

**Rural and Regional Affairs and Transport Legislation Committee**  
**Questions Taken on Notice for the Budget Estimates Hearings 22 and 23 May 2006**  
**Department of Transport and Regional Services (DOTARS)**

Hansard Page No	Division/ Agency	Question No	Senator	Subject & Question on Notice	Date Reply Received	Date to Senators	Tabling Date	No
<b>MONDAY 22 MAY 2006</b>								
5	Corporate Services	CORP 01	O'Brien	<i>(Mr Taylor's Absence)</i> <b>Senator O'BRIEN</b> —When was the last time the Secretary failed to attend a Budget Estimates Hearing? <b>Mr Mrdak</b> —I am not aware of that. I will take the question on notice. My understanding is that he has attended every hearing in the time he has been in this Portfolio.				1
5		CORP 02	O'Brien	<i>(Mr Taylor's Remuneration)</i> <b>Senator O'BRIEN</b> —At our last hearing Mr Chandler provided details of the amounts claimed by Mr Taylor with respect to his special accommodation and travel entitlements. How much of the reunion travel allowance did Mr Taylor claim this financial year? <b>Mr Chandler</b> —I will need to go back to the figures and confirm that.				2
5		CORP 03	O'Brien	<i>(Mr Taylor's Remuneration)</i> <b>Senator O'BRIEN</b> —Alright. How much of the so-called temporary accommodation allowance did Mr Taylor receive this financial year? Are these allowances taxable? <b>Mr Chandler</b> —I would just need to check the taxation status in relation to those before I gave you an answer.				3
5		CORP 04	O'Brien	<i>(Mr Taylor's Remuneration)</i> <b>Senator O'BRIEN</b> —Is Mr Taylor still the only officer in this Department to enjoy allowances of this kind? <b>Mr Mrdak</b> —As Mr Taylor outlined, his remuneration package was put in place some time ago, when he first joined the Commonwealth. To my knowledge, there are no other equivalent arrangements in place across the Department. I will check that, but I am not aware of equivalent arrangements for any other officer. These matters were negotiated at the time of his appointment to the position of secretary with the Commonwealth.				4

5-6		CORP 05	O'Brien	<p><i>(Mr Taylor's Remuneration)</i></p> <p><b>Senator O'BRIEN</b>—Could the Department provide on notice to the Committee some details of the costs associated with Mr Taylor's employment, excluding those related to the allowances we have just discussed. I am interested in details of Mr Taylor's domestic travel, international travel, travel allowances and hospitality allowances.</p> <p><b>Mr Mrdak</b>—For this financial year?</p> <p><b>Senator O'BRIEN</b>—Yes.</p> <p><b>Mr Mrdak</b>—We will take that on notice and come back to you.</p>					5
7	Deletion denied 14/6/06.	CORP 06	O'Brien	<p><i>(Late Answers to Questions on Notice)</i></p> <p><b>Senator O'BRIEN</b>—Can you identify the questions the answers to which had not been forwarded to the Minister's office by 6 April?</p> <p><b>Mr Chandler</b>—I will need to confirm the numbers for those questions. I will get back to you during the morning.</p>					6
10	Regional Services	REGS 48	O'Brien	<p><i>(Expenditure on the COAG East Kimberly Indigenous Trial)</i></p> <p><b>Mr Owen</b>—More than double. We are expecting that total expenditure through to the end of the financial year on projects will be over \$400,000.</p> <p><b>Senator O'BRIEN</b>—Can you give us a breakdown of those projects?</p> <p><b>Mr Owen</b>—I do not have sufficient detail with me, but I could do that.</p>					7
11		REGS 49	O'Brien	<p><b>Senator O'BRIEN</b>—You cannot indicate what you expect expenditure will be in that additional \$300,000-odd you were talking about?</p> <p><b>Mr Owen</b>—Most of that expenditure relates to supporting activities for youth in and through the communities—things such as sport and recreation activities coordinated by an Indigenous-run sport and recreation group, which will be extending their activities into the COAG trial area; some infrastructure projects in the communities relating to immediate presenting needs; and some contributions to things around youth activities in the communities themselves and support of those. There are some other projects here, but I would prefer if I could to set those out for you.</p>					8
11		REGS 50	O'Brien	<p><i>(Mr Taylor's Attendance at Australian Government Secretaries Group Meetings)</i></p> <p><b>Senator O'BRIEN</b>—At our last hearing, Mr Taylor described his participation in meetings of the Australian Government Secretaries Group as a 'major priority' but on checking the <i>Hansard</i> I could not tell whether that attitude translated into regular attendance. It may be that you need to provide this on notice, but perhaps we could be provided with advice on the meetings of the Secretaries Group that Mr Taylor has not attended.</p> <p><b>Mr Owen</b>—I will take that on notice.</p> <p><b>Senator O'BRIEN</b>—And any reasons for non-attendance as appropriate.</p>					9

				<i>See REGS 01-10 on pp. 33-35, REGS 11-19 on p. 50, REGS 20-47 on pp. 51-53 of the list.</i>				na
14	Corporate Services	CORP 07	O'Brien	<p><i>(Office of Transport Security Budget)</i></p> <p><b>Mr Ash</b>—I am the Chief Financial Officer. The equivalent number for the transport security outcome is \$65.5 million for the year 2005-06.</p> <p><b>Senator O'BRIEN</b>—How much of that is actual staff costs?</p> <p><b>Mr Ash</b>—I do not have that particular breakdown with me. I would have to get that.</p>				10
15		CORP 08	O'Brien	<p><i>(Travel Contract with American Express)</i></p> <p><b>Senator O'BRIEN</b>—What is the value of the contract so far this year?</p> <p><b>Mr Chandler</b>—To American Express? I would have to calculate what that figure is. I do not have the transaction fees compared to commissions, but I can certainly provide that to you.</p>				11
15		CORP 09	O'Brien	<p><i>(Travel Contract with American Express)</i></p> <p><b>Senator O'BRIEN</b>—Was the previous arrangement a transactional arrangement or a payment to the agent for doing whatever number of transactions were required?</p> <p><b>Mr Chandler</b>—I would need to check what those terms were.</p> <p><b>Senator O'BRIEN</b>—Was it just agent's commission?</p> <p><b>Mr Chandler</b>—I think it was an agent's commission, but I would need to check the detail. I do not recall it precisely now.</p>				12
21	Deletion approved 14/6/06. Answered by Mr Ash (p. 32 of 22/05/06 Hansard).	<del>CORP 13</del>	O'Brien	<p><i>(Capital Appropriation)</i></p> <p><b>Senator O'BRIEN</b>—So revenue that is paid for a period, perhaps later than the period, is the revenue, and cash flow is what you have actually got?</p> <p><b>Mr Ash</b>—Again, it gets back to the previous question you asked on the \$101.2 million, which we are again exacting. It is to do with when the revenue is actually provided, vis-a-vis when the previous money, the appropriations provided—</p> <p><b>Senator O'BRIEN</b>—You were going to give me the answer to that one. I will not understand this in the context of that until you give it to me, but you are starting to explain it.</p> <p><b>Mr Ash</b>—I will come back to that one.</p>				Na

21-22		CORP 10	O'Brien	<p><i>(Additional Funding)</i></p> <p><b>Mr Ash</b>—The \$28 million refers to Bill No. 5. If you look at Bill No. 6, and again we will have to go back to the Additional Estimates, you will see that there is a variance of about \$307 million between those tables, on the Bill No. 6 side. It largely relates to the re-classification of appropriation for grants to local governments from specific purpose payments, which was what occurred in the 2005-06 appropriations, to other administered expenses. That was a movement of about \$316 million. That \$316 million is an appropriation still available under Bills Nos 2, 4 and 6. So you have to take that off, which gets you back to the \$1,759,989 shown on table 1.3. There are a couple of other small items to do with the movement of funds, where appropriations are still available, which occurred at additional estimates, and there is some reallocation between SPPs and other administered expenses.</p> <p><b>Senator O'BRIEN</b>—Do you have a chart that sets this out?</p> <p><b>Mr Ash</b>—Yes, I can provide you with one. It is quite complicated.</p>					13
28	Deletion denied 14/6/06.	CORP 11	O'Brien	<p><i>(Fleet Procurement and Use Policy- Safety Requirements)</i></p> <p><b>Senator O'BRIEN</b>—I certainly would agree. I am interested that the Department of transport, which includes within its folds important issues such as road safety, would not have a specific safety policy about the vehicles that it allows to be chosen from its funds for its employees. Mr Mrdak, you are saying it does not have any such policy?</p> <p><b>Mr Mrdak</b>—Not in relation to that ANCAP rating.</p> <p><b>Senator O'BRIEN</b>—Or any other? I asked you specifically whether there was a policy and you have directed me to the Department of Finance fleet guidance and related material.</p> <p><b>Mr Mrdak</b>—<b>That is right. If there is anything further to add, I will come back to you.</b></p>					14
32	Inserted at 14/6/06	CORP 17	O'Brien	<p><b>Senator O'BRIEN</b>—So did they come back to the department after the deadline or before it?</p> <p><b>Mr Chandler</b>—It would have been the case that most would have come back before it, but some would have come back after.</p>					15
				<p><i>See CORP 12, 13, 14 &amp; 15 on pages 45-46 and CORP 16 on page 51 of the list.</i></p>					Na
46	AusLink	AUSL 01	Ian Macdonald	<p><i>(Mount Low Parkway)</i></p> <p><b>Senator IAN MACDONALD</b>—I know officers from your Department have been up to look at that project. Perhaps I could have on notice an update on where you are at with the Mount Low Parkway. It is a duplication of the main road north.</p> <p><b>Mr Elliott</b>—Certainly.</p>					16

47		AUSL 02	Ian Macdonald	<p><i>(Guardrail Repairs)</i></p> <p><b>Senator IAN MACDONALD</b>—He urged me to lobby my federal counterparts to secure a better deal for Queensland for national highway funding. He refers to national highway funding. He is a bit old-fashioned, like me, I suspect. Anyhow, hopefully we have discharged that with the budget announcement.</p> <p>Finally—and this is the last question, Mr Chairman—I did raise with Mr Lucas the guardrail repairs at Hencap Creek, Sullivan’s Swamp and Arnott Creek. They have been taken out for some time. I was told by constituents in the Ingham area that these have been out for about six months. So I asked him to deal with that. He has told me that Main Roads have made every effort to expedite the repairs, and they are expected to be completed by the end of May 2006. I was up on the road a couple of weeks ago and there had been no action taken at all. Again, those of us who have been around for a while assume it is a national highway, which everybody believes is federally funded. Here is something that needs to be done, yet it is not done. It is a safety issue again. They have the money. Is there anything we can do to make sure the guardrails that desperately need repairs at those three particular creeks can be attended to?</p> <p><b>Ms Riggs</b>—We will be happy to talk to QDMR and find out what the hold-ups are, if there are hold-ups, and provide you with a status report on notice.</p>				17
49		AUSL 03	O'Brien	<p><i>(Re-classifications Between Appropriations)</i></p> <p><b>Senator O’BRIEN</b>—I cannot see any footnoting to explain that, so where else would it have been explained?</p> <p><b>Ms Riggs</b>—Just bear with me a moment. Mr Ash will seek to find the answer. If you give us a minute, can we come back to it?</p>				18
52		AUSL 04	O'Brien	<p><i>(MOU with NSW Government-Pacific Highway Funding)</i></p> <p><b>Senator O’BRIEN</b>—Is there a set of reporting arrangements and schedule of works which the Committee can see?</p> <p><b>Ms Riggs</b>—Not at this stage. As with the works for the Bruce in Queensland or the detail on the Hume, we will be negotiating precisely what those additional funds are spent on in relation to the Pacific Highway as part of the MOU negotiations. I will consult with the Minister about whether he is prepared for those MOUs to be made available when they are completed.</p>				19

53	New question added in. N/A. Answer on page 95 of Hansard.	AUSL 05	O'Brien	<p><i>(Private Financing Options)</i></p> <p><b>Senator O'BRIEN</b>—Were specific tolling arrangements considered?</p> <p><b>Mr Mrdak</b>—The work we did, as I say, was very preliminary, but we did look at private financing options on some of the cost scenarios and also what revenue projections might look like on that. It is very preliminary work and it is work that is yet to be fully considered by Government but is now being picked up in the work with New South Wales.</p> <p><b>Senator O'BRIEN</b>—Which consultant did this work?</p> <p><b>Mr Mrdak</b>—We engaged Booz Allen Hamilton.</p> <p><b>Senator O'BRIEN</b>—How much did it cost?</p> <p><b>Mr Mrdak</b>—I will have to come back to you on that, if you would not mind. I will take that on notice and get back to you.</p>				Na
61	Revised attachment was lodged with Secretariat on 28/03/06.	AUSL 05	O'Brien	<p><i>(AUSL 04 Attachment-Auslink Project Funding)</i></p> <p><b>Senator O'BRIEN</b>—Is it possible to have this document updated if it is changed significantly?</p> <p><b>Ms Riggs</b>—We will be happy to provide you with an updated copy of that table.</p>				20
64		AUSL 06	O'Brien	<p><i>(Roads to Recovery Program Guidelines)</i></p> <p><b>Senator O'BRIEN</b>—Can someone tell me how many Local Governments undertook works that were not within the first R2R program guidelines?</p> <p><b>Ms Riggs</b>—I will have to take that question on notice.</p>				21
64		AUSL 07	O'Brien	<p><b>Senator O'BRIEN</b>—Can you also tell us which Local Governments, what projects were outside the guidelines and what action, if any, was taken?</p> <p><b>Ms Riggs</b>—Yes. We will do our best to provide you with as complete an answer as we can.</p>				22
66		AUSL 08	O'Brien	<p><i>(Roads to Recovery Program Staffing)</i></p> <p><b>Senator O'BRIEN</b>—Why was the section downsized?</p> <p><b>Ms Riggs</b>—I have no idea. It is way before my time in this job.</p> <p><b>Senator O'BRIEN</b>—Who would know?</p> <p><b>Ms Riggs</b>—The program was started in 2001, so any downsizing of the team took place in 2002. I do not believe there is anyone at the table who was part of this program's administration at that time.</p> <p><b>Senator O'BRIEN</b>—But who would know who is currently within the Department?</p> <p><b>Mr Tongue</b>—I am happy to take it on notice and see if we can provide an answer. Part of the Government's philosophy in establishing this program however, was that it be a program that was built on a partnership with local government and not necessarily burdened by a high degree of intrusive bureaucracy, if you like. So, partly we are sticking, in our administration of the program, to the intent—</p>				23

67		AUSL 09	O'Brien	<p><i>(Strathbogrie Shire Bridge Program)</i></p> <p><b>Senator O'BRIEN</b>—I want to turn to Strathbogrie Shire, the horse capital of Victoria, and its ambitious \$2.16 million bridge program. I am sure you are aware that Strathbogrie Shire Council featured in the ANAO performance audit report. Its bridge program involved the urgent repair or replacement of 25 bridges within the shire. It is a timely program if a report about one of the bridges in the Shire—the 108-year-old Kirwans Road bridge—is accurate. Apparently the bridge has become so dilapidated and termite infested that school buses and fire trucks can no longer cross. In May and July 2002 the Department received several submissions from the Strathbogrie Shire, under the R2R hardship provisions, for funding for urgently needed work on 25 bridges and a total of \$770,252 was paid across to allow the works to begin. What was the assessment process of the application?</p> <p><b>Ms Riggs</b>—It would have been assessed according to the hardship provisions assessment criteria that the Department had in place at that time. I am happy to make them available on notice. I am sorry, but we did not bring a copy with us.</p>				24
68		AUSL 10	O'Brien	<p><i>(ANAO Report-Strathbogrie Shire)</i></p> <p><b>Senator O'BRIEN</b>—It is a pretty damning report in relation to this shire. In August 2003, a further payment of \$1,347,941 was made to the shire. The question needs to be asked: before this payment was made, had the payment of \$770,252 been fully acquitted—accounted for?</p> <p><b>Ms Riggs</b>—I will take on notice that part of it which could have been accounted for under the terms that the program was then operating under.</p>				25
68		AUSL 11	O'Brien	<p><b>Senator O'BRIEN</b>—Do you know whether any checks were undertaken to ensure that the proposed urgent works had been undertaken?</p> <p><b>Ms Riggs</b>—I will take that on notice.</p>				26
68		AUSL 12	O'Brien	<p><b>Senator O'BRIEN</b>—Did the council have to sign off that the original \$770,000-odd had been expended before they got additional funds?</p> <p><b>Ms Riggs</b>—I will take that on notice.</p>				27
68		AUSL 13	O'Brien	<p><b>Senator O'BRIEN</b>—What bridge works was the additional payment in 2003 for?</p> <p><b>Ms Riggs</b>—I will take that on notice.</p>				28
68		AUSL 14	O'Brien	<p><b>Senator O'BRIEN</b>—Is there any question, as reported, that two bridge projects which were the subject of funding had not even commenced at the time of the ANAO's August 2005 site inspection?</p> <p><b>Ms Riggs</b>—I will take that on notice.</p>				29
70		AUSL 15	O'Brien	<p><i>(Expenditure on the Melbourne North-South Corridor)</i></p> <p><b>Mr Wolfe</b>—There is a break-up of the expenditure on the three corridors.</p> <p><b>Senator O'BRIEN</b>—Can we see it?</p> <p><b>Mr Wolfe</b>—We would be happy to provide that for you.</p>				30

