The Committee was also advised that the organisation does have some links to Australia.

It is therefore the Committee's view that the proscription of the al-Zarqawi network in Australia is potentially useful insofar as it prevents Australians from assisting the organisation either financially or personally.

In this review, there continued to be much debate between the Committee and government officials on the selection processes for proscription under the Criminal Code. It is hoped that this will be a continuing and constructive dialogue.

The Committee does not recommend to the Parliament that this regulation be disallowed.

I recommend the report to the Senate.

Membership

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—The President has received letters from party leaders seeking to vary the membership of committees.

Senator ABETZ (Tasmania—Special Minister of State) (4.22 pm)—by leave—I move:

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

Finance and Public Administration References Committee—

Appointed—Substitute members: Senators Fierravanti-Wells and Bartlett to replace Senators Heffernan and Ridgeway for the committee's inquiry into the Gallipoli Peninsula

Legal and Constitutional Legislation Committee—

Appointed—Participating member: Senator Ludwig.

Question agreed to.

ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) BILL 2005

IMPORT PROCESSING CHARGES AMENDMENT BILL 2005

CUSTOMS LEGISLATION AMENDMENT (IMPORT PROCESSING CHARGES) BILL 2005

SUPERANNUATION BILL 2005

SUPERANNUATION (CONSEQUENTIAL AMENDMENTS) BILL 2005

SUPERANNUATION LAWS AMENDMENT (ABOLITION OF SURCHARGE) BILL 2005

TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2005

AGED CARE AMENDMENT (EXTRA SERVICE) BILL 2005
CIVIL AVIATION AMENDMENT BILL 2005
CRIMES AMENDMENT BILL 2005
HEALTH LEGISLATION AMENDMENT (AUSTRALIAN COMMUNITY PHARMACY AUTHORITY) BILL 2005
HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES No. 2) BILL 2005
INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2005
MARITIME TRANSPORT SECURITY AMENDMENT BILL 2005
PAYMENT SYSTEMS (REGULATION) AMENDMENT BILL 2005
PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (RICE) BILL 2005
SEX DISCRIMINATION AMENDMENT (TEACHING PROFESSION) BILL 2004
SUPERANNUATION LEGISLATION AMENDMENT (CHOICE OF SUPERANNUATION FUNDS) BILL 2005
TAX LAWS AMENDMENT (2005 MEASURES No. 3) BILL 2005

First Reading

Bills received from the House of Representatives.

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

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

Question agreed to.

Bills read a first time.

Second Reading

Senator ABETZ (Tasmania—Special Minister of State) (4.25 pm)—I table a correction to the explanatory memorandum to the Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005

The Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 provides for the repeal of the Stevedoring Industry Finance Committee legislation. The main Bill will transfer liabilities relating to current claims to Comcare. Following this, the Consequential and Transitional Provisions Bill will transfer any remaining liabilities of SIFC to the Commonwealth.

Once the liabilities have been transferred, Schedule 2 of the Consequential and Transitional Provisions Bill will repeal the following Acts: the Stevedoring Industry Finance Committee Act 1977, the Stevedoring Industry Levy Act 1977, and the Stevedoring Industry Levy Collection Act 1977.

Asbestos-related liabilities which were transferred from SIFC to the Commonwealth will then be capable of being automatically transferred to Comcare under the transfer provisions of the main Bill.

As the Committee will no longer perform any other functions after the transferral of liabilities for asbestos-related claims to Comcare, it is appropriate to repeal the relevant legislation. The

stedoring industry levy collection Acts have been redundant for several years.

There will also be consequential amendments to the Safety, Rehabilitation and Compensation Act 1988 to take account of Comcare's new function in managing asbestos-related common law claims.

**ASBESTOS-RELATED CLAIMS
(MANAGEMENT OF COMMONWEALTH
LIABILITIES) BILL 2005**

The Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 will allow Comcare to manage all asbestos-related claims brought at common law against the Government. It will achieve this by transferring the liability for such claims from the Commonwealth and Commonwealth authorities to Comcare.

Currently, the majority of common law asbestos claims against the Government are managed by the particular agencies against which the claims are made. This has resulted in some inefficiencies and inconsistencies in case management across portfolios.

Comcare's current legislative authority allows it to manage asbestos-related disease claims from only current and former employees of the Government, and their dependants.

The bill will give Comcare the legislative authority to manage common law claims against the Government by contractors, tenants, bystanders, etc. Comcare will also have the authority to manage claims from former waterside workers whose asbestos claims are currently managed by the Stevedoring Industry Finance Committee.

It is proposed that Defence-related common law asbestos claims will continue to be managed by the Department of Defence, at the delegation of Comcare, pending a review of these arrangements by July 2006.

Statutory claims made under the Safety, Compensation and Rehabilitation Act 1988, the Veterans' Entitlements Act 1986 and the Military Rehabilitation and Compensation Act 2004 are not included in the application of this bill, and claims made under these Acts will continue to be man-

aged by Comcare and the Department of Veterans' Affairs.

Integrating the management of asbestos claims against the Government will lead to more consistent decision making and more equitable and efficient outcomes. It will result in a standardised approach to management of asbestos claims. Furthermore, it will facilitate a better understanding of the nature of asbestos claims through improved knowledge and experience. The long latency period for asbestos-related diseases warrants special consideration for managing resulting personal injury claims.

The Government's asbestos liabilities over the next 50 years have been estimated to be \$0.9 billion, the majority of which will be common law claims. Comcare will be fully funded for the cost of managing the claims. While the Government's 2005-06 Budget proposals provided \$86 million to the Employment and Workplace Relations portfolio over a five year period for the costs of asbestos claims, this bill is not expected to have a significant effect on the level of asbestos liabilities.

**IMPORT PROCESSING CHARGES
AMENDMENT BILL 2005**

This bill is the first of two in the legislative package for the restructure of the cost recovery regime for import related services which was originally proposed to support the new management and processing of cargo by customs. Cost recovery for import related services has been in place since 1997.

This bill provides the legislative authority to restructure the import declaration and the warehouse declaration processing charges contained in the Import Processing Charges Act 2001 (the IPC Act 2001). The structure under the existing IPC Act 2001 is based on the value of imported goods and applies the same charge irrespective of the method of importation. It is proposed to change this structure and instead base the charges on the method of importation, either by sea, air or post without reference to the value of the imported goods. This new structure will be the same as the original charging structure currently operating under the Import Processing Charges Act 1997. In

addition, the second bill in this package will repeal two cargo reporting charges relating to low value consignments, which will be incorporated into the restructured import declaration and warehouse declaration processing charges.

Consultation with industry in relation to the restructuring proposal has occurred. Industry representatives support the requirement to restructure the charges as proposed and also support the amalgamation of the charges for low value consignments into the import declaration and warehouse declaration processing charges.

As previously stated this bill will ensure that the charges are equitable in their application to the users of import processing services.

CUSTOMS LEGISLATION AMENDMENT
(IMPORT PROCESSING CHARGES) BILL
2005

This bill is the second of two in the legislative package for the restructure of the cost recovery regime for import related services.

This bill provides the legislative authority to repeal the self assessed clearance declaration charge and the screening charge. These charges apply to the processing of low value consignments that do not require an import declaration or a warehouse declaration. The costs associated with the processing of these low value consignments will be incorporated into the charges being amended by the first Bill of this package. These amendments are consistent with Commonwealth cost recovery guidelines whereby charges that detract from administrative simplicity are eliminated thus enhancing the cost effectiveness of the total Customs cost recovery regime.

Since introduction of the current cost recovery regime in 1997, Customs has consulted with industry on a regular basis under the auspices of the Customs National Consultative Committee. The Committee comprises representatives from the various sectors of the importing community. Due to industry concerns raised in the Committee and in other forums in relation to the charges imposed on low value consignments, the Government has decided to streamline the total charging package.

It is projected that the self assessed clearance declaration charge and the screening charge

would apply to two million low value consignments in the financial year 2005-06. These consignments would predominantly be imported by air. Both of these charges will be repealed, resulting in cost reductions in the administrative burden placed on the importing community and significant savings for importers of low value consignments.

Industry agrees with elimination of these two charges and their incorporation into the import declaration and warehouse declaration processing charges.

As already stated, this package will streamline the Customs cost recovery regime and significantly reduce administrative complexity.

SUPERANNUATION BILL 2005

The Superannuation Bill 2005 (the bill), together with the Superannuation (Consequential Amendments) Bill 2005 (the Consequential Bill), will provide for the separation of the Public Sector Superannuation Accumulation Plan, the PSSAP, from the Public Sector Superannuation Scheme, the PSS.

The bill will also provide a framework for Australian Government employers to offer employees and office holders with choice of fund.

The PSSAP will be established as a fully funded accumulation scheme for new Australian Government employees and office holders and certain other persons from 1 July 2005. It was established as a sub plan of the PSS by the 20th Amending Deed, which amended the Trust Deed and Rules under the Superannuation Act 1990.

The bill will provide for the PSSAP to commence as a scheme separate from the PSS. This will allow it to operate on the same basis as similar superannuation schemes.

While it exists as part of the PSS, the PSSAP must operate within the framework of a largely unfunded defined benefit scheme, rather than a framework appropriate for a fully funded accumulation scheme. This requires it to include features that are not usual for accumulation schemes.

Although the PSSAP will be separate from the PSS, the PSS Board will continue to be responsible for the PSSAP and the Commissioner for Su-

perannuation will continue to provide administrative services to the Board in respect of the new scheme. The PSS Board will also be responsible for the new PSSAP Fund established by the bill.

Like the PSS, the Rules for the PSSAP will be provided for by Trust Deed. Following the passage of the bill a new Trust Deed and Rules will be made for the PSSAP in essentially the same form as the existing Rules for the PSSAP as a sub plan of the PSS.

It is intended that Australian Government employees and office holders will be treated in the separate superannuation scheme in the same way as they would have been treated in the sub plan of the PSS and employer contributions will be payable in the same circumstances.

However the bill, together with the Consequential Bill, will require new Australian Government employees and office holders to be given choice of fund arrangements from 1 July 2006. Their employer may also offer them choice of fund from as early as 1 July 2005. This framework will provide them with unprecedented flexibility for investing their superannuation savings and will address the rigid arrangements currently in place where membership of one scheme is mandated for most employees.

From 1 July 2006, Australian Government employers will be required to comply with the choice requirements of the Superannuation Guarantee (Administration) Act 1992 Act (SG Act), like most private sector employers.

The legislation also provides that the PSSAP will be the employer (or default) fund for Australian Public Service employees and certain other prescribed persons who do not choose a fund. Other employers will have the flexibility to nominate the PSSAP or another appropriate complying superannuation fund or Retirement Savings Account in these circumstances.

The proposed changes do not affect existing Australian Government employees at 30 June 2005, including those employees who are members of the Commonwealth Superannuation Scheme or the PSS.

Also the arrangements will not generally affect those new employees who have an existing relevant interest in the Commonwealth Superannua-

tion Scheme (CSS) or the PSS, for example where a person has a PSS preserved benefit. Those employees will continue to be eligible to join those schemes as appropriate.

SUPERANNUATION (CONSEQUENTIAL AMENDMENTS) BILL 2005

The Superannuation (Consequential Amendments) Bill 2005 (the bill) will amend eight Acts and the Trust Deed under the Superannuation Act 1990 as a consequence of the establishment of the Public Sector Superannuation Accumulation Plan, the PSSAP, as a separate superannuation scheme and will allow Australian Government employees and office holders to have choice of fund. The Superannuation Bill 2005 will establish the PSSAP as a separate scheme from the Public Sector Superannuation Scheme, the PSS.

The Superannuation Act 1990, which provides for the PSS, will confirm that the PSS will close to new employees from 1 July 2005 with the commencement of the PSSAP.

The Superannuation Guarantee (Administration) Act 1992 is being amended to allow Australian Government employers to comply with the choice of fund requirements until 1 July 2006 in respect of employees who are PSSAP members. From that date, employers will be required to meet the choice of fund requirements in respect of new employees in the same manner as most private sector employers.

The Superannuation (Productivity Benefit) Act 1988 provides for Superannuation Guarantee type contributions for Australian Government employees and office holders who are not Commonwealth Superannuation Scheme or PSS members. The bill will amend that Act so that it does not apply to new employees and office holders from 1 July 2006. Superannuation will be provided for these persons as agreed with their employer subject to employers providing contributions at least in accordance with the Superannuation Guarantee (Administration) Act 1992. Also, these employees and office holders may join the PSSAP if eligible to do so.

The bill will also amend the Productivity Benefit Act to ensure that the Act does not apply in respect of PSSAP members who have chosen to

cease PSSAP membership in accordance with the choice of fund arrangements.

The Governor-General Act 1974 and the Judges' Pensions Act 1968 are being amended as a consequence of the closure of the Productivity Benefit Act to new employees. The amendments provide safety net Superannuation Guarantee minimum support to the Governor-General and Judges in rare circumstances where the benefit otherwise payable would be less than the Superannuation Guarantee minimum employer superannuation.

The bill makes minor amendments to the Superannuation Benefits (Supervisory Mechanisms) Act 1990, the Income Tax Assessment Act 1936 and the Income Tax Assessment Act 1997 and to the Trust Deed PSS. These amendments concern the establishment of the PSSAP as a separate scheme. The Superannuation Benefits (Supervisory Mechanisms) Act 1990 also includes minor amendments to allow Australian Government employers to provide employees with choice of funds.

SUPERANNUATION LAWS AMENDMENT (ABOLITION OF SURCHARGE) BILL 2005

Over the past few years the government has made a number of significant announcements and implemented a number of important measures aimed at improving the superannuation and retirement income arrangements for all Australians. These changes have demonstrated the government's commitment to assisting Australians to build financial self-reliance for their retirement. Initiatives announced in the 2001 policy statement A Better Superannuation System have enhanced the overall attractiveness, accessibility and security of superannuation. This included the introduction of the co-contribution scheme for eligible low-income earners who make voluntary superannuation contributions, and reductions in superannuation surcharge rates. The policy paper A More Flexible and Adaptable Retirement Income System, released on 25 February 2004, outlined further measures to improve the accessibility, flexibility and integrity of the retirement income system and to reduce red tape. This included the removal of work tests for individuals under the age of 65 who wanted to contribute to superannuation.

A significant boost to superannuation savings was also provided in the 2004-05 budget, which contained incentives to save for retirement worth \$2.8 billion over four years, including an expansion of the co-contribution scheme and further reductions in the superannuation surcharge rates. More recently, the government has secured the passage of legislation to deliver choice of fund and reconfirmed its commitment to the superannuation contribution splitting policy. Unfortunately, both of these measures had been held up in the Senate during the last term of the last parliament. In the 2002-03 budget, the government announced that the superannuation surcharge would be reduced at the rate of 1½ per cent per annum from 2002-03 so that it would have reduced to 10.5 per cent in 2004-05. Unfortunately, that reduction was opposed in the Senate and the government was only able to secure through the Senate a reduction to 13½ per cent in 2004-05. In the 2004-05 budget, however, the government announced a policy to reduce the superannuation surcharge, at a rate of 2½ per cent per annum, to 12½ per cent in 2004-05 and reducing to 7½ per cent in 2006-07. Again, unfortunately, opposition from the Labor Party in the Senate prevented the reduction as announced in that budget. The government undertook at the last election to reduce further the maximum surcharge rates.

In pursuance of the policy that we took to the last election, the government has now reviewed the superannuation surcharge. The government now proposes to remove this impost on superannuation savings and abolish the surcharge payable on individual surchargeable contributions and relevant termination payments with effect from 1 July 2005. Approximately 600,000 Australians will receive a boost to their superannuation savings as a result of this measure. It is estimated to cost \$2.5 billion over the forward estimates. The superannuation surcharge was introduced in 1996 at a time when the budget was deeply in deficit as a result of Labor's economic mismanagement. It was introduced in 1996 in part to drive the budget back into balance. The government laid down a policy in 1996 to drive the budget back into balance from a \$10.3 billion deficit which the Labor Party had left in place.

After bringing down 10 budgets and eight surpluses this measure is no longer required to keep the budget in balance. Accordingly, the government is moving in this parliament to abolish it from 1 July 2005. As I said, 600,000 Australians will receive a boost to their superannuation savings as a result of this measure. The measure presented in this bill will also provide incentives for individuals to make additional voluntary savings through the superannuation system and simplify the operation of the superannuation system.

This will be a major improvement in terms of reducing complexity. The government, when it looked at reducing the rates, as it had tried to do in the 2002-03 budget, was minded of the fact that as the rates reduced, and therefore the revenue raised by it reduced, the administration costs as a proportion increased, because there is quite some considerable complexity in the administration of a superannuation surcharge. That is, administration and compliance costs which may have been justified by a rate of 15 per cent could no longer be sustained at lower rates and as a consequence it makes sense to abolish the superannuation surcharge in its entirety.

The bill that I have commended will do that. We look forward to support from all sides of politics in the abolition of the superannuation surcharge. I commend the Superannuation Laws Amendment (Abolition of Surcharge) Bill 2005.

TAX LAWS AMENDMENT (MEDICARE
LEVY AND MEDICARE LEVY SURCHARGE)
BILL 2005

This bill will increase the Medicare levy low income thresholds for individuals and families in line with increases in the consumer price index. The low income threshold in the Medicare levy surcharge provisions will similarly be increased. These changes will ensure that low income individuals and families will continue not to have to pay the Medicare levy or surcharge.

The bill will also increase the Medicare levy low income threshold for pensioners below age pension age to ensure that where these pensioners do not have a tax liability they will also not have a Medicare levy liability.

The amendments will apply to the 2004-05 year of income and later years of income. Full details of the measures in this bill are contained in the explanatory memorandum. I commend this bill.

AGED CARE AMENDMENT (EXTRA
SERVICE) BILL 2005

This bill demonstrates the Government's strong commitment to ensuring a robust and viable aged care sector for the future where the element of choice is a key ingredient for both residents and providers of aged care services. This bill implements one of the measures from the Australian Government's 2005-06 Budget package.

Expansion of the Extra Service program will allow the sector to respond to rising consumer expectations through providing residents with increased choice in relation to hotel-type services. At the same time, removing the requirement to renew Extra Service status after five years will both decrease red tape for providers and increase their ability to access capital for rebuilding or refurbishing.

The individual needs of older Australians remain this Government's priority. This measure seeks to increase the opportunity for consumer choice in residential aged care through the further reform of the Extra Service program. An aged care service with Extra Service status allows residents to choose, and pay for, a higher than average level of hotel-type services, including accommodation, the range and quality of food and the provision of non-care services such as recreational and personal interest activities.

While Government programs, including accreditation and certification, have raised significantly the standards of care and accommodation, Extra Service offers greater choice in non-care related services.

The Australian Government is committed to ensuring that the aged care sector is capable of delivering high quality and affordable care to older Australians. In this bill it removes a significant impediment to expansion of the Extra Service program in aged care by removing some of the red tape involved.

Aged care providers have long felt that the high level of Government regulation of the Extra Ser-

vice program has stymied its expansion. In particular, they have singled out the requirement that they have to reapply for Extra Service status every five years—notwithstanding that during those five years they may have had no complaints and no problems with compliance. The process of reapplying for Extra Service status is not only time-consuming and expensive, because it involves looking at each and every “extra” service which is offered by the particular home, but prevents long-term planning in relation to the capital needs of the home and may act as a deterrent to financiers and other investors.

Considerable investment in infrastructure is needed over the next decade to ensure the supply and quality of aged care homes grows in line with the increase in the number of older Australians who need care. The Australian Government recognises that over the next decade there will be a continuing need for capital funding so that existing homes can be well maintained, new homes built and existing facilities refurbished.

The ability of the aged care industry to make this investment will depend on its ability to raise capital. The Report on the Review of Pricing Arrangements in Aged Care by Professor Warren Hogan noted that there were significant levels of investment in new buildings and upgrading older buildings. It was reported that in 2002-03, \$821.4 million of new building, refurbishment and upgrading work in aged care was completed, involving an estimated 22.8 per cent of all residential aged care services. A further \$2 billion of building work was completed or underway in 2003-04 with 25 per cent of all homes planning new work.

The Australian Government has invested almost \$1 billion in aged care homes for capital improvements or as increases in subsidy payments. This included over \$513 million (or \$3,500 per resident) as a one-off payment to providers of residential services in recognition of the forward plan for improved building standards for aged care homes.

Aged care providers have argued that a lack of access to capital has been an impediment to the expansion of the Extra Service program. As well as building new homes, capital can be used to upgrade existing aged care homes to better provide quality buildings, furniture, fittings and

equipment that enhance the comfort and amenity of residents. Services may choose to focus on delivering higher standards of amenity for those residents who elect to pay for these higher standards.

Growing demand, as the population ages, means that we must ensure that the aged care sector is sustainable over the long term. The challenge is to balance cost-sharing with equity of access, while continuing to improve the quality of care and the fabric of the buildings in which such care is delivered.

This measure, in allowing certainty for Extra Service providers and increasing their access to capital, will ultimately allow increased choice for consumers. This will not come at the expense of people who cannot afford to pay. The current limit of a maximum of 15 per cent of residential aged care places in each State or Territory will remain to ensure that access to care is not affected for people who cannot afford to pay for Extra Service or do not desire such extra services.

These changes are the result of the government listening to and responding to address these issues. We have acted in a timely and sensitive way to keep the benefits of the aged care reforms flowing to older Australians now and into the future.

CIVIL AVIATION AMENDMENT BILL 2005

The Civil Aviation Amendment Bill (the bill) will make a number of amendments to the Civil Aviation Act 1988 (the Act).

Firstly, this bill will amend the Governor-General’s regulation-making power to allow regulations to be made that are inconsistent with the Disability Discrimination Act 1992 (DDA) and the Sex Discrimination Act 1984 (SDA), if the inconsistency is necessary for aviation safety.

In terms of allowing existing and future regulations to be inconsistent with the SDA, the bill will limit this inconsistency to regulations relating to medical standards, where necessary for aviation safety. For example, there may be a need to impose special conditions on pregnant pilots in their final trimester, to minimise any risk to aviation safety arising as a result of sudden complications.

On the other hand, in terms of allowing existing and future regulations to be inconsistent with the DDA, the inconsistency will unavoidably need to be broader. For example, passengers sitting next to aircraft emergency exits should not be suffering from any disability which would render them incapable of opening the exit hatch in an emergency. Aircraft must conform to onerous design standards which may, in a limited number of cases, render them incapable of being modified to provide unassisted access for some disabled passengers. These types of provisions are important for aviation safety, and should not be construed as being unlawfully discriminatory.

The bill also includes provisions that put beyond doubt the validity of existing regulations and past actions based on those regulations. This amendment is necessary to clarify existing uncertainty in relation to the validity of actions carried out in accordance with existing safety regulations where such actions may appear to have been inconsistent with either the DDA or the SDA.

However, the amendments regarding inconsistency with the DDA and SDA, build in a consultation mechanism requiring the Civil Aviation Safety Authority to consult the Human Rights and Equal Opportunity Commission in the preparation of future regulations that contain provisions that are inconsistent with the DDA and the SDA. This was a recommendation of the Senate Legal and Constitutional References and Legislation Committee that conducted an inquiry into the bill in June 2004.

In addition, regulations which have the potential to be inconsistent with the DDA and SDA will be subject to clearance by the Human Rights Branch of the Attorney-General's Department, and will undergo comprehensive consultation and Parliamentary scrutiny.

Although the Government acknowledges that these amendments will allow inconsistency between aviation safety regulations and anti-discrimination legislation, it is the Government's belief that any such regulations will not be unnecessarily restrictive or discriminatory, especially when viewed in the context of the Government's obligation to protect the safety of flight crew, fare-paying passengers, other aircraft and people on the ground.

These elements of the bill re-introduce the content of the Civil Aviation (Relationship with Anti-Discrimination Legislation) Bill 2004, which lapsed with the August 2004 dissolution of Parliament.

The amendments will allow Australia to harmonise its aviation safety regulations with international standards and meet its international obligations as a member State of the International Civil Aviation Organization.

The bill will also insert a reference note into both the DDA and the SDA to inform members of the public about the amendments to the Governor-General's regulation-making power that this bill is introducing.

Lastly, the bill will make a range of minor technical amendments that will correct errors and standardise references in the Act in relation to aircraft that are registered in countries other than Australia. The amendments will also create a requirement in the Act that the holders of an Air Operator Certificate (AOC) must continue to satisfy CASA that they meet the conditions in their AOC. At present, this requirement is included in a Civil Aviation Order and it is more appropriate for it to be included in the provisions relating to AOCs that are in the Act. These amendments were being progressed under the Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003 which also lapsed when Parliament was prorogued on 31 August 2004.

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

CRIMES AMENDMENT BILL 2005

This bill amends the Crimes Act 1914 to enable Commonwealth participating agencies to request assumed identity documents from State and Territory issuing agencies in accordance with legislation in force in those jurisdictions.

Assumed identities are false identities adopted to facilitate intelligence and investigative functions, or the infiltration of a criminal, hostile or insecure

environment with a view to collecting information and investigating offences.

Under the current provisions of the Crimes Act, officers from specified Commonwealth and State agencies, such as the Australian Federal Police, the Australian Security Intelligence Organisation and the police forces of each State, may acquire evidence of an assumed identity from a Commonwealth agency.

This covers documentation such as passports and Medicare cards.

However, the acquisition of evidence of identity from the States and Territories such as birth certificates and drivers licences has generally proceeded in the absence of a legislative framework.

Most States and Territories are now in the process of considering the enactment of legislation to regulate the acquisition and use of evidence of assumed identities.

Victoria has enacted their legislation and may look to commence the provisions in July.

It is therefore necessary to make consequential amendments to the Commonwealth legislation to ensure that our Commonwealth agencies are able to access evidence from State authorities in accordance with the legislation in each State or Territory.

The amendments do not alter the provisions that control the use of assumed identities; existing requirements for authorisation, offences, and reporting and accountability measures remain fully in place.

The amendments do, however, reflect the recognition that crime knows no boundaries and law enforcement and national security agencies are continually having to work in a cooperative matter to detect and eliminate criminal activity.

HEALTH LEGISLATION AMENDMENT (AUSTRALIAN COMMUNITY PHARMACY AUTHORITY) BILL 2005

This bill amends the National Health Act 1953 to extend the existing arrangements for approving pharmacists to supply medicines subsidised under the Pharmaceutical Benefits Scheme (PBS).

The National Health Act 1953 currently provides for the establishment of the Australian Commu-

nity Pharmacy Authority (the ACPA), whose role is to consider applications by pharmacists to supply PBS medicines, and to make recommendations as to whether or not an application be approved.

In making its recommendations, the ACPA must comply with a set of rules determined by the Minister for Health and Ageing, in accordance with the Act. These rules, known as the Pharmacy Location Rules, prescribe location-based criteria which must be satisfied in order for a pharmacist to obtain approval to supply PBS medicines from particular premises.

The provisions for the Pharmacy Location Rules and the ACPA will cease to operate after 30 June 2005.

The bill amends the Act to provide for the Pharmacy Location Rules and their administration by the ACPA to continue to operate until 31 December 2005.

In accordance with a commitment made in the Third Community Pharmacy Agreement between the Commonwealth and the Pharmacy Guild of Australia, a joint review of the Pharmacy Location Rules is being undertaken.

The review is expected to report before 30 June 2005, however, in order to allow Government time to consider the findings and recommendations of the review, the Government has decided to extend the existing arrangements until 31 December 2005.

The Pharmacy Location Rules currently in force will therefore remain in effect until 31 December 2004, and the Australian Community Pharmacy Authority will continue to administer them.

This bill also makes a technical amendment to the Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004 to correct a misdescription.

HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES No. 2) BILL 2005

I am pleased to announce that the major components of the Higher Education Support Act 2003 have come into effect as of 1 January this year. The reforms contained in the new legislative

framework give universities access to the funding they need to deliver world-class higher education, with a focus on quality learning outcomes. Laying the foundation for this is an increase in public investment in the sector of around \$2.6 billion over five years from 2004. The Australian Government will provide some \$11 billion over ten years in new support for the higher education sector from 2004.

There will be almost 36,000 new Commonwealth supported student places added to the higher education sector over the next five years and more funding for each Commonwealth supported student, linked to improvements in how universities are managed. In addition, there are extra funds for regional universities and new schemes and funding to encourage excellence in teaching, more collaboration between institutions and a renewed focus on equity. There will also be new places for the National Priority areas of nursing and teaching and special fee arrangements to encourage people to enrol in these fields.

The benefits to the Australian higher education system will become increasingly apparent as students and higher education providers take full advantage of the opportunities that the reforms provide.

The Australian Government is taking this opportunity to make a number of technical revisions to refine and enhance the effective implementation of the Act and give certainty to higher education providers and students.

This bill now before us will, in particular, enable higher education providers to respond to changes in student demand in a more flexible way. They also ensure that students are properly informed and protected about decisions made by higher education providers which affect them.

Included in the bill are a series of measures designed to clarify the requirements for the review of decisions made by higher education providers in relation to students. The amendments will ensure that providers have clear advice on their responsibilities, and students will be well informed of their rights and the procedure they need to follow if they wish to seek a review of a decision.

The bill also includes amendments to the Act which will give higher education providers more

flexibility to deal with changes in demand and supply for particular courses or units of study. The changes will enable providers to publish more than one schedule of student contribution amounts and tuition fees per year, and specify more than one date for the publishing of Census Date and Equivalent Full Time Student Load values.

The bill also includes technical amendments to the Higher Education Support Act 2003 and the Taxation Administration Act 1953 which clarify the tax file number requirements for students.

These amendments will build on the implementation of the new arrangements under Our Universities: Backing Australia's Future package of reforms.

Full details of the measures in the bill are contained in the explanatory memorandum circulated to honourable senators.

I commend the bill to the Senate.

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2005

The primary purpose of this bill is to amend the Indigenous Education (Targeted Assistance) Act 2000 to appropriate additional funding to support the provision of high quality tutorial assistance to Indigenous students who move away from their remote community to attend school.

The Australian Government places great importance on achieving better educational outcomes for Indigenous students. It is strategically targeting funding to maximise school performance and to more heavily support Indigenous students of greatest disadvantage—those from remote areas.

For many Indigenous children in remote areas, their best chance for educational success is to leave their community and attend a school in a non-remote location. For some Indigenous children, it is the only option they have. This transition can however be difficult. Failure to keep pace with peers academically can be a key reason for Indigenous students not settling into a new school or dropping out of school early and returning to their community. Students from remote communities require significant levels of support to make an effective transition.

The new funding appropriated by this bill will provide Indigenous students from remote communities with tutorial support in their first year of schooling when they move to a non-remote location to continue their education. These students will receive up to four hours tuition per week for up to 32 weeks in their first year away from home.

Between 2006 and 2008, this extra tutorial assistance will help an estimated 2,040 students undertake and complete their schooling.

A further purpose of this bill is to facilitate improved vocational education and training arrangements for Indigenous Australians. The move to a new national training system from 1 July 2005 and the negotiation of a new Commonwealth-State vocational education and training funding agreement with States and Territories present us with a valuable opportunity to make significant improvements to the economic, social and personal lives of Indigenous Australians.

The bill will transfer \$3.7 million per year from appropriations under the Act to the Commonwealth-State Agreement for Skilling Australia's Workforce to establish a joint funding pool to improve outcomes for Indigenous Australians.

This funding is currently provided to four Independent Indigenous vocational education and training providers as transitional assistance under the Indigenous Education Strategic Initiatives Programme. By transferring this funding to the new Commonwealth-State funding agreement, States and Territories will be required to match the funding.

This initiative will provide funding certainty for the life of the Agreement to providers that are achieving good outcomes for Indigenous clients, allowing them to establish sustainable services. It will link ongoing funding to improved performance and outcomes for Indigenous clients.

I commend the bill to the Senate.

MARITIME TRANSPORT SECURITY AMENDMENT BILL 2005

It is a reality that national security remains a high priority for this Government. It is essential that we continue to protect the maritime industry from

very real threats. It is in this context that I present this bill for the Parliament's consideration.

Maritime security is under constant review to ensure that measures remain appropriate given current intelligence threats to the Australian maritime industry. During 2004 a review of maritime security was undertaken and a range of measures to further strengthen Australia's preventative maritime security arrangements were recommended.

This included the establishment of a special taskforce to undertake a comprehensive review of the security arrangements for offshore oil and gas facilities, and the introduction of the Maritime Security Identification Card (MSIC). The MSIC will be issued to persons requiring unmonitored access to maritime security zones on completion of satisfactory background checks.

The Maritime Transport Security Amendment Bill 2005 has two parts. The first part will security regulate Australia's offshore oil and gas industry, and is necessary for the protection of offshore oil and gas industry personnel, to safeguard oil and gas supplies, and for the protection of offshore oil and gas infrastructure. The second part introduces a range of minor amendments to support the introduction of the MSIC Scheme.

There is evidence to suggest that Australia's offshore oil and gas industry is a potential terrorist target. Indeed, in newspaper reports this year the following statement appeared:

In 2002, Ubeid al-Qurashi, a pseudonym of an Osama Bin Laden lieutenant, wrote an article saying that Western economies cannot stand high oil prices. One way to strike fear into the West, he wrote is by repeated attacks on oil installations or on tankers. After the attack on the French tanker *Limburg*, in October 2002, the al-Qa'eda political bureau described the attack as not merely an attack on a tanker. Rather, al-Qa'eda said, it was an attack against international transport lines and an attack on the West's commercial lifeline, petroleum.

In addition, in April 2004 terrorists attacked two offshore oil facilities south of the Iraqi city of Basra, using multiple boat borne explosives. Three coalition sailors died intercepting this at-

tack. Al-Qa'ida has recently threatened to target western economies, including the oil and gas industry. There is therefore a need for the implementation of effective security measures to limit the capacity of terrorists to adversely affect the Australian offshore oil and gas industry.

The potential impacts of a terrorist attack on an Australian offshore oil and gas facility include economic loss, loss of life, and the disruption of Australia's domestic and international oil and gas supplies. The annual contribution of the oil and gas sector to the Australian economy exceeds 18 billion dollars. Victorian industrial and residential gas supplies were interrupted for two weeks, following the 1998 Longford gas explosion. The impact of this disaster and the substantial contribution of the oil and gas sector to the Australian economy emphasise the need for the implementation of appropriate offshore oil and gas preventive security measures.

Given the intent and potential capability terrorist groups have to target offshore oil and gas facilities, the Australian Government decided to establish the Taskforce on Offshore Maritime Security. This taskforce reviewed the security arrangements of offshore oil and gas facilities. In December 2004, following the recommendations of that Taskforce, the Australian Government announced it would be extending the Maritime Transport Security Act 2003; to security regulate Australia's offshore oil and gas industry.

The Maritime Transport Security Amendment Bill 2005 security regulates offshore oil and gas facilities located within the boundaries of Australia's territorial sea, the Exclusive Economic Zone and the continental shelf. The bill applies to offshore oil and gas facilities used in the extraction of oil and gas, including fixed production platforms, and floating production and storage facilities. The bill also security regulates offshore oil and gas service providers, such as helicopter and supply vessel operators servicing offshore oil and gas facilities. The security regulation of offshore oil and gas facilities will contribute to the secure transit of security regulated ships currently interacting with offshore oil and gas facilities.

The Maritime Transport Security Amendment Bill 2005 establishes an outcomes based security framework for Australia's offshore oil and gas

industry. Offshore oil and gas industry participants will be required to submit security plans that consider the practical needs of the operators, as well as the special nature and location of individual facilities. These security plans will need to be based on the findings of offshore facility site specific security risk assessments, and should complement, rather than duplicate existing management and safety plans.

The Department of Transport and Regional Services will be responsible for regulating the offshore oil and gas industry's security arrangements. Offshore oil and gas industry participants will be required to submit security plans to the Department of Transport and Regional Services for approval. This Department will also be responsible for auditing offshore oil and gas facilities to ensure these facilities are compliant with the requirements set out in their approved security plans.

Like maritime industry participants, offshore oil and gas industry participants will be responsible for funding the security measures specified in their security plans. The Australian Government recognises this may impose costs on offshore oil and gas facility operators, however given the global security environment, these costs are now part of the cost of doing business.

Now, moving on to the Maritime Security Identity Card. Currently there are no legislative requirements to check the background of people working in Australian Ports, Ships and Offshore Oil and Gas Facilities, as is the case in the Aviation Industry. The MSIC Scheme will provide the maritime and offshore sectors, with assurance that personnel requiring unmonitored access to sensitive areas have met background checking requirements.

Whilst the current provisions in the Maritime Transport Security Act 2003 provides the power to make most of the regulations required to introduce and implement the MSIC Scheme, the Amendment Bill clarifies and makes explicit two aspects of the scheme. The bill ensures that any reasonable costs incurred by MSIC Issuing Bodies in the issue and production of an MSIC can be recovered.

The second amendment enables regulation making powers in the disclosure of information be-

tween entities involved in coordinating and conducting background checks of applicants for the purpose of determining if a person is eligible to hold an MSIC.

The Maritime Transport Security Amendment Bill 2005 is vital for the protection of Australia's offshore oil and gas infrastructure, the protection of offshore oil and gas industry personnel, and for ensuring the uninterrupted supply of Australian oil and gas to both the domestic and international energy markets. The bill also includes amendments to support the introduction of the MSIC Scheme. The MSIC Scheme will require maritime and offshore oil and gas personnel to undergo background checking before they can be granted unmonitored access to maritime security zones.

PAYMENT SYSTEMS (REGULATION) AMENDMENT BILL 2005

The Payment Systems (Regulation) Act 1998 sets out the regulatory framework governing the operation of Australia's payments system.

The Act allows the Reserve Bank to designate a payment system where this is in the public interest.

Designation of a payment system allows the Reserve Bank to establish rules of access for participants, determine standards, give enforceable directions to participants and arbitrate disputes on technical standards.

The Reserve Bank has used its powers under the Act to establish standards for interchange fees for the credit card schemes operated by Visa, MasterCard and Bankcard.

These standards came into effect on 1 July 2003.

The Reserve Bank's reforms to the credit card payments system have three objectives.

Firstly, they aim to ensure that fees charged to merchants and consumers for credit card services reflect the costs of their provision.

Secondly, they aim to ensure that fees and charges are transparent to the consumer.

Thirdly, they aim to promote competition between credit card service providers.

Information released by the Reserve Bank shows that these reforms have delivered significant reductions in credit card merchant service fees.

This has resulted in an estimated annual saving to business of over \$500 million.

This amount is \$100 million more than originally forecast.

Consumers can expect the benefits of these savings to flow through due to the competitive nature of Australian retailing.

The purpose of this bill is to ensure that financial institutions will not contravene the competition provisions in Part IV of the Trade Practices Act 1974 by complying with the Reserve Bank's standards for credit card interchange fees.

It does this by specifically authorising conduct carried out in compliance with the Reserve Bank standards.

An exemption from Part IV of the Trade Practices Act is currently contained in the Payment Systems (Regulation) Regulations 2003.

However, it will cease to operate after 30 June 2005.

This bill provides a permanent replacement for the current regulations.

It would also enable a similar authorisation to be extended to conduct carried out in compliance with Reserve Bank standards for other payment systems, such as EFTPOS or Visa Debit, in the event that such standards are made.

The amendments contained in this bill are technical in nature.

They do not represent a change in Government policy.

The bill will provide ongoing commercial certainty for payments system participants.

I commend the bill.

PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (RICE) BILL 2005

The primary purpose of this bill is to increase the existing maximum allowable rate for the rice research and development (R&D) levy from \$2 to \$3 per tonne. This proposed increase has been progressed after a request from the rice industry.

The rice industry is now facing a third year of significant drought related production downturns which have placed financial pressures on the industry's R&D programmes due to subsequent reductions in levy revenue. The rice industry is seeking an increase in the maximum allowable levy rate to provide them with the flexibility to better manage future fluctuations in levy revenue. This will allow the industry to ensure adequate funding is maintained for core R&D programmes.

The Government believes that by using innovation to drive productivity growth and boost profitability on farms, Australia's rural industries can continue to play a key part in maintaining our national prosperity. Australia's rural industries have also long recognised this principle and have shown a longstanding and widespread willingness to invest in innovation through industry-wide levies. In this context the Government was happy to put forward these changes to assist the rice industry manage their R&D programmes into the future and for producers to continue to take up R&D outputs, whether they be to adopt new practices or bring out new products.

The bill will also provide mechanisms for the introduction of regulations for the implementation of the operative rate of the rice R&D levy. Currently, changes to the rate of the levy are done through a Ministerial Declaration published in the Gazette. This bill enables these functions to be rolled into new regulations which will be tabled soon after this bill receives Royal Assent. By switching to regulations it will bring the operation of the rice levy into line with the majority of other primary industry levies. It will also provide a greater level of scrutiny by Parliament than is available under the existing arrangements.

The Government will only favourably consider a request to raise the operative levy rate beyond the current \$2 cap if the request demonstrates compliance with the Government's Levy Principles and Guidelines. These guidelines include a requirement that there be widespread industry support for such a request. The current operative levy rate will not be affected by this bill.

This bill reflects the Government's willingness to assist rural industries develop internal capacity to manage significant threats to ongoing sustainability, such as drought.

SEX DISCRIMINATION AMENDMENT (TEACHING PROFESSION) BILL 2004

The Government is committed to achieving the best education outcomes for male and female schools students throughout Australia.

A House of Representatives Inquiry into the education of boys in June 2003 *Boys: Getting it Right* examined the problems particular to the education of boys.

That Report noted that boys are not achieving as well as girls across a broad spectrum of measures of educational attainment.

The report identified significant public concern about the decline in the number of male teachers in schools, in particular in primary schools, in Australia, and expressed support for more men in schools.

The figures speak for themselves.

In 2003, only 20.9 percent of primary teaching staff in Australia were men.

This problem is only getting worse.

In 2003, males constituted 26.5% of the 37,530 domestic students enrolled in initial teaching courses specifically for primary and secondary teaching in Australia.

In 2003, males were only 18.8 percent of domestic students training to become primary school teachers.

The Government's Sex Discrimination Amendment (Teaching Profession) Bill will assist in addressing the problem by amending the Sex Discrimination Act 1984 to provide that a person may offer scholarships for persons of a particular gender in respect of participation in a teaching course.

The section would apply only if the purpose of doing so is to redress a gender imbalance in teaching, that is, an imbalance in the ratio of male to female teachers in schools in Australia, or in a category of schools or in a particular school.

This Bill means that educational authorities and others can offer scholarships to encourage male teachers into the profession in a manner consistent with the Sex Discrimination Act 1984.

The Bill is drafted in gender neutral language which means that the amendments would allow discrimination in favour of females if a gender imbalance in favour of males were to emerge generally or in a region or sector.

The Government's acknowledgement of the importance of both men and women in teaching in our society, and the Government's commitment to encouraging men into the profession, will help to change people's perceptions about the role of men in the profession for the future.

Students throughout Australia will benefit from having both male and female role models in the teaching profession.

This Bill is a vital measure for addressing the existing gender imbalance in the profession.

It complements the Government's other major strategies for addressing the particular challenge of increasing education outcomes for boys, including:

- Boys' education is a priority area for the \$159.2 million Australian Government Quality Teacher Program; and
- The provision of \$27 million over six years to 2008 for boys' education, including over \$19 million for the Success for Boys initiative, through which grants will be provided to 1600 schools to implement projects focusing particularly on opportunities for boys to benefit from positive male role models, around \$8 million already committed for initiatives such as the Boys' Education Light-house Schools (BELS) initiative and research into significant areas of education relevant to boys' education.

SUPERANNUATION LEGISLATION
AMENDMENT (CHOICE OF
SUPERANNUATION FUNDS) BILL 2005

This bill gives effect to announcements made by the Government earlier this year to ease the transition to superannuation choice for businesses and employees, and minimise the burden on employers in complying with their choice obligations.

The Superannuation Holding Account Special Account was originally established to receive small superannuation amounts from employers

who cannot find a superannuation fund. This facility is no longer needed, as Retirement Savings Accounts (RSAs) offer similar low-cost benefits for employers. This bill will amend the legislation to make the Superannuation Holding Account Special Account an eligible choice fund until 30 June 2006, giving employers a further year to make arrangements to contribute to a superannuation fund or retirement savings account. From 1 July 2006, the Superannuation Holding Account Special Account will be closed to new employer deposits.

This bill will amend the choice of fund legislation to specify additional circumstances where an employer does not have to provide an employee with the standard choice form, thus avoiding the imposition of unnecessary cost on some employers.

It is important that employees are not discouraged from exercising their right to choose a fund through the actions of their employer. This bill ensures that employers can not recoup part or all of the administrative costs associated with implementing their choice of fund obligations by charging employees.

The choice legislation ensures that fund trustees do not try to inappropriately induce employers to move their employee's contributions to the trustee's fund by offering them personal incentives. This bill will make the Australian Securities and Investment Commission the agency that administers this provision.

The bill clarifies a number of matters, such as the test for whether a defined benefit fund is in surplus, the obligation on the employer to contribute to the fund specified as the default fund on the standard choice form, and the choice of fund penalty provisions.

Full details of the measures in this bill are contained in the explanatory memorandum. I commend this bill.

TAX LAWS AMENDMENT (2005 MEASURES
No. 3) BILL 2005

This bill amends various taxation laws to implement a range of changes and improvements to Australia's taxation system.

Firstly, the bill will implement a number of proposals to increase flexibility for charitable funds, ancillary funds and prescribed private funds, and hence further encourage charitable giving in Australia. The bill expands the concessions relating to the capital gains tax provisions, distributions by charitable funds, the income tax exemption for charities and the refund of franking credits provisions. The measure gives effect to the Government's announcement in the 2004-05 Budget.

The amendment in Schedule 2 to this bill is technical in nature and deals with of the recently expanded foreign branch profits exemption. The expanded exemption, in conjunction with Australia's treaties, could have resulted in foreign branch income and gains derived from the operation of ships or aircraft in international traffic not being taxed in Australia or the country in which the company operates. Schedule 2 to this bill reinstates the way Australian companies with foreign branch income and gains from the operation of ships or aircraft in international traffic were taxed prior to the implementation of the expanded foreign branch income exemption. This will ensure that such amounts continue to be taxed in Australia.

The Commissioner of Taxation can release taxpayer information to certain law enforcement agencies such as police forces and various Crime Commissions, if the Commissioner is satisfied that the information is relevant to establishing whether a serious offence has been committed or to the making of a proceeds of crime order. The third measure will add the Corruption and Crime Commission of Western Australia to the list of law enforcement agencies to which taxpayer information can be provided.

The fourth measure will amend the Fringe Benefits Tax Assessment Act 1986 to make a technical correction, to clarify that certain government institutions that are charitable institutions at law are not eligible fringe benefits tax rebatable employer status from 1 July 2005. This amendment will ensure that the status quo is not changed.

Finally, this bill introduces a standard definition of a dependant: a child less than 21 years or a full-time student less than 25 years. This means there will be a single set of age criteria for the housekeeper, child housekeeper, medical ex-

penses and zone tax offsets, as well as the Medicare levy and Medicare levy surcharge. It will provide consistency for taxpayers and will allow more taxpayers to access the dependant-related offsets, the concessional Medicare levy and Medicare levy surcharge thresholds offsets and the Medicare levy and Medicare levy surcharge family thresholds.

Full details of the measures in this bill are contained in the explanatory memorandum. I commend this bill.

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

Ordered that the following bills be listed on the *Notice Paper* as separate packages:

Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005

Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005

Import Processing Charges Amendment Bill 2005

Customs Legislation Amendment (Import Processing Charges) Bill 2005

Superannuation Bill 2005

Superannuation (Consequential Amendments) Bill 2005

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

Superannuation Laws Amendment (Abolition of Surcharge) Bill 2005

Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2005

Aged Care Amendment (Extra Service) Bill 2005

Civil Aviation Amendment Bill 2005

Crimes Amendment Bill 2005

Health Legislation Amendment (Australian Community Pharmacy Authority) Bill 2005

Higher Education Legislation Amendment (2005 Measures No. 2) Bill 2005

Indigenous Education (Targeted Assistance)
Amendment Bill 2005

Maritime Transport Security Amendment
Bill 2005

Payment Systems (Regulation) Amendment
Bill 2005

Primary Industries (Excise) Levies Amend-
ment (Rice) Bill 2005

Sex Discrimination Amendment (Teaching
Profession) Bill 2004

Superannuation Legislation Amendment
(Choice of Superannuation Funds) Bill 2005

Tax Laws Amendment (2005 Measures No.
3) Bill 2005

COMMITTEES

Foreign Affairs, Defence and Trade Committee: Joint

Membership

Message received from the House of Rep-
resentatives notifying the Senate of the ap-
pointment of Mr C. P. Thompson to the Joint
Standing Committee on Foreign Affairs, De-
fence and Trade in place of Mr Baldwin.

BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2005

NEW INTERNATIONAL TAX ARRANGEMENTS (MANAGED FUNDS AND OTHER MEASURES) BILL 2005

AGED CARE AMENDMENT (TRANSITION CARE AND ASSETS TESTING) BILL 2005

TAX LAWS AMENDMENT (2004 MEASURES NO. 6) BILL 2005

TELECOMMUNICATIONS (CONSUMER PROTECTION AND SERVICE STANDARDS) AMENDMENT (NATIONAL RELAY SERVICE) BILL 2005

MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2005

DEFENCE AMENDMENT BILL 2005

NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) AMENDMENT (APPLICATION) BILL 2005

NAVIGATION AMENDMENT BILL 2005

FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (FURTHER 2004 ELECTION COMMITMENTS AND OTHER MEASURES) BILL 2005

FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2005

NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2005

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2005

APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE) BILL 2004-2005

APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE AND AUSTRALIA-INDONESIA PARTNERSHIP) BILL 2004-2005

APPROPRIATION BILL (NO. 3) 2004- 2005

APPROPRIATION BILL (NO. 4) 2004-2005

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2004-2005

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2005

PARLIAMENTARY SERVICE AMENDMENT BILL 2005

AUSTRALIAN SPORTS COMMISSION AMENDMENT BILL 2004 [2005]

TAX LAWS AMENDMENT (2004 MEASURES NO. 7) BILL 2005

**AGRICULTURAL AND VETERINARY
CHEMICALS LEGISLATION
AMENDMENT (LEVY AND FEES) BILL
2005**

**BROADCASTING SERVICES
AMENDMENT (ANTI-SIPHONING)
BILL 2005**

**AUSTRALIAN COMMUNICATIONS
AND MEDIA AUTHORITY BILL 2005**

**AUSTRALIAN COMMUNICATIONS
AND MEDIA AUTHORITY
(CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL
2005**

**TELECOMMUNICATIONS (CARRIER
LICENCE CHARGES) AMENDMENT
BILL 2005**

**TELECOMMUNICATIONS
(NUMBERING CHARGES)
AMENDMENT BILL 2005**

**TELEVISION LICENCE FEES
AMENDMENT BILL 2005**

**DATACASTING CHARGE
(IMPOSITION) AMENDMENT BILL
2005**

**RADIOCOMMUNICATIONS
(RECEIVER LICENCE TAX)
AMENDMENT BILL 2005**

**RADIOCOMMUNICATIONS
(SPECTRUM LICENCE TAX)
AMENDMENT BILL 2005**

**RADIOCOMMUNICATIONS
(TRANSMITTER LICENCE TAX)
AMENDMENT BILL 2005**

**RADIO LICENCE FEES AMENDMENT
BILL 2005**

**AUSTRALIAN INSTITUTE OF
MARINE SCIENCE AMENDMENT
BILL 2005**

**SOCIAL SECURITY LEGISLATION
AMENDMENT (ONE-OFF PAYMENTS
FOR CARERS) BILL 2005**

**HIGHER EDUCATION LEGISLATION
AMENDMENT (2005 MEASURES No. 1)
BILL 2005**

Assent

Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the bills.

**SOUTHERN BLUEFIN TUNA
FISHERIES MANAGEMENT PLAN**

Senator GREIG (Western Australia) (4.27 pm)—I move:

That the proposed accreditation of the Southern Bluefin Tuna Fisheries Management Plan (as amended), dated 10 November 2004 and made under subsection 33(3) of the *Environment Protection and Biodiversity Conservation Act 1999*, be opposed.

Australia's fisheries industry makes a significant contribution to the wealth of the nation, and the Commonwealth government plays a pivotal role in the regulation and management of the industries surrounding the exploitation of our marine resources. While the Australian Democrats are very supportive of the fisheries industry, we are concerned that Commonwealth-managed fisheries are not being managed on a sustainable basis. Fisheries managers seek to maximise the sustainable yield of our fisheries; however, they do so on the basis of incomplete information and without adequate regard for the precautionary principle.

At least a dozen species targeted in Commonwealth-managed fisheries are known to be overfished, and in many more the status of the fish stocks remains unknown. The state of the stock of southern bluefin tuna, however, remains in little doubt. Southern bluefin tuna, SBT, is a species highly prized on international markets. Australia, as one of the major fishing nations for this species, has participated for a number of years at an international level in failed efforts to form the

groundwork for sustainable fishing throughout the species' range.

Time and time again research has indicated that the parental biomass of SBT continues to decline and is currently at historically low levels. It has declined by up to 93 per cent since 1960, when substantial fishing had already occurred. Southern bluefin tuna has undergone a population reduction of at least 80 per cent over three generations according to the International Union for the Conservation of Nature and Natural Resources. The government's Bureau of Rural Sciences has put present SBT parental biomass in the order of seven to 15 per cent of that which existed in 1960, a time when substantial reductions had already occurred, and in the order of 25 to 53 per cent of the 1980 level. These are drastic and biologically unsustainable declines that show no signs of reversal.

SBT has been fished extensively, primarily by Australia, Japan and New Zealand. The SBT fishery began in earnest in the 1950s, with Japan exploiting stock on the high seas and Australia fishing the species within its own coastal waters. The Japanese fishery expanded rapidly, culminating in a peak long-line catch for Japan in the early 1960s of some 81,605 tonnes. In contrast to that, today the total global allowable catch for SBT remains at around 15,000 tonnes—and yet stocks still show no sign of recovery. The 1996 report of the Scientific Committee of the Commission for the Conservation of Southern Bluefin Tuna, CCSBT, estimated that the parental biomass in 1995 was five to eight per cent of the 1960 parental biomass, which had already declined due to significant catches by Japanese fleets in the 1950s. In fact, 1961, 1960 and 1959 were the peak three years for total global SBT catch in the history of the fishery. The 2003 spawning stock biomass was estimated to be between 25 and 47 per cent of that in 1980 and be-

tween 37 and 58 per cent of that in 1986—equivalent to a 50 per cent decline in a single generation.

Further, projections over the years 1992 to 1997 consistently overestimated the parental biomass in the following two years by up to 60 per cent. Whilst virtual population analyses by both Australia and Japan have indicated continuous parental biomass decline between 1980 and 1993, all assessments since 1984 have predicted that reversal of parental biomass decline would occur two to three years after the year of assessment. Population estimates and projections by Australian and New Zealand scientists indicate continued population decline. To date, these estimates are considered to be overoptimistic, as predicted trends have failed to match the actual persistent decline in spawning fish. There has been no evidence of a reversal of the species' decline to date.

It became evident in the early 1980s that the parental stock had been dangerously overfished. As a consequence, Japan, Australia and New Zealand introduced a voluntary limit to their total catch through annual trilateral agreements within the Commission for the Conservation of Southern Bluefin Tuna and eventually introduced quotas. In the 1980s, SBT numbers had undergone such a reduction that less than 75 per cent of the agreed quota was caught.

Within Australia's fisheries, SBT has been identified by the federal government's own agencies as the species most under threat, with its status listed as 'overfished' for many years now. A large decline in catch per unit of effort is evident over the past 30 years, with a decrease by 1992 of 56 per cent of the 1980 catch per unit of effort, or CPUE, levels. Nominal CPUE of the parental fish is now 26 per cent of the 1980 level and just two per cent of the 1960 level. SBT parental biomass remains at historically low levels

and present parental stock levels are significantly below the biologically safe level. As an indicator of the status of the SBT fishery, the CPUE figures correspond with findings that excessive fishing has reduced significantly the number of spawning SBT. Under current global catch rates, the SBT spawning stock will not recover by 2020, and therefore there is a distinct probability that it will not increase at all. In this context, the decision by the Minister for the Environment and Heritage, Senator Campbell, to accredit the fishery as sustainable is even more incomprehensible.

The biological characteristics of the SBT make the species slow to recover from overfishing and vulnerable to particular fishing methods. SBT is a highly migratory pelagic fish that is long-lived—up to 40 years—slow growing and late to mature, with maturation at 10 to 12 years or older. Very few fish less than 10 years old are caught in spawning grounds. Mature SBT have a tendency to aggregate on the spawning grounds, which makes them vulnerable to long-lining and purse seining, and localised overfishing can easily occur. Further, pelagic fish such as SBT aggregate when numbers decline, worsening pre-existing threats and making them easy targets for well-resourced fishing fleets.

Despite our current voluntary international catch quota of 5,265 tonnes, Australia exported more than 9,000 tonnes, predominantly to Japan, in the 2003-04 season. Industry figures claim that ranching operations which are fattening fish in Port Lincoln can account for the extra 4,000 tonnes of SBT exported from Australia during the season. However, the Democrats remain concerned that a lack of comprehensive observer coverage of the SBT fleet, the high value of individual fish, and the many loopholes in the weighing and accounting system for SBT are grounds enough for tighter policing of our export quota. For the minister to approve the

species for export without tying his accreditation to quotas set out under CCSBT was irresponsible and leaves Australia's fisheries management regime open to criticism. It may also have locked in further declines in SBT fish stock, already internationally recognised as critically endangered.

Since 1997 Japan, Australia and New Zealand have been unable to agree on catch limits for this species; however, the fishery is no longer dominated by these three players. Korea, with a voluntary quota of 1,140 tonnes, has recently joined CCSBT; and Taiwan, also with a voluntary quota of 1,140 tonnes, has joined the extended commission. The CCSBT has agreed to a total world catch of 14,030 tonnes: Japan, 6,065 tonnes; Australia, 5,265 tonnes; Korea, 1,140 tonnes; Taiwan, 1,140 tonnes; New Zealand, 420 tonnes; and 900 tonnes for non-members Indonesia, the Philippines and South Africa. CCSBT has acknowledged the advice of its scientific committee that, at a global catch of about 15,000 tonnes, there is an equal probability that the critically endangered stock could decline or improve.

In 1999 Indonesia, whose waters share the sole breeding grounds, took 2,483 tonnes. In 2002 CCSBT expressed concerns regarding the level of catch outside the commission and recent significant increases of catch by some non-members. In addition to the current CCSBT quota, of which Australia takes almost half, catches by non-parties to the CCSBT have grown rapidly in the past decade, exceeding 7,500 tonnes by the year 2000. CCSBT also acknowledged that 'there is little chance that the SBT spawning stock would be rebuilt to the 1980 levels by 2020', as had been set as an interim goal and identified as the biologically safe level for continuation of species viability. How the minister found evidence that this fishery is based on a sustainable management regime which will ensure the future of both this highly lu-

crative species and the industry that relies on it is difficult to understand.

Under current management regimes, there has been no evidence of recovery. CCSBT has shown itself unable to achieve its stated recovery objectives for this species. Ongoing negotiations over quota allocations and total allowable catch continue, predicted parental stock increases have failed a number of times to be realised, and aims to bring the population back to the 1980 level, regarded as 'biologically safe', have not in any way been met. The Australian government's Endangered Species Scientific Subcommittee in 1999 noted a breakdown in negotiations in the CCSBT forum in 1999 and expressed the concern that 'if current management actions to address the past decline of the species are not successful, and populations decline further, the species might become threatened'. It is our view that regional management regimes working towards the conservation of SBT have floundered, resulting in real and imminent threats to this species' ecological viability. Yet Australia remains one of the predominant fishers of the species.

The species is now listed under both Victorian and New South Wales state laws as a threatened species, and conservationists continue to push for a listing under federal environment laws. The science underpinning the population statistics suggests such a listing would be well within the legislative requirements for threatened species recognition. I also understand that some environment groups have launched legal action in the Administrative Appeals Tribunal objecting to the accreditation of this fishery as ecologically sustainable. There can be little doubt that while the southern bluefin tuna fishery continues to exploit an already heavily depleted target species Australia's reputation as a world leader in fisheries management will be undermined.

Ongoing commercial targeting of this species and the inability of those with commercial interests to achieve recovery objectives suggest a significant level of failure to address problems inherent in species conservation, and yet Senator Ian Campbell, in one of his first acts as environment minister, signed off on commercial targeting of SBT as an environmentally sustainable industry and, despite its depleted status and the risk of its extinction, accredited export of this species. With existing examples of abundant fish species, such as Atlantic cod, crumbling under the ongoing weight of commercial pressures, and southern bluefin tuna already listed as critically endangered by the International Union for the Conservation of Nature, we Democrats believe there is an urgent need for much stronger action on behalf of the government to rein in Australia's SBT quota, which has not changed since 1984 despite ongoing declines.

This is a highly valuable species that not only is fished through the targeted catch of the Commonwealth southern bluefin tuna fishery, currently with 99 statutory fishing right holders and just a dozen major operators, but also is regarded as by-product within other Commonwealth and state fisheries. International pressures on fish stocks are only increasing, and globally pelagic fish stocks are considered to be at great risk from overexploitation. Of those, southern bluefin tuna appears to be the most valuable and at greatest risk.

We Democrats call on all senators to support our disallowance of the government's environmental accreditation for this fishery on the grounds that it is in no way ecologically sustainable. All the evidence points to ongoing and serious declines in the breeding stocks of this fishery and to increasing fishing pressures on remaining stocks from our regional neighbours. Australia remains one of the largest exploiters of the southern blue-

fin fishery and is largely responsible for its ongoing declines. We cannot stand idly by while our environment minister and our fisheries minister, Senator Ian Macdonald, bury their heads in the sand and blame other nations for the ongoing declines. As one of the longstanding fishers of this species, we Australians have an obligation and an inherent responsibility to manage the stocks in a sustainable way. Accrediting export with no change in quota will in no way progress the sustainable use of this fish.

Question negatived.

TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005

Second Reading

Debate resumed.

Senator NETTLE (New South Wales) (4.42 pm)—Just before question time I was speaking about the issue of poverty, which NATSEM, the National Centre for Social and Economic Modelling, estimates affects almost two million Australians. I was speaking about a report that was released last month by the St Vincent de Paul Society into income equality, which speaks about the growing gap between the rich and the poor in Australia and the fact that the income of the bottom 10 per cent of income earners has risen by just \$26 per week whereas the income for the top 10 per cent of income earners has risen by \$762 a week. The report notes that inequality of income is an open door to inequality in access to health services, housing services, public education, transport, communications, child care, aged care services and other sorts of social amenities, such as going to the cinema or going to a sporting event.

This inequality could easily be addressed by investing in social services and by investing in better income support and secure employment with fair pay. Professor Peter Saunders of the University of New South

Wales Social Policy Research Centre has estimated that it would cost as little as two per cent of gross national income to eradicate poverty in Australia. He concludes that it is not a matter of affordability, it is a matter of choice. The coalition government has chosen yet again in this budget to make life easier for the wealthy and more difficult for the poor. The government's welfare to work policy without a doubt will push more people into poverty. So much for the family friendly government. We see the budget and the huge tax cuts for the well off as being, as the Greens have indicated before, antifamily.

The National Council of Single Mothers and their Children has advised me of a number of examples of sole parents in different circumstances who will be disadvantaged under the government's welfare to work policy. They tell me of the case of a single mother who has a nine-year-old child with attention deficit hyperactivity disorder and who gets no assistance from the child's father. She is needed to volunteer at her local school because this public school is short of resources. There is no after school care available, although she does have her child on a waiting list. She currently does 10 hours of paid work. The question to the government is: will this be deemed enough, or will she be forced to seek more paid work and therefore have to reduce the care that she offers to her child and the voluntary work that she does at her child's local school? What impact will occur on such schools if single parents cannot continue to do the voluntary work that many of them are now carrying out?

Another question that the National Council for Single Mothers and their Children have asked is, most importantly: what will happen when children are sick? They ask: how will the government legislate to protect mothers from being forced to attend to employment requirements rather than care for

their sick child? What Job Network provider or employer is going to be willing to accommodate the needs of their sick child? For example, if you have something like chickenpox running through a family over many weeks, what is going to happen to the mother's income over that period? Mothers will be in an untenable situation of having to decide whether to leave their children unattended or risk their income support. What happens when child welfare agencies are called and a mother is considered neglectful because she made the choice to leave her sick children unattended so that she did not risk her income support?

Single parents will also be disadvantaged by the government's Welfare to Work measure because of the low rate of income support that they will receive compared to the rate that they currently get and the higher effective marginal tax rates that they will pay. In this bill the government has chosen to reduce the top marginal tax rate for the wealthy whilst failing to reduce sufficiently the effective marginal tax rate for the lowest income earners. The effective marginal tax rate is 40 per cent for some welfare beneficiaries, but it will be 60 per cent for single parents, low-income parents and people with a disability, who are forced to look for paid work under the government's new policy. This favouring of the wealthy over the most needy comes at the same time that the government are privatising many of our essential services. They are making decisions such as lifting the cost of tertiary education for students and introducing more government funded private technical colleges. Both the government and the opposition voted to increase the cost to patients of essential medicines in the lead-up to this budget, and in this budget we see this government also lifting the threshold for the Pharmaceutical Benefits Scheme safety net, meaning people will have to spend more before they get any support.

The government continues yet again in this budget to give priority to the private health insurance rebate, which means that next financial year \$2.88 billion of public money out of our health budget will be spent to provide benefits—that is, private health insurance—mostly for the well off, rather than investing that money in our essential public health services, which desperately need it. The government, for example, chose in this federal budget to commit just \$170 million to Indigenous health care when we all know from listening to organisations like the AMA that this is a fraction of what is needed to redress the extreme disadvantage that Indigenous Australians suffer and to address the great disparity whereby Indigenous Australians die 20 years younger than non-Indigenous Australians. The government has also decided to lift the Medicare safety net threshold and is now promising to look at allowing private health insurance funds to move into the area of covering non-hospital health services, a proposal that it had previously rejected in 2003.

The government is also reducing investment in public housing whilst encouraging private investment in the high-priced residential property market through its taxation policy. It is introducing an inflationary and regressive tax rebate for child-care fees when it should have and could have put this money into the more progressive child-care benefit or provided more of the child-care places that are desperately needed by mothers.

All through this budget the government are introducing changes to tax cuts, with Welfare to Work amongst these changes. They are also in this term of government seeking to attack the wages and conditions of ordinary working Australians and their families, requiring the lowest paid workers in the community to bear responsibility for any unemployment that may occur through the new minimum wage fixing procedure. I

spoke earlier about this government perceiving the current minimum wage rate as too high already, even though it is half what the Treasurer acknowledges Australian families are struggling to survive on. The government are seeking to promote insecure work through individual contracts and giving employers the right to sack employees at whim.

The Labor Party was right to condemn the budget tax cuts as unfair, but we believe it is on the wrong track with its call for redistribution. Doubling the tax cut for low- and middle-income earners from \$6 to \$12 a week is still wasteful when it is compared to the many other useful purposes to which the funds could be put, such as investing in public services—health, education, the environment and the like, things I spoke about earlier.

Labor leader Kim Beazley, answering a question from Laurie Oakes on the *Sunday* program on 15 May, said that Labor had recognised a political imperative to reduce the tax paid by those who aspire to more—the so-called aspirational voters. This political imperative that Mr Beazley was speaking about is eating away at our sense of fairness and decency. It is distorting our sense of proportion as to who is really most in need. Around 4.5 million Australians live in households that struggle on \$400 a week. Full-time adult ordinary time earnings are \$993.10 a week, or \$51,641 a year, and we know that plenty of people cannot find enough paid work to make up a full working week. I move the second reading amendment circulated in my name and Senator Brown's on behalf of the Australian Greens:

Omit all words after "That", substitute:

- "(a) the Senate is of the opinion that it should not consider the bill further and that the revenue otherwise forgone from the tax cuts contained in the bill should be instead invested in Australia's future in the areas of health, education and the environment; and

(b) this resolution be communicated by message to the House of Representatives".

Senator ALLISON (Victoria—Leader of the Australian Democrats) (4.51 pm)—I rise to speak too on the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 before us today. I want to start by noting that this is the second tax package which has delivered substantial tax cuts to people on high incomes. What the Democrats most want to point out in this whole debate is that there are people on very low incomes who will receive almost nothing out of this package. The average earner will save around \$1.54 per week if they are on \$10,000. If they are lucky enough to be on \$120,000 then the amount that is saved is \$60.62 a week. So we say that this is unfair. This package is unfair. Not so long ago we dealt with a previous tax package which delivered tax savings to people on more than \$52,000 a year—\$21.7 billion over four years to give high-income earners the greatest benefits of this package.

The Democrats support a taxation system that is broadly based. We support the principle of indexing taxes in general with income tax brackets and regularly adjusting what is known as bracket creep. We believe that income tax brackets should be linked to meaningful social indicators and we think that the tax-free threshold should be raised to at least the poverty line. At the present time we tax people who earn a mere \$6,000 a year. Even if we were just to index that \$6,000—which was established, as I understand it, in 2001—the threshold would at least be \$1,000 higher at the current time. The fact that this package effectively indexes rates at the higher levels but leaves the threshold in place we think is highly problematic.

In our view the first budget priority should have been the underspend in areas such as

health and education, the environment and infrastructure. It is essential, though, that we see some tax relief for low-income earners, because these are the people who pay very high effective marginal tax rates—and that is why the Democrats will be moving some amendments on that. We want to see their disposable income increase and their living standards improve as a result and to see this package used as a way in which we can encourage the transition from welfare to work through these incentives. At the present time there are in fact disincentives in place for people to get into the work force.

We would also support the bracket creep adjustments for higher income earners but we say that they need to be funded through cracking down on unnecessary tax concessions and loopholes. The fact that the government used the tax cuts as an election-winning device perverts the real policy need for structural income tax reform and is in effect just some sort of periodic relief.

On the tax-free threshold in this package, we will move amendments to increase it to \$10,000. We think that \$12,500 makes sense because that is the Henderson poverty line—or the minimum subsistence line, as it is known—and then we should be looking longer term at increasing that threshold to \$20,000. By doing that everyone gets a tax cut, but it is much fairer on those people at low-income levels. We say the tax cut priorities the government has in this bill are all wrong. There is the need for tax relief for low-income earners and so, as I said, we will be moving to lift that tax-free threshold to \$10,000, delivering \$680 a year to benefit all taxpayers.

We think there is an argument for rationalisation of the tax system. At the present time we are predicting a \$9 billion annual surplus. So we are not opposed to tax cuts per se, but our approach is to start with low-

income earners before going beyond that. High-income earners will receive a tax cut of \$4,502 a year whilst the average income earner will receive \$312 a year. When you add to that \$4,502 the \$1,500 that high-income earners will receive from the scrapping of the superannuation surcharge, that is a very substantial tax cut indeed.

We have announced today that we will support the ALP's amendments to this bill. I hope they will seriously consider ours, but we have indicated that we will support theirs. They are a fall-back mechanism only and we do not think they go far enough. They are not as fair as our proposed package but, nonetheless, we will be supporting the ALP on those amendments and we certainly hope the ALP stick to them. One of the problems in recent times is that the ALP have very much had a patch-up approach to tax cuts, and it is not altogether clear what the ALP stand for. I want to reiterate today that our highest priority is people on low incomes. People on low incomes are our first priority, and we have a plan, as I said earlier, to raise the threshold to \$10,000, then \$12,500 and then \$20,000. That is what is known as a long-reaching plan but, at the present time, we do not know what Labor propose. Nonetheless, we will, as I have said, support their amendments.

It is worth bearing in mind that there are 1.8 million Australians who earn less than \$10,000 a year. I think that is an alarming statistic. Most of them, it is true, do not currently pay tax. If our policy were supported around 400,000 more taxpayers would no longer be paying income tax. If our amendments to raise the threshold do not get supported in this chamber—and I think it is fair to say the ALP has suggested it will not support them—we will move to split the tax bills. We will attempt to support the cuts for those people earning up to \$21,600—that is, the cut from 17c in the dollar to 15c in the dollar—and we will oppose those income tax

cuts for people on higher incomes. The other point I want to make today is about the tax schedules.

Senator Boswell—What about the regulations? Are you going to support—

Senator ALLISON—If Senator Boswell is interested in this issue he might listen, and then I will—

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—Order! Senator Boswell!

I announced this morning that the Democrats, along with most others I have heard speak on this subject, will not be supporting a disallowance should it be moved. It is a very hypothetical question. Nobody so far, as far I know, has said that they will disallow the schedules. We do not think it makes a lot of sense at the end of the day. After 1 July the government will be able to introduce whatever schedule it likes, and effectively others in this chamber will not have much say over that. It is an administrative vehicle—it is the schedule which lets employers know what they should take out of wages in tax. We see no purpose in artificially stopping that schedule for a matter of a few weeks.

Mr Costello asked us late last week to give an undertaking. I said I would take that to my colleagues. I have now done that, and I have advised the Treasurer that this is our position. The schedules are simply mathematical calculations of an administrative nature. That does not mean that we are voting for the government's tax package—we are certainly not; we are going to protest right to the end—but we do not see the point in unnecessarily delaying the situation and costing business, with the confusion that might arise should those schedules have to be relied upon for the first couple of months. As I said, the government can in any case introduce schedules at any time it chooses, so it seems to us to be a pointless exercise.

However, we will stand very much on principle on the question of the bills and we will vote against them if the amendments are not won. We certainly hope that the Labor Party stand firm on their amendments and do not give in when they are bounced back from the House of Representatives. This was a great opportunity for tax reform in this country. I think the government has messed up. These are the wrong tax cuts for us to consider, and it is a great pity that an opportunity to take people out of poverty has not been taken up in this legislation.

FIRST SPEECH

The PRESIDENT—Before I call Senator Fierravanti-Wells, I remind honourable senators that this is her first speech. I therefore ask that the usual courtesies be extended to her.

An incident having occurred in the gallery—

The PRESIDENT—Order! I remind those people in the gallery that clapping is disorderly.

Senator FIERRAVANTI-WELLS (New South Wales) (5.02 pm)—Thank you Mr President. It is with great pride and honour that I rise this evening to make my maiden speech. My presence here today follows the retirement of Senator John Tierney on 14 April. On behalf of the people of New South Wales I pay tribute to him for his service to the Liberal Party and the Senate. I wish John and Pam all the very best for the future. I would like to thank the Clerk of the Senate and his staff and other senators for their kind assistance and guidance in acquainting me with this place and its procedures. I especially thank Andrea Griffiths-Ianson, Black Rod, for her friendship and guidance over many years. I was proud to be welcomed by her to this place on 9 May.

My family's journey began on 14 February 1953, when a young man of 24 years of

age arrived alone on the docks at Sydney. He had travelled from Italy. He had left everything he knew and loved, including his fiancée. He spoke no English. His old suitcase carried the dreams and aspirations that had motivated his migration to so far away a land. That man was my dad. He first lived in single quarters near the old steelworks at Port Kembla. Later he travelled to North Queensland to cut sugar cane. He saved enough money for a deposit on a home. He returned to Port Kembla and bought a small cottage. My mother joined him in 1959. They had been engaged for 13 years. They married. I was born a year later and my brother five years later. Pops, could you ever have imagined when you arrived that one day you would be sitting here watching your daughter in the Australian Senate?

Mr President, with hard work, determination, dedication and the will to succeed you can do anything, you can be anyone and you can go anywhere. My parents and millions of other migrants who came here were guided by this ideal. This is what makes Australia such a wonderful place. Today I could be the daughter of any migrant to Australia. The philosophy of individual effort for just reward is embodied in the stories of millions just like my parents who have helped shape the destiny of this great nation. It is also the philosophy behind the great party I am privileged to represent. Today I would like to share with you the values and beliefs that have helped shape my life and which will underpin my service to the people of New South Wales as their senator.

I grew up in Port Kembla, the industrial heart of the Illawarra. My father worked at the steelworks. My mother stayed at home. I am grateful for the many sacrifices that my parents made to ensure that our family had the best that hard work could give. Today, many who come to this country are assisted by generous settlement services. When my

parents arrived there were no such services. Self-sufficiency and employment became the cornerstones on the road to building a better life for yourself and for your children. Family and family life have always been very important to me. I believe in the traditional family as the bedrock institution of our society. I will support policies which strengthen and enhance the value and importance of the family.

My education in the Catholic school system began with kindergarten at St Francis of Assisi, overlooking the steelworks. Seventy-five kids started school with me. Only a few spoke English, and I was not one of them. My primary schooling at St Patrick's was under the shadow of the chimney stack at Port Kembla. I completed my secondary education at St Mary's College in Wollongong. From these early days I have followed the Christian faith. I believe in the values and virtues that it teaches. They have guided me and will continue to do so in the years ahead.

During this period I also learnt the importance of choice. When my father worked at the steelworks, the union movement was very strong. I remember vividly when the unions would call a strike. My father was the sole breadwinner, so working every day was very important to him. When the unions called a strike, I saw the inner turmoil in my father. He needed to go to work but, like many other workers, could not afford to break ranks. Regardless of the merits of the issue, they could not go against the power of the unions. They did what they were told. I respect the right of the individual to choose to be part of a collective bargaining regime but there should be no compulsion. I say to the elements of the union movement that are gearing up for a fight against the Howard government on industrial relations: use argument and reason, not threats and compulsion—remember who you are representing. Mr President, I will be supporting changes to

industrial relations laws that encourage flexibility, fairness and freedom; a system that increases job growth, productivity and innovation—that will give Australians true choice.

After completing my secondary schooling, I attended the Australian National University in Canberra where I studied political science, languages and law. In 1984, I commenced my 20-year career as a lawyer with the Australian Government Solicitor and I pay tribute to my former colleagues, some of whom are here today. Having had the opportunity to represent many government departments and statutory authorities over the years, I bring to this place a broad and practical knowledge of the workings of government. Having defended both good and bad decisions of government, I have taken a keen interest in good public administration. Acting for the Australian Taxation Office, I wound up companies that did not pay their tax. I retain a particular concern about corporate responsibility and corporate morality, especially in dealings with workers entitlements.

I also have an interest in simplifying the tax system. When I first started practising law, the tax legislation was in one volume; it is now in four. An even, balanced or alternatively flat tax regime could be an option in simplifying the system. The Howard government has made significant reforms in this area for the benefit of the average taxpayer and small business. More can and should be done.

During my career, I particularly valued the work I did for the Department of Defence. This coupled with my husband's service in the Royal Australian Navy has fostered a keen interest in defence matters, which I would like to pursue in this place. I would like to thank our many friends from the armed services who are here today. I especially value the importance of tradition and service to one's country. I believe in the

spirit of Anzac and what it means to the soul of Australia.

My work in politics started as a policy adviser with the Hon. Jim Carlton. Jim's guidance and support over many years has prepared me well for my new role and I thank him very much. I then became senior private secretary to the Hon. John Fahey, then Premier of New South Wales. It was a great privilege and a fantastic opportunity to work for him in the engine room of a coalition government. I would also like to thank Alan McArthur, who gave me my start in law and most recently employed me as a consultant with Minter Ellison Lawyers in Sydney.

Community service has been an important feature of my life since I was young. As the daughter of migrants I was frequently called upon to help my parents and others in the community, translating and assisting people with simple tasks to help them in their daily lives. Over the years, I have been privileged to work for many different groups and associations as a volunteer. I am honoured that many of the people I worked with are here today to share this special day with me.

I am a proud member of the Australian-Italian community and have been honoured to serve them as a national and international representative. I would like to acknowledge the presence today of representatives from Italian government bodies: the embassy, the consulate, the Italian Institute of Culture and the trade commission. I would especially like to acknowledge my dear friends Nick and Silvana Papallo and Irvin and Lottie Vidor. Thank you for your total faith in me. It is a source of great pride to come to this place as the first Australian woman of Italian origin. I believe I am also the first Australian of Italian origin to the Senate from New South Wales. I will continue to strengthen relationships with Italy in particular and more broadly with Europe.

Over the years, I have also supported a number of important causes. I support our current constitutional arrangements. Through my work with Australians for a Constitutional Monarchy, I have worked for its retention. I also uphold our flag as an unchanging and timeless symbol of the values and virtues that unify our society. Over the years, I have been involved in many charitable activities, but none has impacted more on me than my work with Father Chris Riley's Youth off the Streets. I am honoured that Father Chris is here today, together with some board members and staff. Father, you taught me that there is no such thing as a bad child, just bad circumstances. I have come to understand the resilience of our youth against terrible adversity. A child is abused every 13 minutes across Australia. Perpetrators of crimes against children and those who protect them deserve the severest of punishment. We must confront and end child abuse and the exploitation of youth once and for all. My work with Youth off the Streets has also reaffirmed my view of the importance of family support to young people, of zero tolerance on drugs and my opposition to heroin injecting rooms and lowering the age of consent. In contrast, programs such as Tough on Drugs and Values in Schools have been very successful. As a senator, I will be advocating their continued support and expansion.

Throughout my community service, I have come to value highly the contribution of volunteers in Australia, whether this be in the family, amongst the sick, the disabled, the young or the aged. This is the social glue that binds our society together and gives us a sense of belonging in our communities. The complex social challenges facing our society will never be solved by governments working alone, but in partnership with civil society. As a senator, I shall work to foster community participation and volunteerism so that individuals, welfare organisations, business

and government can unite and together generate true social capital.

Australia today is a country forged from different cultures and tied by a set of common beliefs and values—a belief in a free and competitive market system; in freedom of choice; of respect for human life; of the rule of law and a fair go for all. The promotion of these values and beliefs across the diversity of our contemporary Australian society is vital to our continued social cohesion.

I have lived my life across the diversity that is Australia. Whilst cultural diversity has brought us many advantages, there are also challenges. When my parents first came to this country, they, like many others, experienced prejudice. It was a fact of life. They got on with it. They assimilated, they shared their culture, traditions, values and beliefs—they accepted and became accepted. Through this, they and many others helped forge the unique Australian way of life we have today.

While some seek to gloss over divisions in our society by affirming a desire for harmonious coexistence and religious tolerance, divisions do exist. We need to address them before the rifts become so deep that our society's very existence is threatened. Australia is a tolerant and compassionate society founded on understanding and respecting social and religious differences. Our success as a culturally diverse society comes from putting our commitment to Australia first.

Values and beliefs are important in the mainstream of Australian political life. However, there are those in our society who find talk about values abhorrent—the so-called 'chattering classes', the elites whose view of life is distorted by their inane fixation with the politics of the lowest common denominator, an outdated socialist ideology that rejects a belief in the power of the individual. The

success of the Howard government has been to reject this ideology.

My journey began under the shadow of the chimney stack at Port Kembla. It now takes me back to where I started. I return to my roots. My office will be in Wollongong and I look forward to giving the people of the Illawarra an alternative and effective voice in government. The Illawarra is yet to realise its full potential. I want to see more exports leave Port Kembla, to see more industry developed and more jobs created. I want to ensure that, when my nephews grow up and look for a job in Wollongong, they will not be forced to move away to find work, as I was. Future growth for the Illawarra will require all sectors of the community working together with all levels of government. I look forward to the challenge.

Here tonight there are many friends who have helped me to make my journey. I cannot mention you all by name. You know who you are and I thank you wholeheartedly. I thank the Liberal Party and the New South Wales Division. Over the years, I have had extensive involvement at many levels of the party and I am honoured to represent the Liberal Party as a senator. I would especially like to mention some of my parliamentary colleagues—Bronwyn Bishop, Helen Coonan, Teresa Gambaro, Bill Heffernan, Jackie Kelly, Nick Minchin, Brendan Nelson, Alby Schultz and Santo Santoro—and state colleagues—David Clarke, Charlie Lynn and Anthony Roberts. Thank you for your guidance and support over many years.

There are many in the Liberal Party I would also like to thank. I would especially like to acknowledge and thank Nick Campbell, Michael Cooke, Alex Hawke, Natasha Maclaren and the Young Liberal Movement, Italo Mazzola and the New South Wales Italian Special Branch, Hollie Nolan, Peter Phelps, Marlene Scott and the Illawarra Lib-

erals, Rhondda Vanzella, Helen Wayland and my many friends and supporters in the Women's Council, Robyn and Harry Young, Mervyn and Ann Youl, and the late Judith Barton. I would also like to thank my staff and the many volunteers who have helped make this my very special day.

Thank you to my family: Mamma and Pops for your love and selfless sacrifices; Canio, the best brother a girl could ever have; Karen and my beautiful nephews, Beppi and Luca; my stepchildren, Alasdair and Amelia; my aunt and uncle, cousins and their families; my mother-in-law, Frances, sisters-in-law and their families; and my husband, John, my biggest fan, for your patience, understanding, love and support.

I have tried to lead the past 25 years of my life in service to the community and to the public. People often ask me why I want to serve in public life. For me, the answer is simple. My parents came to this country to build a better life for themselves and for their children. Their journey is but a snapshot of millions of similar journeys. They are not published anywhere except written deep in the hearts and memories of those who took the journey and those, like me, who follow them. This country gave my parents so much—I have always wanted to give something back. And so, as I stand here today, I honour the journeys of those before me and I look forward with dedication and resolve to my journey ahead.

TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005

Second Reading

Debate resumed.

Senator LEES (South Australia) (5.23 pm)—This is not the first time that I have risen in this place to speak on tax legislation. I was heavily and directly involved in the major tax package which included the GST back in the late 1990s. At that stage, we had

months of committee hearings and long debates. This emphasised very much for me that, when we are changing the tax system, it is not something that we should do lightly, without proper consideration or quickly as a response to a particular lobby or pressure group. And it is not something we should do simply to implement what is supposedly a publicly popular measure of cutting taxes.

Tax should be about national and public interests as well as individual interests. We should be talking about tax reform and, in particular, about how changes to the system impact on various sections of the economy as well as on individuals. One of my major achievements in this place was ensuring that those major changes—what became known as the ANTS package—actually went through this place but that they only went through after considerable negotiations and considerable changes so that we did have a package that was environmentally and socially responsible.

Why did I support the tax changes back in 1999 when saying no was obviously much easier and a much less risky course to take? There were a number of national priorities that could no longer be ignored. Indeed, the Democrats had already seen this and had been undertaking a series of tax negotiations and tax discussions across all divisions in all states and both territories for some time. That led to a party ballot in which the Australian Democrats voted to impose a tax on services. The ALP also knew that a GST was essential and that personal income tax cuts would need to go with it, but they chose what they thought at the time was a politically expedient road and opposed the tax package entirely.

I will now move on to some of the reasons why change was necessary. Governments could no longer continue to build up debt and/or sell off assets. Borrowing and selling

to fund our daily needs simply was not able to continue. The states and territories had to get access to the money they needed to provide public services and infrastructure. That has now been done, and we can see the extra money from the GST flowing to schools and hospitals. There are extra roads, police et cetera. In my home state, there is a raft of positive changes in the way services are being funded.

Another reason I supported the 1999 package was that we had to remove the hidden taxes that were embedded in our manufactured goods and so reduce the cost of Australian goods to make Australia more competitive. That has been achieved. But, as we made the raft of changes back then, we had to ensure that tax reform was socially responsible and equitable. Basically, we had to protect those on low incomes. That was done, with some \$5 billion of fairness injected into the 1999 GST reform package, and that is what is now being partly undone. By 'undone', I mean that we are now losing a lot of the fairness that was negotiated into Australia's tax system at that time.

In those tax negotiations, we had to boost pensions and benefits more than the government planned, because they were working on averages and that was simply not equitable. We needed to take food out of the package, because that has the biggest impact on those on low incomes, and we had to make a number of other changes, including boosting support through SAPs for people who are homeless and boosting opportunities for children living on low incomes—in particular, a childhood nutrition program. All of those changes were to help those on the bottom rung. In 1999 dollars, we negotiated roughly an extra \$7 a fortnight for disability pensioners, and about \$11 for a couple. It was more for people who were on single-parent benefits. Basically, it had to be an equitable social response to tax changes.

Under this package, together with changes to our social security system, many on low incomes are going to lose not just once but twice. Firstly, they lose because of the piddling tax cuts they get that are barely going to keep up with inflation. Secondly, many people will also lose through the lowering of their incomes with the move from pensions to enhanced Newstart. In particular, I mention here single parents and those newly diagnosed with a disability. Many Australians who apply for help in the future—when, I must stress here, the Senate will be in government hands and therefore compliant—will be actually worse off. In 1999, those of us who worked constructively with this government on tax reform also succeeded in reducing the tax cuts that were then planned for the wealthy. We rolled those back. That is certainly being undone with this package before us now.

I am not arguing—indeed, I do not think anyone in this place is arguing—that we do not need tax cuts. We do need them. Inflation has taken care of that; it is a certainty. But a tax system should be fair, and any changes that we make to that system should be assessed as to whether they are fair or not. In this case we see that those who desperately need tax cuts get few, if any.

What we actually need now is tax reform, not just tax cuts. It is not logical, as some have argued—including some in this place—to say that we have to give people more incentives at the top by giving them more tax cuts and giving them more money in their pockets and that the way to give incentive to those Australians who are already struggling is to reduce what they have in their pockets, to cut their incomes. I have great difficulty when I try to follow the arguments about how this can possibly be reasonable and fair. These tax bills are a great disappointment as I leave this place. Certainly the changes to social security legislation are. I ask opposi-

tion senators who seem so delighted at the prospect of these tax cuts: why should Australians who are living below the poverty line pay any income tax at all?

I would ask that government senators speaking in support of the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 not mention my name in their speeches. Yes, I did support you in the past on tax reform but I do not support what you are doing now. This package is simply unfair. It is un-Australian. It is not a fair go for all, as our most recent senator just noted. It may well be supported very vocally by some in the media, but that does not make it right and it does not mean we have to go along with it. I will oppose these changes wherever I can. Yes, the tax cuts are going through, but they will not have my vote and they will not have my name on them.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (5.31 pm)—I am disappointed that Senator Lees will not support taxation cuts for many, many Australians. I cannot understand it. I can understand someone putting up an alternative point of view. The Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 implements the tax cuts announced in the May budget for all Australian workers. Some get more than others, but all Australian workers get a benefit. The bill ensures that the top tax rate applies only to three per cent of the working population. That is something that everyone has been pushing for, including Bill Shorten, who is supposed to be the new saviour of the Labor Party. He has said quite openly:

... the maximum marginal income tax rate cuts in at a relatively low-income level, which harms work incentives and skill acquisition. Effective marginal tax rates also remain high for low-income earners, deterring participation by secondary earners and older workers.

He has even suggested that the government needs to perform radical surgery—in fact, it could even need to apply the death penalty—on the tax regime. The government has listened to one of the leading lights and the hope of the Labor side, Bill Shorten, and has actually done what this new leading figure of the ALP wishes—and has got kicked in the head by the ALP in this place. I do not want to condemn all members of the ALP, because there are many in the ALP who think it is absolutely ridiculous to deny Australians tax cuts. Peter Beattie says:

We welcome the tax cuts. They are the right thing to do. I make no apology for saying that ...

That is what he told state parliament. He is a successful leader. Clare Martin, the Northern Territory Chief Minister, said she made it clear to the Northern Territory federal representatives that they should support the budget on behalf of Territorians. She said:

But that is the Federal Budget, and I wouldn't be opposing tax cuts.

She said:

... every Australian will be looking forward to them, every territorian.

Geoff Gallop said:

If we look at the tax cuts, which I think are excellent—and we have been advocating that for some time. They're essentially built off the back of the WA economy. The hard work of the West Australian people, the strength of our economy, has given Peter Costello the surplus he needs to deliver these tax cuts.

So he wants them. Everyone wants them—everyone except Wayne Swan, Senator Conroy and a few others in here. I made an inappropriate comment when I first heard about what was happening with the Labor Party refusing to back these tax cuts. I could not understand it. I have been in politics for something like 30 years and it just seemed to me to be the most stupid, idiotic thing that I have ever seen done by an opposition. All the

things that I believed were wrong and all the things that I thought would happen to the ALP have happened.

Mr Beazley, stuck there like a rabbit caught in a spotlight, does not know which way to move. One of the things I learnt when I first got into parliament was: if you cannot say something, never go on television, because you look ineffective and weak. I do not think anyone looked weaker and more ineffective than the Leader of the Opposition on the *7.30 Report* last Wednesday or Thursday night. He has been handed something that he just cannot handle. I do not blame him for not being able to handle it, because no-one could handle the poisoned chalice that the Labor Party's economic spokesmen have given him. It was a disaster.

I thought the ALP and Senator Conroy would come storming into the Senate today to defend their position. In fact, I mentioned it in the joint party room. I said: 'Beware of the attack. They'll have to defend this.' I was expecting a barrage on tax cuts at question time. I do not think there was one question bowled up to any of the economic ministers about tax cuts. I said to the party room—and I hope I am not disclosing any confidences: 'There will be a line-up of ALP speakers a mile long, coming in here to defend what many of them think to be the indefensible.' What have we seen on the speakers list? I think there are three speakers: Senator Conroy will be one, Senator Evans will be another and there is one other floating around. Senator Evans has to be up for it, to defend the position. Senator Conroy is an economic spokesman. He, too, will have to defend the position. But they could only muster three people—three kamikaze pilots. That is all they could muster: a squadron of three.

I am surprised. After 30 years of political life, I cannot understand how anyone could deny the people of Australia a tax cut. What

the ALP has forgotten, or has never understood, is that there are many Australians that traditionally vote for the ALP who are on \$60,000 and above. There are many of them. Many of them are in Capricornia, a seat that the ALP has held and holds now. They are scattered right throughout Australia. In the mining industry, \$93,000 is a starting rate. Many people fly in, work two weeks in a row—12 hours a day, seven days a week—and then come home and have a week at home. They really work hard for their money. They are traditional ALP supporters, or they were. How can you deny those people a tax cut? Those people start on a salary of \$93,000 and their salaries go up with the skills that they develop. The people that drive those big draglines are probably on \$120,000 or \$130,000 a year. Those skills are needed, they are appreciated and they are paid for. What are you denying those people? For a person on say, \$90,000, you are taking \$40 a week away from them. That is \$40 a week that they work damn hard for. They fly in, work 12 hours a day, seven days a week, day in, day out for two weeks, sometimes three weeks, and then go home for a week. You are taking \$40 a week away from those people, from the people who support the economy of Australia, the mining industry of Australia—the coalminers, the people that drive the draglines, the other miners. It is very hard, it is very nasty. It is hard yakka, and it carries a certain element of danger with it.

I am also concerned about the abattoir workers. You would not find, if you went around all of Australia, an industry that supports the ALP more than meatworkers do. And what have you done to them? A lot of those people do earn incomes between \$25,000 and \$55,000, but the skilled workers, the boners, the foremen, the top workers—the people that can work on the chain and keep the chain running—are on \$65,000

to \$75,000 a year with all the benefits. What are you going to cost them? It is around \$25 a week. Twenty-five dollars a week is a lot of money to people that are living away from the cities, living away from the benefits that many people get in the cities, and where things are more expensive. What are you doing? Don't you understand that it is not only the minimum wage worker that backs the ALP? There are many workers in the abattoir industry.

I could nominate quite a number of people out there—for example, truck drivers—that live out in the bush, that are rural and regional dwellers, that earn reasonable money. They work hard for the money. They roll up their sleeves and they really get into it. An interstate truck driver might be on \$75,000 to \$95,000 a year. He will lose \$96 per month. Do you really expect that these people are going to vote for you? I cannot believe how anyone could get themselves in such an unbelievable mess—and neither can most people in the ALP. There are many unsourced quotes from people in the ALP. I will find them in a minute. I cannot understand how the ALP thinks it can ignore and walk away from not only the workers who are going to earn \$6 extra a week—\$6 dollars is not a lot of money, but it is worth having—but also, when you start getting to \$20 and \$30 a week, the skilled abattoir workers and miners. What about the waterside workers that load beef or sugar in Mackay? Those sorts of people are on around \$80,000 a year with their overtime. They are going to be \$170 worse off. I do not know how you can come into this place and defend it.

