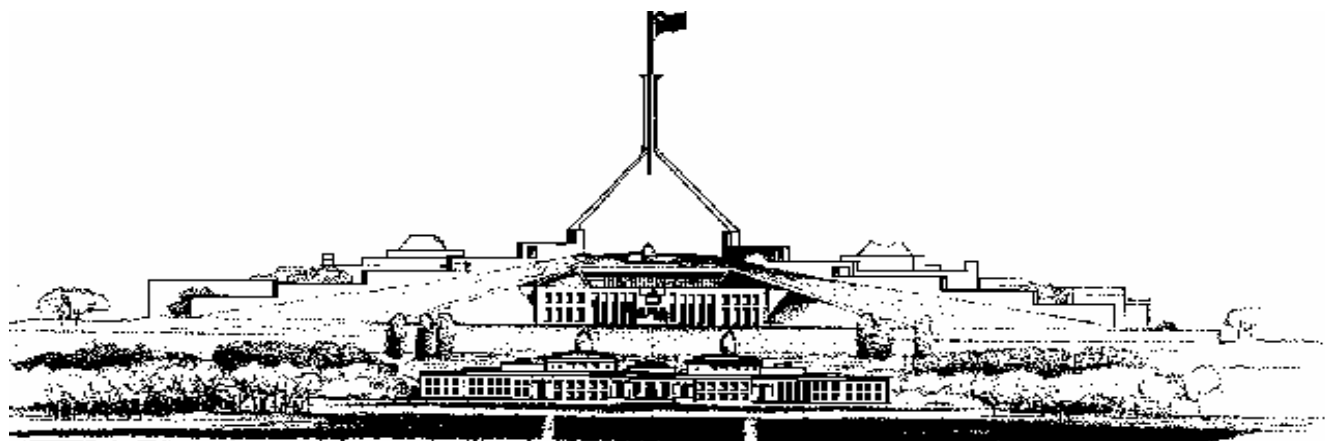




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



SENATE

Official Hansard

No. 7, 2004

TUESDAY, 15 JUNE 2004

**FORTIETH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD**

BY AUTHORITY OF THE SENATE

INTERNET

The Journals for the Senate are available at
<http://www.aph.gov.au/senate/work/journals/index.htm>

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at
<http://www.aph.gov.au/hansard>

For searching purposes use
<http://parlinfoweb.aph.gov.au>

SITTING DAYS—2004

Month	Date
February	10, 11, 12
March	1, 2, 3, 4, 8, 9, 10, 11, 22, 23, 24, 25, 29, 30, 31
April	1
May	11, 12, 13
June	15, 16, 17, 21, 22, 23, 24
August	3, 4, 5, 9, 10, 11, 12, 30, 31
September	1, 2, 6, 7, 8, 9, 27, 28, 29, 30
October	5, 6, 7, 25, 26, 27, 28
November	22, 23, 24, 25, 29, 30
December	1, 2

RADIO BROADCASTS

Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News
Network radio stations, in the areas identified.

<i>CANBERRA</i>	1440 AM
<i>SYDNEY</i>	630 AM
<i>NEWCASTLE</i>	1458 AM
<i>GOSFORD</i>	98.1 FM
<i>BRISBANE</i>	936 AM
<i>GOLD COAST</i>	95.7 FM
<i>MELBOURNE</i>	1026 AM
<i>ADELAIDE</i>	972 AM
<i>PERTH</i>	585 AM
<i>HOBART</i>	747 AM
<i>NORTHERN TASMANIA</i>	92.5 FM
<i>DARWIN</i>	102.5 FM

**FORTIETH PARLIAMENT
FIRST SESSION—EIGHTH 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, Alan Baird Ferguson,
Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles, Philip Ross Lightfoot,
John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall, Jan Elizabeth McLucas
and John Odin Wentworth Watson

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

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

Leader of the Opposition in the Senate—Senator the Hon. John Philip Faulkner

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

Manager of Government Business in the Senate—Senator the Hon. Ian Gordon Campbell

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

Senate Party Leaders

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

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

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

Leader of the Australian Labor Party—Senator the Hon. John Philip Faulkner

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

Leader of the Australian Democrats—Senator 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
Fifield, Mitch ⁽⁸⁾	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⁾⁽⁷⁾	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
Macdonald, Hon. Ian Douglas	Qld	30.6.2008	LP

Senator	State or Territory	Term expires	Party
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
Tierney, John William	NSW	30.6.2005	LP
Troeth, Hon. Judith Mary	Vic	30.6.2005	LP
Vanstone, Hon. Amanda Eloise	SA	30.6.2005	LP
Watson, John Odin Wentworth	Tas	30.6.2008	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 South Australia to fill a casual vacancy vice John Woodley, resigned.
- (4) Chosen by the Parliament of Queensland 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 Legislative Assembly of the Australian Capital Territory to fill a casual vacancy vice Hon. Margaret Reid, resigned.
- (8) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, 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 Foreign Affairs	The Hon. Alexander John Gosse Downer MP
Minister for Defence and Leader of the Government in the Senate	Senator the Hon. Robert Murray Hill
Minister for Finance and Administration and Deputy Leader of the Government in the Senate	Senator the Hon. Nicholas Hugh Minchin
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 the Environment and Heritage and Vice-President of the Executive Council	The Hon. Dr David Alistair Kemp MP
Minister for Communications, Information Technology and the Arts	The Hon. Daryl Robert Williams AM, QC, MP
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 Reconciliation	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 the Status of Women	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

(The above ministers constitute the cabinet)

HOWARD MINISTRY—*continued*

Minister for Justice and Customs	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 Small Business and Tourism	The Hon. Joseph Benedict Hockey MP
Minister for Science and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Local Government, Territories and Roads and Manager of Government Business in the Senate	Senator the Hon. Ian Campbell
Minister for Children and Youth Affairs	The Hon. Lawrence James Anthony MP
Minister for Employment Services and Minister Assisting the Minister for Defence	The Hon. Malcolm Thomas Brough MP
Special Minister of State	Senator the Hon. Eric Abetz
Minister for Veterans' Affairs	The Hon. Danna Sue Vale MP
Minister for Revenue and Assistant Treasurer	Senator the Hon. Helen Lloyd Coonan
Minister for Ageing	The Hon. Julie Isabel Bishop MP
Minister for Citizenship and Multicultural Affairs and Minister Assisting the Prime Minister	The Hon. Gary Douglas Hardgrave MP
Parliamentary Secretary to the Prime Minister	The Hon. Jacqueline Marie Kelly MP
Parliamentary Secretary to the Minister for Transport and Regional Services and Parliamentary Secretary to the Minister for Trade	The Hon. De-Anne Margaret Kelly
Parliamentary Secretary to the Treasurer	The Hon. Ross Alexander Cameron MP
Parliamentary Secretary to the Minister for Foreign Affairs	The Hon. Christine Ann Gallus MP
Parliamentary Secretary to the Minister for Defence	The Hon. Frances Esther Bailey MP
Parliamentary Secretary to the Minister for the Environment and Heritage	The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Finance and Administration	The Hon. Peter Neil Slipper MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry	Senator the Hon. Judith Mary Troeth
Parliamentary Secretary to the Minister for Family and Community Services	The Hon. Christopher Maurice Pyne
Parliamentary Secretary to the Minister for Health and Ageing	The Hon. Patricia Mary Worth MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Warren George Entsch MP

SHADOW MINISTRY

Leader of the Opposition	Mark Latham MP
Deputy Leader of the Opposition and Shadow Minister for Employment, Education and Training	Jennifer Louise Macklin MP
Leader of the Opposition in the Senate, Shadow Special Minister of State and Shadow Minister for Public Administration and Accountability	Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition in the Senate and Shadow Minister for Trade, Corporate Governance and Financial Services	Senator Stephen Michael Conroy
Shadow Minister for Employment Services and Training	Anthony Norman Albanese MP
Shadow Minister for Veterans' Affairs and Shadow Minister for Customs	Senator Thomas Mark Bishop
Shadow Minister for Industry and Innovation and Shadow Minister for Science and Research	Senator Kim John Carr
Shadow Minister for Children and Youth	Senator Jacinta Mary Ann Collins
Shadow Minister for Revenue and Shadow Assistant Treasurer	David Alexander Cox MP
Shadow Treasurer and Deputy Manager of Opposition Business in the House	The Hon Simon Findlay Crean MP
Shadow Minister for Ageing and Seniors and Shadow Minister for Disabilities	Annette Louise Ellis MP
Shadow Minister for Workplace Relations and Shadow Minister for the Public Service	Craig Anthony Emerson MP
Shadow Minister for Defence	Senator Christopher Vaughan Evans
Shadow Minister for Population, Citizenship and Multicultural Affairs	Laurence Donald Thomas Ferguson MP
Shadow Minister for Urban and Regional Development and Shadow Minister for Transport and Infrastructure	Martin John Ferguson MP
Shadow Minister for Mining, Energy and Forestry	Joel Andrew Fitzgibbon MP
Shadow Minister for Health and Manager of Opposition Business in the House	Julia Eileen Gillard MP
Shadow Minister for Consumer Affairs and Assisting the Shadow Minister for Health	Alan Peter Griffin MP
Shadow Minister for Information Technology, Shadow Minister for Sport and Recreation and Shadow Minister for the Arts	Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security	Robert Bruce McClelland MP

SHADOW MINISTRY—*continued*

Shadow Minister for Finance and Shadow Minister for Small Business	Robert Francis McMullan MP
Shadow Minister for Housing, Urban Development and Local Government	Daryl Melham MP
Shadow Minister for Reconciliation and Indigenous Affairs and Shadow Minister for Tourism, Regional Services and Territories	Senator Kerry William Kelso O'Brien
Shadow Minister for Agriculture and Fisheries	Gavan Michael O'Connor MP
Shadow Attorney-General and Assisting the Leader on the Status of Women	Nicola Louise Roxon MP
Shadow Minister for Foreign Affairs and International Security	Kevin Michael Rudd MP
Shadow Minister for Retirement Incomes and Savings	Senator the Hon. Nicholas John Sherry
Shadow Minister for Immigration	Stephen Francis Smith
Shadow Minister for Family and Community Services	Wayne Maxwell Swan MP
Shadow Minister for Communications and Shadow Minister for Community Relationships	Lindsay James Tanner MP
Shadow Minister for Sustainability, the Environment and Heritage	Kelvin John Thomson MP
Parliamentary Secretary for Industry, Innovation, Science and Research	Senator George Campbell
Parliamentary Secretary to the Leader of the Opposition	Senator the Hon. Peter Francis Salmon Cook
Parliamentary Secretary for Defence	The Hon. Graham John Edwards MP
Parliamentary Secretary for Family and Community Services	Senator Michael George Forshaw
Parliamentary Secretary for Sustainability, the Environment and Heritage	Kirsten Fiona Livermore MP
Parliamentary Secretary to the Attorney-General and for Homeland Security; Manager of Business in the Senate	Senator Joseph William Ludwig
Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Parliamentary Secretary for Communications	Michelle Anne O'Byrne MP
Parliamentary Secretary for Agriculture and Resources	Peter Sid Sidebottom MP
Parliamentary Secretary for Northern Australia and Reconciliation	The Hon. Warren Edward Snowdon MP
Parliamentary Secretary for Urban and Regional Development, Transport, Infrastructure and Tourism	Christian John Zahra MP

CONTENTS

TUESDAY, 15 JUNE

Committees—	
Free Trade Agreement Committee—Meeting	23475
Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004—	
First Reading	23475
Second Reading	23475
In Committee	23485
Third Reading	23492
Questions Without Notice—	
Iraq: Treatment of Prisoners	23493
Environment: Policy	23493
Australian Crime Commission	23494
Howard Government: Family Policy	23496
Taxation: Family Payments	23497
Health: Contraception	23498
Taxation: Family Payments	23499
Environment: Policy	23500
Taxation: Family Payments	23501
Transport: AusLink	23503
Iraq: Treatment of Prisoners	23504
Indigenous Affairs: Commercial Ventures	23505
Australian Crime Commission	23506
Questions Without Notice: Additional Answers—	
Asia Pacific Space Centre	23507
Questions Without Notice: Take Note of Answers—	
Howard Government: Family Policy	23508
Health: Contraception	23513
Petitions—	
Trade: Live Animal Exports	23515
Defence: Involvement in Overseas Conflict Legislation	23515
Health: Pharmaceutical Benefits Scheme	23515
Australian National Flag	23515
Indigenous Affairs: Government Policy	23516
Education: Funding	23516
Education: Funding	23516
East Timor: Oil and Gas Fields	23517
Notices—	
Presentation	23517
Withdrawal	23520
Presentation	23520
Committees—	
Employment, Workplace Relations and Education References Committee—Extension of Time	23521
Legal and Constitutional Legislation Committee—Extension of Time	23521
Notices—	
Postponement	23521
Withdrawal	23521
Berg, Mr Nicholas	23521
Chronic Fatigue Syndrome Awareness Week	23521

CONTENTS—*continued*

Cooperative Research Centres	23522
Committees—	
Community Affairs References Committee—Extension of Time	23522
Business—	
Rearrangement.....	23522
Ministerial Statement—	
Resolving Deadlocks: The Public Response	23522
Committees—	
Appropriations and Staffing Committee—Report.....	23531
Documents—	
Tabling.....	23531
Auditor-General's Reports—Report Nos 47, 48, 49 and 52 of 2003-04	23532
Leave of Absence.....	23532
Documents—	
Responses to Senate Resolutions.....	23532
Immigration: Detention Centres—	
Return to Order.....	23532
Committees—	
Foreign Affairs, Defence and Trade References Committee—Correspondence	23533
Budget—	
Portfolio Budget Statements	23533
Committees—	
Public Works Committee—Reports	23533
Foreign Affairs, Defence and Trade Committee: Joint—Report	23536
Petitions—	
Education: Funding	23545
Ministerial Statements—	
United Nations: Human Rights Committee	23545
Committees—	
Economics Legislation Committee—Additional Information.....	23546
Corporations and Financial Services Committee—Report.....	23546
Delegation Reports—	
Parliamentary Observer Delegation for the Parliamentary Elections in Indonesia	23547
Committees—	
Legal and Constitutional References Committee—Membership	23550
Aboriginal and Torres Strait Islander Commission Amendment Bill 2004,	
Anti-terrorism Bill 2004,	
Bankruptcy Legislation Amendment Bill 2004,	
Export Market Development Grants Amendment Bill 2004,	
Family and Community Services and Veterans' Affairs Legislation Amendment	
(Income Streams) Bill 2004,	
Farm Household Support Amendment Bill 2004,	
Industrial Chemicals (Notification and Assessment) Amendment (Low Regulatory	
Concern Chemicals) Bill 2004,	
Superannuation Budget Measures Bill 2004,	
Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2004,	
Tax Laws Amendment (2004 Measures No. 2) Bill 2004,	
Tax Laws Amendment (2004 Measures No. 3) Bill 2004,	
Customs Tariff Amendment (Fuels) Bill 2004,	
Excise Tariff Amendment (Fuels) Bill 2004,	

CONTENTS—*continued*

Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Bill 2004,	
Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004,	
Medical Indemnity (Run-off Cover Support Payment) Bill 2004,	
Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Bill 2004,	
Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004,	
Superannuation Laws Amendment (2004 Measures No. 2) Bill 2004,	
Tourism Australia Bill 2004 and	
Tourism Australia (Repeal and Transitional Provisions) Bill 2004—	
First Reading	23551
Second Reading	23552
Business—	
Consideration of Legislation	23585
Age Discrimination Bill 2003—	
Consideration of House of Representatives Message	23585
Australian Federal Police and Other Legislation Amendment Bill 2004—	
Consideration of House of Representatives Message	23588
Postal Services Legislation Amendment Bill 2003—	
Consideration of House of Representatives Message	23590
Parliamentary Superannuation Bill 2004 and	
Parliamentary Superannuation and Other Entitlements Legislation Amendment Bill 2004—	
Report of Finance and Public Administration Legislation Committee	23592
Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004—	
Third Reading	23592
Assent	23595
Customs Tariff Amendment (Fuels) Bill 2004 and	
Excise Tariff Amendment (Fuels) Bill 2004—	
Second Reading	23595
In Committee	23600
Third Reading	23604
Postal Services Legislation Amendment Bill 2003—	
Consideration of House of Representatives Message	23604
Laws Amendment (2004 Measures No. 1) Bill 2004—	
Second Reading	23608
In Committee	23614
Third Reading	23619
Tax Laws Amendment (2004 Measures No. 2) Bill 2004—	
Second Reading	23619
Adjournment—	
Reagan, Mr Ronald	23629
Budget 2004-05	23631
Western Australia: Coastal Development	23633
Vietnamese Community in Australia	23635
Education: Victoria	23637
Agriculture: Apple and Pear Industry	23639
Reagan, Mr Ronald	23642
Queensland: St John's Cathedral	23643
Walking Together Project	23643

CONTENTS—continued

Documents—	
Tabling.....	23645
Tabling.....	23646
Proclamations	23649
Questions on Notice—	
Treasury: Staff Absences—(Question No. 682)	23650
Agriculture: Livestock Identification—(Question No. 980)	23650
Environment: Murrumbidgee Valley—(Question No. 1168)	23651
Agriculture: Grains Industry—(Question No. 1606).....	23656
Agriculture: Herbicides—(Question No. 1884)	23657
Trade: Live Animal Exports—(Question No. 2000)	23658
Area Consultative Committees—(Question No. 2123)	23659
Sustainable Regions Program—(Question No. 2167).....	23660
Australian Research Council: Energy Research and Development Projects— (Question No. 2192 Supplementary Answer).....	23662
Taxation: Avoidance Schemes—(Question No. 2337)	23663
Telstra: Staff—(Question No. 2419).....	23665
Australian Broadcasting Corporation: Documentaries—(Question No. 2442)	23667
Australian Nuclear Science and Technology Organisation—(Question No. 2453).....	23667
Defence: Unanswered Questions—(Question No. 2463).....	23670
Immigration: Asylum Seekers—(Question No. 2525)	23670
Child Support Legislation: Administration—(Question Nos 2532 and 2533)	23672
Communications: Local Content Broadcasting—(Question No. 2552)	23674
Australia Post: PostShops—(Question No. 2554).....	23675
Australia Post: Occupational Health and Safety Policy—(Question No. 2556).....	23677
Australia Post: Contractors—(Question No. 2557).....	23678
Australia Post: Dividends—(Question No. 2561)	23679
Trade: Free Trade Agreement—(Question No. 2564)	23680
Telstra: Premium Services—(Question No. 2567)	23682
Telstra: Services—(Question No. 2568).....	23683
Telstra: Dividends—(Question No. 2569).....	23685
Telstra: Services and Staffing—(Question No. 2570)	23686
Telstra: Fax Stream—(Question No. 2571)	23687
Telstra: Directory Services—(Question No. 2572)	23688
Tourist Refund Scheme—(Question No. 2579).....	23689
Australian Nuclear Science and Technology Organisation: Community Survey— (Question No. 2586)	23690
Denison Electorate: Bulk-Billing—(Question No. 2606)	23690
National Radioactive Waste Repository—(Question No. 2608)	23691
Dawson Electorate: Bulk-Billing—(Question No. 2609).....	23692
Herbert Electorate: Bulk-Billing—(Question No. 2610).....	23693
Kennedy Electorate: Bulk-Billing—(Question No. 2611).....	23694
Leichhardt Electorate: Bulk-Billing—(Question No. 2612)	23695
Taxation: Fuel Excise—(Question No. 2621)	23696
Diesel and Alternative Fuels Grants Scheme—(Question No. 2626).....	23696
Diesel and Alternative Fuels Grants Scheme—(Question No. 2627).....	23696
Diesel Fuel Rebate Scheme—(Question No. 2628)	23697
Diesel Fuel Rebate Scheme—(Question No. 2632)	23697
Forde, Maranoa, Moncrieff, McPherson and Groom Electorates: Bulk-Billing— (Question No. 2633)	23697

CONTENTS—continued

O'Connor Electorate: Bulk-Billing—(Question No. 2654).....	23698
Moore Electorate: Bulk-Billing—(Question No. 2655).....	23699
Deakin, Menzies, Corangamite and Gippsland Electorates: Bulk-Billing—(Question No. 2656).....	23700
Education: Educational Textbook Subsidy Scheme—(Question No. 2659).....	23701
Immigration: Asylum Seekers—(Question No. 2660).....	23703
Hindmarsh Electorate: Bulk-Billing—(Question No. 2667).....	23704
Barker Electorate: Bulk-Billing—(Question No. 2668).....	23705
Adelaide and Boothby Electorates: Bulk-Billing—(Question No. 2669).....	23706
Solomon Electorate: Bulk-Billing—(Question No. 2672).....	23707
Australian Public Service—(Question No. 2686).....	23708
Agriculture, Fisheries and Forestry: Staff—(Question No. 2696).....	23708
Agriculture, Fisheries and Forestry: Staff Travel—(Question No. 2697).....	23714
Agriculture, Fisheries and Forestry: Advertising—(Question No. 2698).....	23753
Agriculture, Fisheries and Forestry: Consultants—(Question No. 2699).....	23754
Immigration: Declared Countries—(Question No. 2701).....	23767
Education: Learning Difficulties—(Question No. 2706).....	23767
Transport: Vehicle Emission Standards—(Question Nos 2716 and 2717).....	23768
Education: Enrolments—(Question No. 2718).....	23769
Immigration: International Journalists—(Question No. 2725).....	23771
Health: Complementary Healthcare Products—(Question No. 2734).....	23771
Cooperative Research Centres—(Question No. 2737).....	23773
Defence: Royal Australian Navy—(Question No. 2741).....	23775
Riverina Electorate: Bulk-Billing—(Question No. 2742).....	23776
Macarthur Electorate: Bulk-Billing—(Question No. 2743).....	23777
Hume Electorate: Bulk-Billing—(Question No. 2744).....	23778
Gilmore Electorate: Bulk-Billing—(Question No. 2745).....	23779
Farrer Electorate: Bulk-Billing—(Question No. 2746).....	23780
Eden-Monaro Electorate: Bulk-Billing—(Question No. 2747).....	23780
Immigration: Commonwealth Law—(Question No. 2757).....	23781
Fisheries: Law Enforcement—(Question No. 2758).....	23782
Cowper, Cunningham, Hughes, Mackellar, Page, Parkes and Warringah Electorates: Bulk-Billing—(Question No. 2760).....	23783
Aviation: Air Safety—(Question No. 2768).....	23784
Aviation: Melbourne Airport—(Question No. 2769).....	23784
Medicare: Bulk-Billing—(Question No. 2772).....	23785
Medicare: Bulk-Billing—(Question No. 2773).....	23785
Rural and Regional Australia: Bulk-Billing—(Question No. 2774).....	23788
Health and Ageing: Sponsorship Arrangements—(Question No. 2775).....	23789
Treasury: Legal Services—(Question No. 2781).....	23790
Defence: Legal Services—(Question No. 2783).....	23791
Health and Ageing: Legal Services—(Question No. 2785).....	23792
Agriculture, Fisheries and Forestry: Legal Services—(Question No. 2789).....	23793
Defence: Depleted Uranium—(Question No. 2803).....	23794
Medibank Private Ltd—(Question No. 2806).....	23796
Social Welfare: Newstart and Youth Allowance—(Question Nos 2807, 2808 and 2809).....	23796
Taxation: Negative Gearing—(Question No. 2812).....	23798
Immigration: Children—(Question No. 2825).....	23799
Family Services: Child Care—(Question No. 2826).....	23800

CONTENTS—*continued*

Health and Ageing: Wheelchairs—(Question No. 2828)	23800
Immigration: People-Smuggling—(Question No. 2836)	23801
Immigration: People-Smuggling—(Question No. 2837)	23801
Immigration: People-Smuggling—(Question No. 2838)	23802
Immigration: Detainees—(Question No. 2839)	23803
Health: Defend and Extend Medicare Group—(Question No. 2840).....	23804
Health: Diagnostic Products—(Question No. 2841)	23806
Aboriginal and Torres Strait Islander Services: Disclosure of Information— (Question No. 2844)	23807
Taxation: Tobacco Franchise Fees—(Question No. 2846)	23808
Taxation: Tobacco Franchise Fees—(Question No. 2847)	23809
Forestry: Tasmania—(Question No. 2849).....	23809
Iraq—(Question No. 2852).....	23809
Foreign Affairs: Mr Kirk Pinner—(Question No. 2862)	23810
Centrelink: Payments—(Question No. 2863).....	23811
Defence: Exercise Sea Lion—(Question No. 2864).....	23814
Fisheries: <i>Southern Supporter</i> —(Question No. 2870).....	23814
National Alternative Dispute Resolution Advisory Council—(Question No. 2873)....	23815
Industry: Furniture Manufacture—(Question No. 2880).....	23840
Foreign Affairs: Syria—(Question No. 2882)	23841
Australian Volunteers International: Funding—(Question No. 2883)	23842
Superannuation: Parliamentary Scheme—(Question Nos 2884 and 2885).....	23842
Defence: Jindalee Operational Radar Network—(Question No. 2890).....	23843
Taxation: Advertising Expenses—(Question No. 2891).....	23843
Australia Post: Mail Dispatch Products—(Question No. 2892).....	23844
Minister for Employment and Workplace Relations: Chief of Staff—(Question No. 2898).....	23844
United Nations: Resolutions—(Question No. 2938)	23845

Tuesday, 15 June 2004

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

COMMITTEES

Free Trade Agreement Committee Meeting

Senator MACKAY (Tasmania) (12.31 p.m.)—by leave—At the request of the Chair of the Select Committee on the Free Trade Agreement between Australia and the United States of America, Senator Cook, I move:

That the Select Committee on the Free Trade Agreement between Australia and the United States of America be authorised to hold a public meeting during the sitting of the Senate today, from 3.30 pm.

Question agreed to.

TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2004

First Reading

Bill received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Minister for Local Government, Territories and Roads) (12.32 p.m.)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Minister for Local Government, Territories and Roads) (12.32 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2004

The measures contained in this bill will cut personal income tax by \$14.7 billion over four years. The tax reductions will be delivered by increasing the income thresholds for the top two tax brackets. These changes are specifically targeted at encouraging Australians to increase their workforce participation.

The prospect of moving to a higher tax bracket can act as a disincentive for increased workforce participation. At present, the 42 per cent marginal tax rate cuts in at incomes that are a multiple of around 1.1 male average earnings and the 47 per cent marginal tax rate cuts in around 1.3 male average earnings.

Australians earning the equivalent of fulltime adult average earnings will cross the 42 per cent tax threshold in 2004-2005 unless the threshold is increased significantly as proposed in this bill.

The amendments in this bill will remedy this structural weakness in the personal income tax schedule.

These targeted changes to the personal income tax schedule will ensure that the majority of Australian taxpayers—over 80 per cent across the forward estimate years—will remain in or below the 30 per cent tax bracket.

Generally speaking, Australia's personal income tax system is internationally competitive. Australia is presently ranked as the sixth lowest taxing nation in the OECD. However, Australia is uncompetitive internationally in terms of the low income threshold at which its highest marginal tax rates cut in.

Many highly skilled Australians—including our young people—are internationally mobile and can choose to work anywhere in the world. It is important that the tax system does not encourage Australians to leave our country and our workforce, nor discourage talented people from other countries from coming to work in Australia.

Lifting the top two tax thresholds will ensure that Australia strengthens its international position as a low-taxing nation.

The tax cuts in this bill are critical to promoting workforce participation and productivity so that Australia can meet its demographic challenges.

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

Senator CONROY (Victoria) (12.32 p.m.)—Although Labor will not oppose the **Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004**, I must take this opportunity to condemn the government for producing a budget that has failed dismally to meet the high expectations of the people of Australia. In the lead-up to this budget hopes were very high that this government would provide broad based relief for Australian families burdened by the highest-taxing government in history with record debt—relief to compensate households for the effect of bracket creep. But the hopes of these families that they would finally get serious tax reform have been dashed. Instead this budget has created a class of forgotten people.

Before I go to the detail of how this budget has failed on the tax reform front, I remind the Senate of the Treasurer's track record. He is hardly the friend of the taxpayer. In eight years Mr Costello's record on tax relief is providing a tax cut to compensate for the GST and, after that, we had the smallest tax cut in our history. Remember last year that insulting sandwich and milkshake tax cut? So what now? For 80 per cent of taxpayers, that is four out of five Australians, this budget gives nothing—not a cent of tax relief. But so great is the cynicism that the electorate holds towards this Treasurer that they are not surprised. They are used to getting stung by the highest-taxing Treasurer in Australia's history.

Despite the tax cuts in this bill, total tax revenue will hit a record high next year of \$217 billion. That is up 90 per cent since 1996. By next year, total personal income tax will be up 80 per cent since the government

came to office. That is right, 80 per cent. Australian taxpayers are now paying an average of \$9,000 more in Commonwealth taxes than in 1996, and this will grow to \$12,000 over the forward estimates. Australians have got used to carrying the weight of Mr Costello's ever increasing tax burden.

Let us look a bit closer at what this bill does—and fails to do. For taxpayers earning less than \$52,000 a year there is no tax relief. In the seat of Brisbane 78,500 people do not get a tax cut. That is 83 per cent of the taxpayers in the seat of Brisbane. In the seat of Cunningham 74,800 do not get tax relief. That is 86 per cent of electors in Cunningham who do not get a tax cut. In the seat of McMillan 70,900 do not get a tax cut. That is 93 per cent of taxpayers in McMillan get nothing in tax cuts in this budget. According to NATSEM, three out of five families and singles will miss out on the tax cuts and the family assistance benefits. A majority of families get nothing at all from the budget in any form. The tax cuts in the budget fail to even give back bracket creep in any year over the forward estimates.

There are seven new taxes or increases in existing taxes in this budget. This brings the total to 151 since this government came to office. That is right: 151 new or increased taxes since this government came to office in 1996. At least one out of three families eligible for family tax benefit may never see the second family tax payment of \$600. The Minister for Children and Youth Affairs and the Treasurer have both now admitted it will be clawed back to pay debts. Here was a budget which outlined a record \$52 billion spending spree but failed to offer any restoration of basic services and hardly anyone got any tax cuts.

There was no plan in the budget to save Medicare, make education more affordable or address the long-term savings and invest-

ment needs of this nation. The Treasurer calculated—or rather miscalculated—that Labor would not pass these tax cuts. He thought that Labor would oppose the tax changes in this bill for higher income earners. He focused on the \$52 billion he was going to splurge on his government's desperate attempt to cling to power. But he did not realise that Australians would focus on the other 52—those earning under \$52,000 who do not get a single cent from tax cuts in this bill. Mr Costello's tax gamble has not paid off, and the losers are the four out of five Australian taxpayers who have been left behind.

While Mr Costello miscalculated his tax package, Australian families have been forced to calculate how much tougher life has become. Household debt is at a record high and, on average, our families owe more than they earn. The household debt to income ratio is now at 147 per cent. Credit card debt has become the main currency for too many families. Mortgage repayments are chewing more of the family budget than ever before. The costs of going to see a doctor and of giving our kids a higher education are skyrocketing. To add insult to injury, the government's own family payments system is creating a debt trap for too many of our families. Families under record financial stress need relief. Labor have consistently argued that we can provide this relief by (1) restoring vital services like bulk-billing, creating 20,000 new places in our TAFEs and 20,000 places in our universities while reversing the 25 per cent Howard-Costello fee hike and (2) providing broader and fairer tax relief. You can fund better services without raising overall tax levels if you make the tough decisions to redirect current expenditure.

Contrary to the naivety of some reports, all Labor's spending is fully costed and fully funded. It is not additional spending. It is redirected spending and it is paid for through

savings—savings from cutting the waste and mismanagement that are fast becoming the hallmarks of this government. Only this fiscal rigour gives you the ability to sustain better services for families and lower charges for people. Under Labor's fiscal rules we are funding our proposed spending on services in a way that will drive down expenditure to GDP and maintain surpluses. This is a reformist approach to our public finances and one that will ultimately benefit all Australians.

In contrast, Mr Costello has given up on reform. The real tragedy of this budget is that the Treasurer has missed a golden opportunity to drive significant reform to the current tax system. He has missed a chance to try to reduce the disincentives created by the interaction of the tax and social security systems. None of the fundamental problems with the system—the need for relief for ordinary workers under record financial stress, the crippling disincentives to work and the family debt trap—have been addressed in this budget. We are still left with many families facing serious disincentives to work. They keep working harder, but they keep being held back by crippling effective marginal tax rates. This will ultimately lead to lower productivity, lower growth and lower living standards. That is a price that we should not have to ask our children to pay.

Fundamental reform of the family payments system is needed to avoid the massive debt trap that it creates. But the government just sits on its hands. At the last election, the Prime Minister said he would fix the debt trap once and for all. He offered a one-off \$1,000 bribe to pay off the debts in order to buy his way through the election. Here we are, three years later, on the eve of another election and Mr Howard covers up his broken promise to fix the system with another bribe—another patch-up. This is not genuine reform.

Labor will offer an alternative. We will provide broader and fairer tax relief. We will make the tax system work for Australians, not against them. The details of Labor's tax plan will be released at a time of our choosing, but we will give people plenty of time to compare our package with that offered by the government. With record tax collections, a peaking of participation in the labour force and 13 years of economic growth, this was the opportunity for reform, and Australians expected it. Instead of serious tax reform we got a seriously large election bribe. Instead of support for Australian families we got a tax cut which ignored four out of five Australian taxpayers. This is not a plan for a better Australia; it is just a plan for an election. However, Australians can see through it. They will reject this budget due to the inherent unfairness of this taxation bill and the contempt with which this Treasurer treats struggling ordinary people, who are again required to prop up the misguided policies of this highest-taxing government in Australia's history.

Senator MURRAY (Western Australia) (12.43 p.m.)—I rise to speak on the **Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004**. In November 2003 I wrote an opinion piece for a newspaper and I am going to repeat some of the things I said there. Last November I said:

Big tax cuts are now inevitable.

Labor has ensured it by endlessly rabbiting on about the Coalition being the highest-taxing Australian government ever. (True but irrelevant, since Australia is among the lowest-taxing nations in the OECD.)

Labor's line is dangerous. It encourages a resistance to raising additional revenue to invest in education, health and the environment.

The Liberals have guaranteed tax cuts by constantly saying surpluses must be paid back.

So the question is: When?

My bet is in the May budget. One reason is that such an election sweetener is irresistible for the government. Two, the Coalition would want to spend any surplus money in advance, leaving Labor with nothing to promise. Three, pay packets would only benefit from tax cuts legislation in the second half of next year, when an election is most likely. Four, tax cuts will be seen as some relief against expected higher interest rates.

The government have trapped Mark Latham into virtually guaranteeing Labor support for raising the present top tax rate of 48.5 per cent from \$62,500 to a much higher threshold.

ACOSS say anyone earning \$100,000 has an average tax rate of 34 per cent on all income. Is that really that high?

The well-off have already had their tax cuts. The Coalition's 30 per cent rebate on private health insurance, costing the taxpayer nearly \$3 billion a year, favours higher income earners. Capital gains tax was halved just a few years ago, with Labor support, despite the Democrats' opposition and despite the fact that it clearly mainly benefited those wealthy Australians with investment and share portfolios.

Democrats like me can cry all they like that Commonwealth revenue and expenditure are still insufficient to meet the pressing and legitimate expectations and needs of Australians for health, education and the environment, amongst other things. (Health will remain an issue, even if Medicare Plus passes the Senate.)

We say we do not so much need increased taxes as increased revenue. We attack some tax expenditures and tax wastage as the means of assisting the growth in revenue to meet expenditure needs.

But tax cuts it will be. The two majors will have the numbers.

So, if tax cuts seem inevitable, what is the right way to go? What could or should be the government priorities and how much money would they have to spend?

That is what I wrote in November 2003. This bill introduces the tax cuts that I forecast and that were announced by the Treasurer on budget night. And, like most Australians, I was astonished on budget night when I heard

that tax cuts costing \$14.7 billion over four years would be given only to those earning over \$52,000 a year. This seemed crazy brave for a government facing an election year and a government which had enough money to contemplate an infinite number of tax cut possibilities. For 2004-05, higher income earners will get a \$21 a week tax cut; for 2005-06, it will be \$42 a week or \$2,184 per annum.

While tax relief for earners below, say, \$100,000, particularly at middle-income levels, is argued by many to be justified, in our view the first call should have been to give relief to low and lower middle-income earners. Only 24 per cent, or 2.25 million taxpayers, will benefit from this tax cut. The government have justified the legislation on the basis that it ensures that 80 per cent of taxpayers will have a maximum nominal tax rate of 30 per cent or less. This has long been a policy objective of theirs.

Judging by the media and by calls to our offices, it does seem that these tax cuts have not generated anger of real note. In that sense, the government has taken a risk that it seems to have calculated well. But it appears that Australians do not really resent tax cuts to those earning above \$52,000. What those earning below \$52,000 do resent is the fact that they did not get tax cuts too, especially single parents without children, who are left out of the budget pork. The Democrat amendments that I will move later will provide a tax cut to the deserving seven million taxpayers who will be getting nothing from the government's exclusive tax cut for higher income earners. We are not saying that those earning \$60,000 or \$70,000 a year are rich; they are not. We get plenty of correspondence from families on this income level explaining the cost of raising children. They often feel like they are struggling, particularly in some of the big cities like Sydney. I can understand their perspective and we are

not saying that they should pay more tax—they do deserve a bit of a tax cut, too, which our proposal would deliver—but this group must remember that they are, from an income perspective, in the top 20 per cent of earning Australians and they should remember that the average full-time wage earner is still earning below the \$52,000 a year that this tax cut uses as a benchmark. They should remember that there are around seven million Australians earning less than \$20,000 who do not get a tax cut.

Tax cuts only for higher income earners are considered offensive by many Australians. The highest effective tax rates continue to be paid by low-income Australian families, who should be helped to stop them falling into poverty traps. If you wanted to get people off welfare and into work, you would target the tax and welfare intersects. The working class and the middle class get the rawest income tax deal. Low and lower income Australians struggle with the tax threshold that kicks in at a ridiculously low level of \$6,000 and they struggle with the highest effective tax rates of all because, as they earn more, welfare benefits are reduced.

The most important distributive mechanism for improving the lot of low-income Australians is to improve their disposable income. From the employer's perspective, if the disposable income of low-wage earners increases as a result of tax cuts, it could take some of the stress and tension off the low wage industrial case that has to be mounted through the Australian Industrial Relations Commission every year. The Democrats believe that all Australians should get a tax cut, but it must be a fair and equal tax cut. That is the purpose of our amendment. Unfortunately, the government only want to help the higher income earners in this budget, and that is their priority.

I note that shortly after the Australian government budget, the New Zealand government announced their proposals. Like Australia, families were winners in that budget, but there were no tax cuts in New Zealand. Instead, the New Zealand government included an interesting \$60 a week payment for in-work, low-income families. Their aim is to increase the incentives of people to move from welfare to work. The very senior and longstanding reporter—and very serious reporter, I might say—Tim Colebatch, in the *Age* of 1 June 2004, said:

This is the first stage of welfare reforms that the NZ Government intends to culminate by tackling the hardest issue of welfare reform: merging the welfare system into a single welfare benefit with add-ons to meet particular needs, as recommended in Australia in 2000 by the sadly neglected McClure report on welfare reform.

He went on:

Welfare payments with high clawbacks are poverty traps. Any reformers worth the name, in government or opposition, should make it a top priority to cut those claws, so that for people on welfare, work will pay.

It is a shame that the Australian government did not believe that this was a priority worthy of tackling in this budget, particularly since it welcomed the McClure report, which had this kind of strategy in mind.

Turning to other parties' approaches to the tax cuts and tax cuts generally, the approach of the Australian Greens is to deny everyone a tax cut. The Greens' policy is not to give tax relief to low-income earners. Last year, in fact, they voted against the low-income earners' tax cuts. The Greens do share the Democrats' concern that the government is not spending enough on health and education, but their simple rhetoric has ignored the reality that a fair tax cut not only would help low-income earners but is necessary for low-income earners. It also ignores the fact that there were cash surpluses of \$7.5 billion last

year and there will still be, despite the massive handout to buy votes from families this month, \$4.6 billion this year.

Despite the fact that we have seen cash surpluses of \$12 billion in the last two years alone, Australians believe services continue to deteriorate. They feel that this government is never going to fund health and education sufficiently and that their surpluses are going to be put in the bank and used to pay off debt—despite the fact that Australia's debt level is exceptionally low by historical standards and amazingly low compared to any international standards. Providing a fair tax cut to those most in need would not hurt our fiscal policy or the massive budget surplus.

Prior to the budget, the Democrats announced that, if there were to be tax cuts, we would prefer to see an increase in the tax-free threshold from \$6,000 to \$10,000, thus providing an equal tax cut to all taxpayers. Obviously this would benefit lower income earners proportionately more. As I have said, this bill will provide a tax cut only to those earning over \$52,000 a year at a cost of around \$15 billion over four years, giving a \$42 a week or \$2,184 per annum tax cut in 2005-06. Only 24 per cent, or 2.25 million, of Australian taxpayers will benefit, and there is nothing for the other seven-odd million. What the Democrats seek to do, with an amendment which hopefully we will circulate soon, would cost roughly the same as the government's proposal. Our proposal would increase the bottom tax threshold from \$6,000 to \$7,500 in 2004-05 and to \$9,000 in 2005-06. This would give all of the over nine million Australian taxpayers around \$5 a week in tax cuts in 2004-5, which is \$260 per annum, and \$10 a week the following year, which would be \$520 per annum—in both cases, \$260 more in year one and \$520 more in year two than the lower income earners are going to get at present.

If the tax cut proposal was designed to wedge Labor in preparation for an election, it has worked. Mr Latham has been constantly talking about broader and fairer tax cuts, but he is yet to reveal an alternative proposal. I note that, once again, that was not on the table today. This is his chance, we think, to show what Labor does stand for. We urge the Labor Party to commit to broader income tax cuts for all Australians, with an emphasis on lower- and middle-income Australians, and, in this instance, to support the Democrats' fair and equal tax cuts proposals. Labor senators, who have been so critical of the government's tax policy—so opposed to the wonderful initiative of the GST and the new tax system, so opposed to earning revenue, so critical of how little is spent on health and education—still will not commit to an alternative tax cut view. We think they should not just let these tax cuts sail through the Senate. We think Labor should be putting an alternative through, in the sense of either supporting our proposals or putting up its own proposals. We can amend these bills and we should.

If Labor in the Senate does support Mr Costello's idea of a fair tax cut, it will be another step towards the 'soft target' strategy which we think has failed Labor previously. I will speak further to my amendments in the committee stage, but I want to move on to asking Treasury and the government, whichever it will be next time round, to start thinking with some imagination. In the second reading speech on this bill is this statement:

The prospect of moving to a higher tax bracket can act as a disincentive for increased work force participation. At present the 42 per cent marginal tax rate cuts in at incomes that are a multiple of around 1.1 male average earnings, and the 47 per cent marginal tax rate cuts in at around 1.3 male average earnings.

I think that that observation from the Treasurer is an accurate one. I think what the Treasurer is saying is that the way in which

inflation and tax policy have allowed the bands to concentrate and converge and allowed people who are relatively low earners to pay the highest tax rate is a legitimate complaint. I do not think that the way this has been addressed either last year or this year by the government or the way I have heard Labor discussing this matter addresses the fundamental problem: we need a quantum shift in permanently adjusting tax rates so that people can be certain and secure in their perception of their fairness, equity and longevity.

There is only one way to do that, and that is with wholesale reform. I am not suggesting that what I am about to say is the answer but I want to speculate and see what it would look like. Let us say, for instance, that the tax system was accepted as needing to be progressive and that the same number of income tax rates was retained—there are five at present. One of the reforms that Labor introduced in its time in government was, of course, to reduce the huge number of bands—I forget the number, but I suspect it was several dozen—down to five. Let us say we accept that principle. Then let us say we accept the Democrats' view that in good tax policy, in order to ensure that lower income people will be free from tax, we should look at a tax-free threshold of \$20,000. Let us assume an upper income tax threshold of \$120,000—that would leave \$100,000 between those two, with three tax brackets within that. And let us assume that the top tax rate is at or near what it is at present. It might rise a little to be 50 per cent at the top rate, but that is not a big deal. The way to ensure that that gets locked in, of course, is to index the lowest and the highest tax rates so that every year they move up to adjust for inflation. Then periodically governments can address the intervening tax and welfare intersects as they see fit over time. But at least the

constancy and relativity would be maintained by indexing the top and bottom thresholds.

I have had a look at what the costings would be—of course, I do not have access to the giant machines and all the modelling that the government has access to, so I know the Senate will recognise that what I am about to say is an estimate based on rough scheduling. But, if you were to introduce such a system—based on three tax rates of perhaps 25 per cent, 30 per cent and 40-odd per cent—you would get a tax cost of around \$52 billion over three years. That is the sort of figure you would face if you were really to attempt to permanently reform our tax system—on the basis that you introduce permanent rates and indexing, and a progressive system to ensure that the relativities are maintained. When I quoted the Treasurer earlier, what he was indicating was that the relativities have slipped and that Australians feel aggrieved that they are no longer being taxed fairly. In the next government somebody has to grasp this nettle, even while recognising the very great cost that is entailed in addressing it properly.

Senator WEBBER (Western Australia) (1.03 p.m.)—I rise to speak on the **Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004**. There can be no doubt that the hardworking Australians who earn more than \$52,000 per annum are entitled to a tax cut. But the heart of this matter is whether Australians who earn less than \$52,000 are also entitled to tax relief. This government, in one of the most cynical exercises in Australian history, has engaged in the most blatant vote-buying round of tax cuts ever seen—targeted at the few and not at the many. There can be no doubt that these tax cuts are not worth a cent to most Australians. Indeed, according to official statistics, there are no tax cuts for four out of every five taxpayers. By any objective measure, having 80 per cent of people miss out on these tax cuts

fails this Prime Minister's 1996 promise to govern for all of us. Instead, he governs for some at the expense of all of us.

Take one very simple exercise as a case in point. As former Prime Minister Paul Keating once said, you should always back self-interest because at least you know it is trying. I, like all senators and members, employ staff. I chose to have a flat structure, with all my staff employed as electorate officers grade B. The injustice of these tax cuts can have no clearer example. Personally, as with all other senators and members, I will get a tax cut. There will be tax relief for parliamentarians because we earn over the magic \$52,000 per year. But there will not be one cent of tax relief for any of the people who work with me in my office. This, of course, illustrates the failure of these tax cuts. I work with these people day after day, and the government is telling me that I can have a tax cut but that no-one else in my office can.

Now the basic defence that the government offers as to why it has failed to deliver tax cuts to 80 per cent of Australians is that these people will be looked after through the family tax payments. That premise only holds up if those people are eligible for family tax payments in the first place. If you are a family where both you and your partner work yet do not earn more than \$52,000 per year then, even with dependent children, you get nothing from this government. If you are a self-funded retiree, you miss out. If you have not had children, you miss out. If you are single, you miss out.

Some commentators have referred to the 80 per cent of Australians who will not get a tax cut as the 'forgotten people'. I grant it is a strong term but I contend that in this case it is not an appropriate one. The Howard government can hardly claim that they have forgotten these people. A more correct term

would be the 'ignored people'. There can be no doubt that that 80 per cent have been deliberately ignored by this government. How do you forget 80 per cent of Australians? The government made a conscious decision to not provide tax relief to these people. They simply weighed up the odds and decided that giving tax relief only to those Australians earning more than the magic \$52,000 a year would boost their re-election prospects. Let there be no doubt that they chose to give to the few at the expense of the many.

Indeed, we do not have to look beyond the figures from the last census, of 2001. The ABS data shows that in most electorates more than 80 per cent of people will receive not a cent in tax relief. Let us look at the figures for the electorates in my home state of Western Australia. In the electorate of O'Connor, one of the safest Liberal seats in Western Australia, 93 per cent will not qualify for a tax cut. Perhaps this is yet another example of the inability of the member for O'Connor to represent the interests of his constituents. After all, he will get a tax cut. There will be tax relief for him and for only a paltry seven per cent of those in his electorate. What about the other safe Liberal seats in Western Australia? In Tangney only 14 per cent of people will get a tax cut. In Forrest only nine per cent will get any relief. In Kalgoorlie a massive 20 per cent will get tax relief. In Moore 13 per cent will get tax relief, and in Pearce nine per cent will. In Curtin 21 per cent of people will receive the tax cut. These figures demonstrate that the overwhelming number of Australians, even in the government's own electorates, are going to miss out. In one of the most marginal seats in the country, the seat of Canning, the Prime Minister and his Treasurer have failed to help even 20 per cent. In Canning 90 per cent will miss out.

The ALP seats in Western Australia do not even reach the lofty heights of the figures for

the electorates of Curtin and Kalgoorlie. In fact, the highest percentage of Western Australians in Labor seats receiving a tax cut is only just reaching double figures. In Fremantle, it is 11 per cent; in Perth, 11 per cent; in Swan, 10 per cent; in Stirling, 10 per cent; in Cowan, nine per cent; and in both Brand and Hasluck, eight per cent. That is not good enough by any measure. The government cannot claim that those people who will miss out will be accommodated under the family tax payments system. For those with no dependent kids, there will be no family tax assistance. For those with dependent kids over 18, there will be no family tax assistance. The government pretend that the tax cuts are not the whole picture, and in that they are right. The whole picture has to include all those people the government chose to ignore. The full picture includes all Australians, and the fact is that across the country 80 per cent of them do not get any relief from this government.

The ABS census statistics show that those electorates that do best out of this government are all safe Liberal seats in—surprise, surprise!—Sydney and Melbourne. In North Sydney, 35 per cent will get a tax cut; in Wentworth, 30 per cent—and I bet they will be glad to have their new member, whoever that will be—in Bradfield, 29 per cent; in Higgins, 26 per cent; in Kooyong, 24 per cent; in Mitchell, 24 per cent; in Goldstein, 22 per cent; in Berowra, 22 per cent; and so it goes on. I find it interesting that in the Prime Minister's own electorate 81 per cent will not get a tax cut but in the electorate he now chooses to live in—that is, North Sydney—only 65 per cent will miss out. Talk about ignoring the people that put you there. Now comfortably living in the electorate of North Sydney, he looks after his new neighbours but ignores his constituents. That is not really fair. He ignores 81 per cent of the people he is meant to represent.

These tax cuts were designed to deliver a fourth term to the Howard government. They are a failure by any measure of justice or equity. They are designed to buy votes—pure and simple. The tax relief in this budget is not designed to put fairness or equity back into the taxation system. As Senator Conroy said, it is not even designed to restore bracket creep. It does not address the needs of single Australians, couples with no children or self-funded retirees. It is a tax cut for a few of us, given in the hope that all of us will be subjected to another three years of Howard government policy drift. That is what these tax cuts are designed for. They are designed so that there will be two more years of neglect and clawback followed by a spending binge in yet another election year. The Australian people are now aware of the cruel frauds that have been perpetuated on them over the last eight years. What they wanted was a government for all of them, and that is what the Prime Minister championed. What they now have is a government for a few of them, for less than 20 per cent of them. They have a government that has not forgotten about them but has deliberately chosen to ignore them.

Senator KEMP (Victoria—Minister for the Arts and Sport) (1.13 p.m.)—The **Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004** gives effect to the reductions in personal income tax announced in the 2004-05 budget and is part of a package to help 99.8 per cent of Australian families with children. The measures contained in this bill will cut personal income tax by some \$14.7 billion over four years. The tax reductions will be delivered by increasing the income thresholds for the top two tax brackets. These changes are targeted to ensure that the tax system continues to support rewards from working. The prospect of moving to a higher tax bracket can be a disincentive to increased work force participation.

Australians earning the equivalent of full-time adult average earnings will cross the 42 per cent threshold in 2004-05 unless the threshold has increased significantly, as proposed in this bill.

These targeted changes to the personal income tax schedule will ensure that the majority of Australian taxpayers—over 80 per cent, across the forward estimate years, including those on average earnings—will remain in or below the 30 per cent tax bracket. These changes will also make the Australian tax system more internationally competitive. Many highly skilled Australians, including our young people, are internationally mobile and can choose to work anywhere in the world. It is important that the tax system does not discourage talented people from living and working in Australia. Lifting the top tax threshold will ensure that Australia strengthens its international position as a low taxing nation. The significant increase in the top tax threshold will improve Australia's ability to compete as a preferred place to live and work.

The tax cuts in this bill build on the income tax cuts the government delivered through its A New Tax System and in the 2003-04 budget. The combined effect of these three stages of tax reform is to deliver significant tax cuts to all Australians. There will be a 23 per cent reduction in tax for taxpayers earning around \$20,000 a year compared to the amount of tax people on this income would have paid prior to A New Tax System. This is a very substantial tax cut—of course, those who remember the debate on A New Tax System recall how the Labor Party fought these tax cuts tooth and nail. There will be a 21 per cent reduction in tax for taxpayers earning \$50,000 a year, which is around average earnings; and an 18 per cent reduction in tax for taxpayers earning around \$90,000, after the tax cuts in this bill are implemented.

It is important to keep in mind that people who do not pay tax cannot benefit from tax cuts. On current estimates there are about 6.8 million people aged 16 and over who do not pay any tax. A single adult does not pay tax until their taxable income reaches \$7,383. This effective threshold will be higher if they receive an allowance or a pension. About 6.8 million people in Australia over the age of 16 do not pay tax. The personal tax cuts in this bill continue the government's commitment to ongoing structural tax reforms. They increase the rewards for those who wish to work overtime, seek promotion or acquire skills. They strengthen the international competitiveness of the tax system.

This is an important bill that gives effect to budget measures. It again demonstrates that this is the government that cuts taxes for the Australian public. This government can achieve this result because of its very sound management of the Australian economy, which has made the Australian economy one of the great growth economies in the world. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator MURRAY (Western Australia) (1.18 p.m.)—The chamber has before it sheet 4242, which has just been circulated but which we have just pre-announced. It is not rocket science to understand what the amendments seek to do. I did cover the matters fully in my speech on the second reading and I will address those briefly. I seek leave to move Democrat amendments (1) and (2) together.

Leave granted.

Senator MURRAY—I move:

- (1) Schedule 1, item 1, page 3 (line 7), omit table item 1, substitute:

1	(a) for the 2004-05 year of income—exceeds \$7,500 but does not exceed \$21,600; and (b) for later years of income—exceeds \$9,000 but does not exceed \$21,600	17%

- (2) Schedule 1, item 1, page 3, omit items 2, 3 and 4.

The Democrats also oppose schedule 1 in the following terms:

- (3) Schedule 1, item 2, page 3 (line 8) to page 4 (before line 1). **TO BE OPPOSED.**

Obviously, the government will not support this proposal because they are going to go for their own package, which is quite understandable. This proposal of ours is designed to raise the tax-free threshold in two tranches in the first income year from \$6,000 to \$7,500 and in the second year to \$9,000. It is a policy of ours that we have been promoting for several years. We do think that this would enable everyone—all nine million Australian taxpayers—to get a tax cut instead of just the top 20 per cent, and of course it will proportionately have a much greater effect for low-income earners, which is where we think the priority for tax cuts needs to commence. As I made very clear in my speech on the second reading, we do not consider higher income Australians earning above \$52,000 and below \$100,000 to be rich. That would be an unreasonable attitude. This proposal simply reflects our perspective that we should start by producing greater tax equity and improving the disposable income possibilities for lower income people, and we think the tax-free threshold is the simplest and easiest way to commence that process.

Senator CONROY (Victoria) (1.21 p.m.)—I indicate on behalf of the Labor Party, as I indicated in my speech on the second reading, that we will be supporting the government's tax cuts and that we will be bringing forward our own package. I am sure

that when the Democrats see our package they will be very supportive. I am confident it is a package that will deliver broader and fairer tax cuts to all Australians. We believe that it will deserve the Democrats support in the future, and I look forward to Senator Murray's endorsement of our tax package when I put it on the table.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (1.22 p.m.)—Senator Murray is correct that the government is not disposed to support his proposals, but I do want to take a few minutes to say why. The amendment proposing to increase the tax-free threshold from \$6,000 to \$7,500 in 2004-05 and from \$7,500 to \$9,000 in 2005-06 would cost in the order of—and because of the time available to me we cannot be held to this—\$6 billion. This would obviously affect the capacity of the government to fund essential community services. However, the government has given tax cuts to those who earn less than \$52,000 as part of the new tax system.

I want to make it perfectly clear and put it on the record that taxpayers and seniors at all income levels have benefited from a continuing program of tax reform. The personal tax cuts that were announced in the 2004-05 budget are the third stage in ongoing structural reform of the personal income tax system. I think Senator Kemp did mention that the combined effect of these three stages of tax reform has been to deliver significant tax cuts to all Australian taxpayers. Taxpayers earning \$20,000 are paying around 23 per cent less in tax than prior to the new tax system; those on \$50,000, around average weekly earnings, are paying around 21 per cent less tax than prior to the new tax system; and by 1 July 2005 taxpayers earning \$90,000 will be paying 18 per cent less than prior to the new tax system. Most importantly, raising the top thresholds will ensure

that those on average weekly earnings stay in the 30 per cent tax bracket, which I am sure is an objective that this chamber would support. More than 80 per cent of taxpayers will remain in the 30 per cent tax bracket or a lower tax bracket even after ongoing growth in wages over the next four years.

I remind the chamber that it is important to bear in mind that people who do not pay tax simply cannot benefit from the tax cuts. As Senator Kemp indicated a little earlier, the estimate is that there are around 6.8 million people aged 16 and over who do not pay tax and who could not possibly benefit from tax measures of the kind proposed. Maybe some would, but certainly if you do not pay tax it would be very difficult to imagine how you could. A single adult does not pay tax until their taxable income reaches \$7,383, and this effective threshold would be higher if they receive an allowance or a pension. Of course pensions are now indexed so they are just not tied to the CPI. The majority of single adults and couples without children who do not gain from the 2004 budget package are not taxpayers. Obviously in another bill we will be debating the advantages of the superannuation co-contribution for low- to middle-income earners.

Families with children are receiving significant increases in family assistance under the changes announced in the budget through increases in the family tax benefit for lower and middle income families as well of course as a reduction in the taper rate at which family tax benefit is withdrawn. The estimate I have is that 99.8 per cent of families with dependent children under the age of 16 benefit from the 2004 budget package, as indeed they should—this government makes no apologies for putting families front and centre in the way in which it has.

As the Democrats would know, the government provides substantial tax relief for

senior Australians through the senior Australian's tax offset, or SATO as it is colloquially called, at a cost of around \$1.6 billion each year. Eligible single senior Australians can now earn up to \$20,500 without paying any income tax or Medicare levy. While the offset phases out at a rate of 12.5c for each dollar of income over this amount, singles can earn up to \$38,340 and still benefit from the offset. Couples can earn up to \$33,612 without paying tax, depending on how much income each member of the couple earns, and still receive some offset at combined incomes of up to \$59,244. As a result of these benefits many senior Australians need not even lodge a tax return.

Many senior Australians of course have shares, and anyone with shares might also benefit from the redesigned company tax arrangements where excess imputation credits are refundable. In the past imputation credits could only be used to offset a tax liability, which meant that obviously there were times when those credits were wasted. The government has also legislated the indexation of the aged pension, as I mentioned a moment ago, by the higher wages growth, male total average weekly earnings, or CPI—whichever is the highest. This indexation has led to significant real increases in pensions for aged pensioners, veterans and disability pensioners. Part rate pensioners continue to keep significantly more pension for every dollar of private income they receive above the income test-free areas as a result of the reduction in the pension withdrawal rate from 50 per cent to 40 per cent.

Having considered Senator Murray's proposals—and I do give very careful consideration to Senator Murray's suggestions because he does have a very deep interest in the tax system and from time to time does make suggestions that warrant consideration—at this stage and as part of the government's response to the budget, we will not be sup-

porting them. They are not really something that is able to be contemplated in the context of a very large budget in which some tax cuts have been delivered for higher income earners simply as a matter of fairness and equity because they missed out when others got substantial tax cuts. But, as I have endeavoured to point out comprehensively, this government really has provided benefits across the whole income spectrum within the confines of a restructure of the tax system that has really seen nobody miss out, certainly not those earning less than \$52,000. So it is for those reasons and for the fact that we have given further assistance to families through the family tax benefit, which is how we see it as being most efficacious for those families, particularly for ones that do not put in tax returns, the government will not be supporting these proposals.

Senator MURRAY (Western Australia) (1.29 p.m.)—Thank you, Minister, for your very full response to our proposal. You would recognise, of course, that one of our purposes in moving such amendments is to flush out attitudes on these ideas. I note the slow striptease we are being subjected to by Labor, who will eventually announce where they are going in this area but not just yet. The only remark I want to add is that the chamber should recognise that these proposals are roughly revenue neutral because we propose to substitute one set of tax cut proposals for another.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (1.30 p.m.)—I would like to make a correction. Treasury's maths needed to be readjusted as I spoke and they now estimate that the revenue cost probably would be in the order of \$4.5 billion, not the earlier figure, accruing in 2005-06 after the tax-free threshold increases to \$9,000, not allowing for offsetting savings. Once again, that is not

necessarily a firm figure but it is the best indication I can give you at the moment.

Senator NETTLE (New South Wales) (1.31 p.m.)—I take this opportunity to make my general contribution to this debate. This bill rolls out the latest of this government's attacks on progressive taxation in this country. Last year we had the \$4 a week hamburger and milkshake tax cuts, which cost us \$2.4 billion last year and will cost us \$10 billion over the next four years. That is the direct financial cost. The bill also cost us the opportunity to abolish higher education fees for university students and the opportunity to return to free tertiary education. It cost us the opportunity to invest in public housing, the opportunity to support the rebuilding of bulk-billing in this country and the opportunity to invest in a range of other vital public investments. The latest budget tax cut, through this piece of legislation, will cost us \$1.9 billion this year and \$14.7 billion over the next four years. That is \$14.7 billion that the public have consistently told the government and the parliament they want to see invested in vital public services in this country.

The government is keen to talk about giving back to taxpayers but does not say what the costs of these election handouts will be in the further neglect of our public services. This bill not only robs us of the opportunity this year to make more sustainable and responsible use of taxation revenue by investing in public works and public services but also it robs us of the opportunity to do it in the future. It does this because it has the effect of flattening the personal income tax scale, allowing those on higher incomes to pay less tax. This change in the income tax scales will, as the government knows, be electorally difficult for any opposition to change if they were to win government. This does not mean that they should not do it, and in fact the Greens believe they should do it.

But it is likely in an electoral climate that this change may be with us for many years, with the result that future governments will have less revenue to cater to society's collective needs while the richest individuals will have more money to cater to their personal wants.

I simply do not understand anyone thinking that this system could possibly be fair. The Greens cannot understand why such a system could be described by the government as being fair: it gives more money to the wealthy and it is not fair to the collective benefit of the rest of the country. The Greens reject this approach. We will oppose this piece of legislation, as we opposed the tax cuts in the last budget. We are ardent supporters of a progressive taxation system. We see it as a tool to deliver economic and social justice through the redistribution of personal wealth into public wealth. We believe in investing in public services rather than investing in tax cuts.

The bill does the opposite. Over the next four years this bill will deliver more than \$14 million into the pockets of some of the wealthiest people in our society. It comes at a time when our public school teachers are taking industrial action in response to the continuing relative erosion of their salaries, which has seen them fall by one-third since 1972, relative to average weekly earnings. We are seeing house prices skyrocketing and private rents following, while the Commonwealth is stepping back from its role in providing public housing through the Commonwealth-State Housing Agreement. Bulk-billing rates are at their lowest level ever, yet the government is choosing not to invest this surplus taxpayers' money into our public health system.

Our natural environment and our infrastructure are in dire need of protection and expansion, not the green-tinged announce-

ments such as those being made by the Prime Minister in the Great Hall at the moment, which in fact give more money to companies like Rio Tinto for their geosequestration and other research in the fossil fuel areas. The announcement today about the environment and announcements in recent weeks about the infrastructure in Australia have been woefully inadequate. This inadequacy is a result of both a terminal lack of vision by this government and a lack of real understanding about the central importance of the environment to the future of all of us. This inadequacy also shows an unwillingness by the government to invest public money in our public future—that is, in our public hospitals, our public schools and our future environment through our natural heritage.

The Greens have announced and supported a green bonds initiative that would see the government issuing bonds to raise \$35 billion over the next 10 years. This is quite a conservative amount of money to invest in public and environmental infrastructure, but it is needed if we are to have any significant impact on the environmental fortunes of this country as we go through the 21st century. A raft of community figures are also calling for investment in environmentally sustainable infrastructure. I attended the Press Club address by the ACTU secretary, Greg Combet, who called for increased public debt in order to invest in our public infrastructure. I note the remarks of the Chief Executive of the Australian Industry Group, Heather Ridout, who said:

... we have a deficit fetish in Australia which is really disguising under-investment in a lot of our major infrastructure assets and it's really encouraging government, not sufficiently, to invest in long-term assets for the country.

But the government is not listening, despite what the Prime Minister may say. Of course, the urgent investment needs do not end with the environment. The Greens have spoken

many times in this chamber about the importance of investing in public health and public education. We have identified the need for in the order of \$4 billion in additional annual investment in Medicare, which could be funded by abolishing the private health insurance rebate—taxpayers' money that provides insurance, not health services. We have also identified the need for \$7 billion in public education spending across the lifelong spectrum of education, from preschool through to university and TAFE tertiary education.

My office has been inundated, as I hope many senators' offices have been, with information on the resource needs of our public schools. I take this opportunity to seek leave to table a raft of representations from public school teachers, which have been circulated to all parties, identifying the resources needed for their public schools. They were faxed to senators' offices, but I am happy to provide the government with a copy now.

Senator Eggleston—There was a request from the Greens to table documents, but the Greens are advised that the government have not yet read the documents and cannot agree to the tabling until those documents have been read by the whips.

Senator NETTLE—They have been provided to the minister on duty. There is an opportunity during the rest of my contribution to peruse those documents and to determine whether I may be granted leave at the end of my contribution.

We should be investing in the needs of these public schools, as they have been outlined. They include things such as toilet blocks and new readers books in schools. They call for investment in public resources rather than in the tax cuts proposed in this legislation. When our schools are going without these things, it is not the time to pay

bonuses to the already well-off, but that is not the way the Treasurer sees it. The Treasurer would have us believe that this piece of legislation is simply about returning money that has already been taken away as a result of the government's favourite bugbear—bracket creep. We have heard numerous members of the government claim that the top tax rates are far lower in the income scale than they used to be and that a move to reduce this burden on high-income earners is long overdue. This is deliberately misleading rubbish.

Professor John Quiggin, from the Australian National University, has been at pains to point out this deception. In the *Australian Financial Review* just a few weeks ago, he described this claim as 'one of the sillier claims in the debate over tax policy'. This is because the range of the tax scale was more progressive back in the 1960s, 1970s and 1980s. In that period, those paying the top rate of tax paid up to 67c in the dollar; those now paying the top rate pay 48c in the dollar and earn about the same amount relative to those who paid 48c in the dollar during earlier decades. So the idea that there has been some terribly unjust shift in taxation rates for those earning 1.3 times the average weekly earnings is simply and plainly wrong.

The reason the government wants to bring in this tax cut is not that injustices have been done unto higher income earners. It is much more to do with how those higher income earners, or those aspiring to become high-income earners, will vote in the coming election. If the government were responsible in amending the tax laws it would look at the \$8.2 billion in loopholes that the Australian Council of Social Services has identified, such as diverting income to a private company or lower tax rates payable, equalling \$1.3 billion; executive perks such as salary sacrificing for a company car, coming up to \$1 billion; income splitting to reduce tax

payable, coming up to \$800 million; family trusts in the order of \$400 million and salary sacrificing superannuation in the order of \$2.5 billion. These are the kinds of measures that the average Josephine wants to hear about, because this is what progressive taxation is supposed to be—tax according to one's ability to pay rather than tax according to one's ability to evade.

On the other end of the scale, low-income earners need to be relieved of the massive impact of high marginal tax rates when they move from welfare to work. The GST is an example of the regressive taxation brought in by this government that has hurt low-income earners the most. The Greens support the rolling back of this GST. Ordinary Australians are being rorted and services are being run down. Their incomes have declined in comparison to those at the top of the ladder. As long as they do not live in marginal seats—and most of them do not—this government looks set to continue ignoring them. The Greens say no to this insulting, cynical logic of election handouts and the haemorrhaging of our desperately needed public funds into the pockets of the wealthy. The Greens will oppose this legislation. During the second reading debate I sought to move a second reading amendment, which I will read out for the Senate:

... condemning the government for attacking the progressive nature of personal income tax system, reaffirming the importance of personal income tax system as a means of both redistributing wealth and providing for adequate public services and supporting alternative measures that would redirect the revenue forgone through this measure and other regressive budget measures into public health, public education, housing and environmental protection.

The Australian Greens will support the amendments proposed by Senator Murray as an improvement on the current piece of legislation, which we will oppose. I seek leave

to table the statements from public school teachers on the resources they would like to see public money spent on in their schools.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (1.43 p.m.)—I have only just had a quick look at the documents. Whilst the government would normally be disposed to allow any document to be tabled that is remotely relevant to a bill, flicking through this it appears to be multiple copies of a petition that relates to some requests for further facilities in the public-private education debate. Even if money were not available pursuant to these tax cuts, it is not customary to hypothecate on any amount saved on one bill for some other purpose. For those reasons, leave is not granted.

Senator NETTLE (New South Wales) (1.44 p.m.)—I am surprised by this move by the minister. My understanding is that, where people have written petitions that are not in a format that can be tabled as a petition in parliament, it is customary to seek leave—as I have done many times in similar instances—to table those documents or those letters from individuals about their areas of concern. The legislation we are debating right now is about government priorities on how budget money is to be spent. Last year I moved an amendment on behalf of the Australian Greens to say that this money should be spent on public education. That is the same discussion that I have just had in putting forward the Greens contribution to this debate. It fits perfectly with the contributions that we have had from public school teachers and parents around the country who want to ensure that their voices can be heard in this debate. They are saying, ‘Rather than having the money put into tax cuts, we would like to see it put into our public schools.’

I have sought leave many times in the parliament to table contributions when they

have not been in petition form. All the other parties have granted leave for these documents to be tabled. They were provided to the government so that they could peruse them before my asking leave for them to be tabled in the parliament. I ask the minister to reconsider her decision to ensure that the concerns of these teachers about how public money should be spent in the context of the budget outlined in the bill we are debating today are tabled.

The TEMPORARY CHAIRMAN (Senator Kirk)—Senator Nettle, leave is not granted.

Senator CONROY (Victoria) (1.46 p.m.)—I urge Senator Coonan to reconsider this matter. It is not an unreasonable thing that Senator Nettle is seeking. Perhaps you are being a little over officious. It is hardly an offensive set of documents. For example, the Tuggeranong Primary School talks about the different things that it needs money for—covered walkways, more teachers, new classrooms, a new toilet block, a technology room, airconditioned classrooms, playground seating, drainage fixed, new basketball backboards, refurbish old classrooms, school fencing and three computers in each room. That is not an unreasonable petition for Senator Nettle to seek leave to table. I can only urge you, Senator Coonan, to possibly reconsider. I think it is not an unreasonable petition.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (1.47 p.m.)—Senator Conroy, as you know, I usually find requests from you to be close to irresistible. The difficulty I have with this bundle—and I would never seek to be officious with Senator Nettle or anyone else—is that it is very large. The first five documents seem to be exactly the same. I do not know whether they are duplicates. It would have been helpful if we had had them

a little earlier. I would like to have an opportunity to at least look at them properly.

Senator NETTLE (New South Wales) (1.47 p.m.)—I might take up the offer from the minister to seek leave for the documents to be tabled later.

Question put:

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

The committee divided. [1.52 p.m.]

(The Chairman—**Senator J.J. Hogg**)

Ayes.....	9
Noes.....	52
Majority.....	43

AYES

Bartlett, A.J.J.	Brown, B.J.
Cherry, J.C.	Greig, B.
Lees, M.H.	Murray, A.J.M.
Nettle, K. *	Ridgeway, A.D.
Stott Despoja, N.	

NOES

Abetz, E.	Barnett, G.
Bishop, T.M.	Boswell, R.L.D.
Brandis, G.H.	Buckland, G.
Calvert, P.H.	Campbell, G.
Campbell, I.G.	Carr, K.J.
Colbeck, R.	Collins, J.M.A.
Conroy, S.M.	Cook, P.F.S.
Coonan, H.L.	Crossin, P.M.
Eggleston, A. *	Evans, C.V.
Faulkner, J.P.	Ferguson, A.B.
Ferris, J.M.	Fifield, M.P.
Forshaw, M.G.	Hill, R.M.
Hogg, J.J.	Humphries, G.
Hutchins, S.P.	Johnston, D.
Kemp, C.R.	Kirk, L.
Knowles, S.C.	Ludwig, J.W.
Lundy, K.A.	Macdonald, J.A.L.
Mackay, S.M.	Marshall, G.
McGauran, J.J.J.	McLucas, J.E.
Moore, C.	O'Brien, K.W.K.
Patterson, K.C.	Payne, M.A.
Ray, R.F.	Santoro, S.
Scullion, N.G.	Sherry, N.J.
Stephens, U.	Tchen, T.

Troeth, J.M.
Webber, R.

Watson, J.O.W.
Wong, P.

* denotes teller

Question negatived.

The CHAIRMAN—The question now is that schedule 1, item 2 stand as printed.

Question agreed to.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (1.58 p.m.)—I move:

That this bill be now read a third time.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (1.58 p.m.)—It is necessary for the Australian Democrats to indicate that we have attempted to amend the **Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004**. We have tried to amend the magnitude of the bill, which has an enormous amount of public expenditure involved, to make it fair and spread the income tax relief equitably—including to low-income earners and the poor—but that attempt has not been successful. We now have a bill that pours billions of dollars into the pockets of the highest income earners. Once again, the Labor Party stood up to say it does not oppose the bill while condemning the government for what they are doing. The Australian public will be stuck with this unfair measure, regardless of what happens at the election. If the government is returned, then this unfair measure will be in place. It is simply another case, in our view, of exclusive tax cuts for high-income earners.

Debate interrupted.

QUESTIONS WITHOUT NOTICE**Iraq: Treatment of Prisoners**

Senator FAULKNER (2.00 p.m.)—My question is directed to Senator Hill, Minister for Defence and Minister representing the Minister for Foreign Affairs. Is the minister aware of the letter sent to the Red Cross by the commanding officer of Abu Ghraib prison, Brigadier General Karpinski—a letter which Defence confirmed was drafted by Australian legal officer Major O’Kane? Does the Howard government agree with the proposition contained in that letter that prisoners will not be treated according to Geneva convention standards where ‘absolute military security requires it’? In the Howard government’s view, when does ‘absolute military security’ operate to deprive certain classes of prisoners in Iraq of basic standards of treatment? Did any of the Australian military lawyers posted to Iraq give advice or make representations to our coalition partners that all prisoners in Iraq should be treated in accordance with the Geneva conventions?

Senator HILL—I do not think that you can opt out of the Geneva conventions, and Australia would not seek to opt out. I do not think you have a choice—you have to comply with the provisions of the convention. One, of course, relates to prisoners of war and the other relates to civilians that might be taken and held. The position of the Australian government is as I have just stated. If somebody is being held other than under a Geneva convention, then it would be the attitude of the Australian government that basic humanitarian standards should nevertheless prevail. I am sure that that would be the legal advice the Australian government would receive as well.

Senator FAULKNER—Mr President, I note that the minister did not answer my original question. Just to be clear, Minister,

let me ask you this supplementary question: what steps have been taken to investigate whether the 100-plus prisoners physically captured by Australian troops have been treated according to the standards of the Geneva convention? Have you made any efforts at all to find out about the fate of these prisoners, including where they were ultimately detained and precisely what treatment they experienced?

Senator HILL—Australia did not capture and detain prisoners. In the instance that Australia was involved in the capture of prisoners, they were detained by the United States. The US, of course, is a party to the Geneva conventions, and Australia has every confidence that the US would comply with the obligations that it has accepted.

Environment: Policy

Senator PAYNE (2.03 p.m.)—My question is addressed to the Minister representing the Minister for the Environment and Heritage, Senator Ian Macdonald. Will the minister inform the Senate of the benefits to the environment from the Howard government’s energy initiatives? Is the minister aware of any alternative approaches?

Senator IAN MACDONALD—I thank Senator Payne for that question. I know that Senator Payne is proud to be a member of a government that not only has a fine record of environmental activism but also has an environmental vision for the future. Building on initiatives like the Natural Heritage Trust, the National Action Plan for Salinity and Water Quality, the representative areas program for the Great Barrier Reef, the marine protected areas in Australia’s vast territorial oceans, meeting its Kyoto targets, the Living Murray initiative, the national water initiative and the Greenhouse Challenge—just to name a few—today’s energy statement demonstrates irrefutably that this government is the green-

est government in the history of the Federation.

Those who are serious about these issues should study the coalition's environmental agenda and our record and compare them with the promises, perceptions and stunts of other political parties. The Prime Minister's energy statement, delivered just an hour ago, provides real leadership and vision. It highlighted the establishment of a \$500 million fund to bring at least \$1 billion of extra new investment in low-emission technologies. It also highlighted \$134 million to support commercialisation of renewable technologies and \$75 million for solar cities trials to demonstrate a visionary energy scenario where solar energy efficiency and market reforms combine to provide a sustainable future. Also, the statement highlighted the requirement that Australia's largest energy users undertake regular energy efficiency assessments.

The ability to spend money on the environmental enhancements that have been mentioned today follows on from the Howard government's historically good management of the Australian economy. You cannot invest in our natural heritage and in leading edge emissions technology to help the environment if you have the sort of banana republic style economy left to us by the last Labor government. The Howard government is looking to the future and acting to lower the costs of meeting future greenhouse constraints. This will position Australia well to contribute to global emissions reductions whilst maintaining our nation's prosperity.

By contrast, Labor's proposals seem to stop at parachuting in—in a less than democratic way, I might add—some wealthy, non-voting rock star or resorting to stunts about Tasmanian forests, and a proposal for the Murray-Darling system that is less than what the Commonwealth and the state Labor gov-

ernments have already agreed upon. Labor's determination to sign the flawed Kyoto protocol will bring not one improvement in the world's climate change problem but it will cost thousands of jobs in regional Australia. It will cost economic growth and it will cost export income. Labor's mandatory renewable energy target of five per cent would cost Australia something like \$11 billion. If you look at the proposal of that other stunt party, the Greens, of 10 per cent, you would see that would cost Australia something like \$23 billion annually. It cannot be done. This is the party and the government that is serious about the environment. (*Time expired*)

Senator Brown—What a loser!

The PRESIDENT—Order! Senator Brown, that was uncalled for.

Australian Crime Commission

Senator LUDWIG (2.08 p.m.)—My question is to Senator Ellison, the Minister for Justice and Customs. I ask the minister whether he recalls his comments in his door-stop interview yesterday when he stated:

Certainly there have been allegations that the integrity of the Australian Crime Commission has been compromised by two state policemen and as a result of that we're carrying out an independent investigation in conjunction with the commonwealth ombudsman.

The report from that investigation will be to hand very shortly—I envisage in the next fortnight—but I am confident that there is no evidence of systemic corruption in the Australian Crime Commission.

Given that the investigation has not yet concluded and that the report will not be handed down for two weeks, how can the minister be confident that there is no evidence of systemic corruption in the Australian Crime Commission? By pre-empting the findings of the uncompleted investigation, haven't the minister's comments, as well as making public comment on an ongoing operational mat-

ter, compromised the independence of the investigation?

Senator ELLISON—I have been asked two questions. One question relates to my own beliefs in relation to the Australian Crime Commission, in which I have confidence, and the other one relates to the two specific detectives concerned, one of whom comes from New South Wales and one from Victoria, both of whom were secondees to the Australian Crime Commission. The Australian Crime Commission comprises two-thirds its own staff and one-third secondees. I have been asked questions about the activities of the two particular officers that I have mentioned. In regard to that question, I have said that there has been an independent investigation carried out, the results of which are reportedly due soon to the Commonwealth Ombudsman, within the fortnight. I look forward to the receipt of that report. What has been investigated are the activities of these two particular officers and the circumstances surrounding their alleged corrupt activities.

Of my own confidence in the Australian Crime Commission I can say this: no evidence has been produced to the government which would indicate systemic corruption in the Australian Crime Commission. The *Four Corners* program last night centred around the activities of two particular officers. I have yet to receive from anyone evidence which would indicate systemic corruption. But I have said that the Commonwealth government regards these allegations concerning these two particular officers very seriously, and that is why we are paying such close attention to the investigation of these officers. In relation to the Australia Crime Commission itself, there is no police force in Australia which has the level of scrutiny that that body has. For instance, we have an intergovernmental committee of police ministers from across the country. They will be

meeting at the end of this month. We have, as well as that, a board made up of police commissioners from around Australia: the head of Customs, the head of ASIO, the head of ASIC—the corporate regulator—and the Secretary of the Attorney-General's Department of the Commonwealth government. We also have a parliamentary joint committee on which members opposite preside over or participate in. In addition, we have the Commonwealth Ombudsman, who has oversight of the activities of the Australian Crime Commission.

The secondees have another layer of scrutiny—that is, their own disciplinary provisions in their home police force. The two particular police officers are subject to investigation. The disciplinary bodies in the states of Victoria and New South Wales are involved as well in the investigation into the officers' activities. I was not pre-empting the outcome of this independent investigation. What I was indicating was that there has been no evidence which would reveal systemic corruption in the Australian Crime Commission. To compare the Australian Crime Commission with the situation in Victoria is simply drawing a very long bow and, in fact, it is incorrect. The *Four Corners* program last night stated that there were over 100 allegations of corruption in relation to the Victoria Police.

Last night in the same program, two state police detectives who were seconded to the Australian Crime Commission were mentioned. It was stated in the same program that over 20-odd years there had been very few allegations of corruption concerning the Australian Crime Commission's predecessor, the NCA. In putting the Australian Crime Commission in place, we put in enhanced provisions in relation to accountability, professional standards, vetting and the turnover of staff so that we would not have entrenched practices growing up in that body. Forty-five

per cent of its staff are new staff. This is a new body and one which is making a great contribution to law enforcement of this country. Having said that, we remain concerned about the allegations in relation to the two particular police officers, and we look forward to the early receipt of that independent investigation report, which I have mentioned.

Senator LUDWIG—Mr President, I ask a supplementary question. Has the minister made an assessment of the Commonwealth Ombudsman's powers to ensure that the Ombudsman has sufficient power to investigate allegations of corruption involving officers serving with the Australian Crime Commission? Can the minister now assure the Senate that the Commonwealth Ombudsman has all the necessary powers to undertake such investigations and, if not, will he describe to the Senate what extra powers the Ombudsman will be granted?

Senator ELLISON—The Commonwealth Ombudsman has a similar power in relation to the Australian Crime Commission as he has in relation to the Australian Federal Police. That includes not only acting upon complaints brought to the Ombudsman but self-initiating an inquiry as well. I have mentioned, on the record, the number of inquiries which have been self-initiated by the Commonwealth Ombudsman. It was only recently that the state of Victoria saw fit to do that with its own ombudsman relating to his oversight of the police force in Victoria.

The regime which has been in place for the Australian Federal Police has operated well. We looked at that when we set up the Australian Crime Commission, and we have a similar provision in relation to the Ombudsman in his oversight of the Australian Crime Commission. That was the subject of debate and the purview of the parliamentary joint committee when we set up the Australian Crime Commission at the beginning of

last year. In addition to that, we have said we will do a comprehensive review of the Australian Crime Commission at the end of next year. *(Time expired)*

Howard Government: Family Policy

Senator FIFIELD (2.15 p.m.)—My question is to the Minister for Family and Community Services. Will the minister inform the Senate how the Howard government is supporting Australian families through greater financial assistance as a result of good economic management? Is the minister aware of any alternative policies?

Senator PATTERSON—I thank Senator Fifield for his question. I know that he knows, like all of us on this side know, that one of the best ways we can help Australian families and their children into the future is to have a strong economy. Last week Minister Andrews announced that Australia's unemployment rate was 5.5 per cent—the lowest level in almost 23 years. The unemployment rate is below six per cent, interest rates are below six per cent and inflation is below three per cent. Economic management is not a fluke and it is no accident. It requires a steady hand on the tiller—a steady hand on the budget. In net terms, we reduced the debt of \$96 billion that Labor left us by almost \$70 billion, saving us almost \$6 billion in interest. We can assist families because we have made those savings. We are not paying interest on debt, racking up debt that we cannot afford or racking up debt for the next generation.

The recent federal budget is designed to keep our economy strong. It is about securing our future. It is about supporting the backbone of Australian society—Australian families. It is about giving families choice and about giving them opportunities. The new More Help for Families measure will provide an additional \$19.2 billion for families over five years. It is the largest package

of assistance ever put in place by an Australian government. Around two million families with 3.5 million children will benefit from the changes to the family tax benefits system.

This week we continue to deliver to families. The one-off payment will see over the next two weeks about two million eligible families receiving a \$600 payment for each dependent child. About two million families will start receiving an average payment of \$1,200 in their bank accounts from this week. An eligible family with four children will receive \$2,400. The bonus is tax free, and it is not taken into account in assessing pensions or benefits as income. It is expected that the majority of payments will have been made by 22 June and a smaller number by the end of June. Strong economic growth and good economic management by the Howard government have allowed us to deliver the extra financial support that families deserve.

Senator Fifield asked me about alternative policies. I really do not know that I can answer that question, Senator Fifield, because you get mixed messages. Mr Latham, on the 7.30 Report when he was asked to make a commitment that families would not be worse off under Labor, twice failed to give Australian families that commitment. Mr McMullan, the spokesperson for finance, when he was asked about the \$600 supplement and the increase in the base rate of the family tax benefits, said that he could not guarantee that past 2005. So there is no policy. What Labor have been saying is, 'After the budget, we'll tell you about the family policy.' It is nearly a month since the budget and we still have not got a family tax policy from the Labor Party—no policy, no sign of policy, no commitment to families that they will not be worse off and no guarantee that the \$600 supplement will be continued past next financial year. There are no policies. Labor are a policy-free zone. They have had

a chance. The budget has been there. When are the Labor Party going to give Australians information about their policy on families?

Taxation: Family Payments

Senator JACINTA COLLINS (2.19 p.m.)—My question is to Senator Patterson, as Minister for Family and Community Services. Can the minister explain why the government has amended the indexation formula applying to the family tax benefit—a change that was not clearly disclosed in the explanatory memorandum of the family assistance legislation amendment? Isn't the reason the government refused to spell out this change to the indexation of family payments that it is designed to claw back the real value of the additional payments made in the budget?

Senator PATTERSON—The answer is no. I have said in a press release I put out that the government will take whatever action is necessary to deliver on its commitment that families receive \$600 per child and that the real value of this payment is maintained in the future. But it gives me the opportunity to say again what we have done as a result of good economic management. It gives me the opportunity to say that families who are eligible for family tax benefit A will get a one-off payment of \$600 per child into their bank accounts in the next two weeks. They will also get an increase of \$600 per child in the family tax benefit A base rate.

Senator Jacinta Collins interjecting—

Senator PATTERSON—Senator Collins shouts and interjects because she does not want to hear this because they have not got a policy. She does not want to hear that families will be better off on average by about \$1,200 per child this financial year as a result of good economic management and as a result of giving a social dividend back to families because we have been able to run the budget in a way that is not racking up debt like the Labor Party was doing. We have said

that the supplement will be indexed to CPI. We will look and we will make sure—and I have made a commitment—that families will receive \$600 per child and the real value of this payment will be maintained in the future. Mr McMullan has said that he cannot guarantee that after the 2004-05 financial year that \$600 will be there. Mr Latham, when he had two opportunities on the *7.30 Report* to say families would not be worse off under Labor, failed to give Australian families that guarantee.

Senator Jacinta Collins—What about your opportunities last week that we're still waiting for? What about your opportunities?

The PRESIDENT—Senator Collins, you have asked your question.

Senator PATTERSON—Mr Latham failed to give Australians that guarantee. The Labor Party do not want to hear this. They do not want to know that they are giving mixed messages to the community about what their family policy is. Mr McMullan says that after the 2004-05 financial year they cannot guarantee the \$600. Mr Latham said he will not guarantee that families will not be worse off. We have said that families are getting \$600 per child into their bank account in the next two weeks if they are eligible for FTB A during this year and the family tax benefit rate will be increased by \$600 and we will maintain the real value of that \$600 increase.

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. For the benefit of the Senate, can the minister confirm that her departmental head refused to provide a guarantee that the government's unexplained change to the indexation of family tax benefit would not lead to the clawback of the additional payments made in the budget? Minister, why will you not come clean about your planned post-election clawback of these additional family payments?

Senator PATTERSON—This gives me the opportunity again to remind families that they will get \$600 per child, if they have been eligible for FTB A this financial year, in their bank accounts now; that the base rate of family tax benefit will increase by \$600; and that we will maintain the real value of that. We have made a commitment to that; it will not be clawed back. Senator Collins, I have said that we will maintain the real value of the \$600 payment. We have given families \$1,200 this financial year if they have been eligible all year for family tax benefit A—per child: \$600 in the one-off payment and \$600 increase in the base rate. We have done that in this financial year and we will do that in every other financial year. Mr McMullan, the finance spokesman, will not even guarantee that that will continue past the 2004-05 financial year. Mr Latham has failed to convince families that they will not be worse off under Labor.

Health: Contraception

Senator ALLISON (2.23 p.m.)—My question is to the Minister representing the Minister for Health and Ageing. Can the minister confirm Minister Abbott's remarks at the weekend that he will make emergency contraception a prescription only drug? How and when will this be put into effect?

Senator IAN CAMPBELL—That is a question I will refer to the minister. I saw his reported comments, and he can respond.

Senator ALLISON—Mr President, I ask a supplementary question. The Minister representing the Minister for Health and Ageing has indicated that he saw the remarks. I would have thought it would have been useful for him to come prepared to question time with answers. However, I will ask some further questions while we are at it. Is it not the case that, in fact, the minister has no powers to reverse the National Drugs and Poisons Schedule Committee's decision and

that that is a matter for the states and New Zealand? How is it that the minister made such a serious blunder? Is it not the case that there is, in fact, no evidence to suggest that emergency contraception has encouraged teenage sexual activity? Minister, how many unwanted pregnancies could be expected from denying women early access to this contraception? How many women will not be able to get an appointment with a GP to get a prescription within the required 72 hours of unprotected sex? Does the minister agree that sex education is important in preventing both unwanted and teenage pregnancies? If so, why is it not being proposed instead of taking Australian women back to the last century in having no choice over their own reproduction? (*Time expired*)

Senator IAN CAMPBELL—I am happy to answer questions on policy, but the senator has asked me to pass a running commentary on what the minister for health has said. I do not think I need to be a commentator. There are plenty of other highly paid people out there who can commentate on what he has said. What the minister has said on the policy issue of the availability of Postinor-2 is that he wants to have a look at it. He has had serious concerns raised with him. As a diligent minister for health who has delivered significant reforms to the delivery of health in Australia, such as greater access to GPs—and who thoroughly supports, for example, the 30 per cent rebate for private health insurance, which is threatened by the Democrats and Labor—he is looking into a very important issue that affects the health of many thousands of Australians.

Taxation: Family Payments

Senator FORSHAW (2.26 p.m.)—My question is directed to Senator Patterson, the Minister for Family and Community Services. Can the minister confirm that the head of her department gave an explicit undertak-

ing on 4 June to provide answers to questions from the Labor Party senators about the government's unexplained changes to the indexation of family payments? Can the minister explain why those answers, which were promised would be available by close of business last Friday, have been withheld from the committee? Did the minister intervene to prevent the answers being released?

Senator PATTERSON—Senator Forshaw most probably would not understand that, when you give \$19.2 billion of assistance to families and when you give a one-off payment of \$600 per child to families, it requires enormous systems changes. Also, giving an additional \$600 in the base rate, as we paid in September, to eligible families, requires enormous systems changes. The department is under enormous pressure in that area. Mr Sullivan said in the estimates:

We will commit to answer those as soon as possible and hopefully by the end of next week.

He emphasised 'hopefully by the end of next week' because he did not know how many questions there would be. We thought there was going to be one question; there were a number of questions. The department has been working on those questions during the week. Mr Sullivan said 'we will commit to answer those as soon as possible and hopefully by the end of next week'. The department is working day and night on ensuring that families get their \$600 per child lump sum if they have been eligible for FTB A. They are working day and night—and I thank them for that—to ensure that this financial year families get their additional base increase of \$600 per child in family tax benefit A. They are doing their level best to answer those questions, and we will get them to the committee as soon as possible. Mr Sullivan said he hoped that it would be by the end of the week. It was not by the end of the week. We will get them to the committee as soon as possible.

Senator FORSHAW—Mr President, I ask a supplementary question. Will the minister give a guarantee here today to the Senate that she will immediately release to the Senate committee her department's explanations for why the family payment indexation formula has been changed? Minister, if there is no clawback, why should there be any need for legislative amendments, as outlined in your press release of 6 June?

Senator PATTERSON—We have guaranteed that the family tax benefit supplement will be increased in real terms and maintained. Answers will be given to the committee as soon as they are ready. As I have said, the department is under enormous pressure to deliver the \$600 per child lump sum that will go into families' bank accounts—that is, the largest assistance to families ever. Also, it will be working on the increase in the base rate of \$600 per child in family tax benefit A that will be available. That is an increase Labor has failed to guarantee. Mr Latham has failed to say that families will not be worse off under Labor. Also, Mr McMullan has said that he is not sure that that benefit will be there after 2004-05. We have guaranteed that increase and we have guaranteed that it will be maintained in real terms.

Environment: Policy

Senator LEES (2.31 p.m.)—My question is to Senator Hill, the Minister representing the Prime Minister. I refer to the Prime Minister's energy statement that was delivered today. Why does the government believe that we are still only at the demonstration stage for renewable technologies? Surely we have a solid foundation now, with the growing use of wind and solar, so why go back to just pilot programs? Why are there few, if any, incentives in the package for the actual take-up and use of renewable alternatives on a national scale? Basically, why is there no increase in MRET? The Prime Minister men-

tioned risk. What is he talking about? How will our economy suffer, as he claims? What are the substantial costs that he mentioned in his speech at the launch? What is the modelling or other evidence that you have that shows that there is a risk if we increase MRET by a modest amount?

Senator HILL—The Australian government is committed to a sustainable future, and the statement put out by the Prime Minister today is very much consistent with that principle. It is a statement that indicates, not surprisingly, that the government is determined to maintain economic growth in this country and to take advantage of the comparative benefits that we have in our natural resource sector but nevertheless to exploit those in an energy efficient way. The government has in place existing programs and existing incentives for renewable energy that encourage that, but also it believes that there is the potential for new technologies to greatly assist in the overall task of a more energy efficient economy and that there is a strong case in favour of investing public money, together with private sector money, in the development of these new technologies.

Therefore, the Prime Minister indicated that included in the range of new initiatives is the fact that the government would be driving investment of at least \$1.5 billion to demonstrate breakthrough technologies with significant long-term greenhouse gas reduction potential through the establishment of a \$500 million fund to leverage private sector investment of at least \$1 billion in the demonstration of low-emission technologies. What the Prime Minister is saying is, yes, there are renewable technologies available, they are being taken up in Australia and we do have a program that encourages and supports the taking up of those technologies. It would have been possible as one alternative to extend that program but there are alterna-

tive ways to go forward. In the view of the government, investment in this major fund to encourage the development of other alternative energy efficient opportunities would be a significant national investment.

I would respectfully suggest to the honourable senator that it is possible to have it both ways. If Australia is to develop the energy efficient economy that it desires, it is important to go along both paths. It is important on the one hand to support the existing programs, which we see are being implemented at the moment, and on the other hand to seek out new alternatives, of which there are obviously many, and to support them not only at the research phase but also at the demonstration phase in order that they might become commercially efficient, be taken up and contribute to that very important goal of a sustainable economy.

Senator LEES—Mr President, I ask a supplementary question. Minister, why will the economy not be stable or able to grow if we increase MRET by a modest amount? You mentioned, and I thank you for doing so, that what is being done currently is working. Yes, MRET is working, so why not build on it? It will stall in a couple of years, as the capacity will be filled, if we do not increase the target. Can't we have it both ways by putting in place your proposals but also by lifting the target for the generation of electricity by renewable industries such as solar and wind? Is the government aware that a report by the Allen Consulting Group entitled *Sustainable energy: economic dimensions* says that we can significantly reduce greenhouse gas emissions and boost the wind and solar industries together if we increase the target to a modest 3½ per cent, that there would be absolutely no negative impact on our economy and that, in fact, jobs would increase?

Senator HILL—The issue is how you break up the funding that you can afford. As I said, the Prime Minister has agreed that \$500 million will go in to leverage private sector investment in the demonstration of low emission technologies, \$134 million will go to support commercialisation of renewable technologies and a commitment of \$75 million will go into solar cities trials to demonstrate a visionary new energy scenario, where solar, energy efficiency and market reforms will combine to provide a sustainable future. In some ways the government is covering the field. It is doing so, as I said, because it wishes to achieve a more sustainable economy. That is in Australia's national interest. It is in not only its short-term interest but also the interests of future generations. The government has put a lot of effort into this program and has invested a large sum of public money because it believes it is so important. It is easy to quarrel about the balance, but this is money that will be well spent in Australia's interest. (*Time expired*)

Taxation: Family Payments

Senator MOORE (2.37 p.m.)—My question is to Senator Patterson, the Minister for Family and Community Services. Can the minister confirm whether the government's \$20 million national advertising campaign to explain its budget family payment measures will include information about the risk of family payment debts, which about one-third of all families—around 600,000 households—get each year? Minister, will your pre-election advertising blitz inform families of the likelihood that they will need to use the budget payment to offset these debts because you have failed to fix the problem in the system?

Senator PATTERSON—Every time Labor gets up and asks me a question it gives me an opportunity to remind Australians about the \$19.2 billion in additional assis-

tance we are giving to families—the largest assistance to families in the history of Australia. A one-off \$600 payment to families who are eligible for FTB A during this year, for each child, will be going into their bank accounts in the next two weeks. That is an amazing amount of money, coming as a result of a social dividend because we have run the economy in a way that has enabled us to give families the support they need. We are increasing the family tax benefit each year by \$600 per child, indexed in real terms. That is an increase that Mr McMullan has said he cannot guarantee after the next financial year. I hope the Labor Party will be telling people that loud and clear, because that seems to be Labor's policy.

It seems that Mr Latham's policy seems to be that he cannot actually tell Australian families whether they will be worse off under Labor. The information campaign is about ensuring that families understand their benefits and their entitlements: \$600 per child in their bank accounts if they were eligible for FTB A—on average, \$1,200 per family. We want them to make sure they check their bank accounts. There are a small number of families who will receive it by cheque and a small number of families who will need to make sure that they get their entitlement.

We will be increasing the base rate of family tax benefit by \$600 over the financial year. That will be reconciled at the end of the financial year. If people have received that \$600 per child during the year because they have not been able to estimate their income accurately, that will be taken into account. We have reduced the number of people who get an overpayment, we have increased the number of people who get their entitlement correct and we have given families top-ups, which Labor has failed to do and has failed to guarantee they will do in the future. We are going to ensure that families understand

that they will get \$19.2 billion more in the forward estimates and that they will get on average about \$7,000 per family in family tax benefit in addition to other support that they are being given.

By this measure alone they will get \$600 per child in their bank accounts in the next two weeks, and they will get an increase in the maximum rate of family tax benefit A. We need to make sure that Australian families understand that. We need to make sure that they get their entitlement. We are working to ensure that they get their estimates of their income as accurate as possible. We will make sure that families in similar circumstances are treated in a similar way and given similar assistance from the taxpayer over a financial year.

Senator MOORE—Mr President, I ask a supplementary question. Can the minister confirm whether the government's same \$2 million pre-election advertising blitz will explain to families lodging their tax return before September that their family payment debt will not be stripped this year? Will the advertising explain that their likely \$900 debt will be offset against their \$600 payment in September, in an attempt to disguise the fact that the system has not yet been fixed?

Senator PATTERSON—What we will be doing is making sure that families understand that over a financial year their benefit will increase by \$600 per child per eligible family. That is what we will be making sure they are aware of. When families got an underpayment when Labor was in government, Labor did not top it up. What we are about is ensuring that families in similar circumstances, with a similar number of children and a similar income, receive similar assistance from the taxpayer over a financial year. That is what we will making sure families understand. We will be making sure that they

inform Centrelink about changes. One of the other things we will do, when a secondary income earner returns to work after the birth of a child, is quarantine the fact that they may have had more tax benefit than they were entitled to in that first part of the year, to ensure that we reduce overpayments. We have taken a number of measures, including the More Choices for Families, which more families are taking up to reduce the likelihood of an overpayment. We will be increasing payments to families by \$600 per child, per year. (*Time expired*)

Transport: AusLink

Senator McGAURAN (2.42 p.m.)—My question is to the Minister for Local Government, Territories and Roads, Senator Ian Campbell. Will the minister inform the Senate of the investment the government is making to ensure that Australia's road and rail systems are able to meet the long-term transport challenges facing the nation? Is the minister aware of any alternative policies that would jeopardise the government's long-term plan?

Senator IAN CAMPBELL—I thank Senator McGauran for asking an important question for Australia, particularly for regional and rural Australia and for Victoria. Victoria was the big winner in terms of increase in road construction from the AusLink announcement. Many coalition senators will remember the Roads to Recovery announcement that was made about three years ago—a \$1.2 billion injection that particularly helped rural and regional roads and local councils to build local roads. We had the Labor Party then calling it a 'boondoggle'. That is what Mr Beazley called it. Luckily, not many people knew what a boondoggle was, but Mr Beazley did. And what did we get last Monday when the Deputy Prime Minister and I announced the AusLink program, the biggest increase in road construction spend-

ing in Australian history? They decided to call it a 'pork barrel' this time. This is the Labor Party's commitment to road funding. We announced a historic increase in road funding three years ago and it is called a 'boondoggle'; this year it is called a 'pork barrel'. We look forward at some stage to the Labor Party coming up with their own roads policy. At the moment they are playing tailgate the government. We announced funding for the Geelong bypass. The Labor Party said, 'No, we refuse to fund that. It is not a national road.' In his tailgating style, Mr Martin Ferguson, the Labor spokesman, decided he would fund Geelong. He was tailgating out near Deer Park shortly after and decided they would finally make an announcement about Deer Park.

What is interesting, however, is that we went around Australia announcing significant road funding increases, road construction increases in particular—an average increase of 74.7 per cent for road construction for the coming five years—and the 61 per cent increase in road spending in Queensland, for example—and the state budget is being handed down by their Treasurer as we speak—was described as 'inadequate and mean' by the transport minister there. I throw out a challenge not only to Mr Lucas, the Queensland transport minister, and the Queensland government but to all Labor state governments—

Senator Forshaw—Which is all of them.

Senator IAN CAMPBELL—They are all Labor governments and they are all, with very few exceptions, quite inadequate at funding roads. I say to Mr Lucas now—I say to each one of them—'Let's see the colour of the Queensland government's money and their commitment to roads by announcing this afternoon a 61 per cent increase in the Queensland road budget.'

The record of the South Australian government, who were incredibly ungrateful for a 43 per cent increase in road funding in South Australia—the biggest increase in road funding in South Australian history, on top of a 26 per cent increase for local road funding in South Australia—has seen reductions in regional and rural road spending and no new overtaking lanes. The federal government is building 17 overtaking lanes on the Sturt Highway. The South Australian government is not building a single overtaking lane in South Australia. I say to the South Australians: ‘If you are serious about road funding, match our increase of 43 per cent and build some roads. Match our black spot program’—another \$44.5 million—‘and match our Roads to Recovery projects.’

The record of the Western Australian government—another Labor government that criticised our road spending—is a reduction of just under \$300 million in their road budget. The federal government is increasing road investment, increasing road spending and building new important road projects across the country, and Labor is ripping the guts out of them. (*Time expired*)

Iraq: Treatment of Prisoners

Senator HUTCHINS (2.47 p.m.)—My question is to Senator Hill, the Minister representing the Minister for Foreign Affairs. Can the minister advise the Senate when Australian officials in Washington or Canberra first became aware of Red Cross concerns about the treatment of prisoners at Guantanamo Bay? Can he further inform the Senate of who raised those concerns—the Red Cross themselves or representatives of the detained Australians?

Senator HILL—I am not sure whether that is a trick question—I have been asked it in my capacity as the Minister representing the Minister for Foreign Affairs. For the first time there seems to be an introduction of

suggestion that Australian officials in Washington might have some relevance to the issue. I think it would probably be sensible for me to refer that issue to the foreign minister. I can say that the Red Cross put down a report in February covering detention practices in Iraq from March to November of last year. That report was presented in Iraq to the CPA and to the occupying powers—Britain and the United States. That report was developed in part from a number of visits that had taken place during the preceding months and the preparation of certain working documents.

Senator Hutchins—Mr President, I rise on a point of order. I asked a specific question of the minister. I notice he is rambling a bit. I give him an opportunity now to come back to the specific question that I asked in relation to the prisoners in Guantanamo Bay.

The PRESIDENT—There is no point of order. The minister has 2½ minutes yet. I am sure he will be coming back to the question.

Senator HILL—I will just finish what I was saying about Iraq because that seems to be the preoccupation of the Labor Party to date. I was going to say before I was rudely interrupted that working papers had also been presented from visits in late October to the coalition military authority in Iraq. There were some Australian military officials who had access on both of those occasions—on the occasion of the presentation of the working papers and on the occasion of the presentation of the final report. In relation to Guantanamo Bay, I do not have the specific answer but I can provide some assistance.

Senator Faulkner—We would never have guessed.

Senator HILL—Okay, I’ll be honest. I do not know when the Red Cross first brought their concerns to the attention of Australian officials in relation to Guantanamo Bay, but I will seek that response from the foreign minister.

Senator HUTCHINS—Mr President, I ask a supplementary question. I wonder if the minister could supply to the Senate the nature of the concerns raised in relation to the treatment of Australian prisoners in Guantanamo Bay and also supply to the Senate copies of those reports.

Senator HILL—I will refer that to the foreign minister as well.

Indigenous Affairs: Commercial Ventures

Senator RIDGEWAY (2.51 p.m.)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, and goes to the issue of Indigenous owned property and the Lands Acquisition Act. Minister, isn't it true that since 1990 ATSIC, and more particularly Indigenous people, have had control over Indigenous property through the exemption in the Lands Acquisition Act that says that ATSIC and Indigenous people are free to conduct their own property transactions without reference to the act or any other body, including the minister? Given that the properties under question belong to Indigenous people, what is the justification for your government's decision to take control of all Indigenous owned property by amending the Lands Acquisition Regulations in this way? Did the government undertake any consultation before making this decision? Was this decision discussed with the ATSIC Board of Commissioners or ATSIC councils and community organisations, and did they concur with that decision?

Senator VANSTONE—Senator Ridgeway, you will understand well that there is a significant portion of property held by ATSIC in various ways that is quite rightly identified as Indigenous property, and in my view it will stay that way. Some will go to the ILC and some to IBA—that is, to the Indigenous Land Corporation and to Indigenous Business Australia—and I am not of the

view that Indigenous property should be handled in any other way. But I will take the detail of your question on notice and come back to you if I have anything else to say.

Senator Ridgeway there is one point I would make to you about what we seek to do in relation to Indigenous affairs. You would have heard me say before that it is not simply a question of mainstreaming, although that is just one mechanism for what we want to do, in the same way that Labor mainstreamed the health area some years ago. We want to do much more than that. We want to coordinate ourselves in a better way on a regional basis so that individual communities do not have to deal with a wide range of departments. We understand that the states and territories want to do the same, and we have all learned that through the COAG trials, so that Indigenous people will have less difficulty in dealing with a wide range of bureaucracies and so that we do not make it as difficult, as all of us have done for so long, for Indigenous people in rural and remote regions to get the proper assistance they need.

I understand that there are different views in relation to the abolition of ATSIC, although I notice that Mr Latham has said that he thought it should go and that he had lost confidence in it. From all the Indigenous people I have spoken to, it is my view that the vast majority feel the same way. Certainly in the communities I have visited I had one recently, on the weekend, who was concerned about it. But I accept that there would be more. I think the difference between this side and the other side in relation to Indigenous affairs is that people over here want to grab Indigenous votes. We want to give Indigenous people better value, and we will.

Senator RIDGEWAY—Mr President, I ask a supplementary question. I thank the minister for the answer, but I am not sure whether she understood the question. I am

referring to property held by community organisations. Isn't it true that a significant amount of property not previously held under caveat—for example, property bequeathed by a church, or groups or individuals—will now come under such a caveat? Doesn't the amendment to the regulations extend the government's reach beyond what was previously allowable? What is the legal reason or justification for making this type of decision? Given that the amendments to abolish ATSIC are still to be dealt with by the Senate, isn't this underhanded attempt to take control of Indigenous property just another example of the government's contempt for the Senate and contempt for Indigenous people? We are talking about property held in title by community organisations, not by the government, not by the Indigenous Land Corporation and certainly not by Indigenous Business Australia.

Senator VANSTONE—The detail of that question, especially in relation to the church groups you mentioned, I will take on notice. I do have to take exception to your view that this government treats either the Senate or Indigenous people, which in particular is my concern, with contempt.

Senator Ridgeway interjecting—

Senator VANSTONE—You did say that, Senator. I do not think you can judge things only by money, but this government has spent 29 per cent more in real dollars than the previous government ever did on Indigenous matters. We have had significant increases in the proportion of Indigenous kids going to year 12—about a one-third increase in the time we have been in government. There has been an increase of roughly the same proportion in the percentage of kids who go on to do bachelor and higher degree courses, so let us not live under some misunderstanding, Senator Ridgeway, as to which government has always provided better out-

comes for Indigenous Australians, and always will. *(Time expired)*

Australian Crime Commission

Senator WONG (2.57 p.m.)—My question is to Senator Ellison, the Minister for Justice and Customs. I refer the minister to his comments on ABC television last night where he said:

Well, he joined the NCA and not the ACC and the ACC's put in place enhanced measures. Your questions have been about the alleged corruption of the Australian Crime Commission. What I'm saying to you is that we, with the setting up of the Australian Crime Commission, have ensured that there will be secondees on a rotational basis, that the vetting will be enhanced.

Minister, isn't it a fact that the two officers identified on ABC television last night were working for the Australian Crime Commission, not the National Crime Authority? Minister, why should we have faith in the so-called enhanced vetting and rotational secondment processes of the Australian Crime Commission when these measures failed to avoid or detect the alleged corrupt activities of these officers?

Senator ELLISON—As I recall, the question put to me during the interview—and I do not think the question was broadcast on last night's program—was in the context of the measures that the Australian Crime Commission has put in place. What I was indicating was that these two officers had joined the NCA and were then transferred to the ACC when it was set up. The point I was making was a very clear one: the Australian Crime Commission has put in place enhanced measures in relation to vetting people who want to be seconded to the ACC or who want to work for the ACC. We have adopted a rotational basis—that is, to shorten the periods of time that people would work with the ACC and to keep that rotation going. I think I touched on that in the answer I gave to Senator Ludwig. The reason behind that is

obvious: it is to avoid entrenched bad practices gaining a foothold in an organisation such as the ACC. There is vetting that goes into the financial affairs of the applicant concerned and other assessments. We have also looked at professional standards, which the Commonwealth Ombudsman has looked at, and an independent committee has been set up in that regard.

The ACC has put in place measures which have been an improvement on the NCA. These two officers joined the NCA and were then transferred to the ACC. The point I was making was that they did not join the ACC in the first instance—they came from the NCA. That was a significant point. The other significant point is that these two officers were serving police officers with the New South Wales Police Force and the Victorian Police Force. Their status now is a matter of investigation, but these two detectives were secondees. They did not form a part of the two-thirds staff that I mentioned earlier. The ACC has in place many checks and balances. These were gone through when we debated the legislation, when the parliamentary joint committee looked at the setting up of the ACC. I would remind the Senate that it enjoyed bipartisan support.

Senator WONG—Mr President, I ask a supplementary question. Is the minister aware that the allegations against the two officers serving with the Australian Crime Commission include allegations of corrupt and illegal activity organised and carried out in conjunction with Australian Crime Commission operations, using Australian Crime Commission police mobile telephones and Australian Crime Commission police vehicles? Minister, given the heavy involvement of Australian Crime Commission resources in the substance of these allegations, why is it that the ACC only became aware of these alleged activities when they were alerted by state police corruption bodies?

Senator ELLISON—I understand the original source of the information came from an informant. I will not go into that detail for operational reasons, but the use of ACC resources is of course a matter of concern. That is why the ACC immediately instituted an independent inquiry. As I have said, I will look very closely at the report that the inquiry delivers to the Commonwealth Ombudsman. If action is needed, the Commonwealth government will act.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Asia Pacific Space Centre

Senator MINCHIN (South Australia—Minister for Finance and Administration) (3.01 p.m.)—In response to a series of questions on the Asia Pacific Space Centre from Senator Faulkner and Senator Carr in March this year, I advised the Senate that the Commonwealth had not made any payments to APSC and that around \$5 million had been spent on common user infrastructure on Christmas Island. I based that advice on information provided to me by the Department of Transport and Regional Services. Following a recent reconciliation of expenditure by that department, I can confirm that my previous advice that no payments had been made to APSC was correct; however, DOTARS has advised that expenditure on common use infrastructure as at March 2004 in fact totalled \$7.4 million. On 18 May this year I wrote to Senator Faulkner and Senator Carr in this regard. The break-up of that expenditure was detailed in those letters, which I am happy to table. I reiterate that the entire sum has been spent on providing common use infrastructure such as a new port and a road that will benefit the wider Christmas Island community. No funding will be pro-

vided to APSC unless and until appropriate performance milestones have been achieved.

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

Howard Government: Family Policy

Senator JACINTA COLLINS (Victoria)
(3.01 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Patterson) to questions without notice asked by Senators Collins, Forshaw and Moore today relating to family payment debts.

The point I will highlight as I commence my comments is that the government has had three years to reform its deeply flawed family payments system. In those three years, more than 2.9 million incorrect payments have been made to families—that is, 56 per cent of all payments totalling \$2.5 billion have been wrong, and 1.6 million families have been overpaid an average of \$900 each year. That means that the government has recovered a total of \$1.5 billion from families through the stripping of their tax returns, the issuing of debt notices and garnisheeing of future payments. The one thing the government system seemingly cannot do is to pay families their correct entitlement when they need it each fortnight—I stress: when they need it each fortnight. Even the government's research tells it that families do not want to deal with annual assessments of their circumstances—they want financial support when they need it and in accordance with their circumstances. This is the component that the government cannot grapple with.

In the recent federal budget the government tried to paper over the problem by providing this \$600 payment, but I hope Australian families will recall that the \$1,000 payment that the government gave before the last election lasted for only one year. This time families will receive \$600 before this

election and a promised \$600 after it to flow through the system—the government claims—as an additional family benefits payment. But, when we look at the detail, we discover that that additional \$600 will not be indexed in future in the same way that family payments were in the past. Senator Patterson today promised that this \$600 would maintain its real value. The trick, though, is in what she means by the 'real value'. It is clear from her answers today that she continues to fudge on that issue. I suspect it is because she got duded in cabinet. She knows that family payments have been indexed by a wage related measure for many years. She knows that the trick—perhaps it was Treasury, it seems that FaCS was not aware of this trick when we questioned them in estimates—of making this \$600 a cushion on wage related indexation is the fraud that the Howard government is now running. If indexation had occurred in the way the old formula applied, and you compare it to how indexation will work with this new figure, this additional \$600 will disappear in five years. That is the fraud that the government is now peddling. The government has refused to come back to the Senate Community Affairs References Committee with the detail following the estimates process last week. Senator Patterson indicated that, if necessary, the government would legislate to maintain the real value of this additional \$600, but what the government still has not dealt with is that the change to the indexation formula changes the value of family payments across the board, not just this \$600. This \$600 will be a cushion on future increases and there will not be the benefit in the system that this government claims.

If Senator Patterson had said today quite frankly and quite clearly that the indexation of the family benefit would continue on the same basis that it had in the past then she would have avoided this fraud. She did not

do that today and that is why she must have been duddled in cabinet. CPI is what the minister refers to, yet anybody who has been around the indexation of family support and pensions knows that, if you want to maintain the real value of pensions and assistance, you link it to a wage related measure. We know this problem, for instance, in relation to the child-care benefit. We know that the affordability of the child-care benefit has been in decline because it is indexed solely to the CPI. There is a long history of indexation across pensions and benefits and this government— *(Time expired)*

Senator KNOWLES (Western Australia) (3.08 p.m.)—Isn't it interesting that Senator Collins can come in here, day after day, whingeing, whining and carrying on as she does about this issue, yet at no stage has she released a policy. I think she is the shadow minister—I am not too sure; she hides her light under a bushel pretty well—so why hasn't she released a policy? Here they are after eight years of opposition and the shadow minister is about to prance out of this place, still without a policy. Also, this shadow minister, this pretend shadow minister, has not been able to account for Labor, when they were in government, never giving anyone a top-up.

The Labor opposition quite clearly say in this argument that, if someone provides the wrong information and they are given taxpayers money as a consequence, they should be allowed to keep it at the expense of every other taxpayer. The government do not agree with that. The government say that, if someone provides the incorrect information and they get something to which they are not entitled, the other taxpayers of Australia deserve that money to be put back into the barrel for those who do require it. Additionally, when the Labor Party were in government—and because there is no policy there is no indication that they would change—if some-

one underestimated their income, they were never, ever given a top-up. Under this government, they are. It is a very marked difference.

Yet, we have Senator Collins coming in here and screeching from the rafters about things that are completely and utterly wrong. They are wrong from the point of view that Senator Collins does not understand for one moment what the government initiative is all about—no wonder she cannot write a policy. Around two million families with three and a half million children will benefit from the family tax benefit—but she does not understand that—and the vast majority of those families with dependent children are now eligible for family assistance.

The most important thing that she does not understand is that the new More Help for Families measures will provide an additional \$19.2 billion in assistance over five years. This is the largest package ever put in place by any Australian government. If she thinks that a Labor government can do better, then let her put her cards on the table. Do not come in here and screech about it. Put your cards on the table. Let us see the policy. Let us compare what we have done, put into practice and put in the budget with they would do if they were ever given the opportunity to take the government benches again.

But, no, we cannot compare one with the other because this incompetent shadow minister cannot possibly put together a policy that we can look at. With the government's policy, about two million eligible families will receive a one-off payment of \$600 per child for family tax benefit part A—and other eligible children—before 30 June 2004. From 1 July 2004, there will be an ongoing FTB part A supplement payment of \$600 per child, which will increase the base and maximum rates of the FTB part A. It is as clear as crystal in the budget papers.

What is the alternative? We do not know. We have not the faintest idea. In this short debate that we now have following question time, it will be interesting to see whether one member of the opposition can tell us what they would do in government that would be different, whether they would allow people to get overpayments and keep them at the expense of every other taxpayer and whether they would adopt the government policy of top-ups if underpayments occurred. I will wait and see whether the Labor opposition have a policy and how it will differ from the policy that the government have put in place which will benefit over two million families in this country.

