

The Senate

Rural and Regional
Affairs and Transport
Legislation Committee

Additional estimates 2009–10

February 2010

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Membership of the Committee

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Senator Fiona Nash	NPA, New South Wales	Deputy Chair
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Senator Steve Hutchins	ALP, New South Wales	
Senator Kerry O'Brien	ALP, Tasmania	
Senator Rachel Siewert	AG, Western Australia	

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Senator Back replaced Senator Heffernan for the consideration of 2009-10 additional estimates on Monday 8 February 2010

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Senator Adams	Senator Colbeck	Senator Hanson-Young	Senator Minchin
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List of Abbreviations

ABARE	Australian Bureau of Agricultural and Resource Economics
ACCC	Australian Competition and Consumer Commission
AFMA	Australian Fisheries Management Authority
AFP	Australian Federal Police
AMSA	Australian Maritime Safety Authority
APVMA	Australian Pesticides and Veterinary Medicines Authority
AQIS	Australian Quarantine and Inspection Service
ARTC	Australian Rail Track Corporation
ASEAN	Association of Southeast Asian Nations
ASL	Average staffing level
ASRIS	Australian Soils Resources Information System
ATSB	Australian Transport Safety Bureau
BRS	Bureau of Rural Sciences
BSE	Bovine spongiform encephalopathy
CASA	Civil Aviation Safety Authority
CEO	Chief Executive Officer
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COAG	Council of Australian Governments
CPRS	Carbon Pollution Reduction Scheme
DAFF	Department of Agriculture, Fisheries and Forestry
DCC	Department of Climate Change
DEWHA	Department of the Environment, Water, Heritage and the Arts
DITRDLG	Department of Infrastructure, Transport, Regional Development and Local Government
EC	Exceptional Circumstances
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ETS	Emissions Trading Scheme
FSANZ	Food Standards Australia New Zealand
FTA	Free trade agreement

GMO	Genetically modified organism
GRDC	Grains Research and Development Corporation
ICT	Information and communications technology
IOTC	Indian Ocean Tuna Commission
IRA	Import Risk Analysis
IT	Information technology
MERI	Monitoring, evaluation, reporting and improvement
MLA	Meat and Livestock Australia
NRM	Natural resource management
OECD	Organisation for Economic Cooperation and Development
PAES	Portfolio Additional Estimates Statements
PBS	Portfolio Budget Statements
PIAPH	Product Integrity, Animal and Plant Health
PNG	Papua New Guinea
R&D	Research and development
RDA	Regional Development Australia
RLCIP	Regional and Local Community Infrastructure program
SRM	Sustainable resource management
TFES	Tasmanian Freight Equalisation Scheme
WEA	Wheat Exports Australia
WTO	World Trade Organisation

Chapter 1

Introduction

1.1 On 26 November 2009, the Senate referred the following documents to the Rural and Regional Affairs and Transport Legislation Committee (the committee) for examination and report in relation to the Agriculture, Fisheries and Forestry portfolio and the Infrastructure, Transport, Regional Development and Local Government portfolio:

- Particulars of proposed additional expenditure in respect of the year ending on 30 June 2010 [Appropriation Bill (No. 3) 2009-2010];
- Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2010 [Appropriation Bill (No. 4) 2009-2010];
- Final budget outcome 2008-2009; and
- Issues from the advances under the annual Appropriation Acts for 2008-09.¹

1.2 The committee was required to report to the Senate on its consideration of 2009-2010 additional estimates on 23 February 2010.

1.3 The committee considered the Portfolio Additional Estimates Statements 2009-2010 for both portfolios at hearings on 8 and 9 February 2010. The hearings were conducted in accordance with the agreed agenda as follows:

- Monday 8 February 2010 – Agriculture, Fisheries and Forestry portfolio.
- Tuesday 9 February 2010 – Infrastructure, Transport, Regional Development and Local Government portfolio.

1.4 The committee heard evidence from Senator the Hon Nick Sherry, Assistant Treasurer, representing the Minister for Agriculture, Fisheries and Forestry,² and Senator the Hon Stephen Conroy, Minister for Broadband, Communications and the Digital Economy, representing the Minister for Infrastructure, Transport, Regional Development and Local Government. Evidence was also provided by Dr Conall O'Connell, Secretary of the Department of Agriculture, Fisheries and Forestry, Mr Mike Mrdak, Secretary of the Department of Infrastructure, Transport, Regional Development and Local Government, and officers representing the departments and agencies covered by the estimates before the committee.

1 *Journals of the Senate*, No. 104, 26 November 2009, p. 2907.

2 Senator Kim Carr, Minister for Innovation, Industry, Science and Research, and Senator Mark Arbib, Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery, also represented the Minister for Agriculture, Fisheries and Forestry for short periods.

1.5 The committee thanks the ministers, departmental secretaries and officers for their assistance and cooperation during the hearings.