In October last year an election took place and the government ran hard on its economic performance. It not only won an additional four or five seats but also won, for the first time since 1974, control of the Senate. Is there any more striking example of the people supporting this government because they

believe in its economic performance? Is there any more striking example of ignorance than trying to take these tax cuts away? I have never seen it before and I do not think I will ever see it again. There is a certain point where a party becomes unelectable. I think you have just about reached the point where a party becomes unelectable. The decisions you have made on these tax cuts are so reprehensible that no-one can understand them.

The people who are battling want their \$6 a week. The people who are out there with their sleeves rolled up driving huge dragline machines, scooping up the wealth for Australia, putting it in trucks, taking it down to the ports, loading it on the ports and working 12 hours a day seven days a week have been neglected by the ALP. You say that you are trying to create a difference. You have certainly done that. You have created the greatest difference—between a government that has economic credentials and an opposition that, economically, cannot add up at all.

There are many, many workers in rural and regional Australia who are traditionally ALP supporters. They are the people who have held the faith. They have stuck by you. They have not come over to The Nationals or the Liberal Party as yet. They have held the line. You have walked away from those in the bush. You have never given them good representation. You do not even put up a reasonable candidate. You put up the name of some union hack from Brisbane and then go out and try to say you are running in Maranoa, Kennedy or somewhere else. You walked away from them politically and now you have walked away from them economically.

I thought that Capricornia was a seat that we could not win. We can win it on big swings. I would now say that you have opened that seat up for The Nationals. It is

one seat where I now do not believe you will get a vote from the mining industry or the abattoirs. There will be the true believers who will hang on—those whom you could walk over, kick in the head and flog and who would still vote for you. You have virtually done that. You have left every rural and regional worker—and there are many, many of them who spend many hours of their lives with their sleeves rolled up to get into that higher bracket of income tax, paying it all out in tax and, as Bill Shorten has said, finding no incentive to work—and you have walked away from them. There is only one result from that: if you walk away from your constituency, they will walk away from you at the next election.

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

NOTICES

Presentation

Senator FAULKNER (New South Wales) (5.47 pm)—by leave—I give notice that on the next day of sitting I shall move:

That the time for the presentation of the report of the Standing Committee of Privileges on whether, and if so what, acts of unauthorised disclosure of parliamentary committee proceedings, evidence or draft reports should continue to be included among prohibited acts which may be treated by the Senate as contempts, be extended to 21 June 2005.

TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005

Second Reading

Debate resumed.

Senator CONROY (Victoria) (5.48 pm)—Today in this debate on the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 Labor draws a clear dividing line between the opposition and an increasingly arrogant coalition government. We do so on behalf of millions of hardworking Australians on low to middle incomes who are

crying out for some tax relief after years of being squeezed by the highest taxing government that this country has ever known. In 2005-06 tax revenue is forecast to hit \$235 billion. Tax paid per taxpayer has increased by \$12,200 since the Howard government came to power. There can be no doubt that tax reform is required.

Unfortunately, that is not what the tax changes contained in this legislation deliver. The measures contained in this bill fail every test of decent tax reform. They are monstrously unfair, enriching the wealthy few at the expense of millions of hardworking Australians. They represent a wasted opportunity to reform the tax system in a way that promotes economic growth by encouraging work force participation. They also threaten to overheat the economy at a time when the Reserve Bank has already issued warnings that a strong consumer demand and capacity constraints may force it to raise interest rates.

For these reasons, Labor has consistently stated since budget night that it does not support the Howard government's inequitable and economically irresponsible tax plan. But Labor has not just opposed the government's flawed legislation; it has also developed an alternative proposal. It is a plan that more fairly distributes tax relief. It is a plan that will encourage people to move from welfare to work and provide increased incentive to work right across the income spectrum, not just at the top. It is a plan that minimises the danger that tax cuts will fuel inflationary pressures at this stage of the economic cycle and force the Reserve Bank to further increase interest rates.

Before talking about Labor's alternative, I would like to take some time to detail some of the flaws in the government's proposal. I will start with the rank unfairness of the tax cuts announced by the Treasurer in last month's budget. Like many Australians, La-

bor was dismayed on budget night to see that the government could spend \$22 billion on tax cuts but find a tax cut of only \$6 per week for seven million Australian workers on incomes between \$30,000 and \$60,000.

We have come to expect arrogance from this government, and this Treasurer in particular, but a new low was established on budget night. The Treasurer decided to court the votes of the coalition backbench in the forthcoming leadership battle by giving them a tax cut of \$65 a week while giving the typical hardworking nurse or teacher a measly \$6. Surging revenues allowed the government to serve up a tax cut feast on budget night, but the vast majority of Australian workers were only offered the scraps from the table.

The top 10 per cent of taxpayers will pocket around 45 per cent of the tax cuts. Only around three per cent of taxpayers will receive the maximum tax cut. That is right: three per cent of taxpayers will receive the top tax cut. And this is from a Liberal Party that promised in 1996 to govern for all of us. The Australian people have learned from bitter experience over the years that the coalition's definition of 'all of us' is a very narrow one. In the case of these tax cuts it includes lawyers, stockbrokers and the coalition backbench, but it excludes workers on average incomes.

There are only five federal electorates in this country where the average worker will receive more than \$6 per week. These are the blue-ribbon seats of Warringah, North Sydney, Higgins, Bradfield and Wentworth. Shame on you, Senator McGauran; shame on you! The government would like to have the public believe that low- and middle-income earners have been looked after in previous budgets, but this claim just does not stand up. Since the GST was introduced five years ago, people on average incomes have re-

ceived tax cuts of just \$10 per week. In contrast, if this legislation is passed, taxpayers on \$125,000 will have received tax cuts amounting to \$119 per week. That is right: people on average incomes will have received \$10 from this government, but if you earned \$125,000-plus you will have received \$119 per week.

In successive budgets the Howard government has attacked the progressivity of the tax system. Who could forget last year's budget where the 80 per cent of workers earning under \$52,000 received no tax cut at all? Since budget night, Labor have consistently argued that the distribution of tax cuts was not fair and that we would not support the Treasurer's proposal. Two days after the budget, Kim Beazley unveiled Labor's plan for fairer tax cuts. For around the same cost as the government's tax plan and its changes to the superannuation surcharge, Labor produced a proposal that would double the tax cut delivered to workers on incomes between \$30,000 and \$60,000. That is right: double the tax cut. Under Labor's plan, from 1 January 2006 the threshold where the 30 per cent marginal rate cuts in would be raised by \$4,800, from \$21,600 to \$26,400. This change would deliver workers on average incomes a tax cut of \$12 per week. In July 2006, Labor would increase the threshold where the 42 per cent marginal rate cuts in by \$4,000, from \$63,000 to \$67,000.

Labor is also concerned that the tax system should be internationally competitive. Under the existing tax legislation, the threshold for the top marginal tax rate will be \$80,000 in 2005-06. This threshold kicks in at around 1.5 times average earnings. Labor believes that this is just too low. Many skilled workers are now subject to this high rate of tax. Eighty thousand dollars is not a lot of money in cities like Sydney and Melbourne where housing costs have skyrocketed. Under Labor's plan, from July 2006 the

threshold for the top marginal rate would be lifted by \$20,000 to \$100,000. This would deliver a worker earning \$100,000 a \$40 per week tax cut. Labor's plan differs from that of the government in that workers earning over \$100,000 would receive around a third less in tax cuts than the government has proposed.

Of course Labor's plan has not been popular with the Treasurer and his sycophantic supporters—not that there are many, as Senator Minchin worked so assiduously to ensure—who have been salivating at the prospect of a massive tax cut delivered at the expense of low- and middle-income workers. Some sections of the media in particular have displayed incredible double standards. Two years ago, the pathetic \$4 sandwich-and-milkshake tax cuts were widely and justifiably condemned. This time around, with average taxpayers receiving just a \$6 tax cut, the same commentators have dubbed the Treasurer a working-class hero and a genius. What could possibly explain this inability to maintain a consistent analysis of tax policy? Despite the inability of some sections of the media to see past the fistful of dollars, Labor is confident that its proposals for fairer tax cuts are well supported by the community.

Senators need only look to today's *Daily Telegraph* to see an indication of this support. A loaded question was posed: should Labor delay the government's tax cuts? It could not be more pejorative. It was not, 'Do you want Labor's \$12 tax cut or the government's \$6 tax cut?' That would be a fairer question. A loaded question—should Labor delay the government's tax cuts?—attracted the support of 52 per cent of those surveyed. That is right. The vast majority of working Australians—the seven million Australians who know they are getting only \$6—are not fooled. They are not sucked in by the headlines that the newspapers are running. They are not sucked in by the Treasurer's postur-

ing, while he preens himself to try to get votes from the coalition, to try to see if he needs to move out of the phone box of support. They are not fooled; they understand the difference between \$6 and \$12. They understand the difference between a party committed to fairness and a party committed to looking after its own. Imagine if the question had been fairly and accurately phrased to something like 'Do you support Labor's plan to double the weekly tax cut to seven million Australian workers?' Can you imagine the response? We dare the *Daily Telegraph* to ask that question.

Unlike some in the media, the Treasurer is aware of the flaws in his tax plan. He has not wanted to debate the merits of his tax proposal against Labor's alternative proposal. Peter Costello, the Treasurer, has sought to distract attention from his unfair tax changes by talking incessantly about the tax schedules and when they will come into effect. Senator Minchin has been doing exactly the same: 'Let's avoid the substance of the debate. Let's not talk about the seven million Australians who could get \$12 from Labor as opposed to \$6 from the government.' Labor has simply said, 'Let's put first things first.' If our amendments are passed by the Senate and this government is shamed into giving Australian workers the tax cuts they deserve, those tax schedules would be incorrect. Demanding that Labor vote for them, when the tax schedules are subordinate legislation, is putting the cart before the horse. The long established practice of this parliament is that we debate primary legislation—that is, bills—before considering any instruments purporting to give effect to those bills.

It has been a scam by the Treasurer, it has been a scam by Senator Minchin and it has been a scam by the Prime Minister: 'Do anything, say anything, just don't let anyone notice that we are offering only half the tax cuts that the Labor Party are offering to

seven million Australians.' This controversy about the schedules has just been a sideshow orchestrated by the Treasurer to deflect attention from his unjust tax proposals.

We have also been told by the government that Labor's position is based on the politics of envy. Our opponents seek to deny the legitimacy and relevance of principles such as equity and fairness in the tax debate. Let me assure the Senate and those listening today: this is a proposition that Labor simply cannot and will not accept. High-income earners are not the only group of Australians working hard and deserving some tax relief. The Treasurer misjudged the Australian Labor Party if he thought that we would support this proposal. Labor members were not put in this place to wave through proposals such as the one we have before us today. We have put forward a fairer alternative, and we will be challenging coalition senators to vote in the interests of the seven million constituents rather than in their own self-interest.

In addition to being monstrously unfair, the government's tax package is also economically irresponsible. It comes at the expense of measures to strengthen the Australian economy. For people paying off a mortgage, it enhances the risk that the Reserve Bank will be forced to raise interest rates to deal with inflationary pressures caused by strong consumer demand and capacity constraints. Australia needs tax reform, not just tax cuts. The government forfeited the chance to institute real tax reform; instead, it took the opportunity to reward its political base of high-income earners.

The Treasury has repeatedly advised of the need to increase work force participation if economic growth is to be sustained as the population ages. The government's tax cuts ignore the economic imperative to address the demographic challenge facing Australia. In contrast, Labor's plan is not only fairer

but also more economically efficient. A key feature of Labor's plan is the introduction of a new low-income Welfare to Work bonus. For people earning up to \$20,000 per year, the low-income and Welfare to Work tax offset would deliver an effective tax-free threshold of \$10,000. This would reduce the crippling effective marginal tax rates for those on low incomes. Currently, single allowance recipients can face effective marginal tax rates of up to 75c in the dollar. That is right: 75c in the dollar.

Single income families with dependants can face effective marginal tax rates of over 100 per cent. The new tax offset proposed by Labor would phase out at a taper rate of five per cent. Under Labor's proposal, in 2006-07 workers earning up to \$31,000 would benefit from the tax offset. This tax offset tackles the problem of high effective marginal tax rates faced by welfare recipients returning to work. These measures will strengthen the Australian economy by enhancing labour force participation.

As my colleague the shadow Treasurer has noted, the economic literature on labour supply elasticity indicates that low-income workers are more likely to be responsive to incentives than high-income earners. That is right, Senator McGauran—that is the economic literature. If you choose to look beyond your own vested self-interest, the economic literature is clear: low-income workers are more likely to be responsive to incentives than high-income earners. But do not let the facts get in the way of a good bit of political bull. In other words, if you want to increase labour force participation, you get far more bang for your buck by focusing tax reform on reducing effective marginal tax rates for low-income earners. This is the approach that Labor has taken.

Labor is also concerned that tax cuts should not add to inflationary pressures and

force the Reserve Bank to raise interest rates. Low- and middle-income mortgagees are well aware that any increase in interest rates would quickly swallow up any tax relief. During the last election campaign the coalition made much of its promise to keep interest rates low. At the same time in the run-up to last year's election the government engaged in a reckless \$66 billion spending spree to buy its way back into power. Labor warned then that mortgagees would pay the price for the government's irresponsible fiscal policy. In March the seeds sown by the government in 2004 bore their bitter fruit when the Reserve Bank lifted interest rates by 0.25 per cent. There is macho man, Finance Minister Minchin, who allowed this runaway spending. What did you think when you passed up to the Prime Minister for his campaign speech, 'Here, pick one from these six or seven options,' and he took the lot? You laugh, but you should be ashamed of yourself. The hard man of the Liberal Party right wing! (*Time expired*)

Senator McGAURAN (Victoria) (6.08 pm)—I also join this debate on the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005, which in reality comprises, as the debate is showing today, the tax cuts announced on budget night. We all know, Senator Minchin, better than anyone sitting in cabinet, that tax is often a pious debate at the best of times. We heard the Democrats outdoing the Labor Party in their bidding. It is often a bidding war, and we know, whatever tax cuts we put up, even the public would want more than is delivered. It is often a pious debate, but nothing could have been more pious than Senator Conroy's speech here today. It absolutely takes the cake. He has outdone the two other speakers from the non-government side. Senator Conroy has delivered something more pious and more fake than the other two, who did a very good job. He hid behind some *Telegraph* poll, if

we are meant to believe the figures of that. I will be checking the *Telegraph* later on. He mentioned a *Telegraph* poll. He called the government's tax cuts a scam.

The second speaker, Senator Sherry, enters the chamber. The Labor Party only had three speakers. You are never short of getting speakers in the Senate. It is the place of debate. It has been the most filibustering, obstructionist Senate for the nine years of this government. We are never short of getting Labor Party speakers to come in here day and night. The backbench would queue up. In fact, it was very hard to get a government speaker on before one o'clock at night sometimes. But today what do we have? Three speakers joined the debate. I was shocked. In fact, The Nationals contributed two speakers to the Labor Party's three. What a joke. I had to rush this speech through. I turned up this morning knowing I had a tax speech, probably about 10 o'clock tonight by normal experience—

Senator Sherry—Get on with it—talk about tax.

Senator McGAURAN—What I am trying to point out, Senator Sherry, as you say, 'Get on with the debate'—I will—is that you have lost support from your own backbench. None of them will come forward and argue the indefensible. They know this is ridiculous and the sooner it is over the better; the less said the better. That is the new approach to this tax debate. Senator Sherry tried. The only thing Senator Conroy did was not come in here with his usual over the top style of debating, because even he has been quelled on this. It is absolutely absurd. Senator Conroy claims that we have misjudged the Labor Party and the tactic that they would take in blocking this tax cut. He is right. We utterly misjudged the Labor Party, that the Labor Party would be so stupid, so idiotic, so dangerous.

As Senator Boswell said, you have almost reached the stage where you have become unelectable. I remember that when we were in opposition there was a ridiculous stage we had reached—never so bad as this, of course; we knew never to deny the Australian people a tax cut of any sort—in 1993, which Senator Boswell will remember, where we would not take any amendment cuts on the Native Title Bill. That is when you know you have been in opposition too long. My point is that you reach a stage where you really do become unelectable. You become so obstructionist, so caught up in your own internal politics, so idiotic and political that you cannot see the wood for the trees. That is the stage that you have reached today in denying the tax cuts to the Australian people. Senator Conroy is absolutely correct: we utterly misjudged you. We never thought you would do this.

Senator Conroy finished his 20-minute contribution by raising the fact that the government promised during the election period to spend \$66 billion on commitments and promises, which we are fully committed to and are fulfilling—in the last budget all those promises were met. He finished by saying that that was a threat to low interest rates and that the Reserve Bank has sent out that warning, as if to say we should not even be introducing any tax cuts. I know those cuts were a big surprise to the Labor Party on budget night. It caught them flat-footed. It caught the shadow minister, Mr Swan, flat-footed and caught Mr Smith and obviously Mr Beazley totally flat-footed. So they went into what they instinctively know, and that is to object, to go into their negative mode. They were caught flat-footed, so much so that they decided to reject these tax cuts.

So Senator Conroy—just to finish that point on Senator Conroy and move on from his idiotic speech—was suggesting that tax cuts actually feed into higher interest rates, and the Reserve Bank have sent out that

warning. So what he is really saying is that their offer is not really an offer at all. If the Labor Party ever got into government, no-one would believe that they would deliver. Even so, the suggestion that the tax cuts would feed into higher interest rates is ridiculous.

The truth of the matter is that these tax cuts announced on budget night were unexpected but indeed most welcome. Unlike the Labor Party, who were caught flat-footed on the night, we actually had a structure, a philosophy and a policy behind it all. As the Treasurer said in his speech, setting out the philosophy behind these tax cuts:

After we balance our budget, reduce Labor's debt, and fund our services we should reduce taxes as far as is prudent.

So it is quite obvious that the philosophy behind these tax cuts is like a dividend to the Australian people. Good economic management right from our first budget, our first tough budget in 1996, allows us to pay these dividends. In fact, I would go so far as to say that the Treasurer's 10th budget was his best. He increased spending in all portfolios. He reduced debt, which will be zero by 2007. What government can increase spending, reduce debt, cut taxes and maintain the reform momentum all at the same time? This was the Treasurer's finest budget ever, his finest hour, and we are proud to say that he was able to include these tax cuts.

On each occasion the government got to the point where we were able to offer these tax cuts as they came along because we took the first tough steps in 1996 and have in every budget since. But the Labor Party, from 1996, have objected to every reform this government have tried to introduce. To date you have rejected our industrial relations reform, but has anyone heard of any strikes down at the waterfront lately? Has anyone noticed the country going out in

sympathy with regard to secondary boycotts or anything like that? No. That reform has brought peace and harmony to the economy, but the Labor Party were against our initial industrial relations reform.

In the area of welfare we have introduced mutual obligation and we have targeted welfare fraud. The Labor Party were against that, yet that was all part of producing a surplus budget and being responsible economically. It is the same with regard to the Medicare safety net, and so it goes on in the area of education. You are even against reforms to support rural and regional areas such as Regional Partnerships. I am sure—you can remind me, Senator Boswell—that just about everything in the rural and regional area that we put up has been obstructed by the Labor Party in this house, either by filibustering or by voting it down.

You have paid a high price for that, just as you will pay a high price for your rejection and obstruction of these personal income tax cuts. The price you paid at the last election was the highest yet. Political pundits probably thought that they would never see the day in modern politics when a government would again hold the majority in the Senate. How wrong they were. When the opposition get so weak and put up such a dangerous leader, do you really think you are going to put that over the Australian people? That is where we will be after 1 July. That is the answer the Australian people gave you at the last election: they told you to get your economic management in order. You are not listening. You have not listened. If this is your response then we are likely to increase our majority in the Senate after the next election. That is the price you paid at the last election; you are heading down the same track again. But far be it from me to give you gratuitous advice. I am quite enjoying the level of absurdity that the opposition have reached.

Senator Buckland sits over there as Opposition Whip—

Senator Boswell—The wise old owl.

Senator McGAURAN—a wise old owl who is probably glad he is getting out on 1 July so he can go home to his farm and make a bit of money on his cattle and contemplate the good sense that the cattle have—more than there is in the caucus room. The Labor Party have learnt nothing at all in nine years. You have paid a high price. If the Labor Party cannot get sense out of the shadow Treasurer, Mr Swan, why don't you listen to those that have had experience in government and know the degree of difficulty in running an economy and, when the rewards are there, how you should take them? Why don't you listen to Paul Lennon, the Premier of Tasmania? Let me quote what he said about the tax cuts.

Senator Boswell—A good man.

Senator McGAURAN—Yes, Senator Boswell, he certainly was when it came to forestry issues. I just noticed Senator Brown over there; I must thank him for his strong stance in the area of forestry at the last election. It certainly sucked in Mr Latham and the Labor Party. I must thank him for the lack of reality that he has contributed to the Labor Party. Senator Brown ignores me, but he knows only too well that it was his advice to the last leader of the Labor Party—we await his book coming out in October; that should be another fine read!—and his lack of reality and the Greens' lack of reality that led to the absurdity that we had in Tasmania with regard to forestry policy. Paul Lennon, the Premier of Tasmania then and now, rejected the Labor Party policy on old-growth forests, as he rejects your policy on tax cuts. He is standing up to you, in other words. This is what he had to say:

... at the end of the day the Tasmanian community wants the tax cuts delivered. And ... had I

been in the Federal Labor Caucus I would have been advising them not to block the tax cuts.

He also said:

... nor would I have said, if I had the opportunity in the Federal Labor caucus, that it was a smart political tactic to block the tax cuts. It is never a smart political tactic to do that.

As you know, the Western Australian Premier has also given you similar advice, as has none other than Bill Shorten, the up and comer—

Senator Boswell—The hope of the side!

Senator McGAURAN—the hope of the side, the man being groomed to take over the Labor Party reins—the new or the next Bob Hawke, which is how Senator Ray and Senator Conroy are attempting to groom him. At least, that is what I think they are doing; unless he too is going to ride right over the top of them. But he had some wise words to say. He put it quite simply, saying that his own union and all tradesmen will benefit from these tax cuts. It is an absolute fallacy what the Labor Party is selling, that these tax cuts are not directed to the working man and woman of Australia. They are directed to the heart of the working man and woman. If you listen to Bill Shorten, he said in the *Australian* on 3 May:

Some steelworkers I know at a OneSteel fabrication plant are doing something about Australia's rotten tax system. Having calculated how much they can earn before paying the top income tax rate ... in the dollar, they simply refuse to work any overtime that pushes them above the limit.

... ..

The top marginal income tax rate thresholds should be raised to create a fair, productive and competitive tax system.

That is what the tax announcement has done. That is Bill Shorten talking to you from within your own party, a man who is from the union and has all the credentials to be able to influence you, but what do you

choose? You choose to listen to Mr Swan. I have a strong suspicion it may well be the last time that the Labor Party listen to Mr Swan—I would say that would be the last time. It is just a matter of time before Mr Swan is graciously, I suspect, moved on.

The truth of the matter is that this government has a record of tax reform. We have undertaken major tax reform. There have been income tax cuts in 2000, 2003, 2004 and 2005. We have cut company tax, we have halved capital gains tax and we had the courage to fundamentally restructure the tax system and go to the people in the 1998 election with the GST, which included income tax cuts. We had the courage like no other government to face the Australian people with regard to the GST, which cut wholesale sales tax and taxes from exporters and so on. The Australian people had confidence in us, and we brought that system in in 2000. So we are a continuing reform government—unlike the Labor Party, who, when they were in government, simply increased taxes. They increased company tax—first you decreased it and then you could not take that, so you increased it. In just about every budget you increased wholesale sales taxes. You jacked up the excise tax on petrol in just about every single budget until you got sick of the political reaction to that and then you simply indexed it.

But personal income tax reform goes down in political folklore and political legend with regard to the l-a-w law tax cuts. You promised, before an election, major personal income tax cuts. You legislated for it—it was law to deliver those tax cuts. Then you had the nerve on the other side of the 1993 election to come in here and overturn the law on personal income tax cuts—a promise on which people had voted for you. Of course, you introduced the fringe benefits tax and the capital gains tax and so it goes on. So your whole culture is shown up here today—your

tax culture. It is a simple cliché but it sums you up: a big-spending, big-taxing party—that is what you were in government and that is what you will be. This is just a facade, just a front you are putting up to posture, knowing you will never have to deliver.

As the last speaker I can see that my colleagues want to get to the vote on this. Let us test the mettle. Let us see if those backbenchers who have been hiding all day from this whole debate front up and vote. You watch them: when this debate is over and the bill is through the Senate, they will all be back on the speakers list, pontificating. But when it comes to important issues like dollars in the pockets of the Australian people, where are they? They skedaddle. Their first loyalty is to the Labor Party, the Labor caucus. It is not to their electorate, not to the Australian people and not to building an incentive into the economy; it is to their own personal caucus. You have paid a high price in the past and you will continue to pay a high price for the decision you are going to make today.

Senator MINCHIN (South Australia—Minister for Finance and Administration) (6.26 pm)—I wrap up this second reading debate on the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 by thanking all those who have spoken on the bill, particularly my colleagues Senator Boswell and Senator McGauran. I want to make a couple of points. I guess the Labor Party in their private moments would now accept that they made a terrible mistake on budget night to decide to vote against the government tax cuts. It is one thing to rhetorically claim that the tax cuts are unfair or whatever it is that the Labor Party believe—that is fair enough; that is democracy—but clearly it was an enormous error of political judgment, for which the Labor Party have paid a very high price, to rush to a decision on budget night and say that they would do

what they are about to do and seek effectively to block our tax cuts.

The ancillary point is that I would have thought the Labor Party in particular would have some great reservations about doing that. We are a government that have just been re-elected with a swing in our favour. I would have thought that that does give us in a democracy, as the duly elected government, the right to bring down a budget, propose our tax cuts and not have the power of the Senate used to try to stop those tax cuts being brought into effect. That is, in effect, to announce to the public that you are going to block a central part of the budget of the newly re-elected government. I would have thought the Labor Party of all parties would have thought that was inappropriate. Nevertheless, we will go through this debate. We will see if the Senate does effectively block these proposals.

I would like to conclude these remarks by thanking the Democrats, the Greens and the Independent senators on behalf of the government for at least acknowledging the democratic right of the duly elected government to give effect to its proposals for tax cuts by announcing that they will not support any disallowance of the proposed tax schedule to give effect to those tax cuts. I think it has left the Labor Party in a terrible position. I gather Mr Beazley has still not said whether or not he will move disallowance of those tax schedules in this chamber. So I thank, on behalf of all Australian taxpayers, the minor parties and the Independents for recognising the reality of the prerogative of a duly elected government to give effect to its vision for tax reform in this country.

Question put:

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

The Senate divided. [6.34 pm]

(The Acting Deputy President—Senator JC Cherry)

Ayes.....	2
Noes.....	48
Majority.....	46

AYES

Brown, B.J.	Nettle, K. *
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NOES

Barnett, G.	Bishop, T.M.
Boswell, R.L.D.	Brandis, G.H.
Buckland, G.	Campbell, G.
Carr, K.J.	Chapman, H.G.P.
Cherry, J.C.	Colbeck, R.
Collins, J.M.A.	Conroy, S.M.
Crossin, P.M.	Denman, K.J.
Eggleston, A. *	Ferguson, A.B.
Ferris, J.M.	Fifield, M.P.
Forshaw, M.G.	Greig, B.
Harris, L.	Humphries, G.
Johnston, D.	Kemp, C.R.
Kirk, L.	Knowles, S.C.
Lees, M.H.	Lightfoot, P.R.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	Mason, B.J.
McGauran, J.J.J.	McLucas, J.E.
Minchin, N.H.	Moore, C.
Murray, A.J.M.	O'Brien, K.W.K.
Ray, R.F.	Ridgeway, A.D.
Santoro, S.	Scullion, N.G.
Sherry, N.J.	Stephens, U.
Tchen, T.	Troeth, J.M.
Watson, J.O.W.	Webber, R.

* denotes teller

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator MURRAY (Western Australia) (6.39 pm)—I am going to assume, Minister Minchin and shadow minister Sherry, that you pretty well understand the arguments we have put. I do not intend to repeat my remarks at length. We are going to move amendment (1), and if this amendment goes

down we will then move amendments (2) and (3). Of course, if by some miracle amendment (1) got up, then we would not need to move amendments (2) and (3). So that is how they will be dealt with. I therefore move Democrat amendment (1):

- (1) Schedule 1, item 1, page 3 (lines 5 to before line 8), omit the item, substitute:

1 Clause 1 of Part I of Schedule 7 (table)

Repeal table item 1, substitute:

1	exceeds \$10,000 but does not exceed \$21,600	17%
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Amendment (1) is a quite simple item. It increases the tax-free threshold from the present \$6,000 to \$10,000. The effect of that would be to provide a tax cut of \$680 a year to everyone earning over \$10,000—everyone earning under \$10,000 will not be subject to income tax. There would then be an additional 400,000 taxpayers presently paying tax who would no longer pay tax. You would therefore end up with some 1.8 million income earners below \$10,000 not subject to income tax. The cost is estimated by the Democrats—and we do not have the ability to model this—to be between \$5.39 billion and \$5.6 billion each year for the next three years. This is roughly the same as for the government's tax proposal. In fact, this amendment is meant to reflect our alternative proposal to that of the government. Our estimate is that around 7.5 million Australians will be better off under the Democrats proposal—and that is about half a million more than I have heard the Labor Party say will be better off as a result of their proposal.

Put simply, the Australian Democrats accept that tax cuts are warranted as a result of there being a very substantial budget surplus. However, we believe very strongly that the greatest tax burden is on low-income earners and they have the highest effective marginal tax rates. We are also convinced that improving their tax situation will improve welfare-

to-work possibilities, lift disposable income and living standards considerably and lessen the pressure on the minimum wage case. We are not averse to high-income earners getting tax cuts; we just do not believe that they should get them first. We have spelt out that position very clearly in our various press releases and it was also spelt out in the speech I made earlier today in the second reading debate on the bill.

Our structural reform proposal over a number of years would be to raise the tax-free threshold, certainly to this \$10,000 we are putting here today and then to \$12,500, which is the poverty or minimum subsistence line, and then towards \$20,000, which only some retired Australians presently get the benefit of. We argue that the income tax rates should be indexed. We argue that raising the top rate—and I have suggested \$120,000, which is not far away from the government's \$125,000—requires the base to be broadened. We are advocating strong structural tax reform, but you can only do what is affordable, and what is affordable right now from our perspective is to increase the tax-free threshold. We consider that that would deliver a better tax outcome to nearly everyone earning under \$60,000, with respect to Labor's proposal, and everyone earning under \$65,000, with respect to the coalition's proposal. The question of course is whether there is support in the chamber for this approach.

Senator SHERRY (Tasmania) (6.44 pm)—I do want to make some specific comments about the Democrat amendments but I also want to touch on the themes or the propositions that were put by Senator Minchin in his concluding remarks, the principles in terms of the tax issues we are considering and some issues relating to the Greens' second reading amendment that was just defeated.

Firstly, on Senator Minchin: I must admit Senator McGauran was a hard act to follow but, unlike Senator McGauran, Senator Minchin kept his contribution mercifully short. But I put that aside. Senator Minchin referred to us, the Labor Party, with words to the effect that we had made a terrible mistake, made a political judgment and rushed the decision to block the government's tax cuts. That was the basic theme of one of his sets of comments. The Labor Party decided not to support the government's tax package because it was immediately obvious to the Labor Party that it was not a fair package and it was not balanced. It was not hard to make a call in those circumstances. I outlined why in my speech in the second reading debate. I will give a little bit more detail of Labor's alternative package and alternative set of propositions when we get to those amendments.

Senator Minchin made the point that the government had just been re-elected, it had brought down a budget and it had a fundamental right to do what it was proposing. With a little bit of reflection on history, I should remind Senator Minchin that we were in a very similar position—in principle, an identical position—after the 1998 election. The Labor Party refused to support a GST and there was, frankly, a rush by the Democrats to engage and negotiate with the government of the day on that GST package. Even though that package had been presented as part of the 1998 election, the Labor Party decided that the GST was not a fair tax, and we stood on that principle, as we are doing here today. The Labor Party made a decision that we would fight this issue. Whether it is at a political cost or not, we will see. We made a decision we would fight on principle and we would present a fairer and more balanced alternative, and that is precisely what we are doing.

I might remind the government that this package we are considering from the government was not presented to the electorate at the last election. The government won the election. That is the reality of life. You move on. But it does not mean that a Labor opposition, because we lost the election, have to automatically vote in support of every government measure that is then presented to the Senate after that election.

Senator Murray—Might as well just do away with parliament.

Senator SHERRY—Or do away with the Senate. I have to say I do not remember this attitude—Senator Minchin was not here at the time—after the 1993 election when the Labor budget of 1994 was presented. There were some tax changes in that budget and the now government fought and opposed those tax changes tooth and nail. The Labor Party argued a lot of issues around the tax changes in the 1994 budget. We did not argue that the Liberal Party should automatically sign up because we had just been re-elected. I just make those observations about the issues surrounding principles.

One central principle for the Labor Party is: is this tax package fundamentally fair both in the context of the budget and the 10 years of this government? Labor—rightly, in my view, and I believe this passionately—came to the conclusion that it was not fair, we should not support it and we should offer a positive alternative. The bottom line is it is \$6 a week for low- and middle-income Australians from this Liberal government. Labor have developed and costed an alternative proposal that responsibly delivers double that figure—\$12 a week for low- and middle-income earners in this country.

I will make a couple of comments about the approach in principle of the Greens. They moved an amendment on the second reading, which has been defeated. In summary: it op-

posed any tax cut and argued that the money should be allocated towards improving government services, health, education and the like. I would just like to draw the attention of the Senate to the Greens' policy platform, which specifically commits the Greens to:

... significantly raise the tax-free threshold—

Progress reported.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Cherry)—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

Human Rights and Equal Opportunity Commission

Senator BARTLETT (Queensland) (6.50 pm)—I move:

That the Senate take note of the document.

This is a report from the Human Rights and Equal Opportunity Commission of an inquiry into complaints by immigration detainees concerning their detention at the Curtin Immigration Reception and Processing Centre. This report is another example—one amongst the now countless number of examples—of what the minister herself and the department head of DIMIA have now acknowledged is a major problem with the culture of the immigration department.

This report shows that that problem goes back a long way, because it deals with complaints made by a range of detainees—all of them asylum seekers—back in 2000-01. It has taken that long for this report to even be tabled in the parliament. That is example No. 1 of why the current so-called checks and balances are inadequate. The department often says, 'If people have problems, they can complain to the Human Rights Commissioner and the Ombudsman.' These people complained about their treatment back in 2001, and here is the report four years later.

The finding of the Human Rights Commissioner was quite unequivocal. The finding was that the rights of most of the people who complained under the International Covenant on Civil and Political Rights had been breached. Another example of how far out of whack everything in this area has gone is the fact that reports like this, in which the Human Rights Commissioner can find that the immigration department and the then detention centre providers, ACM, have breached people's human rights, are tabled here with no comment and with barely a yawn. If I had not stood up to speak to it, it would have passed without any notice at all.

Our government breaches the International Covenant on Civil and Political Rights as determined under our own law through the Human Rights and Equal Opportunity Commission, but nobody cares. It is par for the course for the government and the department to ignore these findings, as they have in the past. This is not the first time such a finding has occurred. The specific aspect of these complaints was that a range of people—26 complainants—were put in separation detention in Curtin detention centre for significant periods of time. According to DIMIA's own figures, the greatest of those periods was 264 days. Separation detention is when people are put in a separate area when they first arrive in detention and can have no contact with anyone outside that area. They can have no contact with the outside world and no contact with anybody else even within the facility. They can have no contact with a lawyer or the Ombudsman unless specifically requested. Again, that is a clear example of the problem with the culture. They put people away from everything else. They do not even let them know their rights, and it is only if detainees know the magic words to specifically request a lawyer or specifically know to request to talk to the Ombudsman,

for example, that they then can speak to them—and only about that specific issue.

The commissioner, in looking at the International Covenant on Civil and Political Rights, looked at the relevant law and what is called the body of principles that has been developed around that international law for the protection of all persons under any form of detention. One example of the sort of sophistry and distortion of culture that DIMIA had developed even four or five years ago is the fact that they said those laws did not apply because it is not penal or correctional detention; it is immigration detention. The department's answer was, 'We don't even need to comply with those basic minimum principles because it's not correctional detention; it is administrative detention, so we can operate on worse principles than the basic principles for correctional detention.' That is bad enough, but the fact is that they were wrong anyway. It is quite clearly stated that the body of principles is meant to apply to all people under any form of detention. This report gives page after page of blatant breaches and blatant contempt for any due process and for the basic humanity of people. This was four or five years ago. The same is happening today. If anything, it is possibly worse because they have been allowed to get away with it for all that length of time and, not surprisingly, they have therefore become more and more blase about that sort of treatment of human beings. I seek leave to continue my remarks later.

Leave granted.

Consideration

The following document was considered:

Human Rights and Equal Opportunity Commission—Report—No. 28—Inquiry into complaints by immigration detainees concerning their detention at the Curtin Immigration Reception and Processing Centre. Motion to take note of document moved by Senator Bartlett. Debate ad-

journed till Thursday at general business, Senator Bartlett in continuation.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Cherry)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Environment

Senator LEES (South Australia) (6.59 pm)—One of the nice things about the privilege of serving in Australia's parliament for such a long time is seeing things that I have been involved in mature and come to fruition. Tonight I would like to draw the Senate's attention to the environment and to the health of our environment. The way we live with our environment, use it, abuse it and protect it is the single most important factor in Australia's national security and long-term prosperity. Our dependence on more and more intensive use of resources, more and more land clearing, more and more ploughing of marginal sandy soils and more and more greenhouse gas emissions cannot continue. Already we are realising there is a problem with water use in the Murray-Darling Basin, but this is just one of the problems that must be addressed as a matter of urgency. This is not scaremongering; it is a simple assessment drawn from history and from looking at the steadily worsening environmental indicators and the steadily increasing clean-up costs.

I have committed a lot of time to environment issues during my period as a senator because I believe they are so fundamentally important. While I have certainly added my voice to protect various species and various places, I have also pinpointed the processes that are causing such detrimental change. I believe you need four things to happen if you are to consider your time in this chamber worth while. Firstly, you need to be able to

point to—to shine light on—specific issues for your constituents, issues that you care about. Secondly, you need to make responsible policy and legislative change. Thirdly, you need to make changes to funding, both to add investment or dollars to your area of concern and to take money, subsidies or incentives away from destructive practices or in some cases put in penalties if all else fails. Fourthly, you need to bring others with you, through compromise, through gradually moving the majority in the direction that makes a difference and that makes Australia a better place. Let me take these in turn, particularly as they relate to the environment.

Shining a light is easy. There are many opportunities built into the Senate structure for standing up and talking about the things that really matter to you and speaking on behalf of your constituents. I imagine that will be more difficult in the new Senate. But shining a light or highlighting an issue is only the first step. Extracts from speeches may make great fill in senators' newsletters, but words do not in the end save a single tree. In fact, I would describe them on their own as just no-brainers.

Some take an ecocentric view of the world. They think only of the environment. When they think of the environment they say: 'All species are victims; all humans are destroyers.' Anyone who wants to protect species is innocent; anyone who they see as threatening them is a destroyer. It is a very simple world to live in. There are a number of individuals and some environment lobby groups who operate to this formula. These ecocentrics never compromise. The other side is always wrong and, more than that, the other side is always evil. For the ecocentrics, the sky is always falling down. Catastrophe is just around the corner. Disaster is looming. They always want environmental nirvana, and they want utopia and nirvana now. They have the odd titular political head, who is

worshipped as long as this person does not compromise.

Their warnings about the environment are often fairly accurate but their methods of achieving change are highly questionable. You see, making the rest of us out to be planet destroyers and never compromising leads to really achieving nothing. In fact, you get 100 per cent of nothing. It is indulgent behaviour, and it is behaviour that is failing us because little is achieved on the ground other than getting other people's backs up. So things actually continue to get worse. Sure, they may be able to point at the odd piece of wilderness they have saved. As a matter of fact, I can point out a few that I have contributed to protecting—most recently, the Brooklyn station in Queensland. But, as I said, the route of words alone is a no-brainer route.

I will consider the second and third ways to make one's time in the Senate worth while together. Making policy and legislative change and getting funding shifted from destructive practices to positive practices is difficult. It often wins you very few friends, particularly in the short term; it is hard work; and it is long hours spent poring through the detail. It is many meetings and long arguments. It is proving your point with research. It is consulting up-to-date experts and it is the use of persuasion. It is being accommodating when other arguments are put to you that you consider fair and reasonable. It involves relentless pressure from others, particularly from those lobby groups and often from the media. It involves carefully checking arguments before either accepting or dismissing them. It involves having a purpose and a commitment to achieving real change and wearing the flak.

In the late 1990s I decided to negotiate seriously with the current government on the complete rewrite of most of Australia's fed-

eral environment laws. With a number of environment groups against it and with pressure on me to say no under any circumstances, this was difficult. However, I could not ignore the fact that it was processes in the existing laws that were leading to Franklin dams, the destruction of the Great Barrier Reef, the killing of species and the destruction of habitat, and development being done without any consideration for the environmental impact. As well, state and federal governments were running rampant with ever-decreasing environmental protection laws.

No, I did not get everything I wanted in the Environmental Protection and Biodiversity Conservation Act, but neither did the government. I got most of what I wanted. The legislation passed in 1999. The result is the world's first comprehensive biodiversity legislation that carries jail terms as well as monetary penalties—legislation that protected world heritage and wetlands properly, that protected endangered species very thoroughly, that drew the states into line and that meant the federal environment minister, not the resources minister, made environment decisions. It is a piece of legislation with extensive third-party powers for legal action to protect the environment. That was a first in Australia.

Strangely, the ACF, the Wilderness Society, Greenpeace and Senator Brown rejected the legislation without reading the outcomes of all the negotiations, without reading the clauses or understanding how they would work. They started screaming injustice straightaway. Their press comments on nearly 600 meticulous amendments representing sweeping and fundamental changes to the draft came very quickly after they were published. They persuaded a gullible ALP, who were desperate to look different from this government on something—anything—to go with them and to vote

against the bill. In doing so, they locked themselves into an uncompromising position of saying no to good policy reform. They were led all the way by Senator Brown from the Greens, the champion no-compromiser.

Many good people, sadly, fell victim to ideology and did not see the realistic and good public policy outcomes that were achieved. Fortunately, groups like the Queensland Conservation Council, the Humane Society International, the Tasmanian Conservation Trust and WWF were focused on fixing the law, and we worked diligently together to do just that and make the new legislation. But it came at a price. Considerable invective was thrown at us, privately and publicly, by the likes of Senator Brown, the ACF, Greenpeace and the Wilderness Society. They tried some quite nasty things behind the scenes, including pressure to get one of the supportive conservationists sacked. Publicly, they berated us in interviews and in press releases and set in place a grudge they wore on their sleeves for a number of years.

It is now six years, almost to the day, since those negotiations and I want to quickly bring the Senate up to date by addressing the fourth way I listed to make our time in the Senate worth while, and that is to bring others with you—moving the majority in a direction that does make a difference in the longer term. We now have an extensive web site for the EPBC Act, which shows every step of the way as an environment decision travels through the processes. That helps both conservationists and individuals in the local community. I have been informed that this is a model of public transparency and decision making that is world recognised. We have extensive environmental administration and governance coming from a stronger federal environment department. We have nearly all state and territory governments amending their legislation

to bring it up to the federal standard. We have developers who work with the federal environment department from the beginning of their projects to make sure they put in enough protection to make a permit possible. Indeed, there is even one running seminars on how to do it.

There are many stories of proponents now talking environment from the word go rather than ignoring it all the way through. We have had considerable positive feedback from utilities, corporations and, yes, conservationists and local communities on the functioning of the act. There have been injunctions to protect species, force the environment minister to take more action and, in a full Federal Court decision, even put downstream and cumulative effects into the environment minister's area of consideration.

I have one more thing to note. Six years on, Greenpeace have investigated using the act in a legal case. The ACF underwrote the Nathan Dam case, which was the most favourable win for conservationists in a decade. The Wilderness Society has used the act, and now even Senator Bob Brown is heading into the court brandishing it, with his usual moral outrage fuelling his feet. May you use the act often and wisely and well, Senator Brown. And may you one day have the courage to admit that you were wrong—you should not have opposed it absolutely; you should have worked with us to help improve it.

Tasmania: Industrial Relations

Senator O'BRIEN (Tasmania) (7.09 pm)—I rise to speak about this government's betrayal of the people of Tasmania, particularly in the area of industrial relations. The Prime Minister continues to make the Orwellian claim that his government is the best friend of the Australian worker. Yet we know, and those opposite know, that this is

simply untrue. It is untrue for Australia, and doubly so for my home state of Tasmania.

This is because many Tasmanians rely on the Australian Industrial Relations Commission to provide them with a decent living wage. Sadly, for up to 100,000 Tasmanians, last week's decision by the Australian Industrial Relations Commission to grant an extra \$17 per week to low-paid workers will be the last piece of good news they will receive. The award increase of \$17 per week lifts the minimum weekly wage to \$484.40 and will help keep the wages of low-paid Tasmanian workers ahead of projected inflation. But if the Prime Minister had had his way last week, up to 100,000 Tasmanian workers would have received \$6 a week less—that is \$312 less over the coming year. The amount of \$312 is not much for members of the Howard government. In fact, it is not much more than five weeks worth of tax cuts that they have decided to award themselves. But it is a hell of a lot for Tasmanian workers on the minimum wage.

In the current national wage case, the Prime Minister supported an increase in the minimum wage of just 2.35 per cent, or an extra 29c per hour. That is less than the rate of inflation and would have resulted in a continuing real wage reduction for up to 100,000 Tasmanians. Since coming into power in 1996, the Howard government has opposed every minimum wage case outcome. Since 1996, if the Prime Minister—the alleged workers' best friend—had had his way, many Tasmanian workers and their families would today be \$50 per week, or \$2,600 per year, worse off. The Howard government's ongoing support for a reduction in real wages is a worrying sign for the lowest paid workers in Tasmania. Under its industrial relations plan, the independent Australian Industrial Relations Commission, which has delivered fair and sustainable wage increases for low-paid workers for 98 years,

will be replaced by a hand-picked low-pay commission. The low-pay commission is likely to be little more than a rubber stamp, allowing the Howard government to cut the real wages of low-paid Tasmanians as it has sought to do in national wage cases during the entirety of its life in government.

The Prime Minister, the Treasurer and the Minister for Employment and Workplace Relations have refused to guarantee that individual Australian workers and their families will not be worse off under their proposed industrial relations changes. In the wake of this latest Australian Industrial Relations Commission wage case, and the refusal of the government to guarantee that workers will not be worse off, Senators Abetz, Barnett, Colbeck, Watson and Calvert must explain to the people of Tasmania why their government thinks low-paid Tasmanians deserve to have their real wages cut. The Prime Minister has defended his industrial relations package—his latest attack on a fair go for Australian workers—on the basis that it will create new jobs. A key component of the package is, of course, regressive changes to the unfair dismissal laws. The link between job creation and making it lawful to sack people unfairly has not been explained by the Howard government, its acolytes in the media and, of course, those right-wing think tanks that seem to always support it. The government has a responsibility to make the case and so far it has failed miserably to do so.

The shallowness of the government's position is exposed by the results of the latest survey of national business expectations by Dun and Bradstreet. The survey reveals that, when questioned specifically about the impact of the unfair dismissal component of the Howard government's industrial relations reforms, more than 80 per cent of businesses said they expected they would have little or no impact on their intention to employ new

staff. That puts paid to the Prime Minister's claims that unfair dismissal laws have held back jobs growth in Australia. Instead, it is the Howard government which has held back small business and jobs growth by creating red tape and neglecting to invest in the skills and infrastructure Australia so desperately needs.

It was the Howard government which crippled small business with the red tape of the business activity statement. And it is the Howard government which, from July this year, will increase the red tape burden on small business when the choice of superannuation legislation takes effect. The coalition claims to be the best friend small business ever had, yet it lumps its small business best friends with hours of extra paperwork under choice of super legislation, and threatens to fine or even imprison small business operators who make an honest mistake in contravention of the complex compliance procedures under the new super choice regime.