Senator FORSHAW (New South Wales) (3.13 p.m.)—It is always interesting to note in these debates and very often during question time how anxious the government are to hear the Labor Party's policies. The reason they are so anxious to hear the Labor Party's policies is that they want to pinch them. If you go back and look at some of the things that we have announced, you will find that when the Labor Party announce a policy this government steals it. For instance, only recently Mr Latham announced that the Labor Party would reform the parliamentary super-annuation system. Who pinched that policy? It was none other than the Prime Minister. The Labor Party announced that we would make changes in respect of ATSIC. The Prime Minister followed that by announcing that he would follow our lead. We have announced in the past policies regarding the maternity allowance. We said the baby bonus—

Senator Knowles—Mr Deputy President, on a point of order: the motion before you is to debate the answers provided by Senator Patterson today in question time. My point of order, therefore, is Senator Forshaw is not debating that. If he wishes to announce his

policy on the issue relating to Senator Patterson's answers, then that is fine.

The DEPUTY PRESIDENT—Senator Knowles, you know there is no point of order. These are fairly wide-ranging debates. I am sure Senator Forshaw, if he is not there already, will get to the point he is making to the Senate shortly.

Senator FORSHAW—I am getting to the very issue in respect of the motion, but one has to deal with these false assertions from the government about lack of policy first. The Labor Party is developing its policy and will announce it in the fullness of time—in particular, when we get the election date out of this government. But let me deal with the questions that were asked of Senator Patterson during question time and the lack of answers that were given—particularly to the one that I asked. We have asked the minister to provide the detail as to how she can be so confident that the value of the \$600 payment in family tax benefit A will not be eroded because of changes to the indexation formula. The minister stood up in question time today and said: 'You don't need to worry about that. It won't happen.' We have asked the department and we have asked the minister for the detail to be provided. We were assured at estimates that it would be provided. We are still waiting for the answer. The minister's response today was, 'The department's too busy trying to get this money out into people's letterboxes during the next few weeks.' The minister says they are too busy to provide us with the detail of this pre-election bribe. The fact of the matter is the detail should be available. It should have been available as part of the development of this policy announcement in the budget.

The reason we do not have an answer, I suspect, is that the minister and the department have been caught out. During the estimates process this issue was brought to light

during the questioning of the departmental officials, and the minister did not really understand. And she still does not understand. The fact of the matter is that any value arising out of this initial one-off payment will be eroded over the course of the next five years because of the changes to the indexation arrangements that would have otherwise applied to family tax benefits.

Senator Collins, in her excellent speech on this issue, pointed out that this government has presided over a system which is giving with one hand and taking back with the other. The only response you get from members of the government, such as Senator Knowles, is to attack the messenger. But Australian families know that even when they advise Centrelink of changes to their income circumstances, even when they comply with the requirements that are laid down, they often find they still end up with a debt. It is no fault of theirs; it is the fault of this system. We have a situation now where 1.6 million Australian families have an average debt to Centrelink of \$900 per year. Okay, this government has tried to fix the problem for the short term by paying a one-off \$600 payment, but what those families have to understand is there is a sting in the tail—that this government gives with one hand and takes away with another. And that is the cruellest trick you can play on the Australian people. *(Time expired)*

Senator HUMPHRIES (Australian Capital Territory) (3.19 p.m.)—As I listened across the chamber to Senator Collins and Senator Forshaw, a phrase that was made famous by the late President Reagan sprang to mind, a phrase he made popular during the 1980 presidential debate. He famously said, ‘There you go again.’ There indeed goes this opposition once again desperately trying to strip some gloss off what has been extremely good news for Australian families in the last few months in the form of additional pay-

ments to them under family tax benefits. There have been significant improvements to their financial positions, there have been significant increases in their security and there has been a significant increase in their capacity to meet the cost of living. With the increase in the amount of money available to Australian families, these families are significantly more reassured by the action they have seen from this government than by the rhetoric they hear from the opposition.

The fact is that, however you look at the situation, Australian families today are in toto better off under the present regime and the present arrangements for family tax payments and family support than they ever were under Labor—and not by small degrees but by a country mile. There is more money available to Australian families for income support—\$19.2 billion for the next five years—announced under the More Help for Families package, there is wider eligibility and there are larger payments. More Australian families positively benefit from these arrangements. I ask those opposite: do they really think Australian families are focusing on the questions they are raising—these relatively marginal questions, with respect, about overpayments—or do they think Australian families are focusing on the big picture of how payments have improved and how their position has improved under the coalition government? If you think they are focused on the former, you are kidding yourselves.

We keep coming back to this question of overpayments. Labor says there are overpayments to Australian families that have to be repaid to the government and it shows the government is mean and niggardly and that it wants to get this money back. Let me remind people that top-up payments to Australian families who missed out were not available under the Labor Party government. If you underestimated your income under a Labor administration, then too bad, stiff cheese,

you lost out. Today people in that position can receive a top-up benefit, but the corollary of that, the other side of that coin, is that overpayments need to be addressed, and that is what this government does with its policy.

I ask members opposite: what is the practical alternative to recovering overpayments made to anybody who is a beneficiary of the Australian government or any government, for that matter? What is the alternative to recovering those overpayments if they are made? I do not know. We have not heard what Labor's alternative is. We do not know what Labor are going to do—if they ever miraculously squeak into office somehow—to address this issue. Are they going to forgive those sorts of debts? Are they going to say, 'No, it's all right'? Or are they going to do what they have done in the past and say that there are no top-up payments for Australian families and that if you underestimate your income, too bad, you do not get a top-up. The other side of that coin is that you can keep an overpayment. Is that what you are going to do? Let us know. Let us find out.

I know that a previous Labor minister once tried to implement a policy of no collection. I recall that many years ago, when he was responsible for the ACT, Tom Uren made the statement in public that he thought it was unfair that ACT public housing tenants should have to pay outstanding back rent. What happened? There was an explosion in unpaid rent to the ACT Housing Trust—so much so that the succeeding minister had to reverse the policy and set about recovering millions of dollars in unpaid rent to the Australian government as administrator of the ACT Housing Trust. So Labor's policies do not actually bear any scrutiny. We do not even know what Labor's policies are in detail. No-one is fooled by this exercise. We know that you do not have an alternative. You are trying to take the gloss off what has been a very good policy that has provided

great benefits to the Australian community and Australian families. You are failing miserably in that exercise and you are coming back to this issue by trying to find some currency and some mileage in it. Frankly, I do not think that anyone sees that you are succeeding in that exercise.

Senator MOORE (Queensland) (3.24 p.m.)—I rise also to take note of answers given by Senator Patterson today. Here we go again. We have been talking about the system for a number of years now—in fact, since it was first introduced. The system that was introduced to pay family tax under this government is basically flawed. It is not gloss. In fact, the only gloss in this system is the one-off payment which has been introduced—and that is gloss. For all the families in Australia who will be receiving the one-off payment over the next two weeks, that will be gloss. However, what is below the gloss is significant. Debt is not a marginal issue.

We have a statement by the Minister for Family and Community Services that 'an amazing amount of money' will be given to Australian families over the next couple of months. One component of that amazing amount of money that will be spent on this issue is a significant advertising campaign. We do not know all the details of the campaign. We have asked about it, but we are still waiting to see what the details will be. But, interestingly enough, one of the reasons for the advertising campaign which we discussed at Senate estimates was precisely the fact that Australian families are confused by the system of family payments. It is not an easy system to understand. One of the reasons that the government must spend about \$20 million—an amazing amount of money on advertising for this component alone—is that people do not understand the system. We have heard before in this place and also in Senate estimates about a general acceptance

that the system is complex and that some people get caught out by it—not a small marginal number. I take issue with the fact that debt can be considered to be small and marginal when people are traumatised by receiving information from the government that they owe money.

In this place we have discussed what we consider to be the inbuilt flaw in the system, which indicates that people are in a situation of having to make a choice. They have to guesstimate their forward income, and on the basis of that guesstimate their payments are made. We know that the vast majority of people in the country who take up this payment prefer to have it paid on a fortnightly basis. There is no question about that. Senator Patterson has agreed with that. People see the value of getting that regular income. However, the real kick to this process is that, if you have not calculated your income correctly at the beginning of the financial year or at times throughout the financial year, you will have a significant debt at the end of the time. There is no question about this. We have heard from previous ministers that a debt is a debt is a debt. We say that the system must be enhanced to ensure that people are not caught out by this debt.

Amidst the amazing amount of money to be spent on the advertising campaign around the glossy one-off payments that are to be brought in by the end of this financial year and the glossy growth of the payment over the next couple of financial years, there must be some awareness in the community that you need to consider that a debt may be accruing. We asked quite directly whether the advertising would promote some clear understanding of how debts are accrued. We also asked quite a specific question as to whether this year alone there will be a clear understanding that tax refunds will not be stripped to repay the debt that people may have accrued. You would all understand that

in the past this has been a significant issue that we have raised. People have come to our offices and complained that they have received notices from the Taxation Office at the end of the financial year saying that, because they have a family payment debt, their refund caused by other purposes will be stripped and they will not have access to that money. We are trying to understand whether this year—quite significantly a year where we could be deep in an election campaign—the advertising campaign will say that this year alone you will not be stripped.

The minister consistently says that people on this side of the chamber do not understand. We do understand, Minister. We are asking specific questions. We want to get the system to work. But it is not just us who have to understand but the community, the people who are receiving these payments and the people who will be benefited by the gloss but will also be damaged by any debt that they accrue. This is the real issue. This is not some kind of stunt or a whinge or a whine. These are direct questions to the government. Have you seen how the debt will be worked out? How will families be told about it? Will they be helped through this process so that they will not be further traumatised by a payment that is their right? (*Time expired*)

Question agreed to.

Health: Contraception

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.29 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to a question without notice asked by Senator Allison today relating to the availability of an emergency contraceptive drug.

The question went to what is a matter of very significant public health importance, and something that is of particular importance to

the health of many women in Australia—that is, the announced desire of the Minister for Health and Ageing to reverse the decision that was made some months back to allow what is commonly known as the ‘morning after pill’ to be made available through pharmacies. Probably what is most noteworthy is that the minister chose not to answer the question at all and made no comment whatsoever on what is a very controversial and quite widely publicised announcement by the health minister. I think it is extraordinary that Minister Campbell suggested that he had no information on the matter, no comment on the matter and no view on the matter, and simply referred it to the health minister. That is unsatisfactory and I suggest it is very unlikely that there was no information and no awareness on the part of the Minister representing the Minister for Health and Ageing in this chamber about that particular matter. It is a matter of great significance.

If you examine Minister Abbott’s explanation as to why he wants to reverse this decision and restrict the availability of the morning after pill and the other announcements that he has made, which he has been forced to back down on—according to reports—by his own party room, to attempt to contravene the privacy of young people who seek information and help from a doctor, there is clearly an agenda here on the part of the health minister—an ideological agenda, a narrow agenda driven by a narrow idea of morality that is very concerning.

I noted with great interest the comment made by at least one Liberal Party member in the weekend papers suggesting that this agenda from the health minister was directly linked to the agreement that the health minister made with some Independent crossbench senators on his Medicare safety net legislation. That is an extremely worrying suggestion. I am sure many people had that suspicion, but the fact that the statement was

made by a Liberal Party member gives much greater weight to that suspicion. It is a classic example of why the Senate needs to act responsibly, openly and transparently about important policy matters.

It is no secret that the Democrats negotiated extensively with the government about their proposed Medicare safety net. We negotiated and achieved significant gains on the government’s Medicare proposals—extra incentives for bulk-billing, extra assistance for allied health—without compromising the fundamental and integral component of Medicare, which is its universality. Those sets of negotiations in the areas which had been agreed to by the health minister were undercut by Independent crossbench senators here. You had to wonder at the time why they would undercut something and agree to something that actually achieved less assistance for allied health and that unnecessarily destroyed the universality of Medicare by creating a two-tiered safety net, the flaws of which were outlined quite clearly in a Senate committee report which one of those Independent senators had signed off on.

So you do have to ask the question: what else was there in that agreement at least for one, if not more, of those senators that made them feel it was a better result for them than what otherwise would have been achieved? Why did they allow the fundamental principle of universality to be dramatically compromised to achieve something that was less than the government was already going to agree to? You then have to ask the question: were there other side deals? Were there other issues that were not announced at the time that were part of that agreement? This is not the first time that this minister has subsequently raised issues that are clearly very narrow, morality driven—I use that term in a very narrow sense—and ideologically driven. It is a conservative morality agenda that has been put forward. Statements were

made not long after that that threats to family planning funding had been drawn attention to in the past.

This is a very serious matter and the Democrats are pleased that the minister has failed in his agenda to attack the privacy rights of young people seeking to go to the doctor who are still very concerned that the government will seek to find a way to restrict the rights of women to access a full range of contraceptive assistance and simple assistance on a basic health matter, such as the morning after pill. *(Time expired)*

Question agreed to.

PETITIONS

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

Trade: 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 355 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' For-

eign 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 197 citizens).

Health: Pharmaceutical Benefits Scheme

The petition of certain citizens of Australia draws to the attention of the House:

That sufferers of Osteoporosis are forced to pay large amounts for the supply of treatment, due to the Criteria, which is enforced by the Government through the Pharmaceutical Benefits Board which states "A vertebral fracture is defined as a 20% or greater reduction in height of the anterior or mid portion of a vertebral body relative to the posterior height of that body, or, a 20% or greater reduction in any of these heights compared to the vertebral body above or below the affected vertebral body".

Your petitioners therefore ask the Senate to please amend this criteria: We request that diagnosis of Osteoporosis be sufficient to have treatment offered on PBS.

by **Senator Humphries** (from 162 citizens).

Australian National Flag

To the Honourable the President and the Members of the Senate in Parliament assembled. The Petition of the undersigned respectfully sheweth that:

1. We the undersigned wish to signify our strong opposition to any change in the design or colour of the Australian national flag.
2. We believe that the current flag has served Australia well and will continue to do so in

the future and represents a true manifestation of the nation's history.

And your petitioners, as in duty bound, will ever pray.

by **Senator Kemp** (from four citizens).

Indigenous Affairs: Government Policy

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

The petition of the undersigned shows:

That the current intention of the Government to abolish the rights of Aboriginal and Torres Strait Islander people to exercise their right of self-determination and self-management, will severely disadvantage Aboriginal and Torres Strait Islander people.

Your petitioners request that the Senate:

1. oppose any legislation for the abolition of ATSIC unless and until an alternative elected representative structure, developed and approved by Aboriginal and Torres Strait Islander peoples is put in place and which would, at the same time assume the function of ATSIC.
2. oppose any move to appoint an advisory committee as contrary to the rights of Aboriginal and Torres Strait Islander people to elect their own representatives.
3. oppose any move to diminish, dismantle, destroy and/or erode the principles of self-determination and self-management since any such action would turn back the clock on hard won rights of Aboriginal and Torres Strait Islander people.
4. strongly defend these rights of self-determination and self-management of Aboriginal and Torres Strait Islander people previously supported by the Australian Parliament.
5. oppose any move to main-stream services for Aboriginal and Torres Strait Islander people as this too would severely disadvantage Aboriginal and Torres Strait Islander people.

by **Senator McGauran** (from 12 citizens),

Senator Moore (from three citizens),

Senator Patterson (from 84 citizens),

Senator Robert Ray (from 26 citizens) and

Senator Troeth (from 11 citizens).

Education: Funding

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

The petition of certain citizens of Australia under-signed draws the attention of the Senate:

Legislation that will allocate the share of federal funding going to government and non-government schools will soon be debated in Parliament. Currently, about 70% of this funding goes to 30% of total student population (non-government schools), while the remaining 30% of funding goes to 70% of total student population (government schools).

The States Grants Act needs to be amended to make the share for government school students fairer. We need our public schools to be well resourced.

Your petitioners therefore ask the Senate to:

Ensure that the funding policies of the Commonwealth Government are reformed to provide increased and fairer funding for public schools.

by **The President** (from 27 citizens).

Education: Funding

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

This petition of certain citizens of Australia draws to the attention of the Senate:

For over 150 years our country has been served by a comprehensive and inclusive system of public education. Public education has contributed to successful lives and democratic social development in an Australia which is highly skilled and economically strong. It has built our national identity and democratic traditions and given the capacity for active citizenship to the Australian people.

All of this has been possible only because the system has enjoyed public confidence and public investment.

At this time both are under threat Public confidence has been undermined by divisive attacks

and public investment has been distorted by an unfair system of federal funding which favours an already well-off minority to the detriment of those in genuine need.

We therefore call on all Senators to condemn these unjust attacks, and to:

- accept national responsibility to provide priority in funding to public schools to enable them to continue to provide high quality education to all, regardless of wealth, location, ethnicity, religion or special needs; and,
- replace the current unfair SES funding model with a new Commonwealth and State system which provides enhanced educational resources to schools allocated on the basis of educational need and which ends public funding to wealthy schools which are already well resourced.

by **The President** (from 19 citizens).

East Timor: Oil and Gas Fields

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

We the undersigned appeal to the Australian Government regarding its conduct of negotiations with the Government of Timor Leste on the maritime boundary between the two countries and sharing of the Timor Sea oil and gas revenue.

We pray the Senate ensures the Australian Government:

1. negotiates a fair and equitable maritime boundary with Timor Leste according to current international law and the provisions of the UN Convention on the Law of the Sea (UNCLOS),
2. responds to Timor Leste's request for more regular meetings to settle the maritime boundary dispute between the two countries within a more reasonable timeframe,
3. returns Australia to the jurisdiction of the International Court of Justice and UNCLOS for the adjudication, of maritime boundary,
4. commits to hold in trust (escrow) revenues received from the disputed areas immediately outside the Joint Petroleum Development Area (RDA) of the 20 May 2002 Timor Sea Treaty for further

apportionment between Australia and Timor Leste after the maritime boundary dispute between the two countries has been settled.

by **The President** (from four citizens).

Petitions received.

NOTICES

Presentation

Senators O'Brien, Ridgeway, Nettle and Lees to move on the next day of sitting:

That—

- (1) A select committee, to be known as the Select Committee on the Administration of Indigenous Affairs, be appointed to inquire into and report, by 31 October 2004, on the following matters:
 - (a) the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;
 - (b) the proposed administration of Indigenous programs and services by mainstream departments and agencies; and
 - (c) related matters.
- (2) The committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, and 1 nominated by minority groups and independent senators.
- (3) The committee may proceed to the despatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (4) The chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
- (5) The deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.

- (6) The deputy chair act as chair when there is no chair or the chair is not present at a meeting.
- (7) The quorum of the committee be a majority of the members of the committee.
- (8) Where the votes on any question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
- (9) The committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (10) The committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (11) The quorum of a subcommittee be 2 members.
- (12) The committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (13) The committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator Cook to move on the next day of sitting:

That the Select Committee on the Free Trade Agreement between Australia and the United States of America be authorised to hold public meetings during the sitting of the Senate on the following days:

Wednesday, 16 June 2004, from 3.30 pm to 6.30 pm

Thursday, 17 June 2004, from 3.30 pm

Monday, 21 June 2004, from 3.30 pm

Tuesday, 22 June 2004, from 3.30 pm

Wednesday, 23 June 2004, from 3.30 pm

Thursday, 24 June 2004, from 3.30 pm.

Senator Heffernan to move on the next day of sitting:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 June 2004, from 6.30 pm to 7.30 pm, to take evidence for the committee's inquiry into the administration of Biosecurity Australia concerning the revised draft import risk analysis for bananas.

Senator Hutchins to move on the next day of sitting:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 21 June 2004, from 4 pm to 9 pm, to take evidence for the committee's inquiry into the effectiveness of the Australian military justice system.

Senator Ferguson to move on the next day of sitting:

That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 24 June 2004, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the Wellington Chancery works.

Senator Sandy Macdonald to move on the next day of sitting:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the 2004-05 Budget estimates be extended to 24 June 2004.

Senator Sandy Macdonald to move on the next day of sitting:

That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 June 2004, from 4 pm to 10.30 pm, to further examine the 2004-05 Budget estimates for the Department of Defence.

Senator Stott Despoja to move on the next day of sitting:

That the Senate—

(a) notes that:

- (i) the Educational Textbook Subsidy Scheme currently subsidises the majority of the goods and services tax (GST) on students' textbooks,
 - (ii) this scheme will cease on 30 June 2004, and
 - (iii) without this scheme, all students (including school, university and technical and further education students) will have to pay up to 10 per cent more for textbooks; and
- (b) urges the Government to extend the scheme to prevent the imposition of this further cost burden on students and hold true to its promise of no GST on education.

Senator Ridgeway to move on the next day of sitting:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to 12 August 2004.

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

That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the Office of the Chief Scientist be extended to 30 July 2004.

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, 16 June 2004, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004.

Senators Allison and McLucas to move on the next day of sitting:

That the Senate—

(a) acknowledges that brain tumours can cause immense distress to those who are diagnosed with them, their carers, family and loved ones;

(b) notes that:

- (i) 1 400 Australians annually are diagnosed with a primary brain tumour,
- (ii) statistical data from the United States suggests that there will be almost as many Australians diagnosed with benign brain tumours, many of which can be life threatening,
- (iii) an even greater number are diagnosed with a metastatic brain tumour,
- (iv) brain tumours, unlike some other malignant neoplasms, affect both males and females in all age groups from birth to old age and are now responsible for the cancer deaths of more children under 14 years of age than all types of leukaemia,
- (v) while the incidence of brain tumours is ranked thirteenth in a list of all cancers in Australia, they rank fourth in a table of the total number of person years of life lost as a result of deaths attributed to cancer, and
- (vi) as yet, there does not appear to be any identifiable single cause of primary brain tumours, nor is there an efficient, safe, and cost-effective method of screening for them, nor are they necessarily preventable by changes in diet or lifestyle, although these changes may be useful in alleviating distress and symptoms; and

(c) calls on the Federal Government to recognise:

- (i) the need for a specialised response to the challenge caused by brain tumours, particularly in the areas of patient and carer support, and
- (ii) the need for increased support for research, including the collection of more detailed clinical and statistical data, particularly by way of data sets and a brain tumour registry, with a

view to developing better treatment protocols leading to longer survival and better quality of life.

Senator Sherry to move on the next day of sitting:

That the Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 2), as contained in Statutory Rules 2004 No. 84 and made under the *Superannuation Industry (Supervision) Act 1993*, be referred to the Economics Legislation Committee for inquiry and report by 3 August 2004, with particular reference to:

- (a) the extent to which defined benefit arrangements have been used for:
 - (i) the purposes of tax minimization,
 - (ii) estate planning,
 - (iii) reasonable benefit limit avoidance, and
 - (iv) any other purpose other than providing retirement income;
- (b) the extent of past losses to revenue from the above measures; and
- (c) the estimated future losses to revenue likely in the absence of these regulations.

Senator Cherry to move on the next day of sitting:

That the time for the presentation of the following reports of the Environment, Communications, Information Technology and the Arts References Committee be extended to 5 August 2004:

- (a) Australian telecommunications network; and
- (b) competition in broadband services.

Senator Brown to move on 23 June 2004:

- (1) That the Senate is of the view that only serving senators or members of the House of Representatives may travel overseas for study purposes.
- (2) That the Senate requires the Special Minister of State to table in the Senate, within 4 sitting days of receipt, the report of any overseas study tour by a senator.

Withdrawal

Senator TCHEN (Victoria) (3.35 p.m.)—

Pursuant to notice given at the last day of sitting on behalf of the Regulations and Ordinances Committee, I now withdraw business of the Senate notices of motion Nos 1 and 2 standing in my name for 11 sitting days after today.

Presentation

Senator Nettle to move on the next day of sitting:

That there be laid on the table, no later than 3 pm on 30 June 2004, all documentation relating to the sale of Comland Limited to Lend Lease Corporation Limited that relates to the former Australian Defence Industries site at St Marys, New South Wales.

Senator Nettle to move on 17 June 2004:

That the Senate—

- (a) notes that:
 - (i) 20 June 2004 is World Refugee Day, and
 - (ii) Australia has failed many asylum seekers who are hoping to rebuild their lives in safety and dignity;
- (b) condemns the Federal Government's treatment of asylum seekers, including:
 - (i) the indefinite detention of asylum seekers in harsh conditions, including the denial of basic human rights,
 - (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 Pacific Solution, which has left many asylum seekers abandoned on Nauru and Manus Island, and
 - (iv) the forced deportation of asylum seekers to the countries they have fled or to inappropriate third countries; and
- (c) calls on the Government to end mandatory, non-reviewable detention of asylum seekers in Australia and

adequately fund genuine community release programs.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Extension of Time

Senator MOORE (Queensland) (3.37 p.m.)—by leave—At the request of the Chair of the Employment, Workplace Relations and Education References Committee, Senator George Campbell, I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the exposure draft of the Building and Construction Industry Improvement Bill 2003 and the provisions of the Building and Construction Industry Improvement Bill 2003 and a related bill be extended to 21 June 2004.

Question agreed to.

Legal and Constitutional Legislation Committee

Extension of Time

Senator COLBECK (Tasmania) (3.38 p.m.)—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 Legal and Constitutional Legislation Committee on the provisions of the Migration Amendment (Judicial Review) Bill 2004 be extended to 17 June 2004.

Question agreed to.

NOTICES

Postponement

An item of business was postponed as follows:

Business of the Senate order of the day no. 4, proposing the reference of a matter to the Foreign Affairs, Defence and Trade References Committee, postponed till 22 June 2004.

Withdrawal

An item of business was withdrawn as follows:

General business notice of motion no. 872 standing in the name of Senator Brown for today, proposing an order for the production of documents by the Minister for Immigration and Multicultural and Indigenous Affairs.

BERG, MR NICHOLAS

Senator CHRIS EVANS (Western Australia) (3.38 p.m.)—I move:

That the Senate expresses its abhorrence at the barbaric murder of Mr Nicholas Berg.

Question agreed to.

CHRONIC FATIGUE SYNDROME AWARENESS WEEK

Senator GREIG (Western Australia) (3.39 p.m.)—by leave—At the request of Senator Allison, I move:

That the Senate—

(a) notes that:

- (i) the week beginning 9 May 2004 is International Myalgic Encephalomyelitis/Chronic Fatigue Syndrome/Fibromyalgia (ME/CFS/FM) Awareness Week,
- (ii) Myalgic Encephalomyelitis (commonly referred to as Chronic Fatigue Syndrome) is a serious condition characterised by marked and prolonged fatigue for which no identifiable cause can be found, which also gives rise to a number of other symptoms including muscle weakness and pain, and causes considerable suffering and disability,
- (iii) Chronic Fatigue Syndrome (CFS) has devastating effects not only on the individual who has the disease but also on the family, and
- (iv) conservative estimates of the annual costs to the Australian community of CFS are \$416 million; and

(b) calls on the Government to:

- (i) support research into the prevalence, underlying causes and effective treatments for CFS,
- (ii) support the education of health professionals, including general practitioners, and the broader community, including employers, to increase recognition of the reality and seriousness of the suffering and associated disability experienced by individuals with CFS, and
- (iii) encourage and support organisations and groups that provide education, advice and practical assistance to individuals with CFS and their families.

Question agreed to.

COOPERATIVE RESEARCH CENTRES

Senator BROWN (Tasmania) (3.40 p.m.)—by leave—I move the motion as amended:

That there be laid on the table by the Minister representing the Minister for Science, no later than 4 pm on Thursday, 17 June 2004, the following documents:

- (a) a list of all of the proposals submitted for funding under the Government's Cooperative Research Centre Program, including the amount of funds sought;
- (b) a list of all the proposals which the CRC selection committee approved, including the amount of funding allocated and the reasons for approving the proposals;
- (c) a list of all the proposals of the CRC selection committee and the reasons for rejecting them;
- (d) AGO Brief 2003/(EA Sub 2897) Options for Support of the Australian Photovoltaic Industry, dated 12 December 2003, sent to the Minister for the Environment and Heritage and the Minister for Industry, Tourism and Resources by Gerry Morvell; and
- (e) AGO Brief 2003/264 (EA Sub 03/2609) (ITR Trace 03/43625) Mandatory Renewable Energy Target (MRET)—

Government Response to Independent Review, dated 17 November 2003, sent to the Minister for the Environment and Heritage and the Minister for Industry, Tourism and Resources by Gerry Morvell.

Question agreed to.

COMMITTEES

Community Affairs References Committee

Extension of Time

Senator MACKAY (Tasmania) (3.41 p.m.)—by leave—At the request of Senator McLucas, I move:

That the time for the presentation of the report of the Community Affairs References Committee on children in institutional care be extended to 30 July 2004.

Question agreed to.

BUSINESS

Rearrangement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.42 p.m.)—by leave—I move:

That, on Tuesday, 15 June 2004:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7.30 pm to adjournment;
- (b) the routine of business from 7.30 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 9.50 pm.

Question agreed to.

MINISTERIAL STATEMENT

Resolving Deadlocks: The Public Response

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.42 p.m.)—I table a statement on behalf of the Prime Minister on resolving deadlocks, together with a report of the Consultative Group on Constitutional Change entitled *Resolving deadlocks: the*

public response, and seek leave to incorporate the statement in *Hansard*.

Leave granted.

The statement read as follows—

I am pleased today to table the report of the Consultative Group on Constitutional Change entitled 'Resolving deadlocks: The public response'.

Following the release of the government's discussion paper on the deadlocks mechanism in October last year, I announced the formation of a distinguished Consultative Group, chaired by the Hon Neil Brown QC, a former minister in the Fraser government, and also including the Hon Professor Michael Lavarch, a former Attorney-General in the Keating government, and Professor Jack Richardson, a former Commonwealth Ombudsman.

The Consultative Group conducted a national public consultation process, focused on the two proposals canvassed in the discussion paper:

- the first of which would allow the Governor-General to convene a joint sitting of both houses when a bill has been twice rejected by the Senate;
- the second of which would allow a joint sitting after an ordinary general election, to consider a bill rejected twice before the election and then once again after the election.

These proposals did not represent an attack on the Senate.

They were not an attempt to extend the power of the Executive.

Not an attack on minor parties.

Since federation the way to resolve deadlocks has been through existing section 57:

- only six double dissolutions have occurred since then;
- of these, on only one occasion, in 1974, was a joint sitting called to consider deadlocked legislation.

It is my view that the requirements of section 57 impede good government today.

The Senate plays a very important role as a house of review, however, the government is formed in the House of Representatives.

An elected government, regardless of its political persuasion, should be able to implement the policies on which it was elected in the interests of all Australians.

The introduction of proportional representation in the Senate, combined with the move in 1983 to 6 senators being elected from each state at a half-Senate election, rather than 5 senators, has made it almost impossible for any government to obtain a majority in the Senate.

A party now needs 57.16 per cent of the vote in a state at a half Senate election to win a majority of seats in that state.

This means that opposition and minor parties have the power to persistently veto important government policies.

One example of this obstruction is on the government's proposals to change the unfair dismissal laws.

This is important government legislation which has been opposed by the Labor Party 40 times, despite being a key element of government policy, endorsed by the electorate at the last two federal elections.

The government does not consider it is in the national interest that the Senate should be capable of persistent obstruction of such important measures.

In recent experience, it can be difficult to engage public interest in matters of constitutional reform, but the Consultative Group heard from people at public meetings in every capital city, and looked at the 293 submissions received by my department from interested members of the public late last year.

I understand that the discussion at the public meetings, attended by around 240 people in total, was robust, and the issues covered wide ranging.

While the views expressed at the meetings were not necessarily reflective of the views of the broader electorate, the process was still worthwhile.

I am disappointed that, while the then Leader of the Opposition welcomed the release of a discus-

sion paper, and said that Labor welcomed constitutional reform, there was no submission in response to the discussion paper from the Labor Party.

Nevertheless, some state and territory governments did lodge formal submissions, in which they supported constitutional reform of various types.

I also welcome public comments, in particular from Premiers Carr and Beattie, who have supported the right of the lower house to prevail over an upper house.

The Consultative Group also had the benefit of reviewing submissions from the Democrats, the Greens, One Nation and Senator Brian Harradine.

Each of these submissions provided valuable insight to the Consultative Group and the government.

In its report, the Consultative Group has made a number of observations about public attitudes in relation to legislative deadlocks.

I have previously stated that the government would consider holding a referendum in conjunction with the next federal election, if the period of public consultation revealed a reasonable prospect of community support for a change.

History shows that constitutional change is difficult in Australia, with only eight out of 44 referenda being passed since federation, so I have always emphasised the importance of bipartisan support.

The Consultative Group concluded that there is not 'any substantial measure of support for either of the two options presented in the discussion paper'.

Consequently, the government is not proposing a referendum on this issue at the next election.

However, the Consultative Group also concluded that "the discussion paper and the consultation processes have provided a starting point for engaging the wider community on constitutional questions", and recommended "a wider programme of consultation with the community, and more attention given to educating the public about the Australian Constitution and how it operates in practice".

So that is what I propose.

In the past the government has supported programmes of education on constitutional issues.

In the lead up to the centenary of federation in 2001, the Constitutional Centenary Foundation was funded to encourage and promote public discussion, understanding and review of the Australian constitutional system.

Further, through the Discovering Democracy programme the government has made a significant investment in resources for schools to teach children about the constitution and our system of government.

This public consultation process on section 57 has itself made an important contribution to public debate regarding constitutional issues.

In light of the Consultative Group's comments about a continuing programme of education and consultation, I have had an initial discussion with the Leader of the Opposition about how this matter might be moved forward.

He indicated that the Opposition would not favour constitutional reform in this area unless the Senate's power to block supply was reduced or substantially circumscribed. This is not the government's position.

The government will approach future discussion on this issue from the starting point of a disposition to support option two—which would allow a joint sitting after an ordinary general election, to consider a bill rejected twice before the election and then once again after the election. This is a sensible response to the problems addressed by the Consultative Group.

In closing, I wish to thank the members of the Consultative Group for their work on this critical issue of constitutional reform.

Each of them brought to the role a great deal of experience in constitutional law and knowledge of the workings of government.

They have each contributed a great deal of time, energy and commitment to the task of consulting with the public on these issues.

I am personally grateful for the work they have done and for the advice they have provided to me and the government on these important matters.

Mr Speaker, I commend the Consultative Group's report to the House and to all Australians.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.43 p.m.)—by leave—I move:

That the Senate take note of the statement.

It is well known that those attempting constitutional reform in this country have a poor success rate, and Mr Howard is no exception. Since the last successful referendum in 1977, seven issues, including that of the republic, have all been bowled over. All have been defeated. While Mr Howard facilitated the republic referendum in 1999, he also ensured its failure. The whole republican referendum exercise cost more than \$20 million, not including the constitutional convention. From the outset, it was a complete waste of money in the absence of a Prime Minister's enthusiastic imprimatur.

One could read Mr Howard's venture last year into constitutional change for Senate deadlocks and double dissolutions as a chance to cement his place in history as a constitutional reformer. But he must have known—anyone would have known—that Australians are extremely wary of anything that might weaken the Senate and are deeply suspicious of and resistant to any proposal that does not have bipartisan support—bipartisan at a minimum; it probably needs more. I think it needs support also from the minor parties in our political process.

Some might argue it was worth spending almost \$200,000 on this flawed exercise to test the waters. I do not agree. Just look at the results. We found out through the Senate estimates process that a total of only 240 people turned up to discuss the white paper, across eight capital cities at a cost of around \$850 per person. The report says:

Attendance at the public meetings was minimal and the lack of any positive community response suggests that there is at least widespread public indifference to the government's proposals.

When it came to Mr Howard's own option—a joint sitting to vote for legislation that the Senate has negatived just three months beforehand—the report is blunt. It says:

Option One received a rough passage in most of the Group's consultations. The clear prevailing body of opinion was that the option would increase executive governmental power at the expense of the Senate and render the Senate far less effective in performing its function of review. The Group concludes that the option would have virtually no chance of community acceptance either now or in the foreseeable future.

The option proposed by former Labor Attorney-General Michael Lavarch to hold a joint sitting after an ordinary general election received a lukewarm rather than an icy reception. The report says:

Many persons in the consultation process did not differentiate between Options One and Two in terms of their general mistrust of the political process or their concern about implications for the current system of government. However, other persons saw Option Two as at least preferable to Option One and were open to discussing its merits, particularly when combined with other constitutional reforms such as fixed parliamentary terms. For these reasons, the Group considers that Option Two would have greater potential for success in the longer term, particularly if the government were willing to consider some modification of the option.

Mr Howard need only have chatted to just a few voters anywhere in Australia to have seen that his plans were futile. On the other hand, I suspect that Mr Howard in fact saw the whole thing as futile all along. After all, many less controversial proposals than this have been put before the electorate in the past only to go down in a screaming heap.

What I suspect Mr Howard was up to, in his usual devious and divisive way, was wasting a great deal of taxpayers' money and people's time to persuade the electorate that he was a victim of Senate obstructionism and that the Senate was responsible for his lack

of a third-term agenda. As usual, the Prime Minister put politics before good government. There was no consultation with the opposition or with the minor parties. He did not lift the phone and ring the then opposition leader Mr Crean or, after Mr Crean, Mr Latham to try to engage in a process that may well have led to some bipartisan, broad support in the parliament.

Labor is not opposed to Senate reform. In fact, we have made it clear that we would be prepared to consult on and consider the Prime Minister's second model. We recognise that either model would mean a weakening of Senate powers but we say a weakening of Senate powers is of itself not necessarily a bad thing. Mr Howard will need to deal with the possibility that these mechanisms could be abused and could potentially destroy the Senate as a genuine house of review.

For example, could we guarantee a conservative government would not reintroduce malapportionment to our electoral system? Could we guarantee a government would not destroy the powers of the Auditor-General, as former Premier Jeffrey Kennett tried to do in Victoria? Could we guarantee a joint sitting would not diminish the scrutiny powers of the Senate? Could we be assured that the appallingly badly drafted and draconian original ASIO bill 2002 would not have passed in its original, wholly unacceptable form after a short delay?

In addition to these issues, there are others that need to be addressed as part of any attempt to reform the deadlock provisions of the Constitution. The first of those, of course, is removing the power of the Senate to block supply. After the events of 1975, Labor believe that the power to block supply should be removed. We do not believe that the Senate should have the power to bring down a democratically elected government. We re-

main resolutely committed to constitutional reform to prevent the Senate from rejecting, deferring or blocking appropriation bills.

The second issue is the important one of the introduction of fixed four-year terms. Fixed parliamentary terms would be a genuine reform and would address some of the uncertainties and limitations of our current political system. They would be good for our democracy and they would improve the quality of our government.

The third issue is maximum four-year terms for the Senate. I think we have got to the point where we know that the Australian people will not accept and agree to eight-year terms for the Senate. It is simply too long for accountability and mandates to have any meaning. With such a constitutional change, every election in effect would become a double dissolution election, giving ultimate say over blocked legislation to the people. This is the most democratic way of deciding what happens when the two houses are deadlocked.

Labor's approach to constitutional reform is different from this failed attempt by Mr Howard. We say constitutional change can be achieved only with real involvement of the people and with bipartisan agreement. That is something that is clearly way beyond the capacity of this Prime Minister, Mr Howard. I believe it can only be achieved with the sort of sensible approach that I have outlined under a future Labor government.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.53 p.m.)—I rise on behalf of the Australian Democrats to speak to the report entitled *Resolving deadlocks: the public response* and the Prime Minister's statement. The report went to the public response to the Prime Minister's proposals that were released last year for public consultation. I draw attention to the Democrats' submission to the consul-

tative program. That outlines in a fair degree of detail, for anyone who wants to see it, our full response to this important issue. It is still available through the Democrats web site. I attended one of the public forums, which—and I am sure by total coincidence—was also the most strongly attended public forum. It was the one in Melbourne.

Senator Faulkner—That would have been a coincidence, yes!

Senator BARTLETT—I am not sure news of my attendance got out in advance, but perhaps it did. That might explain the huge throng of 40 or 50 people that were there. The first person got up and asked the panel to concede that the entire Constitution was a fraud and that everything that had happened since 1901 was illegal. They said that if we just acknowledged that and unravelled everything we could start to have a serious debate. That was perhaps a bit of an indication of where the night was going. Following on from that, there were some very useful contributions from a number of members of the public, from people who were concerned and who had obviously given thought to how to make our political system work better.

One point made at that forum, which I think was a very good one, was that even the term ‘deadlock’ is not the most accurate term. It implies that there is some sort of stand-off when the fact is that, if the Senate rejects a piece of legislation, there is no stand-off. There is a resolution: the legislation has been rejected by the parliament. It is quite a clear-cut situation. The impression that the government likes to keep giving, that there is some unresolved situation just because it has not managed to succeed in getting what it wants, is completely false. The Senate’s role under the Constitution—and this has always been recognised as its key role—is to examine legislative proposals put

forward by the government of the day. It is clearly seen by the public as the specific role of the Senate, especially in the modern era, to examine the legislation the government has put forward. It puts forward proposed laws. They do not become laws unless the parliament, and particularly the Senate, agrees to them. If the Senate does not agree then they do not become law. The situation is resolved. It might not be resolved to the government’s satisfaction, but that is life. There are plenty of things that get through the Senate that the Democrats do not support. They are not resolved to our satisfaction but they are resolved by being passed, even if in a form that we do not like.

There needs to be that simple recognition by people who engage in this debate that legislation being knocked back is not a bad thing in itself. You can have individual opinions about whether or not legislation is good or bad, as people obviously do, but the fact of it not passing is not some constitutional crisis or flaw in our system. It is actually a sign of the system working. It is worth repeating at every opportunity that the amount of legislation that is defeated by this parliament through the Senate is less than three per cent. Over 400 pieces of legislation have been put forward by this government since we came back to parliament after the last election, in about February 2002, and less than three per cent of those hundreds of bills have been rejected. Many of them have been amended and improved significantly. To suggest that there is some impediment to the reasonable operation of government is simply a falsehood. Because the Prime Minister starts this debate from that false premise, everything that flows from it is naturally flawed.

It was very clear from the limited public response at the public forums and in the submissions that there is very strong public support for the role the Senate plays. That is

reflected in the fact that the public vote differently in the Senate from how they do in the House of Representatives. The Democrats more than any other party have had consistently over more than 20 years a higher percentage of the vote in the Senate compared to the House of Representatives. I think that is a reflection of the specific and very specialised role the Democrats have developed in the Senate. The support of the public for the Senate is fairly clear-cut. That is shown not just in the response that was there but even in the lack of response. There was no groundswell of public concern about the Senate getting in the way of this or any other government. The public saw the falsehood of the Prime Minister's premise for what it was and quite clearly said: 'This is not serious. We're not even going to bother to engage.'

It is worth noting one conclusion of the report, that quite clearly there is no way that any proposal along the lines put forward would succeed; it would fail and fail dismally. The public has not been convinced of the need for any change. The report did say—and I hope there will be follow-up on this—that there should be a comprehensive program of consultation and education if change to section 57 of the Constitution is to be achieved. Section 57 deals with disagreements between the two houses.

The Democrats put forward an alternative proposal that we believe would work well and that would enhance the value and the power of our democracy for the Australian public. It was simply that, if a piece of legislation had been the subject of disagreement between the two houses a number of times, that question would be put directly to the public via a referendum at the following election. This proposal was seriously put forward and given significant support in the constitutional conventions back in the late 19th century. I am not sure whether it would

have been suitable for that time but I am certain it is suitable now, with a much more educated electorate and much stronger communications technology. It would not be that difficult. In fact, it would be simple for questions like that to be put at a referendum at each election. I think that would give people a greater sense of meaning, belonging and power to their involvement in our democracy and would reduce some of the cynicism and powerlessness that people currently feel. It is a significant and valuable proposal that I believe should be considered and given more promotion.

The bottom line is that any attempt to simply look for a way for a government to bypass or get its legislation through the Senate is doomed to fail because the Senate was put here quite clearly from the very start, constitutionally and deliberately, to provide a check on the executive. There is no doubt that the executive of the government of the day, the cabinet, has become far more powerful in recent decades than it was at the start of our federation. There has been a clear and concerted attempt to diminish the power of the parliament, the Senate and the courts and they need to be defended against that. Clearly, the separation of powers and the fundamental underpinnings of our parliamentary democracy are in danger of getting out of whack if we give any more power to the government of the day. If anything, we need to be strengthening the power of the Senate and the parliament to counter some of the extreme advances in executive power and the misuse of power in recent times.

The one exception to that, which the Democrats do believe we should eliminate, is the power of the Senate to block supply, supply being the ordinary annual services of government. That does not mean budget measures; it means appropriations to allow government departments to continue ticking over. That is not a policy issue. It is the last

area that should be held up and the Democrats strongly believe, as Labor has indicated, that it should be removed. It is a source of disappointment to us that the Liberal Party, and indeed the Greens, do not acknowledge that and want to maintain that inappropriate weapon. You can certainly hold a government to ransom in any area you like; you do not need to hold up supply and the operation of the ordinary services of government that serve the public while you are doing it. It is a weapon that should be removed. It is the only area that allows a distraction from the important debate about maximising the powers of the Senate to keep a proper check on whoever is the government of the day. It is a reminder that, come election time, the vote that people have for the Senate is just as important as the vote they have for who they elect to be Prime Minister. *(Time expired)*

Senator ABETZ (Tasmania—Special Minister of State) (4.03 p.m.)—I join in making comments on the report entitled *Resolving deadlocks: the public response* and the Prime Minister's statement. We are a consultative government. If there is something that has been acknowledged about the Howard government over the past eight years it is that we do consult with the people. We want to ensure that anything we put forward does have the support of the Australian people, especially in the important area of constitutional change. Honourable senators will recall that there was a discussion some time ago about the mechanism for dealing with deadlocks between the Senate and the House of Representatives. As a result, in October last year the Prime Minister announced the formation of a distinguished consultative group, chaired by the Hon. Neil Brown, QC. That group also included the Hon. Professor Michael Lavarch and Professor Jack Richardson.

The consultative group conducted a national public consultation process, focusing

on two proposals that were canvassed in that paper. The first proposal would have allowed the Governor-General to convene a joint sitting of both houses when a bill has been twice rejected by the Senate. The second proposal would have allowed a joint sitting after an ordinary general election, to consider a bill rejected twice before the election and then once again after the election. We know in this place that there is legislation on which a government can get elected—and, indeed, re-elected—yet have trouble getting it through the chamber. The example par excellence is the unfair dismissal laws that Labor has now voted against 40 times. As a government we have been elected and re-elected on that policy, which would create overnight another 50,000 jobs. We have just seen the unemployment rate go down from 5.6 per cent down to 5.5 per cent, and we would see an even further reduction. But, for whatever reason, the Australian Labor Party and the minor parties have opposed that.

The question does arise, in the context of Australian democracy, of how to resolve such deadlocks. I think it was a worthwhile discussion to have, to see what views the Australian community might put forward to assist in the resolution of those sorts of disputes. That is why I fully agree with Senator Bartlett, who I think was nearly making a bit of an election pitch there for the Democrats, saying that it is just as important in voting for the Prime Minister as it is when voting for the Senate. I simply remind the Australian people that, if you do want a Howard government, you ought to be voting for the Liberal Party or the coalition Senate ticket in your particular state because, if you want the government's agenda to get through—such as getting the burden of the unfair dismissal laws off the back of small business—you need to deliver the numbers to the government of the day.

Senator Bartlett was quite correct in his assessment of why the Senate was set up in the first place—as a bit of a check on the executive. I think it was more as a states house, but I will not get into that debate. Suffice it to say that the voting system for the Senate has changed, as has the number of senators elected from each state. As I understand it at least, there was a time in Australian history when the winner took all in Senate elections and there was not proportional representation. We now have proportional representation with six senators elected at every half Senate election, as a result of which it is virtually impossible for a government to be given a majority in the Senate. In the past majorities in the Senate were achievable. I understand that the Fraser government for a while had a majority in the Senate.

Now, with the numbers having been changed on top of the proportional representation system, it does make it very difficult for the government to get its legislative program through, even when it has put a policy position very strongly and clearly to the electorate not only at one election but at two elections. So the proposition was considered: what is the way to overcome these deadlocks? Two proposals were put forward and they were then canvassed around the country to ascertain what support there might be for those two proposals.

We as a government support the Senate and we support its role. It is, therefore, disappointing in a way to hear that the Australian Labor Party and the Democrats do support the abolition of the Senate's right to block supply. We as a government will not go that far. We do not accept that at all. If you genuinely want to block executive power, I would have thought one way to do that would be to block supply, but it appears that the block on executive power that allegedly the left wing parties in this chamber

champion does not extend to a blocking of supply—of course, that is just in case those opposite ever get into power. They would not want to face that situation, because blocking supply means that there is such a deadlock that the ball has to be bounced again by the umpire—namely, the Australian people—to make a choice as to who should be the government of the day. I am not sure that that of itself is a strong argument.

The problem is that the Labor Party said that they did not really want to consider Senate reform without the blocking of supply being taken out of the equation. That was only by public comment because it was regrettable indeed that the Australian Labor Party, whilst welcoming the consultative process and the release of the original discussion paper, made no submission in response. You would have thought if the Labor Party were genuine about constitutional reform they would have had the resources to do so. Indeed, Senator Brian Harradine, an Independent senator from my home state of Tasmania, put in his own submission to this consultative group. It was a well thought out submission. I am not sure that I necessarily agree with it, but at least he put some work and effort into it and tried to work through the process effectively, whereas the Labor Party, as we have now come to expect, are opposing this for opposition's sake. They see a discussion paper and they feel they have to publicly welcome it, but then they have no positive policy input. The Labor Party have been lacking in a whole range of areas in the national debate in this country. They just cannot come up with a firm and fixed policy position which might be able to be advanced, other than that they want to remove the Senate's power to block supply. As I said, Senator Harradine, an Independent senator, was able to find the time and the commitment to make a submission. I think it reflects very adversely on the Australian Labor Party, the

so-called alternate government, that they were not able to find the time to do so.

There have been some conspiracy theories put around that this was all about trying to diminish the power of the Senate. We as a government sought to see whether there was a process available whereby deadlocks between the two houses could be resolved. The consultative process was a good one. Those involved ought to be congratulated, but it is clear that the consultative process did not provide a clear approach that would be adopted by the Australian people. As a result, the government's decision is not to pursue it at this stage but to support in very strong terms a campaign of educating people about the importance of our constitutional arrangements in this country. Once that is understood, at the next election people will be voting for the Howard government not only in the House of Representatives but also in the Senate. *(Time expired)*

Senator NETTLE (New South Wales) (4.13 p.m.)—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Appropriations and Staffing Committee

Report

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Pursuant to standing order 166, I present the 40th report of the Standing Committee on Appropriations and Staffing entitled *Senate Department Budget 2004-05*. In accordance with the terms of the standing order, the publication of the report was authorised.

Ordered that the report be printed.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (4.14 p.m.)—by leave—I move:

That consideration of the report be made a Business of the Senate order of the day for the next day of sitting.

Question agreed to.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Pursuant to standing orders 38 and 166, I present documents listed on today's *Order of Business* at item 13, which were presented to the President and temporary chairs of committees since the Senate last sat in May. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

Legal and Constitutional References Committee—Interim report—Capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance (received on 25 May 2004)

Legal and Constitutional Legislation Committee—Report, together with the *Hansard* record of proceedings and documents presented to the committee, on the provisions of the Surveillance Devices Bill 2004 (received on 27 May 2004)

Employment, Workplace Relations and Education Legislation Committee—Additional information relating to hearings on the additional estimates for 2003-04 (11 volumes and 2 attachments) (received on 31 May 2004)

Parliamentary Joint Committee on Corporations and Financial Services—Report, together with the *Hansard* record of proceedings, entitled Corporations Amendment Regulations 7.1.29A, 7.1.35A and 7.1.40(h) (received on 2 June 2004)

Parliamentary Joint Committee on Corporations and Financial Services—Report, together with the *Hansard* record of proceedings and documents presented to the committee, entitled CLERP (Audit Reform and Corporate Disclosure) Bill 2003: Part 1: Enforcement, executive remuneration, con-

tinuous disclosure, shareholder participation and related matters (received on 4 June 2004)

Legal and Constitutional References Committee—Report, together with the *Hansard* record of proceedings and documents presented to the committee, entitled *Legal aid and access to justice* (received on 8 June 2004)

Higher education—Report for the 2004 to 2006 triennium (received on 8 June 2004)

Report no. 46 of 2003-04—Performance Audit—Client Service in the Family Court of Australia and the Federal Magistrates Court (received on 20 May 2004)

Report no. 50 of 2003-04—Performance Audit—Management of Federal Airport Leases (received on 4 June 2004)

Report no. 51 of 2003-04—Performance Audit—HIH claims support scheme—Governance arrangements: Department of the Treasury (received on 10 June 2004)

Ordered that the reports of the Legal and Constitutional Legislation Committee, the Legal and Constitutional References Committee and the Parliamentary Joint Committee on Corporations and Financial Services be printed.

Auditor-General's Reports

Report Nos 47, 48, 49 and 52 of 2003-04

The ACTING DEPUTY PRESIDENT (Senator Chapman)—In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General:

Report No. 47 of 2003-04—Performance Audit—Developing Air Force's Combat Aircrew: Department of Defence.

Report No. 48 of 2003-04—Performance Audit—The Australian Taxation Office's Management and Use of Annual Investment Income Reports: Australian Taxation Office.

Report No. 49 of 2003-04—Business Support Process Audit—The Use and

Management of HRIS in the Australian Public Service.

Report No. 52 of 2003-04—Performance Audit—Information technology in the Department of Veterans' Affairs: Follow-up Audit: Department of Veterans' Affairs.

LEAVE OF ABSENCE

Senator EGGLESTON (Western Australia) (4.17 p.m.)—I move:

That Senator Tierney be granted leave of absence for the period 15 June 2004 to the end of the 2004 winter sittings, on account of ill health.

Question agreed to.

DOCUMENTS

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I present the following responses to various Senate resolutions:

Communications—Broadcasting—proposed merger—Letter to the President of the Senate from the Minister for Communications, Information Technology and the Arts (Mr Williams) responding to the resolution of the Senate of 4 December 2003, dated 21 May 2004.

Indigenous Australians—Redfern Community Centre—Letter to the President of the Senate from the Governor of New South Wales (Professor Marie Bashir, AC) responding to the resolution of the Senate of 23 March 2004, dated 13 May 2004.

IMMIGRATION: DETENTION CENTRES

Return to Order

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I present the response from the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, to a resolution of the Senate of 13 October 2003 concerning management of detention centres.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (4.18 p.m.)—by leave—I move:

That the Senate take note of the document.
I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Correspondence

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I present correspondence from the Australian National Audit Office relating to the adoption of the recommendations of a report of the Foreign Affairs, Defence and Trade References Committee on materiel acquisition and management in Defence.

BUDGET

Portfolio Budget Statements

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (4.19 p.m.)—I table a correction to the portfolio budget statement 2004-05 for the Employment and Workplace Relations portfolio.

COMMITTEES

Public Works Committee

Reports

Senator FERGUSON (South Australia) (4.19 p.m.)—On behalf of the Parliamentary Standing Committee on Public Works, I present report No. 1 of 2004—*Proposed site remediation and construction of infrastructure for the Defence site at Randwick Barracks, Sydney, NSW—Interim works*; and report No. 2—*Proposed fit-out of new leased premises for the Department of Health and Ageing at Scarborough House, Woden Town Centre, ACT*. I seek leave to move a motion in relation to the reports.

Leave granted.

Senator FERGUSON—I move:

That the Senate take note of the reports.

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

Leave granted.

The statements read as follows—

SITE REMEDIATION AND CONSTRUCTION OF INFRASTRUCTURE FOR THE DEFENCE SITE AT RANDWICK BARRACKS, SYDNEY, NSW—INTERIM WORKS

This work was referred to the Committee on 12 December 2002 and comprised the staged remediation and preparation for residential sale of eight parcels of land at the Randwick Barracks site. The need for the work arose from the reform of Defence's logistics and supply functions, which resulted in the closure of the former Navy Stores complex at Randwick Barracks. Defence decided to prepare the surplus portion of the Randwick Barracks site for sale and eventual residential redevelopment.

The total estimated cost of the proposed redevelopment was \$85.4 million. It was anticipated that the works would commence in June 2003 and would be completed in 2006.

In November 2002 Defence requested Committee approval for the remediation of Stage 1A of the disposal area to proceed prior to consideration of the remainder of the project. Early approval of this project element was sought so that Defence might meet its 2002-2003 revenue targets. The Committee examined the particulars of the Stage 1A works, estimated to cost \$4.6 million, and granted approval on the understanding that the remainder of the project would be subject to a full inquiry in 2003.

A public hearing into the remainder of the works was scheduled for April 2003, but was cancelled at Defence's request. The Committee later learned that the cancellation occurred because Defence wished to refine the scope of the project and to re-examine financing and project delivery arrangements.

In order to receive planning approval from the Randwick City Council Defence undertook to meet certain timing and project specifications with respect to the site, including:

- construction of a new community facility and hand-over, free-of-charge, to Council by November 2003;
- a Plan of Management and Bushland Regeneration Plan for the Randwick Environmental Park;
- embellishment of the Randwick Environmental Park to a cost of \$1 million by November 2003;
- construction of an army oval prior to the development of any land relying upon the oval's storm-water retention function; as well as
- remediation of the property to a level suitable for future residential use.

In October 2003, the Committee was concerned to learn that Defence had commenced three 'interim works' projects at Randwick Barracks in order to satisfy commitments made to Council.

According to Defence, these 'interim works' comprised:

- the Community Facility and Randwick Environmental Park, estimated to cost \$4.75 million;
- the temporary relocation of 9th Support Battalion and associated rationalisation of the retained portion of Randwick Barracks at a cost of \$0.5 million; and
- preparation for sale of Stage 1B and parts of stages 5 and 6, costed at \$3.5 million.

The Committee noted that these works had been included in the referral made in December 2002 and, under the provisions of the *Public Works Committee Act 1969*, should not have been commenced prior to completion of the Committee's inquiry into the proposal. The Committee therefore requested that Defence cease works at the site and ordered that a public hearing be conducted at the earliest opportunity.

The public hearing held at Randwick on 12 March 2004 generated considerable local interest. In addition to the procedural issues addressed by the Committee, members of the public raised concerns relating to:

- the level and extent of contamination at the site and

- the execution, monitoring and certification of remediation works.

At the hearing, the Committee was assured that the level of contamination at the site was relatively low. In response to public concerns, however, the Committee recommended that a map showing the level and extent of contamination throughout the site be made readily available on the project web page.

A great deal of the written and verbal evidence presented to the inquiry dealt with the remediation of the site, particularly in relation to the removal of asbestos from soil.

The Committee comprehensively questioned Defence and the State-government accredited site auditor on:

- the level to which the site will be remediated;
- the development of the remediation methodology;
- the deployment of leading edge remediation techniques;
- the advantage or otherwise of staged versus whole-of-site remediation;
- the relative merits of on-site and off-site remediation; and
- the actual execution of the remediation works.

Having reviewed the evidence presented, the Committee was satisfied that the site could be remediated to a level fit for residential purposes using the proposed methodology. However, members were concerned to learn of the existence of a 'regulatory gap' between the role of the site auditor, who signs off on the completed works, and the role of the local Council and state Environment Protection Authority, who control what works will be undertaken at the site.

In order to ensure appropriate monitoring of remediation works as they proceed, the Committee recommended that an appropriate regulatory body be given responsibility for monitoring the execution of contamination remediation works to ensure that proper health, safety and environmental controls are exercised.

The Committee will seek to ensure that this recommendation be placed on the agenda for the

next meeting of State and Federal environment ministers.

It is usual for reports of the Public Works Committee to conclude with a recommendation that the works under investigation proceed at the estimated cost. On this occasion, the Committee takes the view that such a recommendation would be redundant as the 'interim' works described by Defence have already commenced. The Committee does, however, recommend that the remaining portion of the Randwick Barracks Site Remediation and Infrastructure works be subject to a thorough investigation by the Committee at the earliest opportunity and prior to the commencement of any further work elements.

Mr President, I wish to thank the many people that assisted the Committee during the course of its inspection and public hearing at Randwick, my fellow Committee members and the secretariat staff.

I commend the Report to the Senate.

PROPOSED FIT-OUT OF NEW LEASED PREMISES FOR THE DEPARTMENT OF HEALTH AND AGEING AT SCARBOROUGH HOUSE, WODEN TOWN CENTRE, ACT

Mr President, on behalf of the Parliamentary Standing Committee on Public Works I present the Committee's second report of 2004 titled: *Proposed Fit-out of New Leased Premises for the Department of Health and Ageing at Scarborough House, Woden Town Centre, ACT*.

The report examines the proposed fit-out of Health's new leased premises currently under construction at Atlantic Street, Woden Town Centre. The estimated cost of the proposed fit-out works is \$18.5 million.

The Department of Health and Ageing has been situated in the Woden Town Centre area since the development of the town concept in the early planning of Canberra.

Over time, the Department has expanded to occupy some 46, 000 square metres of leasehold accommodation in Canberra, with 12 of its 15 leased premises being located in Woden.

The need for the proposed work is driven by Health's objective of consolidating its Canberra activities into two buildings in Woden, one of which will be Scarborough House.

Health anticipates that the rationalisation of its accommodation at Scarborough House will result in a number of organisational benefits including, cost and operational efficiencies derived from the collocation of fragmented leases and the provision of a modern working environment for employees.

Work elements for the Scarborough House proposal comprise:

- integration of electrical, mechanical, security, communications, fire and hydraulic services into base-building works; and
- general office fit-out to meet Health's requirements, including security and reception facilities, office areas, meeting rooms, utilities, stores, tearooms, first-aid room, and conference and training facilities.

At the public hearing, the Committee questioned Health on issues related to project costs, building amenities and consultation.

When asked to expand on the cost efficiencies to be realised from collocation, Health stated that savings would be generated in a number of areas including security arrangements, energy, repair and maintenance costs, venue hire, and courier and freight charges.

The Committee expressed concern at what appeared to be unusually high relocation costs. The Department explained that the relocation costs provided for a number of moves, which were required to create greater cohesion through the realignment of business entities.

The Committee noted Health's tight project timeline and queried the potential for cost escalation and the provision of appropriate contingency arrangements. Health replied that while it was confident deadlines would be met, the building owners would be responsible for any costs incurred in the event of a delay.

With respect to all cost matters, the Committee requested that Health supply it with a cost savings

analysis, a detailed breakdown of relocation costs and a project timeline. The Department subsequently provided that information.

The Committee asked why Health had decided against the provision of child-care facilities on-site. Health explained that employees were not moving outside the Woden area, where adequate facilities already exist. Furthermore, the building has insufficient external space to provide a suitable play area.

Noting the open-plan layout of the office accommodation, the Committee raised concerns about employees' personal workspace environment. Health assured the Committee that individual workspace allocations would be within acceptable departmental ranges and that the issue of sound intrusion had been addressed.

The Committee was also interested to learn more about Health's staff consultation process. Health described its Communication Strategy which included staff information sessions and a consultative forum comprised of employees from each work area, and union and occupational health and safety representatives. Health developed a process to encourage staff feedback and suggestions from staff, and intended to incorporate these into the architect's brief.

Although Health's written evidence described a range of proposed energy conservation measures, it did not indicate that Health had consulted with the Australian Greenhouse Office to ensure compliance with the Commonwealth Energy Policy.

When questioned by the Committee, Health confirmed that it had liaised with the Greenhouse Office on achieving energy savings targets.

Having considered the evidence for the work, the Committee recommends that the proposed fit-out for the Department of Health and Ageing at Scarborough House, Woden Town Centre, ACT proceed at the estimated cost of \$18.5 million.

Mr President, I wish to thank those who assisted with the inspection and public hearing, my Committee colleagues, and secretariat staff.

I commend the Report to the Senate.

Question agreed to.

Foreign Affairs, Defence and Trade Committee: Joint

Report

Senator FERGUSON (South Australia) (4.20 p.m.)—I present the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade entitled *Near Neighbours—Good Neighbours: An inquiry into Australia's relationship with Indonesia*, together with the *Hansard* record of proceedings and submissions received by the committee. I seek leave to move a motion in relation to the report.

Leave granted.

Senator FERGUSON—I move:

That the Senate take note of the report.

As I know that one of my colleagues wishes to speak as a member of that committee, I seek leave to incorporate a tabling statement in *Hansard*.

Leave granted.

The statement read as follows—

In the ten years since the Committee last examined this relationship much has happened in the international arena that has affected both countries and, at times, the relationship itself. Although there have been periods of strain, it has been for the most part a positive relationship of considerable value to both countries and with the potential to be significantly more so. It is in the interests of both nations for the relationship to be strong in all its dimensions—strategic, political, economic and cultural.

Within weeks of the commencement of this inquiry, the Bali bombings would bring home to us all how closely the interests of both countries lie.

A number of submissions describe the high degree of cooperation that took place immediately after the bombings in dealing with the disaster, and the ongoing cooperation since. The Bali bombings have had an impact on many aspects of our engagement. They have also affected the relationship at its deepest level. Of the 202 lives lost, 89 were Australians and 38 were Indonesian.¹ This shared loss has brought together our two

histories in a powerful way and no account of measures taken by either government can adequately portray the nature of this impact.

While the Bali bombings have formed a backdrop to much of this inquiry, we have kept a broad focus that appropriately reflects our wide ranging engagement.

The breadth of this engagement was made very clear in the number of submissions from government departments and agencies. These submissions described in detail a wide range of activities in an extraordinarily diverse range of areas. Our recommendations in this area build on the excellent work that is already being done.

Mr President, the Committee was extremely impressed by Australia's relationship with Indonesia at the bureaucratic level. We consider, however, that the relationship needs considerable strengthening at both the political and at the people-to-people levels. At both levels there is a pressing need for much better communication and much deeper understanding.

The Committee considers that parliamentarians have a role to play in strengthening the relationship at the political level.

Towards the end of this inquiry, members of the Committee spent some days in Jakarta meeting with political leaders, senior officials and a wide range of other government and non-government organisations. The discussions were substantial, informative and robust. There were many highlights in the visit including, of course, a meeting with HE President Megawati Soekarnoputri.

The Committee also valued the opportunity to establish a connection with our counterpart committee, Commission 1. We consider that regular meetings would provide the opportunity to develop this relationship and achieve over time, communication that is characterised by open dialogue and mutual respect.

The Committee has recommended that the Minister for Foreign Affairs establish a program of exchange visits between the Foreign Affairs, Defence and Trade Committees of the Australian Parliament and the equivalent committees of the Indonesian Parliament. Incorporated in the program should be a formal, structured one day conference with agenda items prepared by both sides

covering all aspects of the relationship that may be of concern.

Mr President, at the heart of Australia's relationship with Indonesia is the relationship between the people of Indonesia and the people of Australia.

Australia and Indonesia have vastly different backgrounds and cultures. Such differences promise potential for rich exchanges. They can also lead to poor communication, misunderstanding and mistrust. Better mutual understanding is in the interest of both countries.

One of the principal means of enhancing understanding is through education. We consider that maintaining Australia's expertise on Indonesia and expanding the level of understanding about Indonesia through research and education is crucial if we are to continue building this relationship over the long term. Australia's commitment to this should be demonstrated by:

- continuing support for Indonesian studies in universities and expanding research opportunities;
- restoring NALSAS or establishing a program with similar aims, and
- increasing opportunities for Australian students to study in Indonesia.

Education is not only a key strategy for building understanding—it is also a key element of Australia's development cooperation program. Improving education in Indonesia is a means of pursuing regional prosperity and stability and it is in Australia's national interest to ensure that education retains its central role in our development assistance work.

Education is also significant in terms of trade. Approximately 18,000 Indonesian students come to Australia each year. There is potential for further growth in this area and it is important that Australia's high standards in education are maintained and that links with students after their return to Indonesia are nurtured.

Australia and Indonesia have a strong interest in a healthy trade and investment relationship. Indonesia is already an important trading partner and has the potential to be significantly more so. We have recommended that a scoping study be under-

taken on the implications of a free trade agreement on both economies.

Mr President, Australia and Indonesia are near neighbours. Being good neighbours is an art requiring a delicate balancing of distance and closeness, a distance that is respectful of difference and sovereignty—a closeness that guarantees a helping hand in times of need. In conducting this inquiry and writing this report, the Committee has endeavoured to contribute to the building of a positive, healthy and productive relationship between good neighbours.

¹ *Canberra Times*, 22/2/03, p 4 'Revised Bali death toll counts 89 Australian victims'

Senator CHRIS EVANS (Western Australia) (4.21 p.m.)—I rise to speak on the motion to take note of the report. In its report entitled *Near Neighbours—Good Neighbours: An inquiry into Australia's relationship with Indonesia* the Joint Standing Committee on Foreign Affairs, Defence and Trade noted its concerns over the level of misunderstanding and 'even mistrust that is present in the bilateral relationship'. The committee agreed that the bilateral relationship needs 'considerable strengthening at both the political and the people-to-people levels and that at both levels there is a pressing need for much better communications and much deeper understanding'. The 1993 report into the bilateral relationship concluded much the same. It also proposed that further encouragement should be given to Australians and Indonesians from all walks of life to improve their understanding of each other's aspirations. Little, it seems, has changed.

Recent history attests to government to government problems of communications and the lack of 'a much deeper understanding'. I was fortunate to be a member of the committee's delegation that visited Indonesia in February 2004. Delegation members were warmly received, and the openness of our discussions and the insights given assisted

the committee's deliberations. The one issue that constantly emerged during the visit was reaction to Senator Hill's announcement in December 2003 that the Howard government will participate in the United States missile defence program and that Australian warships could carry missiles with the capacity to intercept attack missiles in outer space as part of this program. This issue and the delegation's response are referred to on pages 13 and 14 of the report.

Clearly, the government's handling of this matter was very poor. Communications and follow-up clarifications added to the confusion not just for Australians but also very much for Indonesia and Indonesians. Confusion reigned unnecessarily on several accounts. Press reports indicated that the Australian foreign minister had been pressed for a response in December 2003. Throughout January 2004, media coverage detailed official Indonesian concerns from the Indonesian Parliamentary Commission for Security, Defence and Foreign Affairs and directly from the Indonesian government via spokespersons from the Indonesian Ministry of Foreign Affairs. Security Minister Bambang Yudhoyono eventually requested a written clarification of the proposal. Why wasn't action taken to allay suspicions much earlier?

It is not customary for Indonesian officials to use the public arena to register alarm or concern. That the media was used indicates the failure of Australian diplomacy. Obviously private discussions, if they were held, were unhelpful. The Indonesians that the delegation met—very senior parliamentarians and leaders in Indonesian communities—saw our participation in the missile shield system as an aggressive and hostile measure. They did not see it at all as an Australian defensive response to the threat of ballistic missiles; they saw it as a measure aimed at Indonesia, designed to increase our capabili-

ties and increase the military threat. That was their perspective on our decision to participate in the missile defence system.

Whatever their perceptions, it is clear that diplomacy did not work in allaying Indonesian concerns. Ambiguity reigned majestically through contradictory statements. The Australian contribution remained undefined. The Treasurer eventually ruled out spending on the ballistic missile system. The much heralded memorandum of understanding with the United States still has not seen the light of day. During the visit I took every opportunity to explain in detail Labor's position on missile defence. I confirmed that Labor opposed the Howard government's decision to commit to Australian participation in the program, because Labor saw neither threat nor priority for Australia to develop a national missile shield defence system. However, Labor does support the development of a capability for in-theatre missile defence of ADF personnel and key strategic interests. A Labor government would be strongly committed to ensure that all efforts are made to protect ADF personnel deployed in operations.

Labor also strongly supports a continued intelligence relationship with the United States through the joint facilities at Pine Gap, which presently provide missile launch information. As a unilateral response, the problem of ballistic missile proliferation and national missile defence is disproportionate to the present threat. It is technically questionable and costly and is likely to be counter-productive, particularly for the security environment of the Asia-Pacific region. This view is clearly shared by our neighbours. Indonesia in particular is very wary of the Australia government's decision to participate in the US missile defence program and sees it as a military capability aimed at Indonesia. The key point is that differences of opinion will emerge between Australia and

Indonesia, but the relationship should be sufficiently robust to withstand difference. That can be accomplished through sound diplomacy and communication in our bilateral relations. Clearly that has not occurred with respect to the missile defence shield proposition. The Howard government has not done what it should have done to ensure that Indonesian concerns were being addressed.

In today's short tabling remarks I would like to highlight a presentation that was made to the committee at the ministry of foreign affairs. In an official meeting with the delegation, the Indonesians discussed what they saw as the emerging anti-Australian sentiment among young Indonesians. Members of the delegation were quite shocked by the presentation, which told a story of young people applying for entrance to the Ministry of Foreign Affairs in Indonesia—they sit an entrance exam to join the foreign affairs civil service. They reported that, in that examination, the views expressed by candidates were overwhelmingly anti-Australian. The candidates saw Australia as increasingly linked to US foreign policy and as having the same foreign policy as that of the US government. They saw our participation in Iraq, the pretension of being the deputy sheriff of the region and our involvement in the missile defence program as indicative of an Australian foreign policy that they found threatening, anti-Muslim and anti-Indonesian. Like me, the delegation was shocked that, effectively, the Indonesian foreign affairs department was sending us a message about the emergence of a strong anti-Australian sentiment among its educated young people. I am sure they provided that briefing to the committee purposely, and they detailed the predominant views of those young students. That is a reflection of some of the difficulties in the relationship, the emerging view in Indonesia of Australian foreign policy and some of the challenges we face in overcoming

ing those perceptions. Some of those views, in particular those on the missile defence program, are not soundly based on facts; nevertheless they are emerging as serious issues for the relationship between Indonesians and Australians.

The committee's report acknowledges the importance of better communications and deeper understanding of each other's politics, customs, history and culture. Australia and Indonesia are neighbours in one of the world's most dynamic regions. Our relationship is vital to Australia's engagement with and credibility in the Asia-Pacific region. A lot has happened between our two nations, and this important report details the challenges that both nations face in maintaining a sound and constructive relationship into the future.

In closing, I pay tribute to the chairman, Mr Jull, the deputy chairman, Mr Price, the other colleagues who went to Indonesia with me—Kim Beazley and Senator Natasha Stott Despoja—and the committee secretary, Janet Holmes. They were all very good company in what was a very hectic schedule. I think the committee worked well on that visit and we all learnt a great deal. I would also like to pay tribute to the embassy staff and others who assisted us, particularly the defence attache, Brigadier Ken Brownrigg, who was very helpful to those of us with a particular interest in defence matters. I certainly think that Kim Beazley's explanation to the TNI generals of Australia's view on Timor was the highlight of the trip and a highlight for all those who were there. I do not think the TNI generals had ever had such a frank explanation of the Australian view of our involvement in East Timor and I am sure it did them the world of good. This is an important report. I thank the committee secretariat and the other members for their work on it. Hopefully, it will help build a better relationship with our Indonesian neighbours.

Senator STOTT DESPOJA (South Australia) (4.31 p.m.)—I too wish to add to the comments that have been made regarding the inquiry and the delegation of the Joint Standing Committee on Foreign Affairs, Defence and Trade. It was an incredibly significant inquiry. This inquiry has covered nearly every aspect of Australia's relationship with Indonesia. There is no doubt that our country's relationship with Indonesia is one of our most important. Not only is Indonesia one of our nearest neighbours; it is the world's fourth most populous nation and, of course, the largest Muslim nation. It is a country which is still working on developing the level of democracy which we already enjoy in Australia, and there are a number of examples of instability within its borders which could potentially have security implications for Australia.

The evidence presented to this inquiry was comprehensive, in-depth and fascinating. As chapter 1 of the report states, Australia's relationship with Indonesia is a 'rich and complex tapestry' and a 'multifaceted, multilevel bilateral relationship'. The committee heard evidence about the activities of a whole range of agencies, organisations and corporations—from the Australian National Maritime Museum to the Australian Sports Commission; from the Media, Entertainment and Arts Alliance to the Australia-Indonesia Young Leaders' Dialogue; and from the Department of Foreign Affairs and Trade to the Australia West Papua Association. It is therefore not surprising that the committee has come up with a comprehensive report. I also take this opportunity to commend the secretariat for their outstanding hard work and professionalism during the conduct of this inquiry and the preparation of the report.

I would like to comment on a number of aspects of this report in the time available. The first is in relation to Australia's aid to Indonesia. The report includes reference to

the four key priorities which have been adopted to provide a focus for Australia's aid program to Indonesia. It notes that AusAID endeavours to maintain flexibility in the aid program and that that has enabled it to respond to issues such as anti-money-laundering and antiterrorism legislation. On behalf of the Democrats, though, I would like to make clear our opposition to the use of the aid budget to finance such initiatives. While antiterrorism initiatives are incredibly important, the Democrats believe that such initiatives should be funded out of other areas of the budget rather than out of the already stretched aid budget. The aid budget must be used for poverty reduction initiatives as well as for democracy and governance strengthening programs. In relation to debt relief, the committee noted that at the end of 2003 Indonesia's public debt was around 66.9 per cent of its GDP and that its debt to Australia stood at \$1,347.7 million. As AusAID's evidence to the inquiry demonstrates clearly, these massive debts are taking their toll on basic services and development within Indonesia. The Democrats share the view expressed by a number of organisations that Australia should negotiate a debt for poverty reduction swap with Indonesia, and we are pleased that the committee has indicated an interest in this idea.

On the issue of re-establishing links between the Australian Defence Force and Kopassus, I would like to record very strong opposition on behalf of the Democrats. In our view, there should be absolutely no resumption of ties with Kopassus until there is objective evidence that Kopassus is committed to protecting human rights and has brought all perpetrators of human rights violations to justice. We note that the United States has indicated that it will not resume any ties with Kopassus until it has determined whether or not Kopassus was responsible for the murder of three schoolteachers,

two of whom were US citizens, near the Freeport mine in August 2002. In addition to allegations of human rights abuses against Kopassus, the Democrats note evidence provided by the International Crisis Group which suggested that terrorist organisation Laskar Jihad is operating in Indonesia as a result of tolerance on the part of senior military officers. The Australian government has proffered the view that a key aim of the defence relationship with Indonesia is to encourage 'a stable long-term future for Indonesia'. However, the Democrats believe that any resumption of cooperation with a military unit renowned for its disregard of human rights and with possible ties to terrorism will be detrimental to the long-term stability of Indonesia and is therefore inconsistent with a key aim of our defence relationship.

In arguing for limited cooperation with Kopassus, the Australian government has expressed the view that Kopassus is the most capable counterterrorist force in Indonesia. The Democrats see two primary flaws in this argument. Firstly, any so-called counterterrorist capability is undermined by evidence of possible links between Kopassus and terrorist organisations. It does not matter how capable Kopassus is if it is allowing terrorist organisations to continue to operate. Secondly, the government gives examples of circumstances in which it would work with Kopassus, namely hijack and hostage situations. In the context of such high-pressure emergencies, it would be impossible for the government to adhere to its policy of not working with Kopassus officers who have been involved in human rights violations. It simply would not have the time to make the assessments. For these reasons the Democrats are of the view that the resumption of ties between the Australian Defence Force and Kopassus is fraught with danger and is contrary to the interests of both our country and, indeed, Indonesia.

The committee heard a great deal of evidence regarding the ongoing tensions within the regions of West Papua and Aceh. I do not propose to enter into a debate regarding independence, partly because I think there are more pressing issues to be addressed—such as the ongoing human rights violations—but also because the Democrats do not necessarily advocate independence as the ultimate solution to ongoing tensions within each of those regions.

However, we do believe there are a number of unresolved issues from the past which need to be revisited if there is to be any hope of long-term peace and security within these provinces. For example, the Democrats have long expressed concerns in relation to the so-called Act of Free Choice held in West Papua in 1969. The West Papuan people have consistently challenged the legitimacy of that process over the past 25 years. In fact, it is often referred to as the ‘Act of No Choice’. Some of the individuals involved in that Act of Free Choice have since revealed that they were subjected to threats—for example, that their tongues would be cut out if they voted for independence.

I have put many of these issues on record before, so I will not reiterate them now. But, given some of the circumstances surrounding the Act of Free Choice, it cannot be said that the West Papuan people have ever been given a genuine opportunity to determine their own future. As such, they have been prevented from exercising their basic democratic rights under international law. This must be acknowledged by our country and by Indonesia and there must be a genuine attempt, insofar as it is possible, to redress the wrongs of the past.

The other issue to which I want to refer is the exclusion of media and non-government organisations from conflict areas. There is widespread evidence that the Indonesian

government has prevented humanitarian, human rights and other non-government organisations—as well as the independent media—from accessing conflict areas such as Aceh. As the recent expulsion of the two International Crisis Group researchers Sidney Jones and Francesca Lawe-Davies from Indonesia demonstrates, this level of censorship is not necessarily restricted to areas of conflict.

The ICG is an immensely well-respected organisation, headed up by our former foreign affairs minister Gareth Evans. Prior to flying out of Indonesia on 6 June, Ms Jones had been living there on and off for around 30 years. She is an internationally renowned expert on terrorism, and is considered one of the foremost experts in the world on Jemaah Islamiah. I have met with Ms Jones. I think she is remarkably impressive and extremely knowledgeable. This action on the part of the Indonesian government provided to all of us a stark reminder of how far some countries—and, in particular, Indonesia at this moment—have to go on the path towards a robust democracy. Freedom of speech, freedom of movement and freedom of the media are all vital in ensuring the accountability of governments. The exclusion of some groups from certain parts of Indonesia unfortunately gives rise to the perception that the Indonesian government may have something to hide, whether or not that is actually the case.

We know the Indonesian media have a vital role to play. We met with wonderful representatives of that media on our delegation. This was the focus of a report prepared by Mr Adam Rollason, a parliamentary intern who worked with me in my office last year. His report, entitled *Backing democracy: an analysis of the rights and the role of the media in Indonesia*, provides a comprehensive consideration of the role that the Indonesian media play in promoting democracy. I seek leave to table that report. I have received

permission to do so from the whips of the parties on the condition that I make it explicit that the report in no way reflects the views of the Australian government. I think all of us who have had the opportunity to have interns work with us recognise their role.

Leave granted.

The DEPUTY PRESIDENT—Senator Stott Despoja, your time is about to expire.

Senator STOTT DESPOJA—In conclusion, I commend not only the members of the delegation but also the secretariat, once again. (*Time expired*)

Senator EGGLESTON (*Western Australia*) (4.41 p.m.)—Indonesia and Australia are two countries which are entwined together geographically but vastly different in terms of their culture and history. Indonesia is an archipelago of some 17,000 islands and has a population of 200-odd million people, most of whom are Muslim. Australia is an outpost of European civilisation with a relatively recent history of just over 200 years. Although Australia supported the independence of Indonesia from the Dutch in their war of independence in the 1940s, there is still a great gulf between our two countries—and it is a gulf which needs to be bridged because, as I said at the beginning, we are geographically close to each other and it is very important that we understand each other.

I lived for some 22 years in Port Hedland, on the north-west coast of Western Australia. Port Hedland is closer to the Indonesian archipelago than it is to Perth. There was quite a lot of interaction between the north-west of Western Australia and Indonesia because there were direct flights to Denpasar and some 10 per cent of the population of Port Hedland were Malay Indonesian people who moved backwards and forwards between the two countries. There is probably a much better understanding of the closeness of Indone-

sia in the north-west of Australia than there is throughout the rest of Australia. In fact off the north-west coast there are only about 80 kilometres between the Indonesian islands and Ashmore Reef—that is where Indonesian territory is closest to Australian territory—so Indonesia is very close indeed. Yet, as I said, even though our countries are close, there is less understanding than there ought to be.

I think this report is very important because it makes a number of recommendations to bring people together, and I think that by bringing people together bridges of understanding are built. I would like to refer fairly briefly to some of the recommendations in this report which I think are in that spirit of bringing people together and so will facilitate the improvement of understanding between our two countries.

Recommendation 1 has a proposal for an increased number of parliamentary exchange visits between Australia and Indonesia. I think that is very important. When I was last in the Indonesian national assembly, about 18 months ago, I was struck by the fact that many of the Indonesian politicians admitted frankly that they were deeply suspicious of Australia in relation to Indonesia's territorial integrity. As Senator Evans has said, they also harbour doubts about our intent in terms of our defence relationship with the United States. I think it would be helpful if we had more visits by parliamentarians between the two countries, particularly by Indonesians coming to Australia. Then they would understand that in this country we really do have a free press and we do have non-government organisations who are able to express their views without reference to the government.

I think it would help them to understand that the comments made about Indonesia and events in Indonesia by our media and by non-government organisations do not necessarily in any way represent the views of the

Australian government. In particular NGOs, in the cases of Aceh and West Papua, have perhaps led local people to believe that there would be support for movements of independence from Indonesia, but that is not the position of the Australian government. The Australian government does respect the territorial integrity of Indonesia. I think parliamentary exchange visits both by Australians to Indonesia and, in particular, by Indonesians to Australia would do a lot to help each understand the real politics of the other's country and bring about a much better comprehension of the positions we come from.

Recommendations 3, 4 and 5 in the report support the strengthening of the relationship between Australian states and local governments and Indonesia. As the report notes, both Western Australia and the Northern Territory do have fairly close relationships with Indonesia and they have a good understanding of Indonesia. Western Australia had a sister state relationship with the province of East Java which was particularly useful. I think those sorts of relationships between states and cities are very important and build bridges of understanding. But most importantly I would like to refer the Senate to recommendations 11, 12, 13, 14 and 15, which support increased Australian education services being provided to Indonesia and an increased number of scholarships being offered to Indonesians to study in Australia.

Education has been a very important focus of Australia's relationship with Indonesia for many years, in fact since the 1950s and the Colombo Plan, when a great number of people from South-East Asia and from Indonesia came to Australia and obtained degrees here. In fact, there are literally thousands of graduates in Indonesia holding quite senior positions in industry and government who hold Australian degrees. At one stage there were reputed to be four members of the Indonesian cabinet who held Australian de-

grees and, of course, the fact that they have studied in Australia and understand Australia and Australian culture must mean that there is a better comprehension of the positions of the Australian government on various issues. As Senator Stott Despoja has mentioned, many Indonesians are very poor and it is impossible for many of these people to even consider coming to Australia to study at universities. So offering more scholarships to Indonesians to come to Australia is an important matter which the Australian government could give consideration to—increasing the number of scholarships we offer to young Indonesians to come and study in our universities.

Recommendations 18, 19 and 20 support the teaching of Indonesian studies and languages in Australian schools, and recommendation 17 supports increased funding for the Australia-Indonesia Institute. In the Northern Territory, all schoolchildren learn bahasa Indonesia from a very early age—or they did in the past, or at least it was an option that was available. It was certainly an option in Western Australia and it still is at secondary school level, along with other Asian languages. The programs to teach Indonesian languages in Australian schools are very important because there is a huge difference between people who go to another country and cannot converse with the local people and people who are capable of conversing with the local people in the understanding they gain of the other society and of the culture of that society. So I very strongly support these recommendations which seek increased funding for programs of Indonesian studies, culture and languages in our schools. I think it is very important in itself and I think that is a very important and worthwhile recommendation, as is the recommendation for increased funding of the Australia-Indonesia Institute. I think we do need to devote more attention to research

into the differences between our societies and cultures, our points of contact and the dissemination of information about each other's countries in the other country. I think that is very important in terms of fostering better relations between Australia and Indonesia.

Indonesia has now adopted a democratic process for the election of its national assembly. Those elections were held earlier this year and the president will be elected for the first time by direct popular vote later this year. It is an important stage in the political evolution of Indonesia, as we see the progressive development of a civil society and the relaxation of restrictions on the press. As I said, the destinies of Australia and Indonesia are intertwined by our geography, and it is very important that we develop a better understanding of each other. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PETITIONS

Education: Funding

Senator NETTLE (New South Wales) (4.51 p.m.)—by leave—I seek leave to table nearly 150 statements from public school teachers about how they could spend the amount of money that is being given to equivalent private schools.

Petition received.

MINISTERIAL STATEMENTS

United Nations: Human Rights Committee

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (4.51 p.m.)—I seek leave to incorporate a statement on behalf of the Attorney-General in relation to an order of the Senate made on 1 April 2004 regarding a government response to the United Nations Human Rights Committee views in *Young vs Australia*.

The statement was circulated earlier today to whips and independent senators.

Leave granted.

The statement read as follows—

The Government's response to the views of the United Nations Human Rights Committee in the case of *Young v Australia* is:

'The Australian Government presents its compliments to the members of the Human Rights Committee (the Committee). The Australian Government has given careful consideration to the Views of the Committee expressed in Communication No. 941/2000, *Young v Australia*.

The Australian Government recalls the submissions made by it to the Committee in response to the Communication. In particular, Australia maintains that the sexual orientation of the author was not determinative of his entitlement to the pension under the *Veterans' Entitlements Act 1986* (VEA).

The author did not demonstrate that any heterosexual or homosexual partner of Mr Cains would have been entitled to the pension under the VEA. The relevant provisions of the VEA require that the veteran's death be 'war-caused'. The records of the Department of Veterans' Affairs do not show that Mr Cains' death was 'war-caused', nor does the author allege that the death was 'war-caused'.

In addition, the author failed to provide sufficient evidence that he was in fact the *de facto* partner of Mr Cains. Mr Cains did not at any stage indicate in correspondence with the Department of Veterans' Affairs that he was anything other than single.

Therefore, the author is unable to show that his eligibility for the pension under the VEA is based on a distinction on the ground of sexual orientation as proscribed by article 26 of the International Covenant on Civil and Political Rights (the Covenant).

The Australian Government does not accept the Committee's finding that Australia has violated article 26 of the Covenant. Accordingly, the Australian Government does not accept the Committee's conclusion that the author is entitled to an

effective remedy, including the reconsideration of his pension application.

The Australian Government avails itself of this opportunity to renew to the Human Rights Committee the assurances of its highest consideration.'

On 29 August 2003, the Secretary-General of the United Nations transmitted to the Australian Government the views of the United Nations Human Rights Committee. In the letter attached to the views, a request was made that Australia inform the Committee, 'within 90 days of the transmittal of the views, of all measures undertaken to give effect to the views'. There is no obligation on States to respond to views adopted by the Committee and, accordingly, no deadline within which this must be done. However, the Government transmitted its response to the United Nations on 11 June 2004.

COMMITTEES

Economics Legislation Committee

Additional Information

Senator EGGLESTON (Western Australia) (4.52 p.m.)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present additional information received by the committee, on the report of the committee on the provisions of the Treasury Legislation Amendment (Professional Standards) Bill 2003, which was tabled on 12 May 2004.

Corporations and Financial Services Committee

Report

Senator CHAPMAN (South Australia) (4.52 p.m.)—I present a report of the Parliamentary Joint Committee on Corporations and Financial Services entitled *Part 2: Financial reporting and audit reform—CLERP (Audit Reform and Corporate Disclosure) Bill 2003*, together with documents presented to the committee.

Ordered that the report be printed.

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

Leave granted.

Senator CHAPMAN—I move:

That the Senate take note of the report.

Part 1 of the Joint Parliamentary Committee on Corporations and Financial Services report on the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003 was tabled out of session on 4 June 2004. It deals with a proposed whistleblower protection scheme, executive remuneration, infringement notices, continuous disclosure provisions, conflicts of interest, shareholder participation and related matters. These aspects of the bill place a heavy reliance on disclosure and on the active involvement of shareholders—and, in the case of the whistleblowing scheme, on persons working in or for companies—to promote good corporate governance. The committee believes that these measures are a vital step towards enhancing trust and confidence in Australian corporations. Clearly, while participants in the inquiry offered general and wide support for CLERP 9, many held reservations about particular features of the proposed legislation. The committee has made recommendations to address some of these concerns but, as with the majority of witnesses, welcomes the reforms.

Today I have tabled part 2 of the committee's report on this legislation. Except for submissions and additional information received after 4 June 2004, which are tabled with part 2 today, submissions, additional information and the *Hansard* transcripts of the committee's hearings were tabled with part 1. As I will be speaking to both parts 1 and 2 of the committee's report in more detail on Thursday, my comments today will be brief.

Part 2 of this report deals with the financial reporting and audit reform proposals in

the bill. I am pleased to say that, in common with many submissions to the committee's inquiry, the committee believes that there is much to commend in this bill. The chief executive officer and chief financial officer sign-off and operating and financial review will make financial reports more reliable and serviceable for users. The bill's measures to strengthen auditor independence will restore public confidence in the assurance role played by auditors in relation to financial reports. The introduction of the financial reporting panel will provide for the more speedy resolution of disputes between the Australian Securities and Investments Commission and companies about their financial statements. This will ensure more timely dissemination of information to the market and to the correction of misinformation.

Although the positives are many, the committee has made 34 recommendations altogether. Some of them merely clarify provisions in the bill or cater for practical contingencies. The remaining recommendations are more substantive in nature and add new provisions to the bill or amend existing ones. These include the introduction of a requirement for alternative accounting positions to be discussed in financial reports; the introduction of additional 'true and fair view' requirements; limitation of the auditor rotation requirements to the top 300 listed entities by market capitalisation; deletion of the prohibition against former auditors taking up a management position with a client if a former auditor from the same firm already occupies such a position; clarification of the role of the Financial Reporting Council; postponement of the conversion of auditing standards into disallowable instruments until the implications are thoroughly reviewed and any problems resolved; and, finally, introduction of a range of requirements to restore confidence in the Financial Reporting Council and strengthen the standard-setting arrangements

in part 12 of the Australian Securities and Investments Commission Act. The committee urges the government to adopt these recommendations.

Senator MURRAY (Western Australia) (4.57 p.m.)—I draw the attention of those interested in part 2 of this report on the CLERP 9 legislation to my supplementary remarks. Those remarks go to the heart of a problem—that is, that in my opinion neither CLERP 9 nor the report deals with the issue of ensuring full independence for external auditors. I know that the secretariat, the chair and the deputy chair have worked exceptionally hard to produce these reports, and I think that they have done an exceptional job. Nevertheless, they have had to deal with the matter pretty well on its face and not address the philosophy, which I think needs to be re-evaluated by the government and all parties, as to how corporate governance, matters of independence, matters concerning directors and boards and other essential governance issues should be viewed. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DELEGATION REPORTS

Parliamentary Observer Delegation for the Parliamentary Elections in Indonesia

Senator WEBBER (Western Australia) (4.59 p.m.)—by leave—I present the report of the Australian Parliamentary Observer Delegation for the parliamentary elections in Indonesia which took place on 5 April 2004. I seek leave to move a motion in relation to the report.

Leave granted.

Senator WEBBER—I move:

That the Senate take note of the document.

The observer delegation that I had the honour to be part of had as its brief three parts: to observe in the areas of deployment the process and conduct of the 5 April 2004 par-

liamentary elections, to carry out such observation activities as much as possible in partnership with domestic monitoring organisations and to prepare a report on the results of the delegation's observation activities for both the Indonesian community and the international community—hence our report to the parliament today.

As I said at the outset—and I will try to keep my remarks brief—it was an incredible honour to witness the formation of a flourishing democracy, albeit a young democracy, in Indonesia. I do not think anyone in this place or indeed in all the Australian parliamentary system could begin to imagine the scale of an Indonesian election. The parliamentary elections that we were fortunate enough to observe had four parts to them. There were four ballots taking place on the one day. There were some 147 million voters eligible to vote on that one day spread over some 6,000 islands. There were over 585,000 polling places. That meant that, because there were four elections, over 660 million ballot papers had to be prepared, produced and distributed for that one day of democracy, with over 15,000 candidates facing election on a single day. Indeed, I do not think it would be taking it too far to say that it was probably the largest single democratic event in the world.

Our delegation comprised four parliamentarians, 16 Australian officials and, of course, a delegation secretary. The fact that there were four parliamentarians as part of our delegation was seen as a strength in that the Australian parliament and the Australian political system was as committed as the Indonesian political system to ensuring a smooth democratic process. In addition to the Australian observation team, there were strong teams from the US, Japan and the EU. Indeed the EU delegation was the only other one led by a member of parliament—a member of the European parliament. I think it

would be fair to say that none of us could recall observing any significant violations of electoral laws by any of the political parties concerned throughout the delegation's time in Indonesia. From memory, there were some 24 political parties. From my own personal observations, during the period of the campaign that I was there for, it was peaceful and relatively subdued, albeit a lot more colourful and with a lot more vitality than your standard Australian election.

Apart from making some central observations in Jakarta, I was deployed with two other Australian officials to the area of West Timor. My overwhelming observation in observing quite a number of polling places in West Timor was the incredible pride with which the local population took part in the election. I could only wish that Australians were as determined and eager to vote and as proud of being allowed to vote in our elections as the Indonesian population in West Timor was. Again, it was a very peaceful and relatively subdued day. Some would find that surprising given that there are still some camps with some displaced people from East Timor within the area we were in in West Timor.

To allow for some of the incredible logistical challenges that electoral commissions face when organising such a large election, a couple of days before the scheduled election day the government had passed some emergency laws to allow for the delay in the conduct of the election in some places throughout the archipelago. Election day, as I was saying, was peaceful. It was calm, friendly and incredibly festive. It was a community based event. Local communities were responsible for establishing polling places, which were largely outdoors. The entirety of those small communities took a great deal of pride in the presentation of their polling places. You could almost sense some form of competition between the neighbouring poll-

ing places. My overwhelming observation would be that there was a great deal of strength in local community commitment to the democratic process. As I say, it was one that they were fiercely proud of and determined to take part in no matter what level or lack of education or disability some of the older citizens encountered.

With regard to the organisation of the election, apart from some of the last-minute logistical problems in some more remote parts of the archipelago there was only one thing that the electoral commission underestimated—that is, the actual amount of time it would take to calculate the results of the election. We were promised at the time that because the electoral commission had entered the modern age and had computers just like everybody else we would all know the result very quickly. Indeed, it all came down to the man sitting in front of the screen, we were told, to determine the result. As with all things to do with the technological age, the Indonesian electoral commission underestimated the challenges that technology can pose and the challenges that the man sitting in front of the screen can be confronted with, so it did take quite some time for the population to be made aware of the result.

In concluding, I would like to pass on some congratulations. I would like to congratulate all of the independent monitors who were there, who went a long way to ensuring that it was a peaceful, open and democratic process. I would like to congratulate the staff of the Australian Electoral Commission who had been placed in Indonesia for some time, who played a valuable role in training electoral staff in preparation for the day and who were out in the field monitoring on the day to ensure that their training was being adhered to. I would also like to congratulate all the Australian officials who took part in the observations and the delegation and pay tribute to their professionalism,

competence, talent and commitment. In fact, it is a testament to them as official representatives of Australia both from departments based here in Canberra and from the embassy that, despite the challenges mentioned earlier today, we still have a fairly strong and open relationship with Indonesia.

As I say, Indonesia has a thriving democracy. It is a relatively young democracy but, as Senator Stott Despoja was saying earlier, part of the challenge of maintaining that thriving and relatively young democracy is ensuring the freedom of the press and ensuring that we maintain outside observation from important observers like Sidney Jones. In finishing, I would like to place on record my thanks to the Australian embassy staff who assisted in a very competent and professional way with our visit; to the officers from the Australian Federal Police, who were also incredibly tolerant of people like me and competent in the way they discharged their duties; to the delegation secretary, Bev Forbes, who was an incredibly calm, confident and professional delegation secretary; and to my parliamentary colleagues.

Senator STOTT DESPOJA (South Australia) (5.08 p.m.)—I will speak briefly to the motion moved by Senator Webber on the parliamentary delegation to Indonesia. I think that she has provided an excellent summation of the observer mission and, indeed, I commend to the chamber the report that has been prepared on behalf of the chair of the delegation, Ms Margaret May. I would also like to put on record my thanks and congratulations to the members of the teams—to the Australian electoral and embassy officials. I would like to compliment our chair, the team leader, and to acknowledge that, for some period of the delegation, Senator Webber was the acting chair and I would like to thank her. I would also like to thank Minister Downer for the opportunity for parliamentarians to be a part of an ob-

server mission. As Senator Webber stated in her remarks, it was a distinctive feature of the Australian observer team and I think it is an important one.

The contribution by the Australian government of up to \$15 million to the Indonesian elections is an important part not of relationship building but of relationship strengthening between Australia and Indonesia. While this is my second opportunity today to record my ongoing fascination with and interest in the country of Indonesia, I will constrain my remarks. I would like to emphasise, as has Senator Webber and indeed the report, what an extraordinary logistical exercise this was. Senator Webber was right in describing it as the single largest election on any day in the history of the world as we know it. Some people may say, 'Aha, but what about India?' In actual fact, the distinction was not only the number of voters but also the number of elections taking place on that day. There were 24 political parties, 2,057 separate elections, 585,219 voting stations to be correctly equipped for a maximum of 300 voters at each station, 660 million ballot papers to print and distribute, 581,000 KPU members and staff to train, 3.9 million polling station staff to train, 1.1 million polling station security staff to train, 15,276 representatives to be elected and some 448,705 candidates. I love the idea of 24 political parties. It sends a message to some people who dare to complain about the number of minor parties in Australian politics.

It was an honour to be part of the delegation. It was an extraordinarily exciting opportunity and, as the report quite accurately reflects, the elections were relatively fair, free and peaceful. We were really excited to be a part of elections that perhaps had had a greater build-up than their outcome. The expectations of violence and other activities were greater than what actually happened on

the day. I would like to pay special tribute to the team members with whom I worked: Nic Notarpietro from AusAID, Dr Bradley Armstrong from the Australian Embassy in Jakarta and, of course, the AFP—Sean, thank you very much for your assistance.

I would like to pay tribute to every member of the delegation. It was really exciting to be part of such an accomplished, diverse and professional team—AusAID, DFAT, Defence, ONA, AFP and, of course, the embassy. In Australia, we are incredibly well served by these people and I know earlier Senator Eggleston in his remarks on the Joint Standing Committee on Foreign Affairs, Defence and Trade report, *Near neighbours—good neighbours: an inquiry into Australia's relationship with Indonesia*, referred to the importance of language. I might add for the record that I think it was only the members of parliament who were perhaps somewhat deficient in our knowledge of Bahasa—or, in my case in Bandung, my lack of Sundanese training—whereas our officials and bureaucrats were expertly trained and got us through all manner of situations and circumstances. I offer my tribute to them, my thanks to the government and the minister, and my best wishes to the Indonesian people and their government for a fair, free, peaceful and safe campaign with, of course, the presidential election due to take place on 5 July.

Question agreed to.

COMMITTEES

Legal and Constitutional References

Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Kirk)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.13 p.m.)—by leave—I move:

That Senator Stephens be appointed as a participating member of the Legal and Constitutional References Committee.

Question agreed to.

**ABORIGINAL AND TORRES STRAIT
ISLANDER COMMISSION
AMENDMENT BILL 2004**

ANTI-TERRORISM BILL 2004

**BANKRUPTCY LEGISLATION
AMENDMENT BILL 2004**

**EXPORT MARKET DEVELOPMENT
GRANTS AMENDMENT BILL 2004**

**FAMILY AND COMMUNITY
SERVICES AND VETERANS' AFFAIRS
LEGISLATION AMENDMENT
(INCOME STREAMS) BILL 2004**

**FARM HOUSEHOLD SUPPORT
AMENDMENT BILL 2004**

**INDUSTRIAL CHEMICALS
(NOTIFICATION AND ASSESSMENT)
AMENDMENT (LOW REGULATORY
CONCERN CHEMICALS) BILL 2004**

**SUPERANNUATION BUDGET
MEASURES BILL 2004**

**TAX LAWS AMENDMENT
(MEDICARE LEVY AND MEDICARE
LEVY SURCHARGE) BILL 2004**

**TAX LAWS AMENDMENT (2004
MEASURES No. 2) BILL 2004**

**TAX LAWS AMENDMENT (2004
MEASURES No. 3) BILL 2004**

**CUSTOMS TARIFF AMENDMENT
(FUELS) BILL 2004**

**EXCISE TARIFF AMENDMENT
(FUELS) BILL 2004**

**ELECTORAL AND REFERENDUM
AMENDMENT (ACCESS TO
ELECTORAL ROLL AND OTHER
MEASURES) BILL 2004**

**ELECTORAL AND REFERENDUM
AMENDMENT (ENROLMENT
INTEGRITY AND OTHER MEASURES)
BILL 2004**

**MEDICAL INDEMNITY (RUN-OFF
COVER SUPPORT PAYMENT) BILL
2004**

**MEDICAL INDEMNITY LEGISLATION
AMENDMENT (RUN-OFF COVER
INDEMNITY AND OTHER
MEASURES) BILL 2004**

**SUPERANNUATION LAWS
AMENDMENT (2004 MEASURES No. 1)
BILL 2004**

**SUPERANNUATION LAWS
AMENDMENT (2004 MEASURES No. 2)
BILL 2004**

TOURISM AUSTRALIA BILL 2004
**TOURISM AUSTRALIA (REPEAL AND
TRANSITIONAL PROVISIONS) BILL
2004**

First Reading

Bills received from the House of Representatives.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.14 p.m.)—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 TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.16 p.m.)—I table a correction to the Anti-terrorism Bill 2004, revised explanatory memoranda relating to the Bankruptcy Legislation Amendment Bill 2004, and the Medical Indemnity (Run-off Cover Support Payment) Bill 2004 and the Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Bill 2004, and a replacement explanatory memorandum relating to the Tourism Australia Bill 2004. I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

**ABORIGINAL AND TORRES STRAIT
ISLANDER COMMISSION AMENDMENT
BILL 2004**

The purpose of the bill before the Senate is to make major changes to the Australian Government's institutional structures in indigenous affairs in order to improve the lives of indigenous Australians.

The Government, along with the majority of the Australian community, believes that indigenous Australians should be able to enjoy the same opportunities as other Australians. We have consistently demonstrated our determination to achieve that end. In 2004-2005, we will allocate a record \$2.9 billion—39% more in real terms than in the last year of the Keating Government. The bulk of this funding goes to the practical areas of health, housing, education and employment.

While there have been real improvements as a result of this effort we believe that the rate of progress is not good enough. I am sure that most indigenous Australians would say that they are not getting value for money. The Productivity Commission report 'Overcoming Indigenous Disadvantage' reinforces the need for fundamental

change. No one can say that the current approach is working.

Going beyond the abolition of the ATSIC Board, replacement of Regional Councils and consequential amendments in this bill, the Government will be introducing radical and necessary changes to the way in which services are delivered to indigenous Australians.

The changes will build on what we have learnt from the whole of government approach adopted in the COAG indigenous trials currently operating in each State and Territory.

Over the last 30 years governments of both political persuasions have sought to implement measures to address the long-standing disadvantages experienced by Aboriginal and Torres Strait Islander people. These measures have included a range of programmes, legislation and representative structures.

Soon after the then Government established the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1990, it became evident that no single body could seek both to represent indigenous people and to make independent decisions about the allocation of funds. The Commission found it difficult to effectively advocate on behalf of indigenous people and to provide impartial advice to government.

The ATSIC experiment failed on a number of fronts. Its focus was almost exclusively on Australian Government programmes and services. The fundamentally important role of State and Territory governments was neglected. All too often the specialist indigenous agency, ATSIC, provided an excuse for mainstream departments to avoid their responsibilities to indigenous Australians. Moreover, only a very small proportion of eligible indigenous Australians bothered to vote in ATSIC elections.

The Government took a major step to address problems in ATSIC last year with the establishment of Aboriginal and Torres Strait Islander Services (ATSIS). This separated the representative functions from decision making on funding. However, this was a transitional arrangement which did not represent a long-term solution to the issues facing ATSIC.

A review of ATSIC delivered to the Government in November 2003 acknowledged a number of significant problems. These included a lack of leadership at the national level of ATSIC, insufficient connection between the national, regional and local levels of the organisation, and a lack of engagement between ATSIC and its constituents at the local level.

It is against this background that the Government has taken the decision to abolish ATSIC and overhaul the way in which services for indigenous Australians are delivered.

While the Labor Party says that it wants to abolish ATSIC its real goal seems to be to establish another elected national indigenous body. Government imposed bodies such as that which Labor is contemplating have failed in the past and no doubt will continue to fail in the future. Other countries with indigenous populations such as the USA and Canada do not have such government established bodies. It would be far more consistent with indigenous self-management for indigenous people to develop and establish their own representative bodies without government interference.

The aim of the new arrangements is to produce better outcomes for indigenous people. The programmes which ATSIC and ATSIIS were responsible for will be allocated to mainstream government agencies. One of the advantages of mainstreaming will be to focus the specialist service delivery expertise of mainstream agencies on specific aspects of indigenous disadvantage.

It is important to point out that ATSIC was never responsible for all Australian Government indigenous specific programmes. Indeed, in 1995 the previous Government transferred responsibility for indigenous health from ATSIC to the Department of Health and Ageing because of concerns about the performance of ATSIC.

It is also important to stress that no programmes will cease as a result of the changes we are making and existing levels of funding will continue.

We acknowledge the need for better coordination and for strengthening accountability. Accordingly we will be implementing a series of new measures to enhance coordination and accountability.

A Ministerial Task Force chaired by the Minister responsible for indigenous affairs will be established to provide whole of government leadership on indigenous issues. It will coordinate the Government's indigenous policies and report to Cabinet on directions and priorities in indigenous policy. The Ministerial Task Force will report annually to the Expenditure Review Committee of Cabinet on the performance of indigenous specific programmes and the allocation of resources across agencies.

A Secretaries Group will support the Ministerial Task Force. It will report annually on the outcomes of indigenous specific services. Secretaries will be directly accountable for successes and/or failures of specific programmes and services. Performance in indigenous programmes and services will be included in their performance agreements.

We are establishing a National Indigenous Council to provide policy advice to the Government at the national level. In particular, it will directly advise the Ministerial Task force on a range of indigenous issues. The National Indigenous Council will be a non-statutory body comprised of indigenous people with expertise and experience in key policy areas.

The new arrangements will be under-pinned by regional agreements as well as shared responsibility agreements at the local level. While some Regional Councils work well, arrangements for engaging with indigenous Australians at the regional and local level need to be improved.

We will be discussing the best way forward with the States and Territories, at the next meeting of the Council of Australian Governments. ATSIC's Regional Councils will have the opportunity for input and we recognise that different models are likely to emerge in different regions and jurisdictions.

A new Office of Indigenous Policy Coordination in the Department of Immigration and Multicultural and Indigenous Affairs will provide policy advice to the Minister, coordinate policy development and service delivery across government and oversee relations with State and Territory governments. It will also monitor the performance of government programmes and services including arrangements for independent scrutiny.

We will strengthen service delivery in the regions where a network of indigenous coordination centres in rural and remote areas will replace ATSIC/ATSIS offices. These centres will operate as a multi-disciplinary team offering a whole of government service to local communities.

The Government will expand the role of the Office of Evaluation and Audit, (OEA) currently located in ATSIC. This will be in addition to the role of the Australian National Audit Office and will provide a particular focus on the performance of those programmes. OEA will also continue to investigate the performance of bodies that obtain funding from indigenous specific programmes.

The legislation provides for the transfer of the Regional Land Fund to the Indigenous Land Corporation (ILC) and ATSIC's Housing Fund and Business Development Programme to Indigenous Business Australia (IBA). The bill also makes provision for the ILC to give funds to IBA to allow it to promote economic development on the land the ILC acquires for indigenous people.

The Torres Strait Regional Authority (TSRA) which provides a range of indigenous specific services to Torres Strait Islanders living in the Torres Strait will continue to perform its current role. The TSRA had some time ago separated its representative and funding functions and is working effectively in meeting the needs of Torres Strait Islanders in the Torres Strait.

The Torres Strait Islander Advisory Board which provided advice to ATSIC about issues affecting Torres Strait Islanders on the mainland will cease to exist as a result of the abolition of ATSIC. Torres Strait Islanders living on the mainland will be represented on the National Indigenous Council.

Labor has expressed concern about some of the consequential changes to other Acts contained in the bill. These concerns are based on a misunderstanding of what the bill does. Labor has said, for example, that the bill proposes that the Secretary of the Attorney-General's Department will be responsible for determining funding for Native Title Representative Bodies. This part of the Native Title Act (Part 11) has never been the responsibility of the Attorney-General. It has always been administered by the Minister responsible for indigenous affairs. This will continue to be the case, and with the abolition of ATSIC the deci-

sions on funding will be made by the Secretary of the Department of Immigration and Multicultural and Indigenous Affairs.

Labor also says that the bill removes the requirement for indigenous representation on the National Health and Medical Research Council. This is simply not correct. The Council will continue to include a person with a knowledge of the health needs of indigenous people, who is most likely to be an indigenous person. All the bill does is to remove the requirement that the person be nominated by ATSIC.

The bulk of reforms that we propose do not require legislation and will be introduced administratively on 1 July 2004 regardless of Labor's delaying tactics. However, there is a cost to the taxpayer of retaining the ATSIC Board while Labor goes through another needless round of consultations. The salary package for the Board alone is a significant \$52,000 per week.

Labor seems unconcerned about public money being used to keep the discredited shell of ATSIC in existence for no purpose. The Government had considered that there was bi-partisan support to abolish ATSIC swiftly and decisively. Clearly we were mistaken as was the Australian public.

Labor cannot have it both ways—if it is interested in true reform and making a difference the old model cannot be kept afloat for a further period while Labor finds a way to rebadge it. That is neither courageous nor constructive.

We have heard Labor criticise the Government for not consulting enough with the very people this bill will affect. Nothing could be further from the truth. A thorough and extensive consultation process was undertaken involving two major rounds of public consultation. 8,000 copies of the ATSIC Review's Public Discussion Paper were mailed out and a specific website was established.

Furthermore, the Review panel met with a wide range of stakeholders across the nation, including each of the 35 ATSIC Regional Councils and received 156 written submissions. A number of Regional Councils chose to invite community members to participate.

In summary, the public consultations revealed widespread disillusionment and dissatisfaction on the part of indigenous Australians with ATSIC.

Indeed, it will surprise no-one if referring this bill to a Committee results in the same conclusions being reached. Replacing ATSIC with another body or several mini ATSICs as Labor seems to want will not ensure that imposed structures are removed so that indigenous people can speak for themselves.

Referring this bill to a Committee is a terrible waste of resources—the indigenous communities have spoken, and loudly. For those who wish to listen, that is.

ANTI-TERRORISM BILL 2004

This is a Bill to strengthen Australia's counter-terrorism laws in a number of respects—a task made more urgent following the recent tragic terrorist bombings in Spain which resulted in the loss of 190 innocent lives.

The safety and security of its population and national interests is the most important responsibility of any government.

It is a responsibility this government takes very seriously.

Our response to the threat of terrorism has been comprehensive and wide ranging.

Since the devastating September 11 attacks in New York and Washington, the Government has overhauled Australia's legislative framework in relation to terrorism, to complement existing laws that already targeted terrorism.

But it is a task that is ongoing.

In the current environment, complacency is not an option.

Our counter-terrorism laws require review and, where necessary, updating if we are to have a legal framework capable of safeguarding all Australians from the scourge of terrorism.

This government has worked hard to ensure that the reach of Australia's criminal justice system extends to cover terrorists by eliminating loopholes and gaps.

We have updated the federal Criminal Code to ensure that our offence regime comprehensively responds to terrorism.

The Security Legislation Amendment (Terrorism) Act 2002 introduced a suite of offences into the

Criminal Code targeting persons involved in terrorist acts or terrorist organisations.

It is now appropriate to improve the capability of Australia's law enforcement agencies to properly investigate these new terrorism offences.

Since 11 September 2001, the AFP have, sadly, had experience in investigating acts and allegations of international terrorism.

They cooperated closely with Indonesian authorities investigating the Bali bombings.

That experience has revealed that issues such as differences in international time zones may substantially reduce the time available during the investigation period to actually question a suspect.

The Bill responds to these issues in two concrete ways.

First, it extends the fixed investigation period under Part 1C of the Crimes Act for investigations into suspected terrorism offences.

At present, an initial period of 4 hours is available for any investigation, including investigations into terrorism offences, with a further 8 hours available for serious crimes if authorised by a magistrate or other judicial officer.

While this limit has worked well in relation to conventional offences and a time limit is necessary to maintain confidence in the reliability of evidence, it is an inadequate length of time in which to question suspects in the context of complex terrorism investigations that may have international aspects.

The Bill would maintain the initial investigation period of 4 hours, however it would provide for this period to be extended for up to a further 20 hours.

This would give a maximum investigation period of 24 hours.

As with any extension of the fixed investigation period, each extension would have to be authorised by a magistrate or other judicial officer.

The magisterial supervision and other safeguards, such as 'dead time' to allow a person arrested to rest and recuperate before and during questioning, should ensure that the reliability of evidence is not compromised.

Secondly, the Bill permits law enforcement agencies to reasonably suspend or delay questioning a person suspected of committing a terrorism offence to make overseas inquiries to obtain information relevant to that terrorism investigation.

At present, the Part 1C questioning regime does not permit investigators to make overseas inquiries without running down the investigation 'time clock' or, worse still, releasing the suspect.

Given that terrorism investigations will often have an international dimension it is vital that authorities be able to make overseas inquiries without compromising their obligation to question a suspect fully.

And with international time zones a likely cause of delay in responding to requests for information and assistance from Australian authorities, the Bill prescribes this time as 'dead time' so that it does not exhaust the finite investigation period.

In adjusting Australia's investigatory procedures to meet the new terrorist environment, the government recognises the need to ensure that appropriate safeguards are put in place to maintain the balance between security and individual rights and freedom.

That is why this extension would only apply to investigations of relevant terrorist offences under the Criminal Code.

And any decision to suspend or delay questioning to make overseas inquiries must be reasonable in the circumstances and must only last for a reasonable period that does not exceed the amount of the time zone difference.

And that is why all the existing safeguards in Part 1C of the Crimes Act will continue to apply to terrorist suspects being investigated in accordance with the Crimes Act regime.

These safeguards include:

- a suspect's right to communicate with a legal practitioner, friend or relative, an interpreter and a consular office
- a suspect's right to remain silent
- requiring the tape recording of any admissions or confessions made by a suspect as a pre-condition for admissible evidence, and
- a suspect's right to a copy of recorded interviews.

These amendments will greatly improve the ability of Australia's law enforcement authorities to effectively enforce our terrorism laws.

The bill also amends the Crimes (Foreign Incursions and Recruitment) Act.

The recent armed conflict in Afghanistan demonstrates that in today's security environment terrorist organisations may be acting in collaboration with the armed forces of a foreign state.

In future conflicts there is a real possibility that the terrorist organisations will continue to operate with the armed forces of sympathetic foreign states.

The Crimes (Foreign Incursions and Recruitment) Act was designed to prohibit Australian citizens and those ordinarily resident in Australia from engaging in hostile activities in a foreign state.

Currently, a person does not commit an offence under the Foreign Incursions Act if the person commits hostile activities while serving in any capacity in or with the armed forces of a foreign state.

As a result, where a terrorist organisation is part of the armed forces of a government, a person involved in that terrorist organisation will not be liable for an offence under the Foreign Incursions Act.

The Bill gives the Government the power to prescribe organisations for the purposes of the Act.

Engaging in hostile activities while in or with a prescribed organisation will not be excused on the basis that the organisation was part of the armed forces of a foreign state.

In recognition of the serious nature of the hostile activities prohibited by the Foreign Incursions Act, the Bill will increase the maximum penalty for committing a hostile activity to twenty years imprisonment.