Changes to departmental structures

1.6 The committee notes that changes have been made to the departmental structure for the Department of Agriculture, Fisheries and Forestry since the 2009–10 Budget Estimates round. From 1 July 2009, all of the department's quarantine and biosecurity functions have been brought together in the new Biosecurity Services Group. This includes the Australian Quarantine and Inspection Service (AQIS); Biosecurity Australia; the biosecurity areas of the Product Integrity, Animal and Plant Health Division; and the Quarantine and Biosecurity Policy Unit.³

1.7 The committee also notes that a change has been made to the departmental structure of the Department of Infrastructure, Transport, Regional Development and Local Government since the 2009–10 Budget Estimates round. As at 1 July 2009, the National Transport Strategy division was incorporated into the Infrastructure and Surface Transport division.

Questions on Notice

1.8 In accordance with Standing Order 26, the committee is required to set a date for the lodgement of written answers and additional information. The committee requested that written answers and additional information be submitted by Wednesday 14 April 2010.

Additional information

1.9 Answers to questions taken on notice at the committee's budget estimates hearings will be tabled in the Senate in separate volumes entitled 'Additional information relating to the examination of additional estimates 2009-2010 – February 2010 - Senate Rural and Regional Affairs and Transport Legislation Committee'. Documents not suitable for inclusion in the additional information volumes will be available on request from the committee secretariat.

1.10 Answers to questions on notice received from the departments will also be posted on the committee's website at a later date.

Note on references

1.11 References to the Hansard transcript are to the proof Hansard; page numbers may vary between the proof and the official Hansard transcript.

3 Department of Agriculture, Fisheries and Forestry, *Annual Report 2008-09*, pp x and xix.

Chapter 2

Agriculture, Fisheries and Forestry portfolio

Department of Agriculture, Fisheries and Forestry

2.1 This chapter contains the key issues discussed during the 2009-2010 additional estimates hearings for the Agriculture, Fisheries and Forestry portfolio. A complete list of all the topics discussed, and relevant proof Hansard page numbers, can be found at Appendix 3.

2.2 The committee heard evidence from the department on Monday 8 February 2010. The hearing was conducted in the following order:

- Corporate Services/Corporate Finance/Corporate Policy
- Biosecurity Services Group
- Meat and Livestock Australia
- Climate Change
- Australian Bureau of Agricultural and Resource Economics and Bureau of Rural Sciences
- Sustainable Resource Management
- Australian Fisheries Management Authority
- Agricultural Productivity
- Wheat Exports Australia
- Trade and Market Access

Corporate Services/Corporate Finance/Corporate Policy

2.3 The committee was interested in the department's management of the efficiency dividend once again. In particular, it asked about the freeze on this year's graduate program. The department indicated that while the graduate program will be reintroduced in 2011, the suspension of the program for this year resulted in savings of around \$2 million. Part of the savings is in staff salaries, as next year's graduates will be filling positions in the divisions that would have been filled by other staff. The graduate recruitment process has also been streamlined, by cutting back on travel and assessment centres and increasing the amount of work done online.¹

2.4 The committee raised concerns about the department's business continuity and disaster recovery systems. The department indicated that 'it is true to say there are risks in our operational systems'. It explained that:

1 *Proof Estimates Hansard*, 8 February 2010, pp 4–5.

The corporate applications are low risk—they are very modern. The operational systems are, indeed, legacy systems in the true sense. They are nearing 20 years old. We have identified a number of what we call single points of failure which we are addressing at the moment. We have already done a fair bit of work to do that and the department has funded some capital projects to address what we think are the highest risks. So there is a plan of action in place.²

2.5 The secretary advised the committee that the government has announced \$7.8 million to be spent on developing a two-pass business case for upgrading biosecurity information and communications technology (ICT) as part of the Beale reform process. He observed that 'it is fairly clear that over the last decade or so there has been underinvestment in the area, and that is why the business case is being put through with the two-pass business case'.³

Biosecurity Services Group

2.6 The committee raised concerns about the government's decision to relax restrictions on the importation of beef from countries that have had outbreaks of bovine spongiform encephalopathy (BSE) and sought clarification of DAFF's role. The department advised that the ban was implemented in 2001 on the grounds of human food safety, under the Food Standards Code, not on the grounds of animal quarantine. Biosecurity Services Group will have responsibility for implementing the revised protocols specified by Food Standards Australia New Zealand (FSANZ). The department explained that 'our role is essentially that, when product comes to the border, we will be in the business of assessing whether or not they meet the import requirements'.⁴

2.7 The committee requested an update on the import risk analysis (IRA) for the importation of apples from China which began in March 2008. The department indicated that a draft was released in January 2009 and went to the Eminent Scientists Group in September 2009. The department is currently preparing the provisional final IRA which is due for completion in mid-2010.⁵

2.8 The committee was interested in the assessment process and whether there was any kind of investigation into the existence of fire blight in China. The department advised that it has undertaken three verification visits to China in 2006, 2008 and 2009, visiting seven of the nine provinces that China expressed interest in exporting from. Once access has been granted there is provision for ongoing audit and

2 *Proof Estimates Hansard*, 8 February 2010, p. 7.

3 *Proof Estimates Hansard*, 8 February 2010, p. 8. Information about the government's two pass review process, introduced in 2008, is available at: <http://www2.finance.gov.au/budget/ict-investment-framework/business-case-guide.html> (accessed 15 February 2010)

4 *Proof Estimates Hansard*, 8 February 2010, pp 18, 20 and 21.

