

SUPPLEMENTARY SENATE ESTIMATES COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

In relation to the application by the Privacy Commissioner to the Attorney-General for additional funding- to meet the requirement for increased staffing needs in the complaints handling area- can you tell me how much that is?

I am advised that the answer to the honourable Senator's question is as follows:

The application for additional funding is currently under review as part of the budget process. It would be inappropriate to disclose details while that process is ongoing.

SUPPLEMENTARY SENATE ESTIMATES COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

Who have pamphlets been sent to and how many?

I am advised that the answer to the honourable Senator's question is as follows:

As part of its information strategy for small business the Office of the Federal Privacy Commissioner (OFPC) developed three pamphlets for small business that are aimed at answering the key questions: does a small business need to comply with the Privacy Act; and if yes, what does it need to do to comply.

Within resources available the OFPC was able to print a total of 44,500 copies of the pamphlets.

To gain the widest possible distribution of the material the OFPC has used three main channels to get the pamphlets out to the small business sector. These were as follows:

- The Office of Small Business distributed 21,000 pamphlets through its networks, including state government agencies, the Business Entry Point, its small business forum and its small business information network;
- The OFPC emailed electronic copies of the pamphlets to over 1680 Privacy Connection Network Members; and
- The OFPC mailed out over 3000 copies of the pamphlets to 553 individuals and organisations to provide a contact point for further information. The table below provides a break up of the groups of individuals and types of organisations who received copies (a more detailed break-up of recipients is available if required.)

Individuals and Organisations Contacted	Number Contacted
Federal Members of the House of Representatives and Senators	224
Federal Government Agencies	110
State Government Agencies	19
Members of the Privacy Commissioner's Privacy Advisory Committee	6
Educational Organisations	5
Key Health Sector Bodies	19
Peak Consumer and Advocacy Groups	37
Peak Business and Professional Bodies including but not limited to:	133
Travel (8)	
Finance (10)	
Accounting/Legal/Management Consulting (4)	
Health Sector Small Businesses (20)	
Retail (9)	
Chambers of Commerce etc (11)	
Direct Marketing/Advertising (4)	
Hospitality (7)	
Trade/Industrial groups (23)	
• Information Technology (3)	

In addition, the pamphlets have been placed on the OFPC website. As at 3 December 2002 a total of 7,738 pamphlets had been downloaded from the website.

The OFPC also invited all the organisations it contacted to ask for further copies of the brochures. It has since mailed out an additional 2100 copies of the pamphlets. The table below provides a break up of the groups of individuals and types of organisations who have requested further copies.

Individuals and Organisations Requesting Additional Copies	Requests Received
Federal Members of the House and Representatives and Senators	2
State Government Agencies	3
Peak Business and Professional Bodies	4

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.6
QUESTIONS ON NOTICE

Senator Ludwig asked the following question in writing to the Office of the Federal Privacy Commissioner at the hearing of 20 November 2002. As the question relates to a function carried out by the Attorney-General, rather than by the Commissioner, the Commissioner's Office has agreed that the Attorney-General's Department should provide the answer.

In respect to the appointment to the Privacy Advisory Committee on the 18 September 2002 of Dr O'Brien – a press release by the A-G states that '[He] has been appointed to, the Privacy Advisory Committee for his significant experience on the trade union movement'.

- a. Was a consultation had with the ACTU about this appointment?
- b. If not, why not?