Currently, the Foreign Incursions Act is only applicable to a non-Australian citizen or resident if the person was in Australia at any time during the year preceding the doing of an act which is an offence against the Act.

This means that a person who is not a citizen or resident escapes the reach of the Foreign Incursions Act on day three hundred and sixty six.

The Bill will amend the Foreign Incursions Act to make it clear that a person, whether or not an Australian citizen or resident, who was in Australia at any time for a purpose connected with a hostile activity will be liable for prosecution under the Act.

The Foreign Incursions Act provides for three types of ministerial certificates, two serving as prima facie evidence of the facts recognised in the certificates and one serving as conclusive evidence of recognised facts.

The three types of certificates relate to facts that are difficult to prove or that may have implications for Australia's international relations because of the political nature of the facts (for example, whether a place or an area is or is in an independent sovereign state, whether a person was acting in the course of his duty to the Commonwealth and whether an authority was in effective governmental control of a state or part of a state).

Proving whether a group or organisation is part of the armed forces of a state is similarly difficult to prove and may also have implications for Australia's international relations.

Recognising this fact, the Bill contains an amendment enabling a Minister to issue a certificate attesting to the fact that a group was not part of the armed forces of a state at any one time.

Such a certificate would be prima facie evidence of the fact stated therein.

These amendments to the Foreign Incursions Act modernise the Act and ensure that it remains a valuable legislative tool in protecting Australia's national security and holding persons accountable for their acts committed both within Australia and overseas.

The Bill also amends the Criminal Code to make it an offence for a person to be a member of an organisation found by a court to be a terrorist organisation on the basis of facts presented in the course of a trial, where that organisation is not listed in regulations as a terrorist organisation.

This amendment will bring the membership offence provisions in line with the other terrorist organisation offence provisions, which apply both in relation to terrorist organisations listed in regu-

lations and organisations found to be terrorist organisations by a court.

The effect of the proposed amendment would be to return the membership offence in Division 102 of the Criminal Code to its original form as set out in the Security Legislation Amendment (Terrorism) Bill when it was introduced in 2002.

The inconsistency between the membership offence and other terrorist offences was the result of pressure exerted by the Senate during the passage of the Bill.

It does not make sense to have a membership offence which will not apply in circumstances where a court finds that an organisation is a terrorist organisation, and where all other terrorist organisation offences do apply.

A further amendment to section 102.5 of the Criminal Code will introduce modified offences of providing training to or receiving training from a terrorist organisation.

The first offence will apply where a person is reckless as to whether an organisation is a terrorist organisation.

The second offence, which introduces a strict liability component, will apply only in the case where a terrorist organisation has been specified by regulations under Division 102 of the Criminal Code.

The effect of the proposed strict liability provision is that the prosecution still has to prove that the person intentionally provided training to or intentionally received training from an organisation, and that the organisation is a terrorist organisation specified by regulations.

However, the prosecution would not have to prove that the person was aware that it was a specified terrorist organisation.

A person will have available a defence of mistake of fact.

In addition, the offence will not apply if the person is not reckless as to the organisation being a specified terrorist organisation.

The effect of this amendment is to place an onus on persons to ensure that they are not involved in training activities with a terrorist organisation.

This amendment will send a clear message to those who would engage in the training activities

of terrorist organisations, which could result in an attack of the kind seen in New York or in Bali, that they can expect to be dealt with harshly.

The last set of amendments concern the Proceeds of Crime Act.

The need for strong and effective laws for the confiscation of proceeds of crime is self-evident and has been considered and supported by this Chamber in the past.

The purpose of such laws is to discourage and deter crime by diminishing the capacity of offenders to finance future criminal activities and to remedy the unjust enrichment of criminals who profit at society's expense.

Literary proceeds are one aspect of the Proceeds of Crime Act.

The literary proceeds regime prevents criminals exploiting their notoriety for commercial purposes.

Orders can be made, for example, where criminals sell their stories to the media. Proposed amendments to the regime will further limit the ability of a person to profit from crime.

Literary proceeds include any benefit that a person derives from the commercial exploitation of his or her notoriety resulting from that person committing an indictable or foreign indictable offence.

Three sets of amendments to the Proceeds of Crime Act are proposed.

The first amendment will extend the operation of the Proceeds of Crime Act for foreign indictable offences beyond literary proceeds derived in Australia to also cover literary proceeds that have been derived elsewhere and then subsequently transferred to Australia.

The second set of amendments concern the definition of 'foreign indictable offence'.

For a literary proceeds order to be made for such an offence, the conduct must also have been an offence under Australian law punishable by at least 12 months imprisonment if it had occurred in Australia.

The Government proposes to amend the definition of 'foreign indictable offence' to clarify that the time at which the double criminality test is to be applied is the time of the application for the

restraining or confiscation order in question, whichever comes first.

The definition of 'foreign indictable offence' will also be amended to make it clear that the term includes an offence triable by a military commission of the United States under a specified military order.

This will ensure that a person convicted of an offence by certain US military commissions cannot exploit his or her notoriety from that offence for commercial gain and derive proceeds in Australia or transfer such proceeds to Australia.

Third, the Act requires that any benefit that a person derives from the commercial exploitation of the person's notoriety results from the person having committed an indictable or foreign indictable offence.

This final amendment to the Act will make it clear that the notoriety need only be indirectly linked to the offence for an order to be made.

For example, the notoriety could flow from where the person was detained rather than from the commission of the offence.

BANKRUPTCY LEGISLATION AMENDMENT BILL 2004

The Bankruptcy Legislation Amendment Bill 2004 will make important changes to Part X of the Bankruptcy Act 1966.

The bill follows a review of the operation of Part X undertaken by the Insolvency and Trustee Service Australia and the Attorney-General's Department.

The review was conducted in response to concerns that Part X arrangements were being manipulated by some debtors to avoid paying their debts.

The reforms generally have three objectives:

- to increase the disclosure requirements of debtors, creditors and trustees involved in Part X arrangements;
- to simplify the process for establishing these arrangements by replacing the current three types of arrangements and replacing them with a single form of arrangement to be called a personal insolvency agreement; and

- to provide a simpler and more consistent process for setting aside and terminating Part X arrangements.

A key finding of the review was that Part X arrangements continue to have an important place in Australia's personal insolvency system as a formal alternative to bankruptcy allowing debtors to come to binding arrangements with creditors for payment or settlement of outstanding debts.

However, there were a number of areas identified in which improvements could be made to increase confidence in these arrangements.

A critical feature of Part X arrangements is that the debtor's proposal must be accepted by creditors.

The creditors are asked to make a decision based on information provided to them and following an opportunity to question the debtor at a creditors' meeting.

It is vital that creditors have available to them all information which is relevant to the debtor's proposal and affairs.

This must include information about relationships between the debtor and controlling trustee and between the debtor and other creditors.

As a result, the Bill proposes amendments to ensure that creditors have early access to the debtor's statement of affairs and that the debtor and controlling trustee are required to make written declarations of any relationships of which creditors should be aware prior to making a decision whether or not to accept the debtor's proposal.

The Bill also proposes amendments which will reduce the complexity of Part X and improve its transparency.

Even the description "Part X arrangements" has been inadequate to describe, for the benefit of debtors and creditors alike, what these arrangements are intended to achieve.

Therefore, the Bill proposes to replace the three existing types of arrangements under Part X with a single type of arrangement to be called a personal insolvency agreement.

A personal insolvency agreement, as described in the Bill, will provide greater choice and flexibility to debtors and creditors.

The debtor's proposal must contain provisions which will give creditors a clearer picture of what they are being asked to accept.

For example, the proposal must detail the property and income to be covered by the agreement and state:

- how that property or income is to be dealt with
- whether the normal rules for distribution of dividends apply or whether property is to be distributed in another way
- whether the antecedent transactions provisions of the Act apply, and
- whether and to what extent the agreement will operate to release the debtor from his or her provable debts.

The Bill also proposes amendments to streamline the process for setting aside and terminating personal insolvency agreements.

Currently, there are numerous provisions dealing with when a Part X arrangement is void and for termination of an arrangement.

The amendments will consolidate these provisions so it is clear that there is a single process and set of grounds on which a personal insolvency agreement can be set aside and a single process and set of grounds for terminating a personal insolvency agreement.

Many of the issues which may undermine the integrity of Part X arrangements can also arise in relation to post-bankruptcy schemes of arrangement and compositions under Division 6 of Part IV of the Act.

Therefore, this Bill also includes amendments to those provisions particularly in relation to the disclosure obligations of debtors, creditors and trustees.

These amendments will mirror those being made to Part X.

Finally, the Bill will make some minor and technical amendments to improve the operation of the Bankruptcy Act and correct a drafting error in the transitional provisions contained in the Bankruptcy Legislation Amendment Act 2002.

EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2004

The Export Market Development Grants Amendment Bill 2004 provides that grants are not payable where the applicant or the applicant's associates are deemed by Austrade, according to Ministerial guidelines, to be 'not fit and proper' persons to receive a grant.

The Australian Government strongly supports the EMDG scheme. Each year the Government commits \$150.4 million to assist small and medium Australian businesses into the ever-increasing export market by partially reimbursing their eligible expenses.

The scheme is consistently hailed as a benchmark of effectiveness in terms of a Government industry support program. In recent years it has become increasingly popular within the export community. Last year over 3,700 small and medium businesses received grants through the scheme. These businesses generated \$5.5 billion in export revenue and reported employment of over 122,000 Australians.

The Government has a continuing focus on assisting small and medium Australian businesses. This is evidenced nowhere better than through the EMDG scheme. Last year 65 per cent of EMDG recipients were employing 20 people or less. Equally importantly, 860 or 23 per cent of grants were paid to businesses in rural and regional Australia.

Currently, under the EMDG Act 1997, even if an applicant may otherwise have been eligible for a grant, there are provisions that determine circumstances in which a grant will not be paid. Sections 85 to 87A specify that grants are not payable if the applicant is not a resident of Australia, does not have an Australian Business Number, has outstanding disqualifying convictions or is under insolvency administration.

What the legislation does not presently allow for is the non-payment of a grant to an applicant who may be viewed by the Australian community as an inappropriate person to represent and promote the public interest of Australia in relation to trade outside Australia, whether by reference to his or her trading history or otherwise.

This Government does not condone behaviour considered by the Australian electorate to be inconsistent with accepted community standards of commercial and personal propriety. We have a duty to taxpayers to ensure that grants paid via Government schemes are not paid to recipients other than those who meet these standards.

Austrade will only be able to make such decisions with reference to Ministerial guidelines, which I will table shortly. The consent of an applicant or his or her associates will be required prior to Austrade undertaking criminal or other relevant checks.

The proposed changes are to take effect for EMDG claims from the 2003-04 EMDG grant year. In other words, this provision will apply to applications received and grants paid from 1 July 2004 onwards.

FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (INCOME STREAMS) BILL 2004

This Bill gives effect to two measures announced earlier this year in the Government's Statement "*A more flexible and adaptable retirement income system*". These measures change the social security and veterans' affairs means test assessments of income streams to:

- provide a 50% assets test exemption for a new product, 'market-linked income streams' from 20 September 2004; and
- change the available assets test exemption from 100% to 50% for certain non-commutable income streams purchased from 20 September 2004.

The Bill also contains amendments to align the characteristics of life expectancy income streams with those of the new market-linked income stream product and a variation to the guarantee period for assets test exempt lifetime income streams.

Social security pension and allowance payments are intended for people who, because of age, disability, unemployment, or caring responsibilities, are unable to adequately support themselves. Social security payments are targeted to those most

in need through the assets and income tests. These are collectively known as 'the means test'. The means test is the fairest way to ensure that the limited taxpayer funds available for social security expenditure go to those in greatest need.

The assets test is based on the principle that people with substantial assets apart from their home should use those assets either directly or to produce income to meet day to day living expenses before calling upon community resources for income support through the social security system. In order to encourage customers to maximise their private income from employment or investments, an 'income free area' is allowed before income starts to affect social security payments.

At present, income streams that meet certain criteria are "asset-test exempt" for the purposes of the means test. This means that the asset value of the income stream is not taken into account when determining a person's eligibility for a social security payment.

This Bill gives effect to two measures announced earlier this year in the Government's Statement "*A more flexible and adaptable retirement income system*". These measures change the social security and veterans' affairs means test assessments of income streams to:

- extend assets test exempt status for a new product, 'market-linked income streams' from 20 September 2004. This product will offer market returns but the purchaser will not be able to withdraw his or her capital before the term of the product has ended (ie it is non-commutable); and
- changing the social security assets test exemption from 100% to 50% for non-commutable income streams that are purchased from 20 September 2004 and meet the requirements for exemption from the assets test.

The extension of assets test exempt status to the new 'market-linked income streams' is intended to increase competition in the provision of income stream products. Customers will also benefit from having greater choice in selecting an income stream that best meets their retirement needs.

Currently insurance-based income streams, because they provide stable income payments over a guaranteed period, are given concessional tax and social security treatment. Consumers can only select a product that offers a guaranteed but generally low return. This new product will offer potentially higher, but more variable market returns. As with current income streams that receive concessional treatment under the assets test, the purchaser will not be able to withdraw his or her capital before the term of the product has ended.

The change in the assets test exemption from 100% to 50% for 'purchased' asset test exempt income streams is intended to ensure that the age pension is paid to those who need it most. Despite the change, a 50% exemption retains a significant incentive for individuals to purchase income streams. Even after the commencement of this legislation, it will be possible for couples to invest up to \$900,000 in a complying income stream and still receive some age pension.

All assets test exempt income streams purchased before 20 September 2004 will continue to receive a 100% assets test exemption. This means that no current customers will be affected by this change.

The Bill also contains provisions to align the characteristics of life expectancy income streams products with those of the new market-linked income stream products. The alignment will ensure that these products are treated in a consistent manner under the means test. This will allow individuals to compare the products based on their characteristics, and not short term differences between the expected annual payments.

The Bill also extends the guarantee period for asset-test exempt lifetime income streams. The current means test rules stipulate that an asset test exempt lifetime income stream may only be commuted if the primary beneficiary dies within a 10 year period of purchasing the income stream. The Bill will extend this period to allow a lifetime income stream to be commuted provided the primary beneficiary dies within a period equal to his or her life expectancy or within 20 years of purchasing the income stream, whichever is the lesser.

**FARM HOUSEHOLD SUPPORT
AMENDMENT BILL 2004**

Farm Help introduction

The purpose of the Farm Household Support Amendment Bill 2004 is to extend the Government's Farm Help—Supporting Families Through Change programme and renew its focus to support decision making by low income farmers 'who can no longer borrow against their assets' to make changes to their situation. The Bill extends the programme to 30 June 2008.

Passage of the Bill will also give effect to a number of amendments that aim to improve the effectiveness and administration of the Farm Help programme and ensure that it reaches low income farmers most in need. There will be an increased emphasis on using strategic information, analysis and professional advice to support decision-making. The extension of the Farm Help programme and its associated changes will not affect the ongoing Exceptional Circumstances Relief Programme.

Farm Help has been operating since December 1997 to facilitate adjustment by providing a welfare safety net to people on farms in severe financial difficulty. It was a core component of the Australian Government's flagship Agriculture—Advancing Australia package announced in 1997.

The Farm Household Support Amendment Bill 2004 will give effect to the Government's 2004 Budget commitment to extend the Farm Help programme until 30 June 2008 as a key component of the ongoing Agriculture—Advancing Australia package. In the 2004-05 Federal Budget the Triple-A package received a \$238 million injection, of which \$134.9 million over four years is allocated to the Farm Help programme. The funding brings the total provision for the Agriculture—Advancing Australia package since 1997 to over \$1 billion.

Continued support for the Farm Help programme demonstrates that the Government is delivering on its commitment to people managing farms in rural and regional Australia and helping them build their capacity to manage risk, adopt new practices and improve strategic planning and decision making.

Programme achievements to date

The direct target group of the Farm Help programme to date has been low income farm families in severe financial difficulty. These people are eligible if they meet means testing requirements, satisfy the eligibility requirements and can no longer borrow against their assets.

The assistance provided through Farm Help is flexible and can be tailored to meet the needs of each farm family. The programme provides up to 12 months income support at the Newstart Allowance rate; a grant for professional advice and training such as financial, legal and business planning, to assist recipients to make decisions about their future in farming; and a re-establishment grant (currently up to \$45,000) for people who decide to leave farming and sell the farm. Farm Help is due to conclude on 30 June 2004.

Farm Help has a long record of achievement. Since the programme commenced on 1 December 1997 to 30 April 2004 over 8,600 farmers have received Farm Help income support and over 1,000 farmers have received re-establishment assistance.

What are the changes to the programme?

A major aim of the Farm Help programme is to support low-income farmers in their decision-making to make changes to their situation. The Farm Household Support Amendment Bill 2004 introduces a number of procedural and administrative changes to the Farm Help programme and its associated instruments that will enable the programme to operate more effectively and to better reach its target recipients. These changes will be reflected in the Farm Household Support Act 1992, in the Act's disallowable instruments, the Farm Help Re-establishment Grant Scheme and the Farm Help Advice and Training Scheme and in Regulations prescribed by the Act.

The changes have emanated from the on-going monitoring of the programme's performance, a mid-term evaluation of Farm Help and the Performance Audit of Key Agriculture—Advancing Australia Programmes undertaken by the Australian National Audit Office in 2003.

Eligibility for the amended Farm Help programme

New requirements for income support and re-establishment grants mean that a person will have to undertake financial advice and develop their activity plan prior to receiving income support (except in cases of hardship), and prior to receiving a re-establishment grant. Farmers will be encouraged to approach the programme as an opportunity to gain information and skills that will support a better outcome for them and their families in the long term.

Changed object of the Act

The object of the Act has been amended to refer separately to the objects of the Exceptional Circumstances Relief Payment and Farm Help income support. This is to ensure that there is no interpretation by the Courts that the two schemes are intended to be the same. The Exceptional Circumstances Relief Payment focuses on welfare for farmers in declared exceptional circumstance situations. The Farm Help programme no longer focuses on welfare, but on adjustment. It will however, continue to provide short term financial assistance to farmers who are experiencing difficulty in meeting living expenses and are unlikely to obtain a loan from a financial institution, while they take action to improve their long term financial situation either on or off the farm.

Programme extension

The Farm Household Support Amendment Bill 2004 proposes a programme extension to 30 June 2008, with applications for income support and the re-establishment grant closing on 30 June 2007. Income support payments will conclude on 30 June 2008, professional advice and training grant expenditure must be finalised by 30 June 2008, and the sale of farm enterprises must be completed by 30 June 2008. Provision has been made in the 2004-05 Budget for residual expenditure of \$2 million in 2008-09 to finalise re-establishment grants, advice and training grants and Centrelink delivery costs.

Provision will be made for any further extensions of the Farm Help program (beyond June 2009) to be made by Regulation.

Increasing re-establishment grant

The re-establishment grant will be increased to \$50,000 (up from \$45,000). This change will be made in the Farm Help Re-establishment Grant Scheme 1997.

Clarifying the process for a person applying for Farm Help income support

Under the revised programme, a person will apply for the advice and training grant (rather than income support) to enable them to obtain advice about their inability to obtain finance and develop an activity plan. These requirements will need to be undertaken prior to any claim for income support or a re-establishment grant.

Undertaking financial assessments

Currently farmers who join the programme are required to arrange a financial assessment of their farm business within three months. Under the enhanced programme, farmers will be required to undertake the financial assessment of their farm business and develop an activity plan before their income support can commence. An adviser, prescribed by a Regulation enabled by the Act, will make an assessment of the farmer's likelihood of accessing further finance, removing the requirement for bank certification.

This amended process is intended to maximise recipients' opportunities to make decisions about their future and to implement change, while they receive income support under the programme for up to twelve months.

The removal of the requirement for a Certificate of Inability to Obtain Finance addresses concerns by banks and their clients that obtaining the Certificate might jeopardise a person's future borrowing arrangements.

Hardship provision

This provision has been included to vary the process for people in severe financial hardship for Farm Help. To qualify for this provision, a person will be an eligible farmer for the purposes of the programme. The liquid assets of a person and their partner at the time of application will be not greater than the total amount of Newstart Allowance that would have been payable in the immediately preceding six weeks if the person were

entitled to Newstart Allowance and had no other income.

Hardship provision recipients will be provided with income support for a period of up to three months while they undertake their financial assessment and develop their activity plan. Income support will cease if they have not done this within the three month period. This provision will not require people to sell farm assets. The recipient will then be assessed in order to qualify for the remainder of their income support. Income support which is paid under the hardship provision, will not be an additional period to the twelve months available for income support.

Ensuring mutual obligation through ongoing review

Mutual obligation under the Farm Help programme will be strengthened. It is intended that activity plans will be reviewed quarterly by Centrelink and recipients to ensure that programme recipients are making effective use of programme elements to support informed decision-making and/or improvements in their farm business. In particular, Farm Help recipients will be encouraged to maximise their use of the opportunity to access the professional advice and training grant.

Amendments to the Farm Household Support Act will enable reviews to be conducted of re-establishment grant recipients to determine whether they are complying with their undertaking not to re-enter farming within 5 years of receiving the re-establishment grant. A provision has been included which enables the Australian Government to recover grants where a person has re-entered farming within five years of receiving the grant. This provision is being transferred from the Re-establishment grant instrument.

Suspension of Farm Help

Participants are no longer able to suspend their Farm Help income support to access the Exceptional Circumstances Relief Payment and then return to Farm Help income support. This is to encourage farmers to approach the programme as an opportunity to gain information and skills that will support a better outcome for them and their families in the long term. This amended process is intended to maximise recipients' opportunities to make decisions about their future and to then

implement change, while they receive income support under the programme for up to twelve months.

A farmer is able to apply for Exceptional Circumstances Relief Payment after their completion of the Farm Help programme. There is provision to terminate Farm Help income support if a person or their partner is in receipt of an Exceptional Circumstances Relief Payment. This removes the possibility of a person or a couple receiving Farm Help income support and the Exceptional Circumstances Relief Payment at the same time.

Conclusion

The Government remains committed to the development of self-reliant, competitive and sustainable rural industries. It also recognises that there are significant pressures on farmers to remain on the land and that some farmers, often for reasons beyond their control, are unable to keep up with the pace of change.

Passage of this Bill will enable eligible low income farmers coping with change in the farming industry, to have the opportunity to make informed decisions about their future in farming, while giving them financial security and access to advice to make their decision.

It also has a significant emphasis on mutual obligation for people receiving assistance—in terms of making progress to implement decisions in relation to improving their farm business, seeking alternative sources of income, or leaving the industry. The extension of the Farm Help programme and its associated changes will not affect the ongoing Exceptional Circumstances programme. The amendments to create a more effective Farm Help programme are designed to promote earlier decision-making by recipients and emphasise a mutual obligation, with the objective of encouraging adjustment.

INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (LOW REGULATORY CONCERN CHEMICALS) BILL 2004

The Industrial Chemicals (Notification and Assessment) Amendment (Low Regulatory Concern Chemicals) Bill 2004 makes a number of changes to the Industrial Chemicals (Notification and As-

assessment) Act 1989 (the Act). The Act establishes a system of notification and assessment of industrial chemicals to protect health, safety and the environment and to provide for registration of certain persons proposing to introduce industrial chemicals. The Department of Health and Ageing portfolio, through the National Industrial Chemicals Notification and Assessment Scheme (NICNAS), administers the Act.

The proposed changes give effect to the Government's response to the recommendations of the Chemicals and Plastics Action Agenda in December 2002. This response indicated the Government's agreement to examine options for flexibility in the assessment processes for industrial chemicals.

The industry has taken the Chemicals and Plastics Action Agenda very seriously and is monitoring government and industry progress in implementing the recommendations through the Chemicals and Plastics Leadership Group. Regulation reform was considered a high priority for the chemicals and plastics industry and the proposed changes will address long-standing industry concerns about the need for more efficient approval processes for industrial chemicals.

The chemicals industry is one of the largest sectors in the world. In Australia in 2000-01 the chemicals and plastics industry contributed \$6.9 billion in industry value added with an annual turnover of approximately \$24.6 billion (ABS Publication Catalogue 8221.0). Exports in 2000-01 were valued at \$3.3 billion and imports at \$12.4 billion (ABS Data provided to the Department of Industry Tourism and Resources). Chemicals are integral components of most manufactured and processed primary products. The proposed amendments are aimed at enhancing Australian industry capacity and addressing issues raised by industry in the Chemicals and Plastic Action Agenda, including concerns that the current:

- notification and assessment requirements under the Act can result in delays to the introduction into Australia of new chemicals with low hazard and/or low risk;
- NICNAS arrangements do not provide enough incentive to industry to encourage the introduction of safer, more environmen-

tally friendly industrial chemicals to the Australian marketplace; and

- criteria for the notification and assessment of new chemicals are restrictive and may delay for several months the commercial introduction of an otherwise low risk chemical.

Concerns have also been raised by industry that the Government is not acting quickly enough to introduce the proposed amendments.

The proposed changes to the Act are the result of seven months of collaborative effort on the part of the government, industry and the community. This led to the publication of the Final Report and Recommendations for NICNAS Low Regulatory Concern Chemicals (LRCC) Reform Initiative and the Implementation Strategy for NICNAS Low Regulatory Concern Chemicals (LRCC) Reform Initiative in August 2003. The proposed changes to the Act are based on the recommendations that were agreed during the reform consultation process and recorded in these publications.

The Bill encompasses a package of amendments that must be considered in the context of the entire package. This package delivers reform for industry while protecting existing levels of worker safety, public health and environmental standards.

One of the specific changes proposed in the Bill is the introduction of a new process of audited self-assessment for low regulatory concern chemicals.

The OECD New Chemicals Task Force and the EU have praised the audited self-assessment process as a highly innovative approach and are looking at how it might be adopted within their jurisdictions. Adopting this process within Australia requires amending the Act to allow manufacturers and importers, who are known as introducers under the Act, to self-assess a chemical against criteria and guidelines issued by NICNAS. This will introduce flexibility into the current assessment process for industrial chemicals to enable the fast tracking of low regulatory concern chemicals while maintaining existing levels of worker safety, public health and environmental standards.

The new process for audited self-assessment will include an audited self-assessment certificate for

polymers of low concern; non-hazardous chemicals; and other chemicals, or classes of chemicals that are prescribed by the regulations for the purposes of the self-assessment system.

The new self-assessment provisions will be counter-balanced with corresponding penalty provisions under the Act. All holders of self-assessment certificates will be required to keep self-assessment data records for five years; to submit an annual report to NICNAS; and to comply with any notices from NICNAS requiring information relating to self-assessment data. Penalties will be imposed on introducers for breaching any of these requirements.

The changes to the Act also introduce new permit categories for low regulatory concern chemicals and adopt administrative processes for some permit renewals. This includes:

- a low hazard permit for chemicals of low volume; and
- a permit category for controlled use chemicals.

Changes to the permit system also include expanding the early introduction permit system to cover low hazard and low risk chemicals.

Again, these new provisions will be counter-balanced with corresponding penalty provisions for breaches of permit conditions under the Act.

A range of new exemptions is also proposed for low regulatory concern chemicals. The new exemption categories include:

- a Transshipment Exemption for chemicals off-loaded at an Australian port or airport for less than 30 days and kept under the control of Customs before reshipment out of Australia;
- an exemption for non hazardous and low hazardous non-cosmetic chemicals of specified volumes;
- an exemption for low concentration non-hazardous cosmetic chemicals imported in specified mixtures;
- an increase to the current exemption for research, development and analysis and the general exemption for low volume chemicals.

These exemption categories will also be subject to reporting requirements and audits by NICNAS inspectors. It will be an offence to breach any of the exemption requirements and penalties will be incurred as a result.

It is also proposed that the current company registration scheme be extended to cover the broader industrial chemicals industry. Presently, the company registration scheme only covers those who import and/or manufacture industrial chemicals over a certain annual threshold amount, which is currently \$500,000 per year. Introducers over this threshold are currently required to register with and pay a company registration charge to NICNAS.

Under the changes, this scheme will be extended to cover all importers and manufacturers of industrial chemicals, regardless of the amount imported and/or manufactured each year. Essentially, this means that all importers and manufacturers of industrial chemicals will be required to register with NICNAS. Introducers below the threshold will continue to be exempt from paying company registration charge and only an annual administration fee (\$336) will apply to these introducers. This will only be a minor impost on industry and is necessary because NICNAS is a fully cost recovered scheme.

This proposal for mandatory registration is not controversial and in fact was suggested by industry during the reform consultation period as a way of increasing industry knowledge of NICNAS and compliance with the Act and thereby enhancing community confidence in the chemical industry.

The amendments to the Act also incorporate changes in relation to the Australian Inventory of Chemical Substances (known as the AICS). The AICS is the legal device that distinguishes new industrial chemicals from existing industrial chemicals in Australia. All chemicals on the AICS are defined as existing chemicals, while industrial chemicals not included in the AICS are defined as new industrial chemicals and must be assessed by NICNAS before they can be introduced, unless exempt under the Act.

Currently, new industrial chemicals are listed on the AICS five years after a certificate is issued by NICNAS. Under the proposed changes, however, the Act would be amended to give certificate

holders the option to request that an assessed chemical be included on the AICS immediately, and to allow for the chemical to be listed on the AICS following this request.

Further, the proposed changes give the Director of NICNAS the discretion to put additional details on the AICS. These include details of the assessment of the industrial chemical, details of use, if applicable, and any other conditions.

These amendments will mean that introducers will no longer have to try to envisage what uses their chemicals might be put to in the future because the chemicals will only be able to be introduced for the specific uses where this is applicable. This will prevent chemicals that have been assessed for a particular use, for instance, from being imported or manufactured for a different, un-assessed use, and which could be more harmful to health, safety and the environment.

To ensure compliance with these new provisions, it will be an offence to breach a condition of the AICS and the penalty for this offence will be 120 penalty units.

Finally, it is also proposed that the definition of "cosmetics" under the Act be amended to harmonise it with that used under the Trade Practices legislation. This will improve consistency in the Government's regulatory approach to cosmetics and will align the Australian definition with the European definition of cosmetics.

In summary, there is strong support for all of the proposed amendments. These amendments have been developed in response to industry concerns and in consultation with industry, government and the community. The reforms for fast tracking of assessment processes are counter balanced with enhanced public access to information, increased record keeping requirements and enhanced compliance activity.

The proposed amendments do not change the objects of the Act, but introduce flexibility into the current assessment process for industrial chemicals to enable the fast tracking of low regulatory concern chemicals while maintaining existing levels of worker safety, public health and environmental standards. The Bill constitutes a whole package of amendments, and it is in its entirety that this Bill delivers real reform for in-

dustry while protecting health, safety and the environment.

SUPERANNUATION BUDGET MEASURES BILL 2004

It is with great pleasure that I introduce this bill.

This is a Government that believes in incentives. We believe that all Australians should have the opportunity to obtain a better standard of living in retirement than what the superannuation guarantee and the age pension can achieve alone.

It was this Government that introduced the co-contribution scheme on a \$1 for \$1 basis for eligible low income earners who make voluntary superannuation contributions.

But we now propose to take it further.

This bill will provide a \$2.7 billion boost to superannuation incentives over three years. This builds on the Government's retirement income policy achievements to provide incentives, flexibility and security in retirement.

From 1 July this bill will increase the matching rate to \$1.50 per \$1 of employee contributions up to a maximum Co-contribution of \$1,500. If an eligible person pays \$1,000 into superannuation, the Government will match it with up to \$1,500.

This bill also increases the lower income threshold, up to which the maximum co-contribution applies, to \$28,000. Furthermore, for the first time employees with incomes between \$40,000 and \$58,000 will become eligible for the co-contribution. Currently the co-contribution phases out completely at \$40,000.

These changes will improve retirement savings for over one million Australians who already receive the Co-contribution, even if they do not change their saving behaviour. More importantly, it facilitates a significant improvement in retirement incomes for those willing to save a bit more.

As an example, where a member with a current income for co-contribution purposes of \$25,000 makes the minimum level of contributions required to receive the maximum government co-contribution over a 30 year working life, then the member's real accumulation balance is projected to increase by \$106,000. This represents an im-

provement of 86% compared to the balance from Superannuation Guarantee contributions alone.

For someone earning \$36,000 (approximately median earnings) and who makes the minimum level of member contributions required to receive the maximum government co-contribution over a 30 year working life, then the member's real accumulation balance is projected to increase by \$51,000. This represents an improvement of 28% compared to the balance from Superannuation Guarantee contributions alone

This bill does more than provide a more generous co-contribution scheme. Over the next three years, it will accelerate and further reduce the maximum superannuation contributions surcharge rate to 7.5 per cent for higher income individuals, relative to current scheduled reduction from 15 per cent to 12.5 per cent. More than half a million Australians will receive a boost to their retirement savings as a result of this initiative.

In total these measures are estimated to cost the Government \$2.7 billion over the forward estimate years. More than three quarters of the benefits provided by these measures or \$2.1 billion are targeted to low and middle income workers.

The measures presented in this bill provide a significant opportunity for employees to improve their standards of living in retirement. It is for this reason that I commend the bill.

**TAX LAWS AMENDMENT (MEDICARE
LEVY AND MEDICARE LEVY SURCHARGE)
BILL 2004**

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 2003-2004 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.

**TAX LAWS AMENDMENT (2004 MEASURES
No. 2) BILL 2004**

This bill makes amendments to the income tax law and other laws to give effect to several taxation measures.

Firstly, the amendments in Schedule 1 improve the practical operation of the income tax law affecting life insurance companies and ensure that those provisions interact appropriately with other provisions in the income tax law.

Secondly, after listening to the concerns of business, the Government is implementing, in Schedule 2, further measures to give taxpayers greater flexibility and certainty as they move into the new consolidation regime.

As the new consolidation regime has changed the taxation landscape for many corporate groups, the Government has continued its active consultation with business on its implementation.

To further assist business in managing the transition to consolidation, the Government has provided its response to a number of issues raised by business and has provided further detail of how it intends to resolve these issues. A number of measures were announced by the Minister for Revenue and Assistant Treasurer on 4 December 2003.

The business community reacted positively to the Minister's announcement, praising the Government for providing greater flexibility to the consolidation regime and stated that the announcement will provide certainty and greater guidance for groups going into consolidation.

The third measure includes amendments to ensure that limited partnerships with legal personality separate from their partners that are established under the venture capital regime are partnerships for income tax purposes, and able to access the venture capital tax concessions.

Schedule 4 allows for continuity of fringe benefits tax treatment for non-remote housing benefits

where administration and payment of fringe benefits tax is devolved by State or Territory governments to a departmental level, and there has been no material change in the provision of the benefit.

The fifth measure amends the Income Tax Assessment Act 1997 so that capital gains tax event K6 is not inadvertently triggered by the disposal of new interests in demerged entities. This will ensure that the pre-CGT status of membership interests is fully preserved following a demerger.

Schedule 6 to this bill amends the Income Tax Assessment Act 1997 to ensure that all individuals who make United Medical Protection Limited support payments will be entitled to an income tax deduction for the amount of their contributions in that income year.

Several technical amendments to the A New Tax System (Goods and Services Tax) Act 1999 are made in Schedule 7 to ensure that the GST insurance provisions apply as intended to transactions undertaken by operators of compulsory third party schemes.

Schedule 8 amends the fringe benefits tax law to provide public ambulance services with the same fringe benefits tax treatment as is provided to public hospitals. Public ambulance services will be able to access a fringe benefits tax exemption of up to \$17,000 of grossed-up taxable value per employee. They will also be able to access the remote area housing fringe benefits tax exemption under the same criteria as apply to public hospitals. In addition, the income tax law will be amended to allow public ambulance services to be endorsed to receive tax deductible gifts.

The ninth measure includes amendments that give effect to the Government's response to the Senate Select Committee on Superannuation report on the 'Taxation of Transfers from Overseas Superannuation Funds'.

The key change will enable a taxpayer who is transferring their overseas superannuation to an Australian complying superannuation fund to elect to have part of the transfer treated as a taxable contribution in the Australian superannuation fund. By doing so the fund, rather than the individual taxpayer, will pay relevant tax arising on the transfer and tax will be paid at the conces-

sional superannuation fund rate rather than at the individual's marginal rate.

This change will overcome the difficulties currently experienced by individuals who are faced with a tax liability but do not have recourse to funds to pay the liability due to the benefits being preserved in the Australian fund until retirement. This change, combined with the fact that the tax will now be payable at the concessional superannuation fund rate, should encourage affected individuals to transfer their overseas superannuation into an Australian fund.

A number of related amendments are also made to improve the operation and clarity of the provisions dealing with payments of overseas superannuation.

Schedule 10 of this bill will amend, as part of the further implementation of the simplified imputation system, Division 207 of the Income Tax Assessment Act 1997 which deals with the tax effect of receiving a franked distribution. The amendments will complete the rules that deal with the receipt of a franked distribution indirectly through a partnership or trust. The amendments will also clarify aspects of the operation of Division 207 and make consequential changes to Division 207 and other parts of the simplified imputation system. In addition, amendments are made to the trans-Tasman imputation rules to implement a minor policy change and ensure consistency with Division 207.

Schedule 11 to this bill makes a number of technical corrections to the Income Tax Assessment Act 1936.

Lastly, Schedule 12 will amend the alienation of personal services income provisions to clarify when the Commissioner of Taxation may provide a personal services business determination to taxpayers. Where the Commissioner grants a personal services business determination, the alienation provisions do not apply to the taxpayer. The amendments will ensure that the original policy intent of the alienation provisions is maintained.

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

I commend this bill.

**TAX LAWS AMENDMENT (2004 MEASURES
No. 3) BILL 2004**

This bill amends various taxation laws.

Firstly, this bill introduces amendments to complete the taxation arrangements for the new venture capital regime that was introduced in 2002. The amendments take effect from 1 July 2002, the date the venture capital regime commenced.

The venture capital regime was introduced to encourage new foreign investment into the Australian venture capital market and to further develop the venture capital industry. It provides a tax exemption to eligible non-resident investors on the gains made on eligible equity investments.

The amendments expand the range of venture capital investments that will qualify for the tax concession and remove minor impediments to ensure that the regime operates as intended. The tax concession will now be available for eligible investments that have been made in a holding company of a corporate group. Companies being spun-off from a corporate group or institution may also be eligible as they will be treated independently in determining eligibility for the concession.

This package completes the Government's commitment to establish an internationally competitive framework for venture capital investments. It brings Australia into line with what is currently recognised as 'best practice' within the international venture capital market.

Secondly, the Fringe Benefits Tax Assessment Act 1986 is amended to extend by one year, the fringe benefits tax exemption transitional arrangements for certain contributions to worker entitlement funds.

Worker entitlement funds provide for employee entitlements such as leave payments or payments when an employee ceases employment. The FBT exemption ensures that these contributions are not taxed twice, once as a fringe benefit when paid into the fund and again as income when paid out of the fund.

While the requirements for the FBT exemption have been in place since 1 April 2003, transitional arrangements ensured that employers who contributed to existing worker entitlement funds ac-

cording to existing industrial practice were also exempt from FBT until 31 March 2004.

The purpose of the extension of the transitional arrangements is to provide an additional 12 months of security and certainty to employers while they put in place new arrangements to comply with the terms of the FBT exemption.

Finally, following previous amendments to the foreign tax credit provisions, this bill corrects two instances where references to those provisions were no longer correct.

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

I commend this bill.

**CUSTOMS TARIFF AMENDMENT (FUELS)
BILL 2004**

Customs Tariff Amendment (Fuels) Bill 2004 contains amendments to the Customs Tariff Act 1995. Those amendments were previously tabled in Customs Tariff Proposal Numbers 3, 4 and 5 of 2003 and now require incorporation in the Customs Tariff Act. Complementary changes are being made to the Excise Tariff Act 1921 through the Excise Tariff Amendment (Fuels) Bill 2004.

First, the Bill provides new differential rates of customs duty for high sulphur diesel, and introduces ultra low sulphur diesel as a new tariff item.

As part of the Measures for a Better Environment package announced by the Prime Minister on 31 May 1999, the Government made a commitment to apply to high sulphur diesel a customs duty of 1 cent per litre on top of the normal diesel rate of 38.143 cents per litre from 1 January 2003, and 2 cents per litre from 1 January 2004. The Government deferred the introduction of the first differential until 1 July 2003 because of concern about the possibility of raising costs to diesel users when the farm sector was facing serious drought conditions.

Customs Tariff Proposal No. 3 (2003), which was introduced in the Parliament on 25 June 2003, gave effect to this commitment.

Secondly, the Bill increases the customs duty on aviation fuels by 0.306 cents per litre to 3.151 cents per litre for aviation kerosene and to 3.114

cents per litre for aviation gasoline from 1 July 2003. This measure was announced in the 2003-04 Budget, and was necessary to provide supplementary funding for the Civil Aviation Safety Authority to ensure that it is adequately resourced to continue to carry out its safety regulatory responsibilities.

Customs Tariff Proposal No. 4 (2003), which was introduced in the Parliament on 25 June 2003, gave effect to this measure from 1 July 2003.

Thirdly, the Bill amends the Customs Tariff to introduce a customs duty on biodiesel for use as a fuel in an internal combustion engine, from 18 September 2003. The duty will be equal to that currently applying to ultra low sulphur diesel (38.143 cents per litre).

These changes were announced in the 2003-04 Budget and form part of the Government's fuel tax reform arrangements to bring all currently untaxed fuels used in internal combustion engines into the excise and customs duty system.

Customs Tariff Proposal No. 5 (2003), which was introduced in the Parliament on 16 September 2003, gave effect to this measure, from 18 September 2003.

The Customs Tariff Amendment (Fuels) Bill 2004 contains three Schedules. The above amendments are drafted in both Schedules 1 and 2 of the Bill as the enactment of Customs Tariff Amendment Bill (No. 2) 2003, which is awaiting passage through the Senate, impacts on the provisions of this Bill. Schedule 2 of the Fuels Bill will take effect only if Customs Tariff Amendment Bill (No. 2) 2003, which validates a Customs Tariff Proposal imposing a customs duty on fuel ethanol, is enacted.

Finally, Schedule 3 of the Bill contains a number of minor consequential Tariff amendments.

EXCISE TARIFF AMENDMENT (FUELS) BILL 2004

The Excise Tariff Amendment (Fuels) Bill 2004 contains amendments to the Excise Tariff Act 1921 (Excise Tariff Act).

The amendments contained in the bill have been previously tabled as Excise Tariff Proposals Nos

1, 2, 3 and 4 of 2003. The proposals now require incorporation in the Excise Tariff Act.

This bill contains three Government initiatives: the introduction of excise differentials between diesel with high sulphur content and ultra low sulphur diesel, an increase in excise duty rates for aviation fuels, and imposition of an excise duty on biodiesel.

The Prime Minister announced in Measures for a Better Environment on 31 May 1999 the Government's commitment to apply an excise differential of an additional 1 cent per litre on high sulphur diesel from 1 January 2003 and a further 1 cent per litre differential from 1 January 2004. The first excise differential was deferred until 1 July 2003 because of the Government's concern at the possibility of raising costs to diesel users at a time when the farming sector was facing serious drought conditions. The measure gives effect to the Government's decision to encourage the early introduction of ultra low sulphur diesel which will be mandated by 1 January 2006 under the Fuel Quality Standards Act 2000. The bill amends the Excise Tariff Act to incorporate the excise differentials for high sulphur diesel and similar products with high sulphur content that may be used as diesel substitutes.

An increase in duty on aviation fuels was announced by the Government in the 2003-2004 Federal Budget to provide supplementary funding for the Civil Aviation Safety Authority (CASA) in the financial year 2003-2004. Duties on aviation fuels provide a substantial proportion of funding for CASA, which is estimated to receive 11 per cent less than the forecasted revenue due to reduced world-wide demand for air travel, cessation of Ansett operations and the introduction of larger and more fuel-efficient aircraft. The increase in duties will ensure CASA is adequately resourced to continue its safety regulatory responsibilities and maintain Australia's enviable aviation safety record. Amendments in the bill increase the excise duty rate for aviation kerosene and aviation gasoline by 0.306 cents per litre.

The imposition of excise duty on biodiesel was announced by the Government in the 2003-2004 Federal Budget as part of the Government's broader fuel tax reform arrangements that bring all currently untaxed fuels into the excise and

customs duty systems. The reform establishes a broad sustainable taxation framework providing increased certainty for investors as well as establishing a fairer and more transparent fuel excise system with improved competitive neutrality between fuels. Amendments in the Bill incorporate biodiesel into the Excise Tariff and apply an excise duty rate to biodiesel of 38.143 cents per litre, equivalent to ultra low sulphur diesel, from 18 September 2003.

The bill also makes a minor amendment to a formula for calculating excise duty on excisable blended petroleum products to allow deduction of previously paid duties for duty paid components of gasoline/fuel ethanol blends.

This bill is drafted with two Schedules as the passage of the Excise Tariff Amendment Bill (No. 1) 2003, pending debate in Parliament, impacts on the provisions of this bill in minor technical references. The second Schedule in the bill is to take effect only if the Excise Tariff Amendment Act (No. 1) 2004 commences.

Complementary changes to the Customs legislation are being addressed through the Customs Tariff Amendment (Fuels) Bill 2004.

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

I commend the bill.

ELECTORAL AND REFERENDUM AMENDMENT (ACCESS TO ELECTORAL ROLL AND OTHER MEASURES) BILL 2004

The Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Bill 2004 contains amendments to the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984 designed to implement a number of the Government-supported recommendations of the Joint Standing Committee on Electoral Matters arising from its 23 June 2003 report titled The 2001 federal election. The Committee's Report arose out of a request from myself in May 2003. The Government response to the Committee's report was tabled on 16 October 2003.

Further electoral reform measures are contained in the Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill

2004 which I am also introducing today. The amendments contained in this Bill will improve the operation of the electoral system.

The amendments cover a number of broad areas including enrolment issues, access to the electoral roll and its use; the lead-up to election day including preparations undertaken by the Australian Electoral Commission (the AEC), political parties, candidates and others; the processes for voting; and the operation of polling booths on election day. The major amendments include:

- improving public access to the electoral roll;
- restructuring the provisions of the Commonwealth Electoral Act 1918 relating to entitlement to information contained in the roll to make them more easily understandable;
- extending end-use restrictions on roll information and related penalties to all forms of the roll;
- removing the roll from sale in any format;
- requiring the AEC to publish a statement of reasons for decisions not to register proposed party names;
- allowing scrutineers to be present at pre-poll voting centres;
- prohibiting broadcasting of political material that is audible within close proximity of polling places;
- allowing for the temporary suspension or adjournment of polling for physical and safety reasons; and
- clarifying procedures for the nomination of candidates for election to both Houses of Parliament.

Over time, access to the roll has been expanded to include State and Territory electoral authorities, Australian Government agencies, health screening programmes and medical researchers. The forms in which the roll is provided have also evolved to keep pace with technological change. Finally, measures regulating the uses to which roll information can be put have been steadily increased over time. All of these changes have created roll access provisions that are complex, out of date and, in some cases, contradictory.

This Bill will amend the roll access provisions to improve clarity, remove contradiction and improve privacy protections. Access to roll information will be set out in tabular form. The tables will include all information that is currently provided for in the Electoral Act. They list who is entitled to roll information, what information they are entitled to and how often they will receive it. Apart from the printed version of the roll, the amendments will remove all references to the form of the roll from the Electoral Act. This means that the Australian Electoral Commission will be able to keep pace with changes in technology and provide access to roll information in new and more accessible forms such as on the internet. Improved access to the roll will enable people to check their enrolment details.

The amendments will extend the end-use restrictions to all roll information, regardless of form. This measure will close a loophole that has allowed roll information to be used for commercial and other unintended uses, such as direct marketing and debt collection. Finally, the roll will be removed from sale, closing off the means by which people obtain roll information for commercial and other unintended uses. Copies of the roll will be available for inspection at all AEC offices.

The Bill introduces a new accountability mechanism for decisions about party names.

The AEC will be required to provide a written notice of reasons for its decision not to register a party name to the parties to an application for, or objection to, the registration of a party name. The reasons will be provided to all parties of an application for, or objection to, the registration of a party name.

There are a number of improvements to polling administration also in the Bill. The first of these relates to scrutineers. Scrutineers are an essential part of the polling process, a defence against fraud and a guarantee of accountability. However, under the existing provisions of the Electoral Act scrutineers are not permitted to attend pre-poll voting centres. The implications of this are significant in light of the fact that, according to the JSCEM, nearly 600,000 pre-poll votes were cast at the 2001 federal election.

The Bill will amend the Electoral Act and the Referendum Act to allow scrutineers to attend

pre-poll voting offices to scrutineer pre-poll voting, improving accountability for all these pre-poll votes.

One of the characteristics of recent elections in Australia is the increasing sophistication candidates bring to canvassing outside polling booths. For example, one innovation examined by the Committee is the use of broadcasting equipment to canvass for votes. While innovative, this form of canvassing may result in the political message being heard in the polling booth, which is against the spirit of the Electoral Act. The Bill amends the Electoral Act and the Referendum Act to prevent the use of broadcasting equipment for canvassing that can be heard within six metres of the entrance to the polling booth, at the entrance to the polling booth, and inside the polling booth.

A further amendment to the Electoral Act and Referendum Act will allow a temporary suspension of polling where there is a threat to the safety of electors or a difficulty in the physical conduct of polling. Currently, polling can be adjourned to another day at a polling place if polling is interrupted by circumstances including violence, storm or flood. However, there is no mechanism for temporarily suspending polling on polling day for these sorts of reasons.

The Bill will allow for such a temporary suspension. The Bill also expands the reasons for which polling can be suspended to include fire and health hazards.

Finally there are a number of minor technical amendments to the Electoral Act and Referendum Act, including:

- extending the time an elector living overseas can apply for enrolment from two to three years;
- allowing sitting independents to renominate using a single nominee;
- streamlining the process of withdrawal of a candidate from a bulk nomination;
- removing the requirement for postal votes to be received by the AEC before the close of polls in certain circumstances;
- allowing the election results to be attached to the writ, rather than written on the back of it; and

- the removal of appeal to the High Court by way of right for injunctions.

I commend the Bill to the Senate.

**ELECTORAL AND REFERENDUM
AMENDMENT (ENROLMENT INTEGRITY
AND OTHER MEASURES) BILL 2004**

This Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004 contains amendments to the Commonwealth Electoral Act 1918 (the Electoral Act) and the Referendum (Machinery Provisions) Act 1984, the majority of which arise from the Government-supported electoral reform recommendations of the Joint Standing Committee on Electoral Matters' report titled The 2001 federal election. The Government response to the JSCEM report was tabled on 16 October 2003.

Further measures arising from the Government-supported recommendations of this report will be implemented in the Electoral and Referendum (Access to the Electoral Roll and Other Measures) Bill 2004. Several measures in this Bill have been carried over from the Electoral and Referendum Amendment (Roll Integrity and Other Measures) Bill 2002 which is currently before the Parliament. That Bill gave effect to the Government's legislative response to the Committee's report on the 1998 federal election. I propose that debate not proceed on the Electoral and Referendum Amendment (Roll Integrity and Other Measures) Bill 2002.

This Bill also includes the legislation for the Government response to the JSCEM's report on the integrity of the electoral roll, titled User Friendly, Not Abuser Friendly.

The most significant amendments of this Bill include those that will:

- outline the principles of new arrangements for proof of identity and address for applicants for enrolment or re-enrolment; applicants wishing to change their enrolled name or address; and electors claiming a provisional vote because their names do not appear on the certified list on election day;

- include the sex and date of birth of electors on the certified list as a check on identity when voting;
- allow for the close of rolls for new electors to be 6.00 pm on the day on which the writ for an election is issued, and for the close of rolls for those amending their enrolment details to be 8.00 pm three working days after the issue of the writ;
- allow political parties and independent members of parliament to be provided with certain information about where electors voted on election day;
- provide that prisoners serving a sentence of full-time detention are not allowed to vote;
- introduce enrolment based on address rather than subdivision;
- prevent scrutineers from actively assisting electors who have requested an assisted vote; and
- increase a number of the financial disclosure thresholds to \$3,000.

The Government remains committed to preserving and enhancing the integrity of the electoral roll, and believes introduction of new arrangements for proof of identity and address at the point of enrolment will significantly enhance roll integrity and reduce electoral fraud.

The legislation provides for the broad principles of a proof of identity scheme, with regulations to prescribe the arrangements. The regulations will be developed in consultation with the State and Territory Governments. Privacy issues will be taken into account in the development of the regulations.

In its response to the Committee's report on the 2001 federal election, the Government indicated that it favoured the use of a driver's licence number to verify an applicant's identity and address when enrolling or changing enrolment details. The driver's licence number would be included on the enrolment form, with the AEC checking the details from records on State and Territory databases or from details provided by the States and Territories.

Alternate forms of acceptable identification documentation, to be prescribed in the regula-

tions, could be provided by applicants who do not have a driver's licence. Where no identification documentation was available, only people in a prescribed class would be able to provide written references supporting an enrolment application.

Developing the scheme in consultation with the States and Territories will facilitate preservation of the joint roll arrangements and enable access to information databases.

Similar requirements for proof of identity and address will be introduced for provisional voters whose names do not appear on the certified list on polling day. Implementation of these measures will provide a further important check on identity fraud at the point of voting.

The inclusion of electors' sex and date of birth on the certified lists used on polling day will provide another important check on identity fraud at the point of voting. The new arrangements will give the presiding officer in each polling booth the discretion to ask electors questions about their sex and date of birth in cases where the presiding officer has some doubt about the identity of the elector, based on the information on the certified list. As a measure to prevent any potential disenfranchisement of voters, where the presiding officer continues to have doubts about the elector's identity following the answers to the questions, the elector will be able to cast a provisional vote.

As a further measure to preserve the integrity of the electoral roll, amendments to allow for the close of rolls for new electors to be 6.00 pm on the day on which the writ is issued, and for the close of rolls for those amending their enrolment to be 8.00 pm three working days after the issue of the writ will ensure that the Australian Electoral Commission has sufficient time to verify details provided by applicants for enrolment. The Government remains committed to the introduction of the early close of the roll.

The Government considers that these, and other measures in the Bill, are important and urgent reforms to the electoral process, which should be implemented as soon as possible.

I commend the Bill to the Senate.

MEDICAL INDEMNITY (RUN-OFF COVER SUPPORT PAYMENT) BILL 2004

This bill imposes the run-off cover support payment as a levy on the premium income received by insurers for medical indemnity cover.

MEDICAL INDEMNITY LEGISLATION AMENDMENT (RUN-OFF COVER INDEMNITY AND OTHER MEASURES) BILL 2004

This bill, together with the Medical Indemnity (Run-off Cover Support Payment) Bill 2004, gives effect to the final element of the Government's medical indemnity package, announced on 17 December 2003.

This last element will provide a Government guaranteed Run-off Cover Scheme to provide secure insurance for doctors once they have retired against compensation claims arising from their previous work. Eligible doctors will not have to pay for this cover once they have retired. The Run-off Cover Scheme will cover the cost of medical indemnity claims for eligible doctors notified from 1 July 2004.

The Government has made a substantial investment in the long-term affordability of premiums for doctors so they can continue to practise with security. Of course, security of cover for doctors also provides security for patients.

The Run-off Cover Scheme resulted from the recommendations of the Medical Indemnity Policy Review Panel. The role of the Panel, which included senior members of the medical profession, was to recommend ways for ensuring an affordable medical indemnity insurance system that would allow doctors to continue to practise with certainty.

Doctors made it clear to the Panel that one of their main concerns about medical indemnity insurance was the need to maintain insurance cover for the possibility of any claims made against them after they retire or leave the medical workforce. Many doctors were worried that they would find it difficult to continue to pay for insurance after leaving work. Some groups said that the high cost of retirement cover meant that they felt pressured to continue to work past the point at which it was safe for them to do so.

The need to purchase insurance in retirement is an outcome of claims-made insurance, under which claims will only be covered if the doctor had current insurance both when the incident giving rise to the claim occurred and when the claim is notified. Under claims-incurred cover, which will meet a claim if the doctor is covered at the time of the incident, the need for retirement cover does not arise.

While the medical indemnity sector had been moving away from claims-incurred cover for some time, the introduction of APRA supervision of the sector in mid 2003 and the lack of claims incurred reinsurance in the market led to all medical indemnity cover from that point on being offered on a claims-made basis.

During consultations with the medical profession it became evident that older doctors who were used to claims-incurred insurance had not made financial provision to maintain claims made cover once they retired. Even for younger doctors, the need to save throughout their working lives to pay for insurance through their retirement—without any certainty about the level of premiums in retirement—was a very significant concern.

The Government had always intended to resolve the retirement cover issues as part of its broader medical indemnity package. Initially, the Government made sure through regulations under the Medical Indemnity (Prudential Supervision and Product Standards) Act 2003 that doctors would have access to run-off cover for six years after they retired or left the private medical workforce. This was an interim measure while the Government, the profession and the insurers worked together on a long term solution.

This process fed into the deliberations of the Medical Indemnity Policy Review Panel and led to its proposal for a Run-off Cover Scheme to provide the long term solution that doctors need.

The Scheme will be established by making amendments to:

- the Medical Indemnity Act 2002 to set out the eligibility criteria for Run-off Cover Scheme and the payment arrangements for associated claims; and
- the Medical Indemnity (Prudential Supervision and Product Standards) Act 2003 to re-

quire all medical indemnity insurers to grant indemnity to doctors who are eligible for the Run-off Cover Scheme at no cost to the doctors.

The basic design of the Scheme is that insurers will grant eligible doctors an indemnity, which will be deemed to be a contract of insurance for most purposes.

As claims against those doctors emerge they will be managed and met by the insurers.

The Government will then reimburse the insurers for the costs of the claims.

The Government has also agreed to pick up through the Scheme the incurred but not reported claims against eligible doctors arising from their period of claims-incurred cover with a medical defence organisation.

Under the eligibility criteria for the scheme some doctors will be covered permanently and others will leave when their circumstances change. The following practitioners will be covered by the Scheme:

- retirees over the age of 65 or more who have declared that they have retired permanently from the private workforce; or
- doctors who are permanently disabled; or
- those who are under 65 years of age and have not engaged in private medical practice for 3 years (this group can include those who have retired before the age of 65, and those no longer practising medicine, or are working solely in the public sector); or
- those who are on maternity leave; or
- those who have died (provided that a claim can still be made against the doctor's estate).

There will also be a capacity for new groups of doctors to be included in the Scheme by way of regulations including temporary resident doctors who have left Australia permanently to become eligible for the Run-off Cover Scheme immediately on leaving Australia.

Doctors who already meet the qualifying criteria will be eligible for cover from the Run-off Cover Scheme for claims notified on or after 1 July 2004. Other doctors will become eligible over time.

Doctors won't have to apply for cover under the Scheme. Insurers will be obliged to issue a contract when they are aware that the doctor is eligible.

Under the Scheme the scope of doctors' cover will be determined by the last cover they purchased during their working lives to cover incidents which occurred while they were practising. This arrangement should provide doctors with a seamless transition into the Scheme once they are no longer practising.

However, if a doctor returns to the private medical workforce then he or she is no longer eligible for the Scheme in respect of new claims notified after his or her return to private medical work.

As not all doctors who cease private practice will immediately meet the eligibility criteria for Run-off Cover Scheme, the Government will also amend the Medical Indemnity (Prudential Supervision and Product Standards) Act 2003 and its associated regulations so that insurers will provide run-off cover to doctors not eligible for the Scheme who require run-off cover for at least three years 'at cost'.

The Government will also contract with insurers to provide run-off cover at nominal cost to doctors who have been members or policy holders for ten years or more and who are not eligible for the Run-off Cover Scheme.

Medical indemnity insurers will contribute to the cost of the Scheme by an annual charge on their individual gross insurance premium incomes. This charge will be set as a tax in the Medical Indemnity (Run-off Cover Support Payment) Bill 2004, which forms part of the package of bills presented here today.

The upper limit of the rate of tax is set in the bill before you. This is simply a default rate, to allow some scope to respond to changing circumstances over time. I propose to put forward regulations to the Executive Council which would set a lower rate of 8.5% from 1 July 2004. This lower rate reflects the estimated total cost of the cohort of doctors entering the scheme each year as they retire.

Most medical indemnity insurers will be able to provision for their payment to this Scheme from 1 July 2004 as their premium cycles run on a fi-

nancial year basis. Their run-off cover support payment will be due at the end of each financial year.

To take account of one insurer collecting premiums on a calendar year basis, I propose to put forward regulations which will provide for it to be taxed at the end of a calendar year. As the first year for which the insurer will be taxed will be 2005, I also propose that it be taxed at a rate 1.0625% higher than other insurers for the first four years of the scheme. This will ensure that the insurer makes an equivalent contribution to other insurers to the cost of the scheme, even though it will not be taxed for the first six months of the 2004-05 financial year. Its members will already be eligible for the Run-off Cover Scheme from 1 July 2004.

Representatives of the medical profession have told the Government how important the Run-off Cover Scheme is and also appreciate that this tax will be applied proportionately and transparently to premiums paid by practising doctors. I acknowledge the support and assistance of the medical profession as the Government has developed this aspect of its medical indemnity package.

The Government is also very aware of doctors' needs for both transparency in financial transactions and security of insurance cover in their retirement. The Government has responded to these concerns in two significant ways in its design of the run-off cover scheme.

First, medical indemnity insurers will have to include information on doctors' premium invoices which shows the gross premium payable by the doctor and that proportion and amount of the premium which the insurer will pass on to the Government under the Run-off Cover Support Payment Scheme.

Secondly, the Government will provide a money-back guarantee to working doctors, if the Run-off Cover Scheme were ever terminated in the future before they became eligible for the scheme without an equivalent Government scheme being provided. The Government will refund these doctors their implicit contribution to the Run-off Cover Support Payment made by insurers, plus interest. The refund will be paid at the direction of indi-

vidual doctors for the purpose of purchasing alternative medical indemnity insurance.

These arrangements show the Government's clear commitment to transparent, secure arrangements for medical indemnity insurance.

To make sure that there is a seamless transition between the Run-off Cover Scheme the Government will also refine aspects of its existing Exceptional Claims Scheme. Under the proposed changes the Exceptional Claims Scheme will be able to pay claims against doctors for claims arising from treatment of public patients in public hospitals where the doctors were covered by a medical indemnity provider at the time of the incident giving rise to the claim. Such claims are presently excluded from the Exceptional Claims Scheme.

As a result of the amendments proposed in the bill a retired doctor who was once covered for such claims under "claims made" discretionary cover with a medical defence organisation would not be personally liable for amounts in excess of the limit of their Run-off Cover Scheme contract.

The Government is also aware that doctors continue to be concerned about their personal exposure to exceptional claims in relation to services they provide when accompanying sporting teams or cultural groups. The Government has responded to these concerns by introducing regulation-making provisions in this bill to widen the scope of the Exceptional Claims Scheme. I propose to put forward regulations extending the scope of the Exceptional Claims scheme to overseas treatment by doctors in these circumstances.

The Run-off Cover Scheme is good news for doctors. Together with the Exceptional Claims Scheme, and the Government's continued work with the States and Territories on the implementation of tort law reform, this Scheme will allow doctors to continue to practise with security into the future, and security when they retire. This is essential for the maintenance of health services and the protection of patients.

The Scheme demonstrates the Government's commitment to doctors to support them in the vitally important services they provide to the Australian community.

SUPERANNUATION LAWS AMENDMENT (2004 MEASURES No. 1) BILL 2004

The Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004 will amend the Superannuation (Government Co-contribution for Low Income Earners) Act 2003.

The Superannuation (Government Co-contribution for Low Income Earners) Act 2003 provides a matching Government co-contribution of up to \$1,000 for personal superannuation contributions made by qualifying individuals. This measure was first announced in the Government's 2001 election statement A Better Superannuation System.

This bill alters the eligibility criteria in the Superannuation (Government Co-contribution for Low Income Earners) Act 2003 to extend the Government co-contribution to more low income earners.

Individuals will no longer be required to be employer superannuation supported to qualify for the Government co-contribution. Rather, this criterion will be replaced with a requirement to have 10 per cent or more of their total income as an employee. This change will apply from 1 July 2003.

To prevent 'double dipping', the Income Tax Assessment Act 1936 and Income Tax Assessment Act 1997 will be amended to ensure that people entitled to a co-contribution cannot also claim a tax deduction for personal superannuation contributions. However, this will only be done in the 2004-05 and subsequent income years to avoid any retrospective effect on these new Government co-contribution recipients.

The bill will also make a number of administrative and technical amendments to ensure the smooth operation of the Superannuation (Government Co-contribution for Low Income Earners) Act 2003.

The bill will amend the Superannuation (Government Co-contribution for Low Income Earners) Act 2003 to specify a timeframe in which providers must repay uncredited co-contribution amounts, and a further period of time after which providers will become liable to pay the General Interest Charge.

The bill will also amend the Superannuation (Government Co-contribution for Low Income

Earners) Act 2003 to provide that, where the information is available, the Minister will report, on an aggregated and annual basis, on the numbers of co-contribution beneficiaries and spouses of beneficiaries, within prescribed income ranges.

The bill also makes some technical amendments to specify the interest rate that will apply to late payments made by the Commissioner of Taxation in the Superannuation (Government Co-contribution for Low Income Earners) Act 2003, and inserts a previously omitted definition.

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

I commend this bill.

SUPERANNUATION LAWS AMENDMENT (2004 MEASURES No. 2) BILL 2004

This bill implements a number of superannuation measures.

The Government has significantly improved the retirement income system since being elected in 1996. With the ageing population, the retirement income system needs to be more flexible and adaptable. On 25 February 2004 the Treasurer announced a number of Government initiatives to enhance the retirement income system by further broadening the availability of superannuation and making it more adaptable to changing work arrangements. The amendments contained in this bill relate to a number of the announced initiatives and will:

- simplify the Superannuation Guarantee earnings base arrangements;
- remove the requirement for prescribed pension providers to obtain an actuary's certificate; and
- introduce an integrity measure to require those under age 18 to satisfy a work test in order to claim a tax deduction for personal superannuation contributions.

The bill also aligns the portability time frame applying to retirement savings account providers with that of superannuation providers. The bill also contains a technical amendment to correct a cross-referencing error in the Superannuation Industry (Supervision) Act 1993 relating to the

cancelling of Registrable Superannuation Entity licenses.

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

I commend this bill.

TOURISM AUSTRALIA BILL 2004

Introduction

The Tourism Australia Bill implements a key element of the Australian Government's medium to long term strategy for tourism, the Tourism White Paper. The development of a tourism strategy is an important 2001 election commitment of the Coalition.

Over the last decade, tourism has become a major global industry. In response, nations are recognising the potential economic contribution tourism offers, and are becoming increasingly competitive. Governments are restructuring their tourism agencies to maximise their investment in tourism. As international competition intensifies, it is important that Australia maintains and cements its competitive market position.

The benefits of tourism go beyond the generation of sustainable economic activity. International travel builds tolerance and understanding of different cultures, and is a significant contributor to peaceful international relations.

Travel by Australians within Australia strengthens our understanding of our history, our Indigenous heritage, our unique and diverse culture, and our outstanding natural environment. Travel binds us together as a nation. While these benefits are harder to measure than economic output, the Australian Government believes that they are, at least, equally important reasons for government support of the tourism industry.

The Tourism White Paper is the result of an unprecedented partnership between Government and the tourism industry. It provides a comprehensive framework to grow tourism in a sustainable manner. With an extra \$235 million behind the White Paper, the Australian Government's total tourism spend over the next four years will exceed \$600 million.

The White Paper has two strategic elements. Firstly, we want to encourage more international

visitors and Australians to go beyond the metropolitan areas and discover regional and rural Australia. Secondly, we want them to have the best experiences through the best products. The aim is to develop Australia as a 'Platinum Plus' destination, one that is a market leader in quality and value. This is a key factor in maintaining and increasing our world share of tourism exports.

The Tourism White Paper provides the basis for structural reform of key tourism agencies. It will also provide a platform to maximise the Australian Government's investment in tourism.

The purpose of this Bill is the establishment of a new tourism body, Tourism Australia. This is a key plank of the Government's reform agenda for tourism. Tourism Australia will encompass the functions of the Australian Tourist Commission, See Australia, the Tourism Forecasting Council and the Bureau of Tourism Research, plus a new unit, Tourism Events Australia.

Since its creation by the Coalition Government in 1967, the Australian Tourist Commission has been responsible for promoting Australia overseas. Through an effective partnership model with industry, it has been instrumental in doubling Australia's international visitors since the early 1990s. The successful elements of the Australian Tourist Commission Act 1987 have been incorporated into the Tourism Australia legislation.

See Australia is a private company which receives significant funding from the Australian Government. Its main role is to encourage Australians to travel in Australia through generic tourism promotion, such as the 'Go on. Get out there' campaign.

The Bureau of Tourism Research is the main source of tourism related statistical and research information in Australia. Its key publications are the International and National Visitor Surveys, which provide information about the characteristics and travel behaviour of international visitors and Australian residents. The Tourism Forecasting Council was established by the Australian Government to provide consensus forecasts of Australian tourism activity.

This Bill will bring together these vital mechanisms for delivery of the Government's support for tourism into a coherent body which will give

strong leadership for the growth and development of the tourism industry. Tourism Australia will have a broad range of responsibilities including support for international and domestic marketing and market development, events and business tourism, and the provision of key tourism research, statistics and analysis.

A key aspect of Tourism Australia's international and promotional activity will be the new branding of Australia. This is a unique opportunity to bring together all aspects of Australian life, from the arts and sport right through to agriculture and business exports. With this new branding we can promote Australia in a holistic sense.

A great example of this is the Australian wine industry. Australia sells more than 1000 bottles of wine every minute outside of our country. Significant benefits for regional Australia will flow if we can turn each bottle of wine into a liquid postcard of Australia. In marketing terms, this presents an excellent leveraging opportunity.

Background

Tourism makes a substantial contribution to the Australian economy. In 2001-02, tourism was directly responsible for 4.5 per cent of Australia's GDP, 549,000 jobs or 5.9 per cent of all employed, and \$17.1 billion in export earnings or 11.2 per cent of total exports.

Tourism contributes to the preservation of the environment and heritage by placing an economic value on them, and to significant job creation, especially in rural and remote communities. It is an excellent vehicle for advancing the Government's economic, social and environmental objectives, particularly in regional Australia.

Over the past few years, the Australian tourism industry has endured the adverse impacts of a series of international events. These events challenged the capacity of the industry to maintain sustained tourism growth and respond quickly and effectively to major incidents. The Tourism White Paper contains a number of initiatives directed towards enhancing the tourism industry's capacity to be more flexible in responding to future shocks. The establishment of Tourism Australia is a key element in achieving this objective.

Major Features

Tourism Australia will be established as a statutory body subject to the Commonwealth Authorities and Companies Act 1997 (CAC Act). This recognises the commercial focus of the new body and the need for it to operate flexibly in a commercial environment.

An important consideration in establishing Tourism Australia as an independent body is to allow it to engage more actively on a commercial basis with industry. This includes actively seeking industry's contribution to marketing and promotional campaigns. In carrying out its functions, Tourism Australia will also work closely with State and Territory tourism agencies, regional tourism organisations and other key stakeholders. Tourism Australia will have additional resources to better forecast emerging trends in the global tourism market and therefore to maximise returns on government investment and Australia's growth potential.

The Functions of Tourism Australia

The new organisation will help to foster a prosperous and sustainable tourism industry in Australia. Tourism Australia will harness the skills and knowledge of four key national tourism organisations under one umbrella. Amalgamation of these entities into one body will help improve coordination and effectiveness in achieving the Australian Government's vision of a strong and vibrant Australian tourism industry.

The principal objects of Tourism Australia are to influence people to travel to, and within Australia, including for events. This includes both international and domestic visitors. Tourism Australia will also help to foster a sustainable tourism industry in Australia, and will help to increase the economic benefits to Australia from tourism.

It is vital that Australia is highly competitive in tourism marketing and promotion to ensure potential tourists, both domestic and international, increasingly consider and choose Australia as their next holiday destination, or business or event location.

Tourism Australia will develop strategies to promote growth in the number of international and domestic visitors, and maximise yield from those visitors. Tourism Australia will seek to achieve

this through developing marketing and promotional strategies that position Australia as a market leader in quality and value, raising awareness of Australia's unique attributes, and strategically marketing Australia to key markets.

It is recognised that many regional areas of Australia have a growing reliance on tourism for generating business activity and jobs, especially in the small to medium sized business sector. Tourism Australia will encourage international and domestic visitors to travel throughout Australia, to ensure that tourism contributes strongly to the economic wellbeing of regional Australia.

Tourism Australia will help guide the development of tourism product in regional areas, helping to ensure that products and services correspond with visitor demand, and develop strategies to encourage the dispersal of international visitors throughout Australia. Tourism Australia will also promote the benefits of holidays to Australians, and of exploring their own country.

Significant economic benefits can be gained from the staging of events, not only for the tourism industry, but also for the businesses which indirectly benefit from tourism, and the broader community. Tourism Australia will establish a special events unit called Tourism Events Australia. This unit will work with State and Territory governments to maximise the return on investment associated with attracting and staging international events in Australia.

Timely and accurate data and research is vital to the Australian tourism industry and government. It provides a foundation for informed decision making and underpins strategic business planning, including new product development, and also helps in public policy planning. Tourism Australia, through a business unit, Tourism Research Australia, will provide an enhanced research and statistical base, which will cater better for the needs of industry and government. Tourism Research Australia will work with State and Territory tourism agencies to ensure better access to research for tourism businesses, particularly in regional areas.

Structure of the Board and Appointment of Members

The Tourism Australia Bill 2004 provides for the establishment of a Board of Directors of Tourism Australia, comprising a Chair, a Deputy Chair, a government member, the Managing Director and four other members. Appointments to the Board will be based on skills in one or more areas, including tourism and related industries, corporate governance, marketing and promotion, regional development, environmental management and financial and business management.

The Board of Tourism Australia will provide direction and set policy for this new organisation. It will also determine the structure of Tourism Australia, incorporating industry and government views.

The Board of Tourism Australia will also have the power to establish advisory panels. The panels will advise the Board of Tourism Australia on key issues like international and domestic tourism, research and events. Panel members will be drawn from across tourism and broader industries, government and/or academia. These panels will play an important role in ensuring stakeholder involvement in maximising tourism's contribution to the economy and our society.

Corporate Planning and Accountability

As with all Australian Government bodies, Tourism Australia will be required to be accountable for its activities. This Bill requires close and effective communication between Tourism Australia and its Minister, particularly during the reporting and planning processes. This includes the requirement to provide the Minister with a three year corporate plan and an annual operational plan.

Tourism Australia will be required to produce an annual report consistent with its obligations under the CAC Act. The annual report will also include additional matters required under this Bill, such as an assessment against performance indicators, the extent to which operations have achieved objectives in the operational plan, and any joint activities undertaken by Tourism Australia.

Tourism Australia will employ staff by virtue of a power in this enabling legislation. This allows maximum employment flexibility and efficiency

in employment arrangements in line with the strong commercial role of Tourism Australia. Tourism Australia staff will be required to adopt a set of values and a code of conduct, ensuring responsible and ethical work practices. Details regarding the movement of staff into the new body will be covered in a transitional arrangements Bill to be introduced in the Winter Sittings.

The Future

This Bill, the Tourism Australia Bill 2004, implements significant structural reform designed to enhance the future of Australian tourism. It represents the consolidation of four key tourism organisations into one body, which will maximise the impact of the Australian Government's investment in our tourism industry.

The new body signals a more focussed and mature approach, including a change from relying on strategies based on volume to strategies based on yield and profitability. Tourism Australia will provide the foundation to position Australia as a world leader in the provision of tourism goods and services.

The formation of Tourism Australia is one of a series of initiatives outlined in the Tourism White Paper, which was the culmination of an extensive consultation process and was extremely effective in bringing the tourism industry together, and focussing attention on strategies for the future.

I have consulted with the Industry Implementation Advisory Group, which is a body comprising industry and government representatives established to advise the Government on the implementation of the Tourism White Paper initiatives, and the principles in the Tourism Australia Bill 2004 have met with their support. I have also received valuable advice from the Structural Reform Group, which I established to oversee the transition of the four existing bodies into Tourism Australia, on specific elements of this Bill. I would like to thank both groups for their significant input.

Tourism Australia will build on the relationships formed with industry and State and Territory governments, during the Tourism White Paper process, to ensure that the Australian tourism industry meets its growth potential, and becomes an even

more significant contributor to Australia's economic growth.

I commend this Bill.

TOURISM AUSTRALIA (REPEAL AND TRANSITIONAL PROVISIONS) BILL 2004

The Tourism Australia (Repeal and Transitional Provisions) Bill 2004 is an adjunct to the Tourism Australia Bill 2004, which provides for the establishment of Tourism Australia.

Tourism Australia is the key initiative of the Howard Government's Tourism White Paper. Tourism Australia will harness the skills of four of Australia's key tourism bodies under one umbrella, and is integral in the delivery of a number of the Tourism White Paper initiatives. A smooth transition of these bodies into Tourism Australia will ensure that the Australian tourism industry can capitalise on the upcoming launch of Brand Australia and the 2004-05 Budget initiatives such as aviation and border security, transport measures, Commonwealth Games funding, the boost to Regional Partnership Program, income tax cuts and tax reductions for the wine industry.

The Tourism Australia (Repeal and Transitional Provisions) Bill 2004 has two main objectives. First, this Bill repeals the Australian Tourist Commission Act 1987.

Second, this Bill puts in place arrangements to assist the transfer of the undertakings and employees of the Australian Tourist Commission; the undertakings of the Bureau of Tourism Research and the Tourism Forecasting Council, and particular assets associated with See Australia into Tourism Australia.

Consultation Process

The Tourism White Paper was the culmination of a process that was characterised by an unprecedented level of industry and government partnership.

First stage in this process was the release of The 10 Year Plan for Tourism: A Discussion Paper in May 2002. The paper was accessed by 42 000 people. Consultations were held at approximately 30 locations around the country with a diverse range of industry sectors and interest groups resulting in 270 written submissions.

This process fed into the Tourism Green Paper, which was released in June 2003. It was the first time a nationally-focused draft strategic plan had been informed by a coordinated whole-of-industry response, through the Tourism Industry Forum—a collaborative forum of key industry associations.

The Tourism Green Paper was accessed by over 90 000 people and prompted an additional 155 written responses, which came from the widest possible range of governments, tourism operators and industry associations.

The feedback from stakeholders was of considerable assistance to the Government in the development of the Tourism White Paper, which was launched on 20 November 2003. The release of this paper was the fulfilment of a Coalition election commitment to develop a medium to long term strategy for tourism.

As part of the Tourism White Paper, the Australian Government seeks to strengthen relationships between governments, within government and with the tourism industry. A number of groups have been established to help implement initiatives in the Tourism White Paper, including a Tourism Australia Structural Reform Group, which was formed to provide advice on the establishment of Tourism Australia.

An Industry Implementation Advisory Group comprising representatives from key national tourism organizations and State and Federal tourism bodies was also established to advise the Government on the implementation of White Paper initiatives and to provide feedback to their members.

Like the Tourism Australia Bill 2004, this Bill has been prepared in consultation with the Tourism Australia Structural Reform Group, and the Industry Implementation Advisory Group and has the support of both groups.

Overview of Bill

The Australian Tourist Commission is a statutory body corporate continued in existence under the Australian Tourist Commission Act 1987. On repeal of this Act, the Australian Tourist Commission will cease to exist. Provisions in the Bill will be used to effect the seamless transfer of the assets, liabilities, contracts and employees of the

Australian Tourist Commission to Tourism Australia without the need for any conveyance, transfer or assignment.

The Bureau of Tourism Research and Tourism Forecasting Council are administrative bodies within the Department of Industry, Tourism and Resources. Provisions are included in the Bill to effect the transfer, via Ministerial declaration, of the assets, liabilities and contracts of the Commonwealth which relate to the activities of the Bureau of Tourism Research and the Tourism Forecasting Council to Tourism Australia.

The Australian Government will transfer ownership of intellectual property which relates to the activities of the Bureau of Tourism Research and the Tourism Forecasting Council to Tourism Australia. Commonwealth owned tourism trade marks, currently licensed for use by See Australia Limited, will also be transferred to Tourism Australia.

Tourism Australia will employ staff by virtue of its enabling legislation. The Bill makes provision for the employees of the Australian Tourist Commission (other than the Managing Director) to become employees of Tourism Australia at the commencement day. Employees will be engaged by Tourism Australia on the same terms and conditions as they are currently employed by the Australian Tourist Commission. The service of a transferred employee as an employee of Tourism Australia will also be taken to have been continuous with the service of the employee as an employee of the Australian Tourist Commission.

Employees of the Bureau of Tourism Research and the Tourism Forecasting Council will be transferred to Tourism Australia using mechanisms prescribed in section 72 of the Public Service Act 1999. Section 72 provides that transferred employees are entitled to remuneration and other conditions of employment that are not less favourable than the terms and conditions to which they are entitled under their current awards.

See Australia staff will be employed on an offer and acceptance basis.

New and transferring employees of Tourism Australia will be able to become or continue as members of Public Sector Superannuation Scheme. Current

members of the Commonwealth Superannuation Scheme will also be able to continue as members.

In the event that there is insufficient time to appropriately identify and appoint the full Tourism Australia Board prior to Tourism Australia's commencement date, the Bill contains provisions to amend the quorum requirements for meetings of the Board of Tourism Australia during this interim period. This will allow the appointment of an Interim Board.

These provisions have been included in the Bill to ensure continuity of operation in light of the immediate decisions which will need to be made for Tourism Australia, and to ensure that the organisation continues to contribute positively to tourism in Australia.

The Tourism Australia (Repeal and Transitional Provisions) Bill 2004 provides the mechanism for a smooth start to a new era in Australian tourism.

The four organisations coming together to form Tourism Australia will benefit significantly from being under the one umbrella, with improved coordination and focus. The bringing together of the research functions will more effectively complement the marketing, investment and product development effort of the public and private sectors.

The preparation of this Bill has involved a significant number of people whom we would like to thank.

First, we would like to thank the hundreds of Australians from across the tourism industry who so enthusiastically participated in the nationwide consultations during the development of the Tourism Green Paper and the Tourism White Paper.

Second, we would like to thank the Structural Reform Group, chaired by Mr Tony Clark AM, which has invested considerable time and effort in advising on key aspects of the Bills. We greatly appreciate their efforts.

Third, we would like to thank the Industry Implementation Advisory Group for its advice and guidance on ensuring that the legislation meets industry needs. The Australian tourism industry will be a primary client of Tourism Australia and it is crucial that it meets industry needs.

Finally, we would like to thank officers in the Department of Industry, Tourism and Resources, particularly the Industry Strategy Team in Tourism Division for their efforts in preparation of the Tourism Australia (Repeal and Transitional Provisions) Bill 2004 and Tourism Australia Bill 2004. I commend the Bill.

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

Ordered that the resumption of the debate be an order of the day for a later hour of the day.

Ordered that the bills be listed on the *Notice Paper* as follows:

To be listed on the Notice Paper as separate orders:

Aboriginal and Torres Strait Islander Commission Amendment Bill 2004

Anti-terrorism Bill 2004

Bankruptcy Legislation Amendment Bill 2004 (to be listed with the Bankruptcy (Estate Charges) Amendment Bill 2004)

Export Market Development Grants Amendment Bill 2004

Family and Community Services and Veterans' Affairs Legislation Amendment (Income Streams) Bill 2004

Farm Household Support Amendment Bill 2004

Industrial Chemicals (Notification and Assessment) Amendment (Low Regulatory Concern Chemicals) Bill 2004

Superannuation Budget Measures Bill 2004

Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2004

Tax Laws Amendment (2004 Measures No. 2) Bill 2004

Tax Laws Amendment (2004 Measures No. 3) Bill 2004

To be listed on the Notice Paper as packages:

Customs Tariff Amendment (Fuels) Bill 2004

Excise Tariff Amendment (Fuels) Bill 2004

Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Bill 2004

Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004

Medical Indemnity (Run-off Cover Support Payment) Bill 2004

Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Bill 2004

Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004

Superannuation Laws Amendment (2004 Measures No. 2) Bill 2004

Tourism Australia Bill 2004

Tourism Australia (Repeal and Transitional Provisions) Bill 2004

BUSINESS

Consideration of Legislation

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.18 p.m.)—by leave—I move:

That the Bankruptcy Legislation Amendment Bill 2004 and the Bankruptcy (Estate Charges) Amendment Bill 2004 be taken together for their remaining stages.

Question agreed to.

AGE DISCRIMINATION BILL 2003

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Age Discrimination Bill 2003 acquainting the Senate that the House has disagreed to the amendments made by the Senate, and requesting the reconsideration of the bill in respect of the

amendments to which the House has disagreed.

Ordered that the message be considered in Committee of the Whole immediately.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.19 p.m.)—I move:

That the committee does not insist on the Senate amendments disagreed to by the House of Representatives.

Senator LUDWIG (Queensland) (5.19 p.m.)—It is unfortunate that the government has taken this particular course in relation to the amendments to the *Age Discrimination Bill 2003* that were moved by the opposition. The legislation itself is in fact welcomed by the opposition. However, I think it is, in truth, an indictment of this government that it is unable to deal with this legislation in a more pragmatic way. The Senate committee report proposed significant recommendations that could have been taken up by the government, but it failed to take them up. Labor's amendments, in fact, would have strengthened this bill significantly and given older people and younger people in our community much greater protection in the workplace and generally, particularly in the area of age based harassment by stamping out a loophole that still allows age based discrimination in some circumstances. With the amendments that Labor were proposing, we believe the operation of the Commonwealth age discrimination legislation would have gone from being perhaps the weakest in the land to being on a par with the best.

As amended by those proposals, we considered that the legislation before us would have been better able to fulfil its mission, one which the government and the opposition agreed to—that is, to protect Australians from negative age discrimination and a culture of utilising our nation's best talent base

irrespective of a person's age. There is, I think, strong consensus in the community that if the government is serious about retaining older people in the work force it needs to act to change its current attitudes towards older workers. There is also strong consensus that we need to be giving our young people greater comfort than what this bill presently provides. It demonstrates that the Howard government is happy to talk about removing discrimination but that in reality it is happy to retain and entrench discrimination when it suits.

Labor in this instance will not refuse to pass this legislation because of the benefits that it will bring. But we express, as I have been doing, our serious concern that the government is not prepared to support a stronger Age Discrimination Bill, one that would have been a piece of legislation that this government could have been proud of. Instead, it is prepared in this instance to settle for second best. While the opposition will not oppose the passage of this bill, that does not signify that we acquiesce to this second-best piece of legislation. What it does mean is that we still agree to the benefits that this legislation will bring by ensuring that age based discrimination is eliminated as far as this bill can do so, and we ask the government to consider during the next period the amendments that were not agreed to in the House this time. Labor will continue to seek a change for the betterment of Australians, especially in the area of age discrimination.

Senator GREIG (Western Australia) (5.23 p.m.)—We Democrats are very disappointed that the government has decided not to agree to the amendments that were made by the Senate to the *Age Discrimination Bill 2003*. Age discrimination legislation is long overdue. The Democrats welcomed the introduction of the bill; however, we were disappointed with the approach taken at the time by the government. As we looked more

closely at the detail and examined the speeches of government members it became quite clear to us that the bill was little more than an attempt to facilitate the government's policy of keeping older Australians in the workplace, and for longer. Many of the arguments made in favour of this legislation were associated with the economic benefits it was argued would flow from older Australians remaining in the work force longer.

The Democrats share the view that older Australians should be able to remain active within the work force without fear of discrimination. However, we believe that freedom from discrimination on the basis of age is a fundamental human right which deserves protection in itself. It is a right which applies equally to younger Australians and to older Australians. We Democrats believe it should have been protected years ago, not just now that the government has discovered the apparent economic benefits. Of course, the government's motivation for introducing age discrimination legislation is really quite irrelevant if in the end what we achieve is comprehensive protection against discrimination on the basis of age. However, in this case the government's attitude was actually reflected in the provisions of the bill, which did have a number of weaknesses. The Democrats and the opposition sought to address a number of those weaknesses by way of amendment in the Senate.

The Democrats thought that the most obvious weakness in the bill was the absence of an office of the age discrimination commissioner, and we introduced amendments to bring about such a commissioner. Unfortunately, those amendments were not supported by the opposition and therefore failed. However, there were a number of other amendments which were passed by the Senate. In particular, the prohibition against age discrimination was extended to include discrimination on the basis of a person's relative

or associate. The prohibition was also extended to apply to unpaid work as well as to paid employment. The Senate removed the provision in the bill which would prevent a person who has been discriminated against on the basis of their age and disability from seeking redress under both age discrimination and disability discrimination legislation. The Senate introduced a prohibition against harassing a person because of that person's age. It also removed the dominant reason test from the prohibition against discrimination so that a person could seek redress if they had suffered discrimination and at least one of the reasons for that discrimination was their age. The final amendments made by the Senate were aimed at ensuring that the exemption for positive discrimination was based on an objective rather than a subjective test. They introduced a requirement of reasonableness.

The government, through the House of Representatives, has rejected each and every one of the amendments made by the Senate. The reasons for opposing the amendments are brief and unconvincing. We Democrats believe that the Senate's amendments significantly improved what was otherwise a very weak bill. The government's rejection of these amendments simply confirms that its motivation in introducing this legislation had little to do with a genuine commitment to protecting the rights of Australians. This is clearly reflected in the reasons provided by the House of Representatives for rejecting the amendments. For example, in rejecting the amendment which would have removed the dominant purpose test from the bill, the House states:

In the area of age discrimination, action should be unlawful only where age is the dominant consideration. It is critical that the legislation not restrict employment opportunities for older Australians by imposing unnecessary costs and inflexibility on employers acting in good faith. The dominant

reason test will be most appropriate to promote the attitudinal change it seeks to achieve.

In other words, the government's intention is not to provide any real avenues of redress for those who have suffered age discrimination but merely to promote an attitudinal change. So this legislation will operate more like a vision statement than a regulatory regime. We Democrats are deeply disappointed that the Senate's amendments have been rejected; however, we will not be insisting upon them. As I said at the start of my remarks, and in my speech in the second reading debate on this bill, age discrimination legislation is long overdue in Australia. We have taken the view that it is better to have a weak prohibition against age discrimination than to have none at all.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.28 p.m.)—I thank honourable senators for their comments. The *Age Discrimination Bill 2003* delivers on a key government commitment and a key government policy initiative and it is integral to the government's strategy for addressing the ageing of Australia's population. Our aim in prohibiting age discrimination is to promote a change in people's attitudes about younger and older people. As Senator Greig has correctly pointed out, the government's objective is to encourage and foster attitudinal change without imposing unnecessary and unrealistic restraints on decision making in business and other sectors of public life. The amendments moved originally in the Senate by the opposition and the Democrats were not necessary and they were rightly rejected by the House of Representatives. In our view they would only have compromised the effectiveness of the bill. For example, the amendment purporting to extend the bill to unpaid work would undesirably fetter the voluntary sector.

The Attorney-General tabled a statement of the government's reasons for rejecting the amendments in the House of Representatives and I need not repeat the reasons the government will not accept the amendments. As I said, I thank honourable senators for their comments. I need only observe that the strong support for the government's age discrimination legislation from business and community groups and from individuals throughout Australia is testament to the demand for this legislation.

Question agreed to.

Resolution reported; report adopted.

AUSTRALIAN FEDERAL POLICE AND OTHER LEGISLATION AMENDMENT BILL 2004

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Australian Federal Police and Other Legislation Amendment Bill 2004, acquainting the Senate that the House has agreed to the bill with an amendment and requesting the concurrence of the Senate in the amendment made by the House.

Ordered that the message be considered in Committee of the Whole immediately.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.31 p.m.)—I move:

That the committee agrees to the amendment made by the House of Representatives to the bill.

Senator GREIG (Western Australia) (5.32 p.m.)—I will speak very briefly on the *Australian Federal Police and Other Legislation Amendment Bill 2004* as we spoke at some length in earlier discussion on this legislation. The key amendment to which the House of Representatives has disagreed—I am assuming there was only one but perhaps

there were other amendments—came from we Democrats, who were looking for opportunities to militate against what we saw as the inappropriateness of the Federal Police Commissioner being chastised for speaking out publicly on an issue which caused the government some embarrassment as it appeared to suggest policy differences. It was our view that those senior public servants, and the commissioner in particular, ought not be placed in the difficult and possibly invidious position of not being able to speak out on what they believe to be matters of public importance, at the risk of their own employment.

The amendment we therefore moved, and won support for from the opposition, was to ensure that such speaking out by the commissioner would not place her or his employment in jeopardy. The amendment therefore was self-explanatory and it was our hope that it would be adopted with a view to ensuring that there was greater transparency and accountability in terms of the processes for senior public servants, an example of which we saw in the recent scenario involving Commissioner Keelty. It remains our view that that amendment ought to have been supported and should have become a part of the legislation. However, although the House of Representatives has not seen fit to embrace it, we will not stand in the way of the passage of the legislation as a whole given that the broader provisions of the legislation certainly have merit.

Senator LUDWIG (Queensland) (5.33 p.m.)—There was, as I understand it, only one surviving amendment after the day of the long debate that we had in relation to the **Australian Federal Police and Other Legislation Amendment Bill 2004**, where the Democrats won the Labor Party's support for more transparency in relation to the appointments, ensuring that the government will not be able to deal with people as they

will. As the member for Barton made clear in the House of Representatives, the opposition has supported this legislation to complete the integration of the AFP and the APS and we will not be opposing the passage of this bill.

We are—as I think the Democrats are—disappointed that the government has not accepted an amendment proposed by the Democrats to reaffirm the right of the AFP Commissioner to express an honestly held view. This right, of course, faces no greater threat than the Howard government. Indeed, last fortnight in the Senate estimates we heard further evidence of how Commissioner Keelty was harangued by the Prime Minister's office and department after he made comments about Iraq that the government did not like.

As the member for Barton noted in the other place, the basis of the government's opposition to this amendment is entirely disingenuous. The minister says that it would prevent a commissioner from being dismissed for making racially discriminatory comments and my recollection was that that was the argument that Senator Ellison also relied upon. I must say I did have to consider that for a while but, having considered it, I think it was appropriate to come back and say that, in the first place, it would be easy for the government to clarify that the legislation does not go so far as to make unlawful those acceptable comments that are otherwise lawful.

In the second place, the minister now concedes that racially discriminatory comments justify dismissal. Why doesn't he then use his influence to ensure that the Western Australian branch of the Liberal Party does something about previous matters that have arisen? I will not go to the particular case; I am sure Western Australian senators, and perhaps other senators here, know what I am talking about: actions which are taken in

cases such as those which offend the Racial Discrimination Act. I particularly refer to a judgment by Judge Carr—and I will not go to the title but it was not that long ago, in 2002—which was not appealed. In my view, it is another case of the Liberal Party having double standards. It was a sure sign that the government was desperate in its search for an excuse not to support this amendment. When you reflect upon that case—the case in Western Australia under the Racial Discrimination Act, by a Liberal Party senator—you may think that it is strange that Senator Ellison would also raise that as an argument as to why he could not include it in this bill. I also put the argument, earlier, that you could amend the provision to ensure that unlawful comments would not be made lawful as a consequence.

I think it really underlines the Western Australian position and the government's position that they really cannot see their way clear to have a bill which ensures that Commissioner Keelty, in this instance, can act with complete honesty in a range of public matters. Nevertheless, we should not be side-tracked. I could certainly go on a little about that, but it is a debate that has been had. The real debate is the integration and I think the government has got that right. We have supported that, and we think that it will provide a new regime for both the AFP and the APS to ensure that they get on with crime fighting. We do not resile from our belief that the government was wrong to negate this amendment but, as we have indicated in the other place, in view of the importance of completing the APS-AFP integration and giving the AFP appropriate powers of cross-jurisdictional investigation, we will not be opposing the passage of this bill.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.38 p.m.)—I again thank honourable senators for

their comments. I emphasise that the [Australian Federal Police and Other Legislation Amendment Bill 2004](#) is an important and integral part of the government's efforts to protect Australians from terrorist attacks and to consolidate and enhance national security initiatives. It is the culmination of a process that began with the horrific events in the United States on 11 September 2001 and in Bali a year later. This bill will finalise the integration of the Australian Protective Service with the Australian Federal Police and enhance the ability of the Australian Federal Police to investigate state offences incidental to multijurisdictional crime.

Question agreed to.

Resolution reported; report adopted.

POSTAL SERVICES LEGISLATION AMENDMENT BILL 2003

Consideration of House of Representatives Message

Message received from the House of Representatives returning the Postal Services Legislation Amendment Bill 2003, informing the Senate that the House has agreed to amendments (1) to (5) and (10) to (12) made by the Senate, has disagreed to amendments (6) to (9) made by the Senate and has made an amendment in place of amendment (9), and requesting the concurrence of the Senate in the House amendment.

Ordered that the message be considered in Committee of the Whole immediately.

House of Representatives message—

That the Senate's amendment (9) be disagreed to, but that, in place thereof, the Bill be amended as follows:

Schedule 1, page 6 (after line 34), after item 14, insert:

14A After section 30

Insert:

30A Enforcement for infringement of reserved services

- (1) A person shall not engage in conduct that involves an infringement of Australia Post's exclusive right to undertake the reserved services.
- (2) If the Federal Court is satisfied that a person has contravened subsection (1), the Court may order the person to pay to the Commonwealth such pecuniary penalty, in respect of each contravention, as the Court determines to be appropriate.
- (3) In determining the pecuniary penalty, the Court must have regard to all relevant matters, including:
 - (a) the nature and extent of the contravention; and
 - (b) the nature and extent of any loss or damage suffered as a result of the contravention; and
 - (c) the circumstances in which the contravention took place; and
 - (d) whether the person has previously been found by the Court in proceedings under this Act to have engaged in any similar conduct.
- (4) The pecuniary penalty payable under subsection (2) by a body corporate is not to exceed \$250,000 for each contravention.
- (5) The pecuniary penalty payable under subsection (2) by a person other than a body corporate is not to exceed \$50,000 for each contravention.
- (6) The Minister or the ACCC may institute a proceeding in the Federal Court for the recovery on behalf of the Commonwealth of a pecuniary penalty referred to in subsection (2).
- (7) A proceeding under subsection (6) may be commenced within 6 years after the contravention.
- (8) For the avoidance of doubt, the remedy in this section is in addition to that provided in section 31 of this Act.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (5.40 p.m.)—I move:

That the committee does not insist on the amendments to which the House of Representatives has disagreed, and agrees to the amendment made by the House in place of the Senate amendment No. 9.

Senator MARK BISHOP (Western Australia) (5.41 p.m.)—This has come on at short notice. I will restate the position of the opposition in respect of the amendments that were carried last time in respect of the *Postal Services Legislation Amendment Bill 2003*. The ALP did move a number of amendments. I think they have been identified by the government today as amendments Nos 6 to 9. As I understand it, those amendments were rejected by the House when the bill was returned to the House for further consideration. The position of the opposition is to insist upon the amendments that were passed last time.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (5.42 p.m.)—Senator Cherry is handling the *Postal Services Legislation Amendment Bill 2003* for the Democrats. He is not available at the moment. I think it would be easier for all concerned if this bill was put off briefly and we dealt with the remainder of the *Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004* rather than my having to fill in time before he gets here, but if that is the way the government wishes to do it I will do it that way. (*Quorum formed*)

Progress reported.

**PARLIAMENTARY
SUPERANNUATION BILL 2004**

**PARLIAMENTARY
SUPERANNUATION AND OTHER
ENTITLEMENTS LEGISLATION
AMENDMENT BILL 2004**

**Report of Finance and Public
Administration Legislation Committee**

Senator EGGLESTON (Western Australia) (5.46 p.m.)—On behalf of the Chair of the Finance and Public Administration Legislation Committee, Senator Mason, I present the report of the committee on the provisions of the Parliamentary Superannuation Bill 2004 and a related bill, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**TAX LAWS AMENDMENT (PERSONAL
INCOME TAX REDUCTION) BILL 2004**

Third Reading

Debate resumed.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (5.47 p.m.)—The *Tax Laws Amendment (Personal Income Tax Reduction) Bill 2004* legislates an exclusive tax cut for higher income earners that the government has put forward out of the budget. I spoke just briefly before question time on the third reading, but I was sat down just before I was about to finish. As I do not now have to finish within 10 seconds, I will elaborate more fully. The enormous tax cuts coming out of the federal budget are a simple matter but do need to go on the record as an issue of public significance and public debate. The tax cuts are aimed specifically and exclusively at the highest income earners. The top 20 per cent to 25 per cent of income earners are the only people that will benefit from these income tax cuts. The Australian Democrats have said all along—indeed, even before the budget—

that if there are going to be income tax cuts they should be shared fairly amongst the entire community. There is no doubt that lower income earners can and would benefit from income tax relief.

The Democrats attempted to address that by moving amendments in the committee stage of this legislation to make these tax cuts fairer. Providing \$10 a week extra for low-income earners might not sound like much and might not make much difference when you are on \$100,000 a year, but when you are only on \$30,000 a year that extra 10 bucks does make a difference, and that would have been one way of clearly making these tax cuts fairer. That measure was not supported by either Labor or the coalition, and that is a disappointment to us.

Leading up to the budget the Democrats also outlined a range of areas where we could be saving extra money, increasing our revenue or reducing lost revenue by closing tax loopholes in areas such as the incentive that gives people a tax break for company cars. That measure, closing a tax loophole, incidentally, but appropriately on a day like today with the Prime Minister's announcement, would be good for the environment. That area currently encourages more car use, with the taxpayer paying for it. Modifying negative gearing could save an enormous amount of money and reduce the upward pressure on the price of housing. The massive capital gains tax discount that was supported by the ALP a few years ago was another area where a massive tax gain for higher income earners was provided, leading to the upward pressure on the price of housing. The long-abandoned promise by the coalition to tax trusts as companies would not just create a fairer tax system but also raise significant amounts of money. And there are many other smaller measures as well. So there is a range of measures that would make our tax system fairer and more equitable and

would raise extra revenue that could pay for these tax cuts or that could go into extra services that the Democrats also believe are necessary.

It is important to acknowledge and note for the record what is happening here. I mentioned the capital gains tax cuts that were made by this government with the support of the ALP. Huge gains were described at the time as overwhelmingly benefiting the wealthy as well as giving retrospective tax cuts to those already holding assets. At the time of the business tax changes Margo Kingston wrote that the Democrats had been fighting hard to stop the potential for massive rorting by the rich and fighting for the promised tax avoidance measures to be legislated to ensure that those tax avoidance measures that were supposed to be addressed were legislated for and in place before the other parts, the lower company tax rates and the capital gains tax rates, kicked in. She said that Labor 'shook hands with its traditional enemy rather than join the Democrats to improve the package for its own constituency'. It is doing it again and it is doing it for the same electoral reasons: it wants it off the agenda. It says it is coming down with its 'fairer and broader' tax proposals for the election. If Labor's proposals are good, then we will support them in the Senate if it gets into government. But what if it does not? We are then stuck with incredibly unfair, badly targeted, regressive income tax changes. In effect, Labor is helping the government get through parts of the changes that it wanted with its package attached to the GST. Labor made great play about the GST at the time and criticised it mercilessly, but now it is actually helping the government deliver some of the most regressive components of that—the income tax cuts for higher income earners—and it has to be highlighted that that is what is happening here.

I have no doubt that Labor are genuine in saying they will put forward a tax package that is going to be broader and fairer—and we will be the first to say so if that is what happens—but the fact is that that is not what is before the parliament. We cannot put that in place. At the moment there has been no attempt by the opposition to make this existing legislation fairer or broader. So we have something that is unfair and narrow that is going to become law. That is l-a-w law and it is not going to be undone. The trouble with passing a bad law and saying 'We'll fix it up later; just trust us' is that sometimes you do not get the chance. That is an unfortunate reality that many people have had to live with as a consequence of this sort of approach. We are elected to the Senate to consider legislation on its merits, not only on its merits when it suits us electorally or in terms of the electoral timetable. This legislation, on its merits, deserves to fail. It is clearly regressive and unfair. Because it is a matter of such significance and public debate, I felt it necessary to put clearly the Democrats' position on the record for the final vote on this legislation. It will obviously pass into law, because the numbers are there, but it is badly targeted. It is clearly not fair and, it should be mentioned also, is being rushed through in very quick time.

These are measures that were announced only a month ago. Coupled with the additional family tax payments that were rushed through in the last sitting week, we will have a massive injection of funds into the economy. Many economic commentators are saying that this is likely to lead to upward pressure on interest rates and is a very dubious economic responsibility. This government like to pride themselves on being economically responsible, but the fact is that a large proportion of the credit for the good economic statistics that the government continue to point to must go to the Senate, because it

is the Senate that passes these measures. It is the Senate that passes the vast bulk of legislation, the vast bulk of budget measures. The government cannot have it both ways. They cannot say that the Senate is holding up their program and then, when it does not and they get good figures as a consequence, say that it is all their own work. So the Senate is able to be economically responsible, and the Democrats put a lot of importance on being economically responsible. This massive injection of funds—there are huge amounts, billions and billions, in a very short space of time—is not economically responsible. It is not equitable in any definition of the word. In our view, there has not been proper scrutiny of how that amount of public money could best be used. That is another example of poor legislation being rushed through unnecessarily quickly because it suits the political timetable of other parties.

In the last sitting week we saw Labor allow through extraordinarily quickly massive amounts of money to be spent on extra payments for family tax benefit. Within two days of it being announced in the budget, it was introduced as legislation through the House of Representatives and the Senate. As I pointed out at the time on behalf of the Democrats, that is irresponsible. But the shadow minister, Mr Swan, had the gall to go on radio and television to complain about the hidden clawback that was in that legislation that the government had so-called ‘snuck through’. The only reason it got through without being exposed was that it was rushed through without being looked at properly. The information that Mr Swan used to point to this so-called clawback came from Senate estimates. As I said at the time—and, indeed, attempted to do at the time—if we had simply postponed that bill until after the Senate estimates process, which is there to look at the budget, we would have found this so-called clawback and we could have fixed it

up. That opportunity has been lost, and we will be lucky if it is ever fixed up. That is why we should not rush through legislation without looking at it properly. That is why we should not pass laws that we know are not as good as they could be or, in this case, are clearly not good at all. That is why the Democrats oppose it. We are disappointed that such a massively unfair tax cut is going to be put through with very little examination of its consequences and of what much better opportunities—much more effective value-for-money expenditure of this enormous amount of money—could have been put forward instead.

Question put:

That this bill be now read a third time.

The Senate divided. [6.01 p.m.]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	47
Noes.....	11
Majority.....	36

AYES

Barnett, G.	Bishop, T.M.
Brandis, G.H.	Buckland, G.
Calvert, P.H.	Campbell, G.
Campbell, I.G.	Chapman, H.G.P.
Colbeck, R.	Collins, J.M.A.
Cook, P.F.S.	Crossin, P.M.
Eggleston, A. *	Evans, C.V.
Ferguson, A.B.	Ferris, J.M.
Fifield, M.P.	Forshaw, M.G.
Harris, L.	Hogg, J.J.
Humphries, G.	Hutchins, S.P.
Johnston, D.	Kirk, L.
Knowles, S.C.	Lightfoot, P.R.
Ludwig, J.W.	Lundy, K.A.
Macdonald, J.A.L.	Mackay, S.M.
Marshall, G.	Mason, B.J.
McGauran, J.J.J.	McLucas, J.E.
Moore, C.	O'Brien, K.W.K.
Payne, M.A.	Ray, R.F.
Santoro, S.	Scullion, N.G.
Sherry, N.J.	Stephens, U.
Tchen, T.	Troeth, J.M.

Watson, J.O.W.
Wong, P.

Webber, R.

NOES

Allison, L.F. *
Brown, B.J.
Greig, B.
Murphy, S.M.
Nettle, K.
Stott Despoja, N.

Bartlett, A.J.J.
Cherry, J.C.
Lees, M.H.
Murray, A.J.M.
Ridgeway, A.D.

* denotes teller

Question agreed to.

Bill read a third time.

ASSENT

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

Family Assistance Legislation Amendment (More Help for Families—Increased Payments) Act 2004 (Act No. 59, 2004)

Family Assistance Legislation Amendment (More Help for Families—One-off Payments) Act 2004 (Act No. 60, 2004)

Classification (Publications, Films and Computer Games) Amendment Act 2004 (Act No. 61, 2004)

Law and Justice Legislation Amendment Act 2004 (Act No. 62, 2004)

Veterans' Entitlements Amendment (Electronic Delivery) Act 2004 (Act No. 63, 2004).

CUSTOMS TARIFF AMENDMENT (FUELS) BILL 2004

EXCISE TARIFF AMENDMENT (FUELS) BILL 2004

Second Reading

Debate resumed.

Senator O'BRIEN (Tasmania) (6.06 p.m.)—The **Customs Tariff Amendment (Fuels) Bill 2004** and the **Excise Tariff Amendment (Fuels) Bill 2004** have the following implications. They impose both customs and excise duties of 1c per litre for high-sulfur diesel on top of the normal rate retrospec-

tively from 1 July 2003 and 2c a litre from 1 January 2004. The bills increase the rate of both customs and excise duties on aviation fuels by 0.306c per litre, impose both customs and excise duties on biodiesel at the normal rate of 38.143c per litre on ultralow-sulfur diesel and amend the excise tariff to enable previously paid duties to be deducted in the formula for calculating excise duty payable on ethanol-petrol blends.

The duty rate differentials for high- as opposed to low-sulfur diesel were first announced by the Prime Minister all the way back in May 1999—last century—in what was then described as the Measures for a Better Environment package. The new duty rates will finally give effect to the government's decision to encourage the early introduction of ultralow-sulfur diesel, which will be mandated by 1 January 2006 under the Fuel Quality Standards Act 2000. Labor supports the initiatives to encourage cleaner fuels and has previously indicated its support for the changes, particularly those which encourage the early introduction of ultralow-sulfur diesel, known as ULSD. Yet again it has taken the government too long to implement them.

The government first announced these measures on 31 May 1999 and it has taken five years to get this far. Meanwhile, refiners have been living with great uncertainty—uncertainty which has largely stifled the large investment decisions needed to produce cleaner petrol and diesel. It is not only the fuel producers who have suffered as a result of the government's tardiness on these bills; consumers should have been encouraged to use low-sulfur diesel long before now. Cleaner diesel is better for the environment and better for public health, but Australia will struggle to meet its deadline for new clean fuel standards in 2006 because of the delay in the introduction of these bills into the parliament. This is just one example of

the Howard government's disregard for the consumers in the fuel sector.

High petrol prices are putting financial pressure on Australian families. Most parts of this country are experiencing prices of at least \$1 a litre. Of course in many regional areas, such as in my home state of Tasmania, prices are much higher. As the Treasurer has said, a big part of the problem is the war in Iraq and the instability in the Middle East—something for which this government must surely take some responsibility. High oil prices demonstrate the need for increased competition in the Australian petroleum industry to provide relief for consumers and their families. That is why Labor in government will implement a six-point plan to put downward pressure on petrol prices.

Labor will ensure that consumers continue to have access to a competitive retail petroleum market. Our six-point plan will strengthen the Trade Practices Act and give the ACCC more teeth to take action against major oil corporations and their alliance partners misusing their market power to the detriment of the market and, consequently, the detriment of the consumer. A number of reports have recommended reforms to the Trades Practices Act, but the Howard government has refused to legislate them. Only Labor is committed to stimulating competition and, in this case, delivering lower petrol prices to consumers. Further, despite government scaremongering, Labor has no intention of moving against the shopper docket scheme.

Today the Prime Minister released his long-awaited energy white paper. This white paper fails to deliver a policy which guarantees reliable, affordable and environmentally sustainable supplies of energy to all Australians. Instead, after 8½ years of drift and inaction, all the Prime Minister has produced is another short-term election fix—funding

announcements on the eve of an election, most of which will not be available for two years. The Prime Minister still has his head in the sand on climate change and, unlike Labor, has no plan to address Australia's growing dependence on imported oil or the looming crisis in energy infrastructure investment. Australian households and industry face a supply and price crisis if regulatory impediments to investment are not adequately addressed and energy market planning issues are not dealt with. The Prime Minister's failure to match Labor's commitment to ratify the Kyoto protocol and to increase the mandatory renewable energy target puts Australia on the path of an environmental crisis and perpetuates investment uncertainty for industry.

Labor supports technologies designed to allow us to burn our coal more cleanly and efficiently but it believes an equal effort needs to be made in increasing the role of renewable energy in Australia. The Prime Minister's white paper fails to deliver the correct balance. In transport fuels, Labor has supported recent initiatives to tax fuels on an energy content basis and to encourage a greater uptake of alternative fuels. Today a desperate Prime Minister turned the clock back, consigning policy to the waste bin in deference to a quick political fix. This is at a time when we are consuming oil three times faster than we are finding it, leaving us increasingly exposed to externally induced fuel price hikes.

Labor places high importance on energy efficiency and will be looking at the detail of the government's plan to ensure that it is well targeted, effective and efficient. There is a large amount of business to be undertaken in this place, and I believe we are sitting late tonight to attend to that. I will end my comments by saying that Labor supports these bills. I understand that there is to be some amendment pursued by the Democrats. La-

bor will be looking at that in the context of the debate.

Senator ALLISON (Victoria) (6.13 p.m.)—The **Customs Tariff Amendment (Fuels) Bill 2004** and the **Excise Tariff Amendment (Fuels) Bill 2004** will amend the Excise Act to increase the customs and excise duty rate on aviation fuel by 0.306c in order to fund the Civil Aviation Safety Authority, to introduce a differential excise and customs duty on ultralow-sulfur diesel to encourage the quicker take-up of the cleaner fuel and to impose an excise on biodiesel for the first time.

The Democrats successfully negotiated the differential excise on ultralow-sulfur diesel with the government in 1998. We did that to encourage the take-up of ultralow-sulfur diesel. The Democrats will be supporting this initiative. Prior to our raising this issue with the government, there was no national fuel standard for diesel fuel in Australia—with the sulfur levels in diesel many times higher than those allowable in Europe and other parts of the world. In addition to introducing a fuel standard, there were a number of other measures which encouraged the use of alternative fuels such as biodiesel. There are great benefits in moving to low-sulfur diesel. Of course all diesel now is low sulfur, but there is an opportunity through this differential to encourage petroleum companies to move to ultralow-sulfur diesel, which has been called for by the truck and auto manufacturing sector for some time.

The legislation also deals with the introduction of customs duty and excise on biodiesel. Biodiesel is a renewable fuel which can be produced from vegetable oil or other organic matter. It can be blended with petrodiesel or used on its own to power diesel engines. Biodiesel burns more cleanly than petrodiesel, producing less harmful particulate emissions than low-sulfur diesel and,

because it is renewable, it does not contribute to greenhouse gas emissions. Prior to the 2001 election, the government set a production target for biofuels of 350 megalitres by 2010 and agreed not to impose excise on biofuels. The Democrats, along with the industry, were very disappointed when, in the 2003 budget, it was announced that there would be an excise imposed on this clean and renewable fuel. The government has been collecting excise on biodiesel since September last year, and the passage of these bills will provide legislative backing for that collection of revenue.

We believe that biofuels, together with other alternative fuels such as natural gas and LPG, should be excise free. We believe that this would provide a competitive advantage to alternative fuels and encourage the take-up of those fuels in the marketplace. This has been demonstrated by the successful uptake of LPG as a transport fuel, particularly by the taxi sector of the transport market, in many parts of the country. This was a debate that we had with the government last year. However, the government has indicated that it will not back down from its decision to impose a new tax on clean fuels, and the ALP has indicated its willingness to support the government's stand. Recognising that the new tax would be introduced with the support of both major parties, we did manage to negotiate an extension of three years to the time frame for the payment of cleaner fuel grants on alternative fuels so that now they will be in place until 2011 and they will be phased out over a five-year period until 2016, which is effectively an excise break for the alternative fuels industry. We would like to have seen a much longer time frame for the grant, but this was all the government was prepared to give. That was very disappointing in the light of the government's previous commitment to not tax alternative fuels.

As some senators in this place may be aware, biodiesel is relatively easy to produce. It can be produced by people in their own backyards using raw ingredients. Many Australians, both in the cities and in regional areas, do so. There are a great many people who enthusiastically produce the fuel to power their own vehicles—diesel powered four-wheel drives or farm machinery. Under the proposed legislation, these hobby producers or small-scale backyard producers who produce biodiesel for their own use will also be subject to the excise, and that involves imposing a very costly and onerous testing regime and licensing requirement on those people. That is unrealistic for people who are producing fuels for their own use. In order to obtain a licence, producers have to have the fuels tested, and testing a single batch of biodiesel can cost many hundreds, if not thousands, of dollars—and often backyard biodiesel production is around the 50-litre mark.

Requiring hobby producers to meet these requirements will force them to either stop making this renewable fuel and driving their cars on what is an environmentally sound fuel that is often made from recycled oil, sometimes fish and chip oil, and instead use fossil fuel petrodiesel or—as some will no doubt choose to do—continue with their hobby, break the law and produce biodiesel regardless. The Democrats will be moving amendments to the Excise Tariff Amendment (Fuels) Bill which will seek to exempt the non-commercial production of biodiesel for personal use from that excise. Those amendments will be modelled on provisions in the Excise Tariff Act which exempt homebrew beer from this excise.

As Senator O'Brien has said, the Prime Minister's statement today on energy was a disappointment. The Prime Minister talks about energy security, but his idea of energy security is how well our infrastructure is se-

cured against terrorism. I think he misses the point here because energy security is about security of supply, not about the security of something we have already got. As we all know, it is the case that fuel supply will peak in the next few years, and peaking means that you cannot keep increasing consumption, which is what we are currently doing worldwide.

The Democrats would argue that you also cannot sit back and rely on exploration which might find petroleum very much deeper than most of the reserves we currently tap into, which makes it difficult and expensive to extract. And you cannot rely on sources such as shale. The shale oil mine in Central Queensland has struggled to produce oil from shale. The problem is that it is very expensive to, firstly, dig out of the ground and, secondly, crush, heat and extract the oil from. So we cannot possibly look at a sustainable greenhouse future that depends on such very greenhouse intensive and costly sources of energy.

It is important that we promote fuels like biodiesel and it is a great shame that the government proposes to impose an excise on biodiesel in this bill. We accept that agreement has been struck with the opposition and that we have lost the debate to not have excise imposed on biodiesel. To some extent we are going to have to live with that, but small-scale biodiesel producers will be the losers out of this. In fact, those who write to me have told me already that they will not continue to produce biodiesel. Not only will this be a problem for emissions and the use of cleaner fuels but it will mean that a waste product which is currently going to landfill—or whatever other destiny is currently available to fish and chip oil—will not be recycled and used effectively as a transport fuel.

We will be moving to exempt small-scale producers from this measure. As I have indicated, it can be very costly to do the testing. That is one of the main reasons for wanting this exemption, but obviously the government is not going to gain very much from collecting an excise from people who produce 50 litres of biodiesel on an irregular—or even on a regular—basis. It seems to me that, as long as they are not selling this on and they are not a commercial producer, they should not be caught up in the excise regime and that there is also a good argument for them not having to test their product. The Democrats will be supporting these bills, but I do hope to persuade honourable senators to support my amendment, which has been circulated.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (6.24 p.m.)—The amendments contained in this bill have been previously tabled as the excise tariff proposals. The proposals now require incorporation in the Excise Tariff Act. This bill contains three government initiatives: the introduction of excise differentials between diesel with high sulfur content and ultralow-sulfur diesel, an increase in excise duty rates for aviation fuels and the imposition of an excise duty on biodiesel.