5 *Proof Estimates Hansard*, 8 February 2010, p. 22.

the initial trade is expected to be conducted under a pre-clearance arrangement, with AQIS officers in China undertaking the final clearance of the export fruit.⁶

2.9 The committee sought an update on the export certification reform process. The department explained that all of the new fees commenced from 1 December 2009 'which essentially then recovered full costs of all those export certification programs'. In parallel with that process, the equivalent of a 40 per cent rebate is applied to those fees, with the net balance being the invoice charge back to the exporters. Since December, ministerial task forces for each of the six industry sectors have met to reaffirm the reform agendas for each sector and are in the process of developing detailed reform blueprints for completion by 28 February 2010.⁷

Meat and Livestock Australia (MLA)

2.10 The committee was interested in MLA's position on the relaxation of import restrictions for beef (as discussed above at paragraph 2.6). MLA had input into a submission prepared by the Red Meat Advisory Council on this issue, however, MLA indicated that it is not a policy-making or industry representative body.⁸ Its consultative role with industry:

is confined to the development and execution of our annual operating plan based on our levy income, which is all around trying to drive demand here and around the world and manage an R&D investment portfolio.⁹

2.11 Mr Palmer, Managing Director, expressed his view that a relaxation on import protocols seemed to be justified, based on his personal observations of how America dealt with their BSE incident. He also pointed to the fact that only three countries in the OECD were still maintaining a ban on American beef and that other sensitive markets, including Korea, Japan and New Zealand had lifted their bans. He emphasised the need for a consistent, even-handed approach to trade policy.¹⁰

Climate Change

2.12 The committee was interested in the role of two DAFF officers who participated in Australia's delegation to the UN Climate Change Conference in Copenhagen in December 2009. The department informed the committee that the officers provided advice to Department of Climate Change (DCC) officers who were leading the negotiations and assisted them to prepare for meetings about the

6 *Proof Estimates Hansard*, 8 February 2010, pp 22, 24 and 25.

7 *Proof Estimates Hansard*, 8 February 2010, p. 25.

8 *Proof Estimates Hansard*, 8 February 2010, pp 35–40.

9 *Proof Estimates Hansard*, 8 February 2010, pp 36–37.

10 *Proof Estimates Hansard*, 8 February 2010, pp 35, 36 and 37.

accounting rules for land use, including the debate about whether to count man-made emissions or natural emissions.¹¹

2.13 The committee sought an update on the government's review of drought policy. The department advised that the government is continuing to look at a number of changes to existing drought assistance measures as the current Exceptional Circumstances (EC) arrangements are no longer considered appropriate in the context of a changing climate. The department explained that:

The government has yet to reach a final landing point. Basically, there have been a number of reviews undertaken by the Bureau of Meteorology, CSIRO, the expert social panel and the Productivity Commission, which is all fed into the government's ongoing consideration of the matter.¹²

2.14 The committee asked for further details about the soil carbon research program, a component of the Climate Change Research Program. The department indicated that \$9.6 million has been allocated to the program which is being led by the CSIRO. It explained that an important and lengthy process was carried out to identify where to conduct samples:

Around Australia, we have based samples on management techniques and also on where we can match the management technique to a history, as soil carbon takes some time to increase. It is important to have a history of what has been happening on a piece of land under a certain management technique. We have sites across Australia in every state and in the Northern Territory...¹³

2.15 The department is hoping to collect a couple of thousand samples under the program and by the middle of this year expects to have sampled and analysed up to 20 per cent of these.¹⁴

Australian Bureau of Agricultural and Resource Economics (ABARE) and Bureau of Rural Sciences (BRS)

2.16 The committee held a discussion with ABARE and BRS about land use mapping, soil carbon research and upgrading of modelling on the impacts of climate change.¹⁵

2.17 BRS indicated that it is currently in the process of updating a publication it released last year, *Science for decision makers: soil carbon management and carbon trading*, which reviewed all the available information at that time. BRS also referred

11 *Proof Estimates Hansard*, 8 February 2010, p. 43.

12 *Proof Estimates Hansard*, 8 February 2010, p. 51.

13 *Proof Estimates Hansard*, 8 February 2010, p. 52.

14 *Proof Estimates Hansard*, 8 February 2010, p. 52.