I am advised that the answer to the honourable Senator's question is as follows:

- a. No
- b. Section 82 of the *Privacy Act 1988* provides that at least one member of the Privacy Advisory Committee shall be a person with at least 5 years' experience in the trade union movement. The Attorney-General, in putting forward the appointment to the Governor-General, was satisfied that Dr O'Brien met those requirements. Dr O'Brien's experience in the trade union movement is as follows:

2000 – 2002, State Executive member, NSW Division, National Tertiary Education Union (NTEU)

1999 – 2002, Vice-President University of NSW Branch, NTEU

1997 – 98, President, ACT Division, NTEU

1995 – 98, Member, National Executive, NTEU

1973 – 86, various positions, NSW Teachers Federation, (including State Council member, Secondary Education Committee member, delegate to Australian Teachers' Federation and NSW Labour Council, President, Eastern Suburbs' Teachers Association)

SENATE ESTIMATES COMMITTEE
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION (HREOC)
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

In relation to papers presented at the 22 October 2002 symposium on race hate on the Internet, could we see a copy of those papers?

I am advised that the answer to the honourable Senator's question is as follows:

There were two papers presented at the symposium, an introductory speech by Dr William Jonas and the keynote address by Professor Henrik Kaspersen and a background paper on cyber-racism was circulated. All these papers will be provided to the Committee.

SENATE ESTIMATES COMMITTEE
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION (HREOC)
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

In regard to the inquiry and final report on the paid maternity leave issue, can you make available the consultants reports on the economic modelling used in the report? And a copy of the full report.

I am advised that the answer to the honourable Senator's question is as follows:

The final options paper on paid maternity leave was released on 11 December 2002. The paper includes a copy of the report from the Commission's consultant on the cost of a proposed scheme of paid maternity leave. Copies of the paper, including that report as an annexure, have been provided to the Committee.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

Can you tell me how many requests (FOI requests) you get on the online classification decisions?

I am advised that the answer to the honourable Senator's question is as follows:

Since the *Broadcasting Services Amendment (Online Services) Act 1999* came into effect on 1 January 2000, the Office of Film and Literature Classification has received one freedom of information application for access to documents regarding the classification of online content. This application was completed in the 2001/2002 financial year.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

Is that (the draft agreement between OFLC and the ABA) available to the Committee?

I am advised that the answer to the honourable Senator's question is as follows:

A draft document prepared by the Office of Film and Literature Classification (OFLC) dealing with administrative arrangements between the OFLC and the Australian Broadcasting Authority (ABA) does not reflect current operating procedures.

A memorandum of understanding or agreement between the OFLC and ABA is to be drafted covering matters such as the legislative base, referral and workload management, decision records, including public access and privacy, and arrangements for payment. Meetings to develop and progress this agreement will commence early in the new year and are expected to be completed by the end of August 2003 at which time a copy of the agreement will be made available to the Committee.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

When will those decisions be available online?

I am advised that the answer to the honourable Senator's question is as follows:

The handling of the Classification Board's decisions regarding online content that is submitted for classification by the Australian Broadcasting Authority (ABA) will be dealt with in the memorandum of understanding or agreement between the Office of Film and Literature Classification and the ABA (see QoN 7).

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTIONS ON NOTICE

Senator Harradine asked the following question at the hearing of 20 November 2002:

Please supply a copy of the combined guidelines for the classification of films and computer games agreed on by Commonwealth, State and Territory Censorship Ministers at their meeting in Fremantle, WA on 8 November 2002. (A precedent for supplying draft guidelines under consideration by Commonwealth, State and Territory Censorship Ministers was established by the Senate agreeing to a motion on May 1996 seeking the tabling of the equivalent 1996 draft. The guidelines were tabled in the Senate on 20 May 1996).

I am advised that the answer to the honourable Senator's question is as follows:

Principle 13 of the Council of Australian Government's (COAG) *General Principles for the Operation of Ministerial Councils*, (the COAG Principles) agreed to by COAG on 7 December 1992 and revised on 8 June 2001, provides that:

Subject to the applicability of the relevant Commonwealth, State or Territory Freedom of Information legislation, unless Council approval is received, any discussion by, or document of the Council, or any committee, sub-committee, working party, officer or agent of the Council, shall be confidential.

Accordingly, in the interests of protecting Commonwealth-State relations, the draft guidelines are confidential unless Censorship Ministers agree to their release. Given his recent reappointment, the approval of the Victorian Minister to the release the draft guidelines could not be obtained within the time frame permitted for answering Questions on Notice.