The excise differential for high-sulfur and ultralow-sulfur diesel is part of the government's Measures for a Better Environment package to encourage the production and use of cleaner fuels. The production cost for ultralow-sulfur diesel is higher than for high-sulfur diesel. Without the differential, ultralow-sulfur diesel would be uncompetitive in the marketplace, as users generally regard high- and ultralow-sulfur diesel as interchangeable and would not be prepared to incur the additional cost of ultralow-sulfur diesel. The imposition of an excise differential is intended to even up the price between high-sulfur diesel and ultralow-sulfur diesel

and reduce the price disincentive for the production of ultralow-sulfur diesel. The bill amends the Excise Tariff Act to incorporate the excise differentials for high-sulfur diesel and similar products with high-sulfur content that may be used as diesel substitutes.

An increase in duty on aviation fuels is required to provide supplementary funding for the Civil Aviation Safety Authority, CASA. The duty on aviation fuels provide a substantial proportion of funding for CASA, which is estimated to receive 11 per cent less than the forecast revenue due to reduced worldwide demand for air travel, cessation of Ansett operations and the introduction of larger and more fuel-efficient aircraft. The increase in duty will ensure that CASA is adequately resourced to continue its safety regulatory responsibilities and maintain Australia's enviable aviation safety record.

The imposition of excise duty on biodiesel was announced by the government in the 2003-04 federal budget as part of the government's broader fuel tax reform arrangements that bring all currently untaxed fuels into the excise and customs duty systems. The reform establishes a broad, sustainable taxation framework, providing increased certainty for investors as well as establishing a fairer and more transparent fuel excise system with improved competitive neutrality between fuels. On 16 December 2003 the Prime Minister announced the final excise duty rates for fuels. Biodiesel will receive a discount of 50 per cent on the usual excise rate. The discount was set having regard to a range of industry, regional and other factors. Grants are provided under the Energy Grants (Cleaner Fuels) Scheme for the production of biodiesel fuels and biodiesel fuel blends. These grants will offset the excise duty, effectively providing an excise-free rate for biodiesel until 1 July 2011. After 1 July 2011 the grants will be reduced by five even annual instalments until the final excise duty

rate for biodiesel—19.1c per litre, half the rate applying to conventional fuels—is reached on 1 July 2015. Grants are similarly provided for imported biodiesel to offset customs duty. Complementary changes to customs legislation are being addressed through the Customs Tariff Amendment (Fuels) Bill 2004.

Having regard to the time of the evening, I will not at this stage respond to Senator Allison other than to indicate that the government is not disposed to support her foreshadowed amendment. I will elaborate on the reasons at a later time in the evening. In the meantime, I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

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

In Committee

Bills—by leave—taken as a whole.

Senator ALLISON (Victoria) (7.30 p.m.)—I move:

That the House of Representatives be requested to make the following amendment:

- (1) Schedule 1, page 6 (after line 26), after item 6, insert:

6A Before the table in the Schedule

Insert:

Tariff items 11 and 12 of this Schedule do not include any biodiesel which has been produced for non-commercial purposes, using non-commercial facilities and equipment.

Statement pursuant to the order of the Senate of 26 June 2000—

The effect of the amendments will be to exempt biodiesel produced for non-commercial purposes using non-commercial facilities and equipment from excise which would otherwise be imposed. As the Bill imposes taxation the amendment is presented as a request.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000—

As this is a bill imposing taxation within the meaning of section 53 of the Constitution, any Senate amendment to the bill must be moved as a request. This is in accordance with the precedents of the Senate.

This amendment would effectively remove the need to impose an excise on and ensure compliance with fuel standards by producers who make biodiesel for private use—in other words, those who do not commercially trade in biodiesel. It would allow those non-commercial producers of biodiesel to make biodiesel without the need to pay the excise, which is a lesser problem to those producers, I might say, than the problem of testing the fuels they make in order to ensure that they comply with the fuel standards.

I want to read some of the correspondence from the many people who have written and asked for us to act on this. We have heard that many have already stopped production. This is a great pity for them personally because it means they are no longer likely to drive their vehicles using this cleaner fuel, but it also takes away an opportunity for recycling oil to produce biodiesel. It is simply financially unviable to produce biodiesel for your own use under the proposed system.

Another argument that is often put is that the revenue that will be collected will be minuscule. It is estimated that 2,000 to 3,000 people currently produce diesel at home or in some other location for their own personal use. Many of them have already dropped out of that production. I visited a commercial organisation in Melbourne last year and talked with them about what would be needed for them to have their biodiesel tested. They use it on the trucks they run. They are not interested in making biodiesel commercially. They were doing the right thing insofar as improving fuel emissions

and benefiting the environment but they were seriously questioning whether it was useful for them to do so.

Many said that we should be encouraging the most economical and renewable fuel, and that includes biofuels. Typically some asked that we not provide any unnecessary barriers to the successful culture. Another said that from an ethical, environmental, economical, technical and social perspective they could not find any good arguments for placing an excise on a small group of home producers who intend to use the product for themselves and not for sale. Many more indicated that biofuel producers will simply stop doing what they are doing.

I know it is likely that a couple of arguments will be put as to why this should not proceed. One of them is safety—that is, if these producers were not caught up in the federal system, the Commonwealth would be concerned about occupational health and safety issues. But it is my understanding that the state governments are responsible for compliance with occupational health and safety and that both the occupational health and safety laws and the dangerous goods laws would ensure that producers would not be in a position where what they were doing was dangerous or would somehow disadvantage them.

Newcastle, as always, is leading the pack, as it were, on environment initiatives, and the Newcastle City Council web site talks about that. The council has just been awarded \$100,000 from the New South Wales Environment Protection Authority which will fund Australia's first alternative fuels project using biodiesel. This biodiesel will come from restaurants in the Newcastle area and will then be used by the Newcastle City Council vehicles. That initiative will reduce the council's greenhouse gas emissions and its reliance on fossil fuels as well

as produce a financial saving of approximately \$30,000 each year through reduced maintenance costs. They point out that international experience suggests that biodiesel has been proven to produce lower emissions of particles than diesel. That project is to be tested under Australian conditions by the RTA, the Roads and Traffic Authority.

The point I wish to make is that there is no good reason for discouraging the production of biodiesel. There is no reason in terms of occupational health and safety or dangerous goods; there is also no good argument from an economic point of view. Two or three thousand producers of perhaps 50 litres each over a short period of time would not appear to me to be a major problem in terms of loss of revenue from this source. In fact, today we saw the most massive handout of tax revenue from the energy industry given back to truck drivers and to the petroleum industry. This would pale into total insignificance by comparison with that \$1.2 billion, which is being handed back by way of excise reductions for petrofuels and fuels which are fossil fuels.

I would strongly urge the minister to consider this question. It is hard to see that there would be any reason, other than occupational health and safety and dangerous goods, which might reasonably be put up as a barrier. Certainly, it is not an economic consideration, because these producers are going to go out of business anyway; they are not going to bother producing biodiesel if this exemption is not agreed to. As I said, it is hard to imagine that there would be any reason for not supporting it.

On the point of whether or not this is dangerous, as I understand it, the Army is currently interested in using biodiesel. The reason for doing so is that it has a higher flash-point, which means that it is much safer for use in Army exercises than ordinary diesel.

There are many applications which could be adopted. There are a very broad range of environmental benefits including cleaning up used oil, whether it is fish and chip oil or some other kind of oil, in the production. As I have said, there seems to me to be no real reason for putting any sort of barrier in the place of home production, such as the need to comply with the standards or to pay the excise.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (7.40 p.m.)—I want to make a brief response to Senator Allison. I appreciate Senator Allison's rationale and careful explanation of the basis on which she has made the request that is currently being considered. I want to very briefly put on the record the government's position. The government's announcement of the application of excise duty on biodiesel as part of broader fuel tax reform in the 2003-04 federal budget did not include an excise exemption for the production of biodiesel for personal use. The excise status for small-scale biodiesel production in the government's view cannot be compared with the excise treatment of, for example, home brewed beer. A more valid comparison is to other fuels that compete with biodiesel, such as conventional diesel, and it should be noted that there is no exemption for non-commercial, small-scale production of conventional fuels. But, in any event, even within the production of excisable alcohol the exemption is for home brewed beer only, whereas unlicensed distillation of spirits is, of course, illegal.

The lack of an exemption in the case of biodiesel accords with the general principle that excisable fuel production is subject to the provisions of the excise-licensing regime, in which the criteria to be satisfied are normally directed to commercial-scale production. Moreover, it is consistent with the government's active implementation of fuel

standards for conventional fuels that are directed towards minimising emissions. Fuel standards are in place for diesel, petrol and LPG as well as biodiesel. It is not certain—indeed, it is unlikely—that small-scale biodiesel production by non-commercial parties would consistently produce fuel that satisfies the required fuel standards. Additionally, small-scale, non-commercial manufacture of biodiesel is, in the government's view, not desirable because of the hazardous nature of the chemicals involved in biodiesel production, by which I mean, methanol, potassium hydroxide and sodium hydroxide—that is, caustic soda. Briefly, those are the reasons why the government is not agreeable to the request, although I acknowledge Senator Allison's longstanding interest in this and I have listened carefully to the basis on which she has put forward her request.

Senator O'BRIEN (Tasmania) (7.43 p.m.)—The opposition, I am advised, was not given much notice about this proposed amendment and has had a limited amount of time in which consider it. I note that the amendment talks of biodiesel which has been produced for non-commercial purposes using non-commercial facilities. I am advised that there is no definition in the legislation as to what the term 'non-commercial' means. That being the case, it would seem that non-commercial might be taken to mean 'not produced for sale'. It might mean 'not produced for use in a business' and non-commercial facilities might or might not mean 'facilities run by a business where the diesel is produced only for the use of that business'. So there would be some uncertainty in the provision as it is proposed in that sense.

The other issue that arises, in terms of the intent of the legislation to exempt this fuel from the testing regime, is that it provides an escape from what I understood to be a fairly generally accepted policy—that cleaner fuels

relied upon appropriate standards being adopted across the spectrum for fuels used in our environment. One can make assumptions about where biodiesel might be used, but those would only be assumptions. The fact of the matter is that the fuel used in vehicles may be a matter for the owner of the vehicle for the time they own the vehicle, but if that has an impact on the life cycle of the vehicle, even after it has passed from that owner to another owner, then there are consumer and consumer protection issues relating to that vehicle which ought to be understood in the context of this legislation with regard to, obviously, the on sale of it.

The question of dealing with hazardous materials and general safety matters was touched upon by Senator Allison in her contribution but also by the minister in relation to the significantly dangerous substances used in the manufacture. Given the time in which we have been required to consider this amendment, we are not satisfied that the passage of this amendment will not lead to a development of manufacturing facilities using these dangerous substances in circumstances that might be injurious to the environment or certainly to those who might come into contact with or live nearby production facilities. Given that they are not commercial, does that imply that this would be a facility which might or might not be near residences?

These questions may be able to be answered. Indeed, there may be an answer to the question of how much revenue would be forgone in this measure, but I have not heard the answer to that yet. In the circumstances, Labor would prefer to give fuller, more detailed consideration to the proposition which is being advanced. Rather than deal with it in the context of this debate on short notice and without a detailed examination, Labor propose not to support the amendment. We will be giving consideration to all of those rami-

fications in our policy considerations, if indeed we have time to do so.

Senator ALLISON (Victoria) (7.47 p.m.)—I ask the minister whether it is her expectation that small-scale producers will cease to produce biodiesel with the passage of this legislation.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (7.48 p.m.)—Clearly, if they are going to proceed it will be illegal. Whilst the government of course never wants to put people in difficult positions, the intent of this legislation is clear. The government has no information or expectation that there would be a wholesale cessation of activity. That must be a matter for those individual producers as to how they comply with the law.

Senator ALLISON (Victoria) (7.48 p.m.)—I will make some comments about other remarks that have been advanced. Senator O'Brien, I do not want to get into an argument about timing, but it is my understanding that we let your office know some time ago that this was the intent and the direction in which we were moving. There may be a problem with definitions. I am not sure if that is the case. We took the best advice that was available to us at the time. I do not think we should be concerned about what happens to those people who live next door to people who are producing biodiesel. People are out there producing biodiesel, and presumably they need to have some planning permission from either their local government or their state government in order to do that. In any case, this legislation is not about planning. Paying excise does not give you a guaranteed capacity to make biodiesel wherever you are or wherever you want to. So that is really not an issue that needs to concern us, I would argue.

The idea of not supporting this for consumer protection reasons is an interesting

one, because I do not think there is any real evidence—not that I have seen, anyway—that biodiesel use in vehicles somehow weakens them or damages them in a way that an ongoing new owner might be unsuspecting of so that they suddenly find they have got a lemon on their hands. Again, state laws have roadworthy tests and the like that would identify that. So it is disappointing. I think this is the end for a number of quite enthusiastic producers of biodiesel. They see that they are doing the right thing by the environment in recycling oil.

It is also surprising that we would think that the product that they produce is likely to be somehow inferior. In fact, they would have every reason to make sure that the standard was such that it suited their vehicle and that it was the best that it possibly could be. I have no guarantee of that, but it seems to me that we are throwing the baby out with the bathwater, because to encourage this enthusiastic group to keep doing what they are doing seems to me to be very sensible and to not have too many downsides. It is disappointing that the government do not care whether or not they are out there doing this and that it will proceed with this legislation to bring them into the fuel standards, which guarantees that they cannot keep doing what they have been doing, because the costs of testing are so very high that it could never make it viable unless they were doing it for a very altruistic reason and were prepared to hand over huge amounts of money to a testing agency and the tax office. So it is disappointing. I am sorry that both the government and the opposition have come to that conclusion.

Question negatived.

Bills agreed to.

Bills reported; report adopted.

Third Reading

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (7.53 p.m.)—I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

POSTAL SERVICES LEGISLATION AMENDMENT BILL 2003

Consideration of House of Representatives Message

Consideration resumed.

The TEMPORARY CHAIRMAN (Senator Watson)—The committee is considering message No. 598 of the House of Representatives relating to the *Postal Services Legislation Amendment Bill 2003*. The question now before the Senate is that the committee does not insist on the amendments to which the House of Representatives has disagreed and agrees to the amendment made by the House in place of the Senate amendment No. 9.

Senator CROSSIN (Northern Territory) (7.54 p.m.)—I rise to speak to the House of Representatives message regarding the Senate amendments to the *Postal Services Legislation Amendment Bill 2000*. I preface my remarks by restating that Labor remain opposed to the bill. This is because the provisions deregulating certain aspects of Australia Post's reserved service remain in the bill. Labor previously sought to remove these provisions in the Senate but was defeated by the coalition and the Democrats. With regard to the House's message, the government has rejected Labor's amendments (6) to (8). Labor moved Senate amendments (6), (7) and (8) to strengthen the Auditor-General's postal monitoring role. We wanted a stronger consumer focus in that role.

It is a pity that the House has not agreed to these amendments. The government is saying the ACA must have this role, but the ACA as we know it will not exist in a few years. The government should have agreed to these amendments to improve consumer outcomes in postal services, but this government is really only interested in deregulating Australia Post's reserved service. It is rejecting these amendments that would have improved the monitoring of Australia Post by the Auditor-General. We will insist on the amendments, despite the government's attempts to defeat them. The government has, however, agreed to an amended version of the Democrats' amendment imposing a strict penalty regime on persons infringing Australia Post's reserved service. We supported this amendment, but we note that the Democrats only moved this because, by and large, they felt guilty about voting with the government to partially deregulate Australia Post's existing level of reserved service. As was stated in the previous debate on this bill, deregulating aspects of Australia Post's reserved service is just not on for Labor. Labor remain committed to Australia Post remaining in full public ownership with its current level of reserved service intact.

The Democrats have tried to argue in the debate on this bill that the deregulatory measures in the bill simply formalise existing arrangements made by Labor. This is not true. This bill extends the exceptions to Australia Post's reserved service beyond what was originally legislated by Labor. The bill allows aggregators to pick up mail from their customers legally for the first time. It also allows document exchange centres to pick up and receive mail from their customers legally for the first time. This allows Australia Post's competitors to get closer to an end-to-end service that excludes Australia Post. Just because Australia Post and the government were not enforcing the existing reserved ser-

vice does not make that legal. The Democrats have been sucked in by the government's claim that this section was legitimising existing practices. Again, this is a false claim. The government is making legal practices which are, in fact, currently illegal.

The Democrats are set today to again vote with the government to pass this bill which partially deregulates Australia Post's existing level of reserved service. We will remind them of this, of course, up until the next election; so, I suspect, will the Greens. Australia Post's reserved service enables Australia Post to provide all Australians with a decent standard letter service at a uniform price. Labor support this policy absolutely. We do not support the gradual deregulation of Australia Post's reserved service by stealth. And we do not support the government's attempts to deregulate and ultimately privatise Australia Post. Labor still oppose this bill regardless of the fact that some otherwise worthwhile amendments are contained in it. Labor will never support the deregulation or the ultimate privatisation of Australia Post.

Senator CHERRY (Queensland) (7.59 p.m.)—The Australian Democrats will be supporting the motion moved by the government. We will not be insisting on the amendments which were moved on the last occasion the bill was before the Senate and we will be supporting the substitute amendment which has been proposed by the government in place of the amendment we originally moved. I wish to state quite clearly exactly what the final package that has been agreed to as a result of these amendments is. There are a number of clarifications of the boundaries of the exemptions to the reserved business provisions which were already in the act and which were put into the act by the previous, Labor, government more than 10 years ago. The clarifications relate primarily to the issue of picking up and delivering mail through aggregated services and document

exchanges. The fundamental issue, of whether there should be aggregated services or document exchanges in the first place, was a matter decided by the previous, Labor, government.

The issue of pick up and delivery is a very small adjunct; it simply clarifies the boundaries of that service. From all the best evidence we have received, we believe it is not a threat to Australia Post's business and Australia Post believes it will not significantly impact on its services in the future. Indeed, all the evidence suggests that Australia Post has been quite forceful in defending its reserve business powers, and I am very pleased that the government has agreed to an amendment to ensure that where there are breaches of the reserve powers of Australia Post there is a pecuniary penalty in addition to the civil penalties provided by the act. This brings the postal services legislation in line with the telecommunications services legislation, which already has a provision allowing for pecuniary penalties in the case of breaches of marketing arrangements.

I note that this legislation includes the provisions already agreed to by the Senate which give the ACCC a monitoring role for the first time in respect of the pricing of Australia Post. I am pleased the government has dropped its insistence that there be an additional monitoring role for the Australian Communications Authority. It was our firm view that the monitoring role proposed for the Australian Communications Authority was a waste of money. It would have cost an estimated \$3 million, which was an impost by a regulator which, in our view, has not sufficiently been regulating telecommunications services and was not going to value add significantly in the area of postal services.

I am disappointed tonight that the government did not accept the amendments which were proposed by the opposition on

the last occasion which were at least to expand the monitoring role of the Auditor-General. However, as a result of this legislation we will maintain the status quo, which is that the Auditor-General will continue the role of monitoring the performance of Australia Post. I reject the assertion by the government, in its message from the House, which says that the Auditor-General only audits—an argument which was made by the minister on a previous occasion. The Auditor-General has a much broader role than auditing and in the modern world performance auditing is a role which takes in a whole range of performance functions way beyond the issue of financial auditing. From that point of view, the status quo of the role of the Auditor-General is, in my view, a much preferable position to the position of providing a whole new cumbersome bureaucracy through the ACA. From that point of view, the Democrats will be supporting the government's proposals on this occasion by not insisting on the amendments with respect to enhancing the role of the Auditor-General. We believe the Auditor-General has been doing a very good job to date. If the government does not want the role enhanced, then frankly it is not up to the Senate to insist on that role being enhanced.

For the record, I should declare a small interest in that I have worked as a mail sorter on many summer holidays. My father was a country postmaster for over 28 years. As a result, I have a lot of emotional attachment to Australia Post. I am confident that this bill we are passing tonight will not result in a watering down of Australia Post services, but the Democrats will certainly be monitoring it. We opposed the deregulation bill when it was first proposed for Australia Post in 2000. We do not support the deregulation of Australia Post beyond this clarification of the existing reserve business powers and we certainly put the government on notice that we

will be monitoring very carefully how this bill operates in practice to ensure that this is not used as any sort of vehicle for further deregulation.

Senator BROWN (Tasmania) (8.03 p.m.)—Monitoring does not stop the process from happening and once the legislation goes through this process of attrition of the protection of Australia Post will continue. The government is slowly but surely getting its way here. Senator Crossin is absolutely right: the Greens will be continuing to oppose this piece of legislation. We want Australia Post kept very much in the public domain, without erosion. We are concerned about the enormous potential, which the government has stated, for handing across the most lucrative parts of Australia Post to the private sector, where inevitably the public would lose out to the big end of town. It is as easy as that. We will continue to oppose the amendment which has come from the government in the House of Representatives.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (8.04 p.m.)—I thank my colleagues. I want to make a few brief comments in the chamber's consideration of amendments made by the House of Representatives to the **Postal Services Legislation Amendment Bill 2003**. As earlier speakers have noted, the House of Representatives has rejected Senate amendments Nos 6, 7 and 8 which proposed enhancements to the role of the Auditor-General. The government was keen to improve the level of monitoring of the quality of service of Australia Post and, as a result, to increase consumer confidence in the operations of Australia Post. The opposition and the Democrats—perhaps it is due to my lack of familiarity with this bill—do not appear to have persuasively articulated in a way which can be readily followed why they have decided not to support the proposed consumer focused role for the Australian

Communications Authority, the ACA. It is thought by the government that Senate amendments Nos 6, 7 and 8 are a poor attempt by Labor to try and make up for the fact that they do not support the government's proposals to give an enhanced quality of service monitoring role to the ACA, and those amendments were appropriately rejected by the House. I want to make a couple of comments clear. The government believes that there is an important consumer focused monitoring role that the ACA could have performed. However, the government will not let politics continue to get in the way of this bill and is certainly not prepared to let the opposition hold up the otherwise important reforms in the bill that the Senate has decided to support.

The House has also rejected Senate amendment (9), which provided an additional mechanism in the Australian Postal Corporation Act 1989—the APC Act—to regulate breaches of Australia Post's reserved services and has replaced it with a similar amendment in which a minor legal drafting issue was addressed. The House's amendment does not change the government's objectives or intentions or the operation of the bill. It clarifies legal uncertainty arising from the drafting of the Senate amendment and provides consistency of drafting and interpretation of the reserved service infringement provisions in the APC Act. The amendment is not expected, therefore, to have any significant impact on either Commonwealth expenditure or revenue. While the government is disappointed that the opposition has obstructed the passage of many of the important consumer protection reforms in this bill, we are determined to get on with the business of reform in this area and look forward to the Senate passing the bill now in its amended form.

Question agreed to.

Resolution reported; report adopted.

**TAX LAWS AMENDMENT (2004
MEASURES No. 1) BILL 2004**

Second Reading

Debate resumed from 8 March, on motion by **Senator Ellison**:

That this bill be now read a second time.

Senator SHERRY (Tasmania) (8.09 p.m.)—The **Tax Laws Amendment (2004 Measures No. 1) Bill 2004** introduces a range of new measures. Labor supported the bill in the other place but referred schedules 7, 10 and 11 to the Senate Economics Committee for further consideration. These schedules deal with charities and Labor wanted to further investigate their effect on the charitable sector and the integrity of the tax system. While Labor continues to have some reservations about these schedules in the bill, on balance it will support the bill in its entirety.

Schedule 1 of the bill extends eligibility for the medical expenses tax offset to include the cost of maintaining properly trained dogs for guiding or assisting people with a disability. The medical expenses offset provides a tax offset of 20 per cent of eligible medical expenses over a \$1,500 threshold. While the cost of maintaining guide dogs for the blind is already eligible to be a tax offset, this amendment will extend eligibility to hearing and other disability guide dogs. This is an equitable extension to eligibility for the offset and will provide much needed support for people with disabilities in the community.

Schedule 2 of the bill will provide an income tax deduction for certain expenses incurred in travel between workplaces. Prior to a decision of the High Court in 2001, *Commissioner of Taxation v. Payne* [2001] HCA, it was understood by the ATO and taxpayers that such a deduction was allowable. However, the High Court held that the cost of

travel between two separate workplaces was not tax deductible. The amendments will ensure that where an employee is travelling directly between two workplaces the cost of that travel is deductible, for example, the cost of travel between a full-time job during the day to a part-time job in the evening.

Schedule 3 of the bill will ensure that small business do not become ineligible for the small business capital gains tax concessions because deductible gift recipients are beneficiaries of a discretionary trust controlled by that small business. Under the new capital gains tax rules, small businesses must have assets of less than \$5 million to be eligible for concessional treatment, including the 50 per cent active asset reduction, the 15-year asset exemption and the retirement exemption and rollover relief. This asset test includes the assets of trusts which are deemed to be controlled by small business. If a discretionary trust lists a charity or a deductible gift recipient as a beneficiary, they are viewed as controlling that charity and assets of the charity are included in the assets of the small business, possibly denying the business access to the capital gains tax concessions. The proposed amendments will ensure that the assets of the charity or deductible gift recipient which is a beneficiary of a discretionary trust are not included in the asset test to determine eligibility for a small business CGT concession. In addition, the amendments will ensure that the determination of whether a trust is controlled by a small business is based on actual distributions, not on simply being a beneficiary.

Schedule 4 of the bill makes changes to the transitional arrangements in place for the move from the Diesel Fuel Rebate Scheme and the Diesel and Alternative Fuels Grants Scheme to the new Energy Grants (Credit) Scheme. On 1 July 2003 the Energy Grants (Credit) Scheme will replace the Diesel Fuel Rebate Scheme and the Diesel and Alterna-

tive Fuels Grants Scheme. To facilitate the transition to the EGCS a credit could be claimed for fuel purchased in the three years before its introduction under the EGCS rather than under the Diesel Fuel Rebate Scheme and Diesel and Alternative Fuels Grants Scheme. As a consequence, individuals can make claims under the transitional EGCS that did not exist under previous schemes. For example, the use of diesel to generate electricity in a retail or hospitality business without access to grid power became eligible under the DFRS on 1 July 2002. Under the transitional EGCS such activity would be eligible from 1 July 2000. The proposed amendment will ensure that fuel purchases are only eligible under the transitional EGCS arrangements where they were also eligible under either the DFRS or the DAFGS. The amendment will act retrospectively to include the recovery of claims lodged before the amendment is passed.

Schedule 5 of this bill deals with the cost base of assets for capital gains tax purposes and the impact of the GST. Capital gains and losses are calculated with reference to the cost of the asset when it is acquired—the cost base. The cost base also takes into account any subsequent expenditure or alterations to the asset which have the net effect of increasing or decreasing the value of the asset: for example, renovating a rental property.

Senator Murray—Don't let us keep you up, Nick. There's is a long way to go.

Senator SHERRY—I know. I think that my voice might survive it. Due to oversights in amendments to the capital gains tax provisions at the time the new tax system was introduced the value of net input tax credits are included in the cost base of assets in certain circumstances: for example, to renovations post-September 1999. This inflates the cost base of assets, minimising capital gains and

maximising capital losses. The proposed amendment would ensure that net input tax credits are never included in the cost base of an asset, which will make sure taxpayers do not receive a windfall gain from this oversight.

Schedule 6 will ensure that Australian business numbers can be disclosed to the heads of Commonwealth agencies and state and territory departments in respect of all agency and department functions. Regulations already allow for this, but it is uncertain whether these regulations are watertight and would hold up to a challenge in the courts. The amendments will simplify compliance for business as they will not have to provide their ABN to every government department they have dealings with.

Schedule 7 provides a new income tax deduction for contributions related to fundraising events where the donor receives a benefit. Under the current law and consistent with general tax principles, no deduction is allowed where the individual receives any personal benefit. This amendment will allow donors a tax deduction for contributions to charities where they receive a benefit in return. For example, individuals could claim a deduction for the cost of entry to a charity dinner. As political parties are not deductible gift recipients, it will not apply to these functions. While these amendments are contrary to basic tax principles, Labor considers that the limits placed on eligible contributions provide significant safeguards to ensure that the integrity of the tax system is not jeopardised.

Schedule 8 of the bill deals with distributions to certain entities. When the Board of Taxation conveniently recommended that the government not proceed with its promise to tax trusts like companies, it also recommended amendments to section 109UB of the Income Tax Assessment Act 1936. These

amendments aim to ensure that a trustee cannot shelter income in a discretionary trust at the company tax rate through creating a present entitlement to a private company without paying that entitlement and then distributing the underlying cash to a beneficiary, usually through a loan payment or forgiven debt. This practice means that the income is only ever taxed at the company tax rate and not the beneficiary's marginal tax rate, creating an obvious tax advantage. The current law deems that loans in these circumstances are treated as dividends and therefore taxed at the beneficiary's marginal tax rate. The amendments in this bill would include a payment from the trust or forgiven debt in the same way as loans are currently treated.

The Senate should note that this amendment is necessary only because of the complete lack of backbone of the Howard-Costello government in relation to tackling tax abuse issues. After accepting the Ralph review's recommendations to tax trusts like companies, the Howard-Costello government performed a 2001 election backflip. This was after the Treasurer had given a signed undertaking to the shadow Treasurer to implement measures contained in the review of business taxation which would have ensured that the government's business tax reforms were revenue neutral.

Section 46FA of the Income Tax Assessment Act 1936 provides certain resident companies a deduction for nonpayment of certain unfranked or partly franked non-portfolio dividends to their wholly owned foreign parents. Schedule 9 reinstates this deduction because it was inadvertently made inoperative when the intercorporate dividend rebate was repealed as part of the consolidation reforms.

Schedule 10 requires public benevolent institutions and health promotion charities to be endorsed by the Commissioner of Taxa-

tion to access relevant tax concessions. The amendments are in response to recommendations of the report of the inquiry into the definition of charities and related organisations. Following concerns raised by Labor about the loss of PBI status by a number of organisations, the government has provided transitional relief in the budget. Labor welcomes this. It is another government backflip and it will ensure that workers in crucial sectors do not face substantial drops in income. The amendments will require public benevolent institutions and health promotion charities to be endorsed by the commissioner in order to access all relevant taxation concessions such as income tax, GST and FBT relief. The organisations will be required to display their charitable status on the Australian Business Register.

Finally, schedule 11 of the bill seeks to specifically list three organisations in the tax law as deductible gift recipients. Donations and contributions for deductible gift recipients over \$2 provide the donor with an income tax deduction. Organisations that do not meet the general requirements in the tax law can be specifically listed as deductible gift recipients. Schedule 11 of the bill seeks to specifically list in legislation the Dunn and Lewis Youth Development Foundation Ltd from 10 November 2003 to 9 November 2005, Crime Stoppers South Australia Inc. from 19 September 2003 and the Country Education Foundation of Australia Ltd from 20 August 2003. In addition, the specific listing of the Bowral Vietnam Memorial Walk Trust will be extended until 16 August 2005. With those comments I indicate that the Labor Party will be supporting the bill.

Senator MURRAY (Western Australia) (8.22 p.m.)—I rise to speak to the **Tax Laws Amendment (2004 Measures No. 1) Bill 2004**. This is another 64 pages of taxation legislation. It is an omnibus bill covering a range of largely non-controversial areas. The

11 schedules to this bill are as follows. Schedule 1 will amend the Income Tax Assessment Act 1936 to broaden the list of eligible medical expenses under the medical expenses tax offset to include payments made in maintaining properly trained dogs for guiding or assisting people with a disability. Schedule 2 will amend the income tax law to provide an income tax deduction for certain expenses incurred in travel between workplaces following a recent tax case which has challenged the long accepted deductibility of such travel. Schedule 3 will amend the Income Tax Assessment Act 1997 to improve the operation of the test that is used to determine when an entity controls a discretionary trust for the purpose of applying the small business capital gains tax concessions.

Schedule 4 will amend the transitional arrangements of the Energy Grants (Credits) Scheme which deal with the treatment of claims for fuel purchased in the three years preceding the introduction of the scheme. The changes will rectify an anomaly that may result in an unintended entitlement to concessional treatment in certain circumstances under the energy grants scheme that did not previously exist in the schemes that it replaces. Schedule 5 will amend the Income Tax Assessment Act to ensure that GST net input tax credits are excluded from the reduced cost base and other relevant amounts used for the purposes of working out the amount of a capital gain or capital loss.

Schedule 6 will amend the A New Tax System (Australian Business Number) Act 1999 to put beyond doubt the scope of the purposes for which protected Australian business number information is able to be disclosed to Commonwealth agency heads and states and territories' department heads. Schedule 7 will amend the income tax law to provide an income tax deduction for contributions of cash or property to deductible gift

recipients where a minor benefit is received in return. Schedule 8 will amend the Income Tax Assessment Act 1936 to ensure that a trustee cannot shelter trust income at the prevailing company tax rate by creating a present entitlement to a private company without paying it and then distributing the underlying cash to a shareholder of the company. The rules replace the former section 109UB of the Income Tax Assessment Act that had a similar but more limited application.

Schedule 9 will amend part III of the Income Tax Assessment Act 1936 to ensure a deduction available to certain resident companies for on-payments for certain unfranked or partly franked non-portfolio dividends of their wholly owned foreign parents continues to be available to taxpayers. This deduction was inadvertently made inoperative with the removal of the intercorporate dividend rebate within wholly owned companies in connection with the introduction of the consolidated regime applying generally after 30 June 2003. Schedule 10 will amend the Income Tax Assessment Act 1997 to require charities, including public benevolent institutions and health promotion charities, to be endorsed by the commissioner in order to access all relevant taxation concessions. The amendments in schedule 10 will also require any charities so endorsed to display their charitable status on the Australian Business Register. Schedule 11 will amend the Income Tax Assessment Act 1997 to update the specifically listed deductible gift recipients.

This bill was examined by the Senate Economics Committee, on which I sit, and the contentious schedules examined were 7, 10 and 11. Schedule 7 allows a tax deduction for the net amount of a tax deduction above \$250, where the value of any minor benefit received is no more than the lesser of 10 per cent of the donation or \$100. For example, if the Cancer Council has a fundraising dinner for which it charges \$500 and the actual cost

of the dinner is \$50, a tax deduction will be available for the remaining \$450. Evidence provided was that this concession was too limited to be of any real benefit to most charities. As noted in our minority report to the Senate committee, the Democrats believe that that \$250 represents too high a threshold for ordinary Australians to contribute to charities even if they are getting a tax deduction.

Schedule 10 expands the requirements for charities to be endorsed by the Taxation Office. Currently, to obtain an income tax exemption or deductible gift recipient status, the charity must obtain endorsement by the ATO. This bill will extend the endorsement to claims of GST concessions and, more importantly, the fringe benefits tax concessions available to PBIs. Due to the fact that a vast range of charities have been self-assessing as PBIs for a long time, the endorsement requirement may cause considerable angst for the sector. The Treasurer announced in a budget release that, despite conducting a Board of Taxation inquiry, the government had decided to walk away from codifying the charities definition inquiry recommendations. The government has amended the bill so that it applies from 1 July 2005, not the original 1 July 2004, but we see this as simply deferring the inevitable confusion within the sector. In the Senate Economics Committee, ACOSS stated that it was opposed to schedule 10 on the basis that it would deepen the concern and confusion surrounding the definitions of 'charitable' and 'public benevolent' status. My colleague Senator Cherry has been working extensively on this issue for several years, and he and I have tried hard in this area of charities.

The issue of schedule 11 involved the potential for tax abuse via donations to the Country Education Foundation. Evidence given before the committee was that this would not be possible. The Democrats sup-

port the bill, but I have recorded our reservations with reference to schedules 7 and 10.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (8.28 p.m.)—I thank Senator Sherry and Senator Murray for their contribution and for their indication of support. The **Tax Laws Amendment (2004 Measures No. 1) Bill 2004** provides a tax deduction for contributions of cash or property to deductible gift recipients where an associated minor benefit is received. I intend to highlight some of the main features of the omnibus bill. Currently, a personal tax deduction under the income tax law is only allowed for gifts to deductible gift recipients—that is, where the donor does not derive any material advantage or benefit in return for the gift. The amendment provides that, if a minor benefit is received by a person in return for making a contribution of cash or property, a tax deduction will be available based on the value of the contribution less the value of the minor benefit. The measure will not apply to fundraising events held by political parties, as earlier speakers have noted, which are not deductible gift recipients. This is yet another example, I would submit, of the government leading the way in making it easier for individuals to give to their communities. The new arrangements can but enhance the ability of deductible gift recipients in Australia to use special events, such as dinners, to fundraise.

Schedule 10, which I want to mention, will require charities, public benevolent institutions and health promotion charities to be endorsed by the Commissioner of Taxation in order to access relevant tax concessions. In addition, endorsed charities will now have their charitable status displayed on the Australian Business Register. These changes are part of the government's response to the report of the inquiry into the definition of charities and related organisa-

tions. The changes will allow greater scrutiny of the use of tax concessions by charities, improve public confidence in the provision of taxation support to the charitable sector and provide charities with certainty of their entitlements. I would like to foreshadow that I will be moving amendments to postpone the endorsement measure until 1 July 2005 in order to ensure that charities have sufficient lead time to comply with the new arrangements.

The third charities related measure will improve the operation of the test that is used to determine when an entity controls a discretionary trust for the purpose of applying the small business CGT concessions. These concessions are available only to those businesses that control assets of less than \$5 million. Currently, in working out the assets controlled by a small business trust, the assets of any potential beneficiaries are included. This means that, where a small business trust has a charity as a potential beneficiary, the test inappropriately includes the assets of that charity in determining access to the CGT concessions. The changes will ensure that those businesses are not prevented from accessing the capital gains tax concessions simply because of the assets held by a charitable beneficiary. In doing so, small businesses will be encouraged to include charities as beneficiaries of these trusts. The bill also updates the specifically listed deductible gift recipients in the Income Tax Assessment Act 1997. It adds to these lists new recipients announced since 10 December 2002. Deductible gift recipient status will assist these organisations to attract public support for their activities.

The bill broadens the list of eligible medical expenses under the medical expenses tax offset to include payments made in maintaining a dog that is properly trained for guiding or assisting a person with a disability. This will offer taxpayers with hearing dogs and

assistance or service dogs the same treatment under the medical expenses tax offset as is currently available to taxpayers who maintain a dog that is trained to guide or assist the blind. The bill provides an income tax deduction for transport expenses incurred in travel between workplaces. For example, the expenses of travelling directly from one job to a second job will be deductible. Expenses incurred in travelling between two places of unrelated income-earning activity were previously allowed as deductions under a long-standing interpretation expressed in published tax rulings and in *TaxPack*. However, the High Court decision in the Payne case overturned the former interpretation and held that expenses incurred in travelling between two places of unrelated income-earning activity were not deductible under the general deduction provisions; hence the amendment inserts a specific provision into the income tax law to ensure that the deductibility of such expenses is reinstated.

On trusts and improving the operation of integrity rules, the bill inserts certain rules dealing with payments, loans and forgiven debts made by a trustee to a private company shareholder or a shareholder's associate. These amendments address issues concerning the effectiveness and fairness of certain antiavoidance provisions contained in the current law. Broadly speaking, the amendments will more effectively ensure that a trustee cannot shelter trust income at the prevailing company tax rate and then distribute the underlying cash to a beneficiary. In addition, the amendments have been designed with targeted safeguards to ensure that ordinary commercial transactions are not inadvertently caught by the rules.

I should mention, in relation to comments that were made concerning the government's response to the Board of Taxation report on the taxation of discretionary trusts, that in fact the board did and does support the gov-

ernment's decision not to tax discretionary trusts as it does companies. In fact, the government has introduced a number of trust integrity measures over recent years to address loopholes. Consistent with the board's findings, the government has now introduced rules that replace section 109UB, as earlier speakers have noted, and extend the scope of the former provision by catching a broader range of transactions but at the same time providing some flexibility by preventing legitimate commercial transactions from being penalised. In addition, I should say in the government's defence that other loopholes and areas addressed include the use of non-resident trusts to transfer funds offshore, the inappropriate utilisation of losses, tracing distributions through to the ultimate beneficiaries, personal services income rules and, of course, revised social security means test treatment of private trusts and private companies. So I do not think that it can be said that the government has simply put trusts on the backburner when quite clearly the government has moved to address the issues identified in the Board of Taxation report and indeed beyond it.

The bill also clarifies the transitional arrangements governing the replacement of the Diesel Fuel Rebate Scheme and the Diesel and Alternative Fuels Grants Scheme with the Energy Grants (Credits) Scheme. Technical amendments are also being made to ensure that the GST which may later be recovered does not count as part of the cost of an asset when calculating capital gains tax. The changes to the Australian business number rules will also ensure that the law operates as intended to prevent situations that require businesses to provide duplicate information to government. Further technical amendments will remove an unintended disincentive for foreign companies to invest in Australia through holding companies. Although there are indeed, as Senator Murray has said,

a large number of pages in this omnibus bill they address—as he has also said—largely uncontroversial measures that most definitely needed attention. I commend this bill to the Senate as meeting the policy objectives for the reasons that I have outlined.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (8.38 p.m.)—by leave—I move government amendments (1) to (5) on sheet QV269:

- (1) Clause 2, page 2 (table item 8), omit the table item, substitute:

8. Schedule 10	1 July 2005.	1 July 2005

- (2) Schedule 10, item 42, page 58 (line 6), omit “2004”, substitute “2005”.
 (3) Schedule 10, item 43, page 58 (line 10), omit “2004”, substitute “2005”.
 (4) Schedule 10, item 44, page 58 (line 13), omit “2004”, substitute “2005”.
 (5) Schedule 10, item 44, page 58 (line 17), omit “2004”, substitute “2005”.

I table a supplementary explanatory memorandum relating to the government amendments moved. The memorandum was circulated in the chamber on 13 May 2004.

Senator SHERRY (Tasmania) (8.39 p.m.)—The Labor Party will be supporting the government amendments.

Question agreed to.

Senator MURRAY (Western Australia) (8.39 p.m.)—by leave—I move Democrat amendments (1) to (3) on sheet 4250:

- (1) Schedule 7, item 2, page 19, table item 7, second column, paragraph (a), omit “\$250”, substitute “\$100”.

- (2) Schedule 7, item 2, page 20, table item 7, second column, paragraph (b), omit "\$250", substitute "\$100".
- (3) Schedule 7, item 2, page 22, table item 8, second column, paragraph (a), omit "\$250" and substitute "\$100".

These amendments refer to schedule 7, which I remarked on briefly in my contribution to the second reading debate. The \$250 threshold, which is the present threshold for a tax deduction for ordinary Australians contributing to charities, is too high. Our amendments would reduce this contribution threshold to \$100 so that it actually is an encouragement device for raising the deductibility possibilities. I do not need to motivate agreement more than that. It was covered in our minority report to the Senate committee inquiry, so the Treasury will be aware of it.

Senator SHERRY (Tasmania) (8.40 p.m.)—On behalf of the Labor Party, I indicate that we did consider the Democrats' arguments in their report but have decided not to support the amendments.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (8.40 p.m.)—I would like to make a brief comment. I think there is some force in what Senator Murray says, but in the government's view the restrictions on the proposal strike the correct balance between the need to ensure that any associated benefits are both nominally and relatively minor compared to the value of the contribution, allowing DGRs to make better use of special events to fundraise. The \$250 minimum requirement for cash contributions will focus the proposal on specific fundraising events rather than ongoing fundraising events and, when coupled with the cap on the benefits, will in the government's view ensure that only minor associated benefits can be received by the contributor.

The high minimum contribution is designed to limit the possible effect of gifts being replaced by contributions and of DGRs being encouraged to provide benefits. If the minimum contribution were reduced to \$100—and this has been considered as part of my consideration of this measure—it would put pressure on charities that do not necessarily include benefits as part of their fundraising activities to compete with those that do. Obviously the government did not want to put charities in the position of running some kind of competition.

I stress that the measure does not, in any way, restrict the application of current tax concessions available for fundraising. I think it does provide greater flexibility and choice in the arrangements available for fundraising. For example, under current arrangements DGRs can still charge for the face value of the benefit provided in a fundraising event while using the event to seek donations. The donations raised in those circumstances would be deductible as gifts rather than as contributions under this measure. I wanted to make those comments in response to Senator Murray's concerns as to the government's rationale for the \$250 threshold and the basis for the government's thinking in relation to the development of that measure.

Question negatived.

Senator MURRAY (Western Australia) (8.43 p.m.)—The Democrats oppose schedule 10 in its entirety in the following terms:

- (4) Schedule 10, page 38 (line 2) to page 59 (line 25), **TO BE OPPOSED**.

The Democrats are extremely nervous about the way in which reform concerning charities and not-for-profit organisations is being undertaken. We were strong supporters of the charities definition inquiry and we thought that, overall, the recommendations which came from that inquiry deserved implemen-

tation. The government, as I said earlier, has decided to walk away from that. We are concerned that taking this route is going to create unnecessary angst within the charitable sector without being compensated for by policy integrity.

The way in which charities are managed and operate under the law, whilst well known and well understood, in many respects lacks the philosophical reform and integrity which was intended when the original charities definition inquiry was put together. What schedule 10 does is expand the requirements for charities that would enable them to be endorsed by the Taxation Office because the endorsement will now extend to claims for GST, FBT and so on that are applicable to PBIs. Due to the fact that a vast range of charities have been self-assessing as PBIs for a long time, charities are very concerned that they will now have a set of rulings which are contrary to the way in which they have operated and the way in which they have understood they can operate.

In the Senate Economics Committee inquiry ACOSS, which is a very representative and well-respected body—I say that advisedly; it is well-respected by the government, Labor and ourselves—stated that it was opposed to schedule 10 on the basis that it would deepen the concern and confusion surrounding the definitions of ‘charitable’ and ‘public benevolent’ status. To an extent, the government have recognised that. They have given what is effectively a year’s transitional arrangement with the government amendments which were agreed to by the Senate a short while ago. In that recognition lie the seeds of real concern on our part that this whole area needs to be reconsidered and addressed on its own, holistically and in a manner that is thorough and that satisfies all the various areas of policy and charitable promotion which the Senate, the government and the community want to see pursued.

We are moving to excise schedule 10 to try to maintain the status quo and to give the government, the Treasury and the opposition time to reassess this area and come up with a better and less worrying set of changes than those we and the charitable bodies fear are before us. That is the purpose of our opposition. It is not an anti-reform position; it is not a position which says, ‘Things are perfect and we do not want to see any change.’ We recognise that things are far from perfect. We believe a great deal of change is necessary but we do not think this particular schedule advances the cause. It may in fact result in unnecessary disruption of charities and PBIs.

Senator CHERRY (Queensland) (8.48 p.m.)—I rise to oppose this schedule because I believe the government is going very much in the wrong direction in respect of charities law. I have spoken in this place on a number of occasions on the need for a review of charities law and for an updating of the law, and I was very pleased that the government, some four years ago now, agreed to a review of what a charity is. The recommendations on what a charity is were delivered in a report by the committee on the definition of charities some three years ago. That definition was put into a draft bill that the Board of Taxation looked at over the course of the last year and made recommendations on to the government, which I understand the government rejected in its budget statement. It is very hard to give much support to the government’s approach to the law of charities, given that the government approach seems to be somewhat uncharitable. It appears to consist of making life harder and harder for charities in terms of endorsement processes and the tightening of administration whilst, at the same time, whenever proposals are brought forward to modernise the law on what a charity is they are strangled somewhere in the deep recesses of Treasury.

The concern the Democrats have is that we need to update our understanding of what a charity is if we are going to have any sort of endorsement process or determination of what charitable or non-charitable activity is. The way to do that was outlined in some detail in the recommendations of the committee on the definition of charities which was headed by Justice Sheppard. The report of that committee was very sensible in recommending some broader definitions of what a charity should be and what charitable activities should be, and also the updating of the old arcane definition of 'public benevolent institution' to one of 'benevolent charity'. I raise these issues now because we cannot really support a process of endorsement of charities against a definition of charities that is 400 years old. If we were talking about an up-to-date definition, if we were talking about a new process and if we were talking about checking organisations against some reasonable benchmark by some reasonable process and against some reasonable new concessions it might make sense. But the government has chosen to freeze the definition of charity where it has been over the last 100 years and, as a result, I cannot really see any point in putting the charities we have got through the enormously cumbersome process which is outlined in this schedule to seek endorsement of what they already are.

In closing, I will ask the minister a question. It is one I have asked her in question time on a number of occasions. There were two sets of recommendations on the definition of 'charity'. One was the definition which was put into a draft charities bill which, as I said, died on budget night this year. The other was a series of recommendations to overhaul the definition of 'public benevolent institution'. When is the government going to respond to those recommendations? Is it going to respond to those recommendations or are we going to stick with the

current 80-year-old definition of 'public benevolent institution' which was put in place by the Bruce-Page government in the 1920s?

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (8.51 p.m.)—I had to consult my advisers on the public benevolent institution issue. I am going to take the opportunity to respond a little more specifically to Senator Cherry, who introduces into this debate, I detect, a sense of frustration. What the government has in fact done here is respond to an additional source of advice—namely, the Board of Taxation, which had a look at the draft legislation, conducted an inquiry on the workability of the legislation and the definition, and consulted with the charitable sector. This is not a case of the government going off on some frolic of its own, as Senator Cherry, I am sure, would appreciate. It is appropriate for the government to seek advice on these matters. The advice was that the draft legislation did not achieve the level of clarity and certainty that was intended to be brought to the charitable sector. Rather than introduce a legislative definition of a charity that could have had unintended consequences, we have retained the common law meaning, as it is well known to those who have to apply it. Just because something is old does not always mean that it is no longer appropriate.

Senator Sherry—But 400 years is a long time!

Senator COONAN—It is time honoured, Senator Sherry—you are quite right. It is a time-honoured meaning. The government, however, is introducing a statutory extension to include some sectors where there could be some doubt—those being, as those in the chamber well know, non-profit child care available to the public; self-help groups with open and non-discriminatory membership, particularly organisations like Alcoholics

Anonymous; and closed or contemplative religious orders who pray for us—and in this day and age that is certainly something that is worthy of being regarded as a charitable activity.

Senator Murray's express concern in moving the amendment is that the bill does not confer the necessary certainty to the charitable sector. But the effect of the amendment moved by the Democrats certainly would be to oppose a measure that would provide that certainty. Currently, of course, charities self-assess their status according to common law concepts. As Senator Murray has noted, the government has decided against codifying this common law definition because the Board of Taxation, as I indicated, found that the draft bill did not provide that certainty. I would have thought that, rather than have a whole lot of unintended consequences, those in the Senate would embrace this response, after consultation and due consideration, to maintain the common law definition with the extensions I have mentioned. By requiring charities to be endorsed, as we are dealing with in this amendment, these organisations will certainly get the certainty that they have sought from the commissioner. My advice in relation to the PBIs is that, because the charities issue is specifically run out of the Treasurer's office, the government response has been fully enunciated in the Treasurer's press release entitled 'Final response to the charities definition inquiry', which is dated 11 May 2004.

Senator CHERRY (Queensland) (8.56 p.m.)—I thank the minister for her answer. I am looking at the Board of Taxation recommendations. The Board of Taxation recommendations suggested a series of modifications to enhance the workability of the draft charities bill. Is the minister saying that the government will be bringing forward a new charities bill which will incorporate the recommendations of the Board of Taxation or

has the bill been dropped completely, as was the implication in the budget statements? The minister did say in her answer that the government had fully responded to the issue of benevolent charities. The government has not said anything in response to the definition of a benevolent charity. Am I correct to read into that that the government is rejecting the recommendation to modify the definition of a PBI?

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (8.57 p.m.)—The bill in response to the charities definition is before the House. My advice is that it represents, as I said a little earlier, the response to the charities definition inquiry, a summary of which is contained in the Treasurer's press release. The actual charities bill is under consideration in the other place.

Senator SHERRY (Tasmania) (8.58 p.m.)—The Labor Party share the suspicions and concerns that the Australian Democrats have about the government's approach to the issue of charities and the definition of charities. There has been significant controversy around that. However, we do not see in the provisions of this bill cause for the fears and concerns expressed by the Democrats. Therefore, we will be supporting the bill as it stands and not supporting the Democrat amendment. We have looked in some detail at the bill and the issues relating to charities and we are confident that the quite legitimate concerns the Democrats have are not warranted in relation to this bill. We will support the legislation as it stands.

Question put:

That schedule 10 stand as printed.

The committee divided. [9.03 p.m.]

(The Chairman—Senator J.J. Hogg)

Ayes.....	43
Noes.....	<u>9</u>
Majority.....	34

AYES

Abetz, E.	Barnett, G.
Boswell, R.L.D.	Brandis, G.H.
Buckland, G.	Campbell, G.
Campbell, I.G.	Carr, K.J.
Chapman, H.G.P.	Colbeck, R.
Coonan, H.L.	Crossin, P.M.
Eggleston, A.	Evans, C.V.
Ferris, J.M. *	Fifield, M.P.
Forshaw, M.G.	Harris, L.
Hogg, J.J.	Humphries, G.
Hutchins, S.P.	Johnston, D.
Kirk, L.	Knowles, S.C.
Ludwig, J.W.	Lundy, K.A.
Macdonald, J.A.L.	Marshall, G.
McGauran, J.J.J.	McLucas, J.E.
Moore, C.	O'Brien, K.W.K.
Patterson, K.C.	Payne, M.A.
Santoro, S.	Scullion, N.G.
Sherry, N.J.	Stephens, U.
Tchen, T.	Troeth, J.M.
Watson, J.O.W.	Webber, R.
Wong, P.	

NOES

Allison, L.F. *	Brown, B.J.
Cherry, J.C.	Greig, B.
Lees, M.H.	Murphy, S.M.
Murray, A.J.M.	Nettle, K.
Ridgeway, A.D.	

* denotes teller

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (9.07 p.m.)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TAX LAWS AMENDMENT (2004 MEASURES No. 2) BILL 2004

Second Reading

Debate resumed.

Senator SHERRY (Tasmania) (9.07 p.m.)—We are considering the *Tax Laws Amendment (2004 Measures No. 2) Bill 2004*. I would be fascinated to know from the minister why the date 2004 appears twice in the bill title but only once in other bill titles. I am a bit intrigued as to why there is a difference. This bill we are dealing with is another omnibus tax bill introducing a range of largely technical amendments to the tax law. While Labor supports all the measures in the bill it welcomes in particular the Howard-Costello government's backflip on providing public ambulance services with the same fringe benefits tax treatment as public hospitals. Labor understands that there are some concerns that this will result in a reduction in the level of fringe benefits tax concession provided to public ambulance officers from \$30,000 per employee to \$17,000. However, given the compensation in the budget for this decrease, Labor will support the changes.

On 2 December last year the government voted against a Labor amendment to the *Taxation Laws Amendment Bill (No. 5) 2003* which would have provided this relief. In doing so, the government created anxiety and uncertainty amongst ambulance officers around the country. Many ambulance officers faced a drop in income of up to \$200 per week and yet the government did nothing. It was not until the issue was highlighted on Neil Mitchell's radio program on 3AW in Melbourne that the government responded. Within 24 hours the Treasurer, Mr Costello, had overruled the Assistant Treasurer, Senator Coonan, and announced an FBT exemption would be granted to public ambulance services. There is a growing list of issues

where the Howard-Costello government has been forced to follow Labor's agenda. I want to pay in particular a special tribute to Labor's Assistant Treasurer, the member for Kingston, Mr Cox, in the other place, who conducted a one-person campaign in respect of this issue. He has argued hard, long and strongly in respect of the ambulance officer issue.

We welcome the government's decision unveiled in the budget to implement another Labor policy—that is, we recognise the need for transitional relief for organisations that have recently lost their public benevolent institution status and therefore their fringe benefits tax exemption. Having acknowledged the backflip by the government with regard to ambulance officers I want to draw one issue to the attention of the Senate that I think is unresolved—that is, the position of the St John Ambulance service in Western Australia and the Northern Territory. I want to thank my colleague Senator Crossin from the Northern Territory for drawing this issue to our attention. We think there are still some unresolved issues in respect of the St John Ambulance service. We do not believe they are reflected in the bill. We will support the bill as far as it goes. However, we think there are some issues relating to the St John Ambulance service that do need resolving. Workers in these organisations, particularly in the disability area, are notoriously underpaid and have relied on their salary-sacrificing arrangements just to get by.

Moving to the detail of this bill, schedule 1 amends the taxation of life insurance companies. Before 1 July 2001, life insurance companies were exempt from tax or taxed concessionally on certain income. As part of the government's business tax reforms, life insurance companies are now taxed as companies. These were major reforms and the amendments in this bill seek to respond to industry and ATO concerns about the opera-

tion of the new tax regime. The amendments deal with three main types of income generated by life insurance companies. These are: the ordinary class of taxable income that is taxed at the company tax rate, and income derived in relation to risk business and ordinary investment business is included in this class; the complying superannuation class of taxable income that is taxed at the rate of 15 per cent; and non-assessable, non-exempt income derived in relation to immediate annuity business.

The bill clarifies that tax losses in each class of income can only be used against taxable income in each class of income—that is, if a tax loss occurred in the superannuation business, it could not be used against taxable income in the ordinary side of the business. The amendments also modify the taxation treatment of each type of business. In relation to risk business, the amendments ensure that provisions in the ITAA 1936 relating to reinsurance with nonresidents only apply to accident and disability risk covered by the relevant reinsurance contracts. Certain reinsurance commissions are included in assessable income and the basis for determining the amount of the decrease in the value of policy liabilities that is included in assessable income is the same as the basis for determining the amount of the increase in the value of policy liabilities that is deductible.

In relation to ordinary investment business, the amendments clarify that the deduction for the capital component of ordinary investment policies does not apply to other types of policies, ensure that funeral policies issued by friendly societies are taxed as ordinary investment policies, ensure that the amount of the reduction in exit fees over the term of a life insurance policy is deductible and ensure that the risk rider premiums are included in assessable income.

In relation to complying superannuation business, the amendments clarify the scope of the deduction for the capital component of premiums received in respect of virtual pooled superannuation trust policies; clarify the scope of the liabilities that can be supported by virtual pooled superannuation trust assets; allow up to 30 days after the time that the transfer value of the virtual pooled superannuation trust assets is determined or the time that the value of the virtual pooled superannuation trust liabilities is determined, whichever is later, to transfer excess assets out of the virtual pool of superannuation trust; and impose administrative penalties for the failure to undertake the required valuations of assets and liabilities or to transfer excess assets out of the virtual pooled superannuation trust within the specified time periods.

In relation to immediate annuity business, the amendments modify the types of policies that are exempt life insurance policies; clarify the scope of the liabilities that can be supported by segregated exempt assets; allow up to 30 days after the time that the transfer value of the segregated exempt assets is determined or the time that the value of the exempt life insurance policy liabilities is determined, whichever is later, to transfer excess assets out of the segregated exempt assets; and impose administrative penalties for the failure to undertake the required valuations of assets and liabilities or to transfer excess assets out of the segregated exempt assets within the specified time periods. I hope all the senators in the chamber have been following this in great detail. The bill also includes a number of technical amendments to the operation of a life insurance regime.

Schedule 2 of the bill deals with the consolidation regime. The consolidation regime was introduced on 1 July 2002 and allows groups of companies to be treated as a single

entity for taxation purposes. The amendments in this bill will provide greater flexibility to consolidated groups and clarify the operation of the consolidation regime. There is a range of amendments to the consolidation regime included in the bill, including: allowing corporate unit trusts and public trading trusts to head up a consolidated group, which is appropriate as these types of trusts are taxed like companies; aligning the period in which a choice is made to continue as a consolidated group when shares are exchanged in one company for shares in another company, with a notification period for events affecting consolidated groups; implementing special rules for determining the income tax consequences that arise where a partner or a partnership leaves a consolidated group; modifications to the clear exit pool and the pay-as-you-go, PAYG, instalment liability rules; and clarifying that a group liability can be subject to only one tax-sharing agreement.

Schedule 3 of the bill deals with the venture capital regime which established three kinds of limited partnerships as a mechanism for accessing tax concessions. These amendments ensure that limited partnerships that are separate legal entities are eligible to access the venture capital concessions. Schedule 4 of the bill will allow for continuity of FBT treatment for non-remote housing benefits where administration and payment of FBT is devolved by state or territory governments to a departmental level. Schedule 5 of the bill amends the Income Tax Assessment Act 1997 to ensure that a capital gains tax, CGT, event is not inadvertently created by the disposal of new interests in demerged entities.

Schedule 6 provides an explicit income tax deduction for individuals that must make United Medical Protection Ltd support payments. Without these amendments, only a practising doctor could claim a deduction for

UMP support payments. Retiring or non-practising doctors that are required to make support payments would not be eligible for a deduction because these payments do not relate to their taxable incomes. These amendments ensure that all individuals that make UMP support payments can deduct these payments from their taxable income, which is done on fairness grounds, as retired or non-practising doctors are effectively incurring expenses related to past income. Schedule 7 of the bill will ensure that the goods and services tax, GST, insurance provisions apply as intended to transactions undertaken by operators for compulsory third party, CTP, schemes.

Schedule 8 of the bill provides a limited response to recommendations made by the Senate Select Committee on Superannuation, from their inquiry into taxation and transfers from overseas superannuation funds. Australian residents can transfer superannuation funds from overseas accounts into Australian superannuation accounts. If such a transfer occurs within six months of the individual becoming an Australian resident, the funds are not taxed. But if the transfer occurs after six months, any investment earnings from when that individual became an Australian resident are taxable. Currently that tax must be paid by the individual at their marginal tax rate, not the concessional 15 per cent superannuation tax. This can create a significant financial difficulty for individuals because they cannot access the superannuation funds, to actually pay the tax, until retirement. To avoid the situation of individuals not being able to meet their tax liability or being deterred from bringing overseas superannuation to Australia, the amendments in this bill make the superannuation fund liable for the tax. The investment earnings on the overseas superannuation will be taxed at the normal concessional 15 per cent superannuation rate rather than the individual's marginal

tax rate. The bill also amends the foreign investment funds rule to ensure that transfers of overseas superannuation into complying Australian super funds are not taxed twice.

Schedule 10 includes some minor amendments to the simplified imputation system. The bill contains a minor amendment that ensures the provisions for the carrying forward of excess foreign tax credits operate properly following changes to the tax credit provisions that were made as a result of the Timor Sea Treaty. Finally, schedule 12 of the bill amends the alienation of the personal services income provisions to clarify when the Commissioner of Taxation can make a personal services business determination which is consistent with the policy intent. The effect of the commissioner granting a PSB determination is that the PSI provisions do not apply to the taxpayer. With those comments, the Labor Party will be supporting this bill.

Senator MURRAY (Western Australia) (9.21 p.m.)—I rise to speak to the **Tax Laws Amendment (2004 Measures No. 2) Bill 2004**. Senator Sherry, in opening your remarks you asked the minister why bills are now titled like this. I suspect you will have to ask Senator Crossin and the Scrutiny of Bills Committee, on which I sit, because we criticised the way in which tax bills were being titled, particularly when they were going from one year to another, and they have come up with this solution—which, from your remarks, you do not think is much of a solution. I must admit that, despite having the tax portfolio, I remain as confused as ever about these titles. Still, I am not confused about what is in this bill. This is another 166 pages of tax law, on top of the 64 pages in the bill that we have just dealt with. I am of the view that the next government should introduce an efficiency dividend idea: that no tax law can be introduced into the Senate chamber unless the equivalent num-

ber of pages are knocked out of the tax act so that we get a tax page neutral measure. The number of pages is just climbing and climbing—and we have still got to get to the new international tax bill, which will add some more pages.

The Senate must obviously place a degree of reliance on the work of the Treasury officials responsible for the tax laws. A lot of this bill we are now debating is technical amendments that have no revenue impact but simply correct earlier errors. I do not condemn either the ATO, who had these legislative design responsibilities earlier, or the Treasury, who have them now, one bit for making errors in tax law. It is very difficult to get all the cross-referencing accurate, which I think is another sign that we really do need to make one more effort to simplify the system.

The 12 schedules to this bill are generally noncontroversial. Eight of them have a nil or negligible impact on taxation revenue; the others range from a revenue gain of \$1 million to a revenue cost of \$5 million. Schedule 1 to this bill modifies the operation of the income tax law affecting life insurance companies. In particular, the amendments affect: the basis of working out the ordinary class and complying superannuation class of taxable income or tax losses, the taxation treatment of risk business, the taxation treatment of ordinary investment business, the operation of the virtual pooled superannuation trust and the operation of the segregated exempt assets. There are also a range of technical amendments. Schedule 2 to the bill provides greater flexibility to and clarifies certain aspects of the consolidation regime—much beloved by me and other policy wonks—and ensures that the regime interacts appropriately with other aspects of the income tax law. Democrats have long been supportive of the intent of the consolidation regime.

Schedule 3 to this bill amends the ITAA 1997 and the ITAA 1936 to ensure that a limited partnership, formed with a legal personality separate from its partners and taxed as an ordinary partnership under the venture capital regime, is a 'partnership' for income tax purposes. Schedule 4 to this bill amends the FBTAA 1986 to allow for continuity of FBT treatment for non-remote housing benefits where administration and payment of FBT is devolved by state or territory governments to a departmental level. Schedule 5 to this bill amends the ITAA 1997 to ensure that capital gains tax event K6 is not inadvertently triggered by the disposal of new interests in demerged entities.

Schedule 6 to this bill amends the ITAA 1997 to ensure that all individuals who make UMP support payments will be entitled to an income tax deduction for the amount of their contributions in that income year. This is part of the package aimed at resolving the medical indemnity crisis that my colleague Senator Ridgeway has been heavily involved with. The Democrats support the deductibility of the medical support insurance payments. Schedule 7 to this bill amends the GST act to ensure that the goods and services insurance provisions apply as intended to transactions undertaken by operators of compulsory third party schemes.

Schedule 8 to this bill amends the FBTAA 1986 to provide public ambulance services with the same FBT treatment as is provided to public hospitals. It has the largest revenue impact, being \$5 million a year, but—to use that extremely hackneyed phrase—does put everybody on the same level playing field. Public ambulance services will be able to access an FBT exemption of up to \$17,000 of grossed up taxable value per employee and will also be able to access the remote area housing FBT exemption under the same criteria as apply to public hospitals. Senator Sherry tends to be a great player for his team

and does not mention other teams that much, so he failed to give us credit for being the joint proposers of this measure in December last year. It was rejected by the government at the time and has now been accepted. We raised it with the government and with the opposition and we are glad that the government has seen fit to come to the party. As a result of a recent court case, technically most public ambulance services have lost their public benevolent institution or PBI status. This means that they cannot provide employees with up to \$30,000 in tax-free fringe benefits. The schedule will give all public ambulance authorities a \$17,000 FBT exemption, in line with the treatment of public hospitals. That treatment has been in place for some time now—four years, I think.

St John Ambulance in both Western Australia and the Northern Territory will—as has been mentioned earlier—remain a public benevolent institution and would like us to amend the bill so that they continue to obtain the \$30,000 FBT exemption. The difficulty that emerged for ambulance services was that in most states and territories they were considered to be government instrumentalities for tax purposes and therefore were not entitled to the FBT allowance of \$30,000—in fact, they were not entitled to any FBT allowance. Now they have been given the \$17,000 allowance, which is in line with the treatment of public hospitals. But, of course, we would then have the situation where St John Ambulance in Western Australia and the Northern Territory, which are not government instrumentalities, would be operating on a more beneficial basis than were the rest. St John Ambulance in Western Australia came to see me about this matter and I was sympathetic to their plight. But I had forgotten that the government in its budget had in fact given a three-year funding top-up, if you like, to compensate them for the change and to allow them time to adjust their employer

relationships and to put new employees coming into the system on the new arrangement. I understand St John Ambulance in both Western Australia and Northern Territory being concerned that there is going to be a shift in the arrangements, but I can see no way around the good principle that the government is putting forward, that everybody should be on the same basis when they are delivering the same service. So it is an awkward one.

There will be administrative uncertainty as a result of this change if staff work in dual roles—for example, if they work partly for the public ambulance service and partly in other PBI activities, such as the provision of first aid training. I note that the Treasurer announced on budget night the matter I mentioned earlier: the provision of financial grants to compensate ambulance authorities for the next three years. Minister, I now ask you, on the record, to cover the situation for Western Australia and the Northern Territory and indicate the way in which government will assist in overcoming any transitional difficulties.

On 3 December 2003, in rejecting the Democrat and Labor amendments, Parliamentary Secretary Ross Cameron said:

The other concern with the amendment is that the bill may actually have a deleterious effect on the availability of tax concessions to ambulance services. For example, ambulance services that are at present public benevolent institutions are entitled not to \$17,000 but to \$30,000 gross taxable value per employee. If we look at an organisation like the St John's Ambulance Association—which, for example, is providing ambulance services under contract to the Western Australian and Northern Territory governments—as a public benevolent institution but not as a public hospital we see that St John's is currently entitled to the higher value of \$30,000 per employee. It seems to me on first reading of the opposition's amendment—

it was a Democrat-Labor amendment—

that there is a real possibility that, if St John's were to be treated in the same way as a public hospital, they would lose that higher entitlement. I am sure that is not the intention of the opposition but that appears to me to be a likely consequence of the amendment. So for those reasons the government will be opposing the amendment.

Clearly, the government decided, in the interests of integrity and consistency, to take away the higher entitlement of the St John Ambulance in Western Australia and the Northern Territory and bring up, from no entitlement to a \$17,000 entitlement, the rest of the states and territories.

The last thing I want to mention before going off this schedule is that Senator Stott Despoja has raised the matter of the Julia Farr Centre in Adelaide, which provides services for those with an intellectual disability. That was affected because the state government had the power to appoint some board members and that was sufficient to have it regarded as a government institution for the purposes of tax office rulings. I think there is an issue when you have government participation or partnership in PBIs putting at risk their status. I think there needs to be some kind of panel or appeal body, which is simple and easy for people to access, to ensure that a 'technical infringement', if you like, does not result in the loss of a meaningful benefit to great inconvenience to the PBI concerned.

Schedule 9 to this bill amends the ITAA 1936 to alter the taxation treatment that applies when payments are made from overseas superannuation funds. The amendments give effect to the government's response to the report by the Senate Select Committee on Superannuation on taxation of transfers from overseas superannuation funds. The key change will enable a taxpayer who is having their overseas superannuation paid directly to an Australian complying superannuation fund to elect to have part of the payment treated as a taxable contribution in the Aus-

tralian fund. By the taxpayer doing so, the fund, rather than the individual, will pay relevant tax arising on the payment and tax will be paid at the concessional superannuation fund rate rather than at the individual's marginal rate.

Schedule 10 to this bill amends, as part of the implementation of the SIS, division 207 of the ITAA 1997, the tax effect of receiving a franked distribution. The amendments will include adjustment rules to provide the calculation to adjust an entity's assessable income where a franked distribution flows indirectly to the entity through a trust or partnership and the entity has no entitlement to a tax offset. This bill will also amend the rules in the trans-Tasman imputation measures that adjust the assessable income of an Australian shareholder in receipt of a supplementary dividend paid by a New Zealand company.

Schedule 11 to this bill changes the provisions dealing with the carry-forward of excess foreign tax credits to ensure those provisions refer to the correct paragraphs in the general foreign tax credit provisions. Schedule 12 to this bill amends the alienation of the PSI provisions contained in part 2-42 of the ITAA 1997 to clarify when the commissioner can make a personal service business determination, as is consistent with the policy intent.

That is our review of the bill. The Democrats will be supporting all the schedules of the bill without amendment but we seek clarification from the minister with respect to the two issues I have raised. The first is the treatment of Western Australia and Northern Territory St John Ambulance organisations, with a continuing regard to assisting them in this transitional period. The second issue is the situation raised by Senator Stott Despoja where appointments from a government to a PBI's management board, or other bodies, disturb its tax status because it could be con-

ceived as being a government instrumentality.

Senator WEBBER (Western Australia) (9.35 p.m.)—The **Tax Laws Amendment (2004 Measures No. 2) Bill 2004**—don't bills have complicated names these days?—contains a number of measures announced in this year's budget. As Senator Murray has already said, like all tax amendment bills this is a complex piece of legislation that goes to 12 schedules. Senator Murray concentrated on a number of schedules. Because I am from Western Australia I want to concentrate my remarks on only one.

While the ALP will support the measures in the bill, there is still some concern in my home state of Western Australia regarding the provisions of schedule 8—public ambulance services. The problem is that all this government seems to have is a one size fits all solution: it is clearly evident in this schedule. Ambulance services in Western Australia are not provided by the government. The St John Ambulance service in Western Australia is directly affected by the provisions of this legislation—or so I am told.

In December last year the government voted against the ALP's amendment—and, as Senator Murray has reminded us, it was cosponsored by the Democrats—to the **Taxation Laws Amendment Bill (No. 5) 2003**, which would have provided relief to public ambulance services. Essentially, the government has now returned with schedule 8 and ensured that public ambulance services are treated in the same manner as public hospitals—which is a good thing. However, the shortfall occurs in the case of the St John Ambulance service in Western Australia.

Senator Crossin—And in the Northern Territory.

Senator WEBBER—Yes, I am parochial, Senator Crossin, so I talk about Western Aus-

tralia, but indeed it is true also in the Northern Territory. The St John Ambulance service in Western Australia is not a public ambulance service. By definition, the St John Ambulance service in Western Australia does not fall into the category of a public ambulance service. The reality is that the St John Ambulance service is a public ambulance service in all but name. However, in terms of the law, the St John Ambulance service is operated by a non-profit organisation that, although supported by the government, is not defined as a public ambulance service. Western Australia is disadvantaged—as indeed is the Northern Territory—because our ambulance service is different from those in other states. Therefore, the St John Ambulance service will not fall under schedule 8 guidelines and ambulance officers in Western Australia will be subject to a potential loss of income.

The facts are that the St John Ambulance service in Western Australia covers the largest area covered by any ambulance service in the world—some 2½ million square kilometres. It is often staffed by volunteers and private staff. On any given day it receives over 300 calls for assistance. There are over 280 ambulance paramedics located in some 29 locations. Over 2,500 volunteer ambulance officers provide services across Western Australia. There are nearly 400 ambulance vehicles and 10 patient transport vehicles. It may come as a surprise to people in the rest of Australia that ambulance services would be provided by something that is not public. By any commonsense approach this is a public ambulance service provided by a non-profit organisation for all the people of Western Australia. It is a service that is jointly funded by government and the public and yet does not fall under schedule 8 of these taxation amendments. There is clearly a need to address the inequality in treatment between ambulance services in other states and those

in Western Australia and, as Senator Crossin reminds me, those in the Northern Territory.

The St John Ambulance service in Western Australia deserves equal treatment under the law as applies to ambulance services in other states. Indeed, as Senator Murray has said, the arrangement in this legislation is an awkward one. We can argue about whether the definition of a public ambulance service is correct but on the ground the employees of the organisation providing public ambulance services in Western Australia deserve equal treatment. One wonders why the government, when it was making the decision to make these changes contained within schedule 8 that ensure public ambulance services are treated the same as public hospitals, did not consider the situations in Western Australia and the Northern Territory.

Let us be clear about this. Labor first raised concerns about this issue in December last year when we attempted to amend the [Taxation Laws Amendment Bill \(No. 5\) 2003](#). In fact, the government was caught on the hop at that time. It shows how much it knows about the operation of ambulance services Australia-wide. The Treasurer announced after the issue was made public on Melbourne radio that the government was going to make the same FBT exemption as would apply to public hospitals. The government has had over six months to make sure it gets the schedule right, yet somehow it has managed to overlook the situation in Western Australia and the Northern Territory. The fact remains that the government came up with a fix last December, worked on it until the budget this year, drafted the legislation and still managed to overlook the operations of the St John Ambulance in Western Australia—yet another example of the people that this government tends to forget. It made sure it got the issue off Melbourne radio within 24 hours last December, but it

ignored the unique situation in my home state of Western Australia.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (9.42 p.m.)—In summing up on the [Tax Laws Amendment \(2004 Measures No. 2\) Bill 2004](#), I will address the schedules from the government's perspective. In response to Senator Sherry, the renaming of the omnibus tax bills follows, as I understand it, suggestions of the Office of Parliamentary Counsel responding to concerns—Senator Murray is quite right—of the Scrutiny of Bills Committee. Senator Crossin would no doubt be able to confirm this. The committee had noted the confusion caused when omnibus tax bills, formerly called TLABs, were introduced in one year and passed in another and so changed their name—that is, the number would change along the way. By placing the number of the bill and the year in which it was introduced in parenthesis, this element of the name of the bill will remain unchanged whatever the bill's fate. I hope that clarifies it for Senator Sherry.

Tax reform that makes businesses more competitive represents an investment by this government in securing a successful economy, and it is in this setting that jobs, investment and trade opportunities are created, all of which are fundamental to our continuing economic prosperity. This bill, although once again Senator Murray chides us for its length, does deliver on the government's commitment to creating an environment in which businesses can have certainty and can prosper, and of course that benefits all Australians.

We have been responsive to industry calls to remove impediments to business investment and restructuring that occur in some parts of this bill. In particular, the engagement and consultation we have had with business and industry in the design and im-

plementation of tax reform has been a hallmark of the approach. This bill does demonstrate our commitment to consultation and to a preparedness to both listen and act.

Amendments are being made to improve the practical operation of the income tax law affecting life insurance companies and to ensure those provisions interact appropriately with other provisions in the income tax law. The government is implementing further measures to give taxpayers greater flexibility and certainty as they move into the new consolidation regime, which has been of course a mighty task. As the new consolidation regime has changed the tax landscape for many corporate groups, we have continued to consult actively with business on the implementation and to make changes where absolutely necessary, and the bill reflects the results of that ongoing consultation.

Amendments are also being made to ensure that limited partnerships with a legal personality separate from their partners are able to access venture capital tax concessions, which of course has been sought by industry. The concessions encourage non-resident investment in the Australian VC industry by providing incentives for increased investments in start-ups and expanding businesses that would otherwise have some difficulty in attracting investment. The law is also amended to ensure that the pre capital gains tax status of membership interests is fully preserved following a demerger. This would ensure that capital gains tax is not inadvertently triggered by the disposal of new interest in demerged entities, creating a taxing point. Therefore, the measure will remove an obstacle to an entity choosing to restructure by demerging.

Several technical amendments are also being made to the GST law to ensure that the insurance provisions apply to intended transactions undertaken by operators of compul-

sory third party schemes. Once again these amendments address the needs of the industry for clarification of some specific issues brought to the government's attention. As part of the further implementation of the simplified imputation system, the amendments will complete the rules that deal with the receipt of a franked distribution indirectly through a partnership or trust.

In addition to this range of business tax measures, the bill also implements a number of other tax measures. It has introduced a scheme to address the unfunded incurred but not reported liabilities of MDOs and introduces a contribution scheme which imposes a liability on doctors to fund the scheme. The bill ensures that individuals who make United Medical Protection Ltd support payments will be entitled to an income tax deduction for the amount of their contributions in that income year.

A recent court decision, as we all know from questions in this place and other explorations, found that some public ambulance services were ineligible for the fringe benefit tax exemption of up to \$30,000 per employee available to public benevolent institutions. The government subsequently announced that it would make an FBT exemption of up to \$17,000 per employee available to public ambulance services consistent with that available for public hospitals. So it was intended to be a level playing field. In addition, as announced in the budget, Commonwealth grants will be made to support organisations in the transition to this lower FBT concession. During the debate I was asked how the grants would be calculated for public benevolent institutions. I can advise Senator Murray in particular that the ATO is working with those organisations to correctly calculate the extent to which they are entitled to the compensatory grant. The ATO will be contacting all affected organisations to ensure that the grants compensate for the

change in public benevolent institution status and the effects of this on their fringe benefit tax liability.

I was also asked specifically about Senator Stott Despoja's identified circumstance—I think it was the junior fire service in South Australia—and obviously it is important as Senator Murray has identified that some technical infringement is not seen to be prohibitive to the accessing of benefits to which they would otherwise be entitled. It obviously depends very much on the particular circumstances and I would certainly consider that this would come within the category of ATO consultations that I have just identified.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! It being 9.50 p.m., I propose the question:

That the Senate do now adjourn.

Reagan, Mr Ronald

Senator SANTORO (Queensland) (9.50 p.m.)—Ronald Reagan has left us, an occurrence that countless millions across our world find to be very sad. Death is the inevitable finality of life, the last of the fundamental rites of passage in the human existence, but it is never something we want to face for ourselves, for our loved ones or, indeed, for our friends. President George W. Bush said it best, I believe, in America during the week-long process of saying goodbye to the former President. He said that President Reagan belonged to God now but we liked it better when he belonged to us.

In fact, a lot has been said about Ronald Reagan since his death and even more written. In a way, that is strange, because President Reagan was really a man of few words. His was a measured pace. The message that he delivered was clear. It was concise. It was simple. In an age of the unelected smart alec,

it is the in thing for the chattering classes to denigrate those who express views that fail to accord with the perceived wisdom of the moment. That is a blot on the landscape of Western democracy. We must never forget that democracy thrives best on courtesy in an environment where Voltaire's famous rule is unchallenged and where, as in the past, it is possible to argue without stooping to baseness. President Reagan was a courteous man. He was also a surprising man.

Someone, and I think it was Colin Powell, the American Secretary of State, once President Reagan's national security adviser—but it does not really matter who it was—said after his death that he was a B-grade actor and an A-grade President. That is not a bad one-liner. President Reagan might in fact have got a laugh out of it himself. If he had said it himself—and that is by no means an inconceivable notion—he would certainly have done so with panache and with that hint of a wicked, slightly self-deprecating little smile that was one of his trademarks. Who could forget his 'Honey, I forgot to duck' line to his wife Nancy after the 1981 assassination attempt? But to say that he was a B-grade actor and just leave it at that is also to denigrate him, for B-grade movies—like the flip sides of records, another entertainment genre that has ridden off into the sunset—were the staple of the film industry, the entertainment of millions of people around the world. We remember President Reagan's courage not only in office but when afterwards he was afflicted by Alzheimer's disease and announced that fact publicly and said that he was going away into a long sunset. Would that we could all find that much courage in such circumstances.

The words of two of his greatest international collaborators in ending the Cold War, expressed last week during the ceremonial farewells, bear repeating here tonight. For-

mer British Prime Minister Margaret Thatcher said:

He will be missed not only by those who knew him and not only by the nation that he served so proudly and loved so deeply but also by millions of men and women who live in freedom today because of the policies he pursued.

She further said:

Ronald Reagan had a higher claim than any other leader to have won the Cold War for liberty, and he did it without a shot being fired.

To have achieved so much against so many odds and with such humour and humanity made Ronald Reagan a truly great American hero.

Former Soviet leader Mikhail Gorbachev said:

I feel great regret. Reagan was a statesman who, despite all disagreements that existed between our countries at the time, displayed foresight and determination to meet our proposals half way and change our relations for the better, stop the nuclear race, start scrapping nuclear weapons, and arrange normal relations between our countries.

And here is another tribute from a little country far away that I think captures precisely what Ronald Reagan really meant to the world that he changed. It is from the former Speaker of the Lithuanian parliament, Vytautas Landsbergis. He said:

A man died who believed in freedom and changed the world. This is President Ronald Reagan, to whom Lithuania is grateful and will remain grateful for his firm resistance to the Evil Empire, giving us an opportunity for us to regain our freedom and return to democracy.

Honourable senators will know that, as much as I am an Australian patriot, I am also an unabashed supporter of the American nation and the American people. I am an unabashed supporter because the values that are America's heritage are good values—and because they are Australian values too.

I believe that America's democracy and the American people's commitment to free-

dom for their country and for others is the most powerful weapon for good. These are commitments that Australians freely share and seek to foster in a violent world. It is customary in some circles to decry the alliance we have with the Americans. Some people promote a view that Australia's distinct national objectives can be achieved without that alliance or, if not without it, while we are chorusing catcalls from the sidelines. Some of them even write songs about this great self-delusion. They set them to catchy tunes and make a lucrative career out of performing them and displaying their ignorance of history. I do not know of one American, or of one American administration, that has or has had imperial designs on us or indeed anyone. The United States was founded on liberty. Its revolutionaries fought for their freedom and that of their fellow colonists and founded a magnificent and enduring nation. It is true that, in the nearly 2½ centuries since then, international affairs and global politics have drawn America into conflicts and compromises. It is true that, in those intervening years, the face of America has changed. The same is true of every nation, and our own is no exception. But the genius of America has been to harness popular will to great projects, to hold fast to the democratic ideal and to take those benefits to the four corners of the world. The genius of American leaders has been to focus on the dream, to look for the shining city on the distant hill and to take their countrymen towards it. Those dreams, those precepts, that unshakeable faith, are also Australian traits. We too in this country are builders—in our own way, to our own design and according to our own national imperatives.

More so than most, President Reagan was a man who dreamed, a visionary who spied the shining city and who would not accept that it was an unreachable goal. I would like to share with honourable senators a tribute I

posted on the Ronald Reagan memorial web site:

President Reagan was the voice of liberty. He enunciated the West's final challenge to monolithic communism in the heady days of the 1980s when the inherent contradictions of Marxism finally and fatally cracked. He stood tall among world leaders, yet forever retained the common touch.

His was a moral authority, exemplified in his response to the Challenger disaster and his truly inspired speech in Normandy on the 40th anniversary of the D Day landings. History will mark him as a great man.

The world has lost a good friend. May his memory, along with his achievements as President of the United States of America, live forever.

Budget 2004-05

Senator LUNDY (Australian Capital Territory) (9.57 p.m.)—I am going to reflect in the adjournment debate tonight on how women have fared in this budget in an election year. Finally, six months after the due date, the Howard government has realised that it can no longer stall and has belatedly released the revised campaign against domestic violence. The delay cost lost opportunities for community education over the Christmas holiday period, as well as \$1.6 million in cancellation fees. The government's changes to the campaign mean that \$20 million instead of the budgeted \$15 million will now have to be spent. I doubt that the addition of the booklet to be sent to every household will be money well spent—it is reminiscent of the government's pathetic antiterrorist fridge magnet campaign—but the television segments, if thoughtfully placed, may well have a useful impact on community thinking.

Unfortunately, the government has chosen to replace the educative and preventative focus of the original No Respect, No Relationship campaign with a crisis management

approach, and there are concerns that recent well-publicised cases which resulted in no convictions may mean that women continue to be deterred from reporting crimes of violence. The original campaign had a segment called 'Coaching boys into men' which could have been used by sports coaches, clubs and schools to encourage responsible behaviour by teams. The original campaign had a wider targeting approach to include specific issues and specific communities—for example, young Indigenous communities.

So the delay caused by the direct intervention of ministers, uncomfortable, for example, with a concept that verbal abuse is a form of violence, or with the concept that only male perpetrators were depicted in the advertisements, has meant not only a high monetary cost but lost opportunities and human costs. Does anyone else find it ironic that a big objection to the original campaign against domestic violence was that the television segments referred people to a web site for further information? Yet in answering questions on why there was no women's budget document this year, as there has been for the past 10 years or so, the Minister for Family and Community Services, Senator Patterson, said:

I made a conscious decision not to release a women's Budget statement. Instead I used a more modern, user-friendly post-Budget publication outlining the Australian Government's achievements for women.

These changes will ensure that the Government communicates with women in a more up-to-date and accessible way.

I think it strange that she considered a web site less suitable for a young, technologically aware target group. The budget has alerted women and families, who have suddenly been discovered by this uncaring government, that this is an election year. But, despite the smoke and mirrors and the attempts to patch up some of the worst effects of nine

years of punitive economic policies, women and families do not fare well in this budget. The much vaunted tax cuts—a major feature of the budget—will not apply to most women, and women without dependent children will be especially badly off as a result of this year's budget measures. Total average women's earnings amount to \$30,540—far short of the \$52,000 needed for a tax cut. The number of women who work part time has increased from 42.5 per cent of all female workers in March 1996 to 45.7 per cent in April 2004. But even those women who work full time are unlikely to benefit: women's full-time average earnings in February 2004 were only \$44,200. Women are strongly represented in the occupations that pay extra tax while getting no tax relief themselves—hairdressers, cleaners, shop assistants, receptionists, hospitality workers, enrolled nurses and social workers. These are the people who will shoulder the burden of the government's assistance to those who are better off than themselves.

Since the advent of the Howard government, the gap between men's and women's wages has widened substantially. In February 1996 the excess of male over female earnings—for total earnings in current dollars—was \$229.10 but this has blown out to \$312. This figure is from November 2003. Senator Patterson has claimed that under the Howard government women's wages have risen three times more than they did under Labor. This is not correct. Over the period from February 1983 to February 1996, female full-time adult total earnings rose by \$315.20, or an annual average increase of 5.9 per cent. Over the period from February 1996 to November 2003, female full-time adult total earnings rose by \$250.90, or an annual average increase of 4.6 per cent.

Work and family issues still appear to be beyond the comprehension of this government. Having systematically run down La-

bor's child-care programs over its years in office and reduced access to, and availability of, child care, it has suddenly grandly announced 'additional child-care places' in this year's budget. However, it turns out that these additional places are restricted to outside school hours care and family day care places. These are needed, of course, but there is also a great need for quality community centre based care, which the government chooses consistently to ignore. Nothing has been done in this budget for the estimated 46,300 children whose families want access to centre based long day care. We understand that even the Minister for Children and Youth Affairs pressed cabinet for funding to address the unmet demand for long day care but got nothing. This government is so out of touch with Australian families, their lifestyles and their needs—and the needs of their children—that some members get highly stressed about segments of *Play School* showing different types of happy families and yet they do not express any concern whatsoever about families struggling for access to quality care for their children. Is the government concerned that, at present, of the 4,383 child-care centres subject to national child-care accreditation only about 3,705 are fully accredited?

Women's community organisations also appear to have fared badly under this budget. By channelling grants to national women's organisations through national secretariats and by no longer providing disaggregated data for expenditure under this program in the budget papers, the government manages to be less than transparent about its latest cuts. It appears that the forward estimate for the whole of the Women's Development Program for 2005-06 is only \$500,000. That is \$1 million less than budgeted for in 2004-05. We have not been told which organisations will miss out on funding this year or in future years.

The Howard government has been the highest taxing government in Australia's history, yet most families and singles—disproportionately women—will miss out on any tax relief from this budget. True to form, the Howard government has sought to advantage the already well off at the expense of the less well off and the needy. Labor, under the leadership of Mark Latham, has pledged to cut government waste. One example of this is the government's expenditure of more than \$100 million on taxpayer funded political advertising that is being paraded across television sets and newspapers and put in mailboxes. Another example is the wasteful cancellation of television time for the anti-domestic violence campaign last December. If the government had gone ahead with that campaign when it was scheduled, there would not have been that waste of taxpayers' money. Labor will reorder our priorities and we will invest in our families and communities. We do not believe this government has got its priorities right. Labor have pledged to invest in education and health as our major priorities, to restore services and to provide a ladder of opportunity for all Australians.

Western Australia: Coastal Development

Senator GREIG (Western Australia) (10.06 p.m.)—I rise tonight to speak on an issue which is arising—literally—on the beachfront along the coast of my home state of Western Australia. As some may recall from my first speech in this chamber, I grew up on the coast at Lancelin, just north of Perth, where my parents were involved in crayfishing. I worked on my father's boat as a deckhand and, despite my difficulties in getting a suntan, spent much of my life on the beach and on the sea. There is something about the vast oceans and wide beaches that surround this country that engenders an almost obsessive passion among the millions of Australians who choose to live there. I

cannot explain it, but I certainly recognise and appreciate it.

At this moment, there are several protests taking place in Western Australia where local residents and other members of the public have taken up the cudgels in defence of their particular patch of coastline. In the south-western seaside town of Augusta, local residents are railing against a proposed seven-hectare marina which, it is reported, would include breakwaters 550 metres out to sea, 70 boat pens, parking for 80 cars and trailers, a shop, a restaurant and apartments. All of this is planned for a town with a permanent population of approximately 1,200 people, including many retirees, and with many shops and services closing down.

It is true that property prices have skyrocketed in Augusta in recent times and that the town's numbers do swell in the summer-time. Perhaps a marina of this scale may help to boost the number of holiday-makers who flock to Augusta in the summer and therefore help to tide over the local businesses during winter but, then again, maybe the attraction of Augusta is that it offers that quiet holiday getaway with pristine, clean beaches and no hustle and bustle and 'developing' it into a seaside mecca may ultimately be to Augusta's detriment.

Further up the coast and closer to Fremantle at Port Catherine, near Coogee, environmentalists and local residents are locked in a fierce battle against developers reclaiming land from the sea to build a canal based luxury housing development. The main complaint here is that proper environmental studies have not been undertaken and that the beach will be locked away from public use for the benefit only of those living in the new development. In the metropolitan area closer to Perth, a group of local residents has formed to oppose high-rise buildings at Cottesloe Beach, arguably the jewel in the

crown of Perth's local beaches. Much further north at Mullaloo, yet more residents are rallying to preserve their well-known surf and swimming beach. Last year, the Western Australian state government scotched the ambitious plan to develop a marina project at Ningaloo Reef at Exmouth after enormous public outcry and pressure.

Brought to my attention more recently was the impending development of Scarborough Beach, possibly the best known and most easily accessible metropolitan beach in Western Australia. It was revealed recently that the local council plans to give developers the go-ahead to build nine high-rise apartment towers—some up to 16 storeys high—in a one-kilometre square block right on the waterfront. A group of local residents known as Save our Sunset, or SOS, have taken the council to task over its lack of consultation with residents, its supposed collusion with developers and its obvious disregard for anyone who opposes it. They chose the name Save our Sunset because of the shadowing that would occur in the afternoon when the sun set in front of the high-rise buildings. The beach would be shaded in the mornings and the residents behind these buildings would be shaded in the afternoons.

Last month the SOS group proposed to hold a rally at Scarborough Beach and called for residents and supporters to attend. They duly applied to the council for a permit to hold this rally, only to be told that they would have to provide their own public liability insurance at a massive cost of \$1,200 for two hours of coverage. I would hazard a guess that any other community organisation would not have been required to fund their own insurance but rather would have been covered by the council's umbrella policy. To their credit, the SOS group pooled their scant financial resources and held the rally anyway. Despite wet and windy weather, an es-

timated 2,000 people turned up to participate.

Some commentators have dismissed those protesting against developments of these kinds as protagonists who do not like change or are anti-progress, but in the case of Scarborough Beach this seems not to be the case. The SOS slogan is 'Development Yes. High-rise No', and they advocate a maximum height restriction of four storeys for buildings along the beach. That does not sound to me like a group who want things to stay exactly as they are. As a past councillor and now a federal parliamentarian, I fully support the notion that to protest is the democratic right of every Australian. I applaud those people who have the passion, the dedication and the drive to organise themselves into coherent and cohesive lobby groups to oppose that with which they may agree to disagree.

I was surprised to learn that, prior to making its decision to support high-rise development, the council had not undertaken any comprehensive opinion gathering and that the results of that which it had done were never disclosed. So I undertook to do this myself. As a Democrat senator for Western Australia I have sent out some 22,000 questionnaires to City of Stirling ratepayers. I will not pre-empt what the outcome of that survey might be, because we want and expect it to be balanced and because the responses are still flooding in—we had more than 300 questionnaires returned to my office in the first two days of the mail-out.

Many of those received noted that this is the first time they have been asked for a view on the proposed redevelopment. Others made the direct statement that they do not want Scarborough Beach to become a kind of Gold Coast of the west. We have heard from all age groups, including people who have lived in the area for up to 55 years. The re-

sponses and anecdotal feedback we have received include the following comments: 'The council only seeks residents' views in the hope that they are the same as the decisions they have already made,' 'Developers should not be allowed to override the wishes of the people who live in the area' and 'This is the same behind-the-scenes modus operandi as with the Observation City development in the mid-eighties'—a reference to an Alan Bond built 16-storey tower constructed at Scarborough in the 1980s.

Further comments included: 'I think the beach could be more friendly for families with more amenities but not with high-rises.' Others said yes to redevelopment but without the Gold Coast look. Another said: 'I am absolutely horrified that the council can do this. It is against what most people want. People want development, but not high-rises.' Further feedback suggested that all shires need redevelopment or improvement but this should never take from the local environment nor change the atmosphere and continuity of the district. Further comments included: 'Please, no high-rise development on the beach. We can develop without spoiling the beach and environs'—and so on. Perhaps now is the time to look at an overarching and integrated mechanism for dealing with and progressing developments along Australia's precious and fragile coastline fringe.

Development along the shoreline involves competing interests and arouses different passions. Locals want change without losing character. Developers want value for money and certainty in process. Beach users want access and the assurance that urban growth does not overshadow urban freedom. Councillors want to balance growth with character, recognising the pressures to accommodate a growing population and demand for beach frontage, but are accountable to a community that is suspicious of unexplained

change and anxious for consultation. Environmentalists want protection of sand dunes and water quality, while recognising the pressures of the retiree demographic and the power of the dollar. State governments are keen to illustrate a business-friendly ethos but with an eye to an electorate that is passionate about preserving the simple things that make shorelines so appealing.

This mix of local and state governments, new ideas and old values requires some guidance, some order and a sense of process. It is time to work towards such a process whereby everybody, within reason, can have their say on development proposals that strike deeply into the sunburnt psyche of many Australians. It is not enough to leave beachfront development to beachfront councils; the decisions they make are often short-term and parochial, while the outcome they create is long-term and national. My plea is for a national wake-up call to all those in public office to recognise the unique beauty and value of the Australian coastline, and to take steps now to regulate its development through criteria that meet with reasonable support and forethought. Ideally, this could include a state governed coastline development formula, with involvement from local government that does not give it absolute power. Overarching this could be Commonwealth oversight that could serve as an avenue of appeal for those aggrieved by any joint state-local government decision. Let us bring a streamlined whole-of-community approach, including architectural and environmental expertise and input from citizens and ratepayers as well as developers and investors to ensure the best for our beaches.

Vietnamese Community in Australia

Senator TCHEN (Victoria) (10.16 p.m.)—United Nations Security Council resolution 1500 marked a watershed in the world's recognition of the importance of the

war in Iraq as part of the war on terrorism. Until this unanimous expression of world opinion, it had become increasingly commonplace for a parallel to be drawn between the Iraq war and the Vietnam War. Indeed, as far back as the beginning of 2003 that parallel was being drawn. I recall that my first experience of that parallel being drawn was in February 2003 when I attended the lunar new year festival, the Tet Festival, in Springvale, Victoria, where the then Leader of the Opposition used his address on this festive occasion to warn about embarking on a new Vietnam War. It was a rather incongruous gesture on his part, since most of his audience were refugees from that unfortunate country, but it has not stopped other people from drawing similar parallels since then.

Of course, there are parallels to be drawn between the Iraq war and the Vietnam War. In particular, they are both part of a wider conflict: Vietnam as part of the war against communism and Iraq as part of the war against terrorism. Hopefully we will see another parallel come to pass in due course when democracy triumphs against terrorism as it did against communism. There are just over 150,000 Australians who have at least one parent born in Vietnam. These people are the true victims of the Vietnam War. They were uprooted and expelled from their home country by their own people to make a new life in Australia, quite often making very good contributions to the community they now call home. Nevertheless, these people with their experience of the Vietnam War have never been called on by the people who are interested in drawing parallels with the war in Iraq to make comment about their experiences, just as nobody that I know of who complains about Australia's participation in this war in Iraq has ever thought of asking the opinions of the more than 30,000 Iraqis who live in Australia by grace of the

regime of Saddam Hussein about Saddam Hussein and the justness of the war in Iraq.

But I do not want to talk about the Iraq war tonight; I want to talk about the Vietnamese Australians who are the true victims of the Vietnam War. The Vietnamese Australians have often been the most hurt by inaccurate depictions of the Vietnam War in history textbooks and public statements by politicians and media commentators, particularly at this time when they are pleased to draw the parallel between this past conflict and the current one we are involved in. The way it is portrayed is that Vietnamese Australians are usually described as being people on the side of the bad guys, the bad guys being the Americans and the Australians who should not have been there. They are described as people who worked for these bad guys or who supported a corrupt regime which could not sustain itself and then fled when it was overthrown by a principled revolution.

From the Vietnamese Australians' point of view, these are lies and half-truths which have victimised their community's sense of identity, particularly that of their families and the younger generations who were born in Australia. There is consistent concern amongst the older generation that, if perpetuated, this could damage their grandchildren's view about their parents and grandparents. I have received a letter from Dr Tien Nguyen, President of the Vietnamese Community in Australia, putting the view of the Vietnamese community about this propaganda. His letter to me says:

As we see it, the Vietnam War was a just war. It was the South defending itself against the North's ambition to grab its riches and to expand communist authoritarianism. South Vietnam lost, not because its soldiers were incapable or because communism was a principled cause, but because the West withdrew military supplies while Hanoi kept getting theirs from China and the Soviet Union.

The nightmares South Vietnam fought to prevent have now become reality. The Communist victors jailed more than a million people ...

This is not a fictitious claim. I have here a comment by the then Vietnamese Prime Minister, Pham Van Dong, being quoted by Jean-Claude Labbe of the *Paris Match* in September 1978, shortly after the fall of Vietnam. He said:

... we have liberated more than one million people who were guilty of collaborating with the enemy one way or another.

The Communist regime had 'liberated' one million people who had cooperated with the enemy! That liberation was by jailing them and putting them in correctional work camps. They killed thousands, they flattened southern soldiers' cemeteries and declared that all lands belonged to the Communist Party. Dr Nguyen went on to say:

The regime is consistently among Asia's 3 most corrupt. Party bosses have amassed at least hundreds of millions of dollars. After 14 years of damaging policies, then 15 years of repair and billions in aid, per capita GDP is back to South Vietnam's pre-1975 levels.

That is not taking into account inflation. He continued:

Yet the many who loudly denounced Saigon or praised Hanoi, are now deafeningly silent. And, as the Iraq War debate goes on, many of the old untruths about the Vietnam War are *again* being repeated.

That is a matter that I think is of concern to all of us. While history never exactly repeats itself, we seem to have a habit of repeating the mistakes of history. Those people who like to draw parallels between the war in Iraq and the Vietnam War should be reminded that in fact many of the concerns which we had about Communist domination in Vietnam—that it would create a domino effect and other concerns—and which are today fashionably considered untrue were valid. Let me repeat something said by someone

who should know—Lee Kuan Yew—stating that in fact the Vietnam War was necessary to protect our way of life. He said about Vietnam's impact on Singapore and the ASEAN region:

Although American intervention failed in Vietnam, it bought time for the rest of Southeast Asia. In 1965, when the US moved massively into South Vietnam, Thailand, Malaysia, and the Philippines faced internal threats from armed communist insurgencies and the communist underground was still active in Singapore ... America's action enabled non-communist Southeast Asia to put their own houses in order. By 1975, they were in better shape to stand up to the communists. Had there been no US intervention, the will of these countries to resist them would have melted and Southeast Asia would most likely have gone communist. The prosperous emerging market economies of ASEAN were nurtured during the Vietnam War years.

This is from the book *From Third World to First—The Singapore Story: 1965-2000* by Mr Lee Kuan Yew, published by HarperCollins in 2000. (*Time expired*)

Education: Victoria

Senator ALLISON (Victoria) (10.26 p.m.)—I rise tonight to talk about the visit I made to two primary schools in the last two weeks in Melbourne—both very remarkable and very different schools. I was invited to go to the Huntingdale Primary School as part of Back to School Day. Huntingdale is a very small school of about 160 students. What makes it different is that it is a bilingual school. Learning is conducted in the school in Japanese as well as English. It is one of the few bilingual schools in Victoria.

Japanese strikes me as being quite a difficult language to learn because of the characters and because of the sounds—and this is possibly true of most Asian languages. Nonetheless, the children at the school take to Japanese and to learning in Japanese—not just Japanese language but other subjects as

well—like the proverbial ducks to water. As you would expect, there were a number of children for whom Japanese was their first language. But I was also struck by the very many children who were there from other countries, for whom both Japanese and English would be second, third or even fourth languages.

It has become a school which is attractive to parents and to children who value the whole concept of education in more than one language. There are students there, as I said, from many other countries around the world, which means that they have very effective English as a second language classes, year 1 intervention programs and so on. I was struck by the extent to which these young people were confident and very comfortable in using two languages and was convinced that their education was being benefited by the fact that this school was bilingual.

Parents have sought out this school for that reason too. It obviously has a very strong commitment to aiming high, which is, in fact, the school's motto. They have 2½ hours a week of Japanese language teaching and they have five hours a week of lessons in other subjects that are conducted in Japanese. They have a Japanese performing arts program. When I was there I watched a drama group rehearsing in Japanese for a play. I was also lucky enough to see a performance by the drum club in the school with amazing Japanese drums that are beaten with very large, club-like instruments. It was a truly amazing performance that these young people put on. They employ native Japanese-speaking teachers at the school and they also have young teachers who come to Australia as volunteers to work in the school. This is such an unusual learning experience—and teaching experience, I would imagine—that it has attracted these young teachers to come and work with the children.

The school has a sister city relationship with Otaki in Japan. Students, I understand, go on exchange visits to Japan on quite a regular basis and at quite a young age. The school has been bilingual since 1997. I understand it receives a small amount of extra funding from the state government in order to run that program. However, what it has not received from the government is funding for urgently needed capital works. This is a 50-year-old school. It looked to me as if it was constructed as a lightweight, temporary building 50 years ago. It desperately needs funding to expand, because there are more students now who wish to go there. But, like so many other government schools, it does not have what most people would regard as the most basic facility. It does not have a multipurpose indoor space for assemblies, performances or physical education. In fact, at the present time a double classroom is put together for that purpose, so the kids must be crammed in if there is an assembly. The space is neither flexible nor useful and is not what we would regard as a minimum standard for any school.

The classrooms are 50 years old and are very cramped. I went into one grade 5/6 classroom. There was, I estimate, less than a metre of space between the blackboard and the first row of desks. It did not seem to daunt the students in that room, who were very confidently able to engage in discussions about democracy, the parliament and current issues. They were very well informed and amazingly bright. But I wondered how much better a school like this might do if they had spaces which were flexible, comfortable and spacious. I also wondered if any non-government schools would regard this environment as being anything close to a reasonable standard. I think they would not. If we were able to properly fund learning environments in such schools we would see even greater innovation, even better out-

comes, an even more satisfactory learning experience for children and a much easier teaching environment for the teachers at those schools.

I also visited the Derrimut Heath Primary School, which is a much larger school in the growing suburb of Hoppers Crossing, just out of Melbourne. It has extraordinarily good facilities—a great multipurpose centre and terrific classrooms—and an amazing bunch of teachers who do a terrific job with students who are very bright. When I was there, a year 5/6 debate took place in the assembly hall. In this debate I found young people who would run rings around many of the debaters even in this place. Their subject was ‘children should make rules for children’, so it was very much focused on the question of democracy and the age at which young people can start to make decisions about what affects them. I adjudicated this debate. Sadly we had to find a loser and a winner, but they all deserve enormous praise for the way in which it was conducted.

This was obviously not a one-off for my benefit. These are the subjects that these young people are accustomed to talking about in this school. I asked them what it meant to be a leader, because one of the topics they wanted to talk about was leadership. Without any hesitation these young people put their hands in the air and offered up characteristics which to them were important in leadership—things like confidence, concern for other students, politeness, kindness and being well informed. The list went on and on. In other words, these are young people who have learned and engaged in the process of thinking about values in our society. It struck me that schools like this become denigrated when politicians, prime ministers and others go out and talk about government schools and the lack of values therein. In just two schools I have seen in the last two weeks—and I go to many schools

and I can cite many other examples of this—values are being taught. Values are extremely important in these schools. It is not fair to the parents, the teachers or the children to suggest otherwise.

There is enormous innovation and a great sense of optimism in young people who are in both our primary and our secondary schools at the present time. I think there has been an enormous improvement in teaching, in pedagogy, in understanding what is being learned and in engaging with young people in such a way that they can fully participate in the learning process. I am enormously impressed with the work that is being done out there. I just hope that others in this place will take the opportunity to visit schools and see what is going on—not just go to private schools where there is money laid on to pay for facilities and all of the trappings that go with a private education but also go to government schools, because some of the best education in this country is being conducted in government schools. It is time in this place that we acknowledged and celebrated that and congratulated those schools on what they are able to achieve and the way they do it. *(Time expired)*

Agriculture: Apple and Pear Industry

Senator WATSON (Tasmania) (10.37 p.m.)—Mr President, tonight I wish to address the concerns surrounding the proposed quarantine controls, which may not provide adequate protection from the introduction of fire blight and other pests and diseases, a matter for which I know you have a great deal of sympathy as a former producer. There is fear that fire blight could destroy Australia’s apple and pear industry—an industry which has particular importance to Tasmania, which is often referred to as the Apple Isle.

What is fire blight? It is a destructive bacterial disease for which there appears to be no effective treatment. It appears that it can

kill entire orchards of apples and pears in a matter of weeks and it can also affect loquat, quince, hawthorn and other ornamental plants. It is particularly voracious and it has been called the foot-and-mouth disease of the horticultural industry, as you well know, Mr President. It causes a long-term reduction in the bearing capacity of trees by killing fruit spurs and destroying the wood which bears fruit the following season. The only treatment available to deal with fire blight requires repeated applications of an antibiotic which is not only expensive but not presently registered for use in Australia. It provides no guarantee that it will permanently eradicate the disease.

At the moment, Australia is fire blight free. However, Australia is at risk because New Zealand wants to export apples to us that may carry the disease. If this were allowed, Australia would be very vulnerable to the disease, as our climatic conditions are very favourable to it. Australian farmers are happy to compete in international markets. However, they do not want to run the risk of introducing a disease such as fire blight. If fire blight were to get in then Australia's \$320 million a year apple and pear industry could be decimated. This not only would affect fruit growers but would also impact on canneries, distributors and transport businesses and would result in disastrous job losses in regional towns.

One study has estimated that the economic costs to Australia could be \$922 million over six years and that Victoria's Goulburn Valley could face a loss of up to 90 per cent of its pear orchards. A similar result was predicted for the Stanthorpe area in Queensland. In my home state of Tasmania and yours, Mr President, the costs of fighting an outbreak of fire blight would probably mean the end for the majority of apple and pear growers.

The Tasmanian apple industry has a gross value of approximately \$70 million and produces around three million cartons or 55,000 tonnes of apples annually. The industry directly employs approximately 1,000 workers as well as a substantial number of seasonal and/or casual workers. The Tasmanian industry accounts for approximately 18 per cent of the total Australian production but 65 per cent of the total of Australian apple exports, so that is a significant figure. Tasmania gained access to the important Japanese market in 2001 approximately, which at the time was worth approximately \$2 million annually to the industry. At that stage, growth potential of up to 50 per cent per year for at least the next 10 years was forecast, with a future potential of up to \$20 million to Tasmanian growers. The Tasmanian apple industry gained access to the Japanese market for one particular variety based mainly on the industry's disease-free status, as Tasmania has fruit fly free status. Tasmania exports apples to over 20 countries, including Japan.

There are numerous organisations relying on the sustainable future of the apple and pear industry for their own future sustainability in the Tasmanian market. The industry sources the majority of packing materials, such as cartons and trays, from Amcor Fibre Packaging. This company maintains a fairly substantial presence both in my home town of Launceston and in the Huon and relies heavily on the apple and pear industry for its continued viability within Tasmania. Other organisations and industries that are reliant on the apple and pear industry within Tasmania include transport companies—for example, Edwards Transport—fuel companies, nursery suppliers, beekeepers, spray and fertiliser companies—such as Serve-Ag—and pallet suppliers. Of importance also is the fact that people and small business operators located within the growing regions rely

heavily on the industry for employment and as their customer base.

The potential risk of fire blight is of particular concern to the beekeeping industry, as bees are vectors for the disease and carry fire blight spores. If fire blight were introduced into Australia, there would be a need to quarantine bees and to seek out feral bee colonies in order to stop the spread of the disease. This process would add considerably to the beekeepers' costs.

Senator Santoro—It would be an enormous challenge.

Senator WATSON—Yes, it is important to the Stanthorpe region, Senator Santoro. In the event that Tasmania's crops were subjected to an imported virulent disease such as fire blight, the economic impact on the growing areas and for the whole state really would be quite enormous—for example, approximately \$13 million in direct industry wages is currently injected into the Tasmanian economy from this industry. It is likely that most of this would be lost within a very short space of time, creating a significant downturn in employment and economic stability throughout the state, particularly when coupled with the indirect impact on those groups reliant on the industry.

The important thing is that Tasmania's climate, with the majority of the annual rainfall occurring during the spring period, makes the state particularly susceptible to the establishment and ongoing infection of fire blight. Also of concern is the vulnerability to fire blight of two relatively new varieties of apples—namely, Pink Lady and Jonagold—which have been extensively planted throughout Tasmania's main apple-producing regions.

It is estimated that if fire blight were to become established in Tasmanian orchards there would be up to 30 per cent of production lost to this disease within five years.

Consumers in Tasmania and the rest of the country would also feel the effects if fire blight were introduced. There would be reduced yields of fruit, increased production costs as a consequence and ultimately higher prices passed on to consumers. Supplies of both fresh and canned Australian fruit would also be reduced. It is also more likely that any fruit we import from countries which have fire blight will have been sprayed with chemicals that are not registered in Australia. There is therefore no way of telling what effects these chemicals could have on the health of Australians.

For growers Australia wide, the effects really would be disastrous. As I have said, production could be reduced by at least 25 per cent in one season and consultants have estimated that one grower in three would be bankrupted as a result. Further bad news is that net returns to apple growers could fall by as much as 25 per cent and net returns to pear growers by as much as 40 per cent. Production costs are also likely to increase to take into account measures to prevent and control the disease. Pruning programs would need to be implemented in order to remove the infected limbs and, possibly, entire trees.

As I have already mentioned, the antibiotic treatment which is used in other countries is not presently registered in Australia. So Australia could face losses of current and potential future markets because remaining production would be directed mainly towards the domestic market. Our imports of fresh and canned fruit would also climb to compensate for the reduced supplies in the domestic market. There would also be socio-economic effects on the major growing and processing areas. I move to its importance in Victoria's Goulburn Valley, which the parliamentary secretary, Senator Troeth, would know about. It is predicted that gross farm income would fall by more than \$20 million and cannery intake would fall by something

like 65 per cent. It is estimated that 3,500 jobs and 300 permanent jobs would be lost in the apple and pear industry. There would also be other job losses in the order of 1,285 permanent jobs in other industries and businesses associated with the apple and pear industry. It is thought that in the longer term in the Goulburn Valley region alone the net farm income could fall permanently by 55 to 60 per cent—disastrous.

The apple and pear industry fire blight task force was set up to represent all growers of the industry, and its aim is to keep Australia fire blight free. There is currently a draft Biosecurity Australia import risk assessment report that could allow apple imports from New Zealand subject to strict quarantine controls. Biosecurity is of the view that the measures contained in the draft report are tough enough to deal with the pests and to protect Australia's disease free status. However—as you well know, Mr President—Tasmanian apple growers are not convinced and neither am I. If New Zealand apples are allowed in, the move will end an 83-year ban. According to the Tasmanian Apple and Pear Growers Association, there are only about three countries, including Australia, which do not have fire blight, and they are not comfortable with the measures that Biosecurity Australia is proposing. I hope that as a Senate we will reject the measures.

Reagan, Mr Ronald

Senator McGAURAN (Victoria) (10.47 p.m.)—I have been prompted by the previous speaker, Senator Santoro, to add my remarks of remembrance of the passing of the 40th President of the United States, and the most popular President ever known in the United States, Ronald Reagan. First of all, I would like to thank the Reagan family, who shared with the world a very public funeral service. They of course were grieving a father, whilst we were in many respects griev-

ing and commemorating one of the great leaders of the free world, who acted decisively at a very crucial time in history. Of course we came to know him as a good and decent man also. The Reagan family led by example. The family of Ron, Patti, Michael and of course Ronald's much loved wife Nancy were simply inspirational during that whole week of grief and commemoration in America, from the east coast to the west coast. The family members, whenever they spoke, spoke with words of great hope. They were uplifting words for all those who listened. Their manner was just so stoic, and their faith was indeed real.

The United States itself showed a genuine sadness for the passing of their former President, be it that he was 93. I think the current President, George Bush, put it superbly when he said that we just cannot let go of him, although he may have said his goodbyes some 10 years ago. As I said, the United States were genuine in their sadness. Their tribute was deep and heartfelt. Every step taken during the rituals and the funeral service was so genuine.

Senator Santoro—And dignified.

Senator McGAURAN—Thank you, Senator Santoro. It was indeed dignified. It showed the fondness that they had for their former commander in chief. It was a United States presidency showing all its triumph, its dignity and its grace. If it is ever said that President Reagan restored the respect and dignity of America at a time when it was at its lowest ebb, he also did it in his death and in the funeral service. I was also very struck by the speeches and the remarks of the leaders in Washington. Former President Bush, current President Bush, former Prime Minister of Canada Mulroney, Margaret Thatcher, a dear friend of the former president, and Gorbachev—all of them spoke with quite an open and passionate religious tone to every-

thing they said. It was refreshing, and something Australia does not do as often or as openly as the United States does. Their words were, as I say, passionate, religious and uplifting for all those who do believe.

In fact it really did renew the spirit to continue the fight, to not yield in our new war, the war on terror, and to reject those same old voices—even if they are new voices just dressed up in another way—of moral equivalence that those during the Cold War were trying to subject upon us and which are being subjected upon us again in this time of the war on terrorism. It is the same old voices and the same old types that Ronald Reagan had to endure. If his passing has renewed that spirit to reject the moral equivalence of the evil that comes towards the free world and the democratic world then I would have to say that Ronald Reagan's passing was timely and timed perfectly—as he did with most things in his life. He would consider it as, equally, one of his greatest achievements. Vale, President Reagan.

Queensland: St John's Cathedral

Walking Together Project

Senator SANTORO (Queensland) (10.52 p.m.)—I speak tonight on two great Queensland projects that demonstrate the faith and spirit of Queenslanders and reflect great credit on those involved and the community at large. The project to complete St John's Cathedral in Brisbane—the cathedral of the Anglican community in Queensland—and the Walking Together project at Longreach in the state's central west are both deserving of recognition and support.

St John's Cathedral is the last Gothic cathedral to be built anywhere in the world. It is at a critical phase. After a decade of hard work, and with generous support from all arms of government, from cathedral parishioners and supporters and private benefactors, completion of this ambitious project is

within sight. More than \$18.5 million in work has been undertaken and funded. It has become essential to complete this work by the end of 2006, because this marks the end of the cathedral's service agreement with the English master mason Peter Dare, who has guided the construction of the final stage of the building since 1990.

Mr Dare has indicated to the cathedral that he wishes to retire to England in 2006, by which time he will have been at work on the building for 16 years. The Dean of Brisbane, the Very Reverend John Parkes, tells me Mr Dare's work has been absolutely vital to the outstanding quality of this building phase. Because of his retirement plans, the rate of construction must be greatly accelerated. Obviously this has significant implications for cash flow. As a result of this new imperative, the cathedral is seeking additional government support to enable it to meet the schedule. It is seeking \$4 million from the Commonwealth, \$2 million from the Queensland government and \$1 million from Brisbane City Council over the next two financial years.