If Mr Howard wanted to assist Tasmanian businesses, surely he would take the axe to the red tape his government is creating instead of taking the axe to the wages and conditions of Tasmanian workers. The Tasmanian people know they should take cover whenever members of this government start talking about being their best friend. Before the last election the Minister for Health and Ageing, Mr Abbott, said the Howard government was the best friend Medicare has ever had. Unbelievably, he is still saying it. But, as we all know, within months of the poll—in a backflip that, even by the low standards of the Howard government, is one of the most disgraceful in Australian political history—it had trashed the Medicare safety net. That backflip has made government MPs like Michael Ferguson and Mark Baker look pretty silly, given how they campaigned on the Medicare safety net prior to the last election. But, worse, that feat of acrobatics will

cost Tasmanian families and workers hundreds extra each year in health costs.

The Howard government claims it is the best friend that families have ever had, but the interest rate rise of March this year—and those still to come—can be attributed to its neglect of investment in skills and infrastructure, Australia's blossoming debt balloon and the government's preparedness to blow \$66 billion in taxpayers' funds to get itself re-elected. The Tasmanian people are right to worry when the Howard government declares itself to be their best friend, because with friends like the Howard government, frankly, who needs enemies?

Australian Constitution

Senator COOK (Western Australia) (7.17 pm)—In three weeks time, after 22 years in this place, I will leave the Senate and end my formal political career. But tonight I do not want to make a valedictory speech—that will come next week. Tonight, I want to talk on what is more in the form of a last word on a serious issue. That serious issue is the creeping attempt by the federal government to remake the Constitution of Australia—and to remake it by the use of executive power and the power of incumbency.

Let me explain. Since the election of the Howard government, it has been made clear that it intends to intrude on the rights of states in several ways. There is a pattern to what is emerging. It is emerging from the same cabinet and therefore one must assume it is working to the same theme by that cabinet. This government intends to enact legislation—and we will deal with those bills in this sitting fortnight, so I will not go into them in any detail now—to impose a new industrial relation system in a cavalier way that overrides the established industrial relations systems of the states. This is not something negotiated between the Commonwealth and the states; this is something to be im-

posed on the states by the Commonwealth. It intends to do this by utilising a section of the Constitution—the corporations power—which is not intended for industrial relations.

The Australian Constitution has a particular section in it that deals with industrial disputes going beyond the borders of one state and it is from that section that our constitutional forebears, when they inserted it, knew a national system of industrial relations would grow up. Governments over the last century have used that section to legislate. This government intends to use a different section, never intended by our constitutional forebears to legislate on industrial relations, to impose a system over the states. If this view had been apparent at the time of the constitutional conventions in the 19th century leading into the establishment of the federation of Australia, Australia would not exist as a national entity now. It would have been seen as a power grab by a central government over the authority of the then colonies and now states. It would have been enough to kill the referendum and the support for a one-country Australia.

As well, this government intends—and is part way down the track of doing this—to take over some of the training and skills training responsibilities of the states by duplicating some of the work that state governments already do. This government has flagged that it intends to exert a bigger role over the states on health issues. The Deputy Prime Minister, John Anderson, has blithely—and, if reports are to be believed, without the approval or consultation of his cabinet colleagues—announced that he intends the Commonwealth to take control over the infrastructure supply chain for goods and services to our ports. The Treasurer has started to try to monster the states by blackmailing them with the income stream derived from the GST over what mix of state taxes should be imposed in state budgets.

One could go on. These forays into state jurisdictions go well beyond the traditional methods of tied grants or, as we have seen since this government came to power, blackmailing universities or construction companies on which laws should apply in the industrial relations system.

Put together, this is a full-throated power grab which remakes the constitutional structure of the federation—and it is nothing short of that. This is an attempt at revolution of the Australian Constitution using the powers of incumbency, using the taxing power which provides the financial succour that the states need to support their services and using other mechanisms to force federal authority over the states. If Gough Whitlam had the reputation—and there was a perception of this—that he was an ardent centralist, then this goes well beyond any Whitlamesque dream of central authority in Australia and takes controls off the states.

It is appropriate that these remarks be made in this chamber. The Senate is, after all, a states house. It is appropriate that these remarks be made in this chamber and that senators representing the states in this chamber stand up and defend the rights of their states. In doing so, I need to make one thing clear: I am not an absolute states rightist, come rain, hail or snow. I believe states have rights and I believe the Commonwealth has rights. It would be a good thing if we could find a more effective mechanism than we have in the hundred years since Federation to work out those differences more cooperatively, but we have not.

What is true on the political landscape of Australia is that, at state level, voters prefer Labor. What is also unfortunately true, from my perspective, is that at federal level, over the last couple of elections, voters have preferred a conservative government. On that analysis, it means that voters want to see the

efficient delivery of services that they know Labor believes in and can deliver at their local level. In terms of political theory, it may mean that in these days of terrorism they are more comfortable at federal level with a government that they perceive—in my submission, wrongly, but nonetheless—as being of a more militaristic bent than Labor has an image for. Whatever the case, the fact that the federal government has been elected does not give it an authority to undermine the power of the states.

I am surprised that in this chamber little or nothing has been said about the manoeuvres by the federal government to intrude upon state authority. I will defend the rights of states where it is constitutionally appropriate, because this power grab by the Commonwealth has not been preceded by a referendum. It has not been preceded by proper federal-state negotiations inviting the ceding of powers by the states, which is the other way of changing the federal Constitution. And it would be thrown out of court, if it ever went to the High Court, because it is such a radical revolution in the meaning of this Constitution that, even in the wildest of fancies, at federal level no judges sitting true and good in the High Court could interpret the actions of this government as conforming with anything that is a semblance of the Constitution. So it is appropriate that this chamber direct its attention to a government that is out of control constitutionally and is trying to strip the states of authoritative power.

Later in this sitting fortnight I intend to speak specifically about the role that the Treasurer has taken unto himself in demanding tax changes of state governments at state level. He has—in my view, fraudulently—put forward his argument based on understandings achieved at the time the GST was enacted. It is true, and I will say this now, that when the GST was mooted there was an understanding between the Commonwealth

and the states about which state taxes would be collapsed in favour of a revenue stream from the GST, but this chamber knows better than any other chamber in this Commonwealth that the GST legislation was amended, and it was amended here. It was amended to take food out of the GST, which junked all of the previous arrangements that applied and invited and obtained a new set of arrangements which altered the commitment of the states to remove certain taxes. For the Treasurer now to pretend that the first deal is still intact is of course laughable. When I speak later on this in more detail I will go to the instruments of federal-state understanding which establish that point.

Senator Ian Macdonald—It's pretty popular though. It's pretty popular with the public.

Senator COOK—I take the interjection from the minister, because he is a minister sworn to uphold the Constitution—that is what you do when you are sworn in as a senator in this place, and that is what you do when you are sworn into the office of executive authority that comes with being a minister. There are things that are passing fancies in terms of popular politics which may not be constitutional, but ministers and governments—and this federal government—have an obligation to uphold the Constitution, not subvert it, in my view, and I think that is the view of any reasonable Australian.

In my own state of Western Australia some of these changes have been greeted by the conservative opposition in that state with a big thumbs down. Industrial relations is one of them. The new state leader in Western Australia, Matt Birney, has made it clear—to the embarrassment of the federal industrial relations minister, Kevin Andrews, standing on the same platform—that he does not support the power grab from the Commonwealth. And full marks to Matt Birney for

defending the rights of Western Australians. He wants to obtain and maintain the right to legislate in this important area at a state level. (*Time expired*)

Zonta Club

Senator STOTT DESPOJA (South Australia) (7.28 pm)—I begin by acknowledging Senator Cook's speech. If I do not get an opportunity to wish him well in post-Senate life, I do so now: you are in fine form. I look forward to future speeches, certainly in the next couple of weeks. But tonight I wish to talk about a project in my home state of South Australia that is having a significant impact on women in developing countries around the world. It is the birthing kit project conducted by the Zonta Club of the Adelaide Hills. As I am sure honourable senators would be aware, Zonta is an international service organisation of women executives in business and the professions working together to advance the status of women generally. I recently had the privilege of being guest speaker at their annual general meeting and dinner in Adelaide.

The United Nations World Health Organisation estimated in 1996 that 585,000 women died annually in childbirth. Developing countries accounted for 99 per cent of these deaths. For every woman who dies in childbirth, a further 30 women incur injuries and infections, many of which are disabling, painful, embarrassing and lifelong. There are ways that are recommended to overcome or reduce these statistics. They include (1) preventing unwanted pregnancies, (2) improving antenatal care, (3) improving capacity for dealing with obstetric complications and (4), pretty simple, providing clean birthing conditions. This is where the Zonta Club of the Adelaide Hills comes in.

In 1995, Dr Joy O'Hazy, a member of the Zonta Club of the Adelaide Hills, attended the Fourth World Conference for Women in

Beijing. There she heard Sally Field, the actor, talk about the success of simple birthing kits that were being used in Nepal. This led to Dr O'Hazy researching the basic resource requirements for a birthing kit, in consultation with Professor Anthony Radford, an international health consultant. In 1999, under the supervision of an experienced community development worker, the first 100 birthing kits were sent to Ferguson Island, Papua New Guinea, to be trialled by the village birth attendants in rural villages.

According to the PNG health department, in rural PNG there was a one in seven mortality rate in childbirth from infection. Hence, a clean birth would have the potential to make an enormous difference to the health of both the mother and the child. After receiving positive feedback from the community worker, the birthing kits became an integral part of the training of village birth attendants under the AusAID-sponsored Women's and Children's Health Project. In 2000, the project became nationally accepted and supported 12 provinces within PNG. To date, more than 13,000 kits have been provided to PNG.

Birthing kits provide for a clean birth, which may decrease the risk of death from infection and bleeding. A birthing kit works by providing the seven 'cleans' for a clean birth: a clean birth site, preventing delivery onto the floor; clean hands, to prevent the birth attendant transmitting germs to mother and baby; clean ties, to prevent bleeding from the umbilical cord for mother and baby; a clean razor, to reduce infection caused by other implements; clean gauze to wipe away birth canal secretions from the eyes, which reduces eye infections; a clean umbilical cord, because washing and drying the stumps prevents infection; and a clean perineum. The kit consists of a number of things, including a square metre plastic sheet for the mother to lie on, a piece of soap, two gloves,

five gauze squares, three cord ties and a sterile scalpel blade—all contained in a press-seal plastic bag. It costs 70c to produce one of these kits.

Sixty million women give birth each year, with the assistance of a traditional birth attendant or with no assistance at all. These women need a birthing kit. The Zonta Club of the Adelaide Hills Birthing Kit Project did not stop at PNG. In addition to the 13,000 kits that were distributed in PNG, Zonta has distributed more than 11,000 kits to 12 countries. This amazing group of women have established the program with other NGOs and organisations in 22 countries, including Timor-Leste, Vietnam, Fiji, Ethiopia, Myanmar and Afghanistan. They have never lost a consignment in five years. They research all aspects of transport for the most reliable and cheapest way to move the kits around the world. There is no compromise when it comes to quality and accountability. The birthing kits are sent only to places where they have been requested. They are always distributed through health professionals in hospitals or health clinics—frequently where there are training programs for birth attendants. The health professional undertakes responsibility for training people in how to use the kits and how to dispose of waste.

The Adelaide Hills birthing kit project has been so successful and worthy that it has now become a Zonta national project. By the end of 2006, more than 550,000 Zonta birthing kits will have been requested from 22 developing countries. Through a partnership with the National Foundation for Australian Women, they have achieved tax deductibility status for donations to the project. I acknowledge the support of Minister for Foreign Affairs, Mr Downer, in approving an AusAID grant to the project last year of \$113,000 on a dollar for dollar basis, and I do remind him that the club is anticipating a further grant in July 2005.

The Zonta club have some impressive plans for the future: they will now encourage the local women to assemble their own birthing kits, as has occurred in Milne Bay, Papua New Guinea; they want to expand the project, using the successful model in Australia, to other Zonta countries worldwide; they want to make this a worldwide Zonta International Service Project; they want to create a birthing kit foundation; and they seek to conduct an epidemiological study of the impact of the birthing kits.

Assembly days for the kits are real community affairs, with participation from Zonta members, students of local schools, family members, friends and volunteers. At the 2004 assembly day, 60 volunteers assembled 2,000 birthing kits in three hours. I am informed that, on Saturday, 7 May 2005, they broke that record and assembled 2,400 kits. I commend the work of the project managers—Dr Julie Monis-Ivett and Dr Joy O’Hazy—the women of the Adelaide Hills branch of Zonta, and the wider Zonta International organisation for their dedication to this project, which is among many for which they are responsible when it comes to advancing the status of women across the world. I think women and families in developing countries are certainly better off for it.

Air Crash Anniversary

Water Smart Australia

Senator SANTORO (Queensland) (7.36 pm)—At the weekend, I had the honour and the privilege of attending and taking part in the annual tribute to the American dead of Bakers Creek and Mackay. These 40 Americans died in 1943 in what remains Australia’s worst air crash. Today is the 62nd anniversary of that crash. Before these American servicemen died so far away from their homes and their loved ones, they had become part of Mackay’s extended family of the wartime years. They are remembered

today—and honoured in that memory—by the civic government of the city, the residents of Mackay, and their immediate families and descendants in America.

The Australian-American connection is very deep, and the Bakers Creek Memorial signifies that relationship in a very special way. The memorial is also unique in that it marks a civil accident in a time of war and it exists on two continents. This year’s Washington commemoration is due to start in a few hours. Our links with America, and America’s with us, are soundly based on shared values: democracy, the rule of law, heritage, decency, the determination to face down evil and the commitment to stand up for what is right. It is firmly based on commonsense and mutual interest.

In Mackay on Saturday night we gathered as friends, from both sides of the Pacific Ocean, for fellowship, to renew acquaintance, to make new friends and to celebrate the lives of the Bakers Creek heroes. They were heroes, not victims, and we must never forget it. They died in a foreign land while engaged in a deadly fight against a determined enemy in conditions of total war. In wartime secrets must be kept and at times information must be withheld from family and kin. But when the conflict is over and the operational reasons for secrecy no longer exist, important information must be revealed. The tremendous work of the two Bakers Creek associations—here in Australia and across our shared ocean in America—has kept the flame alive. It has helped some of our American friends finally understand what happened to their loved one who went away to war and did not return. That is a public service of the highest degree.

There are two catalysts for the Bakers Creek Memorial: the historian of the Mackay RSL, Col Benson, and American professor Bob Cutler in Washington, DC. They are

themselves heroes—heroes to history, for ensuring that a story from the past does not die. They are certainly heroes to the families of the Bakers Creek dead for pursuing the dream of a proper memorial. To reveal the truth, to help bring closure after some desperately sad event, even six decades later, is an act of kindness. So often these things come down to the energy and commitment of individuals, people who just will not let go. Great endeavours, like great causes, need catalysts. Col and Bob are very good catalysts indeed.

The memorial dinner on Saturday night was a convivial occasion, presided over with skill by the master of ceremonies for the occasion, Mr John Pickup. One of Australia's two Vietnam War Victoria Cross winners, Keith Payne, was also at the dinner and read the Ode to the Fallen. Warrant Officer Payne is as feisty in retirement as he ever was in the Army, by the way. I believe our American guests—Brigadier-General Bradley Baker, Vice Commander, 5th Air Force, who was here from Japan for the anniversary; Jack and Ginger Ogren from New Hampshire; and Frank Smith III and his wife Dot with Frank Smith IV and sister Kelly Sellers—enjoyed themselves.

The commemoration on Sunday was a solemn occasion, as was proper. Visiting the site of the crash was a most moving experience for both the American visitors and the accompanying party. The emotion was palpable in the relatives of two of the American servicemen who perished on that fateful day in 1943. The site is surrounded by very healthy mangroves. The site itself, which was mangroves at the time, remains bereft of trees today.

The Bakers Creek air crash is one of an innumerable compendium of human disasters from World War II. Each man who died in that crash was a casualty of war. They

were not where they were by misadventure; they were there because their country told them to be there. That is why we must always honour them. We know that six decades ago the people of Mackay took these men to their hearts. We know they made them feel as much at home as possible in the circumstances of war and so far away from their real homes and loved ones. And the people of Mackay, both individually and through their civic government, continue doing that today. Bakers Creek is part of their history too. Mackay of course is a very special place inhabited by special people: people such as Ed Casey, the veteran former state member for the area, who played an initial—and absolutely vital, I add—role in the project to make a permanent memorial.

I became interested in the project and the history behind it when in 2003 I had the honour of meeting the American party here in Australia for the 60th anniversary. I told the Senate about it in an adjournment speech at the time. On that occasion the Bakers Creek pilgrims were led by Alvin—Mo—and Vera Berg, from Texas. I believe they enjoyed the Brisbane hospitality that was afforded to them. There is also today significant interest in the Bakers Creek story in the American legislature. For today's Washington ceremony at the new World War II memorial there, Senator Rick Santorum of Pennsylvania has contributed a message, and there is legislation in congress to provide for a memorial marker, perhaps at Arlington.

The Americans who died at Bakers Creek 62 years ago were in our country on furlough, what we would nowadays call R&R. They were resting from the conflict then raging in the south-west Pacific. Tragedy gave them a permanent home in our country. For all time, these men are part of our story too. Today again we stand with the Americans in defence of freedom. We are companions, again, on a dangerous journey through a

world that is threatened by new and deadly challenges. That single fact—the fact that we must again work together to confront evil and to protect ourselves and our communities and our way of life—gives extra reason to remember the sacrifice of those who went before. Times change and the benefits of hard won freedom, both social and economic, have immeasurably altered how all of us live. Former enemies are now friends. We move on, but we do not forget. Every nation is entitled to its remembrance and to honour its dead.

I want to continue my remarks by speaking about the Water Smart Australia program, a great initiative of the forward-thinking Howard government. I also want to canvass some of the details of a very practical initiative that has come forward for funding consideration from the great Queensland city of Toowoomba. As so many Australians know to their own direct cost, many areas of our country are subject to highly variable rainfall patterns. Consistency is not nature's way. Water crises happen quickly in Australia. As a community we have to react quickly too. For example, from July sprinklers are to be banned in Brisbane, a sensible response to water shortage but an imperative to suburban gardeners to find better ways of creating and sustaining cool green gardens.

The recent good rains in the south-east of Australia have brought some relief to farmers and agricultural communities in South Australia and Victoria and in parts of New South Wales. But the rain has not reached northern NSW, which is desperately parched, or those many areas of Queensland that are afflicted by long-term drought. In any case, good follow-up rain is still needed. Water is life: there was never a truer statement made. As we also know, the drought of 2002—which for some Australian farmers has become the drought of 2002-05—revealed again the inconsistent nature of the water

supply and our vulnerability. Our cities, agricultural industries and aspects of our environment are all subject to prolonged dry conditions and are all vulnerable to them. We know too that many water catchments and aquifers are under stress, and some are reaching the limits of their sustainable capacity. In these circumstances Australia must make use of the many opportunities that exist to better use the supplies of water already developed. We must make use too of human ingenuity to employ new technology and infrastructure, and to develop new and sustainable sources of supply. Australian clean water technology is world renowned, and rightly so. Only this month I was in China, where the great work that Hervey Bay City Council and Wide Bay Water are doing in the city of Leshan is an effective reminder of this.

It was with Australian ingenuity in mind that in June last year the federal government and most state governments agreed to implement the National Water Initiative. It was signed in recognition of the national imperative to increase the productivity and efficiency of Australia's use of water in servicing population centres and sustaining healthful river and ground water systems. Under this agreement the \$2 billion Australian government water fund came into being to provide investment funding for selected water projects. These projects need to be practical on-ground water projects that improve national water efficiency. They need to create opportunities for industries, private investment and employment—and at the same time protect, and where necessary restore, the environment.

This is not an impossible task, merely a very hard one that will require a lot of effort. Australians are good at meeting challenges. The key word is 'practical'. It almost always is, and this is where some of the deeper green elements of the environmental lobby

and their political representatives get a little off beam. A practical objective is to develop an agricultural and industrial sector that leads the world in the careful and efficient use of water, and to bring about sustainable household and garden water consumption. It is to provide greater preservation of Australia's rivers and wetlands, which are unique, and to promote our water technology. These are among the practical objectives of the National Water Initiative for 2015, just a decade away. We obviously need to work towards achieving these objectives on a cooperative, community, national—and nationwide—basis.

In Queensland, three projects—at the Gold Coast, in Mackay where I was at the weekend and in Bundaberg—have already been approved for federal investment totalling \$32.2 million under the Water Smart Australia component of the \$2 billion Australian water fund. The Gold Coast project is particularly interesting to me, given that the Gold Coast is Queensland's second largest city and a place where water is always an issue. It is getting \$3.15 million over four years towards an investment of \$9.45 million to reduce water leakage and stress on current water supplies and provide more water to the city through cutting waste.

Applications for funding under the first round of the National Water Initiative close on 30 June. One application that is coming forward in the first round is for \$18.3 million from the Australian government water fund to assist with the \$64 million Water Futures Toowoomba project. Toowoomba City Council, a highly progressive civic government very ably led by Mayor Dianne Thorley, believes its project can demonstrate to Australia the science of indirect potable reuse of water as a safe and sustainable component of future water supply. The \$64 million project costs would be made up of \$19.35 million from Toowoomba City Coun-

cil, matched by \$19.5 million from the Queensland government, the proposed AGWF grant of \$18.3 million and private investment of \$7 million.

Mayor Thorley and the Toowoomba City Council's Chief Executive Officer, Mr Chris Rose, came to see me recently to update me on the proposal. One interesting aspect of the proposal is that its cost is less than that of building a new dam to create Toowoomba's fourth source of water. Toowoomba is an exciting and vibrant city. It would be, of course; it is in Queensland—and I am sure Senator Moore opposite would agree with me—

Senator Ian Macdonald—I agree.

Senator Moore—I agree with you.

Senator SANTORO—I think there is unanimous agreement in the chamber that Toowoomba is indeed one of the great vibrant and exciting cities of Queensland.

Senator McGauran—Always!

Senator SANTORO—Always. But it is also a city with some specific and indeed unique requirements as well as attributes. One of its benefits is its altitude. At 700 metres it enjoys a temperate climate and, as I have said in the Senate before, the city rivals Canberra in the colourful splendour of its exotic deciduous trees. But this is also a debit. It is a debit because its water has to be lifted almost 500 metres from its source dams. This costs \$1.5 million a year and delivers water at 60c a kilolitre from Toowoomba's taps. The city has the second highest water delivery costs in Australia after Kalgoorlie in WA, a fact that I am sure is appreciated by Senators Eggleston and Lightfoot, who are present in the chamber tonight.

Toowoomba has 94,000 people within its city boundaries. It is Queensland's largest inland provincial city and also Australia's

largest regional inland city and serves a wider population base of 300,000. Significant drought over the past 10 years and consistent population growth, along with increasing demand, have made water supply the most significant issue for Toowoomba and the surrounding area. It is clear that the growth demands of the Brisbane coastal conurbation have ended any expectation that Toowoomba could source additional water from the giant Wivenhoe Dam in the Brisbane Valley. The urgency in finding reliable and sustainable irrigation water also sparked the proposal to pipe Brisbane's grey water to the Lockyer Valley, incidentally. Of course, as the city's civic government recognises, there is no one ideal water solution anywhere in Australia, the world's driest continent. But responsible water management strategies will include multisource water supplies, maximising water resources, effective demand management strategies and a continuing—and, I would hope, over time significantly enhanced—community involvement.

Toowoomba City Council recently approved expenditure of \$35 million to upgrade its waste water treatment plant to lift its outfall standard to class A water. This will not only provide a much improved outfall quality into the Murray-Darling catchment but also create a potential drinking water resource. The city council is pursuing opportunities for this resource, including its use by coal and energy producers and of course horticulturalists. Further refinement of this class A water would enable its urban direct non-potable reuse in an adjoining shire and, subject to Queensland Health approval, eventual indirect potable reuse—that is, as drinking water—within Toowoomba.

This is a strong and practical proposal from a proactive local government that really could rewrite the rules with regard to recycled water use. It would contribute significantly to advancing the cause of sustainable

water resources in Australia. It would help Australian communities deal with a future in which precious water is likely to be even more finite than ever. The Water Smart program is practical policy development and implementation at its grassroots best and it deserves applause for this.

Adjournment

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (7.51 pm)—If nobody else wants to speak in this adjournment debate, can I conclude it by commenting on a very fine speech from Senator Santoro and a very fine speech from Senator Lees earlier on in the debate. I have not always agreed with Senator Lees and what the Democrats do, going back to the days when Senator Lees ably led the Democrats—when they were actually achieving goals—but I do agree with the point she makes: it is very important that all people work together to get good outcomes. Senator Lees very carefully, clearly and explicitly pointed out some of the hypocrisy and fraudulent approaches of the Greens party and some of their issues. They have a fixed position, which is simply to oppose the government regardless of the issue.

I thought Senator Lees, better than most, would be well aware of those issues, and her criticism—that is my description; I do not think she would agree with that—and comments concerning the inflexible and politically driven attitude of Senator Brown, the Wilderness Society and the ACF are worthy of note. I am delighted to have been in the chamber to hear Senator Lees's speech. It is of some regret to me that we will not be able to benefit from that sort of advice and approach in the future.

Senator O'Brien gave a classic example of the Labor Party trying to catch up. He spoke about his own state of Tasmania, where the Labor Party were absolutely annihilated be-

cause the blue-collar workers voted against the Labor Party. The blue-collar workers in that state understood that the Labor Party stood for the latte set in Sydney and Melbourne and were not at all interested in workers, unionists and their jobs in country Tasmania. Senator O'Brien is desperately trying to catch up, trying to get some of the workers back on side, but the sorts of words he uses will not help get the workers back until the Labor Party start concentrating on what blue-collar workers need. It is quite clear that most working men and women of Australia now think—and think quite rightly, I might add—that the Howard government is the political party that supports their real interests. I am delighted to be a member of a party that is really looking after the working man's and woman's interests in Australia.

It is always a great delight to hear from Senator Cook and, again, there is going to be a real void in this chamber when he retires at the end of this month. I do not very often agree with what Senator Cook says but I always listen intently, because he has a very precise way of making his arguments. His arguments are all well constructed and very well argued. I could take issue with his conclusions in a lot of the matters he mentioned tonight, but there is going to be a void when Senator Cook is no longer in the Senate and we no longer get some of the more thoughtful contributions that we got from him.

Finally, I want to support Senator Santoro's comments on the Water Smart program, part of the Howard government's National Water Initiative and something that I am delighted to be involved in. Senator Ian Campbell and I will be handling the community water grants program, which we are about to launch and which will provide up to \$50,000, even \$100,000, for communities to do clever things with water in their local area. It is a program—some \$200 million—that will be well received in the country and

will make some forward steps, some progress, in saving and using water more cleverly. Senator Santoro is correct in his praise for Toowoomba. Mayor Di Thorley is a very innovative and enthusiastic leader and she lives, eats and breathes her particular project. Whilst it is inappropriate for me to comment on the ultimate fate of her application, it is a project which she argues for very well and which will obviously add value to her community and to the Australian government's long-term aims for the wise use of water.

Peter Lindsay, the member for Herbert, also has some good Water Smart projects under way. I am delighted with the success of the Mackay project, which Senator Santoro has mentioned. I well remember when Mayor Julie Boyd first came to this building seeking some assistance. She had with her an adviser, Mr Ross Cunningham, who had some understanding of water. I remember when they first came here to raise this project many years ago. It started in a small way. They came down and made their case. The government did not have a program that could help them at the time, but it is interesting to see how a good lobbying effort and a good submission made very forcefully can over a period of time lead to some positive outcomes. The Mackay project will be a very good one.

Finally, whilst I am on my feet and talking about Senator Santoro, I thank him for going to the Mackay-Whitsunday area. He was in Mackay for the Bakers Creek function, as he mentioned, but also to assist me by opening the Whitsunday boating and leisure show at Airlie Beach. It was a job, I am told by reliable authorities, which Senator Santoro performed exceptionally well, and I thank him for filling in for me.

Senator Santoro—I intend to do an adjournment speech on it one day.

Senator IAN MACDONALD—I am sure you will, Senator Santoro, and I shall, as with all of your speeches, listen intently to get the finer details of what happened. Thank you for doing that. A lot of interesting things are happening in Queensland, and it is good to be able to say a couple of words about them in these open-ended adjournment debates.

Senate adjourned at 7.59 pm

DOCUMENTS

Tabling

The following government documents were tabled:

Aboriginal Land Commissioner—Report and explanatory statement by the Minister for Immigration and Multicultural and Indigenous Affairs—No. 68—Upper Roper River land claims comprising Mataranka Area (NT portion 916) land claim (Claim no. 129); Western Roper River (Beds and Banks) land claim (Claim no. 141); Roper Valley Area land claim (Claim no. 164) and Elsey Region land claim (Claim no. 245).

Australian Broadcasting Authority—Online content co-regulatory scheme—Report for the period 1 July to 31 December 2004.

Australian Competition and Consumer Commission—Telecommunications reports for 2003-04—Report 1: Telecommunications competitive safeguards; Report 2: Changes in the prices paid for telecommunications services in Australia 1997-98 to 2003-04.

Australian River Co. Limited—Report for 1 December 2003 to 30 November 2004.

Fuel Quality Standards Act 2000—Independent statutory review of the operation of the Act—Final report prepared by Fuel Quality Standards Act Review Panel with assistance from Economic Associates (Australia) Pty Ltd and SWB Consulting Pty Ltd, April 2005.

Human Rights and Equal Opportunity Commission—Report—No. 28—Inquiry into complaints by immigration detainees concerning their detention at the Curtin Immigration Reception and Processing Centre.

Judge Advocate General—Report for 2004.

Local Government (Financial Assistance) Act 1995—Report for 2003-04 on the operation of the Act.

Pharmaceutical Benefits Pricing Authority—Supplementary report for 2003-04 on the operations of the Authority in relation to the Pharmaceutical Industry Investment Program.

Regional Forest Agreements Act 2002—Review of the Forest and Wood Products Council—Prepared by Jaakko Pöyry Consulting, February 2005.

Treaty—*Bilateral*—Singapore-Australia Free Trade Agreement Amendments—Section C: Documentary evidence. [*Text of other amendments and an earlier version of this amendment tabled on 15 March 2005, together with national interest analysis and annexures*].

Western Australian Fisheries Joint Authority—Report for 2001-02.

Workplace relations—Ministerial statement by the Prime Minister (Mr Howard).

Tabling

The following documents were tabled by the Clerk:

[*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*]

Air Services Act—Air Services Regulations—Instruments Nos—

AERU-05-11—Flight Information Regions [F2005L01155]*.

AERU-05-12—Class A Airspace [F2005L01154]*.

AERU-05-13—Class C Airspace [F2005L01156]*.

- AERU-05-14—Class C Control Zones [F2005L01163]*.
- AERU-05-15—Class D Airspace [F2005L01164]*.
- AERU-05-16—Class D Control Zones [F2005L01165]*.
- AERU-05-17—Class E Airspace [F2005L01166]*.
- AERU-05-18—Class G Airspace [F2005L01168]*.
- AERU-05-19—General Aviation Aerodrome Procedures (GAAP) Control Zones [F2005L01169]*.
- AERU-05-22—Controlled Aerodromes [F2005L01170]*.
- Airports Act—Select Legislative Instrument 2005 No. 101—Airports (Control of On-Airport Activities) Amendment Regulations 2005 (No. 1) [F2005L01220]*.
- Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment 39: Deakin/Forrest Residential Area [F2005L01290]*.
- Australian Prudential Regulation Authority Act—
- Instrument fixing charges to be paid to APRA No. 1 of 2005—Provision of statistical information to RBA and ABS in 2004-05 [F2005L01128]*.
- Non-Confidentiality Determination No. 5 of 2005—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2003) [F2005L01185]*.
- Australian Research Council Act—Determination No. 26—Approval of expenditure on research programs under section 51—
- Special Research Initiatives, dated 15 April 2005;
- Linkage International: Anglo-Australian Observatory Fellowship, dated 7 May 2005.
- Broadcasting Services Act—Variations to Licence Area Plans for—
- Brisbane Analog Television—No. 1 of 2005 [F2005L01184]*.
- Remote Central and Eastern Australia (Radio)—No. 1 of 2005 [F2005L01183]*.
- Charter of the United Nations Act—
- Select Legislative Instruments 2005 Nos—
- 97—Charter of the United Nations (Sanctions—Cote d'Ivoire) Regulations 2005 [F2005L01236]*.
- 98—Charter of the United Nations (Sanctions—Democratic Republic of the Congo) Regulations 2005 [F2005L01233]*.
- 99—Charter of the United Nations (Sanctions—Sudan) Regulations 2005 [F2005L01235]*.
- Christmas Island Act—*Lotteries Commission Act 1990* (WA) (CI)—
- Determination of player loss, dated 4 May 2005 [F2005L01232]*.
- Lotteries Commission Amendment Ordinance 2005 (No. 1) [F2005L01222]*.
- Lotteries Commission (Designated Authorities) Amendment Regulations 2005 (No. 1) [F2005L01224]*.
- Civil Aviation Act—
- Civil Aviation Regulations—
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- Civil Aviation Amendment Order (No. 6) 2005—Aircraft endorsements—Aeroplanes [F2005L01140]*.
- Instruments Nos—
- CASA 167/05—Direction—Use of mobile telephones and hand held personal data assistants during refuelling [F2005L01198]*.
- CASA 193/05—Direction—Carriage of cabin attendant in hot air balloon [F2005L01386]*.

CASA 194/05—Direction—
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CASA 198/05—Approval—Use
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CASA 204/05—Direction—
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CASA VTA 147/05—Approval—
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AD/B717/4 Amdt 2—Rudder
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AD/B717/9 Amdt 1—Wing Rear
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- Organisations for the purposes of paragraph 459.214(c) [F2005L01223]*.
- Passports for the purposes of paragraph 417.211(3)(a) [F2005L01122]*.
- Select Legislative Instrument 2005 No. 76—Migration Amendment Regulations 2005 (No. 2) [F2005L00858]*.
- Motor Vehicle Standards Act—Select Legislative Instrument 2005 No. 78—Motor Vehicle Standards Amendment Regulations 2005 (No. 1) [F2005L01125]*.
- National Health Act—
- Arrangements Nos—
- PB 12 of 2005—Highly Specialised Drugs Program [F2005L01265]*.
- PB 13 of 2005—Chemotherapy Pharmaceuticals Access Program [F2005L01274]*.
- Declaration No. PB 10 of 2005 [F2005L01263]*.
- Determinations Nos—
- HIB 10/2005 [F2005L01153]*.
- PB 11 of 2005 [F2005L01264]*.
- Navigation Act—Marine Orders No. 3 of 2005—Cargo and Cargo Handling—Grain [F2005L01209]*.
- Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2005 No. 90—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2005 (No. 2) [F2005L01205]*.
- Primary Industries (Customs) Charges Act—Select Legislative Instrument 2005 No. 92—Primary Industries (Customs) Charges Amendment Regulations 2005 (No. 1) [F2005L01226]*.
- Primary Industries (Excise) Levies Act—Select Legislative Instrument 2005 No. 93—Primary Industries (Excise) Levies Amendment Regulations 2005 (No. 2) [F2005L01218]*.
- Primary Industries Levies and Charges Collection Act—Select Legislative Instru-

ment 2005 No. 94—Primary Industries Levies and Charges Collection Amendment Regulations 2005 (No. 1) [F2005L01227]*.

Product Rulings—

Addenda—PR 2004/28 and PR 2004/33.

PR 2005/74-PR 2005/89.

Quarantine Act—Quarantine Amendment Proclamation 2005 (No. 2) [F2005L01228]*.

Radiocommunications Act—

Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2005 [F2005L01403]*.

Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2005 [F2005L01401]*.

Radiocommunications Devices (Compliance Labelling) Amendment Notice 2005 (No. 1) [F2005L01404]*.

Radiocommunications (Spectrum Designation) Notice No. 1 of 2005 [F2005L01373]*.

Remuneration Tribunal Act—Determinations—

2005/05: Remuneration and Allowances for Holders of Part-time Public Office [F2005L01141]*.

2005/06: Remuneration and Allowances for Holders of Full-time Public Office [F2005L01142]*.

2005/07: Principal Executive Office (PEO) Classification Structure and Terms and Conditions [F2005L01130]*.

2005/08: Members of Parliament—Travelling Allowance [F2005L01131]*.

2005/09: Members of Parliament—Entitlements [F2005L01132]*.

2005/10: Remuneration and Allowances for Holders of Public Office [F2005L01137]*.

Social Security Act—

Social Security (Class of Visas—Newly Arrived Resident's Waiting Period for

Special Benefit) Determination 2005 (No. 2) [F2005L01171]*.

Social Security (Means Test Treatment of Private Trusts—Excluded Trusts) Declaration 2005 [Department of Education, Science and Training] [F2005L01195]*.

Social Security (Means Test Treatment of Private Trusts—Excluded Trusts) Declaration 2005 [Department of Employment and Workplace Relations] [F2005L01191]*.

Social Security (Means Test Treatment of Private Trusts—Excluded Trusts) Declaration 2005 [Department of Family and Community Services] [F2005L01190]*.

Student Assistance Act—Factor to index Financial Supplement debts and accumulated Financial Supplement debts [F2005L01174]*.

Superannuation (Financial Assistance Funding) Levy Act and Financial Institutions Supervisory Levies Collection Act—Select Legislative Instrument 2005 No. 82—Superannuation (Financial Assistance Funding) Levy and Collection Regulations 2005 [F2005L01103]*.

Superannuation Guarantee Ruling—Notice of Withdrawal—SGR 93/2.

Superannuation Industry (Supervision) Act—Request from Minister to APRA under section 230A, dated 27 October 2003.

Sydney Airport Curfew Act—Curfew Dispensation Report—Dispensation No. 3/05 [5 dispensations].

Taxation Administration Act—

Notices of Variation—Variation of amounts to be withheld from certain payments made by—

External administrators, dated 13 May 2005 [F2005L01215]*.

Trustees of bankrupt estates, dated 13 May 2005 [F2005L01216]*.

Select Legislative Instrument 2005 No. 103—Taxation Administration Amend-

- ment Regulations 2005 (No. 1) [F2005L01199]*.
- Taxation Administration Act Withholding Schedules 2005 (2004 Budget Changes) [F2005L01270].
- Taxation Administration Act Withholding Schedules 2005 (2005 Budget Changes) [F2005L01271].
- Taxation Determinations—
- Addendum—TD 94/25.
- Notices of Withdrawal—
- TD 92/199.
- TD 93/229.
- TD 94/98.
- TD 96/34.
- TD 2005/14-TD 2005/20.
- Taxation Rulings—
- Notices of Withdrawal—
- TR 96/25.
- TR 1999/3 and TR 1999/D21.
- TR 2005/6-TR 2005/8.
- Telecommunications Act—
- Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2005 (No. 1) [F2005L01292]*.
- Telecommunications Technical Standard (Customer Access Equipment for Connection to a Telecommunications Network—AS/ACIF S003:2005) 2005 [F2005L01231]*.
- Telecommunications Technical Standard (Requirements for Customer Equipment for Connection to a metallic local loop interface of a Telecommunications Network—Part 2: Broadband—AS/ACIF S043.2:2005) 2005 [F2005L01229]*.
- Telecommunications (Carrier Licence Charges) Act—
- Telecommunications (Costs Attributable to Telecommunications Functions and Powers) Determination 2005 [F2005L01398]*.
- Telecommunications (Recovery of ITU Budget Contribution) Determination 2005 [F2005L01400]*.
- Therapeutic Goods Act—Order—Definition of British Pharmacopoeia, dated 19 May 2005 [F2005L01237]*.
- Trade Practices Act—Select Legislative Instrument 2005 No. 83—Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005 [F2005L01129]*.
- Water Efficiency Labelling and Standards Act—Select Legislative Instrument 2005 No. 96—Water Efficiency Labelling and Standards Regulations 2005 [F2005L01243]*.
- Workplace Relations Act—Revocation of Directions and Directions to Inspectors, dated 16 May 2005 [F2005L01213]*.
- Governor-General's Proclamations—Commencement of Provisions of Acts*
- Administrative Appeals Tribunal Amendment Act 2005*—Items 1 to 110, 112 to 180 and 182 to 236 of Schedule 1—16 May 2005 [F2005L01029]*.
- Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001*—Item 43 of Schedule 3—18 May 2005 [F2005L01087]*.
- Trade Practices Amendment (Australian Energy Market) Act 2004*—Schedules 1 and 2—23 May 2005 [F2005L01121]*.
- * Explanatory statement tabled with legislative instrument.

Departmental and Agency Contracts

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2004—Letter of advice—Immigration and Multicultural and Indigenous Affairs portfolio agencies.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Agriculture, Fisheries and Forestry: Advertising Campaign
(Question No. 131)**

Senator Faulkner asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 19 November 2004:

- (1) Not including any advertising campaigns contained in questions on notice nos 105 to 121, for each of the financial years, 2003-04 and 2004-05 to date: (a) what is the cost of any current or proposed advertising campaign in the department; (b) what are the details of the campaign, including: (a) creative agency or agencies engaged; (b) research agency or agencies engaged; (c) the cost of television advertising; (d) the cost and nature of any mail out; and (e) the full cost of advertising placement.
- (2) When will the campaign begin, and when is it planned to end.
- (3) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
- (4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; if so, what are the details of that drawing right.
- (6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) (a) The advertising placement costs (TV, print, internet and airport signage) of the Quarantine Matters! awareness campaign in 2003-04 was \$2.264 million. The advertising schedule for the full year 2004-05 has yet to be finalised.
Specific Avian Influenza (Bird Flu) quarantine awareness advertising (print and airport signage) to the value of \$0.115 million was undertaken in 2003-04, and between \$0.542 million and \$0.737 million of advertising is scheduled for 2004-05, depending on the magnitude and ramifications for Australia of any international Bird Flu outbreak that may occur during the period.
- (b) (a) Killey Withy Punshon (KWP!) Advertising Pty Ltd for both the Quarantine Matters! and Bird Flu campaigns; (b) Open Mind Research Group Pty Ltd, for both campaigns; (c) Quarantine Matters! in 2003-04 - \$1.357 million; 2004-05 - yet to be determined; Avian Influenza (Bird Flu) in 2003-04 - nil; 2004-05 - nil planned; (d) not applicable; and (e) the advertising placement costs (TV, print, internet and airport signage) of the Quarantine Matters! awareness campaign in 2003-04 was \$2.264 million. The advertising schedule for 2004-05 has yet to be finalised. Specific Avian Influenza (Bird Flu) quarantine awareness advertising (print and air-

port signage) to the value of \$0.115 million was undertaken in 2003-04, and between \$0.542 million and \$0.737 million of advertising is scheduled for 2004-05, depending on the magnitude and ramifications for Australia of any international Bird Flu outbreak that may occur during the period.

- (2) The Quarantine Matters! awareness campaign began in 1997 and is ongoing. The Bird Flu quarantine awareness campaign began in June 2004 and will run throughout 2004-05.
- (3) (a) All AQIS advertising expenditure is authorised through Departmental Bill 1 Appropriations; (b) expenditure has been incurred in 2003-04 and will be incurred in the 2004-05 financial years. In the case of funding for Avian Influenza expenditure, an appropriation for prior year outputs was provided in the 2004-05 Budget for expenditure occurring in 2003-04; (c) the appropriations are all departmental in nature for AQIS expenditure; (d) the price of outputs for AQIS expenditure is outlined on page 29 of the 2004-05 Portfolio Budget Statements. The Measure description for Avian Influenza is outlined on page 87 of the 2004-05 Portfolio Budget Statement.
- (4) The Drawing Rights issued for these payments are the existing Departmental Bill 1 appropriation, as the payments are consistent with the Departmental Outcome.
- (5) See above.
- (6) All payments for advertising expenditure fall under existing drawing rights mechanisms within the Department and have been duly authorised as part of this process.

Environment and Heritage: Advertising Campaign

(Question No. 138)

Senator Faulkner asked the Minister for the Environment and Heritage, upon notice, on 19 November 2004:

- (1) Not including any advertising campaigns contained in questions on notice nos 105 to 121, for each of the financial years, 2003-04 and 2004-05 to date: (a) what is the cost of any current or proposed advertising campaign in the department; (b) what are the details of the campaign, including: (a) creative agency or agencies engaged; (b) research agency or agencies engaged; (c) the cost of television advertising; (d) the cost and nature of any mail out; and (e) the full cost of advertising placement.
- (2) When will the campaign begin, and when is it planned to end.
- (3) (a) What appropriations will the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) will those appropriations be made in the 2003-04 or 2004-05 financial year; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
- (4) Has a request been made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (5) Has the Minister for Finance and Administration issued a drawing right as referred to in paragraph (4) above; if so, what are the details of that drawing right.
- (6) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

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

The Department of the Environment and Heritage has no current or proposed advertising campaigns for 2003-04 and 2004-05 other than those contained in questions on notice nos 108 and 109.

Human Cloning
(Question No. 174)

Senator Stott Despoja asked the Minister representing the Minister for Health and Ageing, upon notice, on 9 December 2004:

- (1) Will the Minister provide copies of any recommendations, advice or comments the department has received in the past 18 months regarding, or in response to, a proposal put forward by Belgium to the United Nations on the issue of 'reproductive' cloning of people and/or 'therapeutic' cloning of human embryos for research into cures for serious diseases.
- (2) Will the Minister provide copies of any recommendations, advice, comments or draft reports or recommendations prepared by the department regarding the review of Australia's national legislation on human reproductive cloning and/or human embryonic stem cell research.
- (3) (a) When is the review of the legislation on human reproductive cloning and human embryonic stem cell research expected to begin; and (b) does the Minister have responsibility for the review; if not, who does.

Senator Patterson—The Minister for Ageing has provided the following answer to the honourable senator's question:

- (1) This matter comes under the responsibility of the Minister for Foreign Affairs.
- (2) Advice prepared by the Department regarding the reviews of the Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002 is confidential.
- (3) (a) The reviews of the Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002 will commence in 2005. (b) The reviews will be independent of government. Minister Bishop will, in accordance with the Prohibition of Human Cloning Act 2002, appoint persons to undertake the reviews.

Roads to Recovery Program Funding
(Question No. 185)

Senator Mark Bishop asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 December 2004:

Under Auslink how will priorities within the funds currently allocated to the Roads to Recovery Program be decided with respect to national, state and local government involvement.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

Roads to Recovery funding will be provided under the following streams under AusLink:

- (a) \$1.2 billion direct to councils over the four years commencing on 1 July 2005;
- (b) \$150 million over 5 years beginning in 2004-05 for the regional strategic component of AusLink (\$30 million of this has already been appropriated and is available in this financial year), including \$30 million from 2005-06 to 2008-09 to the Governments of NSW, Victoria, South Australia and the Northern Territory for work in the unincorporated areas of those jurisdictions and to the Indian Ocean Territories (IOT) of Christmas and Cocos (Keeling) Islands.

The \$1.2 billion will be allocated to the jurisdictions on the following basis:

Jurisdiction	Allocation \$
NSW	\$340m
Victoria	\$250m
Queensland	\$250m
WA	\$180m
SA	\$100m
Tasmania	\$40m
NT	\$20m
ACT	\$20m
TOTAL	\$1,200m

Within these allocations, each council will receive an allocation based on the recommendations of the State/NT Local Government Grants Commission for the Financial Assistance Grants roads component. The selection of projects to be funded will be entirely in the hands of the individual councils. Each council provides the Australian Government with a works programme and payments are made against these projects.

The funding to be provided to the ACT will be provided to the ACT Government which has local government responsibilities within its jurisdiction.

The \$30m for unincorporated areas and IOTs will be distributed as set out in the following table:

Jurisdiction	Allocation
NSW	\$2.515m
Victoria	\$0.064m
SA	\$10.785m
NT	\$16.000m
IOT	\$0.636m
TOTAL	\$30.000m

Project selection in the unincorporated areas will be the responsibility of the jurisdictions concerned. Project selection in the Indian Ocean Territories will be in the hands of the Christmas and Cocos (Keeling) Island Shire Councils.

Project selection for the regional strategic programme will be in the hands of the Australian Government but the process has not been finalised.

