

ADDITIONAL INFORMATION RELATING TO THE
EXAMINATION OF SUPPLEMENTARY ESTIMATES FOR
2005-2006

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

Transport and Regional Services Portfolio

VOLUME 1

July 2006

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Volumes of additional information relating to 2005-2006 Supplementary Estimates

Additional Information Volume 1, July 2006: contains answers to questions on notice relating to **Supplementary Estimates 2005-2006.**

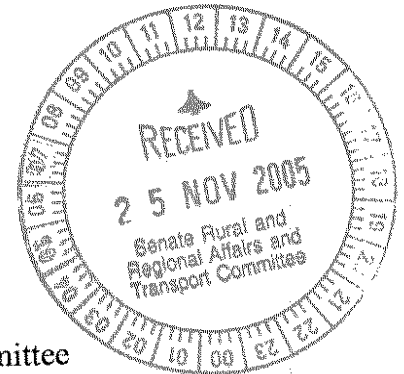
Transport and Regional Services: Corporate Services; AusLink, Maritime and Land Transport, Office of Transport Security, Inspector of Transport Security, Civil Aviation Safety Authority, Aviation and Airports, Australian Maritime Safety Authority, Regional Services, Territories and Local Government, National Capital Authority, Airservices Australia, Australian Transport Safety Bureau.

Additional Information Volume 2, July 2006: contains answers to questions on notice relating to **Supplementary Estimates 2005-2006.**

Agriculture, Fisheries and Forestry: Australian Bureau of Agriculture and Economics, Food and Agriculture, Product Integrity Animal and Plant Health, Biosecurity Australia, Australian Quarantine and Inspection Service, Rural Policy and Innovation, Fisheries and Forestry, Natural Resource Management, Management Services and Corporate Governance.



Australian Government
Department of Transport and Regional Services



The Hon Bill Heffernan
Chair
Senate Rural and Regional Affairs and Transport Legislation Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Heffernan

Subject: Senate Estimates Hearing of 31 October 2005

I write concerning my appearance at the Department of Transport and Regional Services, Senate Estimates Hearings on 31 October 2005 before your Committee.

At the time of the hearing incorrect information was unintentionally provided to the Committee. In answering a question about last financial years expenditure I mistakenly quoted figures from the first quarter of the 2005/06 financial year.

The incorrect information is as follows (extracted from Hansard):

RRA&T 62 Senate—*Legislation* Monday, 31 October 2005

RURAL AND REGIONAL AFFAIRS AND TRANSPORT

Senator O'BRIEN—No, I am certainly not allowed to hold another position whilst I hold this one, Senator; I do not know about you. Mr Palmer, I am told that \$400,000 has been allocated to your office in each of the years 2004-5 to 2007-08. How much did the office expend in the last financial year?

Mr Palmer—I think that I am correct in saying that it was a net cost to the department of \$94,978 for the financial year. There was a gross cost of \$111,360 because some of the initial Cornelia Rau inquiry costs were costed to DOTARS because of the urgency of the matter and then credited by DIMIA to DOTARS. So there was a refund, if you like, or a remittance of \$16,781, leaving a net cost to the department of \$94,578 for the financial year.

Office of the Inspector of Transport Security

GPO Box 594 Canberra ACT 2601 Australia • Telephone: 02 6274 6999 • Facsimile: 02 62574 7377

Website: www.dotars.gov.au • ABN 86 267 354 017

The correct information should read as follows:

Mr Palmer –The net cost to the department was \$173,594 for the financial year. There was a gross cost of \$292,035 because some of the initial Cornelia Rau inquiry costs were initially paid by DOTARS due to the urgency of the matter and then credited by DIMIA to DOTARS. So there was a remittance of \$117,553 from DIMIA, plus \$888 for transferred employee provisions, for total revenue of \$118,441, leaving a net cost to the department of \$173,594 for the financial year.

I request that this information be placed on the record for the Supplementary Hearings.

Please accept my apologies for the inconvenience my incorrect answer may have caused.

Yours sincerely



Mick Palmer
Inspector of Transport Security

23 November 2005

Cc: Ms Maureen Weeks

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Australian Government
Department of Transport and Regional Services

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15 DEC 2005
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File Reference: RP01746

The Hon Bill Heffernan
Chair
Senate Rural and Regional Affairs and Transport Legislation Committee
Department of Senate
Parliament House
CANBERRA ACT 2600

Dear Mr Heffernan

Subject: SUPPLEMENTARY ESTIMATES 2005

I write regarding my statements at the recent Senate Estimates Hearings of 31 October 2005.

At the time of the hearing incorrect information was unintentionally given. The incorrect excerpt appears in the Hansard as follows:

Date: Monday, 31 October 2005
Pages: RRA&T 104 and 105
Line: last line and fourth line respectively

"Ms Page - The total cost of the project is \$105.8 million, made up of \$55,000 - sorry, \$105,880, made up of \$55,000 from the Australian government, \$50,000 from the Shire of East Pilbara and \$880 from Bluescope Steel."

"Ms Page- Eight hundred and eighty dollars."

It has been brought to my attention that BHP Billiton, not BlueScope Steel, has made the in-kind contribution of \$780, not \$880, towards this project. I request the correction be placed on the record relating to the Supplementary Estimates session.

I apologise for any inconvenience the incorrect information may have caused.

Yours sincerely

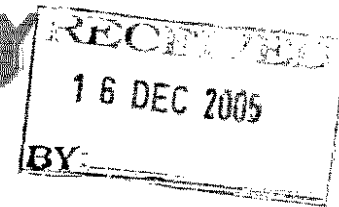
Susan Page
Deputy Secretary

9 December 2005



Australian Government
Department of Transport and Regional Services

COPY



Senator the Hon Bill Heffernan
Chair
Senate Rural and Regional Affairs and Transport Legislation Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Heffernan

Subject: Amendment to Hansard — Supplementary Estimates Hearings October 2005

I write in relation to statements made by the General Manager, Office of Transport Security, Ms Vicki Dickman, at the Department of Transport and Regional Services Supplementary Senate Estimates Hearings on 31 October 2005. At the time of the hearing incorrect information was unintentionally provided in response to a question from Senator O'Brien, recorded on page 53, line 47 of the Supplementary Estimates Hansard:

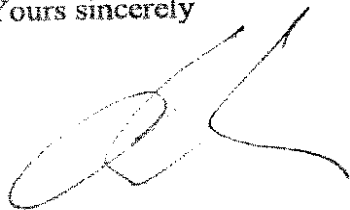
'Ms Dickman—That is correct. If they have a legitimate need to access a security regulated airport, then they are required to have an ASIC. Those pilots, for example crop dusters, that tend not to need to access a security regulated airport will simply have their pilot photo ID, but both of them have the same background checks underpinning them.'

The final part of Ms Dickman's response is incorrect and I would appreciate the removal of the words 'but both of them have the same background checks underpinning them' from the record. There are no replacement words.

Both a pilot licence and an ASIC require a security assessment through the Australian Security Intelligence Organisation, a criminal records check through the Australian Federal Police and, if relevant, a citizenship check through the Department of Immigration and Multicultural and Indigenous Affairs. However, as a result of the different eligibility requirements, the background checking for an ASIC is more rigorous than is required for a pilot licence.

I apologise for this error and any inconvenience that the incorrect information may have caused.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AL', written over a faint circular stamp or watermark.

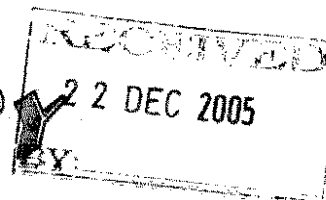
Mr Andrew Lalor
Acting General Manager
Office of Transport Security

15 December 2005



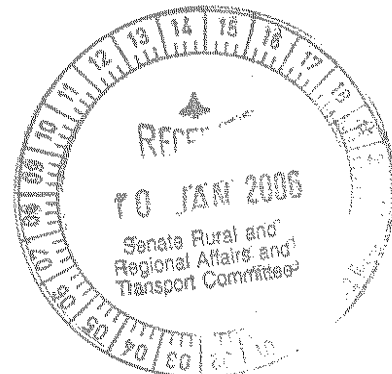
Australian Government
Department of Transport and Regional Services

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File Reference: N20001/2689

Senator The Hon Bill Heffernan
Chair
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600



Dear Senator Heffernan

Subject: Supplementary Estimates 2005

I am writing regarding the statements of my colleague Dr Gary Dolman at the recent Senate Estimates Hearings of 31 October 2005.

At the time of the hearing, incorrect information was unintentionally given. The incorrect information appears in the Hansard as follows:

Date: Monday 31 October 2005
Page: RRA&T 107
Line: 13

Dr Dolman - Pormpuraaw in Queensland

The correct information should be

Dr Dolman - Dunedoo in New South Wales

There is also a spelling error in the same paragraph, as follows:

Date: Monday 31 October 2005
Page: RRA&T 107
Line: 14

Dr Dolman - *withdrew from the program were Arakoon in Queensland and*

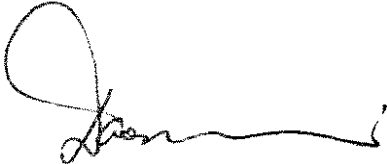
The correct spelling should be

Dr Dolman - *withdrew from the program were Aurukun in Queensland and*

I request that the correct information and spelling be placed on the record of the Hansard relating to the above session of the Supplementary Hearings 2005.

I apologise for any inconvenience the incorrect information may have caused.

Yours sincerely

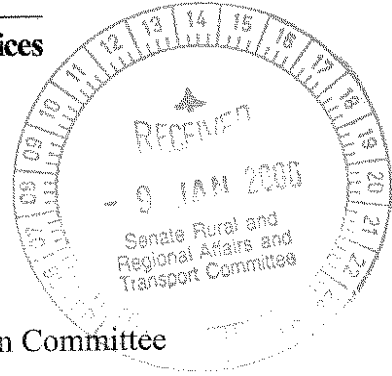
A handwritten signature in black ink, appearing to read 'Daniel Owen', with a large loop at the start.

Daniel Owen
Ag Executive Director
Regional Services Business Division

20 December 2005



Australian Government
Department of Transport and Regional Services



Senator the Hon Bill Heffernan
Chair
Senate Rural and Regional Affairs and Transport Legislation Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Heffernan

Subject: Supplementary Estimates 2005

I write regarding my statements at the recent Senate Estimates Hearings on 31 October 2005.

At the time of the hearing incorrect information was unintentionally provided in response to a question from Senator O'Brien, recorded on page 47, line 29 of the Supplementary Estimates Hansard:

'Ms Dickman—...to date about \$13.6 million has been allocated and announced.'

The amount of funding under the Regional Airport Funding Program that had been advised was allocated and announced was incorrect. On the date of the hearing, approximately \$10.6 million had been allocated and announced. At 22 December 2005, approximately \$15.3 million has been allocated and announced.

I request that the correct information be placed on the record of the Hansard relating to the above session of the Supplementary Hearings 2005.

I apologise for any inconvenience that the incorrect information may have caused.

Yours sincerely

Ms Vicki Dickman
General Manager
Office of Transport Security

22 December 2005

CASA



Australian Government
Civil Aviation Safety Authority

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Trim Ref: *IN06/484*
 File Ref:

3 February 2005

The Secretary
 Senate Rural and Regional Affairs and Transport Committee
 Parliament House
 CANBERRA ACT 2600



Dear Sir

**Response to Matter Raised at Committee's October 2005 Hearings – CASA
 Tendering Procedures**

One of the matters raised at the Committee's hearings on 31 October 2005 related to procurement processes followed by CASA's Change Implementation Team, against the background that the person at the time heading the CIT had been an employee of Acumen Alliance, one of the organisations that was subsequently a successful tenderer.

I advised the Committee at that time that although I had clear advice that CASA's procurement processes were properly followed, and that the Acumen Alliance employee had been appropriately isolated from the tender process, to give myself additional assurance I had commissioned Ms Barbara Yeoh, the independent chair of the CASA Audit and Risk Committee, to undertake a review of the procedures that had been followed. I undertook to advise the Committee of the outcome of that review.

Ms Yeoh has provided a comprehensive report on her review of CASA's market testing procurement procedures, and in particular on the potential for conflict of interest. Ms Yeoh concluded:

- "The market testing tender arrangements that were used were in conformity with the requirements of the (CASA) Procurement Manual".

GPO Box 2005 Canberra ACT 2601 Telephone: (02) 6217 1001 Facsimile: (02) 6217 1444

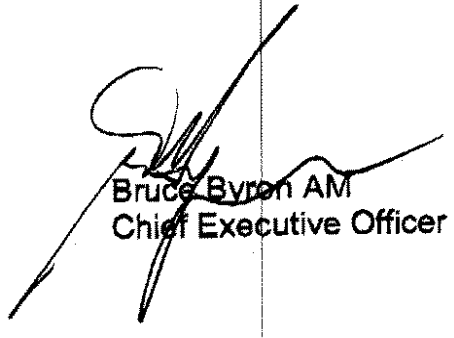
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CASA

- o "(The Acumen Alliance employee's) conflict of interest was appropriately recognised and dealt with in the procurement process, in conformity with CASA protocols".

Yours sincerely



Bruce Byron AM
Chief Executive Officer

Senate Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
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Question no: CORP 01

Division/Agency: Corporate Services

Topic: FTE positions

Hansard page: 7 (31/10/05)

Senator O'Brien asked:

If all those positions were filled, how many FTE positions would you have?

Answer:

Divisions' Business Plans for 2005-06 projected full year staffing of 1262 FTE. This figure will be reviewed in the Department's mid-year review to take account of the subsequently-expanded transport security role.

Question no: CORP 02

Division/Agency: Corporate Services

Topic: FTE growth

Hansard page: 7 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—If you could get it for us on notice, I would appreciate it. Is the growth of 32 FTEs to 30 September 2005 a trend that continues?

Mr Chandler—I would like to take on notice what the growth projection is.

Answer:

The rate of growth needed to meet the projected staffing level of 1262 over the 2005-06 financial year is 11.8 per cent. Therefore, the trend seen in the first three months of 2005-06 will need to continue for the full year estimated staffing level to be achieved.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Question no: CORP 03

Division/Agency: Corporate Services

Topic: Inappropriate use of departmental credit cards

Hansard page: 10 (31/10/05)

Senator O'Brien asked:

Can you tell us what sort of mismanagement has been involved? What sorts of inappropriate expenditures have been involved?

Can you provide us on notice the details of the inappropriate use?

Answer:

Since the use of credit cards was extended more widely to departmental staff in 2000, there have been 3 instances identified of inappropriate use by staff members—one in 2003-04 and two instances in 2004-05.

The instance in 2003-04 involved a staff member using a departmental credit card for some personal transactions. The matter was dealt with by the Department as a breach of the APS Code of Conduct and the monies were repaid by the staff member.

Of the two instances in 2004-05, the first involved the unauthorised withdrawal of monies by a staff member. This person has now left the Department with all monies recovered from the person's final pays.

The second instance involved some unauthorised purchases and some unauthorised withdrawal of monies by a staff member. The matter has been dealt with by the Department as a breach of the APS Code of Conduct and those monies that related to the unauthorised transactions have been repaid by the staff member.

Question no: CORP 04

Division/Agency: Corporate Services

Topic: Staff travel

Hansard page: 10 (31/10/05)

Senator O'Brien asked:

1. Can [you] quantify the amount of travel being undertaken on behalf of the Department? Do you have a figure available for how many staff travel days there are?
2. Do you have the number of flights taken?
3. Can you give us a breakdown of the travel with regard to the different airlines on the regional routes and some will be on the main routes?

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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4. Can you tell us how much of DOTARS corporate travel is being distributed to smaller airlines—that is, non-Qantas travel - and perhaps you can break it down to SES travel as well?

Answer:

1. Travel information is not available by number of days travelled.
2. For 2004-05 10987 sectors were flown on domestic trips and 1040 sectors on international trips.

For 2005-06 (to 30 September 2005) 3448 sectors were flown on domestic trips and 344 sectors for international trips.

3. Airline share by sector for **domestic travel** for the **2004-05 financial year** is shown in the following table:

DOMESTIC AIRLINE CARRIER	SECTORS	
AIR LINK PTY LTD	19	0%
AIRNORTH REGIONAL	92	1%
AVANT AIRLINES	19	0%
BRINDABELLA AIRLINES	57	1%
HAZELTON AIRLINES/REGIONAL EXPRESS	283	3%
JETSTAR AIRWAYS	128	1%
MACAIR AIRLINES	9	0%
OCCONNOR-MOUNT GAMBIERS AIRLINES	14	0%
QANTAS AIRWAYS	9,190	84%
SKYTRANS	1	0%
SKYWEST AIRLINES	74	1%
SUNSHINE EXPRESS AIR	18	0%
VIRGIN BLUE	1,083	10%
	TOTAL 10987	100%

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Airline share by sector for **domestic travel** for **2005-06 to 30 September 2005** is shown in the following table:

DOMESTIC AIRLINE CARRIER	SECTORS	
AIR LINK PTY LTD	15	0%
AIRNORTH REGIONAL	8	0%
AVANT AIRLINES	9	0%
BRINDABELLA AIRLINES	20	1%
HAZELTON AIRLINES/REGIONAL EXPRESS	45	1%
JETSTAR AIRWAYS	48	1%
MACAIR AIRLINES	6	0%
OCONNOR-MOUNT GAMBIERS AIRLINES	2	0%
QANTAS AIRWAYS	2,808	81%
SKYWEST AIRLINES	47	1%
SUNSHINE EXPRESS AIR	16	0%
VIRGIN BLUE	424	12%
	TOTAL 3448	100%

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ANSWERS TO QUESTIONS ON NOTICE

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3. (cont'd) Airline share by sector for **international travel** for the financial year **1 July 2004-30 June 2005** is shown in the following table:

INTERNATIONAL AIR CARRIER	SECTORS	
AER LINGUS	2	0%
AEROFLOT RUSSIAN AIR	2	0%
AIR CANADA	30	3%
AIR FIJI LTD	15	1%
AIR FRANCE	3	0%
AIR NAURU	12	1%
AIR NEW ZEALAND	35	3%
AIR NIUGINI	1	0%
AIR PACIFIC LTD	34	3%
AIR VANUATU	6	1%
AIRNORTH REGIONAL	4	0%
AMERICAN AIRLINES	13	1%
ASIANA AIRLINES	6	1%
AUSTRIAN AIRLINES	28	3%
BRITISH AIRWAYS	37	4%
CATHAY PACIFIC AIRWAYS	19	2%
CONTINENTAL AIRLINES	2	0%
CZECH AIRLINES	4	0%
DELTA AIR LINES INC	1	0%
DRAGONAIR HONG KONG	2	0%
EMIRATES AIRLINES	5	0%
GARUDA INDONESIAN	20	2%
GRAND CANYON AIRLINES	8	1%
HAZELTON AIRLINES/REGIONAL EXPRESS	3	0%
IBERIA	1	0%
JAPAN AIRLINES CO LTD	1	0%
KOREAN AIR	11	1%
LAN CHILE	2	0%
LUFTHANSA	7	1%
MALAYSIAN AIRLINE SYSTEM	16	2%
NATIONAL JET SYSTEMS	120	12%
NORTHWEST AIRLINES	4	0%
PHILIPPINE AIR LINES	1	0%
POLYNESIAN AIRLINES LTD	17	2%

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INTERNATIONAL AIR CARRIER	SECTORS	
QANTAS AIRWAYS	488	47%
SAS	2	0%
SINGAPORE AIRLINES	38	4%
SN BRUSSELS AIRLINES	2	0%
SOLOMON ISLAND AIRWAYS	4	0%
THAI AIRWAYS INTL	15	1%
UNITED AIRLINES	12	1%
USAIR	1	0%
VANAIR LIMITED	2	0%
VARIG AIRLINES	2	0%
VLM BELGIUM	2	0%
	TOTAL 1040	100%

Airline share by sector for **international travel** for the year to date **1 July 2005-30 September 2005** is shown in the following table:

INTERNATIONAL AIR CARRIER	SECTOR	
AIR CANADA	4	1%
AIR NAURU	8	2%
AIR NEW ZEALAND	6	2%
AIR PACIFIC LTD	36	10%
AIR VANUATU	1	0%
ALITALIA	2	1%
AMERICAN AIRLINES	7	2%
ASIANA AIRLINES	3	1%
AUSTRIAN AIRLINES	6	2%
BRITISH AIRWAYS	5	1%
BRITISH MIDLAND	1	0%
CATHAY PACIFIC AIRWAYS	7	2%
CONTINENTAL AIRLINES	12	3%
DELTA AIR LINES INC	3	1%
IBERIA	2	1%
KOREAN AIR	28	8%

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INTERNATIONAL AIR CARRIER	SECTOR	
LAN CHILE	4	1%
LUFTHANSA	1	0%
MALAYSIAN AIRLINE SYSTEM	10	3%
NATIONAL JET SYSTEMS	37	11%
QANTAS AIRWAYS	107	31%
SINGAPORE AIRLINES	41	12%
UNI AIRWAYS CORPORATION	2	1%
UNITED AIRLINES	7	2%
VARIG AIRLINES	2	1%
VIRGIN BLUE (PACIFIC BLUE)	2	1%
TOTAL	344	100%

4. The level of DOTARS travel that is being distributed to **smaller airlines** is shown in the table below. The table shows the split between SES and non-SES usage for both 2004-05 and 2005-06 to 30 September 2005:

Airline Carrier	2004-05		2005-06 (to 30 Sept)	
	SES	Non-SES	SES	Non-SES
Jetstar	1	78	2	27
Virgin Blue	10	485	11	219
Sunshine Express	0	0	1	4
Brindabella Airlines	3	27	2	12
Airlink	2	9	1	6
Mac Air	0	0	0	4
O'Connor Airlines	1	5	0	1
Avant	0	0	0	7
AirNorth Regional	1	46	0	7
Skywest	0	0	0	18

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Question no: CORP 05

Division/Agency: Corporate Services
Topic: Cost of national office re-configuration
Hansard page: 11 (31/10/05)

Senator O'Brien asked:

What is the refurbishment of national office accommodation in Canberra going to cost?

Answer:

Re-configuration of the existing fit out in the Department's 4 Mort Street and 111 Alinga Street premises is estimated to cost \$10.9m. This includes all capital works, design fees and project management costs. A further \$1.4m will be spent on fitting out additional new space in the two buildings. We have also budgeted for \$0.8m as a contingency provision.

Question no: CORP 06

Division/Agency: Corporate Services
Topic: Refurbishment budget
Hansard page: 12 (31/10/05)

Senator O'Brien asked:

1. Has the Department been allocated additional funds for this refurbishment or do you expect that to be the subject of an additional appropriation?
2. How much have you got set aside for that purpose?

Answer:

1. While no funding has been specifically provided by the Australian Government for the re-configuration of the Department's national office accommodation, funding has been provided for additional accommodation requirements through a number of new policy measures, some of which will be undertaken concurrently with the reconfiguration work.
2. As at 30 June 2005, the Department had specifically set aside \$13.4 million for national office leasehold improvements and a further \$1.7m will be available for national office accommodation requirements by 30 June 2006.

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Question no: CORP 07

Division/Agency: Corporate Services

Topic: Breakdown of employees

Hansard page: 7 (31/10/05)

Senator O'Brien asked:

Perhaps you can provide on notice a gender breakdown of employment in the Department by employment classification and by Division.

I would be interested in a similar breakdown of employment for other equal employment opportunity groups—people with disabilities, and from non-English speaking backgrounds.

Answer:

The following tables provide FTE figures for 30 September 2005. Note that some rounding has occurred in individual numbers.

Table 1: Gender by Division

Division	Female	Male
Auslink	33	45
Australian Transport Safety Bureau	21	84
Aviation and Airports	60	60
Corporate Services	93	62
Executive	6	2
Maritime and Land Transport	33	67
Office of Transport Security	104	150
Portfolio Strategic Policy and Projects	16	30
Regional Services	124	92
Territories and Local Government	39	40
All DOTARS (FTE)	529	632

Table 2: Gender by Classification

Classification Group	Female	Male
APS 1-4 and equivalent	144	69
APS 5-6 and equivalent	212	212
EL1 and equivalent	118	174
EL2 and equivalent	46	149
SES/SEC	9	26
HPO		2
All DOTARS	529	632

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Table 3: Disability and Non-English-Speaking Background (NESB) by Division

Division	Disability	NESB
Auslink		16
Australian Transport Safety Bureau	1	8
Aviation and Airports	3	18
Corporate Services	4	25
Executive		
Maritime and Land Transport	4	13
Office of Transport Security	4	24
Portfolio Strategic Policy and Projects	2	11
Regional Services	4	20
Territories and Local Government	1	2
All DOTARS (FTE)	23	137

Table 4: Disability and Non-English-Speaking Background (NESB) by Classification

Classification Group	Disability	NESB
APS 1-4 and equivalent	8	36
APS 5-6 and equivalent	3	42
EL1 and equivalent	7	39
EL2 and equivalent	5	15
SES/SEC		5
HPO		
All DOTARS	23	137

Question no: CORP 08

Division/Agency: Corporate Services

Topic: Portfolio Strategic Policy and Projects Division's 2005-06 internal budget

Hansard page: 14 (31/10/05)

Senator O'Brien asked:

Is there an internal budget allocation for the strategic policy and projects groups?