It was my very great privilege last week to visit the cathedral with the Minister for the Arts and Sport, my friend Senator the Hon. Rod Kemp, in pursuit of facilitating the cathedral's quest for support. I wish to thank Senator Kemp for his most empathetic and generous attitude towards a project which he was able to see in its full glory. I have this week delivered to Senator Kemp, to the Prime Minister, to the Treasurer, to another distinguished member of this chamber, Senator the Hon. Nick Minchin, the Minister for Finance and Administration, and to the Minister for the Environment and Heritage a submission from the cathedral prepared for the Cathedral Completion Fundraising Board by Brisbane architect Michael Kennedy. It is a good submission in a great cause.

The completion of St John's is more than just the completion of a building—as Mr Kennedy says so eloquently in his submission. It is the realisation of a dream that has been central to Brisbane's religious and cultural life for 115 years. The commitment and the result to this point have been tremendous. But financial support is a finite thing and, despite the efforts of the cathedral's fundraisers, funds raised have levelled out at around \$1.1 million a year. With only this amount of funding the earliest the cathedral could be completed is 2012—and it is in fact unlikely ever to be completed, since escalating costs and inflation will force construction to cease. The proposal now is that financial assistance be granted by the three levels of government to ensure that completion of the structure—except the west front spires and the central tower—can be achieved by the end of 2006 at a cost of \$9.3 million. This figure includes donations from the faithful and others above the requested government contributions.

The fundraising board that has been so hard at work grew from the commitment of the former Archbishop of Brisbane, the Most Reverend Dr Peter Hollingworth, whose enthusiasm and drive encouraged others to participate. The 'Final Drive' campaign began in 1997 under the leadership of Brisbane businessman Mr Steven Wilson. He remains in an active advisory position today, having passed the leadership to another prominent Brisbane benefactor and businessman Mr John Allpass, who took over the job in 2001. Of course, we cannot forget those who preceded Mr Wilson and Mr Allpass, including the late Sir John Nosworthy, the foundation chairman of the cathedral completion committee, and the late John Earnshaw, also a past chairman of the committee who was always ably and staunchly supported by his equally dedicated wife, Mary.

The other members of the fundraising board are the Archbishop, the Most Reverend Dr Phillip Aspinall; the Dean, the Very Reverend John Parkes; Mr Ken Talbot, who recently retired but continues to be involved in an advisory role; Mr Tim Fairfax; Mr Peter Hollingworth; the Reverend Canon Len Nairn; Mr Tim Samway; Mr Ian Walker; Mr Greg Vickery; Mr Bob Bryan, more recently in an advisory role; Ms Sallyanne Atkinson, a former Lord Mayor of Brisbane; Mr Ross Dunning; and Mrs Peter Nagle, as fundraising director. They are all very distinguished Queenslanders and working hard in the interests of a very great cause. We also cannot forget people who work tirelessly in other voluntary capacities. For example, there is Mrs Susan Blue, one of the original, if not the original, convenors of the Loaves and Fishes luncheon, a magnificent luncheon held every year within the cathedral precincts—in fact, inside the cathedral—which is just an absolute delight to attend. There is also Dr Patsy Quayle, who for many years was the Chairman of the Friends of the Cathedral and who, with the support of her husband, John, is a tremendous stalwart in the interests of the cathedral. Another is Mrs Barbara Nicholls. These people work tirelessly and bring great assistance to the effort I have been talking about tonight. In addition to the Brisbane fundraising board, a committee raising funds in Sydney for the cathedral's completion is led by Mr Geoffrey Underwood and Mr Bill Hayward. Collectively, the board and Sydney committee members have pledged \$3.4 million to the project.

The master mason Peter Dare has brought new—or perhaps long lost—skills into Australia. He has lectured extensively and given freely of his time and skills. He deserves, as a true friend of Australia, to be recognised in this place. The completion of St John's Cathedral is a unique project for three reasons. Everyone working on site, from stonemasons

to building supervisors, architects and clerical and religious officers, is actively engaged in the continuation of late 19th century building practices. The project is the contemporary completion of a 19th century architectural design conceptualised by John Loughborough Pearson, the pre-eminent church architect of Victorian England. No other original Victorian Gothic cathedral is under construction anywhere in the world. Pearson's design connects St John's to late 19th century British ecclesiastical buildings and, through that connection, to mediaeval European architectural tradition. I commend the project to the Senate and invite honourable senators to take an interest in this unique work of monumental art.

The other inspirational project that I want to mention tonight is something I have spoken about in the Senate before—the 'Walking Together' project in Longreach. This is a project that has cast and erected in the grounds of the Australian Stockman's Hall of Fame at Longreach a statue to honour the memory of pioneer women. It depicts two girls—one Indigenous, one non-Indigenous—walking together in friendship. The winds of change blow in their hair and they look towards the future with confidence. That is a great message. The women of the inland have always carried the great load of nurturing and homemaking, and right from the start of European settlement they worked together to create a better life for all. We should honour the women who pioneered today's Australia—settler and Aboriginal alike.

Project chairman Rosemary Champion, of Longway station, Longreach, tells me they still need to find some money to complete this memorial. It is not a lot of money—except to people who do not have any to spare; it is just \$5,000. Mrs Champion and the honorary secretary of the Central Western Queensland Branch of the Australian Stock-

man's Hall of Fame and Outback Heritage Centre, Gwen Rogers, of Glendon station, Longreach, are looking to finalise the donors plaque. As I told the Senate on 4 December 2003, the organising committee chose Dr Rhyl Hinwood of Brisbane from 12 outstanding sculptors throughout Australia.

The project was commenced in 2002 with funds bequeathed from the estate of Betty Bunkell Wakely and the estate of Mrs Rose McKenzie, originally of Rosebank, Longreach, and with funds raised by the Central Western Queensland Branch of the ASHF. The organisers' imperative is to bring their project to a successful and full conclusion. I believe our imperative in this place is to applaud the Walking Together project and to congratulate its organisers—people who by definition look forward with confidence to the future—and to do whatever we can to be of assistance to them.

Senate adjourned at 11.01 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Australian Broadcasting Authority—Online content co-regulatory scheme—Report for the periods January to June 2002, July to December 2002 and January to June 2003.

Australian National University—Report for 2003.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2003.

Australian River Co. Limited—Report for the period 1 December 2002 to 30 November 2003.

Department of Communications, Information Technology and the Arts—Report—Review of the operation of Schedule 5 to the *Broadcasting Services Act 1992* (Online content co-regulatory scheme).

Health Insurance Act 1973—Medical Training Review Panel—Biennial review of the Medicare provider number legislation—Record of proceedings of special meeting on 27 February 2004.

Health Services Australia—Statement of corporate intent 2003-2006.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited, IIF Newport Pty Limited—Reports for 2002-03.

Landcare Australia Limited—Report for 2002-03.

Pharmaceutical Benefits Pricing Authority—Supplementary report for 2002-03 on the operations of the Authority in relation to the Pharmaceutical Industry Investment Program.

Tabling

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) (Administration) Act—Family Assistance (Household Organisational Management Expenses (HOME) Advice Program) Determination 2004.

Aged Care Act—Determinations under section 52-1—ACA Ch. 3 1/2004, ACA Ch. 3 No. 5/2004 and ACA Ch. 3 No. 6/2004 [Incorrectly prepared as ACA Ch. 3 No. 5/2004].

Australian Bureau of Statistics Act—Proposals Nos 4-8 of 2004.

Australian Communications Authority Act—

Telecommunications (Charges) Determination 2004.

Telecommunications (Facility Installation Permit—Application Charge) Determination 2004.

Telecommunications (Facility Installation Permit—Public Inquiry Charges) Determination 2004.

Telecommunications (Nominated Carrier Declaration Application Charge) Determination 2004.

Australian Prudential Regulation Authority Act—Instruments under section 51—Instruments fixing charges to be paid to APRA—Nos 1 and 2 of 2004.

Australian Securities and Investments Commission Act—Regulations—Statutory Rules 2004 No. 102.

Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2004.

Census and Statistics Act—Determination—Statutory Rules 2004 No. 114.

Christmas Island Act—Ordinance No. 1 of 2004 (*Land Administration Act 1997* (WA) (CI) Amendment Ordinance 2004 (No. 1)).

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—Part—

105, dated 15 [2], 21, 27 [8], 28 [2], 29 [3] and 30 [2] April 2004.

107, dated 15 and 28 April 2004.

Class Rulings CR 2004/38 (Addendum) and CR 2004/45-57/2004.

Cocos (Keeling) Islands Act—Ordinance No. 1 of 2004 (*Land Administration Act 1997* (WA) (CKI) Amendment Ordinance 2004 (No. 1)).

Commonwealth Authorities and Companies Act—Regulations—Statutory Rules 2004 No. 116.

Currency Act—Currency (Royal Australian Mint) Determination 2004 (No. 3).

Customs Act—Regulations—Statutory Rules 2004 Nos 88, 107 and 108.

Defence Act—

Defence Force (Superannuation) (Productivity Benefit) Amendment Determination 2004 (No. 2).

Determinations under section—

58B—Defence Determinations 2004/19-2004/21.

58H—Defence Force Remuneration Tribunal—Determinations Nos 4 and 5 of 2004.

Defence Force Retirement and Death Benefits Act—Orders—Statutory Rules 2004 No. 99.

Defence Forces Retirement Benefits Act—Orders—Statutory Rules 2004 No. 100.

Designs Act—Regulations—Statutory Rules 2004 No. 117.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 25 May 2004 [2].

Energy Grants (Cleaner Fuels) Scheme Act—Regulations—Statutory Rules 2004 No. 96.

Environment Protection and Biodiversity Conservation Act—Instrument amending list of—

Exempt native specimens under section 303DB, dated 16, 18 and 28 April 2004.

Specimens suitable for live import under section 303EB, dated 12 May 2004.

Export Control Act—Export Control (Orders) Regulations—

Export Control (Fees) Amendment Orders 2004 (No. 2).

Livestock Export (Merino) Orders (Amendment) No. 1 of 2004.

Export Market Development Grants Act—Determination 1/2004—Determination of the Balance Distribution Date for grant year 2002-03.

Extradition Act—Regulations—Statutory Rules 2004 No. 89.

Family Law Act—Family Law (Superannuation) Regulations—

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2004 (No. 3).

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval Amendment 2004 (No. 4).

Family Law (Superannuation) (Provision of Information—Commonwealth Super-

annuation Scheme) Amendment Determination 2004 (No. 1).

Family Law (Superannuation) (Provision of Information—Defence Force Schemes) Determination 2004.

Family Law (Superannuation) (Provision of Information—Military Superannuation and Benefits Scheme) Determination 2004.

Family Law (Superannuation) (Provision of Information—Public Sector Superannuation Scheme) Amendment Determination 2004 (No. 1).

Federal Court of Australia Act—Rules of Court—Statutory Rules 2004 No. 98.

Goods and Services Tax Ruling GSTR 2004/4.

Health Insurance Act—

Declaration—QAA No. 1/2004.

Regulations—Statutory Rules 2004 Nos 101 and 110.

Higher Education Funding Act—Determination under section 15—Determination T25-2003.

Industry Research and Development Act—Industry Research and Development Board (Overseas Research and Development Activities) Guidelines 2004.

International Air Services Commission Act—International Air Services Policy Statement No. 5.

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

Law Officers Act—Regulations—Statutory Rules 2004 No. 91.

Medical Indemnity (Prudential Supervision and Product Standards) Act—Regulations—Statutory Rules 2004 No. 87.

Migration Act—

Direction under section 499—Direction No. 35 of 2004.

Regulations—Statutory Rules 2004 Nos 93 and 94.

Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2004 (No. 1).

Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 2004 No. 90.

National Workplace Relations Consultative Council Act—Regulations—Statutory Rules 2004 No. 92.

Navigation Act—

Marine Orders—Orders Nos 1, 2 and 4 of 2004.

Regulations—Statutory Rules 2004 No. 95.

Navigation Act and Protection of the Sea (Prevention of Pollution from Ships) Act—Marine Orders—Order No. 3 of 2004.

Ozone Protection and Synthetic Greenhouse Gas Management Act—Notice of Grant of Exemption under section 40, dated 24 April 2004.

Parliamentary Contributory Superannuation Act—Orders—Statutory Rules 2004 No. 97.

Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2004 No. 111.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2004 No. 103.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2004 Nos 104 and 106.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2004 No. 105.

Product Ruling—

Erratum—PR 2004/48-2004/50.

PR 2003/40 (Addendum) and PR 2003/46 (Notice of Withdrawal).

PR 2004/54-PR 2004/71.

Public Service Act—Public Service Commissioner's Amendment Directions 2004 (No. 1).

Radiocommunications Act—

Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment Determination 2004 (No. 1).

Radiocommunications (Maritime Ship Station—27 MHz and VHF) Class Licence Variation 2004 (No. 1).

Remuneration Tribunal Act—Determination—

2004/11: Remuneration and Allowances for Holders of Public Offices.

2004/12: Remuneration and Allowances for Holders of Part-time Public Office.

2004/13: Remuneration and Allowances for Holders of Full-time Public Office.

2004/14: Judicial and related offices—remuneration and allowances.

2004/15: Principal Executive Office (PEO) Classification Structure and Terms and Conditions.

Social Security (Administration) Act—

Social Security (Household Organisational Management Expenses (HOME) Advice Program) Determination 2004.

Social Security (Payment Pending—ARO Application for Review) Guidelines 2004.

Social Security (Payment Pending—SSAT Application for Review) Guidelines 2004.

Social Security (International Agreements) Act—Regulations—Statutory Rules 2004 No. 109.

Superannuation Act 1922—Regulations—Statutory Rules 2004 No. 85.

Superannuation Act 1976—Orders—Statutory Rules 2004 No. 86.

Superannuation Act 1990—Twenty-First Amending Deed under section 5, dated 9 May 2004.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2004 No. 113.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 5/04.

Taxation Administration Act—Regulations—Statutory Rules 2004 No. 112.

Taxation Determination—

TD 93/2 (Notice of Withdrawal).

TD 96/9 (Notice of Withdrawal).

TD 2004/15 and TD 2004/16.

Taxation Ruling (Old Series) IT 2574.

Telecommunications Act—

Telecommunications Numbering Plan Variation 2004 (No. 1).

Telecommunications Numbering Plan Variation 2004 (No. 2).

Telecommunications Numbering Plan Variation 2004 (No. 3).

Telecommunications Numbering Plan Variation 2004 (No. 4).

Telecommunications Regulations—Premium Service Determination 2004 (No. 1).

Telecommunications (Service Provider—Identity Checks for Pre-paid Public Mobile Telecommunications Services) Amendment Determination 2004 (No. 1).

Telecommunications Service Provider (Premium Services) Determination 2004 (No. 1).

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2004 (No. 1).

Therapeutic Goods Act—Determination under section 19A, dated 5 May 2004.

Veterans' Entitlements Act—Instrument under section—

88A—Veterans' Entitlements Treatment (Anxiety and Depressive Disorders) Determination 6/2004.

196B—Instruments Nos 11-24 of 2004.

PROCLAMATIONS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

International Maritime Conventions Legislation Amendment Act 2001—Schedule 1—13 May 2004 (*Gazette* No. S 157, 13 May 2004).

Migration Legislation Amendment (Migration Agents Integrity Measures) Act 2004—Schedule 1—1 July 2004 (*Gazette* No. GN 23, 9 June 2004).

Military Rehabilitation and Compensation Act 2004—Sections 3 to 359—1 July 2004 (*Gazette* No. GN 22, 2 June 2004).

National Measurement Amendment Act 2004—Parts 1, 2 and 3 of Schedule 1—1 July 2004 (*Gazette* No. GN 22, 2 June 2004).

Superannuation Safety Amendment Act 2004—Part 1 of Schedule 1—1 July 2004 (*Gazette* No. GN 22, 2 June 2004).

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Treasury: Staff Absences
(Question No. 682)

Senator Sherry asked the Minister representing the Treasurer, upon notice, on 25 September 2002:

For each month of the past 2 full calendar years, what are the figures for staff absent on stress leave in the Department of the Treasury.

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

The numbers of Treasury staff on identified stress leave over the last 2 full calendar years are set out in the following table.

Note: For the calendar year 2000, only 1 person was absent on stress leave for the 2 identified months. For the calendar year 2001, a total of only 3 people were absent on stress leave for the total identified months.

Calendar Year	Month	Number of Persons
2000	August	1
	September	1
2001	January	1
	February	1
	March	1
	April	1
	May	1
	July	1
	August	1
	September	2
	October	1
	November	1

Agriculture: Livestock Identification
(Question No. 980)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 3 December 2002:

- (1) Is the Government examining options for tracking livestock via systems such as a national livestock identification system.
- (2) Which identification systems has the Government examined in the past five years.
- (3) What was the quantum of funding spent by the department during each of the past five financial years on feasibility studies on national livestock identification systems.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The Australian Government has, in conjunction with State and Territory Governments and industry and under the auspices of the Primary Industries Ministerial Council (PIMC), examined a number

of options for a national approach to livestock identification and tracing. At its April 2003 meeting, PIMC agreed to a risk-based approach to the development and implementation of a national system for livestock identification and tracing. It comprises a number of complementary mechanisms ranging from individual animal identification (such as the existing National Livestock Identification Scheme (NLIS) for cattle and National Flock Identification Scheme (NFIS) for sheep) through to herd/flock-based arrangements. The new system is called the National Livestock Identification System (Cattle) or National Livestock Identification System (Sheep), as appropriate.

- (2) In deciding upon this approach, a number of options were considered. These include: compulsory, individual identification for all cattle (that is, adoption of the NLIS); an NLIS system with modifications based on risk management criteria; and compulsory, individual identification for export cattle only. The risk-based approach agreed to by PIMC is designed to accommodate the practical differences between the extensive northern pastoral systems and the more intensive southern production systems.
- (3) There has been no expenditure by the Australian Government Department of Agriculture, Fisheries and Forestry (the Department) on feasibility studies on national livestock identification systems. Part of the \$6.372 million spent by Meat and Livestock Australia Ltd (MLA) from 2001/02 to 2002/03 and the \$1.996 million budgeted for 2003/04, on development of the NLIS is derived from the Australian Government matching contributions to research and development. In addition, in 2001-02, with the agreement of the Red Meat Advisory Council, the Australian Government released \$1.3 million in red meat industry funds held over by the Department from the initial capitalisation of MLA for the purposes of funding enhancements to the NLIS database.

Environment: Murrumbidgee Valley

(Question No. 1168)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 February 2003:

With reference to the Minister's joint statement of 11 February 2003, reference AFFA03/023WTJ, regarding the \$5.3 million water saving pilot program in the Murrumbidgee Valley:

- (1) What are the specific stated objectives of the pilot program as presented to the Commonwealth by Pratt Water and upon which Commonwealth funding was approved.
- (2) Can a copy be provided of the Pratt Water proposal upon which Commonwealth funding was approved; if not, why not.
- (3) What is the total budgeted cost of the pilot program.
- (4) Which Commonwealth departments are contributing to the funding of the pilot program; and (b) how much will each department contribute.
- (5) Which non-government organisations or individuals are contributing to the pilot program and what is their budgeted contribution.
- (6) (a) When will the pilot program commence; and (b) when is it due to be completed.
- (7) In relation to the joint media statement, which quotes Mr Pratt as saying that his company has contributed significant resources to get the proposal to its current stage of development and is contributing key staff to manage the project': (a) what is the quantum and exact type of resources Mr Pratt is referring to; (b) what is the number of staff Pratt Water will contribute to the management of this project; and (c) what are the names and qualifications of those staff.
- (8) Where exactly in the Murrumbidgee Valley the pilot program will be conducted.
- (9) (a) What consultations have been undertaken with residents within the Murrumbidgee Valley; and (b) who will be affected by the pilot program.

(10) If no consultations have yet taken place: (a) when will these consultations take place; and (b) how will these consultations be conducted.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The feasibility study has two prime objectives:
 - to prepare a full feasibility or 'business case' for future investment by public and private investors in water savings within the case study area - the Murrumbidgee River System in southern NSW; and
 - as a pilot study, provide lessons and analysis that may be applied more broadly in considering water savings investments in other areas of NSW and in developing a national approach to water savings.
- (2) A copy of the Pratt Water report, "Water in the Murrumbidgee Valley", publicly released in August 2002, is available on Pratt Water's website.
- (3) The Murrumbidgee Valley Water Efficiency Feasibility Project has a total public contribution of up to \$5.3 million, shared between the Australian and New South Wales Governments.
- (4) The feasibility study is being funded through the National Action Plan for Salinity and Water Quality (NAP), which is appropriated to the Australian Government Department of Agriculture, Fisheries and Forestry. The Australian Government contribution is \$2.65 million. It should be noted however that the Department of Agriculture, Fisheries and Forestry and the Department of the Environment and Heritage jointly manage the NAP.
- (5) Pratt Water, which fully funded the Pratt Water report, "Water in the Murrumbidgee Valley", is to provide and bear the cost of 8 dedicated full time officers over the project period plus associated support for office accommodation, IT network and general corporate services.
- (6) (a) The Murrumbidgee Valley Water Efficiency Feasibility Project, commenced on 18 March 2003, with the signing of contractual arrangements. (b) The project is to be conducted over an eighteen month period.
- (7) (a) Pratt Water has invested approximately \$2 million to get the project to its current stage of development. (b) See (5); and (c) Helmut Konecsny, seconded from Pratt Water Pty Ltd, is the nominated Project Director. The names of other staff and their qualifications are more appropriately obtained directly from the Project Director, including for the reason that staff may change to reflect tasks being undertaken and staff availability.
- (8) The pilot program will be conducted across the Murrumbidgee Catchment where the potential for water savings has been identified. Specific sites include Tumut River, Murrumbidgee/Mirrool Creek, Yanco Creek, MIA and Coleambally Irrigation Areas and Barren Box Swamp.
- (9) (a) Since the project commenced, in excess of 80 public addresses have been given explaining and discussing the project, to a range of stakeholders in the Murrumbidgee Valley. One-on-one discussion has been ongoing and frequent, particularly within the Murrumbidgee Irrigation Area and Coleambally Irrigation Area. Communication of the project's objectives and activities has also occurred through project bulletins, newspaper articles, radio interviews, the public website of the project and office visitors. (b) Only participating organisations involved directly with the pilot program will be affected such as Murrumbidgee Irrigation who is testing new low-cost piping technology. It should be noted that involvement in the pilot program is completely voluntary. It is anticipated that the feasibility study will identify specific outcomes to achieve water use efficiency and that these outcomes may be applicable in other catchments throughout the country in the longer term.
- (10) (a) see (9); and (b) see (9).

Attachment 1

Consultations - April 2003 to March 2004

A & G Machinery Pty Ltd

ABARE

ACTEW

AMC

ANCID

Austrade

Australian National Centre for Sustainability

Australian National University

AWB Limited

ANZ Bank

Bailey Sales & Marketing

Baker & McKenzie

Balranald Shire Council

Barlow Agricultural Pty Ltd

Bartlett

Batescrew

Bauer

Benparts

BHP Steel

Booth & Associates

Brian Hill Financial Services

Bruce A McDougall

Bureau of Rural Sciences

Cargill

Casella Wines

Centre for International Economics

Charles Sturt University

Chiquita

Coleambally Irrigation Cooperative Limited

Cootamundra Oil Seeds

Cootamundra Shire Council

CRC Catchment Hydrology

CRC for Freshwater Ecology

CRC Irrigation Futures

CRC Sustainable Rice Production

Cropsol Pty Ltd

CSIRO Atmospheric Research

CSIRO Land and Water
CSIRO Mathematical and Information Sciences
CSIRO Sustainable Ecosystems
Dennis Toohey and Associates
Department of Agriculture, Fisheries & Forestry Australia
Department of Infrastructure, Planning and Natural Resources
Department of Transport & Regional Services
DuPont
Environment Australia
Farmhand
Flavourtech
Fluid Purification
Forsci Pty Ltd
Gale Pacific
GHD Engineers
Goulburn-Murray Water
Graham Riverina Grain
Griffith City Council
House of Reps Committee (Inquiry into future water supplies for Australia's rural industries and communities)
House of Reps Committee (Resources Exploration Impediments Inquiry)
Institute of Public Affairs
Iplex Pipelines
Irrigation Association of Australia
Irrigation Research & Extension Committee (IREC)
Jerilderie Grain Storage and Handling
Jerilderie Shire Council
John Hopkins University
Jim McGann
Kealey Clark Pty Ltd
Leeton Shire Council
Lloyd Energy Systems Pty Ltd
McWilliams Wines
MIA Rural Supplies
Murray Darling Basin Commission
Murray Darling Freshwater Research Centre
Murrumbidgee Catchment Management Board
Murrumbidgee Division of General Practice
Murrumbidgee Horticultural Council

Murrumbidgee Irrigation
Murrumbidgee Private Irrigators Inc
Murrumbidgee Shire Council
Murrumbidgee Valley Rural Counselling Service
Narrandera Shire Council
National Water Bank Limited
Natural Resource Intelligence
Natural Systems Intelligence
Netafim
Northern Adelaide and Barossa Catchment Management Board
NSW Agriculture
NSW Irrigators' Council
NSW Premiers Department
Nugan Quality Foods
Organic Produce R & D Committee
Parle Foods
PEAQ Management
Pepper Tree Wines
PlainSense Vegetation Management
Prestige Foods
Profit Foundation
Natural Resource Intelligence
Ramps Ridge
Ricegrowers Assoc. Aust.
Riverina Area Consultative Committee
Riverina Citrus
Riverina Eastern Regional Organisation of Councils (REROC)
Riverina Regional Organisation of Councils (RIVROC)
Riverina Regional Development Board
Riverina Water
Rockdale Beef
SEMF (Scientists Engineers Managers & Facilitators)
Sentek Pty Ltd
Snowy Hydro
SPC Ardmona
State Forests of NSW
State Water
State Water Customer Services Committee
Sturt Group

Sunraysia Estates
SunRice
Syd Clark
Tandou
Tarwyn Park Stud
The Age Newspaper
The Warren Centre (Sydney University)
Tumut River Landowners
Tumut River Advisory Council
Tumut Shire Council
Telstra
Toro
T-Systems
Umwelt
Vinindex
Vitality Brands
Wagga Wagga City Council
Warren Centre, Sydney University
Wimmera Mallee Pipeline Project
Windlab Systems
Wine Grapes Marketing Board
Wine Workz
Wooloondool Farms
Yenda Rotary Club

Agriculture: Grains Industry

(Question No. 1606)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 8 July 2003:

- (1) What was the quantum of funding provided to the Grains Research and Development Corporation (GRDC) by the department for each of the following financial years: (a) 1997-98; (b) 1998-99; (c) 1999-2000; (d) 2000-01; (e) 2001-02; and (f) 2002-03.
- (2) What was the quantum of funding provided by the GRDC to the Gene Technology Grains Committee (GTGC) for each of the financial years mentioned in (1).
- (3) What role does the department or the GRDC play in the selection of members to the GTGC.
- (4) In what way is the GRDC accountable to the Minister for expenditure made to the GTGC.
- (5) Can a synopsis be provided for each GTGC member, including: (a) full name; (b) details of formal qualifications; (c) details of current industry experience and employment; (d) details of past industry experience and employment; (e) details of the process of selection; and (f) term of membership.

- (6) Are members of the GTGC required to disclose their financial interests to the Government as a means of preventing any perception of a conflict of interest; if so, can a copy of the current register of interests be supplied; if not, why not.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The quantum of funding provided to the Grains Research and Development Corporation (GRDC) by the Department of Agriculture, Fisheries and Forestry was:

Year	Disbursement of Industry Levies	Commonwealth Matching Contributions
	\$,000s	\$,000s
(a) 1997-98	120,570	33,760
(b) 1998-99	112,745	34,403
(c) 1999-00	52,061	31,873
(d) 2000-01	38,923	34,464
(e) 2001-02	74,570	40,777
(f) 2002-03	65,102	39,154

- (2) The GRDC has provided no funding to the Gene Technology Grains Committee (GTGC).
- (3) The Department plays no role in the selection of members of the GTGC. Apart from the appointment of a GRDC representative, Ms Kirsten Pietzner, as a member of the GTGC, the GRDC plays no role in the selection of members to the GTGC.
- (4) As the GRDC does not provide funding to the GTGC, there has been no requirement for accountability to the Minister for expenditure.
- (5) A synopsis of the GRDC representative on the GTGC is:
- Kirsten Lex Pietzner.
 - Bachelor of Arts (Hons); Master of Arts (International Relations); Graduate Member, Australian Institute of Company Directors.
 - Program Manager (Value Chain), Grains Research & Development Corporation; Member of the Board of Agrifood Awareness Australia Ltd; Member, NSW Agricultural Advisory Council on Gene Technology.
 - August 2000 - Present: Program Manager (current) & Policy Analyst (one year), Grains Research & Development Corporation July 1996 - August 2000: Manager Quality Assurance (two years) & Research Officer (two years), Grains Council of Australia.
 - The decision to participate in the Committee was approved by the GRDC Managing Director, who agreed to the participation of Ms Pietzner on the GTGC.
 - There is no formal term of appointment.
- (6) The GTGC does not provide a conflict of interest register to the Government. As an industry body they are not required to do so.

Agriculture: Herbicides

(Question No. 1884)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 1 October 2003:

- (1) When did the Australian Pesticides and Veterinary Medicines Authority (APVMA) or its predecessor, the National Registration Authority, receive an application for the use of the herbicide known as Roundup as a broad acre herbicide in Australia.

- (2) Who was the applicant.
- (3) When is a final decision expected from the APVMA for the use of Roundup as a broad acre herbicide in Australia.
- (4) To date, how much has the current application for the use of Roundup as a broad acre herbicide in Australia cost the APVMA to process.
- (5) What is the expected total cost to the APVMA of processing the application.
- (6) To date, what is the quantum of fees and charges which have been levied upon the applicant in relation to the application.
- (7) What is the expected total of fees and charges that will be levied upon the applicant in relation to the application.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

(1) to (7) 'Roundup' is one of the names of 13 currently registered herbicide products that contain the active constituent 'glyphosate'. There are 191 other herbicide products registered with the same active constituent. Products containing glyphosate have been registered in Australia for over 20 years. Many products were registered for use by State and Territory Governments prior to the establishment of the National Registration Scheme for Agricultural and Veterinary Chemicals but all existing products are registered with the APVMA. The registered use pattern of many of these products provide for broad acre uses.

The full details of all the registrants, formulations, approved uses, pack sizes and a copy of the approved labels for each registered product are publicly available. The APVMA advises that details of the levy revenue collected for individual products is commercial in confidence.

Trade: Live Animal Exports
(Question No. 2000)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 10 September 2003:

- (1) What action has been taken to investigate claims of serious animal cruelty involving Australian export cattle slaughtered at the abattoir in Bassatin, Egypt.
- (2) When did the Minister, his office and his department become aware of claims of animal cruelty at the abattoir involving Australian export cattle.
- (3) (a) What action has been taken to improve animal welfare practices at the abattoir; (b) what improved animal welfare practices have resulted from this action; and (c) what is the source of information about these improved practices.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) I have been informed that Meat and Livestock Australia (MLA) employs a veterinarian in the Middle East whose responsibilities include the provision of technical advice on animal health and husbandry practices including in meat works processing Australian sourced livestock. The current MLA veterinarian and his predecessors have been working with the operators of the Bassatin abattoir since early 2000 to improve the welfare of cattle slaughtered. The Australian Chief Veterinary Officer wrote to his Egyptian counterpart on 27 June 2003 seeking comments and advice in relation to allegations about Bassatin made by Dr Petra Sidhom in an article published in the June 2003 edition of the Australian Veterinary Journal. A reply to this letter has yet to be received.

- (2) Officials of my Office and the Australian Government Department of Agriculture, Fisheries and Forestry met with Dr Petra Sidhom in separate meetings in November 2000 where she made general allegations about the treatment of cattle in Egyptian abattoirs and detailed the poor handling of European cattle unloaded at Alexandria. I understand that Dr Sidhom also had meetings during her November 2000 visit to Australia with MLA and Livecorp. Dr Sidhom made specific allegations about the treatment of Australian cattle in the article published in the June 2003 edition of the Australian Veterinary Journal.
- (3) (a), (b) & (c) I have been informed that the livestock export industry funded the installation in early 2002 of an Australian designed slaughter control box at Bassatin and that the industry has also engaged and continues to engage an expert to advise the operators on improved handling of cattle. I understand that this expert has made a number of visits to Bassatin over the last few months and will make further visits in 2004. An Australian slaughterman has also been engaged to provide training to the local workers. Industry has also engaged in a redevelopment program with the Egyptian Government to upgrade the Bassatin abattoir. This project involves upgrading infrastructure, resurfacing the concrete flooring, modifications to cattle races and major repair work to livestock receipt compounds to ensure the safe transition of animals through the facility. This investment by industry has had the effect of improving the welfare and handling of cattle processed through the abattoir. This information has been provided by Livecorp and is on the public record.

On 18 July 2003, Minister Vaile and I jointly announced that the Australian Government and the livestock exporting industry would commit \$150,000 to a project aimed at improving animal handling in the Middle East and North Africa, \$100,000 from industry and \$50,000 from the Government. This initiative has complemented the existing programs of the Australian industry with part of this project money being used to help fund the above concrete floor work.

In addition to this combined industry and Australian Government project, I understand that the Egyptian government has allocated A\$250,000 to upgrade facilities at other parts of Bassatin abattoir not traditionally used to process Australian cattle, thus broadening the impact of the Australian initiatives.

Following the broad-ranging investigation into Australia's livestock export industry chaired by Dr John Keniry, I recently announced new Australian Government initiatives to improve animal welfare outcomes in the livestock export trade to the Middle East as part of an \$11 million response to the Keniry Report. Part of this response includes a \$4 million investment to help improve animal welfare practices in importing countries and to upgrade handling procedures.

Area Consultative Committees

(Question No. 2123)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 September 2003:

With reference to the answer to question on notice No. 1688 (Senate *Hansard*, 8 September 2003, p. 14580) concerning Area Consultative Committees (ACC):

- (1) Why have the ACC Handbook and the Governance Manual not been publicly released.
- (2) Can copies of the ACC Handbook and the Governance Manual be provided; if not, why not.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The ACC Handbook and Governance Manual have been regarded as internal procedural documents that support the ACC Operational funding contract. They are of relevance to Area Consultative Committee (ACC) Chairs and ACC Members and persons employed or engaged by an ACC.

The Handbook elaborates on and informs ACCs about day-to-day operational matters.

The Handbook is published in electronic form and is available from the ACC website.

- (2) The Handbook is available on the ACC website at www.acc.gov.au.

The Governance manual is available to ACCs through the secure area of www.acc.gov.au and DOTARS is currently seeking copyright clearance with the author to make the manual available on the public web site. A hard copy of the manual can be provided.

Sustainable Regions Program

(Question No. 2167)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 22 September 2003:

With reference to the answer to the supplementary estimates question no. RDG04, provided to the Rural and Regional Affairs and Transport Legislation Committee on 11 February 2003, containing a table of Sustainable Regions Program direct funding and other contributions:

- (1) Can an updated table be provided which includes: (a) all projects approved for funding and the approved level of funding; (b) funding already provided and the amount outstanding; and (c) the financial years in which expenditure of outstanding funds is likely to occur.
- (2) In relation to the Regional Partnerships Program: (a) how many projects have been approved for funding in the 2003-04 financial year; (b) what is the total level of funding for these projects; and (c) how much has been committed for expenditure in the following financial years: (i) 2003-04, (ii) 2004-05, (iii) 2005-06, and (iv) 2006-07.
- (3) In relation to projects approved prior to 1 July 2003 under the Regional Solutions Program, the Rural Transaction Centres, the Regional Assistance Program, the Dairy Regional Assistance Program, the Wide Bay Burnett Structural Adjustment Package, the Namoi Valley Package, the Weipa Electricity Generation Compensation Package and the South West Forests of Western Australia Structural Adjustment Package: (a) how much has been committed for expenditure in the 2003-04 financial year; (b) how much of the funds committed for expenditure in the 2003-04 financial year has been expended to date; and (c) how much has been committed for expenditure in the following financial years: (i) 2004-05, (ii) 2005-06, and (iii) 2006-07.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) In relation to the Sustainable Regions Programme please see the table at Attachment A titled "Sustainable Regions Programme Approved Projects" for data updated to 29 February 2004. This Attachment has been provided to the Senator and is available from the Senate Table Office.
- (2) In relation to the Regional Partnerships Programme:
 - (a) to 29 February 2003, 60 projects have been approved for funding in FY 2003-2004;
 - (b) the total level of approved funding for these projects is \$6,430,265;
 - (c) to the above date, contracted commitments in relation to these projects are:
 - (i) 2003-04 \$1,929,261,
 - (ii) 2004-05 \$431,584,
 - (iii) 2005-06 \$nil, and
 - (iv) 2006-07 \$nil
- (3) In relation to the nominated Regional Programmes please see the table overleaf titled "Selected Regional Programmes Commitments" for commitment data to February 2004.

**Selected Regional Programmes Commitments
(as at 29 February 2004)**

Projects Approved Under:		Regional Solutions Programme	Rural Transaction Centres Programme	Regional Assistance Programme	Dairy Regional Assistance Programme	Wide Bay Burnett Structural Adjustment Package	Namoi Valley Package	Weipa Electricity Generation Compensation Package *	South West Forests Structural Adjustment Package	Newcastle Structural Adjustment Fund **
(a) How much has been committed for expenditure in the 2003-04 financial year		\$13,517,063	\$1,795,000	\$8,602,489	\$12,134,588	\$712,000	\$313,800	\$0	\$1,163,222	\$0
(b) How much of the funds committed for expenditure in the 2003-04 financial year have been expended to date (29/02/04)		\$9,319,352	\$626,825	\$3,623,742	\$5,395,770	\$67,133	\$207,700	\$0	\$287,223	\$0
(c) How much has been committed for expenditure in the following financial years:	(i) 2004-05	\$2,770,847	\$0	\$924,282	\$2,250,847	\$0	\$333,636	\$0	\$0	\$0
	(ii) 2005-06	\$0	\$0	\$214,217	\$98,182	\$0	\$332,728	\$0	\$0	\$0
	(iii) 2006-07	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

* Weipa is currently a company town for COMALCO. A precondition, before any payments can be considered under this programme, is the establishment of Weipa as a local government authority. For this to occur, COMALCO must initiate the process by approaching the Queensland Government.

** The Australian Government allocated \$10 million to the Newcastle Structural Adjustment Fund in 1997-98. In 2001 an additional allocation of \$735,000 was made to the NSAF. These funds were transferred to the NSW Government in 1997 and 2001 and are being administered by the New South Wales Department of State and Regional Development on behalf of the Australian Government under a deed of grant. While all funds are committed under the NSAF, five projects are still progressing requiring milestone payments and monitoring.

**Australian Research Council: Energy Research and Development Projects
(Question No. 2192 Supplementary Answer)**

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on Thursday, 9 October 2003:

- (1) Can details be provided of all renewable energy research and development projects that have received funding from the Australia Research Council since 1 July 1998.
- (2) Can details be provided of all renewable energy research and development projects that have received funding from the Commonwealth since 1 July 1998, other than those projects that have received funding from the Australian Research Council.

Senator Vanstone—The Minister for Education, Science and Training has provided the following supplementary information to the answer provided on 24 November 2003 (*Hansard* page 17768) to the honourable senator's question:

CSIRO undertook to provide further financial details of the projects listed in the answer provided on 24 November 2003.

The table below lists the areas of renewable energy research projects conducted by CSIRO and funded by the Australian Government between 1 July 1998 and 30 November 2003.

The list has been derived by identifying projects classified, in part or whole, against the ABS Social and Economic Objective (SEO) code group 660200 entitled "Renewable Energy". The total Australian Government funding for CSIRO research in this area during this period was \$14,126,161.

It should be emphasised that there are other SEO categories likely to encompass some aspects of renewable energy research, such as those covered by Conservation and Efficiency (SEO 660400) or Energy Distribution (SEO 660300).

The titles in this table differ from those in the initial answer provided to the Senate because the table no longer includes research funded only through consultancies (and not involving Australian Government expenditure) and seven project areas that had been incorrectly categorised against the SEO code 660200.

Year research commenced	Total Australian Government funding 1 July 1998–30 Nov. 2003	CSIRO Division	Research
1998	438,280	Atmospheric Research	Prognostic climatology
1997	3,680,365	Energy Technology	Towards sustainable energy - solar thermal reforming of natural gas
1999	33,245	"	Wind power prospecting
2000	3,981	"	Co-firing of waste biomass
2000	55,015	"	Biomass energy map
2000	56,260	"	Assessment thermal technologies
2000	187,739	"	Biomass energy development and marketing
2000	140,983	"	Biomass energy technology status review
2001	217,268	"	Biomass fuel assessment and predictor package
2001	12,542	"	Prototype gasification characterisation

Year re- search commenced	Total Austra- lian Gov- ernment funding 1 July 1998–30 Nov. 2003	CSIRO Division	Research
2001	23,122	“	Evaluation of process options for bio- mass waste
2002	438,244	“	Database of Australian biomass fuels
2003	12,851	“	Hydrogen production by photo-catalytic water splitting
2001	4,737	Forestry and Forest Products	Utilisation of wood for energy
2000	2,000	“	Life cycle analysis of renewable fuel- wood for electricity generation
2001	5,000	“	Study of biomass energy in Europe
2000	35,368	“	Plantation species for energy production
1998	1,230,078	“	Energy and chemicals from wood
2001	635,000	“	Development of a green gasifier genera- tor for small scale power generation
1997	883,007	Land and Water	Wind power, wind farm development
2002	75,486	“	Global carbon project
2002	37,391	“	Inverse modelling of carbon cycle
1998	1,236,395	Manufacturing and In- frastructure Technology	Towards sustainable energy
2002	32,782	“	Novel electrodes
2003	118,014	“	Near-field optics of metallic nanoparticle arrays
2001	700,747	“	Hybrid membranes
2002	38,571	“	E-Tec
2002	951,991	“	PEM hydrogen generation
2002	158,126	“	National Hydrogen Centre
2003	100,232	“	Accelerated enhanced photosynthesis
1998	1,026,335	Telecommunications and Industrial Physics	Applied magnetism
1998	1,217,523	“	Photosynthesis
2002	337,483	Textile and Fibre Tech- nology	Photovoltaics polymers and fabrics
TOTAL	14,126,161		

Taxation: Avoidance Schemes

(Question No. 2337)

Senator Ludwig asked the Minister representing the Treasurer, upon notice, on 3 November 2003:

With reference to the implementation of recommendations contained in the report ‘The Use of Bankruptcy and Family Law Schemes to Avoid Payment of Tax’:

-
- (1) Given that Recommendation 1 states that 'The Australian Taxation Office (ATO) is currently developing these guidelines together with the Attorney-General's (A-G's) department and expects to have new guidelines in place by 30 June 2003':
 - (a) were these guidelines put in place on 30 June 2003; if not, what was the cause of the delay and when will this happen; if so, can a copy be provided;
 - (b) what training was provided to ATO 'decision makers' in relation to the implementation of these guidelines; and
 - (c) what consultations were held with the Privacy Commissioner to ensure that there were no breaches of the Privacy Act 1988.
 - (2) Given that Recommendation 2 states that 'The Treasury, in consultation with the A-G's department are currently weighing up the various considerations involved in providing publicly available information to prescribed industry and professional associations, including the rights of individuals concerning access to their taxation information as recommended in the Taskforce Report. While legislative change may provide another avenue for such information to be provided, industry and professional associations can also consider the extent to which they may require the provision of such information directly from their members as a condition of membership':
 - (a) what progress has been made to amend subsection 16(4) of the Income Tax Assessment Act 1936 and section 3(c) of the Taxation Administration Act 1953, as recommended by the Taskforce;
 - (b) is legislation still being considered; if so, when can a draft be made available;
 - (c) has the Office of the Privacy Commissioner or any other agency been consulted in relation to any proposed legislative changes; if so, can the following details be provided: (i) who was consulted, (ii) what was the cost, and (iii) who participated in the consultation process; if not, does the Privacy Commissioner expect consultations to occur;
 - (d) have discussions or consultations commenced or been conducted with 'industry and professional associations'; if so, can details be provided of: (i) which 'industry and professional associations' attended discussions, and (ii) what to date has been the result of these discussions; and
 - (e) Has any agency been designated as the lead agency for these discussions; if so: (i) which agency, (ii) has this agency initiated discussions or consultations, (iii) is it required to report on progress made; if so, when can an update of the progress made be provided; if not, why not.
 - (3) Given that Recommendation 7 states that: 'It is recommended that section 106B of the Family Law Act 1975 be widened to allow third parties to apply to the court for an order or injunction preventing the disposition of property pending an application to set aside or overturn a section 79 order':
 - (a) in respect of the decision in Deputy Commissioner of Taxation and Kliman (2002): has the A-G's department reached a decision on the need for the above mentioned amendment; if not, when does the A-G's department expect this; and
 - (b) can the legal advice concerning this decision be made available.
 - (4) Given that Recommendation 10 states that: 'It is recommended that there be a separation declaration for financial agreements generally not only for superannuation agreements, to ensure that financial agreements are not entered into by couples for the purpose of avoiding creditors. An additional requirement might be included in section 90G of the Family Law Act 1975, to ensure that legal advice received in relation to an agreement includes notice that a declaration of separation is required':
-

- (a) has the A-G's department finalised advice it intends to forward to the Attorney-General in relation to implementing this recommendation; if not, why not, and (i) when will this advice been finalised, and (ii) who within the department has responsibility for the advice.
- (5) Given that Recommendation 12 states that: 'It is recommended that penalties for key offences in the Taxation Administration Act 1953 be reviewed in accordance with advice to be provided by the Criminal Justice Division of the A-G's department with a view to enhancing their deterrent effect upon high income professionals avoiding payment of their income liabilities':
 - (a) what progress has been made in examining the efficacy of the existing penalties in deterring high income professionals, from avoiding payment of their income tax liabilities;
 - (b) what enhanced penalties are being considered;
 - (c) what advice has the Criminal Justice Division of the A-G's department given in relation to increased penalties; and
 - (d) what 'other alternative approaches' are being considered to deter high income professionals from avoiding payment of their income tax liabilities.

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

- (1) (a) Yes.
 - (b) The guidelines were disseminated to relevant staff by way of an internal Practice Note (2004/002). The Practice Note included 12 scenarios which covered the range of situations likely to be encountered by staff.
 - (c) The Privacy Commissioner was not consulted in regard to the Practice Note guidelines. However, a Senior Counsel advice was sought regarding the circumstances in which the information could be disclosed without constituting a breach of the relevant provisions and specific advice was also sought with regard to each of the scenarios within the Practice Note.
- (2) (a) The Government is considering the appropriateness of amending the tax laws to permit the Commissioner to disclose publicly available information to prescribed industry and professional associations. Information concerning persons who have been made bankrupt is already publicly available.
 - (b) No decision to legislate has yet been made.
 - (c) Not applicable.
 - (d) No.
 - (e) Not applicable.
- (3) to (5) A response to these questions is to be provided by the Minister representing the Attorney-General (Question on Notice No.2338).

Telstra: Staff

(Question No. 2419)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 28 November 2003:

- (1) Can the Minister confirm newspaper reports of July 2003 that Telstra staff had their individual call centre performance records displayed on white boards for all staff to see.
- (2) Are Telstra call centre staff electronically monitored for toilet breaks and personal calls, as suggested in these newspaper reports.
- (3) Are Telstra call centre staff working to targets that require them to end customer calls as quickly as possible; if so, what are those targets; if not, can an explanation be provided of why Telstra

employees often disconnect calls without giving customers the opportunity to thank them for providing a number or change a direction when a customer uses the premium 12456 call connect service.

- (4) (a) What proportion of Telstra customer service call centre staff are in-house Telstra employees; and (b) what proportion of this work is outsourced to private companies.
- (5) Is any Telstra telephone customer service work outsourced overseas; if so, can details be provided.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on advice provided by Telstra. It is substantially the same as Senate Supplementary Budget Estimates Question No. 74:

- (1) Telstra has advised that during its continual feedback sessions with staff, including Telstra employee opinion surveys and focus groups, the majority of staff had indicated they wanted to know the quality of their customer service and how they were performing in comparison to their peers in all aspects of their job. As a result, some call centres display a team and individual balanced scorecard with a mixture of operational, quality and customer measures. The decision to display performance results varies from call centre to call centre depending on the culture of each individual centre.

As a tool used for continual improvement, many staff use the information on the reports to enhance their skills by consulting their colleagues who are performing well. To many staff, the displaying of performance outcomes is a visible recognition of a job well done.

In response to requests from staff, Telstra has advised it will continue to provide this valuable performance information. Staff who have specific concerns about their statistics being displayed can opt out and are encouraged to discuss this with their team leader or manager. The team leader or manager will take action to ensure the staff members' statistics are not viewed by anyone other than the staff member and their team leader.

- (2) Telstra has advised its call centres use system based rostering tools to match resources to call demand. The inputs to the rostering tool used in the calculation of available staff hours include all tea/meal breaks, team meetings, monthly one on ones, training and centre outages. Award provisions of hourly 10 minute health breaks are also included.

Telstra has noted that it will always be flexible with its staff in terms of personal calls and toilet breaks.

- (3) Telstra has advised that in a number of call centres, including service assurance and activation call centres, there are no volume targets in relation to calls per day. Calls will vary in length depending on the complexity of the customer's service related inquiry.

While operators are appreciative of customers who may wish to thank them for the service they have provided, operators may also be mindful of the need to not keep other customers waiting to have their calls answered.

In the case of calls to Call Connect (12456), on successfully locating the customer's desired number, the operating system automatically commences dialling the number, disconnecting the operator in the process to allow them to handle the next call they receive.

- (4) (a) and (b) Telstra has advised that as at November 2003, 55 percent of Telstra's call centre staff are Telstra employees (which is a combination of permanent full-time and permanent part-time employees and casuals). Telstra has advised that as at November 2003, 45 percent of Telstra's call centre staff are from agencies or outsourced providers.

Telstra has further advised that these percentages are dynamic in that they are driven by the various demands for Telstra's products from its customers based on:

- “The time of the day”
- “The day of the week”; and
- “The time of the year” (seasonal issues).

Telstra has developed a new form of part time employee called a supplementary worker and it is envisaged that this new employee type will facilitate better customer service outcomes and will aid in servicing Telstra’s customers ever changing demands. This will have an impact on these percentages as they are employed. Supplementary workers are permanent part time employees of Telstra who are guaranteed to be offered a minimum of 500 hours per calendar year within their chosen span of hours and days of the week (any days between Monday to Sunday).

- (5) Telstra has advised that none of its customer service work is outsourced overseas.

Australian Broadcasting Corporation: Documentaries

(Question No. 2442)

Senator Santoro asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 3 December 2003:

- (a) During 2003, what documentaries has the Australian Broadcasting Corporation examined with a view to buying, but not bought; and (b) what were the reasons for not purchasing these documentaries.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator’s question:

- (a) The ABC has advised that, from 1 January to 5 December 2003, the ABC examined, but did not buy, 669 television documentaries. As at 5 December 2003, the ABC was in the process of examining a further 136 documentaries with a view to buying.
- (b) The ABC has advised that the reasons for not purchasing these documentaries included:
- not meeting the needs of the television schedule;
 - not meeting the requirements of the ABC Charter;
 - not fitting into one of the schedule’s established timeslots such as *True Stories*, *The Big Picture*, *Sunday Afternoon*;
 - not meeting ABC Editorial Policy requirements;
 - the subject matter had been covered on ABC Television previously, or did not throw new light on a previously covered topic;
 - the subject matter has been adequately covered on Australian television previously;
 - the quality of the production did not meet ABC requirements;
 - the program was not considered relevant to Australian viewers;
 - the program did not appeal to a particular demographic for which the ABC was seeking content, and/or;
 - there were not sufficient available funds for purchasing the program at the time of its consideration.

Australian Nuclear Science and Technology Organisation

(Question No. 2453)

Senator Forshaw asked the Minister representing the Minister for Science, upon notice, on 8 December 2003:

- (1) Was a meeting of the board of the Australian Nuclear Science and Technology Organisation (ANSTO) held at Parliament House in October or November 2002; if so: (a) when was it held; and (b) can a list be provided of all those who attended and the capacity in which they attended, including ANSTO Board members, ANSTO staff, ministers and their staff and other government representatives.
- (2) Was the issue of geological faulting, which has been discovered at the new reactor construction site, discussed at any time during the meeting.
- (3) Was the impact of the faulting on the construction schedule for the reactor discussed; if so, what are the possible effects, remedies and potential cost of remediation.
- (4) (a) How was substantive rather than ancillary construction work affected during the months in which expert geological surveys and reports were prepared and considered; and (b) was work on the reactor construction site effectively shut down; if so, for how long.
- (5) (a) Is ANSTO required to continue to make progress payments to INVAP during any construction hiatus; (b) are similar payments required to be made to any other organisations involved in reactor construction; and (c) was any contingency funding included in the project's budget for unseen delays.
- (6) How much were the scheduled payments made monthly by ANSTO to INVAP SE during the 2002 calendar year.
- (7) Has ANSTO requested any additional funding for the reactor project; if so: (a) when was it requested and by whom; (b) how much was requested; (c) over what period and for what purpose; and (d) what was the government's response.
- (8) Has additional funding been provided or promised to ANSTO to complete the reactor; if so, by what mechanism and in what timeframe will such funds be provided.
- (9) Was any discussion of the foregoing matters at the board meeting referred to in (1) minuted; if so, can a copy of the minutes be provided.
- (10) How are contributions made to discussions by invitees and/or observers at ANSTO meetings minuted.
- (11) (a) Who were the invitees and/or observers that attended the ANSTO board meeting referred to in (1); and (b) were their contributions minuted; if not why not.
- (12) (a) What is the expected total cost of the new reactor; and (b) what would the expected cost of the reactor have been if the delay caused by the geological faulting had not occurred.
- (13) Has ANSTO reduced operational funding of its other areas (non new reactor project) during the current and previous financial years; if the Government has not reduced ANSTO's budget for its usual activities: (a) is the Government satisfied no recurring funding provided by the taxpayer is being diverted to subsidise new reactor construction costs; and (b) what mechanisms are in place to ensure that this does not occur.

Senator Vanstone—The Minister for Science has provided the following answer to the honourable senator's question:

- (1) From time to time, the ANSTO Board meets in Canberra to provide new Board members with the opportunity to meet portfolio and other Ministers with responsibilities relevant to ANSTO. It did so in the timeframe indicated.
 - (a) 15 October 2002
 - (b) Yes. Board Members present at the meeting were Dr I. Blackburne (Chair), Mr M. Eager, Dr C. Hillyard, Mr G. Cook, Dr A. van der Schaaf, Professor H. Garnett (Executive Director ANSTO). ANSTO staff were also present. In addition, Dr P. Shergold (Secretary, Department of Education,

Science and Training), the Hon Peter McGauran, Minister for Science, the Hon Dr Brendan Nelson MP, Minister for Education, Science and Training, Senator the Hon Nick Minchin, Minister for Finance and Administration, the Hon Ian Macfarlane MP, Minister for Industry, Tourism and Resources and Ministerial Staff attended as observers.

- (2) Yes.
- (3) Yes. At the time of the Board meeting in question, the CEO of ARPANSA had not decided whether to allow construction to recommence. It was therefore not possible to quantify the costs of the delay at that time.

That information is now available. The project was delayed by over four months and the cost increased by \$6.42 million (1999 dollars). As discussed during the proceedings of the Senate Employment, Workplace Relations & Education Legislation Committee on 4 June 2003 (Hansard, page EWRE 297), no design or siting changes were required.

- (4) (a) and (b) There was a complete shutdown of work at the construction site from 21 June 2002 to 22 October 2002. Off-site design, procurement and manufacturing work, which constituted a major proportion of the project, continued during this period.
- (5) (a) ANSTO is required to make payments to INVAP for work actually carried out, invoiced and assessed monthly under the terms of the construction contract. While site construction was delayed, manufacturing and procurement activity continued at a high level. In due course, any delay costs that apply under the contract are invoiced and assessed, but the timing of any resultant payments is at the discretion of ANSTO.
- (b) All construction payments are made to INVAP. There are no contractual arrangements between ANSTO and any other organisations involved in reactor construction.
- (c) There was no contingency funding included for unforeseen delays.
- (6) The contract between ANSTO and INVAP involves making monthly payments in arrears for work actually completed. The payments for work completed during calendar year 2002 were as shown in the following table.

Contract payments to INVAP in 2002:

Claim No.	Payment Date	AUD Million (\$1999)
18	14-Jan-02	2.79
19	11-Feb-02	2.54
20	14-Mar-02	2.40
22	26-Apr-02	2.16
23	21-May-02	4.34
24	17-Jun-02	2.94
25	24-Jun-02	2.57
26	22-Aug-02	2.64
27	06-Sep-02	4.13
28	11-Oct-02	4.50
29	06-Nov-02	2.47
30	12-Dec-02	3.08
TOTAL		36.56

Note: Payments 27 and 28 include geological excavation, investigation and project delay costs.

Separately, on 19 March 2002 an advance payment of \$13.3 million was made to INVAP to assist them in making scheduled payments to suppliers, secured by bankers' guarantees. This payment was independent of the progress of the project and is being recovered by monthly instalments.

- (7) Funding for ANSTO is a matter for consideration in the context of Government Budget processes.

- (8) See answer to (7) above
- (9) Board discussions are minuted. Release of the minutes is not appropriate, as they record discussions concerning proposals that are to be considered by Cabinet.
- (10) See answer to (9) above
- (11) See answers to (1) and (9) above.
- (12) (a) \$333 million (1999 dollars)
(b) \$327 million (1999 dollars)
- (13) (a) Yes. ANSTO has advised that no recurring appropriation funding is being diverted to subsidise the cost of construction of the replacement research reactor.
(b) There are a number of mechanisms in place to enable both the Government and more widely the Australian Parliament to review ANSTO expenditure. ANSTO's accounts are subject to rigorous annual scrutiny by the Auditor-General in order to ensure that Australian Government financial guidelines are implemented. Under the Commonwealth Authorities and Companies Act 1997, each year ANSTO is required to present an annual report, including financial statements audited by the Auditor-General, to the responsible Minister. The Minister is required to table that report in both Houses of Parliament.

Defence: Unanswered Questions

(Question No. 2463)

Senator Mark Bishop asked the Minister for Defence, upon notice, on 9 December 2003:

When will answers to questions on notice 1644, 1697 and 1935 be provided.

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

Answers to questions on notice 1644, 1697 and 1935 have been provided.

Immigration: Asylum Seekers

(Question No. 2525)

Senator Nettle asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 3 February 2004:

- (1) What, if any, methods and resources are used to assess whether it is safe for asylum seekers to be returned to their country of origin or a third country.
- (2) What, if any, methods and resources are used to monitor the safety and welfare of asylum seekers who have returned to their country of origin or a third country.
- (3) Will the Minister guarantee that the department will not return any asylum seekers into situations where they face danger of persecution, torture, unjust incarceration or death.
- (4) Will the Minister guarantee that all travel and identification documents issued or arranged by the department will be recognised internationally as genuine and valid.
- (5) Will the Minister suspend and review deportation to countries about which evidence emerges that asylum seekers have been returned to dangerous situations.

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

- (1) Asylum seekers are not returned to their country of origin without having access to a process under which any claims for protection can be assessed.

Applications for protection visas are assessed on their individual merits against the United Nations Refugees Convention criteria and according to relevant legislation. The protection visa

determination process includes a comprehensive assessment of their protection claims by a departmental decision-maker, as well as access to review by an independent merits review tribunal.

Decision-makers have access to a specialised departmental Country Information Service which maintains comprehensive information on the human rights and security situations in countries around the world. The Country Information Service maintains close contact with the Department of Foreign Affairs and Trade network of overseas posts. It is also in regular consultation with the equivalent governmental country research agencies in many other countries. There is also close consultation with non-government and inter-governmental organisations and individual country experts, as well as extensive and continuous monitoring of media and Internet information sources.

In addition, people claiming asylum are not removed where this would contravene Australia's obligations under international conventions such as the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CROC).

- (2) Asylum seekers undergo a robust assessment process in relation to their protection visa claims and are returned only if they do not have a real chance of facing persecution.

The Vienna Conventions on Diplomatic and Consular Relations impose a duty on consular officers not to interfere in the internal affairs of a State and monitoring could be seen to infringe the sovereignty of the host State.

Australian policy is not to monitor what happens to people on return to their countries of origin. If there are credible reports that harm has befallen a person after return, Australia does examine these on a case by case basis.

Australia is not responsible for all aspects of the future well-being of that person in their home land merely because at some stage they spent time in Australia.

- (3) Australia takes seriously its obligation under the United Nations Convention and Protocol relating to the Status of Refugees not to refoule refugees and does not return people to a place where they have a well-founded fear of persecution.

People claiming asylum are not removed where this would contravene Australia's obligations including under international conventions such as the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CROC).

- (4) Where there is any doubt about the authenticity of travel documents issued in other countries, the Department verifies such documents with the appropriate consular representatives in Australia and, where appropriate, by consulting with Australian government missions overseas.

An Australian Certificate of Identity can be issued for a person who does not have a passport or cannot obtain one. When a receiving country endorses a visa in a Certificate of Identity, it is providing confirmation of its recognition of the Certificate of Identity as a valid travel document. The Department cannot guarantee that airline staff or officials in other countries will always correctly recognise a travel document or Certificate of Identity or correctly follow internationally accepted practices.

- (5) Australia's protection visa decision making process draws on an extensive range of country information. This information includes material dealing with the likelihood of people being subjected to human rights violations, such as torture or inhumane treatment.

Persons whose claims for protection are not accepted and who have no lawful basis to remain in Australia are required by law to be removed from Australia as soon as practicable.

However, they are not removed where this would place Australia in breach of its international obligations relating to the return of non-citizens. Developments in the home countries of persons awaiting removal are closely monitored.

There are legislative provisions which allow me to intervene on public interest grounds and allow a further protection visa application to be made should there be a need to reconsider their case in light of changes in country circumstances.

**Child Support Legislation: Administration
(Question Nos 2532 and 2533)**

Senator Harris asked the Minister for Revenue and Assistant Treasurer, upon notice, on 5 February 2004:

With reference to the answer to question on notice no. 1392 (Senate *Hansard*, 16 June 2003, p. 11578):

- (1) Given that the answer to part 1 of the question states that: 'This legislation states that the Secretary of the Department of Family and Community Services has general administration of the Registration and Collection Act and the Assessment Act', and that part 7 of the answer provides that, 'The Australian Taxation Office has provided the Attorney-General with the following information':
 - (a) is the Australian Taxation Office (ATO) a legal entity;
 - (b) is the ATO a valid Commonwealth entity or authority;
 - (c) who is the individual responsible for the actions of the ATO;
 - (d) what statute gives effect to the ATO exercising powers or authority of its own accord; and
 - (e) is the ATO an entity that can sue or be sued or be prosecuted.
- (2) If the answers to paragraphs (1)(a) or (b) are no:
 - (a) why was information in part 7 of the answer concerning the powers exercised by the Commissioner of Taxation provided by the ATO and not the Commissioner of Taxation;
 - (b) is the Commissioner of Taxation responsible for the information given by the ATO;
 - (c) who has portfolio responsibility for the Commissioner of Taxation;
 - (d) who had portfolio responsibility for the Commissioner of Taxation on 8 May 2002; and
 - (e) will the responsible minister now instruct the Commissioner of Taxation to take responsibility for any questions answered or information provided in relation to answers given by the ATO.
- (3) Given that prior to the amendments removing the Commissioner of Taxation from section 10(2), section 11 of the Child Support (Registration and Collection) Act 1988 stated, that 'The Registrar has general administration':
 - (a) does the statement to 'the Commissioner of Taxation delegated powers referred to him', in part 7 of the answer to the question refer to the Office of Commissioner of Taxation delegating powers or the person who also held the position of Commissioner of Taxation delegating powers;
 - (b) did section 11 have any effect other than nomination and in particular, did it provide that the powers of Commissioner of Taxation were conferred on the Registrar;
 - (c) did the Office of Commissioner of Taxation have general administration powers (please answer yes or no);
 - (d) were the powers of the Commissioner of Taxation available to the Child Support Registrar whilst the Registrar exercised general administration of the Child Support Acts prior to the amendment Act;

- (e) did any person, other than a person engaged as the Registrar or a Deputy Registrar, act under an Instrument of Authorisation before 24 December 1998; if so, who was the person (or persons) and can evidence of the Instruments of Authorisation be provided; and
 - (f) given that Catherine Argall signed documents in authorising the exercise of powers under the Child Support Acts prior to 24 December 1998, did she have an Instrument of Authorisation before that date.
- (4) Given that the answer to part 6 of the question was yes:
- (a) has the Attorney-General advised or instructed the Federal Privacy Commissioner in accordance with the undertaking given; if so, what action has the Federal Privacy Commissioner taken in relation to the guidelines; and
 - (b) if the Federal Privacy Commissioner has taken no action, what action has the Attorney-General taken in relation to the Federal Privacy Commissioner's refusal or failure to amend the guidelines.

Senator Coonan—As these questions deal with matters that are the responsibility of the Australian Taxation Office, I have asked the Commissioner for advice. The answer in relation to the honourable senator's question is as follows:

- (1) (a) The Australian Taxation Office (ATO) forms part of the Commonwealth, and constitutionally forms part of the Department of State known as the Department of the Treasury.
- (b) See answer to question 1(a)
- (c) The Commissioner of Taxation is responsible for the management of the ATO.
- (d) There are many taxation laws that confer powers on the Commissioner of Taxation, Second Commissioner or in some cases, on Deputy Commissioners of Taxation. Some of these powers are delegated to ATO officers. Delegates may authorise other ATO officers to exercise powers in their name.
- (e) See answer to question 1(a).
- (2) (a)–(e) Not applicable.
- (3) (a) The answer refers to the person appointed as Commissioner of Taxation acting in his capacity as the Child Support Registrar.
- (b) Section 11 only confers the function of the general administration of the Child Support (Registration and Collection) Act 1988 on the Child Support Registrar.
- (c) No, See question 3(b).
- (d) No.
- (e) Various officers holding positions within the child support area of the ATO acted under Instruments of Authorisation prior to 24 December 1998. Documents evidencing these authorisations are currently held by the Department of Family and Community Services.
- (f) Catherine Argall had a delegation to exercise powers under the Child Support (Registration and Collection) Act 1988 prior to 24 December 1998.
- (4) The Attorney-General has provided the following answer to Part 4 of the honourable senator's question:
 - (a) The Attorney-General's Department wrote to the Privacy Commissioner in relation to this matter. The Privacy Commissioner has amended the Tax File Number Guidelines. The amendment (Tax File Number Guidelines – Amendment 2003 No 1) was tabled in both the House of Representatives and the Senate on 24 November 2003.
 - (b) See answer to question 4(a).

Communications: Local Content Broadcasting
(Question No. 2552)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 20 February 2004:

- (1) Can the Australian Broadcasting Authority (ABA) advise why it has not imposed local news and information requirements on non-aggregated regional market commercial television broadcasters, despite placing such requirements on commercial television broadcasters in the aggregated regional markets.
- (2) Why are Townsville viewers entitled to local news and information and not viewers in Mt Isa.
- (3) Has the ABA reviewed the operation of its new regional news and information requirements and, if so, what was the outcome of these reviews.
- (4) How does the ABA respond to criticism that the local news requirements are easily met by presenting short one minute news grabs over a whole day, rather than a genuine half-hour locally-based news service.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question:

The ABA has advised as follows:

- (1) From 1 February 2004 commercial television licensees in the four mainland regional aggregated markets of regional Queensland, northern NSW, southern NSW and regional Victoria are required by a licence condition to broadcast minimum amounts (or quotas) of local content in those areas. The ABA imposed the additional licence condition on 7 April 2003 following the recommendations of an investigation commenced in 2001 into the adequacy of local news and information programs provided by commercial television services in regional and rural Australia.

The investigation covered all regional areas of Australia. After gathering information from across all markets, the ABA focused its attention on the aggregated markets, as these had similar characteristics and problems.

- (2) Townsville is included in the regional aggregated market subject to the additional licence condition, see part (1). The ABA is currently conducting a review into the more diverse non-aggregated markets not covered by the licence condition, including remote and regional Western Australia, Darwin, remote central and eastern Australia, Tasmania, Mildura/Sunraysia, Griffith, Riverland, Mt Gambier/south east South Australia, Broken Hill and Spencer Gulf. This review will include a consideration of local content in the Mt Isa region.
- (3) No. The licensees' obligations and the mandatory reporting requirement only came into effect on 1 February 2004. Licensees are required to provide mandatory compliance reports to the ABA every 6 months.

Licensees must also keep records of the material broadcast to substantiate the type and amount of local content broadcast. This material is to be provided on request to the ABA. The ABA will utilise licensees' mandatory reports and other records of broadcast material when reviewing and auditing licensees' compliance with the licence condition.

The ABA has informally requested and received information from the licensees about the type and duration of local content material being broadcast to satisfy the condition. The ABA will monitor any complaints received.

- (4) To satisfy the licence condition, licensees must broadcast a minimum of 90 points per week of material of local significance, and a minimum of 720 points of material averaged over a six week

timing period. Points accrue on the basis of 2 points per minute for local news and 1 point per minute for most other types of local content, excluding paid advertising.

The points system provides an incentive for licensees to broadcast local news above other material, while also recognising that other types of material of local significance may be of interest to local audiences.

The licence condition recognises both news bulletins and news updates. It notes that the traditional format of a 'news update' is a 'program of not more than 2 minutes that does not include advertisements.' Both the bulletin and update format are acceptable, provided that they meet the licence condition's requirements. This flexibility allows licensees to broadcast different and complementary services within the local areas served.

Australia Post: PostShops

(Question No. 2554)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 20 February 2004:

- (1) Can an update be provided in relation to the postal outlet franchising plan, PostShops.
- (2) Has Australia Post commenced the conversion of any Licensed Post Offices or Corporate Offices into franchised PostShop operations.
- (3) How many franchised outlets are now in operation and where are these located.
- (4) What is the target for the number of franchised outlets over the next few years.
- (5) Does Australia Post have any plans for the redeployment of staff employed in corporate offices earmarked for conversion to franchised outlets.
- (6) What are the wages and conditions of staff in franchised outlets and are these comparable with those of staff in corporate post offices.
- (7) Have any post offices changed from corporate to franchised post offices and, if so, were the staff involved in the move forced to accept redundancies, transfers or reduced wages and conditions.
- (8) The 2002-03 Australia Post annual report states on page 93 that nine Corporate Post Offices (CPOs) closed down during that period. Can details be provided of where these closures occurred, why they occurred, the level of public consultation undertaken before they occurred, and whether any of these CPOs were replaced by franchised operations and, if so, which ones.
- (9) In establishing the Australia Post franchise system, what provision has been made by Australia Post to ensure adequate superannuation entitlements for franchisees and their employees.
- (10) Will the conversion of licensed post offices to franchised outlets be voluntary or forced.
- (11) How will Australia Post ensure that licensed post office operators do not lose value in their licences as a result of the change to the franchised system.
- (12) What are the benefits to Australia Post of converting hundreds of corporate and large Licensed Post Offices (LPOs) to the proposed franchised PostShop operation.
- (13) What criteria will be used for the siting of franchised PostShops, particularly where there is an existing LPO in the vicinity.
- (14) Why does Australia Post limit ownership of the proposed franchised PostShops to partnerships and companies.
- (15) (a) What is Australia Post's contractual arrangement with a franchisee who incurs a trading loss; (b) will Australia Post be prepared to underwrite employee wages and entitlements in this situation; and (c) will the franchisee forfeit the franchise.

- (16) Has Australia Post taken legal advice about whether the proposed contractual arrangement offends against the 'abuse of monopoly power' provisions of the Trade Practices Act; if so, can a copy of the advice be provided.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on advice provided by Australia Post:

- (1) Implementation arrangements for the PostShop franchise are currently being finalised. The pilot program, involving four outlets (three in New South Wales and one in Victoria) is still underway. Consultation with the Communications, Electrical and Plumbing Union (CEPU) and the Post Office Agents Association Limited is continuing.
- (2) The pilot franchised PostShops at Bacchus Marsh, Mortdale and Green Valley were the result of conversion from corporate outlets in 1999. Australia Post has not converted any other outlets to franchised PostShop operations.
- (3) There are four pilot outlets in operation: one each at Bacchus Marsh in Victoria, and Mortdale, Chullora and Green Valley in New South Wales.
- (4) Australia Post envisages a network of around 150 franchised PostShops to be established within the next 3-4 years.
- (5) Australia Post has not earmarked specific corporate outlets for conversion to franchised PostShops. However, where conversions occur under the franchising program, the usual provisions of the Redundancy, Redeployment and Retraining (RRR) Agreement would apply. Australia Post will focus on facilitating redeployment, with retraining as required, as a preferred option to the offer of voluntary early retirement.
- (6) The issue of the pay and conditions for employees of franchised PostShops is a matter between the employer (the company granted the franchise licence) and the employees of that company. Like all employers, the franchisee is required by law to comply with the provisions of the Workplace Relations Act 1996 and/or relevant State employment legislation.

Australia Post understands that the CEPU successfully negotiated an Award with employer representatives that provides specifically for the Terms and Conditions of employment for employees of around 500 businesses holding a licence to operate a postal outlet (either under a licensed post office or PostShop franchise contract).

Alternatively, other Awards, certified agreements, Australian Workplace Agreements or Transmission of Business provisions may be binding on individual franchisees.

Australia Post has not examined the detail of the various industrial instruments (to which Australia Post is not party) that determine the wages and conditions applicable to employees of franchisees. Accordingly, Australia Post is not aware of the differences between wages and conditions of staff in franchised outlets compared with Australia Post staff in corporate outlets.

- (7) Three corporate outlets (Bacchus Marsh, Mortdale and Green Valley) changed to franchised PostShop operation in 1999 under the franchise pilot program. Consistent with the RRR Agreement, staff involved were offered redeployment (with retraining as required) or a voluntary early retirement package.
- (8) The locations of corporate post offices closed during the period of the Annual Report, together with reasons for closure and level of consultation, is provided at Attachment A.
None of the outlets were replaced by franchised operations.
- (9) All issues relating to pay and conditions for employees of franchised PostShops are matters between the employer (the company granted the franchise licence) and the employees of that company. Franchisees are required under the terms of the PostShop Franchise Agreement to

comply with all relevant legislation, including all laws that refer to superannuation entitlements and portability provisions.

- (10) Any buy-backs of licensed post offices for the purpose of conversion to a franchised operation will be done on a strictly voluntary basis.
- (11) Australia Post does not believe there will be any detrimental effect on the value of LPO licences as a result of the introduction of PostShop franchising. LPO licence values are, and will continue to be, determined by the market place based on site specific business history and growth potential, cash flow forecasts and the perceived risk in the business.
- (12) Australia Post intends to establish a network of around 150 franchised PostShops over the next 3-4 years. Of these, around 50 would be from voluntary buy-backs of LPO licenses. The benefits to Post of the introduction of franchising relate to improved customer service and financial performance, and an overall strengthening of the PostShop brand.
- (13) Franchised PostShops will generally be located in metropolitan shopping centres and strips where customer volumes and commercial viability warrant the provision of a PostShop.
- Australia Post has no intention of locating PostShops (corporate or franchised) adjacent to LPOs. The location of a franchised PostShop at a retail location in which an LPO is already established will be subject to the voluntary sale by the Licensee of the LPO licence back to Australia Post.
- (14) Australia Post's PostShop franchise system requires a franchisee to be a company incorporated under the Corporations Act 2001 (Cth).
- The relationship between Australia Post and the PostShop franchisee is one of principal and agent. The placement of a legal entity between Australia Post and individuals (via a company structure) emphasises the status of franchisees as independent contractors. This affords Australia Post a greater degree of certainty in the operation of the business compared to sole traders or partnerships, as companies have a stricter regime of prudential control flowing from the Corporations Act, as regulated by the ASIC.
- (15) (a) - (c) Australia Post has no specific contractual arrangement with a franchisee that relates to the franchisee incurring a trading loss. Franchisees are responsible for all matters relating to the employment of their staff. Accordingly, Australia Post will not be underwriting the wages and entitlements of franchised PostShop staff. A franchisee will not forfeit their franchise as a result of incurring a trading loss.
- (16) No. Australia Post is not aware of any issues that would give rise to it seeking such legal advice.

Australia Post: Occupational Health and Safety Policy

(Question No. 2556)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 20 February 2004:

- (1) What weight limit applies to Australia Post depot bags.
- (2) Are contractors who handle depot bags covered by Australia Post's Occupational Health and Safety policy.
- (3) What liability rests with Australia Post is an Australia Post contractor sustains an injury caused by lifting an overweight depot bag not bearing a 'two-person lift' label.
- (4) Is it true that Australia Post often loads depot bags to more than 16 kg, therefore requiring two people to handle the bag, when these contractors generally operate on their own.
- (5) Is it true that in some instances, Australia Post requests mail contractors to deviate from their routes or exceed the length of their routes to deliver depot bags; if so, will Australia Post make appropriate compensation to contractors for doing this.

- (6) (a) Is it true that Australia Post drop boxes need to be readily accessible to contractors and corporate staff alike, both from the road and the footpath; (b) what is Australia Post's policy on the positioning of drop boxes; and (c) does Australia Post consult with local councils to ensure that boxes are not sited in 'no standing' or 'no parking' areas or on dangerous intersections.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on information provided by Australia Post:

- (1), (3) & (4) Australia Post has designed the depot bag to meet rigid OH&S design specifications for its motor cycle delivery fleet. The bag is part of a "safepak" system designed to limit the weight that fits into the carrier bag on a motor cycle. The bag is designed so that in normal mail conditions it will carry approximately 12 kg in weight.

Under the terms and conditions of the Agreement, which covers the provision of services by the contractor, Australia Post is not liable to the contractor for any loss or damage. The exception is where loss or damage arising from personal injury or death suffered by the contractor (including employees and sub-contractors) is caused solely by the negligence of Australia Post.

Where a contractor encounters depot bags that appear to be heavier than 16kg, normal procedure would be that the contractor requests the supervisor/manager that the bags be weighed and if necessary split into two bags.

- (2) Yes. When on Australia Post controlled premises, a contractor is required to comply with Australia Post's OH&S policy (which operates under Commonwealth legislation). This includes the handling of depot bags.

Under the terms and conditions of Australia Post's mail contract, the contractor is required to have their own OH&S plan for dealing with mail processing and delivery tasks. This OH&S plan is to be consistent with Australia Post's policy and State OH&S legislation. The contract terms and conditions require the contractor to abide by this plan when outside of Australia Post facilities.

- (5) The terms and conditions of the Contractor Agreement contain a degree of flexibility to allow Australia Post to vary the services or the performance requirements at any time by notice to the contractor. This is in order to meet Australia Post's operational requirements (notice can be immediate and verbal, and subsequently confirmed in writing).

Where such a variation is material the amounts otherwise payable to the contractor under the Agreement will be adjusted to reflect additional direct costs incurred together with a reasonable allowance for profit and overheads.

- (6) (a) - (c) Depot boxes (Drop Boxes) must be located so that they are reasonably accessible to users, but the specific siting of each box will take into account a range of factors such as traffic flows and the general amenity of the area. Boxes will not always be placed so that they align to the edge of the roadway or footpath. Consultation with local council representatives is required except where the box is located on private land/premises.

Australia Post: Contractors

(Question No. 2557)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 20 February 2004:

- (1) What impact will any change in postcodes or postcode boundaries have on existing mail contractors.
- (2) If mail contractors are obliged to collect their mail from another delivery centre as a result of changes to postcode boundaries, is the mail contract reviewed.

- (3) If some mail contracts are becoming so large that it is not possible for existing contractors to perform all of their duties individually, does Australia Post oversight all subcontractors, including performing security checks, drivers licence checks, etc.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question based on information provided by Australia Post:

- (1) Where postcode boundaries change or existing mail contracts are split across postcodes, Australia Post may seek to align the services with the postcode boundaries where the opportunity arises, ie when a contract expires, or where there is an application to assign or sub-contract all or part of the service.
- (2) Yes. Where such a variation is material the amounts otherwise payable to the contractor under the Agreement will be adjusted to reflect additional direct costs incurred together with a reasonable allowance for profit and overheads.
- (3) It is the responsibility of the contractor to ensure that it is able to provide the service required under the Agreement.

As independent contractors, it is entirely the option of the contractor to engage employees or to sub-contract the provision of the services in order to meet the terms of the Agreement. However, the principal contractor remains solely responsible for the performance of the service.

Where the contractor wishes to sub-contract all or part of the services, they must seek the consent of Australia Post in writing.

When engaging sub-contractors or personnel, the contractor must ensure that security checks are undertaken by Australia Post and that a valid driver's licence and vehicle registration are current. The contractor also has an obligation to advise if any of the above circumstances change.

Australia Post: Dividends

(Question No. 2561)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

With respect to the relationship between Australia Post and the Government, for each financial year since 1999-2000, including any forward estimates, can the following details be provided:

- (1) Any dividends paid by Australia Post to the Government.
- (2) For any special dividends paid to the Government, an explanation of the basis for those special dividends, that is, on whose request and/or recommendation were these dividends paid.
- (3) For any other capital payments to the Government, an explanation of the basis for those payments, that is, on whose request and/or recommendation were these dividends paid.
- (4) (a) All remaining balance sheet obligations to the Government, including equity and debt if applicable; and (b) details of how it is expected that these obligations will be met, for example, future loan repayments.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based in part on advice provided by Australia Post:

(1)

Year	Ordinary	Special	Total
1999/00	\$156.4m	-	\$156.4m
2000/01	\$162.0m	-	\$162.0m
2001/02	\$168.0m	\$200.0m	\$368.0m
2002/03	\$183.4m	\$130.6m	\$314.0m
Total	\$669.8m	\$330.6m	\$1,000.4m

- (2) Under Government Business Enterprise Governance arrangements, a GBEs level of estimated dividends (and forecast payout ratio) is agreed annually between the Board and Shareholder Ministers through the Corporate Plan consultation process.

The special dividends above were consistent with the indications provided in the Corporate Plans for the years in question. They were subsequently the subject of formal recommendations from the Board in accordance with the provisions of sections 54 and 55 of the Australian Postal Corporation Act 1989.

Provision of the dividend estimates relating to Post are commercially confidential. If made public, the information could damage the commercial interests of the Commonwealth as shareholder. Accordingly such information is regarded as confidential between Australia Post and the Government, pending the tabling in Parliament of the Corporation's Annual Report for the year in question.

- (3) There have been no returns of capital to the Government in the past four years.

- (4) (a) & (b) At 30 June 2003 Australia Post had a liability of \$3.1m representing advance receipts from a Federal Government agency. This represents repayments for mail services not completely fulfilled at the balance date.

Other than normal tax obligations, Australia Post had no additional liabilities to the Government at 30 June 2003.

Australia Post does not borrow from the Government. The Corporation's level of equity (which is not a liability) at 30 June 2003 was \$1314.1m.

Trade: Free Trade Agreement

(Question No. 2564)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

- (1) How will the Australian-US free trade agreement affect local content regulation of the commercial broadcasting sector.
- (2) For each of the following: future digital television channels, television multi-channels, and the Australian Broadcasting Corporation: (a) will Australia retain the ability to enact local content requirements; and (b) will there be any restrictions on the extent to which local content requirements can be imposed by regulation; if so, in each case, what restrictions will apply.
- (3) For each of the following: advertising on commercial and pay television, pay television channels, Internet or broadband television, radio, digital radio, Internet radio, and future unknown broadcasting services: (a) will Australia retain the ability to enact local content requirements; and (b) will there be any restrictions on the amount of local content; if so, in each case, what restrictions will apply.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question:

- (1) The following answer was provided to Senator Mark Bishop at the Senate Environment, Communications, Information Technology and the Arts Legislation Committee Hansard of Monday 16 February 2004, at page 73:

The Australian-US free trade agreement contains a chapter relating to trade in services, which establishes a range of general commitments in relation to free trade in services. That chapter also has attached to it a number of reservations that Australia has made in relation to particular sectors of the economy.

In relation to the audiovisual sector, the agreement includes reservations that preserve, in relation to commercial free-to-air broadcasting, the existing Australian content quota obligations which apply to commercial free-to-air television networks, including the associated subquotas that are attached. It also includes a reservation which would enable, should they be allowed in the future, those Australian quota obligations to be extended to multichannels, up to two channels, or, in circumstances where a broadcaster provides a larger number of channels, they can be extended to three channels where those channels represent no more than 20 per cent of the channels being offered by that broadcaster.

There is also a reservation in relation to commercial free-to-air radio services, which enables Australian quota obligations to continue to be applied and to be applied up to a level of 25 per cent of broadcast time. Additionally, there is a reservation in relation to advertising on commercial free-to-air television, which reserves the existing Australian content quota of 80 per cent and would allow that to be extended to up to three commercial free-to-air multichannels.

- (2) (a) & (b) The Australian Government has preserved the transmission quota for local content on free to air commercial digital television at its current level of 55 per cent. In the event that the Australian Government allows free to air commercial television broadcasters to offer multiple digital television channels, the current requirement for single channel free to air services can be applied to two channels or 20 per cent of the number of channels (whichever is greater). The 55 per cent quota cannot apply to more than three free to air digital television channels. Subquotas for particular program formats (eg. drama, documentary) may be applied within the 55 per cent quota.

There are no current local content requirements relating to the ABC. However, there is nothing in the AUSFTA which would prevent the application of local content requirements to the ABC or any other public broadcasting service. The AUSFTA does not limit the nature or extent of any such requirements that might be applied to the ABC.

- (3) (a) & (b)

Advertising (commercial and pay television)

The Australian Government has reserved the capacity to maintain the existing 80 per cent transmission quota for local content on advertising broadcasts on free to air commercial television services. Subscription fees are required to be the predominant source of revenue for pay television licensees. There are no current local content requirements for advertising on pay television and there is no reservation relating to advertising on pay television in the AUSFTA.

Pay television

The Australian Government has reserved the capacity to adopt expenditure quotas for local content on pay television channels which are predominantly arts, children's, documentary, drama and educational programming formats. In regard to each program format, expenditure quotas can be applied at up to 10 per cent. Further the Government may increase the current 10 per cent expenditure requirement on drama to 20 per cent, if it is found that the 10 per cent requirement is not meeting the Australian Government's stated objectives.

Commercial radio (analogue and digital)

The Australian Government has reserved the capacity to adopt or maintain transmission quotas for local content on commercial radio broadcasting services not exceeding 25 per cent of the programming on individual stations of a service provider. The reservation reflects the current maximum levels of local content required under the commercial radio industry codes of practice. This provision applies to analogue and digital radio services.

Internet or broadband television, Internet radio, and future unknown broadcasting services

Interactive audio and/or video services are dealt with under Annex II of the AUSFTA. The Australian Government has reserved the capacity, where it makes a finding that Australian audio-visual content is not readily available to consumers, to adopt measures to ensure that access to Australian programming on interactive audio and/or video services (including internet or broadband television, internet radio and future unknown broadcasting services) is not unreasonably denied to Australian consumers.

Such measures must be implemented through a transparent process permitting participation by affected parties, be based on objective criteria, be the minimum necessary, be no more trade restrictive than necessary, not be unreasonably burdensome and be applied only to a service provided by a company that carries on a business in Australia in relation to the supply of that service.

Telstra: Premium Services**(Question No. 2567)**

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

- (1) What strategies does Telstra have in place to protect consumers who have been subject to Internet dumping or unauthorised re-connection on their modems, who are then charged for a premium rate service through Telstra's billing systems.
- (2) Is Telstra's Courtesy Call system, announced late 2003, in operation; if so, at what spending level can consumers be guaranteed to receive courtesy calls stating their bills are higher than normal.
- (3) Will Telstra consider general credit limits on phone and Internet accounts as is the case with credit cards; if not, why not.
- (4) Has Telstra made any effort to cancel premium rate services from areas where IDD Internet dumping is occurring, for example the Cook Islands, Diego Garcia, Tokelau Islands, Sao Tome, Chile, Guyana, Lichtenstein/Germany, Moldova, North Korea and the Cocos Islands; if not, why not.
- (5) What percentage of an international premium rate service charge on a Telstra Bill does Telstra retain as a collection fee.
- (6) Can Telstra guarantee that the international premium rate services for which it charges do not contain illegal pornography.
- (7) What revenue does Telstra derive annually from premium rate services.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on information provided by Telstra. This answer is substantively the same as that provided to Question 117, asked by Senator Mackay at the Additional Estimates Hearings held on 16 and 17 February 2004.

- (1) Telstra has advised that it ceased providing Internet dialler access to premium services in August 2003.

- (2) Yes. Telstra has advised that its Courtesy Call pilot program was launched in December 2003 and in March 2004 Telstra allocated additional resources to the pilot program that will allow Courtesy Call consultants to contact more customers each month.

Telstra has advised that the Courtesy Call pilot program has involved contacting residential customers with fixed or mobile services whose unbilled charges exceed \$1000 and whose previous usage is normally less than half that amount.

- (3) Telstra has advised that it does not plan to introduce credit limits. Telstra advised that it introduced Courtesy Call to provide customers with adequate notice of unexpectedly big bills. Telstra considers the advantage of this is that it preserves customer's freedom, which they value, to take control of their spending and make their own decisions.

Telstra has advised that anecdotal evidence from customer consultants indicates that customers are surprised and pleased to get a Courtesy Call. Telstra has advised that about 88 per cent of customers that Telstra speak to have indicated that they are more than happy for Telstra to ring them again should another increase occur.

- (4) Telstra has advised that, while it does not offer premium rate international services (see answer to part (5) below), it has taken action to bar IDD access to certain international number ranges (some of which are in the countries listed) associated with Internet dumping. However, there are limitations on the extent to which such barring is practicable, given the problems in identifying 'problem' numbers, administrative costs and the ability of end-users to use override codes.
- (5) Telstra has advised that it does not offer an "International Premium Rate" product. Telstra has advised that all of its International Direct 0011 calls are charged in accordance with the applicable per minute rate for the relevant international destination as set out in Telstra's Standard Form of Agreement. In charging for International Direct calls, Telstra has advised that it is unable to differentiate between calls dialled in the normal way by a human customer and calls dialled by a computer modem.
- (6) See the answer to part (5) above.
- (7) Telstra advised that revenue derived from its 190 premium rate services is not provided as a separate line item in its financial statements (it forms part of Sales Revenue from External Customers). Telstra advised that it considers information about the revenue it derives from 190 premium rate services to be commercial-in-confidence as it is a premium product in a highly competitive market and the disclosure of the figure may cause competitive harm.

Telstra: Services

(Question No. 2568)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

- (1) Is it correct that customers often need significant support when taking up fast data services such as ISDN and ADSL.
- (2) Is it correct that in late 2003, Telstra made 22 highly skilled activation staff in this area redundant; if so, what was the reason for that decision.
- (3) Is Telstra now recruiting agency staff in the same area from the Service Advantage Newcastle Front of House Activation Centre.
- (4) (a) Could the work that is to be performed by these agency staff have been done by the workers made redundant; and (b) were those workers offered any opportunity for redeployment.
- (5) (a) What were the costs incurred by Telstra in making the 22 full-time workers redundant; and (b) what will be the costs of training the new agency staff.

- (6) What is Telstra's current policy on the use of Australian workplace agreements (AWAs).

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on advice provided by Telstra. It is substantially the same as the response to Senate Additional Estimates Hearings Question No. 118:

- (1) Telstra has advised that in relation to ADSL, the number of support calls made to Telstra by new subscribers varies depending on a number of factors including the customer's PC knowledge and experience, and the method of installation. However, of those customers who do call for support, the two most common reasons (whether self-installed or professionally installed) are modem issues and account enquiries. These two issues account for over 40 per cent of all enquiries made by new customers in the first month of subscription.

Telstra added that of the new subscribers, support calls placed to Telstra within the first month of subscription are approximately 1.4 per customer for professional installs and between 1.24 and 2.38 per customer for self installs (depending on modem type). These figures are averages only. The numbers of calls made by new subscribers decreases significantly after the subscribers have been connected for one month.

Telstra has advised that ISDN requires a technician to install. The latest data available shows that around 23 per cent of customers called Telstra for support after installation, with the most common reasons being:

- Guidance or information required
- Modem issues
- Issues regarding set-up of accounts with ISPs
- Software issues
- Lack of PC experience/comprehension

- (2) Telstra advised that it is not true that 22 highly skilled activation staff were made redundant in ISDN and ADSL support areas.

According to Telstra, 22 full time Front of House (FOH) Cable Assigners in the Brisbane Contact Centre were identified as surplus to requirements as a result of a technological advancement that allows field staff to perform simplex pair changes* on Field Mobile Computing (FMC) devices rather than having to call an office based staff member to undertake the task for them.

With the field staff no longer needing to call Telstra's contact centre to perform these simplex cable pair changes, the positions were surplus to requirements as the function ceased to exist for FOH Cable Assigners.

*Simplex pair change involves single pair changes within Telstra's distribution network and does not involve exchange work.

- (3) Telstra advised that agency staff were recruited in the Newcastle Contact Centre in the activation workstream. According to Telstra, Service Advantage engages agency staff as support for its workforce to provide flexibility to meet peaks and variability in workload demands.

- (4) (a) Telstra advised that the work to be performed by agency staff could not have been done by workers made redundant. According to Telstra, the engagement of agency staff allows Service Advantage to continue to provide support to field areas during the daily peak workload times of between 10.30am and 3.00pm each day.

This arrangement will provide Telstra with the ability to have the appropriate level of full time staff currently performing this task and working a full day shift, cross-skilled to perform other work activities as required.

(b) Telstra has advised that under the Telstra Redundancy Agreement once Telstra has decided that:

- there are no commensurate roles available for employees in redundant positions; and
- it wishes to retrench certain employees from those redundant positions
- all affected staff have the option to participate in the Telstra Jobs Search program which may lead to them obtaining a new job within Telstra.

Telstra has advised that its management canvassed local lines of business within Brisbane for job opportunities and promoted these vacancies to the affected staff and encouraged them to apply. Three staff members successfully gained employment in other areas of Telstra in Brisbane.

- (5) (a) & (b) Telstra has advised that all employees that were made redundant received all entitlements as per the Telstra Redundancy Agreement. The redundancy payment is calculated according to length of service, final average salary and a range of other factors covered by the Telstra Redundancy Agreement. The redundancy payments for the 22 staff members totalled \$1,600,965, which is approximately \$72,771 per employee. These payments occurred over December 2003 and January 2004.

Telstra has advised that agency staff in Newcastle underwent training at a cost of around \$45,000.

- (6) Telstra has advised that it has a multifaceted employment strategy, including the use of Common Law Contracts, AWAs and Enterprise Agreements across its diverse workforce. A multifaceted employment model is necessary for Telstra to meet the demands of a challenging competitive environment, its people and its customers. Telstra offers employment to most new employees at levels 5 and 6 pursuant to a suitable AWA.

Telstra also advised it does not have 'target' levels of particular employment types as the appropriate employment instrument is decided at the localised level.

Telstra: Dividends

(Question No. 2569)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

With reference to the relationship between Telstra and the Government, for each financial year since 1999-2000, including any forward estimates, can the following details be provided:

- (1) Any dividends paid by Telstra to the Government.
- (2) For any special dividends paid to the Government, an explanation of the basis for those special dividends, that is, on whose request and/or recommendation these dividends were paid.
- (3) For any other capital payments to the Government, an explanation of the basis for those payments, that is, on whose request and/or recommendation these payments were paid.
- (4) (a) All remaining balance sheet obligations to the Government, including equity and debt if applicable; and (b) can details be provided of how it is expected that these obligations will be met, for example, through future loan repayments.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on advice provided by Telstra:

- (1) Dividends paid. (see table below)

		ORDINARY	SPECIAL
	Interim	Final	
2003/04	13 cents	N/A	N/A
	Apr 04		
2002/03	12 cents	12 cents	3 cents
	Apr 03	Oct 03	Apr 03
2001/02	11 cents	11 cents	Nil
	Apr 02	Oct 02	
2000/01	8 cents	11 cents	Nil
	Apr 01	Oct 01	
1999/00	7 cents	10 cents	Nil
	Apr 00	Oct 00	

Telstra's Directors are responsible for declaring and paying dividends.

The issue of dividends in relation to forward estimates is a matter for the Department of Finance.

- (2) When announcing the special dividend, Telstra stated that:
- “The higher dividend and share buyback follow the Company's reported total free cash flow growth of 18.9 percent to \$4.6 billion in the 12 months to June 30 2003, as a result of reduced capital expenditure, proceeds from asset sales and improved underlying EBIT.”
- (3) Telstra has advised that the only payments since 1999-2000 that have been made to the Australian Government, in its shareholder capacity, are dividends and special dividends.
- (4) (a) & (b) Telstra has advised that there are no special remaining balance sheet obligations to the Government, other than those that arise from its shareholding. Also, there is no Government support of Telstra borrowings (eg. government guarantees) - they are all “company unsecured”.

Telstra: Services and Staffing

(Question No. 2570)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

With reference to the answer to question no. 74, taken on notice by the department during the November 2003 Budget estimates supplementary hearings of the Environment, Communications, Information Technology and the Arts Legislation Committee:

- (1) Given that 45 percent of Telstra staff are from agencies or from outsourced providers, and are working side by side with Telstra employees, what opportunity do agency and/or outsourced staff have to participate in employee consultations, for example, in the Telstra employee opinion surveys.
- (2) In the previous answer, mention is made of an award provision, which award is referred to.
- (3) Can a list be provided of all Telstra employee agreements and other variants which currently cover call centre staff, regardless of whether they are Telstra staff and/or outsourced staff.
- (4) Has Telstra considered changing the disconnection time on 12456 calls.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on advice provided by Telstra. It is substantially the same as the response to Senate Additional Estimates Hearings Question No. 120:

- (1) Telstra has advised that the Employee Opinion Survey for Telstra staff is designed to gauge opinion on a range of matters, including items such as employee benefits offered by Telstra. Matters such as this are not relevant for individuals not employed directly by Telstra. However, part of Telstra's relationship with any of its suppliers, including contracting companies and agencies, is dialogue and consultation through meetings, correspondence and informally through on the job discussions between Telstra management and supplier representatives.

Telstra notes that the 45% figure quoted in the question refers to call centre based staff only.

- (2) Telstra advised that the response provided in answer to Question 74 from the November 2003 Estimates related to a question about practices in Service Advantage Call Centres reported in the media. These employees are covered by the Telstra Infrastructure Services Enterprise Agreement 2002-2005. Clause 9 of that agreement is entitled 'Rest Breaks'. It states: 'If you are employed in a Customer Sales and Service Workstream (CSSW) job that was previously covered by a certified agreement in place prior to 22 December 2000, you will continue to have access to the Rest Breaks under the same arrangements as previously provided in the relevant certified agreement.'

Telstra advised that the arrangements referred to in this clause are those set out in the Telstra/CEPU Operator/Consultant Job Work Design Review Agreement 1997; in particular in clause 11.2. To the extent that the rest breaks referred to in the earlier response are not covered by the provisions of clause 9 of the Telstra - Infrastructure Services Enterprise Agreement 2002-2005, Telstra applies the rest breaks as a matter of management practice.

- (3) Telstra advised that Telstra call centre employees are employed under the following Enterprise Agreements:

Corporate Group Enterprise Agreement 2002-2005,

Wholesale Enterprise Agreement 2002-2005,

Infrastructure Services Enterprise Agreement 2002-2005,

Mobile Enterprise Agreement 2002-2005,

Retail Enterprise Agreement 2002-2005.

The certified agreements and variants of the agency and outsourced employees is a matter for their employers, not Telstra.

- (4) Telstra advised that the 12456 service does not have a disconnection time frame. Customers are not disconnected during calls, rather all 12456 calls are handled to completion.

Telstra: Fax Stream

(Question No. 2571)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts:

With reference to the answer to question no. 77 taken on notice by the department during the November 2003 Budget estimates supplementary hearings of the Environment, Communications, Information Technology and the Arts Legislation Committee: given that the successful contractor for Telstra's fax-stream service, Xpedite Systems Pty Ltd, is a trading branch of a multi-billion dollar American-based global conglomerate, can an explanation be provided of: (a) the tendering process for this contract; and (b) why an Australian alternative could not be found.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on advice provided by Telstra. It is substantially the same as the response to Senate Additional Estimates Hearings Question No. 122:

- (a) Telstra has advised that the tendering process for FaxStream Enhanced was a closed tender to six Australian-based companies. According to Telstra, the responses were evaluated against a number of criteria, including:
- the ability to meet the technical, service level and customer service requirements of its product;
 - the ability to meet Telstra's expected cost model;
 - the credibility of the company in terms of stability, scale and established market presence; and
 - where possible a 'like for like' product match so the impact on customers was minimised.
- (b) Telstra has advised that the companies which were not successful were eliminated for a variety of reasons, including:
- they were not competitive on price;
 - they needed to source and develop the necessary software, hardware, or call centre resources which presented additional risks; and
 - some of the vendors did not have experience in dealing with a broadcast fax product of this size and this was considered to be a significant risk in terms of taking over 15,000 new services at one time.

Telstra: Directory Services

(Question No. 2572)

Senator Mackay asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 23 February 2004:

- (1) How many errors appeared in the 2004 White Pages and Yellow Pages of all phone books around Australia.
- (2) In the case of Mia Papas and Ms Addenbroke as reported on the Seven Network Television program *Today Tonight*, what steps has Telstra taken, or will Telstra take, to remedy the reported errors and will these steps take the form of compensation.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on information provided by Telstra:

This answer is substantively the same as that provided to Question 121, asked by Senator Mackay at the Additional Estimates Hearings held on 16 and 17 February 2004.

- (1) Telstra has advised that distribution of the 2004 White Pages and Yellow Pages directories is incomplete. Of the 88 separate versions of the White Pages and Yellow Pages directories, 21 distributions have been completed as at 31 March 2004.

As at 31 March, an estimated 0.001 per cent of listings have resulted in alleged errors (publishing errors, omissions or unauthorised advertising) being recorded for Yellow Pages directories. Sensis is unable to provide comparable data for White Pages directories at this stage of distribution.

- (2) Telstra advised that Mia Papas is proprietor of Kitty Kat, a Melbourne-based boutique. Telstra advised that Ms Papas alleges that her listing in the 2004 Melbourne Yellow Pages directory is incorrect. Ms Papas is claiming loss of business and Sensis is currently in discussions with Ms Papas' solicitors.

Telstra advised that Kitty Kat's details have been amended within the White Pages *OnLine*, Yellow Pages *OnLine* sites, as well as on all voice services, including Yellow Pages *Connect*, Telstra Call Connect and Directory Assistance. Sensis was able to amend the 2004 Melbourne White Pages

directory prior to publication. However, the Yellow Pages directory was in print when the alleged error was brought to Sensis' notice.

Tourist Refund Scheme

(Question No. 2579)

Senator O'Brien asked the Minister representing the Treasurer, upon notice, on 24 February 2004:

- (1) When was the Tourist Refund Scheme (TRS) established.
- (2) For each of the past 5 financial years, how much has the Commonwealth spent on the scheme for: (a) providing refunds; and (b) marketing of the scheme.
- (3) For each of the following financial years: 2004-05, 2005-06, 2006-07, and 2007-08, what is the projected Commonwealth expenditure on the scheme for: (a) providing refunds; and (b) marketing the scheme.
- (4) Has the Commonwealth received proposals from sections of the tourism industry proposing that sections of that industry take over the promotion of the scheme; if so: (a) from whom specifically have such proposals been received; and (b) can a copy of these proposals be provided; if not, why not.
- (5) (a) What assessment has the Commonwealth commissioned or made of these proposals; and (b) can a copy of that assessment be provided; if not, why not.
- (6) What are the key findings of the assessment.
- (7) When will recommendations derived from the assessment be implemented.
- (8) Who will make the final decision about which recommendations to implement and when.

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

- (1) 1 July 2000.
- (2) While the legislation falls within the Treasury portfolio, the scheme is administered by Customs under delegation from the Commissioner of Taxation. Customs has advised that:

(a) Cost of providing TRS Refunds*

	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004**
Direct	7,822,092.89	8,976,856.51	8,502,613.50	10,913,352.60	6,748,583.63
Indirect	5,646,366.38	5,081,666.46	4,363,394.71	1,973,464.84	1,858,045.65
TRS Total	13,468,459.27	14,058,522.97	12,866,008.21	12,886,817.44	8,606,629.28

*Review of costs for administration of GST, LCT, WET & TRS, Management Cost Accounting October 2003

**Financial year to date costs

(b) Cost of marketing the TRS scheme*

	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004**
TRS Total	65,929.86	1,667,831.99	130,631.46	177,390.36	43,415.21

*Source: QSP Customs Financial Management Information System

NOTE: Marketing costs also include printing of forms used for processing refunds

- (3) While the legislation falls within the Treasury portfolio, the scheme is administered by Customs under delegation from the Commissioner of Taxation. Customs has advised that:

(a) Projected expenditure for providing TRS Refunds

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Direct	12,285,616.15	12,568,185.32	12,819,549.03	13,063,120.46	13,324,382.87
Indirect	3,734,300.01	3,820,188.91	3,896,592.69	3,970,627.95	4,050,040.51
TRS Total	16,019,916.16	16,388,374.23	16,716,141.72	17,033,748.41	17,374,423.38

(b) Projected expenditure for marketing TRS scheme

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
TRS Total	102,415.21	104,770.76	104,463.51	104,361.10	104,463.51

NOTE: Projected expenditure adjusted using WCI3 Index - received from AGs January 2003

- (4) Representations have been received by the Government from time to time regarding various aspects of the administration of the tourist refund function, including any promotion of the TRS. They have not included detailed proposals.
- (5) (a) The Treasury has not conducted any detailed assessment of these matters.
(b) n/a
- (6) See answer 5(a).
- (7) See answer 5(a).
- (8) See answer 5(a).

**Australian Nuclear Science and Technology Organisation: Community Survey
(Question No. 2586)**

Senator Nettle asked the Minister representing the Minister for Science, upon notice, 24 February 2004:

With reference to the survey that the Australian Nuclear Science and Technology Organisation (ANSTO) is conducting in the Sutherland Shire concerning the sources of information that residents regard as credible in relation to the nuclear reactor:

- (1) What is the cost of the survey to tax payers.
- (2) Will ANSTO, as Sutherland Council does when it conducts surveys, make available the questions asked, the results of the survey and any reports prepared by the company in relation to the survey; if not, why not.

Senator Vanstone—The Minister for Science has provided the following answer to the honourable senator's question:

- (1) ANSTO undertook a survey of residents from the Sutherland Shire, Bankstown City and mid-south Adelaide suburbs as part of a broader survey of attitudes to ANSTO. The full survey covered ANSTO's four main stakeholder groups: staff, business, government and community. The cost of the total survey of the four stakeholder groups was \$135,000.
- (2) A summary of the results of the community survey was published on ANSTO's website on 25 February 2004. More detailed results about community attitudes to ANSTO, including the raw questions and answers, will shortly be available on the website.

**Denison Electorate: Bulk-Billing
(Question No. 2606)**

Senator Mackay asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 March 2004:

- (1) What percentage of total unreferrred general practitioner (GP) attendances were bulk billed in the Federal Electoral Division of Denison during the quarter ending 31 December 2003.

- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of Denison during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Division of Denison during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Division of Denison during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the electoral division of Denison in 2003 was 47.4%.
- (2) The number of total unreferral GP attendances bulk billed for the electoral division of Denison in 2003 was 218,304.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the electoral division of Denison in 2003 was \$10.44.
- (4) The number of unreferral GP attendances for the electoral division of Denison in 2003 was 460,283.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

National Radioactive Waste Repository

(Question No. 2608)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 March 2004:

- (a) Can the Government confirm that Dr John Loy, Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), indicated at the public forum on the national nuclear waste repository held in Adelaide on 25 February 2004 that the Minister could not override the findings and decision of ARPANSA in relation to the repository; and (b) is this statement correct.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (a) The transcript of the public forum held by ARPANSA on 25 and 26 February 2004 does not show any such statement by Dr Loy. An article in The Australian newspaper of 26 February 2004 reports other remarks by Dr Loy. The effect of these remarks is that Dr Loy does not believe that the legislation in fact compromises his decision-making authority in the matter of the licensing of the national radioactive waste repository, as had been suggested by South Australian Minister for Environment.
- (b) Section 16 of the Australian Radiation Protection and Nuclear Safety Act 1998 requires the Minister to give directions to the CEO of ARPANSA with respect to the performance of the CEO's functions or the exercise of the CEO's powers if the Minister is satisfied that it is in the public interest to do so. Section 16 of the Act does not authorise the giving of directions, which are inconsistent with the Act or beyond the scope and purpose of the legislation.

Dawson Electorate: Bulk-Billing

(Question No. 2609)

Senator McLucas asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances were bulk billed in the Federal Electoral Division of Dawson during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of Dawson during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Division of Dawson during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Division of Dawson during the quarter ending 31 December 2003.

Senator Ian Macdonald—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the electoral division of Dawson in 2003 was 63.6%.
- (2) The number of total unreferral GP attendances bulk billed for the electoral division of Dawson in 2003 was 387,172.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the electoral division of Dawson in 2003 was \$16.57.
- (4) The number of unreferral GP attendances for the electoral division of Dawson in 2003 was 608,653.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Herbert Electorate: Bulk-Billing
(Question No. 2610)

Senator McLucas asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances were bulk billed in the Federal Electoral Division of Herbert during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of Herbert during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Division of Herbert during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Division of Herbert during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the electoral division of Herbert in 2003 was 61.0%.
- (2) The number of total unreferral GP attendances bulk billed for the electoral division of Herbert in 2003 was 358,344.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the electoral division of Herbert in 2003 was \$15.85.
- (4) The number of unreferral GP attendances for the electoral division of Herbert in 2003 was 587,303.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services

in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Kennedy Electorate: Bulk-Billing

(Question No. 2611)

Senator McLucas asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 March 2004:

- (1) What percentage of total unreferred general practitioner (GP) attendances were bulk billed in the Federal Electoral Division of Kennedy during the quarter ending 31 December 2003.
- (2) How many unreferred GP attendances were bulk billed in the Federal Electoral Division of Kennedy during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Division of Kennedy during the quarter ending 31 December 2003.
- (4) How many unreferred GP attendances were there in the Federal Electoral Division of Kennedy during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the electoral division of Kennedy in 2003 was 59.3%.
- (2) The number of total unreferred GP attendances bulk billed for the electoral division of Kennedy in 2003 was 303,305.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the electoral division of Kennedy in 2003 was \$13.95.
- (4) The number of unreferred GP attendances for the electoral division of Kennedy in 2003 was 511,791.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a

concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Leichhardt Electorate: Bulk-Billing
(Question No. 2612)

Senator McLucas asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 March 2004:

- (1) What percentage of total unreferred general practitioner (GP) attendances were bulk billed in the Federal Electoral Division of Leichhardt during the quarter ending 31 December 2003.
- (2) How many unreferred GP attendances were bulk billed in the Federal Electoral Division of Leichhardt during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Division of Leichhardt during the quarter ending 31 December 2003.
- (4) How many unreferred GP attendances were there in the Federal Electoral Division of Leichhardt during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the electoral division of Leichhardt in 2003 was 75.9%.
- (2) The number of total unreferred GP attendances bulk billed for the electoral division of Leichhardt in 2003 was 477,670.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the electoral division of Leichhardt in 2003 was \$14.50.
- (4) The number of unreferred GP attendances for the electoral division of Leichhardt in 2003 was 629,584.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Taxation: Fuel Excise**(Question No. 2621)**

Senator Brown asked the Minister for Revenue and Assistant Treasurer, upon notice, on 2 March 2004:

(a) How much revenue has the Government collected as a result of the introduction of the extra one cent per litre excise on high sulphur diesel as from 1 July 2003; and (b) how much money had been provided to producers of low sulphur diesel as at 31 December 2003 as a result of the initiative.

Senator Coonan—As these questions deal with matters administered by the Australian Taxation Office (ATO), I have asked the Commissioner of Taxation for advice. The answer to the honourable senator's question is as follows:

At this stage of the financial year, there is no published figure available for the excise duty collection on high sulphur diesel.

There are no payments made for the production of ultra low sulphur diesel.

Diesel and Alternative Fuels Grants Scheme**(Question No. 2626)**

Senator Brown asked the Minister for Revenue and Assistant Treasurer, upon notice, on 2 March 2004:

(a) What was the total value of the grants provided under the Diesel and Alternative Fuels Grants Scheme in each year since the scheme's inception, including in the answer details of the total value of the grants for each fuel type; and (b) what was the total value of the grants provided under the scheme in each year for the period July 2003 to December 2003, including in the answer details of the total value of the grants for each fuel type.

Senator Coonan—As this question deals with matters administered by the Australian Taxation Office (ATO), I have asked the Commissioner of Taxation for advice. The answer to the honourable senator's question is as follows:

The Diesel and Alternative Fuels Grants Scheme (DAFGS) commenced on 1 July 2000 and concluded on 30 June 2003.

Figures for the total grants paid under the DAFGS are contained in the Commissioner of Taxation's Annual Reports for financial years 2000-01, 2001-02 and 2002-03.

As the published figures do not specify a breakdown of payments made by fuel type, the ATO is unable to provide the details requested.

Diesel and Alternative Fuels Grants Scheme**(Question No. 2627)**

Senator Brown asked the Minister for Revenue and Assistant Treasurer, upon notice, on 2 March 2004:

What was the total cost of administering the Diesel and Alternative Fuels Grants Scheme during the 2002-03 financial year.

Senator Coonan—As this question deals with matters administered by the Australian Taxation Office (ATO), I have asked the Commissioner of Taxation for advice. The answer to the honourable senator's question is as follows:

The financial statements in the Commissioner of Taxation's Annual Report for 2002-03 only refer to the total cost of all ATO employees.

As there is no separate figure available for the cost of administering fuel payment schemes, the ATO is unable to provide the details requested.

Diesel Fuel Rebate Scheme

(Question No. 2628)

Senator Brown asked the Minister for Revenue and Assistant Treasurer, upon notice, on 2 March 2004:

(a) What was the total value of the rebates provided each year under the Diesel Fuel Rebate Scheme during the period July 1990 to June 2003, including details of the total value of the rebates for each off-road use; and (b) what was the total value of the rebates provided under the scheme during the period July 2003 to December 2003, including details of the total value of the rebates for each off-road use.

Senator Coonan—As these questions deal with matters administered by the Australian Taxation Office (ATO), I have asked the Commissioner of Taxation for advice. The answer to the honourable senator's question is as follows:

Prior to 4 February 1999, the Diesel Fuel Rebate Scheme (DFRS) was administered by the Australian Customs Service (ACS).

Figures for the total rebates paid under the DFRS are contained in the ACS Annual Reports for financial years 1990-91 to 1997-98 inclusive and in the Commissioner of Taxation's Annual Reports for financial years 1998-99 to 2002-03 inclusive.

As the published figures do not specify a breakdown of payments made by category of off-road use, the ATO is unable to provide the details requested.

Diesel Fuel Rebate Scheme

(Question No. 2632)

Senator Brown asked the Minister for Revenue and Assistant Treasurer, upon notice, on 2 March 2004:

What was the cost of administering the Diesel Fuel Rebate Scheme in the 2002-03 financial year.

Senator Coonan—As this question deals with matters administered by the Australian Taxation Office (ATO), I have asked the Commissioner of Taxation for advice. The answer to the honourable senator's question is as follows:

The financial statements in the Commissioner of Taxation's Annual Report for 2002-03 only refer to the total cost of all ATO employees.

As there is no separate figure available for the cost of administering fuel payment schemes, the ATO is unable to provide the details requested.

Forde, Maranoa, Moncrieff, McPherson and Groom Electorates: Bulk-Billing

(Question No. 2633)

Senator Ludwig asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances was bulk billed in the Federal Electoral Divisions of Forde, Maranoa, Moncrieff, McPherson and Groom during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Divisions of Forde, Maranoa, Moncrieff, McPherson and Groom during the quarter ending 31 December 2003.

- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Divisions of Forde, Maranoa, Moncrieff, McPherson and Groom during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Divisions of Forde, Maranoa, Moncrieff, McPherson and Groom during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the Federal Electoral Divisions of (a) Forde in 2003 was 76.9%, (b) Maranoa in 2003 was 54.0%, (c) Moncrieff in 2003 was 66.8%, (d) McPherson in 2003 was 70.2% and (e) Groom in 2003 was 51.0%.
- (2) The number of total unreferral GP attendances bulk billed for the Federal Electoral Divisions of (a) Forde in 2003 was 543,598, (b) Maranoa in 2003 was 294,201, (c) Moncrieff in 2003 was 532,957, (d) McPherson in 2003 was 574,150 and (e) Groom in 2003 was 292,328.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the Federal Electoral Divisions of (a) Forde in 2003 was \$11.98, (b) Maranoa in 2003 was \$13.14, (c) Moncrieff in 2003 was \$15.84, (d) McPherson in 2003 was \$14.74 and (e) Groom in 2003 was \$12.77.
- (4) The number of unreferral GP attendances for the Federal Electoral Divisions of (a) Forde in 2003 was 706,558, (b) Maranoa in 2003 was 544,749, (c) Moncrieff in 2003 was 797,734, (d) McPherson in 2003 was 818,028 and (e) Groom in 2003 was 572,757.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

O'Connor Electorate: Bulk-Billing (Question No. 2654)

Senator Webber asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of O'Connor during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of O'Connor during the quarter ending 31 December 2003.

- (3) What was the average patient contribution per service (patient billed services only) in relation to unREFERRED GP attendances in the Federal Electoral Division of O'Connor during the quarter ending 31 December 2003.
- (4) How many unREFERRED GP attendances were there in the Federal Electoral Division of O'Connor during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unREFERRED GP attendances bulk billed for the electoral division of O'Connor in 2003 was 50.1%.
- (2) The number of total unREFERRED GP attendances bulk billed for the electoral division of O'Connor in 2003 was 232,251.
- (3) The average patient contribution per patient billed service for unREFERRED GP attendances in the electoral division of O'Connor in 2003 was \$13.20.
- (4) The number of unREFERRED GP attendances for the electoral division of O'Connor in 2003 was 463,962.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Moore Electorate: Bulk-Billing (Question No. 2655)

Senator Webber asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 March 2004:

- (1) What percentage of total unREFERRED general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Moore during the quarter ending 31 December 2003.
- (2) How many unREFERRED GP attendances were bulk billed in the Federal Electoral Division of Moore during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unREFERRED GP attendances in the Federal Electoral Division of Moore during the quarter ending 31 December 2003.