Ansett Australia: Employee Entitlements (Question No. 262)

Senator O'Brien asked the Minister representing the Prime Minister, upon notice, on 23 December 2004:

- (1) On what date did: (a) the Minister; (b) the Minister's office; and (c) the department, become aware of the meeting of former Ansett employees on 27 November 2004 to discuss unpaid entitlements.
- (2) In each case in (1) what was the source of information.
- (3) Did: (a) the Minister; (b) the Minister's office; and (c) the department, attend the meeting to address former Ansett employee concerns about outstanding employee entitlements.
- (4) In each case in (3) if not, why not.
- (5) On what date(s) has: (a) the Minister; (b) the Minister's office; and (c) the department, met with representatives of former Ansett employees to discuss the matter of outstanding employee entitlements.

Senator Hill—The Prime Minister has provided the following answer to the honourable senator's question:

- (1) (a), (b), and (c). On or after 15 November 2004. There is no record of the precise date.
- (2) (a), (b), and (c). Media reports.
- (3) (a), (b), and (c). No.
- (4) (a), (b), and (c). The Government has met in full its commitment to the former Ansett employees. The issue of any remaining outstanding entitlements is therefore a matter solely between the Ansett administrators and the former Ansett employees.
- (5) (a), (b), and (c). No meetings have occurred.

Southern Supporter

(Question No. 300)

Senator O'Brien asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 23 December 2004:

With reference to the answer to paragraph (3)(a) of question on notice no. 565 (Senate *Hansard*, 11 November 2002, p. 6016):

- (1) Was the alleged broadcasting of bogus Emergency Position Indicating Rescue Beacon signals by the *Volga* to assist the illegal fishing vessel the *Lena* to evade hot pursuit by the Australian Fisheries Management Authority contracted *Southern Supporter* subject to investigation by Australian authorities; if so, what was the outcome of the investigation; if no investigation has been undertaken, why not.
- (2) Was the alleged broadcasting of bogus Emergency Position Indicating Rescue Beacon signals by the *Florence* during the *Southern Supporter's* hot pursuit of the illegal fishing vessel the *Lena*, and the *Florence's* alleged re-fuelling of the *Lena*, subject to investigation by Australian authorities; if so, what was the outcome of this investigation and what legal action, if any, has been initiated against the crew of the *Florence*; if no investigation has been undertaken, why not.

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

- (1) I assume the Senator is referring to question on notice no. 565 (3) (b) rather than 565 (3) (a). Upon checking the information for this question, subsequent to previous question on notice no. 565, it became apparent that an incorrect vessel name was provided. The response to question on notice no. 565 (3) (b) should read "During an extended hot pursuit of the *Lena* by the *Southern Supporter*, two foreign fishing vessels, the *Florence* and the *Champion*, assisted the *Lena* by firstly broadcasting bogus Emergency Position Indicating Rescue Beacon (EPIRB) signals in an attempt to get the *Southern Supporter* to break off its hot pursuit. The *Florence* also re-fuelled the *Lena*. Whilst there had not been any recorded observations of the *Florence* or the *Champion* fishing in the Australian fishing zone (AFZ) around HIMI at that time, both vessels were strongly suspected of involvement in IUU fishing".

The *Volga* did not initiate a false distress beacon alert during the *Lena* pursuit over December 2001 – January 2002. However, a suspected sister ship, the *Champion* flagged to Bolivia did initiate a distress signal and AFMA forwarded a report on the incident to the Australian Maritime Surveillance Authority (AMSA) for further investigation.

AMSA advised that the International Maritime Search and Rescue Convention 1979, covering Australia's obligations in relation to providing search and rescue services in Australia's designated search and rescue region, does not provide for the search and rescue authorities to investigate or take action over allegedly false distress beacon alerts. Consequently, Australian search and rescue authorities did not conduct further investigations into this incident.

- (2) No, AMSA advised that it did not have a mandate to investigate such incidents.

Mr Peter Qasim
(Question No. 310)

Senator Allison asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 10 January 2005:

- (1) What is the current immigration status of Mr Peter Qasim, a refugee from Kashmir.
- (2) How long has Mr Qasim been held in detention.
- (3) Has there been an investigation into reports that Mr Qasim was raped while in jail in Perth; if so, what was the outcome, if not, why not.
- (4) What is Mr Qasim's mental health condition.
- (5) Has Mr Qasim attempted self harm; if so, what action has the Government taken to prevent further incidents.

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

- (1) Mr Qasim held in detention is currently an unlawful non citizen. He has not been recognised as a refugee.
- (2) to (5) Australia has strict privacy laws which limit the disclosure of information held on individuals by the Department of Immigration and Multicultural and Indigenous Affairs. I am declining to provide the information sought as it would be an unreasonable intrusion into personal privacy, notwithstanding that parliamentary privilege might allow it.

Transport Services
(Question No. 319)

Senator Hutchins asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 January 2005:

- (a) the directives, guidelines or other instructions issued or developed by the Minister regarding the procurement of transport services by the Commonwealth for either the department or issued to other Commonwealth departments or agencies;
- (b) the date on which such contracts were agreed;
- (c) the entity which the Commonwealth has contracted with; and
- (d) the total costs of these contracts for the 2003-04 financial year.
and by "Transport services" the Senator means
 - Courier/freight delivery services.
 - Logistics arrangements eg such as a relocation services of offices.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (a) The department does not have separate directives, guidelines or other instructions issued or developed specifically for the procurement of transport services. Procurement of these services are covered by the department's general procurement policies.
- (b) Pick N Pack Service - 14 November 2000
Australia and Messenger Post - 1 September 2003
- (c) Pick N Pack Service
Australia and Messenger Post - Australia Post

- (d) Pick N Pack Service - \$88,957.00
Australia and Messenger Post - \$603,682.13

Please note that relocation services are logged through our service provider United KFPW. The provider has a panel of pre-qualified suppliers that are used to undertake these moves.

Captioning Services
(Question No. 340)

Senator Stott Despoja asked the Minister for Communications, Information Technology and the Arts, upon notice, on 15 February 2005:

Given the Australian Broadcasting Corporation's (ABC) recent decision to terminate its supply agreement with the Australian Caption Centre: Can the Minister explain what the ABC has done or what the Government will do to ensure that the vital information and consultative services previously provided by the Australian Caption Centre, including initiatives to ensure media access for people with sensory disabilities, are available to the Australian public at the same or better level than the Australian public has enjoyed to date.

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

The decision to terminate its supply agreement with the Australian Caption Centre is a matter for the ABC. The ABC advises that the supply agreement between the ABC and the Australian Caption Centre did not include information and consultative services provided by the Australian Caption Centre such as live theatre captioning, cinema captioning, or the 1800 777 801 Freecall service.

The ABC has engaged a new service provider to provide its closed captioning services.

Questions concerning the Government's provision of services for people with sensory disabilities are more appropriately addressed to the Minister for Health and Ageing or the Minister for Family and Community Services.

Aviation Fuel
(Question No. 350)

Senator Mark Bishop asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 February 2005:

- (1) For each of the past 3 financial years:
 - (a) what is the total quantity of aviation turbine fuel (AVTUR) and aviation gasoline (AVGAS) used by the Australian commercial and general aviation industries;
 - (b) what is the amount of levies, excises and customs duties collected by the Commonwealth on AVTUR and AVGAS; and
 - (c) what is the amount of levies, excises and customs duties collected by the Commonwealth on AVTUR and AVGAS provided to the Civil Aviation Safety Authority.
- (2) For each of the next 3 financial years:
 - (a) what is the projected total quantity of AVTUR and AVGAS to be used by the Australian commercial and general aviation industries; and
 - (b) what is the projected amount of levies, excises and customs duties to be collected by the Commonwealth on AVTUR and AVGAS.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) (a) (b) (c) The quantity of Aviation Turbine Fuel (AVTUR) and Aviation Gasoline (AVGAS) on which excise was collected and from which revenue was appropriated to the Civil Aviation Safety Authority (CASA) is shown in the table below:

Quantity and Revenue from AVTUR and AVGAS: 2001/02 – 2003/04						
Financial year	Quantity of Fuel (Megalitres)		Government Revenue (\$m)		CASA Appropriation (\$m)	
	AVTUR	AVGAS	AVTUR	AVGAS	AVTUR	AVGAS
2001/02	2,084.51	95.53	59.30	2.70	53.10	2.40
2002/03	2,023.59	94.32	57.60	2.60	51.60	2.40
2003/04	2,046.71	88.74	64.50	2.80	57.89	2.52

Data sources:

Quantity of Fuel – Taxation Statistics 2001-02 and 2002-03, Australian Tax Office (ATO)

Government Revenue – calculated from excise rates from ATO

CASA Appropriation - Civil Aviation Safety Authority

- (2) The Treasurer has provided the following answer to the honourable Senator's question:
- (a) Government does not publish these estimates.
- (b) In Table 6 of the 2004/05 Budget Paper No.1 Government projected a revenue of \$230 million in 2004/05. However, in addition to AVTUR and AVGAS this amount includes fuel oil, heating oil and kerosene

**Civil Aviation Safety Authority
(Question No. 351)**

Senator Mark Bishop asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 February 2005:

- (1) For each of the past 3 financial years, what is the total amount spent by the Civil Aviation Safety Authority (CASA) on:
- (a) domestic staff travel and accommodation; and
- (b) international staff travel and accommodation.
- (2) For each of the next 3 financial years, what is the projected amount to be spent by CASA on:
- (a) domestic staff travel and accommodation; and
- (b) international staff travel and accommodation.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Please note that the international travel figures provided below relate to discretionary travel only (i.e. ICAO related travel, conferences, meetings and international liaison)

	2001-02	2002-03	2003-04
Domestic	\$5,877,764	3,987,488	4,050,976
International	\$1,361,519	966,327	954,735

- (2) The projected costs for (a) domestic travel and accommodation; and (b) international staff travel and accommodation are being considered as part of the 2005-06 Budget context.

**Civil Aviation Safety Authority
(Question No. 355)**

Senator Mark Bishop asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 February 2005:

- (1) What is the role of the agricultural unit established in the Civil Aviation Safety Authority's (CASA) Tamworth office.
- (2) (a) How has any improvement or otherwise of the level of service delivery resulting from the establishment of the unit been measured; and
(b) would the Minister provide the results of any such measurement; if not, why not.
- (3) What is the proposed full staffing compliment for this unit.
- (4) How many staff are currently posted to this unit.
- (5) For each of the past 2 financial years, what has been the actual cost to CASA of operating the unit at the Tamworth office.
- (6) For each of the next 2 financial years, what is the projected cost to CASA of operating the unit at the Tamworth office.
- (7) Is a scale-back or closure of this unit currently under consideration by the Minister or his department; if so:
 - (a) when will a decision be made on the scale-back or closure of this unit;
 - (b) who will make the final decision; and
 - (c) what, if any, changes to staffing levels at the Tamworth office are likely to result from any scale-back or closure of this unit.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The role of the Agricultural Unit is to provide centralised prompt and consistent assessments and services to all 151 Agricultural Air Operator's Certificate (AOC) holders across Australia in the Aerial Agricultural Industry. The work being conducted by the Agricultural Unit is the same work which was previously done by the various CASA Area Offices that are responsible for the regulatory oversight of Agricultural AOC holders.
- (2) (a) Efficiency of the Agricultural Unit is measured by industry satisfaction with the service provided and by the CASA Regulatory Services Branch Workflow Management System which tracks the time taken to process all jobs.
(b) Improvements in service delivery resulting from the establishment of the Agricultural Unit have been measured by the CASA Service Centre. Prior to the establishment of the Agricultural Unit, the average time taken to process an AOC was 119 days for initial issue and 43 days for variations. Since the establishment of the Agricultural Unit, these processing times have been reduced to 39 days and 20 days respectively.
- (3) The Agricultural Unit Coordinator is supported by two Airworthiness Officers and two Flying Operations Officers.
- (4) The Agricultural Unit Coordinator is supported by two Airworthiness Officers and two Flying Operations Officers
- (5) The Agricultural Unit is not separately funded as the unit operates within the financial oversight of the Aviation Safety Compliance Division. As such, the costs associated are the Aviation Safety Compliance Division's normal operating costs of staffing as agricultural functions are within CASA's ordinary workload.

- (6) All projected costs are being considered within the overall 2005-06 CASA Budget context.
- (7) No scale back or closure of the Agricultural Unit is planned at this time.

Therapeutic Goods Administration

(Question No. 374)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 March 2005:

- (1) With reference to the 2004 Australian National Audit Office (ANAO) report into the regulation of non-prescription medicinal products which recommended that the Therapeutic Goods Administration (TGA) arrange an independent assessment of recent key enforcement actions, such as the Pan Pharmaceutical recall; (a) what action, if any, has the Government initiated to arrange this independent assessment of recent key enforcement actions; (b) what is the timeframe for this independent assessment; (c) what will be the terms of reference for the independent assessment; and (d) what will be the criteria for assessing if the group/organisation who undertake the assessment have the appropriate expertise in the area of complementary medicines.
- (2) Do the deficiencies identified in the ANAO report apply equally to the manufacture and supply of prescription drugs; if not, why not; if so: (a) what are the safety implications; and (b) how does the TGA know this.
- (3) In the past 2 years, how many pharmaceutical manufacturers has the TGA audited.
- (4) How many of these manufacturers have subsequently closed in the past 2 years.
- (5) From where are these products now being supplied.
- (6) If they are being imported: (a) what measures have been taken to ensure that manufacturers are better than those that have closed; and (b) are the imported products safe.
- (7) Has the Government investigated whether recent key enforcement actions, such as the Pan Pharmaceutical recall, are sending business offshore; if not, why not.
- (8) Has the Government examined the effect of recent key enforcement actions, such as the Pan Pharmaceutical recall, on international credibility and the export market for complementary medicines, especially in Asia; if not, why not.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) (a) to (d) The Department of Health and Ageing has established an Audit Sub-Committee to oversee, and to report to the Secretary on, the implementation of all the ANAO recommendations. The Audit Sub-Committee has engaged a consultant to assist its work. The consultant will be required to:
 - assist the Therapeutic Goods Administration (TGA) in implementing the ANAO recommendations including development of an implementation strategy;
 - undertake a review of recent key enforcement actions to draw lessons for the future; and
 - review broader aspects of the TGA's administration, management and governance structure and make recommendations where appropriate.

The consultant commenced in April 2005, and the bulk of the work is expected to be completed by mid year.

Through the selection process, the consultant demonstrated skills and experience commensurate with this important and significant task. The consultant brings to the engagement senior level and demonstrated experience in organisation change particularly in the context of a high profile organi-

sation such as the TGA. The consultant has provided the Department with a competitive price for the task.

- (2) The deficiencies identified by the ANAO related to non-prescription medicines as the scope of the audit was limited to complementary medicines and over-the-counter medicines. However, if there are improvements in regulation as a result of the recommendations that have application to the prescription medicines program, the opportunity will be taken to implement them concomitantly.
- (3) In the period 2003 and 2004, the TGA conducted 273 audits of manufacturers of medicines in Australia and overseas.
- (4) and (5) Of the Australian medicines manufacturing sites audited by the TGA in 2003 and 2004, two licences were revoked following requests from the manufacturers, and seven licences were suspended (six of which were at the request of the manufacturers).

The two licence revocations were for testing laboratories, they did not supply medicinal products to the market.

In cases where products were being manufactured and companies voluntarily suspended production, the impact on short-term supply cannot be determined. The products were mainly low risk or non-prescription medicines for which there were alternative sources of supply.

- (6) (a) and (b) Overseas manufacturers supplying products to Australia must meet an equivalent standard of good manufacturing practice (GMP) as Australian manufacturers. Overseas manufacturers are audited by the TGA to the same Code of GMP as Australian manufacturers unless comparable GMP evidence of manufacture from an acceptable overseas regulator is submitted to the TGA for assessment.
- (7) and (8) Information on Australian manufacturers that may have transferred or intend to transfer their production offshore is not recorded on TGA information systems. The TGA does not require manufacturers to divulge their reasons for seeking voluntary revocation of their licences.

The impact of the recent key enforcement actions will be examined by the consultant as outlined at Part 1 above.

National Literacy and Numeracy Standards

(Question No. 380)

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on Tuesday, 8 March 2005:

- (1) What evidence is there to suggest that the current Year 3 national reading benchmark is too low.
- (2) Are there any plans to raise the standard of the current Year 3 national reading benchmark.
- (3) Will parents be informed of any changes to the national literacy test and the reasons for any changes.
- (4) What measures are being taken to ensure those students most in need of assistance with literacy will receive it through the Tutorial Voucher Initiative (TVI).
- (5) Was this issue examined before the TVI commenced.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (1) The Australian Government supports the development of authoritative measures of the standard of literacy and numeracy achievement of all students. Parents require assurance that their child is achieving minimum acceptable literacy and numeracy standards.

The development of the national literacy and numeracy benchmarks was realised through a cooperative process involving all State and Territory school authorities, the Australian Government and

representatives of non-government schools. The development work was undertaken by Curriculum Corporation and informed by evidence such as levels of achievement as demonstrated in national surveys, State assessment programs and international data. The development process involved both technical expertise and extensive consultation. Those involved included all key school education authorities, academic experts in literacy and numeracy, educational testing experts, parent groups, teachers and teacher professional organisations.

The national benchmarks that underpin the reporting of student achievement describe nationally agreed minimum acceptable standards for aspects of literacy and numeracy at particular year levels. That is, they represent the minimum acceptable standard of literacy and numeracy that a student must have at a particular year level in order for the student to continue to make progress at school.

The benchmarks do not attempt to describe the whole range of literacy learning, nor the full range of what students are taught; nor do they try to describe the full range of student achievement. Instead, they represent important and essential elements of literacy at a minimum acceptable level.

- (2) Education Ministers agreed in July 2003 to move towards enhanced reporting of literacy and numeracy achievement. In addition to reporting the percentage of students achieving national literacy and numeracy benchmarks this would enable a range of student achievement to be reported.

On 30 November 2004 the Minister for Education, Science and Training, the Hon Dr Brendan Nelson, MP, announced details about the Australian Government National Inquiry into the Teaching of Literacy. The Inquiry will be a broad, independent examination of reading research, teacher preparation and practices for the teaching of literacy, particularly reading. One of the objectives of the Inquiry is to examine the effectiveness of assessment methods being used to monitor the progress of students' early reading learning. A report of the Inquiry's findings will be prepared in the second half of 2005.

- (3) State and Territory standardised tests are currently the basis of assessment against national benchmarks. Under MCEETYA arrangements, brochures are being developed for parents to inform them of the national assessment programme including literacy assessments.
- (4) The Tutorial Voucher Initiative is a pilot programme and hence eligibility is limited to a defined group of students – those who were below the Year 3 national reading benchmark in 2003. Parents of all students who fall into this category are eligible to apply for a Tutorial Voucher. The Initiative will be independently evaluated. Any decision to extend the Initiative to other groups of students will be a matter for future consideration by the Government.
- (5) National data available at the time the TVI commenced indicated that those students below the minimum national reading benchmark would be in most need of assistance in literacy.

Tutorial Voucher Initiative

(Question No. 384)

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on 8 March 2005:

- (1) What is the estimated cost of the Tutorial Voucher Initiative (TVI) if it is continued in 2006, 2007 and 2008.
- (2) How much money has been committed to the TVI program to date.
- (3) After setting up the infrastructure, what happens if the program does not go ahead; and how much money will have been spent on setting up the TVI.
- (4) Will tutors be matched to students (for example, non-English speaking students being tutored by those who are fluent in the relevant language).

- (5) Who has applied to be a broker.
- (6) What is the highest hourly rate a tutor has charged.
- (7) If state education departments are applying to be brokers, why do they not administer this funding.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (1) The Tutorial Voucher Initiative is a pilot programme which is only to run in 2005, for students who were below the Year 3 national reading benchmark in 2003. Continuation of the pilot into other years would require decisions as to which groups of students would be eligible for the voucher in each year. \$20.3 million has been committed to deliver the Initiative to one year's cohort of students who were below the Year 3 national reading benchmark and this amount could be extrapolated to future years. A more accurate estimate for each future year would depend on the number of eligible students.
- (2) \$20.3 million has been committed to the pilot Tutorial Voucher Initiative.
- (3) The TVI was established as a pilot, and as such minimal infrastructure has been set up. The Department has spent in the order of \$200,000 on the Tutorial Voucher Initiative Information Management System, which could be extended should the pilot continue.
- (4) Brokers will make every effort to provide a choice of suitable tutors for each eligible child.
- (5) The brokers which have been announced are as follows:
 - Western Australia – Group Training Australia (WA)
 - Victoria – Progressive Learning
 - Queensland – Progressive Learning
 - South Australia – SA Department of Education and Children's Services, working with the Catholic Education Commission of SA and the Association of Independent Schools SA
 - ACT – Dr Pauline Griffiths
 - NSW – NSW Department of Education and Training
 - Tasmania (non-government schools) – Association of Independent Schools Tasmania.The Department is negotiating with brokers in the Northern Territory and for state schools in Tasmania. The Tasmanian Government has recently agreed to release the relevant results to parents and hence children in state schools in Tasmania will now participate.
- (6) Brokers have tended thus far to establish a set hourly rate for their State/Territory. At this stage most brokers are providing between 10 and 15 hours of tuition.
- (7) Brokers for the Tutorial Voucher Initiative were selected through an open tender process. State and Territory departments were eligible to apply and some have chosen this approach. The pilot Tutorial Voucher Initiative is a national Initiative of the Australian Government, and hence is administered through the Department of Education, Science and Training.

Hysterectomies **(Question No. 386)**

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 9 March 2005:

With reference to the July 2004 report published by the Australian Council for Safety and Quality in Health Care and the National Institute of Clinical Studies titled Charting the safety and quality of health care in Australia:

- (1) Is the Government aware that this report identified that one in five Australian women will undergo a hysterectomy by the age of 50.
- (2) What information is available on how this rate compares with other developed countries.
- (3) How is the Government examining the appropriate rate of hysterectomies.
- (4) What information does the Government have on the factors that contribute to the need for hysterectomies.
- (5) Is the Government monitoring whether hysterectomies are being used appropriately.
- (6) Is the Government aware that this report also identified that there are substantial differences in the rates of hysterectomies according to socioeconomic status and whether a woman lived in a metropolitan, rural or regional location, with higher hysterectomy rates experienced by women in lower socioeconomic areas and regional areas.
- (7) How is the Government investigating this variation in the use of hysterectomies.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) Yes.
- (2) There is no routinely published international comparative data.
- (3) Individual decisions concerning the appropriateness of a woman undergoing a hysterectomy are made between a patient and her medical practitioner.
- (4) The Government does not specifically collect data on the clinical or socioeconomic factors that contribute to the need for medical procedures, including hysterectomies. However, the medical literature contains a number of papers that seek to explain reasons underpinning the need for hysterectomies.

For example:

Beckmann K., Iosifidis P., Shorne L., Gilchrist S., and Roder D., Effects of variations in hysterectomy status on population coverage by cervical screening. *Aust NZ J Public Health*. 2003 Oct;27(5):507-12.

Byles J.E., Mishra G., and Schofield M., Factors associated with hysterectomy among women in Australia. *Health Place*. 2000 Dec 6(4):301-8.

Graham M., Keleher H., James E., and Byles J., 2001. Factors influencing women's decision-making about hysterectomy. *Women's health politics, action and renewal: 4th Australian Women's Health Conference*.

- (5) No.
- (6) Yes. The analysis by the Australian Institute of Health and Welfare, from the National Hospital Morbidity Data Collection, highlights a number of differences in both geographical and socioeconomic factors and the rates of hysterectomies performed in Australia, indicating that there may be factors other than clinical factors that influence whether a woman is likely to have a hysterectomy.
- (7) The Australian Government is not investigating variations in the use of hysterectomies.

Australian Broadcasting Corporation

(Question No. 388)

Senator Brown asked the Minister for Communications, Information Technology and the Arts, upon notice, on 9 March 2005:

With reference to the refusal by the Australian Broadcasting Corporation (ABC) for filmmaker Judy Rymer to use archival footage in a documentary program 'Punished not Protected':

- (1) Are the guidelines used by ABC Enterprises in determining whether to licence other parties to use ABC content publicly available; if not, will the Minister ask the ABC to publish the guidelines on its website.
- (2) Do documentary film-makers, whether or not they are promoting a particular cause, have the same entitlement as anyone else to use ABC content that is part of the public record; if not, will the Government require the ABC to remove any such discrimination from its guidelines and procedures.
- (3) Is the Minister legally entitled to direct the ABC with respect to the principles that it applies to the licensing of the use of ABC content.

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

The ABC has provided the following information:

- (1) The terms and conditions relating to the licensing and supplying of ABC program material to external third parties are publicly available and are published on the ABC Content Sales website at the following address - <http://www.abccontentsales.com.au/librarisales/ratecard.htm>. The underlying principles relating to the licensing of ABC program material are published in the ABC Editorial Policies under section 5.6 "Further Use of ABC Program Material."
- (2) The terms and conditions relating to the licensing and supplying of ABC program material apply to all external third parties, including program or documentary makers or other clients. In line with ABC Editorial Policies, the overarching consideration is not the occupation or political affiliation of the client but the intended purpose of the program material and the need to protect the editorial integrity of the ABC and its reputation as an impartial and independent broadcaster.
- (3) No.

Visas

(Question No. 389)

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 8 March 2005:

With respect to the media release VPS 122/2004 by the Minister on 24 August 2004 headed 'New TPV Measurers to Commence on 27 August 2004':

- (1) Since that announcement: (a) how many Temporary Protection Visa (TPV) holders and Temporary Humanitarian Visa (THV) holders have applied for mainstream migration visas; (b) how many such applications have been successful; (c) how many such applications have been rejected; and (d) how many such applications are still under consideration.
- (2) What is the average time taken to determine such an application.
- (3) How does this time compare with that taken to process migration visas from other than TPV or THV holders.

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

- (1) (a) to (d) As expected, only small numbers of temporary protection visa holders and offshore temporary humanitarian visa holders are applying for mainstream visas so far. Most of these people are awaiting the outcome of their further protection visa applications as this offers the prospect of obtaining permanent residence and access to attractive settlement services and welfare support if needed.

As at 25 February 2005, 20 applications for mainstream visas have been lodged (covering 35 people). 8 applications (18 people) have been finalised with 15 permanent visas granted, 1 temporary visa granted and 1 application (covering 2 people) withdrawn as the applicants were granted permanent protection visas.

The visas granted are:

12 Subclass 856 Employer Nomination Scheme (Permanent) visas

1 Subclass 801 Spouse (Permanent) visa

2 Subclass 857 Regional Sponsored Migration Scheme (Permanent) visas

1 Subclass 422 Medical Practitioner (Temporary) visa

- (2) The average time taken to finalise applications from TPV/THV holders applying for mainstream skilled employer sponsored visas has been from two to three months.
- (3) The time taken to process any visa application will vary according to the criteria needed to be satisfied and the number and type of standard checks required eg health and character checks which vary according to the background and circumstances of the visa applicant and their dependants. To date the processing time experienced by TPV/THV holders is on a par with the median processing time of onshore applications lodged under the same programs from non TPV/THV holders.

Protection Visa Applicants

(Question No. 391)

Senator Bartlett asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 8 March 2005:

- (1) What number or percentage of non-detained protection visa applicants have been refused the right to work and access to Medicare in the past 12 months, as a result of the 45 day application limit.
- (2) Why was the arbitrary number of '45 days' introduced in the 1997-98 financial year.
- (3) (a) Why is this the cut-off point for eligibility for healthcare and potential income; and (b) what is the intended outcome in limiting the application time to 45 days.
- (4) (a) How many individual applications are before the Minister under section 417; and (b) are all members of this group denied the right to work or access to Medicare assistance.
- (5) What percentage of this group was previously eligible for the federally-funded Asylum Seeker Assistance Scheme program (for health, torture or other reasons).
- (6) With reference to the Government's recent policy that all protection visa applicants undertake health checks within a set time of seeking asylum, as opposed to at the end of the determination process, as previously practiced: (a) what does the Government intend to do with this information; and (b) will applicants be notified of the results of the health checks.
- (7) As many applicants are denied access to Medicare or any government health care scheme, what does the government intend to do if the checks reveal a major health concern, either for the applicant or the community.
- (8) What is the Government's duty of care for the health needs of those individuals awaiting an outcome on their refugee claim.

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

- (1) The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) systems do not provide reliable data on whether Protection Visa (PV) applicants hold visas without work rights or access to Medicare as a result of applying for PV more than 45 days after arrival in Australia.
However, DIMIA systems as at 28 February 2005 indicate that, some 35 percent of PV applications lodged in the period 1 July 2003 to 28 February 2005 by clients with a Movements Database match, were lodged more than 45 days after date of last arrival.
- (2) Generally, genuine asylum seekers apply for a PV soon after arrival. A 45-day period provides genuine asylum seekers with sufficient time to obtain information about the PV process and to access, should they wish, legal or migration assistance to complete their applications.

- (3) (a) The current migration legislation provides work rights and access to Medicare for those persons who have not been in Australia for more than 45 days in the 12 months before the date of their PV application. This requirement was introduced in July 1997 to encourage timely lodgement of asylum claims following a person's arrival.
- (b) This arrangement was introduced as part of a package of measures aimed at minimising incentives for misuse of the onshore protection process by applicants in the community. Some people were lodging protection visa applications only after protracted periods in Australia or after compliance contact.
- (4) (a) As at 31 January 2005, there were 1338 on hand requests for intervention under section 417. Of these, 911 cases were being assessed by the Department and 427 cases were being considered by the Minister for Immigration and Multicultural and Indigenous Affairs or Minister for Citizenship and Multicultural Affairs.
- It should be noted that there is no application for Ministerial intervention under section 417. The section 417 intervention power is not compellable and the Minister does not have an obligation to consider substituting a more favourable decision in a case.
- (b) No. Where an individual holds a Bridging Visa E granted on the basis that the Minister is considering the exercise of his or her public interest power in the case, they may be eligible for permission to work if they can demonstrate a "compelling need to work".
- (5) Statistical reports on this issue are not available from Departmental systems.
- (6) (a) It is a long standing criterion for grant of a protection visa that the applicant undertakes the health check. Unlike other visa applicants, protection visa applicants do not need to pass the health check but merely to undertake it. The examination is for the detection of conditions that require treatment, particularly if the condition is one that may pose a public health risk, such as active pulmonary tuberculosis.
- (b) Notification of the summary outcome passes first to DIMIA, and not routinely to applicants except as part of the general information about progress on the case. Where there are conditions that require attention, a patient will be referred appropriately and with full counselling and knowledge about the situation. Records are held for subsequent use, available for use by health practitioners. Copies of completed examinations reports are available to applicants under FOI but do not generally record whether the results indicate final meeting or failing of the health criteria. They are simply records of the observations, measurements and tests undertaken.
- (7) Those protection visa applicants who do not have access to Medicare can access the Asylum Seeker Assistance Scheme and related health care subject to the usual eligibility criteria. All temporary entrants to Australia are urged to carry adequate health insurance for their stay, and many will have shown evidence of that before being issued with their visas. Notwithstanding insurance, treatment and containment of public health risk conditions such as tuberculosis, which may affect the community, is provided free of charge to all patients whether or not Medicare eligible. Payment for immediate and necessary care for any Medicare eligible persons is a matter for negotiation with the admitting hospital.
- (8) The Government ensures that the health needs of PV applicants are met. Asylum seekers in the community, who have been in Australia for less than 45 days in the twelve months before the date of application for a protection visa, are eligible for a bridging visa with work rights, and access to Medicare, until their application is finally determined.
- Current figures indicate some 65% of asylum seekers in the community apply within this period. The bridging visa provides them with lawful status and permission to remain in Australia during the processing of their application for a PV.

Financial assistance is also available to PV applicants who are unable to meet their most basic needs for food, accommodation and health through the Asylum Seeker Assistance Scheme provided they meet the eligibility criteria. The scheme is administered by the Red Cross through a contract with DIMIA.

There is no enforceable duty of care in relation to the health needs of people in the community applying for protection. However, the Government owes a general duty of care to applicants who are in detention, and that duty extends to providing appropriately for detainees' health needs.

There are general international obligations to provide appropriate health care for people in Australia. Australia's arrangements, in particular through provision of either Medicare access or the availability of the Asylum Seekers Assistance (ASA) health care arrangements to eligible applicants, meet those obligations.

Goods and Services

(Question Nos 393 to 423)

Senator O'Brien asked the Minister representing the Prime Minister and other ministers, upon notice, on 9 March 2005:

- (1) For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05 to date, what is the type and value of goods and services procured from regional Australia by the department and agencies for which the Minister is responsible.
- (2) If the Minister cannot identify the type and value of goods and services procured from regional Australia, why not.

Senator Hill—The Prime Minister has provided the following answer on behalf of all ministers to the honourable senator's question:

For each of the financial years referred to, Australian Government policy required agencies that are subject to the Financial Management and Accountability Act 1997 to report all contracts and agency agreements, including standing offers, with an estimated liability (including GST where applicable) of \$2,000 or more (\$10,000 or more since 1 January 2005) in the Gazette Publishing System (GaPS - now called AusTender). The information recorded in AusTender includes a short description of each contract, the value of the contract, the identity of the provider of the goods or services, and the postcode of the provider of the goods and services. In large part, therefore, the information sought by the honourable senator is already publicly available, and I am not prepared to authorise the significant diversion of resources that would be required to provide a more comprehensive response.

Asylum Seekers

(Question No. 424)

Senator Kirk asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 9 March 2005:

- (1) How many Iranian nationals are currently detained in Baxter Detention Centre and of those: (a) how many have agreed to be voluntarily repatriated; and (b) how many are awaiting repatriation.
- (2) For the period 3 March 1996 to 15 March 2005, how many failed asylum seekers have been repatriated to Iran and can the Minister specify: (a) the number of people who volunteered to be repatriated; and (b) the number of people who were involuntarily repatriated for each of the periods: (i) 3 March 1996 to 31 December 1996, (ii) each of the calendar years 1997 to 2004 inclusive, and (iii) 1 January 2005 to 15 March 2005.
- (3) What assurances has the Australian Government obtained from Iran that any person returned involuntarily will not be incarcerated, tortured, killed or mistreated in any way.

- (4) Does Australia currently have a Memorandum of Understanding with the Government of Iran to accept both voluntary and involuntary repatriation of failed asylum seekers.
- (5) Given the article in the Australian Financial Review by Julie Macken, dated 28 May 2003, which contained reports of failed asylum seekers forcibly returned to Iran in 2001, and who, according to their families, were never seen again, what action has the Government taken with respect to the claims contained within this article.
- (6) For the period 3 March 1996 to 15 March 2005, have other claims of disappearance or incarceration of repatriated Iranians been brought to the attention of the Government; if so, how many claims have been received and in respect of each claim: (a) how many individuals were concerned, and (b) what action or investigations were undertaken by the Government.
- (7) Does the Government monitor the safety and whereabouts of failed asylum seekers after they have been repatriated from Australia to Iran.

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

- (1) (a) to (b) There are 56 Iranian detainees in Baxter as at 15 March 2005. There are presently no Iranian detainees who have agreed to voluntarily return.
- (2) (a) Since June 2000 there have been 227 Iranians voluntarily repatriated.
(b) The MOU with the Iranian Government was signed in March 2003. There were two involuntary repatriations in 2003, three in 2004 and there has been two to 15 March 2005.
The statistics requested for earlier periods are not readily available and their compilation would require an unreasonable diversion of departmental resources.
- (3) The Australian Government has not sought such assurances. The most effective way to ensure that persons do not suffer persecution if returned to their homeland is to have a robust process to identify refugees and protect them so that they are not returned. Australia has such a process which includes access to merits review by an independent tribunal of any unsuccessful protection claim. Applicants who are unsuccessful at the tribunal level have access to judicial review by the courts. Their cases are closely and regularly monitored to identify any instances in which the Ministerial intervention powers may be appropriately used to either to allow a fresh protection visa application to be lodged or to grant a visa on non refugee grounds. The persons returned have been conclusively found not to face any well founded fear of persecution.
- (4) Yes.
- (5) The Department has been unable to identify any information to confirm the origins of the reports or to substantiate them.
- (6) (a) Departmental systems are unable to report on this matter. (b) Departmental systems are unable to report on this matter.
- (7) No.

**Migration Agent or Exempted Agent Form
(Question No. 425)**

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 9 March 2005:

With reference to departmental Form 956 'Appointment of a migration agent or exempted agent', which replaced the previous Form 956 'Authorisation of a person to act and receive communication': was the new form developed in consultation with representatives of migration agents.

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

The Form 956 Appointment of a migration agent or exempted agent was developed by my Department to address confusion about the role of an “authorised recipient”, as opposed to that of a registered migration agent.

The change simply split the Form 956 Authorisation of a person to act and receive communication into two forms - Form 956 Appointment of a migration agent or exempted agent and Form 1231 Appointment of authorised recipient.

This did not affect registered migration agents. My Department, however, wrote to all agents in May 2003, advising them of the change, prior to the introduction of the revised form on 1 July 2003.

Migration Agent or Exempted Agent Form

(Question No. 426)

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 9 March 2005:

With reference to departmental Form 956 ‘Appointment of a migration agent or exempted agent’, which replaced the previous Form 956 ‘Authorisation of a person to act and receive communication’:

- (1) Does Form 956 properly address the situation where there are multiple applicants who do not have the same answer to question 4 or question 9 on the form.
- (2) Given the limited space on Form 956 for entering details required in response to question 4, will the department accept attachments which provide the required information.
- (3) If, in answer to question 4, the applicant permits the agent to receive all communications, why is it necessary to give details of the most recent visa application, rather than accessing that information from the department’s own files.
- (4) Why does question 9 on the form relate only to exempted agents.

Senator Vanstone—The answer to the honourable senator’s question is as follows:

- (1) Multiple visa applicants attached to the one visa application are generally represented by the same migration agent. Applicants not using the same agent, or who wish to provide the same agent with a more limited authorisation to act for them, must fill out a separate 956 or simply advise the Department in writing.

A revised version of the Form 956, which will be available from 1 July 2005, contains specific advice on this point to clarify this situation.

- (2) Yes.
- (3) Details of the applicant’s most recent visa application are requested for the sake of clarity and to help ensure that all applications are accounted for. This seeks to particularly address situations where applicants have multiple applications involving more than one migration agent.
- (4) Question 9 relates to exempted agents only, as it is the Department’s view that registered migration agents, as professionals, should receive all relevant documentation about their clients to ensure that they provide proper representation. This view was developed in consultation with the Migration Institute of Australia.

Where an applicant has, however, appointed an exempted agent, such as a close family member, to assist them with their application, it is clear from previous experience that they may not wish them to receive sensitive health and character information and accordingly, my Department gives them an option to receive such information directly.

**Migration Agent or Exempted Agent Form
(Question No. 427)**

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 9 March 2005:

With reference to departmental Form 956 'Appointment of a migration agent or exempted agent', which replaced the previous Form 956 'Authorisation of a person to act and receive communication': Do persons wishing to end the appointment of a migration agent or exempted agent need to use Form 956 and (b) previously, was it possible to simply write an advisory letter to the department.

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

Persons wishing to end the appointment of a migration agent, or an exempted agent, can complete a Form 956 or simply advise the Department in writing (as they could previously).

**Migration Agent or Exempted Agent Form
(Question No. 428)**

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 9 March 2005:

With reference to departmental Form 956 'Appointment of a migration agent or exempted agent', which replaced the previous Form 956 'Authorisation of a person to act and receive communication':

- (1) How many individuals or organisations have written to the department complaining about the design of Form 956.
- (2) Is there any work in progress to streamline or improve new Form 956; if, so, will migration agents be able to continue to use the existing form until stocks are depleted.

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

- (1) A few concerns with the design of the Form 956 have been raised with my Department over the years. My Department has tried to address these concerns when amending the form.
- (2) Work is under way to improve the Form 956 Appointment of a migration agent or exempted agent and a new version will be available from July 2005. This is proceeding in consultation with the Migration Institute of Australia. This will not affect the use of existing stocks.

**SIEV X
(Question No. 431)**

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 10 March 2005:

With reference to the sinking of the boat known as SIEV X:

- (1) Will the Minister now release the list of names of people who are thought to have drowned.
- (2) How many queries has the Government had from people seeking the names of persons thought to have been on board: (a) from within Australia and (b) from outside Australia.
- (3) If the list is not to be released: (a) what are the precise reasons; and (b) if one reason is that release of the list would endanger an informant, in what way.

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

- (1) The Government has no way of knowing or verifying all those who drowned, being an illegal venture out of another country with the tragedy occurring in international waters. Some names of those who have thought to have drowned are held.
- (2) Records of requests are not held.

- (3) The Government does not hold comprehensive information nor is it in a position to verify it.

Beryllium

(Question No. 446)

Senator Bartlett asked the Minister for Defence, upon notice, on 10 March 2005:

- (1) In relation to beryllium exposure by Australian Defence Force (ADF) personnel and veterans, is testing for exposure conducted by urine test or blood test.
- (2) Does the department believe that a urine test is sufficient to determine exposure to beryllium, particularly in people who have had chronic low dose exposures some years ago, and whether any potential risk is posed.
- (3) Will the department insist on blood tests to determine whether, with past exposure to beryllium-containing dusts, these people have become 'sensitised' to beryllium.
- (4) Does the department intend to conduct any medical research into beryllium and the effects on exposure by veterans.
- (5) Which veterans, or serving personnel, is the department contacting in relation to their possible exposure to beryllium, and how is this contact being made.

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

- (1) All claims by former or serving Defence personnel are being appropriately dealt with by the Department of Veterans' Affairs.
- (2) (3) and (4) Refer to answer (1).
- (5) The action taken so far to contact those who may have been exposed has included:
 - (a) three media releases on the issue of possible beryllium-related exposure;
 - (b) the establishment of the Beryllium Information Service, telephone number 1800 000 644;
 - (c) posting comprehensive information about beryllium-related exposure on Defence and Department of Veterans' Affairs websites; and
 - (d) articles in the single service newspapers.

Defence plans to contact those people who have registered with the Beryllium Information Service.

Iraq

(Question No. 458)

Senator Nettle asked the Minister for Defence, upon notice, on 30 March 2005:

With reference to depleted uranium contamination in Iraq:

- (1) Has the department reviewed the medical literature and other reports that establish the existence of widespread depleted uranium contamination in Iraq.
- (2) Specifically, has the department reviewed the reports of medical studies conducted by the Uranium Medical Research Centre and the Institute for Mineralogy, JW Goethe University, which identified uranium exposure consistent with depleted uranium among members of the United States Military Police unit 442 deployed in Samawah, Iraq.
- (3) What conclusions has the department drawn from these reviews.
- (4) Has the department consulted with the Dutch Defence Ministry regarding the dangers of depleted uranium in the area.
- (5) Were Dutch troops forced to move the location of their camp, due to high levels of radiation.
- (6) Has the depleted uranium and equipment exposed to radiation been removed from Camp Smitty.

- (7) Will the Australian Defence Force (ADF) follow the Japanese practice and issue its members deployed in Al Muthanna with personal dosimeters, to measure radiation exposure.
- (8) What training and information has been provided to ADF members to avoid exposure to depleted uranium while in Iraq.
- (9) What liability will the department have if any ADF personnel are found to be exposed to radiation from depleted uranium in Al Muthanna.

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

- (1) Yes.
- (2) Yes.
- (3) This report is an abstract of a paper that was presented to the 33rd Annual Meeting of the European Society of Radiation Biology in Budapest, Hungary in August 2004. The abstract does not contain enough information on the study method and analysis for Defence to provide a definitive opinion.
- (4) Defence has not directly consulted with the Dutch Defence Ministry, but consulted with the Coalition's regional command for the area in Iraq and with the United Kingdom Ministry for Defence, which is the lead nation for this area.
- (5) No.
- (6) There has been no reported evidence of depleted uranium or equipment exposed to radiation within Camp Smitty.
- (7) The Australian Defence Force (ADF) Hazard Assessment Team will wear personal dosimeters, and will examine the environmental and operational hazards to determine if, and when, other ADF personnel will need dosimeters.
- (8) All personnel deploying on Operation Catalyst are provided with a brief that details the known environmental and occupational threats present within the Middle Eastern Area of Operations. This brief covers the presence of depleted uranium in the Middle Eastern Area of Operations and what ADF personnel must do to avoid exposure.
- (9) This question should be directed to the Minister for Veterans' Affairs.

Infrastructure Borrowings

(Question No. 460)

Senator Harris asked the Minister for Revenue and Assistant Treasurer, upon notice, on 16 March 2005:

- (1) Did the Commissioner of Taxation on 6 October 1994 issue tax determination 94/80 on infrastructure bonds which had the status of a public ruling.
- (2) Given that the minority report of the Economics References Committee refers to retail investors in infrastructure bonds borrowing to lend, in total, multiples of the funds sought by the constructor, what were the actual multiples in: (a) the Commonwealth Bank of Australia's (CBA) 'Develop Australia Bonds', with an offering memorandum of 23 April 1996; and (b) Legal and General's 'Infrastructure Funds 1996-2 and 1996-3'.
- (3) Can the Minister confirm that for a cash payment of \$17 000, Legal and General's memorandum indicated that a tax refund of \$20 370 should be available, and that the CBA indicated that a cash payment of \$70 048 should result in a tax refund of \$80 048.
- (4) Can the Minister confirm that Price Waterhouse indicated on 27 May 1996 that the Legal and General financing facility would be 'non-recourse' to the investor.
- (5) Can the Minister confirm that the Commissioner of Taxation, Mr Carmody, made the following statement to the Taxation Institute on 19 March 1997: In the absence of any unusual arrangements

surrounding the cited situations [including infrastructure bonds] there is no reason to suggest that Part IVA would apply, having regard to the factors in section 177D. Clearly, it would be incongruous for Part IVA to apply across the board to deny access to specific features of the tax system; nor does the Spotless decision suggest this is the case. In broad terms the Spotless decision turned not so much on the availability of the section 23(q) exemption as the analysis of the surrounding facts which lead to a conclusion that the arrangements were contrived to achieve the benefit of that exemption. So regard must be had to the wider context. For example, in the case of indirect infrastructure bonds at the retail level we will have regard to the whole financing structure including the direct infrastructure bond financing, the rate of interest relative to current market rates, any risk to the investor including whether they are locked in by options, the return on an after tax basis and how the funding took place including all other relevant matters.

- (6) Can the Minister confirm that tax determination 94/80 provides: The extent to which interest paid by an investor on a loan used for the full purchase price of infrastructure borrowings will be tax deductible depends on an investors' particular circumstances. In order for the interest to be deductible the investor must have entered into the loan solely for the purpose of funding the investment in or acquisition of the infrastructure borrowings. On indicator that the investor had a purpose other than, or in addition to, funding the infrastructure borrowings, would be where the deductions in relation to the infrastructure borrowings are greater than the exempt return on the infrastructure borrowings grossed up by the investor's marginal tax rate as it would be but for the infrastructure borrowing investment and any related income and deductions.
- (7) With reference to the 'smell test' advanced by the Commissioner on 19 March 1997, as well as the criteria of non-recourse loan, large upfront deductibles prior to 30 June, tax refund exceeding cash contribution, fraction of the borrowings going into the underlying business, and option to participate only for year one, can the Minister confirm: (a) whether the Commissioner viewed the CBA and Legal and General offerings as contrived; and (b) whether the dominant purpose of the promoter was other than to offer a tax benefit to the investor.
- (8) Were these retail infrastructure bond investments referred to the Part IVA Panel, and if so how did it view them in the light of the warning in tax determination 94/80, and what was the result of its deliberations.

Senator Coonan—As this question deals with matters of taxation administration, I asked the Commissioner of Taxation for advice:

- (1) Yes. The ATO confirmed that Taxation Determination TD 94/80 issued on 6 October 1994.
- (2) The Commissioner advises me that it is inconsistent with his responsibilities under the secrecy provisions of the tax law to provide specific taxpayer details.
- (3) The Commissioner advises me that he is unable to confirm the wording in a company's memorandum.
- (4) The Commissioner advises me that he is not in a position to confirm whether advice was provided by a private firm.
- (5) Yes. Mr Carmody, made the statement as part of a presentation at the 13th National Convention of the Taxation Institute of Australia on 19 March 1997.
- (6) Yes. The ATO confirmed that the wording in this question is contained in paragraph 2 of Taxation Determination TD 94/80.
- (7) The Commissioner advises me that it is inconsistent with his responsibilities under the secrecy provisions of the tax law to provide specific taxpayer details.
- (8) The Commissioner advises me that the Part IVA Panel was not established at that time.