Answer:

The Portfolio Strategic Policy and Projects Division's 2005-06 internal budget allocation is \$6.5 million.

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Question no: CORP 09

Division/Agency: Corporate Services

Topic: Information technology outsourcing arrangements

Hansard page: written question (Senator Conroy's Q 1 and 2)

Senator Conroy asked:

Please provide details of total departmental/organisational spending on information and communications technology (ICT) products and services during the last 12 months.

Please break down this spending by ICT function (e.g. communications, security, private network, websites).

Answer:

For the Financial Year 2004-05, Information Services Branch total spend on information and communication technology was \$18.310m (this includes both operational and capital items).

The breakdown is as follows:

Operational Expenses	\$m
Telecommunications	2.246
Desktop & LAN Services	3.550
Data Communications	1.512
Website	.765
IT Security	.091
IT Project Management	.408
Systems Support	2.367
Administration Support	.769
Depreciation	2.584
Total Operational Expenses	14.292
Capital Expenditure	4.219
Total Departmental Spend	18.511

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Question no: CORP 10

Division/Agency: Corporate Services

Topic: Information technology outsourcing arrangements

Hansard page: written question (Senator Conroy's Q 3)

Senator Conroy asked:

Was this spending in line with budget forecasts for this 12-month period?

- a. If not, please provide details of:
- i. The extent that information and communications technology (ICT) spending exceeded budget forecasts for this 12-month period;
 - ii. Details of specific ICT contracts which resulted in the department/organisation spending in excess of budget forecasts for this 12-month period;
 - iii. The reasons ICT spending exceeded budget forecasts for this 12-month period.

Answer:

The Department's spending for operational information and communications technology (ICT) for financial year 2004-05 was in line with budget forecasts.

The Department's spending for capital ICT for financial year 2004-05 was below budget forecasts.

Question no: CORP 11

Division/Agency: Corporate Services

Topic: Information technology outsourcing arrangements

Hansard page: written question (Senator Conroy's Q 4)

Senator Conroy asked:

Please provide details of any information and communications technology (ICT) projects that have been commissioned by the department/organisation during the past 12 months that have failed to meet designated project time frames (i.e. have failed to satisfy agreed milestones by agreed dates).

- a. For such projects that were not completed on schedule, please provide details of:
- i. The extent of any delay;
 - ii. The reasons these projects were not completed on time; and
 - iii. Any contractual remedies sought by the department/organisation as a result of these delays (e.g. penalty payments).

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Answer:

No information and communications technology (ICT) projects commissioned by the Department during the past 12 months have failed to meet milestones as agreed by the relevant Project Boards.

Question no: CORP 12

Division/Agency: Corporate Services

Topic: Information technology outsourcing arrangements

Hansard page: written question (Senator Conroy's Q 5)

Senator Conroy asked:

Please provide details of any ICT projects delivered in the past 12 months that have materially failed to satisfy project specifications.

Answer:

No information and communications technology (ICT) projects delivered to/in the Department in the past 12 months have failed materially to satisfy project specifications.

Question no: CORP 13

Division/Agency: Corporate Services

Topic: Information technology outsourcing arrangements

Hansard page: written question (Senator Conroy's Q 6)

Senator Conroy asked:

Please provide details of any ICT projects that were abandoned by the department/organisation within the last 12 months before the delivery of all project specifications outlined at the time the project was commissioned.

- a. For such abandoned projects, please provide details of:
 - i. Any contractual remedies sought by the department as a result of the abandonment of these projects;
 - ii. Any costs of re-tendering the ICT project.

Answer:

No information and communications technology (ICT) projects have been abandoned by the Department within the last 12 months.

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Question no: CORP 14

Division/Agency: Corporate Services

Topic: Travel

Hansard page: written question (Senator Fielding's Q 1)

Senator Fielding asked:

How much money has the Portfolio spent on **domestic** airfares for each of the last three financial years?

Answer:

On the basis of information provided by the Department's travel service provider, the Department of Transport and Regional Services spent \$2,564,568, \$1,682,156 and \$3,080,319 for 2002-03, 2003-04 and 2004-05, respectively.

Information on other agencies' expenditure will be provided separately by the respective agencies.

Question no: CORP 15

Division/Agency: Corporate Services

Topic: Travel

Hansard page: written question (Senator Fielding's Q 2)

Senator Fielding asked:

How much money has the Portfolio spent on **overseas** airfares for each of the last three financial years?

Answer:

On the basis of information provided by the Department's travel service provider, the Department of Transport and Regional Services spent \$775,736, \$891,438 and \$1,814,311 for 2002-03, 2003-04 and 2004-05 respectively, on overseas airfares.

Information on other agencies' expenditure will be provided separately by the respective agencies.

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Question no: CORP 16

Division/Agency: Corporate Services

Topic: Travel

Hansard page: written question (Senator Fielding's Q 3)

Senator Fielding asked:

How much money has the portfolio spent on **economy class domestic** airfares for each of the last three financial years?

Answer:

On the basis of information provided by the Department's travel service provider, the Department of Transport and Regional Services spent \$2,035,343, \$1,293,344 and \$2,491,480 for 2002-03, 2003-04 and 2004-05 respectively, on economy class domestic airfares.

Information on other agencies' expenditure will be provided separately by the respective agencies.

Question no: CORP 17

Division/Agency: Corporate Services

Topic: Travel

Hansard page: written question (Senator Fielding's Q 4)

Senator Fielding asked:

How much money has the portfolio spent on **business class domestic** airfares for each of the last three financial years?

Answer:

On the basis of information provided by the Department's travel service provider, the Department of Transport and Regional Services spent \$529,226, \$388,812 and \$588,839 for 2002-03, 2003-04 and 2004-05 respectively, on business class domestic airfares.

Information on other agencies' expenditure will be provided separately by the respective agencies.

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Question no: CORP 18

Division/Agency: Corporate Services

Topic: Travel

Hansard page: written question (Senator Fielding's Q 5)

Senator Fielding asked:

How much has the portfolio spent on **first class domestic** airfares for each of the last three financial years?

Answer:

On the basis of information provided by the Department's travel service provider, the Department of Transport and Regional Services spent 'nil' on first class domestic airfares for 2002-03, 2003-04 and 2004-05.

Information on other agencies' expenditure will be provided separately by the respective agencies.

Question no: CORP 19

Division/Agency: Corporate Services

Topic: Travel

Hansard page: written question (Senator Fielding's Q 6)

Senator Fielding asked:

What would be the estimated financial year dollar-saving if all public servants in the portfolio travelled economy class for flights of less than one and a half hours duration?

Answer:

Details are not readily available and would require a significant manual process and diversion of resources to extract.

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Question no: CORP 20

Division/Agency: Corporate Services

Topic: Contract negotiations

Hansard page: written question (Senator Murray's Q 1)

Senator Murray asked:

What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not provided, please explain why this is the case.

Answer:

Guidance on the reporting requirements of the Senate Order, including the confidentiality criteria, is provided to staff through the distribution of an e-mail from the Department's Procurement Advisory Unit at the time of preparing the Senate Order. The e-mail provides specific guidance to staff on how to assess whether information in contracts should be regarded as confidential, including the four tests that should be employed to determine whether information should be protected. In addition, staff are provided with links to the relevant parts of the Department of Finance and Administration website for additional information on identification and treatment of confidential information in contracts.

Question no: CORP 21

Division/Agency: Corporate Services

Topic: Training

Hansard page: written question (Senator Murray's Q 2)

Senator Murray asked:

What training and awareness sessions are provided, either in-house or through other training providers (e.g. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.

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Answer:

Officers preparing responses in respect of the Senate Order were made aware of the requirements through an e-mail on 22 July 2005, at the time of preparing the most recent Senate Order. The e-mail outlined procedures for preparing the listing and guidance on how to assess whether information in contracts should be regarded as confidential. In addition, links to the relevant parts of the Department of Finance and Administration website were provided.

The e-mail was supported by one-on-one guidance over the following month by a staff member of the Department's Procurement Advisory Unit for Business Managers and other staff responsible for preparing the divisional responses.

Question no: CORP 22

Division/Agency: Corporate Services

Topic: Commonwealth procurement guidelines

Hansard page: written question (Senator Murray's Q 3)

Senator Murray asked:

Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?

Answer:

The Department published its revised procurement guidelines in February 2005 to incorporate the new Commonwealth Procurement Guidelines (including confidentiality elements). This guidance is available on the Department's internal website.

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Question no: CORP 23

Division/Agency: Corporate Services

Topic: ANAO audits

Hansard page: written question (Senator Murray's Q 4)

Senator Murray asked:

ANAO audits for the last three years have revealed a consistently low level of compliance across most Agencies with DOFA's confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest Report on the Order (No.11 of 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order.

- What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
- What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?
- What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the Agency considering the adoption of internal controls and checks?

Answer:

With the introduction of the Commonwealth Procurement Guidelines on 1 January 2005, the Department established a Procurement Advisory Unit (PAU) to assist in addressing the new procurement procedures and practices. As well, the PAU has adopted specific measures to raise compliance levels and awareness of the Senate Order requirements.

Specifically, the PAU has streamlined the Department's reporting procedures, including: the development and maintenance of a register of reportable contracts; provision of one-on-one guidance and training to staff responsible for compiling the Senate Order data; provision of information and guidance on identifying contracts for reporting purposes; and identification and treatment of confidential information in contracts for the purposes of the Senate Order, including the use of the four tests used to determine whether contractual information should be protected.

The PAU also undertakes a quality assurance process on the data provided by Divisions in relation to completeness and confidentiality.

The Department has conducted one-on-one training with staff responsible for preparation of the material for the Senate Order and will conduct additional training in mid-January 2006 for all staff responsible for compiling the 2005 Calendar Year Senate Order. This training will specifically address the requirements of confidentiality for the purposes of the Senate Order.

Senate Rural and Regional Affairs and Transport Legislation Committee
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Question no: CORP 24

Division/Agency: Corporate Services

Topic: The Senate Order

Hansard page: written question (Senator Murray's Q 5)

Senator Murray asked:

What problems, if any, have the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?

Answer:

The Department has experienced some issues in complying with the Senate Order, largely around the classification of contracts containing confidential information. This was caused by uncertainty amongst staff regarding the definition of confidential information for the purposes of the Senate Order. In addition, the Department was identified as one of two for which advice of the contracts listing was not tabled in the Senate by the due date.

The Department has been working to improve its performance in terms of compliance with the Senate Order. The Department's Procurement Advisory Unit now coordinates the Department's response to the Senate Order.

The Department has streamlined its reporting procedures, including: the development and maintenance of a register of reportable contracts; provision of one-on-one training to staff responsible for compiling Senate Order data; and provision of information and guidance on identifying contracts for reporting and identification and treatment of confidential information in contracts for the purposes of the Senate Order.

The Procurement Advisory Unit also undertakes a quality assurance process on the data provided.

Senate Rural and Regional Affairs and Transport Legislation Committee
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Question no: AUSL 01

Division/Agency: AusLink
Topic: AusLink bilateral agreements
Hansard page: 22 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN - So there is a standard provision about that?

Mr Mrdak—There is a standard provision in each of the agreements, including provision for standard signage across the national network.

Senator O'BRIEN—Can the Committee see a copy of the standard provision?

Mr Mrdak—I will also take that on notice. It forms part of a Bilateral Agreement. I would need to come back to you on that, if I can.

Senator O'BRIEN- For the sake of completion, I ask that the Committee see a copy of the full Bilaterals as signed.

Answer:

A copy of the Bilateral Agreements as signed, are **attached**.

The delay has been due to the time taken by Victoria to provide its agreement to release this document.

[AUSL 01 attachments – not included. Available from the committee secretariat on request]

Question no: AUSL 02

Division/Agency: AusLink
Topic: Independent Tasmanian rail study
Hansard page: 23 (31/10/05)

Senator O'Brien asked:

(The Independent Assessment of Rail Service Requirements in Tasmania)
What are the terms of reference?

Answer:

The Terms of Reference for the Study are **attached**. They can also be accessed at <http://www.dotars.gov.au/latest.aspx>.

[AUSL 02 attachment]

**TERMS OF REFERENCE
OF AN INDEPENDENT ASSESSMENT OF TASMANIA'S RAIL SYSTEM**

The independent assessment is to be oversighted by the Australian Government's Department of Transport and Regional Services and the Tasmanian Department of Infrastructure, Energy and Resources and is to report to the Australian Government Minister for Transport and Regional Services, the Hon Warren Truss MP and the Tasmanian Minister for Department of Infrastructure, Energy and Resources, the Hon Bryan Green MHA by 30 November 2005. Pacific National has agreed to fully participate in the assessment.

The report of the assessment will be provided on a confidential basis to Ministers because of the commercial sensitivity of much of the data that will need to be provided by Pacific National. However, it is expected that Ministers will release a public report on the findings of the assessment (which does not breach any confidentiality undertakings established with Pacific National).

The assessment will be using a 10-year planning horizon and having regard to any available information from the existing rail operator and other sources, examine two major issues:

1. Commercial/Financial Viability of Tasmanian Rail Operations

- current, and future forecasts of, rail container and bulk freight volumes and revenue in Tasmania;
- the current condition of the rail track, other infrastructure and rolling stock and required future upgrading and maintenance costs to adequately service current and future freight traffic; and
- using (a) and (b), assess the current and future commercial and financial viability of Tasmanian rail operations.

2. Economic and other Impacts of Rail on the Tasmanian Economy

- (a) outline the economic, environmental and other costs/benefits of rail on the Tasmanian economy; and
- (b) assess the future costs/benefits of transferring freight between transport modes in Tasmania.

Using the assessment report, officials will provide advice to Ministers on alternative options for meeting the strategic requirements of the Tasmanian freight transport task.

The assessment will be jointly funded by the two Departments.

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Question no: AUSL 03

Division/Agency: AusLink

Topic: Funding for ARTC infrastructure

Hansard page: 23–24 (31/10/05)

Senator O'Brien asked:

In relation to the ARTC infrastructure program as contained in AusLink, which is funded by the \$872 million announced at the time of the New South Wales lease agreement and an additional \$550 million contained in AusLink, are there any funding amounts for the construction of ARTC infrastructure, rather than maintenance of it?

Mr Wolfe—Absolutely, yes. A main part of that program is for construction, track upgrading and passing loops.

Senator O'BRIEN—Are you able to break that down?

Mr Wolfe—Could I take that on notice?

Senator O'BRIEN—Sure.

Answer:

The Australian Government and the Australian Rail Track Corporation (ARTC) are investing over \$2 billion in rail made up of:

- AusLink \$579 million; and
- ARTC \$1,422 million, of which \$693 million is funded by the Australian Government.

Projects being funded under the AusLink Investment Programme are attached.

The ARTC investment strategy for the Melbourne-Sydney-Brisbane corridor can be found at <http://www.artc.com.au/news/latest.htm>.

The ARTC has recently announced three major alliance contracts for the Melbourne-Sydney-Brisbane corridor. The contracts are:

- \$200 million to Transport Express Alliance for the renewal, rehabilitation and enhancement of rail and civil infrastructure along the North-Coast line between Sydney and Brisbane;
- \$134 million to Union Switch and Signal Pty Ltd to upgrade the signalling system between Sydney and Brisbane; and
- \$560 million to Australian Rail Consortium to provide a major track upgrade and construction of additional passing loops between Sydney and Melbourne.

ARTC will be announcing further contracts in 2006.

[AUSL 03 attachment]

Auslink Investment Programme

- **\$110 million** on the Port Botany links and Northern rail line towards improving rail access for freight trains on the Port Botany link and between Strathfield and Hornsby.
- **\$110 million** for a new rail link from the Dynon inter-modal precinct and the Port of Melbourne.
- **\$40 million** to the ARTC for the construction of a new bi-directional rail line between Tottenham and West Footscray.
- **\$80 million** towards the cost of Stages 2 and 3 of the Port River Expressway and associated road and rail links in Adelaide.
- **\$14 million** to improve rail links between Kewdale intermodal precinct and the Fremantle Port.
- **\$20 million** towards the Geelong to Mildura rail standardisation project.
- **\$25 million** towards the Melbourne to Albury rail standardisation project.
- **\$8 million** to extend eight rail loops on the interstate line between Kewdale and Kalgoorlie.
- **\$20.1 million** towards replacing the final 76km of timber-sleepered track with concrete sleepers between Koolyanobbing and Kalgoorlie.
- **\$11.5 million** towards the cost of eliminating the Daddow Road level crossing at Kewdale.
- **\$25 million** towards the cost of a road overpass at the Beaudesert Road railway level crossing.
- **\$2.5 million** to realign railway lines beneath the Bakewell Bridge at Mile End.
- **\$145 million** for nation wide improvements projects including:
 - **\$42 million** for the extension of the CDMA (code division multiple access) telecommunications system across the entire interstate rail network by the Australian Rail Track Corporation (ARTC).
 - **\$21 million** for the ARTC to prepare the blueprint for an Advanced Train Management System (ATMS).
 - **\$20.6 million** for the ARTC to undertake a series of minor bridge and track upgrading works across the network.

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Question no: AUSL 04

Division/Agency: AusLink

Topic: Funding for ARTC infrastructure

Hansard page: 24 (31/10/05)

Senator O'Brien asked:

The original \$872 million included provision for borrowing by the ARTC but underwritten by the Australian Government. What is the status of that borrowing?

Answer:

The ARTC expects to undertake this borrowing in 2007-2008.

Question no: AUSL 05

Division/Agency: AusLink

Topic: AusLink Inter-modal Terminals Study consultants

Hansard page: 27 (31/10/05)

Senator O'Brien asked:

Mr Wolfe—We have the consultants Merrick and Associates doing it.

Senator O'Brien—And the Commonwealth is funding that consultancy out of the AusLink fund?

Mr Wolfe—That is correct

Senator O'Brien—Can you tell us how much that consultancy is costing?

Answer:

The consultancy is for the Meyrick Consulting Group and Arup to undertake the AusLink National Inter-modal Terminals Study for a total value of \$188,166 (\$171,060 excluding GST).

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Question no: AUSL 06

Division/Agency: AusLink

Topic: The Peel Deviation

Hansard page: 30 (31/10/05)

Senator O'Brien asked:

Has the Department received representations from the Member for Canning, Mr Randall, about this project?

Answer:

The Department of Transport and Regional Services has not received representations from the member for Canning, Mr Randall, about this project. The Department has received copies of correspondence Mr Randall sent to Ministers Truss and Lloyd and former Minister Anderson concerning this project.

Question no: AUSL 07

Division/Agency: AusLink

Topic: Peel Development Commission meeting

Hansard page: 31 (31/10/05)

Senator O'Brien asked:

I understand that Minister Lloyd held a meeting with the Peel Development Commission and stakeholders on 19 October this year.

- (a) Who initiated this meeting?
- (b) Can we find out which members of the Federal Government attended?
- (c) Do you know whether there was an outcome to the meeting?

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Answers:

- (a) The meeting was with the Peel Deviation Stakeholders Group, and the meeting was initiated by the Group.
- (b) Members of the Federal Government that attended the meeting were Minister Lloyd and Don Randall MP.
- (c) The outcomes of the meeting were Australian Government confirmation of \$170 million in capped funding for the New Perth-Bunbury Highway (Peel Deviation and Kwinana Freeway Extension project) and that the Western Australian Government needed to sign the AusLink Bilateral Agreement to enable funding in 2005-06 for this project and other AusLink National Network projects in the State.

Question no: AUSL 08

Division/Agency: AusLink

Topic: Tasman Highway election commitment

Hansard page: 32 (31/10/05)

Senator O'Brien asked:

In terms of Tasmanian commitments, I wanted to look briefly at the Howard Government's election commitment of \$1.5 million for the Tasman Highway between Nunamara and Targa. According to an answer to a question I placed on notice, this funding was announced by the then Liberal candidate, Mr Ferguson, on 28 September 2004. Does the Department have a copy of that statement?

Ms Armitage – We can provide it. I have not got it here with me. I will need to check whether the Department has it.

Senator O'Brien – Do you know if the Department wrote the announcement?

Ms Armitage – I am not aware of that. As I said, I need to check that. I would be surprised.

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Answer:

A copy of Mr Ferguson's media statement, entitled "Ferguson's \$5 million Plan for North East Tasmania", was provided during the hearings – Senator O'Brien's acknowledgement of receipt of the media statement is at page 34 of the *Hansard* transcript of the Senate Rural and Regional Affairs and Transport Legislation Committee for 31 October 2005. A further copy is **attached**. [See Attachment to AUSL 08]

The Department of Transport and Regional Services was not involved in preparation of this media statement.

[AUSL 08 attachment]



**Michael
Ferguson**



Liberal for Bass

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FERGUSON'S \$5 MILLION PLAN FOR NORTH EAST TASMANIA

'North East Roads, and Trail of Tin Dragon big winners'

Tuesday, September 28, 2004

Bass Liberal candidate Michael Ferguson said a re-elected Howard Government will continue to provide real support for North East Tasmania's future development.

"The Howard Government's strong economic management will allow the Coalition to provide the infrastructure and incentives to grow our economy and provide for better facilities here in the North East," Mr Ferguson said.

The \$5 million plan provides better roads for the area, encouragement for a major tourism project and funding to help our communities grow and improve our community facilities.

A re-elected Howard Government will spend \$3 million to help upgrade the Bridport-Scottsdale and Nunamara to Targa roads, Bass Liberal candidate Michael Ferguson revealed today.

A re-elected Howard Government will contribute \$150,000 for a Planning Strategy for Bridport to help the township manage its growth.

"Bridport is expected to expand over the next five years, especially with the assistance for tourism ventures and roadworks from the Howard Government," Mr Ferguson said.

Mr Ferguson reaffirmed a Howard Government pledge to provide \$1.7 million for the Trail of the Tin Dragon tourism venture, if a Federally funded \$50,000 feasibility study deems it viable.

"Winding its way through the towns and historic sites of North East Tasmania, from Scottsdale to St Helens, the trail has the potential to bring tourists and jobs to our region," Mr Ferguson said.

He announced funds for the Winnaleah Swimming Pool, the Bridport Bowls Club and a Legerwood Memorial Garden to remember World War I diggers from the district.

"We have listened to concerns and ideas in the North East region and we have acted," Mr Ferguson said

"If I am elected as the Federal Member for Bass I pledge to work tirelessly to ensure that the young people of the North East do not have to leave here in order to get a career and prosper. This is why yesterday's announcement of plans to establish an Australian Technical College in Northern Tasmania is such good news," he said.

The Australian Technical College will provide tuition for up to 300 talented Years 11 and 12 students with an interest in the trades. The College will offer both academic and vocational education to students while completing their school studies.

"If I am elected on October 9 what I am announcing here today is just the beginning. I will represent the people of the North East with determination," Mr Ferguson said.

"I will fight for fair treatment of this region to help it reach its potential. This is why we committed \$10 million for the Scottsdale-Lilydale Road in 2001 and contributed funds for projects such as the Bambougle Dunes Golf Links," he said.

Funding under the Ferguson plan and approved by Prime Minister John Howard includes:

- \$1.5 million to upgrade the Bridport-Scottsdale Road. The Tasmanian State Government must meet the remaining costs of this important project.
- \$1.5 million to upgrade the Tasman Highway between Nunamara and Targa. The Tasmanian State Government must meet the remaining costs of this important project.
- \$1.7 million for the Trail of the Tin Dragon venture, subject to a \$50,000 feasibility study.
- \$150,000 for a Bridport Planning Strategy undertaken by the Dorset Council.
- \$70,000 for an all weather bowling green at the Bridport Bowls Club.
- \$25,000 to upgrade the Winnaleah Swimming Pool.
- \$10,000 for a World War I memorial at Legerwood.

Question no. AUSL 08 - attachment

"Defence Minister Robert Hill today put to rest the Labor scare campaign about the future of the Scottsdale Defence Research Centre. This centre will be maintained. Its future was never under threat," Mr Ferguson said.

"We won't deal in scare campaigns such as the one causing distress for staff and families of the Scottsdale Defence Research Centre. Instead, a re-elected Howard Government will build on the strengths of this vibrant region," he said.

Contact Michael Ferguson on 0407-183549

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Question no: AUSL 09

Division/Agency: AusLink

Topic: Tasman Highway: Commonwealth and State consultation

Hansard page: 35 (31/10/05)

Senator O'Brien asked:

What consultations occurred between the Commonwealth and the State Government prior to this announcement being made to understand the priority given to this project by the State and the amount of funding the State could provide?

Answer:

As provided in answer to Questions on Notice 1235 and 1236, **attached**, the Government made the decision to commit \$1.5 million towards the upgrade of the Tasman Highway, between Nunamara and Targa, during the 2004 election campaign. The Department of Transport and Regional Services was not involved in any consultation with the Tasmanian Government regarding this project prior to the announcement.