The Commonwealth Attorney-General will write to the Victorian Minister shortly, seeking his view on the draft revised combined guidelines. If the draft guidelines are agreed to, they will be tabled in Federal Parliament and in the Commonwealth *Gazette*.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTIONS ON NOTICE

Senator Harradine asked the following question at the hearing of 20 November 2002:

What is the process that is used to award such contracts for conducting research for the OFLC? Is there an "open" call for research contracts, or are contracts awarded through selective tendering?

I am advised that the answer to the honourable Senator's question is as follows:

The Office of Film and Literature Classification (OFLC) applies the principles and policies of the Commonwealth Procurement Guidelines when engaging consultants.

When awarding research contracts the OFLC has the option of conducting open or select tender processes. The OFLC works within Commonwealth tender process guidelines, which include select tender processes for specialised appointments.

In the case of the appointment of the independent expert to the review of the guidelines for films and computer games, in October 2001 the OFLC commenced a select tender exercise to recruit an experienced academic with research interests in a related field to provide expert and constructive analysis of the review submissions. A shortlist of suitable candidates was drawn up and invitations for the select tender were sent out, together with an information package about the review and selection criteria for the position.

Five tenders were received. A tender evaluation panel was set up at the OFLC to assess the tenders. Following an interview process, the panel recommended Dr Jeffrey Brand, Associate Professor, Centre for New Media Research, Bond University as the preferred applicant.

In accordance with previous guidelines review practice, State and Territory Ministers with censorship responsibilities were consulted on the appointment of Dr Brand and the appointment was approved by the Commonwealth Attorney-General.

SENATE ESTIMATES COMMITTEE
OFFICE OF FILM AND LITERATURE CLASSIFICATION
QUESTIONS ON NOTICE

Senator Harradine asked the following question at the hearing of 20 November 2002:

There seems to be a lack of “evidence based” policy making (ie based on reviews of the best available research) in the fields of media regulation. This would seem to be to the detriment of the development of the most effective criteria to be employed in fields such as classification. Does the OFLC see any imperatives to conduct properly constituted research reviews on a regular basis, so that it is properly informed on issues such as what constitutes “harm” to the community?

I am advised that the answer to the honourable Senator's question is as follows:

The Office of Film and Literature Classification does not undertake research into the effects of different media on readers, viewers and players. The OFLC monitors research on an ongoing basis. The OFLC has in the past asked for expert assessments of studies on the effects of computer games.

The OFLC also takes account of current community standards. Commonwealth, State and Territory Ministers with censorship responsibilities have agreed to regular reviews of the classification guidelines, to ensure that they continue to reflect current community standards.

The OFLC will continue to monitor new research in this field.

SENATE ESTIMATES COMMITTEE
 HIH ROYAL COMMISSION
 OUTPUT 1.2
 QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

- a. Can you provide a breakdown of the aggregated expenditure for each Royal Commissions by salary, including accrued leave entitlements, superannuation, travel and living away from home allowances, air fares, Comcars, taxis or vehicle private hire expenses, as the case may be, accommodation expenses, and any personal expenses that may have been provided if they amount to a significant amount?
- b. In respect of the legal service, I wanted you to do the same for the AGS, Fisher Jeffries and counsel-whether or not their costs are lump sums, or whether they also show a breakdown of their fees as distinct from their travel or living away from home allowances, airfares, Comcars and taxis and the like?