74		AUSL 16	O'Brien	<p><i>(TransApex Tunnel Proposal - Brisbane City Council Request)</i></p> <p><b>Senator O'BRIEN</b>—I want to ask about Brisbane's TransApex tunnel proposal. In the answer to <b>AUSL 02</b> taken on notice at our last hearing, the Department said that the prefeasibility study confirmed that TransApex is technically feasible and financially viable and would enhance transport access across Brisbane's central urban areas. On 3 February this year, the member for Ryan, Mr Johnson, said:</p> <p>... it is critical that the Federal Government lends its support to Brisbane Lord Mayor Campbell Newman's vision of addressing choking roads and traffic gridlock ...</p> <p>And he called on the government to fund a \$20 billion feasibility study. That call was not heeded in the budget obviously. What formal request has the Brisbane City Council made?</p> <p><b>Ms Riggs</b>—I am not aware that the Department has received or seen any such formal request.</p> <p><b>Mr Elliott</b>—Could we take that on notice. I would not mind checking.</p> <p><b>Senator O'BRIEN</b>—Maybe Mr Johnson wrote to the Department rather than the Lord Mayor. Perhaps you could check both?</p> <p><b>Mr Elliott</b>—We will check what we have and get back to you, Senator. This project is not on the national network. To a large extent we are dependent on reading what is in the press or what is communicated to us in correspondence.</p>				31
79-80		AUSL 17	O'Brien	<p><i>(Meeting Between Mr Truss and Pacific National)</i></p> <p><b>Senator O'BRIEN</b>—And Mr Truss has not met with the company since 29 November last year?</p> <p><b>Ms Riggs</b>—I would have to check.</p> <p><b>Senator O'BRIEN</b>—That is what you told us.</p> <p><b>Ms Riggs</b>—I would have to check that, but I do not believe so.</p>				32



81		AUSL 18	O'Brien	<p><i>(Former Australian National Railway Commission - Related Funds)</i></p> <p><b>Senator O'BRIEN</b>—Table 2.4 of the PBS shows rephrasing of funds related to the management of residual issues of the former Australian National Railway Commission from 2005-06, 2006-07 and 2007-08. Can you explain what those residual issues are and tell us why the rephrasing of the funds has proved necessary?</p> <p><b>Ms Riggs</b>—There is some work associated with the settling of the contents of the former AN plant room. In addition to that, there are some prospective compensation claims on foot. We just cannot be more definite about when they might come to fruition, if ever, so we have sought to move the funds to some extent into future out years, when it might be more necessary. But we cannot be more definite than that.</p> <p><b>Senator O'BRIEN</b>—Perhaps on notice you can attribute the moneys set out in 2007-08 to the items you mentioned.</p>				33
62	New question added in. Approved 9/6/06.	AUSL 19	O'Brien	<p><i>(Funding for the Roads to Recovery Program)</i></p> <p><b>Senator O'BRIEN</b>—In terms of the program administration prompted by the recent performance, which I will not say raises some questions in relation to the audit by the ANAO, in the initial R2R program there appeared to be confusion over what constituted an eligible project. What guidelines were used to determine project eligibility?</p> <p><b>Ms Riggs</b>—There are some conditions of funding for the Roads to Recovery program and there are also some accompanying notes on administration. Because of instances that the Department was aware of and as the ANAO progressed its audit and brought them to officials' attention within the Department, both the conditions of funding for the AusLink R2R program and the notes on administration have been amended in order to address more clearly the definition of 'eligible project'. All councils and those relevant State and the Northern Territory Governments were advised in a Roads to Recovery circular of the clarification of the definition at the time that it was agreed to by the Minister. I am happy to make available a copy of both the conditions of funding and the notes on administration.</p> <p><b>Senator O'BRIEN</b>—Thanks for that.</p>				34

86	Maritime and Land Transport	MLT 01	O'Brien	<p><i>(Commonwealth's Revenue From Fuel Excise and Investment in Roads)</i></p> <p><b>Senator O'BRIEN</b>—How much does the Commonwealth collect in fuel excise?</p> <p><b>Mr Mrdak</b>—In total?</p> <p><b>Senator O'BRIEN</b>—Yes.</p> <p><b>Mr Mrdak</b>—I would have to give you an exact figure. It is in the budget papers. Do you mean for heavy vehicles or for all vehicles?</p> <p><b>Senator O'BRIEN</b>—For all vehicles.</p> <p><b>Mr Mrdak</b>—I would have to take that on notice and get a figure from the Treasury papers.</p> <p><b>Senator O'BRIEN</b>—Does the Commonwealth spend as much money on roads each year?</p> <p><b>Mr Mrdak</b>—There is no direct relationship between the Commonwealth revenue through fuel excise—that has been a key point Ministers have made clear—and the investment in roads.</p> <p><b>Senator O'BRIEN</b>—Perhaps you could provide those two figures together on notice—the amount collected and the amount spent?</p> <p><b>Mr Mrdak</b>—The amount collected in total fuel excise and the amount spent by the Commonwealth in the coming year?</p> <p><b>Senator O'BRIEN</b>—In the current year.</p> <p><b>Mr Mrdak</b>—In the current year on road investment.</p> <p><b>Senator O'BRIEN</b>—It is a bit hard to know what you are going to collect in the coming year.</p> <p><b>Mr Mrdak</b>—I think Treasury have got some estimates but I will get you the best available figures on what current revenue is being collected through fuel excise and what our current road expenditure is.</p>				35
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87		MLT 02	O'Brien	<p><i>(Transport and Logistics Centre)</i></p> <p><b>Senator O'BRIEN</b>—Turning to the national skills crisis in the transport industry, only last week the South Australian Freight Council said that a critical shortage of skilled workers in the transport and logistics industry is threatening Australia's economic growth. The Victorian Civil Construction Industry Alliance is also concerned, recently stating that there is a critical shortage of engineers and major earthmoving plant operators in Victoria. They said that, unless measures are taken, this shortage will pose a serious threat to the ongoing viability of the industry and in turn Victoria's capacity to build roads and other major infrastructure projects.</p> <p>The answer to <b>MLT 04</b> advises that, together with the New South Wales government, the federal government has committed \$4 million over the past two years to the national Transport and Logistics Centre. Whilst that organisation appears, from its website, to be doing some good work encouraging young people into careers in logistics and transport, it would be interesting to know how many young people have been assisted by the Transport and Logistics Centre with advice on careers in transport and logistics. Can the Department help in that regard?</p> <p><b>Mr Wilson</b>—In terms of the exact numbers, I would have to take it on notice and get you the information.</p>				36
87		MLT 03	O'Brien	<p><b>Senator O'BRIEN</b>—I am also interested in the number of young people placed in traineeships or apprenticeships or encouraged into transport for later tertiary studies by TALC.</p> <p><b>Mr Wilson</b>—Again, I do not have that information with me, but we will endeavour to get it from TALC.</p>				37
87		MLT 04	O'Brien	<p><b>Senator O'BRIEN</b>—Can we get a State and Territory breakdown of young people assisted by TALC?</p> <p><b>Mr Wilson</b>—I will endeavour to get you that.</p>				38

90		MLT 05	O'Brien	<p><i>(Vehicles Exported From Australia With Particular Specifications)</i></p> <p><b>Senator O'BRIEN</b>—What knowledge does the Department have of vehicles exported from this country with specifications arranged for the country that is ultimately importing the vehicle? Do we produce vehicles here where a modification is made for the particular market—other than the Brazil example I gave?</p> <p><b>Mr Wilson</b>—I would have to take on notice if and which vehicles would be modified to meet the specific requirements of the receiving country. I do not have the information with me.</p> <p><b>Senator O'BRIEN</b>—Do we export to any left-hand driving countries?</p> <p><b>Mr Gascoyne</b>—From time to time we certainly do. I am not quite sure if there are currently any left-hand drive vehicles being exported from Australia. The Magna was built in left-hand drive at one time when they were exporting that, but that is currently not being exported. There are some vehicles being exported into China by Holden, so they would be left-hand drive. I think the answer would be yes.</p> <p><b>Senator O'BRIEN</b>—What about India?</p> <p><b>Mr Gascoyne</b>—I am not aware of Australia exporting any vehicles to India.</p> <p><b>Senator O'BRIEN</b>—There is a vehicle which is under manufacture by Ford. I happened to hear at the Australian motoring organisation's dinner here in Canberra that they are producing a special version of a four-cylinder Ford vehicle for the Indian market.</p> <p><b>Mr Wilson</b>—If you do not mind, we will take that on notice and get the statistics on what we are exporting and any specifics of the receiving country.</p>				39
91-92		MLT 06	O'Brien	<p><i>(School Buses with Seatbelts-Cost)</i></p> <p><b>Senator O'BRIEN</b>—Are you aware of the cost differential in supplying a new school bus fitted with a lap sash seatbelt over one without?</p> <p><b>Mr Wilson</b>—I am certain somewhere within the Department we would have that information. I do not have the information with me.</p> <p><b>Senator O'BRIEN</b>—You can supply that to the Committee?</p> <p><b>Mr Mrdak</b>—We will take it on notice. As I say, my understanding is that there has been some detailed analysis done in the past, as Mr Wilson has outlined, in relation to the costs and benefits, particularly of retrofitting some of the older categories of buses which are currently operating in schools.</p>				40

92		MLT 07	Heffernan	<p><i>(School Buses- Licensing Arrangements)</i></p> <p><b>CHAIR</b>—My question, to save the longwinded approach to it, is: if you have a bus run that is 100 kilometres—and there are plenty of them—would the licensing profile for that school bus mean everyone should have their backside in a seat?</p> <p><b>Mr Wilson</b>—I would have to check.</p> <p><b>CHAIR</b>—If that were the case then the seatbelt thing would not be such a big deal because there would be a licensed number required on the bus, and if that fits the profile of the seats without having three or four to the seat then the seatbelt thing would not be such a big deal—and the longer the journey, of course, the more benefit.</p> <p><b>Mr Wilson</b>—I would have to check the licensing arrangements of the individual states. I am assuming—I do not know—that they will vary between the states in terms of how they contract the provision of school bus routes, how they license the individual operators and what vehicles the individual operators utilise to provide the services. I will take it on notice in terms of that.</p>				41
92		MLT 08	O'Brien	<p><i>(Daytime Running Lights)</i></p> <p><b>Mr Wilson</b>—I do not believe—and Mr Gascoyne will correct me if I get this wrong—that we have done any independent research into the effect of daytime running lights. I believe that there was a study undertaken by the Australian Road Research Board for the Australian Transport Safety Bureau in 2003, which indicated that there may be a reduction in accidents with the introduction of running lights. There has also been some work done at an international level and there is consideration under way in the EU, in terms of the UN ECE regulations, in respect of an international adoption of daytime running lights. At this stage the Department is holding its powder dry until that consideration is completed before we finalise a viewpoint on it.</p> <p><b>Senator O'BRIEN</b>—When is that going to be?</p> <p><b>Mr Wilson</b>—I do not have the information with me in terms of when that work will be completed or when a consideration will be finalised, but I can get that to you.</p>				42

95		MLT 09	McLucas	<p><i>(Standards and Approvals for Motorised Wheelchairs and Scooters)</i></p> <p><b>Mr Gascoyne</b>—There was a Ministerial determination made about two years ago to exempt certain mobility devices from the application of the Motor Vehicle Standards Act, and the criteria were a maximum speed of less than 10 kilometres per hour, a maximum unladen mass of less than 240 kilograms—</p> <p><b>Senator Ian Campbell</b>—I want to know what their speedos go up to.</p> <p><b>Mr Gascoyne</b>—I could be wrong there. It is either 220 or 240 kilograms.</p> <p><b>Senator McLUCAS</b>—Is this for motorised mobility wheelchairs, Mr Gascoyne?</p> <p><b>Mr Gascoyne</b>—Yes.</p> <p><b>Senator McLUCAS</b>—My document says an unladen mass of 40.</p> <p><b>Mr Gascoyne</b>—These are battery powered, so they are quite a lot heavier than that. If you have seen a motorised wheelchair, they are quite a heavy device and the batteries alone would weigh more than 40 kilograms. There might have been other criteria. I would need to take that on notice and give you the specific criteria in that determination, but the point is there was a determination made to exempt motorised mobility devices from the application of the Motor Vehicle Standards Act.</p>				43
95		MLT 10	McLucas	<p><b>Senator McLUCAS</b>—An issue associated with this is the ability for scooters to be tied down and their compatibility with tie-down mechanisms on buses. Is that an issue that you are aware of?</p> <p><b>Mr Gascoyne</b>—No. I am aware that there is an Australian standard that specifies the tie-down requirements for wheelchairs, but that is not an Australian standard that is referred to in the Australian design rules.</p> <p><b>Mr Jones</b>—I think there are framework rules that are potentially part of the disability standards under the Disability Discrimination Act. We could check what is the nature of the specific transport standards under that act on these issues.</p>				44
95		MLT 11	McLucas	<p><b>Senator McLUCAS</b>—Are they for the scooters to operate on footpaths and potentially on roads as well?</p> <p><b>Mr Jones</b>—The scope of what the particular vehicles can do, I could not answer off the top of my head, but we can certainly follow that up</p> <p><b>Mr Mrdak</b>—We will take these matters on notice, Senator, and come back to you.</p>				45
				<i>See MLT 12 &amp; 13 on page 30 and MLT 14 on page 47 of the list.</i>				Na

101	Australian Transport Safety Bureau	ATSB 01	Heffernan	<p><i>(ATSB Book)</i></p> <p><b>Mr Motha</b>—There are a number of studies on mobile phone use. In fact, we have a chapter in the book we produced in 2004—you may be aware of this book. We have a chapter in here that summarises the research. We did not do research of our own; we summarised the research of other people. One of the key findings was that hands-free is as distracting, or possibly more distracting in some cases, than hands-held. The reason for that is that it is not so much the act of using the phone; it is the distraction effect of the actual conversation itself, particularly if that conversation is a fairly stressful one.</p> <p><b>Mr Bills</b>—The same book, I should say, also talks about the colour of cars, Mr Chairman.</p> <p><b>CHAIR</b>—Yes.</p> <p><b>Mr Bills</b>—We will be happy to make sure you have a copy.</p>				46
103-104		ATSB 02	O'Brien	<p><i>(Post-Licence Education Program)</i></p> <p><b>Senator O'BRIEN</b>—The trial will involve 12 months of post-course crash data for evaluation. What are the components of the trial and how long will this process take?</p> <p><b>Mr Motha</b>—The way it is envisaged at the moment is that there will be four modules which will be offered to the participants over a period of several weeks—a few months, actually. I could go through those modules for you, if you would like me to do that.</p> <p><b>Senator O'BRIEN</b>—Perhaps you could give us those on notice, if that is easier.</p> <p><b>Mr Motha</b>—Yes. We could do that for you.</p>				47
109	Australian Maritime Safety Authority	AMSA 01	O'Brien	<p><i>(Alexandros T)</i></p> <p><b>Senator O'BRIEN</b>—On what dates has the ship visited Australia over the past two years?</p> <p><b>Mrs Rimington</b>—I do not have that with me, so perhaps we could take that on notice and get back to you.</p>				48
109		AMSA 02	O'Brien	<p><b>Senator O'BRIEN</b>—Okay. Has the <i>Alexandros T</i> been subject to any AMSA restrictions?</p> <p><b>Mrs Rimington</b>—The most recent AMSA inspection was the one in Port Hedland in March 2005.</p> <p><b>Senator O'BRIEN</b>—Did any of the other inspections reveal any defects?</p> <p><b>Mrs Rimington</b>—I cannot tell you because I do not have the details of the earlier visits, so perhaps we can pick that up in our response</p>				49

114		AMSA 03	O'Brien	<p><i>(Jian Seng-Costs Related to Identification and Management of Vessel)</i>  <b>Senator O'BRIEN</b>—Can we get a total cost and a breakdown, an itemised cost, of those things?  <b>Mrs Rimington</b>—I can tell you what it is roughly. Our estimate of the total by the time we have paid all the bills—and we have certainly had estimates for most of them—is that it is going to be in the order of \$850,000.  <b>Senator O'BRIEN</b>—Would it be possible to get a breakdown when you have got the final figures?  <b>Mrs Rimington</b>—Sure. We could do that.</p>				50
115		AMSA 04	McLucas	<p><i>(Malu Sara)</i>  <b>Senator McLUCAS</b>—The ATSB report actually identifies, though, the time line and identifies that there was a delay of some two hours from when AMSA/RCC should have been advised and was not. I am wondering if AMSA has a view as to why that delay occurred.  <b>Mrs Rimington</b>—I am not aware of the delay. It is unfamiliar to us, so perhaps that is one that we could take away and come back and give you some specifics about.</p>				51
117		AMSA 05	McLucas	<p><b>Senator McLUCAS</b>—Could you go back and have a look, and give me some evidence that says that AMSA officials were convinced that there was compliance with the conditions that your test establishes: if you could take that on notice to provide me with some evidence that you could give out that letter of survey. The receipt of the declaration in and of itself, in my view, should not be enough to issue a letter of survey. There should have been, in my view, an assessment of that declaration. I am trying to find out what AMSA did to assess the veracity of that declaration. Maybe you would like to go back and take that on notice and I am happy for that to happen, but I do think that the Committee would need a bit more than, 'We formed a view.'  <b>Mrs Rimington</b>—Certainly.</p>				52
				<i>See AMSA 06-AMSA 18 on pages 45-47 of the list.</i>				Na
<b>TUESDAY 23 MAY 2006</b>								
3	Aviation and Airports	AAA 01	O'Brien	<p><i>(Adelaide and Sydney Noise Attenuation Programs)</i>  <b>Senator O'BRIEN</b>—And what the cost of these works are?  <b>Mr Mrdak</b>—It does not have the cost of the works. I can provide that for you, though, if you would like the breakdown of costs to date against each category.  <b>Senator O'BRIEN</b>—Yes, that would be good.  <b>Mr Mrdak</b>—I will take that on notice, if that is okay.</p>				53