[AUSL 09 attachment]

MINISTER FOR TRANSPORT AND REGIONAL SERVICES

Question No. 1235 & 1236

Senator O'Brien asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 19 September 2005:

With reference to the Coalition's 2004 Election commitment to contribute \$1.5 million to improve the Tasman Highway between Nunamara and Targa:

- (1) Who made the decision to make this commitment on behalf of Commonwealth and on what date?
- (2) Who made the commitment public and on what date?
- (3) Is the Commonwealth's funding commitment contingent upon the provision of funds from the Tasmanian State Government or other sources; if so: (a) what other sources must contribute funds to this project in order for the Commonwealth to meet its commitment? (b) who decided to make Commonwealth funding contingent upon the provision of funds from other sources and on what date? (c) on what date, in what manner and by whom was the Tasmanian State Government and/or other potential providers of funds made aware that the Coalition's funding commitment to this project was contingent upon the provision of funds from other non-Commonwealth sources? and (d) why is this condition of funding not specified in the Coalition's 2004 Election document entitled *A Stronger Economy, a Stronger Australia: The Howard Government Election 2004 Policy: Strengthening Tasmania's Economy and Building a Better Community*?

Senator Campbell - The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator's question:

- (1) The Government made the decision to commit \$1.5 million towards the upgrade of the Tasman Highway, between Nunamara and Targa, during the 2004 election campaign.
- (2) The Liberal Candidate for Bass, Michael Ferguson, issued a media release on 28 September 2004, announcing the Government's commitment to provide \$1.5 million on condition that the Tasmanian Government must meet the remaining costs for the project. The Government's Tasmanian policy statement *Strengthening Tasmania's Economy and Building a Better Community*, released on 6 October 2004, reaffirmed the \$1.5 million commitment.
- (3) Yes – a matching State Government contribution is a condition of funding under the AusLink Strategic Regional Programme.
 - (a) The project requires a matching contribution of \$1.5 million from the Tasmanian Government.
 - (b) The decision to make funding contingent on the provision of funds from other sources was made by the Government during the 2004 election campaign.

- (c) The Hon Jim Lloyd, Minister for Local Government, Territories and Roads, wrote to his State counterpart, the Hon Bryan Green, Tasmanian Minister for Infrastructure, Energy and Resources, on 17 November 2004 outlining the Government's election commitments. Minister Lloyd wrote again to Minister Green on 11 April 2005 providing formal confirmation of the Government's commitments to the four projects and seeking his confirmation that matching funding would be provided for all four projects, including the Tasman Highway project.
- (d) It is a matter for the Government how it chooses to announce funding commitments.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Question no: AUSL 10

Division/Agency: AusLink

Topic: Queensland Government and the Warrego, Bruce, Carnarvon and Outback Highways

Hansard page: 35 (31/10/05)

Senator Joyce asked:

Have the Queensland Government done anything about the Carnarvon, Warrego, Bruce or Outback Highways? Have the Queensland Government ever lobbied you about moving those roads up as a priority? Or, do they mainly concentrate on the south-east corner?

Answer:

The Carnarvon Highway is a State-controlled road. Setting of priorities and funding is the responsibility of the Queensland Government.

The Warrego and the Bruce Highways form part of the AusLink Network and were formerly part of the Federal Government-funded National Highway system. Before the introduction of AusLink, the Queensland Government submitted forward strategy reports that sought Federal Government funding for works identified as priorities by the State, on an annual basis.

AusLink provides funding on a 5-year basis. The Australian Government is currently developing corridor strategies in consultation with the State Government and this will assist in informing priorities for funding under future AusLink programmes. The Brisbane to Cairns (Bruce Highway) corridor strategy is one of the early pilot studies undertaken and initial work is now approaching completion. Corridor studies for other links in the AusLink network will be undertaken progressively over the coming year or so.

The Outback Highway route links Laverton in Western Australia with Winton in Queensland, via Uluru and Alice Springs. In Queensland, the Outback Highway comprises the Kennedy Developmental Road, a State-controlled road, and the Donohue Highway (west of Boulia), a local government road in Boulia Shire.

Prior to the 2004 Federal Election, the Australian Government committed \$10m under the Roads to Recovery Programme towards the Outback Highway. \$3m of this is proposed for the Outback Highway in Queensland, conditional on the Queensland Government providing matching funds. The Australian Government is currently developing arrangements for funding in consultation with the relevant State and Territory Governments involved.

Within the framework of AusLink funding arrangements, the Queensland Government seeks funding for roads across the entire AusLink National Network in Queensland, including those sections of the Network in Queensland's south-east.

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Question no: MLT 01

Division/Agency: Maritime and Land Transport

Topic: UN Booklet (UN Model Regulations on the Transport of Dangerous Goods)

Hansard pages: 41 and 60 (31/10/05)

Senator Heffernan asked:

What input did Australia have into that generous United Nations document (*The UN Recommendations on the Transport of Dangerous Goods – Model Regulations*); and Who was that person' (Who represents DOTARS at the UN meeting of the Committee of Experts on the Transport of Dangerous Goods?)

Answer:

Australia is represented at the United Nations (UN) meeting of the Committee of Experts for the Transport of Dangerous Goods. Attendance at the meetings provides an opportunity to present Australian views and comments. Australia is a voting member of the Committee and has previously attended meetings on a bi-annual basis, contributing significantly to outcomes.

An officer from the Road Transport Reform Section within the Maritime and Land Transport Division represents DOTARS on the UN Committee of Experts on the Transport of Dangerous Goods. The Model Regulations primarily deal with transport safety issues. However, over recent years, consideration has been given to transport security issues, and basic security provisions are now included in the Model Regulations including an indicative list of high consequence dangerous goods.

Australia supported the inclusion of the indicative list of high-consequence dangerous goods into the UN Model Regulations.

This Committee produces and updates the *UN Model Regulations for the Transport of Dangerous Goods* every two years. These Model Regulations are used as the basis for all international movements of dangerous goods and are incorporated into the International Marine Dangerous Goods Code for all sea transport, and into the International Civil Aviation Organisation's Technical Instructions for international air transport. The UN provisions are also incorporated into most countries (including Australia's) domestic land transport requirements for dangerous goods.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Question no: MLT 02

Division/Agency: Maritime and Land Transport

Topic: National Transport Commission 3rd Determination

Hansard page: Written question

Senator Adams asked:

How can the National Transport Commission justify a 37.6% increase in registration fees for B-Double (9 axle), 34.9% increase for double road trains and 29.9% for triple road trains?

Are you aware of the flow through effect that will arise from increased registrations to rural consumers, causing inflation to rise with higher prices and possible interest rate charges which will also impact on transport operators?

Answer:

Since its inception in 1991, the National Transport Commission (NTC) has had responsibility under an Inter-governmental Agreement (IGA) to examine the level of attributable road expenditure to heavy vehicles and to make recommendations to governments through the Australian Transport Council (ATC) on options for the recovery of these costs.

Under the IGA, the NTC is required to periodically review heavy vehicle road prices and make an assessment of whether those charges are appropriate. In doing this, the NTC must take account of increases in road construction and maintenance expenditure and changes in road use by type of vehicle.

The NTC adopts a methodology which assumes that the current level of road expenditure (all levels of government) provides a reliable proxy for annualised costs of road provision and maintenance for the current vehicle fleet. This cost is then attributed to individual heavy vehicle types through both a fuel charge (excise rate) and through an annual registration charge.

It is an aggregate recovery mechanism across each class of heavy vehicle in the fleet and not a direct cost model-based on individual road use. The last assessment was in 2000. The fuel excise charge estimated by the NTC has remained unchanged since 2001.

The NTC has released a Regulatory Impact Statement (RIS) detailing their methodology and the reasoning behind the assumptions underlying this methodology, which can be found at the National Transport Commission's web site

<http://www.ntc.gov.au>.

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The RIS states that the large increase for road trains is primarily due to changes in patterns of road expenditure in remote areas and increases in their relative share of vehicle activity compared to the Second Determination. For both B-doubles and road trains, more up-to-date and reliable data on pavement damage has meant increased cost allocation to those vehicle classes.

Details on the impact of the proposed charges on vehicle operating costs, industry production costs and on the cost of consumer goods are provided in the RIS. It does not contain specific details on the impact on rural consumers alone but does state that the percentage increase in an average basket of goods for remote areas is between 0.03 per cent and 0.09 per cent.

The registration charges component of heavy vehicle road user pricing is a matter for which States and Territories have direct responsibility.

Revised heavy vehicle road user charges will be considered by governments following final recommendations being submitted by the NTC.

Question no: MLT 03

Division/Agency: Maritime and Land Transport

Topic: Fuel excise

Hansard page: 26 (31/10/05)

Senator O'Brien asked:

What is the estimate of the value to the Commonwealth of that additional excise?

Answer:

Matters of fuel excise revenue are the responsibility of the Treasury Department. However, the National Transport Commission (NTC) has released a Regulatory Impact Statement (RIS) detailing their methodology for proposed registration and road user charges (fuel-based) to apply under the 3rd Heavy Vehicle Road Pricing Determination. Table 21 (page 47) of the RIS provides information on the impact of the new charges on revenues and indicates that in the opinion of the NTC, based on the analysis factor including changes in patterns of road expenditure, Federal revenue will rise from \$968 million to \$1210 million. A copy of the RIS can be found at the NTC's website <http://www.ntc.gov.au>.

Senate Rural and Regional Affairs and Transport Legislation Committee

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Question no: MLT 04

Division/Agency: Maritime and Land Transport, DOTARS

Topic: The new Customs System

Hansard page: 37 (31/10/05)

Senator O'Brien asked:

What involvement did this Department have with the promulgation of the Customs system as it affected the transport logistics network?

Answer:

The Department of Transport and Regional Services (DOTARS) had no input into the development of Custom's Cargo Management Re-engineering (CMR) System or its promulgation.

DOTARS part funds the Australian Freight Councils with the States and Northern Territory Governments.

A number of councils did assist Customs with the dissemination of information on the CMR system and organising industry information sessions. DOTARS was not involved in these activities.

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Question no: OTS 01

Division/Agency: Office of Transport Security
Topic: General Manager positions
Hansard page: 44 (31/10/05)

Senator O'Brien asked:

Can you tell me how long those three general manager positions have been held on an acting basis to date?

Answer:

The General Manager (Critical Infrastructure and Surface Transport Security) position has been filled on an acting basis since 16 December 2004.

The General Manager (Aviation Security) position has been filled on a long-term acting basis since 24 March 2005.

The General Manager (Maritime Security) position has been filled on a long-term acting basis since 18 July 2005.

Question no: OTS 02

Division/Agency: Office of Transport Security
Topic: Price of passenger and luggage scanning equipment
Hansard page: 48 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—Has the cost of aircraft security equipment—scanners, X-ray machinery et cetera—fallen with increased usage

Ms Dickman—Has it increased?

Senator O'BRIEN—Has the cost fallen?

Ms Dickman—Based on world demand, because of the volumes, we are finding the cost on certain items is coming down. But the world demand for other items which tend to be more customised and more difficult to get off the shelf has seen the price increase slightly.

Senator O'BRIEN—Where does passenger and luggage scanning equipment fit?

Ms Dickman—I am not an expert on passenger and luggage scanning, so I cannot give you a specific answer.

Senator O'BRIEN—Can anybody else?

Ms Dickman—The Australian Customs Service might be able to give you some advice in respect of the costs of some of the screening equipment.

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Senator O'BRIEN—I mean the equipment that screens passenger bags at domestic airports. That is not a Customs matter. Does someone in the Office of Transport Security know anything about that?

Mr Kilner—Not with regard to the price. We will take that on notice and come back to you. Are you talking about the checked baggage system?

Senator O'BRIEN—It could be the checked baggage or it could be the personal carry-on luggage. There are two sorts.

Mr Kilner—We will come back to you on that.

Answer:

Security screening at airports is the responsibility of individual screening authorities, that is airport or terminal operators or airlines which are approved by the Department to conduct passenger and baggage screening. Screening authorities are responsible for providing their own equipment in accordance with mandated requirements. The Department of Transport and Regional Services is not responsible for the purchase of this equipment and so has asked for input to this question from some of the major screening authorities.

From discussion with the screening authorities, it has been established that there is not a clear trend with regard to screening equipment costs. Much of the equipment used at Australian airports is leased and as such, trends cannot be easily analysed. In general terms, it appears that costs may have increased slightly. However, as with other developing high-technology equipment, newly-acquired equipment can have greater capabilities than the equipment being replaced so a direct comparison of costs is less meaningful.

The capital cost of equipment is only one aspect of the overall screening cost. Newer, more advanced, screening equipment with a higher capital cost may have an overall cost benefit because of, for example, a higher throughput of passengers or items of baggage, potentially leading to lower costs for staffing and other infrastructure.

Question no: OTS 03

Division/Agency: Office of Transport Security

Topic: Maritime workers affected through issuing of MSICs

Hansard page: 56 (31/10/05)

Senator O'Brien:

On 26 August 2005, the Australian newspaper reported comments made by Minister Truss and a senior Government official as saying that 20% of the maritime work force would be affected through the issuing of Maritime Security Identification Cards (MSICs). Did the Department provide Minister Truss with those figures?

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Answer:

The Department is not aware of the source of the figures referred to in the media article.

Question no: OTS 04

Division/Agency: Office of Transport Security

Topic: MSIC issuing bodies

Hansard page: 56 (31/10/05)

Senator Heffernan asked:

Would it be possible for you to provide the Committee with details of the successful issuing bodies?

Answer:

To this date, 2 December 2005, six Maritime Security Identification Card (MSIC) Issuing Body Plans have been approved by the Department of Transport and Regional Services (DOTARS). There are seven MSIC Issuing Body Plans under consideration.

It is the intention of DOTARS to publish the details of approved MSIC Issuing Bodies on DOTARS' website with the approval of the Issuing Body. To date, approved MSIC Issuing Bodies have not consented to their details being made public on the website.

Question No.: OTS 05

Division/Agency: Office of Transport Security

Topic: MSIC issuing bodies' criteria

Hansard page: 58 (31/10/05)

Senator Heffernan asked:

Can we have the list of what you refer to when considering applications from organisations to authorise an MSIC?

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Answer:

An “issuing body” may be a Maritime Industry Participant, a body representing participants, a body representing employees of participants or a Commonwealth authority.

The Secretary may authorise the applicant as an issuing body if he or she is satisfied that the applicant’s MSIC plan is adequate to give effect to the proposed plan’s purposes; and authorising the applicant as an issuing body would not be likely to be a threat to the security of maritime transport or an offshore facility.

A **MSIC plan** sets out procedures to be followed for:

- (a) the issue and production of MSICs;
- (b) the design, distribution and storage of sample MSICs for training purposes, if the issuing body proposes to issue such MSICs;
- (c) the safekeeping, secure transport and disposal of MSICs and associated equipment;
- (d) the recovery and secure destruction of issued MSICs that are no longer required;
- (e) the security of records in relation to applicants for MSICs;
- (f) lost, destroyed or stolen MSICs; and
- (g) ensuring that MSICs are returned to issuing bodies when they are no longer required.

Question no: OTS 06

Division/Agency: Office of Transport Security

Topic: Permits for the Port of Fremantle

Hansard pages: 39–40 (31/10/05)

Senator O’Brien asked:

In the document that has been supplied, the port of pickup is not specified. Is it possible to get details of permits for the Port of Fremantle for that period?

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Answer:

In response to the previously-asked coastal trade QON No. 1103 (see **OTS 06 Attachment 1 with attachments A and B**), details of all permits issued to foreign flagged ships undertaking coastal trade for the period 2000-2005 Single and Continuing Voyage were provided.

In response to this current question, additional information on permits issued for foreign flagged ships that have either loaded or discharged at Fremantle is included at: **Attachment 2 – Single Voyage Permits (Fremantle) 2000–2005**; and **Attachment 3 – Continuing Voyage Permits (Fremantle) 2000–2005**.

[OTS 06 attachments – not included. Available from the committee secretariat on request]

Question no: OTS 07

Division/Agency: Office of Transport Security

Topic: Aero Tropics security devices

Hansard page: Written question (Senator McLucas' Q 14.1)

Senator McLucas asked:

Has DOTARS received information from the Cairns Port Authority that Aero Tropics is not using aircraft security devices, as required under the new Aviation Transport Security Act 2004?

Answer:

No.

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Question no: OTS 08

Division/Agency: Office of Transport Security

Topic: North Queensland compliance with Aviation Transport Security Act 2004

Hansard page: Written question (Senator McLucas' Q 14.2, 14.3, 14.4)

Senator McLucas asked:

Can DOTARS give details of any physical inspection carried out to ensure that general aviation operators in Far North Queensland were compliant with the Aviation Transport Security Act when it came into force on 10 March 2005?

If inspections were carried out, when did this occur, who carried them out, who was inspected and what were the results?

Are Senators to assume from the answer to Question on Notice 1072 (3) of 9 August 2005 that no physical inspections have been carried out?

Answer:

General aviation operators were not required to fit anti-theft devices until after 10 March 2005 when the Transport Security Act (ATSA) 2004 came into effect. Since 10 March 2005, seventeen inspections of general aviation aircraft for anti-theft devices have been conducted at security-controlled airports in far north Queensland by the Department of Transport and Regional Services (DOTARS) Aviation Security Inspectors (ASI). Compliance rates for general aviation aircraft across Queensland to date are 84%. Of those aircraft that were not compliant with the requirement for anti-theft devices, DOTARS ASI are following up with the registered operator to ensure compliance with the ATSA 2004.

Question no: OTS 09

Division/Agency: Office of Transport Security

Topic: Aviation operators audits

Hansard page: Written question (Senator McLucas' Q 15)

Senator McLucas asked:

- (1) It is stated in the answer to QoN 1072 (2a) that compliance audits have begun of aviation operators. What does this audit consist of and when did it begin?
- (2) The answer also refers to non-compliant general aviation operators. The answer to QoN 1072 (1) stated that all airlines operating a prescribed service complied with the Act on 10 March. Does that include general aviation operators?
- (3) If so, how is it that there are evidently non-compliant general aviation operators, as referred to in QoN 1072 (2a)?

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- (4) Can we have a list of non-complying general aviation operators, detailing how they are non-compliant?
- (5) Can you tell us which Queensland aviation operators have been audited to date?

Answer:

- (1) General aviation aircraft are inspected by the Department of Transport and Regional Services (DOTARS) Aviation Security Inspectors (ASI) to ensure they comply with the requirement to take reasonable measures to prevent their aircraft being flown by an unauthorised person. This activity began in Queensland on 27 June 2005.
- (2) General aviation operators did not have to comply with the requirement to take reasonable measures to prevent their aircraft being flown by unauthorised persons until after the Act took effect on 10 March 2005. Operators of prescribed air services were required to have an approved Transport Security Program on 10 March 2005 and all complied with this requirement.
- (3) 1072 (2a) refers to general aviation operators that are not compliant with the requirement to ensure that anti-theft devices are fitted to the aircraft, to prevent the aircraft being flown by an unauthorised person. Not all general aviation aircraft inspected to date have had a visible anti-theft device; these operators are followed up by DOTARS ASI to ensure compliance with the requirements of Aviation Transport Security Act 2004.
- (4) This information is not appropriate for public release as it could assist in planning or execution of a security incident.
- (5) Please see response to (4).

Question no: OTS 10

Division/Agency: Office of Transport Security

Topic: Transport Security Programs

Hansard page: Written question (Senator McLucas' Q 16.1)

Senator McLucas asked:

If it is possible to have a copy of the Transport Security Programs submitted prior to 10 March 2005 for Queensland general aviation operators?

Answer:

This information is not appropriate for public release.

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Question no: OTS 11

Division/Agency: Office of Transport Security

Topic: Compliance visits for regional aviation

Hansard page: Written question (Senator McLucas' Q 16.2, 16.3)

Senator McLucas asked:

The Department states in answer to Question on Notice No. 1072 (5) that there have been 21 compliance visits to Queensland regional airports and airlines. Can the Department explain the purpose of those visits, the nature of any compliance checks, and the results?

Can the Department explain which airports and which general aviation operators have undergone one of these compliance checks?

Answer:

The purpose of the compliance visits to new entrant airports and prescribed aircraft operators that became security-regulated on 10 March 2005 is to assess progress with implementation of basic security measures, assess progress with implementing Transport Security Programs and to facilitate an enhanced awareness and understanding of the Aviation Transport Security Act (ATSA) 2004. The compliance visits also provide an opportunity to raise awareness amongst operators of other Government initiatives to improve regional aviation security. Across Queensland, 49 compliance visits have taken place with airports and prescribed aircraft operators. Information about airports and general aviation operators that have had compliance visits is not appropriate for public release.

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Question no: IOTS 01

Division/Agency: Office of the Inspector of Transport Security

Topic: Inspector of Transport Security contract

Hansard page: 61 (31/10/05)

Senator O'Brien asked:

Is there any reason that the contract you signed needs to remain private?

Mr Palmer—I have not stopped to think about it from my point of view, but I would not think so—unless Mr Mrdak has a view. It was just a standard Government contract, as I understand it.

Mr Mrdak—It is a standard contract of engagement. I am happy to review it and to take it on notice.

Answer:

No. The contract is a standard Public Service non-ongoing contract of engagement.

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Question no: CASA 01

Division/Agency: Civil Aviation Safety Authority

Topic: Correspondence to Mr Toller

Hansard page: 68 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—Was the correspondence to Mr Toller from the Minister or from his office?

Mr Gemmell—I believe it was from the Minister.

Senator O'BRIEN—Can we have a copy of that email?

Mr Gemmell—I will have to refer that one to the Minister.

Answer:

A copy of the e-mail is **attached**.

[CASA 01 attachment]

From: Anderson, John (MP)
Date: Thursday, April 03, 2003 12:03 PM
To: TOLLER, Mick
Cc: Ken.Matthews@dotars.gov.au
Subject: AIRSPACE REFORM

Dear Mick

Recent events reduce my comfort level with the way CASA is handling my airspace reform agenda.

While I remain broadly on side with CASA, I am getting a strong impression that some of your middle ranking people are still opposed to the changes. I ask myself the question as to whether this could be driven by a personal dislike for the former Chair of CASA. I certainly hope that this is not the case. Nevertheless, I want you to give a blunt warning to the people concerned that I will not tolerate them playing politics or destabilising this project in any way.

As I have said previously, the safety issues related to this project are a matter for CASA and Airservices to resolve. However, this does not extend to stalling tactics. My office is most concerned that as we are encountering so much difficulty with a relatively simple issue now how are we ever going to get through the MBZ issue for implementation in November.

I have said it numerous times before and I say it again that apart from the day to day safety issues airspace reform is my top priority and I expect this to be reflected in your programmes as well. Clearly some of you have still to get this message. Recent correspondence from Jim Shirley to Mike Smith simply confirms this.

I want you to take direct charge of this matter and as such I will hold you personally responsible for ensuring that CASA provides the appropriate level of cooperation and complete its part of the project on time. In particular, as set out in Peter Langhorne's note to Bruce Gemmell, CASA is to work with Mike Smith to come up with a viable solution within two weeks to overcome the complications caused by the insertion of the CASA document in the IG correspondence.

Mike Smith has my full support and I expect CASA to take this into account when dealing with him and that CASA will give him the same level of support as I do.

Frankly, given that in essence we are really only aligning our air space arrangements more closely with the world's biggest aviation nation, the U.S., those responsible for making the changes are beginning to look more than a little ineffective, and are beginning to look a bit ridiculous. I am not impressed – I want action and I want it fast Mick.

We are all spending too much time on this and as stated previously, I want you to take charge personally and sort it out with the IG, Airservices and CASA.

JOHN ANDERSON

Senate Rural and Regional Affairs and Transport Legislation Committee

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Question no: CASA 02

Division/Agency: Civil Aviation Safety Authority

Topic: Minutes of meeting in Mr Matthew's office

Hansard page: 69 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—At the last hearings, we also discussed a meeting in Mr Matthew's office following that communication. That meeting was in response to Mr Anderson's correspondence. Is that correct?

Mr Gemmell—No. I think that meeting took place before or around the same time as Mr Anderson's correspondence. Certainly, I had had the meeting before I became aware of the email to Mr Toller, who was, as I recall, on leave at the time. I am saying that the email may have sent before the meeting, but certainly it was not received by anyone in CASA until after the meeting had occurred.

Senator O'BRIEN—Have you had a look at the details of the record of this meeting?

Mr Gemmell—Have I had a look at them?

Senator O'BRIEN—Yes.

Mr Gemmell—Some months ago, when you refreshed my memory of all these events, I went back and had a look at what went on and the sequence of events that occurred.

Senator O'BRIEN—Can the Committee have a copy of that record?

Answer:

A copy of Mr Gemmell's meeting record is **attached**.

[CASA 02 attachment]

CASA / DOTARS MEETING

4 April 2003

The meeting was held in Ken Matthews' office in DoTARS.