- (4) How many unrefereed GP attendances were there in the Federal Electoral Division of Moore during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unrefereed GP attendances bulk billed for the electoral division of Moore in 2003 was 64.1%.
- (2) The number of total unrefereed GP attendances bulk billed for the electoral division of Moore in 2003 was 345,673.
- (3) The average patient contribution per patient billed service for unrefereed GP attendances in the electoral division of Moore in 2003 was \$12.91.
- (4) The number of unrefereed GP attendances for the electoral division of Moore in 2003 was 539,154.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Deakin, Menzies, Corangamite and Gippsland Electorates: Bulk-Billing (Question No. 2656)

Senator Marshall asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 March 2004:

- (1) What percentage of total unrefereed general practitioner (GP) attendances was bulk billed in the Federal Electoral Divisions of Deakin, Menzies, Corangamite and Gippsland during the quarter ending 31 December 2003.
- (2) How many unrefereed GP attendances were bulk billed in the Federal Electoral Divisions of Deakin, Menzies, Corangamite and Gippsland during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unrefereed GP attendances in the Federal Electoral Divisions of Deakin, Menzies, Corangamite and Gippsland during the quarter ending 31 December 2003.
- (4) How many unrefereed GP attendances were there in the Federal Electoral Divisions of Deakin, Menzies, Corangamite and Gippsland during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the Federal Electoral Divisions of (a) Deakin in 2003 was 64.6%, (b) Menzies in 2003 was 70.0%, (c) Corangamite in 2003 was 41.8% and (d) Gippsland in 2003 was 46.1%.
- (2) The number of total unreferred GP attendances bulk billed for the Federal Electoral Divisions of (a) Deakin in 2003 was 395,655, (b) Menzies in 2003 was 424,235, (c) Corangamite in 2003 was 213,662 and (d) Gippsland in 2003 was 233,202.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the Federal Electoral Divisions of (a) Deakin in 2003 was \$14.57, (b) Menzies in 2003 was \$15.78, (c) Corangamite in 2003 was \$12.65 and (d) Gippsland in 2003 was \$10.46.
- (4) The number of unreferred GP attendances for the Federal Electoral Divisions of (a) Deakin in 2003 was 612,311, (b) Menzies in 2003 was 606,366, (c) Corangamite in 2003 was 511,575 and (d) Gippsland in 2003 was 505,843.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Education: Educational Textbook Subsidy Scheme

(Question No. 2659)

Senator Stott Despoja asked the Minister representing the Minister for Education, Science and Training, upon notice, 2 March 2004:

- (1) How much will the discontinuation of the Educational Textbook Subsidy Scheme (ETSS) save the Government.
- (2) Given that the ETSS was set up to 'alleviate the impact of the GST on the cost of educational textbooks for students and parents', how can the Government justify closing the scheme at the end of June when the goods and services tax (GST) is still in place.
- (3) Does the Government have any plans to alleviate the impact of GST on the cost of educational textbooks after the closure of the scheme.
- (4) Given that booksellers went to great lengths to ensure their computer programs were able to manage the ETSS, not to mention the costs they incurred in auditing the scheme, does the department intend to compensate booksellers for the expense of again amending or renewing their software to take into account the closure of the scheme.

-
- (5) Given that many booksellers and students are unaware that the scheme will close at the end of June 2004, how does the department intend to notify booksellers and students about the scheme's closure.
 - (6) Given that booksellers are worried they will be blamed if the scheme closes at the end of June and the price of textbooks increases by 8 per cent, does the department have any strategies for avoiding this.
 - (7) Given that textbooks are a student's primary learning resource, if the Government regards education as a priority, how does it justify taxing students every time they seek to learn.
 - (8) Given that the Australian Medical Student's Association President, Mr Matthew Hutchinson, has slammed the proposed plan to end the ETSS rebate on text books, stating that 'The people of Australia deserve and need well trained, competent doctors. The plan to remove the ETSS rebate puts quality textbooks out of reach of most medical students. This cuts off a vital source of training and education and will only lead to poor outcomes for our patients', how can the Government justify closing the ETSS in light of these concerns.
 - (9) Will any money be unspent under the ETSS or any other scheme; if so, does the department intend to redirect those funds to book-related projects.
 - (10) Can the Minister confirm whether the Educational Lending Right scheme will be continued past 30 June 2004.
 - (11) Can the Minister confirm whether funding will continue to be provided to the Australian Bureau of Statistics to continue collecting statistics on the book industry after 30 June 2004.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (1) There are no savings to the Government. The Scheme was funded for four years and there is no further funding provided in the forward estimates beyond 2003/04.
- (2) The agreement with the Australian Democrats was to provide funding for four years.
- (3) Yes. The Government is providing more than \$327 million over the next five years on two new scholarship programmes that will commence from 2004 to assist rural, regional and Indigenous students from low socio-economic backgrounds with education and accommodation costs associated with higher education. Importantly, the Commonwealth Learning Scholarships will not be subject to the social security income test.
- (4) At the time the GST was introduced, the Government provided businesses with a grant to assist in the establishment of systems to handle the new taxation arrangements.
- (5) Arrangements are being put in place to advise students and booksellers of the schemes closure.
- (6) It is not clear why booksellers would be blamed for the closure of the scheme given that the four year period for the scheme was agreed between the Government and the Australian Democrats.
- (7) The Government has introduced a range of measures to assist students from poor and disadvantaged backgrounds. For example the HECS repayment threshold will be increased from its current level of \$25,348 to \$35,000 for 2004/05 and to \$36,184 (indexed) from 2005/06 onwards. This is a significant equity measure, consistent with the income-contingent nature of the scheme, and will benefit many women and those in lower-paying or part-time employment. In addition, as mentioned in (3) above, more than \$327 million will be spent over the next five years on two new scholarship programmes that will commence from 2004 to assist rural, regional and Indigenous students from low socio-economic backgrounds with education and accommodation costs associated with higher education. Importantly, the Commonwealth Learning Scholarships will not be subject to the social security income test. An additional \$49 million will be provided over five

years to enhance the Indigenous Support Fund, Higher Education Equity programme and Students with Disabilities Programme from 2005.

- (8) The subsidy provided to students studying at higher education institutions is on average less than \$1.20 per month per student. The additional programs introduced by the Government (as described above) will provide better financial outcomes for all students.
- (9) It is anticipated that funds allocated to the textbook subsidy scheme will be fully spent in respect of 2003/04. In previous years unspent have been directed to the Grants to School Libraries programme.
- (10) This scheme is not within my portfolio responsibilities.
- (11) This programme is not within my portfolio responsibilities.

Immigration: Asylum Seekers
(Question No. 2660)

Senator Brown asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 3 March 2004:

In relation to asylum seekers who have been placed in detention centres within the past three years:

- (1) (a) How many families have claimed to have originally come from Afghanistan; (b) how many of these claims have been accepted by Australian immigration authorities and how many have been rejected; and (c) in how many cases were the asylum seekers deemed to have come from Pakistan.
- (2) (a) How many families have claimed to be of one of the following ethnic backgrounds: (i) Pashtun, (ii) Tajik, and (iii) Hazara; (b) How many of these claims have been accepted by Australian immigration authorities and how many have been rejected; and (c) of those claims accepted, in how many cases have the families been forced to return to their country of origin.
- (3) What criteria, if any, have been applied to ensure that it was safe for these families to return.

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

- (1) (a) In relation to the 3 year period specified in the question, Departmental records as at 31 March 2004 show that between 1 March 2001 and 29 February 2004, 1,411 persons who claimed to have originally come from Afghanistan were detained in immigration facilities. These 1,411 persons, comprised 1,126 individual applicants and 76 family units covering a further 285 persons.
 - (b) Of this cohort of 1,411 persons who claimed to be Afghan nationals, 1,311 persons were found to be owed protection and were granted visas and 100 persons were refused visas. These figures include 74 family groups comprising 279 individuals who were granted visas and 2 family groups comprising 6 individuals who were refused visas. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) systems do not enable information on the specific reasons for protection visa refusal decisions to be extracted and reported.
 - (c) DIMIA systems do not enable information on the specific reasons for protection visa decisions to be extracted and reported. As at 17 February 2004, 27 Temporary Protection Visas have been cancelled in cases where it is believed that persons who had received them were Pakistani nationals rather than Afghan nationals. This relates to all Afghans granted a temporary protection visa and not just the cohort of 1,411.
- (2) (a) DIMIA system records indicate the following broad ethnic composition of the 1,411 Afghan asylum seekers:

Pashtun	5%
Tajik	14%
Hazara	79%
Other	2%

- (b) DIMIA systems do not enable information on specific reasons for protection visa decisions to be extracted and reported.
- (c) As at 5 April 2004, no Afghan nationals have been involuntarily returned to their country of origin from Australia.
- (3) Not applicable as no Afghan families have been involuntarily returned to their country of origin.

Hindmarsh Electorate: Bulk-Billing

(Question No. 2667)

Senator Bolkus asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 March 2004:

- (1) What percentage of total unreferred general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Hindmarsh during the quarter ending 31 December 2003.
- (2) How many unreferred GP attendances were bulk billed in the Federal Electoral Division of Hindmarsh during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Division of Hindmarsh during the quarter ending 31 December 2003.
- (4) How many unreferred GP attendances were there in the Federal Electoral Division of Hindmarsh during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the electoral division of Hindmarsh in 2003 was 62.5%.
- (2) The number of total unreferred GP attendances bulk billed for the electoral division of Hindmarsh in 2003 was 401,911.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the electoral division of Hindmarsh in 2003 was \$10.79.
- (4) The number of unreferred GP attendances for the electoral division of Hindmarsh in 2003 was 643,449.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a

concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Barker Electorate: Bulk-Billing
(Question No. 2668)

Senator Bolkus asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 March 2004:

- (1) What percentage of total unreferred general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Barker during the quarter ending 31 December 2003.
- (2) How many unreferred GP attendances were bulk billed in the Federal Electoral Division of Barker during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Division of Barker during the quarter ending 31 December 2003.
- (4) How many unreferred GP attendances were there in the Federal Electoral Division of Barker during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the electoral division of Barker in 2003 was 39.9%.
- (2) The number of total unreferred GP attendances bulk billed for the electoral division of Barker in 2003 was 225,418.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the electoral division of Barker in 2003 was \$10.88.
- (4) The number of unreferred GP attendances for the electoral division of Barker in 2003 was 564,866.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

**Adelaide and Boothby Electorates: Bulk-Billing
(Question No. 2669)**

Senator Wong asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances was bulk billed in the Federal Electoral Divisions of Adelaide and Boothby during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Divisions of Adelaide and Boothby during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Divisions of Adelaide and Boothby during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Divisions of Adelaide and Boothby during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the Federal Electoral Divisions of (a) Adelaide in 2003 was 60.8% and (b) Boothby in 2003 was 52.1%.
- (2) The number of total unreferral GP attendances bulk billed for the Federal Electoral Divisions of (a) Adelaide in 2003 was 363,774 and (b) Boothby in 2003 was 319,983.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the Federal Electoral Divisions of (a) Adelaide in 2003 was \$11.84 and (b) Boothby in 2003 was \$11.47.
- (4) The number of unreferral GP attendances for the Federal Electoral Divisions of (a) Adelaide in 2003 was 598,489 and (b) Boothby in 2003 was 613,741.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Solomon Electorate: Bulk-Billing
(Question No. 2672)

Senator Crossin asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 March 2004:

- (1) What percentage of total unreferred general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Solomon during the quarter ending 31 December 2003.
- (2) How many unreferred GP attendances were bulk billed in the Federal Electoral Division of Solomon during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Division of Solomon during the quarter ending 31 December 2003.
- (4) How many unreferred GP attendances were there in the Federal Electoral Division of Solomon during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the electoral division of Solomon in 2003 was 55.7%.
- (2) The number of total unreferred GP attendances bulk billed for the electoral division of Solomon in 2003 was 149,850.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the electoral division of Solomon in 2003 was \$20.99.
- (4) The number of unreferred GP attendances for the electoral division of Solomon in 2003 was 269,017.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Australian Public Service**(Question No. 2686)**

Senator Harris asked the Minister representing the Attorney-General, upon notice, on 9 March 2004:

- (1) When the Administrative Arrangements Act 1987 was amended by Schedule 1, item 48 of the Public Employment (Consequential and Transitional) Amendment Act 1999, what were the words removed after the words 'include, references', which were replaced by the words 'to an SES employee, or acting SES employee, in the Department who is specified in the notice'.
- (2) At any time before sections 10 and 11 of the Child Support (Registration and Collection) Act 1987 were amended by Schedule 5 of the Child Support Legislation Amendment Act 2001, did section 19 of the Administrative Arrangements Act 1987 provide that, through publication of a written notice published in the Gazette, or otherwise:
 - (a) references to the Commissioner of Taxation in a relevant instrument are to be, or are to include, references to the Child Support Registrar; and/or
 - (b) references to the Child Support Registrar in a relevant instrument are to be, or are to include, references to the Commissioner of Taxation.

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

- (1) The Australian Public Service Commission, which is the agency responsible for the Public Employment (Consequential and Transitional) Amendment Act 1999, has advised that, prior to amendment, section 19 (1) of the Act read:

"The Secretary of a Department may, by written notice published in the Gazette, declare that references to the Secretary in a relevant instrument are to be, or are to include, references to:

 - (a) an unattached Secretary; or
 - (b) a Senior Executive Service Officer in the Department who is specified in the notice."
- (2) As the question relates to the administration of the Australian Taxation Office, the Minister for Revenue and Assistant Treasurer sought the advice of the Commissioner of Taxation on the provisions of section 19 of the Act. The Commissioner has provided the following advice:
 - (a) No.
 - (b) No.

Agriculture, Fisheries and Forestry: Staff**(Question No. 2696)**

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 11 March 2004:

- (1) For each financial year since 1996-97 and for the 2003-04 financial year to date: (a) how many senior executive service (SES) officers were employed in the department; (b) what were the base and top wages (including performance pay) of Australian Public Service officer levels 1, 2, 3, 4, 5 and 6 or equivalent employed in the department; (c) how many staff had mobile phones issued by the department; (d) what was the cost to the department of mobile phones issued to departmental officers; and (e)(i) how many SES officers were issued with motor vehicles, (ii) what was the cost of these vehicles, and (iii) what was the cost of fuel and other operating expenses for these vehicles.
- (2) For each financial year since 2000-01 and for the 2003-04 to date, how many management retreats or training programs attended by departmental officers were conducted by the department.

- (3) How many of these management retreats or training programs were held off site.
- (4) In each case of an off-site management retreat or training program: (a) where was the event held; (b) what was the cost of accommodation; (c) what was the cost of food; (d) what was the cost of alcohol; and (e) what was the cost of transport.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

The Department of Agriculture, Fisheries and Forestry was established following the issuing of revised Administrative Arrangement Orders on 21 October 1998, as such the information requested can only be provided from the 1998-99 financial year.

- (1) (a) The following number of SES were employed in the Department from 1998-99 to 2003-04 year-to-date (YTD) (29 February 2004)

1998-99	1999-00	2000-01	2001-02	2002-03	2003-04 (YTD)
76	72	65	63	65	67

- (b) The following sets out base and top wages (including performance pay) of Australian Public Service officer levels 1, 2, 3, 4, 5 and 6 or equivalent employed in the Department.

The Department operates under an "Agency Specific Classification Structure" that consists of four classifications – DPIE Band 1, DPIE Band 2, DPIE Band 3 and DPIE Band 4. DPIE Band 1 is categorised under Group 4 of the Australian Public Service Classification Groups as being the equivalent of the APS level 4 Classification. DPIE Band 2 is categorised under Group 6 of the Australian Public Service Classification Groups as being the equivalent of the APS Level 6 Classification.

DPIE Band 1 subsumed the APS Levels 1 – 4 salary ranges.

Classification	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
APS Meat Inspector 1	Min	Min	Min	Min	Min	Min
	\$34500	\$35535	\$36601	\$37699	\$39772	\$39772
	Max	Max	Max	Max	Max	Max
	\$42000	\$43260	\$44558	\$45895	\$48419	\$48419
APS Meat Inspector 2	Min	Min	Min	Min	Min	Min
	\$45000	\$46350	\$47741	\$49173	\$51878	\$51878
	Max	Max	Max	Max	Max	Max
	N/A	N/A	N/A	N/A	N/A	N/A
APS Meat Inspector 3	Min	Min	Min	Min	Min	Min
	\$48200	\$49649	\$51135	\$52669	\$55566	\$55566
	Max	Max	Max	Max	Max	Max
	N/A	N/A	N/A	N/A	N/A	N/A
APS Meat Inspector 4	Min	Min	Min	Min	Min	Min
	\$50000	\$51500	\$53045	\$54636	\$57641	\$57641
	Max	Max	Max	Max	Max	Max
	N/A	N/A	N/A	N/A	N/A	N/A

DPIE Band 2 subsumed the APS Levels 5 – 6 salary ranges.

For 1998-99 to 2003-04 YTD (29 February 2004), the minimum and maximum salaries of DPIE Bands 1 and 2 are:

	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
Classification						
DPIE Band 1	Min	Min	Min	Min	Min	Min
	\$25732	\$26246	\$27033	\$27844	\$28958	\$30712
	Max	Max	Max	Max	Max	Max
	\$43087	\$43949	\$45267	\$46625	\$48490	\$51426
DPIE Band 2	Min	Min	Min	Min	Min	Min
	\$40155	\$40959	\$42188	\$43454	\$45192	\$47929
	Max	Max	Max	Max	Max	Max
	\$64662	\$65955	\$67934	\$69972	\$72771	\$77178

For Australian Public Service Meat Inspectors:

(c) The following number of departmental staff had mobile phones issued by the Department:

In 2003-04 (YTD), 1070 mobile phones were issued by the Department. Data is not available for previous years.

(d) The following sets out the cost to the Department of mobile phones issued to departmental officers. Expenditure includes handset purchases/rentals, call charges and accessories.

1998-99	1999-00	2000-01	2001-02	2002-03	2003-04 (YTD)
\$553,583.62	\$875,394	\$593,199.	\$753,623	\$813,603	\$520,759

46

(e) (i) The following number of SES were issued with motor vehicles.

The following data relating to number of motor vehicles issued, costs of issuing vehicles and costs for fuel and operating expenses is presented in Fringe Benefit Tax reporting periods, 1 April to 31 March, as this is the most accurate information available.

1998-99 (FBT year)	1999-00 (FBT year)	2000-01 (FBT year)	2001-02 (FBT year)	2002-03 (FBT year)	2003-04 (FBT year as at 31 Dec 2003)
81*	61	62	65	53	49

*1998-99 figures may include some vehicle leases prior to October 1998 following the issuing of revised Administrative Arrangement Orders where the Department of Agriculture, Fisheries and Forestry was formed.

(ii) The cost of these vehicles issued were:

1998-99 (FBT year)	1999-00 (FBT year)	2000-01 (FBT year)	2001-02 (FBT year)	2002-03 (FBT year)	2003-04 (FBT year as at 31 Dec 2003)
\$652,754	\$544,735	\$626,021*	\$595,981	\$431,925	\$307,163

*Fringe Benefit Tax report for 2000-01 provided total cost only. Lease costs have been estimated averaging % ratios from previous and after years.

(iii) The following sets out the costs of fuel and other operating expenses for these vehicles.

1998-99 (FBT year)	1999-00 (FBT year)	2000-01 (FBT year)	2001-02 (FBT year)	2002-03 (FBT year)	2003-04 (FBT year as at 31 Dec 2003)

1998-99 (FBT year)	1999-00 (FBT year)	2000-01 (FBT year)	2001-02 (FBT year)	2002-03 (FBT year)	2003-04 (FBT year as at 31 Dec 2003)
\$162,833	\$95,998	\$122,809*	\$128,340	\$131,557	\$92,233

*Fringe Benefit Tax report for 2000-01 provided total cost only. Operating costs have been estimated averaging % ratios from previous and after years.

- (2) Information is not readily available on all management retreats and training programs arranged by the Department and it would require a significant diversion of resources to provide a comprehensive response. However, details have been provided for all management retreats and training programs conducted for the whole of the Department at the corporate level.

The Department of Agriculture, Fisheries and Forestry conducted the following number of management retreats or training programs, attended by departmental staff, from 2000-01 to 2003-04 YTD (29 February 2004).

2000-01	2001-02	2002-03	2003-04 (YTD)
61	55	70	61

- (3) The following number of management retreats or training programs were held off site.

2000-01	2001-02	2002-03	2003-04 (YTD)
6	13	13	12

- (4) In each case of an off site management retreat or training program, the following costs were incurred.

Financial Year	Venue	Cost of Accommodation	Cost of Food	Cost of Alcohol ⁶	Cost of Transport ⁵
2000-01	Berida Manor Resort	\$12,205.9 ¹			Nil
	Rydges Eagle Hawk Resort	\$3,612	\$5,973.75 ²	\$639.55	Nil
	Bateman's Bay – Country Comfort Motel	\$6,720 ³		Nil	Included in total amount
	Jindabyne - Horizons Resort			Nil	Included in total amount
	Jindabyne – Horizons Resort	\$57,000 ³		Nil	Included in total amount
	Jindabyne – Horizons Resort			Nil	Included in total amount
2001-02	Kamberra Wine Complex	Nil	\$1,468 ²	\$470	Nil
	Bateman's Bay – Country Comfort Motel			Nil	Included in total amount
	Bateman's Bay – Country Comfort Motel	\$16,800 ³		Nil	Included in total amount
	Bateman's Bay – Country Comfort Motel			Nil	Included in total amount
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,300	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,300	Nil	Nil

Financial Year	Venue	Cost of Accommodation	Cost of Food	Cost of Alcohol ⁶	Cost of Transport ⁵
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,520	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,520	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,520	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,520	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,520	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,300	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$1,980	Nil	Nil
2002-03	Rydges Capital Hill	Nil	\$4,394.25 ²	\$630	Nil
	Grand Mercure, Bowral	\$15,684 ⁴		\$1,890	Nil
	Jindabyne – Horizons Resort	\$17,000 ³		Nil	Included in total amount
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$2,640	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$1,320	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$660	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$1,320	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,300	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,520	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$660	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$2,640	Nil	Nil

Financial Year	Venue	Cost of Accommodation	Cost of Food	Cost of Alcohol ⁶	Cost of Transport ⁵
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$660	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$3,520	Nil	Nil
2003-04 YTD	Federal Golf Course	Nil	\$1,395	Nil	Nil
	Federal Golf Course	Nil	\$1,563.50	\$57.90	Nil
	Old Parliament House Lobby Restaurant	Nil	\$2,971	\$222.50	Nil
		Nil	\$3,584	\$1,074.50	
	Grand Mercure, Bowral			Nil	Included in total amount
	Grand Mercure, Bowral			Nil	Included in total amount
	Grand Mercure, Bowral	\$53,620 ³		Nil	Included in total amount
	Grand Mercure, Bowral			Nil	Included in total amount
	Grand Mercure, Bowral			Nil	Included in total amount
	Thredbo – Alpine Village Hotel	\$18,200 ³		Nil	Included in total amount
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$2,640	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$1,320	Nil	Nil
	Excelerated Consulting – Manuka	Nil	Total cost of the course including food was \$1,980	Nil	Nil

Note:

- ¹ Total amount is inclusive of accommodation, food and alcohol. This was a set conference package and cannot be separated.
- ² Total amount is inclusive of venue hire and food. This is a set conference package and cannot be separated.
- ³ Total amount is inclusive of accommodation, food and transport. This was a set conference package and cannot be separated.
- ⁴ Total amount is inclusive of accommodation and food. This was a set conference package and cannot be separated.
- ⁵ Where there is “Nil” participants have arranged their own transport (ie. private car, SES vehicle, cab charge etc.)
- ⁶ Some amounts may also include soft drink and orange juice. This was a set package and cannot be separated.

All amounts are inclusive of GST.

Agriculture, Fisheries and Forestry: Staff Travel
(Question No. 2697)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 11 March 2004:

For each financial year since 1996-97 and for the 2003-04 financial year to date:

- (1) (a) How many overseas trips were taken by departmental officers, and (b) for each trip: (i) what was the cost, (ii) what was the cost of accommodation, allowances and airfares, and (iii) what was the destination.
- (2) How many domestic trips were taken by departmental officers.
- (3) What was the cost of domestic travel undertaken by officers of the department.
- (4) (a) How many overseas trips were taken by ministerial staff; and (b) for each trip: (i) what was the cost, (ii) was the cost of accommodation, allowances and airfares, and (iii) what was the destination.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

The Australian Government Department of Agriculture, Fisheries and Forestry (the Department) was established following the issuing of revised Administrative Arrangements Orders on 21 October 1998. The Department implemented a new financial management information system in 1999 and a new overseas travel system in 1999/2000.

Information provided is the most accurate available from data extracted from the Department's financial and travel systems and its travel management suppliers' reports. Some of the information requested is not available and some would require extensive research through large numbers of files which would entail a significant diversion of departmental resources.

(1) (a)

Financial Year	Number of Overseas Trips
1999/00	203*
2000/01	529
2001/02	470
2002/03	464
2003/04 (to 29 February 04)	312

* incomplete data - overseas travel system piloted during 99/00 financial year.

Note: In particular circumstances departmental officers undertake trips where the cost is borne by industry organisations or other government bodies. Similarly the Department may arrange travel for state government or other non-departmental officers working on behalf of the Department. As the data for each of these circumstances cannot be separated within the reporting system, the above figures include some overseas trips of non-departmental officers arranged by the Department.

(b) (i) The cost of each trip cannot be provided as individual airfare costs and some accommodation charges are not available from the Department's systems' reports.

(b) (ii) and (iii) Details of accommodation and allowances have been provided to the extent available from the Department's travel system reports. Only total financial year costs are available for airfares.

1999-2000 See Appendix A (information available for 203 trips).

2000-2001 See Appendix B.

2001-2002 See Appendix C.

2002-2003 See Appendix D.

2003-2004 See Appendix E.

(2)

Financial year	Number of domestic trips*
1999/2000	5817
2000/2001	6545
2001/2002	5412
2002/2003	6300
2003/2004 (to 29 February 2004)	4363

*Numbers have been estimated from flight data contained in reports received from the Department's travel management providers. These reports do not contain comprehensive per trip numbers. (eg Travel management reports for 2002/03 and 2003/04 provide flight sector data. Trips for these years have been estimated using a ratio of three sectors for one trip.)

(3)

Financial year	Cost of domestic air travel
1999/2000	\$8,035,363
2000/2001	\$9,034,019
2001/2002	\$9,352,855
2002/2003	\$9,807,941
2003/2004 (to 29 February 2004)	\$7,241,649

- (4) The Department of Agriculture, Fisheries and Forestry does not hold records on Ministerial Staff travel as it is funded by the Ministerial and Parliamentary Services (M&PS) Division of the Department of Finance and Administration.

Appendix A - 1999-2000

1 (b) (ii) Costs of accommodation, allowances and airfares and (iii) Destination

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$2,371,000	
03/07/1999	\$0.00	\$2,013.18		
06/07/1999	\$369.57	\$693.60		USA
18/07/1999	\$291.34	\$2,176.56		
18/07/1999	\$230.29	\$377.77		
19/07/1999	\$0.00	\$0.00		JAPAN
19/07/1999	\$266.86	\$196.92		NEW ZEALAND
23/07/1999	\$511.97	\$665.30		SINGAPORE - CHINA
24/07/1999	\$648.92	\$2,611.03		SINGAPORE - MALAYSIA - THAILAND
26/07/1999	\$500.96	\$494.52		NEW ZEALAND
28/07/1999	\$0.00	\$681.76		USA
28/07/1999	\$0.00	\$657.36		USA
29/07/1999	\$207.46	\$259.18		
31/07/1999	\$1,454.44	\$1,252.58		USA - CANADA
31/07/1999	\$0.00	\$915.62		USA - CANADA
01/08/1999	\$0.00	\$682.44		THAILAND
01/08/1999	\$0.00	\$483.70		THAILAND
02/08/1999	\$1,150.73	\$1,041.75		
11/08/1999	\$3,247.82	\$3,433.66		JAPAN
12/08/1999	\$0.00	\$249.77		
15/08/1999	\$0.00	\$1,084.42		THAILAND - MALAYSIA
17/08/1999	\$1,940.24	\$1,530.59		USA

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,371,000	Destination**
17/08/1999	\$1,985.64	\$2,806.90		JAPAN - KOREA
17/08/1999	\$1,862.82	\$1,503.64		USA
17/08/1999	\$0.00	\$1,399.27		SINGAPORE
19/08/1999	\$1,534.23	\$4,255.23		JAPAN
22/08/1999	\$2,479.97	\$2,106.67		USA - JAPAN
22/08/1999	\$0.00	\$433.65		NEW ZEALAND
22/08/1999	\$556.02	\$452.23		NEW ZEALAND
22/08/1999	\$2,487.02	\$2,252.92		USA
22/08/1999	\$0.00	\$525.48		NEW ZEALAND
26/08/1999	\$4,304.57	\$4,340.28		CANADA -USA - JAPAN -CHINA
26/08/1999	\$3,432.04	\$2,311.94		CANADA - USA
29/08/1999	\$253.30	\$699.89		USA
30/08/1999	\$354.81	\$17,346.74		THAILAND - PHILIPPINES
03/09/1999	\$0.00	\$2,098.88		UK - THAILAND - CHINA
05/09/1999	\$0.00	\$3,192.80		USA - CANADA
05/09/1999	\$0.00	\$0.00		GERMANY
05/09/1999	\$0.00	\$0.00		FIJI
06/09/1999	\$0.00	\$1,038.84		SWITZERLAND - BELGIUM - UK
10/09/1999	\$1,174.79	\$2,157.96		JAPAN - CHINA
10/09/1999	\$0.00	\$1,538.05		FRANCE
11/09/1999	\$2,278.92	\$2,037.72		CANADA -USA
11/09/1999	\$2,268.13	\$2,103.40		CANADA -USA
13/09/1999	\$0.00	\$1,614.08		USA
13/09/1999	\$0.00	\$812.59		
13/09/1999	\$0.00	\$174.57		GREECE - THAILAND
15/09/1999	\$318.58	\$408.25		NETHERLANDS - BELGIUM - LUXEMBOURG
20/09/1999	\$0.00	\$68.18		PAPUA NEW GUINEA
20/09/1999	\$0.00	\$365.62		NEW ZEALAND
26/09/1999	\$471.65	\$557.29		FIJI
27/09/1999	\$0.00	\$157.06		NEW ZEALAND
27/09/1999	\$0.00	\$141.47		NEW ZEALAND
28/09/1999	\$0.00	\$1,599.31		ITALY
28/09/1999	\$0.00	\$1,402.45		ITALY
29/09/1999	\$0.00	\$1,581.69		USA - CANADA
04/10/1999	\$0.00	\$1,918.22		SINGAPORE
04/10/1999	\$0.00	\$1,884.90		SINGAPORE
08/10/1999	\$17,234.31	\$16,318.70		ITALY - UK
09/10/1999	\$396.68	\$1,351.01		SOUTH AFRICA
10/10/1999	\$0.00	\$1,008.63		THAILAND
10/10/1999	\$0.00	\$3,138.96		USA
11/10/1999	\$1,907.06	\$1,915.52		USA
18/10/1999	\$1,215.57	\$1,438.26		SINGAPORE - MALAYSIA - PHILIPPINES - CHINA
24/10/1999	\$0.00	\$312.05		NEW ZEALAND - VANUATU
25/10/1999	\$0.00	\$740.09		FRANCE
30/10/1999	\$1,258.73	\$1,069.47		CHINA
31/10/1999	\$437.60	\$649.41		NEW ZEALAND
31/10/1999	\$437.60	\$609.43		NEW ZEALAND
02/11/1999	\$359.93	\$284.26		PAPUA NEW GUINEA

Tuesday, 15 June 2004

SENATE

23717

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,371,000	Destination**
06/11/1999	\$0.00	\$1,541.65		BELGIUM - FRANCE - ITALY - SWITZERLAND- UK
06/11/1999	\$835.90	\$934.96		USA
07/11/1999	\$2,423.23	\$2,704.29		ITALY - FRANCE - NETHERLANDS
07/11/1999	\$2,947.99	\$2,712.80		ITALY - FRANCE - NETHERLANDS
07/11/1999	\$0.00	\$767.69		SWITZERLAND
11/11/1999	\$0.00	\$157.80		
12/11/1999	\$137.81	\$1,089.36		
14/11/1999	\$1,220.42	\$1,199.14		JAPAN
14/11/1999	\$0.00	\$1,587.58		JAPAN
19/11/1999	\$491.66	\$963.77		THAILAND
20/11/1999	\$825.90	\$1,087.44		PHILIPPINES - THAILAND
21/11/1999	\$0.00	\$716.42		
21/11/1999	\$0.00	\$691.40		
21/11/1999	\$0.00	\$460.66		THAILAND
22/11/1999	\$0.00	\$1,331.31		Taiwan, CHINA- SOUTH KOREA - JAPAN
22/11/1999	\$705.30	\$369.91		NEW ZEALAND
22/11/1999	\$705.30	\$265.21		NEW ZEALAND
22/11/1999	\$535.14	\$191.92		NEW ZEALAND
30/11/1999	\$159.00	\$1,409.74		SWITZERLAND
04/12/1999	\$0.00	\$290.13		CHINA
05/12/1999	\$0.00	\$2,170.33		SWITZERLAND - DENMARK - NORWAY
05/12/1999	\$0.00	\$1,786.40		SWITZERLAND - DENMARK
15/12/1999	\$0.00	\$0.00		
15/12/1999	\$0.00	\$0.00		
15/12/1999	\$0.00	\$0.00		
17/12/1999	\$597.00	\$854.99		GUAM - PALAU
18/12/1999	\$0.00	\$68.10		
21/12/1999	\$0.00	\$68.59		
29/12/1999	\$0.00	\$68.77		
29/12/1999	\$0.00	\$68.77		
03/01/2000	\$0.00	\$66.54		
05/01/2000	\$801.05	\$1,463.62		Vessel "Mawash Tobuk" to SAUDI ARABIA - Jeddah, SAUDI ARABIA - SINGAPORE
08/01/2000	\$119.00	\$1,223.51		THAILAND
09/01/2000	\$0.00	\$1,199.85		THAILAND
09/01/2000	\$0.00	\$66.20		
09/01/2000	\$0.00	\$66.20		
09/01/2000	\$0.00	\$49.65		
11/01/2000	\$0.00	\$66.02		
14/01/2000	\$0.00	\$81.25		
14/01/2000	\$0.00	\$81.25		
14/01/2000	\$0.00	\$81.25		
18/01/2000	\$0.00	\$48.67		
19/01/2000	\$331.78	\$272.33		NEW ZEALAND
20/01/2000	\$159.00	\$1,229.38		CANADA - USA
21/01/2000	\$0.00	\$116.83		
21/01/2000	\$0.00	\$1,176.71		FRANCE
22/01/2000	\$0.00	\$962.00		FRANCE - BELGIUM
22/01/2000	\$0.00	\$984.36		CANADA
24/01/2000	\$0.00	\$48.06		

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$2,371,000	
24/01/2000	\$0.00	\$48.06		
28/01/2000	\$0.00	\$112.68		
28/01/2000	\$0.00	\$64.39		
28/01/2000	\$0.00	\$112.68		
28/01/2000	\$0.00	\$257.56		
30/01/2000	\$0.00	\$49.49		
03/02/2000	\$0.00	\$47.81		
04/02/2000	\$1,908.76	\$3,425.17		UK -USA - CANADA
05/02/2000	\$934.47	\$900.64		FRANCE
05/02/2000	\$0.00	\$910.21		FRANCE
07/02/2000	\$0.00	\$81.09		
08/02/2000	\$0.00	\$431.00		BELGIUM
10/02/2000	\$505.65	\$594.67		NEW ZEALAND
11/02/2000	\$0.00	\$1,138.65		UNITED KINGDOM
12/02/2000	\$575.00	\$1,317.81		Vessel to SAUDI ARABIA - SAUDI ARABIA
14/02/2000	\$0.00	\$67.64		
14/02/2000	\$0.00	\$101.47		
17/02/2000	\$0.00	\$200.08		
18/02/2000	\$438.04	\$803.54		THAILAND
18/02/2000	\$3,302.63	\$4,001.16		USA
21/02/2000	\$0.00	\$116.83		
22/02/2000	\$208.47	\$1,593.77		SAUDI ARABIA - JORDAN - UAE - EGYPT - BAHRAIN - KUWAIT
24/02/2000	\$0.00	\$135.50		
24/02/2000	\$0.00	\$101.63		
26/02/2000	\$507.97	\$627.93		NEW ZEALAND
28/02/2000	\$0.00	\$68.50		
28/02/2000	\$0.00	\$92.18		PAPUA NEW GUINEA
28/02/2000	\$0.00	\$68.50		
01/03/2000	\$283.15	\$172.86		NEW ZEALAND
01/03/2000	\$283.15	\$253.05		NEW ZEALAND
02/03/2000	\$0.00	\$2,511.74		UK - CHINA
04/03/2000	\$2,678.57	\$1,510.81		UNITED KINGDOM
04/03/2000	\$0.00	\$1,298.46		THAILAND
05/03/2000	\$0.00	\$868.13		SINGAPORE
05/03/2000	\$331.22	\$527.84		THAILAND - PHILIPPINES
06/03/2000	\$538.85	\$551.75		FINLAND - NETHERLANDS
11/03/2000	\$0.00	\$1,855.27		SWITZERLAND - CANADA
14/03/2000	\$0.00	\$347.30		CANADA
14/03/2000	\$0.00	\$1,284.53		CANADA - USA
20/03/2000	\$770.26	\$568.62		PAPUA NEW GUINEA
20/03/2000	\$707.19	\$528.67		PAPUA NEW GUINEA
23/03/2000	\$757.70	\$2,334.73		UK - NETHERLANDS - DENMARK -USA
24/03/2000	\$0.00	\$1,542.04		USA
01/04/2000	\$536.89	\$2,556.42		UK - FRANCE - BELGIUM - GERMANY - ITALY
09/04/2000	\$0.00	\$883.35		SINGAPORE
09/04/2000	\$0.00	\$820.59		ITALY
12/04/2000	\$0.00	\$122.61		
12/04/2000	\$0.00	\$273.63		

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,371,000	Destination**
13/04/2000	\$1,640.26	\$4,149.37		DENMARK - SWEDEN - FRANCE - SWITZERLAND - CANADA
16/04/2000	\$229.06	\$346.66		
17/04/2000	\$867.26	\$881.28		Taiwan, CHINA
27/04/2000	\$1,707.50	\$1,468.29		NETHERLANDS
27/04/2000	\$987.83	\$1,588.24		NETHERLANDS - SWEDEN
07/05/2000	\$2,394.46	\$1,722.24		PAPUA NEW GUINEA
07/05/2000	\$0.00	\$777.33		MALAYSIA
07/05/2000	\$2,524.46	\$1,795.85		PAPUA NEW GUINEA
07/05/2000	\$2,510.38	\$1,384.82		PAPUA NEW GUINEA
07/05/2000	\$2,629.93	\$1,286.95		PAPUA NEW GUINEA
08/05/2000	\$0.00	\$734.89		VANUATU
14/05/2000	\$65.00	\$979.34		PAPUA NEW GUINEA
14/05/2000	\$706.93	\$1,025.94		PAPUA NEW GUINEA
16/05/2000	\$686.82	\$681.64		USA
19/05/2000	\$0.00	\$1,200.50		FRANCE
20/05/2000	\$598.43	\$1,466.77		Vessel, "Al Sades" - Jeddah SAUDI ARABIA
22/05/2000	\$248.03	\$612.72		MALAYSIA
23/05/2000	\$0.00	\$126.38		PHILIPPINES
31/05/2000	\$272.63	\$205.21		NEW ZEALAND
31/05/2000	\$149.63	\$149.71		NEW ZEALAND
01/06/2000	\$1,186.79	\$1,714.88		ARGENTINA
02/06/2000	\$0.00	\$1,105.83		CANADA
03/06/2000	\$1,618.47	\$1,803.38		NORWAY
05/06/2000	\$1,714.02	\$2,439.84		SINGAPORE - THAILAND - MALAYSIA
05/06/2000	\$1,714.02	\$1,469.90		SINGAPORE - THAILAND - MALAYSIA
11/06/2000	\$0.00	\$1,227.85		USA
16/06/2000	\$816.26	\$837.70		CANADA
17/06/2000	\$0.00	\$1,797.67		SWITZERLAND - EGYPT - THAILAND
19/06/2000	\$941.00	\$702.21		
20/06/2000	\$1,013.60	\$414.46		SINGAPORE
22/06/2000	\$6,540.68	\$3,786.74		USA - UNITED KINGDOM - SINGAPORE
23/06/2000	\$579.10	\$420.69		
26/06/2000	\$0.00	\$386.42		SINGAPORE
27/06/2000	\$388.91	\$251.53		PAPUA NEW GUINEA

** For some trips the Destination was not recorded in the travel system

Appendix B - 2000-2001

1 (b)(ii) Costs of accommodation, allowances and airfares and (iii) Destination

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
01/07/2000	\$637.07	\$382.91		
02/07/2000	\$685.43	\$580.88		
03/07/2000	\$0.00	\$201.38		
07/07/2000	\$2,085.39	\$2,105.63		USA
08/07/2000	\$0.00	\$1,481.04		ARGENTINA - USA - CANADA
09/07/2000	\$130.00	\$1,000.00		JORDAN - IRAQ
12/07/2000	\$0.00	\$1,326.72		
12/07/2000	\$238.56	\$1,319.78		
12/07/2000	\$866.19	\$2,199.56		

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
12/07/2000	\$1,475.74	\$1,355.37		PAPUA NEW GUINEA
12/07/2000	\$150.51	\$1,350.78		
13/07/2000	\$123.00	\$113.81		
14/07/2000	\$0.00	\$1,694.58		USA - KOREA - JAPAN
15/07/2000	\$0.00	\$1,073.13		USA
15/07/2000	\$632.50	\$1,360.20		Vessel "Al Sades" - SAUDI ARABIA
21/07/2000	\$12,482.31	\$14,240.40		USA - CANADA - UK- FRANCE - BELGIUM - CHINA
22/07/2000	\$908.14	\$6,825.30		SINGAPORE - UK - ARGENTINA - USA
22/07/2000	\$1,483.16	\$1,765.28		SWITZERLAND
23/07/2000	\$197.22	\$491.91		MALAYSIA
24/07/2000	\$0.00	\$425.19		NEW ZEALAND
27/07/2000	\$853.23	\$968.10		GUAM - PALAU
27/07/2000	\$1,060.43	\$29.22		CANADA
31/07/2000	\$2,043.22	\$5,291.12		GERMANY - UK
31/07/2000	\$2,436.34	\$2,501.39		USA
02/08/2000	\$0.00	\$116.94		NEW ZEALAND
02/08/2000	\$0.00	\$147.18		NEW ZEALAND
02/08/2000	\$175.79	\$157.04		NEW ZEALAND
02/08/2000	\$175.79	\$174.61		NEW ZEALAND
04/08/2000	\$1,163.49	\$772.61		UNITED KINGDOM
06/08/2000	\$679.38	\$781.67		USA
10/08/2000	\$0.00	\$996.90		SINGAPORE - MALAYSIA
13/08/2000	\$609.00	\$407.13		NEW ZEALAND
13/08/2000	\$0.00	\$397.85		NEW ZEALAND
13/08/2000	\$0.00	\$271.80		MALAYSIA
14/08/2000	\$367.08	\$259.88		NEW ZEALAND
16/08/2000	\$501.81	\$235.21		GERMANY
17/08/2000	\$0.00	\$26.90		PAPUA NEW GUINEA
19/08/2000	\$0.00	\$998.89		CANADA
19/08/2000	\$1,870.18	\$1,268.33		ARGENTINA
19/08/2000	\$0.00	\$1,514.45		CANADA - USA
20/08/2000	\$1,561.13	\$949.87		CANADA
21/08/2000	\$253.00	\$626.51		UNITED KINGDOM
22/08/2000	\$378.38	\$280.78		PAPUA NEW GUINEA
23/08/2000	\$1,362.12	\$2,707.09		UAE - SINGAPORE
23/08/2000	\$0.00	\$138.31		PAPUA NEW GUINEA
24/08/2000	\$0.00	\$1,415.95		USA- PANAMA -CANADA
26/08/2000	\$1,758.14	\$1,866.14		USA Hawaii
26/08/2000	\$1,712.05	\$3,769.77		UK - DENMARK - THAILAND
27/08/2000	\$0.00	\$1,173.13		USA
31/08/2000	\$269.39	\$223.86		GERMANY
01/09/2000	\$3,225.72	\$2,286.92		FRANCE
01/09/2000	\$3,045.32	\$2,219.96		FRANCE
04/09/2000	\$1,973.70	\$2,057.03		CANADA - SWITZERLAND - THAILAND
06/09/2000	\$329.23	\$1,680.56		Vessel Al Messrah, JORDAN - UAE - SINGAPORE
07/09/2000	\$852.39	-\$3.98		SOUTH AFRICA
09/09/2000	\$350.92	\$997.88		
09/09/2000	\$0.00	\$1,509.61		JAPAN
12/09/2000	\$0.00	\$1,059.08		JAPAN

Tuesday, 15 June 2004

SENATE

23721

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
13/09/2000	\$1,325.46	\$959.65		GERMANY - NETHERLANDS
17/09/2000	\$0.00	\$2,579.45		SINGAPORE
17/09/2000	\$202.00	\$435.88		
17/09/2000	\$0.00	\$2,001.66		SINGAPORE
18/09/2000	\$783.59	\$568.46		SINGAPORE
22/09/2000	\$1,524.53	\$1,606.25		FRANCE - SWITZERLAND
22/09/2000	\$0.00	\$1,184.74		FRANCE
24/09/2000	\$1,804.54	\$1,802.18		ITALY
28/09/2000	\$4,457.68	\$2,061.23		UNITED KINGDOM
28/09/2000	\$0.00	\$27.62		PAPUA NEW GUINEA
29/09/2000	\$2,134.36	\$2,821.15		ITALY - BELGIUM - UK - SINGAPORE
30/09/2000	\$1,167.53	\$1,625.00		JAPAN - USA
30/09/2000	\$0.00	\$1,467.83		THAILAND - CHINA
30/09/2000	\$0.00	\$1,410.75		CHINA
01/10/2000	\$347.08	\$605.56		
01/10/2000	\$445.84	\$630.57		
01/10/2000	\$202.00	\$711.32		
02/10/2000	\$271.09	\$277.97		SINGAPORE
02/10/2000	\$359.19	\$677.82		SOUTH AFRICA
07/10/2000	\$357.45	\$426.34		ITALY
07/10/2000	\$1,130.03	\$1,423.99		FRANCE - UK
07/10/2000	\$0.00	\$746.58		CANADA
08/10/2000	\$1,161.66	\$1,208.38		KOREA - JAPAN
11/10/2000	\$164.00	\$316.58		NEW ZEALAND
11/10/2000	\$0.00	\$330.81		NEW ZEALAND
14/10/2000	\$91.59	\$622.68		CHINA
14/10/2000	\$9,306.33	\$3,248.85		JAPAN - CHINA- SINGAPORE
14/10/2000	\$1,979.35	\$2,295.26		CHINA - CANADA
14/10/2000	\$0.00	\$1,939.72		CANADA - USA
15/10/2000	\$1,106.43	\$1,880.50		
16/10/2000	\$365.72	\$496.94		THAILAND
18/10/2000	\$644.52	\$2,858.38		USA
18/10/2000	\$3,928.98	\$1,399.91		SINGAPORE - FRANCE - GERMANY
18/10/2000	\$827.19	\$1,202.62		THAILAND - CHINA
18/10/2000	\$5,095.84	\$3,316.64		SINGAPORE - FRANCE - GERMANY - BELGIUM - SWITZERLAND - USA
19/10/2000	\$1,174.30	\$1,772.68		SWITZERLAND
20/10/2000	\$0.04	\$1,058.57		SWITZERLAND
21/10/2000	\$2,615.37	\$2,484.17		USA
22/10/2000	\$0.00	\$587.83		SOUTH AFRICA
25/10/2000	\$2,557.29	\$1,776.80		BELGIUM - SWITZERLAND - USA
25/10/2000	\$640.49	\$977.48		CHINA
25/10/2000	\$3,573.76	\$3,282.53		JAPAN
27/10/2000	\$2,086.66	\$2,086.94		SWITZERLAND - FRANCE
27/10/2000	\$2,549.58	\$2,296.75		SWITZERLAND - FRANCE
28/10/2000	\$2,313.08	\$2,143.59		JAPAN
28/10/2000	\$2,477.45	\$2,198.57		SWITZERLAND - FRANCE
30/10/2000	\$0.00	\$80.00		
31/10/2000	\$0.00	\$0.00		
03/11/2000	\$0.00	\$1,330.38		SWITZERLAND
04/11/2000	\$2,151.38	\$2,351.63		USA- CANADA

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
04/11/2000	\$341.54	\$785.07		THAILAND - BANGLADESH
05/11/2000	\$0.00	\$1,167.60		SWITZERLAND
05/11/2000	\$0.00	\$2,459.12		PHILIPPINES - NETHERLANDS - SINGAPORE
05/11/2000	\$1,513.71	\$1,316.16		SINGAPORE
05/11/2000	\$897.54	\$910.97		VANUATU
06/11/2000	\$647.64	\$1,165.71		CHINA
06/11/2000	\$253.10	\$581.11		
06/11/2000	\$1,641.01	\$145.92		CHINA
07/11/2000	\$0.00	\$2,169.75		PHILIPPINES
09/11/2000	\$1,890.57	\$1,487.18		UK - GERMANY - BELGIUM - FRANCE - NETHERLANDS
09/11/2000	\$1,728.65	\$1,781.49		SWITZERLAND - ITALY
10/11/2000	\$0.00	\$1,496.04		NETHERLANDS
11/11/2000	\$304.97	\$1,628.54		DENMARK - FRANCE - UK
12/11/2000	\$2,361.53	\$2,404.65		SWITZERLAND - ITALY
14/11/2000	\$0.00	\$77.62		
14/11/2000	\$388.17	\$536.73		
14/11/2000	\$0.00	\$1,772.89		NETHERLANDS
18/11/2000	\$0.00	\$668.35		CHINA
18/11/2000	\$0.00	\$0.00		UNITED KINGDOM
24/11/2000	\$0.00	\$1,106.03		GERMANY
24/11/2000	\$0.00	\$735.99		UK - BELGIUM
25/11/2000	\$0.00	\$967.37		UK - BELGIUM
25/11/2000	\$0.00	\$221.55		NEW ZEALAND
25/11/2000	\$0.00	\$198.32		NEW ZEALAND
25/11/2000	\$123.00	\$812.54		ITALY
25/11/2000	\$0.00	\$1,333.31		UK - BELGIUM
25/11/2000	\$0.00	\$1,045.92		GERMANY
25/11/2000	\$433.13	\$729.90		UK - BELGIUM
30/11/2000	\$955.05	\$985.42		SOUTH AFRICA
07/12/2000	\$1,337.70	\$1,751.58		
08/12/2000	\$1,274.74	\$1,295.69		FRANCE
10/12/2000	\$1,309.82	\$994.19		THAILAND
07/01/2001	\$695.56	\$1,048.41		USA
13/01/2001	\$0.00	\$1,806.73		USA
13/01/2001	\$0.00	\$1,806.73		USA
17/01/2001	\$0.00	\$267.29		
17/01/2001	\$0.00	\$994.00		
19/01/2001	\$0.00	\$1,246.99		FRANCE - BELGIUM
22/01/2001	\$0.00	\$222.44		NEW ZEALAND
22/01/2001	\$370.23	\$170.88		NEW ZEALAND
22/01/2001	\$0.00	\$170.88		NEW ZEALAND
22/01/2001	\$246.82	\$239.85		NEW ZEALAND
28/01/2001	\$0.00	\$600.32		MALAYSIA
31/01/2001	\$323.85	\$856.61		JAPAN
31/01/2001	\$323.85	\$642.91		JAPAN
02/02/2001	\$0.00	\$88.32		
03/02/2001	\$1,181.17	\$943.11		ITALY
03/02/2001	\$676.17	\$1,077.90		SWITZERLAND
03/02/2001	\$1,241.75	\$896.56		REUNION

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
04/02/2001	\$375.89	\$786.51		SOUTH AFRICA
04/02/2001	\$0.00	\$791.78		PAPUA NEW GUINEA
04/02/2001	\$0.00	\$510.36		THAILAND
07/02/2001	\$0.00	\$1,617.23		USA - CANADA
10/02/2001	\$123.00	-\$206.31		FRANCE
10/02/2001	\$0.00	\$902.51		
12/02/2001	\$132.26	\$160.01		NEW ZEALAND
12/02/2001	\$460.63	\$283.92		NEW ZEALAND
12/02/2001	\$134.26	\$147.33		NEW ZEALAND
12/02/2001	\$0.00	\$134.65		NEW ZEALAND
13/02/2001	\$118.51	\$1,403.83		GUAM - PALAU
17/02/2001	\$184.97	\$504.86		
17/02/2001	\$1,395.65	\$5,323.93		USA
17/02/2001	\$0.00	\$462.11		SINGAPORE
17/02/2001	\$2,302.86	\$2,357.05		SYRIA - EGYPT
17/02/2001	\$474.48	\$601.85		NEW ZEALAND
17/02/2001	\$514.91	\$534.46		ITALY
17/02/2001	\$4,967.72	\$5,477.81		USA
18/02/2001	\$408.73	\$691.95		NEW ZEALAND
18/02/2001	\$437.74	\$610.68		THAILAND
19/02/2001	\$1,848.96	\$1,679.47		ITALY
19/02/2001	\$193.91	\$81.44		NEW ZEALAND
19/02/2001	\$193.99	\$121.00		NEW ZEALAND
20/02/2001	\$1,033.06	\$824.77		USA
20/02/2001	\$0.00	\$628.55		USA
21/02/2001	\$1,712.91	\$1,594.59		ITALY
21/02/2001	\$0.00	\$1,662.63		THAILAND - SINGAPORE - NEW ZEALAND
23/02/2001	\$0.00	\$645.98		NEW ZEALAND
25/02/2001	\$0.00	\$572.79		NEW ZEALAND
25/02/2001	\$0.00	\$515.42		NEW ZEALAND
02/03/2001	\$735.16	\$1,994.81		USA Hawaii
02/03/2001	\$617.64	\$2,594.75		USA Hawaii
02/03/2001	\$617.64	\$2,565.34		USA Hawaii
03/03/2001	\$0.00	\$546.91		CHINA
03/03/2001	\$0.00	\$640.51		CHINA
04/03/2001	\$0.00	\$19,196.10		UNITED KINGDOM
05/03/2001	\$1,026.12	\$561.00		NZ
05/03/2001	\$1,026.12	\$462.51		NEW ZEALAND
05/03/2001	\$0.00	\$10,380.97		UNITED KINGDOM
05/03/2001	\$820.90	\$471.31		NEW ZEALAND
05/03/2001	\$0.00	\$4,960.67		UNITED KINGDOM
05/03/2001	\$652.99	\$426.69		NEW ZEALAND
05/03/2001	\$820.90	\$484.28		NEW ZEALAND
05/03/2001	\$0.00	\$333.12		NEW ZEALAND
05/03/2001	\$1,026.12	\$455.80		NEW ZEALAND
05/03/2001	\$1,026.12	\$360.09		NEW ZEALAND
05/03/2001	\$1,026.12	\$767.97		NEW ZEALAND
06/03/2001	\$268.07	\$393.47		THAILAND
06/03/2001	\$780.69	\$5,127.48		JAPAN
07/03/2001	\$1,004.84	\$8,510.43		JAPAN

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
08/03/2001	\$1,074.20	\$968.18		ITALY
08/03/2001	\$2,102.40	\$1,313.35		NETHERLANDS
09/03/2001	\$3,334.10	\$3,142.92		NETHERLANDS - DENMARK - BELGIUM
09/03/2001	\$447.32	\$2,296.96		ARGENTINA
10/03/2001	\$0.00	\$4,257.67		UNITED KINGDOM
10/03/2001	\$0.00	\$4,795.31		UNITED KINGDOM
10/03/2001	\$0.00	\$4,457.52		UNITED KINGDOM
10/03/2001	\$0.00	\$898.65		GERMANY - BELGIUM - NETHERLANDS
10/03/2001	\$0.00	\$4,640.63		UNITED KINGDOM
10/03/2001	\$0.00	\$4,643.88		UNITED KINGDOM
10/03/2001	\$0.00	\$4,651.38		UNITED KINGDOM
10/03/2001	\$0.00	\$4,524.79		UNITED KINGDOM
10/03/2001	\$0.00	\$4,585.19		UNITED KINGDOM
10/03/2001	\$0.00	\$9,621.14		UNITED KINGDOM
10/03/2001	\$0.00	\$4,483.82		UNITED KINGDOM
10/03/2001	\$0.00	\$4,722.75		UK - CHINA
10/03/2001	\$0.00	\$4,983.79		UNITED KINGDOM
10/03/2001	\$0.00	\$4,630.84		UNITED KINGDOM
10/03/2001	\$0.00	\$5,968.17		UNITED KINGDOM
10/03/2001	\$0.00	\$4,824.70		UNITED KINGDOM
11/03/2001	\$0.00	\$4,558.74		UNITED KINGDOM
11/03/2001	\$1,410.01	\$925.35		SWITZERLAND
11/03/2001	\$228.40	\$4,406.88		SINGAPORE - UK
11/03/2001	\$75.95	\$726.17		
11/03/2001	\$0.00	\$973.92		SWITZERLAND
12/03/2001	\$1,844.62	\$1,218.82		JAPAN
12/03/2001	\$261.69	\$405.83		MALAYSIA
12/03/2001	\$227.57	\$4,316.49		SINGAPORE - UK
12/03/2001	\$0.00	\$4,147.58		UNITED KINGDOM
13/03/2001	\$0.00	\$4,473.42		UNITED KINGDOM
13/03/2001	\$0.00	\$4,202.14		UNITED KINGDOM
13/03/2001	\$0.00	\$4,470.81		UNITED KINGDOM
13/03/2001	\$0.00	\$505.21		JAPAN
15/03/2001	\$2,103.25	\$2,071.07		ITALY
16/03/2001	\$1,327.75	\$1,521.31		SOUTH AFRICA
17/03/2001	\$2,031.17	\$2,730.27		USA
17/03/2001	\$0.00	\$1,441.82		DENMARK - BELGIUM
17/03/2001	\$698.52	\$618.91		TURKEY
18/03/2001	\$2,102.24	\$3,941.71		JAPAN
18/03/2001	\$239.52	\$309.96		NEW ZEALAND
18/03/2001	\$0.00	\$1,448.38		VIETNAM - SINGAPORE - MALAYSIA
18/03/2001	\$241.52	\$309.71		NEW ZEALAND
18/03/2001	\$2,651.70	\$3,196.51		SWITZERLAND
18/03/2001	\$0.00	\$1,593.31		VIETNAM - SINGAPORE - MALAYSIA
19/03/2001	\$1,244.66	\$1,211.43		W. SAMOA
19/03/2001	\$1,749.53	\$4,528.85		JAPAN
20/03/2001	\$0.00	\$2,023.22		SWITZERLAND - FRANCE
20/03/2001	\$122.00	\$372.71		PAPUA NEW GUINEA
20/03/2001	\$0.00	\$226.15		PAPUA NEW GUINEA
20/03/2001	\$0.00	\$292.71		NEW ZEALAND
20/03/2001	\$122.00	\$677.06		PAPUA NEW GUINEA

QUESTIONS ON NOTICE

Tuesday, 15 June 2004

SENATE

23725

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
21/03/2001	\$1,060.86	\$249.42		FRANCE
23/03/2001	\$3,972.87	\$2,220.61		FRANCE
23/03/2001	\$3,295.82	\$1,884.86		JAPAN
24/03/2001	\$764.52	\$278.62		MALAYSIA
24/03/2001	\$517.54	\$3,256.33		SOUTH AFRICA
26/03/2001	\$0.00	\$298.95		
26/03/2001	\$2,083.01	\$2,715.38		USA
26/03/2001	\$0.00	\$234.55		
26/03/2001	\$3,360.21	\$2,859.66		JAPAN - FRANCE - NETHERLANDS
26/03/2001	\$0.00	\$222.20		
28/03/2001	\$2,462.10	\$1,467.21		NETHERLANDS
29/03/2001	\$366.15	\$960.68		
29/03/2001	\$0.00	\$133.87		
29/03/2001	\$0.00	\$166.92		
29/03/2001	\$366.15	\$608.48		
29/03/2001	\$2,563.71	\$2,057.11		NETHERLANDS - SWITZERLAND
29/03/2001	\$1,638.78	\$2,199.89		SWITZERLAND - AUSTRIA
30/03/2001	\$0.00	\$52.63		
30/03/2001	\$0.00	\$952.44		ITALY
31/03/2001	\$0.00	\$948.63		ITALY
31/03/2001	\$466.08	\$1,110.06		USA
31/03/2001	\$0.00	\$989.17		ITALY
02/04/2001	\$0.00	\$105.87		PAPUA NEW GUINEA
04/04/2001	\$762.42	\$5,812.89		JAPAN
05/04/2001	\$0.00	\$143.41		NEW ZEALAND
05/04/2001	\$712.40	\$463.76		THAILAND
05/04/2001	\$0.00	\$122.06		NEW ZEALAND
05/04/2001	\$0.00	\$145.69		NEW ZEALAND
06/04/2001	\$71.00	\$4,568.14		UK
06/04/2001	\$210.00	\$4,635.36		UK
07/04/2001	\$0.00	\$4,344.94		UK
07/04/2001	\$0.00	\$4,330.24		UK
07/04/2001	\$0.00	\$4,415.33		UK
07/04/2001	\$0.00	\$4,390.58		UK
07/04/2001	\$0.00	\$4,415.33		UK
07/04/2001	\$0.00	\$4,311.00		UK
07/04/2001	\$0.00	\$4,569.89		UK
07/04/2001	\$0.00	\$5,006.78		UK
07/04/2001	\$0.00	\$4,440.95		UK
07/04/2001	\$0.00	\$4,535.27		UK
07/04/2001	\$0.00	\$4,589.40		UK
07/04/2001	\$0.00	\$4,022.73		UK
07/04/2001	\$0.00	\$4,668.33		UK
07/04/2001	\$0.00	\$4,449.12		UK
07/04/2001	\$0.00	\$4,415.33		UK
07/04/2001	\$0.00	\$4,448.53		UK
07/04/2001	\$0.00	\$4,441.00		UK
07/04/2001	\$0.00	\$4,350.76		UK
09/04/2001	\$0.00	\$4,546.34		UK
09/04/2001	\$0.00	\$5,166.88		UK
09/04/2001	\$0.00	\$4,486.30		UK

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
09/04/2001	\$0.00	\$4,492.75		UK
09/04/2001	\$0.00	\$4,492.75		UK
09/04/2001	\$0.00	\$4,492.75		UK
15/04/2001	\$623.00	\$1,978.92		FRANCE - UK - NETHERLANDS - SINGAPORE
16/04/2001	\$281.82	\$377.27		THAILAND
18/04/2001	\$2,134.39	\$2,020.21		FRANCE
19/04/2001	\$0.00	\$2,028.92		FRANCE - ITALY
19/04/2001	\$1,506.86	\$1,241.87		ITALY
20/04/2001	\$3,164.74	\$1,954.47		UNITED KINGDOM
20/04/2001	\$0.00	\$920.63		EAST TIMOR
22/04/2001	\$790.52	\$678.24		NEW ZEALAND
22/04/2001	\$97.66	\$1,616.43		PHILLIPINES
22/04/2001	\$354.00	\$679.55		EAST TIMOR
22/04/2001	\$790.52	\$565.20		NEW ZEALAND
25/04/2001	\$658.60	\$829.54		THAILAND
28/04/2001	\$400.86	\$730.28		THAILAND
28/04/2001	\$400.86	\$490.12		THAILAND
28/04/2001	\$754.71	\$783.86		THAILAND - MALAYSIA
28/04/2001	\$400.86	\$437.77		THAILAND
28/04/2001	\$1,665.12	\$1,370.90		CANADA
28/04/2001	\$0.00	\$867.64		THAILAND
28/04/2001	\$400.86	\$490.12		THAILAND
28/04/2001	\$400.86	\$432.81		THAILAND
28/04/2001	\$400.86	\$376.81		THAILAND
28/04/2001	\$0.00	\$892.98		USA
29/04/2001	\$678.23	\$1,322.34		USA
29/04/2001	\$975.67	\$741.87		CANADA
30/04/2001	\$0.00	\$1,139.75		BELGIUM - THAILAND - SINGAPORE
30/04/2001	\$961.48	\$505.19		
30/04/2001	\$1,153.73	\$1,135.56		BELGIUM - SINGAPORE
01/05/2001	\$422.39	\$157.04		NZ
01/05/2001	\$422.39	\$234.65		NZ
02/05/2001	\$123.00	\$243.22		NEW ZEALAND
02/05/2001	\$0.00	\$164.00		NEW ZEALAND
03/05/2001	\$2,156.15	\$1,971.27		CANADA - USA
04/05/2001	\$267.84	\$4,534.86		SINGAPORE
05/05/2001	\$0.00	\$4,298.45		UK
05/05/2001	\$0.00	\$4,055.27		UK
05/05/2001	\$0.00	\$4,071.03		SINGAPORE
05/05/2001	\$0.00	\$4,055.27		UK
05/05/2001	\$0.00	\$4,036.73		UK
05/05/2001	\$0.00	\$4,087.44		UK
05/05/2001	\$0.00	\$4,055.27		UK
05/05/2001	\$0.00	\$4,022.27		UK
05/05/2001	\$0.00	\$4,058.63		UK
05/05/2001	\$0.00	\$4,055.27		UK
05/05/2001	\$0.00	\$4,055.27		UK
05/05/2001	\$0.00	\$4,074.50		UK
05/05/2001	\$0.00	\$4,055.27		UK
05/05/2001	\$0.00	\$4,062.09		UK

QUESTIONS ON NOTICE

Tuesday, 15 June 2004

SENATE

23727

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
05/05/2001	\$0.00	\$5,211.87		UK
05/05/2001	\$71.84	\$3,934.90		SINGAPORE
05/05/2001	\$0.00	\$4,444.27		
10/05/2001	\$80.00	\$237.83		EAST TIMOR
11/05/2001	\$2,244.61	\$2,665.72		ITALY - SPAIN - FRANCE - BELGIUM
11/05/2001	\$730.31	\$1,800.72		EGYPT - SAUDI ARABIA - SINGAPORE
12/05/2001	\$146.00	\$852.95		
12/05/2001	\$130.00	\$550.92		
12/05/2001	\$260.00	\$644.17		
12/05/2001	\$260.00	\$740.27		
12/05/2001	\$2,595.05	\$1,547.75		CHINA
12/05/2001	\$0.00	\$439.12		
12/05/2001	\$130.00	\$558.23		
12/05/2001	\$2,595.05	\$1,330.61		CHINA
13/05/2001	\$442.71	\$378.85		NEW ZEALAND
13/05/2001	\$0.00	\$275.82		NEW ZEALAND
13/05/2001	\$974.31	\$960.75		CHINA
14/05/2001	\$237.77	\$830.79		JAPAN - FRANCE
14/05/2001	\$150.00	\$842.85		EGYPT
18/05/2001	\$2,661.07	\$2,235.83		CANADA - USA
18/05/2001	\$2,368.08	\$2,802.30		FRANCE - NETHERLANDS - BELGIUM
18/05/2001	\$0.00	\$1,320.46		SWITZERLAND
18/05/2001	\$0.00	\$307.41		USA
19/05/2001	\$0.00	\$836.09		ITALY
19/05/2001	\$1,533.15	\$946.25		
19/05/2001	\$510.01	\$394.15		NZ
19/05/2001	\$1,533.15	\$915.06		
21/05/2001	\$0.00	\$4,096.52		
24/05/2001	\$2,008.44	\$1,173.66		FRANCE
24/05/2001	\$2,008.44	\$1,225.21		FRANCE
24/05/2001	\$0.00	\$1,712.25		FRANCE - SINGAPORE
25/05/2001	\$2,057.37	\$3,633.29		FRANCE- NETHERLANDS
25/05/2001	\$0.00	\$1,361.74		FRANCE
27/05/2001	\$0.00	\$1,315.31		
02/06/2001	\$0.00	\$4,150.83		UNITED KINGDOM
02/06/2001	\$0.00	\$4,275.17		UNITED KINGDOM
02/06/2001	\$0.00	\$4,190.39		UNITED KINGDOM
02/06/2001	\$0.00	\$4,141.88		UNITED KINGDOM
02/06/2001	\$0.00	\$3,961.97		UNITED KINGDOM
02/06/2001	\$0.00	\$4,150.83		UNITED KINGDOM
02/06/2001	\$0.00	\$4,163.49		UNITED KINGDOM
02/06/2001	\$0.00	\$4,118.04		UNITED KINGDOM
02/06/2001	\$0.00	\$4,150.83		UNITED KINGDOM
02/06/2001	\$0.00	\$4,096.52		UNITED KINGDOM
02/06/2001	\$0.00	\$4,096.52		UNITED KINGDOM
02/06/2001	\$0.00	\$4,150.83		UNITED KINGDOM
02/06/2001	\$0.00	\$4,384.12		UNITED KINGDOM
02/06/2001	\$0.00	\$4,309.11		UNITED KINGDOM
02/06/2001	\$0.00	\$4,356.03		UNITED KINGDOM
02/06/2001	\$0.00	\$4,122.82		UNITED KINGDOM
02/06/2001	\$0.00	\$4,321.52		UNITED KINGDOM

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
02/06/2001	\$0.00	\$4,096.52		UNITED KINGDOM
02/06/2001	\$0.00	\$4,294.65		UNITED KINGDOM
02/06/2001	\$0.00	\$4,375.83		UNITED KINGDOM
02/06/2001	\$0.00	\$4,196.52		UNITED KINGDOM
02/06/2001	\$0.00	\$4,155.22		UNITED KINGDOM
02/06/2001	\$0.00	\$4,201.13		UNITED KINGDOM
02/06/2001	\$0.00	\$4,083.18		UNITED KINGDOM
02/06/2001	\$0.00	\$4,096.52		UNITED KINGDOM
02/06/2001	\$0.00	\$4,096.52		UNITED KINGDOM
02/06/2001	\$5,635.75	\$5,890.53		USA
02/06/2001	\$0.00	\$4,209.55		
02/06/2001	\$713.29	\$4,632.99		
02/06/2001	\$0.00	\$4,151.03		
03/06/2001	\$0.00	\$746.87		HUNGARY
09/06/2001	\$0.00	\$3,571.89		USA NEW YORK
09/06/2001	\$1,066.31	\$2,079.10		EAST TIMOR
09/06/2001	\$0.00	\$1,815.23		FRANCE - ITALY
09/06/2001	\$0.00	\$3,946.23		USA NEW YORK
10/06/2001	\$0.00	\$1,078.09		FRANCE - SINGAPORE
10/06/2001	\$202.36	\$1,846.55		
10/06/2001	\$1,030.13	\$1,018.12		FRANCE
10/06/2001	\$380.53	\$268.17		NZ
10/06/2001	\$0.00	\$807.18		FRANCE
10/06/2001	\$833.40	\$2,268.95		EAST TIMOR
11/06/2001	\$890.22	\$1,834.80		NETHERLANDS - FRANCE - IRELAND
11/06/2001	\$0.00	\$1,513.01		IRELAND
12/06/2001	\$2,307.90	\$0.00		USA
12/06/2001	\$2,371.13	\$4,924.71		USA - PORTUGAL - SOUTH AFRICA
13/06/2001	\$234.79	\$266.13		NZ
13/06/2001	\$234.79	\$330.48		NZ
16/06/2001	\$820.78	\$806.17		KOREA
16/06/2001	\$0.00	\$1,002.41		ITALY
16/06/2001	\$0.00	\$1,459.50		
16/06/2001	\$131.00	\$1,094.05		SPAIN - CANADA
17/06/2001	\$0.00	\$355.24		SOUTH AFRICA
17/06/2001	\$0.00	\$161.22		
19/06/2001	\$0.00	\$639.76		PHILIPPINES
19/06/2001	\$2,171.67	\$1,474.09		ITALY
20/06/2001	\$8.42	\$990.97		
20/06/2001	\$37.06	\$886.38		
21/06/2001	\$1,309.22	\$1,211.07		ITALY
21/06/2001	\$0.00	\$79.84		EAST TIMOR
25/06/2001	\$0.00	\$2,071.02		
26/06/2001	\$1,844.96	\$1,706.90		SWITZERLAND - FRANCE
26/06/2001	\$328.00	\$1,408.48		SWITZERLAND
26/06/2001	\$2,563.59	\$2,244.36		SWITZERLAND
28/06/2001	\$0.00	\$2,515.09		SWITZERLAND
29/06/2001	\$3,218.11	\$1,815.41		CANADA - USA
29/06/2001	\$0.00	\$3,970.69		UK
29/06/2001	\$1,935.48	\$1,572.75		SWITZERLAND
30/06/2001	\$0.00	\$4,134.90		UK

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,983,553	Destination**
30/06/2001	\$1,245.83	\$1,248.42		SWITZERLAND
30/06/2001	\$0.00	\$4,001.43		UNITED KINGDOM
30/06/2001	\$0.00	\$9,490.74		UNITED KINGDOM
30/06/2001	\$0.00	\$4,284.86		UNITED KINGDOM
30/06/2001	\$0.00	\$3,937.67		UNITED KINGDOM
30/06/2001	\$0.00	\$3,937.67		UNITED KINGDOM
30/06/2001	\$0.00	\$3,916.91		UNITED KINGDOM
30/06/2001	\$0.00	\$3,937.67		UNITED KINGDOM
30/06/2001	\$0.00	\$3,996.16		UNITED KINGDOM
30/06/2001	\$0.00	\$4,280.64		UNITED KINGDOM
30/06/2001	\$0.00	\$3,937.67		UNITED KINGDOM
30/06/2001	\$0.00	\$3,985.53		UNITED KINGDOM
30/06/2001	\$0.00	\$4,052.64		UNITED KINGDOM
30/06/2001	\$0.00	\$3,937.67		UNITED KINGDOM
30/06/2001	\$0.00	\$4,037.26		UNITED KINGDOM

** For some trips the Destination was not recorded in the travel system

Appendix C - 2001-2002

1 (b)(ii) Costs of accommodation, allowances and airfares and (iii) Destination

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,703,850	Destination**
01/07/2001	\$0.00	\$1,590.74		CHINA - JAPAN - TAIWAN - KOREA
02/07/2001	\$978.99	\$637.39		JAPAN - TAIWAN
02/07/2001	\$500.39	\$516.28		
03/07/2001	\$123.00	\$131.39		NZ
06/07/2001	\$164.41	\$320.11		NETHERLANDS
06/07/2001	\$0.00	\$1,096.54		BELGIUM
06/07/2001	\$429.65	\$399.64		IRELAND
07/07/2001	\$922.38	\$2,529.66		SWITZERLAND - BELGIUM
07/07/2001	\$0.00	\$1,372.25		JAPAN
07/07/2001	\$0.00	\$807.46		SWITZERLAND
10/07/2001	\$1,039.20	\$1,537.47		IRELAND
12/07/2001	\$623.68	\$736.66		FRANCE
12/07/2001	\$6,496.22	\$3,125.46		THAILAND - SINGAPORE - CANADA - USA - BELGIUM - FRANCE - NZ
13/07/2001	\$2,797.72	\$2,168.30		GERMANY
15/07/2001	\$237.19	\$464.30		THAILAND
15/07/2001	\$0.00	\$2,128.25		NZ
15/07/2001	\$0.00	\$1,172.02		CHINA
16/07/2001	\$2,531.61	\$1,394.72		NETHERLANDS
17/07/2001	\$123.00	\$1,186.74		CANADA
17/07/2001	\$123.00	\$2,577.47		SWITZERLAND - BELGIUM
19/07/2001	\$0.00	\$3,358.28		
20/07/2001	\$164.00	\$1,242.48		CANADA - USA - BELGIUM - FRANCE - NZ
20/07/2001	\$0.00	\$597.48		
20/07/2001	\$1,091.34	\$1,172.95		CHINA
21/07/2001	\$0.00	\$2,816.75		USA
21/07/2001	\$0.00	\$1,316.27		USA HAWAII
21/07/2001	\$725.20	\$1,053.27		VANUATU

23730

SENATE

Tuesday, 15 June 2004

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,703,850	Destination**
21/07/2001	\$0.00	\$2,816.75		USA
22/07/2001	\$563.60	\$1,157.79		
23/07/2001	\$0.00	\$1,258.66		BELGIUM
23/07/2001	\$164.00	\$1,150.52		USA
23/07/2001	\$0.00	\$825.54		BELGIUM
23/07/2001	\$600.36	\$807.74		
23/07/2001	\$123.00	\$989.80		USA
23/07/2001	\$140.00	\$593.54		
23/07/2001	\$0.00	\$690.89		JAPAN
25/07/2001	\$1,174.84	\$1,690.56		
01/08/2001	\$0.00	\$1,862.97		NZ
02/08/2001	\$470.67	\$1,033.77		SAIPAN
03/08/2001	\$0.00	\$570.40		CHINA
03/08/2001	\$0.00	\$556.20		CHINA
04/08/2001	\$0.00	\$430.35		KOREA
04/08/2001	\$1,309.82	\$1,158.33		AUSTRIA
04/08/2001	\$0.00	\$728.07		PHILIPPINES
04/08/2001	\$0.00	\$879.24		PHILIPPINES
04/08/2001	\$0.00	\$627.39		PHILIPPINES
04/08/2001	\$0.00	\$1,105.94		KOREA
09/08/2001	\$0.00	\$173.59		NETHERLANDS - FRANCE
09/08/2001	\$340.99	\$982.55		IRELAND
09/08/2001	\$595.26	\$2,018.69		IRELAND - NETHERLANDS
13/08/2001	\$420.00	\$1,185.63		EAST TIMOR
13/08/2001	\$420.00	\$1,099.13		EAST TIMOR
14/08/2001	\$61.00	\$988.24		
14/08/2001	\$0.00	\$890.19		
15/08/2001	\$0.00	\$370.33		CHINA BEIJING
17/08/2001	\$2,535.66	\$3,567.38		JAPAN
17/08/2001	\$0.00	\$714.15		FRANCE
17/08/2001	\$0.00	\$1,090.06		FRANCE - ITALY
19/08/2001	\$309.25	\$424.42		FIJI
20/08/2001	\$316.57	\$879.68		JAPAN - TAIWAN
23/08/2001	\$1,076.96	\$1,409.81		
23/08/2001	\$718.16	\$804.36		
23/08/2001	\$766.83	\$1,076.45		
23/08/2001	\$1,979.84	\$3,066.04		USA
24/08/2001	\$452.94	\$248.64		IRELAND
25/08/2001	\$833.12	\$705.57		USA
26/08/2001	\$0.00	\$0.00		
27/08/2001	\$1,309.19	\$473.46		
30/08/2001	\$463.33	\$636.43		FRANCE
31/08/2001	\$0.00	\$1,200.29		
31/08/2001	\$1,247.15	\$2,977.51		USA
31/08/2001	\$2,333.85	\$830.91		FRANCE
01/09/2001	\$0.00	\$1,019.67		THAILAND
01/09/2001	\$131.65	\$1,735.76		THAILAND - ITALY
03/09/2001	\$0.00	\$2,506.94		SINGAPORE
03/09/2001	\$0.00	\$2,512.47		SINGAPORE
07/09/2001	\$1,672.90	\$1,682.29		IRELAND - FRANCE
07/09/2001	\$89.79	\$1,162.94		IRELAND

QUESTIONS ON NOTICE

Tuesday, 15 June 2004

SENATE

23731

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$2,703,850	
08/09/2001	\$1,007.08	\$2,818.64		BELGIUM - NETHERLANDS
09/09/2001	\$1,644.00	\$621.11		
09/09/2001	\$0.00	\$3,416.50		MALAYSIA
10/09/2001	\$1,020.98	\$4,024.19		FRANCE- BELGIUM - SWITZERLAND
12/09/2001	\$0.00	\$0.00		NZ
12/09/2001	\$0.00	\$0.00		NZ
12/09/2001	\$0.00	\$4,093.28		UK
12/09/2001	\$0.00	\$4,093.28		UK
12/09/2001	\$0.00	\$4,123.29		UK
12/09/2001	\$0.00	\$4,179.84		UK
12/09/2001	\$0.00	\$0.00		NZ
12/09/2001	\$0.00	\$4,251.96		UK
12/09/2001	\$0.00	\$4,199.87		UK
12/09/2001	\$0.00	\$4,093.28		UK
12/09/2001	\$0.00	\$4,093.28		UK
14/09/2001	\$0.00	\$5,994.22		IRELAND
14/09/2001	\$0.00	\$873.51		ZIMBABWE
15/09/2001	\$1,272.77	\$536.33		CANADA
15/09/2001	\$0.00	\$0.00		SINGAPORE
15/09/2001	\$0.00	\$772.14		SINGAPORE
17/09/2001	\$1,104.27	\$837.39		SWITZERLAND
17/09/2001	\$0.00	\$1,352.26		SINGAPORE - PHILIPPINES
17/09/2001	\$0.00	\$0.00		SINGAPORE - PHILIPPINES
18/09/2001	\$0.00	\$4,812.99		UK
21/09/2001	\$0.00	\$1,132.31		ITALY
21/09/2001	\$2,190.37	\$2,274.17		SWITZERLAND - BELGIUM
22/09/2001	\$2,243.66	\$1,598.29		SWITZERLAND
22/09/2001	\$1,850.40	\$3,509.33		JAPAN - SPAIN
22/09/2001	\$4,963.91	\$8,231.98		
23/09/2001	\$366.49	\$493.06		PHILIPPINES
23/09/2001	\$1,038.61	\$1,093.26		SOUTH AFRICA
24/09/2001	\$273.24	\$397.69		EAST TIMOR
26/09/2001	\$831.17	\$1,059.39		MALAYSIA
27/09/2001	\$2,035.30	\$1,414.33		SOUTH AFRICA - KENYA
29/09/2001	\$1,251.64	\$1,511.57		FRANCE
02/10/2001	\$1,604.83	\$1,690.67		
04/10/2001	\$0.00	\$1,079.74		JORDAN - KUWAIT - SAUDI ARABIA - BAHRAIN - THAILAND
04/10/2001	\$0.00	\$3,715.70		ITALY - GERMANY - FRANCE
05/10/2001	\$164.00	\$807.67		THAILAND
05/10/2001	\$0.00	\$415.75		THAILAND
06/10/2001	\$1,006.21	\$3,552.65		
06/10/2001	\$0.00	\$415.75		THAILAND
06/10/2001	\$1,722.22	\$708.78		THAILAND
07/10/2001	\$523.97	\$411.67		NZ
07/10/2001	\$350.46	\$466.25		FIJI
07/10/2001	\$102.47	\$418.39		NZ
07/10/2001	\$102.47	\$482.74		NZ
07/10/2001	\$102.47	\$418.39		NZ
07/10/2001	\$0.00	\$438.17		NZ
08/10/2001	\$0.00	\$0.00		CHINA BEIJING

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$2,703,850	
08/10/2001	\$400.97	\$368.42		NZ
08/10/2001	\$1,093.16	\$811.89		ITALY
08/10/2001	\$0.00	\$0.00		CHINA BEIJING
09/10/2001	\$2,012.28	\$1,181.64		CHINA BEIJING
09/10/2001	\$69.36	\$331.35		EAST TIMOR
13/10/2001	\$2,865.00	\$2,807.66		JAPAN
13/10/2001	\$2,048.78	\$2,904.37		JAPAN
13/10/2001	\$2,934.31	\$3,006.56		JAPAN
13/10/2001	\$0.00	\$4,469.96		UK
13/10/2001	\$0.00	\$4,562.36		UK
13/10/2001	\$0.00	\$4,480.23		UK
13/10/2001	\$1,892.90	\$1,417.04		CANADA
13/10/2001	\$0.00	\$4,504.95		UK
14/10/2001	\$2,797.60	\$4,311.40		MALAYSIA -PHILIPPINES -THAILAND - SINGAPORE - BRUNEI
14/10/2001	\$326.19	\$269.67		NZ
14/10/2001	\$0.00	\$284.15		NZ
18/10/2001	\$1,628.70	\$1,891.20		SWITZERLAND
19/10/2001	\$1,857.15	\$1,337.64		JAPAN
20/10/2001	\$3,036.83	\$2,303.06		GERMANY - ITALY
20/10/2001	\$0.00	\$1,030.12		JAPAN
21/10/2001	\$0.00	\$638.51		USA HAWAII
22/10/2001	\$1,556.44	\$3,539.13		USA -BELGIUM - SWITZERLAND
22/10/2001	\$0.00	\$436.74		USA HAWAII
22/10/2001	\$0.00	\$488.70		USA HAWAII
23/10/2001	\$7,929.92	\$3,070.07		ITALY - QATAR
24/10/2001	\$540.29	\$1,623.62		USA
25/10/2001	\$387.49	\$142.23		FIJI
25/10/2001	\$926.61	\$646.16		NZ
25/10/2001	\$0.00	\$163.49		FIJI
26/10/2001	\$0.00	\$916.49		
27/10/2001	\$1,442.15	\$2,062.03		JAPAN
27/10/2001	\$1,631.08	\$695.98		SINGAPORE
27/10/2001	\$2,507.37	\$2,955.88		JAPAN
27/10/2001	\$1,445.94	\$1,986.22		JAPAN
27/10/2001	\$536.45	\$178.46		NZ
28/10/2001	\$0.00	\$2,170.39		ITALY
28/10/2001	\$0.00	\$433.83		NZ
28/10/2001	\$0.00	\$670.26		NZ
28/10/2001	\$911.30	\$715.64		
29/10/2001	\$0.00	\$312.53		NZ
29/10/2001	\$0.00	\$1,657.20		FRANCE
30/10/2001	\$2,706.77	\$1,675.76		ITALY
30/10/2001	\$4,722.13	\$11,405.51		
30/10/2001	\$0.00	\$188.27		EAST TIMOR
31/10/2001	\$2,090.36	\$1,891.12		USA
02/11/2001	\$0.00	\$678.33		USA
03/11/2001	\$1,065.57	\$1,067.65		JAPAN
04/11/2001	\$186.00	\$1,678.42		EAST TIMOR
04/11/2001	\$575.30	\$489.17		FIJI
04/11/2001	\$1,069.43	\$1,067.65		JAPAN

Tuesday, 15 June 2004

SENATE

23733

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,703,850	Destination**
04/11/2001	\$1,068.03	\$1,209.13		JAPAN
05/11/2001	\$603.84	\$1,994.11		EAST TIMOR
06/11/2001	\$0.00	\$4,223.64		UK
06/11/2001	\$201.83	\$202.88		THAILAND
06/11/2001	\$0.00	\$1,583.23		QATAR
06/11/2001	\$0.00	\$4,223.64		UK
06/11/2001	\$0.00	\$4,509.15		UK
06/11/2001	\$0.00	\$4,502.54		UK
06/11/2001	\$0.00	\$4,331.46		UK
10/11/2001	\$975.85	\$1,263.50		USA
17/11/2001	\$0.00	\$888.06		ITALY
20/11/2001	\$279.00	\$270.80		EAST TIMOR
21/11/2001	\$0.00	\$3,542.90		FRANCE - BELGIUM - USA - JAPAN - KOREA - CHINA
21/11/2001	\$0.00	\$0.00		
23/11/2001	\$0.00	\$2,515.31		ARGENTINA
23/11/2001	\$0.00	\$894.03		THAILAND - NEPAL
23/11/2001	\$0.00	\$2,537.12		ARGENTINA
24/11/2001	\$775.64	\$510.29		CAMBODIA
24/11/2001	\$726.19	\$1,327.89		JAPAN
26/11/2001	\$0.00	\$1,194.18		THAILAND - MALAYSIA - SINGAPORE
26/11/2001	\$0.00	\$1,122.52		THAILAND - MALAYSIA - SINGAPORE
26/11/2001	\$0.00	\$1,195.75		THAILAND - MALAYSIA - SINGAPORE
27/11/2001	\$58.93	\$105.72		
28/11/2001	\$0.00	\$297.88		NZ
28/11/2001	\$0.00	\$234.40		NZ
28/11/2001	\$0.00	\$224.40		NZ
28/11/2001	\$993.47	\$858.17		
29/11/2001	\$0.00	\$2,002.70		CANADA - USA
30/11/2001	\$1,447.73	\$1,370.05		USA
01/12/2001	\$1,523.92	\$1,391.53		SWITZERLAND
01/12/2001	\$1,523.92	\$1,431.55		SWITZERLAND
01/12/2001	\$0.00	\$1,367.72		ITALY
02/12/2001	\$0.00	\$1,254.78		
02/12/2001	\$144.23	\$1,040.96		
03/12/2001	\$141.04	\$280.93		THAILAND
04/12/2001	\$541.56	\$706.57		USA
04/12/2001	\$834.91	\$802.20		FRANCE
05/12/2001	\$2,359.59	\$2,089.15		SOUTH AFRICA
05/12/2001	\$0.00	\$220.92		
09/12/2001	\$1,682.67	\$1,015.13		BELGIUM - SINGAPORE
09/12/2001	\$1,438.87	\$787.56		USA - SOUTH AFRICA
09/12/2001	\$0.00	\$1,145.02		BELGIUM - SINGAPORE
09/12/2001	\$2,203.85	\$3,307.35		USA - SOUTH AFRICA
15/12/2001	\$1,500.12	\$996.41		CANADA - CHINA
25/12/2001	\$2,716.64	\$7,619.74		
03/01/2002	\$0.00	\$0.00		
04/01/2002	\$2,142.63	\$2,465.90		GERMANY
05/01/2002	\$2,142.63	\$4,045.17		GERMANY
07/01/2002	\$0.00	\$1,772.72		USA - ARGENTINA
11/01/2002	\$0.00	\$124.47		FRANCE

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,703,850	Destination**
12/01/2002	\$650.88	\$602.69		MALAYSIA - THAILAND
12/01/2002	\$574.87	\$675.12		MALAYSIA
13/01/2002	\$3,838.08	\$1,991.16		AUSTRIA - THAILAND - PHILIPPINES
14/01/2002	\$0.00	\$2,000.20		FRANCE
19/01/2002	\$1,467.80	\$922.99		KOREA
20/01/2002	\$87.93	\$498.63		
22/01/2002	\$155.49	\$358.45		EAST TIMOR
24/01/2002	\$3,375.90	\$1,208.13		JAPAN - KOREA - PHILIPPINES
24/01/2002	\$3,186.79	\$2,536.32		JAPAN - KOREA - PHILIPPINES
25/01/2002	\$4,217.71	\$3,987.74		JAPAN - USA
31/01/2002	\$1,202.78	\$13,308.10		USA
01/02/2002	\$0.00	\$2,803.53		FRANCE -SWITZERLAND
01/02/2002	\$0.00	\$1,182.23		FRANCE
11/02/2002	\$4,325.22	\$12,174.18		
11/02/2002	\$629.07	\$490.20		
13/02/2002	\$0.00	\$767.75		NZ
13/02/2002	\$2,103.63	\$1,226.32		GERMANY
14/02/2002	\$0.00	\$951.40		NZ
14/02/2002	\$0.00	\$227.87		NZ
14/02/2002	\$0.00	\$439.78		NZ
16/02/2002	\$623.24	\$436.52		PHILIPPINES
16/02/2002	\$123.00	\$1,033.39		
17/02/2002	\$0.00	\$806.77		SINGAPORE
17/02/2002	\$2,314.20	\$1,225.59		
17/02/2002	\$2,098.47	\$2,524.19		USA
17/02/2002	\$1,929.53	\$1,155.67		
17/02/2002	\$0.00	\$293.46		
17/02/2002	\$0.00	\$265.73		PHILIPPINES
17/02/2002	\$0.00	\$944.48		
19/02/2002	\$381.79	\$333.92		
25/02/2002	\$356.82	\$615.36		FIJI
27/02/2002	\$0.00	\$4,535.75		USA
28/02/2002	\$0.00	\$514.12		CHINA
28/02/2002	\$273.01	\$84.79		NZ
01/03/2002	\$3,457.06	\$1,491.41		
01/03/2002	\$0.00	\$776.80		MALAYSIA
02/03/2002	\$434.06	\$794.08		FIJI
02/03/2002	\$0.00	\$3,766.69		USA NEW YORK
06/03/2002	\$2,572.52	\$1,669.40		JAPAN - NETHERLANDS
06/03/2002	\$2,000.85	\$1,108.93		NETHERLANDS
08/03/2002	\$0.00	\$2,459.63		ITALY
08/03/2002	\$1,443.50	\$772.15		SOUTH AFRICA
09/03/2002	\$0.00	\$719.63		ITALY
11/03/2002	\$1,099.76	\$2,880.06		USA - KIRIBATI
11/03/2002	\$2,131.43	\$1,620.18		CANADA
11/03/2002	\$0.00	\$1,415.39		CANADA
12/03/2002	\$0.00	\$2,034.80		FRANCE
12/03/2002	\$410.55	\$358.37		NZ
12/03/2002	\$410.55	\$391.54		NZ
16/03/2002	\$852.58	\$1,312.87		SWITZERLAND
16/03/2002	\$882.70	\$1,199.04		FRANCE - ITALY

Tuesday, 15 June 2004

SENATE

23735

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,703,850	Destination**
18/03/2002	\$313.29	\$571.60		PHILIPPINES
19/03/2002	\$0.00	\$274.16		NZ
20/03/2002	\$0.00	\$1,834.64		SWITZERLAND
21/03/2002	\$904.60	\$3,588.81		NZ
22/03/2002	\$4,080.84	\$3,672.28		USA NEW YORK
23/03/2002	\$0.00	\$2,342.96		USA
24/03/2002	\$0.00	\$1,577.98		KUWAIT
26/03/2002	\$0.00	\$438.63		
27/03/2002	\$208.09	\$3,017.71		
30/03/2002	\$0.00	\$455.54		THAILAND
30/03/2002	\$0.00	\$1,558.07		CHINA - TAIWAN
30/03/2002	\$677.72	\$1,830.59		MALAYSIA - THAILAND
30/03/2002	\$522.14	\$547.64		THAILAND
31/03/2002	\$1,160.02	-\$1,218.67		SINGAPORE - PAKISTAN
02/04/2002	\$1,169.74	\$869.99		
02/04/2002	\$0.00	\$3,007.47		USA - FRANCE
02/04/2002	\$0.00	\$2,768.39		USA - BELGIUM
03/04/2002	\$0.00	\$1,399.96		SINGAPORE
04/04/2002	\$1,947.47	\$1,347.62		BELGIUM - FRANCE
04/04/2002	\$425.35	\$421.67		PHILIPPINES
04/04/2002	\$425.35	\$259.23		PHILIPPINES
05/04/2002	\$957.49	\$529.42		
06/04/2002	\$1,866.98	\$2,527.69		USA - SWITZERLAND
06/04/2002	\$0.00	\$1,218.91		USA HAWAII
06/04/2002	\$164.00	\$1,238.93		USA HAWAII
06/04/2002	\$0.00	\$1,518.80		USA HAWAII
06/04/2002	\$0.00	\$1,283.94		USA HAWAII
06/04/2002	\$1,393.26	\$1,163.68		USA HAWAII
06/04/2002	\$2,370.26	\$2,121.58		BELGIUM - FRANCE
06/04/2002	\$0.00	\$1,265.33		USA HAWAII
06/04/2002	\$0.00	\$1,170.60		USA HAWAII
06/04/2002	\$1,727.56	\$995.36		BELGIUM
06/04/2002	\$2,870.54	\$2,485.39		USA - FRANCE
06/04/2002	\$1,393.26	\$1,553.13		USA HAWAII
06/04/2002	\$0.00	\$4,711.31		USA
07/04/2002	\$293.48	\$338.80		NZ
07/04/2002	\$0.00	\$1,078.44		USA HAWAII
07/04/2002	\$2,232.00	\$4,894.64		USA - FRANCE
07/04/2002	\$0.00	\$389.36		
07/04/2002	\$711.90	\$617.55		NZ
08/04/2002	\$610.28	\$921.01		THAILAND
10/04/2002	\$0.00	\$2,012.77		USA
10/04/2002	\$681.82	\$1,213.32		FIJI
11/04/2002	\$1,324.81	\$2,058.11		SWITZERLAND
12/04/2002	\$0.00	\$1,750.43		ARGENTINA
13/04/2002	\$0.00	\$2,123.20		CHINA- KOREA - MALAYSIA - THAILAND
13/04/2002	\$1,078.34	\$678.24		KOREA
14/04/2002	\$0.00	\$726.50		KOREA
17/04/2002	\$1,040.08	\$1,258.59		CHINA BEIJING - JAPAN
17/04/2002	\$103.66	\$216.72		EAST TIMOR

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$2,703,850	
18/04/2002	\$1,206.23	\$4,925.61		
19/04/2002	\$1,257.33	\$1,209.41		BELGIUM
19/04/2002	\$1,783.74	\$1,046.26		NETHERLANDS
19/04/2002	\$0.00	\$996.75		NETHERLANDS
19/04/2002	\$1,257.33	\$1,243.20		BELGIUM
21/04/2002	\$0.00	\$629.52		
21/04/2002	\$0.00	\$437.25		NETHERLANDS
21/04/2002	\$0.00	\$790.71		FRANCE
21/04/2002	\$335.77	\$337.56		MALAYSIA
26/04/2002	\$429.06	\$392.79		THAILAND
27/04/2002	\$4,391.93	\$3,366.41		SINGAPORE - THAILAND - BRUNEI - MALAYSIA - PHILIPPINES
28/04/2002	\$440.00	\$1,178.25		SOUTH AFRICA
29/04/2002	\$508.98	\$1,838.86		EAST TIMOR
29/04/2002	\$0.00	\$64.23		EAST TIMOR
29/04/2002	\$508.98	\$1,899.32		EAST TIMOR
29/04/2002	\$508.98	\$1,861.13		EAST TIMOR
01/05/2002	\$0.00	\$1,319.05		THAILAND - MALAYSIA
01/05/2002	\$308.12	\$1,420.40		EAST TIMOR
01/05/2002	\$0.00	\$1,362.32		THAILAND - MALAYSIA
01/05/2002	\$367.68	\$1,032.78		
02/05/2002	\$1,359.57	\$1,052.93		CANADA
03/05/2002	\$1,194.19	\$975.73		SPAIN
04/05/2002	\$429.08	-\$11.76		
04/05/2002	\$4,865.96	\$5,260.83		USA - CANADA - NETHERLANDS - GERMANY - THAILAND
04/05/2002	\$429.08	\$953.09		
04/05/2002	\$1,263.79	\$884.18		CANADA
05/05/2002	\$84.08	\$96.01		SOUTH AFRICA
06/05/2002	\$1,911.32	\$1,464.88		
09/05/2002	\$2,212.87	\$1,049.26		NETHERLANDS
09/05/2002	\$794.40	\$1,854.67		NETHERLANDS - SWEDEN
11/05/2002	\$0.00	\$968.71		ITALY
12/05/2002	\$1,286.89	\$642.45		
12/05/2002	\$1,286.89	\$686.54		
14/05/2002	\$0.00	\$339.57		DIEGO GARCIA
14/05/2002	\$0.00	\$426.18		
14/05/2002	\$1,227.66	\$917.38		
15/05/2002	\$878.34	\$1,304.96		CANADA
15/05/2002	\$752.02	-\$752.02		CANADA
15/05/2002	\$0.00	\$184.39		
18/05/2002	\$1,444.33	\$858.97		USA
22/05/2002	\$262.38	\$283.56		NZ
23/05/2002	\$1,344.54	\$1,371.96		FRANCE
23/05/2002	\$2,424.44	\$1,783.47		
23/05/2002	\$0.00	\$1,512.25		FRANCE - SINGAPORE
23/05/2002	\$0.00	\$374.39		FRANCE
25/05/2002	\$126.00	\$320.17		SOUTH AFRICA
26/05/2002	\$0.00	\$1,008.18		CHINA HONG KONG
26/05/2002	\$596.80	\$2,279.60		ITALY - FRANCE - BELGIUM
26/05/2002	\$0.00	\$134.06		

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$2,703,850	Destination**
27/05/2002	\$1,478.45	\$942.31		JAPAN
29/05/2002	\$161.32	\$2,636.96		CHINA BEIJING
30/05/2002	\$1,291.05	\$931.67		DENMARK
30/05/2002	\$1,657.51	\$3,431.40		BELGIUM - NETHERLANDS - FRANCE - SPAIN
31/05/2002	\$1,147.49	\$1,751.45		NORWAY
31/05/2002	\$126.00	\$1,868.38		USA
03/06/2002	\$0.00	\$662.30		NZ
05/06/2002	\$1,507.17	\$3,731.77		NETHERLANDS
05/06/2002	\$5,065.02	\$1,045.32		ITALY - DENMARK - SWEDEN
05/06/2002	\$0.00	\$272.38		NZ
06/06/2002	\$4,951.92	\$1,597.52		ITALY
07/06/2002	\$0.00	\$2,719.46		GERMANY - IRELAND - SWITZERLAND
08/06/2002	\$0.00	\$497.96		USA HAWAII
11/06/2002	\$2,290.91	\$2,198.94		SWITZERLAND
13/06/2002	\$265.13	\$686.61		THAILAND
13/06/2002	\$265.13	\$779.11		THAILAND
13/06/2002	\$318.16	\$666.47		THAILAND
14/06/2002	\$1,396.49	\$1,480.68		DENMARK - BELGIUM
14/06/2002	\$4,263.16	\$1,750.61		
15/06/2002	\$1,112.40	\$1,011.07		SWITZERLAND
15/06/2002	\$0.00	\$969.46		DENMARK
18/06/2002	\$268.22	\$140.05		SINGAPORE
19/06/2002	\$447.42	\$946.42		PHILIPPINES
20/06/2002	\$0.00	\$648.03		SOUTH AFRICA
20/06/2002	\$97.73	\$280.72		EAST TIMOR
21/06/2002	\$1,159.06	-\$890.25		FRANCE
21/06/2002	\$2,034.68	\$3,080.99		USA
22/06/2002	\$0.00	\$3,713.59		USA
22/06/2002	\$639.88	\$970.90		SWITZERLAND
22/06/2002	\$0.00	\$2,770.31		ITALY-SINGAPORE
23/06/2002	\$435.35	\$590.35		NZ
25/06/2002	\$471.16	\$389.75		NZ
25/06/2002	\$471.16	\$349.76		NZ
26/06/2002	\$168.00	\$1,620.39		USA
26/06/2002	\$126.00	\$1,055.19		KOREA
26/06/2002	\$126.00	\$1,432.27		USA
27/06/2002	\$0.00	\$1,758.15		USA
30/06/2002	\$126.00	\$965.32		QATAR - BAHRAIN - United Arab Emirates

** For some trips the Destination was not recorded in the travel system

Appendix D - 2002-2003

1 (b)(ii) Costs of accommodation, allowances and airfares and (iii) Destination

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
01/07/2002	\$0.00	\$133.74		MALAYSIA
01/07/2002	\$0.00	\$278.20		MAURITIUS
03/07/2002	\$0.00	\$279.80		MAURITIUS
03/07/2002	\$40.00	\$96.22		EAST TIMOR
05/07/2002	\$782.85	\$1,128.14		UK

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
06/07/2002	\$1,841.18	\$1,328.84		USA
06/07/2002	\$0.00	\$909.75		USA
07/07/2002	\$1,048.49	\$1,347.45		USA
07/07/2002	\$0.00	\$509.79		SOUTH AFRICA
08/07/2002	\$192.73	\$250.42		MALAYSIA
10/07/2002	\$0.00	\$278.20		MAURITIUS
11/07/2002	\$2,358.23	\$1,397.15		USA
13/07/2002	\$0.00	\$423.16		MALAYSIA
17/07/2002	\$1,208.66	\$1,116.62		USA
17/07/2002	\$346.65	\$347.29		NZ
17/07/2002	\$1,208.66	\$660.69		USA
19/07/2002	\$1,788.23	\$4,427.94		CANADA
21/07/2002	\$477.02	\$472.14		SOUTH AFRICA
22/07/2002	\$0.00	\$1,232.36		INDONESIA
22/07/2002	\$0.00	\$705.83		PUERTO RICO
22/07/2002	\$333.00	\$1,483.06		Portland - On Board MV Becrux to SAUDI ARABIA - On Board the MV Becrux to QATAR - On board MV Becrux UAE - On board the MV Becrux to OMAN
23/07/2002	\$1,071.91	\$880.95		MEXICO
24/07/2002	\$961.11	\$709.82		JAPAN
26/07/2002	\$0.00	\$607.32		NZ
27/07/2002	\$0.00	\$975.56		SWITZERLAND
02/08/2002	\$0.00	\$1,065.23		United Kingdom
02/08/2002	\$0.00	\$545.74		United Kingdom
02/08/2002	\$566.46	\$1,123.46		FINLAND
02/08/2002	\$0.00	\$791.27		UK
02/08/2002	\$0.00	\$3,820.14		UK
03/08/2002	\$420.44	\$2,076.07		INDONESIA
07/08/2002	\$464.68	\$294.32		NZ
07/08/2002	\$464.68	\$294.05		NZ
10/08/2002	\$0.00	\$1,229.35		USA
10/08/2002	\$667.42	\$825.91		NZ
12/08/2002	\$361.04	\$327.79		THAILAND
14/08/2002	\$74.78	\$356.12		EAST TIMOR
16/08/2002	\$0.00	\$2,684.04		SWITZERLAND - USA
17/08/2002	\$0.00	\$1,532.01		KUWAIT
17/08/2002	\$0.00	\$1,030.84		USA HAWAII
17/08/2002	\$2,624.95	\$1,816.72		USA HAWAII
17/08/2002	\$0.00	\$1,420.37		USA HAWAII
18/08/2002	\$634.43	\$603.49		PHILIPPINES
18/08/2002	\$0.00	\$1,566.13		KUWAIT
19/08/2002	\$0.00	\$844.78		VENEZUELA
19/08/2002	\$847.21	\$1,564.27		CHINA HONG KONG
19/08/2002	\$0.00	\$776.49		USA
22/08/2002	\$0.00	\$1,933.90		SOUTH AFRICA
22/08/2002	\$0.00	\$727.26		CHINA BEIJING
22/08/2002	\$0.00	\$1,152.82		SOUTH AFRICA
23/08/2002	\$1,454.40	\$2,266.51		TAIWAN
23/08/2002	\$548.41	\$643.98		SOUTH AFRICA
24/08/2002	\$0.00	\$1,187.58		JAPAN

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$1,936,820	
24/08/2002	\$0.00	\$900.50		USA
25/08/2002	\$431.09	\$519.49		JAPAN
25/08/2002	\$1,808.21	\$2,266.71		Papua New Guinea
25/08/2002	\$1,725.15	\$2,191.58		Papua New Guinea
26/08/2002	\$1,308.99	\$2,261.18		Papua New Guinea
26/08/2002	\$1,458.80	\$2,681.30		Papua New Guinea
29/08/2002	\$288.30	\$228.00		NZ
30/08/2002	\$0.00	\$2,011.74		SWITZERLAND
30/08/2002	\$2,009.32	\$1,308.96		USA
30/08/2002	\$0.00	\$0.00		FRANCE
31/08/2002	\$861.00	\$1,046.79		JAPAN
01/09/2002	\$1,706.53	\$1,101.23		USA
02/09/2002	\$0.00	\$428.26		MALAYSIA
04/09/2002	\$280.00	\$265.82		EAST TIMOR
04/09/2002	\$593.43	\$1,157.56		MALAYSIA
05/09/2002	\$0.00	\$316.84		INDIA
05/09/2002	\$0.00	\$311.96		INDIA
07/09/2002	\$65.33	\$1,043.48		THAILAND
07/09/2002	\$0.00	\$1,316.00		THAILAND
07/09/2002	\$0.00	\$2,284.51		SINGAPORE
07/09/2002	\$0.00	\$705.68		ITALY - CANADA
08/09/2002	\$242.65	\$616.46		THAILAND
08/09/2002	\$0.00	\$594.21		NZ
09/09/2002	\$330.45	\$477.15		INDONESIA
09/09/2002	\$0.00	\$116.52		NZ
09/09/2002	\$473.26	\$605.10		NZ
09/09/2002	\$0.00	\$199.78		SOUTH AFRICA
09/09/2002	\$473.26	\$434.95		NZ
11/09/2002	\$5,027.64	\$4,142.56		USA -United Kingdom - FRANCE
15/09/2002	\$0.00	\$600.38		NZ
15/09/2002	\$0.00	\$457.39		MALAYSIA
16/09/2002	\$344.00	\$508.34		MALAYSIA
18/09/2002	\$0.00	\$675.76		BISHKEK, KYRGYSTAN
18/09/2002	\$0.00	\$750.73		BISHKEK, KYRGYSTAN
18/09/2002	\$0.00	\$214.88		NZ
18/09/2002	\$0.00	\$243.36		NZ
18/09/2002	\$1,794.90	\$1,142.80		FRANCE
21/09/2002	\$1,856.40	\$1,581.26		SWITZERLAND
21/09/2002	\$991.16	\$1,374.11		SWITZERLAND
22/09/2002	\$185.55	\$207.87		CHINA SHANGHAI
23/09/2002	\$1,456.14	\$1,647.82		SWITZERLAND - BELGIUM
23/09/2002	\$415.30	\$403.72		MALAYSIA
24/09/2002	\$3,643.60	\$3,684.17		CYPRUS - GREECE - ITALY - United Kingdom - BELGIUM
25/09/2002	\$168.00	\$4,304.84		KOREA - CHINA
27/09/2002	\$0.00	\$951.91		GERMANY
27/09/2002	\$0.00	\$970.79		GERMANY
28/09/2002	\$1,106.85	\$635.40		TAIWAN
28/09/2002	\$5,031.81	\$3,766.92		United Kingdom
28/09/2002	\$1,106.85	\$522.83		TAIWAN
28/09/2002	\$1,106.85	\$531.28		TAIWAN

23740

SENATE

Tuesday, 15 June 2004

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
28/09/2002	\$1,242.65	\$842.61		FRANCE - United Kingdom
29/09/2002	\$4,912.05	\$1,778.39		SPAIN - FRANCE - GERMANY - United Kingdom
29/09/2002	\$2,332.89	\$1,919.75		SPAIN - URUGUAY - ARGENTINA
30/09/2002	\$0.00	\$1,148.18		EGYPT - JORDAN - SAUDI ARABIA - United Arab Emirates
02/10/2002	\$0.00	\$2,238.48		United Kingdom - FRANCE
05/10/2002	\$0.00	\$1,980.67		United Kingdom - BELGIUM
05/10/2002	\$0.00	\$7,436.78		GERMANY - United Kingdom - BELGIUM - ITALY - GREECE - SINGAPORE
07/10/2002	\$648.08	\$742.43		USA
07/10/2002	\$2,271.06	\$1,445.31		ITALY
07/10/2002	\$0.00	\$734.05		USA
07/10/2002	\$0.00	\$700.54		BELGIUM
07/10/2002	\$0.00	\$791.34		USA
08/10/2002	\$267.71	\$379.44		NZ
09/10/2002	\$238.62	\$810.72		INDONESIA
10/10/2002	\$60.69	\$687.65		INDONESIA
11/10/2002	\$919.04	\$1,032.98		ITALY
11/10/2002	\$704.20	\$817.98		BRAZIL - USA
12/10/2002	\$1,060.66	\$749.24		CHINA BEIJING
13/10/2002	\$1,127.76	\$1,142.31		JAPAN
13/10/2002	\$2,100.96	\$1,875.45		ITALY - SWITZERLAND - United Kingdom
14/10/2002	\$728.81	\$644.66		Papua New Guinea
14/10/2002	\$544.99	\$358.35		SINGAPORE
15/10/2002	\$409.24	\$737.50		FRANCE - BELGIUM
15/10/2002	\$936.89	\$785.55		FRANCE - BELGIUM - Bolivia
16/10/2002	\$1,611.03	\$1,393.13		USA
17/10/2002	\$291.52	\$203.00		Papua New Guinea
18/10/2002	\$2,537.00	\$855.51		EGYPT
18/10/2002	\$907.85	\$1,845.37		SWITZERLAND
19/10/2002	\$1,722.19	\$1,034.32		BELGIUM - NETHERLANDS
19/10/2002	\$425.37	\$571.45		FIJI
20/10/2002	\$755.11	\$1,308.42		SWITZERLAND
20/10/2002	\$4,550.99	\$1,297.83		INDIA
21/10/2002	\$109.49	\$1,115.36		EAST TIMOR
22/10/2002	\$353.90	\$286.36		NZ
23/10/2002	\$137.36	-\$137.36		INDONESIA
23/10/2002	\$0.00	\$0.00		PHILIPPINES - SINGAPORE - MALAYSIA
26/10/2002	\$126.00	\$1,681.62		ITALY
27/10/2002	\$1,819.55	\$1,215.39		ITALY
27/10/2002	\$336.00	\$1,963.74		CANADA - FRANCE
27/10/2002	\$0.00	\$277.23		THAILAND
28/10/2002	\$350.00	-\$350.00		THAILAND
29/10/2002	\$0.00	\$261.21		NZ
31/10/2002	\$0.00	\$2,255.88		BELGIUM - United Kingdom
01/11/2002	\$2,770.71	\$1,327.09		BELGIUM - United Kingdom
02/11/2002	\$1,657.50	\$2,153.67		JAPAN
03/11/2002	\$843.45	\$704.77		THAILAND
04/11/2002	\$2,433.73	\$3,928.98		SWITZERLAND
05/11/2002	\$131.52	\$168.19		THAILAND

QUESTIONS ON NOTICE

Tuesday, 15 June 2004

SENATE

23741

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
05/11/2002	\$384.48	\$872.12		DENMARK
06/11/2002	\$3,369.21	\$2,003.81		GERMANY - AUSTRIA
08/11/2002	\$1,780.16	\$2,391.76		United Kingdom - FRANCE - NETHERLANDS
09/11/2002	\$0.00	\$457.27		NZ
10/11/2002	\$0.00	\$450.50		NZ
11/11/2002	\$1,498.95	\$1,143.05		THAILAND - PHILIPPINES
11/11/2002	\$1,498.95	\$1,067.74		THAILAND - PHILIPPINES
11/11/2002	\$1,493.57	\$922.53		THAILAND - PHILIPPINES
11/11/2002	\$818.45	\$533.98		NZ
14/11/2002	\$194.79	\$204.27		NZ
15/11/2002	\$1,005.37	\$1,612.32		ECUADOR - CHILE
16/11/2002	\$890.21	\$910.13		CHINA
17/11/2002	\$0.00	\$1,464.38		SWITZERLAND
17/11/2002	\$0.00	-\$399.79		SWITZERLAND
17/11/2002	\$5,404.40	\$4,838.05		USA
17/11/2002	\$1,191.65	\$1,720.02		USA
21/11/2002	\$217.70	\$391.85		TAIWAN
22/11/2002	\$0.00	\$105.75		GAMBIA
23/11/2002	\$2,831.69	\$3,825.28		INDIA - TAIWAN
24/11/2002	\$0.00	\$2,102.15		United Kingdom
26/11/2002	\$214.40	\$1,864.83		EAST TIMOR
26/11/2002	\$220.67	\$2,500.73		EAST TIMOR
27/11/2002	\$2,026.44	\$1,932.45		SEYCHELLES
29/11/2002	\$0.00	\$1,287.15		CHILE - ARGENTINA
30/11/2002	\$0.00	\$710.00		United Kingdom
02/12/2002	\$53.74	\$771.06		EAST TIMOR
07/12/2002	\$0.00	\$0.00		SINGAPORE - THAILAND
08/12/2002	\$92.00	\$2,317.80		KUWAIT
08/12/2002	\$1,923.67	\$1,008.56		GERMANY
10/12/2002	\$0.00	\$1,198.71		KUWAIT
11/12/2002	\$565.81	\$313.27		SINGAPORE
13/12/2002	\$0.00	\$450.00		MALAYSIA - PAKISTAN
15/12/2002	\$1,100.04	\$1,166.45		JAPAN
15/12/2002	\$1,100.04	\$1,096.27		JAPAN
04/01/2003	\$1,422.82	-\$1,661.08		FRANCE
08/01/2003	\$0.00	\$228.53		NZ
08/01/2003	\$208.47	\$46.54		NZ
08/01/2003	\$363.37	\$445.84		NETHERLANDS
08/01/2003	\$0.00	\$249.95		NZ
08/01/2003	\$208.47	-\$208.47		NZ
08/01/2003	\$485.28	\$734.45		NZ
10/01/2003	\$0.00	-\$34.50		THAILAND
11/01/2003	\$527.34	\$1,160.04		THAILAND
16/01/2003	\$0.00	\$1,539.13		NEW CALEDONIA
18/01/2003	\$0.00	\$2,376.52		SWITZERLAND - THAILAND
19/01/2003	\$593.56	\$701.32		PHILIPPINES
23/01/2003	\$682.84	\$1,044.46		JAPAN
24/01/2003	\$2,472.59	\$3,146.94		USA - United Kingdom
27/01/2003	\$229.40	\$788.02		THAILAND
28/01/2003	\$0.00	\$753.21		JAPAN

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
28/01/2003	\$126.00	\$963.69		NEW CALEDONIA
28/01/2003	\$0.00	\$751.18		JAPAN
30/01/2003	\$269.43	\$1,084.99		NZ
30/01/2003	\$1,246.11	\$925.32		USA - GUATEMALA
31/01/2003	\$1,747.15	\$1,403.67		USA - GUATEMALA
31/01/2003	\$1,229.82	\$990.60		NZ
31/01/2003	\$2,058.85	\$2,780.70		UK - NETHERLANDS - BELGIUM - FRANCE
31/01/2003	\$1,557.80	\$1,253.28		USA - GUATEMALA
01/02/2003	\$792.45	\$860.33		NZ
01/02/2003	\$1,405.85	\$1,425.88		NZ
01/02/2003	\$768.42	\$805.25		NZ
01/02/2003	\$942.42	\$931.11		NZ
01/02/2003	\$1,017.81	\$999.00		NZ
01/02/2003	\$942.42	\$1,017.81		NZ
01/02/2003	\$1,079.07	\$794.91		NZ
01/02/2003	\$1,119.59	\$1,209.06		NZ
02/02/2003	\$1,159.31	\$933.48		NZ
02/02/2003	\$0.00	\$772.04		NZ
03/02/2003	\$262.21	\$84.86		SRI LANKA
04/02/2003	\$5,549.84	\$3,470.70		Papua New Guinea
07/02/2003	\$0.00	\$2,474.56		SWITZERLAND - SINGAPORE
08/02/2003	\$697.41	\$596.66		BELGIUM
09/02/2003	\$0.00	\$556.51		NZ
09/02/2003	\$0.00	\$600.14		NZ
10/02/2003	\$51.21	\$339.59		EAST TIMOR
12/02/2003	\$451.42	\$467.19		NZ
12/02/2003	\$356.54	\$562.36		THAILAND
12/02/2003	\$341.26	\$361.09		CHINA
15/02/2003	\$0.00	\$363.64		NEW CALEDONIA
15/02/2003	\$0.00	\$618.16		NZ
16/02/2003	\$744.80	\$651.80		NZ
16/02/2003	\$0.00	\$672.77		NZ
17/02/2003	\$1,049.46	\$571.17		Papua New Guinea
18/02/2003	\$0.00	\$536.90		EAST TIMOR
18/02/2003	\$2,575.42	\$1,686.90		ITALY
18/02/2003	\$0.00	\$589.90		EAST TIMOR
19/02/2003	\$0.00	\$312.59		Papua New Guinea
19/02/2003	\$631.89	\$556.57		Papua New Guinea
20/02/2003	\$0.00	\$1,184.56		JAPAN
20/02/2003	\$0.00	\$621.24		USA
21/02/2003	\$0.00	\$725.72		ITALY - EGYPT - SUDAN - ERITREA
22/02/2003	\$0.00	\$2,141.46		SWITZERLAND - THAILAND
23/02/2003	\$0.00	\$4.00		NZ
23/02/2003	\$0.00	\$7.21		NZ
23/02/2003	\$0.00	\$371.21		NZ
25/02/2003	\$1,436.47	\$3,528.00		USA - CANADA
26/02/2003	\$364.85	\$218.61		PHILIPPINES
26/02/2003	\$126.00	\$407.43		NZ
27/02/2003	\$1,833.01	\$1,485.83		ITALY
28/02/2003	\$2,881.36	\$2,269.49		United Kingdom