15 *Proof Estimates Hansard*, 8 February 2010, pp 68–71.

to the Australian Soils Resources Information System (ASRIS) which is a national database of soil information.¹⁶

2.18 ABARE advised the committee that it is upgrading its modelling to incorporate the government's current policy settings in relation to the Carbon Pollution Reduction Scheme (CPRS) and the current international settings, such as changes to accounting rules. In the area of land use change, for example, it is working on revising the models to 'be able to handle things at a finer degree of resolution, such as changes in water et cetera'.¹⁷

Sustainable Resource Management (SRM)

2.19 The committee sought an update on the Caring for our Country program and asked about delays in the release of the business plan. The department indicated that the business plan was released on 7 January 2010, later than anticipated, as:

...we went through quite a consultation process with a range of stakeholders to get feedback on what they wanted in the business plan—changes to targets, changes to application processes and assessment processes and, in particular, some changes to the application form and the electronic application form. The plan includes quite a number of those changes. We have also made quite a few changes to the process by which the applications are received online. We had to get all that right. We felt it was better to get that right rather than to put out a rushed business plan that could generate quite a degree of confusion.¹⁸

2.20 The committee requested details of the assessment process for the program. The department advised that it is still working on that process but it is expected to be finalised in the next couple of weeks. Caring for our Country applications close in April and the department is hoping to go through the assessment process and announce projects as early as possible in the new financial year. Under the business plan, total project funding of \$171 million is available. In addition, \$138 million is available for regional base funding.¹⁹

2.21 The committee also expressed interest in the monitoring, evaluation, reporting and improvement (MERI) strategy for the Caring for our Country program. The department explained that every project of \$80,000 and over has to have a full MERI plan. All projects have to report biannually on progress towards their measurable targets and provide a final report with details of results against targets.²⁰

16 *Proof Estimates Hansard*, 8 February 2010, pp 68–69.

17 *Proof Estimates Hansard*, 8 February 2010, p. 70.

18 *Proof Estimates Hansard*, 8 February 2010, p. 75.

19 *Proof Estimates Hansard*, 8 February 2010, pp 75–76 and 81.

20 *Proof Estimates Hansard*, 8 February 2010, p. 80.

2.22 The committee was interested to know what happens to the funding for projects that do not meet their milestones. The department advised that:

...the milestones are negotiated at the start of the project and they are fairly dependent on what activities and the timing of those activities that the proponent put forward—it does not matter whether it is a regional body or another organisation. We normally contact each of those proponents around the time that a milestone report is due to see how they are going and remind them that one is due. If they have some delays or something, we will work out a way to work with them. But we cannot make a payment that is based on a contractual commitment if they have not been able to meet the commitment.²¹

SRM (international fisheries issues) and Australian Fisheries Management Authority (AFMA)

2.23 The committee sought information about the role of the department in the marine bioregional planning process. The department indicated that it liaises with the lead agency, the Department of the Environment, Water, Heritage and the Arts (DEWHA), and also with industry. There are four bioregional planning processes currently underway around Australia, for the east, north, north-west and south-west bioregions.²²

2.24 AFMA has a more active involvement: officers attend stakeholder meetings and try to ensure that DEWHA has the best available information about the commercial fisheries to assess the impacts on that sector as part of their planning process. BRS provides scientific input on the biophysical aspects of the proposed bioregional areas.²³

2.25 The committee raised concerns expressed by fishermen in the Gulf of Carpentaria about the possible impacts of the marine planning process for the north bioregion. The department stated that it was aware of some concerns and sensitivities given that there are high value prawn trawl areas in that region and that those are the kinds of factors that will need to be taken into account. In response to the committee's concerns that the fishing industry is complaining about a lack of information generally, AFMA advised that it provides a fortnightly newsletter which includes a regular update on bioregional marine planning to keep industry informed about the process.²⁴

2.26 The committee requested an update on patrols of the *Oceanic Viking* in the Southern Ocean. AFMA indicated that there has been one patrol this financial year

21 *Proof Estimates Hansard*, 8 February 2010, p. 81.

22 *Proof Estimates Hansard*, 8 February 2010, pp 87 and 89.

23 *Proof Estimates Hansard*, 8 February 2010, pp 87 and 89.

24 *Proof Estimates Hansard*, 8 February 2010, pp 90–91.

which concluded on 31 July 2009. On average there are four patrols per year, with three others scheduled before the end of this financial year. AFMA explained further:

Border Protection Command coordinates the patrolling of the Southern Oceans with those conducted by the French Navy patrol vessels so that there is maximum coverage of the area and so that we are not down there at the same time. There was a French patrol that essentially went for two months from October through to the end of December 2009. When the *Oceanic Viking* was not on station, the French patrol essentially was covering the area.²⁵

2.27 The committee was interested to know whether the events surrounding the interception of a vessel containing asylum seekers by the *Oceanic Viking* last year had disrupted any planned patrols. AFMA advised that one patrol scheduled for October 2009 had to be postponed, however, it will not prevent the full four trips occurring during this financial year. AFMA confirmed that there were no patrols in the Southern Ocean between 31 July and 19 October 2009.²⁶

Agricultural Productivity

2.28 The committee expressed concern about the delay in the introduction of a new 'Grown in Australia' label. The department indicated that it had an initial meeting with the Australian Competition and Consumer Commission (ACCC) in August 2008 to discuss the viability of amending the Trade Practices Act. DAFF stated that, as the Department of Innovation, Industry, Science and Research has policy responsibility for amending the Trade Practices Act, 'since then...we have had most of our dealings with that department and they have been working with the ACCC on issues around that election commitment'.²⁷

2.29 The department emphasised that it is a complex issue:

We have been trying to find a solution where we are actually going to provide the consumer with more information that is clear and consistent rather than simply more information that is confusing. So a lot of the discussions we have been having, both internally in the department and with our colleagues in the Department of Innovation, Industry, Science and Research, are about trying to work out how the new 'grown in Australia' label would fit with the provisions which are already in the Trade Practices Act, which is product made in Australia. So that has been the centre of a fair bit of the discussion to date, and we have struggled to work and find an equitable solution that is easy to implement and easy to understand, but we are continuing to work on that.²⁸

25 *Proof Estimates Hansard*, 8 February 2010, p. 94.