Present were:

Ken Matthews (Secretary, DoTARS)
Peter Yuile (Deputy Secretary, DoTARS)
Bruce Gemmell (Acting Director, CASA)
Jim Shirley (CASA)

Following is the record of Ken Matthews' briefing extracted from Bruce Gemmell's diary:

Meeting with CASA – 4 April 2003

- The Minister has told me that he is doubtful that CASA is committed to airspace reform
 - particularly at middle level.
- He says that he sees clear evidence of CASA foot-dragging. He thinks CASA (and the individual senior staff who were personally involved in the CASA insert) have “got away lightly” for their behaviour on the CASA insert.
- He expects Mick to take a much more hands-on role in relation to airspace reform.
- He wants airspace reform to have priority over other CASA activities, including other Ministerially-endorsed priorities for CASA.
- He has sent a blunt message to Mick by email. He says he will not tolerate CASA playing politics or destabilising the airspace reform project in any way.
- He has said to Mick that he will be holding him personally responsible for ensuring the CASA cooperate, on time.
 - in particular there is only two weeks for CASA and the IG to come up with a proposal to overcome the complications caused by the CASA insert.
- He wants action and he wants it fast. He wants Mick to take charge personally of this issue.
- The Minister has said to me that he will make executive changes in the various agencies if necessary. He wants safe and timely implementation and a mindset which is about how agencies can cooperate to make it happen. He accepts of course the statutory responsibilities of each agency but he wants action within those statutory responsibilities – including the overriding safety objective – to make it happen.
- These comments from the Minister may be unpalatable but they are a warning to us all.
- We have a professional responsibility to be thoroughly responsible and responsive to the Minister, within the law.
- The Minister has every right to exert his will in this way. We now need to get cracking on it.
- I will be speaking in similar terms to Airservices on Monday.

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Question no: CASA 03

Division/Agency: Civil Aviation Safety Authority

Topic: CASA staff redundancies

Hansard page: 70 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—Can you confirm that \$1.8 million has been set aside for redundancies this year?

Mr Byron—We have not specifically allocated a figure to redundancies, but obviously with the long-term funding we have had to take account of the effect of the reduction of 30 staff. So, within the budget figure we have accounted for the redundancies of up to 30 staff.

Senator O'BRIEN—So, that is a redundancy figure of about \$60,000 a head?

Mr Byron—I would have to check that. If that is how the maths work out.

Answer:

The Civil Aviation Safety Authority (CASA) has budgeted \$1.8 million for redundancies for the financial year 2005-2006.

CASA is unable to give a specific redundancy figure per head as this will depend on the level of each position and the number of particular positions saved.

Question no: CASA 04

Division/Agency: Civil Aviation Safety Authority

Topic: CASA budget

Hansard page: 70 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—And your current reserves I am told would be around \$20 million?

Mr Byron—Around \$20 million, yes. I would have to check precisely, but it is in that order.

Answer:

As at 31 October 2005, the total amount of cash reserves held by the Civil Aviation Safety Authority was \$22.43 million.

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Question no: CASA 05

Division/Agency: Civil Aviation Safety Authority

Topic: CASA staffing

Hansard page: 71 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—How many FTEs is 100 per cent of establishment, even though you would never get it?

Mr Byron—I believe it is about 729, but I will double-check that.

Answer:

At the end of October 2005, the Civil Aviation Safety Authority had 728 FTE positions allocated as 100 percent of establishment.

Question no: CASA 06

Division/Agency: Civil Aviation Safety Authority

Topic: Change implementation team

Hansard page: 71 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—Is it true that funding of a bit over \$2 million has been set aside for the change implementation team?

Mr Byron—There has been funding allocated to the change team. I will have to check the figure. Certainly the change implementation team is being funded as part of the long-term funding strategy. The figure of \$2 million for the current financial year sounds about right, but I would have to get back to you with the precise figure.

Answer:

The Civil Aviation Safety Authority (CASA) can confirm that the total budget allocated by CASA in respect of the Change Implementation Team for the financial year ending 30 June 2006 is \$2.16 million. This is represented by internal staff costs, services contractors, and overheads such as travel, telephone, printing and other sundry expenses.

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Question no: CASA 07

Division/Agency: Civil Aviation Safety Authority

Topic: Budget for CEO office

Hansard pages: 72–73 (31/10/05)

Senator O’Brien asked:

Senator O’Brien—And the total budget now is \$1 million.

Mr Byron—Bearing in mind that the Office of the CEO includes me, the chief operating officer plus advisers and—

Senator O’Brien—It might be more than that then.

Mr Byron—It would be more than that, yes. We will see whether we have the precise figure to hand.

Senator O’Brien—Perhaps you can tell us what financial resources have been transferred from other areas, particularly corporate planning and research, as you have described them. That may explain what I am given to understand is an increase.

Answer:

Financial resources of \$0.58 million for the 2005–06 financial year have been transferred from other areas of the CASA to fund the salaries of staff seconded to the Change Implementation Team in the Office of the CEO.

Question no: CASA 08

Division/Agency: Civil Aviation Safety Authority

Topic: Mr Byron's meeting with European national authorities

Hansard page: 74 (31/10/05)

Senator O’Brien asked:

Senator O’Brien—When did the meetings with the European national authorities take place?

Mr Byron—I met with Mr Goudou, who is the head of the European authority, on the day before. That was probably the sixth. I met with Mr Wachenheim and his staff in Paris. He is the director-general of civil aviation in France. I would have to check the date. It was in late May. I also met with a range of senior officers from the UK Civil Aviation Authority, again in late May.

Answer:

The following is a table setting out Mr Byron’s meetings while in Europe, including those with European national aviation authorities.

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	Meeting
Wed 18 May 2005	Meeting with the United Kingdom Civil Aviation Authority (CAA) Safety Regulation Group (SRG) Gatwick.
Thur 19 May 2005	Visit to Luton. Follow up with SRG on regulation of Low Cost Carriers (LCC) Observe pilot turnaround of LCC operations – relevant to current Australian issues and proposed maintenance regulations.
Fri 20 May 2005	Visit Staverton – General Aviation (GA) Airfield Discussions with GA pilots re personnel licensing and oversight by UK CAA.
Tue 24 May 2005	Visit Direction Générale de l'Aviation Civile Paris Discussions covered all regulatory issues, European Aviation Safety Authority (EASA), certification of Airbus 380, outsourcing of industry oversight to Groupement pour la Sécurité de l'Aviation Civile (GSAC) and options for industry observation and contact.
Wed 25 May 2005	Regional Airport Operations near Albi. GA operations and regional airline operations.
Thur 26 May 2005	Visit Airbus 380 production facility
Fri 27 May 2005	Follow-up with Airbus certification issues. Discussion with Teuchos (Snecma Services) Discussions with Olivier Lenoir re GSAC manufacturing oversight on behalf of Director's General of Civil Aviation.
Sun 29 May 2005	Goodwood Airport UK – GA & Sport operations. Discussions with pilots re self administration of recreational aviation and effectiveness of UK CAA flight testing of UK CAA licensed pilots.
Mon 30 May 2005	Follow-up of messages and email contact from Australia. Particularly A380 technical training issues, maintenance regulations, Aust/US proposed BASA.
Tue 31 May 2005	Visit British Microlight (Ultralight) Association re self administration of sport aviation, oversight by UK CAA, costs and enforcement issues.
Wed 1 June 2005	Visit UK CAA Directorate of Airspace Policy London Covered relationship with government, governance issues, relationship with UK CAA SRG and industry.
Thur 2 June 2005	Planning for Insurers brief – Meet P Ilyk London Reviewed background issues including CAAP Admin 1 of interest to insurers, recent cases and reviewed planned PowerPoint presentation.
Fri 3 June 2005	Briefed Insurers London.
Sun 5 June 2005	Travel to Cologne.

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Mon 6 June 2005	Visit EASA - Briefing by CASA International Officer Discussion with EASA regarding full regulatory issues, resources, funding, development of regulations, industry oversight, certification of Airbus 380. Significant agreement regarding collaboration on regulation development, particularly maintenance and maintenance personnel licensing. Informal meetings with various conference attendees.
Tue 7 June 2005	Attend EASA Conference
Wed 8 June 2005	Follow-up with US representatives re US Bilateral Aviation Safety Agreement issues and EASA. Travel to UK – Low Cost Carrier.
Thur 9 June 2005	Attend to various phone calls & email from Australia prior to return Phone conversation with DoTARS Secretary re US bilateral issues.
Fri 10 June	Visit Oxford Air Training School to observe/discuss airline pilot training.
Sat 11 June	Visit Gliding Operations location – Bidford. Discussions with participants regarding safety oversight, certification, CAA involvement & self administration.
Mon 13 June	Return to Aust.

Question no: CASA 09

Division/Agency: Civil Aviation Safety Authority

Topic: Mr Byron's time in Canberra

Hansard pages: 76–77 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—I return to the 10 October article where the Minister's spokesman is quoted as saying, '**this year, Mr Byron spent half his time in Canberra.**' I am told that amounts to 46 days.

Mr Byron—I would have to check that; I could give you that detail...

Senator O'BRIEN—So, about 25 to 30 per cent of your time has been spent in Canberra.

Mr Byron—No, I would put it higher than that. I can give you more detailed figures if you like, but I believe about 38 or 40 per cent of my total time in the last 12 months would have been spent in the Canberra office. But I will have to check the details... Was there any special reason for the time you picked to go to Queensland and the Northern Territory? If I was picking and I had a choice of any time, I would go then rather than February. Unfortunately, that does not occur very often.

Mr Byron—I have actually visited Darwin twice. Once I went in January, I think; the next time I went in July. So, I guess I have spread myself across the seasons.

Senator Colbeck—Perhaps we should get Mr Byron to publish his diaries!

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Senator O'BRIEN—I just want to make one thing plain: the numbers I was talking about were from the period that began on 24 January and were not for a 12-month period—the 46 days.

Mr Byron—Are you talking about 24 January this year?

Senator O'BRIEN—Yes, since then.

Mr Byron—I will check that.

Answer:

Between 24 January and 1 November 2005, Mr Byron was in Canberra on 52 days. Mr Byron was in Canberra an additional 9 days in the month of January prior to 24 January 2005.

Question no: CASA 10

Output: Civil Aviation Safety Authority

Topic: High-risk operators

Hansard page: 83 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—Is it true to say that TransAir was one of the high-risk operators on the list that you were aware of last year?

Mr Byron—I recall seeing it on a list, but I am not sure if that was after the accident. I would have to check that.

Senator O'BRIEN—What about Aero-Tropics?

Mr Gemmell—I cannot recall Aero-Tropics. We would have to check. We have had various lists. At various points in time, these things have come up to us. They have usually been stamped as 'draft', because we have not had sufficient confidence in the system to say that that actually meant anything. We do get quite concerned that, if this stuff falls into people's hands, people will misuse the information—commercially, for example—so we are pretty cautious about this information.

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Answer:

The Civil Aviation Safety Authority (CASA) advises that it does not disseminate information relating to its risk assessment, surveillance and regulation of specific aircraft operators unless legally required to. CASA has a variety of risk assessment tools and processes, each with particular strengths and weaknesses. Within the limitations of information held by CASA—which can never be complete—these tools and processes serve to build a “picture” of operators’ safety risks, around which CASA can make decisions about priorities and resources for surveillance and regulation. Release of information on risks and surveillance of particular operators could have a significant effect on the willingness of people in the industry to impart information to CASA, thereby compounding the problem of incomplete information and resulting in a vastly more difficult and costly surveillance regime for CASA. There is also the possibility that such information could be misunderstood or misused.

Question no: CASA 11

Output: Civil Aviation Safety Authority

Topic: TransAir Audit

Hansard page: 85 (31/10/05)

Senator O’Brien asked:

Senator O’Brien—At the last hearing, I asked some questions about communications from the Member for Leichhardt, Mr Entsch. Mr Gemmell, at those hearings you told us that the audit of TransAir was undertaken in Brisbane, because of the sophistication of the operation. Is it true that this operation was originally overseen by the North Queensland-based CASA officers?

Mr Gemmell—I would have to take on notice when it occurred. We believe TransAir has been overseen by Brisbane for as long as our collective memories go back.

Answer:

The Brisbane Air Transport Field Office and its predecessors have always overseen TransAir (Lessbrook Pty Ltd). The North Queensland General Aviation Field Office has never been responsible for the oversight of TransAir.

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Question no: CASA 12

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: 88 (31/10/05)

Senator McLucas asked:

Do you consider that the seats that are currently available on the Cape York Mail Run are for persons generally?

Is it your understanding that the Mail Run is operated as a fixed schedule between fixed terminals, providing seats for the general public—or, as the terminology is, for persons generally?

Answer:

CASA's understanding is that Aero-Tropics (Lip-Air Pty Ltd) has a contract under the Remote Air Service Subsidy Scheme (the RASS contract) with the Commonwealth (Department of Transport and Regional Services) to transport passengers and essential supplies to, from and between 61 communities on Cape York.

The Civil Aviation Safety Authority (CASA) also understands that Aero-Tropics has a contract with Australia Post to carry mail to-and-from most, if not all, of those same

communities. Aero-Tropics transports passengers, cargo and mail on the same flights. CASA assumes these flights are those referred to by the Senator as the "Cape York Mail Run".

To meet their obligations under the *Remote Air Service Subsidy Scheme*, the air operators must service the communities nominated by the Commonwealth on days proposed by the air operators and agreed by the Commonwealth. These details are listed in the RASS contract. However, final schedules and destinations for flights, which may include ports not listed on the RASS contract, are fixed by the air operators or (in the case of closed charter operations) by the party chartering the aircraft.

Passengers and cargo can be placed on the Cape York flights by arrangement with Cairns Business and Leisure Travel. CASA has been advised that Cairns Business and Leisure travel does so independently of Aero-Tropics; persons contract with Cairns Business and Leisure Travel, which then makes arrangements with Aero-Tropics for the carriage of the passengers and cargo.

Mail is supplied directly to Aero-Tropics by Australia Post.

CASA considers that the above arrangements are consistent with the definition of operations for a charter purpose in paragraph 206(1)(b)(ii) of the Civil Aviation Regulations 1988. See answer to **CASA 53**.

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Question no: CASA 13

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: 89 (31/10/05)

Senator McLucas asked:

The other question I would like you to take on notice is: do you know whether the schedule is fixed by Aero-Tropics or, in fact, by Cairns Business and Leisure Travel?

Answer:

See **CASA 12**.

Question no: CASA 14

Output: Civil Aviation Safety Authority

Topic: Airstrip licences

Hansard page: 89 (31/10/05)

Senator McLucas asked:

Senator McLUCAS—Given that 68 strips are not licensed—that is probably not the right word, but they are not on the AOC—that is possibly an issue.

Mr Gemmell—I would have to check. If they are not on the AOC, they should not be operating until such time as they are on the AOC.

Answer:

An operator carrying out charter flights is not required to have the aerodromes to which it conducts those flights listed on its AOC.

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Question no: CASA 15

Output: Civil Aviation Safety Authority

Topic: Balurga station incident

Hansard page: 90 (31/10/05)

Senator McLucas asked:

Senator McLUCAS—Are you also aware of an incident at Balurga Station on 21 July this year involving the same company?

Mr Collins—Personally, not specifically, no.

Senator McLUCAS—It may have been referred to the Australian Transport Safety Bureau (ATSB) rather than to CASA.

Mr Collins—It may have been, yes. Notwithstanding that, it is quite likely that the North Queensland field office is aware of such incidents that I am personally not.

Senator McLUCAS—He does not have to report to you every incident that he is investigating?

Mr Collins—No.

Senator McLUCAS—If you could tell us if that can be confirmed from CASA, that would be helpful.

Answer:

The Civil Aviation Safety Authority (CASA) is not aware of any incident at Balurga Station on 21 July 2005, the Station which it assumes the Senator's question is referring to.

Question no: CASA 16

Output: Civil Aviation Safety Authority

Topic: Briefing on RPT operations

Hansard page: 91 (31/10/05)

Senator McLucas asked:

Just finally, Mr Gemmell, you said you are looking at a method of removing the distinctions between RPT-type operations and other operations that carry passengers, if we can use that language. Could you just give me a briefing—or rather could you take this on notice and provide us on notice with a quick briefing—on how you intend to do that?

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Answer:

The Civil Aviation Safety Authority's (CASA's) current classification of operations policy (which has not yet been implemented in law, but which guides CASA's development of future regulation of aircraft operations) does not distinguish between different types of operations involving the carriage of fare-paying passengers. When this policy is implemented, all such operations will be classed as "air transport operations". Under the proposal, there will be no distinction between the safety standards for the operation of aircraft in what are currently termed regular public transport (RPT) and charter operations.

Thus, the safety standards applicable to the types of operations carried out by operators in north Queensland will be the same, irrespective of whether those operations are currently classified as RPT or charter. The safety standards applying to air transport operations will be, in general, higher than those for aerial work or general aviation operations.

Nevertheless, CASA's classification of operations policy recognises that there will be differences in the safety standards for air transport operations carried out in large aeroplanes (5700kg and above) and small aircraft (less than 5700kg). The policy also recognises that there are passengers who may be carried on aircraft engaged in operations which are not classed as air transport operations, for example, corporate and business operations, or sports and recreational flying.

CASA has commenced a review of its classification of operation policy, with a view to clarifying appropriate levels of regulation for operations which are currently difficult to classify, generally in the aerial work category. This will not affect the proposal that all operations for carriage of fare-paying passengers of the kind currently operating in North Queensland will be classified as air transport operations. The review is intended to make recommendations to CASA's Chief Executive Officer in early 2006.

Question no: CASA 17

Division/Agency: Civil Aviation Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 1 and 2)

Senator Conroy asked:

Please provide details of total departmental/organisational spending on information and communications technology (ICT) products and services during the last 12 months.

Please break down this spending by ICT function (e.g. communications, security, private network, websites).

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Answer:

Spending by the Civil Aviation Safety Authority on Information and Communications Technology products and services for the previous 12 months is shown in the table below:

Operational Expense Type	Actual Cost (FY 2004/2005)
Mobile Phones & Internet	\$ 125,751
Infrastructure Services	\$ 4,393,275
Production Support	\$ 1,603,024
Software License	\$ 988,313
Corporate Telephone	\$ 1,292,533
Salaries	\$ 1,778,297
Administration	\$ 52,159
Travel & transport	\$ 52,428
Training	\$ 33,659
Total	\$ 10,319,440

Question no: CASA 18

Division/Agency: Civil Aviation Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 3)

Senator Conroy asked:

Was this spending in line with budget forecasts for this 12-month period?

- a. If not, please provide details of:
 - i. The extent that information and communications technology (ICT) spending exceeded budget forecasts for this 12-month period;
 - ii. Details of specific ICT contracts which resulted in the department/organisation spending in excess of budget forecasts for this 12-month period;
 - iii. The reasons ICT spending exceeded budget forecasts for this 12-month period.

Answer:

Spending by the Civil Aviation Safety Authority on Information and Communications Technology spending was within budget forecasts for the previous 12-month period.

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Question no: CASA 19

Division/Agency: Civil Aviation Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 4)

Senator Conroy asked:

Please provide details of any information and communications technology (ICT) projects that have been commissioned by the department/organisation during the past 12 months that have failed to meet designated project time frames (i.e. have failed to satisfy agreed milestones by agreed dates).

- a. For such projects that were not completed on schedule, please provide details of:
 - i. The extent of any delay;
 - ii. The reasons these projects were not completed on time; and
 - iii. Any contractual remedies sought by the department/organisation as a result of these delays (e.g. penalty payments).

Answer:

The Civil Aviation Safety Authority (CASA) had two projects commissioned during the last 12 months that failed to meet agreed timeframes:

1. Service Difficulty Reporting (SDR) – delayed by 14 months
2. Medical Records System (MRS) Web Interface – delayed 34 months

Both these projects were undertaken by the one supplier who went into voluntary administration part way through the projects. No contractual remedies were sought by CASA as it would not have been cost-effective to do so against an organisation in administration.

Question no: CASA 20

Division/Agency: Civil Aviation Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 5)

Senator Conroy asked:

Please provide details of any ICT projects delivered in the past 12 months that have materially failed to satisfy project specifications.

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Answer:

Apart from the 2 projects identified in **CASA 19**, none of the Information and Communications Technology projects undertaken by the Civil Aviation Safety Authority delivered in the last 12 months have materially failed to satisfy project specifications.

Question no: CASA 21

Division/Agency: Civil Aviation Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 6)

Senator Conroy asked:

Please provide details of any ICT projects that were abandoned by the department/organisation within the last 12 months before the delivery of all project specifications outlined at the time the project was commissioned.

- a. For such abandoned projects, please provide details of:
 - i. Any contractual remedies sought by the department as a result of the abandonment of these projects;
 - ii. Any costs of re-tendering the ICT project.

Answer:

The Civil Aviation Safety Authority did not abandon any Information and Communications Technology projects in the last 12 months.

Question no: CASA 22

Division/Agency: Civil Aviation Safety Authority

Topic: Travel – domestic airfares

Hansard page: Written question (Senator Fielding's Q 1)

Senator Fielding asked:

How much money has the Portfolio spent on **domestic** airfares for each of the last three financial years?

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Answer:

The Civil Aviation Safety Authority's (CASA) financial systems for recording staff travel expenses do not allow those expenses (which include airfares, accommodation, meals, and incidental expenses such as taxi fares) to be disaggregated in a manner that enables identification of individual expense components, such as airfares. To itemise a complete breakdown on how much CASA spent in relation to domestic airfares, accommodation, meals and incidentals would require significant resources.

CASA will be introducing changes to its financial systems to permit this kind of data capture in the near future.

Question no: CASA 23

Division/Agency: Civil Aviation Safety Authority

Topic: Travel – overseas airfares

Hansard page: Written question (Senator Fielding's Q 2)

Senator Fielding asked:

How much money has the Portfolio spent on **overseas** airfares for each of the last three financial years?

Answer:

The Civil Aviation Safety Authority's (CASA) financial systems for recording staff travel expenses do not allow those expenses (which include airfares, accommodation, meals, and incidental expenses such as taxi fares) to be disaggregated in a manner that enables identification of individual expense components, such as airfares. To itemise a complete breakdown on how much CASA spent in relation to domestic airfares, accommodation, meals and incidentals would require significant resources.

CASA will be introducing changes to its financial systems to permit this kind of data capture in the near future.

Question no: CASA 24

Division/Agency: Civil Aviation Safety Authority

Topic: Travel - economy class domestic airfares

Hansard page: Written question (Senator Fielding's Q 3)

Senator Fielding asked:

How much money has the portfolio spent on **economy class domestic** airfares for each of the last three financial years?

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Answer:

The Civil Aviation Safety Authority's (CASA) financial systems for recording staff travel expenses do not allow those expenses (which include airfares, accommodation, meals, and incidental expenses such as taxi fares) to be disaggregated in a manner that enables identification of individual expense components, such as airfares. To itemise a complete breakdown on how much CASA spent in relation to domestic airfares, accommodation, meals and incidentals would require significant resources.

CASA will be introducing changes to its financial systems to permit this kind of data capture in the near future.

CASA's domestic travel policy states that 'all official travel undertaken domestically and to New Zealand by CASA employees will be made by economy class unless the flight exceeds three hours, in which case the manager can approve business class travel'.

Question no: CASA 25

Division/Agency: Civil Aviation Safety Authority

Topic: Travel - business class domestic airfares

Hansard page: Written question (Senator Fielding's Q 4)

Senator Fielding asked:

How much money has the portfolio spent on **business class domestic** airfares for each of the last three financial years?

Answer:

The Civil Aviation Safety Authority's (CASA) financial systems for recording staff travel expenses do not allow those expenses (which include airfares, accommodation, meals, and incidental expenses such as taxi fares) to be disaggregated in a manner that enables identification of individual expense components, such as airfares. To itemise a complete breakdown on how much CASA spent in relation to business class domestic airfares incidentals would require significant resources.

CASA will be introducing changes to its financial systems to permit this kind of data capture in the near future.

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Question no: CASA 26

Division/Agency: Civil Aviation Safety Authority

Topic: Travel - first class domestic airfares

Hansard page: Written question (Senator Fielding's Q 5)

Senator Fielding asked:

How much has the portfolio spent on **first class domestic** airfares for each of the last three financial years?

Answer:

The Civil Aviation Safety Authority's (CASA) financial systems for recording staff travel expenses do not allow those expenses (which include airfares, accommodation, meals, and incidental expenses such as taxi fares) to be disaggregated in a manner that enables identification of individual expense components, such as airfares. To itemise a complete breakdown on how much CASA spent in relation to first class domestic airfares would require significant resources. However, as CASA employees are not generally permitted under CASA's travel policy to travel first class domestically, CASA believes the amount would be zero.

CASA will be introducing changes to its financial systems to permit this kind of data capture in the near future.

Question no: CASA 27

Division/Agency: Civil Aviation Safety Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 6)

Senator Fielding asked:

What would be the estimated financial year dollar-saving if all public servants in the portfolio travelled economy class for flights of less than one and a half hours duration?

Answer:

Existing Civil Aviation Safety Authority (CASA) policy states that **official travel undertaken domestically and to New Zealand by CASA employees will be made by economy class unless greater than three hours**. Audits of travel card expenses bear out that this policy is adhered to by CASA staff. CASA therefore expects that any savings from the proposal would be nil.

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Question no: CASA 28

Division/Agency: Civil Aviation Safety Authority

Topic: Contract negotiations

Hansard page: Written question (Senator Murray's Q 1)

Senator Murray asked:

What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not provided, please explain why this is the case.