Defence: Australian Remains**(Question No. 464)**

Senator Mark Bishop asked the Minister for Defence, upon notice, on 16 March 2005:

- (1) Can the minister confirm when the four sets of remains were found at Merris in Northern France.
- (2) Who was responsible for researching: (a) the retrieval/burial site; and (b) the identity of the remains.
- (3) How many Australian Defence Force (ADF) personnel, or other Defence personnel, attended the site or travelled to France and on what occasions.
- (4) What was the cost of (a) travel to France; (b) the time of other personnel in Australia and Europe; (c) DNA testing; (d) attendance of relatives at the funeral ceremony; and (e) attendance of ADF and other personnel at the funeral.
- (5) Who was formally invited to attend the funerals of each of the four bodies found, and when were the funerals conducted.
- (6) Why did efforts to identify two of the bodies fail.
- (7) What assistance was provided by the Commonwealth War Graves Commission, and what costs, if any, were incurred by its involvement.
- (8) In each of the past 10 years: (a) how many reports have there been of uncovered Australian remains at Gallipoli; (b) how many of those reports were investigated on site; (c) by whom; and (d) with what outcome.
- (9) In each of the past five years: (a) how many other remains of Australians missing in action overseas have been recovered (with the exception of Gallipoli); (b) from what locations; and (c) what were the estimated cost on each occasion, itemised in similar terms to the information provided in answer to parts (3) and (5) above.
- (10) In compiling the answer to this question, were the Australian War Memorial, the Office of Australian War Graves and the Department of Veterans' Affairs consulted and their assistance sought; if not, why not.

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

- (1) March 2003.
- (2) (a) Commonwealth War Graves Commission (CWGC).
(b) Office of Australian War Graves.
- (3) Nil. CWGC attended the site.
- (4) (a) Nil.
(b) Historical research \$8072.68 including GST.
(c) Nil.
(d) \$14,600 (estimate).
(e) \$39,700 (estimate).
- (5) French Chief of Army, French Department of Veterans' Affairs, CWGC, Mayors of Communes of Merris and Bailleul. 22 April 2005.
- (6) Historical research and forensic examination was unable to determine identities with reasonable certainty.
- (7) Recovery of remains, report on recovery, historical information, provision of sites in a CWGC war cemetery for interment, and assistance with burial. Nil cost.

- (8) (a) No remains identified as Australian have been recovered at Gallipoli.
(b) (c) and (d) Not applicable.
- (9) 2000 - Beaufighter A19-97:
- (a) Two flying officers.
(b) Near the village of Gani, south of Kokopo, New Britain.
(c) Four Royal Australian Air Force (RAAF) personnel were involved in the recovery exercise. The cost of the recovery was approximately \$23,600.
Formal invitations to the funeral were extended to relatives and a friend of the deceased. The cost of attendance was approximately \$8,000.
The funeral was conducted at the Bita Paka War Cemetery, Rabaul Papua New Guinea on 15 November 2000.
- 2000/2001 - Beaufort Bomber A9-217
- (a) Four flying officers.
(b) Off Kawa Island, west of the Trobriand Island group.
(c) Four Australian Defence Force (ADF) personnel were involved in the initial reconnaissance of the site. Seven personnel were involved in the first attempt and six in the second recovery exercise. An underwater archaeologist from the Museum of North Queensland also participated in the second exercise. The cost of the recovery was approximately \$100,000.
Formal invitations to the funeral were extended to relatives and a friend of the deceased. The cost of attendance was approximately \$9,200.
The funeral was conducted at the Bita Paka War Cemetery, Rabaul Papua New Guinea on 2 May 2001.
- 2002 – Royal Air Force (RAF) Lancaster JB659
- (a) Two flying officers.
(b) Port of Amsterdam.
(c) No ADF personnel were involved in the recovery and the ADF incurred no recovery costs.
Formal invitations to the funeral were extended to relatives of the deceased. The cost of attendance was paid for by the RAF.
The funeral was conducted at the Zwanenburg General Cemetery, Haarlemmermeer, Amsterdam on 29 November 2002.
- 2003 - RAAF Lancaster ED867
- (a) The remains of aircrew were recovered from a Lancaster crash site north of Berlin in 1999. These remains were buried in the Berlin War Cemetery in 2000 as unknown RAF aircrew.
Subsequent investigation by a family member determined that the wreckage was a RAAF Lancaster ED867. This aircraft was shot down near Berlin on 29 January 1944 with the loss of all crew. The remains of one crew member was recovered at the time by German authorities and subsequently buried in the Berlin War Cemetery after the war.
The remains buried in 2000 were exhumed and examined by Luftwaffe forensic experts. No definitive forensic identification of the remains of the six missing crew were possible. Agreement was reached in January 2003 with the RAF and Commonwealth War Graves Commission to re-inter the remains in a collective grave, but with individual headstones.
- (b) North of Berlin.
(c) ADF personnel were not involved in the recovery and the ADF incurred no recovery costs.

Formal invitations to the funeral were extended to relatives of the deceased. The cost of attendance was approximately \$50,000.

The funeral was conducted at the Berlin War Cemetery on 15 July 2003.

2004 - RAAF Lancaster PB290

- (a) Four flying officers.
- (b) Near the town of Giessen, north of Frankfurt.
- (c) The ADF incurred no recovery costs.

Forensic examination is still in progress.

(10) Yes.

Tasmania: Proposed Pulp Mill

(Question No. 470)

Senator Brown asked the Minister representing the Treasurer, upon notice, on 17 March 2005:

- (1) From January 2002 to date, what communications have there been between the Minister, the Minister's staff or department and Gunns Ltd relating to the proposed pulp mill, and in each case: (a) what was the date of the communication; (b) what was the nature of the communication; (c) who was involved in the communication; and (d) what was the purpose and content of the communication.
- (2) (a) What conditions apply to the Government's offer of \$5 million assistance for the pulp mill; and (b) when is the money likely to be made available.

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

- (1) On 5 April 2005 I received a letter (dated 21 March 2005) from the Executive Chairman of Gunns Ltd. The letter contained information about a new pulp mill being proposed by Gunns Ltd, and was accompanied by an information kit containing fact sheets about the proposed pulp mill.
From January 2002 to date, my Department has not had any other communications with Gunns Ltd regarding a proposed pulp mill.
- (2) (a) The Prime Minister announced on 29 June 2004 that the Australian Government was prepared to consider contributing up to \$5 million to assist with project costs, conditional upon the feasibility study commissioned by Gunns Limited concluding that an environmental best practice pulp mill is economically viable. (b) No decision has been made as to when this money is likely to be made available.

Tasmania: Proposed Pulp Mill

(Question No. 474)

Senator Brown asked the Special Minister of State, upon notice, on 17 March 2005:

With reference to Gunns' proposed pulp mill at Bell Bay in Tasmania:

- (1) From January 2002 to date, what communications have there been between the Minister, the Minister's staff or department and Gunns Ltd relating to the proposed pulp mill, and in each case: (a) what was the date of the communication; (b) what was the nature of the communication; (c) who was involved in the communication; and (d) what was the purpose and content of the communication.
- (2) (a) What conditions apply to the Government's offer of \$5 million assistance for the pulp mill; and (b) when is the money likely to be made available.

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

- (1) I have had no dealings with Gunns Ltd in my capacity as Special Minister of State.
- (2) This is not my portfolio area.

Universities
(Question No. 478)

Senator Stott Despoja asked the Minister representing the Minister for Education, Science and Training, upon notice, on 23 March 2005:

- (a) How do current requirements for university reporting to the department differ from previous requirements under 'Backing Australia's Future'; and
- (b) Can a list be provided of all reporting requirements for universities under each regime, including an estimate of the number of hours required by university personnel to meet those requirements.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (a) The Australian Government's data and information collection is driven by its accountability responsibilities for implementing and managing Government policies and programmes. Reporting requirements under Backing Australia's Future are for the purpose of proper management and accountability of public funding provided under programmes legislated in the Higher Education Support Act 2003.
- (b) Attached is a document listing the requirements for reporting to the Department in 2003 (prior to the introduction of Backing Australia's Future) and in 2005 (current requirements).

The Department does not collect data on the time taken by personnel in higher education providers to meet reporting requirements.

 REPORTING REQUIREMENTS ON HIGHER EDUCATION PROVIDERS – PRE AND POST BACKING AUSTRALIA’S FUTURE

2003 REPORTING REQUIREMENTS (PRE BACKING AUSTRALIA’S FUTURE)

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
Student Collection	Table A and B institutions under the Higher Education Funding Act 1988	Academic Organisational Unit (AOU) File	4 data elements. Information on units of study formed by an institution to undertake as their primary objective teaching only, research only or teaching-and-research functions, or which is used for statistical reporting purposes. Such units are referred to by various names, such as “schools” and “departments”.	
		Course (CO) file	12 data elements. Information in respect of a particular reference year for all courses being offered by the institution.	
		Enrolment (EN) file	36 data elements. Demographic information about students for whom Student Load data are reported.	
		Liability Status (LS) file	16 data elements. Records which represent student load and HECS liability for a particular student/course/semester/liability status.	
		Student Load (LD) file	12 data elements. Information on all units of study undertaken by a student.	
		Past Course Completions (PS) file	16 data elements. Information on students who successfully completed the requirements of their course.	
		HECS DUE (DU) file	23 data elements. The file is provided to the Australian Taxation Office (ATO) and contains information on a student’s debt (HECS, OLDPS, PELS, BOTPLS) and personal details required by the ATO for identification.	
		Payment Option Declaration (PO) file	20 data elements. An electronic record of the Payment Option Declaration Form indicating a student has chosen to defer their HECS, OLDPS, PELS or BOTPLS debt.	

 QUESTIONS ON NOTICE

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
Staff Collection	Table A and B institutions under the Higher Education Funding Act 1988	Full Time/Fractional Full Time (FT) File	18 elements. Information on all staff employed on a full-time or part time basis at the institution during the reference year.	
		Casual (CA) file	7 elements. Information on all staff employed on a casual basis at the institution during the year prior to the reference year	
Finance Collection	Table A institutions under the Higher Education Funding Act 1988	Financial Statement Guidelines for higher education institutions	Approved form for institutions to use in preparing annual financial statement.	
Research Data Collection	Table A and B institutions under the Higher Education Funding Act 1988	Research Income Return	Research income received by an institution and its subsidiaries for a reference year, including research income from Australian Competitive Grants; other public sector research income; industry and other research income; and Cooperative Research Centre (CRC) research income.	
		Research Publications Return	Number of books, book chapters, articles in scholarly refereed journals and full written conference papers produced by each institution.	
		Vice-Chancellor's certification statement	Certifies that returns are correct and have been compiled in accordance with specifications.	
		Vice-Chancellor's CRC Certification Statement	Certifies research income received by their respective institutions from CRCs.	
		Audit certificate	Certifies as correct the research income for Australian Competitive Grants; other public sector research income; and industry and other research income.	

 QUESTIONS ON NOTICE

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
Research and Research Training Management Reports (included in Educational Profiles Collection – see below)	Table A and B institutions under the Higher Education Funding Act 1988	Part A	Qualitative description of institution's performance in research and research training, plans for building on performance to date and future objectives.	
		Part B	Quantitative data on research and research training performance in a standardised format. Four data tables: Total and commencing higher degree research (HDR) students Research income Research active staff Qualifications and activity of staff who supervised HDR students.	
Educational Profiles Collection	Table A institutions under the Higher Education Funding Act 1988	Strategic plans	Qualitative description of main features of strategic plans and commentary on substantial changes in strategies or core activities.	Educational Profiles Process was the main mechanism for ensuring accountability, quality and fairness in higher education funding. Reporting required detailed descriptions of plans and processes.
		Research and Research Training Management Reports	See section above	
		Capital asset management plans	Tables and detailed commentary	
		Student load data	Four tables	

QUESTIONS ON NOTICE

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
		Quality assurance and improvement plans	Detailed plans/report.	
		Equity plans	Detailed plans/report.	
		Indigenous education strategies	Detailed strategies/report.	

2005 REPORTING REQUIREMENTS (POST BACKING AUSTRALIA'S FUTURE)

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
Student Collection	Table A and B providers under the Higher Education Support Act 2003. Reduced requirements apply to other Higher Education Providers.	Course of Study (CO) File	11 elements. Information in respect of a particular reference year for all courses being offered by the provider.	Renamed from Course File
		Student Enrolment (EN) File	26 elements. Demographic information about students for whom Student Load data are reported.	Reduction in data elements from 2003.
		Student Load/Liability (LL) file	23 elements. Records which represent student load and HELP debt liability for all units of study.	This file is an amalgamation of the Student Load File and Liability Status Files. It also includes the HELP debt at the unit level. This was formerly collected at the course level on the HECS DUE File.

QUESTIONS ON NOTICE

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
		HELP DUE File	22 elements. Personal details required by the ATO for identification for students who have a HELP loan.	Renamed from HECS DUE File
		Electronic Commonwealth Assistance Form (ECAAF) File	22 elements. An electronic record of the Electronic Commonwealth Assistance Form indicating a student has chosen to defer their HELP debt.	Renamed from Payment Option Declaration Form File
		Past Course Completions (PS) File	18 elements. Information on students who successfully completed the requirements of their course.	Minor increase in data elements from 2003.
		Student Unit of Study Completions (CU) File	7 elements. Information on a student's progress at the unit of study level.	New File
		Student OS HELP (OS) File	9 elements. Information on students who have an OS HELP loan.	New File. This is used for administering the OS-HELP Loan scheme.
		Commonwealth Learning Scholarships (SS) File	6 elements. Information on students who have a CLS scholarship.	New File. This is used for administering the CLS scholarship scheme
		Campus (CM) file	16 elements. Detailed information on requirements for students to enter selected courses.	New File
		Revisions (RF) File	17 elements. Used by providers to notify DEST of changes to data due to remissions or revisions.	New File. Academic Organisational Unit (AOU) File no longer required.

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
Staff Collection	Table A and B providers under the Higher Education Support Act 2003 Requirement does not apply to other Higher Education Providers.	Full Time/Fractional Full Time (FT) File	18 elements. Information on all staff employed on a full-time or part time basis by the provider during the reference year.	No significant change from 2003.
		Casual (CA) File	7 elements. Information on all staff employed on a casual basis by the provider during the year prior to the reference year	No significant change from 2003.
Finance Collection	Table A providers under the Higher Education Support Act 2003	Financial Statement Guidelines for higher education institutions	Approved form for providers to use in preparing annual financial statement.	Form revised in 2004 to significantly streamline reporting and acquittal of Commonwealth financial assistance. Revised form modelled on PricewaterhouseCoopers best practice guide ('Value Accounts') published annually in conjunction with Institute of Chartered Accountants in Australia and CPA Australia. Requirement to report on expense by function and segment information removed.
Research Data Collection	Table A and Table B providers under the Higher Education Support Act 2003	Research Income Return	Research income received by a provider and its subsidiaries for a reference year, including research income from Australian Competitive Grants; other public sector research income; industry and other research income; and Cooperative Research Centre (CRC) research income.	No significant changes from 2003.

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
		Research Publications Return	Number of books, book chapters, articles in scholarly refereed journals and full written conference papers produced by each provider.	No significant changes from 2003.
		Vice-Chancellors certification statement	Certifies that returns are correct and have been compiled in accordance with specifications.	No significant changes from 2003.
		Vice-Chancellor's CRC Certification Statement	Certifies research income received by their respective providers from CRCs.	No significant changes from 2003.
		Audit certificate	Certifies as correct the research income for Australian Competitive Grants; other public sector research income; and industry and other research income.	No significant changes from 2003.
Research and Research Training Management Reports (RRTMRs) (instructions released in conjunction with Institutional Assessment Framework Information Collection 2005 instructions)	Table A and Table B providers under the Higher Education Support Act 2003	Part A	Qualitative description of provider's performance in research and research training, plans for building on performance to date and future objectives.	No significant changes from 2003. The frequency of RRTMRs has been reduced. From 2005, providers are required to explain the allocation method used for internal distribution of research block funds and to provide existing data by areas of research strength.
		Part B	Quantitative data on research and research training performance in a standardised format. Four data tables to be completed: Total and commencing higher degree research (HDR) students Research income Research active staff Qualifications and activity of staff who supervised HDR students.	

 QUESTIONS ON NOTICE

REPORTING REQUIREMENT	APPLICABLE TO WHICH PROVIDERS	ELEMENT	DESCRIPTION	COMMENT
Institution Assessment Framework (IAF) Information Collection [Replaces the Educational Profiles Collection]	Table A and B providers under the Higher Education Support Act 2003	Strategic plans	No commentary now required - only a web link or an electronic version of publicly available document.	In order to keep providers' reporting requirements to a minimum, the IAF analysis is primarily based on existing and publicly available data sources such as the student, staff and research data collections; strategic, business and risk management plans; and audited financial statement. Quality assurance and improvement plans not required.
		Research and research training management reports	See section above	
		Capital asset management plans	Significantly reduced commentary required.	
		Student load data	Three tables with reduced data elements.	
	Table A providers	Equity plans	Significantly reduced in scope. Requires only updates of changes from previous years.	
		Indigenous education statements	Significantly reduced in scope. Requires only updates of changes from previous years required.	

Aircraft Weapons
(Question No. 479)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 24 March 2005:

With reference to the weapons carried by the F/A-18 aircraft:

- (1) What weapons (missiles or bombs) are deployable on the F/A-18 but not on the F35 Joint Strike Fighter (JSF).
- (2) For each of these weapons, can a description be provided of its capability, purpose and cost.
- (3) Is the AGM-142 a weapon that can be deployed on the F/A-18 but not on the JSF.
- (4) What is the total stock of weapons (not individually) that can be deployed on the F/A-18 but not on the JSF.

Senator Hill—The answer to the honorable senator's question is as follows:

- (1) The RAAF F/A-18 can carry the AGM84 Harpoon air-to-surface missile, but there are no plans for the JSF to carry the weapon. While the RAAF F/A-18 can carry the Advanced Short Range Air-to-Air Missile, a decision is yet to be made on whether the Australian JSF will also carry this weapon.
- (2) The unit cost of weapons is classified. However, the capability and purpose of these weapons are as follows:
 - (a) The AGM84 Harpoon is a subsonic, all-weather, over-the-horizon anti-ship missile that uses radar terminal guidance. The Harpoon is carried by a number of Australian Defence Force aircraft, ships and submarines and provides them with a potent capability to attack ships from beyond 60 nautical miles.
 - (b) The Advanced Short Range Air-to-Air Missile is a short-range, infra-red guided air-to-air missile. The weapon provides the F/A-18 with a leading edge, within visual range counter-air capability.
- (3) Neither the F/A-18 nor JSF can carry the AGM-142.
- (4) Australian weapon stock numbers are classified.

Aircraft Weapons
(Question No. 480)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 24 March 2005:

With reference to the weapons carried by F-111 aircraft:

- (1) What weapons (missiles or bombs) are deployable on the F-111 but not on the F35 Joint Strike Fighter (JSF).
- (2) For each of these weapons, can a description be provided of its capability, purpose and cost.
- (3) Is the AGM-142 a weapon that can be deployed on the F-111 but not on the JSF.
- (4) What is the total stock of weapons (not individually) that can be deployed on the F-111 but not on the JSF.

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

- (1) The AGM84 Harpoon air-to-surface missile, the AIM-9M air-to-air missile and the AGM-142 air-to-surface missile.
- (2) The unit cost of weapons is classified. However, the capability and purpose of these weapons are as follows:

- (a) The AGM84 Harpoon is a subsonic, all-weather, over-the-horizon anti-ship missile that uses radar terminal guidance. The Harpoon is carried by a number of ADF aircraft, ships and submarines, and provides a potent capability to attack ships from beyond 60 nautical miles.
 - (b) The AIM-9M is a short-range, infra-red guided air-to-air missile. The weapon provides the F-111 with a self-defence capability against hostile aircraft within visual range.
 - (c) The AGM-142 is an air-to-surface missile that uses electro-optical terminal guidance and is intended primarily for use against fixed targets.
- (3) Yes.
 - (4) Australian weapon stock numbers are classified.

Mr David Hicks
(Question No. 486)

Senator Ludwig asked the Minister representing the Attorney-General, upon notice, on 30 March 2005:

With reference to the Attorney-General's statement of 5 September 2004 regarding concerns about the procedural fairness of Mr David Hicks' military commission trial:

- (1) Has the Government expressed concerns to the Government of the United States of America (US) about the fairness of the trial process and if so, on how many occasions and on what dates were the concerns expressed.
- (2) What specific concerns about the trial process were raised with the US Government.
- (3) What response was received from the US Government in regard to these concerns.
- (4) What is the Government's latest understanding about timing of Mr Hicks' trial.
- (5) Is the Government aware of any changes which are being made to the arrangements for Mr Hicks' trial in regard to: (a) the rules of evidence; (b) the appeals process; (c) the appointment and qualifications of the presiding officer or judge; and (d) any other substantive or procedural changes.
- (6) What, if any, are the changes and when did the Government become aware of these changes.

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

- (1) The Government has consistently expressed to the United States its view that Mr Hicks' trial should be fair and expeditious. Following the August 2005 preliminary hearing in Mr Hicks' case, the Government discussed with United States authorities concerns about procedural aspects of the military commission process. The concerns were conveyed to the United States via a third person note on 7 October 2004. The Government maintains an open dialogue with the United States on matters relating to Mr Hicks' case and discussions between officials occur at various times as needed.
- (2) The concerns relate to an ongoing dialogue between Governments and it would not be appropriate to discuss them.
- (3) See (2).
- (4) On the order of the Appointing Authority, Mr Hicks' trial is held in abeyance pending the outcome of a decision in the case of *Hamdan v Rumsfeld*. Oral argument in that case was heard in mid-March and a decision has yet to be handed down by the court.
- (5) The Government is aware of media reports that the United States is considering changes to the military commission system. To date no changes have been made and the Government is not aware precisely what changes, if any, will be made.
- (6) See (5).

Caesium 137
(Question No. 489)

Senator Allison asked the Minister for the Environment and Heritage, upon notice, on 6 April 2005:

- (1) Is the Minister aware of measurements taken by the then-named Australian Radiation Laboratory in the 1990s for the Interdepartmental Committee on Joint Military Operations on levels of Caesium 137 in sediments in Port Phillip Bay.
- (2) In considering whether the proposed channel deepening exercise in Port Phillip Bay should be treated as a 'controlled action' under the Environment Protection and Biodiversity Conservation Act 1999: (a) did the Minister take into account any measurements relating to the presence of Caesium 137; and (b) were any of those measurements taken in the past 3 years; if not, why not.
- (3) Can evidence be provided as to whether or not the proposed channel-deepening exercise will liberate Caesium 137 from the sediments of Port Phillip Bay, and on what might be the potential effect on the Bay's plant and animal life, and the food chain; if not, why not.
- (4) Was consideration given, through the Environment Protection and Biodiversity Conservation Act referral or any other process, to the potential for nuclear-powered warships such as the USS Enterprise docking in Melbourne as a result of the channel-deepening exercise.
- (5) (a) What does the Minister consider might be the possible environmental implications of such visits; and (b) will measurements of Caesium 137 be taken before and after docking, as previously conducted; if not, why not.

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

- (1) No. However I understand that Senator Patterson is providing details on those measurements in response to a similar question on notice from you.
- (2) (a) No. (b) See answer to (1).
- (3) To the extent that the presence of Caesium 137 may be relevant to the Port Phillip Bay Channel Deepening Project, it will be addressed in the assessment and approval process under the Environment Protection and Biodiversity Conservation Act 1999.
- (4) This issue was not raised in the referral under the Environment Protection and Biodiversity Conservation Act 1999.
- (5) (a) The environmental implications of such visits would be considered at the time a proposal was made. (b) Under the arrangement for visits of nuclear powered warships to Australian ports, sediment and, where available, shell fish samples are collected before and after each visit and are analysed by the Australian Radiation Protection and Nuclear Safety Agency.

Port Phillip Bay
(Question No. 490)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 6 April 2005:

- (1) Can data be provided on the measurements taken of Caesium 137 in the sediment at the head of Port Phillip Bay by the then-named Australian Radiation Laboratory in the 1990s for the Interdepartmental Committee on Joint Military Operations.
- (2) Has the Minister advised the Minister for Environment and Heritage that Caesium 137 was found in Port Phillip Bay sediment by the Australian Radiation Laboratory at the time.

- (3) Does the Government consider that the proposed channel-deepening is likely to liberate Caesium 137; if not, why not; if so, has the Minister advised the Minister for the Environment and Heritage and the Victorian State Minister for the Environment.
- (4) Can the Minister confirm that the presence of Caesium 137 was due to fallout from the above-ground testing of nuclear weapons in the Pacific Ocean by the French, the United States of America and United Kingdom Governments in the 1980s and 1990s which, unlike in other Australian ports, has been concentrated in Port Phillip Bay.
- (5) Has the Government considered the likelihood of Caesium 137 entering the food chain as a result of the disturbance of sediment for the proposed channel-deepening; if not, why not.
- (6) What, if any, are the restrictions on nuclear-powered warships such as the USS Enterprise docking in Melbourne.
- (7) Is it the case that proposed channel-deepening in Port Phillip Bay will allow the USS Enterprise to dock in Melbourne where currently it cannot because of size; if so, will measurements of Caesium 137 be taken before and after docking, as previously conducted; if not, why not.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) Measurements by the Australian Radiation Laboratory of 137Cs in the 1990s of sediments from Port Phillip Bay show activity concentrations in the range 2 to 5 Becquerel per kilogram. The contamination levels in Port Phillip Bay are similar to those found generally in soils and sediments throughout Australia. In comparison the level of naturally occurring radionuclides in soils is approximately 1000 Becquerel per kilogram.
- (2) As noted in (1) above, the contamination levels in Port Phillip Bay are similar to those found generally in soils and sediments throughout Australia and as such there was no need to advise the Minister for Environment and Heritage of these particular measurements.
- (3) There is no evidence of high concentrations of 137Cs in Port Phillip Bay. Any mixing of sediments as a result of channel deepening should not change the concentration.
- (4) The 137Cs in Port Phillip Bay is due to global fallout from atmospheric nuclear weapons testing during the 1960s and 1970s. In view of the relative numbers of atmospheric tests, most of the activity is from testing that occurred in the northern hemisphere. As noted in (2) and (3) above, the contamination levels in Port Phillip Bay are similar to those found generally in soils and sediments throughout Australia.
- (5) There have been extensive studies of global fallout and the resulting doses to humans from contaminated foods. These studies have recently been summarised by the United Nations Scientific Committee on the Effects of Atomic Radiation in UNSCEAR 2000, Report to the General Assembly. The continued impact of ingestion of 137Cs from global fallout in the year 2000 was estimated to be less than one thousandth of the level of natural background radiation and thus not of concern.
- (6) The arrangements for nuclear powered warship visits to Australia are overseen by the Visiting Ships Panel (Nuclear) chaired by the Department of Defence. This question should be referred to the Minister for Defence.
- (7) This question should be referred to the Minister for Defence.

Spanish Latin American Welfare Centre

(Question No. 491)

Senator Allison asked the Minister representing the Minister for Citizenship and Multicultural Affairs, upon notice, on 6 April 2005:

With reference to the funding cuts to the Spanish Latin American Welfare Centre (CELAS):

- (1) Can Information be provided on the Government's funding of ethnic community groups.
- (2) (a) What was CELAS' original budget through the Community Settlement Services Scheme (CSSS); and (b) how much has the budget been reduced by in the financial year 2004-05.
- (3) What were the reasons for this cut back in funding.
- (4) In view of the funding cut back, to what extent will CELAS be able to fulfil its excellent community services to the Spanish community in the future.

Senator Vanstone—The Minister for Citizenship and Multicultural Affairs has provided the following answer to the honourable senator's question:

- (1) The Government provides funding under the Community Settlement Services Scheme (CSSS) to local government bodies and not-for-profit organisations, including eligible ethnic community groups to provide settlement services to:
 - individual migrants in the Settlement Services Target Group, i.e. permanent residents, who have arrived in the last five years, as humanitarian program entrants or family stream migrants with low English proficiency, who require assistance to access mainstream services and participate in the community; and
 - communities with significant numbers from the Settlement Services Target Group, who need assistance to develop their capacity to organise, plan and advocate for services to meet their own needs.Funding is directed towards those most in need, particularly humanitarian entrants of small and emerging communities, i.e. communities with an Australia-wide population of less than 15,000, at least 30 per cent of whom arrived in the last five years.
- (2) (a) In 2003-04, CELAS received CSSS funding totalling \$112,020. In 2004-05, CELAS has received a CSSS grant of \$65,280. (b) This is a reduction of \$46,740.
- (3) CELAS provides settlement services to a community which is relatively established with a small number of new arrivals. CSSS funding is limited and focused on the urgent needs of the Settlement Services Target Group.
- (4) CELAS receives funding from a number of other sources to provide services to the Spanish community in Melbourne. There are also a number of other organisations in the area funded to provide settlement services, to which CELAS could refer clients.

Recherche Bay
(Question No. 492)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 7 April 2005:

- (1) Is the Minister aware that the Forest Practices Plan (FPP) for Recherche Bay, certified on 31 March 2005, includes a road through the Southport Lagoon Wildlife Sanctuary which threatens the critically-endangered swamp eyebright by providing access to 4WDs.
- (2) Does the Minister agree that the ditch and topsoil stockpile arrangement specified in the FPP to 'minimise the chance of 4WD vehicles gaining access' is a proven failure, with the existing track having been breached already in a number of places.
- (3) Is the Minister aware that landowners can approve unrestricted access to persons other than logging operators to the proposed road into and through the Southport Lagoon Wildlife Sanctuary, and does the Minister agree that this effectively opens the potential for wide public access and further endangers the swamp eyebright.

- (4) (a) Does the Minister agree that the measures in the FPP to minimise 4WD access to the Wildlife Sanctuary are totally inadequate and that the road is likely to have a significant impact on the swamp eyebright which is a listed threatened species; and (b) what can be done to protect the swamp eyebright.

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

- (1) I am aware that the Forest Practices Plan for Recherche Bay includes a road through the Southport Lagoon Wildlife Sanctuary. This road is approximately 1km from the swamp eyebright.
- (2) I am advised that the road has been constructed in accordance with the Forest Practices Plan and that repair work is being carried out where breaches have occurred.
- (3) Access to the road is a matter for the Tasmanian Government and the landowners.
- (4) (a) No.
(b) Management of the Southport Lagoon Wildlife Sanctuary is the responsibility of the Tasmanian Government.

Blood Banks

(Question No. 493)

Senator O'Brien asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 April 2005:

- (1) By state and territory, what are the locations of permanent blood banks in regional and rural Australia.
- (2) In each of the financial years 2003-04 and 2004-05 to date, which locations in regional and rural Australia have had permanent blood bank services withdrawn, and in each case: (a) what was the responsible decision-making body; (b) when was the service withdrawn; and (c) did community consultation precede the decision to withdraw the service.
- (3) In each of the financial years 2003-04 and 2004-05 to date, which locations in regional and rural Australia have had permanent blood bank services reduced, and in each case: (a) what was the responsible decision-making body; (b) when was the service reduced; (c) what was the nature of the reduction; and (d) did community consultation precede the decision to reduce the service.
- (4) In each case where a permanent blood bank service has been withdrawn, has a mobile blood donor service been instituted; if so, does this mobile blood donor service provide an equivalent donor facility.
- (5) Has the withdrawal or reduction of blood donor services in regional and rural Australia had any impact on blood donations; if so, can that impact be quantified.
- (6) Has the Government taken any action to maintain permanent blood bank services in regional and rural Australia; if so, what action and what result can be attributed to that action; if not, why not.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) The location of permanent blood banks in regional and rural Australia at 26 April 2005 is listed by State at Table 1. These locations are determined by the Australian Red Cross Blood Service which is jointly funded by the Commonwealth and the states.

Table 1: Permanent blood banks – regional and rural areas.

New South Wales	Northern Territory	Queensland	Tasmania	Victoria	Western Australia
Albury	Alice Springs	Nambour	Launceston	Ballarat	Rockingham
Armidale		Southport	Burnie	Bendigo	Albany
Coffs Harbour		Townsville	Devonport	Geelong	Broome
Dubbo		Cairns		Sale	Bunbury
Gosford		Mackay		Hamilton	Geraldton
Wyong		Maryborough		Horsham	Kalgoorlie
Woy Woy		Rockhampton		Latrobe	Port Hedland
Goulburn		Toowoomba		Warragul	
Griffith		Bundaberg		Mildura	
Kempsey		Gladstone		Shepparton	
Lismore		Gympie		Swan Hill	
Newcastle				Wangaratta	
Maitland				Warrnambool	
Cessnock					
Orange					
Tamworth					
Taree					
Wagga Wagga					
Wollongong					

- (2) No blood bank services were withdrawn in regional and rural Australia in 2003-04.

Table 2 identifies rural and regional areas by state that have had permanent blood bank services withdrawn in the course of 2004-05 financial year. Queensland and Victoria were the only states affected.

Table 2: Permanent blood banks withdrawn– regional and rural areas, including the date of withdrawal.

Queensland	Victoria
Ipswich (02/02/2005)	Ararat (17/01/2005)
	Bairnesdale (17/01/2005)
	Beechworth (17/01/2005)
	Benalla (17/01/2005)
	Camperdown (17/01/2005)
	Castlemaine (17/01/2005)
	Cobram (17/01/2005)
	Colac (17/01/2005)
	Donald (17/01/2005)
	Echuca (17/01/2005)
	Euroa (17/01/2005)
	Kerang (18/08/2004)
	Maryborough (17/01/2005)
	Myrtleford (17/01/2005)
	Nhill (17/01/2005)
	Nyah West (19/08/2004)
	Portland (17/01/2005)

Queensland	Victoria
	Rutherglen (17/01/2005)
	Sea Lake (20/08/2004)
	Stawell 17/01/2005)
	Terang (17/01/2005)
	Warragul (17/01/2005)
	Wonthaggi (17/01/2005)
	Yarrowonga (17/01/2005)

- (a) The Australian Red Cross Blood Service in consultation with the Australian Red Cross Society was the decision-making body in regard to the withdrawal of these services.
- (b) The date of withdrawal of the service is shown at Table 2.
- (c) The Australian Red Cross Blood Service (ARCBS) advises that specific community consultation was not undertaken in every case prior to the withdrawal of these services. All donors were advised of the reasons for the changes and of their alternative donation venues.
- (3) No blood bank services were reduced in regional and rural Australia in 2003-04. In 2004-05, the following locations in regional and rural Australia have had permanent blood bank services reduced: Barham and Cohuna.
- (a) The ARCBS in consultation with the Australian Red Cross Society was the decision-making body in regard to the reduction of these services.
- (b) The services were reduced on 16/08/2004 (Barham) and 17/08/2004 (Cohuna).
- (c) The frequency of return visits to these locations were reduced.
- (d) The ARCBS advises that specific community consultation was not undertaken in every case prior to the reduction of these services. All donors were advised of the reasons for the changes and of their alternative donation venues.
- (4) No. The ARCBS is piloting a specially equipped blood collection vehicle – a donormobile. The sites where the criteria for participation in the donormobile pilot are met are: Bairnesdale, Benalla, Castlemaine, Colac, Echuca and Warragul.
- (5) The ARCBS has advised that the withdrawal or reduction of blood donor services in regional and rural Australia has not had any impact on overall donations or the capacity to meet the blood and blood product needs of the Australian community.
- (6) No. The ARCBS is responsible for making decisions about blood bank services in regional and rural Australia within the total funding made available to it by all governments and takes into account a variety of factors including costs and availability of donors and staff. The closures and reductions are part of a wider strategy to ensure the ARCBS is an effective and sustainable national organisation in the immediate and longer term.

The ARCBS is a humanitarian non-profit organisation, funded by Commonwealth and state and territory governments to engage in the collection of blood and blood related products and services from volunteer donors and the supply of these products and services to the Australian community.

Forensic Computing and Computer Investigations Workshop

(Question No. 505)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 April 2005:

- (1) (a) What is the total cost of the Forensic Computing and Computer Investigations Workshop held at the Australian Federal Police College in Canberra; (b) how often is the course run; and (c) who benefits from the course.
- (2) Does the Government cover the costs of visiting experts including members of the Federal Bureau of Investigation and Microsoft experts; if so, what is the cost.
- (3) Does the Government receive payment for the training of international law enforcement officers; if so, what is the total remuneration received for each course.
- (4) What is the total remuneration paid to Microsoft for the training of Australian law enforcement officers.
- (5) Does Australia assist or subsidise any smaller Asia-Pacific countries with the costs of training in this area; if so, what is the total subsidised cost.

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

- (1) (a) Approximately \$100,000. (b) Since 2003, the course has been conducted twice. (c) Investigators and computer forensic experts from State and Territory police services, Commonwealth law enforcement, revenue, and regulatory agencies, international law enforcement agencies, and selected private sector organisations.
- (2) Approximately \$20,000 was paid to cover the costs for two Microsoft experts.
- (3) The AFP has not received payment for training international law enforcement officers in high-tech crime.
- (4) Microsoft has only been reimbursed for costs; refer to the answer to question (2).
- (5) The Australian Federal Police (AFP) provided training assistance to the Vietnamese Police to investigate instances of high tech crime. Such assistance is funded through the AFP's Law Enforcement Cooperation Program (LECP) and the cost of the program is approximately \$75,020.

The AFP LECP paid approximately \$10,200 for six participants from Asia-Pacific countries to attend the Computer Forensics and Computer Investigations Workshop.

Child Sex Tourism Laws

(Question No. 507)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 April 2005:

- (1) (a) How many people have been charged under the extraterritorial child sex tourism law since it was proclaimed; and (b) how many people have been convicted under this law.
- (2) How was the Australian Federal Police's Transnational Sexual Exploitation Team (TSSET) advised of the allegations raised against Mr Gregory Roy Cook.
- (3) Does sentencing for extraterritorial child sex tourism offences involve the same penalties as similar domestic offences.
- (4) With reference to Australians who have been charged in relation to paedophilia activities overseas:
(a) of these, how many: (i) were successfully prosecuted, and (ii) are any currently under appeal;
(b) does the Government fly the victim to Australia to give evidence; if so, what has been the cost for the past 2 financial years; and (c) of the prosecutions secured overseas, with how many cases were TSETT or Australian Customs Service officers asked to assist.

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

- (1) (a) 19. (b) 13.
- (2) A complaint was made to the AFP Senior Liaison Officer, Ho Chi Minh City, Vietnam.

- (3) The Commonwealth Crimes (Child Sex Tourism) Amendment Act 1994, created extraterritorial child sex tourism offences. The legislation specifically refers to travel and exploitation, and contains penalties of up to 17 years imprisonment. The legislation is designed to prosecute Australian citizens when prosecution does not proceed in the country where the offence was committed. There are no similar domestic offences.

Penalties for domestic offences relating to sexual intercourse with young persons differ between States and Territories. In the Australian Capital Territory, section 55(1) of the Crimes Act 1900 refers to the offence of sexual intercourse with a person under 16 years of age. The offence is punishable on conviction by 17 years imprisonment.

- (4) (a) 34 Australian nationals have been charged overseas by foreign law enforcement agencies for offences regarding the sexual exploitation of children.
- (i) Ten people were convicted.
 - (ii) Nil.
- (b) One victim was flown to Australia to give evidence. The cost was borne by the Commonwealth Director of Public Prosecutions (CDPP). This is a question more appropriately answered by the CDPP.
- (c) Foreign law enforcement agencies have not requested the assistance of the AFP Transnational Sexual Exploitation and Trafficking Team (TSETT). The AFP cannot answer on behalf of the Australian Customs Services.

Courts

(Question No. 508 amended)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 March 2005:

With reference to the recommendations of the report on the 'Review of the Federal Magistrates Court':

- (1) Has any progress been made on the consideration of Recommendation 2 of the report; if so, what progress has been made.
- (2) What were the reasons for the low client satisfaction rates of the Family Court of 54 per cent, compared with its target of 75 per cent.
- (3) What steps have been taken to increase the client satisfaction rate; if no steps have been taken, why not.
- (4) If steps have been taken to increase the client satisfaction rate, how effective have they been.
- (5) With reference to the discussion paper, 'A New Approach to the Family Law System', when is the Government expected to release its position following consideration of the submissions.
- (6) With reference to Recommendation 7 of the report, have the Family Court, Federal Court and Federal Magistrates Court established the recommended costing methodology; if not, at what stage are they.

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

- (1) Recommendation 2 of the report on the Review of the Federal Magistrates Court is under consideration by the Government.
- (2) The Family Court has provided the following information in relation to questions (2), (3) and (4).

The Portfolio Budget Statement (PBS) for the Family Court stipulates a client satisfaction target that '75% of clients are satisfied with Court resolution (i.e. mediation) processes'. According to the 2003-04 Annual Report of the Family Court, in the 2004 Client Satisfaction Survey the Court achieved a client satisfaction level of 54% for Court resolution processes.

The Court is concerned about the level of client satisfaction. It notes that, having regard to the increasing availability of mediation services in the community and the role of the Federal Magistrates Court, less complex family disputes are increasingly likely to be resolved or determined without approaching the Family Court. Consequently, the matters that do come to the Court are increasingly the more complex and difficult, involving more entrenched issues and disputes. The Court considers that client satisfaction with the Court's resolution services is impacted by the fact that court mediation occurs after clients' personal positions have become entrenched and that, in such circumstances, it is likely that many clients' assessment of the system is affected by the emotional turmoil associated with the relationship breakdown that they have experienced. Accordingly, the Court considers that the client survey response is affected (at least in part) by clients' experiences during relationship breakdowns (especially those involving children) as much as by the length of time to reach finalisation, the complexity of these cases, and the tangible costs involved for cases requiring judicial determination.

The Court advises that the highest rated area of client satisfaction was with 'Staff Professionalism', at a national average of 87% client satisfaction. Clients were highly satisfied with staff behaviours and professionalism, reporting that staff were polite and approachable, sensitive to needs, and maintained privacy and confidentiality. Further, a significant number of clients rated themselves as being 'neither satisfied nor dissatisfied' with the relevant services provided by the Court. Under the survey methodology, these clients were effectively counted with those who gave an unsatisfactory rating.

The Court notes that, from the survey, there is a direct correlation between increased client dissatisfaction and the duration of proceedings in the Court – that is, the longer their matter took to finalise, the more dissatisfied the client. This is a significant issue, which the Court is presently addressing through several major initiatives (reported below in response to Question (3)).

- (3) The Court advises that it has responded promptly to the client needs identified in the client satisfaction survey. The Court analysed those characteristics that most influenced the level of client satisfaction with the Court's performance. These were timeliness, informed and objective staff, and the conduct of events (i.e. clear explanation of event process, understanding expectations of behaviour, treatment with respect during event). The Court advises it has already taken the following steps, based on the evidence from the survey, to improve the experiences of clients:
- During a series of eight workshops between December 2004 and April 2005, the Court engaged in extensive consultation and discussion with a variety of stakeholders including all staff and the judiciary, clients, community based client groups and practitioners. The focus groups of external stakeholders were facilitated by an independent facilitator, without direct Court involvement in order to ensure robust and unfettered stakeholder opinion and input.
 - Registry Business Planning has adopted, as the key criteria to be addressed in action planning for 2005/06, timeliness, informed and objective staff, and improving how events are conducted.
 - Additional training is regularly being provided to staff on providing clear and accurate information and being balanced and impartial in their dealings.
 - A variety of continuous client feedback mechanisms, including point of service surveying, are being employed to ensure the Court has a clear and accurate understanding of client issues on a real time basis. The results of this feedback will inform decision making processes across other strategic projects of the Court.
 - Registrars and Mediators have reviewed their conference processes including timing, opening statements and the desired outcomes of each event, to ensure that clients have a clear understanding of the purpose of each event.

The Court also advises that the steps it is taking to increase client satisfaction include two major innovations, which fundamentally alter the Court's processes and structure, and other initiatives to target specific areas of client needs. The major innovations are the Combined Registry Initiative and the Children's Cases Program.

The Combined Registry Initiative

The 'Combined Registry' initiative is part of the Government's response to the report of the parliamentary inquiry into child custody arrangements in the event of family separation, 'Every Picture Tells a Story'. This initiative will fundamentally change the way the Family Court of Australia works with the Federal Magistrates Court. Implementation of a combined registry will simplify the process for clients entering the Courts, and will streamline the progression of matters to the point of determination, where that is required, resulting in a more efficient progression through the courts to conclusion. The Court has worked closely with the Federal Magistrates Court and the Attorney-General's Department on this initiative, and has invested significantly in obtaining the input and feedback of other stakeholders by way of stakeholder workshops, which involved the Federal Magistrates Court and the legal profession.

The Children's Cases Program

The Children's Cases Program is intended to enable a less adversarial process for clients of the Court, to reduce the number of necessary courtroom events (thus reducing costs), and to achieve more satisfactory and durable outcomes. The pilot in Parramatta and Sydney has accepted over 200 matters. External, independent evaluators are monitoring pilot progress, and interim evaluation reports are expected in September 2005.

Other initiatives include the following.

Development of Client Perspective Model

The Development of the Client Perspective Model has involved the creation of 'case coordinator' positions – client service officers are assigned cases as soon as the application is lodged. If the case becomes complex, the client receives additional support (i.e. with information about compliance, documents required, interpreters etc). Structures and positions have been reviewed in client service sections to ensure consistency across the Court. Service is more personalised and tailored to suit client needs. A comprehensive case management manual has been developed, and on-line training for staff is now available. Staff members are being multi-skilled across all registry activities, and two surveys to all staff regarding improvements to the model have been undertaken in the last 12 months, as a result of which the model has been further refined.

Communication with Clients / Provision of Information

A project has been established to audit and review all letters produced in registries for the Family Court and the Federal Magistrates Court. A standard set of letters produced by the electronic case management system is being produced to coincide with the implementation of the combined registry. Initial scoping and identification of required improvements to the national phone system was produced in November 2004. Identification of options and planning is being undertaken currently with a finish date of mid- 2005.

The Family Court advises that it continues to work with other federal courts and tribunals to develop a Commonwealth portal for the delivery of web-based services (such as e-lodgement and e-filing). In recent times, the Family Court has played a leading role in the continued development of courts technologies, such as 'Casetrack', intended specifically to improve provision of information and communication with clients. The Court's commitment to continued technological advancements, in order to improve provision of information and communication with clients, will be pivotal to improved client satisfaction over time.

Self-Represented Litigants

The Court is undertaking the following programs to support self-represented litigants:

- An information brochure promoting the 'step by step guide' for self-represented litigants is being developed (to be available in community based organisations and court registries).
- A self-represented litigants kit is being developed in collaboration with Federal Magistrates Court, Family Court and external agencies.
- An e-learning package is being developed for Court staff, to help better understand what information they can provide to self-represented litigants.
- A joint management plan is being developed between the Federal Magistrates Court and Family Court.

Men's Issues

The following steps are being taken to improve satisfaction levels among male clients:

- greater engagement with recognised organisations such as Mensline, No to Violence, Dads in Distress, to commence relationship building and explore possible partnership approaches;
 - delivery of the first iteration of a training package (developed by Crisis Support Services and Mensline) for client services staff; and
 - targeting of new initiatives in a way that is designed to meet the needs and concerns of men as well as women (eg Mental Health Initiative, Family Violence Project).
- (4) The Court advises that it has invested significant effort and resources in addressing the issues presented in the client satisfaction survey report. The major initiatives outlined above being developed and implemented to improve client satisfaction are significant undertakings that represent fundamental changes to the Court's business processes, structure and organisation. Additionally, these initiatives are closely interdependent and involve numerous other stakeholders. Appropriately, this detailed and comprehensive planning effort will incorporate monitoring and evaluation mechanisms that will enable the Court routinely monitor the effectiveness of these changes in terms of client satisfaction, and will enable identification of further opportunities for improvement.
- Following the recent client satisfaction survey, the Court is presently undertaking a comprehensive legal practitioner satisfaction survey, as part of an ongoing commitment to improve service delivery to all Court users. It is not intended that a further comprehensive client satisfaction survey will be conducted during 2005-06.
- (5) Part of the Government's response to the discussion paper, 'A New Approach to the Family Law System' was announced in the 2005-2006 Budget.
- (6) Recommendation 7 has not yet been fully implemented but significant work has been done by the three Courts to ensure a common understanding of each of the Court's differing financial models and to align the current costing methodologies.