26 *Proof Estimates Hansard*, 8 February 2010, p. 95.

27 *Proof Estimates Hansard*, 8 February 2010, p. 103.

28 *Proof Estimates Hansard*, 8 February 2010, p. 103.

2.30 The committee was interested in mechanisms to encourage state governments to maintain a reasonable level of funding on research and development (R&D). The department advised that, through the Primary Industries Ministerial Council, there is a collaboration of the states, research and development corporations, universities and industry to develop a national research development and extension framework. It aims to develop a framework for future investment across each individual sector of the agricultural industry by identifying the long-term demand for R&D. The department observed that 'it is an ambitious project, but so far it is going very positively through that process'.²⁹

Wheat Exports Australia (WEA)

2.31 The committee raised concerns about the current price of wheat. WEA explained that Australia's price is largely determined by world prices which are largely based on supply and demand, with world wheat stocks a major influence on that. In 2007 Australia had some of the lowest world stocks of wheat around, however, in 2008 and 2009 they have grown. Because of the turnaround in the stock situation, there has been a consequential fall in price.³⁰

2.32 The committee asked about the benefits of the new wheat marketing arrangements, from WEA's point of view. WEA informed the committee that 'of course there has been a dramatic change'. The main benefit for growers is that they have more choice and there is competition, with 28 organisations accredited. While not all of those are active in the market at any one time, at least 15 or more are active and vying for business. WEA observed that with competition, they are already seeing innovative products and new approaches. In addition, there has been an increase in liquidity in the market.³¹

Trade and Market Access

2.33 The committee sought an update on negotiations with the Russian Federation to resolve suspensions of red meat exports from Australia. The department advised that there have been some positive developments over the last six months or so. A number of red meat establishments have been relisted, but eight remain suspended. To apply for relisting, individual establishments have to prepare a report which is endorsed by AQIS. It is then sent at government level to the Russians who assess it and decide whether to relist or not.³²

2.34 In relation to kangaroo meat exports, the department indicated that the Russians suspended all trade from 1 August 2009, following an audit visit to

29 *Proof Estimates Hansard*, 8 February 2010, p. 107.

30 *Proof Estimates Hansard*, 8 February 2010, p. 116.

31 *Proof Estimates Hansard*, 8 February 2010, p. 118.

32 *Proof Estimates Hansard*, 8 February 2010, p. 124.

Australia. Since that time, Biosecurity Services Group has been working with state regulatory authorities, state governments and industry to make improvements to the supply chain. The next step is a submission to the Russian Federation, followed by a re-establishment of the trade or an audit visit from Russian authorities before the trade is re-established.³³

33 *Proof Estimates Hansard*, 8 February 2010, p. 124.

Chapter 3

Infrastructure, Transport, Regional Development and Local Government portfolio

Department of Infrastructure, Transport, Regional Development and Local Government

3.1 This chapter contains the key issues discussed during the 2009-2010 additional estimates hearings for the Infrastructure, Transport, Regional Development and Local Government portfolio. A complete list of all the topics discussed, and relevant proof Hansard page numbers, can be found at Appendix 4.

3.2 The committee heard evidence from the department on Tuesday 9 February 2010. The hearing was conducted in the following order:

- Corporate Services
- Infrastructure Australia
- Australian Rail Track Corporation Ltd
- Nation Building—Infrastructure Investment
- Infrastructure and Surface Transport Policy
- Australian Maritime Safety Authority
- Local Government and Regional Development
- Office of Northern Australia
- Office of Transport Security
- Aviation and Airports
- Airservices Australia
- Civil Aviation Safety Authority
- Australian Transport Safety Bureau

Corporate Services

3.3 The committee began by expressing its dissatisfaction with the delay in provision of answers to questions taken on notice during the Supplementary Budget Estimates in October 2009. The Department of Infrastructure, Transport, Regional Development and Local Government (the department) was questioned as to the processes involved in providing the answers. The committee also raised its continuing concern with the appropriateness of answers consisting of links to websites.¹

1 *Committee Hansard*, 9 February 2010, pp 8–13.