Answer:

The Senate Order does not apply to the Civil Aviation and Safety Authority (CASA) as CASA is not an agency within the meaning of the *Financial Management and Accountability Act 1997*.

Question no: CASA 29

Division/Agency: Civil Aviation Safety Authority

Topic: Training

Hansard page: Written question (Senator Murray's Q 2)

Senator Murray asked:

What training and awareness sessions are provided, either in-house or through other training providers (e.g. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.

Answer:

The Senate Order does not apply to the Civil Aviation and Safety Authority (CASA) as CASA is not an agency within the meaning of the *Financial Management and Accountability Act 1997*.

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Question no: CASA 30

Division/Agency: Civil Aviation Safety Authority

Topic: Commonwealth procurement guidelines

Hansard page: Written question (Senator Murray's Q 3)

Senator Murray asked:

Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?

Answer:

The Commonwealth Procurement Guidelines do not apply to the Civil Aviation and Safety Authority (CASA). However, CASA is currently in the process of reviewing its Procurement Manual to ensure consistency with the new Commonwealth Procurement Guidelines.

Question no: CASA 31

Division/Agency: Civil Aviation Safety Authority

Topic: ANAO audits

Hansard page: Written question (Senator Murray's Q 4)

Senator Murray asked:

ANAO audits for the last three years have revealed a consistently low level of compliance across most Agencies with DOFA's confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest Report on the Order (No.11 of 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order.

- What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
- What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?
- What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the Agency considering the adoption of internal controls and checks?

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Answer:

The Senate Order does not apply to the Civil Aviation Safety Authority (CASA) as CASA is not an agency within the meaning of the *Financial Management and Accountability Act 1997*.

Question no: CASA 32

Division/Agency: Civil Aviation Safety Authority

Topic: The Senate Order

Hansard page: Written question (Senator Murray's Q 5)

Senator Murray asked:

What problems, if any, have the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?

Answer:

The Senate Order does not apply to the Civil Aviation Safety Authority (CASA) as CASA is not an agency within the meaning of the *Financial Management and Accountability Act 1997*.

Question no: CASA 33

Output: Civil Aviation Safety Authority

Topic: Balurga station incident

Hansard page: Written question (Senator McLucas' Q 1.1, 1.2, 1.3)

Senator McLucas asked:

In Supplementary Estimates on October 31, I asked whether the Department was aware of an incident on 21 July 2005 at Balurga Station in Far North Queensland involving the operator of the Cape York Mail Run. Is it correct that the aircraft became bogged, sustaining damage to its nose gear?

Is it correct that there were passengers on board?

Were any injuries sustained?

Answer:

The Civil Aviation Safety Authority (CASA) is not aware of any incident at Balurga Station on 21 July 2005.

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Question no: CASA 34

Output: Civil Aviation Safety Authority

Topic: Balurga station incident

Hansard page: Written question (Senator McLucas' Q 1.4)

Senator McLucas asked:

Will the Department investigate whether a second plane was sent in to the same airstrip and also became bogged?

Answer:

The Civil Aviation Safety Authority (CASA) does not propose to investigate allegations of aircraft bogging at Balurga Station at this time. The function of investigating aircraft accidents and incidents is primarily undertaken by the Australian Transport Safety Bureau (ATSB). Please refer to response to question no. **ATSB 01**.

Question no: CASA 35

Output: Civil Aviation Safety Authority

Topic: Balurga station incident

Hansard page: Written question (Senator McLucas' Q 1.7, 1.8, 1.9)

Senator McLucas asked:

Does the operator have an incident/accident section in its company operations manual requiring reports to ATSB to be passed on to CASA?

If it does, are reports to CASA then, mandatory under CAR 215?

If it does, was the incident reportable to CASA under this section and was it reported to CASA?

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Answer:

The operations manual of Lip Air Pty Ltd (trading as Aero Tropics) includes a requirement for the Australian Transport Safety Bureau (ATSB) to be notified of any incident or accident. The operations manual also requires the company to notify the Civil Aviation Safety Authority (CASA) at the same time.

Sub-regulation 215(9) of the Civil Aviation Regulations 1988 mandates compliance with instructions in an operator's operations manual by operations personnel of the operator.

CASA has not received notification of any incident at Balurga Station from Lip Air operations personnel.

Question no: CASA 36

Output: Civil Aviation Safety Authority

Topic: Balurga station incident

Hansard page: Written question (Senator McLucas' Q 1.10, 1.11, 1.12)

Senator McLucas asked:

What was the extent of the damage to the aircraft, and was it repaired on site or was it flown out for repairs?

If the damaged aircraft was flown out of the airstrip, would a Permit to Fly have been required?

Was a Permit to Fly requested, and if so was one granted?

Answer:

The Civil Aviation Safety Authority (CASA) is not aware of any incident at Balurga Station on 21 July 2005.

In general terms, under Civil Aviation Safety Regulation (CASR) 21.197, CASA or an authorised person may issue a Special Flight Permit (SFP) (formally known as a Permit to Fly) to allow limited operation of the aircraft under particular conditions.

An SFP may be issued where an aircraft does not meet the applicable airworthiness requirements, but can be reasonably expected to be capable of safe flight for the purposes for which the permit was issued. It can be issued by CASA or an authorised person.

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Question no: CASA 37

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.1)

Senator McLucas asked:

In Supplementary Estimates on 31 October 2005, I asked whether the Department was aware of an incident at Kowanyama on October 20 in which an Aero Tropics aircraft made an emergency landing and ran off the strip after suffering a hydraulics failure. Is it correct that prior to taking off from Weipa for Kowanyama, the pilot rang his company from Weipa to notify it that the aircraft had a hydraulic leak?

Answer:

The Civil Aviation Safety Authority (CASA) has no knowledge of the pilot calling his company prior to his departure from Weipa notifying them of a hydraulic leak.

Question no: CASA 38

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.2)

Senator McLucas asked:

Is it correct that he sought advice as to whether the aircraft was safe to fly, and that the company gave him the all-clear?

Answer:

The Civil Aviation Safety Authority (CASA) has no knowledge of this.

Question no: CASA 39

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.3)

Senator McLucas asked:

Is it correct that with this type of aircraft, a hydraulic failure typically will mean that brakes and flaps become inoperative?

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Answer:

The aircraft type was an Aero Commander 500. In the event of a hydraulic failure, flaps would not be available to the pilot for landing but an emergency supply of oil would allow limited braking after landing.

Question no: CASA 40

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.4)

Senator McLucas asked:

Is it correct that the aircraft lost its hydraulics about 15 minutes out of Kowanyama, and landed without hydraulic power assistance to its flaps, brakes, and other gear?

Answer:

The aircraft operator has advised the Civil Aviation Safety Authority (CASA) that the pilot became aware of a hydraulic problem when he was approximately 15 miles north of Kowanyama. The report to CASA stated that:

the pilot decided to carry out a precautionary flapless landing which was uneventful and afterwards he elected to park the aircraft on the grass away from other parked aircraft as limited steering was available.

Question no: CASA 41

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.5)

Senator McLucas asked:

Is it correct that the plane ran off the side and end of Kowanyama airstrip?

Answer:

According to information provided to the Civil Aviation Safety Authority (CASA) by the aircraft operator and confirmed by the aerodrome manager, the aircraft did not run off the side and end of the runway but was subsequently parked off the side of the runway some distance from other aircraft, as limited steering was available after landing.

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Question no: CASA 42

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.6)

Senator McLucas asked:

Has the Department established how many passengers were on board and whether they were in any danger?

Answer:

The aircraft operator advised that there were three passengers on board the aircraft.

On the basis of the content of the operator's reports from the operator to the Civil Aviation Safety Authority (CASA), there would have been no immediate threat to the safety of the passengers. The airstrip at Kowanyama was long enough to accommodate the Aero Commander 500 aircraft involved in the incident, with reduced braking capability.

Question no: CASA 43

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.9, 2.10, 2.11)

Senator McLucas asked:

Does the operator have an incident/accident section in its company operations manual requiring reports to ATSB to be passed on to CASA?

If it does, are reports to CASA then mandatory under CAR 215?

If it does, was the incident reportable to CASA under this section and was it reported to CASA?

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Answer:

The Lip-Air operations manual includes a requirement for the Australian Transport Safety Bureau (ATSB) to be notified of any incident or accident. The operations manual also requires the company to notify the Civil Aviation Safety Authority (CASA) at the same time.

Sub-regulation 215(9) of the Civil Aviation Regulations (CARs) 1988 mandates compliance with instructions in an operator's operations manual by operations personnel of the operator.

The incident was reportable to CASA under Part 4B and regulations 215 and 248 of the CARs. CASA was first notified of the incident on the date of the incident by a person other than the operator. CASA sought information from the operator on that same day. CASA is satisfied that the requirements for the giving of notice of incidents and defects to CASA were met.

Question no: CASA 44

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.12)

Senator McLucas asked:

Is it correct that under Aeronautical Information Publication, this incident is an Immediately Reportable Matter, both as to the hydraulic failure (Section N—malfunction of an aircraft system that seriously affects the operation of the flight) and to the running off the runway (Section R—undershooting, over-running or running off the side of the runway)?

Answer:

The Aeronautical Information Publication (AIP) needs to be given a head of power to be lawful and in the case of Routine and Immediately Reportable Matters, the Transport Safety Investigation Regulations 2003 provide that head of power.

Section ENR 1.14, 3.1.1.n in the AIP that the Senator has referred to relates to a malfunction that seriously affects the operation of an aircraft, which is an Immediately Reportable Matter under Transport Safety Investigation Regulation 2.3 (3) N. However, the Australian Transport Safety Bureau (ATSB) has advised that the incident at Kowanyama was not an Immediately Reportable Matter but rather a Routine Reportable Matter under Transport Safety Investigation Regulation 2.4 (1) G (ii) (see **attachment A**) which applies to Air Transport Operations occurrences that compromise or have the potential to compromise the safety of the flight due to a non-serious malfunction of an aircraft system (see ENR 1.14, 3.2.1.g (2), at **attachment B**).

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In relation to the suggestion that the aircraft ran off the runway, the Civil Aviation Safety Authority (CASA) has advised that, according to the aircraft operator and aerodrome manager, this was not the case. The landing was uneventful, but afterwards the pilot elected to park the aircraft on the grass away from other parked aircraft as limited steering was available.

[CASA 44 attachments A & B]

2.4 Routine Reportable Matters (Act s 3)*Air transport Operations*

(1) For the purposes of the definition of routine reportable matter in section 3 of the Act, the following investigable matters, in relation to an air transport operation (other than an aircraft operation mentioned in subregulation 2.1 (2)), are prescribed:

- (a) an injury, other than a serious injury, to:
 - (i) a person on board the aircraft or in contact with the aircraft or anything attached to the aircraft or anything that has become detached from the aircraft; or
 - (ii) a person who has been directly exposed to jet blast;
- (b) the aircraft suffering damage that compromises or has the potential to compromise the safety of the flight but is not serious damage;
- (c) flight below the minimum altitude, except in accordance with a normal arrival or departure procedure;
- (d) a ground proximity warning system alert;
- (e) a critical rejected take-off, except on a closed or occupied runway;
- (f) a runway incursion;
- (g) any of the following occurrences, if the occurrence compromises or has the potential to compromise the safety of the flight:
 - (i) a failure to achieve predicted performance during take-off or initial climb;
 - (ii) malfunction of an aircraft system, if the malfunction does not seriously affect the operation of the aircraft;
 - (iii) fuel starvation that does not require the declaration of an emergency;

Note Aircraft systems include flight guidance and navigation systems.

Question no. CASA 44 - Attachment B

GEN TOC

ENR TOC

AD TOC

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craft exists or may exist, in airspace where the aircraft are not subject to an air traffic separation standard or where separation is a pilot responsibility.

3.2 RRM

3.2.1 RRM for all air transport operations include:

- a. an injury, other than a serious injury, to:
 - (1) a person on board the aircraft or in contact with the aircraft or anything attached to the aircraft or anything that has become detached from the aircraft; or
 - (2) a person who has been directly exposed to jet blast;
- b. the aircraft suffering damage that compromises, or has the potential to compromise, the safety of the flight, but is not serious damage;
- c. flight below the minimum altitude, except in accordance with a normal arrival or departure procedure;
- d. a ground proximity warning system alert;
- e. a critical rejected take-off, except on a closed or occupied runway;
- f. a runway incursion;
- g. any of the following occurrences, if the occurrence compromises, or has the potential to compromise, the safety of the flight:
 - (1) a failure to achieve predicted performance during take-off or initial climb;
 - (2) malfunction of an aircraft system, if the malfunction does not seriously affect the operation of the aircraft;
Note: Aircraft systems include flight guidance and navigation systems.
 - (3) fuel starvation that does not require the declaration of an emergency;
- h. any of the following occurrences, if the occurrence compromises or has the potential to compromise the safety of the flight, but does not cause difficulty controlling the aircraft:
 - (1) a weather phenomenon;
 - (2) operation outside the aircraft's approved flight envelope;
- i. failure or inadequacy of a facility used in connection with the air transport operation, such as:
 - (1) a navigation or communication aid; or

ENR (EN ROUTE)

A/L 45 effective 24 NOV 05

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Question no: CASA 45

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.14)

Senator McLucas asked:

Was this incident reportable to CASA under CAR 248—Reporting of Defects, and was it reported?

Answer:

The incident was reportable to the Civil Aviation Safety Authority (CASA) under Part 4B and regulations 215 and 248 of the Civil Aviation Regulations (CARs) 1988. CASA was first notified of the incident on the date of the incident by a person other than the operator. CASA sought information from the operator on that same day. That information satisfied the requirements for the giving of notice of incidents and defects to CASA.

Question no: CASA 46

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.15)

Senator McLucas asked:

It was stated by CASA in Supplementary Estimates on October 31 that an emergency landing was made. Did the pilot report an emergency to Air Services Australia prior to landing and subsequently to CASA?

Answer:

No emergency was declared to Airservices Australia by the pilot prior to the incident at Kowanyama. In relation to the pilot reporting subsequently to the Civil Aviation Safety Authority (CASA), please refer to the response to question no. **CASA 43**.

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Question no: CASA 47

Output: Civil Aviation Safety Authority

Topic: Kowanyama incident

Hansard page: Written question (Senator McLucas' Q 2.16)

Senator McLucas asked:

Were repairs required to the aircraft, and if so where was the aircraft repaired?

Answer:

According to information provided to the Civil Aviation Safety Authority (CASA) by the operator, repairs were required to be made to the aircraft and these repairs were made at Kowanyama prior to the aircraft's departure.

Question no: CASA 48

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 3.1)

Senator McLucas asked:

Further to questions about the Cape York Mail Run in Supplementary Estimates on 31 October 2005, is it correct that seats available on the Mail Run are available to persons generally and is it correct that persons generally booked seats?

Answer:

See answer to **CASA 12**.

Question no: CASA 49

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 3.2)

Senator McLucas asked:

Is the Mail Run operated as a fixed schedule between fixed terminals?

Answer:

See answer to **CASA 12**.

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Question no: CASA 50

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 3.3)

Senator McLucas asked:

Is it correct that the schedule is fixed by Aero-Tropics, not the passengers or Cairns Business and Leisure Travel?

Answer:

See answers to **CASA 12**.

Question no: CASA 51

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 3.4)

Senator McLucas asked:

Does a CASA paper entitled *CASA's Position on Classification of Operations - RPT* or Charter state CASA's policy on this subject?

Answer:

A paper entitled *CASA's Position on Classification of Operations - RPT or Charter* was prepared several years ago as a draft internal discussion paper. It was never formally adopted as CASA policy and as such does not set out CASA's official policy on the issues discussed in the paper.

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Question no: CASA 52

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 3.5, 3.6)

Senator McLucas asked:

Does it state that "CASA is aware that a number of operators with charter AOCs are advertising flights to the public which appear to be an RPT service, apparently in breach of CAR 210. CASA is concerned that some AOC charter AOC-holding operators by the use of interposed third parties between them and public passengers are seeking to avoid the requirement to hold an RPT AOC, and their customers, travelling as passengers on charter operations are unwittingly being carried under a regime that is in general terms less safe than regular public transport operations?"

Is this statement of policy still current or has it been superseded?

Answer:

The paper does contain the statement set out in the question. However, as mentioned in response to **CASA 51**, the paper was prepared as a draft internal discussion paper only and did not (and does not) set out CASA's official policy on RPT/Charter classification issues.

Question no: CASA 53

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 4.1, 4.2, 4.3, 4.4)

Senator McLucas asked:

Again, in answer to **CASA 29** [from Budget Estimates 2005-2006], it is stated that the sale of tickets for the Cape York Mail Run route are under a closed charter. Is it correct that in closed charters, such as those used by mining companies, there are no passenger seat sales, unlike under an RPT arrangement where passenger tickets are sold.

Is this not the essence of RPT versus charter?

Has CASA granted some form of special concession or exemption to the operator of this specific route to avoid the maintenance, pilot, aircraft and operating standards expected and mandated for an RPT service?

If so, who approved that, when and why?

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Answer:

There are several legal distinctions between charter operations and regular public transport operations reflected in paragraphs 206(1)(b) and (c) of the Civil Aviation Regulations 1988 (CARs), respectively. These revolve around questions of whether schedules and terminals are fixed, and by whom, and whether accommodation on the aircraft is available to persons generally.

In the circumstance that a person (“charterer”) contracts with an aircraft operator to fly regularly between certain terminals, and to carry people who have contracted with the charterer for carriage, neither the schedules nor terminals are fixed by the aircraft operator, and from the operator’s perspective, accommodation is only available to persons who have contracted with the charterer, not to persons generally. The operator is carrying out charter operations, not RPT operations.

The Cape York service referred to by the Senator is carried out by Lip-Air Pty Ltd (trading as Aero-Tropics) to include services provided under contract to both the Commonwealth (Department of Transport and Regional Services) and Australia Post. However, final schedules and destinations for flights, which may include ports not listed on the RASS contract, are fixed through the arrangement with Cairns Business and Leisure Travel as the party chartering the aircraft. In these circumstances, the operation is a charter operation.

Accordingly, no special concession or exemption from CASA is required for Lip-Air’s Cape York services to operate in compliance with the CARs.

Question no: CASA 54

Output: Civil Aviation Safety Authority

Topic: RPT pilots requirements

Hansard page: Written question (Senator McLucas' Q 6.1, 6.2)

Senator McLucas asked:

In answer to **CASA 26** in the May 2005 Estimates, a number of qualifications for pilots are listed. Is it correct that RPT pilots must also abide by the requirements of CAR 217 and CAR 218, which spell out a host of pilot checking requirements, pilot route qualifications, pilot aerodrome qualifications, pilot proficiency checking, pilot type currency, and others?

Do Aero-Tropics and the pilots flying the Cape York Mail Run comply with CAR 217 and 218?

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Answer:

These services are run as a charter operation (see answer to **CASA 53**). The aircraft used by Lip-Air Pty Ltd (trading as Aero-Tropics) for these operations are lighter than 5700kg. Accordingly, regulations 217 and 218 of the Civil Aviation Regulations 1988 (CARs) do not apply to Lip-Air and Lip-Air's pilots carrying out these operations. Nevertheless, CASA's North Queensland Field Office has been advised by Lip-Air that it has decided to operate these charter operations with pilots who have been checked in accordance with the requirements of CARs 217 and 218. CASA has not conducted any audits to confirm this advice.

Question no: CASA 55

Output: Civil Aviation Safety Authority

Topic: RPT pilots requirements

Hansard page: Written question (Senator McLucas' Q 6.3)

Senator McLucas asked:

Is it also correct that pilots must undergo six-monthly flight proficiency checks and RPT pilots must be route-checked on each route?

Answer:

Under regulation 217 of the Civil Aviation Regulations 1988 (CARs), operators of regular public transport services, operators of aircraft weighing 5700kg or above, and operators specifically directed by CASA, must ensure that the pilots operating those services or aircraft have two competency checks every calendar year. These checks must be no less than four months apart.

CAR 218 provides that a pilot is qualified to act as pilot in command of an aircraft engaged in an RPT service only if he or she meets certain requirements relating to knowledge of the route to be flown on that service. The requirements are commonly referred to as a "route check".

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Question no: CASA 56

Output: Civil Aviation Safety Authority

Topic: Aircraft performance capabilities for the Cape York mail run

Hansard page: Written question (Senator McLucas' Q 6.4, 6.5)

Senator McLucas asked:

With reference to the answer given to CASA 31 from the May 2005 Estimates, is it correct that CAR 217 and 218 also apply, as does CAO 20.7, which covers matters such as aircraft performance capabilities for RPT versus charter?

Do the aircraft flying the route comply with the requirements of CAO 20.7?

Answer:

Services provided by Lip-Air Pty Ltd (trading as Aero-Tropics) in the Cape York region discussed in the May 2005 response are charter operations using aircraft below 5700kg, and consequently CARs 217 and 218 do not apply to those operations. (See answers to **CASA 53** and **CASA 54**).

RPT aircraft not above 5700kg operate to standards outlined in CAO 20.7.2 and charter not above 5700kg operate to standards outlined in CAO 20.7.4. All charter aircraft below 5700kg registered and operated in Australia must meet the performance requirements of CAO 20.7.4. Lip-Air have a number of types of aircraft listed on their charter AOC and it is the operator's responsibility to ensure the aircraft that is used for any particular charter flight can meet the performance requirements of CAO 20.7.4 for that flight.

Question no: CASA 57

Output: Civil Aviation Safety Authority

Topic: AeroTropics new AOC

Hansard page: Written question (Senator McLucas' Q 7.1, 7.2, 7.3)

Senator McLucas asked:

Can the Department explain why in Aero-Tropics' new AOC, issued on 21 September, the ports authorised for RPT operations do not yet cover the mail service ports, except for the two previously held?

In his answers to questions in Supplementary Estimates on 31 October, Mr Gemmell indicated that if the 68 strips are not on the Aero-Tropics AOC, then they shouldn't be operating. Is it correct then, that if Aero-Tropics is flying into those strips it is doing so illegally?

If not, what is the situation concerning flights into those strips by the operator of the Mail Run?

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Answer:

Mr Gemmel answers to the questions in Supplementary Estimates on 31 October 2005 were in the belief that the question was a Regular Public Transport operation.

The Cape York services provided by Lip-Air Pty Ltd (trading as Aero-Tropics) discussed in this answer are charter operations, (see answer to **CASA 53**). An operator carrying out charter flights is not required to have the aerodromes to which it conducts those flights listed on its AOC, (see answer to **CASA 14**).

Question no: CASA 58

Output: Civil Aviation Safety Authority

Topic: Safety standards in RPT operations

Hansard page: Written question (Senator McLucas' Q 8.1, 8.2, 8.3)

Senator McLucas asked:

In his answers to questions in Supplementary Estimates on October 31, Mr Gemmell referred on several occasions to removing distinctions between RPT and charter. Is CASA proposing to water down all the safety standards inherent in RPT operations to those of charter operations?

Or is it proposed to increase charter safety standards to those of RPT for passengers?

Will CASA identify the distinctions between the two types of operations that it proposes to remove, how this will be achieved and whether its proposed actions amount to a change of policy?

Answer:

The Civil Aviation Safety Authority's (CASA's) current classification of operations policy (which has not yet been implemented in law, but which guides CASA's development of future regulation of aircraft operations) does not distinguish between operations involving the carriage of fare-paying passengers. When this policy is implemented, all such operations will be classed as "air transport operations". Under the proposal, there will be no distinction between the safety standards for the operation of aircraft in what are currently termed regular public transport (RPT) and charter operations.

Nevertheless, CASA's current classification of operations policy recognises that there will be differences in the safety standards for air transport operations carried out in large aeroplanes (5700kg and above) and small aeroplanes (less than 5700kg). These differing standards are reflected in the regulatory proposals contained in Parts 121 and 135 of the Civil Aviation Safety Regulations (CASRs) 1998.

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Fare-paying passenger-carrying operations of the kind carried out in far North Queensland in aeroplanes less than 5700kg would be subject to the proposed CASR Part 135. Part 135 will generally increase standards above current charter standards, by imposing higher standards on pilot training and checking and aircraft maintenance scheduling. Aircraft performance standards will be in line with current standards for charter operations.

CASA has commenced a review of its classification of operation policy, with a view to clarifying appropriate levels of regulation for operations which are currently difficult to classify. This will not affect the proposal that all operations for carriage of fare-paying passengers of the kind currently operating in North Queensland will be classified as air transport operations. The review is intended to make recommendations to CASA's Chief Executive Officer in early 2006.

Question no: CASA 59

Output: Civil Aviation Safety Authority

Topic: Cairns-Bamaga-Lockhart River-Cairns RPT route

Hansard page: Written question (Senator McLucas' Q 10.1)

Senator McLucas asked:

With reference to the answer to CASA 23 from the May 2005 Estimates, it is stated that Aero-Tropics' use of a Hinterland aircraft on the Cairns-Bamaga-Lockhart River-Cairns RPT route is a charter. Is it correct that the tickets on the route are available to persons generally—that passengers as members of the public book and pay for seats with Aero-Tropics?