Tuesday, 15 June 2004

SENATE

23743

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
01/03/2003	\$0.00	\$519.45		THAILAND - INDONESIA
01/03/2003	\$0.00	\$236.89		THAILAND
01/03/2003	\$0.00	\$3,137.67		USA - BELGIUM - NZ
01/03/2003	\$207.43	\$533.26		MALAYSIA - BRUNEI
01/03/2003	\$0.00	\$303.95		Papua New Guinea
01/03/2003	\$196.80	\$230.88		THAILAND
01/03/2003	\$207.43	\$514.87		MALAYSIA - BRUNEI
01/03/2003	\$207.38	\$394.85		MALAYSIA - BRUNEI
01/03/2003	\$0.00	\$688.97		INDONESIA
01/03/2003	\$207.43	\$452.75		MALAYSIA - BRUNEI
01/03/2003	\$186.09	\$456.87		THAILAND
01/03/2003	\$0.00	\$296.81		THAILAND
03/03/2003	\$0.00	\$257.95		ECUADOR
04/03/2003	\$220.39	\$351.09		JAPAN
05/03/2003	\$1,045.80	\$596.80		INDONESIA
05/03/2003	\$697.20	\$399.82		INDONESIA
05/03/2003	\$674.22	\$196.70		BELGIUM
05/03/2003	\$640.89	\$680.08		JAPAN
06/03/2003	\$1,286.44	\$1,426.22		MARSHALL ISLANDS - GUAM
09/03/2003	\$1,389.79	\$1,341.59		JAPAN
09/03/2003	\$377.64	\$192.26		INDONESIA
09/03/2003	\$699.69	\$408.96		SINGAPORE - Vietnam
09/03/2003	\$346.64	\$138.91		INDONESIA
13/03/2003	\$347.33	\$311.47		NZ
13/03/2003	\$1,326.17	\$1,043.14		NZ
14/03/2003	\$0.00	\$1,055.73		ITALY
15/03/2003	\$0.00	\$117.53		NZ
15/03/2003	\$0.00	\$22.43		NZ
15/03/2003	\$815.78	\$801.91		USA
15/03/2003	\$0.00	\$581.39		JAPAN
16/03/2003	\$0.00	\$633.46		NZ
16/03/2003	\$0.00	\$710.69		NZ
16/03/2003	\$816.46	\$685.97		NZ
16/03/2003	\$0.00	\$167.71		USA
16/03/2003	\$0.00	\$638.51		NZ
16/03/2003	\$816.46	\$599.68		NZ
16/03/2003	\$0.00	\$647.53		NZ
16/03/2003	\$0.00	\$616.41		NZ
17/03/2003	\$579.07	\$384.23		Papua New Guinea
18/03/2003	\$717.11	\$1,494.33		JAPAN
18/03/2003	\$0.00	\$376.40		NZ
18/03/2003	\$327.78	\$309.82		NZ
18/03/2003	\$332.71	\$469.70		NZ
18/03/2003	\$0.00	\$24.43		NZ
19/03/2003	\$1,652.27	\$2,751.21		BELGIUM - LUXEMBOURG - DENMARK - UK
19/03/2003	\$113.48	\$389.57		EAST TIMOR
20/03/2003	\$0.00	\$842.93		NZ
22/03/2003	\$1,379.76	\$1,179.40		NETHERLANDS
22/03/2003	\$876.68	\$595.67		SINGAPORE
22/03/2003	\$837.09	\$704.27		NZ

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
22/03/2003	\$1,621.50	\$2,412.75		DENMARK - BELGIUM - UK
22/03/2003	\$837.09	\$766.36		NZ
23/03/2003	\$2,202.16	\$3,002.81		USA
23/03/2003	\$0.00	\$2,417.45		SWITZERLAND - THAILAND
23/03/2003	\$0.00	\$1,022.97		DENMARK
23/03/2003	\$0.00	\$373.95		PHILIPPINES
24/03/2003	\$123.06	\$185.51		NZ
24/03/2003	\$0.00	\$0.00		FIJI
24/03/2003	\$0.00	\$298.94		NZ
24/03/2003	\$123.06	\$159.51		NZ
24/03/2003	\$0.00	\$730.73		USA
25/03/2003	\$729.38	\$489.46		THAILAND - MYANMAR
25/03/2003	\$0.00	\$84.83		JAPAN
25/03/2003	\$0.00	\$1,452.51		NETHERLANDS
25/03/2003	\$1,311.54	\$1,369.95		JAPAN - CHINA
26/03/2003	\$1,031.85	\$2,181.11		BELGIUM - UK
26/03/2003	\$2,090.58	\$2,305.56		NETHERLANDS - UK - THAILAND
28/03/2003	\$2,551.47	\$2,746.16		UK - SWITZERLAND - FRANCE
28/03/2003	\$440.05	\$828.65		CHILE - URUGUAY - ARGENTINA
28/03/2003	\$0.00	\$479.87		SINGAPORE - JAPAN
28/03/2003	\$3,161.69	\$3,839.38		FRANCE - BELGIUM - NETHERLANDS
29/03/2003	\$375.98	\$2,098.40		FRANCE - UK - USA
29/03/2003	\$0.00	\$321.83		CHINA BEIJING
29/03/2003	\$126.00	\$717.66		CHINA
29/03/2003	\$697.77	\$467.46		FIJI
29/03/2003	\$168.00	\$349.02		CHINA
29/03/2003	\$435.14	\$487.60		CHINA
29/03/2003	\$126.00	\$583.68		CHINA
29/03/2003	\$126.00	\$347.21		CHINA
29/03/2003	\$168.00	\$438.40		CHINA
30/03/2003	\$714.75	\$1,396.90		SWITZERLAND
30/03/2003	\$1,971.55	\$2,689.14		SWITZERLAND - BELGIUM - FRANCE
30/03/2003	\$0.00	\$0.00		CHINA BEIJING
31/03/2003	\$283.03	\$420.37		THAILAND
01/04/2003	\$2,469.93	\$2,850.85		GERMANY - BELGIUM - UK - FRANCE
03/04/2003	\$2,258.54	\$2,506.01		SWITZERLAND
04/04/2003	\$0.00	\$1,280.33		FRANCE
04/04/2003	\$0.00	\$1,542.62		FRANCE
04/04/2003	\$1,044.67	\$1,349.30		ITALY
04/04/2003	\$1,261.50	\$1,412.30		CHILE - URUGUAY
04/04/2003	\$1,402.84	\$1,353.55		NORWAY
05/04/2003	\$1,241.88	\$1,263.62		NZ
05/04/2003	\$0.00	\$1,183.53		ITALY
06/04/2003	\$0.00	\$575.67		Papua New Guinea
06/04/2003	\$386.81	\$1,591.92		EAST TIMOR
06/04/2003	\$386.81	\$1,915.21		EAST TIMOR
06/04/2003	\$1,107.15	\$550.68		Papua New Guinea
06/04/2003	\$386.81	\$1,555.67		EAST TIMOR
06/04/2003	\$1,181.88	\$1,239.83		NZ
06/04/2003	\$386.81	\$1,564.67		EAST TIMOR
06/04/2003	\$871.17	\$3,243.31		EAST TIMOR

QUESTIONS ON NOTICE

Tuesday, 15 June 2004

SENATE

23745

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,936,820	Destination**
07/04/2003	\$0.00	\$200.00		Papua New Guinea
07/04/2003	\$885.72	\$290.34		Papua New Guinea
12/04/2003	\$579.08	\$594.11		MOROCCO
12/04/2003	\$1,182.03	\$1,233.93		FRANCE
13/04/2003	\$0.00	\$472.41		QATAR - JORDAN
19/04/2003	\$0.00	\$0.00		NZ
19/04/2003	\$0.00	\$965.85		MALAYSIA - INDIA
19/04/2003	\$0.00	\$695.07		MALAYSIA - INDIA
21/04/2003	\$1,399.98	\$1,062.16		Papua New Guinea
23/04/2003	\$1,399.58	\$1,225.43		CANADA
24/04/2003	\$2,571.96	\$3,211.60		USA - CANADA
25/04/2003	\$1,896.34	\$3,446.55		AUSTRIA - GERMANY - LUXEMBOURG - UK
25/04/2003	\$1,337.48	\$1,192.88		CANADA
26/04/2003	\$792.31	\$638.59		NZ
26/04/2003	\$1,424.33	\$1,297.17		FIJI
27/04/2003	\$470.92	\$453.86		CANADA
27/04/2003	\$168.00	\$827.45		KOREA
30/04/2003	\$0.00	\$0.00		Papua New Guinea
30/04/2003	\$0.00	\$0.00		Papua New Guinea
02/05/2003	\$768.03	\$727.53		BRAZIL
02/05/2003	\$768.03	\$774.88		BRAZIL
02/05/2003	\$803.01	\$653.90		FIJI
03/05/2003	\$0.00	\$1,131.29		ITALY - SWITZERLAND
03/05/2003	\$0.00	\$0.00		Papua New Guinea
05/05/2003	\$0.00	\$9,221.42		QATAR - KUWAIT
05/05/2003	\$0.00	\$0.00		KUWAIT
05/05/2003	\$0.00	\$762.20		QATAR
05/05/2003	\$127.00	\$2,085.72		QATAR
05/05/2003	\$733.78	\$1,133.50		SWITZERLAND
05/05/2003	\$0.00	\$2,109.70		QATAR
05/05/2003	\$0.00	\$0.00		QATAR - JORDAN - KUWAIT
05/05/2003	\$0.00	\$6,880.08		QATAR - JORDAN - KUWAIT - United Arab Emirates - SINGAPORE
05/05/2003	\$0.00	\$0.00		KUWAIT
05/05/2003	\$0.00	\$4,761.21		QATAR - JORDAN - KUWAIT
05/05/2003	\$0.00	\$7,051.76		QATAR - KUWAIT
05/05/2003	\$0.00	\$992.15		QATAR
10/05/2003	\$1,849.89	\$1,071.59		PANAMA
10/05/2003	\$1,849.89	\$1,058.76		PANAMA
10/05/2003	\$0.00	\$820.36		MALAYSIA - THAILAND
11/05/2003	\$0.00	\$83.10		MALAYSIA - THAILAND
11/05/2003	\$1,825.07	\$594.16		KOREA
11/05/2003	\$1,825.07	\$720.93		KOREA
12/05/2003	\$0.00	\$862.13		JAPAN
12/05/2003	\$0.00	\$901.44		JAPAN
14/05/2003	\$1,669.67	\$1,685.98		FRANCE
14/05/2003	\$0.00	\$1,479.65		FRANCE
14/05/2003	\$52.90	\$1,306.20		BRAZIL
15/05/2003	\$1,500.00	\$2,015.29		JAPAN
16/05/2003	\$92.74	\$361.14		THAILAND

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$1,936,820	
16/05/2003	\$152.86	\$671.99		BRAZIL - CHILE
16/05/2003	\$742.48	\$1,123.89		BRAZIL - CHILE
17/05/2003	\$1,222.58	\$1,143.56		BELGIUM - FRANCE
18/05/2003	\$952.96	\$871.40		USA HAWAII
18/05/2003	\$1,079.65	\$1,267.58		USA HAWAII
23/05/2003	\$4,306.13	\$3,080.41		SWITZERLAND
23/05/2003	\$4,035.41	\$3,464.59		SWITZERLAND
24/05/2003	\$978.56	\$908.42		MALAYSIA - MYANMAR - THAILAND
25/05/2003	\$0.00	\$566.60		EAST TIMOR
25/05/2003	\$592.95	\$297.78		NZ
25/05/2003	\$0.00	\$0.00		PHILIPPINES
25/05/2003	\$395.30	\$182.27		NZ
27/05/2003	\$125.00	\$333.48		EAST TIMOR
27/05/2003	\$125.00	\$328.71		EAST TIMOR
28/05/2003	\$817.48	\$5,098.10		VANUATU
29/05/2003	\$0.00	\$88.80		THAILAND
30/05/2003	\$1,201.09	\$1,157.84		FRANCE
30/05/2003	\$1,222.68	\$1,273.41		FRANCE
30/05/2003	\$0.00	\$3,647.55		USA NEW YORK
31/05/2003	\$1,149.60	\$1,160.87		USA Washington DC
02/06/2003	\$2,396.08	\$636.47		FRANCE
03/06/2003	\$0.00	\$772.03		Papua New Guinea
05/06/2003	\$0.00	\$3,161.86		USA
06/06/2003	\$0.00	\$0.00		
06/06/2003	\$0.00	\$1,538.58		FRANCE - SWITZERLAND- BELGIUM
07/06/2003	\$0.00	\$1,019.00		FRANCE
07/06/2003	\$1,813.00	\$1,194.17		NETHERLANDS
07/06/2003	\$2,083.23	\$2,188.48		USA
08/06/2003	\$0.00	\$1,918.22		FRANCE
08/06/2003	\$1,045.56	\$1,035.70		USA
11/06/2003	\$1,767.17	\$2,369.15		UK - SWITZERLAND
15/06/2003	\$1,264.07	\$882.12		JAPAN - CANADA
15/06/2003	\$485.42	\$480.99		MALAYSIA
16/06/2003	\$1,081.76	\$762.92		CANADA
16/06/2003	\$2,164.13	\$2,353.28		USA
16/06/2003	\$1,246.22	\$799.25		CANADA
17/06/2003	\$135.66	\$479.35		EAST TIMOR
18/06/2003	\$2,154.07	\$3,270.03		USA
20/06/2003	\$1,052.86	-\$1,455.31		FRANCE
20/06/2003	\$1,921.37	\$2,974.29		BELGIUM - SWITZERLAND - USA
20/06/2003	\$2,382.08	\$2,807.31		BELGIUM - SWITZERLAND - DENMARK - NETHERLANDS
20/06/2003	\$0.00	\$1,332.29		AUSTRIA
21/06/2003	\$1,630.81	\$2,093.23		USA
22/06/2003	\$427.89	\$464.79		AUSTRIA
23/06/2003	\$606.53	\$393.63		Papua New Guinea
23/06/2003	\$607.23	\$685.55		Papua New Guinea
24/06/2003	\$1,922.26	\$1,829.48		SWITZERLAND
24/06/2003	\$0.00	\$6,210.15		ITALY - UK
24/06/2003	\$1,443.35	\$2,527.18		THAILAND - INDIA
26/06/2003	\$0.00	\$1,472.64		ITALY

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination**
			\$1,936,820	
26/06/2003	\$0.00	\$353.32		NZ
27/06/2003	\$3,709.41	\$1,799.37		CHILE - URUGUAY - ARGENTINA - BRAZIL - MEXICO
28/06/2003	\$0.00	\$0.00		USA
28/06/2003	\$744.61	\$794.22		FRANCE
29/06/2003	\$958.33	\$976.91		SWITZERLAND
29/06/2003	\$140.53	\$1,148.08		KOREA - JAPAN
30/06/2003	\$0.00	\$1,150.45		GERMANY - NETHERLANDS - ITALY
30/06/2003	\$0.00	\$0.00		USA HAWAII
30/06/2003	\$0.00	\$3,896.80		USA HAWAII
30/06/2003	\$0.00	\$3,170.54		USA HAWAII

Appendix E - 2003-2004**1 (b)(ii) Costs of accommodation, allowances and airfares and (iii) Destination**

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination
			\$1,403,489	
01/07/2003	\$2,251.27	\$3,362.24		USA
04/07/2003	\$437.31	\$572.79		NZ
06/07/2003	\$0.00	\$235.93		INDONESIA
06/07/2003	\$1,012.87	\$1,393.72		SWITZERLAND
06/07/2003	\$652.46	\$607.97		MEXICO
06/07/2003	\$0.00	\$245.19		INDONESIA
07/07/2003	\$111.44	\$211.86		INDONESIA
09/07/2003	\$148.91	\$5,417.91		CHINA
11/07/2003	\$3,706.64	\$2,873.33		United Kingdom
13/07/2003	\$0.00	\$1,674.62		SWITZERLAND
14/07/2003	\$77.00	\$257.00		CAIRNS STOPOVER AS PART OF POSTING
19/07/2003	\$971.50	\$988.87		USA HAWAII
20/07/2003	\$2,742.21	\$2,105.28		PHILIPPINES - THAILAND - MALAYSIA
20/07/2003	\$0.00	\$0.00		NZ
21/07/2003	\$0.00	\$814.84		MALAYSIA - THAILAND
24/07/2003	\$0.00	\$4,486.78		JAPAN
25/07/2003	\$0.00	\$5,051.61		JAPAN
25/07/2003	\$0.00	\$3,160.10		Papua New Guinea
25/07/2003	\$0.00	\$1,741.53		Papua New Guinea
25/07/2003	\$0.00	\$4,280.21		JAPAN
26/07/2003	\$321.51	\$324.81		INDONESIA
26/07/2003	\$324.03	\$285.39		INDONESIA
26/07/2003	\$308.17	\$268.34		INDONESIA
26/07/2003	\$320.80	\$337.47		INDONESIA
26/07/2003	\$0.00	\$245.27		INDONESIA
26/07/2003	\$119.60	\$1,166.50		USA
26/07/2003	\$320.82	\$305.09		INDONESIA
27/07/2003	\$308.17	\$275.40		INDONESIA
27/07/2003	\$155.24	\$279.60		INDONESIA - SINGAPORE
29/07/2003	\$0.00	\$1,549.05		Papua New Guinea
29/07/2003	\$1,013.17	\$1,060.44		THAILAND - MALAYSIA
29/07/2003	\$0.00	\$1,970.40		Papua New Guinea
30/07/2003	\$67.00	\$557.15		SOLOMON ISLANDS

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination
			\$1,403,489	
02/08/2003	\$0.00	\$1,131.26		MALAYSIA
02/08/2003	\$795.53	\$776.16		THAILAND - MALAYSIA
02/08/2003	\$802.48	\$709.66		THAILAND - MALAYSIA
02/08/2003	\$436.31	\$740.90		THAILAND
02/08/2003	\$0.00	\$970.07		MALAYSIA - CHINA
02/08/2003	\$795.58	\$737.44		THAILAND - MALAYSIA
03/08/2003	\$0.00	\$795.14		SINGAPORE
03/08/2003	\$247.08	\$843.47		THAILAND
04/08/2003	\$735.58	\$713.27		FRANCE
09/08/2003	\$432.40	\$489.08		MALAYSIA
11/08/2003	\$0.00	\$72.47		NEW ZEALAND
14/08/2003	\$0.00	\$1,345.38		CHINA
17/08/2003	\$910.97	\$1,222.36		NEW CALEDONIA
23/08/2003	\$606.69	\$1,063.19		ARGENTINA
23/08/2003	\$654.14	\$925.23		ARGENTINA
23/08/2003	\$397.14	\$956.93		THAILAND
23/08/2003	\$664.38	\$865.01		Papua New Guinea
24/08/2003	\$1,542.98	\$1,766.29		NEW ZEALAND
24/08/2003	\$0.00	\$2,597.95		UNITED ARAB EMIRATES - SAUDI ARABIA - BELGIUM - FRANCE - SWITZERLAND
24/08/2003	\$0.00	\$2,239.63		UNITED ARAB EMIRATES - SAUDI ARABIA - BELGIUM - FRANCE - SWITZERLAND
25/08/2003	\$0.00	\$0.00		NZ
25/08/2003	\$1,894.96	\$1,788.88		NZ
25/08/2003	\$1,403.52	\$1,164.09		Papua New Guinea
25/08/2003	\$1,314.51	\$1,692.47		Papua New Guinea
25/08/2003	\$498.29	\$490.01		Papua New Guinea
25/08/2003	\$1,403.52	\$1,314.64		Papua New Guinea
25/08/2003	\$1,403.52	\$881.83		Papua New Guinea
26/08/2003	\$795.48	\$499.77		KOREA
28/08/2003	\$1,500.17	\$4,652.69		USA
29/08/2003	\$0.00	\$11,178.80		USA
29/08/2003	\$725.47	\$1,575.15		CHINA
29/08/2003	\$2,059.09	\$1,082.92		TAIWAN - SINGAPORE
29/08/2003	\$1,767.17	\$978.36		TAIWAN - SINGAPORE
29/08/2003	\$725.47	\$1,483.82		CHINA BEIJING
29/08/2003	\$0.00	\$484.29		CHINA
30/08/2003	\$235.04	\$551.83		CHINA
30/08/2003	\$346.29	\$858.96		GERMANY
30/08/2003	\$1,046.53	\$654.06		TAIWAN - JAPAN
30/08/2003	\$0.00	\$777.98		TAIWAN - JAPAN
30/08/2003	\$249.77	\$3,512.14		CHINA
01/09/2003	\$407.22	\$476.16		NZ
01/09/2003	\$104.22	\$416.95		EAST TIMOR
01/09/2003	\$0.00	\$621.29		CHINA - SINGAPORE
03/09/2003	\$1,617.40	\$2,119.22		KOREA - CHINA
03/09/2003	\$1,660.40	\$1,175.48		KOREA - CHINA
04/09/2003	\$1,605.29	\$907.25		POLAND
05/09/2003	\$3,185.86	\$1,659.10		CHILE - MEXICO

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination
			\$1,403,489	
05/09/2003	\$0.00	\$1,056.04		CHILE - MEXICO
05/09/2003	\$616.70	\$1,776.70		JAPAN
05/09/2003	\$308.21	\$47.01		CHILE - MEXICO
06/09/2003	\$0.00	\$587.63		USA
06/09/2003	\$2,019.01	\$958.99		MEXICO
06/09/2003	\$0.00	\$2,471.55		SINGAPORE
07/09/2003	\$496.84	\$1,165.18		JAPAN
07/09/2003	\$0.00	\$263.07		SINGAPORE
07/09/2003	\$0.00	\$877.89		PHILIPPINES - THAILAND - Vietnam
07/09/2003	\$0.00	\$529.64		NZ
08/09/2003	\$0.00	\$1,237.03		SINGAPORE
08/09/2003	\$130.00	\$683.82		NZ
09/09/2003	\$0.00	\$763.61		GREECE - UNITED KINGDOM
09/09/2003	\$0.00	\$0.00		SWITZERLAND
10/09/2003	\$450.22	\$2,890.55		FRANCE
10/09/2003	\$203.20	\$282.67		NZ
10/09/2003	\$1,657.55	\$2,628.59		KUWAIT
10/09/2003	\$203.20	\$191.94		NZ
13/09/2003	\$710.74	\$985.95		INDIA
13/09/2003	\$0.00	\$552.56		NEW ZEALAND
13/09/2003	\$0.00	\$1,690.87		USA - CANADA
13/09/2003	\$799.86	\$391.25		INDIA
13/09/2003	\$1,853.33	\$1,686.94		THAILAND - CHINA - THAILAND
15/09/2003	\$1,725.95	\$2,166.31		UNITED STATES OF AMERICA
15/09/2003	\$0.00	\$0.00		USA Washington DC
16/09/2003	\$0.00	\$998.93		Papua New Guinea
16/09/2003	\$67.00	\$628.10		SOLOMON ISLANDS
17/09/2003	\$0.00	\$334.44		NEW ZEALAND
18/09/2003	\$3,125.77	\$2,252.09		CANADA
18/09/2003	\$1,125.02	\$1,139.46		GERMANY
18/09/2003	\$3,116.36	\$1,927.77		CANADA
20/09/2003	\$2,127.17	\$2,212.05		FRANCE - UNITED KINGDOM - Personal Leave IRISH REPUBLIC - NETHERLANDS
21/09/2003	\$874.86	\$1,131.11		DENMARK
21/09/2003	\$0.00	\$0.00		SAMOA
21/09/2003	\$0.00	\$0.00		SAMOA
22/09/2003	\$1,134.64	\$876.38		FRANCE
23/09/2003	\$1,635.74	\$1,352.12		COOK ISLANDS
23/09/2003	\$1,823.97	\$1,690.12		COOK ISLANDS
25/09/2003	\$1,657.55	\$3,425.93		KUWAIT
25/09/2003	\$733.65	\$832.48		FIJI
25/09/2003	\$0.00	\$3,840.41		KUWAIT - FRANCE
26/09/2003	\$2,015.88	\$1,684.69		COOK ISLANDS - NEW ZEALAND
27/09/2003	\$0.00	\$1,453.48		COOK ISLANDS - NEW ZEALAND
27/09/2003	\$1,021.79	\$938.97		NEW ZEALAND
28/09/2003	\$0.00	\$671.15		ITALY
28/09/2003	\$982.02	\$988.93		FIJI
30/09/2003	\$0.00	\$812.38		GREECE
01/10/2003	\$0.00	\$2,035.62		UNITED KINGDOM - FRANCE
01/10/2003	\$2,347.94	\$2,187.50		KUWAIT - ERITREA

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination
			\$1,403,489	
02/10/2003	\$1,308.30	\$2,365.70		FRANCE - BELGIUM - SWITZERLAND - GERMANY - SPAIN
03/10/2003	\$1,176.55	-\$1,413.11		FRANCE
04/10/2003	\$387.74	\$510.54		NZ
04/10/2003	\$1,080.89	\$922.29		NETHERLANDS - BELGIUM
05/10/2003	\$0.00	\$721.58		KOREA REPUBLIC
05/10/2003	\$1,821.42	\$2,415.69		UNITED STATES OF AMERICA
05/10/2003	\$683.77	\$763.26		NEW ZEALAND
05/10/2003	\$672.66	\$818.90		NEW ZEALAND
06/10/2003	\$750.89	\$800.94		NEW ZEALAND
06/10/2003	\$620.94	\$494.43		NEW ZEALAND
07/10/2003	\$0.00	\$266.03		NEW ZEALAND
07/10/2003	\$781.04	\$327.58		TAIWAN
07/10/2003	\$781.04	\$365.54		TAIWAN
07/10/2003	\$0.00	\$483.91		TAIWAN
08/10/2003	\$1,914.10	\$3,801.27		NORWAY - SWITZERLAND
09/10/2003	\$0.00	\$1,076.97		SWITZERLAND
10/10/2003	\$911.04	\$577.49		VIETNAM
10/10/2003	\$0.00	\$179.27		THAILAND
11/10/2003	\$0.00	\$0.00		EAST TIMOR
12/10/2003	\$0.00	\$815.08		UNITED STATES OF AMERICA
13/10/2003	\$802.93	\$578.71		INDIA
14/10/2003	\$0.00	\$0.00		SOLOMON ISLANDS
14/10/2003	\$0.00	\$0.00		SOLOMON ISLANDS
15/10/2003	\$1,976.95	\$3,531.85		ERITREA
16/10/2003	\$271.77	\$1,078.79		CHINA HONG KONG
16/10/2003	\$983.97	\$1,482.53		SWITZERLAND
17/10/2003	\$0.00	\$300.22		CHILE - BRAZIL
18/10/2003	\$0.00	\$1,041.77		CHINA
18/10/2003	\$558.46	\$1,872.32		GERMANY - ERITREA - GERMANY
19/10/2003	\$0.00	\$495.37		NEW ZEALAND
19/10/2003	\$562.60	\$314.64		NEW ZEALAND
19/10/2003	\$562.60	\$323.92		NEW ZEALAND
19/10/2003	\$246.89	\$205.64		NEW ZEALAND
22/10/2003	\$0.00	\$0.00		SOLOMON ISLANDS
23/10/2003	\$0.00	\$1,206.61		ITALY
23/10/2003	\$0.00	\$0.00		SOLOMON ISLANDS
24/10/2003	\$789.06	\$1,093.43		ITALY
25/10/2003	\$1,165.25	\$1,390.78		SWITZERLAND
26/10/2003	\$0.00	\$1,014.28		JAPAN
26/10/2003	\$0.00	\$559.88		PAPUA NEW GUINEA
28/10/2003	\$0.00	\$340.41		JAPAN
30/10/2003	\$0.00	\$1,854.12		UNITED STATES OF AMERICA
01/11/2003	\$0.00	\$1,913.52		UNITED STATES OF AMERICA
01/11/2003	\$1,330.89	\$2,232.22		JAPAN
02/11/2003	\$0.00	\$0.00		VANUATU
02/11/2003	\$797.97	\$2,728.82		VANUATU
03/11/2003	\$663.68	\$955.11		AUSTRIA
03/11/2003	\$574.81	\$647.14		CHILE
07/11/2003	\$0.00	\$0.00		SOLOMON ISLANDS
07/11/2003	\$0.00	\$0.00		SOLOMON ISLANDS

Tuesday, 15 June 2004

SENATE

23751

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,403,489	Destination
08/11/2003	\$0.00	\$536.21		NEW ZEALAND
08/11/2003	\$0.00	\$0.00		SOLOMON ISLANDS
09/11/2003	\$159.09	-\$622.30		THAILAND
09/11/2003	\$877.89	\$685.73		BELGIUM
09/11/2003	\$877.89	\$854.20		UNITED STATES OF AMERICA - BELGIUM
10/11/2003	\$0.00	\$1,000.06		ITALY
11/11/2003	\$319.53	\$323.13		NEW ZEALAND
11/11/2003	\$258.90	\$163.63		NEW ZEALAND
12/11/2003	\$0.00	\$1,008.74		CHILE
12/11/2003	\$94.43	\$375.81		EAST TIMOR
13/11/2003	\$0.00	\$1,775.15		FRANCE
13/11/2003	\$669.79	\$519.49		CHINA
14/11/2003	\$1,018.34	\$1,605.56		CHILE - ARGENTINA - URUGUAY - ARGENTINA
14/11/2003	\$0.00	\$1,793.06		SWITZERLAND
14/11/2003	\$0.00	\$1,902.66		CHILE - BRAZIL - UNITED KINGDOM - SOUTH AFRICA
15/11/2003	\$0.00	\$1,032.55		FRANCE
15/11/2003	\$463.66	\$1,133.51		BELGIUM - AUSTRIA
16/11/2003	\$82.69	\$441.83		THAILAND
22/11/2003	\$0.00	\$3,030.53		NEW CALEDONIA - PHILIPPINES - THAILAND - CAMBODIA - FRANCE - UNITED KINGDOM - BELGIUM - SINGAPORE
22/11/2003	\$0.00	\$2,304.19		UNITED KINGDOM
23/11/2003	\$854.89	-\$483.58		NEW CALEDONIA
23/11/2003	\$6,467.93	\$3,118.80		ITALY
23/11/2003	\$1,025.86	\$1,225.64		NEW CALEDONIA
23/11/2003	\$0.00	\$804.18		MALAYSIA - INDIA
24/11/2003	\$802.57	\$997.52		NEW ZEALAND
24/11/2003	\$303.00	\$499.19		EAST TIMOR
24/11/2003	\$0.00	\$264.86		EAST TIMOR
25/11/2003	\$0.00	\$250.82		ITALY
25/11/2003	\$0.00	\$1,179.75		NEW ZEALAND
26/11/2003	\$634.57	\$1,186.67		EAST TIMOR
27/11/2003	\$1,014.88	\$1,147.71		ITALY - UNITED KINGDOM
27/11/2003	\$0.00	\$3,373.17		SOUTH AFRICA - SEYCHELLES
27/11/2003	\$593.06	\$1,213.49		ITALY - FRANCE - RUSSIA - CHINA HONG KONG
28/11/2003	\$1,565.56	\$1,902.73		UNITED STATES OF AMERICA
28/11/2003	\$0.00	\$986.62		UNITED STATES OF AMERICA - MEXICO
28/11/2003	\$0.00	-\$294.34		SWITZERLAND
29/11/2003	\$1,391.61	\$1,629.48		UNITED STATES OF AMERICA
29/11/2003	\$960.66	\$1,294.12		THAILAND - CHINA
30/11/2003	\$0.00	\$678.81		NEW ZEALAND
30/11/2003	\$1,056.90	\$750.49		PAPUA NEW GUINEA
30/11/2003	\$649.41	\$632.09		NEW ZEALAND
30/11/2003	\$974.11	\$750.68		NEW ZEALAND
30/11/2003	\$335.80	\$2,580.65		EAST TIMOR
30/11/2003	\$811.76	\$897.83		NEW ZEALAND

QUESTIONS ON NOTICE

Trip Start Date	Accommodation	Allowances	Airfare Total Cost	Destination
			\$1,403,489	
01/12/2003	\$0.00	\$729.53		UNITED STATES OF AMERICA
02/12/2003	\$917.36	\$831.03		SWITZERLAND
02/12/2003	\$444.27	\$529.42		THAILAND - MALAYSIA
02/12/2003	\$784.75	\$362.75		PAPUA NEW GUINEA
02/12/2003	\$444.27	\$627.68		THAILAND - MALAYSIA
02/12/2003	\$917.36	\$858.50		SWITZERLAND
03/12/2003	\$1,809.83	\$1,603.18		SEYCHELLES
03/12/2003	\$1,909.32	\$1,587.66		SEYCHELLES - MAURITIUS
05/12/2003	\$1,117.84	\$2,258.74		ITALY - UNITED KINGDOM
06/12/2003	\$235.86	\$351.83		MALAYSIA
07/12/2003	\$204.19	\$1,316.17		THAILAND - MYANMAR - MALAYSIA
08/12/2003	\$526.91	\$312.06		NEW ZEALAND
08/12/2003	\$0.00	\$32.03		EAST TIMOR
10/12/2003	\$528.36	\$372.24		SINGAPORE
11/12/2003	\$150.51	\$133.56		NEW ZEALAND
11/12/2003	\$0.00	\$971.66		SOLOMON ISLANDS
11/12/2003	\$185.63	\$285.36		NEW ZEALAND
16/12/2003	\$278.96	\$342.92		NEW ZEALAND
16/12/2003	\$278.96	\$342.92		NEW ZEALAND
16/12/2003	\$278.96	\$410.33		NEW ZEALAND
02/01/2004	\$1,351.65	-\$1,361.16		FRANCE
05/01/2004	\$0.00	\$1,450.01		EAST TIMOR
07/01/2004	\$1,391.29	\$991.14		CHINA - THAILAND
07/01/2004	\$1,391.29	\$901.02		CHINA - THAILAND
10/01/2004	\$1,401.67	\$1,069.06		AUSTRIA - GERMANY
15/01/2004	\$3,055.34	\$1,708.92		UNITED ARAB EMIRATES - KUWAIT - JORDAN - SAUDI ARABIA - CHINA HONG KONG
15/01/2004	\$42.83	\$434.02		EAST TIMOR
15/01/2004	\$0.00	\$800.24		UNITED ARAB EMIRATES - KUWAIT - JORDAN - SAUDI ARABIA - CHINA HONG KONG
15/01/2004	\$0.00	\$982.52		UNITED ARAB EMIRATES - KUWAIT - JORDAN - SAUDI ARABIA - CHINA HONG KONG
16/01/2004	\$393.90	\$740.10		THAILAND
16/01/2004	\$3,917.66	\$4,356.36		UNITED STATES OF AMERICA
16/01/2004	\$2,834.58	\$2,197.68		ITALY - FRANCE - UNITED KINGDOM
17/01/2004	\$1,795.59	\$2,284.53		UNITED STATES OF AMERICA
18/01/2004	\$0.00	\$226.92		NEW ZEALAND
18/01/2004	\$211.70	\$401.23		THAILAND
20/01/2004	\$1,505.71	\$853.03		UNITED STATES OF AMERICA
20/01/2004	\$506.37	\$367.86		MAURITIUS - REUNION - SINGAPORE
21/01/2004	\$0.00	\$19.70		
21/01/2004	\$0.00	\$877.64		JAPAN
23/01/2004	\$0.00	\$456.01		PAPUA NEW GUINEA
24/01/2004	\$0.00	\$277.13		THAILAND
25/01/2004	\$0.00	\$699.40		SOUTH AFRICA - KENYA
30/01/2004	\$0.00	\$1,710.76		FRANCE - SWITZERLAND
30/01/2004	\$0.00	\$0.00		SWITZERLAND
31/01/2004	\$766.47	\$715.22		NEW ZEALAND

Trip Start Date	Accommodation	Allowances	Airfare Total Cost \$1,403,489	Destination
31/01/2004	\$769.44	\$587.44		NEW ZEALAND
01/02/2004	\$237.06	\$818.41		EAST TIMOR
01/02/2004	\$0.00	\$0.00		NEW ZEALAND
01/02/2004	\$248.91	\$1,108.51		EAST TIMOR
01/02/2004	\$0.00	\$439.48		NEW ZEALAND
02/02/2004	\$0.00	\$760.17		SWITZERLAND
03/02/2004	\$1,179.10	\$405.98		THAILAND
06/02/2004	\$2,093.88	\$1,272.33		FRANCE
06/02/2004	\$0.00	\$1,902.90		UNITED KINGDOM
07/02/2004	\$0.00	\$1,159.36		UNITED STATES OF AMERICA
07/02/2004	\$934.54	\$862.20		JAPAN
07/02/2004	\$916.93	\$760.78		JAPAN
08/02/2004	\$263.95	\$1,049.69		EAST TIMOR
08/02/2004	\$1,039.96	\$710.69		CANADA
08/02/2004	\$0.00	\$1,809.14		CANADA - ITALY
08/02/2004	\$1,039.96	\$749.61		CANADA
08/02/2004	\$0.00	\$0.00		CANADA
14/02/2004	\$872.70	\$741.71		NEW ZEALAND
14/02/2004	\$737.17	\$711.29		NEW ZEALAND
15/02/2004	\$101.00	\$488.11		EAST TIMOR
15/02/2004	\$1,016.06	\$932.04		ITALY
16/02/2004	\$0.00	\$235.70		VIETNAM
16/02/2004	\$0.00	\$0.00		EAST TIMOR
17/02/2004	\$830.17	\$2,028.54		UNITED KINGDOM - FRANCE - UNITED STATES OF AMERICA
17/02/2004	\$331.30	\$611.94		UNITED STATES OF AMERICA
18/02/2004	\$276.33	\$185.06		INDONESIA
21/02/2004	\$0.00	\$503.64		COSTA RICA
21/02/2004	\$378.50	\$456.58		MALAYSIA
21/02/2004	\$0.00	\$1,657.79		FRANCE - BELGIUM
22/02/2004	\$0.00	\$994.89		JAPAN
23/02/2004	\$0.00	\$311.48		EAST TIMOR
25/02/2004	\$0.00	\$1,501.84		THAILAND - LAOS - SINGAPORE - JAPAN
25/02/2004	\$230.45	\$223.04		THAILAND
26/02/2004	\$0.00	\$577.87		PAKISTAN
28/02/2004	\$0.00	\$1,196.50		UNITED STATES OF AMERICA
28/02/2004	\$1,154.97	\$1,090.84		UNITED STATES OF AMERICA
28/02/2004	\$839.68	\$1,957.89		FIJI - Tuvalu
28/02/2004	\$0.00	\$746.66		UNITED STATES OF AMERICA
29/02/2004	\$885.33	\$1,838.38		THAILAND - LAOS - INDONESIA

Agriculture, Fisheries and Forestry: Advertising

(Question No. 2698)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 11 March 2004:

- (1) For each financial year since 1996-97 and for the 2003-04 financial year to date, how much did the department spend on advertising.

- (2) Did any of the above advertising programs contain material that provided a breakdown by electorate of spending linked with programs administered by the department; if so: (a) how many of the above advertising programs contained a breakdown by electorate of spending; and (b) for each financial year since 1996-97, what was the cost of advertising that contained this information.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The Department of Agriculture, Fisheries and Forestry was established following the issuing of revised Administrative Arrangements Orders on 21 October 1998. The information requested can therefore only be provided from the 1998-99 financial year.

Information regarding departmental expenditure on advertising, including market research, is available in the Department's Annual Reports. These reports are available on the Department's internet site.

Financial Year	Annual Report Reference
1998-99	Appendix 7 (page 147)
1999-00	Appendix 3 (page 135)
2000-01	Appendix 3 (page 193)
2001-02	Appendix 4 (page 274)
2002-03	Appendix 4 (page 274)**

**It should be noted that additional information for the 2002-03 financial year came to light in responding to this request. This information is provided in the table below. A corrigendum to the 2002-03 Annual Report is not required, as this response will place the information on the public record.

Output Group - PIAPH

Organisation	Purpose	Cost (actually paid in 2002-03)
Killey Withy Punshon Advertising Pty Ltd	Production of reserve animal disease emergency advertising material	\$20,114.60
Open Mind	Market research in support of production of reserve emergency advertising material	\$43,450.00

This takes expenditure for 2002-03 to \$6,350,616.60 for advertising and market research.

For 2003-04, as at 29 February 2004, \$3,124,950.36 had been spent on advertising.

- (2) None of the advertising programs contain material that provides a breakdown by electorate of spending linked with programs administered by the department.
- (2) (a) and (b) Not applicable.

Agriculture, Fisheries and Forestry: Consultants

(Question No. 2699)

Senator O'Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 11 March 2004:

- (1) For each financial year since 1996-97 and for the 2003-04 financial year to date: (a) what was the cost of consultants engaged by the department; and (b) how many of these consultancies were engaged to conduct surveys of community attitudes to departmental programs
- (2) For each consultancy: (a) what was the cost; and (b) who was the consultant.
- (3) Were any of the surveys in (1)(b) released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) (a) The Department of Agriculture, Fisheries and Forestry was established following the issuing of revised Administrative Arrangements Orders on 21 October 1998, as such the information requested can only be provided from the 1998-99 financial year.

Information regarding departmental expenditure on consultants, including those engaged to undertake market research, is available in the Department's Annual Reports (available on the departmental internet site or subsequent responses to Senate Questions on Notice:

Financial Year	Reference	
	Consultants	Advertising and Market Research
1998-99	AR - Appendix 6 (page 129)	AR - Appendix 7 (page 147)
1999-00	Senate QON 576 - tabled 4 March 2003	AR - Appendix 3 (page 135)
2000-01	Senate QON 576 - tabled 4 March 2003	AR - Appendix 3 (page 193)
2001-02	Senate QON 576 - tabled 4 March 2003	AR - Appendix 4 (page 274)
2002-03	AR - Appendix 2 (page 235)**	AR - Appendix 4 (page 274)**

**It should be noted that additional information for the 2002-03 financial year came to light in responding to this request. This information is provided in the following table. A corrigendum to the 2002-03 Annual Report is not required, as this response will place the information on the public record.

Output Group – PIAPH

Consultant	Activity	Let in 2002-03	Total Let (\$)	Paid in 2002-03 (\$)	Selection Process Used	Justification for the Decision to Employ Consultancy Services
Killey Withy Punshon Advertising Pty Ltd	Production of reserve animal disease emergency advertising material	Yes	\$20,114.60	\$20,114.60	None (pre-existing relationship with AQIS Quarantine Matters Campaign)	Specialist expertise not available within the department
Open Mind	Market research in support of production of reserve emergency advertising material	Yes	\$38,500.00	\$43,450.00	None (pre-existing relationship with AQIS Quarantine Matters Campaign)	Specialist expertise not available within the department

This takes expenditure for 2002-03 to \$18,722,863.00 for consultancies and \$6,350,616.60 for advertising and market research.

For 2003-04, as at 29 February 2004, \$5,806,072.41 had been spent on consultancies.

- (1) (b) 30 consultancies covered in 1(a) were engaged to conduct surveys of community attitudes.
- (2) (a) and (b) Refer to response provided at 1(a). For 2003-04, as at 29 February 2004, please refer to Attachment A
- (3) Please refer to the table provided at Attachment B for details.

Attachment A

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY		
Consultancy expenditure - 2003-04 year to date (as at 29 February 2004)		
Consultant	Purpose	Cost \$ (Actually paid in 2003-04)
OUTPUT 1 - NATURAL RESOURCE ACCESS AND MANAGEMENT		
Centre for International Economics	Completion of Landholder Contributions Report (presentation and report)	\$15,000.00
Land & Water Australia	Industry contribution- project AC19- final installment on acceptance of final report	\$30,000.00
	TOTAL	\$45,000.00
OUTPUT 2 - RURAL POLICY AND INNOVATION		
Acumen Alliance	Conduct Audits of Rural Financial Counselling Services	\$53,193.00
Australian Institute of Company Directors	Corporate Governance Course - Young People in Rural Industries	\$88,965.00
Australian Institute of Company Directors	Corporate Governance Course - Women in Rural Industries	\$54,561.82
Australian Oilseeds Federation	Establishment of the Canola Reference Group	\$61,000.00
Corvel Marketing and Management	Develop and delivery Young Rural Leadership Course Oct 2004	\$92,769.07
Eyre Regional Development Board	Non-GM zone accreditation protocol	\$34,100.00
Graincorp	Sampling and testing protocol for detecting GM grain in bulk loads	\$25,000.00
PDF Management Pty Ltd	Delivery of work shops - Wine Skills	\$238,195.00
	TOTAL	\$647,783.89
OUTPUT 3 - INDUSTRY DEVELOPMENT		
Australian Bureau of Statistics	Grain Stock Survey	\$21,420.00
Big Time Media	Web portal development	\$35,531.00
Bob Granger-Independent Assessor	Sugar Industry Guidance Group Chair	\$65,000.00
BRI Australia Ltd	Prepare sectoral analysis of baking industry	\$52,029.33
Centre for Environmental Solutions	Conducting environmental audit of sugar industry	\$398,500.00
Commission for the Conservation of Southern Bluefin Tuna	CCSBT large scale juvenile tagging experiment 2003-04	\$154,601.00
Coree Consulting Pty Ltd	Non-Governmental beneficiaries of the implementation of the emergency and ongoing management and control components of the National System for the Prevention and Management of Marine Pest Incursions	\$60,000.00

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY		
Consultancy expenditure - 2003-04 year to date (as at 29 February 2004)		
Consultant	Purpose	Cost \$ (Actually paid in 2003-04)
CSIRO	Service Level Agreement for the provision of data and risk analysis services from CSIRO for the development and implementation of components of the National System, including ad hoc advice as required.	\$50,080.00
CSIRO	National Port Survey Collection: Consolidation, analysis and Integration	\$82,322.00
CSIRO - Division of Marine Research	Monitoring the longline catch of SBT landed in Indonesia 2003-04	\$80,004.00
Dairy Australia Limited	Through the delivery of workshops and development of a manual for standard procedures in milk testing laboratories, improvements will be made in human and technical infrastructure in milk testing laboratories in the Philippines.	\$16,905.00
Dairy Australia Limited	Through the delivery of workshops and on-site training, the project is to improve the quality of raw milk delivered to pasteurisation and UHT plants in Indonesia.	\$59,500.00
Fasttrac Pty Ltd	Provision of 3 day business readiness workshop for NIDP grantees	\$29,403.00
Fasttrac Pty Ltd	Ongoing licensing maintenance & development of the online NIDP grants assessors & business reality checks	\$65,369.00
Food Science Australia	To develop a risk profile for chicken meat in Australia	\$45,000.00
Howard Partners	Evaluation of NIDP complete projects	\$16,500.00
INSTATE Pty Ltd	Prepare guidebook to Indonesian food market	\$56,590.00
Larbob Pty Ltd	Undertake study of determination of food prices	\$115,500.00
Market Equity	Marketing Stage 1	\$15,909.09
National Aquaculture Council	National Aquaculture Council to implement an Industry driven Aquaculture Action Agenda	\$227,000.00
Queensland Department of Primary Industries	North Queensland Indigenous Aquaculture Feasibility Study	\$35,000.00
RES ENG (Australia) Ltd	To undertake a strategic assessment of the food safety and security systems in place along the food supply chain to identify any potential gaps and vulnerabilities in the new security environment.	\$23,170.00
South Australian Centre for Economic Studies	Provision of consultancy services in relation to the evaluation of the Dairy Structural Adjustment Program, Supplementary Dairy Assistance measures and the Dairy Exit Program.	\$66,528.00
Total Business Consultants	Evaluation of the Farm Forestry One-stop-shop programme	\$36,880.00
	TOTAL	\$1,808,741.42
OUTPUT 4 - MARKET ACCESS AND BIOSECURITY		
Amanda Gyles	Journalist Services for newsletter production	\$15,120.00

QUESTIONS ON NOTICE

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY		
Consultancy expenditure - 2003-04 year to date (as at 29 February 2004)		
Consultant	Purpose	Cost \$ (Actually paid in 2003-04)
Animal Sciences Group - ID-Lelystad, Netherlands	Consultancy services for research into the "Effect of heat processing on transmission of PRRS virus through pig meat", Phase I & II	\$11,949.13
Armour's Apples Pty Ltd	Participation on the Risk Analysis Panel for the importation of Apples from New Zealand to Australia	\$13,794.69
AusVet Animal Health Services	TAGSLP Aquatic Program Prawn zoning - 4-5 day workshop on epidemiology (re: zoning for prawn disease) in Thailand, late Jan/early Feb 2004.	\$19,754.55
CSIRO AAHL	Experiments to validate the observations of Takamatsu et al concerning bluetongue virus persistence in sheep	\$44,000.00
CSIRO AAHL	Joint Project between AAHL & VIAS re Quality Assurance for Animal Health Laboratories in Indonesia & Thailand	\$24,375.00
CSIRO AAHL (Dr Debra Middleton)	Very Virulent Infectious Bursal Disease (vvIBD) Preparedness – Experimental Assessment of the Risk of Transmission on Egg Shells or in Egg Product	\$20,000.00
CSIRO AAHL Geelong, Vic	Transmission of a variant strain of IBD (varIBD) to susceptible chickens from the meat or bursa of chickens immunised against IBD and challenged with varIBD.	\$14,531.00
CSIRO Entomology, Dr Rod Mahon	ID of old world screw worm fly	\$20,000.00
David Peasley Horticultural Services	Participate on the Risk Analysis Panel for the importation of Fresh Banana Fruit from the Philippines to Australia.	\$10,912.75
Dept Natural Resources & Environment, Victorian Institute Animal Science (VIAS)	Joint Project between AAHL & VIAS re Quality Assurance for Animal Health Laboratories in Indonesia & Thailand	\$24,375.00
Digby Gascoine	Biosecurity Consultancy Services	\$14,437.50
Ross Cutler & Associates Pty Ltd	Consultancy services as a member of the Risk Analysis Panel for Pig Meat	\$14,308.69
	TOTAL	\$247,558.31
OUTPUT 5 - PRODUCT INTEGRITY, ANIMAL (INCLUDING AQUATIC ANIMAL) PLANT AND HEALTH		
Asia Pacific Veterinary Information Services	Review of provision of samples to vet labs and supply of specialist vet lab specialists	\$16,000.00
EMD Multicultural Marketing & Management	Development and implementation of biosecurity education and awareness campaign targeting non-English Speaking background farmers.	\$302,500.00
Geoff Neumann and Associates	Development of a Business Plan for national approach to FMD/BSE	\$27,500.00

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY		
Consultancy expenditure - 2003-04 year to date (as at 29 February 2004)		
Consultant	Purpose	Cost \$ (Actually paid in 2003-04)
Howard Partners	Undertake a Review of 'Building a National Approach to Animal and Plant Health' program and make recommendations on whether it should continue	\$30,000.00
Howard Partners	Production of material for the development of an agvet chemical website and related printed leaflet.	\$40,000.00
Killey Withy Punshon Advertising Pty Ltd	Production of reserve animal disease emergency ad material.	\$60,634.55
XCS Consulting	Analysis of biological samples for APLC.	\$10,164.00
	TOTAL	\$486,798.55
OUTPUT 6 - QUARANTINE AND EXPORT SERVICES		
90 East Asia Pacific Pty Ltd	Security Assessment	\$19,932.00
90 EAST ASIA PACIFIC PTY LTD	Threat risk assessment	\$18,120.00
Access Economics	Economic Forecasting	\$16,097.90
CARMA International (Asia Pacific) P/L	Media analysis agency for the Quarantine matters Campaign	\$14,374.10
CSIRO	Co-regulatory systems - training & assessment of AQIS export requirements for O'seas companies who wish to export to Aust.	\$26,240.50
Cultural Perspectives	Non-English communication provider for the Quarantine Matters Campaign	\$182,556.44
Customs Brokers and Forwarders of Aust	Industry Secretariat	\$249,364.41
Dept of Business Industry and Res Development	Survey Military Base	\$28,666.00
Dr John Staniscic & Assoc	GAS Survey	\$22,737.00
Food Science Australia (Paul Vanderlinde)	Ongoing provision of specialised scientific advice	\$22,500.00
Freebodycogent Pty Ltd	Acitivity Assessment Review	\$28,413.40
Healthy Buildings International	Tracer Gas Testing	\$14,720.05
Invertebrate Identification	Survey	\$8,021.20
Killey Withy Punshon	Creative advertising and design agency for the Quarantine Matters Campaign	\$408,059.88
Mary Fisher	Revision of Export Meat Orders	\$26,320.00
Mastech	Business case for Post Entry Quarantine System (PEQS) for the Animal Quarantine Program	\$27,618.80

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY		
Consultancy expenditure - 2003-04 year to date (as at 29 February 2004)		
Consultant	Purpose	Cost \$ (Actually paid in 2003-04)
NAQIA	Contract between AQIS and Papua New Guinea National Agriculture Quarantine & Inspection Authority (NAQIA) in relation to the monitoring and surveillance for agricultural pests, diseases and weeds in PNG.	\$19,232.53
Open Mind Research Group P/L	Research services provider to the Quarantine Matters Campaign	\$177,235.25
Quay Connection	Communication strategy provider for the Quarantine Matters Campaign	\$45,549.06
THE RESEARCH FORUM	2003 AQIS Client Survey	\$66,814.37
	TOTAL	\$1,422,572.89
OUTPUT 7 - SCIENTIFIC ADVICE		
Agriculture Fisheries & Forestry	Develop social adjustment and structural change models. Contribute to synthesis of results and development of policy implications.	\$24,950.00
Agriculture Victoria Services P/L	Regional Catchments in Victoria (Catchment Scale Land Use Mapping NAP Project)	\$81,000.00
Combined - Saliant Solutions Aust., Phil Dyson and Assoc., Jason Alexandra and Assoc.	Conduct workshops (National Dryland Salinity Data Infrastructure Project)	\$80,000.00
Cooperative Research Centre - Landscapes Environments & Mineral Exploration (Leme)	Riverland and Tintinara work (South Australia Salt Mapping Project)	\$49,000.00
Dept Infrastructure Planning and Natural Resources	Land Use Mapping Lower Murray (Catchment Scale Land Use Mapping Project)	\$10,000.00
Dept Natural Resources & Mines Indooroopilly	Execution of Deed - optimal Validation (Catchment Scale Land Use Mapping Project)	\$35,000.00
Environment & Behaviour	An assessment of the social impacts for the commercial fishing industry and associated communities of rezoning proposals in the GBRMP	\$22,727.27
Georgia Associates Pty Ltd	A Core Attribute Dataset for Mapping Weeds of National Significance	\$10,000.00
John Carey & Associates	Project Management - Consultancy services/project management for Landmark Project Task 3c: (Completion Milestone 4) - Project Management	\$17,837.08
LaTrobe University	Provided an input/output analysis	\$12,855.00
NRM Consulting Pty Ltd	Undertake scoping study of governance and infrastructure arrangements relating to introduce marine pests	\$16,363.36

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY		
Consultancy expenditure - 2003-04 year to date (as at 29 February 2004)		
Consultant	Purpose	Cost \$ (Actually paid in 2003-04)
Tactics Information	Website Review	\$14,699.55
The Australian National University	Providing Technical Advice; Training services and on site training services	\$15,544.50
	TOTAL	\$389,976.76
OUTPUT 8 - ECONOMIC RESEARCH		
R Quentin Grafton	Research & preparation of report 'Capacity reduction & productivity in the Australian South East fishery' and preparation of presentation material & presentation of FRDC workshop on 'Efficiency in common-wealth fisheries'	\$12,000.00
Shepherd & Shepherd Pty Ltd	Provision of Training for graduates and OUTLOOK new presenters	\$22,320.00
	TOTAL	\$34,320.00
EXECUTIVE, MANAGEMENT SERVICES & CORPORATE GOVERNANCE MANAGEMENT SERVICES		
Australian Electoral Commission	Conduct Certified Agreement Ballot	\$12,489.40
Bay Technologies	Workflow System	\$58,382.00
Beaten Track	Departmental IT Review	\$36,621.12
Continuum Services	Consultant Register Project	\$39,542.00
Davidson Trahaire	Employee Assistance Program	\$53,310.40
Deakin KM	Travel Process and eLearning Modules Development	\$21,810.00
Ernst and Young	HR Contract Review & Negotiation	\$94,524.55
Gartner Australasia Pty Ltd	Price Benchmarking (for IT contract)	\$15,000.00
The Empower Group Pty Ltd	2004 Graduate Recruitment	\$26,685.12
Yellow Edge Performance Architects	Leadership Program/Priority Modules	\$307,500.00
CORPORATE GOVERNANCE		
Morison Consulting Ltd	Audit Committee & Finance Sub- Committee membership	\$10,494.00
Vanderbar Pty Ltd	Audit Committee & Finance Sub- Committee membership	\$19,242.00
XTEX Consulting Services	Security Risk assessment	\$27,720.00
	TOTAL	\$723,320.59
	GRAND TOTAL	\$5,806,072.41

NOTE: Information for consultancies under \$10,000 has not been provided due to the significant administrative activity required to extract the information sought.

Attachment B

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY						
Details of Consultancies engaged to conduct surveys of community attitudes						
Year	Output	Consultant/ Organisation	Activity	Survey Released publicly?	If so, when?	If not, why not?
1998-99	Competitiveness and Sustainability Group	Phoenix Projects	Stage 2 of the Missed Opportunities - Harnessing the Potential of Women in Agriculture	Yes	May 2000	N/A
1998-99	Competitiveness and Sustainability Group	Rush Social Research	Undertook media related research	No	NA	Program tracking provided to program managers only
1998-99	Competitiveness and Sustainability Group	Solutions Marketing and Research Group	Evaluated Agriculture - Advancing Australia (completed interviewing for the producer surveys)	No	NA	Program tracking provided to program managers only
1999-2000	Competitiveness and Sustainability Group	Hassall and Associates Pty Ltd	FarmBis Annual Review	Yes	May 2000	N/A
1999-2000	Competitiveness and Sustainability Group	Roy Morgan Research Pty Ltd	FarmBis Survey	Yes	March 2001	N/A
1999-2000	Competitiveness and Sustainability Group	South Australian Centre for Economic Studies	Mid-term Review of Farm Family Restart Scheme	Yes	July 2000	N/A
2000-01	Industry Development and Adjustment	Hassall and Associates Pty Ltd	Variation of FarmBis Review	Yes	July 2001	N/A
2000-01	Industry Development and Adjustment	Hassall and Associates Pty Ltd	Mid-term and Annual Review of FarmBis	Yes	July 2001	N/A
2000-01	Industry Development and Adjustment	NFO Donovan Research Pty Ltd	Young people as Clients strategy	Yes	May 2002	N/A

Tuesday, 15 June 2004

SENATE

23763

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY						
Details of Consultancies engaged to conduct surveys of community attitudes						
Year	Output	Consultant/ Organisation	Activity	Survey Released publicly?	If so, when?	If not, why not?
2000-01	Industry Development and Adjustment	Roy Morgan Research Pty Ltd	FarmBis Industry Survey	Yes	March 2001	N/A
2000-01	Industry Development and Adjustment	Roy Morgan Research Pty Ltd	FarmBis Participant Survey	Yes	March 2001	N/A
2000-01	Industry Development and Adjustment	Solutions Research	Tracking changes to producers' attitudes, skills and behaviours as a result of AAA programs	No	NA	Program tracking provided to program managers only
2000-01	Industry Development and Adjustment	Woolcott Market Research	Market Research to provide the Department with insights in to the way that farm families process information, the different groups within our client base, appropriate marketing messages for the promotion of AAA programs, and benchmarking during the conduct of ongoing advertising coverage	Yes (presentations made throughout 2001. Copies of report provided on request)	2001	N/A
2001-02	Industry Development and Adjustment	EMD Multicultural Marketing and Management	Develop and implement a public relations campaign to increase awareness of and participation in AAA programs for nine key ethnic producer groups	Yes (available upon request)	Since 2001	N/A

QUESTIONS ON NOTICE

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY						
Details of Consultancies engaged to conduct surveys of community attitudes						
Year	Output	Consultant/ Organisation	Activity	Survey Released publicly?	If so, when?	If not, why not?
2001-02	Industry Development and Adjustment	Hassall & Associates Pty Ltd	Finalisation of AAA - FarmBis Review (a continuation project from 2000-01 on FarmBis Mid Term Review)	Yes	July 2001	N/A
2001-02	Industry Development and Adjustment	Roy Morgan Research Pty Ltd	AAA - FarmBis Participant Survey	Yes	March 2001	N/A
2001-02	Industry Development and Adjustment	South Australian Centre for Economic Studies	Evaluation of the Farm Help Program	Yes	October 2002	N/A
2001-02	Industry Development and Adjustment	Woolcott Market Research	Market Research to provide the Department with insights in to the way that farm families process information, the different groups within our client base, appropriate marketing messages for the promotion of AAA programs, and benchmarking during the conduct of ongoing advertising coverage	Yes (presentations made throughout 2001. Copies of report provided on request)	2001	N/A
2001-02	Innovation and Operating Environment	Hassall & Associates Pty Ltd	Preparation of an interim evaluation of the AAA - Farm Innovation Program	No	N/A	Evaluation of interim management mechanism for internal purposes only

Tuesday, 15 June 2004

SENATE

23765

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY						
Details of Consultancies engaged to conduct surveys of community attitudes						
Year	Output	Consultant/ Organisation	Activity	Survey Released publicly?	If so, when?	If not, why not?
2002-03	Natural Resource Access and Management	Cox Inall Communications	National Action Plan for Salinity and Water Quality (Action Plan) key message testing	no	n/a	Information required to develop national communications campaign
2002-03	Natural Resource Access and Management	Hassall & Associates	Review the part of the GABSI concerned with the on-ground rehabilitation	No	N/A	Under Ausstrlian Government consid-eration
2002-03	Product Integrity, Animal (including Aquatic Animal) Plant and Health	Open Mind	Market research in support of production of reserve emergency advertising material	No	N/A	Research supported production of ads
2002-03	Quarantine and Export Services	The Research Forum	AQIS client satisfaction research 2002	Yes	November 2002	N/A
2002-03	Rural Policy and Innovation	Australian Bureau of Statistics	Agriculture Commodity Survey 2001-02 - questions developed on farm characteristics, business operations and management to feed into monitoring and evaluation of the AAA - FarmBis program	Yes	June 2002	N/A
2002-03	Rural Policy and Innovation	Centre for research and Learning, University of Tasmania	AAA - FarmBis industry survey	Yes	November 2003	N/A
2002-03	Rural Policy and Innovation	Roy Morgan Research Pty Ltd	AAA - FarmBis Participant Survey	Yes	November 2003	N/A

QUESTIONS ON NOTICE

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY						
Details of Consultancies engaged to conduct surveys of community attitudes						
Year	Output	Consultant/ Organisation	Activity	Survey Released publicly?	If so, when?	If not, why not?
2002-03	Rural Policy and Innovation	Solutions Marketing and Research	To undertake and report on the third cycle of the biannual producer survey	Yes	March 2004	N/A
2003-04	Quarantine and Export Services	CARMA International (Asia Pacific) P/L	Media analysis agency for the Quarantine Matters Campaign	No	N/A	Internal working document
2003-04	Quarantine and Export Services	Open Mind Research Group P/L	Research services provider to the Quarantine Matters Campaign	Yes	February 2004	N/A
2003-04	Quarantine and Export Services	The Research Forum	2003 AQIS Client Survey	Yes	October 2003	N/A

NOTE: Information for consultancies under \$10,000 has not been provided due to the significant administrative activity required to extract the information sought.

Immigration: Declared Countries**(Question No. 2701)**

Senator Ludwig asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 11 March 2004:

- (1) (a) Which countries have been declared under subsection 198A(3) of the Migration Act 1958; and (b) when were these declarations made.
- (2) Have any declarations ever been revoked; if so, which declarations and when.
- (3) (a) What are the relevant effective procedures referred to in paragraph 198A(3)(i) of the Act; (b) who makes the decision that these procedures are effective; (c) on what evidence is that decision based; and (d) have any declarations ever been refused because a country did not have effective procedures.
- (4) (a) What is the relevant protection referred to in paragraphs 198A(3)(ii) and 198A(3)(iii) of the Act; (b) who makes the decision that this protection is effective; (c) on what evidence is that decision based; and (d) have any declarations ever been refused because a country did not provide sufficient protection.
- (5) (a) What are the relevant human rights standards referred to in paragraph 198A(3)(iv) of the Act; (b) who makes the decision that these standards have been met; (c) on what evidence is that decision based; and (d) have any declarations ever been refused because a country did not meet the relevant human rights standards.

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

- (1) (a) Nauru and Papua New Guinea.
(b) Nauru was declared on 2 October 2001. Papua New Guinea was declared on 12 October 2001.
- (2) No.
- (3) (a) The relevant effective procedures employed to date have been either the UNHCR's refugee status determination procedures, or a procedure similar to the UNHCR process developed by Australia in consultation with the UNHCR.
(b) and (c) The Minister for Immigration and Multicultural and Indigenous Affairs makes the decision taking into account departmental advice.
(d) No.
- (4) (a) The relevant protection referred to is protection against refoulement.
(b) and (c) The Minister for Immigration and Multicultural and Indigenous Affairs makes the decision taking into account departmental advice.
(d) No.
- (5) (a) The human rights standards referred to are respect for basic human rights in accordance with applicable international standards.
(b) and (c) The Minister for Immigration and Multicultural and Indigenous Affairs makes the decision taking into account departmental advice.
(d) No.

Education: Learning Difficulties**(Question No. 2706)**

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, 18 March 2004:

With reference to the study by Dr Sheila Crewther and Dr Patricia Kiely of the Latrobe University's School of Psychological Science, which indicates that one-quarter of Australian children have some form of vision problem and two-thirds of vision problems go undetected, resulting in under-performance in school:

- (1) What action has the Government taken, or what action does it intend to take, to overcome this problem in learning.
- (2) Will the Government promote and/or fund a national program of testing for short sightedness, long sightedness and focusing muscle coordination problems.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (1) The Government provides substantial funding to the States and Territories for schools, including targeted funding under the Strategic Assistance for Improving Student Outcomes (SAISO) Programme to support students with disabilities and other educationally disadvantaged students. Students who experience learning difficulties because they have a vision problem are included in this group. The Government is providing approximately \$1.4 billion to the States and Territories under the SAISO programme over the 2001-04 quadrennium. The State and Territory education authorities determine how these funds should be used to support the most educationally disadvantaged students.
- (2) This issue falls under the responsibility of the Minister for Health and Ageing and will be answered under QoN 2705.

Transport: Vehicle Emission Standards
(Question Nos 2716 and 2717)

Senator Allison asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 23 March 2004:

- (1) Is the Government aware that more than 25 000 new off-road diesel engines that emit up to 65 times the level of particulate matter and 10 times the nitrogen oxides permitted under the Motor Vehicle Standards Act 1989 for on-road vehicles are sold in Australia each year.
- (2) Why is it that, unlike Europe and North America, Australia is yet to regulate emission standards for off-road engines.
- (3) What work, if any, has been done to assess the impact of off-road vehicle emissions, particularly in metropolitan areas.
- (4) When does the Government intend to introduce vehicle emission regulation for off-road vehicles.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The Australian Government is aware of claims to this effect.
- (2) Current Australian Government regulation of vehicle engine emissions is carried out under the Motor Vehicle Standards Act 1989, which covers road vehicles only.
- (3) State and Territory environment protection authorities have the expertise in assessing the relative impacts of various emission sources on their airsheds.
- (4) The Australian Government, in conjunction with State and Territory authorities, is currently considering options for addressing emissions from off-road engines.

Education: Enrolments**(Question No. 2718)**

Senator Nettle asked the Minister representing the Minister for Education, Science and Training, upon notice, on 23 March 2004:

- (1) For each of the years 1996 to 2004, and for each state and territory, how many children were or will be enrolled in: (a) public schools; (b) independent schools (i.e. schools other than Catholic systemic schools); and (c) Catholic systemic schools.
- (2) For each of the years 2001 to 2004, what was the Average Government School Recurrent Cost (AGSRC).
- (3) With reference to the table, General Recurrent Funding Increases in the Minister's media release Learning together: Achievement through choice and opportunity (dated 11 March 2004, Min 639/04): (a) what projections were used for each of the years 2005 to 2008 for the numbers of children who will be enrolled in: (i) public schools, (ii) independent schools (i.e. schools other than Catholic systemic schools), and (iii) Catholic systemic schools; and (b) can these figures be provided for each state and territory.
- (4) With reference to the table mentioned in (3), what are the related effects and how much does each effect contribute to the increases in funding for the period 2005 to 2008 over that provided in the period 2001 to 2004 in relation to: (a) public schools; (b) independent schools (i.e. schools other than Catholic systemic schools); and (c) Catholic systemic schools.
- (5) Can a table be provided indicating the following data for each independent school in Australia:
 - (a) the school number;
 - (b) the name of the school;
 - (c) the postcode of the school;
 - (d) the state in which the school operates;
 - (e) the school's educational resource index (ERI) category, if available;
 - (f) the actual socio-economic status (SES) score;
 - (g) the funding SES score (i.e. the SES score at which the school is funded, which might be a previous, higher score);
 - (h) the percentage of AGSRC;
 - (i) the funding basis (funding maintained, SES or funding guaranteed, i.e. funded at a previous higher SES score);
 - (j) the number of primary students in 2002 and 2003;
 - (k) the actual or projected number of primary students in 2004;
 - (l) the projected number of primary students 2005, 2006, 2007 and 2008;
 - (m) the number of secondary students in 2002 and 2003;
 - (n) the actual or projected number of secondary students in 2004;
 - (o) the projected number of secondary students 2005, 2006, 2007 and 2008;
 - (p) the primary per capita funding for 2003;
 - (q) the actual or projected primary per capita funding for 2004;
 - (r) the projected primary per capita funding for 2005, 2006, 2007 and 2008;
 - (s) the secondary per capita funding for 2003;
 - (t) the actual or projected secondary per capita funding for 2004; and

- (u) the projected secondary per capita funding for 2005, 2006, 2007 and 2008.
- (6) Can a table also be provided of the same data as in (5) for all Catholic systemic schools in Australia.
- (7) For each independent school in Australia, the funding for which is maintained or which is not to be funded at its new SES level, can a table be provided with the following data:
- the school number;
 - the name of the school;
 - the postcode of the school;
 - the state in which the school operates;
 - the school's ERI category, if available;
 - the school's year 2001 SES score;
 - the school's new SES score;
 - the school's actual per capita funding in 2001; and
 - the school's actual per capita funding in 2002.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- Table available from the Senate Table Office
- The following table provides the AGSRC amounts and AGSRC Index for 2001 to 2003. The 2004 AGSRC amounts and AGSRC Index will not be available until later in 2004.

	AGSRC Primary Amount	AGSRC Secondary Amount	AGSRC Index
2001	\$5,378	\$7,101	4.9%
2002	\$5,657	\$7,469	5.2%
2003	\$6,056	\$8,021	5.6%

- The following table shows enrolment projections used in relation to the figures in the 'General Recurrent Funding Increases' table in the Minister's release no. Min 639/04 of 11 March. The enrolment data are current as at the 2003-04 Mid-year Economic and Fiscal Outlook and will be updated in the 2004-05 Budget.

Enrolment projections as at the 2003-04 Mid-year Economic and Fiscal Outlook

	2005	2006	2007	2008
Government	2,270,938	2,264,312	2,255,468	2,246,692
Catholic systemic	625,396	633,131	638,211	642,143
Independent schools and systems	468,091	475,353	480,794	485,272

- Enrolment projections by State/Territory were not applied in the calculation of the table referred to.
- The term "enrolment and related effects" refers to the key drivers of the increase in total funding in the 2005-08 quadrennium over the current quadrennium that are not due to Government policy changes or indexation applying to the upcoming quadrennium. These drivers are:
 - overall enrolment growth.
 - The mix of enrolment growth. Students attending lower SES schools attract a higher level of funding than students attending high SES schools.

- (3) The composition of enrolment growth in primary versus secondary schools. Secondary school students attract a higher rate of funding.
- (4) The phase-in-over 2001-04 of increases in general recurrent funding as a result of the move to the SES funding model for non-government schools in 2001.
- (4) (a-c) Each of these drivers impacts on the others and cannot be neatly separated. The aggregate impact is outlined in the press release no. Min 639/04
- (5) Table available from the Senate Table Office.
- (6) Table available from the Senate Table Office.
- (7) Table available from the Senate Table Office.

Immigration: International Journalists

(Question No. 2725)

Senator O'Brien asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 23 March 2004:

- (1) For the financial years 2001-02, 2002-03 and for 2003-04 to date: (a) how many visas were issued to international journalists under the Visiting Journalist Program; (b) how many visa applications were refused under the program; and (c) how many visa applications were received under the program.
- (2) For each financial year since 1 July 2001, what was the average processing time for visa applications under the program.
- (3) (a) What service standards apply in relation to the processing time for visa applications under the program; and (b) have these service standards been changed since 1 July 2000; if so, how have they been changed and why.
- (4) For each financial year since 1 July 2001, what has been the standard charge (in Australian dollars) to applicants under the program.
- (5) For the financial years 2001-02, 2002-03 and for 2003-04 to date: (a) how many visas were issued to international journalists for the purpose of attending or reporting on the Melbourne Formula One Grand Prix; (b) what was the average time taken to process visas issued to international journalists for the purpose of attending or reporting on the Grand Prix; (c) how many visa applications were refused to international journalists applying for the purpose of attending or reporting on the Grand Prix; and (d) how many visa applications were received from international journalists applying for the purpose of attending or reporting on the Grand Prix.
- (6) For the financial years 2003-04, 2004-05, 2005-06, 2006-07 and 2007-08, what is the projected number of applications and approvals under the program.

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

- (1) My Portfolio has no specific program called the "Visiting Journalist Program".
- (2) to (6) Not Applicable.

Health: Complementary Healthcare Products

(Question No. 2734)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2004:

- (1) Is the Government aware of the following medical evidence of the effectiveness of complementary healthcare products:
 - (a) vitamin E reduces the risk of heart attacks by up to 75 per cent (Cambridge University, 1996);

- (b) vitamin E reduces cardiovascular disease by 37 per cent (Harvard Medical School, 1994);
- (c) selenium reduces cancer mortality by 50 per cent (Journal of the American Medical Association, 1996);
- (d) vitamin C reduces the risk of cataracts by 77 per cent (American Journal of Clinical Nutrition, 1997);
- (e) vitamins C and E reduce the risk of mortality by 42 per cent (American Journal of Clinical Nutrition, 1996);
- (f) vitamin E delays the onset of Alzheimer's disease (New England Journal of Medicine, 1997);
- (g) St John's Wort is as effective as antidepressants, without the side-effects (British Medical Journal, 1996);
- (h) beta-carotene reduces the risk of prostate cancer by 36 per cent (Australian Doctor, 1997);
- (i) multivitamins and vitamin E reduce the risk of cataracts by 33 per cent and 50 per cent respectively (Ophthalmology, 1998);
- (j) vitamin E supplements reduce the incidence of prostate cancer by 32 per cent and the incidence of prostate cancer death in heavy smokers by 41 per cent (Journal of National Cancer Institute, 1998);
- (k) fish oil lowers the heart disease death rate (Lancet, 1999);
- (l) high intake of vitamin C and vitamin E may lower the risk of Alzheimer's disease (Journal of the American Medical Association, 2002);
- (m) high blood levels of antioxidants are associated with better brain function in the elderly (Journal of the American Geriatric Society, 1998);
- (n) a double-blind placebo-controlled study of 1 300 subjects by the Nutritional Prevention of Cancer Study group released in 1996 observed that a selenium supplement (200ug selenium as selenium enriched yeast) caused a 50 per cent reduction in total cancer mortality and a 37 per cent reduction in all cancer incidence and this effect was so pronounced that the trial was stopped 2 years early for ethical reasons (Clark LC, Combs GF, Turnbull BW et al, Effects of selenium supplements on cancer prevention in patients with carcinoma of the skin);
- (o) a double-blind placebo-controlled study of 2 002 people with a history of coronary heart diseases conducted in the United Kingdom showed a 75 per cent reduction in heart attacks in those who took up to 800IUs of vitamin E daily (Stephens NG, Parsons A, Schofield PM, Kelly F, Cheesman K, Mitchinson MJ, Randomised controlled trial of vitamin E in patients with coronary disease);
- (p) a United States of America (US) report has found that folic acid and vitamin B12 supplementation of the diets of men aged 45 plus and women 55 plus would save more than \$US2 billion in treatment costs over 10 years (Tice JA, Ross E, Coxson PG, et al, Cost-effectiveness of vitamin therapy to lower plasma homocystine levels for the prevention of coronary heart disease: effect of grain fortification and beyond);
- (q) the Lancet (Johan 1999) reported that massive healthcare cost reductions could be achieved by maintaining strong support for natural health products in managing allergies: a 50 per cent reduction in allergy across Australia would reduce the total health expenditure by between \$2 billion and \$4 billion, and help one million Australian's who are currently chronically unwell return to normal health; and
- (r) the vitamin folic acid, vitamin B12 and vitamin B6 can halve the risk of recurrence of blocked arteries in patients who have undergone coronary angioplasty (JAMA 28 August 2002, 188(8): 973-9).

- (2) (a) What action is the Government taking to encourage the consumption of these products in the light of this evidence; and (b) will this action include providing advice to general practitioners and medical specialists about this subject.
- (3) Has the Government considered the health and economic benefits of subsidising these products or exempting them from the goods and service tax; if not, why not.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) (a) to (r) The Therapeutic Goods Administration (TGA) is aware of most of the papers referred to. Some of the citations are incomplete and it is not possible to identify the source of these papers.
- (2) (a) and (b) In order for a medicine to be approved for use in Australia, a sponsor must submit an application, together with relevant supporting data, to the TGA. The TGA does not initiate the evaluation and approval of a medicine in the absence of an application from a sponsor.

Australia has a risk-based system where the level of evaluation and regulatory control of a therapeutic good is based on the relative safety of the product and the seriousness of the disease or condition for which it is intended to be used. Higher risk medicines must be 'registered' and lower risk medicines 'listed' in the Australian Register of Therapeutic Goods (ARTG) prior to being supplied in Australia.

The therapeutic effects referred to in the articles listed in Question 1 relate to serious forms of disease or conditions. Such indications may only be made for Registered medicines.

Applications for Registered medicines must be accompanied by sufficient data to establish the quality, safety and efficacy of the product for its proposed usage. All relevant data, not just those reflecting favourable outcomes, would need to be evaluated before the TGA would be in a position to make a decision in regard to the Registration of a particular medicine.

- (3) Most herbal medicines, vitamin and mineral preparations available in Australia are included on the ARTG as Listed medicines, which means that they have not been evaluated for their medical effectiveness, although they are assessed as safe for over-the-counter sale via community pharmacies, supermarkets and/or health product outlets. Only medicines that are Registered on the ARTG are eligible for subsidisation under the Pharmaceutical Benefits Scheme (PBS). Preparations of some specific vitamins are available as pharmaceutical benefits for the treatment of certain vitamin deficiency conditions.

For a medicine to be listed on the PBS, it must be assessed by the Pharmaceutical Benefits Advisory Committee (PBAC). The PBAC's evidence-based deliberations require the evaluation of relevant clinical trial and health economics data, submitted as part of the application, in order to identify those products for which subsidy is warranted.

Sponsors are able to apply for PBS listing of such products at any time. However, sponsors must prove that their products are clinically effective, safe and cost-effective compared to other treatments listed on the PBS.

Questions regarding the Good and Services Tax (GST) are more appropriately addressed to the Treasurer, the Hon Peter Costello MP.

Cooperative Research Centres (Question No. 2737)

Senator Lees asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 24 March 2004:

With reference to the nexus between science innovation and industry as a way of fostering economic growth:

- (1) Since 1 January 2002, how much has the Government spent through cooperative research centres on research for: (a) geo-sequestration fuel technologies; (b) biological-sequestration; (c) renewable energy;
- (2) Since 1 January 2002, how much has the Government spent outside of cooperative research centres on research for: (a) geo-sequestration fuel technologies; (b) biological-sequestration; (c) renewable energy.

Senator Ian Macdonald—The Minister for the Environment and Heritage has provided the following answer to the honourable senator's question:

- (1) The Department of Education Science and Training is responsible for the administration of Australian Government funding for Co-operative Research Centres (CRCs). The Department advises it is not possible to identify what portion of Australian Government funds provided to CRCs is spent on specific projects because government funding is pooled together with private funding prior to being allocated to specific research projects. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) also provides funding to Cooperative Research Centres. CSIRO has advised that in order to provide accurate and comprehensive figures for funding given to CRCs, information would need to be collected from across the organisation and collated. As significant resources are required to do this, it is not possible to provide an answer in the time permitted.
 - (a) The Cooperative Research Centre for Greenhouse Gas Technologies is the main CRC conducting research into geo-sequestration fuel technologies, among other projects, in the relevant period. Australian Government funding spent by this CRC since 1 January 2002 is \$2,100,000. The following Cooperative Research Centres have also carried out research into geo-sequestration fuel technologies, although it is not their primary research focus: Australian Petroleum CRC; CRC for Coal in Sustainable Development; and CRC for Clean Power from Lignite.
 - (b) The Cooperative Research Centre for Greenhouse Gas Accounting carried out research into biological sequestration, among other projects, during the relevant period. Australian Government funding spent by this CRC since 1 January 2002 is \$6,337,500. The following Cooperative Research Centres have also carried out research into biological sequestration during the relevant period, although it is not their primary research focus: CRC for the Antarctic Climate and Ecosystems; CRC for Plant-Based Management of Dryland Salinity; CRC for Sustainable Production Forestry; CRC for Tropical Plant Protection; CRC for Coastal Zone, Estuary and Waterway Management; CRC for the Great Barrier Reef World Heritage Area; and CRC for Catchment Hydrology.
 - (c) The Australian CRC for Renewable Energy has spent \$2,704,555 of Australian Government funding since 1 January 2002.
- (2) During the relevant period, the CSIRO carried out research into geo-sequestration, biological sequestration and renewable energy. The CSIRO advises that in order to provide accurate and comprehensive figures for funding spent on research into the relevant topics, information would need to be collected from across the organisation and collated. As significant resources are required to do this, it is not possible to respond to the question in the time permitted. The Australian Research Council has provided funding for research into geo-sequestration, biological sequestration and renewable energy. The Australian Research Council advises that in order to provide accurate and comprehensive figures for such funding, information would need to be collected from across the organisation and collated. As significant resources are required to do this, it is not possible to provide an answer in the time permitted.

- (a) The CSIRO and the Australian Research Council are the only Australian Government organisations that have provided funding for research into geo-sequestration fuel technologies outside of Cooperative Research Centres since 1 January 2002.
- (b) The Australian Government has committed \$35million to the Rio Tinto Foundation for research into biological sequestration among other projects. Since 1 January 2002, the Australian Greenhouse Office has spent \$81,985 on research carried out by the CSIRO on carbon accumulation in particular regions of South Australia.
- (c) The Department of Industry, Tourism and Resources advises that \$8,986,029 in funding and \$22,855,627 in tax concessions have been provided since 1 January 2002 for research into renewable energy. The Department of Industry, Tourism and Resources also advises that the Australian Research Council has provided \$33,676,858 in grants funding for renewable energy research projects since 1 January 2002.

Defence: Royal Australian Navy

(Question No. 2741)

Senator Ludwig asked the Minister for Defence, upon notice, on 25 March 2004:

- (1) Are Australian naval personnel who are enforcing Commonwealth customs, immigration, quarantine or fisheries law permitted to board vessels when the use of either force or lethal force, may be expected.
- (2) Are Australian naval personnel who are enforcing Commonwealth customs, immigration, quarantine or fisheries law permitted to board vessels when the crew of the vessel of interest is acting in an overtly hostile manner.
- (3) Are Australian naval personnel who are enforcing Commonwealth customs, immigration, quarantine or fisheries law permitted to board vessels where there is an expectation that the crew or passengers of that vessel: (a) may be armed with firearms; or (b) will resist the boarding of the vessel with the use of either force or lethal force.
- (4) If Australian naval personnel are permitted to board a vessel in any of the above situations: (a) what training must they undertake before they undertake such operations; (b) who supplies this training; and (c) how many personnel have received this training.
- (5) How many of these naval personnel were situated on Fremantle Class patrol vessels as at 24 March 2004.
- (6) If naval personnel are not permitted to board vessels in any of the above situations, what is the protocol once such a vessel is identified.
- (7) What other members of the Australian Defence Force are permitted to board vessels where: (a) the use of force or lethal force is expected; or (b) the crew is behaving in overtly hostile manner

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

- (1) In the enforcement of Commonwealth customs, immigration, quarantine or fisheries law, Royal Australian Navy (RAN) personnel have legal authority to board a suspect vessel. However, whether or not they do so is dependent on the level of the threat posed. Boarding operations will take place where there is a low expectation that force will need to be used. Where there is an expectation that the level of threat may call for the use of deadly force, the Special Forces assistance might be provided.
- (2) See above.
- (3) RAN personnel are legally permitted to board; however, the vessel is encouraged to comply through a graduated use of force which includes warning shots and, with approval, may include direct fire intended to disable the vessel. Otherwise see above.

- (4) (a) All RAN personnel involved in boarding operations complete formal training through the RAN training system, which includes rules of engagement, boarding team, use of force and individual weapons training.
 - (b) Training is delivered by both Service and civilian agencies. Oversight of the training lies with the RAN Sea Training Group.
 - (c) Over 500 RAN personnel.
- (5) 180 personnel.
- (6) To stand off and seek higher authority guidance.
- (7) (a) and (b) Special Operations Command maintains a ship boarding capability to conduct recovery or seizure operations for ships under way and ships alongside or at anchor. The skills required to conduct such operations reside within units of the Command. Such operations would be conducted in peacetime under the auspices of Defence Force Assistance to the Civil Authority legislation.

Riverina Electorate: Bulk-Billing

(Question No. 2742)

Senator Stephens asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Riverina during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of Riverina during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Division of Riverina during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Division of Riverina during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the electoral division of Riverina in 2003 was 46.3%.
- (2) The number of total unreferral GP attendances bulk billed for the electoral division of Riverina in 2003 was 214,612.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the electoral division of Riverina in 2003 was \$13.72.
- (4) The number of unreferral GP attendances for the electoral division of Riverina in 2003 was 463,649.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Macarthur Electorate: Bulk-Billing
(Question No. 2743)

Senator Stephens asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Macarthur during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of Macarthur during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Division of Macarthur during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Division of Macarthur during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the electoral division of Macarthur in 2003 was 89.5%.
- (2) The number of total unreferral GP attendances bulk billed for the electoral division of Macarthur in 2003 was 802,068.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the electoral division of Macarthur in 2003 was \$13.56.
- (4) The number of unreferral GP attendances for the electoral division of Macarthur in 2003 was 895,697.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services

in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Hume Electorate: Bulk-Billing

(Question No. 2744)

Senator Stephens asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Hume during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of Hume during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Division of Hume during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Division of Hume during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the electoral division of Hume in 2003 was 59.1%.
- (2) The number of total unreferral GP attendances bulk billed for the electoral division of Hume in 2003 was 319,603.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the electoral division of Hume in 2003 was \$14.94.
- (4) The number of unreferral GP attendances for the electoral division of Hume in 2003 was 540,851.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a

concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Gilmore Electorate: Bulk-Billing
(Question No. 2745)

Senator Stephens asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2004:

What percentage of total unreferred general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Gilmore during the quarter ending 31 December 2003.

How many unreferred GP attendances were bulk billed in the Federal Electoral Division of Gilmore during the quarter ending 31 December 2003.

What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Division of Gilmore during the quarter ending 31 December 2003.

How many unreferred GP attendances were there in the Federal Electoral Division of Gilmore during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the electoral division of Gilmore in 2003 was 60.4%.
- (2) The number of total unreferred GP attendances bulk billed for the electoral division of Gilmore in 2003 was 335,356.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the electoral division of Gilmore in 2003 was \$12.65.
- (4) The number of unreferred GP attendances for the electoral division of Gilmore in 2003 was 555,448.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Farrer Electorate: Bulk-Billing
(Question No. 2746)

Senator Stephens asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2004:

- (1) What percentage of total unreferral general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Farrer during the quarter ending 31 December 2003.
- (2) How many unreferral GP attendances were bulk billed in the Federal Electoral Division of Farrer during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferral GP attendances in the Federal Electoral Division of Farrer during the quarter ending 31 December 2003.
- (4) How many unreferral GP attendances were there in the Federal Electoral Division of Farrer during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferral GP attendances bulk billed for the electoral division of Farrer in 2003 was 41.0%.
- (2) The number of total unreferral GP attendances bulk billed for the electoral division of Farrer in 2003 was 196,419.
- (3) The average patient contribution per patient billed service for unreferral GP attendances in the electoral division of Farrer in 2003 was \$12.46.
- (4) The number of unreferral GP attendances for the electoral division of Farrer in 2003 was 479,413.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Eden-Monaro Electorate: Bulk-Billing
(Question No. 2747)

Senator Stephens asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 March 2004:

- (1) What percentage of total unreferred general practitioner (GP) attendances was bulk billed in the Federal Electoral Division of Eden-Monaro during the quarter ending 31 December 2003.
- (2) How many unreferred GP attendances were bulk billed in the Federal Electoral Division of Eden-Monaro during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Division of Eden-Monaro during the quarter ending 31 December 2003.
- (4) How many unreferred GP attendances were there in the Federal Electoral Division of Eden-Monaro during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the electoral division of Eden-Monaro in 2003 was 37.9%.
- (2) The number of total unreferred GP attendances bulk billed for the electoral division of Eden-Monaro in 2003 was 183,441.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the electoral division of Eden-Monaro in 2003 was \$13.53.
- (4) The number of unreferred GP attendances for the electoral division of Eden-Monaro in 2003 was 483,420.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Immigration: Commonwealth Law (Question No. 2757)

Senator Ludwig asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 26 March 2004:

What powers do departmental employees have to enforce Commonwealth law within: (a) the 3 nautical miles of ocean immediately adjacent to Australian coastline; (b) Australia's territorial sea; (c) the 'contiguous zone' of Australia's exclusive economic zone; and (d) Australia's exclusive economic zone.

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

Generally, employees of my Department are defined as 'officers' under the Migration Act 1958 ('the Act') and thus have certain powers and responsibilities under that Act. Some of these powers are also shared with officers other than employees of my Department. Those powers to do with enforcing Commonwealth law are as follows:

- Subsection 189(2)
- Subsection 189(4)
- Paragraph 245F(3)(f)
- Subsection 245F(8)
- Subsections 245F(9) and (9A)
- Section 245FA
- Section 245FB
- Section 245G
- Section 245H

Fisheries: Law Enforcement

(Question No. 2758)

Senator Ludwig asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 26 March 2004:

What powers do the Australian Fisheries Management Authority have to enforce Commonwealth law within: (a) the 3 nautical miles of ocean immediately adjacent to Australian coastline; (b) Australia's territorial sea; (c) the 'contiguous zone' of Australia's exclusive economic zone; and (d) Australia's exclusive economic zone.

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

The Fisheries Management Act 1991 (Cth) (FMA) allows for specific Commonwealth compliance regimes and the subsequent enforcement under various sections of the FMA as they relate to fisheries management primarily within the Australian Fishing Zone (AFZ) as defined in that Act as being:

- (a) the waters adjacent to Australia within the outer limits of the exclusive economic zone adjacent to the coast of Australia; and
- (b) the waters adjacent to each external territory within the outer limits of the exclusive economic zone adjacent to the coast of the external Territory;

but does not include:

- (a) coastal waters of, or waters within the limits of, a State or internal Territory; or
- (b) waters that are excepted waters.

In general, the AFZ around Australia is that area between 3 and 200 nautical miles (nm) seaward of the territorial sea baseline. The Offshore Constitutional Settlement Arrangements provide for some variation of the interior (3nm) boundary, particularly in relation to management of specific fish species, as agreed between the Australian Government and the States and Northern Territory. The outer limit of the AFZ is largely the same as the outer limit of the Exclusive Economic Zone (EEZ). AFMA enforces measures and regulations under the FMA in this area. Therefore, the concepts of Australia's territorial sea and the 'contiguous zone' are not relevant in determining the limits of AFMA's powers.

**Cowper, Cunningham, Hughes, Mackellar, Page, Parkes and Warringah Electorates:
Bulk-Billing
(Question No. 2760)**

Senator Forshaw asked the Minister representing the Minister for Health and Ageing, upon notice, on 26 March 2004:

- (1) What percentage of total unreferred general practitioner (GP) attendances was bulk billed in the Federal Electoral Divisions of Cowper, Cunningham, Hughes, Mackellar, Page, Parkes and Warringah during the quarter ending 31 December 2003.
- (2) How many unreferred GP attendances were bulk billed in the Federal Electoral Divisions of Cowper, Cunningham, Hughes, Mackellar, Page, Parkes and Warringah during the quarter ending 31 December 2003.
- (3) What was the average patient contribution per service (patient billed services only) in relation to unreferred GP attendances in the Federal Electoral Divisions of Cowper, Cunningham, Hughes, Mackellar, Page, Parkes and Warringah during the quarter ending 31 December 2003.
- (4) How many unreferred GP attendances were there in the Federal Electoral Divisions of Cowper, Cunningham, Hughes, Mackellar, Page, Parkes and Warringah during the quarter ending 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by electorate are no longer produced on a quarterly basis. Statistics by electorate are available on a calendar year basis.

- (1) The proportion of total unreferred GP attendances bulk billed for the Federal Electoral Divisions of (a) Cowper in 2003 was 51.9%, (b) Cunningham in 2003 was 81.0%, (c) Hughes in 2003 was 75.7%, (d) Mackellar in 2003 was 71.5%, (e) Page in 2003 was 46.9%, (f) Parkes in 2003 was 66.5% and (g) Warringah in 2003 was 69.2%.
- (2) The number of total unreferred GP attendances bulk billed for the Federal Electoral Divisions of (a) Cowper in 2003 was 269,533, (b) Cunningham in 2003 was 536,669, (c) Hughes in 2003 was 532,803, (d) Mackellar in 2003 was 451,706, (e) Page in 2003 was 237,471, (f) Parkes in 2003 was 343,190 and (g) Warringah in 2003 was 446,907.
- (3) The average patient contribution per patient billed service for unreferred GP attendances in the Federal Electoral Divisions of (a) Cowper in 2003 was \$12.07, (b) Cunningham in 2003 was \$11.01, (c) Hughes in 2003 was \$13.51, (d) Mackellar in 2003 was \$19.46, (e) Page in 2003 was \$11.83, (f) Parkes in 2003 was \$13.56 and (g) Warringah in 2003 was \$21.03.
- (4) The number of unreferred GP attendances for the Federal Electoral Divisions of (a) Cowper in 2003 was 518,913, (b) Cunningham in 2003 was 662,955, (c) Hughes in 2003 was 703,476, (d) Mackellar in 2003 was 631,376, (e) Page in 2003 was 506,848, (f) Parkes in 2003 was 516,162 and (g) Warringah in 2003 was 645,673.

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in 12 months to December 2003 (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible

to compute accurate statistics on the average patient contribution per service for patient billed services in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

Aviation: Air Safety

(Question No. 2768)

Senator Brown asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 30 March 2004:

In relation to civil aviation incidents that caused safety concerns, which were reported to, or investigated by, the Civil Aviation Safety Authority (CASA): (a) how many incidents occurred in each of the past 5 years; (b) how many occurred during the period of altered operation of aircraft management; and (c) how long was that period.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

CASA's investigative focus is on breaches of the regulations it administers, and it does not, as a matter of course, investigate civil aviation incidents that cause safety concerns. This is the responsibility of the Australian Transport Safety Bureau.

Aviation: Melbourne Airport

(Question No. 2769)

Senator O'Brien asked the Minister for Justice and Customs, upon notice, on 29 March 2004:

With reference to claims in an article in the *Herald Sun* of 16 March 2004, that only two Victoria Police officers patrol Melbourne airport between the hours of 9 am and 5 pm, seven days a week:

- (1) How many Australian Federal Police (AFP) officers patrol the airport: (a) between the hours of 9 am and 5 pm; and (b) outside of these hours.
- (2) How many Australian Protective Services (APS) officers patrol the airport: (a) between the hours of 9 am and 5 pm; and (b) outside of these hours.
- (3) In the financial years 2001-02 and 2002-03, for the provision of AFP patrols of Tullamarine Airport: (a) what was the budget allocation; and (b) what was the actual expenditure.
- (4) In the 2003-04 financial year to date, for the provision of AFP patrols of Tullamarine Airport: (a) what is the budget allocation; and (b) what is the actual expenditure.
- (5) In the financial years 2001-02 and 2002-03, for the provision of APS patrols of Tullamarine Airport: (a) what was the budget allocation; and (b) what was the actual expenditure.
- (6) In the 2003-04 financial year to date, for the provision of APS patrols of Tullamarine Airport: (a) what is the budget allocation; and (b) what is the actual expenditure.

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

- (1) Australian Federal Police (AFP) officers do not patrol Melbourne Airport (MAP). The roles of AFP officers stationed at MAP are: The enforcement of Commonwealth legislation, intelligence gathering and incident coordination. The AFP has officers stationed at MAP between the hours of 6 am and 2 am seven days per week and is extended depending on operational requirements. It is not appropriate to release specific details of the number of AFP members on shift.

- (2) The Australian Protective Service (APS) has been an operating division of the AFP since July 2001. APS officers stationed at MAP provide Counter-Terrorism First Response (CTFR). It is not in the interests of national security to disclose the number of APS officers rostered in each shift.
- (3) & (4) As the AFP role does not patrol MAP, no budget provisions for patrol functions have been made.
- (5) The budget allocation and actual expenditure for APS patrols of Tullamarine Airport are as follows:

Financial Year	Budget Allocation (\$M) (Includes budget allocation and revenue)	Actual Expenditure (\$M)
2001-02	\$4.49	\$4.16
2002-03	\$5.88	\$5.27

- (6) For the 2003-04 financial year, budget allocation to 31st March 2004, for APS patrols of Tullamarine Airport is \$3.84 million. Actual expenditure for the APS patrols of Tullamarine Airport is \$3.84 million; accordingly budget allocation and actual expenditure are as estimated.

Medicare: Bulk-Billing

(Question No. 2772)

Senator Chris Evans asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 March 2004:

- (1) What are the breakdowns of the percentage of total unreferral attendances bulk billed, by federal electoral division, for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002 and (d) 31 December 2003.
- (2) What are the breakdowns of the number of total unreferral attendances bulk billed, by federal electoral division, for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (3) What are the breakdowns for the average patient contribution per service (patient billed services only) for total unreferral attendances, by federal electoral division, for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (4) What are the breakdowns for the number of services for total unreferral attendances, by federal electoral division, for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

Medicare statistics by federal electoral division are no longer produced on a quarterly basis.

- (1) (a) - (d), (2) (a) - (d), (3) (a) - (d), (4) (a) - (d) Medicare statistics, by federal electoral division, for calendar years 2000, 2001, 2002 and 2003 have been provided in response to Senate Question on Notice 2771.

Medicare: Bulk-Billing

(Question No. 2773)

Senator Chris Evans asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 March 2004:

- (1) What are the breakdowns, by state and territory, of the percentage of total unreferral general practitioner (GP) attendances bulk billed for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.

- (2) What are the breakdowns, by state and territory, of the number of total unreferrred GP attendances bulk billed for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (3) What are the breakdowns, by state and territory, for the average patient contribution per service (patient billed services only) for total unreferrred GP attendances for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (4) What are the breakdowns, by state and territory, for the number of services for total unreferrred GP attendances for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) The percentage of non-referred (general practitioner) attendances that were bulk billed under Medicare, by State/Territory (based on patient enrolment postcode), for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003 (period of processing) is as follows:

MEDICARE: NON-REFERRED (GP) ATTENDANCES				
PERCENTAGE BULK BILLED BY STATE/TERRITORY (BY PATIENT ENROLMENT POSTCODE)				
State/Territory	December Quarter			
	2000	2001	2002	2003
NSW	81.4%	80.0%	77.4%	75.7%
VIC	77.0%	73.7%	67.8%	63.6%
QLD	78.7%	75.8%	65.2%	61.7%
SA	72.5%	70.3%	62.5%	60.6%
WA	75.0%	71.8%	66.6%	62.5%
TAS	60.2%	58.9%	55.6%	48.4%
NT	63.9%	63.3%	63.3%	60.2%
ACT	59.4%	53.4%	38.1%	34.9%
AUST	77.6%	75.2%	69.6%	66.5%

- (2) The number of non-referred (general practitioner) attendances that were bulk billed under Medicare, by State/Territory (based on patient enrolment postcode), for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003 (period of processing) is as follows:

MEDICARE: NON-REFERRED (GP) ATTENDANCES				
NUMBER OF SERVICES BULK BILLED BY STATE/TERRITORY (BY PATIENT ENROLMENT POSTCODE)				
State/Territory	December Quarter			
	2000	2001	2002	2003
NSW	6,804,666	6,856,008	6,521,096	6,319,846
VIC	4,666,468	4,425,612	4,016,520	3,649,294
QLD	3,458,896	3,394,843	2,789,944	2,644,808
SA	1,381,133	1,378,815	1,171,734	1,121,709
WA	1,566,639	1,509,049	1,386,105	1,298,031
TAS	330,257	327,881	299,651	255,006
NT	83,364	86,422	85,397	78,432
ACT	189,975	168,710	111,241	100,195
TOTAL	18,481,398	18,147,340	16,381,688	15,467,321

- (3) The average patient contribution per service (non-hospital, patient billed services only), for non-referred (general practitioner) attendances, by State/Territory (based on patient enrolment postcode), for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003 (period of processing) is as follows:

MEDICARE: NON-REFERRED (GP) ATTENDANCES				
AVERAGE PATIENT CONTRIBUTION PER SERVICE				
BY STATE/TERRITORY (PATIENT ENROLMENT POSTCODE)				
State/Territory	December Quarter			
	2000	2001	2002	2003
NSW	\$11.00	\$11.69	\$13.29	\$14.95
VIC	\$11.03	\$11.66	\$12.94	\$13.97
QLD	\$11.07	\$11.70	\$12.66	\$13.81
SA	\$9.24	\$9.72	\$10.58	\$11.29
WA	\$11.83	\$11.73	\$13.13	\$14.29
TAS	\$8.68	\$8.97	\$9.78	\$11.13
NT	\$16.37	\$17.20	\$18.61	\$20.40
ACT	\$14.15	\$14.73	\$16.36	\$18.55
TOTAL	\$10.96	\$11.51	\$12.78	\$14.03

- (4) The total number of non-referred (general practitioner) attendances, by State/Territory (based on patient enrolment postcode), for the quarters ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003 (period of processing) is as follows:

MEDICARE: NON-REFERRED (GP) ATTENDANCES				
TOTAL NUMBER OF SERVICES BY STATE/TERRITORY				
(BY PATIENT ENROLMENT POSTCODE)				
State/Territory	December Quarter			
	2000	2001	2002	2003
NSW	8,364,119	8,572,081	8,421,317	8,346,782
VIC	6,064,101	6,007,537	5,920,506	5,735,479
QLD	4,393,285	4,481,601	4,278,236	4,287,922
SA	1,904,630	1,962,695	1,875,852	1,851,151
WA	2,089,275	2,101,481	2,082,278	2,077,773
TAS	548,659	557,037	539,285	527,373
NT	130,405	136,476	134,957	130,271
ACT	319,991	316,168	292,002	286,709
TOTAL	23,814,465	24,135,076	23,544,433	23,243,460

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in the respective quarters. Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases. The statistics were compiled from Medicare data by patient enrolment (mailing address) postcode.

Average out of pocket costs relate to non-hospital patient billed services, and are the difference between aggregate fees charged and aggregate benefits paid, divided by the number of services. It is not possible to compute accurate statistics on the average patient contribution per service for patient billed services

in hospital, since the Medicare system does not record gap payments under private health insurance arrangements.

Rural and Regional Australia: Bulk-Billing
(Question No. 2774)

Senator Chris Evans asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 March 2004:

- (1) What is the Rural and Remote Area (RRMA)-by-Rural and Remote Area (RRMA) breakdown for the percentage of total unreferred general practitioner (GP) attendances bulk billed for the 12 months ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (2) What is the RRMA-by-RRMA breakdown of the number of total unreferred GP attendances bulk billed, by federal electoral division, for the 12 months ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (3) What is the RRMA-by-RRMA breakdown for the average patient contribution per service (patient billed services only) for total unreferred GP attendances, by federal electoral division, for the 12 months ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (4) What is the RRMA-by-RRMA breakdown for the number of services for total unreferred GP attendances, by federal electoral division, for 12 months ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003.
- (5) For the 12 months to 30 June 2003, what is breakdown by RRMA of the percentage of GPs who bulk billed for unreferred services in the following bands: (a) less than 5%; (b) 5% to 25%; (c) 25% to 50%; (d) 50% to 70%; (e) 70% to 75%; (f) 75% to 80%; (g) 80% to 95%; and (h) greater than 95%. Include only those GPs who provided 1 000 or more unreferred services in the period.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) The percentage of total non-referred general practitioner (GP) attendances bulk billed, by Rural, Remote and Metropolitan Area (RRMA) classification for the 12 Months ending: (a) 31 December 2000; (b) 31 December 2001; (c) 31 December 2002; and (d) 31 December 2003, is as follows:

Medicare: non-referred (GP) attendances Number and percentage of services bulk billed by RRMA (based on patient enrolment postcode) 2000, 2001, 2002 and 2003 (year of processing).

YEAR	RURAL, REMOTE AND METROPOLITAN AREA								TOTAL
	Capital City	Other Metro	Large Rural	Small Rural	Other Rural	Remote Centre	Other Remote Area	Un-defined	
2000	84.7%	77.8%	60.1%	61.4%	58.1%	59.7%	69.6%	69.6%	78.5%
2001	82.5%	74.3%	59.7%	60.4%	57.4%	59.6%	69.8%	68.5%	76.5%
2002	77.9%	69.8%	56.7%	56.6%	55.0%	58.3%	70.4%	57.9%	72.3%
2003	73.0%	66.2%	51.7%	53.2%	52.1%	58.6%	70.5%	56.4%	67.7%

- (2) (a) - (d), (3) (a) - (d) and (4) (a) - (d) While Medicare statistics can be compiled by RRMA or by Federal Electoral Division, the statistics are not available by RRMA by Electorate. Many Electorates will contain areas in different RRMAs.
- (5) For general practitioner providers of at least 1,000 non-referred attendances, the percentage of providers by percentage of non-referred attendances bulk billed range, by Rural, Remote and Metropolitan Area (RRMA) classification of provider, for the twelve month to 30 June 2003, is as follows:

Medicare - for GP providers of 1000 non-referred attendances percentage of providers by percentage of non-referred attendances bulk billed range and by rural, remote and metropolitan area (RRMA) classification 2002-03 (year of processing)

Percentage Bulk Billed Range	Capital City	Other Metro Centre	Large Rural Centre	Small Rural Centre	Other Rural	Remote Centre	Other Remote	Total
A: > 95%	33.9	25.9	14.1	11.0	11.8	20.3	45.7	28.1
B: 80 - 95%	12.1	14.0	8.2	8.6	9.1	9.3	10.5	11.4
C: 75 - <80%	3.8	4.9	2.5	2.9	4.1	4.9	6.4	3.8
D: 70 - <75%	4.1	2.8	3.6	4.0	4.0	2.7	4.1	4.0
E: 50 - <70%	15.9	11.5	15.6	19.2	19.5	20.3	9.6	16.2
F: 25 - <50%	17.0	18.2	23.7	27.8	24.2	20.9	13.2	19.0
G: 5 - <25%	10.3	16.2	24.2	20.7	20.7	12.1	8.2	13.5
H: < 5%	2.7	6.6	8.1	5.8	6.5	9.3	2.3	4.0
Grand Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes to the Statistics

These statistics relate to non-referred (general practitioner) attendances that were rendered on a 'fee-for-service' basis and for which benefits were processed by the Health Insurance Commission in the respective periods (year of processing). Excluded are details of non-referred attendances to public patients in hospital, to Department of Veterans' Affairs patients and some compensation cases.

The statistics provided in response to (1) were compiled from Medicare data by patient enrolment (mailing address) postcode. Where a postcode overlapped electoral boundaries, the statistics were allocated to electorate using a concordance file derived from Population Census data, showing the proportion of the population of each postal area, in each electorate.

The statistics provided in answer to (5) were based on major practice postcode in the June quarter 2003.

In answering question (5), in general terms, practitioners were taken to be general practitioners, if they had more than 50 per cent of Medicare Schedule fee income in the June quarter 2003, from non-referred (general practitioner) attendances.

Health and Ageing: Sponsorship Arrangements (Question No. 2775)

Senator Chris Evans asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 March 2004:

- (1) Is it usual for the department to impose conditions when entering into sponsorship arrangements; if so, what conditions are imposed.
- (2) Do such conditions include: (a) the organisations or individuals who might be invited to functions and forums; and (b) the right of the department to veto who might be invited to attend and/or present.
- (3) Do such conditions mean that members of the Australian Labor Party cannot attend and/or present at functions and forums of those organisations which receive sponsorship support from the department.
- (4) Has the department ever placed such a condition on its sponsorship arrangements, implicitly or explicitly, in writing or orally; if so, when and why.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) Yes. Depending on the complexity of the activity sponsored, the Department will enter a Sponsorship Agreement (for single events or conferences) or a Funding Agreement (for more

complex arrangements) with relevant participants. The Agreement and Schedule establish the Terms and Conditions by which the Department administers the sponsorship. Generally, the terms are as per a Standard Form of Funding Agreement which has been established to provide base detail for all Funding Agreements entered into by the Department of Health and Ageing.

The conditions of sponsorship vary but are drafted to enable the Department to measure the participant's performance of the project. At a minimum, the Department includes the following Conditions in Schedules to its Sponsorship Agreements:

- the amount of the sponsorship;
- any limitation on the use of the sponsorship monies;
- the rights and benefits to be given to the Commonwealth in return for the sponsorship;
- whether the Commonwealth is to be the exclusive sponsor of the event;
- what conditions, if any, will apply to any other sponsorship for the same event;
- what logo is to be used; and
- for a report to be produced.

The primary intent behind drafting these conditions into the Schedule to a Sponsorship Agreement is to ensure the Sponsorship will deliver the Commonwealth's policy and program objectives in a manner that is measurable, accountable and represents good value for money.

- (2) (a) When the Department sponsors events such as conferences, seminars or consultative meetings of particular relevance to people with interest in specific health care issues – for example Indigenous Health or Cervical Cancer Screening or local area health initiatives, the Department may take an interest in who is invited to attend because of the need to ensure adequate community or professional representation or representation of people with special skills.

When the Office of Aboriginal and Torres Strait Islander Health (OATSIH) sponsors an event of special relevance to Indigenous health workers or communities, it has on occasion, insisted on 'identified' places and funded travel, accommodation and meals for Aboriginal and/or Torres Strait Islander people to encourage their attendance and participation.

(b) No. As far as it can reasonably be determined, the Department has not entered a Sponsorship Agreement where the Department has sought provision to veto people who might attend or present at the sponsored event.

- (3) An invitation to members of the Australian Labor Party (or any other organisation) to attend or present at an event would be determined by the organisation responsible for convening and hosting the event, not the Department as sponsor.
- (4) No. As far as the Department can determine, the Department has not placed such a condition on its sponsorship arrangements.

Treasury: Legal Services

(Question No. 2781)

Senator Ludwig asked the Minister representing the Treasurer, upon notice, on 30 March 2004:

- (1) In the past 12 months has the department or its agencies used, retained or paid for legal or other services from Phillips Fox Lawyers or any of their subsidiaries; if so: (a) can details of each instance be provided; and (b) as a general overview, what was the nature of the work undertaken.
- (2) Has the Minister attended any forums presented by Phillips Fox; if so, can details be provided.
- (3) Has the department sponsored any Phillip Fox forums or presentations in the past 12 months; if so, can details of the forums or presentations be provided.

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

1 (a) & (b)

Australian Bureau of Statistics

In the past 12 months, the Australian Bureau of Statistics has not obtained legal or other services from Phillips Fox Lawyers.

Australian Office of Financial Management

In the past 12 months, the Australian Office of Financial Management has not obtained legal or other services from Phillips Fox Lawyers.

Australian Prudential Regulation Authority

In the past 12 months, the Australian Prudential Regulation Authority has not obtained legal or other services from Phillips Fox Lawyers.

Australian Securities and Investment Commission

In the past 12 months, the Australian Securities and Investment Commission has not obtained legal or other services from Phillips Fox Lawyers.

Australian Taxation Office

In the past 12 months, the Australian Taxation Office has not obtained legal or other services from Phillips Fox Lawyers.

National Competition Council

- (a) In the past 12 months the National Competition Council has used Phillips Fox Lawyers in the provision of assistance for the Goldfields Gas Transmission Pipeline revocation application and the application by Virgin Blue for declaration of services at Sydney Airport (Virgin Blue declaration application).
- (b) In regard to the Goldfields Gas Pipeline revocation application, Phillips Fox were engaged to assist in drafting the Council's draft and final recommendations to the Minister. This incurred a total cost of \$10,972.50

In regard to the Virgin Blue declaration application, Phillips Fox's opinion was sought during the Council's drafting of the final recommendation to the Minister which incurred a cost of \$16,214.

Phillips Fox are also representing the Council in the Australian Competition Tribunal in the application for review of the Minister's decision on the Virgin Blue declaration application.

Productivity Commission

In the past 12 months, the Productivity Commission has not obtained legal or other services from Phillips Fox Lawyers.

Department of the Treasury

In the past 12 months, the Department of the Treasury has not obtained legal or other services from Phillips Fox Lawyers.

(2) No.

- (3) The Department of the Treasury has not sponsored any Phillip Fox forums or presentations in the past 12 months.

Defence: Legal Services

(Question No. 2783)

Senator Ludwig asked the Minister for Defence, upon notice, on 30 March 2004:

- (1) In the past 12 months has the department or its agencies used, retained or paid for legal or other services from Phillips Fox Lawyers or any of their subsidiaries; if so: (a) can details of each instance be provided; and (b) as a general overview, what was the nature of the work undertaken.
- (2) Has the Minister attended any forums presented by Phillips Fox; if so, can details be provided.
- (3) Has the department sponsored any Phillip Fox forums or presentations in the past 12 months; if so, can details of the forums or presentations be provided.

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

- (1) Yes. As a member of the Defence Legal Services Panel, all Defence personnel are able to procure legal services from Phillips Fox.
 - (a) Due to the frequent and varying nature of the tasks undertaken by Phillips Fox, Defence cannot provide details of each instance.
 - (b) The Defence Legal Services Panel, of which Phillips Fox is a member, has a remit to provide services for all legal matters Defence requires, apart from tied legal work that must be undertaken by the Attorney General's Department or the Australian Government Solicitor.
- (2) No.
- (3) Defence has paid Phillips Fox to present internal courses, workshops and presentations for training purposes. Topics covered have included Legal Awareness, Contract Awareness, Contract Management and Explanations of the Australian Defence Contracting Templates.

Health and Ageing: Legal Services

(Question No. 2785)

Senator Ludwig asked the Minister representing the Minister for Health and Ageing, upon notice, on 30 March 2004:

- (1) In the past 12 months has the department or its agencies used, retained or paid for legal or other services from Phillips Fox Lawyers or any of their subsidiaries; if so: (a) can details of each instance be provided; and (b) as a general overview, what was the nature of the work undertaken.
- (2) Has the Minister attended any forums presented by Phillips Fox; if so, can details be provided.
- (3) Has the department sponsored any Phillips Fox forums or presentations in the past 12 months; if so, can details of the forums or presentations be provided.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) (a), (b) The Department has used the services of Phillips Fox Lawyers in the past 12 months in the manner outlined below.

Phillips Fox is a member of the Department's legal panel, from which the Department seeks specialist legal expertise and legal advice on a range of legal issues affecting the Department, as the need arises. Phillips Fox have also been engaged by the Department to provide a summary of submissions regarding the draft National Health Privacy Code, to provide administrative law training and advice on compliance issues for the Office of the National Health and Medical Research Council and to provide facilitation of and a report on a strategic planning meeting for the Victorian Advisory Committee on General Practice.

Phillips Fox is also a member of the Private Health Insurance Administration Council's legal panel and the Health Insurance Commission's legal panel, from which each agency seeks legal advice, as the need arises.

Additionally, the National Blood Authority (NBA) has, since its inception on 1 July 2003 until September 2003, seconded legal expertise from Phillips Fox for matters relating to the legal

operations of the Authority and to also review tender, deed, contract and lease documentation relating to its supplier and accommodation arrangements. The NBA has also used Phillips Fox and other legal firms since its inception to provide adhoc legal advice as required.

- (2) The Minister has not attended any forums presented by Phillips Fox.
- (3) The Department has not sponsored any Phillips Fox forums or presentations in the past 12 months.

Agriculture, Fisheries and Forestry: Legal Services

(Question No. 2789)

Senator Ludwig asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 30 March 2004:

- (1) In the past 12 months has the department or its agencies used, retained or paid for legal or other services from Phillips Fox Lawyers or any of their subsidiaries; if so: (a) can details of each instance be provided; and (b) as a general overview, what was the nature of the work undertaken.
- (2) Has the Minister attended any forums presented by Phillips Fox; if so, can details be provided.
- (3) Has the department sponsored any Phillip Fox forums or presentations in the past 12 months; if so, can details of the forums or presentations be provided.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

The following Australian Government Department of Agriculture, Fisheries and Forestry agencies have used the services of Phillips Fox Lawyers in the past 12 months:

Grains Research and Development Corporation (GRDC)

- (1) (a) Over the past twelve months the GRDC has used the services of Phillips Fox on the following substantive matters:
 - Use of nominee directors - risk of liability to the GRDC;
 - Entities in which the GRDC has invested - corporate governance issues;
 - Conflict of interest declarations;
 - Privacy policy review;
 - Global Crop Diversity Trust
 - whether the proposed investment is within the GRDC's powers under the Primary Industries and Energy Research and Development Act; and
 - the drafting of the funding agreement;
 - Remote IT access for GRDC Board members - conflict of interest issues;
 - Competitive neutrality;
 - GRDC logo - rights and obligations regarding branding;
 - Deed of Novation from Commonwealth Bank to National Australia Bank;
 - GRDC Board policy on appointment of directors to external companies;
 - Electronic document management - Archives Act compliance; and
 - Directors' remuneration.