Infrastructure Australia

3.4 The committee sought to clarify the analysis used to determine the selection of office space for the Major Cities Unit building. The secretary, Mr Mike Mrdak, explained:

[M]y understanding is the department did do a benchmarking exercise. It engaged external advice, did benchmarking against equivalent rentals in that location and established the benchmark rate for the building. My understanding at the time was the building represented good value for money based on rental, but also because it contained fit-out from the previous tenants which enabled us to, effectively, move straight in without any fit-out costs required.²

3.5 The port of Townsville eastern access rail corridor project was examined and the committee discussed community concern for the positioning of the proposed major road. Officers explained the shared responsibilities of Commonwealth and state for this project by giving examples of previous projects where the Commonwealth has raised issues but noted it is the state's responsibility to undertake those processes.³

3.6 Infrastructure Australia explained its process for selection and prioritisation of projects. The committee questioned why some proposals are approved and others are not, in particular, the Outback Highway Development Council's proposal.⁴ Officers explained:

In our reports of both December 2008 and May 2009, we outlined the process that we have undertaken to consider the various proposals. Clearly, when you are seeking to prioritise, some receive a higher acknowledgement than others. The level of development of particular projects was an issue for us as was the extent to which economic analysis had been undertaken and a host of issues associated with the proposed application of taxpayers' funds.⁵

3.7 The committee further queried why certain projects, which appear to meet the selection criteria, were not included. Officers explained that in assessing these proposals they look for the best return for the taxpayer, in terms of national productivity and as there are a series of projects, it is inevitable that not all will be successful. However it was also explained that the department does seek further information from proponents and that these circumstances may change, making it a possibility to review those matters.⁶

2 *Committee Hansard*, 9 February 2010, p. 18.

3 *Committee Hansard*, 9 February 2010, p. 27.

4 *Committee Hansard*, 9 February 2010, p. 27.

5 *Committee Hansard*, 9 February 2010, p. 28.

6 *Committee Hansard*, 9 February 2010, p. 28.

Australian Rail Track Corporation Ltd (ARTC)

3.8 The committee asked for an update on the upgrade of freight lines between Melbourne and the South Australian border. The committee noted that this upgrade included replacing timber sleepers with concrete sleepers from the Dynon Port framework in the centre of Melbourne through to the South Australian border. The committee heard that this upgrade would have a significant impact on productivity for rail operators minimising the impact of high temperatures on train speeds, enabling an increase of axle loads, reducing ongoing maintenance costs and providing a smoother ride for fragile loads.⁷

3.9 The committee was informed of several other upgrades taking place across the country and expressed its appreciation of the impressive nature of these upgrades.

Nation Building—Infrastructure Investment

3.10 The department was queried about the shared responsibilities of Commonwealth and state in road upgrades in several areas. The committee sought an explanation of how funding is allocated and priority areas are identified for these upgrades. For the Pacific Motorway election commitment, the shared state and Commonwealth funding was explained:

The money was allocated originally through an election commitment and then there were also negotiations with the Queensland government in respect of their commitment. So the overall amount of work that is occurring on the Pacific Motorway is an around \$910 million package, of which the Australian government is putting in \$455 million. In respect to that particular section, that would be part of that overall commitment.⁸

3.11 The committee enquired as to the processes involved in declaring a highway a road of national importance. Officers explained submissions are considered against the *Nation Building Program (National Land Transport) Act 2009* in terms of whether a section of road is part of the national network. Officers explained that there is no formal submission process:

Sometimes it comes through from the state government, who have then been alerted from various people. Sometimes it comes through from communities. Basically, anyone can make a submission. There is not a formal process. As Ms O'Connell said, there is the act and people just need to provide us the relevant information and we will have a look at that, but it is up to the government to make that final decision.⁹

3.12 The department explained how election commitments are listed on their website after an answer to a previous question on notice led to some confusion. The

7 *Committee Hansard*, 9 February 2010, p. 32.

8 *Committee Hansard*, 9 February 2010, p. 39.

9 *Committee Hansard*, 9 February 2010, p. 45.

minister clarified that all projects marked 'New Nation Building Program' are election commitments.¹⁰ This was further explained by officers:

Since the election of the government, there have been a number of projects added to the Nation Building Program...They are detailed as well on the website, and they are the 15 budget major projects that were announced in last year's budget.¹¹

3.13 The committee discussed the likelihood of additional funding needed for the duplication of the Pacific Highway. Officers explained that the project has been funded until 2013, however the project is scheduled to finish in 2016, meaning the remaining three years of funding are yet to be estimated.¹²

Infrastructure and Surface Transport Policy

3.14 Officers informed the committee that the heavy vehicle driver fatigue reforms have now been passed in Victoria, New South Wales and Queensland.¹³ The complexities involved in logbook requirements differing between each state and territory was noted by the committee as a possible point of confusion for interstate and inter-territory truck drivers.¹⁴

3.15 The committee questioned officers on the likelihood of a national reform agreement, including when a national heavy vehicle regulator could be in place. Officers explained that:

...[t]he significant step is that this is a single national regulator now achieving whole-of-nation regulations. It is not simply harmonising but actually laying down national regulation for the first time...There has been a lot of work done by the National Transport Commission and its predecessor, the National Road Transport Commission, over many years to try to get some standardisation on these regulatory approaches...The reality is that in 2010 a higher mass vehicle cannot cross from Victoria to New South Wales on the Hume Highway, and that remains a major issue for this nation. Moving to a single national regulator, although it will involve a difficult process to get that in place, is a significant step forward.¹⁵

3.16 The Tasmanian Freight Equalisation Scheme was raised by the committee in the context of a 2006 Productivity Commission report which raises concerns regarding

10 *Committee Hansard*, 9 February 2010, p. 49.