Answer:

Yes. Nevertheless, the operation conducted by Hinterland Aviation Pty Ltd is a charter operation, as Hinterland has not fixed the schedule nor the terminals, and from its perspective, the only people entitled to carriage aboard the aircraft are specified people who have contracted with Lip-Air Pty Ltd (trading as Aero-Tropics) for carriage. See also answer to **CASA 53**.

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Question no: CASA 60

Output: Civil Aviation Safety Authority

Topic: Cairns-Bamaga-Lockhart River-Cairns RPT route

Hansard page: Written question (Senator McLucas' Q 10.2)

Senator McLucas asked:

Is it correct that the route is operated to fixed schedules set by Aero-Tropics (not the passengers or some other party) and between fixed terminals nominated by Aero-Tropics?

Answer:

Yes. See answer to **CASA 59**.

Question no: CASA 61

Output: Civil Aviation Safety Authority

Topic: Cairns-Bamaga-Lockhart River-Cairns RPT route

Hansard page: Written question (Senator McLucas' Q 10.3)

Senator McLucas asked:

How does simply carrying persons generally on a different aircraft change the entire status of the route from RPT to charter?

Answer:

The change of aircraft has no bearing on the classification of the flight. The change of operator has that effect. See answers to **CASA 53** and **CASA 59**.

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Question no: CASA 62

Output: Civil Aviation Safety Authority

Topic: Cairns-Bamaga-Lockhart River-Cairns RPT route

Hansard page: Written question (Senator McLucas' Q 10.4)

Senator McLucas asked:

Does the Department's response to written questions concerning the operation of the Cape York Mail Run as a charter and part of the Cairns-Bamaga-Lockhart River-Cairns route as a charter accord with decisions in cases such as *Chegwidden vs. White*, *Southern Cross Airlines vs. McNamara*, the Seaview Report and *Coral Sea Airlines vs. CASA* and CASA's own policy paper on Interposed Third Parties?

Answer:

Yes.

Question no: CASA 63

Output: Civil Aviation Safety Authority

Topic: Cairns-Bamaga-Lockhart River-Cairns RPT route

Hansard page: Written question (Senator McLucas' Q 10.5)

Senator McLucas asked:

Is it acceptable practice for an airline to take bookings for seats that it cannot supply?

Answer:

How airlines manage their bookings is a commercial matter for the airlines.

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Question no: CASA 64

Output: Civil Aviation Safety Authority

Topic: Lockhart River crash

Hansard page: Written question (Senator McLucas' Q 11.1, 11.2, 11.3)

Senator McLucas asked:

In a number of instances in answers to questions from the previous Estimates, CASA states that it "understands" certain information. Given that 15 people died in the Lockhart River crash, why is CASA unable to state categorically that the information it gives in its answers is correct?

Has CASA in fact sought to verify what it "understands"?

Has it fully checked and cross-checked all relevant documents including flight and duty sheets, pilot rosters, the CAO 20.11 Emergency Procedures Certificates; company flight records, aircraft maintenance releases, pilot logbooks, trip records, flight plans, and pilot flight and duty time records, the pilot status boards in Cairns and Brisbane, instrument rating renewals, company manifests, and so on?

Answer:

The Civil Aviation Safety Authority (CASA) advises that the term "understands" is used as a style of expression only. It does not imply that things have not been done. In the case of the crashed aircraft, all of the relevant documents were checked. CASA advises that it has not checked the pilot status boards (see answer to question no. **CASA 67**), but these boards are simply an information aid (typically an erasable whiteboard) for pilots and an operator's chief pilot. The information they contain about pilots is derived from primary source documents. They do not constitute the primary records relating to pilots, which have been checked by CASA.

Question no: CASA 65

Output: Civil Aviation Safety Authority

Topic: Allegations against TransAir

Hansard page: Written question (Senator McLucas' Q 12.1)

Senator McLucas asked:

In regard to "Pilot C's" allegations against TransAir, which were investigated by CASA, did a senior CASA officer in Sydney advised the pilot that the company was in effect directing him to breach regulations by ordering him to fly an aircraft at night without landing lights?

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Answer:

The relevant Civil Aviation Safety Officer (CASA) officer's recollection of his advice to "Pilot C" was that if the aircraft's Minimum Equipment List (MEL) allowed flight with one or both landing lights unserviceable, the pilot could then undertake the flight but if the MEL did not give relief for unserviceable landing lights, and the lights were unserviceable, he could not.

Question no: CASA 66

Output: Civil Aviation Safety Authority

Topic: Renewal of TransAir's AOC

Hansard page: Written question (Senator McLucas' Q 12.2, 12.3)

Senator McLucas asked:

Is it correct that CASA checked TransAir's operations prior to renewing its AOC on April 14, 2005? Were CASA's officers able to verify from the appropriate documentation that the chief pilot signed the two pilots' CAO 10.11 emergency procedures certificates?

Did the CASA officers sight the certificates?

Answer:

The Civil Aviation Safety Authority (CASA) conducted a thorough examination of TransAir's operations prior to renewing its AOC on 14 April 2005. CASA was satisfied that TransAir met the legislative requirements for the issue of an Air Operator's Certificate (AOC).

CASA inspectors did not sight the Civil Aviation Order 20.11 emergency procedures certificates of the two pilots, nor would CASA officers typically do so. The key personnel within the company—in this case, the chief pilot—hold delegations to perform the function of issuing such certificates and consequently hold the responsibility within the company for ensuring every pilot has the appropriate certificates. CASA inspectors check that the systems and processes are in place to ensure personnel were being trained and issued certificates, but do not necessarily look at every certificate. From time-to-time, CASA inspectors observe the training being conducted by a company to ensure that the safety procedures training standard is being maintained.

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Question no: CASA 67

Output: Civil Aviation Safety Authority

Topic: Pilot boards

Hansard page: Written question (Senator McLucas' Q 12.4, 12.5)

Senator McLucas asked:

It is stated in answer to question **CASA 39** [from May 2005 Estimates] that the primary pilot status currency board was in Brisbane and that the senior base pilot maintained a pilot currency status board in Cairns. Has CASA examined both boards and do they correspond?

Were both pilots current with all legislated status, currency and recency requirements such as license type, pilot medical, instrument rating renewal, CAO 20 emergency procedures certificate, dangerous goods certificate, aircraft-specific type flying, company check flights, instrument flying, each specific navigational aid approach, night flying, and so on?

Answer:

The Civil Aviation Safety Authority (CASA) has not compared the pilot status currency boards in Brisbane and Cairns.

Under the current surveillance practices, this level of checking is not necessarily undertaken. What is tested is that a company has adequate systems in place to safely and effectively manage its functions. CASA had determined that the system in place was adequate for the operations conducted and follows normal industry practice for smaller operators.

CASA has advised that, except for the co-pilot not holding a Global Navigation Satellite System endorsement, both pilots were current with all legislated status, currency and recency requirements.

Question no: CASA 68

Output: Civil Aviation Safety Authority

Topic: Pilots

Hansard page: Written question (Senator McLucas' Q 12.6)

Senator McLucas asked:

Has CASA sighted documents that confirm the Instrument Recency of the two pilots?

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Answer:

Yes. The Civil Aviation Safety Authority (CASA) has records confirming that both pilots complied with the recency requirements for acting as pilot-in-command for an IFR flight set out in Civil Aviation Order (CAO) 40.2.1 paragraph 11.2. CASA also has records confirming that the designated pilot in command of the aircraft complied with the recency requirements set out in paragraph 11.3 of CAO 40.2.1 for acting as pilot in command of an aircraft carrying out an instrument approach of the kind being carried out at the time of the accident.

Question no: CASA 69

Output: Civil Aviation Safety Authority

Topic: TransAir company records

Hansard page: Written question (Senator McLucas' Q 12.7)

Senator McLucas asked:

Has CASA sighted documents that confirm that manifests were compiled and kept in TransAir company records for three months; that trip records were actually sent to Brisbane in accordance with the company operations manual.

Answer:

The Civil Aviation Safety Authority (CASA) inspectors have sighted the documents and confirm that they were kept in the TransAir Headquarters (HQ) in Brisbane for the prescribed period. Trip records and manifests were faxed to the TransAir HQ on a daily basis and at the end of the week, hard copy originals were sent by post to the TransAir HQ.

Question no: CASA 70

Output: Civil Aviation Safety Authority

Topic: Carriage of dangerous goods

Hansard page: Written question (Senator McLucas' Q 12.8)

Senator McLucas asked:

Has CASA conducted ramp checks to verify that neither TransAir nor Aero Tropics carried dangerous goods on the Cairns-Bamaga-Lockhart River-Cairns route?

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Answer:

Carriage of dangerous goods is regulated, not prohibited (although there are absolute prohibitions on carriage of certain dangerous goods by air). Accordingly, aircraft operators may carry dangerous goods provided they do so in accordance with applicable regulations.

Over the last four months, a number of ramp checks have been conducted on Aero-Tropics (Lip-Air Pty Ltd) aircraft at various aerodromes in the Cape York Peninsula area. During ramp checks, the Civil Aviation Safety Authority (CASA) does not specifically examine carriage of dangerous goods. However, when cargo manifests or visual inspection indicate an operator is carrying dangerous goods, then the inspector will ascertain if the dangerous goods are being carried in accordance with the regulations. CASA did not detect any unlawful carriage of dangerous goods by Aero-Tropics.

TransAir (Lessbrook Pty Ltd) has a *Dangerous Goods Manual* which provides details for the carriage of dangerous goods by air on the company's fleet. TransAir is permitted by law to carry dangerous goods in accordance with its Dangerous Goods Manual. CASA notes that, according to its scheduled surveillance of TransAir, very few dangerous goods were carried on the route and CASA has not detected any unlawful carriage of dangerous goods by TransAir on the route.

Question no: CASA 71

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 13.1)

Senator McLucas asked:

With reference to questions in Supplementary Estimates on October 31, can the Department explain the purported arrangement between Aero-Tropics and Cairns Business and Leisure Travel in relation to the Cape York Mail Run?

Answer:

There is no requirement for *Remote Air Service Subsidy Scheme* providers to inform the Department of arrangements they enter into with third parties. However, Lip-Air Pty Ltd (trading as Aero-Tropics) did advise the Department and the Civil Aviation Safety Authority that it proposed to enter into a third party arrangement.

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Question no: CASA 72

Output: Civil Aviation Safety Authority

Topic: Cairns Business and Leisure Travel

Hansard page: Written question (Senator McLucas' Q 13.4, 13.5)

Senator McLucas asked:

Cairns Business and Leisure Travel advertises seats on the Cape York Mail Run. The advertisements, on its website and in the Cairns Post of Thursday 21 April 2005, may give the impression that the flights are RPT operations, and do not appear to state that they are charters (see **attachment**).

Does the company hold an AOC, and do the advertisements comply with CAR 210?

Answer:

Cairns Business and Leisure Travel does not hold an Air Operators Certificate (AOC).

Advertisements run by Cairns Business and Leisure Travel advertising seats on the Cape York services clearly indicate that the operations are charter operations. In CASA's view, the Cape York services carried out by Aero-Tropics (Lip-Air Pty Ltd), as presently constituted, is a charter operation.

Regulation 210 of the Civil Aviation Regulations 1988 (CARs) prohibits a person from advertising that a person is willing to undertake commercial operations unless the second-mentioned person has an AOC authorising those operations.

Aero-Tropics has an AOC-authorising charter operations. Therefore, the advertisements by Cairns Business and Leisure Travel, advertising charter operations by Aero-Tropics, are not in breach of CAR 210.

[CASA 72 attachment]

1 11 20 Cairns 35.54 -04 25.52 25.55 5.32 15 | .25 112 Ednd Tech 2.19
 2 37.24 20.79 CBA 101.23
 3 59.54
 4 106
 5 1
 6 6.8
 7 59.9
 8 108.3
 9 102.1
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Senate Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
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Question no: CASA 73

Output: Civil Aviation Safety Authority

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 13.7)

Senator McLucas asked:

How many and what percentage of Mail Run contractors hold RPT endorsements on their AOCs for these routes?

Answer:

No Air Operator Certificate (AOC) holders have all of the Cape York Mail Run destinations listed on their AOCs as aerodromes to which they can operate RPT flights.

Question no: CASA 74

Output: Civil Aviation Safety Authority

Topic: CASA's risk rating system

Hansard page: Written question (Senator McLucas' Q 17.1, 17.2, 17.3, 17.4, 17.5, 17.6)

Senator McLucas asked:

In answers during the Supplementary Estimates on October 31, the issue of CASA's risk rating system was discussed. Can the Department provide the monthly risk ratings since January 1 this year?

Can the Department confirm whether TransAir was ranked in the top three at any time prior to the Lockhart River crash in May this year?

What was its ranking post the crash?

What was Aero-Tropics' ranking prior to winning the Cape York Mail Run contract and the AMSA Cairns Search and Rescue contract?

What are their current rankings?

What were the reasons for any change in ranking, if their rankings changed?

Answer:

Please see response to question no. **CASA 10.**

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Question no: CASA 75

Output: Civil Aviation Safety Authority

Topic: CASA's risk rating system

Hansard page: Written question (Senator McLucas' Q 17.7)

Senator McLucas asked:

Can the Department provide details of any action taken by aviation authorities as a result of the rankings of both airlines?

Answer:

The Civil Aviation Safety Authority (CASA) considers changes in risk ratings in developing the application of appropriate surveillance tools to the various operators. Risk rating assessments are only one of the inputs used.

Question no: CASA 76

Output: Civil Aviation Safety Authority

Topic: CASA's risk rating system

Hansard page: Written question (Senator McLucas' Q 17.8, 17.9)

Senator McLucas asked:

What was Sunshine Express's position in the ratings monthly from January 1 this year?

If its ranking has changed recently, can you inform us why, and what action has been taken as a result?

Answer:

Please see response to question no. **CASA 10**.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Question no: AAA 01

Division/Agency: Aviation and Airports, DOTARS

Topic: Essendon Airport development

Hansard page: 91 (31/10/05)

Senator O'Brien asked:

I understand that significant traffic delays have resulted in the vicinity of Essendon Airport as a result of direct factory outlets opening on the airport site. Can you tell me when the Department was approached to approve this development?

Can you get us the date of lodgement?

Answer:

The draft Major Development Plan (MDP) was received by the Minister on 23 August 2004. Under sub-section 94(6) of the *Airports Act 1996* the Minister must approve, or refuse to approve, a Draft MDP within 90 days. However, where advice is to be sought from the Minister for the Environment and Heritage, pursuant to sub-section 94(6A) of the *Airports Act 1996*, the 90-day period commences from the date on which that advice is received.

The Department of Transport and Regional Services received advice in relation to the draft MDP from the Minister for the Environment and Heritage on 4 November 2004.

The draft MDP was approved on 16 December 2004.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates October/November 2005

Transport and Regional Services

Question no: AAA 02

Division/Agency: Aviation and Airports, DOTARS

Topic: Essendon Airport development

Hansard page: 92 (31/10/05)

Senator O'Brien asked:

What concerns were raised by Local and State Governments in relation to road access and support infrastructure?

Answer:

The following summarises the concerns that were raised by Local and State Governments with regard to road access and support infrastructure:

City of Darebin

- That public transport access is inadequate.

City of Moonee Valley

- That traffic management measures are required to minimise impact on surrounding roads, including First Avenue, Dublin Avenue, Balmoral Avenue, Holyrood Avenue, and Woodland Street;
- That there is a potential safety issue with signage along the Tullamarine Freeway;
- That the car parking facilities are inadequate; and
- That public transport access is inadequate.

Victorian Department of Sustainability

- That the site is remote from public transport;
- That the site is not well connected to the surrounding area;
- That the impact on surrounding roads have not been fully assessed;
- That motorists could be distracted by signage along the Tullamarine Freeway; and
- That an error exists in the calculation of car parking spaces for the development.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Question no: AAA 03

Division/Agency: Aviation and Airports

Topic: Deep Vein Thrombosis Study

Hansard page: 94 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—I take it from your earlier answers that the Department did not discuss with the Department of Health and Ageing the need for a second phase of the study?

Mr Bogiatzis—We made no commitment for a second phase.

Senator O'BRIEN—Did you discuss it?

Mr Bogiatzis—I am not aware of any discussion of further studies. The Department committed to undertake this study. I am not aware of it as a first stage study—I am aware of it as a complete study—and the publication completed the Department's engagement on that.

Senator O'BRIEN—Can you check that and let us know.

Answer:

At the time of negotiations with the then Department of Health and Aged Care (now Health and Ageing), the Department of Transport and Regional Services (DOTARS) committed to funding phase one of the study only, but was aware of the possibility for further study. DOTARS' involvement in the study was finalised with the publication of the study's outcomes in the British Medical Journal in 2003.

The Department of Health and Ageing have considered the need for a phase two study. No decision has been taken to proceed at this time.

Senate Rural and Regional Affairs and Transport Legislation Committee
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Question no: AMSA 01

Division/Agency: Australian Maritime Safety Authority

Topic: *Thor Hawke*

Hansard page: 96 (31/10/05)

Senator O'Brien asked:

Had this vessel ever previously be detained?

Answer:

No. The Australian Maritime Safety Authority has no record of *Thor Hawke* having been detained previously.

Question no: AMSA 02

Division/Agency: Australian Maritime Safety Authority

Topic: AMSA OH&S inspections

Hansard page: 98 (31/10/05)

Senator McEwen asked:

- (i) Do you have any criteria that AMSA uses to ensure that you do meet your obligations under the OHS (MI) Act specifically? And can you provide us with the criteria that you referred to earlier?
- (ii) How much would you spend on occupational health and safety obligations overall?
- (iii) Would it be possible to give us the amount of money you spend on making sure that each of those criteria is met, the amount you spent in the previous financial year and what you have budgeted for in the coming financial year to ensure that those criteria are met?

Answer:

- (i) Yes. A copy is **attached** of the "Guidelines to AMSA's Inspectors for Inspection of Vessels under the *Occupational Health and Safety (Maritime Industry) Act 1993*", which list the criteria to be checked during an inspection.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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(ii) The Australian Maritime Safety Authority (AMSA) does not maintain separate records of expenditure on occupational health and safety functions from its other ship safety compliance functions. Australian flag vessels under the jurisdiction of the *Navigation Act 1912*, and therefore covered by the *Occupational Health and Safety (Maritime Industry) Act 1993*, are eligible for flag-state-control inspections at six-monthly intervals (or three months for tankers over 15 years old and all passenger ships). When conducting a flag-state-control inspection, AMSA generally coordinates any required occupational health and safety inspection at the same time to make effective use of its inspection resources and to reduce disruption to the ship. It is not possible to distinguish the time and resources involved with occupational health and safety functions from AMSA's other ship safety functions during these combined inspections. During 2004-2005, AMSA records show that 41 separate occupational health and safety inspections were conducted on Australian flag ships. AMSA aims to conduct a routine occupational health and safety inspection of each ship covered by the *Occupational Health and Safety (Maritime Industry) Act 1993* at least once annually.

(iii) During 2004-2005, AMSA estimates that around \$500,000 could be attributed directly to occupational health and safety activity within AMSA's flag State-control compliance monitoring function and a similar amount is estimated in 2005-2006.

[AMSA 02 attachment]



Australian Government
Australian Maritime Safety Authority

GUIDELINES TO AMSA INSPECTORS FOR INSPECTION OF VESSELS UNDER THE *OH&S (MI) ACT 1993*

The *OH&S (MI) Act 1993* applies in relation to a prescribed ship or prescribed unit that is engaged in trade or commerce.

Ship name	IMO number	Flag	Call sign
Ship type	Year keel laid	Gross tonnage	Class society
Owner	Operator		
Port	Inspector	Date	

A **'prescribed ship'** means:

- a ship to which Part II of the Navigation Act applies; or
- an off-shore industry vessel covered by a declaration in force under subsection 8A(2) of that Act; or
- a trading ship covered by a declaration in force under subsection 8AA(2) of that Act; but does not include
- a ship or unit to which the *Petroleum (Submerged Lands) Act 1967* applies; or
- a Government ship.

A **'prescribed unit'** means an off-shore industry mobile unit that is not self propelled and is under tow.

Duties of Operators

- Operators of ships must provide a safe place of work for their employees
- Operators must provide information, instruction, training and supervision necessary to enable employees to perform their work in a safe manner without risk to their health
- Operator must monitor employees health and safety at work
- Operator must maintain information and records relating to employees health and safety
- Operator must provide medical and first aid services as appropriate.

Health and Safety Committee

- One health and safety representative for each designated work group.
- The health and safety representative's identity to be available for inspection
- Health and safety rep must be trained in an accredited OH&S course
- Safety rep may conduct OH&S inspections on vessel
- Safety rep can request inspectorate to conduct investigations
- Safety rep may accompany inspector during investigations
- Committee members should have access to the OH&S Act

Surveyors are advised that sometimes, obvious safety breaches are observed on vessels which were not apparent to the crew (including safety reps), because they were too close to the problem.

PUBLICATIONS ON BOARD

Enter Y - Yes ,
N - No or N/A

OH&S (MI) Act 1993 and Regulations

Marine Notices

Code of Safe Working Practice for Australian Seafarers

CREW MANAGEMENT AND ADMINISTRATION

Does the vessel have a risk assessment procedure?

Crew trained in risk assessment?

Records of assessment maintained on board?

Permit to work procedure adequate?

Permit to work file contains copies of permits issued?

Permit system covers hot work, confined space, electrical isolation, overside and aloft work?

Incident alerts and incident reports filed on board?

Potentially dangerous spaces identified and risk assessed?

Formal accident/incident investigation procedure in place?

Gas monitors and other test equipment in good order?

Test equipment recalibrated as per manufacturers instructions

Challenge/Bump/Span gas test kit available?

Crew and officers trained in use of equipment?

HEALTH AND SAFETY REPRESENTATIVES

Health and Safety rep selected as per OH&S (MI) Act?

Does Master have list of all reps for designated work groups?

Are health & Safety reps aware of S.48 of OH&S (MI) Act?

CREW ACCOMMODATION / GALLEY

Muster lists / emergency info for shore officials sufficient?

Escape routes and exits clearly marked?

Are fire doors free from homemade hooks (wedged or tied back)?

Stretchers suitable for confined space rescue available?

Condition of deckheads, bulkheads, decks etc. satisfactory?

Exhaust vents / grids clean and intact?

Deep fat fryers fitted with guards?

Fire blanket available?

Galley food storage satisfactory?

Accommodation free of infestation?

Garbage handling procedures in place and followed?

No smoking sign displayed and policy enforced?

Non-wooden chopping boards in use?

Adequate lighting available?

Electrical equipment switched off when not in use?

Condition of steps and treads satisfactory?

Adequate supply of appropriate PPE available for use?

Condition of PPE satisfactory?

Procedure in place for checking condition of PPE?

DECK AND DECK STRUCTURES

Enter Y - Yes ,
N - No or N/A

OH&S (MI) Act 1993 and Regulations

Safe access and egress from gangway?

Condition and rigging of gangway net satisfactory?

Condition of deck area satisfactory?

Lights and fittings satisfactory?

Platforms and catwalks in satisfactory condition?

Railings around deck / crane platforms satisfactory?

Condition of wires satisfactory?

Limit switches operational?

General appearance of equipment satisfactory?

Belts / Rollers in good condition?

Guards fitted satisfactory?

Procedures in place to clear blockages in conveyors?

Audio / visual alarms operational?

Lockout / Tagout procedures understood and followed?

Condition of hold ladders satisfactory?

ENGINE ROOM

MSDS for fuels and chemicals used available?

Suitable PPE for handling chemicals and fuels available?

Hearing protection and safety glasses available?

Eye wash facility satisfactory?

Machinery guards satisfactory?

General cleanliness satisfactory?

Adequate lighting throughout engine room?

Unobstructed access and egress?

Exit signs clearly marked?

General electrical safety practices observed?

Securing arrangements for movable items satisfactory?

Suitable cleaning equipment and materials available?

Adequate engine room ventilation?

Critical alarms (boiler water level, crank case mist detector etc) satisfactory?

Sufficient emergency escape sets available?

Insulation of hot surfaces satisfactory?

Asbestos register and guidelines available?

NOTES (please attach additional pages as required)

Senate Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
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Question no: AMSA 03

Division/Agency: Australian Maritime Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 1 and 2)

Senator Conroy asked:

Please provide details of total departmental/organisational spending on information and communications technology (ICT) products and services during the last 12 months.

Please break down this spending by ICT function (e.g. communications, security, private network, websites).

Answer:

Not applicable to the Australian Maritime Safety Authority (AMSA). AMSA's core information technology services are provided from in-house resources and AMSA does not have information technology outsourcing arrangements.

Question no: AMSA 04

Division/Agency: Australian Maritime Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 3)

Senator Conroy asked:

Was this spending in line with budget forecasts for this 12-month period?

- a. If not, please provide details of:
 - i. The extent that information and communications technology (ICT) spending exceeded budget forecasts for this 12-month period;
 - ii. Details of specific ICT contracts which resulted in the department/organisation spending in excess of budget forecasts for this 12-month period;
 - iii. The reasons ICT spending exceeded budget forecasts for this 12-month period.

Answer:

Not applicable to the Australian Maritime Safety Authority.