3		AAA 02	O'Brien	<p><b>Senator O'BRIEN</b>—And could you also let us know how much will be expended on the administration of the programs as opposed to the work itself in each case, for Adelaide and Sydney?</p> <p><b>Mr Mrdak</b>—The administration in terms of Departmental costs?</p> <p><b>Senator O'BRIEN</b>—Yes.</p> <p><b>Mr Mrdak</b>—Yes, certainly.</p>				54
5		AAA 03	O'Brien	<p><i>(Perth Airport Lease)</i></p> <p><b>Senator O'BRIEN</b>—Can the Department table the administrator's version of the Perth Airport lease?</p> <p><b>Mr Williams</b>—I will take that on notice. I do not, in principle, see a problem with that. I do not think there is much commentary, from memory, in relation to this issue.</p> <p><b>Mr Mrdak</b>—We will come back to you on that one.</p>				55
6		AAA 04	O'Brien	<p><i>(Belmont City Council- Request to Meet with Minister)</i></p> <p><b>Senator O'BRIEN</b>—How long ago was the request made?</p> <p><b>Mr Williams</b>—I would have to take that on notice.</p>				56
6		AAA 05	O'Brien	<p><b>Senator O'BRIEN</b>—Has the Minister indicated anything to the Belmont City Council about whether he is prepared to meet with them?</p> <p><b>Mr Williams</b>—Again, I would have to take that on notice. I am not aware.</p>				57
7		AAA 06	O'Brien	<p><i>(Meeting Between Minister and Westralia Airports Corporation)</i></p> <p><b>Senator O'BRIEN</b>—You are petulant child sometimes. When Mr Truss has met with representatives of the Westralia Airports Corporation, has the matter of the dispute over rate equivalent payments been discussed?</p> <p><b>Mr Mrdak</b>—I do not know if it is appropriate for us to be commenting on discussions that take place between the Minister and the parties. I am happy to take that on notice, but certainly the Minister discussed a whole range of matters in relation to the operation of the airport.</p>				58
7		AAA 07	O'Brien	<p><i>(Australian Mayoral Aviation Council-Request to Meet with Minister)</i></p> <p><b>Senator O'BRIEN</b>—You told us that the Minister has received a request from the Australian Mayoral Aviation Council for a meeting to discuss the issue of rate equivalent payments.</p> <p><b>Mr Williams</b>—Yes.</p> <p><b>Senator O'BRIEN</b>—Do I understand you to say that the Minister has not responded to that request?</p> <p><b>Mr Williams</b>—I am not sure. I would have to take that on notice. I am pretty sure it was a recent request.</p>				59

7-8		AAA 08	Johnston	<p><i>(Rate Equivalent Payments-Legal Advice Sought by the Commonwealth)</i></p> <p><b>Mr Mrdak</b>—That was correct at the time of answering that question. We have now recently sought senior counsel advice on the matters raised by the parties. We have recently received that senior counsel advice and, as Mr Williams has indicated, we are now in the process of providing advice to the Minister on this matter.</p> <p><b>Senator JOHNSTON</b>—Would you be able to table that advice for the benefit of senators?</p> <p><b>Mr Mrdak</b>—The advice is from the Australian government’s solicitor. I am not in a position to table that at this stage. I am happy to take that on notice. That would be a matter for the Minister after he has considered it. We have not had the opportunity at this stage to brief and discuss the advice with the Minister. The Minister may choose to not release the information based on legal privilege and the like in the advice involved, but I will take that up with the Minister.</p> <p><b>Senator JOHNSTON</b>—The reason I ask is because the advice concerns a lessee and the obligations of a lessee pursuant to a lease. The Commonwealth is not exposed to any liability whatsoever with respect to rates by the contract or in its position as the Crown in right of the Commonwealth, so legal professional privilege arguably would not apply to that advice. It is simply looking at the position of the lessee pursuant to clause 24 and an interpretation of that clause from the lessee’s perspective. In other words, what is the liability of the lessee? I would have thought that it was a document which is able to be tabled because it is not a matter going to the position or liability of the Commonwealth, to my understanding, unless you can tell me any different.</p> <p><b>Mr Mrdak</b>—It is a very comprehensive, broad ranging piece of advice which has examined the Commonwealth’s position from the time at which we drafted these clauses and the like. I understand the point you are making. I have to take it on notice and seek advice in relation to this matter from my Minister and from counsel.</p>				60
11		AAA 09	O'Brien	<p><i>(Report of the Review of the Airports Act)</i></p> <p><b>Senator O'BRIEN</b>—Yes. How many individuals or organisations that made submissions to the review requested confidentiality?</p> <p><b>Mr Williams</b>—I would have to take that on notice.</p>				61
11		AAA 10	O'Brien	<p><b>Senator O'BRIEN</b>—Did the Minister accept all the recommendations in the report?</p> <p><b>Mr Williams</b>—Again, I would have to take that on notice.</p>				62

14		AAA 11	O'Brien	<p><i>(Canberra Airport-Rates-Equivalent Payments)</i></p> <p><b>Senator O'BRIEN</b>—In relation to the issue we were discussing earlier—the Perth Airport-Belmont council dispute about rates-equivalent payments, can you inform the Committee of the arrangements for paying these charges in the case of Canberra airport?</p> <p><b>Mr Williams</b>—I would have to take that on notice, Senator. They do have an equivalent clause in the lease but I am not sure how the rates system in the ACT operates.</p> <p><b>Mr Mrdak</b>—They do have an agreement with the ACT government, but we will get some details of that.</p>				63
15		AAA 12	O'Brien	<p><i>(Damage to Canberra Runway)</i></p> <p><b>Senator O'BRIEN</b>—Was the Canberra runway damaged in any way during the 2003 visit to Australia by President George W. Bush?</p> <p><b>Mr Mrdak</b>—I would have to check damage as such. Certainly, any operations by heavy aircraft do have an impact on pavement, hence dispensations are required to exceed pavement runway strength. My understanding is that the airport has not issued pavement concessions to permit large aircraft since 2003—</p>				64
17		AAA 13	O'Brien	<p><i>(Canberra Airport)</i></p> <p><b>Senator O'BRIEN</b>—Is Canberra considered one of the eastern seaboard airports for the purposes of the Pacific route?</p> <p><b>Mr Mrdak</b>—I would have to check. Is this under the Australia-US agreement?</p> <p><b>Senator O'BRIEN</b>—Yes.</p> <p><b>Mr Mrdak</b>—I think it provides for all points in Australia. I would need to check.</p>				65
17		AAA 14	O'Brien	<p><i>(Collection of Parking Fines by Airports)</i></p> <p><b>Senator O'BRIEN</b>—Can we get a breakdown of the amount collected for each of those airports?</p> <p><b>Mr Williams</b>—Yes, we can take that on notice.</p>				66

20		AAA 15	O'Brien	<p><i>(Canberra Airport Runway)</i>  <b>Senator O'BRIEN</b>—Going back to Mr Truss's press release of 27 February about the strengthening of the airport runway, Mr Truss's words were, 'The strengthening will enhance Canberra's capacity to host VIP dignitaries and guests of the Australian government.' I want to find out the basis for the statement. If you do not know, can you get an answer from Mr Truss which VIPs, dignitaries and guests of the Australian government have avoided Canberra due to the runway?  <b>Mr Williams</b>—As I said before, I think that is a question best addressed to the Department of the Prime Minister and Cabinet.  <b>Senator O'BRIEN</b>—It may be, but the Minister's own press release makes that point. That is why I think the Minister needs to answer that question.  <b>Mr Mrdak</b>—We will take that on notice. As I say, there have been occasions to my knowledge where it has created difficulties for Australia's official hosting of certain dignitaries and alternative arrangements have had to be made, but I will seek further information on those matters.</p>				67
20	Aviation and Airports	AAA 16	O'Brien	<p><i>(Delay in Response to Question)</i>  <b>Senator O'BRIEN</b>—I want to begin by going to the email that the former Minister for Transport and Regional Services, Mr Anderson, sent to the head of CASA, Mr Toller, on 3 April 2003 relating to the reform of the of National Airspace System. Before I go to the detail of the email, can you tell me why it took almost seven months—that is, from 31 October 2005 to 16 May 2006 for CASA or the Department to respond to my question about this correspondence?  <b>Mr Byron</b>—That is one for the Department, Senator. The matter was under consideration as to whether the documentation would be released. That was a decision which had to be taken by the Minister.  <b>Senator O'BRIEN</b>—On what date was the draft answer provided to the Minister's office?  <b>Mr Mrdak</b>—I would have to take that on notice, Senator.</p>				68
21		AAA 17	O'Brien	<p><i>(Correspondence from Former Minister of Transport)</i>  <b>Senator O'BRIEN</b>—We will come to that. Did Mr Toller ignore the email?  <b>Mr Gemmell</b>—Certainly not, Senator.  <b>Senator O'BRIEN</b>—Did he respond to Mr Anderson in writing?  <b>Mr Gemmell</b>—Yes, he did.  <b>Senator O'BRIEN</b>—Can we have a copy of that correspondence?  <b>Mr Gemmell</b>—I would like to refer that to the Minister.</p>				69

21	Civil Aviation Safety Authority	CASA 01	O'Brien	<p><i>(Correspondence from former Minister of Transport-Legal Advice Sought by CASA)</i></p> <p><b>Senator O'BRIEN</b>—Let me put it this way: since the time of the Minister's email, has CASA sought legal advice related to its statutory independence?</p> <p><b>Mr Byron</b>—I can only answer in respect of the time that I have been with the authority, which commenced in December 2003. When I started up, I did seek some legal advice on the interpretation to make sure I had an independent view of my responsibilities, particularly under the new governance arrangements. I was familiar with arrangements under a previous board, but I wanted an opinion as to my position under the new governance arrangements. I had better take the question on notice to see if we have sought any legal opinion about CASA's statutory obligations since then. Nothing comes to mind.</p>				70
21		CASA 02	O'Brien	<p><b>Senator O'BRIEN</b>—Mr Gemmell, before Mr Byron's commencement, did CASA seek such legal advice.</p> <p><b>Mr Gemmell</b>—Nothing comes to mind. I need to go back and check whether we did seek such advice.</p>				71
23	Aviation & Airports	AAA 18	O'Brien	<p><i>(Correspondence from former Minister of Transport-Resultant Meeting)</i></p> <p><b>Senator O'BRIEN</b>—Mr Mrdak, Mr Gemmell's record—or Mr Matthews's record, as it turns out to be—shows that he intended to speak to Airservices Australia on the Monday after that meeting. Did that happen?</p> <p><b>Mr Mrdak</b>—I am not aware of the events involved. I would have to take that on notice.</p>				72
				<p><i>See AAA 19 – AAA 24 on page 45 and AAA 25 – AAA 28 on page 47 of the list.</i></p>				Na

25	Civil Aviation Safety Authority	CASA 03	O'Brien	<p><i>(CASA's Restructure-Creation of Additional Positions)</i></p> <p><b>Mr Byron</b>—No. The major group of people affected are certain Canberra based staff. There are also staff affected in some of our field offices, but to a large degree they are mainly administrative staff. In fact, I had a couple of approaches from a few administrative staff over the last month and we are engaging in detailed consultation with those individuals now. There are some additional positions being created in the field offices—field safety advisers and that type of thing. They will impact on total staff in the field offices, but the majority group that are affected by those announcements are certainly in Canberra.</p> <p><b>Senator O'BRIEN</b>—Can you give us the locations of the other positions?</p> <p><b>Mr Byron</b>—To give you the full detail I will need to take that on notice, but there would be some administrative staff at some of the field offices—for example, in Adelaide, Perth and places like that—that may be affected. I do know that in some cases we are bolstering the administrative team. We are forming management groups. Brisbane is going to be a centre for administrative groups for the general aviation operations group. I will give you the full detail on notice if that is acceptable.</p>				73
26		CASA 04	O'Brien	<p><i>(CASA's Restructure-Use of AWA's)</i></p> <p><b>Senator O'BRIEN</b>—So what do you say about section 400(5) of the Work Choices act, which says: A person must not apply duress to an employer or employee in connection with an AWA.</p> <p><b>Mr Harbor</b>—With regard to that, we are seeking advice. I need to take that on notice.</p>				74
27		CASA 05	O'Brien	<p><i>(CASA's Restructure-Use of AWA's)</i></p> <p><b>Senator O'BRIEN</b>—Do you have a standard AWA that you use?</p> <p><b>Mr Harbor</b>—We do.</p> <p><b>Senator O'BRIEN</b>—Could the Committee have a copy of that, please?</p> <p><b>Mr Harbor</b>—I would need to take that on notice but I do not see why not.</p>				75

28-29		CASA 06	O'Brien	<p><i>(Acceptable Means Of Compliance-Educating Industry)</i>  <b>Mr Byron</b>—The industry already have access to the drafts of that, and that is all the information. There is a roadshow currently being undertaken by the joint CASA industry maintenance regulations team that are drafting the acceptable means of compliance along with the regulations. They are touring the country at the moment trying to engage industry people with the detail of exactly what this means. We have a job to do there to take industry with us, and part of that is explaining what this is all about.  Last week I had two forums where I invited representatives of the aviation industry associations across the board. There was one in Sydney and one in Melbourne. I attended the AOPA annual general meeting the previous weekend and I had the opportunity to explain to these groups of people, who are going to be the users of this sort of stuff, what it actually meant. At the time those people present, including representatives of sectors that are very interested in this area to do with maintenance organisations, indicated full support for the concept but they wanted to be taken along. They wanted to have each step explained to them, and that is certainly what is happening at the moment with these roadshows.  <b>Senator O'BRIEN</b>—Can the Committee have a copy of the material supplied to the roadshows?  <b>Mr Byron</b>—Certainly.</p>				76
29		CASA 07	O'Brien	<p><i>(Inspection of RPT Operators)</i>  <b>Senator O'BRIEN</b>—So you have a matrix which would, if we saw it, tell us what sort of intensity your inspection program would be by class of operator?  <b>Mr Byron</b>—Yes. For the general aviation operations group, that matrix is there and it is being applied. In the air transport sector, I suppose the precise detail of the number of oversights for each operator is being defined, with a minimum of one audit plus a range of operational surveillance activities. That would depend on the requirements of the group general manager and his managers on site for each one. It would be my intention that, over the next six months or so, we define that as a similar matrix, but I will naturally have to discuss that with the operational managers to see whether they think it is the right way to go.  <b>Senator O'BRIEN</b>—Can you supply us with some documentation which shows us the matrix as you described it?  <b>Mr Byron</b>—Certainly.</p>				77

29		CASA 08	O'Brien	<p><i>(Industry Complaints Commissioner)</i>  <b>Senator O'BRIEN</b>—When was Mr Arthur White appointed the Industry Complaints Commissioner?  <b>Mr Byron</b>—It would have been during the month of February this year. Do you require a precise date?  <b>Senator O'BRIEN</b>—We might as well get that if you can provide it.  <b>Mr Byron</b>—We will take that on notice.</p>				78
30		CASA 09	O'Brien	<p><b>Senator O'BRIEN</b>—Do you know how many complaints he has received since he started?  <b>Mr Byron</b>—I would have to take the detail on notice. If you include a number of them associated with the recent issuing of ASICs, it is considerable. But in terms of substantive complaints against CASA's other core functions it would be about 20. I will give you the precise details on those.</p>				79
37		CASA 10	O'Brien	<p><i>(DPP Guidelines)</i>  <b>Mr Gemmell</b>—I do not think you will find language like 'heavy handed' in the civil aviation regulations. It is more commonsense. I suspect it is also supported by guidelines issued by the Director of Public Prosecutions on the way we should bring forward prosecutions which have to meet certain tests before they will be pursued.  <b>Senator O'BRIEN</b>—Can we have a copy of those guidelines?  <b>Mr Gemmell</b>—The DPP guidelines?  <b>Senator O'BRIEN</b>—Yes. If you could point to where they are publicly available, I would appreciate that.  <b>Mr Gemmell</b>—Yes.</p>				80



38		CASA 14 CASA 11	McLucas	<p><i>(Safety Elements in Operations Manuals)</i></p> <p><b>Senator McLUCAS</b>—Could you take on notice a list of the safety elements that appear in operations manuals that you do not enforce compliance with because you are concerned that they will be withdrawn from the manuals? It goes to the ‘heavy handed’ answer. When do you take a light hand in enforcing compliance with safety elements that appear in operations manuals?</p> <p><b>Mr Gemmell</b>—In a general sense I can answer you. We enforce the things that are in the regulations. If they do not do things that are set out in their operations manual that are regulatory requirements then we will seek to enforce them. If they put in their operations manual activities that were in excess of the regulatory requirements, we would have a much deeper look at those things as to whether we were being heavy handed if we were to police them.</p> <p><b>Senator McLUCAS</b>—I wonder whether you could take my question on notice?</p> <p><b>Mr Gemmell</b>—We will do our best. But every company has their own operations manual. They are all different. So there is not ‘an operations manual’ that covers aviation in Australia.</p> <p><b>Senator McLUCAS</b>—Sure.</p>				81
38-39		CASA 12	O'Brien	<p><i>(TransAir- Lockhart River)</i></p> <p><b>Senator O'BRIEN</b>—The answers to CASA 49 and 50 relate to post-disaster action taken against Transair. The details in the answer are very condensed. I would like the full detail of the three audit observations and the 12 requests for corrective action, please. On what dates were the requests for corrective action issued?</p> <p><b>Mr Gemmell</b>—We can provide that.</p> <p><b>Senator O'BRIEN</b>—And when did Transair respond?</p> <p><b>Mr Gemmell</b>—We will try and provide that.</p>				82
39		CASA 13	McLucas	<p><b>Senator McLUCAS</b>—Mr Byron, you said in your previous answer to Senator O'Brien that there had been a previous audit of Transair that identified that a load sheet was not left. Can you tell me when that audit was, and where was the port at which the load sheet was not left?</p> <p><b>Mr Byron</b>—I believe it was Gunnedah. The date of the audit preceded the audit prior to the accident, but we will have to take that on notice.</p>				83