11 *Committee Hansard*, 9 February 2010, p. 50.

12 *Committee Hansard*, 9 February 2010, p. 60.

13 *Committee Hansard*, 9 February 2010, p. 63.

14 *Committee Hansard*, 9 February 2010, p. 64.

15 *Committee Hansard*, 9 February 2010, p. 65.

the lack of transparency involved in assistance under the scheme.¹⁶ Officers described the type of information they would need to improve the transparency:

...[w]e would need evidence—not every time—that the original producer or the recipient of the inputs to further manufacture had agreed that such and such a firm or intermediary could act as their agent. Centrelink would need evidence of that. Clearly there would need to be clarity about the shipper or recipient, the charge and the nature of goods...the scheme is really quite complex in its eligibility and the way in which the calculation of the level of assistance is done.¹⁷

3.17 The committee noted that if claims were able to be lodged entirely electronically, these claims may be processed faster.¹⁸

Australian Maritime Safety Authority (AMSA)

3.18 The department was questioned about the clean up of the *Pacific Adventurer* oil spill that occurred in early 2009. The committee was informed that since the event, officers have raised concerns with the International Maritime Organisation. Officers stated a concern that for shipowners' liability, 'the extent of the limitation is, in fact, too limited'.¹⁹

3.19 Officers advised that compensation for this event has been provided but that the company responsible also provided a donation to help improve the marine protection. However, this donation is being included as part of its overall contribution. Due to a shortfall in compensation paid to damages done, it is expected the sea levy will rise until this shortfall is met.²⁰

Local Government and Regional Development

3.20 The committee sought clarification of activities undertaken by Regional Development Australia (RDA). By way of example, officers stated:

For example, RDA Illawarra hosted a state of the region conference in November last year to identify critical projects and strategies for 2010. The RDA in Northern Rivers is hosting 70 Innovative Development of Excellent Aged Services workshops to upskill the work force. The RDA Central West is partnering with Forests NSW and local councils to hold a timber forum in 2010.²¹

16 *Committee Hansard*, 9 February 2010, p. 69.

17 *Committee Hansard*, 9 February 2010, p. 70.

18 *Committee Hansard*, 9 February 2010, p. 71.

19 *Committee Hansard*, 9 February 2010, p. 73.

20 *Committee Hansard*, 9 February 2010, pp 74–75.

21 *Committee Hansard*, 9 February 2010, p. 83.

3.21 The committee sought to clarify how the RDA determines value for money. Officers stated these are non-government, independent committees that are often community-based. Committees are all asked to do a business plan, which is provided to the department and to the state, where the state is involved, for approval.²²

3.22 The committee sought the status of the current Better Regions projects being funded.²³

Office of Northern Australia

3.23 The committee queried the department about the Northern Australia Land and Water Taskforce report, including authorisation of the early release of the report to the *Australian* newspaper. Mr Mrdak advised that the department did not authorise the release of the report to the newspaper.²⁴

3.24 The committee sought clarification of some of the content and findings of the report, however, officers advised that as the taskforce was not present they were unable to comment.

The department provided secretariat services for the task force. The report is very much the work of the task force. You have asked opinions of my officers in relation to matters which are contained in the task force. I do not believe we can comment because they are decisions, judgments and views of the task force members.²⁵

3.25 Officers informed the committee that as the taskforce has delivered the report they were asked to do, with the exception of follow-up discussions and government responses, it is possible the taskforce may now be disbanded.²⁶

Office of Transport Security

3.26 The introduction of full body scanners at airports was discussed at great length. Privacy issues were a particularly important issue. The department explained a range of processes involved, including working closely with the Privacy Commissioner and coming up with a set of procedures that address the range of concerns expressed by the committee. The department strongly emphasised that:

...[t]he government has a strong position to ensure that the technology selected does not provide any issues in relation to personal privacy protection. The government is very firm on that.²⁷

22 *Committee Hansard*, 9 February 2010, pp 83–84.

23 *Committee Hansard*, 9 February 2010, p. 79.

24 *Committee Hansard*, 9 February 2010, p. 90.

25 *Committee Hansard*, 9 February 2010, p. 92.

26 *Committee Hansard*, 9 February 2010, p. 105.

27 *Committee Hansard*, 9 February 2010, p. 127.

3.27 Officers also explained that while the cost of training and the number of staff necessary to operate these scanners have not yet been finalised, neither of these will be paid for by the Australian government but will be borne by industry instead.²⁸

3.28 Officers were questioned on the processes involved in inspecting ports and how they determine which ones are to be inspected. Officers confirmed inspections are based on risk assessments which consider:

...[t]he nature of the vessels that use the port, the amount of cargo that goes through the port, the nature of the cargo, whether that port is within a capital city precinct or whether it is a regional port.²⁹

3.29 The committee asked whether the department had publicly released a GHD report into Australia's maritime security industry card scheme. The department informed the committee that:

The department commissioned work, as we do regularly, to review aspects of our security regime. This is one element of that. The department normally uses these reports to then undertake consultation with industry where there are measures being proposed or considered for enhancements to the regime...[w]e were undertaking a consultation regime, as Mr Retter has indicated, in relation to the maritime regime. At the same time there was an FOI application which sought that material and that material was handled in the normal process as an FOI. We would be happy to make available to you a copy of that work.³⁰

3.30 The committee sought details of industry consultation in relation to the report.³¹

3.31 The committee noted that the 2005 Wheeler review contained 9 out of 17 recommendations relating to the Office of Transport Security. Officers informed the committee that all the recommendations they are responsible for have been addressed however expressed caution that this is a changing environment.