Senate Rural and Regional Affairs and Transport Legislation Committee

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Question no: AMSA 05

Division/Agency: Australian Maritime Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 4)

Senator Conroy asked:

Please provide details of any information and communications technology (ICT) projects that have been commissioned by the department/organisation during the past 12 months that have failed to meet designated project time frames (i.e. have failed to satisfy agreed milestones by agreed dates).

- a. For such projects that were not completed on schedule, please provide details of:
 - i. The extent of any delay;
 - ii. The reasons these projects were not completed on time; and
 - iii. Any contractual remedies sought by the department/organisation as a result of these delays (e.g. penalty payments).

Answer:

Not applicable to the Australian Maritime Safety Authority.

Question no: AMSA 06

Division/Agency: Australian Maritime Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 5)

Senator Conroy asked:

Please provide details of any ICT projects delivered in the past 12 months that have materially failed to satisfy project specifications.

Answer:

Not applicable to the Australian Maritime Safety Authority.

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Question no: AMSA 07

Division/Agency: Australian Maritime Safety Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 6)

Senator Conroy asked:

Please provide details of any ICT projects that were abandoned by the department/organisation within the last 12 months before the delivery of all project specifications outlined at the time the project was commissioned.

- a. For such abandoned projects, please provide details of:
 - i. Any contractual remedies sought by the department as a result of the abandonment of these projects;
 - ii. Any costs of re-tendering the ICT project.

Answer:

Not applicable to the Australian Maritime Safety Authority.

Question no: AMSA 08

Division/Agency: Australian Maritime Safety Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 1)

Senator Fielding asked:

How much money has the Portfolio spent on **domestic** airfares for each of the last three financial years?

Answer:

The Australian Maritime Safety Authority (AMSA) advises that it maintains separate detailed records of each domestic trip by its staff including accommodation, meals and incidentals, and travel costs. However, for AMSA to identify only the domestic airfare component of such travel would require an extensive diversion of resources. The undernoted table therefore shows the total expenditure on domestic travel including airfares, accommodation, meals and incidentals in each year:

Year	2002-03	2003-04	2004-05
Total Domestic Travel Expenditure (\$'000)	1,136	1,155	1,723

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Question no: AMSA 09

Division/Agency: Australian Maritime Safety Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 2)

Senator Fielding asked:

How much money has the Portfolio spent on **overseas** airfares for each of the last three financial years?

Answer:

The Australian Maritime Safety Authority (AMSA) advises that it maintains detailed records of each overseas trip by its staff including accommodation, meals and incidentals, and travel costs. However, for AMSA to identify only the overseas airfare component of such travel would require an extensive diversion of resources. The undernoted table therefore shows the total expenditure on **overseas travel** including airfares, accommodation, meals and incidentals in each year:

Year	2002-03	2003-04	2004-05
Total Overseas Travel Expenditure (\$'000)	761	641	789

Question no: AMSA 10

Division/Agency: Australian Maritime Safety Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 3)

Senator Fielding asked:

How much money has the portfolio spent on **economy class domestic** airfares for each of the last three financial years?

Answer:

The Australian Maritime Safety Authority (AMSA) advises that it maintains separate detailed records of each domestic trip by its staff including accommodation, meals and incidentals, and travel costs. However, for AMSA to identify only the economy class domestic airfare component of such travel would require an extensive diversion of resources.

AMSA advises that under its travel policy all staff are generally required to travel economy class domestic air travel except for its four Executive General Managers and staff members travelling outside normal business hours on flights of more than three and half hours duration.

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Question no: AMSA 11

Division/Agency: Australian Maritime Safety Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 4)

Senator Fielding asked:

How much money has the portfolio spent on **business class domestic** airfares for each of the last three financial years?

Answer:

The Australian Maritime Safety Authority (AMSA) advises that it maintains separate detailed records of each domestic trip by its staff including accommodation, meals and incidentals, and travel costs. However, for AMSA to identify only the business class domestic airfare component of such travel would require an extensive diversion of resources.

AMSA advises that under its travel policy expenditure on business class domestic air travel is generally limited to its four Executive General Managers and staff members travelling outside normal business hours on flights of more than three and half hours duration.

Question no: AMSA 12

Division/Agency: Australian Maritime Safety Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 5)

Senator Fielding asked:

How much has the portfolio spent on **first class domestic** airfares for each of the last three financial years?

Answer:

The Australian Maritime Safety Authority advises that its travel policy does not provide for any staff to travel first class on domestic flights.

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Question no: AMSA 13

Division/Agency: Australian Maritime Safety Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 6)

Senator Fielding asked:

What would be the estimated financial year dollar-saving if all public servants in the portfolio travelled economy class for flights of less than one and a half hours duration?

Answer:

The Australian Maritime Safety Authority (AMSA) advises that its travel policy requires all staff to travel economy class for flights of less than three and half hours duration, except its four Executive General Managers who have access to business class domestic air travel.

AMSA advises that it maintains separate detailed records of each domestic trip by its staff including accommodation, meals and incidentals, and travel costs. However, for AMSA to identify the savings between an economy and business class domestic airfare component of its domestic travel expenditure would require an extensive diversion of resources.

Question no: AMSA 14

Division/Agency: Australian Maritime Safety Authority

Topic: Contract negotiations

Hansard page: Written question (Senator Murray's Q 1)

Senator Murray asked:

What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not provided, please explain why this is the case.

Answer:

None. The Australian Maritime Safety Authority is governed by the *Commonwealth Authorities and Companies Act 1997* (CAC Act) and the Senate Order on Departmental and Agency Contracts does not apply to CAC Act agencies.

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Question no: AMSA 15

Division/Agency: Australian Maritime Safety Authority

Topic: Training

Hansard page: Written question (Senator Murray's Q 2)

Senator Murray asked:

What training and awareness sessions are provided, either in-house or through other training providers (e.g. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.

Answer:

None. The Australian Maritime Safety Authority is governed by the *Commonwealth Authorities and Companies Act 1997* (CAC Act) and the Senate Order on Departmental and Agency Contracts does not apply to CAC Act agencies.

Question no: AMSA 16

Division/Agency: Australian Maritime Safety Authority

Topic: Commonwealth procurement guidelines

Hansard page: Written question (Senator Murray's Q 3)

Senator Murray asked:

Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?

Answer:

Yes, the Australian Maritime Safety Authority (AMSA) reviewed and amended its procurement procedures to reflect the changes in the Commonwealth Procurement Guidelines prior to 1 January 2005.

AMSA's general procurement policies and procedures require that AMSA's purchasing activities must consider compliance with relevant Commonwealth policies including the *Commonwealth Procurement Guidelines* and specifically provide that: "As a Government Agency, AMSA is accountable to the Minister, Parliament and the general public. Considering this, AMSA buyers and delegates approving

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expenditure are accountable to management, the AMSA Board, the Minister and ultimately to Parliament”.

AMSA’s standard contract includes a disclosure of information clause stating that: “The Contractor acknowledges that AMSA may be required to provide information in relation to this Contract by the operation of any law, by a judicial or parliamentary body or by a governmental agency, and accordingly, AMSA can give no undertakings to treat any Contractor information or this Contract as confidential”.

Question no: AMSA 17

Division/Agency: Australian Maritime Safety Authority

Topic: ANAO audits

Hansard page: Written question (Senator Murray's Q 4)

Senator Murray asked:

ANAO audits for the last three years have revealed a consistently low level of compliance across most Agencies with DOFA’s confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest Report on the Order (No.11 of 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order.

- What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
- What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?
- What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the Agency considering the adoption of internal controls and checks?

Answer:

Not applicable. The Australian Maritime Safety Authority is governed by the *Commonwealth Authorities and Companies Act 1997* (CAC Act) and the Senate Order on Departmental and Agency Contracts does not apply to CAC Act agencies.

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Question no: AMSA 18

Division/Agency: Australian Maritime Safety Authority

Topic: The Senate Order

Hansard page: Written question (Senator Murray's Q 5)

Senator Murray asked:

What problems, if any, have the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?

Answer:

Not applicable. The Australian Maritime Safety Authority is governed by the *Commonwealth Authorities and Companies Act 1997* (CAC Act) and the Senate Order on Departmental and Agency Contracts does not apply to CAC Act agencies.

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Question no: REGS 01

Division/Agency: Regional Services

Topic: SONA projects

Hansard page: 101 (31/10/05)

Senator O'Brien asked:

Were there any SONA projects approved subsequent to 31 December 2004?

Answer:

As at 31 October 2005, there were no Strategic Opportunities Notional Allocation (SONA) projects approved subsequent to 31 December 2004.

Question no: REGS 02

Division/Agency: Regional Services

Topic: Regional Partnerships - Ministerial discretion

Hansard page: 102 (31/10/05)

Senator O'Brien asked:

In February this year, the Department disclosed that between 1 July 2003 and 31 December 2004, there were 17 occasions where Ministers rejected the Department's recommendation in relation to individual Regional Partnerships program applications. To 31 December, there were 11 projects approved by the Minister against the Department's advice, 3 projects rejected by the Minister against the Department's advice and 3 projects where the Minister approved a higher funding amount than recommended by the Department. Can you update those numbers for us, Dr Dolman? Have there been any more occasions where the Minister has rejected the Department's recommendation in relation to individual Regional Partnerships program applications?

Answer:

As at 31 October 2005, there have been 1066 decisions taken under the Regional Partnerships program. In 58 cases to date, the Minister or Parliamentary Secretary has used his/her discretion to vary or reject the Department's recommendations:

- 24 projects were approved by the Minister/Parliamentary Secretary where the Department did not recommend them;

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11 projects were rejected by the Minister/Parliamentary Secretary where the Department did recommend them;

- 6 projects where the Minister/Parliamentary Secretary approved a higher funding amount than recommended by the Department; and
- 17 projects where the Minister/Parliamentary Secretary reduced the funding amount recommended by the Department.

Question no: REGS 03

Division/Agency: Regional Services

Topic: Buchanan Rodeo Park

Hansard age: 102 (31/10/05)

Senator O'Brien asked:

I have a copy of the contract here. It says that \$1.936 million was proposed to be paid by 20 May on the design documentation approvals, tenders, external landscaping and buffer works.

Ms Page—Unless something has altered, I would assume that that is the level of payment. We can check that and get back to you, Senator.

Answer:

On 26 May 2005, the first payment of \$1,936,000 (GST-inclusive) was processed to the Mount Isa City Council's account as per the Funding Agreement to enable the recipient to complete the following activities:

concepts, detail design, community consultation, costings, quantity surveys, feasibility study, management plan, administration and development approvals, perimeter fencing, buffer landscaping, irrigation and pedestrian paths.

Under the Funding Agreement, the Council will be required to provide documentation of statutory approvals, planning, tendering, and project management in order to receive the next payment.

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Question no: REGS 04

Division/Agency: Regional Services

Topic: Tamworth Equine Centre

Hansard page: 102 (31/10/05)

Senator O'Brien asked:

Can you tell us whether any licence approvals were obtained or costings prepared for the Tamworth Equine Centre project before the first payment was made? Perhaps you could also let us know on notice whether the proponent lodged a progress report on or before 30 September 2005. Do you have any idea of the current state of the project?

Answer:

The first payment was made upon execution of the Funding Agreement.

The second payment is due on 1 March 2006 and is conditional upon evidence of meeting Milestone 1 which requires engaging architects, obtaining all necessary approvals and licences, completion of a project budget review, acquittal of payment one and a second progress report.

The first progress report was lodged on 30 September 2005.

That progress report indicates the following regarding the status of the project:

- Architects have been contracted;
- Expressions of interest from sub-contractors to assist architects have been called;
- Proposed site has been determined;
- Site plan has been developed (and copy provided);
- Detailed design work has commenced; and
- Development application is expected to be lodged with Council prior to Christmas 2005.

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Question no: REGS 05

Division/Agency: Regional Services

Topic: Bert Hinkler Hall of Aviation

Hansard page: 103 (31/10/05)

Senator O'Brien asked:

Has the risk assessment in relation to Bert Hinkler Hall of Aviation been concluded?

Answer:

Yes, it was completed in May 2005.

Question no: REGS 06

Division/Agency: Regional Services

Topic: Dalby Showgrounds

Hansard page: 103 (31/10/05)

Senator O'Brien asked:

You gave me some information about the Dalby Showgrounds, which I think indicated that the risk assessment has not been concluded. Is that right? Why is it taking so long? Can you provide on notice a chronology of events in the assessment of that project?

Answer:

May-June 2005 Financial viability assessment by Ernst and Young.

June-October 2005 Full feasibility study by Dalby Town Council.

November-December 2005 Financial viability assessment of feasibility study.

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Question no: REGS 07

Division/Agency: Regional Services

Topic: Reginald Murray Williams Centre

Hansard page: 103 (31/10/05)

Senator O'Brien asked:

Was the risk assessment completed recently? If there has been any delay, whether there is any reason for the delay in approval.

Answer:

An independent risk assessment was completed by Walter Turnbull on 20 June 2005. The Department of Transport and Regional Services has sought further information, including strategies for addressing identified risks, from the proponent.

Question no: REGS 08

Division/Agency: Regional Services

Topic: Newman Town Centre Project

Hansard page: 104 (31/10/05)

Senator O'Brien asked:

Did the Prime Minister seek information from the Department about this project before his funding announcement?

Answer:

No.

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Question no: REGS 09

Division/Agency: Regional Services

Topic: Primary energy

Hansard page: 105 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—What would you say to a suggestion that Mr Langhorne's letter did not find its way to the Department directly but was appended to the letter from Minister Campbell in July last year, directing that the application be progressed?

Mr Dolman—I do not think that there was anything appended to the letter from Senator Campbell.

Senator O'BRIEN—Are you able to check the file?

Answer:

There was no letter appended to Minister Campbell's letter of 5 July 2004 to the Department. In searching the file, the Department has located correspondence from a ministerial adviser which was sent to Ministers.

Question no: REGS 10

Division/Agency: Regional Services

Topic: Textile, Clothing and Footwear Community Assistance

Hansard page: 107 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—Does it come out of funds from the Department of Industry, Tourism and Resources?

Dr Dolman—That is correct.

Senator O'BRIEN—Is the assessment process different?

Dr Dolman—The assessment process is based on the Regional Partnerships project. Essentially what we are providing is a service for the industry Department to allow them to access the ACCs to help develop projects in areas that have been affected by the closing down of textile, clothing and footwear companies, and also to use the Regional Partnerships application form as a means of applying for those funds. There is an additional question that is explained on the website that requires them to demonstrate how they have been affected by an impact relating to the textile, clothing and footwear contraction in that industry.

Senator O'BRIEN—There is no cap on expenditure?

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Answer:

The Textile, Clothing and Footwear (TCF) Structural Adjustment Program is a \$50 million ten-year program which began on 1 July 2005. It is comprised of three elements:

Element 1: direct assistance for textile, clothing and footwear employees who lose their jobs as a result of structural adjustment in the industry—administered by the Department of Employment and Workplace Relations;

Element 2: the Restructuring Initiative Grants Scheme which provides grant support to two or more textile, clothing and footwear entities that undertake an approved restructuring initiative—administered by the Department of Industry, Tourism and Resources (DITR); and

Element 3: the TCF Community Assistance Program provides grants to communities affected by TCF structural adjustment with funds met through DITR appropriations, with the Department of Transport and Regional Services supplying administration at cost to DITR.

Funding limits have not been determined and projects are assessed on their merits under each element.

Question no: REGS 11

Division/Agency: Regional Services

Topic: Textile, Clothing and Footwear Community Assistance applications

Hansard page: 107 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—Mr Macfarlane is the decision maker for those?

Dr Dolman—I will take that on notice. My understanding is there is a role for both the Industry Minister and for Minister Truss.

Answer:

Under revised administrative arrangements for the Regional Partnerships program announced by the Minister for Transport and Regional Services on 15 November 2005, the Regional Partnerships Program Ministerial Committee takes decisions on projects assessed under the program. Arrangements for the assessment of projects which come forward through the Textile, Clothing and Footwear Community Assistance program are being finalised with the Department of Industry, Tourism and Resources.

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Question no: REGS 12

Division/Agency: Regional Services

Topic: Polocrosse centre

Hansard page: 7 (31/10/05)

Senator O'Brien asked:

I have been very interested in the Polocrosse project. Can you get me some job numbers on that?

Answer:

When the Dairy Regional Assistance program Beaudesert Equestrian Centre project was completed in November 2001, the proponent advised that 15 jobs had been generated through the construction phase of the project, and that five casual staff had been employed for the Centre's first event.

Question no: REGS 13

Division/Agency: Regional Services

Topic: Remote Air Services Subsidy Scheme

Hansard page: 109 (31/10/05)

Senator O'Brien asked:

Have officers responsible for this program received any communications from the member for Leichhardt, Mr Entsch, or from the Minister's office in response to representations from Mr Entsch on Aero-Tropics and/or TransAir? If there had been, I would like to know when, in what form, what it was about and how the Department responded.

Answer:

No.

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Question no: REGS 14

Division/Agency: Regional Services

Topic: Mr Kevin Humphries' pre-selection campaign

Hansard page: 109 (31/10/05)

Senator O'Brien asked:

The New England North West ACC Chair, Mr Kevin Humphries, was selected as the National Party candidate for Barwon earlier this month. Can the Committee be assured that no publicly-funded ACC resources were used in the course of his pre-selection campaign?

Answer:

The New England North West Area Consultative Committee (ACC) has advised that at no time were any public funds used to assist Mr Humphries in his campaign for pre-selection.

Question no: REGS 15

Division/Agency: Regional Services

Topic: Connect Australia Program

Hansard page: 110 (31/10/05)

Senator O'Brien asked:

1. Can the Committee be advised of the operational funding details for each Area Consultative Committee (ACC) on notice, please?
2. Has Minister Truss, Minister Lloyd or the Department had any discussion with any ACC or group of ACCs about the role of them in administration of the Connect Australia program?

Answer:

1. See **attached table** below (next page).
2. The Connect Australia program was discussed during a meeting between the Hon Warren Truss MP, Minister for Transport and Regional Services and the ACC Chairs' Reference Group (CRG) on 2 November 2005.

The discussion recognised the Connect Australia program as a possible avenue for ACCs to facilitate improved broadband coverage in their regions.

The possibility of ACCs administering this program has not been discussed with Minister Truss, Minister Lloyd or the Department.

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Area Consultative Committee Funding Allocation for 2005-06	Total Allocation
	GST exclusive
	\$
NSW/ACT	
Central Coast	219,725
Hunter	265,418
Mid North Coast	238,434
Northern Rivers	235,123
Central West	223,503
New England North West	295,667
Orana	280,720
Outback	220,000
Riverina	226,565
Capital Region	289,410
GROW	994,881
Illawarra	286,200
Shoalhaven	218,000
South East NSW	259,100
VICTORIA	
Albury Wodonga	243,700
Geelong	231,910
Gippsland	277,190
Melbourne Development Board	309,900
Melbourne East	275,220
Melbourne's West	244,100
North East Victoria	231,535
Northern (Melbourne)	284,800
South East Development	239,000
Central Victoria	288,000
Central Highlands	273,120
Central Murray	268,350
Greater Green Triangle	273,906
Sunraysia	223,934
QLD	
Gold Coast & Region	252,000
Greater Brisbane	374,000

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Ipswich & Regional	254,000
Moreton Bay Coast & Country	252,000
Southern Inland QLD	308,000
Sunshine Coast	260,000
Wide Bay Burnett	270,000
Central QLD	309,000
Far North QLD	290,326
Mackay & Region	278,400
North QLD	306,500
Torres Strait	235,000

SA	
Adelaide Metropolitan	292,800
Barossa, Riverland, Midnorth	254,400
Flinders Region	290,400
South Central	244,400
South East	254,400

WA	
Goldfields Esperance	266,900
Great Southern	251,000
Kimberley	266,400
Metropolitan Perth	255,430
Mid West Gascoyne	264,000
Peel	253,000
Pilbara	314,000
South West	254,500
Wheatbelt	293,000

Tasmania	
ACC Tasmania	328,740

NT	
Northern Territory ACC	384,000

Total **15,774,007**

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Question no: REGS 16

Division/Agency: Regional Services

Topic: Bank@Post facilities

Hansard page: 111 (31/10/05)

Senator O'Brien asked:

Senator O'BRIEN—In May, Ms Gosling told us the Department expected 20 Bank@Post facilities to be installed by the end of June, as per the Department's contract with Australia Post. The answer to REGS 19 shows—that is in answer to a question on notice—that 13 facilities were installed as at 9 June 2005. Were seven more installed by the end of the month?

Dr Dolman—Yes, 20 sites were installed by the end of June.

Senator O'BRIEN—Can we have the updated list? I have the list of 13, but not the others.

Answer:

The following Licenced Post Offices (LPOs) had electronic banking services installed under the Bank@Post program between 9 June 2005 and 30 June 2005.

Wickepin LPO (Western Australia)

Dowerin LPO (Western Australia)

Pine Creek LPO (Western Australia)

Burekup LPO (Western Australia)

Kulin LPO (Western Australia)

Risdon Park South LPO (South Australia)

Tintinara LPO (South Australia)

Question no: REGS 17

Division/Agency: Regional Services

Topic: Number of officers working on COAG East Kimberley trial site

Hansard page: 112 (31/10/05)

Senator O'Brien asked:

How many officers are currently working on the East Kimberley trial site?

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Answer:

At 30 November 2005, there were 4.8 Full-Time Equivalent (FTE) staff (2 FTE Halls Creek; 2.8 FTE Canberra). Of the Canberra-based positions, not all officers work full-time on the East Kimberley trial. Some also work on broader Indigenous policy work.

Question no: REGS 18

Division/Agency: Regional Services

Topic: Aero-Tropics contract

Hansard page: 113 (31/10/05)

Senator McLucas asked:

Lip-Air trading as Aero-Tropics won that part of the tender.

- a) When was that contract agreed to and signed?
- b) For how long does the contract run?

Answer:

- (a) Lip-Air was selected as the successful tenderer on 28 October 2004 and the contract was signed on 14 December 2004.
- (b) The contract runs until 30 November 2006 with the option to extend by no more than two periods of 12 months each.

Question no: REGS 19

Division/Agency: Regional Services

Topic: Lip-Air

Hansard page: 113 (31/10/05)

Senator McLucas asked:

Does Lip-Air have an RPT?

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Answer:

Yes. The Civil Aviation Safety Authority (CASA) website indicates that 17 ports are included on the Lip-Air Pty Ltd Air Operator's Certificate for Regular Public Transport operations. Passenger and freight services to two of these ports, Strathburn and Violet Vale, are subsidised under the Remote Air Services Subsidy (RASS) scheme.

The Department understands that Lip-Air has applied to CASA for a variation of its Air Operator's Certificate to include the remaining serviceable RASS subsidised destinations. CASA is currently considering the Lip-Air application.

Question no: REGS 20

Division/Agency: Regional Services

Topic: Lip-Air

Hansard page: 113 (31/10/05)

Senator McLucas asked:

Can you find out if the Department has done anything to see if there has been any move towards compliance by Lip-Air?

Answer:

The Government funds and administers the Remote Air Services Subsidy (RASS) scheme with the objective of providing communities in remote and isolated areas of Australia with improved access to regular weekly air transport services for the carriage of passengers and goods. The scheme provides subsidies to assist air operators in the provision of these services to communities specified in the contract.

The contract between the Commonwealth and the air operator specifies that the subsidy is paid monthly in arrears after the air operator has provided reports verifying that the services have been provided.

Air safety issues on RASS subsidised flights are the responsibility of the air operators in accordance with civil aviation legislation as administered by the Civil Aviation Safety Authority (CASA).

As is general Commonwealth practice, the contracts with air operators require services to be provided in accordance with relevant law, citing a range of acts including the *Civil Aviation Act 1988*.

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The Department receives monthly reports from air operators (including Lip-Air). These reports confirm that the contracted air services have been provided, and give statistics on the volume of freight and number of passengers carried on the RASS subsidised service. The Department also liaises with air operators on a range of other matters as they arise. Since the commencement of the RASS contract, the Department has had ongoing communication with Lip-Air on a range of issues, including in relation to its application to have aerodromes receiving RASS services included on its Air Operator's Certificate for Regular Public Transport operations.

The answer to question no. **REGS 19** discusses Lip-Air's application to CASA to have its AOC varied to include all ports listed on the RASS contract. While this application is being processed, flights are being delivered as a closed charter—"in accordance with fixed schedules to-and-from fixed terminals" where the accommodation on aircraft are not available to the general public. Cairns Business and Leisure Travel holds the contract with

Lip-Air for these charter services. Such arrangements are permitted under the contract in accordance with civil aviation legislation.

The RASS contract does not require Lip-Air to specifically advise of the details of interim charter arrangements. However, Lip-Air did advise the Department and CASA that they proposed to enter into a third party arrangement.

RASS contracts require that air operators give priority to local traffic on RASS subsidised services. The Department is unaware of any instance of this requirement being breached.

Question no: REGS 21

Division/Agency: Regional Services

Topic: Lip-Air

Hansard page: 114 (31/10/05)

Senator McLucas asked:

Are you aware that as part of that process you might find out whether the 72 properties that receive mail are listed on Lip-Air's AOC?

Answer:

Mail delivery is the responsibility of Australia Post, which has a separate contract with Lip-Air.