39		CASA 14	McLucas	<p><b>Senator McLUCAS</b>—Can you also explain why, in bringing together a list of things you were going to check when the audit was done prior to the disaster on the route Cairns-Bamaga-Lockhart-Cairns, given that you had an indication that the company was non-compliant with providing load sheets, that was not included as one of the elements of the audit?</p> <p><b>Mr Byron</b>—I will need to check with the people who conducted the audit, but it would be my view that the eight sectors that were flown by flying operations inspectors would have included a review of all activities and all procedures of the pilots and certainly would have included whether or not they had left load sheets at the ports that they flew into. But I will double-check that.</p>				84
39		CASA 15	McLucas	<p><i>(Mr Ian Harvey QC)</i></p> <p><b>Senator McLUCAS</b>—My next question is tangentially related to this issue. Can you tell me what work CASA has employed Mr Ian Harvey QC to undertake over the last, say, five to seven years?</p> <p><b>Mr Gemmell</b>—We can. Mr Harvey has done quite a bit of work for CASA. He very commonly represents us. I have come across him representing us in the Federal Court and indeed in coronial inquiries and various things. So he has done quite a bit, but we would have to check all the details of that.</p> <p><b>Senator McLUCAS</b>—If you could just give me a list. I hope that is not too difficult to find.</p> <p><b>Mr Gemmell</b>—No, we could find that.</p>				85
39		CASA 16	McLucas	<p><b>Senator McLUCAS</b>—It would be quite simple to find. Would you describe Mr Harvey as CASA's preferred barrister?</p> <p><b>Mr Gemmell</b>—No. My understanding is that we have a contractual arrangement with a panel of suppliers who we roll around with. Mr Harvey on occasions would be representing our insurers. It would be a decision about representation coming from both CASA and our insurers, and it depends on who our insurers are. I am not sure the description 'preferred' would be correct, but I can check that to see if any part of the contract does indicate that.</p>				86
40		CASA 17	McLucas	<p><i>(Mail-Run Contractors)</i></p> <p><b>Senator McLUCAS</b>—I apologise. I did say the Department; I did mean CASA. Finally, the response to the answer that you gave me, CASA 86, I think you have misunderstood the question that I asked. The question refers to mail-run contractors generally. You have looked specifically at Cape York. The intent of the question was to ask how many and what percentage of mail-run contractors in Australia hold RPT endorsements on their AOCs for the ports stipulated in their contracts? With that explanation, would you mind going back and having a look at it?</p> <p><b>Mr Gemmell</b>—We will go back and answer the question in the way that you would want it.</p>				87

42		CASA 18	O'Brien	<p><i>(Administrative Appeals Tribunal Findings-Polar Aviation)</i></p> <p><b>Senator O'BRIEN</b>—Is it true that the AAT found, on 4 November 2005, that CASA misapplied the law?</p> <p><b>Dr Aleck</b>—I would have to take that on notice. I do not have that particular decision in front of me. In terms of misapplying the law, I do not know what the language of the tribunal was, but the tribunal looks for the correct and preferred decision. So, in many cases, a tribunal's determination to enter a different decision to the decision CASA came to is not because the law was misapplied but because in the circumstances the tribunal feels, on the merits, a different decision would be more appropriate.</p>				88
42		CASA 19	O'Brien	<p><b>Senator O'BRIEN</b>—Am I correct in understanding that a supplementary show cause notice was issued on 6 April?</p> <p><b>Mr Collins</b>—I will have to take that on notice.</p>				89
43		CASA 20	O'Brien	<p><b>Senator O'BRIEN</b>—Had CASA previously agreed to grant a three-year AOC if Polar Aviation withdrew its action before the AAT?</p> <p><b>Mr Collins</b>—It gets rather complicated because of the number of actions. My understanding is no. What initially happened was that we were encouraging—this is in the first show cause—</p> <p><b>Senator O'BRIEN</b>—I do not want you to give an answer that you are not sure of.</p> <p><b>Mr Collins</b>—In that case, I will take that on notice.</p>				90
43		CASA 21	O'Brien	<p><b>Senator O'BRIEN</b>—Has Polar Aviation responded to the show cause notices?</p> <p><b>Mr Collins</b>—My understanding with the most recent show cause is that they have not. Again, I would take that on notice and stand to be corrected.</p>				91
43		CASA 22	O'Brien	<p><b>Senator O'BRIEN</b>—How often has Polar Aviation been audited since May 2004?</p> <p><b>Mr Collins</b>—I will have to take that on notice.</p> <p><b>Senator O'BRIEN</b>—Perhaps you can tell us when the audits were conducted.</p>				92
43		CASA 23	O'Brien	<p><b>Senator O'BRIEN</b>—How many requests for corrective action have been issued against the company since 2004?</p> <p><b>Mr Collins</b>—I will take that on notice.</p>				93
44		CASA 24	O'Brien	<p><i>(Polar Aviation-Pilots Flight Assessment)</i></p> <p><b>Senator O'BRIEN</b>—Is it the case that it was cancelled because neither the applicant nor the CASA inspector was current for the aircraft that they were going to fly on?</p> <p><b>Mr Collins</b>—I would have to take that on notice.</p>				94

46		CASA 25	O'Brien	<p><i>(Cabin Air Quality Reference Group)</i></p> <p><b>Senator O'BRIEN</b>—In response to this Committee's inquiry into air safety and cabin air quality, the Government undertook to establish a reference group. This group was to undertake a range of activities, including the continuing monitoring of cabin air quality issues. When was the air safety and cabin air quality reference group formed?</p> <p><b>Mr Byron</b>—I will have to take the precise question on notice. I can give you a perspective. I was actually an invited member of industry on that when it was formed. From recollection, it was in about 2002. But I will have to get back to you.</p>				95
46		CASA 26	O'Brien	<p><b>Senator O'BRIEN</b>—When did it last meet?</p> <p><b>Mr Byron</b>—Again, I will have to give you the details on notice, Senator.</p>				96

46-47		CASA 27	O'Brien	<p><b>Senator O'BRIEN</b>—Has the Government formally abandoned the commitment it made to the parliament in June 2002?</p> <p><b>Mr Byron</b>—What commitment was that?</p> <p><b>Senator O'BRIEN</b>—That it would establish this Committee.</p> <p><b>Mr Gemmell</b>—My recollection—it may be wrong—is this was primarily following incidents to do with the BAE 146 fumes in the cabin.</p> <p><b>Senator O'BRIEN</b>—And other passenger jet aircraft.</p> <p><b>Mr Gemmell</b>—Okay. I was going to say that my recollection is that it was primarily the BAE 146. They did a lot of work. History now shows they actually eventually found out what the problem was and how to solve it in a technical sense, because in recent years there have been very few reports about fumes issues with the BAE146. I thought that, if they had fixed the problem, that may have been it. But, if their terms of reference were wider, they may be still going.</p> <p><b>Senator O'BRIEN</b>—I will read from the Government response to the Committee Report: The Government takes very seriously the issues relating to air safety and cabin air quality in the BAE 146 and other passenger jet aircraft. The Government is therefore committed to addressing the matter by implementing the following two measures to address the issues raised in the Senate Committee's report. The first was: ... the establishment of a 'Reference Group' (comprising Government agencies, key industry representatives and a passenger/consumer representative coordinated by CASA) responsible for following the progress and analysing the outcomes of international research and developments and working cooperatively with other countries, major regulatory bodies and those conducting related research to develop a harmonised view of the cabin air environment ... That is the Government's response to the Committee Report presented to the parliament.</p> <p><b>Mr Byron</b>—I think we will have to take the detail of that on notice. I am not aware of anything that has been done in my time at CASA, but we will need to check that for you.</p>				97
47		CASA 28	O'Brien	<p><i>(Impact of CASA's Cost Recovery)</i></p> <p><b>Senator O'BRIEN</b>—Is it possible to get a list of the organisations that have expressed concern?</p> <p><b>Mr Gemmell</b>—You are just after organisations? There are quite a lot of individuals as well.</p> <p><b>Senator O'BRIEN</b>—I am happy if you want to give me the whole list. I was just trying to restrict the amount of work that you had to do, but seeing that you offered.</p>				98

48		CASA 29	O'Brien	<p><i>(Mr Byron's Overseas Trip)</i>  <b>Senator O'BRIEN</b>—How long did you stay at the Champs Elysees Plaza in Paris? It just seems a large account for that accommodation.  <b>Mr Byron</b>—I would need to double-check that. I believe it was three nights, but I would need to check.</p>					99
				<p><i>See CASA 30 - 32 on page 45, CASA 33 on page 46, CASA 34-35 on page 47, CASA36-41 on page48, 42(ex OTS 09) on page 49 of the list.</i></p>					Na
52	Office of Transport Security	OTS 10	O'Brien	<p><i>(Status of Legislation)</i>  <b>Senator O'BRIEN</b>—You still have no legislation. Drafting instructions were issued before Christmas. Where are we up to?  <b>Mr Tongue</b>—I am hopeful that we will be able to take a revised consultation draft out to particularly States, Territories and industry through June with the hope that, subject to the various legislative processes, we can introduce it in the spring sittings.  <b>Senator O'BRIEN</b>—You have a draft?  <b>Mr Tongue</b>—Yes.  <b>Senator O'BRIEN</b>—Can the Committee see a copy of the draft?  <b>Mr Tongue</b>—I do not know what the usual processes are, but there is no difficulty in doing that.</p>					100
53		OTS 01	O'Brien	<p><i>(Non-Australian Licensed Vessel Permits)</i>  <b>Senator O'BRIEN</b>—Does anyone check with them to see that they are actually inquiring whether the permit states the type of cargo that was actually carried?  <b>Mr Tongue</b>—We will have to take that one on notice.</p>					101
58	Maritime and Land Transport	MLT 12	O'Brien	<p><i>(Refusal of Permits)</i>  <b>Senator O'BRIEN</b>—Has the Department ever refused to grant a permit for a request to carry CSR molasses by a foreign flagged vessel, or a non-licensed vessel, I should say?  <b>Mr Sutton</b>—Yes, we have.  <b>Senator O'BRIEN</b>—When was that?  <b>Mr Sutton</b>—I would have to take that question on notice, but we have refused permits in the past.</p>					102
58		MLT 13	O'Brien	<p><i>(Part VI of the Navigation Act)</i>  <b>Senator O'BRIEN</b>—Could we have a copy of the legal advice the Department has about the legislation in that regard?  <b>Mr Wilson</b>—I would have to take that on notice and check it with the Minister.</p>					103
58-59	Office of Transport Security	OTS 02	O'Brien	<p><i>(Unattended Baggage)</i>  <b>Senator O'BRIEN</b>—How many people have been charged for leaving baggage unattended so far?  <b>Mr Windeyer</b>—I would have to take that on notice.</p>					104

59		OTS 03	O'Brien	<p><b>Senator O'BRIEN</b>—The maximum penalty of \$5,500 may apply to a person convicted of this offence. Have any penalties actually been imposed?</p> <p><b>Mr Windeyer</b>—I will have to take that on notice as well; it is obviously tied to the previous question. There have been successful prosecutions under the previous version of that regulation for other types of offence, but not for unattended baggage, obviously, prior to the amendment.</p>				105
				<p><i>See OTS 04 – OTS 08 on page 48, OTS 09 on page 49, OTS 10 (ex-IOTS 01) on page 30 of the list.</i></p>				Na
68	Aviation & Airports	(Not applicable see complete AAA 19 question on page 45 of the list).	Hogg	<p><i>(Kerbside Set-Downs and Pick-Ups)</i></p> <p><b>Senator HOGG</b>—I will put those questions on notice, then. Are those regulations under the Airports Act very specific as to the regulations that must apply?</p> <p><b>Mr Crombie</b>—I cannot tell you that.</p> <p><b>Senator HOGG</b>—I will put my questions on notice.</p>				106
69	Airservices Australia	AA 01	O'Brien	<p><i>(Correspondence from Former Minister)</i></p> <p><b>Senator O'BRIEN</b>—Earlier today I raised the issue of a threatening email from Mr Anderson to Mr Toller at CASA in April 2003 relating to the NAS reform. A subsequent meeting minute indicated the secretary of the Department, Mr Matthews, planned to convey the Minister's warning about cooperation to Airservices. Did that happen?</p> <p><b>Mr Russell</b>—Blissfully, this was before my time in the organisation. I will take it on notice and get back to you, if I may.</p>				107
70-71		AA 02	O'Brien	<p><i>(Expenditure on Consultancies)</i></p> <p><b>Senator O'BRIEN</b>—If the latest one is on the website, that is the information we need. How much is being spent on consultancies?</p> <p><b>Mr Russell</b>—I do not have that detailed information with me to date, but I can get it to you. Do you mean in relation to the restructure?</p> <p><b>Senator O'BRIEN</b>—I think generally.</p> <p><b>Mr Russell</b>—If you do not mind, I will take that on notice and report back to you.</p> <p><b>Senator O'BRIEN</b>—Could we have an itemisation of the consultancies by consultant and the amount of money involved in each?</p> <p><b>Mr Russell</b>—Yes. That can be made available.</p>				108
71		AA 03	O'Brien	<p><i>(Provision of Consultancies)</i></p> <p><b>Senator O'BRIEN</b>—I suppose the reverse of that is: what consultancies are Airservices Australia providing? Can we have a breakdown of that?</p> <p><b>Mr Russell</b>—Provided by our organisation?</p> <p><b>Senator O'BRIEN</b>—Yes.</p> <p><b>Mr Russell</b>—Yes, we can do that.</p>				109

71		AA 04	O'Brien	<p><b>Senator O'BRIEN</b>—And the income earned from those consultancies?</p> <p><b>Mr Russell</b>—Approximately, yes. I can give you that information.</p>				110
71		AA 05	O'Brien	<p><i>(Avalon Fire Facility)</i></p> <p><b>Senator O'BRIEN</b>—How many passengers use that facility each year?</p> <p><b>Mr Russell</b>—I would have to come back with the detail. It has grown fairly rapidly, as you would know, over the last 18 months or so. We have noticed that Jetstar have been opening a number of new services to Perth and back. I will see if one of my colleagues might be able to dig that information out while we are talking.</p>				111
71		AA 06	O'Brien	<p><b>Senator O'BRIEN</b>—How far short of category is the current service? I am not sure what that means.</p> <p><b>Mr Russell</b>—This would be a category 6 operation under our standards. I think we are at 5 at the moment. I need to confirm that issue but I think it is around that.</p>				112
71		AA 07	O'Brien	<p><b>Senator O'BRIEN</b>—Is that because of the number of staff or because of the machinery?</p> <p><b>Mr Russell</b>—Facilities more than anything else, yes. I may need to take some further advice on that issue.</p>				113
73		AA 08	O'Brien	<p><i>(ADF Services at Katherine Airport)</i></p> <p><b>Senator O'BRIEN</b>—Thank you for that. I am told that ADF provides some services at Katherine airport. Is that right?</p> <p><b>Mr Russell</b>—I do not know the answer to that.</p> <p><b>Senator O'BRIEN</b>—Can you check that?</p> <p><b>Mr McLean</b>—They possibly do during the exercises. There is an exercise about to start there and they possibly provide that, but we can take that on notice.</p> <p><b>Mr Russell</b>—I am not familiar with it. We will take it on notice.</p> <p><b>Senator O'BRIEN</b>—Perhaps you can check that, because there may be a few things that have slipped through the net.</p>				114
75		AA 09	Hogg	<p><i>(Project Genesis)</i></p> <p><b>Senator HOGG</b>—Roughly how many people will be involved? Do we know?</p> <p><b>Mr Russell</b>—I think we would have to take that one on notice. I do not have that detail with me.</p>				115
76		AA 10	McEwen	<p><i>(Adelaide Airport Control Tower)</i></p> <p><b>Senator McEWEN</b>—When would a final decision be expected about whether or not Adelaide Airport's control tower will be replaced?</p> <p><b>Mr McLean</b>—Could we take that one on notice, please?</p>				116
				<p><i>See AA 11-13 on page 45, AA 14 on page 46, AA 15-AA 27 on pages 49-50 of the list.</i></p>				Na