I am advised that the answer to the honourable Senator's question is as follows:

- a. The aggregated expenditure (excluding GST) for the HIH Royal Commission to 31 October 2002 (to 30 November 2002 for salary, leave and superannuation) is:
 - Salary - \$1,143,877, including accrued leave entitlements of approximately \$135,571 (this covers public servants employed in the Commission);
 - Superannuation - \$122,499 (this covers public servants employed in the Commission);
 - Travel allowances – nil;
 - Living away from home allowances - \$36,771 (this covers public servants employed in the Commission, together with non-legal contractors engaged by the Commission);
 - Air fares - \$67,490 (this covers all travel in respect of: the Commissioner, public servants employed in the Commission and non-legal contractors engaged by the Commission);
 - Comcars - \$4,511 (the only Comcar use has been in respect of the Commissioner);
 - Taxis – \$10,812 (this covers all taxi travel in respect of: the Commissioner, public servants employed in the Commission and non-legal contractors engaged by the Commission);
 - Vehicle hire, including Dasfleet/Leaseplan - \$8,981;
 - Office accommodation - \$1,161,031;
 - Private accommodation – \$287,702 (this covers all accommodation in respect of: the Commissioner, public servants employed in the Commission and non-legal contractors engaged by the Commission).
- b. The aggregated expenditure (excluding GST) for the HIH Royal Commission to 31 October 2002 in respect of legal services is:

AGS

 - Fees - \$2,998,337
 - Business activity disbursements - \$16,527
 - Air fares – \$10,565
 - Living away from home allowance and accommodation – nil
 - Comcars – nil

- Taxis – \$60
- Vehicle hire – nil

Fisher Jeffries

- Fees - \$2,774,153
- Business activity disbursements - \$60,531
- Air fares – \$139,325
- Living away from home allowance and accommodation – \$234,500
- Comcars – nil
- Taxis – \$13,487
- Vehicle hire – nil

Counsel

- Fees - \$3,645,045
- Air fares – \$48,328
- Living away from home allowance and accommodation – \$138,425
- Comcars – nil
- Taxis – \$7,577
- Vehicle hire – nil

AGS, Fisher Jeffries and Counsel do not provide a breakdown of fees by salary, leave and superannuation.

SENATE ESTIMATES COMMITTEE
ROYAL COMMISSION INTO THE BUILDING AND CONSTRUCTION INDUSTRY
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 20 November 2002:

Could you update answers to answers to 16 and 18 from the last sittings?

I am advised that the answer to the honourable Senator's question is as follows:

The current information is as follows:

Question 16 – At 31 October 2002 in respect of Commissioner Cole, \$26,943 had been paid to Comcar in the financial years 2001/2002 and 2002/2003.

Question 18 – Total fees, living allowances and travel allowances paid to Counsel Assisting to 20 November 2002 are set out in the table below.

Name	Accommodation and Meals (i)	Accommodation (ii)	Living away from home (ii)	Travelling Allowance
Counsel Assisting				
John Agius SC	919	29,678	5,148	52,451
Lionel Robberds QC	39,500	-	-	7,762
Nick Green QC	-	-	-	44,606
Richard Tracey QC	-	-	-	1,985
Andrew O'Sullivan	-	26,456	6,028	38,828
Antoni Lucev	7433	-	-	500
Dr James Renwick	7734	40,524	13,768	2,025
Dr John Bishop	74,595	-	-	1,008
Dr Matthew Collins	-	-	-	31,248
Ian Neil	9,149	29,883	7,357	12,024
Dr Stephen Donaghue	-	-	-	11,349
Timothy Ginnane	-	-	-	8,405
Ronald Gipp	-	-	-	42,423

Counsel may elect to be paid living expenses in either of two ways

- (i) Reimbursement of meal and accommodation costs to a daily maximum of \$250 on presentation of receipts, or
- (ii) Weekly accommodation up to \$850 per week paid directly by the Royal Commission to the provider plus \$308 per week living away from home allowance for meals and incidentals.

These two options apply when counsel has relocated on an interim basis to work for the Royal Commission, away from their actual home base.

In addition, travel allowance is paid at SES rates when travelling away from the interim home base on Commission business

In some cases, Counsel have initially elected to receive a daily rate of reimbursement but have subsequently elected to change to weekly accommodation rates and living away from home allowance.