Regional Assistance Mission to Solomon Islands

(Question No. 509)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 April 2005:

- (1) Is the Regional Assistance Mission to Solomon Islands (RAMSI) providing anti-corruption training to Solomon Islands police; if so, is RAMSI also providing this training to other public servants.
- (2) Since March 2005, how many arrests have been made in relation to charges of corruption.
- (3) What logistical support is being given to the Solomon Islands judicial system to assist in the processing of the recently-laid charges.

- (4) (a) When was the last review of troop numbers; and (b) what was the outcome of that review.

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

- (1) Yes. The work of RAMSI in stabilising the work of law and order, and facilitating economic recovery has involved a strategic approach to the repair and restoration of government systems.

RAMSI is working to strengthen the three accountability mechanisms – the Ombudsman Office, the Leadership Code Commission, and the Office of the Auditor-General. Under RAMSI, civilian advisers have been placed in all three institutions and a review of the existing accountability framework has commenced. RAMSI is also supporting improved infrastructure and information management systems across the three institutions.

RAMSI is working to strengthen the capacity of the wider public service to fight corruption by helping government agencies to develop a framework of law, policies, procedures and manuals to ensure open and consistent decision making.

Assistance to Solomon Islands Parliament is focussed on rebuilding Parliament's review role and the accountability of Members of Parliament. An improved flow of performance information to Parliament and the public will help citizens to hold elected officials and public servants to account for their actions.

- (2) One.
- (3) Logistical support provided to the Solomon Islands judicial system includes two 12 week courses for Royal Solomon Islands Police prosecutors and the establishment of a Prosecution Support Unit in October 2004 to assist the Participating Police Forces (PPF) with the coordination of High Court Trials.
- (4) (a) The first review of PPF personnel in RAMSI is currently under way. Questions regarding military personnel numbers should be directed to the Minister for Defence. (b) See answer to (a) above.

Passport Readers

(Question No. 513)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 April 2005:

With reference to the reports in the Australian Financial Review of 10 March 2005 that 'three passport readers could only read the chips accurately 58%, 43% and 31% of the time, respectively':

- (1) Are these reports accurate.
- (2) How many readers are available that read the chips accurately less than 90 per cent of the time.
- (3) Have the modifications to the chip readers resulted in any extra delays or expenditure; if so, can details be provided of the delays and expenditure.
- (4) Are there any mechanisms in place to accredit the manufacturers of passport readers to ensure that they are in line with international standards; if so, what are these mechanisms, and by whom are they developed and administered; if not, why not.
- (5) Has any work been done on the mass production of personal e-passports in line with the deadline set by the United States of America (US) of 26 October 2005; if so, how far has this progressed; if not, when is work due to begin.
- (6) Is there a schedule of dates to meet the US deadline; if so, can details be provided, including progress against meeting the dates.
- (7) With reference to the proposal to add metal fibres to passport wallets to prevent skimming of data: (a) how does this work; (b) how effective is it in preventing data-skimming; (c) has the Australian

Customs Service commissioned any studies into data-skimming, or is it aware of any studies; and (d) has any decision been made on whether to add the metal fibres.

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

The Department of Foreign Affairs and Trade have provided the following answers.

- (1) No
- (2) At least 15 vendors manufacture readers that read chips accurately. We would not consider acquiring readers that read accurately less than 90 per cent of the time
- (3) No
- (4) International standards developed by the International Civil Aviation Organisation (ICAO) and ratified by the International Standards Organisation (ISO) represent compliance mechanisms. Standard acquisition processes would require compliance with standards.
- (5) Approximately 10,000 ePassports have already been mass-produced using equipment especially designed for this purpose. Approximately 2,500 of these documents have been issued to Qantas crew who are currently using them to travel to other countries and re-enter Australia. The ePassports project remains on track to meet a 26 October 2005 deadline.
- (6) An implementation plan will be finalised by the end of May 2005. The ordering of materials and supporting software and hardware is scheduled for June. Live trials will be conducted with the US between June and September. The booklet production facility will be established in July. The roll-out of chip reading and writing systems, the training of staff and the distribution of booklets is scheduled for August/September 2005 and Australian ePassports are scheduled to be issued from October.
- (7) Research has been undertaken in to the possible use of metal fibres in passports wallets.
 - (a) metal fibres interfere with any possible transmissions from the chip.
 - (b) our research indicates that it could be effective.
 - (c) we are aware of testing in the U.S. which we are advised resulted in a preliminary finding that skimming was not practicable.
 - (d) No.

Identity Fraud (Question No. 514)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 April 2005:

With reference to the 39-year old factory hand who was charged on 11 March 2005 with 15 counts of possession of forged Commonwealth documents by the Identity Crime Task Force (ICTF):

- (1) What was the nationality of the individual.
- (2) Did the fraudulent documents indicate they were to be used to assist people with the illegal movement of people or people smuggling operations; if so, can details be provided.
- (3) Have any arrests been made of employees of departments where documents were stolen; if so, how many people have been arrested or charged in assisting in the process of identity fraud from government departments.
- (4) (a) In 2005 to date, how many arrests has the ICTF made for identity fraud; and (b) in how many of these arrests did the accused possess fraudulent forms of Commonwealth identification.
- (5) Has anyone been arrested for issuing 126 blank Australian Taxation Office (ATO) cheques.
- (6) Is this still an operational matter.

- (7) (a) How many ATO cheques were cashed by individuals fraudulently in the past 4 financial years; and (b) at what cost to the Commonwealth.
- (8) How many people have been successfully prosecuted for identity fraud in the past 4 financial years.
- (9) (a) Were the 14 false Medicare card numbers accepted into the Medicare system; and (b) were reimbursement payments made to the general practitioner; if so, what was the total cost of this type of fraud for the past 4 years.

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

- (1) He was originally from the People's Republic of China, and is now an Australian citizen.
- (2) No.
- (3) No.
- (4) (a) Two. (b) Two.
- (5) The ATO cheques at this stage do not appear to have been issued by the ATO. The cheques appear to be forgeries.
- (6) Yes.
- (7) (a) This is a question more appropriately answered by the ATO. (b) Refer to (a).
- (8) The ICTF was formed in March 2003 and since this time there have been 24 arrests made by the ICTF which relate to identity crime. To date 13 of these persons have been convicted. The remaining persons are still before the Court.
It should be noted State and Commonwealth law enforcement agencies investigate identity crime offences. The AFP does not maintain statistics on investigations by other agencies. As identity crimes are enablers to other crimes e.g. passport offences, fraud and narcotics offences, it is not possible to provide statistics on all matters involving identity crime.
- (9) (a) This is a matter more appropriately answered by the Health Insurance Commission (HIC). (b) Refer to (a).

Rewards for Information (Question No. 515)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 April 2005:

With reference to rewards offered for information:

- (1) What is the total amount that has been allocated for rewards leading to information on state or federal cases.
- (2) How much has been claimed or paid out in the past 2 financial years.
- (3) Were successful prosecutions reached due to the information received; if so, can examples be provided where this has occurred.
- (4) What happens to unclaimed rewards in the event that a case has been solved without reward compensation being sought.

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

- (1) The Commonwealth Government may, from time to time, offer rewards through public notices, and these may be to assist in matters under investigation by the Australian Federal Police (AFP). The AFP itself, however, does not advertise rewards for assisting with investigations, allocate funding or pay for such rewards. The AFP may provide monetary payment to individuals registered as a human source, for assisting investigations. This only occurs when the person applies for such

payment, based on the results of their contributions to an investigation. There is no specific allocation of funding for such payments.

- (2) The AFP is unable to answer this question in relation to rewards which have been offered by the Government. In relation to payments made to individuals, the AFP is unable to provide any details as payments are made on a strictly confidential basis, for the protection of those persons.
- (3) Many successful prosecutions have stemmed from investigations during which assistance was provided by individuals registered as a human source. The AFP is unable to provide details, as to do so could jeopardise the safety of those persons.
- (4) The AFP cannot provide details about rewards offered by the Commonwealth Government. The AFP does not allocate funds for reward payments.

Transport and Regional Services: Fraud
(Question No. 516)

Senator Ludwig asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 11 April 2005:

In each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many cases of fraud against the department have been a result of forged documentation including any of the following: (a) forged drivers' licences; (b) forged birth certificates; (c) forged Australian citizenship papers; (d) forged passports, either Australian or other nationalities (please specify); and (e) forged marriage certificates, either Australian or other nationalities (please specify).

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

One case of fraud has been reported as a result of forged documentation against the Department in the period financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date. In 2001 a member of staff was found to have falsified a doctors certificate. Administrative action was taken on the staff member, and the funds concerned were recovered.

Defence: Fraud
(Question No. 518)

Senator Ludwig asked the Minister for Defence, upon notice, on 11 April 2005:

In each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many cases of fraud against the department have been a result of forged documentation including any of the following: (a) forged driver's licences; (b) forged birth certificates; (c) forged Australian citizenship papers; (d) forged passports, either Australian or other nationalities (please specify); and (e) forged marriage certificates, either Australian or other nationalities (please specify).

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

The information sought in the honourable senator's question is not readily available. Existing automated systems would not enable Defence to determine the number of cases involving forged documents. To collect and assemble such information solely for the purpose of answering the question would be a major task, and I am not prepared to authorise the expenditure and effort that would be required.

Foreign Affairs and Trade: Fraud
(Question No. 519)

Senator Ludwig asked the Minister representing the Minister for Foreign Affairs, upon notice, on 11 April 2005:

- (1) In each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many cases of fraud against the department have been a result of forged documentation including any of the following: (a) forged drivers' licences; (b) forged birth certificates; (c) forged Australian citizenship papers; (d) forged passports, either Australian or other nationalities (please specify); and (e) forged marriage certificates, either Australian or other nationalities (please specify).

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

CASES OF FORGED DOCUMENTATION DETECTED BY DFAT IN RELATION TO APPLICATIONS FOR AUSTRALIAN PASSPORTS 2001-02 TO 2004-05

	(a) Forged drivers' licences	(b) Forged birth certificates	(c) Forged Australian Citizenship papers	(d) Forged passports (Australian)	(e) Forged marriage certificates
2000-01	Nil	77	12	Nil	Nil
2001-02	Nil	43	9	Nil	Nil
2002-03	Nil	75	9	Nil	Nil
2003-04	1	14	1	30	Nil
2004-05 (to date)	1	5	3	57	Nil

Education, Science and Training: Fraud

(Question No. 523)

Senator Ludwig asked the Minister representing the Minister for Education, Science and Training, upon notice, on 11 April 2005:

In each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many cases of fraud against the department have been a result of forged documentation including any of the following: (a) forged drivers' licences; (b) forged birth certificates; (c) forged Australian citizenship papers; (d) forged passports, either Australian or other nationalities (please specify); and (e) forged marriage certificates, either Australian or other nationalities (please specify).

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

In 2003-04 there was one case of fraud committed against DEST as a result of forged documentation.

Family and Community Services: Fraud

(Question No. 524)

Senator Ludwig ask the Minister for Family and Community Services, upon notice, on 11 April 2005:

In each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many cases of fraud against the department have been a result of forged documentation including any of the following: (a) forged drivers' licences; (b) forged birth certificates; (c) forged Australian citizenship papers; (d) forged passports, either Australian or other nationalities (please specify); and (e) forged marriage certificates, either Australian or other nationalities (please specify).

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

The following table shows the number of recorded cases of fraud against the Department of Family and Community Services (FaCS) as a result of forged documentation, including past and present portfolio agencies, for the financial years 2000/01 to 2004/05 inclusive.

The present portfolio agencies are the Social Security Appeals Tribunal (SSAT) and the Australian Institute of Family Studies (AIFS). Past portfolio agencies are the Child Support Agency (CSA), Centrelink and, the Commonwealth Rehabilitation Service (CRS) that ceased to be part of the FaCS portfolio in 2002/03.

Centrelink is unable to provide figures, as the data is not recorded on electronic records. The information is recorded on the paper files of individual customers and it would not be a practical or realistic exercise to access and collate this data.

Agency	Financial Year				
	2000/01	2001/02	2002/03	2003/04	2004/05
FaCS	0	0	0	0	0
SSAT	0	0	0	0	0
AIFS	0	0	0	0	0
CSA	1	4	3	2	1
CRS	0	0	-	-	-

Employment and Workplace Relations: Fraud

(Question No. 526)

Senator Ludwig asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 11 April 2005:

In each of the financial years 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many cases of fraud against the department have been a result of forged documentation including any of the following: (a) forged drivers' licences; (b) forged birth certificates; (c) forged Australian citizenship papers; (d) forged passports, either Australian or other nationalities (please specify); and (e) forged marriage certificates, either Australian or other nationalities (please specify).

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

For the period July 2000 to date, there have been no cases of fraud against the department as a result of (a) forged drivers' licences; (b) forged birth certificates; (c) forged Australian citizenship papers; (d) forged passports, either Australian or other nationalities; or (e) forged marriage certificates, either Australian or other nationalities.

With respect to forged documentation generally, for the years 2000-01 and 2001-02, the department (and its relevant predecessor, the Department of Employment, Workplace Relations and Small Business) did not disaggregate the records of incidents of fraud from records of incidents of contractual non-compliance. Accordingly, it would be an unreasonable diversion of the department's investigatory resources to recall and revisit files in order to provide figures in respect of the number of cases of fraud against the department as a result of forged documentation for the financial years 2000-01 and 2001-02. However, it has been practicable for the department to identify that in one case committed in 2000-01, charges of forge and utter (s67(b) Crimes Act 1914) were proven, but no conviction was recorded.

One case of forgery was allegedly committed in 2002-03. The matter has been referred to the Commonwealth Director of Public Prosecutions for consideration. No charges have been laid to date.

Seven cases of forgery were allegedly committed in 2003-04. These matters are still being investigated by the department and, if substantiated, the matters will be referred, as appropriate, to the Commonwealth Director of Public Prosecutions.

To date, four cases of forgery have allegedly been committed in 2004-05. Three of these matters are still being investigated by the department, with no charges laid to date. A charge of forgery (s144.1(1) Criminal Code Act 1995) was laid in the remaining case and a conviction was subsequently recorded.

**National Breeding and Development Centre
(Question No. 528)**

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 11 April 2005:

With reference to the Australian Customs Service (Customs) National Breeding and Development Centre and the fact that since the September 11 attacks, 61 detection dogs bred and trained by Customs in Canberra have been sent to the United States of America to boost their airport security and another 20 have been sent into the Asian region:

- (1) What income has been received for the breeding and training of these dogs.
- (2) Does this income go into general Customs revenue or is it specifically channelled back into the breeding and training program.
- (3) (a) How many Customs staff are involved with this program; and (b) what are their work level classifications.
- (4) Does the National Breeding and Development Centre train counterparts from other nations in developing similar programs.
- (5) Do these dogs check through outgoing luggage as well as incoming luggage at international airports.
- (6) When does the Minister expect to have enough dogs to prevent possible intrastate smuggling of illegal substances.

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

- (1) The only income received from the supply of dogs to overseas agencies was US\$12,000 for the sale of four trained Customs bred detector dogs to Saipan Customs.
Additionally, one untrained adult female dog (chemical detection) was provided to Auburn University in the United States at no cost, in return for training four Customs chemical detection dogs (at no cost).
- (2) The income derived from the sale to Saipan Customs has been returned to Australian Customs but has not been specifically channelled back to the breeding and training program.
- (3) (a) Four Customs officers are involved in the National Breeding and Development Centre (NBDC) program in Melbourne.
(b) The Centre is staffed by one Customs Level 4, one Customs Level 2 and two Customs level 1 officers. NBDC also contracts two full-time kennel hands.
- (4) Yes, Customs assists the Department of Homeland Security and Auburn University in the United States of America, Saipan Customs and China Customs.
- (5) Customs dogs do not 'routinely' screen outgoing luggage but do perform this function if operational requirements necessitate.
- (6) While Customs NBDC breeding production plans/infrastructure are geared primarily for Customs needs, Customs will continue to assist both overseas and domestic law enforcement agencies whenever possible. Approximately 200 Customs bred canines have been gifted/sold to local domestic law enforcement agencies in the past 7 years.

**Transport and Regional Services: Overseas Travel
(Question No. 529)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 12 April 2005:

For each of the financial years 2002-03, 2003-04 and 2004-05 to date, how many trips were taken by officers of the Minister's department and agencies to Christmas Island and/or the Cocos (Keeling) Islands, including on how many occasions: (a) officers travelled to the islands through Denpasar, Indonesia; (b) officers travelled from the islands through Denpasar; and (c) the transit through Denpasar consisted of a stopover of: (i) one night, or (ii) more than one night.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

Based on information from the Department of Transport and Regional Services travel provider, the following trips have been made to the Indian Ocean Territories by Departmental staff; 38 in 2002-03, 49 in 2003-04, and 43 so far in 2004-05. From the information provided no trips have included travel through Denpasar.

Health and Ageing: Overseas Travel

(Question No. 530)

Senator O'Brien asked the Minister representing the Minister for Health and Ageing, upon notice, on 12 April 2005:

For each of the financial years 2002-03, 2003-04 and 2004-05 to date, how many trips were taken by officers of the Minister's department and agencies to Christmas Island and/or the Cocos (Keeling) Islands, including on how many occasions: (a) officers travelled to the islands through Denpasar, Indonesia; (b) officers travelled from the islands through Denpasar; and (c) the transit through Denpasar consisted of a stopover of: (i) one night, or (ii) more than one night.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

(a) (b) (c) (i) and (ii) During the financial years 2002-03, 2003-04, and 2004-05 to date, there were no trips taken by officers of the Department of Health and Ageing to Christmas Island or the Cocos (Keeling) Islands.

Finance and Administration: Overseas Travel

(Question No. 531)

Senator O'Brien asked the Minister for Finance and Administration, upon notice, on 12 April 2005:

For each of the financial years 2002-03, 2003-04 and 2004-05 to date, how many trips were taken by officers of the Minister's department and agencies to Christmas Island and/or the Cocos (Keeling) Islands, including on how many occasions: (a) officers travelled to the islands through Denpasar, Indonesia; (b) officers travelled from the islands through Denpasar; and (c) the transit through Denpasar consisted of a stopover of: (i) one night, or (ii) more than one night.

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

In 2002-03, two officers travelled to Christmas Island twice. No officers travelled to the Cocos (Keeling) Islands:

- (a) Neither officer who travelled to Christmas Island transited through Denpasar, Indonesia.
- (b) Not applicable.
- (c) Not applicable.

In 2003-04, two officers travelled to Christmas Island once and one officer travelled twice. One officer also visited the Cocos (Keeling) Islands.

- (a) No officers transited through Denpasar, Indonesia.

(b) Not applicable.

(c) Not applicable.

In 2004-05, two officers travelled to Christmas Island once and one officer travelled twice. No officers travelled to Cocos (Keeling) Islands.

(a) One officer travelled on one occasion through Denpasar. Another officer travelled on two occasions through Denpasar.

(b) No officers returned from Christmas Island through Denpasar, Indonesia.

(c) (i) Two. (ii) None.

Education, Science and Training: Overseas Travel

(Question No. 533)

Senator O'Brien asked the Minister representing the Minister for Education, Science and Training, upon notice, on 12 April 2005:

For each of the financial years 2002-03, 2003-04 and 2004-05 to date, how many trips were taken by officers of the Minister's department and agencies to Christmas Island and/or the Cocos (Keeling) Islands, including on how many occasions: (a) officers travelled to the islands through Denpasar, Indonesia; (b) officers travelled from the islands through Denpasar; and (c) the transit through Denpasar consisted of a stopover of: (i) one night, or (ii) more than one night.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

(a) Two (2) officers from the National Science and Technology Centre (Questacon) travelled to the Christmas Island and Cocos (Keeling) Islands between 10 and 20 June 2003.

(b) The forward and return journey to the Islands was via Perth.

(c) No other officers from the Department of Education, Science and Training and its portfolio agencies travelled to Christmas Island and/or the Cocos (Keeling) Islands or through Denpasar, Indonesia during the financial years 2002-03, 2003-04 and 2004-05.

Commonwealth Superannuation Scheme

(Question No. 537)

Senator Crossin asked the Minister for Finance and Administration, upon notice, on 12 April 2005:

With reference to access to benefits by members of the Commonwealth Superannuation Scheme (CSS) following a change in employment conditions:

(1) Did ComSuper recently conduct a review of the requirements of the legislation governing the CSS and its relationship with the Superannuation Industry (Supervision) Act 1993 in the context of the sale of a Commonwealth agency; if so: (a) when was the review conducted; (b) what was the Commonwealth agency (or agencies) concerned; and (c) why was the review conducted.

(2) If a review was conducted: (a) what were its terms of reference; (b) who conducted the review; (c) who was consulted during the review; (d) what was the outcome of the review; (e) was a copy of the review provided to the CSS Board or the Minister; and (f) can a copy be provided of the outcome of the review.

(3) Were current CSS members informed that a review was being conducted; if not, why not; if so: (a) how were members informed about the review; and (b) can a copy be provided of any information sent to CSS members about the review.

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

- (1) No formal review has been undertaken. Consideration of the CSS Boards obligations under the Superannuation Act 1976 (the Super Act) and the Superannuation Industry (Supervision) Act 1993 (the SIS Act) was initiated after a request in April 2004 for information was made by a member concerned about superannuation entitlements in circumstances where a Commonwealth agency may be sold.
- (2) Following the above member inquiry, an analysis was undertaken of the relevant law in relation to the payment of particular CSS benefits. The outcome of that analysis was that in particular circumstances, that is where a member remains employed by the employer that contributed to their CSS super, the CSS Board is unable to make benefit payments available to members. Certain payments to CSS members had been made previously in error.
- (3) Relevant information has been published on the CSS website, and will be followed up in the relevant annual member statements. The website material is as follows:

“CEO provides clarification on benefit payments for CSS members employed by approved authorities”

I am posting this notice to advise members that a benefit payment arrangement, previously made available to a number of CSS members employed by approved authorities, is in breach of superannuation law and therefore will no longer be available.

This is contrary to the advice that some members may have received previously.

We have personally contacted all members, of whom we are aware, that might be about to claim a benefit based on the arrangement that we now know is incorrect.

The relevant payment arrangement was one that was made available to CSS members employed by approved authorities that offer the choice of an alternative super (superannuation) fund, such as:

- Australian National University
- Northern Territory Government
- Telstra
- University of Canberra

CSS members in this situation are able to change super funds, thereby stopping their CSS contributory membership and deferring (or preserving) their CSS benefit.

In the past, some members have then claimed their deferred benefit at the minimum retirement age (generally 55) although they continued to work for the same employer who contributed to their CSS super.

On discovering this arrangement, the CSS Board immediately sought independent legal advice. This advice confirmed that a CSS retirement benefit cannot be paid if a member remains in continuous employment with the same employer who contributed to their CSS super. As a result, the CSS Board is unable, by law, to make any future benefit payments of this type.

A CSS retirement benefit can only be paid if a CSS member reaches retirement age and meets conditions of release such as:

- ceasing employment completely (i.e. total retirement); or
- leaving the employer who contributed to their CSS superannuation (further conditions apply which vary according to the member's age and type of exit).

An error with members' benefit payments is unacceptable, and we deeply regret that it has been made. Any affected members are welcome to meet with me and Leo Bator (the Commissioner for Superannuation) to discuss the matter further – you can send me an email direct using the button below. You may also choose to seek independent professional advice.

This issue is very complex and, as a matter of priority, the CSS Board and its administrator ComSuper have established processes to ensure a situation such as this does not happen again.

Already, we have updated all relevant information on our website and have contacted those members we know have been affected. I will keep members informed of any further results.

Commonwealth Superannuation Scheme

(Question No. 538)

Senator Crossin asked the Minister for Finance and Administration, upon notice, on 12 April 2005:

With reference to a review by ComSuper of relevant legislation governing the Commonwealth Superannuation Scheme (CSS) in the context of access to benefits by CSS members following a change in employment conditions:

- (1) What were the findings of the review in relation to the payment of cash benefits and the effect of section 111A of the Superannuation Act 1976.
- (2) Did the review find that a cash benefit is not payable in these circumstances unless a condition of release specified in item 108 of Schedule 1 of the Superannuation Industry (Supervision) Regulations 1994 is met.
- (3) Since the review, have the Superannuation Industry (Supervision) Regulations been amended with respect to conditions of release; if so, can details be provided of, and an explanation for, any changes.
- (4) Since the review, has there been any change to the way in which ComSuper has applied the regulations in these circumstances; if so, what is the change and why has it occurred.
- (5) Who has the discretion in determining when to pay benefits and what is the process if a member believes that this discretion has been used inappropriately.
- (6) Were members of the CSS notified of the changes to the way in which these regulations were to be applied; if so, how; if not, why not.

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

- (1) See response to Q 537.
- (2) See response to Q 537.
- (3) Unrelated to the CSS benefit payments and SIS conditions of release issue, the Minister for Revenue and Assistant Treasurer has introduced regulations under the SIS Act to assist people in transitioning to retirement. These regulations will commence on 1 July 2005 and will provide for a new limited condition of release for benefits held in a superannuation fund. The application of these amendments to the CSS and PSS is currently under consideration.
- (4) See response to Q 537.
- (5) The Superannuation Act 1976 and the Superannuation Industry (Supervision) Act 1993 govern the payment of benefits. If a member believes that an inappropriate decision has been made they may lodge a complaint through the CSS complaints procedure which can include internal and external review.
- (6) See response to Q 537.

Commonwealth Superannuation Scheme

(Question No. 539)

Senator Crossin asked the Minister for Finance and Administration, upon notice, on 12 April 2005:

With reference to information sent to members of the Commonwealth Superannuation Scheme (CSS): Is it correct that members' statements issued for the period 1 July 2003 to 30 June 2004, under the section 'your options' included a new and additional statement inserted in bold type that read in part 'you can claim your deferred benefit once you reach your minimum retiring age (generally 55) and are no longer employed by the same employer who contributed to your CSS super'; if so: (a) why was this change made; and (b) who decided that this additional information would be added to the members' statements.

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

- (1) Yes
 - (a) This change was made to ensure that members were aware of the permissible circumstances under which they could claim their benefits.
 - (b) The CSS Board.

Commonwealth Superannuation Scheme

(Question No. 540)

Senator Crossin asked the Minister for Finance and Administration, upon notice, on 12 April 2005:

With reference to a current review regarding access to Commonwealth Superannuation Scheme (CSS) benefits:

- (1) (a) Is a review of the CSS regarding the access to the CSS benefit following a change in employment circumstances being undertaken; and (b) does this also involve a review of the way in which the Superannuation Industry (Supervision) Act 1993 and regulations are applied.
- (2) With reference to the review process: (a) who is involved and who is conducting this review; (b) what are the terms of reference or the objective of the review; (c) what is the timeframe for this review and will a draft report be made available for comment; (d) is a report of the review due to be provided to the CSS Board or the Minister or both; (e) who is being consulted during this review; and (f) will current members of the CSS and those affected by the review be given an opportunity to comment; if so, how; if not, why not.

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

- (1) and (2) An investigation of an individual's circumstances for the payment of certain Commonwealth Superannuation Scheme (CSS) benefits is being progressed by my Department in consultation with the CSS Board Executive, ComSuper (the Scheme administrator) and other relevant stakeholders such as the industry regulators. When the investigation is concluded, the CSS Board and myself will be advised of the outcomes.

Taxation

(Question No. 541)

Senator Sherry asked the Minister representing the Treasurer, upon notice, on 13 April 2005:

Is it correct that in the case of an employee who receives financial compensation for a period of wrongful termination that extends over more than one financial year, provision can be made under the Income Tax Assessment Act for the lump sum payment to be split between the financial years for income tax payment purposes yet the same lump sum that includes a superannuation contribution to a superannuation fund is assessed as a single payment for surcharge/tax purposes.

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

With respect to income tax liability, a taxpayer who receives eligible income in a lump sum payment in respect of earlier years of income may be entitled to a tax offset. Eligible income includes back payment of salary or wages paid to a person in respect of a period of suspension. To be eligible for the tax offset, the amount of the lump sum which accrued before the year of receipt must not be less than 10 per cent of the normal taxable income of the year of receipt.

In respect of the superannuation surcharge, the Government announced in the 2005-06 Budget that it will abolish the surcharge payable on surchargeable contributions and termination payments received from 1 July 2005. Consequently, the treatment of lump sum payments received from that date for surcharge purposes is irrelevant.

Education, Science and Training: Payment of Accounts

(Question No. 544)

Senator Sherry asked the Minister representing the Minister for Education, Science and Training, upon notice, on 13 April 2005:

- (1) What is the normal period of payment of accounts from suppliers of goods and services to the department.
- (2) How many suppliers have not been paid within the period for payment, and in each case, what was the reason for late payment.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (1) The normal period of payment of accounts from suppliers of goods and services to the Department is 30 days.
- (2) (a) An analysis was undertaken of six (6) months of financial data from the Department's SAPfi-hre financial management system for the period 1 October 2004 to 31 March 2005.
 - (b) The total number of transactions for this period was 11,868.
 - (c) Of the total number of transactions, 524 (4.4%) of the transactions were identified as falling outside the 30 day payment period.
 - (d) A random sample of the 524 transactions was investigated by Departmental Officers and revealed that late payments fell into the following 4 (four) categories:

Reason for late payment	Number of suppliers not paid within 30 days
Communication errors resulting from the Department's procedures not being fully carried out, staff absences and invoices sent to the wrong area in the Department.	175 (1.5%)
Vendor issues resulting in invoices being sent before the goods were received, vendors not supplying bank account details, incomplete invoices, duplicate invoices received and cancelled invoices.	94 (0.8%)
Postal issues resulting in delays in mail delivery from remote localities.	15 (0.1%)
Other delays resulting from incorrect completion of forms and electronic entry, new staff in processing areas, or when an invoice is overlooked.	240 (2.0%)

South Pacific Nuclear Free Zone**(Question No. 545)**

Senator Allison asked the Minister representing the Minister for Foreign Affairs, upon notice, on 19 April 2005:

- (1) Is it the case that the Government does not intend to manufacture, test or possess nuclear weapons; if so, why is it that the Government will not sign the South Pacific Nuclear Free Zone Treaty.
- (2) Is it the case the Government has rejected the Mexican Government's invitation to attend the forthcoming conference of the South Pacific Nuclear Free Zone; if so, why.
- (3) Does the Government consider that support from the United States of America for the South Pacific Nuclear Free Zone to be essential for Australia to join; if so, why.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Australia signed the South Pacific Nuclear Free Zone Treaty (SPNFZ) in 1985 and ratified it in 1986. Australia took a leading role in establishing SPNFZ and remains fully committed to it.
- (2) The forthcoming conference to be hosted by Mexico is on nuclear weapon free zones generally, not SPNFZ alone. Australia will not be attending because of concerns about the draft conference declaration including a lack of balance in the references to nuclear disarmament. Australia was also concerned that the NPT nuclear weapon states were not invited to participate, except as observers, and were not consulted on the draft conference declaration. The Government considers nuclear weapon free zone (NWFZ) issues are best taken forward through non-nuclear weapon states engaging constructively with the nuclear weapon states. Nuclear weapon states make an important contribution to NWFZs through adherence to the protocols to the zones which are a vehicle for the weapon states to give binding assurances not to use or threaten to use nuclear weapons against NWFZ parties.
- (3) See (1)

National Gallery of Australia**(Question No. 547)**

Senator Carr asked the Minister for the Arts and Sport, upon notice, on 19 April 2005:

- (1) Can the Minister confirm that the terms of reference for Mr Robert Wray's investigation into cancer deaths at the National Gallery of Australia (NGA), have been broadened [where 'terms of reference' also includes 'directions to investigate' or any other form of words that has the same meaning].
- (2) What are the revised terms of reference.
- (3) Can the Minister confirm that these now include authority to investigate why the management of the NGA and Comcare failed to provide him with existing details of cancer cases and other illnesses at the time of his earlier investigation.
- (4) Under whose auspices was Mr Wray's recent report addressing issues relating to cancer deaths and other health issues conducted; was it the NGA or Comcare.
- (5) Does the NGA have the authority to release this report as claimed by Comcare; if not, who has that authority.
- (6) Under the revised terms of reference for Mr Wray's investigation, what arrangements have been made to ensure that he can establish whether additional, and as yet unidentified material pertinent to his inquiries exists.

- (7) What arrangements have been made to ensure that Mr Wray can have full access to NGA files and records to enable him to undertake the most effective inquiry possible.

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

- (1) to (4) and (6) The NGA has advised that the appointment of Mr Wray and the terms of reference relating to his investigation were determined by Comcare. It is appropriate that questions relating to the investigation process be directed to Comcare.
- (5) The investigation and report were commissioned by Comcare. The NGA has advised that it has the discretion to release the report, taking into account advice from Comcare relating to privacy principles and the provisions of the Privacy Act 1988.
- (7) The NGA has assured me that it is cooperating fully with the investigation.

Iraq

(Question No. 548)

Senator Allison asked the Minister for Defence, upon notice, on 19 April 2005:

- (1) Can the Minister confirm that Saddam Hussein's effigy was pulled down again in Baghdad's Firdos Square in April 2005 together with effigies of the President of the United States of America (US), George W Bush, and the Prime Minister of the United Kingdom, Mr Tony Blair.
- (2) How many Iraqi Shias were at that protest.
- (3) Is it the case that at this protest, Sunni and Shia Nationalists affirmed 'the legitimate right of the Iraqi resistance to defend their country and its destiny' while 'rejecting terrorism aimed at innocent Iraqis, institutions, public buildings and places of worship', as quoted in the Guardian report of 13 April 2005.
- (4) What information is available on the involvement of the Association of Muslim Scholars, the National Foundation Congress and the Iraqi armed resistance.
- (5) Does the Minister agree with the following statement contained in the Guardian report: 'For most Iraqis, with the exception of the Kurds, Washington's "liberation" never was. Wounded national pride was greater than relief at Saddam's departure. Iraqis were soon angered by the failure to get power and water supplies repaired, the brutality of US army tactics, and the disappearance of their country's precious oil revenues into inadequately supervised accounts, or handed to foreigners under contracts that produced no benefits for Iraqis'.
- (6) How many Iraqis are currently held in detention without trial, the so-called 'security detainees'.
- (7) What is the most recent advice from the US on a reduction in the number of its troops in Iraq.
- (8) Is it the case that the US will have permanent bases in Iraq.
- (9) Is it the case as reported in the Guardian that the joint Sadr-National Foundation Congress maintains the Iraqi Government 'will have no right to ratify any agreement or treaty that might affect Iraq's sovereignty, the unity of its territory and the preservation of its resources'.

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

- (1) No.
- (2) Coalition sources provided an estimate in a classified briefing, which was less than the 'tens of thousands' mentioned on Al Jazeera. Open sources, including Al Jazeera, have reported various figures that cannot be verified by Defence.
- (3) Yes.
- (4) Other than the issuing of the joint statement with Sadr, Defence is unaware of any further involvement by the National Foundation Congress.

Press reporting indicates the Association of Muslim Scholars (AMS) urged Iraqi Sunnis to attend the 9 April demonstrations. Sheikh Harith al Dari, Secretary General of the AMS, called for the 9 April demonstration to be a peaceful march, and after the event, praised and congratulated those (including AMS members) who protested against the 'tragic aggression against the Iraqi people over the past two years'.

Although it is unclear whether any of the participants in the demonstration were directly involved with the Iraqi armed resistance, there were no insurgent attacks on the, ultimately, peaceful demonstration.

- (5) No.
- (6) Defence has no knowledge of numbers of Iraqis held in detention without trial.
- (7) There is no fixed schedule for the drawdown of Coalition forces in Iraq.
- (8) This is a matter between the US and the Iraqi Governments.
- (9) Defence has no knowledge of an organisation named the Sadr National Foundation Congress. The organisation referred to may be the Iraqi National Foundation Congress (INFC). According to open source reporting, the comment was made by a spokesperson for the INFC. Defence has no means of verifying the legitimacy of this reporting.

Iraq

(Question No. 549)

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- (1) Can the Minister confirm that Saddam Hussein's effigy was pulled down again in Baghdad's Firdos Square in April 2005 together with effigies of the President of the United States of America (US), George W Bush, and the Prime Minister of the United Kingdom, Mr Tony Blair.
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- (4) What information is available on the involvement of the Association of Muslim Scholars, the National Foundation Congress and the Iraqi armed resistance.
- (5) Does the Minister agree with the following statement contained in the Guardian report: 'For most Iraqis, with the exception of the Kurds, Washington's "liberation" never was. Wounded national pride was greater than relief at Saddam's departure. Iraqis were soon angered by the failure to get power and water supplies repaired, the brutality of US army tactics, and the disappearance of their country's precious oil revenues into inadequately supervised accounts, or handed to foreigners under contracts that produced no benefits for Iraqis'.
- (6) How many Iraqis are currently held in detention without trial, the so-called 'security detainees'.
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- (8) Is it the case that the US will have permanent bases in Iraq.
- (9) Is it the case as reported in the Guardian that the joint Sadr-National Foundation Congress maintains the Iraqi Government 'will have no right to ratify any agreement or treaty that might affect Iraq's sovereignty, the unity of its territory and the preservation of its resources'.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Embassy staff were not present at the site and we cannot confirm what may have transpired.
- (2) Embassy staff were not present. The information is publicly available from other sources.
- (3) See answer (1).
- (4) See answer (1). We cannot advise on which groups may or may not have attended.
- (5) No.
- (6) Australia does not maintain data on persons detained under the authority of UN security Council Resolution 1546, and does not itself hold any persons under that authority.
- (7) US Government officials have publicly indicated troop numbers will fall commensurate with the ability of the Iraqi Security Forces to manager security tasks.
- (8) That is a decision for the Iraqi Government and the US Government.
- (9) No.

Military Flyovers
(Question No. 553)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 20 April 2005:

With reference to the media release of the Member for Parkes, Mr John Cobb, MP, dated 6 August 2004 regarding the provision of two Iroquois Huey helicopters at Broken Hill for a flyover on 18 August 2004:

- (1) On what date was the Minister first approached by Mr Cobb to provide the helicopters.
- (2) In each of the past 3 years, has the Minister received other representations: if so; (a) from whom and when; (b) what was the total cost of providing the helicopters; and (c) from which budget were the funds drawn to meet the cost of the helicopters.
- (3) For each of the past 3 financial years and 2004-2005 to date: (a) from which community groups has the Minister received requests to provide helicopters, other aircraft, military equipment or personnel for commemorative purposes; (b) when were the representations made; (c) what was the nature of the request; (d) what was the Minister's response to each of these representations; and (e) what was the projected and actual cost of each request.
- (4) For each of the past 3 financial years and 2004-2005 to date: (a) from which members of the Federal Parliament has the Minister received requests to provide helicopters, other aircraft, military equipment or personnel for commemorative purposes; (b) when were the representations made; (c) what was the nature of the request; (d) what was the Minister's response to each of these representations; and (e) what was the projected and actual cost of each request.

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

- (1) 12 May 2004.
- (2) Yes.
 - (a) Mr T Redwood, Manager Asset Manager Toowoomba City Council, 28 September 2004.
 - (b) An Iroquois helicopter and a Kiowa helicopter were provided for the event. The cost for the Kiowa helicopter to conduct the activity was \$1,818. The cost for the Iroquois was \$4,780.
 - (c) The funds for the event were drawn from the 2004/2005 budget.
- (3) and (4) The information sought in the honourable senator's question is not readily available. To provide a complete response would require considerable time and resources and, in the interest of efficient utilisation of departmental resources, I am not prepared to authorise the expenditure of resources and effort to provide the information requested. Defence receives numerous requests, both from community groups and through ministerial correspondence, for participation in commemora-

tive events. Each request is considered on a case-by-case basis and is approved in accordance with the Defence Assistance to the Civil Community - policy and procedures.

C-130J Aircraft
(Question No. 558)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 21 April 2005:

With reference to page 197 of the Department of Defence Annual Report 2003-04 would the Minister advise:

- (1) The cost of the project undertaken to develop an innovative and cost-effective solution to correct propeller balance in the C-130J.
- (2) Was this project required as a result of a manufacturing fault, or was it required due to normal wear and tear; if due to a manufacturing fault, what action has been taken to recoup costs from the manufacturer.
- (3) For each of the next five financial years, what is the projected annual saving expected as a result of this solution to correct propeller balance in the C-130J.
- (4) Has the Commonwealth attempted to sell this solution to correct propeller balance in the C-130J to allied nations who also use the C-130J; if not, why not, and if so: (a) which nations have been approached and when; (b) which nations have accepted and when; and (c) what has been the revenue earned to date by the Commonwealth from this solution to correct propeller balance in the C-130J.
- (5) For each of the next five financial years what is the projected revenue to be earned by the Commonwealth from this solution to correct propeller balance in the C-130J.

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

- (1) Direct cost is forecast at AUD \$60,000.
- (2) There is no relevant manufacturing fault with the aircraft. C-130J propellers are required to be balanced every 60 weeks to ensure the engine does not operate outside prescribed vibration limits.
- (3) Projected annual manpower savings are estimated at 276 man-hours per year (\$8,452) or 1380 man-hours (\$42,260) over five years. In addition to the reduced wear on engines because of better balanced propellers, ground engine running time will also be reduced, combining to resulting in increased engine life. The exact value of these savings is still to be determined but expected to significantly out-weigh the minor project cost.
- (4) No. Australia is a member of the C130J Joint User Group (JUG) which is a collaborative program between allied nations who are users of the C-130J. Each user shares its activities and problems, in an attempt to maximise efficiency, reduce the common workload between users and reduce the cost of ownership.
- (5) No cash revenue will be forthcoming from this agreement.

Red-Tailed Black Cockatoo Habitat
(Question No. 559)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 22 April 2005:

With reference to the Red-Tailed Black Cockatoo:

- (1) What measures are being implemented to prevent further destruction of the habitat of the Red-Tailed Black Cockatoo (*Calyptorhynchus banksii graptogyne*), particularly Bulokes (*Allocasuarina leuhmannii*) the bird's major nesting and seed feed species.

- (2) As this bird is listed under the Environment Protection and Biodiversity Conservation Act 1999 as endangered, can the Minister explain how the Government is ameliorating further decline in this species.
- (3) Can the Minister confirm that private clearing of significant areas of Buloke habitat is taking place in Victoria.
- (4) What consultations has the Government had with the Victorian Department of Sustainability and Environment which is approving applications to clear individual and communities of Buloke trees.

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

- (1) Proposals to clear Buloke Trees that are likely to have a significant impact on the Red-tailed Black Cockatoo will require consideration under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Department of the Environment and Heritage is developing guidelines to assist landholders in deciding whether activities potentially affecting habitat of the Red-tailed Black Cockatoo are sustainable or require referral under the EPBC Act.
- (2) The Government, through the Natural Heritage Trust, has funded the development of a recovery plan for the Red-tailed Black Cockatoo. Significant Natural Heritage Trust funding has also been provided for actions aimed at recovery of the Cockatoo.
- (3) No.
- (4) See answer to (1). The recovery plan, guidelines and other Natural Heritage Trust measures are being actioned in consultation with the Victorian Department of Sustainability and Environment, as appropriate.

Political Activity
(Question No. 560)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 26 April 2005:

With reference to the Minister's recent letter to certain environment organisations as reported on page 5 of the *Sydney Morning Herald* on 12 April 2005:

- (1) Does the Minister's definition of 'political activity' include: (a) lobbying political parties; (b) advocating that political parties adopt more environmentally-responsible policies; and (c) holding forums where politicians and/or candidates are invited to speak.
- (2) What action aimed at promoting environmental protection does the Minister consider not to be 'political activity'.
- (3) Will the Minister provide the advice received from the Australian Taxation Office or the Minister for Revenue and Assistant Treasurer (on which the letter to the environment organisations is based), stating that environmental groups' tax deductible funds cannot be used for political activity.
- (4) What Commonwealth law provides that such funds cannot be used for political activity.

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

- (1) No.
- (2) The activities listed in part 1 of the question and any other advocacy or activity not directly related to overt party political election campaigning.
- (3) Refer to (4).
- (4) Section 30-265 of the Income Tax Assessment Act 1997 requires that all organisations listed on the Register of Environmental Organisations maintain a public fund and that all gifts made to the fund must only be used for the principal purpose of the organisation. Section 30-265 provides that the principal purpose must be the protection and enhancement of the natural environment or of a sig-

nificant aspect of the natural environment; or the provision of information or education, or the carrying on of research, about the natural environment or a significant aspect of the natural environment.

Southern Supporter

(Question No. 565 Amended)

Senator Chris Evans asked the Minister for Forestry and Conservation, upon notice, on 19 August 2002:

- (3) Can the following details be provided in relation to the *Southern Supporter* for each of the 2000-01 and 2001-02 financial years: (b) how many were suspected of illegally fishing in Australian waters;

Senator Ian Macdonald—Part of the answer to the honourable senator's question was provided incorrectly on 11 November 2002 as follows:

- (3) (b) During an extended hot pursuit of the *Lena* by the *Southern Supporter*, two vessels, the *Florence* and the *Volga*, assisted the *Lena* by firstly broadcasting bogus Emergency Position Indicating Rescue Beacon (EPIRB) signals in an attempt to get the *Southern Supporter* to break off its hot pursuit. The *Florence* also re-fuelled the *Lena*. Whilst there had not been any recorded observations of the *Florence* or the *Volga* fishing in the Australian fishing zone (AFZ) around HIMI at that time, both vessels were strongly suspected of involvement in IUU fishing.

The correct answer to the honourable senator's question is as follows:

- (3) (b) During an extended hot pursuit of the *Lena* by the *Southern Supporter*, two foreign fishing vessels, the *Florence* and the *Champion*, assisted the *Lena* by firstly broadcasting bogus Emergency Position Indicating Rescue Beacon (EPIRB) signals in an attempt to get the *Southern Supporter* to break off its hot pursuit. The *Florence* also re-fuelled the *Lena*. Whilst there had not been any recorded observations of the *Florence* or the *Champion* fishing in the Australian fishing zone (AFZ) around HIMI at that time, both vessels were strongly suspected of involvement in IUU fishing.

Non-Proliferation Treaty

(Question No. 578)

Senator Allison asked the Minister representing the Minister for Foreign Affairs, upon notice, on 3 May 2005:

- (1) Can a summary be provided of the results of the public consultation meetings held in Sydney, Melbourne, Adelaide and Perth in the lead-up to the Review of the Nuclear Non-proliferation Treaty in May 2005.
- (2) (a) How many people attended the meetings; and (b) from which organisations.
- (3) Why were these public meetings not advertised.
- (4) What methods were used to publicise the meetings.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Yes
- (2) DFAT domestic outreach meetings were held during March and April 2005 in Canberra, Sydney, Melbourne, Adelaide and Perth. Approximately 30 to 50 people attended each meeting. Organisations represented included the Australian Institute of International Affairs (AIIA), the Parliamentary Network for Nuclear Disarmament, the Medical Association for the Prevention of War, the Australian Conservation Foundation, Greenpeace and Friends of the Earth.

- (3) The meetings were advertised by relevant AIIA branches in conjunction with DFAT regional offices, Adelaide University and the University of Western Australia. They were also widely publicised through NGO networks.
- (4) See (3)

**Commonwealth State Disability Agreement
(Question No. 580)**

Senator Allison asked the Minister for Family and Community Services, upon notice, on 3 May 2005:

- (1) When will the Commonwealth State Disability Agreement (CSDA) be reviewed.
- (2) Which of the recommendations made by the 1995 review of the CSDA have been implemented and which have not, and if not, why not.
- (3) What is the status of negotiations with each of the state and territory governments on the additional respite for carers over 70 years of age.