78	Regional Services	REGS 01	O'Brien	<p><i>(Re-phasing of Funds for Darling Matilda Way and Northern Rivers North Coast)</i></p> <p><b>Senator O'BRIEN</b>—How much of the \$16.383 million in 2006-07 is allocated to the Darling Matilda region?</p> <p><b>Ms Gosling</b>—I do not have the breakdown per region but \$9.3 million of the \$20.683 million would have related to the Darling Matilda Way and Northern Rivers North Coast regions. We have allocated that across 2006-07 and 2007-08—\$5 million in 2006-07 and \$4.3 million in 2007-08 for the two new regions.</p> <p><b>Senator O'BRIEN</b>—So all the 2007-08 funding is for the two new regions. I would appreciate you giving me a regional breakdown of those rephasings on notice.</p> <p><b>Ms Gosling</b>—We will have a go at it, but that bucket of money was one allocation of up to \$33 million. Obviously, there is a notional allocation across the two regions, but if one region comes forward with more recommendations than the other in 2006-07 then the government may apply that money to that region, so there is a level of flexibility there. It would be very hard to say that there was a certain amount in one year for one region.</p> <p><b>Senator O'BRIEN</b>—So there is a notional amount but there is a practicality being applied to it?</p> <p><b>Ms Gosling</b>—Yes.</p> <p><b>Senator O'BRIEN</b>—Perhaps you could set it out in some way that explains that; that would be appreciated.</p>				117
80		REGS 02	O'Brien	<p><i>(ACC Boundaries)</i></p> <p><b>Ms McNally</b>—The review was undertaken by the Department based on submissions that were provided by ACCs. We have provided some initial findings to the Minister. He has sought further comment from ACCs. He has also written out to local MPs and to senators to seek their views on the boundary issues.</p> <p><b>Senator O'BRIEN</b>—When did he write out to members and senators?</p> <p><b>Ms Gosling</b>—I will have to take on notice the date. We do not have that information.</p>				118

82-83		REGS 03	O'Brien	<p><i>(Single Assessment Process)</i></p> <p><b>Senator O'BRIEN</b>—In February we discussed the average time for Regional Partnerships applications to be assessed by the Department. At the time it was taking 19.9 weeks for the Department and 3.3 weeks for the Ministerial approvals. Your annual report said you hoped that 75 per cent of applications would be assessed in 12 weeks. Has that been achieved?</p> <p><b>Ms McNally</b>—We have significantly reduced our time frames. We do have a backlog from prior to 13 March. We are working through that very quickly and we hope to be on track to meet those time frames by the end of this financial year.</p> <p><b>Senator O'BRIEN</b>—What is the average now?</p> <p><b>Ms McNally</b>—I would have to take that on notice. I do not think I have that.</p> <p><b>Dr Dolman</b>—I think we can take that on notice. But I can say that no projects that have gone through the new process have taken longer than 12 weeks.</p> <p><b>Senator O'BRIEN</b>—How many projects have gone through the new process entirely, from start to finish?</p> <p><b>Dr Dolman</b>—I can take that on notice.</p>				119
83		REGS 04	O'Brien	<p><b>Senator O'BRIEN</b>—How many projects have gone through the new process entirely, from start to finish?</p> <p><b>Dr Dolman</b>—I can take that on notice.</p>				120
85		REGS 05	O'Brien	<p><i>(Regional Partnerships)</i></p> <p><b>Senator O'BRIEN</b>—That would be great. The <i>Investing in stronger regions</i> statement, which outlined the budget election promises, said that Regional Partnerships would create 3½ thousand new jobs over four years. Can someone tell me how many jobs have been created over the life of the program to date?</p> <p><b>Ms McNally</b>—We would have to take that on notice.</p>				121
85		REGS 06	O'Brien	<p><b>Senator O'BRIEN</b>—Could you also find out how many jobs have been created so far in 2005-06.</p> <p><b>Ms McNally</b>—We will take that on notice.</p>				122
85		REGS 07	O'Brien	<p><b>Senator O'BRIEN</b>—Perhaps also on notice, could we get a breakdown of the Regional Partnerships grants made in the current financial year, by electorate.</p> <p><b>Ms McNally</b>—We will take that on notice.</p>				123
90		REGS 08	O'Brien	<p><i>(Coonawarra Gold Facilities Project-ACC Assessment)</i></p> <p><b>Senator O'BRIEN</b>—Thank you. We managed to establish since February that no separate due diligence checks were carried out by the Department into the viability of the Coonawarra Gold Facilities project which was provided with \$433,000 of Regional Partnerships funding in February last year. What role, if any, did the relevant ACC play in assessing the project for risk?</p> <p><b>Dr Dolman</b>—I do not have any specific information in front of me on that, so I can take it on notice. My expectation would be that it would be the normal role that ACCs play in terms of commenting on projects.</p>				124

91		REGS 09	O'Brien	<p><i>(Hopetoun Collocation Facilities)</i></p> <p><b>Senator O'BRIEN</b>—In February we heard that the project to establish collocation facilities in Hopetoun, Western Australia, had only received \$88,000 of the \$220,000 promised by the then parliamentary secretary, De-Anne Kelly. What does this project hope to achieve?</p> <p><b>Dr Dolman</b>—I will have to take that question on notice.</p>				125
91		REGS 10	O'Brien	<p><b>Senator O'BRIEN</b>—Has the project received a second payment of \$132,000 as provided for in the timetable of payments?</p> <p><b>Dr Dolman</b>—I would have to take that on notice as well.</p>				126
				<i>See REGS 11-47 on pages 50-52 of the list.</i>				Na
91	<b>Territories and Local Government</b>	TLG 01	Carr	<p><i>(Norfolk Island- High Court Challenge)</i></p> <p><b>Senator CARR</b>—I read in the <i>Norfolk Islander</i> that litigation is being funded from non-government sources, and an appropriate written arrangement has been put in place to confirm this and public money will not be spent nor risked by the proceedings. Is it the case that Mr Geoffrey Bennett has indemnified the Government of Norfolk Island as to the costs involved in this case?</p> <p><b>Ms Clendinning</b>—I am not aware of that.</p> <p><b>Senator CARR</b>—Can we establish whether or not that is the fact?</p> <p><b>Ms Clendinning</b>—I will have to take that question on notice.</p>				127

94-95		TLG 02	Carr	<p><i>(Norfolk Island- Application of Legislation of Commonwealth Departments)</i>  <b>Senator CARR</b>—Is there any chance I can get a schedule from you as to what studies are actually being undertaken? You have said all Departments. Can we get a schedule of what the nature of their inquiries is? I do not expect fine detail but just want to get a feel of the breadth of program.  <b>Ms Clendinning</b>—A feel for what is going on.  <b>Senator CARR</b>—I am concerned, as you know. Publicly I stated the view that we generally critically support the government’s direction on these matters; however, we are concerned at the delay, given the urgency of the tasks. If there is any slippage in the legislative program, I would be anxious to find out what the reasons were, because there is an election coming next year. You would not want these matters to be delayed in the legislative program in the second half of the year, would you?  <b>Ms Clendinning</b>—No, but that does always depend on drafting of legislation.  <b>Senator CARR</b>—Yes. You have to get it right.  <b>Ms Clendinning</b>—Yes.  <b>Senator CARR</b>—I appreciate that.  <b>Ms Clendinning</b>—When I say ‘slippage’, it is possibly a month at the most.  <b>Senator CARR</b>—So what, in rough terms?  <b>Ms Clendinning</b>—Towards the end of the year.  <b>Senator CARR</b>—Towards the end of this year?  <b>Ms Clendinning</b>—This year, but not for legislation, no. Legislation would have to be next year.  <b>Mr Mrdak</b>—We would be aiming to get a package of material which the government could consider to take forward by the end of this year. We are really looking for, most likely, a legislative schedule which is in the autumn session of next year.  <b>Ms Clendinning</b>—Spring at the earliest, yes. No, autumn, you are right.  <b>Mr Mrdak</b>—In response to your question, we will look at getting you a position on which agencies are being consulted and what work is under way in relation to these matters.</p>				128
95-96		TLG 03	Carr	<p><i>(Expenditure on Surveys and Reviews)</i>  <b>Ms Clendinning</b>—The CGC inquiry is being conducted on a cost recovery basis. That is expected to be up to \$250,000. The ABS has estimated the cost of the survey to be around \$107,000, and we have been provided with some additional funds for staffing—to have a small team that is focused on the Norfolk Island reform agenda.  <b>Senator CARR</b>—What is the budget for that?  <b>Ms Clendinning</b>—I do not have the figures in front of me, but I think it is three extra staff. I will have to check that and give you the details of it.</p>				129

99		TLG 04	Carr	<p><i>(Commonwealth Officers on Secondment to Norfolk Island Government)</i>  <b>Senator CARR</b>—The legal group in Norfolk Island administration—are they officers who are on secondment from A-G’s, that you are aware of, or are they on secondment from DOTARS?  <b>Ms Clendinning</b>—No. There was an officer from DOTARS who was working on Norfolk Island, but he is no longer there. He was in the legal area.  <b>Senator CARR</b>—Can you advise us what areas the two officers that you are referring to are from?  <b>Mr Mrdak</b>—We will find out if they are from A-G’s.</p>				130
102		TLG 05	Carr	<p><i>(Participation of Norfolk Islanders in Australian Federal Elections)</i>  <b>Senator CARR</b>—Can you tell me how many Norfolk Islanders are enrolled to vote in Australian federal elections?  <b>Ms Clendinning</b>—No. I do not have that figure with me. I could find that out.</p>				131
102		TLG 06	Carr	<p><b>Senator CARR</b>—Is it the case that you can only get an application for a postal vote on Norfolk Island by applying to the Administrator?  <b>Ms Clendinning</b>—I am not sure of the circumstances or the details of that sort of administrative arrangement, but I could find out.  <b>Mr Mrdak</b>—We will check.</p>				132
102		TLG 07	Carr	<p><b>Senator CARR</b>—Can you establish for me how many applications for postal votes were through the Administrator in the last elections?  <b>Ms Clendinning</b>—Yes, Senator.</p>				133
102		TLG 08	Carr	<p><b>Senator CARR</b>—Does the Administrator adjudicate on the eligibility for postal votes on Norfolk Island?  <b>Ms Clendinning</b>—That is another element I would have to check.</p>				134
103		TLG 09	Carr	<p><i>(Norfolk Island-Expenses of the Administrator)</i>  <b>Senator CARR</b>—What interests me, though, is the reference to ‘Other’ and \$64,000 worth of expenditure under the category of ‘Other’. Can you advise the Committee what that \$64,000 was referring to?  <b>Ms Clendinning</b>—I do not have the details here. I would have to check that.</p>				135
103		TLG 10	Carr	<p><i>(Christmas Island Crane- Maintenance)</i>  <b>Senator CARR</b>—Can I return to the crane. In your last answer you told me that Toll implemented the maintenance regime recommended by Favco. That is correct, is it?  <b>Ms Clendinning</b>—Favco, yes.  <b>Senator CARR</b>—Can I have a <b>copy</b> of that maintenance regime?  <b>Mr Mrdak</b>—We will take that on notice and see what form it exists in.</p>				136

104		TLG 11	Carr	<p><b>Senator CARR</b>—Could I also have a <b>copy</b> of the maintenance schedule that was undertaken by Toll? In particular I would like to know the dates of inspection, what was inspected on the crane, and what reports were made to you as owners of the crane.</p> <p><b>Ms Clendinning</b>—This is in relation to the breakdown of the crane or the maintenance?</p> <p><b>Senator CARR</b>—This is in terms of the maintenance of the crane itself. The thrust of my questions last time was that there are management issues at stake here. And I would like to know how often Toll reported to you as the owners of the crane.</p> <p><b>Ms Clendinning</b>—I would have to take that on notice.</p> <p><b>Mr Mrdak</b>—We will come back to you with a full picture of the regime.</p> <p><b>Senator CARR</b>—I would like to know to whom those reports were made and how those reports were made. I am raising this issue because the crane, which is a critical piece of infrastructure—absolutely vital—has been out of service, so I think it is important to establish how it is that the community on Christmas Island has been placed in this position.</p>				137
104		TLG 12	Carr	<p><b>Senator CARR</b>—I am particularly interested to know when the last inspection was done prior to the breakdown, and did that report identify cracks in the base of the footings that led to the breakdown.</p> <p><b>Ms Clendinning</b>—I do not have that information here.</p> <p><b>Senator CARR</b>—It is important to establish whether or not that report did identify this fault. I take it that the engineers’ and metallurgists’ reports have now been concluded?</p> <p><b>Ms Clendinning</b>—Yes. They are implementing the repairs to the crane.</p> <p><b>Senator CARR</b>—Can I get a <b>copy</b> of that report?</p> <p><b>Ms Clendinning</b>—I will have to check that.</p> <p><b>Mr Mrdak</b>—We will take that on notice and come back to you on that one.</p>				138

104-105		TLG 13	Carr	<p><b>Senator CARR</b>—Does that report tell us how the cracks to the base of the footings occurred?</p> <p><b>Ms Clendinning</b>—I am not aware of the details.</p> <p><b>Senator CARR</b>—Can you advise the Committee as to what was the reason given by the engineers as to why the cracks occurred?</p> <p><b>Ms Clendinning</b>—I think the Committee was provided with the investigations report on the failure of the crane dated 8 April.</p> <p><b>Senator CARR</b>—Yes. Refresh my memory. Did it establish why the cracks occurred?</p> <p><b>Ms Clendinning</b>—I am sorry, Senator. I have not read it recently and I cannot find it at this point.</p> <p>.....</p> <p><b>Mr Mrdak</b>—As Ms Clendinning has indicated, the Department has initiated action, remedial work is now under way and every effort is being made to address the problem. I think that is where our focus has been. I am happy to review the documentation. Unfortunately, we do not have officers here with us this evening who can give you any detail on the engineering advice, but I will endeavour to do that as quickly as possible.</p>				139
104		TLG 14	Carr	<p><i>(Christmas Island Crane-Departmental Position)</i></p> <p><b>Senator CARR</b>—I am interested to know whether or not the Department now agrees that the reuse of the footings for an earlier, smaller crane was a contributing cause to the breakdown that occurred in January.</p> <p><b>Mr Mrdak</b>—We will take that on notice and come back to you with a position.</p>				140
104-105		TLG 15	Carr	<p><b>Senator CARR</b>—Is it the Department's view that responsibility for the crane's failure is now to be found in inadequate footings or in other design faults?</p> <p><b>Mr Mrdak</b>—Again, my apologies, Senator. I do not think the officers at the table are able to give you that advice.</p> <p>.....</p> <p><b>Senator CARR</b>—I am surprised that the Department does not have a clear view at this stage at senior levels as to what caused the breakdown.</p> <p><b>Mr Mrdak</b>—Certainly, we have advice in relation to this matter, and the Department has a position on the matter, but I am unfortunately unable to provide that to you this evening. I do not have the officers at the table who can do that, I am sorry. I will endeavour to do that as quickly as possible.</p>				141

106		TLG 16	Carr	<p><i>(Christmas Island Crane - Responsibility for Decision-Making)</i></p> <p><b>Senator CARR</b>—No, who was responsible for the decision in regard to putting the smaller footings on the larger crane; who signed off on that; who was responsible for the project management within the Department; and who would have an issue that you would have to deal with? Those were the four propositions advanced in that question.</p> <p><b>Mr Mrdak</b>—Okay, thank you for clarifying that.</p> <p><b>Senator CARR</b>—The answer here, as I say to you, is Territories Office senior management.</p> <p><b>Mr Mrdak</b>—Now that I have that clarification, I will come back to you with a detailed answer on that matter.</p>				142
107		TLG 17	Carr	<p><b>Senator CARR</b>—Who signed off on the satisfactory completion of the contract, then, Minister?</p> <p><b>Mr Mrdak</b>—Sorry, this is the completion of the installation of the crane on its original—</p> <p><b>Senator CARR</b>—Yes, 41 and 42 I am referring to. Who has the final completion sign-off responsibility?</p> <p><b>Mr Mrdak</b>—It most likely would have been our project manager in the Perth office or an SES officer in Canberra. At that stage, it may even have been myself, as I previously held the position of first secretary, Territories and Local Government some years ago. I will check the exact details of the level of the position who signed off on both the acceptance of the project on installation and also the initial contract.</p>				143
107		TLG 18	Carr	<p><b>Senator CARR</b>—As the senior officer at the time, at any point were you able to establish whether the failure was due to design faults or installation faults?</p> <p><b>Mr Mrdak</b>—I am not familiar with the consulting engineers' report on this particular fault. I will undertake to review that material and come back to you with an answer. I have not been directly involved in this engineers' assessment or the review of that matter, but I will take that on personally and come back to you.</p>				144
107		TLG 19	Carr	<p><i>(Christmas Island Crane- Legal Advice)</i></p> <p><b>Senator CARR</b>—At this stage it is with the Australian Government Solicitor?</p> <p><b>Mr Mrdak</b>—Or one of our other legal panel who provides advice to the Department.</p> <p><b>Senator CARR</b>—Can you please advise the Committee as to which one it is? You said one or the other. Which one is it?</p> <p><b>Mr Mrdak</b>—We will establish who is providing the advice and the status of it for you.</p>				145
108		TLG 20	Carr	<p><b>Senator CARR</b>—Could you advise me on what date that was sought?</p> <p><b>Mr Mrdak</b>—Yes, Senator.</p>				146