- (1) (b) The nature of the work undertaken was generally corporate legal advice and contract advice.

Land and Water Australia (LWA)

- (1) (a) Over the past twelve months LWA has used the services of Phillips Fox in relation to:

- Contracts with external research and development providers in relation to a range of Research and Development projects;
 - Advice was also sought on how changes to the Privacy Laws impacted on LWA projects;
 - Advice for proposed move to new premises;
 - Development of a compliance register; and
 - Some other general advice.
- (1) (b) The nature of the work undertaken was program contract advice, lease advice and corporate legal advice.

Australian Fisheries Management Authority

- (1) (a) Over the past 12 months AFMA has used the services of Phillips Fox on one matter, however the Australian Government Department of Employment and Workplace Relations (DEWR) has paid all the accounts. The matter is in respect of an Application to grant Prerogative Writs in an employment/workplace relations matter before the Full Federal Court of Australia on remittal from the High Court of Australia.
- (1) (b) The nature of the work undertaken was Workplace Relations.
- (2) No.
- (3) No.

Defence: Depleted Uranium
(Question No. 2803)

Senator Allison asked the Minister for Defence, upon notice, on 1 April 2004:

- (1) With reference to the answer to question on notice no. 1631 (Senate *Hansard*, 15 October 2003, p. 16585) in relation to 'testing protocols for ADF [Australian Defence Force] personnel who may have been exposed to depleted uranium and other agents', which states that 'ADF deployed in the Middle East Area of Operations undergo a post-deployment medical screen in the area of Operations or as soon as practicable on return to Australia':
- (a) can copies of the testing protocols be provided;
 - (b) does the testing include both urine and blood tests;
 - (c) what is the rationale for the method of testing adopted;
 - (d) what is the likelihood that depleted uranium may accumulate in sites such as the lymph nodes and not show up in urine or blood;
 - (e) how many personnel have undergone post-deployment medical screening;
 - (f) what criteria are used in determining which personnel have been exposed;
 - (g) has the global position monitoring data been made available and is it 'useful in future health outcome studies'; and
 - (h) what are the results of the post-deployment medical screening and have they been made available to the ADF personnel.
- (2) With reference to the answer to question on notice no. 2183 (Senate *Hansard*, 3 December 2003, p. 19101), is the database of ADF personnel in risk categories 1, 2, and 3 for exposure to depleted uranium complete; if so, can a report of the database information be provided.
- (3) What decision was made concerning whether or not the Commonwealth can meet a request by former members of the ADF to be screened for exposure to depleted uranium.

- (4) Has the depleted uranium contamination of Iraq been measured by the 'coalition of the willing'; if so, what are the results.
- (5) Have Australian or coalition personnel estimated the extent to which Iraqi civilians have been exposed to depleted uranium.
- (6) Were Iraqi civilians offered testing for depleted uranium.
- (7) (a) What efforts are being made to decontaminate Iraq of depleted uranium; and (b) are Australian personnel involved in the decontamination; if so, how.

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

- (1) (a) Defence testing protocols for depleted uranium (DU) are outlined in Director-General Defence Health Service Health Bulletin (HB) 7/2003 *Australian Defence Force Policy on Depleted Uranium Health Screening*. A copy has been forwarded separately to your office.
(b) A urine sample is collected.
(c) Testing is completed by the Australian Nuclear Science and Technology Organisation that uses the latest industry methodology available.
(d) DU is chemically the same as 'natural' uranium and is distributed throughout the body fluids in a similar manner to uranium. There is no evidence of any specific accumulation of uranium in the lymph nodes. When dust containing tiny amounts of DU is inhaled, it is absorbed into the blood stream. Approximately 90 per cent of the uranium is excreted via the urine within a few days. The remaining 10 per cent is stored in organs and tissues, in particular the kidney and bones, but also lungs, liver, lymph and other organs. It is then slowly excreted into the urine over a period of many years. The amount of uranium in the urine depends on the particular uranium compound, time since exposure, where the material is deposited and metabolic factors that influence the rate of transport of uranium within the body and kidney function.
(e) Twenty-five personnel have had urinary uranium testing so far. All tests have been normal; that is, less than 70 parts per trillion.
(f) The criteria used to determine which personnel have been exposed are outlined in HB 7/2003, annex B, paragraph 5.
(g) The global position monitoring data has been made available, but this data is very limited. The usefulness of the global position monitoring data in future health studies depends on the robustness of any accompanying environmental and health data (that is, the types of samples collected, the location and time of the sample being collected in relation to ADF personnel, the specific environmental tests completed, etc).
(h) Only a small percentage of the post deployment screens received have been entered onto a database. The numbers are too small to offer any meaningful information. No results have been made available to ADF personnel, but each member is entitled to a copy of their individual post deployment screen.
- (2) Personnel are continuing to be identified with possible previous DU exposures and testing for urinary uranium is continuing as needed. The categorisation of personnel into Categories 1, 2 or 3 is not yet complete. No reports are available other than the numbers of persons tested, and their results, which are all normal.
- (3) Former members of the ADF who are concerned about possible DU exposures can approach the Department of Veterans' Affairs and, if they have not already done so, can lodge a claim. I am advised that urinary uranium testing can be included as part of the investigation of the merits of their claim.
- (4) Defence has no personnel in Iraq measuring DU contamination and is not aware of other coalition countries' activities on this matter.

- (5) Defence has no personnel in Iraq estimating the extent to which Iraqi civilians have been exposed to DU.
- (6) The ADF has not made any such offer.
- (7) (a) and (b) Defence is not involved in, or aware of, any such activities.

Medibank Private Ltd
(Question No. 2806)

Senator Ludwig asked the Minister for Finance and Administration, upon notice, on 1 April 2004:

In relation to the Medibank Private building in Canberra, for each month of the following years: 2000, 2001, 2002 and 2003: (a) was the building occupied; if not, which months or part of which months was it not occupied; (b) how much rent was paid by the Commonwealth; and (c) who were the tenants.

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

- (a) I am advised by Medibank Private Limited that it held an occupancy lease for parts of the building at 65 Canberra Avenue during the period in question up to 30 June 2002, when the lease ended. Medibank Private Limited has advised that, apart from three months from December 2000 to March 2001 (when the Third Floor was vacant) all areas under the lease were either occupied by Medibank Private Limited until March 2002, when staff were progressively relocated to other sites, or were sub-leased to a third party. Medibank Private Limited did not have an occupancy lease, nor did it occupy the building, after the end of the 2001-02 financial year.
Medibank Private Limited also held a lease for the signage rights to the building at 65 Canberra Avenue during 2000, 2001, 2002 and 2003, with this lease due to expire on 3 August 2004.
- (b) Medibank Private Limited paid a total of \$1,135,581 in rent in the 1999-2000 financial year, \$938,838 in the 2000-01 financial year, and \$470,196 in 2001-02.
Medibank Private Limited paid \$30,000 for the signage rights in each of 1999-2000 and 2000-2001, \$31,000 in 2001-02 and \$33,000 in each of 2002-03 and 2003-04 (including the final period to 3 August 2004).
- (c) Medibank Private Limited held a lease for parts of the building at 65 Canberra Avenue until 30 June 2002. I am not aware of the details of any other tenancy arrangements for the building, although I understand the Health Insurance Commission currently occupies the building.

Social Welfare: Newstart and Youth Allowance
(Question Nos 2807, 2808 and 2809)

Senator George Campbell asked the Minister for Family and Community Services, upon notice, on 1 April 2004:

- (1) (a) Can trend data be provided showing, from 1996, the number of persons claiming NewStart and Youth Allowance (other) for more than 1 year; and (b) can this data also be broken down by: (i) state, and (ii) Department of Employment and Relations Workforce labour market region.
- (2) (a) Can trend data be provided showing, from 1996, the number of persons claiming NewStart and Youth Allowance (other) for more than 2 years; and (b) can this data also be broken down by: (i) state, and (ii) Department of Employment and Relations Workforce labour market region.
- (3) (a) Can trend data be provided showing, from 1996, the number of persons claiming NewStart and Youth Allowance (other) for more than 5 years; and (b) can this data also be broken down by: (i) state, and (ii) Department of Employment and Relations Workforce labour market region.

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

1 (a), 2 (a) and 3 (a) - Please refer to Attachment A*.

1 (b), 2 (b) and 3 (b) - Attachment A* provides a breakdown of this data by (i) state, however Centrelink is unable to provide a breakdown by Department of Employment and Relations Workforce labour market region.

* To provide some context for the data in Attachment A, the honourable senator should note that:

- The duration shown in the tables is calculated using the commencement date on an Income Support Payment;
- Even though Youth Allowance (YA) did not commence until July 1998, a number of YA customers were previously receiving the Youth Training Allowance (YTA). The periods shown in the tables include periods under YTA (i.e. periods could have begun prior to the commencement of Youth Allowance);
- The legislation and policy governing Youth Allowance provide for "Allowable breaks". Essentially, customers who, for brief periods, receive Newstart Allowance or work may have those periods regarded as continuous for the purposes of determining the duration of YA. The duration shown in the tables includes such periods.

Data prior to 1999 is not readily available. To obtain this information would be highly resource intensive and I cannot justify the level of expenditure that would be required to obtain it.

Attachment A

	NSA	NSA	NSA	YA (o)	YA (o)	YA (o)
	12-24 mths	24-60 mths	60+ mths	12-24 mths	24-60 mths	60+ mths
1999						
Australian Capital Territory	1,355	2,393	759	422	86	-
New South Wales	36,060	62,287	25,591	9,019	2,431	<20
Northern Territory	1,688	2,428	1,185	376	121	<20
Queensland	24,566	40,097	12,250	7,213	1,958	<20
South Australia	10,282	18,433	7,632	2,886	740	<20
Tasmania	3,972	8,565	3,479	1,335	485	<20
Victoria	30,351	47,165	20,269	7,041	1,439	<20
Western Australia	11,327	13,524	4,008	2,628	668	<20
2000						
Australian Capital Territory	1,060	1,856	816	304	138	-
New South Wales	29,625	53,431	26,711	7,730	4,198	21
Northern Territory	1,991	2,422	1,412	476	205	-
Queensland	21,914	34,512	14,159	6,505	3,329	<20
South Australia	9,470	16,246	8,342	2,683	1,373	<20
Tasmania	3,387	7,685	3,937	1,256	822	<20
Victoria	24,827	41,822	21,480	6,066	2,571	<20
Western Australia	10,839	12,964	4,490	2,490	1,124	<20
2001						
Australian Capital Territory	768	1,498	864	133	290	<20
New South Wales	25,259	44,819	30,397	4,147	8,046	49
Northern Territory	2,984	4,216	1,766	676	563	<20
Queensland	20,280	31,676	17,442	4,383	6,735	45
South Australia	7,740	14,748	10,036	1,478	2,841	<20
Tasmania	2,661	6,492	4,914	770	1,529	<20
Victoria	19,333	36,331	23,449	2,793	5,946	27
Western Australia	9,458	14,090	5,512	1,778	2,243	<20
2002						
Australian Capital Territory	837	1,236	981	160	298	<20
New South Wales	29,494	38,783	34,537	4,787	8,129	39

QUESTIONS ON NOTICE

	NSA	NSA	NSA	YA (o)	YA (o)	YA (o)
	12-24 mths	24-60 mths	60+ mths	12-24 mths	24-60 mths	60+ mths
Northern Territory	2,558	5,250	2,321	673	715	<20
Queensland	21,851	28,212	20,043	4,475	6,649	34
South Australia	7,461	12,439	11,267	1,459	2,732	<20
Tasmania	2,872	5,005	5,926	745	1,593	<20
Victoria	21,061	30,373	25,593	2,864	5,961	23
Western Australia	10,819	13,697	6,958	2,139	2,333	<20
2003						
Australian Capital Territory	780	1,187	1,024	131	282	<20
New South Wales	25,763	38,507	36,866	4,998	8,266	37
Northern Territory	2,059	5,742	2,843	706	755	<20
Queensland	17,228	27,086	21,369	4,226	6,227	36
South Australia	6,329	10,961	11,457	1,471	2,597	24
Tasmania	2,559	4,662	6,283	808	1,626	<20
Victoria	19,304	28,905	26,320	2,998	6,042	21
Western Australia	8,671	13,309	8,115	2,016	2,263	<20
2004						
Australian Capital Territory	768	1,108	1,153	140	331	<20
New South Wales	24,382	35,636	39,990	5,515	9,022	93
Northern Territory	1,787	5,383	3,607	650	770	<20
Queensland	15,850	23,698	23,485	4,872	6,146	68
South Australia	5,804	9,313	12,518	1,625	2,624	35
Tasmania	2,340	4,019	6,693	692	1,602	<20
Victoria	19,532	26,708	29,929	3,504	7,027	56
Western Australia	7,617	11,693	9,275	2,071	2,278	<20

All data is based on a current indicator not all people on payment

YA (o) is a combination of Youth Allowance part time study and no study

Taxation: Negative Gearing (Question No. 2812)

Senator Brown asked the Minister representing the Treasurer, upon notice, on 2 April 2004:

- (1) Is it the case nationally that half of all housing loans are being taken up by investors.
- (2) (a) What annual subsidy is provided to real estate investors by Australian taxpayers via the negative gearing provisions of the taxation system; and (b) by how much would this amount decrease if investment housing costs were deductible only against other investment income, as is the case in the United States of America.
- (3) Does the availability of negative gearing increase the amount that investors are able to pay for housing, thus helping to put housing out of reach for owner-occupiers.

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

- (1) No.
- (2) (a) Negative gearing is not a subsidy. Negative gearing occurs when expenses in excess of income on an investment are deducted against other sources of income. This treatment is applied consistently across all income producing activities (subject to integrity rules) regardless of the type of investment or business activity.
- (b) N/A.

- (3) No, there are a large number of factors that influence housing activity, house prices and rents, and it is not possible to disentangle the influence of any particular factor. However, the direct effect of negative gearing is to increase investment in housing thereby increasing the supply of rental accommodation.

Immigration: Children

(Question No. 2825)

Senator Allison asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 7 April 2004:

As at 5 April 2004: (a) how many children and young people under 18 years of age were being held in each of the mainland and offshore detention centres; (b) how long has each been held in detention; and (c) for each detention centre, how many children are currently proposed or being considered for relocation to alternative places of detention, in accordance with Migration Series Instruction No.371.

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

- (a) As at 12 April 2004, there were 11 children, who were unauthorised boat arrivals, in mainland immigration detention centres; 35 children located as a result of compliance activities, in mainland immigration detention centres; and 16 children, who were unauthorised boat arrivals, at Christmas Island Immigration Reception and Processing Centre (IRPC).

In relation to the Offshore Processing Centres (OPCs) on Nauru and Manus Island, the residents of these centres, administered by the International Organization for Migration (IOM), are not in detention but hold Nauru visas subject to the condition that they reside in the centre. As at 12 April 2004, there were 75 minors in the Nauru OPC and no minors at the Manus Island OPC.

- (b) As at 12 April 2004, the minors in immigration detention centres (including Christmas Island IRPC) had been in detention for the following periods:

Less than 6 months	22
Between 6-12 months	20
Between 12-36 months	12
Over 36 Months	8
Total	62

Of the 75 minors in the Nauru OPC, 14 of these minors were born to offshore asylum seekers after their arrival at the OPCs on Nauru and Manus Island in late 2001. The remaining 61 have been in residence in these facilities since late 2001 and early 2002.

- (c) My Department continues to actively promote alternative detention models to eligible detainees, specifically the Residential Housing Projects (RHPs), foster care placements for unaccompanied minors and community based arrangements for people with special needs. As at 12 April 2004, 27 children were detained under such arrangements.

All women and children remaining in detention centres have been, and continue to be, considered for an alternative place of detention, such as a RHP, in line with the guidelines set out in Migration Series Instruction No. 371. Participation in a RHP and other alternative detention arrangements is voluntary.

Consistent with departmental guidelines, all women and children in immigration detention are assessed for their eligibility to participate in a RHP. Eligibility criteria include the expectation that detainees are likely to spend not short periods of time in detention, successful completion of health and character checks, and there being no high risk of the detainee absconding. Visits between the residents of a RHP and family members in detention facilities are facilitated.

All eligible women and children are offered the opportunity to transfer to a RHP. Each new woman and child admitted to a detention facility is assessed against the guidelines within one week of arrival. The offer to move to a RHP remains open and is reaffirmed on a regular basis. Many women and children who remain in detention facilities have voluntarily declined a move to a RHP.

Arrangements continue to be pursued to place additional detainees with special needs into community based alternative detention arrangements under the supervision of community organisations.

Family Services: Child Care

(Question No. 2826)

Senator Jacinta Collins asked the Minister representing the Minister for Children and Youth Affairs, upon notice, on 7 April 2004:

For each of the financial years 2001-02 and 2002-03 and for 2003-04 to date:

- (1) For each of the following types of childcare: outside school hours care; family day care; long day care; occasional care; and in-home care, can the following information be provided:
 - (a) average Child Care Benefit payment received per child;
 - (b) the number of children for whom there was paid the Child Care Benefit minimum payment; the maximum payment; or a partial payment;
 - (c) the number of families who received the Child Care Benefit minimum payment; the maximum payment; or a partial payment;
 - (d) the total Child Care Benefit expenditure for the minimum payment; the maximum payment; or a partial payment;
 - (e) the share of Child Care Benefit payments fund places in registered care; and
 - (f) the share of Child Care Benefit payments fund places in approved care.
- (2) for each type of care, can a breakdown be provided for each subset type of care (for example, under outside school hours care, provide a breakdown of after school care, before school care and vacation care) showing the following:
 - (a) average Child Care Benefit payment received per child;
 - (b) the number of children for whom there was paid the Child Care Benefit minimum payment; the maximum payment; or a partial payment;
 - (c) the number of families who received the Child Care Benefit minimum payment; the maximum payment; or a partial payment;
 - (d) the total Child Care Benefit expenditure for the minimum payment; the maximum payment; or a partial payment;
 - (e) the share of Child Care Benefit payments fund places in registered care; and
 - (f) the share of Child Care Benefit payments fund places in approved care.
- (3) Can the information requested in (2) also be provided, further broken down for private, community-based and corporate care, where applicable.

Senator Patterson—The Minister for Children and Youth Affairs has provided the following answer to the honourable senator's question:

The detailed information required to answer the honourable senator's question is not readily available. I do not consider appropriate the expenditure of resources and effort that would be involved in collecting and assembling information for the sole purpose of answering questions of this nature.

Health and Ageing: Wheelchairs

(Question No. 2828)

Senator Nettle asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 April 2004:

- (1) Is it correct that Australians with disabilities pay goods and services tax (GST) on batteries purchased for use in wheelchairs.

- (2) Is it correct that when a technician carries out maintenance or repairs on power wheelchairs, the labour charge attracts a GST component.
- (3) Is the Minister taking any action to exempt people with disabilities from paying GST on necessary services and equipment; if not, why not.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) The A New Tax System (Goods and Services Tax) Act 1999 (the GST Act) states that for a spare part to be GST-free, such as a battery for use in a wheelchair, "it must be specifically designed as a spare part for a GST-free medical aid or appliance". Therefore, spare parts that are designed for general use in numerous products and are not "specifically designed" for use in GST-free medical aids and appliances are not GST-free.

However, where a battery is specifically designed for use in a wheelchair and it is not widely used in other products, then it may qualify as a spare part that is GST-free. Interpretations of this nature need to be made by the Australian Taxation Office.

- (2) The Australian Taxation Office has advised that where a GST-free medical aid or appliance is repaired, the labour component in the cost of the repair will attract the GST.
- (3) Amendments, including exemptions, to the GST Act lie within the jurisdiction of the Federal Treasurer. Questions on this matter should be directed to the Federal Treasurer.

Immigration: People-Smuggling

(Question No. 2836)

Senator O'Brien asked the Minister for Justice and Customs, upon notice, on 13 April 2004:

- (1) For each month in 2002, how many foreign vessels that were suspected of carrying people who were seeking to enter Australia illegally were sighted inside Australia's territorial waters by Australian Customs Service (ACS) vessels
- (2) (a) How many of those vessels were located in waters to the north of Australia; and (b) in each case, what action was taken by the crew of the ACS vessel.

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

- (1) In 2002, there were no reported sightings by Australian Customs Vessels (ACVs) of foreign vessels suspected of carrying people seeking to enter Australia illegally. However, on 28 May 2002, a Bangladeshi male was detected on Ashmore Islands by crew from the on-station ACV Arnhem Bay.
- (2) (a) The foreign vessel which delivered the Unauthorised Arrival (UA) to Ashmore Islands was not located.
(b) Following detection of the UA, he was provided with humanitarian aid, detained and accommodated onboard the ACV until subsequent transfer to a Navy vessel.

Immigration: People-Smuggling

(Question No. 2837)

Senator O'Brien asked the Minister for Justice and Customs, upon notice, on 13 April 2004:

- (1) For each month in 2003, how many foreign vessels that were suspected of carrying people who were seeking to enter Australia illegally were sighted inside Australia's territorial waters by Australian Customs Service (ACS) vessels.

- (2) (a) How many of those vessels were located in waters to the north of Australia; and (b) in each case, what action was taken by the crew of the ACS vessel.

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

- (1) In 2003, there were no reported sightings by Australian Customs Vessels (ACVs) of foreign vessels suspected of carrying people seeking to enter Australia illegally. However, during this period two foreign vessels carrying people attempting to enter Australia illegally, were detected off Port Hedland and Melville Island. ACVs were deployed to provide operational support on both occasions.
- (2) (a) (i) The Hao Kiet arrived at Port Hedland on 1 July 2003 carrying 53 Vietnamese nationals and 3 foreign crew.
- (b) (i) ACV Roebuck Bay was initially diverted from the Kimberley Coast to patrol the coastline for possible landings and then tasked to provide crime scene security of the Hao Kiet. After the 56 Unauthorised Arrivals (UAs) were transferred to a Navy vessel, the Hao Kiet was determined to be in such poor condition that custody and maintenance was not warranted. The ACV was directed to destroy the vessel, and it was towed 130 nautical miles offshore and burnt to the waterline over a 4 hour period.
- (a) (ii) The Minasa Bone 11 arrived at Snake Bay on Melville Island on 4 November 2003 carrying 14 Turkish nationals and 4 foreign crew.
- (b) (ii) After the arrival of the Minasa Bone 11, the ACV Corio Bay assisted in securing the area and provided transport for the on station Navy vessel and other officials. To facilitate investigations, Australian Federal Police and Department of Immigration, Multicultural and Indigenous Affairs officers' were accommodated onboard the ACV overnight.

Immigration: People-Smuggling

(Question No. 2838)

Senator O'Brien asked the Minister for Justice and Customs, upon notice, on 13 April 2004:

- (1) For each month to date in 2004, how many foreign vessels that were suspected of carrying people who were seeking to enter Australia illegally were sighted inside Australia's territorial waters by Australian Customs Service (ACS) vessels
- (2) (a) How many of those vessels were located in waters to the north of Australia; and (b) in each case, what action was taken by the crew of the ACS vessel.

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

- (1) As at 28 April 2004, there have been no reported sightings by Australian Customs Vessels (ACVs) of foreign vessels suspected of carrying people seeking to enter Australia illegally. However on 4 March 2004, crew from the on-station ACV *Dame Roma Mitchell* detected fifteen Indonesians who had arrived at East Island (in the Ashmore Islands Marine Park).
- (2) (a) The foreign vessel, which delivered the Indonesians to Ashmore Islands, was not located.
- (b) Following detection by Customs, the Unauthorised Arrivals (UAs) were transferred to the ACV where they were provided with appropriate humanitarian aid, secured and accommodated. The UAs were interviewed by Australian Federal Police and Department of Immigration, Multicultural and Indigenous Affairs' officials via the ACVs video conferencing facility. They were transferred to a Navy vessel four days later.

Immigration: Detainees**(Question No. 2839)**

Senator Marshall asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 13 April 2004:

- (1) (a) How many detainees at the Maribyrnong Immigration Detention Facility (IDF) were relocated to the Baxter IDF during March 2004 and April 2004 to date; and (b) in each case: (i) when and why did this occur, (ii) how much notice of the relocation was the detainee given, and (iii) at what time of day did the detainee leave the premises.
- (2) How many of the detainees relocated to Baxter had instigated legal proceedings against decisions made concerning their cases.
- (3) In relation to detainees who had instigated legal proceedings against decisions related to their cases and who have been relocated from Maribyrnong to Baxter: (a) how many of the detainees' own legal representatives are located at Baxter or in South Australia; and (b) for those whose legal representatives are located in Melbourne: (i) what arrangements are in place to facilitate face-to-face access between detainees and their legal counsel at the Baxter IDF, as would have been the case if they had remained at Maribyrnong, and (ii) will the Commonwealth meet any expenses associated with providing this legal counsel; if not, why not; if so, what expenses will be met and at what cost to the Commonwealth.
- (4) For each detainee, what was the cost to the Commonwealth of relocating detainees from Maribyrnong to Baxter.

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

- (1) (a) Fifteen detainees were relocated from Maribyrnong Immigration Detention Centre (MIDC) to the Baxter Immigration Detention Facility (BIDF) in March. None were relocated in April 2004.
(b) (i) Due to privacy concerns, details cannot be provided on individual detainees transferred between MIDC and BIDF.

The detainees were transferred from MIDC to BIDF in three groups on 17, 24 and 30 March 2004.

The Department manages the immigration detention facilities as a national network. Detainees are only transferred between facilities after careful consideration of various factors, such as accommodation pressures, the length of time a detainee is expected to be in detention, a detainee's individual circumstances, and the security and good order of a facility.

MIDC is a small urban centre designed for a rapid and high turnover of short-stay detainees. It has a limited capacity in terms of the number and the length of time it can accommodate people. Although MIDC maintains a high turnover rate, a small percentage of its caseload remains in detention for an extended period of time due to factors such as non-cooperation with the removal process or outstanding applications for merits and/or judicial review.

BIDF is a large purpose designed detention facility that can better accommodate detainees for extended periods. It also offers access to the Port Augusta Residential Housing Project (RHP) where women and children are able to live in community-type housing while their visa claims are assessed.

(ii) Decisions on when to inform detainees of an impending transfer are taken in consultation with the Detention Services Provider (DSP) and take into consideration various factors, such as the safety and good order of the detention facility and any behavioural issues relevant to a detainee.

The detainees transferred on 17 March 2004 were notified approximately one hour prior to leaving the MIDC. Those transferred on 24 March 2004 were notified approximately four hours prior to

their departure from the MIDC. The detainees transferred on 30 March 2004 were notified approximately three hours prior to leaving the MIDC.

(iii) The detainees transferred on 17 March 2004 left the MIDC at approximately 06:30 am. Those transferred on 24 March 2004 left the MIDC at approximately 10:00 pm. The detainees transferred on 30 March 2004 left the MIDC at approximately 12:00 noon.

(2) As at the date of their respective transfer to BIDF, of the fifteen detainees:

- eight had legal proceedings currently in the courts or an appeal lodged at the Administrative Appeals Tribunal (one detainee with both), and
- three had outstanding merits review claims in the Refugee Review Tribunal (RRT) in relation to their protection visa applications.

As at 21 April 2004, the remaining four detainees had not instigated legal proceedings against decisions made concerning their cases, and were awaiting appropriate documents from their respective countries of origin to facilitate their departure from Australia.

(3) (a) None of the transferred detainees has legal representatives located at BIDF or in South Australia.

(b) (i) Detainees transferred to BIDF have full access to legal representatives and the courts via telephone and videoconference link facilities, as appropriate.

BIDF also provides dedicated meeting rooms for face-to-face contact between detainees and their legal representatives.

(ii) The government-funded Immigration Advice and Application Assistance Scheme (IAAAS) provides assistance to eligible protection visa applicants in immigration detention centres and state prisons. The scheme includes providing assistance to prepare, lodge and present applications for visas. It also includes application assistance at the merits review stage if a primary application is refused.

In relation to the fifteen detainees transferred from MIDC to BIDF in March 2004, those who are eligible for assistance under IAAAS will receive legal advice and application assistance funded by the Commonwealth at no cost to the applicant.

Costs to the Commonwealth for this assistance vary from case to case. In 2002-03, the cost of providing IAAAS application assistance services to 256 protection visa applicants in immigration detention totalled \$0.348 million.

(4) The total cost of the three group transfers conducted in March 2004 was \$20,380, an average cost per detainee of around \$1,360.

**Health: Defend and Extend Medicare Group
(Question No. 2840)**

Senator Marshall asked the Minister representing the Minister for Health and Ageing, upon notice, on 13 April 2004:

With reference to an article which appeared on page 9 of the *Herald Sun* of 5 December 2003:

- (1) What were the terms of reference for the investigation into the Defend and Extend Medicare Group (DEMG).
- (2) Who was responsible for initiating the investigation into the DEMG.
- (3) When was the investigation launched.
- (4) Has the department completed its investigation; if so, when; if not, when will it do so.
- (5) Why was the investigation launched.

-
- (6) Who comprised the investigating group.
 - (7) Who decided the composition of the investigating group.
 - (8) What activities did this group undertake in order to investigate DEMG.
 - (9) Can all of the findings of the investigation be provided; if not, why not.
 - (10) Can details of the illegal activities of the DEMG be provided; if not, why not.
 - (11) Can details of the illegal activities of individual members of the DEMG be provided; if not, why not.
 - (12) What charges, if any, have been laid against members of the DEMG.
 - (13) (a) What action, if any, is to be taken against members of the DEMG; and (b) if action is to be taken, against whom.
 - (14) What was the cost of investigating the DEMG.
 - (15) Can details of other departmental resources used in the investigation be provided; if not, why not.
 - (16) (a) Who provided the *Herald Sun* with an 'internal report prepared by the ministerial officers responsible for investigating DEMG members'; (b) why was this report provided to the *Herald Sun*; (c) who authorised the release of the report to the *Herald Sun*; (d) is this report available publicly; if not, why not; and (e) can the report be provided; if not, why not.
 - (17) Which intelligence agency is referred to in the *Herald Sun* report.
 - (18) Who requested that the agency undertake the investigation into the members and operations of the DEMG.
 - (19) Under the provisions of what Act did the intelligence agency undertake its investigation into DEMG.
 - (20) Why did an intelligence agency undertake its investigation into DEMG.
 - (21) (a) Which intelligence officers provided the *Herald Sun* with a briefing on the activities of DEMG; (b) who authorised this briefing; (c) why was this briefing authorised; and (d) can details of the briefing be provided; if not, why not.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) There was no intelligence investigation to my knowledge.
- (2) See response to question 1.
- (3) See response to question 1.
- (4) See response to question 1.
- (5) See response to question 1.
- (6) See response to question 1.
- (7) See response to question 1.
- (8) See response to question 1.
- (9) See response to question 1.
- (10) See response to question 1.
- (11) See response to question 1.
- (12) See response to question 1.
- (13) (a)(b) See response to question 1.
- (14) See response to question 1.

- (15) See response to question 1.
- (16) (a-e) Ministerial officers provided publicly available information to the journalists.
- (17) See response to question 1.
- (18) See response to question 1.
- (19) See response to question 1.
- (20) See response to question 1.
- (21) (a-d) See response to question 1.

Health: Diagnostic Products

(Question No. 2841)

Senator Chris Evans asked the Minister representing the Minister for Health and Ageing, upon notice, on 13 April 2004:

- (1) With reference to the announcement on 18 June 2002 by the Chief Medical Officer of a further 2-year extension of the Diagnostic Products Agreement with CSL: (a) what is the value of that contract extension; (b) how much has CSL been paid under the agreement since it was privatised; (c) what process was followed before the decision was made to extend the agreement with CSL; and (d) was the Minister involved in the process.
- (2) With reference to a media release of 18 June 2002 by the then Minister for Health and Ageing, Senator Patterson, which mentions that an expert committee would be formed to assist and advise the Government on testing the market for the supply of diagnostic products: was that committee formed; if so, who were its members.
- (3) Given that the Minister stated that the Government planned to use a market-testing process in relation to the supply of diagnostic products: (a) what market-testing process took place; (b) what has been the result (for instance, will the exclusive arrangement with CSL be opened up to competition); and (c) was CSL involved in or consulted about the market-testing process.
- (4) Is the current, exclusive agreement with CSL subject to the usual competitive tendering guidelines that government agencies must follow.

Senator Ian Campbell—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) (a) The value of the contract extension for the two years for which the contract was extended is estimated at \$14.8 million.
 - (b) CSL Limited has been paid \$57 million from 1994/95 to 29 February 2004. It is estimated that a further \$3 million will be paid by 30 June 2004 under the Diagnostic Products Agreement.
 - (c) Diagnostic products were covered in the Review of the Australian Blood Banking and Plasma Products Sector, chaired by Sir Ninian Stephen. The Review reported in 2001 and found that available evidence supported retention of the current arrangements (a supply contract between CSL Limited and the Australian Government) for diagnostic products for an interim period pending market adjustments should any potential second domestic supplier enter the market.
The recommendations of the review were examined.
 - (d) Yes.
- (2) Yes. In October 2002 the Department established the Immunohaematology Reference Group. The Immunohaematology Reference Group comprised representatives from:
 - The Royal College of Pathologists of Australasia
 - The Australian Institute of Medical Scientists

Therapeutic Goods Administration

Australian and New Zealand Society of Blood Transfusion Inc.

The National Coalition of Public Pathology

The Australian Red Cross Blood Service

The Australian Association of Pathology Practices Inc.

- (3) (a) The Social Research Centre (Victoria) was engaged to conduct a Survey of Diagnostic Product End Users. Survey forms were mailed in November and the final report provided to the Department in December 2002. The Immunohaematology Reference Group provided an analysis of the results of the survey and needs of the immunohaematology industry to the Department in June 2003.
- (b) On 10 May 2004, Health Ministers announced new arrangements for the purchase of diagnostic products which will apply from 1 July 2005, whereby the exclusive agreement with CSL will not be renewed and the market will be opened up to competition.
- (c) CSL Limited was requested to supply a list of end-users of diagnostic products to whom they supplied products.
- (4) No. In January 1994 when the Diagnostic Products Agreement was signed, CSL Limited was the only supplier of the full range of diagnostic products required by end-users.

Aboriginal and Torres Strait Islander Services: Disclosure of Information

(Question No. 2844)

Senator O'Brien asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 15 April 2004:

- (1) Since the Aboriginal and Torres Strait Islander Services (ATSIS) was established on 1 July 2003, what awareness training and instruction have senior officers of ATSIS received on their obligation not to disclose information, directly or indirectly, to any person about public business or anything of which the employee has official knowledge, except in the performance of their official duties.
- (2) When did the Minister and/or her office and/or ATSIS receive an allegation from the principal of Metar Pty Ltd that sensitive commercial information relating to the financial position of this company was disclosed to a third party by a senior officer of ATSIS and a further allegation that the inappropriate disclosure adversely affected the legal and financial position of the company.
- (3) (a) When did the Minister and/or her office and/or ATSIS commence an investigation into this matter; and (b) what was the outcome of that investigation.

Senator Vanstone—Aboriginal and Torres Strait Islander Services (ATSIS) has provided the following answer in response to the honourable senator's question:

- (1) ATSIS decided that its employees should fully conform to all legal and ethical obligations that staff of the Aboriginal and Torres Strait Islander Commission (ATSIC) have in relation to the disclosure of information about ATSIC grantees or ATSIC loan recipients. It was not considered necessary to provide any specific training to ATSIS officers on these obligations as staff employed by ATSIS are former ATSIC employees, in most cases for a considerable period, and were considered to have an appreciation of their obligations about confidentiality. In addition, ATSIS is unaware of any breach of any of its officers in relation to these obligations, which might lead to the need to consider additional training or instruction. New staff are instructed in these obligations as part of their induction.
- (2) Mr Brophy first raised his allegation regarding a breach of confidentiality with the Minister by letter dated 22 January 2004 received by ATSIS by fax on that same day.

- (3) ATSI's Investigation and Compliance Branch commenced an independent examination of Mr Brophy's allegations in early April 2004 after Mr Brophy had indicated he was not satisfied with the response he had received to his initial complaint. The examination looked at two separate aspects of the allegations. Firstly, whether there was a breach of section 90 of the Aboriginal and Torres Strait Islander Commission Act 1989 (the Act). That section sets out obligations that officers have not to disclose to others certain information about ATSI grantees or loan recipients, except for the purposes of the ATSI Act. The examination concluded that based on the material examined there was no such breach of section 90 of the Act.

Secondly, the examination looked at whether a breach of commercial confidentiality had occurred. Once again the examination concluded based on the information examined, that no breach of commercial confidentiality was evident.

The Executive Manager of ATSI's Investigation and Compliance Branch wrote to Mr Brophy on 13 May 2004 to advise him of the outcome of the examination of his allegations and to provide him with a detailed explanation of how the Branch had reached its conclusion that his allegations were not justified.

Taxation: Tobacco Franchise Fees
(Question No. 2846)

Senator Allison asked the Minister representing the Treasurer, upon notice, on 15 April 2004:

- (1) What is the value, including interest accrued since 5 August 1997, of the tobacco franchise fees (the 'windfall') which was collected by tobacco retailers from consumers during the period 1 July 1997 to 5 August 1997 but not forwarded by tobacco retailers or wholesalers to the states and territories or to the Commonwealth.
- (2) Has the Government yet decided how the windfall is to be distributed following the High Court judgment on 6 December 2001 in *Roxborough v Rothmans* that the 'windfall' should remain with the wholesaler to await the legislative measures, if any, for disbursement for the benefit of users of tobacco products or otherwise, as the Federal Parliament may enact; if not, what options are under consideration.
- (3) Has the Government considered using the windfall for anti-smoking measures; if not, why not.
- (4) Has the Government considered using the windfall for litigation against tobacco companies that have engaged in misleading and deceptive conduct or unconscionable behaviour; if not, why not.
- (5) With whom has the Government consulted on this matter.

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

- (1) The tobacco 'windfall' collected by tobacco retailers from consumers was not collected as a Commonwealth tax. Tobacco franchise fees were collected under State legislation as part of State revenue.
- (2) The Government does not propose to take any action in this matter. Refer to the Press Release of 23 September 2002 by the Minister for Revenue and Assistant Treasurer.
- (3) Refer to answer to question 2.
- (4) Refer to answer to question 2.
- (5) Refer to answer to question 2.

Taxation: Tobacco Franchise Fees**(Question No. 2847)**

Senator Allison asked the Minister representing the Treasurer, upon notice, on 15 April 2004:

- (1) What is the value, including interest accrued since 5 August 1997, of the tobacco franchise fees (the 'windfall') which was collected by tobacco retailers from consumers during the period 1 July 1997 to 5 August 1997 but not forwarded by tobacco retailers or wholesalers to the states and territories or to the Commonwealth.
- (2) Has the Government yet decided how the windfall is to be distributed following the High Court judgment on 6 December 2001 in *Roxborough v Rothmans* that the 'windfall' should remain with the wholesaler to await the legislative measures, if any, for disbursement for the benefit of users of tobacco products or otherwise, as the Federal Parliament may enact; if not, what options are under consideration.
- (3) Has the Government considered using the windfall for anti-smoking measures; if not, why not.
- (4) Has the Government considered using the windfall for litigation against tobacco companies that have engaged in misleading and deceptive conduct or unconscionable behaviour; if not, why not.
- (5) With whom has the Government consulted on this matter.

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

- (1) to (5) Refer to the response I provided to Question No. 2846.

Forestry: Tasmania**(Question No. 2849)**

Senator Brown asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 15 April 2004:

With reference to the Forestry Tasmania reports on 'Alternatives to clearfell silviculture in Tasmania's public old-growth forests', how much direct and indirect Commonwealth funding has been spent: (a) on producing these reports; and (b) on each project and or programme that was funded.

Senator Ian Macdonald—The answer to the honourable senator's question is as follows:
Nil.

Iraq**(Question No. 2852)**

Senator Brown asked the Minister for Defence, upon notice, on 19 April 2004:

Given that the Coalition Provisional Authority in Iraq is to be dissolved after 30 June 2004 and sovereignty returned to an Iraq administration:

- (1) What will be the legal status of coalition forces in Iraq when they are no longer an occupying force.
- (2) Under what authority will foreign troops, including those from Australia, remain in Iraq.
- (3) Will Australian service personnel in Iraq be subject to Iraqi legal process; if so, under what circumstances.

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

- (1) Australian Defence Force (ADF) personnel are currently deployed in Iraq as part of the multinational force authorised by United Nations Security Council Resolution (UNSCR) 1511 of 16 October 2003. The transfer of the responsibilities of the Coalition Provisional Authority (CPA)

to an Iraqi Interim Government on 30 June 2004 will not result in an immediate change to the legal basis for ADF personnel in Iraq. Iraq is a member of the Charter of the United Nations and is bound to carry out the decisions of the United Nations Security Council. The incoming Iraqi Interim Government will be bound to abide by the terms of UNSCR 1511 until the resolution is amended or revoked. The UNSCR 1511 mandate for the multinational force, including ADF personnel, will expire after the drafting of a new Iraqi constitution and the holding of elections under that constitution, currently scheduled for the end of 2005.

- (2) The Transitional Administrative Law was signed by the Iraqi Governing Council on 8 March 2004. The law covers the period between 30 June 2004 and the formation of an elected Iraqi government under a permanent constitution, which shall be no later than 31 December 2005. It recognises the continued application of UNSCR 1511 and the presence of the multinational force after the 30 June 2004 transfer of authority to the Iraqi Interim Government. Article 59 of the Transitional Administrative Law refers to the ongoing presence of a multinational force in Iraq under provisions of UNSCR 1511, while leaving open the option of further UNSCRs covering this issue.
- (3) UNSCR 1511 does not provide members of the multinational force, including ADF personnel, with immunity from the Iraqi legal process. CPA Order 17 currently provides privileges and immunities for coalition military personnel. The CPA is currently revising Order 17 to ensure its continuity beyond 30 June 2004, when the Iraqi Interim Government will have the power to rescind and amend any orders passed by the CPA. Article 26 of the Transitional Administrative Law provides that the laws issued by the CPA shall remain in force until rescinded or amended by legislation.

Foreign Affairs: Mr Kirk Pinner

(Question No. 2862)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 21 April 2004:

With reference to matters concerning Mr Kirk Pinner, an Australian citizen:

- (1) Was the minister informed at any time in 2001 that Mr Pinner's passport had been taken from his possessions at a jail in Idaho, United States of America (US); if so, by whom and when.
- (2) What action did the minister take.
- (3) Did the minister inform his department about this Australian citizen and his difficulties in the US; if so, when; if not, why not.
- (4) Did the department inform its representatives in the US of Mr Pinner's difficulties; if so, when; if not, why not.
- (5) What advice was Mr Pinner given by Australian departmental representatives in San Francisco in relation to his immigration status in the US, given that he was on bail at the time and that his visa had expired; when was this advice given and by whom.
- (6) Was he advised to apply for a new passport.
- (7) Did Mr Pinner inform the Consulate-General in Los Angeles that he was on bail in the US or that he had consulted the Consulate-General in San Francisco when he applied for a new passport.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Yes. Mr Pinner wrote to me on 20 June 2001 advising that his passport had been confiscated by the Ada County Sheriff's Office, Idaho.
- (2) Referred Mr Pinner's letter to my Department for attention.
- (3) See (2).

- (4) No. The Australian Consulate in San Francisco had already informed my Department of Mr Pinner's arrest on 17 March 2001.
- (5) My Department has no record of advising Mr Pinner about his immigration status.
- (6) No.
- (7) No.

Centrelink: Payments

(Question No. 2863)

Senator Greig asked the Minister for Family and Community Services, upon notice, on 22 April 2004:

- (1) How many Centrelink customers in receipt of Dutch age pensions have been the subject of the Centrelink payment review that commenced in October 2002.
- (2) Of these, how many were found to have incurred Centrelink debts arising from under reported income from Dutch age pensions.
- (3) (a) Can a breakdown be provided, by size of the debt in intervals of \$1 000, of the number of debts incurred; and (b) what is the average size of the incurred debt.
- (4) (a) Can a breakdown be provided of the period of time (in years) over which the debts were incurred; and (b) what is the average period over which the debts were incurred.
- (5) How many of the debts: (a) have been repaid in full and at what value; (b) have been partially repaid and at what value; and (c) remain outstanding.
- (6) How many customers for whom Centrelink debts were raised appealed the decision in the Social Security Appeals Tribunal (SSAT).
- (7) (a) In relation to those debts that were appealed in the SSAT, can a table be provided showing the number of debts that were: (i) full, and (ii) partially waived, broken down by the amount waived in intervals of \$1 000; and (b) how many appeals to the SSAT are still outstanding.
- (8) How many customers lodged further appeals with the Administrative Appeals Tribunal (AAT).
- (9) (a) In relation to those debts that were appealed in the AAT, can a table be provided showing the number of debts that were: (i) fully, and (ii) partially waived, broken down by the amount waived in intervals of \$1 000; and (b) how many appeals to the AAT are still outstanding.
- (10) Can the minister provide full details of the mechanisms used by Centrelink and the Sociale Verzekeringsbank, pursuant to articles 15, 16 and 17 of the Agreement between Australia and the Kingdom of the Netherlands on Social Security, with respect to exchange of information between the agencies on rates of payment of the Dutch age pension to recipients living in Australia: (a) in the period prior to the Centrelink review, in which the debts were accrued; and (b) subsequent to the commencement of the Centrelink review and discovery of the debts.
- (11) What is the minister's response to the acknowledgement by the former Parliamentary Secretary to the Minister for Family and Community Services, Mr Cameron, in a letter to Mr David Cox, MP, dated 5 June 2003, that a Centrelink letter sent in February 1998 to customers in receipt of overseas pensions was poorly worded, and was confusing, especially for aged customers who spoke English as a second language.

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

- (1) 11 952
- (2) 3929.

(3) (a)

Overpayments from-to		Number
\$1	\$1000	2040
\$1001	\$2000	759
\$2001	\$3000	431
\$3001	\$4000	273
\$4001	\$5000	145
\$5001	\$6000	89
\$6001	\$7000	64
\$7001	\$8000	23
\$8001	\$9000	25
\$9001	\$10 000	22
\$10 001	\$20 000*	37
Above \$20 000*		21

*The breakdown of these ranges would result in figures of less than 20 against one or more of the increments. In such cases Centrelink aggregates the information to ensure that individuals cannot be identified and thereby meet its privacy and confidentiality obligations.

(3) (b) The average overpayment is \$1845.14.

(4) (a).

Period of overpayment in years	Number of overpayments
0 to 1	304
1 to 2	363
2 to 3	503
3 to 4	507
4 to 5	538
5 to 6	526
6 to 7	380
7 to 8	389
8 to 9	126
9 to 10	122
10 to 11	80
Above 11 years*	91

*The breakdown of these ranges would result in figures of less than 20 against one or more of the increments. In such cases Centrelink aggregates the information to ensure that individuals cannot be identified and thereby meet its privacy and confidentiality obligations.

(4) (b) The average period over which the overpayments were incurred was 4.2 years.

(5) (a) 2806 for \$3.61m;

(b) 959 for \$1.14m;

(c) 162.

(6) 161

(7) (a)

Amount waived from-to		(i) Number fully waived	(ii) Number partially waived
\$50	\$20 000*	27	22

*The breakdown of these ranges would result in figures of less than 20 against one or more of the increments. In such cases Centrelink aggregates the information to ensure that individuals cannot be identified and thereby meet its privacy and confidentiality obligations.

(7) (b) 16.

(8) 37.

(9) (a) Debts appealed to the AAT waived or partially waived.

Amount waived from - to		Number fully or partially waived
\$50	\$4000*	27

*The breakdown of these ranges and a separate identification of the numbers fully waived would result in figures of less than 20 against one or more of the increments. In such cases Centrelink aggregates the information to ensure that individuals cannot be identified and thereby meet its privacy and confidentiality obligations

(9) (b) There are 6 appeals to the AAT outstanding.

(10) (a) The authority for Centrelink and the Sociale Verzekeringsbank (SVB) to exchange information on the rates of payment of Dutch age pension to recipients in Australia was contained in Article 16 of the 1991 Agreement on Social Security between Australia and the Netherlands (the 1991 Agreement) and is now in Article 24 of the 2001 Agreement on Social Security between Australia and the Netherlands (the 2001 Agreement).

Prior to the commencement of the current agreement in 2003, SVB privacy rules did not allow for the exchange of information on customers paid without the aid of the agreement.

The information provided by the SVB to Centrelink under Article 16 of the 1991 Agreement about periodic adjustments to pension rates, due to cost of living rate changes, was of a general nature only e.g., new rates of single and partnered pension.

It was not sufficient to enable Centrelink to update the rates of individual customers. Centrelink relied upon customers' complying with their obligation to advise of variations to their income to keep records up to date. The SVB sent an assessment notice to individuals but did not send a copy to Centrelink.

(b) The review of customers who receive SVB pensions was conducted to ensure that the amount of pension recorded for these customers was accurate, so that Centrelink can reasonably apply percentage increases when advised by the SVB. These pensions are updated on 1 January and 1 July each year for cost of living changes. The SVB apply a different percentage increase for various categories of customers, such as single or partnered rates.

The 2001 Agreement covers all Dutch pension payments being made into Australia allowing closer co-operation between Centrelink and SVB and some electronic information exchange commenced in 2003-04.

While Centrelink can now reasonably apply the percentage increases to most cases, all customers in receipt of Australian pension still have an obligation to ensure that the amount of Dutch pension recorded is accurate and to advise Centrelink if their income, assets or personal circumstances change.

(11) In his response, the former Parliamentary Secretary to the Minister for Family and Community Services, Mr Cameron noted Mr Cox's own statement in his correspondence that a Centrelink letter was poorly worded and confusing. He stated that the letter might have been improved if the word "to" had been used instead of the word "or" on the second sentence. However he also noted Mr Cox's own acknowledgement in his original representation that the letter did in fact refer to exchange rates.

Mr Cameron also advised in his letter that when customers are granted an Australian benefit they are automatically sent a letter advising of the grant. That letter sets out the obligations of the customer to advise Centrelink whenever their personal or financial circumstances change. Mr Cameron also pointed out that for customers living in Australia who are not comfortable with the English language, Centrelink offers a variety of support facilities. They are encouraged to use the Multicultural Call Centre by telephoning 13 1202, Monday to Friday, between 8am and 5pm. There are also 75 Multicultural Customer Service Officers across the Network to target assistance to individuals and groups in the community. Services and obligations are advertised through publications such as Age Pension News for Seniors, including Dutch language versions.

Defence: Exercise Sea Lion

(Question No. 2864)

Senator Bartlett asked the Minister for Defence, upon notice, on 22 April 2004:

- (1) (a) Why was exercise Sea Lion not referred to the Minister for the Environment and Heritage for approval; and (b) how did the department determine that this action was unlikely to have a significant impact on the environment.
- (2) Did the department assess the likely impact on those animal and plants that are known to live in the vicinity of Cowley beach and are protected in the state of Queensland.

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

- (1) (a) Defence considered the environmental risks associated with Exercise Sea Lion and determined that this routine amphibious activity was unlikely to have a significant impact on the environment. The Great Barrier Reef Marine Park Authority was given prior notification of the proposed activity and supported Defence's approach to managing and mitigating any identified environmental risks within the Great Barrier Reef Marine Park.
(b) The environmental risks identified for this action were considered by professional and experienced environmental managers within Defence who determined that risks associated with the activity could be managed within the framework of the Cowley Beach Training Area Standing Orders and the Environmental Plan for Amphibious Exercises at Cowley Beach Training Area. An Environmental Clearance Certificate (ECC) was issued to ensure the exercise would be undertaken in accordance with these management arrangements. The ECC is an internal Defence protocol that has been established for those Defence activities that are considered not to have a significant impact on the environment, but still require some degree of management or mitigation. The Australian National Audit Office, in its performance audit of the 'Referrals, Assessment and Approvals under the Environment Protection and Biodiversity Act 1999 (EPBC Act)', identified Defence internal environmental clearance processes as taking stewardship of the environment a stage further than that required under the Act.
- (2) Yes.

Fisheries: *Southern Supporter*

(Question No. 2870)

Senator Mark Bishop asked the Minister for Justice and Customs, upon notice, on 4 May 2004:

With reference to the television crew for the Channel 9 program *A Current Affair* that was on board the *Southern Supporter* during the pursuit of the suspected illegal fishing vessel Viarsa 1:

- (1) How did the television crew get on board the *Southern Supporter*.
- (2) Was this a pre-planned documentary, or was the crew put on board after the interception started.
- (3) On what date was the request from Channel 9 received.

- (4) What was the cost to Channel 9 and/or the Australian Customs Service (ACS).
- (5) What is the breakdown of the ACS costs, for example, were there air fares or transmission costs.
- (6) For how many days was the television crew on board.
- (7) What was the cost of food and lodging and what cost recovery has there been from Channel 9.
- (8) From which part of the ACS appropriations were these costs met, for instance, was it from the public relations vote or the fisheries vote.
- (9) (a) How did the Channel 9 crew get off the *Southern Supporter*; (b) where did this occur; and (c) when.
- (10) What ACS facilities were used to relay the story back to Australia.

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

- (1) There was no television crew on board the *Southern Supporter* during the pursuit of *Viarsa 1*. A Customs officer on board the *Southern Supporter* shot the footage that was used at a later date by the Channel 9 TV program, *A Current Affair*.
- (2) Not applicable.
- (3) There was no request from Channel 9 for a film crew to board during the operation.
- (4) Not applicable.
- (5) Not applicable.
- (6) Not applicable.
- (7) Not applicable.
- (8) Not applicable.
- (9) Not applicable.
- (10) Not applicable.

National Alternative Dispute Resolution Advisory Council

(Question No. 2873)

Senator Ludwig asked the Minister representing the Attorney-General, upon notice, on 6 May 2004:

- (1) What outcomes were achieved at the meeting held on 4 and 5 March 2004 with the National Alternative Dispute Resolution Advisory Council (NADRAC).
- (2) What advice have the Government, federal courts and tribunals received from NADRAC on alternative dispute resolution (ADR) issues in relation to achieving and maintaining a high quality, accessible, integrated Commonwealth ADR system.
- (3) (a) Since 1995, how many submissions, reports or advice papers has NADRAC sent to the department in relation to cost savings associated with the use of ADR procedures within Commonwealth agencies and departments; and (b) of these, how many suggestions have been implemented.
- (4) Are other government departments using information provided by NADRAC on ADR procedures as a result of advice from the department.
- (5) Has NADRAC completed or submitted the database on Commonwealth statutory provision relating to ADR.
- (6) Has the department received a broader strategy paper containing practical guidelines and recommendations for government agencies to assist them to reduce the financial and other costs of litigation associated with their business dealings; if so, can a copy be provided; if not, why not.

(7) When is the draft strategy paper expected.

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

(1) I am advised that at its meeting of 4-5 March 2004, the National Alternative Dispute Resolution Advisory Council:

- held a consultative forum with Victorian Indigenous agencies and ADR practitioners
- decided to establish a national consultative group to assist it in its project on Indigenous dispute resolution
- approved for publication a paper on mediator accreditation
- considered the issue of judicial education in ADR and agreed to continue work with the National Judicial College of Australia and other judicial education bodies on the development of an educational resource for judicial orientation programs
- launched a joint NADRAC/Australian Institute of Judicial Administration publication on research about court referral to ADR
- held a joint meeting with the Family Law Council to consider the issue of judicial conduct of alternative dispute resolution processes
- approved a project plan to review Commonwealth statutory provisions covering ADR
- considered the revisions made to draft Standards Australia Standard on Dispute Management Systems in response to NADRAC's submission on the matter, and agreed on a process by which NADRAC, as a member of the relevant Standards Australia committee, would vote on the Standard
- considered the Attorney-General's Department's Issues Paper on the Review of the Legal Services Directions and other issues concerning Government agency use of ADR, and agreed that a sub-committee would prepare a submission for approval by Council out of session
- considered a request by the Attorney-General's Department to provide comment on proposed amendments to the Administrative Appeals Tribunals Act 1975
- considered a proposal from several academic bodies for an Australian Research Council funded ADR research network, which would build on a round table on ADR research previously conducted by NADRAC
- approved publication (on its web-site) of a resource paper for ADR researchers
- considered the Report of the Parliamentary Inquiry into Child Custody Arrangements
- considered the Attorney-General's Department's Federal Civil Justice System Strategy Paper
- considered and approved a letter to the National Competition Council regarding references to ADR in the NCC's 2003 Assessment, and
- held discussions with the Attorney-General in relation to NADRAC's work.

(2) A table summarising NADRAC's past advice is at Attachment A. Advice has been provided to the Attorney-General, to the Department, to specific federal courts and to other Government and non-Government bodies. Some publications are intended to provide information and guidance to general audiences, including federal courts and tribunals and other Commonwealth agencies.

(3) (a) Two submissions relate specifically to cost savings associated with the use of ADR procedures within Commonwealth agencies and departments.

In April 2002 NADRAC wrote to the previous Attorney-General recommending that the Legal Services Directions require Commonwealth agencies to develop policies and procedures for the

prevention and management of contract disputes and that consideration be given to developing a model dispute resolution clause for inclusion in Commonwealth contracts with a view to reducing the costs of litigation and to achieving greater reliability and efficiency in the supply of goods and services.

In April 2004 NADRAC provided a submission to the Attorney-General's Department (a copy of the submission is at Attachment B) in response to the Department's *Issues Paper on the Review of the Legal Services Directions*.

(b) The Department's Issues Paper includes the issue of whether more specific obligations should be imposed on agencies in relation to the use of ADR. Consideration by the Department of the submissions received in response to the Issues Paper is in progress.

- (4) NADRAC's practice in relation to its publications is to send them directly to interested government departments.

The use made by departments of the information provided by NADRAC on ADR procedures is the responsibility of those departments.

- (5) I am advised that the database has been completed to draft stage.
- (6) The Department received a submission from NADRAC on 30 April 2004 in response to the *Issues Paper on the Review of the Legal Services Directions*. (see answer to Question 3).
- (7) In view of the response to Question 6, this question does not arise.

Attachment A

Advice prepared by NADRAC to 1 July, 2004

Date; provided to	Matter	Key points
April 2004 Attorney-General's Department	Legal Services Directions Submission to Attorney-General's Department on the Review of the legal Services Direction	Changes to the Legal Services Directions should be an element of a broader strategy involving: a focus on the prevention of disputes in the first place a commitment to use ADR where disputes occur, both before and during litigation improved dispute resolution practices by those involved in Commonwealth litigation and legal services the development of high standards of ADR practice, and broader whole-of-organisational changes to the prevention, management and resolution of disputes involving Commonwealth agencies.
April 2004 General audience (Business)	ADR a better way to do business Summary of conference proceedings	The paper summarises the papers and workshops presented at NADRAC's September 2003 Conference ADR: a better way to do business which covered approaches to contractual, consumer, workplace, small business and complex industry dispute resolution.
April 2004 Attorney-General	Federal Civil Justice System Strategy Paper Comments on Attorney-General's Department strategy paper	Provides comment on overall paper and specific recommendations, including: develop effective dispute resolution practices by legal profession and also government agencies ADR should be seen as resolving disputes 'through the most appropriate process' rather than at the 'lowest appropriate level' need for increased Indigenous representation on the NNTT appropriate skilling of judicial officers conducting an ADR process.

Date; provided to	Matter	Key points
		good quality data collection and evaluation of the civil justice system (including ADR) is required to underpin performance improvement link civics education material to dispute resolution skills consider facilities for court-connected ADR services in rural, regional and remote areas clarify the roles and responsibilities of lawyers involved in 'unbundled' legal services representing parties in ADR obligation on courts and legal practitioner to advise parties about ADR pre-action protocol to encourage settlement may require changes to rules so that costs can be charged for pre-litigation work agrees with the abolition of mediation fees in the Federal Court, but the issues of fees for ADR need to be considered more broadly value of facilitative processes with regard to expert evidence explore greater sharing of resources with State and Territory dispute resolution services.
March 2004 Attorney- General's De- partment	Proposed amendments to Administrative Ap- peals Tribunals Act 1975 Comments	Comments on proposed amendments
March 2004 General audience	Who says you're a mediator? Towards a national system for accrediting mediators Options paper	The paper aims to stimulate discussion and obtain information prior to 2004 National Mediation Conference. It sets out principles underpinning mediator accreditation, outlines options for a national mediation accreditation system, and puts forward a proposal for an organisation that would accredit accrediting organisations. Written responses invited
March 2004 Other Common- wealth Govern- ment body	National Competition Council Assessment 2003 Letter to chair of NCC	Raises issues about references to mediation and arbitration in NCC 2003 assessment on the SA Poultry Meat Industry.
March 2004 General audience (researchers)	ADR Research: A resource paper Resource paper for ADR researchers	The paper intends to promote discussion and assist those who are researching dispute resolution processes, programs, systems and practices. It provides resources and guidelines for different aspects of ADR research
March 2004 General audience (courts and tribu- nals)	Court referral to ADR: Criteria and research Joint paper by NADRAC and AIJA, authored by Kathy Mack	Provides a thorough analysis of existing research examining criteria or factors on which courts and tribunals could base decisions to refer a dispute to ADR. It concludes that there are very few general referral criteria which reliably indicate whether or not ADR will be effective in any particular dispute, there are a number of practical steps a court or tribunal can take to develop a valid program of referral to ADR, this task is best undertaken by each court or tribunal in light of its own context, program goals, jurisdiction and

Date; provided to	Matter	Key points
		case mix, potential ADR users, local legal profession and culture, internal resources and external service providers.
March 2004 Attorney-General	Child Custody Inquiry Letter to Attorney-General at Council's own motion, in response to the Report of Standing Committee on Family and Community Affairs into child custody arrangements in the event of family separation the	Supports the call for greater emphasis on ADR If there is to be a clear statutory requirement to promote certain outcomes, then the process be called conciliation' rather than 'mediation'. Mandatory mediation can be an effective process, subject to appropriate assessment and professional standards. Supports the concept of an entry point in principle, but that there be a degree of flexibility and discretion in the means by which people access the proposed new family law system. A new Families Tribunal could lead to another formal layer in the family law system. Need to clarify The relationship between Tribunal conciliation and earlier dispute resolution steps The role of the Tribunal conciliator Training and qualifications of Tribunal members. Agrees with the principle of child focussed and child inclusive practices. The appropriate timing for a referral to ADR varies widely from case to case. In implementing the recommendation for legal training courses in dispute resolution, the amount of study be defined or quantified. Supports the development of a wider family conferencing model, subject to flexibility and cultural appropriateness.
January 2004 Non-Government. Organisation	Standards Australia Comments on Standard on Dispute Management (Revision of AS 4608-1999)	Standards could be re-titled dispute management systems Objectives should focus more on eventual outcomes of the system Emphasis should be on skill development in dispute management Organisation culture is critical and should receive prominence Coverage of suggested standard may be too broad Relationship to risk management standard requires clarification Proposed standard may not be relevant to some types of organisations Give consideration to retaining the existing as well as the proposed new standard Evaluation should include qualitative and quantitative elements
December 2003 State/Territory Government body	Community Justice Centres Comments on NSW Law Reform Commission issues paper 23	Notes that the paper already makes extensive reference to NADRAC material and draws attention to issues of mutual interest.

Date; provided to	Matter	Key points
October 2003 General audience (Business)	ADR in Business Conference papers	A selection of conference papers and other material on NADRAC's conference on Business ADR held on 4-5 September The conference was structured around the following themes: Preventing and managing contractual disputes Improving relationships with customers Improving workplace relationships Practical solutions for small and medium enterprises Innovations and strategic initiatives in business ADR.
September 2003 General audience	Dispute resolution terms Introduction and glossary of dispute resolution terms	Consistency in terms is important but needs to be balanced with diversity and innovation Terms exist in context and do not of themselves resolve standards, legal and policy issues Preference for term dispute resolution practitioner rather than third party neutral Preference for term 'conciliation' rather than 'mediation' to be used where practitioner has an advisory as well and facilitative role Terms other than 'mediation' may better reflect dispute resolution process offered by courts A glossary is provided which outlines common usage of dispute resolution terms in Australia.
August 2003 Parliamentary Committee	Shared parenting Submission to Inquiry by the Standing Committee on Family and Community Affairs into child custody arrangements in the event of family separation	Clarify terms and concepts concerning child arrangements after separation Consider the desirability of equal time arrangements Assess the risks associated with any rebuttable presumption that children spend equal time with both parents Support alternative (or 'primary') dispute resolution services to deal with issues arising from such a rebuttable presumption, and Consult with children themselves about such a presumption.
August 2003 Attorney-General	Family Law reforms Letter to the Attorney-General	Draws attention to NADRAC's consideration of various issues in family law work, including: Terminology, and recommendation for discontinuing the terms 'PDR' and 'Primary Dispute Resolution' Family Law Rules Quality framework Funding for community organisations Indigenous ADR Parliamentary Child Custody Inquiry Contacts order compliance regime
May 2003 General audience	Report of submissions to terminology paper	Consolidates and summarises the submissions received in response to NADRAC's ADR Terminology discussion paper

Date; provided to	Matter	Key points
April 2003 Family Court of Australia	Family Law Rules revisions Submission to the Family Court of Aus- tralia	The Rules should be user friendly The proposed practice manual should take into account the needs of agencies apart from the Family Court The rules should specify 'pre-action' procedures Consistent terminology is required Supports criteria for ordering family reports Support costs consequences flowing from genuine efforts to settle property matters
April 2003 Other Common- wealth Govern- ment body	Family Law Council PDR paper Comments on draft paper	Distinctions between mediation and counselling, and be- tween models of mediation Need to clarify PDR in legal aid context
April 2003 Non-Government. Organisation	Australian Standard on the prevention, han- dling and resolution of disputes Comments on pro- posed revision to AS 4608-1999	Interim response: No objection to revision NADRAC report on standards emphasises consultation, review and evaluation of standards, link to other stan- dards.
February 2003 General audience (researchers)	ADR research, evalua- tion and data collection Background paper	Document produced to assist NADRAC round table on ADR research held on 21 February 2003
December 2002 Attorney-General	UNCITRAL Concilia- tion Rules Letter to Attorney- General	Expresses concern about UNCITRAL's International Commercial Conciliation Rules Article 8, which, contrary to Australian practice, provides that information divulged in private session may be provide to the other party unless specified otherwise.
November 2002 National Judicial College of Austr- lia	Judicial education Letter to Director of Judicial College of Australia	Need for judicial education on ADR
October 2002 Attorney- General's De- partment	Amendments to 19N of Family Law Act Brief comments to Family Law and Legal Assistance Division	Support in principle the proposal to exempt child abuse issues from inadmissibility provisions proposes that exemption could be extended in order to be consistent with practitioners' duty of care obligations suggests technical changes
September 2002 Family Court of Australia	Family Court Violence Policy Submission to Court's Family Violence Committee	Matters to be taken into account in a policy are the nature of family violence, the risks and impacts of family vio- lence, the appropriateness of PDR processes in cases in- volving violence, and the need for a systematic approach.
September 2002 Other Common- wealth Govern- ment body	Review of Federal Magistrates Service Letter to working group	Stresses importance of data collection

Date; provided to	Matter	Key points
August 2002 Other Commonwealth Government body	National research priorities Submission to the Department of Education, Science and Technology	Nominates ADR as a thematic priority for national research.
June 2002 General audience	ADR terminology: a discussion paper	Poses a series of questions about how terms are used, and should be used, in ADR. Submissions invited by 31 December 2002
May 2002 General audience	ADR statistics Published statistics on ADR in Australia	Intended as a resource document to guide consideration of ADR data collection
April 2002 Attorney-General	Government use of ADR Letter to Attorney-General	Need for reference to ADR and to ADR standards in the Legal Services Direction Need for ADR clauses in contracts for provision of goods and services to Commonwealth agencies
March 2002 General audience	What is ADR? Brochure on ADR terms	Simplifies earlier definitions paper
March 2002 General audience	Dispute Resolution and Information Technology Draft guidelines	Take into account impact and potential of technology Consider accessibility, fairness, effectiveness, cost and legal issues Manage risks associated with delivery of ADR service online Need to match technology to needs of disputes and parties Develop service and practitioner standards to take account of use of technology Consider use of technology in other areas, including marketing of ADR, information management, research, education and professional development Apply change management strategies when introducing new technology
February 2002 Non-Government Organisation	Mediation competencies Letter to Community Services and Health Training Australia	General comment on draft qualification and competencies in community mediation: Consultation Diversity Use NADRAC's standards within evidence guides
February 2002 Attorney-General	Recommendations of the Family Law Pathways Advisory Group Letter to Attorney-General	Supports the direction of the FLPAG's report Need for well researched and targeted promotion of non-adversarial approaches Reference to Quality Framework Submission (2002-01) Support for case assessment, but noting complexity of the task Need for consistent terminology (refers to 2001-11) Need for evaluation of innovative models of service delivery

Date; provided to	Matter	Key points
January 2002 Attorney- General's De- partment	PDR Quality Frame- work Submission to Attor- ney-General's Depart- ment in relation to consultation paper proposing a quality framework for PDR service under the Fam- ily Law Act	Support for overall goals of proposal Avoid too much emphasis on organisational performance at expense of practitioner competence Need to link with other professional/service groupings Take into account elements in an appropriate code of practice as outlined in NADRAC's standards report Some additional standards required vis a vis family ser- vices, especially family violence/child abuse) Give greater prominence to complaint handling Keep 'essential' obligations and responsibilities within the regulations themselves Need to clarify implementation issues - costs, compliance, infrastructure.
December 2001 Other Common- wealth Govern- ment body	ADR In E-Commerce Submission to Expert Group on e-commerce re discussion paper on Dispute Resolution in e-commerce	Need for consultation and coordination in e-commerce ADR Consistency in terminology required Independent research and evaluation of on-line ADR is vital Intake, assessment and preparation processes are essential in light of role of third parties (eg credit providers), dis- pute dynamics, power balance, representation; nominal fess may not be appropriate Important to match the communication medium to the parties and to the dispute
November 2001 Attorney-General	Family Law Act termi- nology Letter and background paper on the need to review the PDR provi- sions of the Family Law Act and Federal Magistrates Service Act	Need for consistency in PDR terminology Need for a review of the FLA Current provisions need to reflect current PDR practices Statutory protections also require review
August 2001 General audience	Definitions Brief discussion paper on need for common language in ADR	Presents arguments for and against consistent terminology in ADR and asks for comment
August 2001 Other Common- wealth Govern- ment body	Franchising Code of Conduct	Need to address termination issues, and resolve ambiguity surrounding 'imminence of resolution' Address issue of site of mediation, especially in context of on-lien ADR
May 2001 Family Court, Federal Magis- trates Service and Attorney- General's De- partment	ADR/PDR terminol- ogy Background paper for meeting convened by NADRAC	Identifies issues surrounding use of terminology for PDR/ADR in the family law systems

Date; provided to	Matter	Key points
May 2001 Federal Magistrates Court	Federal Magistrates Service Draft Rules Submission to Registrar of Federal Magistrates Service	Reiterates previous advice December 1999
April 2001 Attorney-General	Standards for ADR	Recommends framework (= guidelines for developing standards, a code and enforcement of code by appropriate means); recognise diversity Service providers to adopt and comply with code of practice Service providers to have a complaints mechanism Examine feasibility of ADR Ombudsman Monitor complaints Compliance based predominantly on self-regulation Compliance with code of practice as part of Commonwealth contracts Other governments also to require compliance with a code Consumer education activities to encourage code Mandating bodies give special attention to quality Review of statutory provision Determine need for accreditation on a sector by sector basis Principles suggested for accreditation of practitioners Accrediting bodies develop mutual recognition Selection process to be fair, transparent, effective Engagement of practitioner based on knowledge, skills and ethics, not necessarily tertiary qualifications Training providers inform participants of expected outcomes Training take account of (framework); be performance based, and use best practice learning strategies Explore peak body Resources commensurate with risks and benefits Improved data collection
January 2001 General audience	On-line ADR Background paper	This is a background paper only and is not intended to state NADRAC's position. It was placed on the web-site, with an invitation for comment from interested parties.
December 2000 Federal Magistrates Court	Criteria for referral to ADR Letter of advice to Federal Magistrates Service	Assessment of suitability is complex. There is a lack of empirical research on suitability criteria. Some factors identified are: Current fear or high risk of violence by or to a party Allegations of child abuse An unmanaged mental illness or intellectual disability without appropriate advocacy A clear statement by one party that they will not participate in ADR or that they 'want their day in court' A statement by the parties that they want to resolve their conflict in a non-adversarial forum Bad faith bargaining, or clear likelihood of this

Date; provided to	Matter	Key points
		The intention of one party to use the process to harass the other Over riding public interest A matter which is primarily a dispute of fact Parties who have major, non-negotiable value differences The ability of the parties to make an informed choice to attend The capacity of the parties to negotiate safely on their own behalf The extent to which any power imbalance can be re-dressed Lack of commitment by one or more of the parties to resolve the dispute Any relevant court orders which make ADR difficult (eg a restraining order) Cultural factors and considerations Legal representation of the parties The likelihood that the costs of ADR outweigh its benefits.
May 2000 Attorney-General's Department	Administrative Review Tribunal Letters of advice to Attorney-General's Department	Comments on proposed provisions.
June 2000 Attorney-General	ADR data collection in courts Letter to Attorney-General	Need for improved data collection on Court ADR, starting with federal courts and tribunals
March 2000 Family Court of Australia	Use of term mediation Letter to Family Court of Australia	Need for consistent terminology
March 2000 Other Commonwealth Government body	Franchising Code of Conduct Submission to Franchising Policy Council	Recommend research and data collection to establish benchmarks against which information can be measured. The code provisions should be kept under review. There is value in making parties participate fully but do not favour the term 'in good faith'. Oppose requirement for mediator to certify that parties made a genuine attempt to mediate. Code to refer to mediation as the principal method of DR. Add a 'case stated' option for a quick, relatively inexpensive and final decision. Commonwealth could require parties to mediate before enforcing the provision of a franchising agreement. Recommend use of standards.

Date; provided to	Matter	Key points
March 2000 General audience	Standards for ADR Discussion paper	Proposed framework for ADR standards Asked 70 questions for comments See 2001 - 04
June 2000 Attorney-General	Parenting Plans Joint Letter of Advice to Attorney-General (with Family Law Council)	Encourage use of parenting plans, and use consent orders where enforceability is sought Repeal registration provisions Encourage an integrated parenting plans/consent order package
December 1999 Attorney-General	Federal Magistrates Service Rules and Regulations Part 2 Report to Attor- ney-General	Provide information/education about ADR through infor- mation sessions, brochures, initiating documents Develop and publish guidelines (indicators/contra- indicators) for referral to ADR ADR practitioner has an obligation to assess for suitability Approval of ADR service providers by Attorney- General's Department (quality approval process) as ap- posed to Family Law Regulations for family and child mediators— link to immunity and complaints process Encourage parties to go to Court to obtain a referral order to ADR Court personnel should not automatically be qualified as ADR practitioners Need for standards referral orders (providing certain pow- ers and obligations of ADR practitioner) Incorporate definitions into rules of court Immunity/confidentiality should not prevent consumer redress Regulations should specify that ADR service providers have a complaints mechanisms ADR practitioner should report back to court on termina- tion (defined headings, but not willingness to cooperate) Evaluate ADR services Cost to take account of ADR costs, and refusal to attend ADR Court should scrutinise ADR agreements
August 1999 General audience	Diversity: 'A Fair Say' Public guide to manag- ing differences in me- diation and conciliation	Provides practical guidelines for managing diversity
February 1999 Attorney-General	Federal Magistrates Service - Act (March 1999) Part 1 Report to Attor- ney-General	ADR should be an integral part of the Court. Legislation should refer to DR, not ADR processes. Focus on procedural flexibility. ADR not a replacement for judicial adjudication. Emphasise proper assessment, referral and quality. Set out objectives in a legislative provision. Legislation should name each DR process. Use the NADRAC definitions and consistent terminology. Court to have power to make rules about procedure. Access to legal representation/advice/other support.

QUESTIONS ON NOTICE

Date; provided to	Matter	Key points
		Support a diversity of providers of DR services. Legislation should address the issue of standards. Court to use list of appropriate DR providers. Judge not to adjudicate disputes where s/he has done ADR. Court to make regulations which set Court ADR fees. Duty to advise clients of the availability of DR processes. Require provision of written information about DR. All/any part of a dispute to be referable to DR process. Range of DR processes to be available at any stage. Mandatory referral by qualified assessor is acceptable. Court evaluation of all its DR processes is vital. DR providers to have similar immunity to judges. Implement a complaints procedure (against DR providers). Court to review agreement in limited circumstances. Court to be able to terminate a non-judicial DR process. Court to determine a question of fact/law to assist ADR. Dispute resolver to provide limited reports to Court. Non-compliance/refusal to provide essential information. DR providers-appropriate powers to facilitate outcomes. Magistrates should have substantial experience in ADR Legislative protection should not extend to pre-filing. Court to make rules on a simple, inexpensive process for initiating action within the court without pleadings.
February 1999 State/Territory Government body	Law Reform Commission of Western Australia Review of the Civil and Criminal Justice System (February 1999) Response to Consultation Paper on The Use of Court-based or Community Alternative Dispute Resolution Schemes and Alternative Forums for Adjudication	Importance of a range of DR processes Importance of data collection on DR Confidentiality of court files and details of DR attendance Importance of criteria for appraisal/screening of each case Support court with multiple dispute resolution 'doors' The ADR process should be adaptable to the particular case Timing of when ADR might be used More information about the court and ADR Incentives for disputants to use ADR Need to create a change of legal practitioner culture The state should bear the costs of ADR in the court system Parties should use external ADR at their own cost Payment for court-annexed ADR is a complex issue Appropriate training and qualification standards A judicial officer who has acted as an ADR practitioner should be disqualified from subsequently adjudicating the same dispute ADR to proceed on a 'without prejudice' basis Limited statutory duty of confidentiality

Date; provided to	Matter	Key points
February 1999 Attorney- General's De- partment	Small Business Access to the Legal System (February 1999) Advice to Attorney- General's Department in response to the Sug- gestions Paper of the Review of Small Busi- ness Access to the Legal System	Supported the thrust of the recommendations, but con- cerned that some recommendations impractical and raise resource implications; need to give attention to processes of implementation
January 1999 Other Common- wealth Govern- ment body	Workplace mediation (29 January 1999) Submission to Depart- ment of Workplace Relations and Small Business in response to Ministerial Discussion Paper: Approaches to Dispute Resolution: A Role for Mediation?	Distinguish mediation from conciliation in industrial rela- tions Need for assessment and screening of matters for suitabil- ity Proceed to arbitration or adjudication after unsuccessful mediation (ie not proceed to conciliation) Mandatory mediation acceptable in certain circumstances (a gatekeeper required) Public and private providers should be able to deliver mediation services; mediators should have working knowledge of the legislation
September 1998 Other Common- wealth Govern- ment body	Federal Dispute Reso- lution Australian Law Re- form Commission Review of the Adver- sarial System of Litiga- tion – Response to Issues Paper No 25 ADR - its role in fed- eral dispute resolution	Benefit of ADR = timeliness, cost effectiveness, flexible outcomes and client satisfaction Need for a variety of DR processes Flexibility importance Gatekeeping and assessment is critical (criteria offered) Need to properly design the ADR system Need to establish evaluation criteria for ADR Timing of ADR important (and early intervention may be appropriate) Avoid blurring adjudication with facilitative and advisory processes Supports ADR training for judges ADR should not be used to reduce funding for courts Drew attention to diversity paper in relation to NNTT Safeguards re compulsions in ADR (assessment, etc.) Standards should include both neutrality and impartiality Limit immunity Conditions suggested for confidentiality Standards – await NADRAC report Lawyers should advise clients of ADR
April 1998 Other Common- wealth Govern- ment body	Small Business Department of Work- place Relations and Small Business - Re- sponse to ADR Infor- mation Kit for Small Business	Editorial suggestions

Date; provided to	Matter	Key points
April 1998 Non-Government. Organisation	Standards Australia - Comment on the pro- posed Standard on Dispute Resolution	Suggests amendments to proposed criteria for ADR processes Makes a series of editorial suggestion
March 1998 Other Common- wealth Govern- ment body	Benchmarks Australian Competition and Consumer Com- mission Round Table on Small and Large Business Disputes – Comment on Imple- mentation of the Benchmarks for dis- pute avoidance and resolution - a guide	Need to provide information to small business via infor- mal networks Specific recommendation on additions to proposed kit
December 1997 Attorney- General's De- partment	Primary Dispute Reso- lution Attorney-General's Department – Re- sponse to Discussion Paper on Delivery of PDR Services in Fam- ily Law	Confine term 'Primary Dispute Resolution' to mediation and conciliation Support choice of DR service, accessibility, efficiency, accountability, quality, integrated service panning and policy development , diversion from litigation Raises issues of accountability in context of outsourcing Raises issues about the functions of a proposed Office of Family Relationship Services
November 1997 General audience	Diversity Discussion Paper on Issues of Fairness and Justice in Alternative Dispute Resolution	Identifies challenges for ADR services in responding to diversity and suggests the following be addressed: Dispute resolution system design Training Access to ADR services Cost Social trends of public concern and interest Links with associated services Recruitment of members of minority groups Use of advocates, legal representatives, interpreters, etc. and proposes practical guidelines concerning assessment, and modifications and accommodations.
November 1997 Other Common- wealth Govern- ment body	Australian Law Re- form Commission Review of the Adver- sarial System of Litiga- tion - Response to Issues Paper No 20 Alternative or Assisted Dispute Resolution	Persuasion of parties to use ADR - unlikely to be appro- priate by judicial officers, appropriate for non-judicial officers – early in litigation process Mandatory mediation requires certain conditions and safe- guards (including 'gatekeeper') Supports diversity of ADR providers Generally court staff should not move from one DR proc- ess to another Examine immunity – ensure consumer redress possible Respect party self determination, but also identify criteria for referral to ADR Need for better ADR data collection

Date; provided to	Matter	Key points
March 1997 Attorney-General	Family Law Regulations (March 1997) Report to the Attorney-General Primary Dispute Resolution in Family Law - on Part 5 of the Family Law Regulations	Compliance with regulation only for those seeking protection of the Act
		Amend immunity to enable consumer recourse
		Retain tertiary qualification requirements for the present, but consider recognition of specific family law experience in the future
		Recognise accountants (under reg 60)
		Include 'admitted' legal practitioner (eg Clerkships, not university educated)
		Limited authorisation scheme for ATSI mediators
		Provide means to assist ATSI people gain appropriate tertiary qualifications
		Limited authorisation scheme for NESB mediators
		Improve access to tertiary courses
		Amend subregulation 60(3) – mediation of that kind to general reference to mediation of family disputes
		Provide authorisation scheme for 'true grandparents' of mediation
		Remove subregulation 60(4)
		Amendment to wording – sub para 60(3)(b)(ii)
		Require at least 3 days specific training in family mediation issues
		Independent supervisors should be experienced in family mediation
		Include as supervisors people who are eligible for membership of relevant bodies (ie not necessarily current members)
		Provide that (a) mediator conducts an assessment or is satisfied that an has been appropriately conducted; and (b) decision to proceed or no could be taken by mediator or intake officer
		Remove requirement for written statement and provide that information is provide as appropriate t the case; and specific changes recommended to the nature of information provided
March 1997 General audience	ADR Definitions March 1997 Report on Alternative Dispute Resolution Definitions	A report defining term for ADR facilitative, advisory and determinative processes
February 1997 Attorney-General's Department	Authorisation of Family and Child Counsellors Letter to Attorney-General's Department in response to request for advice on interim arrangements for the	High level of training and expertise required for family and child counsellors, due to incidence of violence and abuse

Date; provided to	Matter	Key points
	authorisation of Family and Child Counsellors	
February 1997 Attorney-General's Department	AFP/NCA complaints Attorney-General's Department - Response to request for advice on Australian Law Reform Commission Report No 82 – Integrity: but not by trust alone: AFP and NCA complaints and disciplinary systems	Define mediation and conciliation Examine public interest Carefully consider whether officers from within the police force be used as mediators Need for adequate training Relate ADR to good management practices Consider Standards Australia AS 4269 1995 Provide time limits for processes, with flexibility ADR should not be considered in some cases – this to be determined on an individual – not 'type' basis ADR should not be compulsory for complainants, but possibly for members of police force
January 1997 Other Commonwealth Government body	Benchmarks for Consumer Dispute Resolution Schemes	Include specific reference to situations where ADR may be inappropriate, such as power imbalance
January 1997 Attorney-General's Department	Non-consensual mediation in the Federal Court of Australia (January 1997) Letter of advice to Attorney-General's Department -	Mandatory mediation may be appropriate in some circumstances; a properly trained 'gatekeeper' is required, and criteria applied for referral. Mediators should have the time appropriate to meet the needs of the parties.
November 1996 Other Commonwealth Government body	Government Service Charter Initiative	In staff training section, address issues of power imbalance and potential biases between consumers and providers
October 1996 Other Commonwealth Government body	Youth Homelessness (October 1996) Submission to Youth Homelessness Taskforce	Address issue of family violence, family dysfunction and power imbalance in considering youth reconciliation services
October 1996 Parliamentary Committee	Family Services (October 1996) Submission to Parliamentary Committee into Aspects of Family Services	Not appropriate for preventive family services to be provided by the courts Provide easy access to a range of DR services Monitor impact of any new fees for service (for family court counselling) Attend to issue of family violence Support provision of quality mediation services provided by State Governments agencies
June 96 State/Territory Government body	Uniform succession laws Submission to Queensland Law Reform Commission	Reforms to succession laws should make reference to ADR processes in relation to disputes over estates.

Attachment B**Submission by NADRAC in response to the Issues Paper on the Review of the Legal Services Directions****Introduction**

NADRAC welcomes the opportunity to comment on the *Issues Paper on the Review of the Legal Services Directions*. The submission focuses especially on Issue 12: 'should the Directions impose more specific obligations on agencies in relation to the use of alternative dispute resolution (ADR)?' However, the matters raised in this submission are also relevant to other issues raised in the Department's paper, including Issue 5 (use of in-house lawyers) and Issue 11 (model litigant obligations).

NADRAC believes that Commonwealth agencies should adopt the most effective dispute resolution practices available both to prevent litigation in the first place and to better manage litigation once commenced. More explicit obligations on agencies in relation to the use of ADR, along with other changes to the Directions suggested in this submission, would help to achieve this.

NADRAC notes that the Tonge (2003) report found that few Commonwealth agencies reported using ADR. It agrees with the conclusion in the Department's *Federal Civil Justice System Strategy Paper 2003* (the Strategy Paper) that 'it seems that there is capacity for the greater use of ADR by Commonwealth agencies' (p139) and believes that the increased use of ADR will help to reduce the level, cost and impact of litigation involving Commonwealth agencies.

As reported in the Strategy Paper overseas initiatives have effectively promoted the use of ADR by Government agencies. These include the US President's 1996 Executive Order directing agencies to employ ADR techniques and the UK Lord Chancellor's 2001 Pledge to use ADR in all suitable cases. The UK Pledge resulted in a 1200% increase in the use of ADR in 2003-2003 with estimated savings of over £6m.

Litigation involving Commonwealth agencies is perceived by many people to be often the direct result of either an incapacity or an unwillingness to compromise where such compromise would accord with the Commonwealth's policy and financial interests. The use of ADR, therefore, should not be considered as merely the application of additional formal procedures to the litigation process. ADR needs to be part of a conscious attempt to bring about behavioural, attitude and cultural change in how issues, problems and disputes are managed by Commonwealth agencies. The Directions are one means by which Commonwealth agencies can be encouraged and expected to adopt less adversarial and litigious approaches to dispute resolution.

The Commonwealth is the biggest single litigator, especially in the federal justice system. By being at the cutting edge of dispute management practices, the Commonwealth can directly promote effective dispute resolution in private business and in the broader community and, through this, contribute towards a less litigious society.

Through the Directions the Commonwealth can also further enhance the quality and consistency of ADR services, as recommended in NADRAC's 2001 report *A Framework for ADR Standards*. Such enhancement would capitalise on Australia's reputation as a world leader in the development of ADR.

The Government has indicated its support for the thrust of the recommendations in the ALRC 2000 report, *Managing Justice*, concerning dispute management by Commonwealth agencies, including recommendation 69 that 'each federal department and agency should be required to establish a dispute avoidance, management and resolution plan [which] should be consistent with the model litigant rules'. NADRAC agrees with this approach, especially where an agency is involved in the handling of a significant number of claims and disputes.

NADRAC recognises that government agencies have considerations that may not apply to the same extent in the private sector. These considerations may include, for example, protecting the public interest, legislative constraints, international treaty obligations, parliamentary and public scrutiny, establish-

ing a meaningful prospect of liability, discouraging frivolous claims and the need to create (or avoid) a precedent. These considerations do not reduce the relevance of ADR but require agencies to assess how best to use different forms of ADR at various stages of a matter.

In summary, changes to the Legal Services Directions should be an element of a broader strategy involving:

1. a focus on the prevention of disputes in the first place
2. a commitment to use ADR where disputes occur, both before and during litigation
3. improved dispute resolution practices by those involved in Commonwealth litigation and legal services
4. the development of high standards of ADR practice, and
5. broader whole-of-organisational changes to the prevention, management and resolution of disputes involving Commonwealth agencies.

Part One of this submission outlines these broader strategies. Part Two provides recommendations on specific changes to the Directions. Part Three suggests possible practical steps that could be taken to facilitate the implementation of changes to the Directions.

Part one: General

A focus on dispute prevention

Commonwealth agencies need to anticipate the types of disputes that may arise and to develop strategies to prevent their occurrence. Although some disputes are beyond the control of the Commonwealth, successful strategies exist that can assist in resolving issues and problems before they become significant 'disputes'. These strategies include, for example:

1. building the communication, negotiation and conflict resolution skills of people across the agency
2. in relation to customer complaints and service charters, empowering front line staff to resolve matters at source wherever possible, without requiring the customer to escalate the matter
3. in relation to contracts, the use of partnering, relationship contracting and dispute resolution clauses, and
4. in relation to staff conflicts, building the conflict resolution skills of managers and enhancing dispute resolution procedures within certified agreements.

It is important also to identify and address in a systematic way the factors that drive parties towards or away from litigation. Such factors may involve the agencies themselves, potential litigants and the interaction between them. For example, if the costs and risks of litigation are borne by the legal services section but the costs and risks of settlement by the relevant line area, the line area may not be motivated to avoid litigation. If an agency lacks effective complaints and grievance processes, an aggrieved party may feel that the initiation of legal proceedings is the only means by which they can have their concerns addressed.

Commitment to the use of ADR

Reducing litigation requires a commitment to use ADR from the earliest stage and, wherever possible, prior to formal legal proceedings. In considering the nature of this commitment, a distinction is made between:

1. disputes of a 'corporate' nature, which arise out of an agency's business role, including transactions with suppliers, customers and employees, and
2. legal proceedings that arise out of an agency's public policy and regulatory capacity, that is, its role in representing the interests of the state.

Corporate role

In disputes of a corporate nature, a commitment to ADR would best be expressed as a general presumption to use ADR, except where clearly inappropriate.

The presumptive position creates a perception that the use of ADR is normal and expected, and breaks the nexus between the initiation of, or agreement to use, ADR and a special desire to negotiate or 'settle'. A perception remains among some legal practitioners that a decision to use ADR indicates special features about the particular case, for example, that the Commonwealth has doubts about the merits of its case. Agencies may therefore be reluctant to initiate the use of ADR in order to avoid showing 'weakness'. Moreover, if the use of ADR is seen as an unusual step by the Commonwealth, a decision to initiate ADR may give rise to unrealistic expectations on the part of other parties. Such expectations may inadvertently decrease the chance of settlement. If seen as an 'unusual' step, the motives and rationale behind a decision to use ADR to settle a matter could also be questioned in, for example, a Senate Estimates hearing or the media.

A binding policy position to use ADR, except in defined cases, gives a clear signal that the Commonwealth is willing to use appropriate methods to clarify issues, and to resolve or limit these issues, even if it is confident about the merits of its position. Such a policy position also provides a degree of protection to agencies and supports their attempts to settle matters out of court.

ADR may be inappropriate for individual cases on various grounds, such as lack of time, lack of availability of ADR, an unmanageable imbalance of power, an inability to identify the parties to the disputes, entrenched conflict or an assessment that there are no reasonable prospects of satisfactory resolution. Agencies should not automatically dismiss the potential of ADR in such matters, however. In the experience of NADRAC members, ADR has led to successful resolution in matters, where, on face value, this would not have appeared to have been possible.

In practical terms, the commitment to use ADR would mean that, with respect to disputes of a corporate nature, an agency would:

- commence legal proceedings itself only after ADR has been initiated and (a) has been declined by the other party or (b) has been attempted without satisfactory resolution
- where it is the respondent to an application (which is more common), suggest, or agree to participate in, ADR at the earliest possible opportunity
- continue to explore, support and facilitate the use of ADR at all subsequent stages in the dispute, and
- in matters where the agency decides that ADR is inappropriate, communicate this position at the earliest possible stage.

Public Policy Role

In relation to matters involving the public policy role of Commonwealth agencies, the commitment may be better expressed as maximising the potential use of ADR to prevent or limit litigation, within any legislative or policy constraints that apply.

In many respects, this commitment is already expressed through various statutory and policy frameworks currently in place. For example, native title matters are mediated in the first instance through the National Native Title Tribunal, administrative appeals are subject to the conciliation and mediation procedures of the Administrative Appeals Tribunal, international disputes may be subject to treaty obligations that mandate the use of ADR and the Australian Competition and Consumer Commission may use various negotiation processes under the Trade Practices Act 1974 (Cth). In such situations, Commonwealth agencies need to continue to develop their dispute resolution practices, as outlined in the next section.

There may also be types of cases where legislation, Government policy or international treaties prevent the use of ADR, at least at an early stage in proceedings. Possible examples include immigration matters, revenue collection, constitutional cases, government regulation and extradition. Some matters, such as differences between Commonwealth agencies, are not subject to litigation and may need to be resolved at a higher level of government. Special considerations may also apply to disputes involving tied areas of legal work (section 2 of the Directions) and significant issues (section 3.1).

Even where ADR is not regarded as usual practice, however, some form of ADR may well be beneficial for some cases or at particular stages. Agencies therefore need to actively consider such options and use ADR whenever appropriate.

Improved dispute management practices by legal services

The Commonwealth should ensure that its own legal services are at the cutting edge of dispute resolution practice.

As well as preventing disputes and promoting the early use of ADR, agencies and their legal services need to review a matter at all stages in the litigation process in order to assess the value and likelihood of settlement, and to determine the appropriateness of different forms of ADR to facilitate such settlement.

Legal services should be familiar with the range and applications of ADR processes, and know when and how to use such processes for different types of disputes. An increasing range and sophistication of ADR processes is now available, including 'hybrid' processes that combine facilitative, advisory and determinative approaches. The most appropriate form of ADR needs to be used in the right case and at the right time. ADR can and is used at many stages including the pre-litigation stage, pre- and post-filing, after hearing but prior to judgement, at the appeal stage or after court action is finalised. ADR does not only deal with the substantive elements of a dispute but may be used, for example, to clarify technical issues, streamline procedures or deal with ongoing relationship issues between the parties. In complex disputes ADR may need to be multi-staged. For example, informal methods may be used early to clarify and narrow issues and more formal processes used later to deal with substantive issues.

Although statutory, policy and other constraints mean that some litigation involving the Commonwealth is unavoidable, NADRAC is of the view that improved dispute resolution skills and practices on the part of those responsible for the conduct of Commonwealth litigation would assist in avoiding or settling disputes at an earlier stage. Such improvements would also enable the Commonwealth to keep pace with practices in the private business sector.

Court officers, ADR practitioners and legal practitioners have expressed to NADRAC members a degree of concern about the behaviour of Commonwealth agencies as litigants. These concerns include a lack of authority to settle on fair and reasonable terms, and a lack of dispute resolution knowledge and skills on the part of Commonwealth officers and of lawyers engaged by the Commonwealth. As with other large organisations, representatives of Commonwealth agencies may well feel uncomfortable about compromising and may prefer to leave difficult decisions to others, including the courts. The comment has also been made that, in assessing criteria for settlement, Commonwealth agencies and their legal advisers may take an overly narrow view and consider only the direct legal costs of litigation and the probability of success in court. There are many other costs and risks that could legitimately be considered, including loss of time, diversion of management focus and damage to business relationships and reputation.

Suggested strategies to improve dispute management practices include:

1. Build the dispute resolution skills of internal and external legal services. Relevant skills include listening, negotiation, facilitation, problem-solving and advocacy skills suited to the non-court dispute resolution environment. For example, in mediation, the use of open-ended questions by

legal representatives, which would be inappropriate in a court setting, may be helpful in uncovering issues underlying the dispute.

2. Ensure continuing responsibility on the part of agencies and legal services to explore and promote means to resolve disputes. The engagement of external legal services does not mean that the agency can abdicate its responsibility. Nor can the external legal service assume that the agency has explored all options for settlement prior to engagement. There needs to be continuing discussion between the in-house legal sections and legal service providers about how best to limit litigation or settle the matter, including when and how to use ADR.
3. Select an appropriate person to represent the agency in dispute resolution processes. Such a person needs to be a skilled communicator, be at a sufficiently senior level, have authority to settle and be familiar with the issues. In some situations, however, the person may need to be somewhat removed from the original problem, for example, where the presence of an officer directly involved perpetuates or escalates the dispute.

Facilitating the development of high standards of ADR practice:

ADR services may be provided to Commonwealth agencies by individuals, or by private and public organisations. As well as building the skills of its own legal services, the Commonwealth can contribute to the development of high standards of practice by working with ADR practitioners and organisations to improve their knowledge and skills in dealing with disputes involving government agencies. Commonwealth agencies could also provide feedback to ADR organisations about the effectiveness of different ADR approaches, which would assist the development of improved practices on the part of ADR practitioners.

NADRAC believes that the development of ADR standards is critical to its acceptance and effectiveness in all disputes, including those involving Commonwealth agencies. The Commonwealth can play a direct role in the development of such standards through its own contractual arrangements. Where a Commonwealth agency has control over the engagement of an ADR service provider, it should ensure that the service provider complies with appropriate standards of practice. As the Issues Paper points out, the elements contained in the code of practice in NADRAC's 2001 report on standards are a useful benchmark for assessing compliance.

In doing this, however, agencies need to be conscious of the fact that the credibility and acceptance of ADR depends largely on the independence and impartiality of ADR practitioners and organisations. The Commonwealth therefore may need to be careful about how it engages private ADR providers to ensure that it does not create a situation of real or perceived bias in its favour. Such bias could be created directly, for example, through the nature of its contract for services, or indirectly, for example, through becoming overly familiar with individual ADR practitioners or creating incentives on the part of an ADR service provider to obtain more Commonwealth work.

Broader systems

The use of ADR and improvements in dispute resolution practices by legal services should be part of a multi-faceted approach across and within Commonwealth agencies. Such an approach would comprise:

1. A high level commitment to reduce the level and cost of government disputes and litigation, including the use of ADR.
2. Building such a commitment into relevant performance measures and reporting mechanisms at the agency, section and individual levels. In this regard, the Australian National Audit Office study of legal services in the Australian Public Service may be pertinent.
3. The development of dispute avoidance, management and resolution plans at an organisational level, as recommended by the ALRC. Such plans are especially important for agencies that handle a significant number of disputes.

4. Building corporate knowledge in preventing and resolving disputes. The establishment of an inter-agency working group to share ideas about effective dispute management practices was recommended by the ALRC. NADRAC supports this recommendation. The outcomes of dispute management processes need also to be continually evaluated.

It is acknowledged that many of the strategies above go beyond the legal services covered by the Legal Services Directions themselves. For example, customer relations, procurement, employment and industrial relations issues may be subject to a range of governing mechanisms that would not necessarily be described as 'legal services'. If poorly handled, however, there is a good chance that such matters could become the source of continuing conflict and lead directly or indirectly to litigation. Legal services therefore have a significant role to play in identifying potential sources of disputes and participating in organisation-wide approaches to dispute prevention, resolution and management.

Part two: Recommendations on the wording of the Legal Services Directions

NADRAC sees ADR as integral to the prevention, management and resolution of disputes. ADR should also be improved continually and applied flexibly, taking into account the different types of issues faced by Commonwealth agencies and the range of contexts in which disputes may arise. For these reasons, NADRAC has not recommended a set of prescriptive steps or a separate appendix on ADR. The changes suggested below are strategic in nature and designed to facilitate the broader changes recommended above. Support for the implementation of these changes will also be important and follow up actions are suggested in Part 3 of this submission.

Suggested amendments are shown below in bold italics. The placement, numbering and precise wording of these amendments may, of course, be dependent on any other changes made to the Directions in the course of the current review.

1. NADRAC recommends the addition of a new clause to the body of the Legal Services Directions, before clause 4.2. The clause should create a presumption that agencies will use ADR as early as possible in all disputes, require agencies that commonly handle a significant number of disputes to develop dispute management plans, and require reporting on the level, nature and outcomes of disputes, including the use of ADR. The suggested wording is:

Agencies shall use alternative dispute resolution processes to avoid, prevent or limit litigation at the earliest possible stage in all disputes arising out of their corporate role, except where the use of such approaches is clearly inappropriate.

Agencies which commonly handle a significant number of claims and disputes should develop a dispute avoidance, management and resolution plan.

Agencies which rarely handle claims or disputes may deal with matters on a case by case basis with reference to these Directions and the Model Litigant Obligations at Appendix B.

The following sub-section could be included either in the proposed new clause above and/or after clause 11(d):

Agencies shall monitor and report on the level and outcomes of disputes, and on the use of alternative dispute resolution methods.

2. Amend 4.3 of the Directions by adding the following words

Claims are to be handled and litigation is to be conducted by the agency in accordance with legal principle and practice, taking into account the legal rights of the parties and the financial and other risks to the Commonwealth (including the agency) of pursuing its rights.

And adding to note 1(a):

In considering the appropriateness of settling claims, 'legal principle and practice' means an assessment both of the legal merits and the relative risks and costs associated with settling the claim or continuing with litigation.

3. Add to clause 4.7:

A FMA agency is not to start court proceedings unless:

 - (a) reasonable attempts have been made to resolve or limit the matter through alternative dispute resolution, as outlined in [new clause suggested at point 1 above] and Appendix B, and.
 - (b) the agency has received legal advice from lawyers whom the agency is allowed to use in the proceedings that there are reasonable grounds for starting the proceedings
4. Add a new paragraph at section 5.1:

An FMA agency may only use an in-house lawyer to conduct court litigation as solicitor on the record or as counsel with the express approval of the Attorney-General. Factors relevant to giving approval will include:

the extent to which the in-house lawyer has knowledge of alternative dispute resolution techniques and processes.
5. Add a new section after section 6:

Engagement of alternative dispute resolution practitioners

In engaging alternative dispute resolution practitioners, consideration is to be given to the practitioner's compliance with relevant professional standards.
6. Add to Clause 11:

11.1 The Chief Executive of an FMA agency is responsible for ensuring that:

.... those responsible for the conduct of litigation, including lawyers providing legal services to the agency, have knowledge of alternative dispute resolution techniques and processes ...

... management strategies include a requirement to consider the desirability of using ADR as either a real preventative option to any proposed litigation or in conjunction with any litigation.
7. Add the following words to the 'General Notes on the Directions':
 1. Unless otherwise indicated, use of the term 'litigation' in these Directions is intended to include proceedings before courts, tribunals, inquiries and in alternative dispute resolution processes. Alternative dispute resolution processes may be determinative, such as arbitration, advisory, such as expert appraisal, facilitative, such as mediation, or a combination of these, such as conciliation.

Legal services and alternative dispute resolution also include (but do not subsume) proactive processes designed to prevent or limit litigation in the first place.

'Corporate disputes' refers to disputes that arise out of an agency's business role and its transactions with contractors, suppliers, employees and customers.
8. Amend Appendix B (Model Litigant Obligations):
 - (d) endeavouring to avoid, prevent and limit the scope of, litigation, wherever possible, using alternative dispute resolution approaches to resolve or limit corporate disputes at the earliest possible stage, except where such approaches are clearly inappropriate
 - continually reviewing the prospects for settling a case and the means by which such a settlement could be achieved
 - participating fully and effectively in, ensuring appropriate representation at, and acting in good faith in, alternative dispute resolution processes

9. Amend Appendix C:

Monetary claims If there is a meaningful prospect of liability, the factors to be taken into account in assessing a fair settlement amount include:

- (a) the prospects of the claim succeeding in court,
- (b) the risks and costs associated with continuing to defend the claim. Such risks and costs may include time, the cost of legal action, damage to the agency's reputation or its relationships with suppliers, customers or the public.

Part three: Implementation of changes

Implementation of the changes suggested above will require support, taking into account the need of different agencies. For example, large agencies with a high volume of disputes may need guidance on the development of dispute avoidance, management and resolution plans, whereas small agencies that are rarely involved in litigation may need access to practical resources as and when required.

Strategies to promote better dispute management practices have been suggested in the past by the ALRC and in the Tonge report. NADRAC would be happy to work with the Department to further develop these strategies and to help to identify resource implications.

1. Awareness-raising

The implications of amendments to the Legal Services Directions, including new ADR provisions, will need to be brought to the attention of CEOs, legal services and other relevant areas. High level communication with agencies with a significant number of disputes would be especially important. In relation to legal services, an edition on ADR in the OLSC Bulletin may be useful.

2. Central guidance, information and resources

Legal services and other relevant areas in Commonwealth will need ready access to information and guidance on dispute management. There are many useful resources currently in existence, including the proceedings of NADRAC's 2003 conference ADR: A Better Way to do Business and the Department's 1999 conference on the Management of Disputes Involving the Commonwealth. A new Australian Standard on Dispute Management Systems is also anticipated in the near future.

It would be useful if information about such resources were made available at a central point and through a Web page. The information would need to be updated and further developed over time.

3. Best practice case studies

The context of Commonwealth agencies differ, and approaches to dispute resolution need to be developed to suit the context. ALRC 62 identified several innovative dispute resolution strategies adopted by Commonwealth agencies. Initiatives, such as the ADR program within the Australian Defence Force, provide useful models to other agencies. It would be useful to gather and promote information about these initiatives.

4. Skills development and capacity building

It would be desirable if the Department sponsored or facilitated opportunities for skills development and information exchange. Such opportunities could involve legal services, other relevant areas and ADR practitioners and could comprise formal training courses as well as informal sessions to encourage sharing information about effective ADR practices.

5. External ADR services

It would be useful to provide guidance to agencies about selecting private ADR providers. NADRAC would be willing to work with the Department to develop a guide or checklist that outlines matters that the agency may wish to consider in engaging an ADR practitioner or organisation. Such guidance would encourage initiatives by ADR organisations to develop common accreditation standards for practitioners.

6. Model clauses

The development of model contractual clauses may also be useful in relation to both the use of ADR in contractual disputes and the engagement of legal service providers.

Many Commonwealth agencies currently have dispute resolution clauses within their standard form contracts for the supply of goods and services. It would be useful to examine where these have been used successfully and to develop model clauses that could be adopted by other agencies.

Contracts for the provision of legal service providers to the Commonwealth could also include specific obligations with regard to the use of ADR and adoption of the effective dispute management practices mentioned in this submission.

7. Structures

It may be useful to explore, especially with larger agencies, the possibility of establishing internal working groups or other structures to develop (or refine) dispute management plans and to implement relevant amendments to the Legal Services Directions. Such working groups would report to the CEO and could comprise, for example, senior line management, legal services, human resources, customer services, procurement and other relevant corporate services areas. Such groups could develop core principles applying to the management of all disputes, while recognising that separate structures, systems and approaches may be needed to address particular types of disputes including conflicts over human resource issues, unresolved complaints with customers, contractual disputes with suppliers and inter-agency disputes.

As well as intra-agency groups, an inter-agency working group, such as recommended by the ALRC, would also be useful. In this regard, it is noted that the US Department of Justice established an Office of Dispute Resolution, chaired by the Attorney General which, among other things, coordinated an Inter-agency ADR Working Group. NADRAC believes, in the Australian context, such a group need not have an ambitious role or be resource intensive, but may simply make use of existing resources and assist in implementing some of the strategies mentioned above. As an interim step, the Attorney-General's Department may wish to meet with other key central agencies, such as the Ombudsman, the Public Sector and Merit Protection Commission and the Department of Finance and Administration, to consider the feasibility and functions of such a group.

Industry: Furniture Manufacture

(Question No. 2880)

Senator Brown asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 6 May 2004:

- (1) Is it correct that Australian furniture manufacturers are competing globally on an uneven playing field and that, while Australian manufacturers take responsibility for their employees, the community and the Australian environment seriously, overseas manufacturers and importers do not adhere to these high standards.
- (2) Is it correct that the furniture industry is forced to compete against an opposition which does not label correctly, which uses environmentally-damaging materials and which does not comply with appropriate standards for its employees.
- (3) What is being done to enforce labelling of all products and to ensure products comply with Australian standards.
- (4) Can Australian manufacturers be assured that they will have access to sustainable timber resources.
- (5) What support is the Government giving to this industry group.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

- (1) Like other Australian manufacturers, Australian furniture makers compete with foreign competitors based on the merits of their products, and the comparative advantage in their production. This comparative advantage can derive from different market conditions prevailing in each country, including environmental, cultural and labour market conditions. Given that these conditions, including regulations and established business practices can vary considerably from country to country, it is difficult to make generalisations on how this affects actual competition in the Australian market.
- (2) As above.
- (3) The Furnishing Industry Association of Australia in consultation with the Department of Industry, Tourism and Resources and the Australian Competition and Consumer Commission has developed a voluntary code of practice – customer information document. The code of practice will ask signatories to include on product labels a range of consumer/product information. A self regulatory approach such as the code of practice will avoid unnecessarily or prematurely imposing any mandatory compliance costs on industry, small businesses and the wider community.
- (4) Australia is a world leader in sustainable forest management with decades of experience in competitive management of our hardwood and softwood resource. Land management is the constitutional responsibility of State governments and the Australian Government has no direct role to play in the management and/or allocation of public forest resources. However, as a means of demonstrating the environmental credentials of Australian forest managers, the Australian Government supported the development of the Australian Forest Standard (AFS). The AFS is Australia's only national forest management certification standard that is recognised by Standards Australia and the Programme for Endorsement of Forest Certification (PEFC) Schemes. Certification systems, combined with Australian government initiatives such as the development of national approaches to forest management (encompassing the National Forest Policy Statement, Regional Forestry Agreements, and codes of forest practices) now mean that Australian manufacturers of wood products can be assured that Australian forests and forest products are sustainably managed.
- (5) The Government worked closely with the industry on the development of the Furnishing Industry Action Agenda. The objective of the Action Agenda was to create an internationally competitive and innovative local furnishing industry. The Furnishing Industry Action Agenda Plan *Meeting the Challenge* was announced in September 1998. The Australian Government response was launched on 24 July 2000 with funding of \$4.0 million provided over 3 years to implement the Action Agenda recommendations. The Action Agenda identified key elements for future development of the industry and concluded in 2003. Following the Action Agenda the Government committed \$3.8m to the industry via the Innovation Access Program for the development and implementation of the 'Australian Furnishing Industry Technology Network'.

Foreign Affairs: Syria

(Question No. 2882)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 6 May 2004:

- (1) Is the Government aware that Kurdish people in Syria, of whom there are 2 million, have been deprived of their basic human rights and denied their identity.
- (2) What representations has the Government made on behalf of these people, who have had their citizenship stripped from them, do not have any legal rights, and cannot purchase any property, own a house or travel internationally.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

- (1) The Syrian Government imposes a range of restrictions on the general Kurdish population, including in relation to the use and expression of the Kurdish language and culture, and political activity. Particular restrictions are imposed on those Kurds resident in Syria who were classified as 'foreigners' following a special census in 1962. As 'foreigners' these people (who comprise some ten per cent of the total Kurdish population) do not have access to a range of rights and benefits available to Syrian nationals, such as the right to own land, operate a business, vote, register marriages, obtain Syrian travel documents and access public hospitals.

There are reports that Syrian authorities have proposed a law allowing people of Kurdish origin who have lived in Syria for more than 10 years to have the right to Syrian nationality. It is not known when this law will be passed.

- (2) The Australian Ambassador accredited to Syria (resident in Cairo) has made representations on a number of human rights issues during visits to Syria. The Ambassador will make further representations to the Syrian authorities during his next visit to Damascus.

Australian Volunteers International: Funding

(Question No. 2883)

Senator Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 6 May 2004:

- (1) In relation to the Government's new policy on international volunteering, which takes a whole-of-government value for money approach, is it correct that under the new policy, \$1.6 million will be withheld from Australian Volunteers International.
- (2) Will these funds be spent on any other aspect of overseas aid and/or international volunteers.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Australian Volunteers International (AVI) is allocated funds from the Government on an annual basis. No funds have been "withheld".

In 2003-2004 AVI was allocated \$10 million. This represents a reduction of \$1.6 million from funding provided in 2002-2003 and reflects a critical audit and financial systems assessment of AVI and the outcomes of an accreditation review of volunteer sending organisations.

AVI has received a total of \$32.74 million between 2001-2002 and 2003-2004 under the Government's volunteer program.

- (2) Of the \$21.6 million allocated to volunteer programs in 2003-2004, \$1.7 million has been reallocated within the Non-Government Organisations (NGO) Program for various development activities.

Superannuation: Parliamentary Scheme

(Question Nos 2884 and 2885)

Senator Brown asked the Minister for Finance and Administration, upon notice, on 6 May 2004:

- (1) What efforts has the Government made to exclude investment in smoking, gambling and environmentally-destructive practices.
- (2) Is it possible for members of Parliament to have their superannuation managed by an ethical fund if they so chose.

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

- (1) The Parliamentary Contributory Superannuation Scheme (the PCSS) is an unfunded defined benefits scheme. Member contributions are paid into, and benefits are paid from, consolidated revenue. The question of the investment of funds does not, therefore, arise.
- (2) As the PCSS is unfunded, there are no funds available to be invested in respect of members of that scheme. However, under the new Parliamentary superannuation arrangements proposed in the Parliamentary Superannuation Bill 2004, the 9 per cent Government contribution for new Members of Parliament from the next general election will be paid to a complying superannuation fund, other than a self-managed fund, or Retirement Savings Account chosen by the member.

Defence: Jindalee Operational Radar Network

(Question No. 2890)

Senator Brown asked the Minister for Defence, upon notice, on 10 May 2004:

- (1) Is it correct that the Jindalee operational facility in Queensland has had the opportunity to connect to the local electricity grid but has not done so.
- (2) Is it correct that instead the facility uses in excess of \$1 million of diesel fuel per year to operate.
- (3) Is there any technical reason why the facility should not be connected to the grid and use its existing generators in case of a blackout.

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

- (1) The Commonwealth is currently engaged in a multi-stage study into the feasibility of connecting the Jindalee Operational Radar Network sites in Queensland to the local electricity grid. To date, the study has identified commercial issues that require resolution prior to any commitment being made to connect to the grid. Any decision to connect the radar to the local electricity grid cannot be made until all the stages of the study have been completed and all relevant commercial issues have been adequately resolved. Defence is actively progressing the evaluation, with the intention of accessing grid power for the relevant site or sites should this be economically, technically and operationally practicable.
- (2) Yes.
- (3) Study stages completed to date have indicated that connection to the electricity grid may now be technically feasible, using modern power conditioning technology, with the existing generators needing to be retained for backup in the event of disruption to the electricity grid supply. Should future investment be made to enable use of grid electricity, substantial use of the sites' generators will remain necessary in order to:
 - avoid mechanical deterioration of the diesel engines;
 - test and maintain the reliability of the complex on-site power system; and
 - turn-over the diesel fuel to prevent chemical and bacteriological deterioration of the large volume required to be stored on site for operational reasons.

Taxation: Advertising Expenses

(Question No. 2891)

Senator Brown asked the Minister representing the Treasurer, upon notice, on 10 May 2004:

With reference to the answer to question on notice no. 1815 (Senate *Hansard*, 2 December 2003, p. 18770): For the 2002-03 financial year: (a) how much expenditure incurred in carrying on a business was attributed to advertising; and (b) what was the gross tax deduction resulting from this incurred expense.

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

The Commonwealth does not collect disaggregated information about tax deductions that pertain to advertising.

**Australia Post: Mail Dispatch Products
(Question No. 2892)**

Senator Brown asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 10 May 2004:

- (1) With reference to the answer to question on notice no.2440 (Senate *Hansard*, 12 February 2004, p.20251): (a) How are the items mentioned recycled; (b) who recycles the items; and (c) what proportion of the polyethylene used in these items is recycled.
- (2) What is the estimated number of plastic bags of any description used or sold by Australia Post annually.

Senator Kemp—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable senator's question, based on advice provided by Australia Post:

- (1) Australia Post is unable to answer part (1) of the question. The business and private customers who purchase the mailing satchels are responsible for their own recycling/disposal practices.
- (2) Australia Post sells approximately 14 million mailing satchels and provides to its customers approximately 10 million plastic shopping bags per annum.

**Minister for Employment and Workplace Relations: Chief of Staff
(Question No. 2898)**

Senator Allison asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 10 May 2004:

- (1) (a) In what capacity is Dr Kevin Donnelly employed by the Minister for Employment and Workplace Relations; and (b) what are his current responsibilities.
- (2) Does the Minister agree with Dr Donnelly's statement, reported in the *Sunday Herald Sun* of 2 May 2004, that 'An education mafia has been running our system for years'.
- (3) Does the Minister agree that schools should adopt rote learning of multiplication tables, poems and historical dates, as promoted by Dr Donnelly.
- (4) Does the Minister agree with Dr Donnelly's reported statement that 'National literacy and numeracy benchmarks are flawed and, compared to overseas benchmarks, set at a lower level'.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

- (1) (a) Dr Kevin Donnelly is employed as Chief of Staff in my office under the MOPs Act.
(b) Responsibilities relate to fulfilling his role as Chief of Staff.
- (2) The question asked is outside Minister Andrews' portfolio responsibilities.
- (3) The question asked is outside Minister Andrews' portfolio responsibilities.
- (4) The question asked is outside Minister Andrews' portfolio responsibilities.

United Nations: Resolutions

(Question No. 2938)

Senator Lundy asked the Minister representing the Minister for Foreign Affairs, upon notice, on 21 May 2004:

For the period 1 January 2000 to date: (a) can a copy be provided of all Israel and/or Palestine-related United Nations General Assembly, Human Rights Commission and Economic and Social Council (ECOSOC) resolutions; and (b) how did Australia vote on each.

Senator Hill—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

The requested information is publicly available on the internet. UN General Assembly and Economic and Social Council (ECOSOC) resolutions relating to Israel and/or Palestine, and Australia's voting positions on them, can be found at www.un.org. Commission on Human Rights resolutions relating to Israel and/or Palestine, and Australia's voting positions on them, can be found at www.unhchr.ch.