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

- (1) The Commonwealth State Territory Disability Agreement extends until 30 June 2007. There are no plans to formally review the Agreement during that period.
- (2) The 1995 review of the first Commonwealth State Disability Agreement contained 50 recommendations. These were all taken into account and considered by the Australian and State and Territory jurisdictions in renegotiating and implementing the third Agreement, which commenced in July 2002.
- (3) The Australian Government initiative, announced in the 2004-05 Budget, to provide access to respite for older carers was conditional on matching funding from state and territory governments. Currently agreement has been reached with two jurisdictions. Agreement has been reached at officials' level with three other jurisdictions. To date, two jurisdictions have not accepted the Australian Government's offer of matched funding.

**Treasurer: Responsibilities
(Question No. 774)**

Senator Chris Evans asked the Minister representing the Treasurer, upon notice, on 4 May 2005:

- (1) For each of the financial years from 2000-01 to 2004-05 to date, what boards, councils, committees and advisory bodies fall within the responsibilities of the Minister.
- (2) For each body referred to in paragraph (1): (a) who are the members; (b) when were they appointed; (c) how were they appointed and what mechanism was used in the selection process; (d) how long is their term and when does their term expire; (e) what fees, allowances and other benefits are enjoyed by the members; have these fees, allowances and other benefits varied since 2000; if so, what was the reason for each variation, and what was the quantum of each variation.
- (3) For each of the financial years from 2000-01 to 2004-05 to date, can details be provided of the members' publicly-funded travel.
- (4) (a) When have these appointees/boards provided formal reports to the Minister; and (b) can a copy of these reports be provided; if not, why not.

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

- (1) The following boards, councils, committees and advisory bodies currently fall within the responsibilities of the Treasurer:

Australian Statistics Advisory Council
Australian Accounting Standards Board
Auditing and Assurance Standards Board
Board of Taxation
Business Regulation Advisory Group
Companies, Auditors and Liquidators Disciplinary Board
Commonwealth Consumer Affairs Advisory Council
Corporations and Markets Advisory Committee (CAMAC, formerly Companies and Securities Advisory Committee)
Electronic Commerce Expert Group
Financial Reporting Council
Financial Reporting Panel
Financial Sector Advisory Council
Foreign Investment Review Board
Health Services Advisory Committee
Legal Sub-Committee of CAMAC
Life Insurance Actuarial Standards Board
National Competition Council
Payments System Board
Reserve Bank of Australia Board
Shareholders and Investors Advisory Council
Prior to 2004, the following bodies also fell within the Treasurer's responsibilities.
Financial Sector Advisory Council Task Force
General Insurance Advisory Panel
Axiss Australia Advisory Board

Some of the responsibilities for some of the bodies listed above have been delegated to the Minister for Revenue and Assistant Treasurer or the Parliamentary Secretary to the Treasurer.

- (2) The response to this part of the question is provided in the attached table.

In the case of statutory bodies, appointments are made in accordance with the provisions of the relevant legislation. In some cases, processes for appointments are also covered by the Cabinet Handbook and the Executive Council Handbook, both of which are public documents. For example, in the case of significant Government appointments, the Cabinet Handbook requires that "ministers must write to the Prime Minister seeking his or, at his discretion, Cabinet's approval of the appointment."

In regard to fees and allowances, in most cases these are set by the Remuneration Tribunal and the information is publicly available. In the small number of cases where the fees and allowances are not set by the Remuneration Tribunal, they are generally set with reference to comparable positions determined by the Remuneration Tribunal and variations are made in line with variations to Remuneration Tribunal determinations.

-
- (3) The response to part (2) of the question provides general information on the travel entitlements provided to the members listed. The very detailed information sought in this part of the honourable Senator's question is not readily available in consolidated form and it would be a major task to collect and assemble it. The practice of successive governments has been not to authorise the expenditure of time and money involved in assembling such information on a general basis.
 - (4) Where the bodies listed above are required by law to provide annual reports to the Government and/or Parliament, this is indicated in the attached table. Information is also provided in the table on other public documents.

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
WARBURTON, Mr Richard	PT	Chairman	2000	14 Sep 00	14 Jan 08	Treasurer	\$666/day	Tier 1	Reports to Treasurer	See Website
JORDAN, Mr Chris	PT	Deputy Chairman	2000	14 Sep 00	14 Jan 08	Treasurer	\$503/day	Tier 1		
HEADING, Mr Brett	PT	Member	2000	14 Sep 00	14 Jan 08	Treasurer	\$503/day	Tier 1		
SCHWAGER, Ms Jane	PT	Member	2002	16 Oct 02	14 Jan 07	Treasurer	\$503/day	Tier 1		
JAMES, Mr Keith	PT	Member	2004	1 Mar 04	28 Feb 06	Treasurer	\$503/day	Tier 1		
MAYNE, Mr Eric	PT	Member	2005	15 Jan 05	14 Jan 07	Treasurer	\$503/day	Tier 1		
RENDALL, Mr Curt	PT	Member	2005	15 Jan 05	14 Jan 07	Treasurer	\$503/day	Tier 1		
CARMODY, Mr Michael	PT	Ex-officio member	2000	14 Sep 00						
HENRY, Dr Ken	PT	Ex-officio member	2001	27 Apr 01						
QUIGGIN, Mr Peter	PT	Ex-officio member	2004	19 Jan 04						
WALTER, Mrs Catherine		Chair	1997		no fixed term		Nil	Nil	No	No
GILBERT, Mr Richard		Member	2002		no fixed term		Nil	Nil		
HAMILTON, Ms Karen		Member	2002		no fixed term		Nil	Nil		
WOOD, Ms Karen		Member	2002		no fixed term		Nil	Nil		
STONE, Ms Phillippa		Member	2002		no fixed term		Nil	Nil		

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
SEGAL, Ms Jillian		Member	2003		no fixed term		Nil	Nil		
POTTER, Mr Michael		Member	2002		no fixed term		Nil	Nil		
CROSSING, Mr Peter		Member	2002		no fixed term		Nil	Nil		
McCAHEY, Ms Jan		Member	2002		no fixed term		Nil	Nil		
McFARLANE, Mr John		Member	2002		no fixed term		Nil	Nil		
<p>** BRAG is an informal group that was established in mid 1997 to provide feedback from peak industry bodies on the Corporate Law Economic Reform Program. BRAG is a non-statutory body appointed for an indeterminate period.</p>										
MAGAREY, Mr Donald Rees	PT	Chairman	1999	1 Jun 03	31 May 06	Treasurer	Rem Tribunal		Annual Report to Treasurer tabled in Parliament	No
CASTLE, Mr David Frank	PT	Deputy Chairman	2003	1 Jun 03	31 May 06	Treasurer	Rem Tribunal			
MORRIS, Mr Brian Thomas	PT	Member (CPAA)	1997	5 Sep 00	20 Oct 06	Nominated *	Rem Tribunal			
OLIFENT, Mr David John	PT	Member (ICAA)	1991	21 Oct 03	20 Oct 06	Nominated *	Rem Tribunal			

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
PONTING, Mr Patrick Joseph	PT	Member (CPAA)	2000	5 Sep 00	20 Oct 06	Nominated *	Rem Tribunal			
BURROWS, Mr Patrick	PT	Member (ICAA)	2004	1 Sep 04	31 Aug 07	Nominated *	Rem Tribunal			
BARNETT, Mr David	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
BOSTOCK, Mr Tom	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
KEEVES, Mr John	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
RAMSAY, Mr Ian	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
STORY, Mr John	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
STRETTON, Mr Simon	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
NEW MEMBER	PT	Member (CPAA)				Nominated *	Rem Tribunal			
NEW MEMBER	PT	Member (ICAA)				Nominated *	Rem Tribunal			
(Nominated * = the Minister selects the accounting members from a panel nominated by each of the accounting bodies (ICAA & CPA Australia))										
NEAVE, Mr Colin	PT	Chairman	1999	28 Feb 05	28 Feb 07	PST-Minister	Rem Tribunal	Tier 3	Formal	Yes
BARTELS, Mr Gregory	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	reports are	
GUTHRIE, Ms Fiona	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	provided to	
HARVEY, Ms Diana	PT	Member	2002	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	the Minister	
KAY, Mr Michael	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	after each	
KNOWLES, Mr John	PT	Member	2002	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	meeting and	
TAYLOR, Ms Adriana	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	at other times	
KELL, Mr Peter	PT	Member	2004	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	at the request	
MAURICE, Mr Daniel	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	of the Minis-	

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
WARNER, Mr David	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3	ter. The availabilities of copies is generally at the discretion of the Chair and the Minister. Reports as required under the CAC Act	May publish any advice it has given to the Minister.
SNEDDON, Mr Mark	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
FAIR, Mr Patrick	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
LUCY, AM Mr Jeffrey	PT	Member - ex officio ASIC	2004	13 May 04	12 May 07	Treasurer	Rem Tribunal			
BOROS, Prof Elizabeth	PT	Member	2002	11 Dec 02	10 Dec 05	Treasurer	Rem Tribunal			
BRADSHAW, Ms Barbara	PT	Member	2002	11 Dec 02	10 Dec 05	Treasurer	Rem Tribunal			See Website
RAMSAY, Prof Ian	PT	Member	2002	11 Dec 02	10 Dec 05	Treasurer	Rem Tribunal			
ST JOHN, Mr Richard	PT	Convenor	1997	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
WITHNALL, Ms Nerolie	PT	Member	2001	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
SEIDLER, Mr Robert	PT	Member	2001	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
McBRIDE, Ms Louise	PT	Member	2001	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
MICALIZZI, Ms Marian	PT	Member	1999	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
VICKERY AM, Mr Greg	PT	Member	2005	23 May 05	22 May 08	Treasurer	Rem Tribunal			
BAFILE, Ms Zelinda	PT	Member	2005	23 May 05	22 May 08	Treasurer	Rem Tribunal			

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
McCLEARY, Ms Alice	PT	Member	2005	23 May 05	22 May 08	Treasurer	Rem Tribunal			
BARRETT-LENNARD, Ms Clare		Chairman	1999	1 Dec 02		PST - Minister				
SNEDDON, Mr Mark		Member	1999	1 Dec 02		PST - Minister				
BESGROVE, Mr Keith		Member	1999	1 Dec 02		PST - Minister				
SYLVAN, Ms Louise		Member	2002	1 Dec 02		PST - Minister				
WARNER, Mr David		Member	1999	1 Dec 02		PST - Minister				
GEASON, Mr Paul		Member	2002	1 Dec 02		PST - Minister				
MAURICE, Mr Daniel		Member	2003	1 Dec 02		PST - Minister				
LEWIS, Mr Geoff		Member	2002	1 Dec 02		PST - Minister				
PETRIE, Mr Daniel		Member	2002	1 Dec 02		PST - Minister				
REES, Mr Martin		Member	2002	1 Dec 02		PST - Minister				

** On 29 April 2005, the Minister wrote to members of the Expert Group on Electronic Commerce advising them that he had merged their responsibilities with CCAAC.

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
MACEK, Mr Charles	PT	Chairman	2000	11 Jun 03	10 Jun 06	Treasurer	\$70,000	Tier 1	Annual Report to Treasurer tabled in Parliament	See Website
ALEXANDER AM, Ms Elizabeth Anne	PT	Deputy Chairman	2000	7 Mar 03	6 Sep 06	Treasurer	\$666/day sitting fee, unless in fulltime Commonwealth employment	Tier 1		
CHALLEN, Mr Donald William	PT	Member	2000	7 Mar 03	6 Sep 06	Treasurer	As above	Tier 1		
HUMPHRY, Mr Richard	PT	Member	2005	7 Mar 05	6 Mar 08	Treasurer	As above	Tier 1		
HUNT, Mr Warwick	PT	Member	2005	9 Feb 05	8 Feb 08	Treasurer	As above	Tier 1		
JACKSON, Mr David John	PT	Member	2000	7 Mar 03	6 Sep 06	Treasurer	As above	Tier 1		
McGREGOR AO, Mr Graeme William	PT	Member	2000	7 Mar 03	6 Sep 06	Treasurer	As above	Tier 1		
MURPHY, Mr James (Jim) Andrew	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
POCKETT, Mr Thomas William	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
POUND, Mr Gregory David	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
PRIOR, Mr Phillip	PT	Member	2001	13 Sep 04	12 Sep 06	Treasurer	As above	Tier 1		
SCULLIN, Mr Brian Edwin	PT	Member	2003	11 Jun 03	10 Jun 06	Treasurer	As above	Tier 1		
WALTER AM, Ms Catherine Mary	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
WEST, Ms Jan	PT	Member	2005	7 Mar 05	6 Mar 08	Treasurer	As above	Tier 1		
ZIMMERMAN, Mr Klaus	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
COTTON, Mr Roger Craig		Alternative Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
HARRISON AO, Mr Stephen Barry Morgan		Alternative Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
RAWSTRON, Mr Michael		Alternative Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
The Financial Reporting Panel (FRP) is a new alternative dispute resolution body established on 1 January 2005 under the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004.										
The FRP will resolve disputes between ASIC and companies concerning the application of accounting standards and the true and fair view requirement in the Corporations law.										
The FRP is expected to commence operations as soon as possible in the second half of 2005. The appointments of a Chairperson and members are currently being progressed.										
NEWMAN AC AM, Mr Maurice Lionel	FT	Chairman	1998	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2	Council provides papers to Treasurer	No
CURRAN AO, Mr Charles	FT	Member	2002	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2		

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
FITZPATRICK, Mr Barry Francis	FT	Member	2004	6 Dec 04	6 Dec 06	Treasurer	Nil	Tier 2		
HAWKER, Mr Michael John	FT	Member	2004	6 Dec 04	6 Dec 06	Treasurer	Nil	Tier 2		
MACKAY, Mr Chris John	FT	Member	2002	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2		
MURRAY, Mr David Victor	FT	Member	1999	9 Nov 03	9 Nov 05	Treasurer	Nil	Tier 2		
NICHOLLS, Ms Linda Bardo	FT	Member	2004	6 Dec 04	6 Dec 06	Treasurer	Nil	Tier 2		
OWEN, Mr (Les) Arthur Leslie	FT	Member	2003	9 Nov 03	9 Nov 05	Treasurer	Nil	Tier 2		
SHEPPARD, Mr Richard Wallace	FT	Member	1998	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2		
PHILLIPS, AO Mr Mervyn John	PT	Chairman	1997	16 Apr 02	15 Apr 07	Treasurer	Rem Tribunal		Annual report to Treasurer tabled in Parliament	No
MILES, The Hon. Chris	PT	Member	1999	8 Jun 99	7 Jun 09	Treasurer	Rem Tribunal			
WOOD, Ms Lynn	PT	Member	1995	3 Apr 05	2 Apr 10	Treasurer	Rem Tribunal			

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
WOOLDRIDGE, Dr Michael	PT	Chair	2005	7 Mar 05	5 Sep 05	Treasurer	\$610/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 2	Chair reports to Treasurer	Discretion of Treasurer
MARTIN, Mr John Edwin Charles	PT	Member	2003	15 Dec 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
MACKEY, Dr Ken	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
FIELD, Mr Chris	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
FITZPATRICK, Ms Lesley	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
WRONSKI, Prof Ian	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
LIMBURY, Mr Alan	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
WALTERS, Dr Robert	PT	Member	2003	3 Nov 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
CHILD, Dr Andrew	PT	Member	2004	7 Dec 04	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
MASON, Dr Robyn	PT	Member	2004	7 Dec 04	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
MITCHELL, Dr Chris	PT	Member	2005	7 Mar 05	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
CORCORAN, Prof Suzanne	PT	Member	2001	19 Jun 02	18 Jun 05	Minister	Rem Tribunal		Provides advice to main Advisory Committee	No
BLACK, Mr Ashley	PT	Member	2002	11 Dec 02	10 Dec 05	Minister	Rem Tribunal			
MACLEAN, Mr Duncan Wilson	PT	Member	2002	11 Dec 02	10 Dec 05	Minister	Rem Tribunal			
HEADING, Mr James Brett	PT	Member	1993	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
LANDELS, Mr Francis Guy David	PT	Member	1997	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
SHERVINGTON, Mr Laurence James	PT	Member	1993	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
WATTS, Mr Gary Francis	PT	Member	1993	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
EGAN, Mr Damian Francis	PT	Member	1997	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
WITHNALL, Ms Nerolie	PT	Convenor	1994	10 Mar 05	9 Mar 07	Minister	Rem Tribunal			
BOROS, Prof Elizabeth	PT	Member	2001	10 Mar 05	9 Mar 07	Minister	Rem Tribunal			
HILL, Prof Jennifer	PT	Member	1995	10 Mar 05	9 Mar 07	Minister	Rem Tribunal			
STRETTON, Mr Simon	PT	Member	2005	10 Mar 05	9 Mar 08	Minister	Rem Tribunal			

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
ABRAMSON, Ms Julie	PT	Member	2005	10 Mar 05	9 Mar 08	Minister	Rem Tribunal			
WHITELAW, Ms Elizabeth	PT	Member	2005	23 May 05	22 May 08	Minister	Rem Tribunal			
JENKINS, Mr Timothy C	PT	Chairman	1995	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal		Board provides annual report to APRA	Actuarial standards and newsletters published on APRA website
KARP, Mr Tom	PT	Government Member	1998	1 Jul 98	N/A	Treasurer	Rem Tribunal			
AARON, Mr Clive	PT	Member	1998	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal			
BARTLETT, Mr J William	PT	Member	1995	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal			
MARTIN, Mr Gregory C	PT	Member	2000	4 May 04	3 May 07	Treasurer	Rem Tribunal			
SLATER, Mr Graham W	PT	Member	2000	4 May 04	3 May 07	Treasurer	Rem Tribunal			
STEVENSON, Mr Carl J	PT	Member	2001	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal			
CRAWFORD, Mr David Ian	PT	Acting Council President	1999	26 Aug 04	25 Aug 05	Treasurer	Minister **		Annual Report to Treasurer tabled in Parliament	Assessment reports published on website
CRAWFORD, Mr David Ian	PT	Councillor	1999	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			
McTAGGART, Dr Douglas	PT	Councillor	2000	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
HICKEY, Ms Virginia Sue	PT	Councillor	2003	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			
SIMS, Mr Rodney Graham	PT	Councillor	2003	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			
**Fees, Allowances, Benefits for Acting President was set by Minister (Treasurer) under section 33A of the Acts Interpretation Act. Treasurer set Mr Crawford's remuneration with some informal advice from the Rem Tribunal. Minister also set Mr Crawford's conditions, including travel (Tier 1) in relevant Rem Tribunal Determination on Official Travel by Office Holders.										
MACFARLANE, Mr Ian John		Chairman	1998	1 Jul 98	17 Sep 06	Treasurer - ex officio	Rem Tribunal		Annual report to Treasurer	No
LOWE, Dr Philip		Deputy Chairman	2004	8 Mar 04		RBA	Rem Tribunal			
LAKER, Dr John		APRA Member	1998	24 Jul 98		APRA	Rem Tribunal			
GERSH, Mr Joseph Israel	PT	Member	1998	15 Jul 03	14 Jul 08	Treasurer	Rem Tribunal			
McCARTHY, Ms Susan	PT	Member	1998	15 Jul 03	14 Jul 07	Treasurer	Rem Tribunal			
POYNTON, Mr John	PT	Member	2000	25 May 05	24 May 10	Treasurer	Rem Tribunal			
THOM, Mr John	PT	Member	1998	15 Jul 03	14 Jul 06	Treasurer	Rem Tribunal			
MACFARLANE, Mr I J (Governor)	FT	Chairman	1996	18 Sep	17 Sep 06	Treasurer	Determined by a sub- committee of non- executive Board mem- bers		Reports as required under the CAC Act	Publications and research published on website

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
STEVENS, Mr Glenn (Depty Governor)	FT	Deputy Chair	2001	21 Dec	20 Dec 08	Treasurer	Determined by a sub-committee of non-executive Board members			
HENRY, Dr Ken (Treasury Secretary)	PT	Member	2001	27 Apr	N/A*	Follows from RBA Act	Rem Tribunal			
BROADBENT, Ms Jillian	PT	Member	1998	7 May	6 May 08	Treasurer	Rem Tribunal			
GERARD, Mr Robert	PT	Member	2003	20 Mar	19 Mar 08	Treasurer	Rem Tribunal			
LOWY, Mr Frank	PT	Member	1995	27 Jun	9 Dec 05	Treasurer	Rem Tribunal			
McGAUCHIE, Mr Donald	PT	Member	2001	30 Mar	29 Mar 06	Treasurer	Rem Tribunal			
McKIBBIN, Prof Warwick	PT	Member	2001	31 Jul	30 Jul 06	Treasurer	Rem Tribunal			
MORGAN, Mr Hugh	PT	Member	1996	14 Aug	28 Jul 07	Treasurer	Rem Tribunal			
							In 2003-04 payments to exec & non-exec Board members totalled \$1 221 946. In 2000-01 payments to exec & non-exec Board members totalled \$1 022 388.			
SHADFORTH, Mr Tony	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2	No	No

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Com- menced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitle- ment	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
SMITH, Ms Amanda	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
GUPPY, Mr Daryl	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
READER HARRIS, Ms Penelope	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
PADDICK, Mr Geoff	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
HASTIE, Mr John	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
DOIG, Ms Cynthia	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
NICHOLSON, Ms Jill	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
HUNTER, Mr Tony	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
ROFE, Mr Ted	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		

Minister for Revenue and Assistant Treasurer: Responsibilities
(Question No. 794)

Senator Chris Evans asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 4 May 2005:

- (1) For each of the financial years from 2000-01 to 2004-05 to date, what boards, councils, committees and advisory bodies fall within the responsibilities of the Minister.
- (2) For each body referred to in paragraph (1): (a) who are the members; (b) when were they appointed; (c) how were they appointed and what mechanism was used in the selection process; (d) how long is their term and when does their term expire; (e) what fees, allowances and other benefits are enjoyed by the members; have these fees, allowances and other benefits varied since 2000; if so, what was the reason for each variation, and what was the quantum of each variation.
- (3) For each of the financial years from 2000-01 to 2004-05 to date, can details be provided of the members' publicly-funded travel.
- (4) (a) When have these appointees/boards provided formal reports to the Minister; and (b) can a copy of these reports be provided; if not, why not.

Senator Coonan—The Minister for Revenue and Assistant Treasurer has provided the answer to the honourable senator's question:

- (1) The following boards, councils, committees and advisory bodies currently fall within the responsibilities of the Treasurer:
 - Australian Statistics Advisory Council
 - Australian Accounting Standards Board
 - Auditing and Assurance Standards Board
 - Board of Taxation
 - Business Regulation Advisory Group
 - Companies, Auditors and Liquidators Disciplinary Board
 - Commonwealth Consumer Affairs Advisory Council
 - Corporations and Markets Advisory Committee (CAMAC, formerly Companies and Securities Advisory Committee)
 - Electronic Commerce Expert Group
 - Financial Reporting Council
 - Financial Reporting Panel
 - Financial Sector Advisory Council
 - Foreign Investment Review Board
 - Health Services Advisory Committee
 - Legal Sub-Committee of CAMAC
 - Life Insurance Actuarial Standards Board
 - National Competition Council
 - Payments System Board
 - Reserve Bank of Australia Board
 - Shareholders and Investors Advisory Council
- Prior to 2004, the following bodies also fell within the Treasurer's responsibilities.

Financial Sector Advisory Council Task Force

General Insurance Advisory Panel

Axiss Australia Advisory Board

Some of the responsibilities for a number of the bodies listed above have been delegated to the Minister for Revenue and Assistant Treasurer or the Parliamentary Secretary to the Treasurer.

- (2) The response to this part of the question is provided in the attached table.

In the case of statutory bodies, appointments are made in accordance with the provisions of the relevant legislation. In some cases, processes for appointments are also covered by the Cabinet Handbook and the Executive Council Handbook, both of which are public documents. For example, in the case of significant Government appointments, the Cabinet Handbook requires that “ministers must write to the Prime Minister seeking his or, at his discretion, Cabinet’s approval of the appointment.”

In regard to fees and allowances, in most cases these are set by the Remuneration Tribunal and the information is publicly available. In the small number of cases where the fees and allowances are not set by the Remuneration Tribunal, they are generally set with reference to comparable positions determined by the Remuneration Tribunal and variations are made in line with variations to Remuneration Tribunal determinations.

- (3) The response to part (2) of the question provides general information on the travel entitlements provided to the members listed. The very detailed information sought in this part of the honourable Senator’s question is not readily available in consolidated form and it would be a major task to collect and assemble it. The practice of successive governments has been not to authorise the expenditure of time and money involved in assembling such information on a general basis.
- (4) Where the bodies listed above are required by law to provide annual reports to the Government and/or Parliament, this is indicated in the attached table. Information is also provided in the table on other public documents.

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
WARBURTON, Mr Richard	PT	Chairman	2000	14 Sep 00	14 Jan 08	Treasurer	\$666/day	Tier 1	Reports to Treasurer	See Website
JORDAN, Mr Chris	PT	Deputy Chairman	2000	14 Sep 00	14 Jan 08	Treasurer	\$503/day	Tier 1		
HEADING, Mr Brett	PT	Member	2000	14 Sep 00	14 Jan 08	Treasurer	\$503/day	Tier 1		
SCHWAGER, Ms Jane	PT	Member	2002	16 Oct 02	14 Jan 07	Treasurer	\$503/day	Tier 1		
JAMES, Mr Keith	PT	Member	2004	1 Mar 04	28 Feb 06	Treasurer	\$503/day	Tier 1		
MAYNE, Mr Eric	PT	Member	2005	15 Jan 05	14 Jan 07	Treasurer	\$503/day	Tier 1		
RENDALL, Mr Curt	PT	Member	2005	15 Jan 05	14 Jan 07	Treasurer	\$503/day	Tier 1		
CARMODY, Mr Michael	PT	Ex-officio member	2000	14 Sep 00						
HENRY, Dr Ken	PT	Ex-officio member	2001	27 Apr 01						
QUIGGIN, Mr Peter	PT	Ex-officio member	2004	19 Jan 04						
WALTER, Mrs Catherine		Chair	1997		no fixed term		Nil	Nil	No	No
GILBERT, Mr Richard		Member	2002		no fixed term		Nil	Nil		
HAMILTON, Ms Karen		Member	2002		no fixed term		Nil	Nil		
WOOD, Ms Karen		Member	2002		no fixed term		Nil	Nil		
STONE, Ms Phillippa		Member	2002		no fixed term		Nil	Nil		
SEGAL, Ms Jillian		Member	2003		no fixed term		Nil	Nil		
POTTER, Mr Michael		Member	2002		no fixed term		Nil	Nil		
CROSSING, Mr Peter		Member	2002		no fixed term		Nil	Nil		
McCAHEY, Ms Jan		Member	2002		no fixed term		Nil	Nil		
McFARLANE, Mr John		Member	2002		no fixed term		Nil	Nil		

** BRAG is an informal group that was established in mid 1997 to provide feedback from peak industry bodies on the Corporate Law Economic Reform Program.
BRAG is a non-statutory body appointed for an indeterminate period.

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Docu- ments
MAGAREY, Mr Donald Rees	PT	Chairman	1999	1 Jun 03	31 May 06	Treasurer	Rem Tribunal		Annual Report to Treasurer tabled in Parliament	No
CASTLE, Mr David Frank	PT	Deputy Chairman	2003	1 Jun 03	31 May 06	Treasurer	Rem Tribunal			
MORRIS, Mr Brian Thomas	PT	Member (CPAA)	1997	5 Sep 00	20 Oct 06	Nominated *	Rem Tribunal			
OLIFENT, Mr David John	PT	Member (ICAA)	1991	21 Oct 03	20 Oct 06	Nominated *	Rem Tribunal			
PONTING, Mr Patrick Joseph	PT	Member (CPAA)	2000	5 Sep 00	20 Oct 06	Nominated *	Rem Tribunal			
BURROWS, Mr Patrick	PT	Member (ICAA)	2004	1 Sep 04	31 Aug 07	Nominated *	Rem Tribunal			
BARNETT, Mr David	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
BOSTOCK, Mr Tom	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
KEEVES, Mr John	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
RAMSAY, Mr Ian	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
STORY, Mr John	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
STRETTON, Mr Simon	PT	Member (Business)	2004	1 Sep 04	31 Aug 07	Treasurer	Rem Tribunal			
NEW MEMBER	PT	Member (CPAA)				Nominated *	Rem Tribunal			
NEW MEMBER	PT	Member (ICAA)				Nominated *	Rem Tribunal			

(Nominated * = the Minister selects the accounting members from a panel nominated by each of the accounting bodies (ICAA & CPA Australia))

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Docu- ments
NEAVE, Mr Colin	PT	Chairman	1999	28 Feb 05	28 Feb 07	PST-Minister	Rem Tribunal	Tier 3	Formal reports are provided to the Minister after each meeting and at other times at the request of the Minister. The availabilities of copies is generally at the discretion of the Chair and the Minister.	Yes
BARTELS, Mr Gregory	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
GUTHRIE, Ms Fiona	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
HARVEY, Ms Diana	PT	Member	2002	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
KAY, Mr Michael	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
KNOWLES, Mr John	PT	Member	2002	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
TAYLOR, Ms Adriana	PT	Member	1999	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
KELL, Mr Peter	PT	Member	2004	28 Feb 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
MAURICE, Mr Daniel	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
WARNER, Mr David	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
SNEDDON, Mr Mark	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		
FAIR, Mr Patrick	PT	Member	2005	29 Apr 05	28 Feb 06	PST-Minister	Rem Tribunal	Tier 3		

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Commenced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
LUCY, AM Mr Jeffrey	PT	Member - ex officio ASIC	2004	13 May 04	12 May 07	Treasurer	Rem Tribunal		Reports as required under the CAC Act	May publish any advice it has given to the Minister.
BOROS, Prof Elizabeth	PT	Member	2002	11 Dec 02	10 Dec 05	Treasurer	Rem Tribunal			
BRADSHAW, Ms Barbara	PT	Member	2002	11 Dec 02	10 Dec 05	Treasurer	Rem Tribunal			See Website
RAMSAY, Prof Ian	PT	Member	2002	11 Dec 02	10 Dec 05	Treasurer	Rem Tribunal			
ST JOHN, Mr Richard	PT	Convenor	1997	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
WITHNALL, Ms Nerolie	PT	Member	2001	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
SEIDLER, Mr Robert	PT	Member	2001	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
McBRIDE, Ms Louise	PT	Member	2001	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
MICALIZZI, Ms Marian	PT	Member	1999	10 Mar 05	9 Mar 07	Treasurer	Rem Tribunal			
VICKERY AM, Mr Greg	PT	Member	2005	23 May 05	22 May 08	Treasurer	Rem Tribunal			
BAFILE, Ms Zelinda	PT	Member	2005	23 May 05	22 May 08	Treasurer	Rem Tribunal			
McCLEARY, Ms Alice	PT	Member	2005	23 May 05	22 May 08	Treasurer	Rem Tribunal			
BARRETT-LENNARD, Ms Clare		Chairman	1999	1 Dec 02		PST - Minister				
SNEDDON, Mr Mark		Member	1999	1 Dec 02		PST - Minister				

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Docu- ments
BESGROVE, Mr Keith		Member	1999	1 Dec 02		PST - Minis- ter				
SYLVAN, Ms Louise		Member	2002	1 Dec 02		PST - Minis- ter				
WARNER, Mr David		Member	1999	1 Dec 02		PST - Minis- ter				
GEASON, Mr Paul		Member	2002	1 Dec 02		PST - Minis- ter				
MAURICE, Mr Daniel		Member	2003	1 Dec 02		PST - Minis- ter				
LEWIS, Mr Geoff		Member	2002	1 Dec 02		PST - Minis- ter				
PETRIE, Mr Daniel		Member	2002	1 Dec 02		PST - Minis- ter				
REES, Mr Martin		Member	2002	1 Dec 02		PST - Minis- ter				
MACEK, Mr Charles	PT	Chairman	2000	11 Jun 03	10 Jun 06	Treasurer	\$70,000	Tier 1	Annual Report to Treasurer tabled in Parliament	See Website
ALEXANDER AM, Ms Elizabeth Anne	PT	Deputy Chairman	2000	7 Mar 03	6 Sep 06	Treasurer	\$666/day sitting fee, unless in fulltime Com- monwealth employment	Tier 1		

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Docu- ments
CHALLEN, Mr Donald William	PT	Member	2000	7 Mar 03	6 Sep 06	Treasurer	As above	Tier 1		
HUMPHRY, Mr Richard	PT	Member	2005	7 Mar 05	6 Mar 08	Treasurer	As above	Tier 1		
HUNT, Mr Warwick	PT	Member	2005	9 Feb 05	8 Feb 08	Treasurer	As above	Tier 1		
JACKSON, Mr David John	PT	Member	2000	7 Mar 03	6 Sep 06	Treasurer	As above	Tier 1		
McGREGOR AO, Mr Graeme William	PT	Member	2000	7 Mar 03	6 Sep 06	Treasurer	As above	Tier 1		
MURPHY, Mr James (Jim) Andrew	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
POCKETT, Mr Thomas William	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
POUND, Mr Gregory David	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
PRIOR, Mr Phillip	PT	Member	2001	13 Sep 04	12 Sep 06	Treasurer	As above	Tier 1		
SCULLIN, Mr Brian Edwin	PT	Member	2003	11 Jun 03	10 Jun 06	Treasurer	As above	Tier 1		
WALTER AM, Ms Catherine Mary	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
WEST, Ms Jan	PT	Member	2005	7 Mar 05	6 Mar 08	Treasurer	As above	Tier 1		
ZIMMERMAN, Mr Klaus	PT	Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
COTTON, Mr Roger Craig		Alternative Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
HARRISON AO, Mr Stephen Barry Morgan		Alternative Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
RAWSTRON, Mr Michael		Alternative Member	2003	7 Mar 03	6 Mar 06	Treasurer	As above	Tier 1		
<p>The Financial Reporting Panel (FRP) is a new alternative dispute resolution body established on 1 January 2005 under the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004. The FRP will resolve disputes between ASIC and companies concerning the application of accounting standards and the true and fair view requirement in the Corporations law. The FRP is expected to commence operations as soon as possible in the second half of 2005. The appointments of a Chairperson and members are currently being progressed.</p>										
NEWMAN AC AM, Mr Maurice Lionel	FT	Chairman	1998	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2	Council provide papers to Treas- urer	No
CURRAN AO, Mr Charles	FT	Member	2002	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2		
FITZPATRICK, Mr Barry Francies	FT	Member	2004	6 Dec 04	6 Dec 06	Treasurer	Nil	Tier 2		

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Docu- ments
HAWKER, Mr Michael John	FT	Member	2004	6 Dec 04	6 Dec 06	Treasurer	Nil	Tier 2		
MACKAY, Mr Chris John	FT	Member	2002	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2		
MURRAY, Mr David Victor	FT	Member	1999	9 Nov 03	9 Nov 05	Treasurer	Nil	Tier 2		
NICHOLLS, Ms Linda Bardo	FT	Member	2004	6 Dec 04	6 Dec 06	Treasurer	Nil	Tier 2		
OWEN, Mr (Les) Arthur Leslie	FT	Member	2003	9 Nov 03	9 Nov 05	Treasurer	Nil	Tier 2		
SHEPPARD, Mr Richard Wallace	FT	Member	1998	22 Aug 02	22 Aug 06	Treasurer	Nil	Tier 2		
PHILLIPS, AO Mr Mervyn John	PT	Chairman	1997	16 Apr 02	15 Apr 07	Treasurer	Rem Tribunal		Annual report to Treasurer tabled in Parliament	No
MILES, The Hon. Chris	PT	Member	1999	8 Jun 99	7 Jun 09	Treasurer	Rem Tribunal			
WOOD, Ms Lynn	PT	Member	1995	3 Apr 05	2 Apr 10	Treasurer	Rem Tribunal			
WOOLDRIDGE, Dr Michael	PT	Chair	2005	7 Mar 05	5 Sep 05	Treasurer	\$610/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 2	Chair reports to Treasurer	Discretion of Treas- urer
MARTIN, Mr John Edwin Charles	PT	Member	2003	15 Dec 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
MACKEY, Dr Ken	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Commenced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
FIELD, Mr Chris	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
FITZPATRICK, Ms Lesley	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
WRONSKI, Prof Ian	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
LIMBURY, Mr Alan	PT	Member	2003	5 Sep 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
WALTERS, Dr Robert	PT	Member	2003	3 Nov 03	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
CHILD, Dr Andrew	PT	Member	2004	7 Dec 04	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When: Copy Provided Y/N? If not, why?	Other Public Docu- ments
MASON, Dr Robyn	PT	Member	2004	7 Dec 04	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
MITCHELL, Dr Chris	PT	Member	2005	7 Mar 05	5 Sep 05	Treasurer	\$460/day @ mtgs; \$53 TA daily; \$98 TA o/night	Tier 3		
CORCORAN, Prof Suzanne	PT	Member	2001	19 Jun 02	18 Jun 05	Minister	Rem Tribunal		Provides advice to main Advisory Committee	No
BLACK, Mr Ashley	PT	Member	2002	11 Dec 02	10 Dec 05	Minister	Rem Tribunal			
MACLEAN, Mr Duncan Wilson	PT	Member	2002	11 Dec 02	10 Dec 05	Minister	Rem Tribunal			
HEADING, Mr James Brett	PT	Member	1993	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
LANDELS, Mr Francis Guy David	PT	Member	1997	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
SHERVINGTON, Mr Laurence James	PT	Member	1993	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
WATTS, Mr Gary Francis	PT	Member	1993	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
EGAN, Mr Damian Francis	PT	Member	1997	8 Mar 04	7 Mar 06	Minister	Rem Tribunal			
WITHNALL, Ms Nerolie	PT	Convenor	1994	10 Mar 05	9 Mar 07	Minister	Rem Tribunal			
BOROS, Prof Elizabeth	PT	Member	2001	10 Mar 05	9 Mar 07	Minister	Rem Tribunal			
HILL, Prof Jennifer	PT	Member	1995	10 Mar 05	9 Mar 07	Minister	Rem Tribunal			
STRETTON, Mr Simon	PT	Member	2005	10 Mar 05	9 Mar 08	Minister	Rem Tribunal			
ABRAMSON, Ms Julie	PT	Member	2005	10 Mar 05	9 Mar 08	Minister	Rem Tribunal			
WHITELOW, Ms Elizabeth	PT	Member	2005	23 May 05	22 May 08	Minister	Rem Tribunal			

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Docu- ments
JENKINS, Mr Timothy C	PT	Chairman	1995	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal		Board provides annual report to APRA	Actuarial standards and newsletters published on APRA website
KARP, Mr Tom	PT	Government Member	1998	1 Jul 98	N/A	Treasurer	Rem Tribunal			
AARON, Mr Clive	PT	Member	1998	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal			
BARTLETT, Mr J William	PT	Member	1995	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal			
MARTIN, Mr Gregory C	PT	Member	2000	4 May 04	3 May 07	Treasurer	Rem Tribunal			
SLATER, Mr Graham W	PT	Member	2000	4 May 04	3 May 07	Treasurer	Rem Tribunal			
STEVENSON, Mr Carl J	PT	Member	2001	6 Jul 04	5 Jul 07	Treasurer	Rem Tribunal			
CRAWFORD, Mr David Ian	PT	Acting Council Presi- dent	1999	26 Aug 04	25 Aug 05	Treasurer	Minister **		Annual Report to Treasurer tabled in Parliament	Assess- ment reports published on website
CRAWFORD, Mr David Ian	PT	Councillor	1999	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			
McTAGGART, Dr Douglas	PT	Councillor	2000	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			
HICKEY, Ms Virginia Sue	PT	Councillor	2003	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			
SIMS, Mr Rodney Graham	PT	Councillor	2003	18 Dec 03	17 Dec 06	Gov-General	Rem Tribunal			

**Fees, Allowances, Benefits for Acting President was set by Minister (Treasurer) under section 33A of the Acts Interpretation Act. Treasurer set Mr Crawford's remuneration with some informal advice from the Rem Tribunal.
Minister also set Mr Crawford's conditions, including travel (Tier 1) in relevant Rem Tribunal Determination on Official Travel by Office Holders.

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Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Ap- pointed	Term Commenced	Term Expires	Appointed By	Fees, Allow- ances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Docu- ments
MACFARLANE, Mr Ian John		Chairman	1998	1 Jul 98	17 Sep 06	Treasurer - ex officio	Rem Tribunal		Annual report to Treasurer	No
LOWE, Dr Philip		Deputy Chairman	2004	8 Mar 04		RBA	Rem Tribunal			
LAKER, Dr John		APRA Member	1998	24 Jul 98		APRA	Rem Tribunal			
GERSH, Mr Joseph Israel	PT	Member	1998	15 Jul 03	14 Jul 08	Treasurer	Rem Tribunal			
McCARTHY, Ms Susan	PT	Member	1998	15 Jul 03	14 Jul 07	Treasurer	Rem Tribunal			
POYNTON, Mr John	PT	Member	2000	25 May 05	24 May 10	Treasurer	Rem Tribunal			
THOM, Mr John	PT	Member	1998	15 Jul 03	14 Jul 06	Treasurer	Rem Tribunal			
MACFARLANE, Mr I J (Governor)	FT	Chairman	1996	18 Sep	17 Sep 06	Treasurer	Determined by a sub-committee of non-executive Board members	Reports as required under the CAC Act	Publica- tions and research published on website	
STEVENS, Mr Glenn (Depty Governor)	FT	Deputy Chair	2001	21 Dec	20 Dec 08	Treasurer	Determined by a sub-committee of non-executive Board members			
HENRY, Dr Ken (Treasury Secretary)	PT	Member	2001	27 Apr	N/A*	Follows from RBA Act	Rem Tribunal			
BROADBENT, Ms Jillian	PT	Member	1998	7 May	6 May 08	Treasurer	Rem Tribunal			
GERARD, Mr Robert	PT	Member	2003	20 Mar	19 Mar 08	Treasurer	Rem Tribunal			
LOWY, Mr Frank	PT	Member	1995	27 Jun	9 Dec 05	Treasurer	Rem Tribunal			
McGAUCHIE, Mr Donald	PT	Member	2001	30 Mar	29 Mar 06	Treasurer	Rem Tribunal			
McKIBBIN, Prof Warwick	PT	Member	2001	31 Jul	30 Jul 06	Treasurer	Rem Tribunal			
MORGAN, Mr Hugh	PT	Member	1996	14 Aug	28 Jul 07	Treasurer	Rem Tribunal			

In 2003-04 payments to exec & non-exec Board members totalled \$1 221 946.
In 2000-01 payments to exec & non-exec Board members totalled \$1 022 388.

QUESTIONS ON NOTICE

Name of Board, Council, Committee	Full-time/ Part-time	Position Held	First Appointed	Term Commenced	Term Expires	Appointed By	Fees, Allowances, Benefits	Travel Entitlement	Formal Reports Provided and When; Copy Provided Y/N? If not, why?	Other Public Documents
SHADFORTH, Mr Tony	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2	No	No
SMITH, Ms Amanda	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
GUPPY, Mr Daryl	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
READER HARRIS, Ms Penelope	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
PADDICK, Mr Geoff	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
HASTIE, Mr John	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
DOIG, Ms Cynthia	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
NICHOLSON, Ms Jill	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
HUNTER, Mr Tony	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		
ROFE, Mr Ted	FT	Member	2004	17 Jun 04	17 Jun 05	PST - Minister	Nil	Tier 2		

QUESTIONS ON NOTICE

Environment Groups**(Question No. 865)**

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 5 May 2005:

With reference to the Minister's comments about tax deductibility for environment groups made on ABC Radio National on 23 April 2005: Can a list be provided of the individuals and groups which have 'complained' about environment groups and their use of tax deductible status, including: (a) the name of the complainant; (b) the date of the complaint; and (c) a summary of the complaint.

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

Instances of possible abuse of environment groups' tax-deductible status were raised by Senator Mason in a speech to the Senate on 1 March 2004 and by several Senators in the Senate Economics Legislation Committee Additional Estimates hearings on 17 February 2005, and are on the public record.

Complaints have been received by me, my Office, and my Department on this issue. I am not prepared to breach the privacy of these individuals or groups by making their details known.

Indonesian Military**(Question No. 902)**

Senator Bartlett asked the Minister for Defence, upon notice, on 11 May 2005:

- (1) (a) During the years 2002-03, 2003-04 and 2004-05, have any Indonesian military personnel undertaken training at the Kokoda Barracks at Canungra (the location of the Australian Army Regional Training Centre); (b) how many Indonesian military personnel have trained there during each of those years; and (c) are there any plans to train Indonesian military personnel at that location in the future.
- (2) Noting recent reports that the United States of America (US) is considering renewing military ties with Indonesia, has Australia received any indication from the US regarding a potential resumption of military ties between the US and Indonesia.
- (3) What are the current arrangements, if any, between the Australian and Indonesian military.
- (4) What joint training exercises, if any, have been undertaken involving Australian and Indonesian troops in the past 12 months, including: (a) the troops participating and whether these included Kopassus and TNI (Indonesian Army); (b) how many troops; (c) the location of the exercises; and (d) the nature of the exercises.
- (5) Does the Government maintain its commitment to ensure that no Indonesian officer who has previously been involved in human rights violations will participate in any joint arrangement with Australian troops; if so, how does the Government propose to practically implement this policy.
- (6) Is the Government aware of a report by the Strategic and Defence Studies Centre at the Australian National University, released on 4 November 2004, which found that Kopassus has not reformed its ways and recommended that Australia should not renew military ties with it; if so, what is the Government's response to that report.

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

- (1) (a) Yes.
 - (b) 2002-03 - 2
 - 2003-04 - 5
 - 2004-05 - 3
- (c) Yes.

- (2) Any resumption of military ties between the United States and Indonesia is a matter between those two countries.
- (3) There is currently one Defence-sponsored formally agreed Administrative Arrangement in place between the Australian and Indonesian militaries.
- (4) No joint training exercises involving Australian and Indonesian troops have been conducted in the past 12 months. However, a combined maritime air surveillance exercise, Ex ALBATROS AUSINDO, was conducted with the Royal Australian Air Force and the Indonesian Air Force from 11 to 15 April 2005.
 - (a) Personnel from the Royal Australian Air Force and the Indonesian Air Force were involved in Ex ALBATROS AUSINDO. The exercise did not involve Kopassus or Indonesian Army personnel.
 - (b) Approximately 34 air and ground crew from the Australian and Indonesian Air Forces.
 - (c) Denpasar, Bali.
 - (d) A combined air maritime surveillance exercise.
- (5) The Government excludes cooperation with all foreign military personnel who are known to have been involved in human rights abuses. The Government implements this policy based on the range of information sources available to it.
- (6) No.

Fiji

(Question No. 903)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 10 May 2005:

With respect to the sentencing in Fiji of Australian national Mr Thomas Maxwell McCosker and Fiji local person Mr Dharendra Nandan to 2 years gaol for engaging in homosexual sex:

- (1) What assistance has the Australian High Commission in Fiji given to ensure that Mr McCosker has access to legal representatives who can assist in the appeal against the sentence.
- (2) Has the Government made any request for clemency to the Fijian Government.
- (3) Has the Government expressed to the Fijian Government a view that such a sentence is a violation of Mr McCosker's and Mr Nandan's basic rights, as described by the International Covenant on Civil and Political Rights.
- (4) Will the department issue suitable warnings to all Australian tourists visiting countries such as Fiji, advising them of the law in relation to homosexuals.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Mr McCosker was given a list of local lawyers during his initial consular visit at Natabua Prison, Lautoka on 6 April 2005. The list was also provided to Mr McCosker's nominated next of kin in Australia who said he was willing to assist with the selection of a lawyer.
- (2) No. A request for clemency cannot be made until all legal avenues have been exhausted.
- (3) No. Fiji is not a signatory to the ICCPR and the Government believes representations about Mr McCosker's and Mr Nandan's human rights would be counter-productive while their legal proceedings are continuing.

- (4) All DFAT travel advisories remind Australians that when overseas they are subject to local laws, which can be very different from those in Australia. Following the enforcement of the law in relation to homosexual acts against Mr McCosker, the Department updated its travel advice for Fiji on 15 April 2005 to advise Australian travellers that homosexual acts are illegal in Fiji.