108		TLG 21	Carr	<p><i>(Christmas Island Crane-Departmental Response)</i></p> <p><b>Senator CARR</b>—What is the timetable for the current problems? What is the timetable for action taken by the Department? Was it similarly as quick as had occurred in April 2005?</p> <p><b>Ms Clendinning</b>—I assume it has been, but I would have to check that.</p>				147
108		TLG 22	Carr	<p><i>(Christmas Island Crane-Repairs)</i></p> <p><b>Senator CARR</b>—I am interested to know why it was that it took from 11 January when the crane broke down to get the metallurgist commissioned on 17 or 18 February. That is correct, is it not?</p> <p><b>Ms Clendinning</b>—Yes.</p> <p><b>Senator CARR</b>—It took six weeks. Why did it take so long?</p> <p><b>Ms Clendinning</b>—I think that problems had to be assessed and then we had to find an appropriately qualified person and get them to the island, but I can check.</p> <p><b>Senator CARR</b>—They were able to respond very quickly in April 2005, yet DOTARS took six weeks.</p> <p><b>Ms Clendinning</b>—I will have to find out the details of that, Senator.</p> <p><b>Mr Mrdak</b>—I am not sure that the nature of the problem was similar in both situations. I think the circumstances in terms of this failure are quite different, but I will check that.</p>				148
108		(part of above TLG 22 question)	Carr	<p><b>Senator CARR</b>—When did work actually start on the repairs?</p> <p><b>Ms Clendinning</b>—I do not know that I have the detail of that here, I am sorry. I will have to check that for you.</p>				Na
109		TLG 23	Carr	<p><i>(Christmas Island Crane Failure-Effects on Community)</i></p> <p><b>Senator CARR</b>—So there have been discussions with the Department on that matter? Is that a fair increase, a 13 per cent surcharge on everything that comes onto the island?</p> <p><b>Ms Clendinning</b>—I am not sure of the percentage level. I would take your mathematics as right. We are going to be writing to the freight, the shipper, the stevedores to ask for a breakdown of how they have compiled that charge.</p> <p><b>Senator CARR</b>—Would you accept that the calculation I made of 13 per cent is right or not?</p> <p><b>Ms Clendinning</b>—I am taking it as read, but we will check that.</p> <p><b>Mr Mrdak</b>—We will check that and also, as Ms Clendinning said, the Department has contacted or is in the process of contacting that shipping line to ascertain the detail of why they believe such a price quantum increase is warranted. You suggested they have cited the crane breakdown as one factor but it seems to me that would not, in my knowledge of island affairs, warrant that sort of an increase at all.</p>				149

109		TLG 24	Carr	<p><b>Senator CARR</b>—The advice that has been provided to Christmas Islanders, in the community consultative Committee, is that—in fact there have been requests made by the community consultative Committee that the Commonwealth pay the freight surcharge. Have you received that request?</p> <p><b>Ms Clendinning</b>—Not that I am aware of, Senator.</p> <p><b>Mr Mrdak</b>—No.</p> <p><b>Senator CARR</b>—Are you aware if the Minister has received that request?</p> <p><b>Mr Mrdak</b>—Not to our knowledge.</p> <p><b>Senator CARR</b>—The mail must be awfully slow.</p> <p><b>Mr Mrdak</b>—We will check that and provide you—</p>				150
112		TLG 25	Carr	<p><i>(Christmas Island Resort)</i></p> <p><b>Senator CARR</b>—If you had actually been listening you would know that there are a number of Portfolio areas that have to be covered in this time line. I am interested to know what has happened to the lease of the resort on the island.</p> <p><b>Ms Clendinning</b>—Christmas Island Resort?</p> <p><b>Senator CARR</b>—Yes. It is still crown land, is it not?</p> <p><b>Ms Clendinning</b>—Yes, I think so. I will have to check that.</p>				151
112		TLG 26	Carr	<p><b>Senator CARR</b>—Is it the case that the Minister has acknowledged the need for resolution to the ongoing use of the resort?</p> <p><b>Ms Clendinning</b>—I am not sure. I will have to check.</p>				152
112		TLG 27	Carr	<p><b>Senator CARR</b>—What work are you doing as a Department to resolve the problems associated with the deterioration of the resort?</p> <p><b>Mr Mrdak</b>—I am not aware of any such work at this stage. It is held in a private company by that entity. It is their responsibility at the end of the day. As Ms Clendinning has indicated, this matter, we understand, was raised with the Minister during his recent visit to the island. We will follow that up and see what was raised and what action was proposed.</p>				153
112		TLG 28	Carr	<p><b>Senator CARR</b>—Thank you. Can you advise the Committee what impediments there are to the Commonwealth reclaiming the lease?</p> <p><b>Mr Mrdak</b>—Certainly. We will examine the nature of the lease arrangement.</p>				154

113		TLG 29	Carr	<p><b>Senator CARR</b>—Can I have, as part of your previous answer, any advice as to what the Commonwealth intends to do in regard to returning the site for community management or community use. Is it the Department’s intention, for instance, to reacquire the lease?</p> <p><b>Mr Mrdak</b>—I am not aware of any intention by the Commonwealth to reacquire the lease. There have been ongoing negotiations into certain aspects of the lease such as access to roads and water supply. That has been a contentious issue between the Commonwealth and the private owners of the lease for some time, but I am not aware of any Commonwealth intention to reacquire the lease. I will check with the Minister and the relevant officers and come back to you if there is any change in that position.</p>				155
				<i>See TLG 30 to TLG 72 on pages 53 to 65 of the list.</i>				Na
117-118	National Capital Authority	NCA 01	Lundy	<p><i>(Parliamentary Zone Review Report and Access Survey)</i></p> <p><b>Senator LUNDY</b>—Are you able to provide the Committee with a summary of your consultation with stakeholders in this regard or some evidence that these problems have been reported to you?</p> <p><b>Ms Pegrum</b>—I can table the Parliamentary Zone review report, because the primary issues are derived from that. There was also an access survey, from memory, of the Parliamentary Zone, and I can table that. We can table the design intent and the issues that it has addressed. But it is our intention, as I said, to come forward to parliament in due course after EPBC considerations.</p> <p><b>Senator LUNDY</b>—If you could forward those to the Committee and highlight the references to the issues, that would be helpful.</p>				156
122		NCA 02	Lundy	<p><i>(Land of the Canberra International Airport)</i></p> <p><b>Senator LUNDY</b>—So you can confirm that there is no other land in the ACT which has the same treatment now as the airport?</p> <p><b>Ms Pegrum</b>—I will take it on notice, but my best knowledge at this time is that that is correct.</p>				157

122		NCA 03	Lundy	<p><i>(Canberra International Airport-Planning)</i>  <b>Senator LUNDY</b>—Has the planning regime at the airport been considered an anomaly? That is probably not a fair question to ask the NCA, Minister. I do not know if that is one you could take on notice for the Minister for territories or even the Minister for transport. I am interested to know what prompted this change, particularly in the context that I do not think anyone would argue that the owners of the airport have had any grave difficulty in getting planning approval for some award-winning designs for their office buildings. I would like a bit of an insight from the government as to what prompted this, I think quite substantial, change.  <b>Senator Ian Campbell</b>—We debated it at some length this morning with the relevant section of the transport Department.  <b>Senator LUNDY</b>—I am happy for you to take that on notice. I do not want to revisit that debate here.</p>				158
125		NCA 04	Lundy	<p><i>(Pierces Creek Settlement)</i>  <b>Senator LUNDY</b>—I am at a bit of a loss. Can you run through your argument as to why you would prevent the ACT government from allowing that tenant to purchase that property?  <b>Ms Pegrum</b>—I think we have just done that. I am quite happy, once we have written to the territory, to provide a copy of that correspondence to the Committee, which will set out our reasons.</p>				159
125		NCA 05	Lundy	<p><i>(Consultants for Virtual Canberra Website)</i>  <b>Senator LUNDY</b>—Who was the consultant and what was the value of the consultancy?  <b>Ms Pegrum</b>—All I have here is that the total cost of redevelopment was approximately \$18,000, so I will take on notice which consultants we used and in what capacity.</p>				160
125-126		NCA 06	Lundy	<p><i>(Funding for Promotional Activities)</i>  <b>Senator LUNDY</b>—All of those were within your existing budget?  <b>Ms Pegrum</b>—That is correct, yes. I should just clarify that they were all within the existing budget but I believe I said funded out of output 2. In fact, I believe the film and the light show were funded in whole or in part also from our administered side of the budget through the replacement programs, because the exhibition is an administered asset.  <b>Senator LUNDY</b>—If you could take on notice providing those details, that would be helpful.</p>				161

129		NCA 07	Lundy	<p><i>(Use of Lake for Water Sports)</i></p> <p><b>Senator LUNDY</b>—Thank you. To wrap up, I note the efforts of the Minister to promote more expansive use of the lake for different water sports, particularly the waterskiing trial.</p> <p><b>Ms Pegrum</b>—Yes.</p> <p><b>Senator LUNDY</b>—Can you tell me what is happening with that, please?</p> <p><b>Ms Pegrum</b>—We have completed the trial and the authority has made a decision on that which we are about to go forward to the Minister on.</p> <p><b>Senator LUNDY</b>—Are you able to speak about that in advance of telling the Minister?</p> <p><b>Ms Pegrum</b>—I would prefer to brief the Minister first. I would be happy to provide that to the Committee afterwards.</p>				162
<b>POST HEARING ADDITIONAL WRITTEN QUESTIONS ON NOTICE</b>								
Written	Aviation and Airports	AAA 19	Hogg	<p><i>(Kerbside Pick-ups and Set-downs)</i></p> <p>Who holds the responsibility for determining who can set down and pick up at airport kerbsides?</p>				Na
Written		AAA 20	Hogg	Specifically, who holds the responsibility for Canberra Airport?				163
Written		AAA 21	Hogg	Are pickups allowed at kerbside? If so, by whom and when?				164
Written		AAA 22	Hogg	If there are exemptions to the general exclusion that applies to the general public at large, what category or categories are exempt?				165
Written		AAA 23	Hogg	Are specific people excluded? If so, whom?				166
Written		AAA 24	Hogg	If some exemptions are allowed, what security risk does this bring forward to the travelling public at large?				167
Written	Corporate Services & Portfolio Agencies	CORP 12 AA 11 AMSA 06 CASA 30 NCA 08	Ludwig	<p><i>(Expenditure On Legal Services)</i></p> <p>What <b>sum</b> did the Department or Agency spend during <b>2005-2006</b> on <b>external</b> legal services (including private firms, the Australian Government Solicitor and any others)?</p>				168 169 170 171 172
Written		CORP 13 AA 12 AMSA 07 CASA 31 NCA 09	Ludwig	What <b>sum</b> did the Department or Agency spend on <b>internal</b> legal services?				173 174 175 176 177

Written		CORP 14 AA 13 AMSA 08 CASA 32 NCA 10	Ludwig	What is the Department or Agency's <b>projected</b> expenditure on legal services for <b>2006-2007</b> ?					178 179 180 181 182
Written		CORP 15 AA 14 AMSA 09 CASA 33 NCA 11	Ludwig	<p><b><i>(Executive Coaching &amp; Leadership Training Services)</i></b></p> <p>The following questions relate to the purchase of executive coaching and/or other leadership training services by the Department/Agency, broken down for each of the last four financial years.</p> <p>Where available, please provide:</p> <ol style="list-style-type: none"> <li>1. Total spending on these services.</li> <li>2. The number of employees offered these services and their salary level.</li> <li>3. The number of employees who have utilised these services and their salary level.</li> <li>4. The names of all service providers engaged.</li> <li>5. For each service purchased from a provider listed in the answer to the previous question, please provide: <ol style="list-style-type: none"> <li>a. The name and nature of the service purchased.</li> <li>b. Whether the service is one-on-one or group based.</li> <li>c. The number of employees who received the service.</li> <li>d. The total number of hours involved for all employees.</li> <li>e. The total amount spent on the service.</li> <li>f. A description of the fees charged (e.g. per hour, complete package).</li> <li>g. Where a service was provided at any location other than the Department or Agency's own premises, please provide: <ol style="list-style-type: none"> <li>i. The location used</li> <li>ii. The number of employees who took part on each occasion</li> <li>iii. The total number of hours involved for all employees who took part.</li> </ol> </li> </ol> </li> </ol>					183 184 185 186 187
Written	Australian Maritime Safety Authority	AMSA 10	McLucas	<p><b><i>(Sinking of the Malu Sara)</i></b></p> <p>AMSA's Rescue Co-ordination Centre was notified of the incident at 8.00pm on 14 October. Was the timing of that notification in accord with procedures?</p>					188
Written		AMSA 11	McLucas	Co-ordination of the aerial search was passed to RCC at 12.18pm on 15 October. Why did it take so long for that to occur, and was that also in accord with procedures?					189

Written		AMSA 12	McLucas	It was not until 7.30pm on 15 October, about 24 hours after police were warned that Malu Sara was lost or overdue at Badu, that the Rescue Co-ordination Centre assumed overall coordination of the search. Why did it take so long for this to occur, and was that in accord with procedures?				190
Written		AMSA 13	McLucas	The ATSB report questions why a more urgent response was not made in the early stages of the crisis? Has the ATSB or AMSA been able to establish any reason why this did not occur?				191
Written		AMSA 14	McLucas	<i>(Sinking of the Malu Sara)</i> The Report also states that at 1.45am on 15 October it would have been reasonable to initiate an active Search and Rescue operation. Has the ATSB or AMSA been able to establish any reason why this did not occur?				192
Written		AMSA 15	McLucas	Why wasn't a full-scale search begun until Sunday 16 October?				193
Written		AMSA 16	McLucas	Can AMSA or ATSB supply a map of the sea and air search areas, showing times and areas of search, based on the AUS 376 chart on page 26 of the Report?				194
Written		AMSA 17	McLucas	What weather forecasting services were available to the IRV operation?				195
Written		AMSA 18	McLucas	Why did AMSA issue a letter of dispensation to DIMIA lowering the qualifications standard of the skipper from Coxswain to Recreational Master? Did AMSA investigate whether it was appropriate to do so, and what other checks did AMSA make before giving the dispensation?				196
Written	Maritime & Land Transport	MLT 14	McLucas	Has the Department, ATSB or AMSA conducted any subsequent investigations of other Commonwealth small-vessel operations to establish their safety?				197
Written	Aviation & Airports	AAA 25	O'Brien	<i>(Office of the Chief Executive Officer)</i> With reference to the answer to Senate question on notice <b>1471</b> which contains this statement: <i>The Minister is of the view that Mr Byron has complied with the general intent of the requirements of the terms and conditions of his appointment.</i> What does "general intent" mean?				198
Written		AAA 26	O'Brien	Did the Minister approve the answer?				199
Written		AAA 27	O'Brien	Has the Minister or his office discussed with Mr Byron any concerns about Mr Byron's compliance with his contract?				200
Written		AAA 28	O'Brien	Is the Minister fully satisfied with Mr Byron's compliance?				201

Written	Civil Aviation Safety Authority	CASA 34	O'Brien	<i>(Mr Ian Harvey QC)</i> On how many occasions has Mr Ian Harvey QC represented CASA or the Department in aviation-related matters or prepared aviation-related briefs, reports, papers, and submissions? In each case, can details be provided?					202
Written		CASA 35	O'Brien	<i>(Lockhart River Tragedy)</i> Given that the aircraft involved in the Lockhart River crash was painted in Aero Tropics livery, that it is referred to in Aero Tropics brochures as "our" Metroliner, that the flight was designated Aero Tropics Flight HC-675 and that Aero Tropics ground staff, infrastructure and reservations system was used for the Cairns-Bamaga-Lockhart River-Cairns route, is Aero Tropics receiving the same monitoring, auditing and checking attention from CASA as TransAir?					203
Written		CASA 36	O'Brien	Had the pilot of VH-TFU completed the 15-month Human Factors Management refresher course, as mandated by the TransAir operations manual?					204
Written		CASA 37	O'Brien	With reference to the answer CASA 05 from Additional Estimates which details the elements of the Transair audit of July 2005, can CASA detail the elements studied in the "fulsome audit" of early 2005?					205
Written		CASA 38	O'Brien	<i>(Lip-Air)</i> With reference to the answer REGS 20 from Supplementary Estimates last year, what are the other issues in which the Department has had ongoing discussions with Lip-Air?					206
Written		CASA 39	O'Brien	Why are discussions being held about having Mail Run aerodromes included on Lip-Air's AOC for RPT operations when the Department and Lip-Air claim the Mail Run is not an RPT operation?					207
Written		CASA 40	O'Brien	What is the current status of Lip-Air's application to have these aerodromes included on its AOC?					208
Written		CASA 41	O'Brien	It is stated that these are "interim" arrangements. Can the Department provide details of the "interim arrangement", including its duration, and under what laws, regulations such an arrangement may be granted or is permissible? Why was an "interim" arrangement necessary, and who granted it?					209
				<i>See CASA 42 (ex OTS 09 question) on page 49 of the list.</i>					na
Written	Office of Transport Security	OTS 04	O'Brien	<i>(Regional Airport Security)</i> With reference to advice at the February Estimates hearing that 71 regional airports had received funding for security upgrades: Can full details of all regional airports that have received funding for security upgrades be provided, including the date of announcement, the quantum of funding and security-related purpose of the funding?					210



Written		OTS 05	O'Brien	<i>(Rail Security)</i> What action is the Department taking to address threats to the security of trains and rail tracks?				211
Written		OTS 06	O'Brien	What quantum of funding will the Department spend on rail security-related programs in the 2006-07 financial year?				212
Written		OTS 07	O'Brien	<i>(ASICs)</i> How many ASIC applications have been (a) lodged (b) approved (c) rejected?				213
Written		OTS 08	O'Brien	How many ASICs have been reported (a) stolen (b) lost or (c) otherwise unaccounted for?				214
Written	Civil Aviation Safety Authority	CASA 42	O'Brien	<i>(ASICs)</i> With reference to the Minister's statement on 28 March 2006 that "after 31 March 2006 all persons are required to display an ASIC when in the secure area of an airport that has regular public transport service": How many pilots who had applied for ASICs before 31 December 2005 had not had their applications fully processed and received their ASICs by 31 March 2006?				215
Written		OTS 09	O'Brien	<i>(MSICs)</i> How many MSIC applications have been (a) lodged (b) approved (c) rejected?				216
				<i>See OTS 01, 02, 10 on page 30, OTS 03 on page 31 of the list.</i>				Na
Written	Airservices Australia	AA 15	O'Brien	<i>(Rostering)</i> Am I correct in understanding that under their Certified Agreement air traffic controllers are able to enter into 'facilitative agreements' to work shifts that would otherwise be precluded by Rostering Principles?				217
Written		AA 16	O'Brien	Is it the case that on 16 March this year an air traffic controller in Brisbane entered into a Facilitative Agreement to work a 15 hour shift – from 2.00pm to 5.10am the next morning?  Why was this long shift necessary?  Why was this long shift acceptable?				218
Written		AA 17	O'Brien	Has Airservices Australia told Civil Air that a meeting to discuss this matter is of "no value"?  If yes, why?				219
Written		AA 18	O'Brien	Am I correct to understand Airservices Australia utilises a Fatigue Audit InterDyne (FAID) tool as part of its fatigue management system?  How does this tool work?				220
Written		AA 19	O'Brien	Is Airservices Australia confident that the tool provides appropriate safety mitigation against excessive shift lengths?				221