My view is that the Wheeler report was a valuable input at its time. As I have said, most of those issues were addressed. Policy moves on as the environment changes. We have subsequently had, in the case of the aviation environment, a government white paper which lays out a range of recommendations that pertain to a number of the issues that were touched on by the Wheeler review.³²

28 *Committee Hansard*, 9 February 2010, p. 126.

29 *Committee Hansard*, 9 February 2010, p. 117.

30 *Committee Hansard*, 9 February 2010, p. 118.

31 *Committee Hansard*, 9 February 2010, p. 119.

32 *Committee Hansard*, 9 February 2010, p. 120.

Aviation and Airports

3.32 The committee held a brief discussion with Aviation and Airports about the government commitment to a formal review of the need for a curfew at Brisbane Airport. Officers informed the committee that there has been no structure set up for the review at this stage and that the intention of the review would be to canvass all arrangements for the management of aircraft noise at Brisbane Airport.³³

Airservices Australia

3.33 The committee sought clarification of Airservices Australia's process for establishing what is or is not an acceptable amount of aircraft activity over inhabited areas. It was explained that an acceptable amount is in order of 60 decibels, but that in terms of departures and arrivals the decibel reading can be higher than that however this is usually closer to the airport where there is vacant land rather than residential areas.³⁴

Civil Aviation Safety Authority (CASA)

3.34 The committee discussed the issue of unlawful landings; in particular, the landings of Trans Air and what steps could be taken to prevent further unlawful landings. Officers explained that non-scheduled flights operated by a foreign air carrier can request a medivac flight, in which they seek a one-off permission to fly to Australia, which goes through CASA for approval. The request must be deemed a life and death situation and not a medivac or non-ambulatory case. The Trans Air landings were originally proposed as medivac flights. This particular request to land is meant to be used as an ad hoc occasional device, not a surrogate for the air operator certificate which is the normal requirement to land. Officers explained that while they could appreciate the committee's view on why they would have what appear to be unenforceable rules, they must still abide by the law and are not responsible for border security or for logging aircraft in and out.³⁵

So we are in a situation where our rules say what they say—that it is illegal to operate into Australia without a foreign air operator's certificate—and we try to enforce those as best we can. We do it from discovery, from seeing the flights ourselves, from being told of the flights or from knowing of the flights, but we have no mandate or power to go and stand on airfields everywhere and watch people arrive and then go and ask them what their situation is.³⁶

33 *Committee Hansard*, 9 February 2010, pp 131–132.

34 *Committee Hansard*, 9 February 2010, p. 134.

35 *Committee Hansard*, 9 February 2010, p. 138.

36 *Committee Hansard*, 9 February 2010, p. 138.

3.35 The committee sought clarification on action taken in the absence of jurisdiction for airlines in other countries. Officers explained there is no set of defined rules to follow; it invariably comes down to judgement.³⁷

Australian Transport Safety Bureau (ATSB)

3.36 The Australian Transport Safety Bureau gave the committee a detailed explanation into the requirements of reporting air traffic incidents and circumstances in which formal investigations are undertaken. Officers noted that they receive around 14,000 notifications a year, which translates to 8,000 occurrences. There are then significant judgements made as to what will be taken on in terms of conducting a full investigation.

3.37 The committee noted that of the 8,000 occurrences, only 80 are investigated on a yearly average. The department reassured the committee about this figure by further adding:

We are conscious that, whatever the number is, it is always going to have some level of discomfort that we may miss something. What we have added as an additional string to our bow is a new level of investigation, which is to take an occurrence that would not merit sending out a team to look at all the details and go to the thoroughgoing one but to actually work with the reporting organisation to find more details and do a very short one-page report that means that over time we are getting visibility of more of them. So, in terms of where you perhaps feel a little uneasy, that is our response to that.³⁸

3.38 Officers also explained that there are systems in place to review procedures where necessary and there is the capacity for confidential reporting if staff feel something may have been overlooked or not reported.³⁹

**Senator Glenn Sterle
Chair**

37 *Committee Hansard*, 9 February 2010, p. 143.

38 *Committee Hansard*, 9 February 2010, p. 145.

39 *Committee Hansard*, 9 February 2010, p. 145.

Appendix 1

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Appendix 2

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Documents tabled at hearing on Monday 8 February 2010

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2. Wheat Export Accreditation Scheme, 2008/09 Marketing Year, Report for growers – tabled by Wheat Exports Australia

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1. Upgrading the Tanami Road: Economic Impact Study prepared for Shire of Halls Creek by Cummings Economics, December 2009 – tabled by Senator Alan Eggleston

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