Written		AA 20	O'Brien	Was a safety case conducted on the extended shift in Brisbane on 16 March?				222
Written		AA 21	O'Brien	If not, is this contrary to any requirement procedure				223
Written		AA 22	O'Brien	Was CASA informed of this shift?				224
Written		AA 23	O'Brien	Does Airservices intend to utilise similar Facilitative Arrangements to cover other contingencies including staff absences?				225
Written		AA 24	O'Brien	Does Airservices oppose the establishment of Duty Hour Limitations, similar to those applying to Flight Crew and other operational classifications internationally?  If so, why?				226
Written		AA 25	O'Brien	<b>(Terminal Control Integration)</b> What is the official status of the TCU integration to consolidate Perth, Adelaide and Sydney TCU's into the major Centres of Brisbane and Melbourne?				227
Written		AA 26	O'Brien	<b>(Travel Budget)</b> Can you provide us with details of your expenditure on domestic and international travel by Airservices in the current financial year?				228
Written		AA 27	O'Brien	How many employees expended this money?				229
Written	Regional Services	REGS 11	O'Brien	<b>(Tambrey Centre)</b> When was \$130,929 allocated to Lampton Pty Ltd for the Tambrey Centre Redevelopment?				230
Written		REGS 12	O'Brien	What is the purpose of the Centre?				231
Written		REGS 13	O'Brien	How many jobs, both full time and part time, have been created by the Centre redevelopment?				232
Written		REGS 14	O'Brien	What sort of profits is Lampton Pty Ltd making from the venture?				233
Written		REGS 15	O'Brien	<b>(Rural Transaction Centres)</b> I understand funding for Rural Transaction Centres ceased on 30 June 2005. Are the final 24 centres on schedule to be open by the end of the financial year?				234
Written		REGS 16	O'Brien	<b>(Women's Council)</b> In February, this Committee heard that the Minister was considering the future of the Regional Women's Advisory Council.				235
Written		REGS 17	O'Brien	What has been the outcome of his considerations?				236
Written		REGS 18	O'Brien	What has the separate inquiry into regional women's decision-making found?				237

Written		REGS 19	O'Brien	Has it provided a Report? If so, can we be provided with a <b>copy</b> ?					238
				<i>See REGS 20-47 on pages 51-52 of the list.</i>					Na
Written	Corporate Services	CORP 16	O'Brien	<i>(Market Research &amp; Consultancies)</i> I understand that in 2004-05 \$3.9 million was spent on market research and advertising, an increase of 20 per cent from 2003-04.  What is the basis of this increase?					239
Written	Regional Services	REGS 20	O'Brien	<i>(Australian Government Regional Information Service)</i> Am I correct in understanding over \$1.74 million has been paid to the company Universal McCann to advertise the Australian Government Regional Information Service in 2004-05?  What value did taxpayers get from this expenditure?					240
Written		REGS 21	O'Brien	I understand that over 120 consultancies were let by the Department in 2004-05 valued at \$10,000 or more. Which of those did the regional services division commission? What publicly-available reports have been produced?					241
Written		REGS 22	O'Brien	What did the ABS research on sustainable regions regional profiles conclude? How was the research used? May I have a copy?					242
Written		REGS 23	O'Brien	Am I correct to understand Corrs Chambers Westgarth has received \$15,657 to prepare an international regional policy and research conference?					243
Written		REGS 24	O'Brien	What are the details of the conference including date, location and attendees?					244
Written		REGS 25	O'Brien	What outcomes can be attributed to this conference?					245
Written		REGS 26	O'Brien	Am I correct to understand the University of New England received \$26,400 to undertake a project <i>Regional Boards: Understanding the impact of gender diversity on board performance</i> ?					246
Written		REGS 27	O'Brien	What did this report find?					247
Written		REGS 28	O'Brien	How was this research used by the Department?					248
Written		REGS 29	O'Brien	Can a copy of the report be provided? If not, why not?					249
Written		REGS 30	O'Brien	<i>(Mail Run Contracts)</i> With reference to the answer <b>REGS 23</b> from Supplementary Estimates last year, how many operators who have Mail Run contracts do not have an AOC with RPT endorsement for each port stipulated in the contract? Can the Department provide details of the ports not covered by RPT endorsement in each contract?					250

<b>Written</b>		REGS 31	O'Brien	With reference to the answer <b>REGS 24</b> from Supplementary Estimates last year, can the Department please detail the periods in which the Cape York Mail Run was not required to be an RPT operation, and the reasons why. Can the Department state when it became a requirement that the Mail Run be operated as RPT, and why?					<b>251</b>
<b>Written</b>		REGS 32	O'Brien	How many and what percentage of Mail Run contractors hold RPT endorsements on their AOCs for the ports stipulated in their contracts?					<b>252</b>
<b>Written</b>		REGS 33	Stephens	<i>(Regional Partnerships)</i> Could the Department supply a list of applications which were unsuccessful in their application for Regional Partnerships funding in 2005-06?					<b>253</b>
<b>Written</b>		REGS 34	Stephens	Could we have an explanation as to why they were unsuccessful?					<b>254</b>
<b>Written</b>		REGS 35	Stephens	Have the unsuccessful applications been asked to re-submit for Regional Partnerships funding?					<b>255</b>
<b>Written</b>		REGS 36	Stephens	Which electorate does each application come from?					<b>256</b>
<b>Written</b>		REGS 37	Stephens	How many applications did the Department receive for Regional Partnerships Funding to date in 2005-06?					<b>257</b>
<b>Written</b>		REGS 38	Stephens	How many applications were successful in securing Regional Partnerships funding to date in 2005-06?					<b>258</b>
<b>Written</b>		REGS 39	Stephens	How many applications were unsuccessful in securing Regional Partnerships funding to date in 2005-06?					<b>259</b>
<b>Written</b>		REGS 40	Carr	<i>(Amalgamation of Melbourne ACC's)</i> On what basis has the Minister reviewed the operations of Area Consultative Committees in Melbourne?					<b>260</b>
<b>Written</b>		REGS 41	Carr	What methodology has been used to determine the Minister's proposed changes?					<b>261</b>
<b>Written</b>		REGS 42	Carr	Does this follow on from the boundary review process conducted by his predecessor in 2004?					<b>262</b>
<b>Written</b>		REGS 43	Carr	Provide a copy of the result of the 2004 boundary review. What has caused the delay in progressing this review?					<b>263</b>
<b>Written</b>		REGS 44	Carr	What cost savings has the Department identified in amalgamating the five Melbourne ACCs?					<b>264</b>
<b>Written</b>		REGS 45	Carr	The Minister in his correspondence to the five possibly affected ACCs has said the decision to review their continued independent operation 'does not reflect (a) lack of performance'. Given this is the case, on what objective basis has the Department advised the Minister to progress this amalgamation strategy? What other restructuring options were considered by the regional division of DOTARS?					<b>265</b>

Written		REGS 46	Carr	Has the Department identified any benefits as a result of this amalgamation? Please provide copies of any review documentation that has led to the Ministers suggested course of action to amalgamate Melbourne ACC's.					266
Written		REGS 47	Carr	Has the Minister or the Department considered amalgamations in other parts of Australia? If not, why not?  If so, please provide all relevant documentation relating to the operations of other ACC's whose independent existence is also currently being reviewed by the government.					267
				<i>See REGS 48, 49 &amp; 50 on page 2 of the list.</i>					Na
Written	Territories and Local Government	TLG 30	Siewert	<i>(Christmas Island)</i> I refer to the Minister Campbell's answer to Question On Notice Number <b>1679</b> , asked on April 3, 2006 regarding mining on Christmas Island: Given that none of the current areas under rehabilitation meet completion criteria of restoring Functional Native Vegetation what does the Department intend to do to ensure that the rehabilitation meets rehabilitation completion criteria?					268
Written		TLG 31	Siewert	I refer to the answer to question No <b>TLG 21</b> and <b>22</b> (17/2/06): What were the results of the audit against the lease conditions?					269
Written		TLG 32	Carr	<i>(Norfolk Island-Employment Amendment Act 2003)</i> In answer to QON TLG 68, the Department says that it received advice from DEWR that informed the Minister's decision to sign off on the Norfolk Island <i>Employment Amendment Act 2003</i> . This advice stated that: “...the proposal is not inconsistent with any treaties to which Australia is currently a party”. Did the advice inform DOTARS that the Australian Government had made its intention clear to ratify ILO Convention 182, on abolishing the worst forms of child labour?					270

<b>Written</b>		TLG 33	Carr	<p>Did DEWR inform you that, at a meeting of the Workplace Relations Ministers' Council held on 23 March 2003, the Commonwealth and all State and Territory Ministers supported the Convention and agreed to provide formal commitment to achieve compliance with it?</p> <ol style="list-style-type: none"> <li>Was Norfolk Island represented at that meeting of the Workplace Ministers?</li> <li>Was its agreement sought? If not, why not? Why is Norfolk Island excluded from the process gone through with the other Territories and the States?</li> <li>Did DEWR draw your attention to the answer to a Question on Notice provided to the House on <b>10 February 2002</b> in which this information was provided?</li> </ol>					<b>271</b>
<b>Written</b>		TLG 34	Carr	<p>Did you receive advice from DEWR that this Norfolk Island legislation would not comply with ILO Convention 182, which Australia was intending to sign?</p>					<b>272</b>
<b>Written</b>		TLG 35	Carr	<p><i>(Norfolk Island-Employment Amendment Act 2003)</i>  Did you receive advice from DEWR that the Australian Government had sought, and received, commitments from all States and Territories that they would amend their legislation, if necessary, to comply with ILO Convention 182?</p> <ol style="list-style-type: none"> <li>Has Norfolk Island, as an External Territory, made such a commitment?</li> <li>Will it make such a commitment? If not, why not?</li> </ol>					<b>273</b>
<b>Written</b>		TLG 36	Carr	<p>In answer <b>TLG 101</b> the Department makes the following statement:  <i>"When developing advice for the Minister on Schedule 3 bills, the Department seeks the advice of relevant Portfolios on whether the bill is consistent with Australian law, Australian Government policy and Australia's international obligations."</i></p> <ol style="list-style-type: none"> <li>Can you confirm that the Australian Government actually has a policy regarding ILO Convention 182, that being, to ensure that all State and Territory legislation on child labour complies with the Convention?</li> <li>Can you further confirm that Australia intends to sign ILO Convention 182 at the meeting of the ILO currently underway?</li> <li>Did you advise the Minister of that policy, and of the Australian Government's intention?</li> </ol>					<b>274</b>

Written		TLG 37	Carr	<p><b>(Register of Pecuniary Interests: Norfolk Island Legislative Assembly)</b>  Are you aware of claims that the Norfolk Island Legislative Assembly's register of pecuniary interests is not maintained up to date, and that it is often, at least not accessible as required under the <i>Legislative Assembly (Register of Members' Interests) Act 2004</i>?</p> <ol style="list-style-type: none"> <li>a. Isn't the matter of such a register something that properly belongs in the Australian <i>Norfolk Island Act</i>?</li> <li>b. Why is there no provision of this kind in that Act?</li> </ol>				275
Written		TLG 38	Carr	<p><b>(Assessments by the Department of Performance of Norfolk Island Government)</b>  Answers <b>TLG 102, 104, 105, 116, 117</b> and <b>118</b> go to assessments made, or not made, by the Department of the performance of the Norfolk Island Government.</p> <p>The Department denies that it makes, or has made, assessments of the performance of the Norfolk Island Government in service provision, social welfare, health and a range of other areas.</p> <p>However, you also say, in answer to <b>TLG 104</b>, that the Department considered Schedule 2 matters in making its assessment in its submission to the JSC Inquiry into the Indian Ocean Territories, in particular in stating in evidence that Norfolk Island "struggles" with service delivery.</p> <ol style="list-style-type: none"> <li>a. How does the Department obtain the evidence on which a statement like this one is based? What processes does it employ to make the relevant observations and assessments?</li> <li>b. How does that process fit with your insistence that, in particular Schedule matters are not your business, but "matters for the Norfolk Island Government"?</li> </ol>				276

Written		TLG 39	Carr	<p><b>(Tendering Processes: Norfolk Island)</b></p> <p>In answers to <b>TLG 58-65</b> we have yet another case study in the Department's inconsistency of approach to answering questions posed by this Committee. <b>First, with TLG 58</b>, we have an instance where the Committee requested some information about Norfolk Island tendering processes – something that, on form, I expected you would answer with your stock line:  <i>"This is a matter for the Norfolk Island Government."</i></p> <p>But you didn't answer that way: instead you sought some information from that Government, and provided it to the Committee.</p> <ol style="list-style-type: none"> <li>Why did you take this approach in this instance?</li> <li>Did the Norfolk Island Government provide you with a copy of its tendering guidelines, so that you could ascertain for yourselves whether they complied with the Australian Standard AS 4120-1994 Code of Tendering?</li> <li>If not, can you please <b>ask</b> for this document, and <b>provide</b> it to the Committee?</li> </ol>				277
Written		TLG 40	Carr	<p><b>Secondly, TLG 59</b> asks for a copy of a probity auditor's report on the airport runway and the Kingston Pier projects. You note (<i>Hansard</i> 17/02/06 p.46) that you would "have to ask the Norfolk Island Government" for that.</p> <ol style="list-style-type: none"> <li>Did you ask them?</li> <li>If so, what was the response?</li> <li>If not, why not?</li> <li>Can you please attempt to get hold of this report for the Committee?</li> </ol>				278
Written		TLG 41	Carr	<p><b>Thirdly, TLG 60</b> was taken on notice so that the Department could obtain and provide the information – if I read correctly the comment:  <i>"We do not have that advice with us. We would need to take that on notice."</i>  (<i>Hansard</i> 17/02/06 p.47)</p> <ol style="list-style-type: none"> <li>Why did this information suddenly become a "matter for the Norfolk Island Government", as opposed to something you were going to provide for us?</li> <li>You hadn't indicated that this was an inappropriate matter for us to request information about from you. Why did you not indicate that back in February?</li> <li>Can you provide this information?</li> <li>Will you provide it?</li> </ol>				279
Written		TLG 42	Carr	<p><b>Fourthly, TLG 61</b> is answered in full. Is there a provision somewhere that requires the Norfolk Island Government to advise the Attorney-General details of tenders let? Where can we find that provision?</p>				280



Written		TLG 43	Carr	<p><b>Fifthly, TLG 63 and 64</b> request further information about the involvement of members of the Legislative Assembly in companies associated with these projects, and also about who makes tender decisions of this kind in the Norfolk Island Government.</p> <p>Why are these “matters for the Norfolk Island Government” such that the Committee cannot have information about them?</p>				281
Written		TLG 44	Carr	<p><b>(Norfolk Island Administrator: Reporting)</b></p> <p>Does the Administrator of Norfolk Island report, either routinely or occasionally, to the Minister on any of the following matters pertaining to governance on Norfolk Island:</p> <ul style="list-style-type: none"> <li>• Remuneration of public officials;</li> <li>• Identity of public office holders;</li> <li>• Appointment of public office holders, and the renewal or otherwise of their appointments;</li> <li>• Any problems or issues concerning the fitness of particular public office holders to hold such office;</li> <li>• Any problems or issues concerning the regulation of the legal profession and other holders of legal office;</li> <li>• The engagement of consultants by the Norfolk Island Government;</li> <li>• Matters pertaining to the application and administration of the <i>Social Services Act</i> (NI)</li> <li>• Probity reports on tendering processes for Government projects, and the identity of probity auditors;</li> <li>• The identity of companies involved in projects let by tender;</li> <li>• Tendering processes and the selection of successful tenders by the Government;</li> <li>• The availability, levels and conditions attaching to pensions and benefits;</li> <li>• The health services regime;</li> <li>• Industrial relations and regulation;</li> <li>• Workers’ compensation provisions; and/or</li> <li>• Superannuation arrangements?</li> </ul>				282
Written		TLG 45	Carr	<p><b>(Walsh as Notary Public: Powers of Administrator)</b></p> <p>Under section 11(5) and (7), does the Administrator have the power to convene a meeting of the Norfolk Island Executive Council, and to introduce for discussion the matter of the tenure of office of a Notary Public in the island’s jurisdiction?</p> <p>Could the Administrator take such action at the request of the Minister for Territories?</p>				283

Written		TLG 46	Carr	<p>In answer to QON <b>TLG 119</b>, the Department says that the matters raised “<i>are matters for the Norfolk Island Government</i>”.</p> <p>The matters concern the tenure of Dr John Walsh in the position of Notary Public.</p> <ol style="list-style-type: none"> <li>a. What action is open to the Administrator, acting on behalf of the Australian Government and/or in response to concerns raised during Parliamentary processes such as Senate Estimates, to investigate, and then to deal with, issues such as this?</li> <li>b. What kind of action is open to the Minister?</li> <li>c. What action has been taken by (1) the Minister and (2) the Administrator, to investigate and deal with claims that Dr Walsh may have acted improperly in the position as Notary Public?</li> </ol>				284
Written		TLG 47	Carr	<p><b>(Walsh and “Prince Michael”)</b></p> <p>Answers <b>TLG 121-128</b> concern a series of questions on the activities of Dr John Walsh associated with a Mr Michel Lafosse, who is a pretender to the Scottish throne.</p> <p>Mr Lafosse is currently under investigation by the British Home Office, over claims, reported in the British media, that he used a forged birth certificate to obtain a British passport in a name other than his own.</p> <ol style="list-style-type: none"> <li>a. Are you aware of these developments?</li> <li>b. Are you aware that the British Home Office Special Cases Unit is examining this case?</li> <li>c. Are you aware that, among the documents under examination by the British Home Office are several, including what is alleged to be a forged birth certificate, that were certified by Dr John Walsh in his capacity as Notary Public?</li> <li>d. Why do you say, in answer to <b>TLG 128</b>, that “<i>This is a matter for the Norfolk Island Government</i>”?</li> </ol>				285
Written		TLG 48	Carr	<p>Here we have a case where Dr Walsh, as Notary Public, is alleged to have exercised his powers as such to certify a series of forged documents that have led to the issue, by the UK Government, of a passport in a false name.</p> <ol style="list-style-type: none"> <li>a. Isn't it the case that Dr Walsh, as Notary, could potentially place the Australian Government in a similar position, in a similar manner?</li> <li>b. Isn't it in the interests of the Australian Government that Dr Walsh, if these allegations are true, should not hold the office of Notary Public on Norfolk Island?</li> <li>c. Therefore wouldn't it be appropriate for the Minister to approach the Administrator with a view to his taking action on this matter? If not, why not?</li> <li>d. In answer to <b>TLG 129</b>, the Department says that it will not look into this matter. Why will it not?</li> </ol>				286

Written		TLG 49	Carr	<p><b>(Dr John Walsh: Pension)</b>  In answer to <b>TLG 140</b>, the Department declines to provide information concerning a pension apparently received from the Norfolk Island Government by Dr John Walsh and his partner.</p> <ol style="list-style-type: none"> <li>a. In principle, could you obtain this information from the Norfolk Island Government, or at least seek it?</li> <li>b. Can you confirm that Norfolk Island has no privacy laws?</li> <li>c. Can you further confirm that the Federal Privacy Act does NOT apply to the machinery of government in states and territories, including that of Norfolk Island?</li> <li>d. So there is no impediment of that kind to prevent the Norfolk Island Government from providing you with details about pension recipients on Norfolk Island?</li> <li>e. Will you seek this information for the Norfolk Island administration? If not, why not?</li> <li>f. Why did you provide, in answer to <b>TLG 142</b>, the answer that “<i>This is a matter for the Norfolk Island Government</i>”?</li> <li>g. Why is the Department’s approach in framing this answer not consistent with your approach in answering, for example, <b>TLG 01, 02, 03, 04, 05</b> and <b>06</b>, where you provided information that went to the detail of various pieces of Norfolk Island legislation?</li> <li>h. Would you agree that what is requested here goes to the provisions of the <i>Norfolk Island Social Services Act 1980</i>?</li> <li>i. Why can you not provide this information?</li> </ol>				287
Written		TLG 50	Carr	<p>The opening question in <b>TLG 143</b> again goes to the provisions of the Norfolk Island <i>Social Services Act 1980</i>.</p> <ol style="list-style-type: none"> <li>a. Can you confirm that?</li> <li>b. Why can you not answer it?</li> <li>c. Can you please provide an answer to question (b) as listed here – whether or not the Department can obtain from the Norfolk Island Government information about the pension entitlements of Dr John Walsh and his partner?</li> </ol>				288
Written		TLG 51	Carr	<p><b>(Walsh: Positions of Public Office)</b>  Please inform the Committee of the dates on which Dr John Walsh’s terms expire on the following Norfolk Island bodies:</p> <ul style="list-style-type: none"> <li>• Administrative Review Tribunal; and</li> <li>• Gaming Authority</li> </ul> <p>Please confirm the exact positions he currently holds on these two bodies.</p>				289

Written		TLG 52	Carr	<p><b><i>(Dr Walsh: Period of Tenure of Positions of Public Office)</i></b>  Can you ask the Norfolk island Government whether Dr John Walsh of Brannagh held, for any of the years 1994-2000, any of the following positions:</p> <ul style="list-style-type: none"> <li>• Member of the Gaming Authority;</li> <li>• Magistrate of the Court of Petty Sessions, and</li> <li>• Member of the Administrative Review Tribunal?</li> </ul> <p>a. Can you ask the Norfolk Island Government to provide details?  b. If you cannot ask these questions of the Norfolk island Government, why not?</p>				290
Written		TLG 53	Carr	<p><b><i>(Dr Walsh’s Tenure in Positions of Public Office: DOTARS Policy in Answering Questions)</i></b>  In answer <b>TLG 135</b>, the Department provides information as to the date that Dr John Walsh was appointed as Senior Member of the Norfolk Island Administrative Review Tribunal.</p> <p>But you decline to provide information about:</p> <ul style="list-style-type: none"> <li>• The circumstances of the appointment;</li> <li>• Whether, on his appointment to this position, he was currently a member of the Tribunal; and</li> <li>• If his appointment to the Tribunal had lapsed prior to his appointment as Senior Member.</li> </ul> <p>What is the material difference, the difference in principle, between the information that the Department was kind enough to provide – the date of the appointment – and on the other hand the other details requested by the Committee?</p>				291
Written		TLG 54	Carr	<p>Are you aware that the appointment of Dr Walsh as Senior Member of the tribunal was controversial on Norfolk Island?</p> <ol style="list-style-type: none"> <li>a. Does this explain the Department’s reluctance to answer these questions?</li> <li>b. Does your frequent answer, “<i>This is a matter for the Norfolk Island Government</i>” actually serve as a smokescreen?</li> <li>c. Do you use this answer when you would prefer not to provide detailed information, or when you would prefer not to seek out detailed information?</li> <li>d. Or perhaps when the Department would prefer not to go on the record as being in possession of certain information – because then you might have to act on it?</li> </ol>				292

Written		TLG 55	Carr	<p><i>(Dr John Walsh: Supreme Court Case)</i>          Since the Committee was provided with the answer to <b>TLG 18</b>, has the Administrator of Norfolk Island raised with the Department the matter of the case in the Supreme Court of Victoria concerning Dr John Walsh and ING Life Ltd?</p> <ol style="list-style-type: none"> <li>a. Has the Department raised this matter with the Administrator?</li> <li>b. Has the Minister raised this matter with the Administrator?</li> <li>c. What action has been taken regarding this matter by:             <ul style="list-style-type: none"> <li>• The Minister;</li> <li>• The Department; and/or</li> <li>• The Administrator?</li> </ul> </li> </ol>				293
Written		TLG 56	Carr	<p><i>(Legal Profession Act 1993 (NI): Professional Misconduct Etc.)</i>          Since the amendment of the Norfolk island <i>Legal Profession Act 1993</i>, bringing into force various disciplinary procedures involving the Law Society of the ACT:</p> <ol style="list-style-type: none"> <li>a. How many matters have been referred to that body's Professional Conduct Board?              Please provide details of:             <ul style="list-style-type: none"> <li>• Type of matter;</li> <li>• Number of each type;</li> <li>• Dates each case was referred to the Board;</li> <li>• Outcome of each case.</li> </ul> </li> <li>b. Have any matters been referred to the Norfolk Island Supreme Court? Please provide details.</li> <li>c. Has any legal practitioner had his or her "entitlement to practise" withdrawn? On what date? For what reason? Please provide the name(s) of the practitioner(s).</li> </ol>				294
Written		TLG 57	Carr	<p><i>(Norfolk Island Administrator: Table of Actual Expenditure)</i>          Please explain the large discrepancy in expenditure on travel by the Norfolk Island Administrator between 2004-05 and 2005-March 06.</p> <ol style="list-style-type: none"> <li>a. Please also explain the large discrepancy in the expenditure category "Other" for the same two periods.</li> <li>b. What kinds of expenditure are included in the category "Other"?</li> </ol>				295

<b>Written</b>		TLG 58	Carr	<p><i>(Norfolk Island Administrator: Expenditure)</i>  Please provide for the Committee the following details of the expenditure of the Norfolk Island Administrator for 2005-06:</p> <ul style="list-style-type: none"> <li>a. Professional services (locally engaged staff): what were these services?</li> <li>b. Consultancies: please provide details of all consultancies, including dates let, names of firms or individuals engaged, purpose of consultancy, value of consultancy.</li> </ul>				<b>296</b>
<b>Written</b>		TLG 59	Carr	<p><i>(Minister's Delegation of Powers)</i>  Under what provision of which Act did the Minister, in 1992, delegate the power to appoint Magistrates of the Court of Petty Sessions on Norfolk Island to the Administrator?</p> <ul style="list-style-type: none"> <li>a. Does the Administrator act exclusively on the advice of the Norfolk Island Government in the exercise of this delegated power?</li> <li>b. Can the Administrator take advice from any other source, such as the Minister?</li> </ul>				<b>297</b>

Written		TLG 60	Carr	<p><b><i>(Removal from Office of Members of the Gaming Authority)</i></b>  Can you confirm that, according to the Norfolk Island <i>Gaming Supervision Act 1998</i>, the Administrator may remove a member from office on various grounds?</p> <ol style="list-style-type: none"> <li>a. Do these grounds include: <ul style="list-style-type: none"> <li>• Mental or physical incapacity to satisfactorily carry out official duties; and</li> <li>• Dishonourable conduct?</li> </ul> </li> <li>b. Would the Administrator act to remove a member on the advice of the Legislature?</li> <li>c. If a member of the Gaming Authority had, during several years while holding that office, made monthly sworn declarations to the effect that he was totally physically incapacitated and unable to work, would that constitute <i>prima facie</i> evidence that that person was not able to carry out official duties?</li> <li>d. If a member had made such monthly sworn statements while nevertheless continuing to perform his duties as a member of the Authority, and also to perform duties associated with other positions of public office held by him, would that constitute “dishonourable conduct” as that term is ordinarily understood?</li> <li>e. If a member had, while serving on the Gaming Authority, established an “internet university” that he apparently deliberately misrepresented as equivalent to other Australian universities in quality and standards, and if the Australian Government had issued a Report to the effect that this “university” fell far short of Australian standards, would that constitute “dishonourable conduct”?</li> <li>f. If a member had, in another official capacity within the jurisdiction of Norfolk Island – say as a Notary Public – acted in concert with another person to provide false and misleading documentation to the British Government, in order to obtain an advantage for the other person, would that constitute “dishonourable conduct”?</li> </ol>				298
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Written		TLG 61	Carr	<p><b>(Administrator's Powers)</b>  Can you confirm that, under section 11(5) and (7) of the <i>Norfolk Island Act 1979</i>, the Administrator may convene a meeting of the Executive Council at any time, and may introduce any matter for discussion?</p> <ol style="list-style-type: none"> <li>a. Would that power extend to introducing the matter of the continued tenure of a particular holder of public office in the Norfolk Island jurisdiction? Could the Administrator ask the Executive Council to consider such a matter?</li> <li>b. Could the Administrator do so at the request of the Minister for Territories?</li> <li>c. What form would such a request take?</li> </ol>				299
Written		TLG 62	Carr	<p><b>(Walsh as Notary Public)</b>  In answer to QON <b>TLG 120</b>, regarding Dr John Walsh's suitability to occupy the office of Notary Public on Norfolk Island, the Department again says that this "<i>is a matter for the Norfolk Island Government</i>".</p> <ol style="list-style-type: none"> <li>a. Would you agree that, in the case of other jurisdictions, there have been many occasions where the Australian Government has intervened, one way or another, in the affairs of another Australian jurisdiction?</li> <li>b. Would you agree that some examples of such action would be: <ul style="list-style-type: none"> <li>• The enactment of legislation to repeal the Northern Territory's euthanasia law;</li> <li>• Statements by the Federal Government to the effect that it will not allow the ACT to enact legislation permitting civil unions between homosexual couples; and</li> <li>• Use of the External Affairs power of the Constitution to force Tasmania and Western Australia to enact laws permitting consenting homosexual acts in private?</li> </ul> </li> <li>c. On what basis does DOTARS refrain from taking action regarding action, or inaction, by the Government of Norfolk Island, where there are legitimate and well-founded concerns about the appropriateness and soundness of such a course, taken by the Norfolk Island Government?</li> <li>d. Over what kinds of matters would DOTARS consider intervening to persuade, or to force, the Government of Norfolk Island to take a particular course of action?</li> <li>e. Why has DOTARS not done so in this case?</li> </ol>				300



Written		TLG 63	Carr	<p><b>(“Matters for the Norfolk Island Government”)</b>  In answer to QON TLG 09, going to the remuneration provided to certain public office holders on Norfolk Island, the Department provides the following answer, quoted here in its entirety:  <i>“These are matters for the Norfolk Island Government.”</i></p> <ol style="list-style-type: none"> <li>a. These matters are provided for in which pieces of Norfolk Island legislation?</li> <li>b. Is remuneration for members of the Administrative Review Tribunal covered by the <i>Administrative Review Tribunal Act 1996</i>?</li> <li>c. Is remuneration for members of the Gaming Authority covered by the <i>Gaming Supervision Act 1998</i>?</li> <li>d. Under what legislation does the Norfolk Island Government determine the remuneration for members of these bodies?</li> <li>e. Can you provide details of the relevant sections of this legislation?</li> </ol>				301
Written		TLG 64	Carr	<p><b>(Provision of Answers: DOTARS Policy)</b>  You have provided the Committee with a number of answers to questions taken on notice at the last Estimates round that go to detail of various pieces of Norfolk Island legislation.</p> <ol style="list-style-type: none"> <li>a. Can you confirm that, for example, in the case of <b>TLG 01</b> from that round, you refer in your answer to Section 5 of the <i>Administrative Tribunal Act 1996</i> (NI)?</li> <li>b. Can you further confirm that, in your answer to <b>TLG 02</b>, you quote a provision from that same Norfolk Island legislation?</li> <li>c. Can you confirm that, in answer to <b>TLG 03</b>, you refer to provisions of the <i>Norfolk Island Court of Petty Sessions Act 1960</i>?</li> <li>d. And that, in answers to <b>TLG 04, TLG 05 and TLG 06</b>, you refer to the powers and functions provided for by the <i>Norfolk Island Legal Profession Act 1993</i>?</li> <li>e. Are not these pieces of legislation “matters for the Norfolk Island Government”?</li> <li>f. Are not the matters which these pieces of legislation go to actually Schedule 2 matters under the <i>Norfolk Island Act 1979</i>? Doesn’t this mean that, under that Act, these matters are entirely within the jurisdiction of the Norfolk Island Government?</li> </ol>				302
Written		TLG 65	Carr	<p>So what is your policy in supplying answers to questions asked by the Committee that go to Schedule 2 matters under the <i>Norfolk Island Act</i>?</p> <ol style="list-style-type: none"> <li>a. What guidelines are issued to those responsible for the drafting of answers, that go to this issue?</li> <li>b. Can you provide a <b>copy</b> of these guidelines?</li> </ol>				303
Written		TLG 66	Carr	<p>In the case of QON <b>TLG 09</b>, what is the rationale that was applied that led to the Department’s decision not to provide an answer to this question?</p>				304

Written		TLG 67	Carr	In the case of <b>TLG 01-06</b> , what is the rationale that was applied that led to the answers' detailed references to pieces of Norfolk Island legislation going to Schedule 2 matters?					305
Written		TLG 68	Carr	What is the difference between these two sets of cases?					306
Written		TLG 69	Carr	<b>(Green Waste Machine)</b> What role, if any, did DOTARS play in the decision by the Natural Heritage Trust to fund a green waste machine for Norfolk Island? a. Has DOTARS contributed to the cost of purchase of the machine? To what extent? b. Has the Norfolk Island Government contributed? To what extent?					307
Written		TLG 70	Carr	Will DOTARS face an ongoing cost for the operation and/or maintenance of this machine? a. What cost? b. What will the Norfolk Island Government contribute for these costs?					308
Written		TLG 71	Carr	<b>(Greenwich "University")</b> In answer to <b>QON TLG 17</b> , the Department refers to an entity established by Dr John Walsh on Norfolk Island as a "University", using quotation marks around the term "University" and also the name "Greenwich University". a. Why did the Department place the quotation marks around these terms? b. Does the Department consider that this entity is claiming to be something it's not? c. Has the Norfolk Island Government repealed the <i>Greenwich University Act</i> ? I. When did it do so? II. Was that action taken after intervention by DOTARS, or by the Minister? III. Can you describe the events that led to this action by the Norfolk Island Government?					309
Written		TLG 72	Carr	<b>(Dr John Walsh: Tenure as Magistrate)</b> When did Dr John Walsh of Brannagh cease to be a Magistrate of the Norfolk Island Court of Petty Sessions? a. What were the circumstances of his ceasing to hold this position? b. The Administrator of Norfolk Island has delegated power to appoint Magistrates to this Court, on the advice of the Norfolk Island Government. Is that correct? c. What role did the Administrator play in Dr Walsh's ceasing to hold the position of Magistrate? d. Please provide <b>copies</b> of any relevant correspondence between the Administrator and DOTARS about this matter					310