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Question no: REGS 22

Division/Agency: Regional Services

Topic: Cape York mail run

Hansard page: 114 (31/10/05)

Senator McLucas asked:

a) **Senator McLucas**—Just so that you understand the arrangement, Cairns Business and Leisure Travel sell tickets on the mail run in what Civil Aviation Safety Authority (CASA) describes as a closed charter. The point I am asking you is not necessarily about whether passengers are travelling and how they are travelling and whether these passengers are in fact rural or remote people or tourists, which is another question all over again, but your contract is about the delivery of mail and cargo into rural and remote areas. I am interested to know how the contract with Lip-Air can be compliant if they are providing the power to make decisions about what mail goes, and what mail does not, to a booking agency.

Ms Page—I can get further information on that but it seems that it could be quite possible for an operator to further contract to another organisation to assist it to fulfil its contractual obligations.

b) **Senator McLucas**—I would be interested to know if you have had a look at that and, in terms of this particular contract, whether that is in fact what has happened. My assessment, admittedly from a little bit away, is not that that is the arrangement. Does the contract between Department of Transport and Regional Services (DOTARS) and Lip-Air refer to Cairns Business and Leisure Travel?

Answer:

a) The delivery of mail is the responsibility of Australia Post which has a separate contract with Li-Air.

b) See answer to **REGS 20**.

Question no: REGS 23

Division/Agency: Regional Services

Topic: Rural mail runs

Hansard page: 114 (31/10/05)

Senator McLucas asked:

Could you tell me, on notice probably, how many of them did not have an RPT at the time when the contract was signed?

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Answer:

One *Remote Airservices Subsidy Scheme* (RASS) air operator, Chartair, did not hold a Regular Public Transport Air Operator Certificate at the time the RASS contracts were signed.

Question no: REGS 24

Division/Agency: Regional Services

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 5.1, 5.2)

Senator McLucas asked:

- a) Is it correct that this route has been required to be operated as a RPT route by the two previous operators for 30 of its 32 years?
- b) Does the RASS contract for this route require the operator to hold an RPT endorsement on his AOC for the route, or obtain RPT endorsement within a reasonable period of time?

Answer:

- a) No.
- b) The *Remote Airservices Subsidy Scheme* (RASS) contract specifies that as at the contract commencement date, the Operator holds an Air Operator's Certificate for Regular Public Transport authorising the conduct of Regular Public Transport (RPT) and/or charter operations. In addition:
 - (i) if an Operator's Air Operator Certificate (AOC) is an RPT AOC, the RPT AOC is endorsed for the ports specified in Schedule 1 or the Operator is capable of having the RPT AOC endorsed for the ports specified in Schedule 1 within 6 months from the commencement date; or
 - (ii) if the Operator's AOC is a charter AOC, the Operator is capable of upgrading to an RPT AOC endorsed for the ports specified in Schedule 1 within 6 months from the commencement date

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Question no: REGS 25

Division/Agency: Regional Services

Topic: Aero-Tropics Compliance with the RASS Contract

Hansard page: Written question (Senator McLucas' Q 9.1, 9.2, 9.3)

Senator McLucas asked:

In an answer to questions in Supplementary Estimates on 31 October 2005, Regional Services' Deputy Secretary Susan Page stated that she did not know whether anyone in DOTARS had checked any aspect of Aero-Tropics compliance with the RASS contract.

- (a) Why hasn't the Department regularly monitored compliance through physical visits to Aero-Tropics and other physical checks of the operation?
- (b) Does the Department still regard it as sufficient to write to the operators when issues of public and individual safety and general aviation safety are implicit in the terms of the contract?

Answer:

(a) & (b) See answer to **REGS 20**.

Question no: REGS 26

Division/Agency: Regional Services

Topic: Cairns Business and Leisure Travel

Hansard page: Written question (Senator McLucas' Q 13.2, 13.3)

Senator McLucas asked:

- a) Was the Department and Australia Post advised of the purported arrangements between Aero-Tropics and Cairns Business and Leisure Travel?
- b) Were those arrangements approved prior to the contract taking effect?

Answer:

(a) & (b) See answer to **REGS 20**.

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Question no: REGS 27

Division/Agency: Regional Services

Topic: Cape York mail run

Hansard page: Written question (Senator McLucas' Q 13.6)

Senator McLucas asked:

As stated in Supplementary Estimates on 31 October 2005, the Cape York Mail Run tender explicitly required an RPT AOC. How are all other Mail Run contracts operated—by RPT or by some other form of charter arrangement?

Answer:

Mail delivery is the responsibility of Australia Post, which has a separate contract with Lip-Air.

In relation to air operator's Regular Public Transport (RPT) requirements, the *Remote Air Service Subsidy Scheme* (RASS) tender required that:

The successful tenderer will be required to hold a Regular Public Transport (RPT) Air Operators Certificate (AOC), authorising operations into and out of all specified ports, or demonstrate to the satisfaction of the Civil Aviation Safety Authority (CASA) and DOTARS, that they are capable of upgrading to an RPT-AOC authorising those operations within a reasonable timeframe.

- If the successful tenderer does not hold such an RPT-AOC at the date of commencement of the agreement with the Department of Transport and Regional Services (DOTARS), then the Department may agree to such alternative arrangements as may be acceptable to CASA, having regard to the interests of safety and the requirements of the Civil Aviation Act, Regulations and Orders.

The Gulf ports receiving subsidised freight and passenger services by the RASS scheme are included on the West Wing Aviation Air Operator's Certificate for Regular Public Transport operations and Cape Barren Island is included on the Aerotechnology Air Operator's Certificate for Public Transport operations.

Chartair provides only subsidised freight services to Northern Territory ports under a charter service pending CASA consideration of an application for including these ports on its Air Operator's Certificate for Regular Public Transport operations. The remaining operators are providing freight and passenger services (subsidised by the RASS scheme) under closed charter operations until Air Operator's Certificates are varied to include all RASS subsidised ports for Regular Public Transport operations.

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Question no: TLG 01

Division/Agency: Territories and Local Government
Topic: Norfolk Island consultancies
Hansard page: 4 (1/11/05)

Senator Carr asked:

Will you be able to give me a detailed breakdown of where that \$4 million is spent?
You have indicated a number of areas.

Is there a consolidated table you could provide?

Answer:

No, the \$4m is a broad estimate of recurrent Commonwealth expenditure by various Government agencies. The composition of this estimated expenditure varies from year-to-year.

No, there is no consolidated table

Question no: TLG 02

Division/Agency: Territories and Local Government
Topic: Territories staff
Hansard page: 5 (1/11/05)

Senator Carr asked:

Are you able to tell me what the levels of seniority of those staff are?
Have you got a table there? Could you table the table? I would like a table showing the number of staff, their levels of seniority and the total budget for the Section, including the administrative items for the past three financial years. Is that possible to provide?

Answer:

The following tables show total budget and staff by level for the Territories Branch:

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TERRITORIES BRANCH BUDGET FOR THE PAST THREE YEARS

	Budgeted Departmental Expenses	Appropriated Administered Expenses
2003-04 *	\$107.7m	\$30.9m - Payments to the ACT \$1.0m ACT Softwood Sawmills
2004-05	\$13.9m	\$55.4m - IOTs \$3.0 m – Kingston Pier, NI \$31.6m Payments to the ACT
2005-06	\$13.7m	\$58.8m – IOTs \$0.4m – NI Memorial \$2.6m – Kingston Pier, NI \$32.3m - Payments to the ACT

* 2003-04 departmental figures include Indian Ocean Territories' budget. From 2004-05 onwards, Indian Ocean Territories became an administered item.

Total departmental revenue for Norfolk Island for 2005-06 is estimated to be \$45,000.

TERRITORIES AND LOCAL GOVERNMENT DIVISION:
TERRITORIES BRANCH
AS AT 1 NOVEMBER 2005 (ONGOING STAFF)

Business Unit Reform and Oversight		
EL 2	2	1
EL 1	1	2
APS 5	3.6	4
Total	6.6	7
Indian Ocean Territories National Projects		
EL 2	2	1
EL 1	3	4
APS 5	1	1
Total	6	6
ACT Section		
EL 2	1	1
EL 1	1.84	2
Total	2.84	3
Norfolk Island and Northern Territory		
EL 2	1	1
EL 1	2	2
APS 6	1	1
APS 5	1	1
Total	5	5
JBT, APSC and Environmental Policy		
EL 2	1	1
EL 1	2	2
APS 6	1	1
APS 5	1	1
APS 3	1	1
Total	6	6

Senate Rural and Regional Affairs and Transport Legislation Committee

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Jervis Bay Administration		
APS 6	1	1
APS 5	1	1
APS 3	1	1
APS 2	1	1
Total	4	4
Territories Office Perth		
EL 2	1	1
EL 1	2	2
APS 6	3	3
APS 4	1	1
APS 3	1	2
APS 2	1	1
Total	9	10
Norfolk Island Administration		
EL 1	1	1
APS 6	1	1
Total	2	2
Christmas Island Administration		
EL 2	1	1
EL 1	1	1
Total	2	2
Northern Territory Administrator		
Holder Public Office	1	1
Total	1	1
Norfolk Island Administrator		
Holder Public Office	1	1
Total	1	1
TOTAL	FTE 45.44	Head Count 47

In addition, there are 7 non-ongoing staff in the Territories Branch.

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Question no: TLG 03

Division/Agency: Territories and Local Government

Topic: Norfolk Island consultancies

Hansard page: 6 (1/11/05)

Senator Carr asked:

If you are relying on consultants, can I get a list of the consultants and the consultancies that have been issued in the last three years that relate to work on Norfolk Island?

And I obviously want the amounts paid. Where Reports have been presented, could we have copies of them?

Answer:

The **attached** table lists consultancies over \$10,000 – this information was published in the Department's *Annual Reports* or their supplements in 2004-05, 2003-04 and 2002-03.

[TLG 03 attachment]

**LIST OF CONSULTANTS, CONSULTANCIES AND AMOUNTS
PAID IN THE FOLLOWING FINANCIAL YEARS**

2002-03		
Consultant	Consultancy	Amount Paid
None	Not Applicable	Not Applicable
2003-04		
Consultant	Consultancy	Amount Paid
Parsons Brinckerhoff	Investigate contamination of crown land on Norfolk Island	\$23,796
2003-04		
Consultant	Consultancy	Amount Paid
Australian Valuation Office	Valuation of Norfolk Island land	\$10,000
Blake Dawson Waldron	Provide advice on the Norfolk Island leasehold land transfer project	\$36,992
Connell Wagner Pty Ltd	Asbestos testing of buildings in the Kingston and Arthur's Vale Historic Area, Norfolk Island	\$10,611
Parsons Brinckerhoff	Assess chromium (vi) bioavailability of Lot 55 Middlegate Norfolk Island	\$15,910

Senate Rural and Regional Affairs and Transport Legislation Committee

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Question no: TLG 04

Division/Agency: Territories and Local Government

Topic: Norfolk Island health care

Hansard page: 7 (1/11/05)

Senator Carr asked:

Senator CARR—In fact, the Department’s Annual Report identifies that residents of Norfolk Island should enjoy the same opportunities and responsibilities as other Australians, and the Department in its submission to an Inquiry of the Joint Standing Committee on the National Capital and External Territories recently said: “... *people living in rural, regional and remote communities in Australia have a right of access to a level of primary and secondary health care and health insurance equal to those of their fellow Australians*”. I am just wondering: how does that apply to Norfolk Island?

Ms Varova—Norfolk Island is responsible for delivering its own health care services.

Senator CARR—So, if there is a deficiency in services, it is the responsibility of the Norfolk Island government, not the Australian government?

Senator CARR—Ministers have no trouble pointing out the deficiencies in state administrations. They do it almost on a weekly basis. Why is the government of Norfolk Island any different?

Answer:

As stated at the 1 November 2005 Supplementary Budget Estimates Hearings, Norfolk Island is responsible for delivering its own health care services. The Commonwealth *National Health Act 1953*, the *Health Insurance Act 1973* and the *Aged Care Act 1997* do not apply to Norfolk Island.

Question no: TLG 05

Division/Agency: Territories and Local Government

Topic: Norfolk Island – contract with Acumen

Hansard page: 8 (1/11/05)

Senator Carr asked:

When was the Contract let?

Answer:

The work order for this standing offer (Panel Contract) was signed on 4 October 2005.

Senate Rural and Regional Affairs and Transport Legislation Committee

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Transport and Regional Services

Question no: TLG 06

Division/Agency: Territories and Local Government

Topic: Government response to Norfolk Island reports

Hansard page: 10 (1/11/05)

Senator Carr asked:

Minister, if that is the case, could I put that question to you? The Committee has a view that there are two independent Reports. The first Report on the Inquiry into Governance on Norfolk Island was published in December 2003 and there has been no response from the Government to date. It is an extremely hard-hitting Report and it makes a number of quite serious allegations. I am wondering when the Government will reply to that Report.

Answer:

The Government's response to the Committee's Report *Quis custodiet ipsos custodes?: Inquiry into Governance on Norfolk Island* was presented to the President of the Senate out-of-session on 27 October 2005. The Department was unaware that the response had been tabled at the time of the Hearing on 1 November 2005.

Question no: TLG 07

Division/Agency: Territories and Local Government

Topic: Patterson Britton and Partners Address

Hansard page: 12–13 (1/11/05)

Senator Carr asked:

Senator CARR—Who discovered that there was an engineering problem?

Mr Magor—An engineering company who are not actually doing the works; they look at the technical requirements. They are Patterson Britton and Partners.

CHAIR—Is that an Australian company?

Mr Magor—I believe they are based in New South Wales.

Senator CARR—Where about in New South Wales?

Mr Magor—In Sydney I think, but I would have to check.

Senator CARR—Can you give me the address, please.

Senate Rural and Regional Affairs and Transport Legislation Committee

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Answer:

Patterson Britton & Partners
Consulting Engineers & Scientists

North Sydney Office

Level 4 - 104 Mount Street
NORTH SYDNEY NSW 2060
Tel: + 61 2 9957 1619

Newcastle Office

14 Telford Street
NEWCASTLE EAST NSW 2300
Tel: + 61 2 4928 7777

Question no: TLG 08

Division/Agency: Territories and Local Government

Topic: Norfolk Island tender process

Hansard page: 14 (1/11/05)

Senator Heffernan asked:

CHAIR—I have very scant knowledge of Norfolk Island, but one of the curiosities I noticed over there was that at one stage a contract for refurbishment of the airstrip was won by a company that had a direct connection to a member of the Government. I presume they have learnt from that lesson. I took the view at the time that, if it had happened on the mainland, they would be in jail. Do they have propriety so that members of the Government cannot tender for this work?

Ms Varova—We would have to check whether there is any particular legislation.

CHAIR—Go back and have a look at the refurbishment of the airstrip.

Ms Varova—I know that they have a very robust tendering process. It is a quality tendering process, but whether they have specifically articulated in any policy—

CHAIR—Do they understand conflict of interest?

Ms Varova—Could I take that on notice?

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Answer:

The Department is advised that the procurement policy of the Administration of Norfolk Island requires that an independent probity auditor be engaged to independently review the tender process for any tender over \$1M (or lesser amount if deemed appropriate).

A number of referrals for advice/comment have been made to the probity auditor during the tendering process for the Airport Runway and Kingston Pier projects.

In addition, the *Legislative Assembly (Register of Members Interests) Act 2004* was commenced in full on 1st July 2005 (**copy attached**). It includes a Code of Conduct for all Members of the Legislative Assembly (MLA) and a mandatory register of pecuniary interests. Any member of the public or MLA may make a complaint to the Assembly Committee of Privileges in relation to any alleged breach of the Act.

[TLG 08 attachment]



LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) ACT 2004

Act No. 24 of 2004

TABLE OF PROVISIONS

Section

PART 1 — PRELIMINARY

1. Short title
2. Commencement
3. Definitions

PART 2 — CODE OF CONDUCT

4. Code of conduct for members

PART 3 — DISCLOSURE OF MEMBERS' INTERESTS

5. Return to be submitted to Clerk
6. Form of returns
7. Register of Interests
8. Change in information in Register
9. Inspection of Register
10. Restriction on publication

PART 4 — MISCELLANEOUS

11. Failure to comply with Act
12. Procedure before the Committee of Privileges
13. Regulations



Legislative Assembly (Register of Members' Interests) Act 2004

Act No. 24 of 2004

An Act relating to the establishment and maintenance of a register of interests of members of the Legislative Assembly, and for related purposes

[Assented to 18 November 2004]

PART I — PRELIMINARY

Short title

1. This Act may be cited as the *Legislative Assembly (Register of Members' Interests) Act 2004*.

Commencement

2. (1) Sections 1, 2, 3 and 13 of this Act commence on the day on which notification of assent to this Act is published in the Gazette.

(2) The remaining provisions commence on a date to be fixed by the Administrator by notice in the Gazette.

Definitions

3. In this Act, unless the contrary intention appears —
- “Assembly” means the Legislative Assembly;
 - “Clerk” means the Clerk to the Legislative Assembly;
 - “Crown Counsel” means the public sector employee for the time being who is the principal provider of legal advice to the Administration;
 - “family”, in relation to a member, means —
 - (a) the spouse of that member; and
 - (b) the children of that member who are wholly or

mainly dependent on him for support;

“financial benefit” means —

- (a) the remuneration, fee or other pecuniary sum exceeding \$500 received by a member in respect of a contract of service entered into, or paid office held, by him; and
- (b) the total of all remuneration, fees or other pecuniary sums received by a member in respect of any trade, profession or vocation engaged in by the member where the total exceeds \$500; and
- (c) the total of all remuneration, fees or other pecuniary sums received from other sources or to which the member may become entitled in the 12 months next following the date of making a return,

other than remuneration received by the member determined in accordance with paragraph 8(1)(c) of the *Public Sector Remuneration Tribunal Act 1992*;

“income source” means —

- (a) a person or body of persons with whom a member entered into a contract of service, or held a paid office; or
- (b) a trade, profession or vocation engaged in by a member;

“member” means a member of the Legislative Assembly;

“Register” means the Register of Interests established under section 6;

“remuneration” includes payment in kind;

“return” means a return in a form approved in accordance with section 6;

“return period” means the period of time between the making of successive returns;

“spouse”, in relation to a member, means a person, whether or not legally married to the member, who is living with the member as his or her spouse on a bona fide domestic basis and whether or not of the same sex.

PART 2 — CODE OF CONDUCT

Code of conduct for members

4. It is hereby declared that a member of the Assembly is bound by the following code of conduct —

- (a) members shall —
 - (i) accept that their prime responsibility is to the performance of their public duty and therefore ensure that this aim is not endangered or subordinated by involvement in conflicting private interests;
 - (ii) ensure that their conduct as members must not be such as to bring discredit upon the Assembly;
- (b) members shall not advance their private interests by use of confidential information gained in the performance of their public duty;
- (c) members shall not receive any fee, payment, retainer or reward, nor shall they permit any compensation to accrue to their beneficial interest for or on account of, or as a result of the use of, their position as a member;
- (d) members shall make full disclosure to the Assembly of —
 - (i) any direct pecuniary interest that they have;
 - (ii) the name of any trade or professional organisation of which they are a member which has an interest;
 - (iii) any other material interest whether of a pecuniary nature or not that they have —in or in relation to any matter upon which they speak in the Assembly;
- (e) members who are executive members shall perform their public duty without fear or favour and in such manner as to ensure that neither they nor their family materially benefit from the exercise of their public duties;
- (f) members who are executive members are expected to devote their time and their talents to the carrying out of their public duties.

PART 3 — DISCLOSURE OF MEMBERS' INTERESTS

Return to be submitted to Clerk

5. (1) Every member shall on 30 June in each year or within 30 days thereafter, submit to the Clerk an ordinary return.

(2) A person who is elected (other than re-elected) as a member shall, within 30 days after making and subscribing the oath or affirmation as required by section 32 of the *Norfolk Island Act 1979* submit to the Clerk a primary return.

(3) In subsection 5(2) a person who is re-elected does not include a person who was a member immediately before the commencement of this Act

(4) This subsection and subsection 5(3) expire on January 1 2005.

Form of returns

6. (1) A primary return required by this Part shall be in the prescribed form and shall contain —

- (a) a statement of all income sources that the member has or expects to have in the period commencing on the date of the return until 30 June next following;
- (b) the name of each company or other body in which on the date of the primary return the member held any office of any kind;
- (c) the information as at the date of the primary return referred to in paragraphs (2)(c), (d), (e) and (h).

(2) An ordinary return required by this Part shall be in the prescribed form and shall contain —

- (a) where the member receives or is entitled to receive a financial benefit during any part of the return period - a statement of the income source of the financial benefit;
- (b) where the member holds or has held an office whether as director or otherwise in any company or other body, corporate or unincorporate, during the return period - the name of such company or other body;

- (c) the name and description of each company, partnership, association or other body in which the member holds or held during the return period, a beneficial interest which exceeds \$500;
- (d) a concise description of each trust in which the member or the member's family holds or held during the return period, a beneficial interest;
- (e) the address and description of all land in which the member has a beneficial interest other than by way of security for any debt;
- (f) the source of all significant contributions made in cash or otherwise (other than a contribution by the Administration or a statutory authority of Norfolk Island) to any travel beyond the limits of Norfolk Island undertaken by the member during the return period;
- (g) particulars of all gifts of or above, or in total of or above, the amount or value of \$500 received by the member during the return period from a person other than a person related to the member or the member's spouse;
- (h) any other substantial interest of the member or of the member's family of which the member has knowledge, whether of a pecuniary nature or otherwise, and which the member considers might appear to raise a conflict between their private interest and their public duty as a member.

(3) When a member is required to lodge an amended return under section 8, the amended return shall be in the prescribed form.

(4) Nothing in this section shall require a member to disclose the amount of a financial benefit entered in the Register in relation to the member or the member's family.

Register of Interests

7. (1) The Clerk shall maintain a Register of Interests and shall cause to be entered therein, as soon as practicable after the Clerk receives it, all information submitted pursuant to section 5.

(2) The Register shall be in a form approved by the Speaker and may consist of the returns submitted pursuant to section 5.

Change in information in Register

8. (1) A member shall, within 30 days of any change

occurring in relation to information in respect of the member or the member's family contained in the Register, submit to the Clerk an amended return.

(2) Where the Clerk receives an amended return the Clerk shall amend the Register accordingly.

Inspection of Register

9. (1) A person may, during the normal business hours of the office of the Clerk and at an appointed time, inspect the entries made in the Register in relation to a particular member and his or her family after first providing to the Clerk the person's name and address.

(2) The Clerk shall cause to be recorded in the Register, in such manner as the Clerk thinks fit but so that the information is readily available to any other person who later inspects the relevant entries, the name and address of each person who has inspected those entries and the date on which the inspection was made.

(3) A person inspecting an entry in the Register shall not provide to the Clerk as his or her name a name other than his or her full and correct name, or as his or her address an address other than his or her correct residential address.

Penalty: 5 penalty units.

Restriction on publication

10. A person shall not publish or comment on information contained in the Register unless the information published constitutes a fair and accurate summary, or the comment is a fair comment, and it is published or made, without malice, in the public interest.

Penalty: 10 penalty units.

PART 4 — MISCELLANEOUS

Failure to comply with Act

11. (1) Any member of the Assembly or member of the public who wishes to make a complaint about a member's contravention or alleged contravention of this Act must —

- (a) put the complaint in writing in their own name; and
- (b) provide such support of the allegation as may be reasonably required to satisfy the Committee of Privileges that the complaint is one of substance;
- (c) address the complaint to the Speaker, unless the Speaker is

the person complained of, in which case it shall be addressed to the Deputy Speaker;

- (d) deliver the complaint to the Clerk of the Assembly who shall duly record its receipt and deliver a copy thereof to the Speaker or Deputy Speaker; and
- (e) the Speaker, or Deputy Speaker, shall if satisfied that the complaint is one that appears to be bona fide, complains of a matter that if true would be a breach of a provision of this Act, and provides sufficient information to indicate that it is a complaint of substance capable of being investigated, forthwith upon its receipt refer the complaint to the Committee of Privileges of the Assembly;

but if the Speaker, or Deputy Speaker is not so satisfied, or if the matter is one that appears to be such that it is capable of being, or ought to be, determined by a court or tribunal before being considered by the Committee of Privileges, the Speaker or Deputy Speaker shall so advise the person making the complaint.

(2) The Committee of Privileges in receiving and hearing a complaint shall be constituted in accordance with Standing Orders of the Assembly but must not include more than one executive member or the person the subject of the complaint.

(3) If a provision of the Standing Orders of the Assembly is in conflict, or is inconsistent, with a provision of this Act the provision of this Act shall prevail.

Procedure before the Committee of Privileges

12. (1) Upon receipt of a complaint the Committee of Privileges shall —

- (a) within 7 days consider the matters complained of and if it is satisfied —
 - (i) that the complaint is not merely a report taken from the media without further substantiation;
 - (ii) that the person making the complaint is a real person who did in fact make the complaint; and

(iii) that there is sufficient evidence tendered in support of the complaint to justify it taking the matter further

then it shall within 14 days —

- (b) so inform the member involved;
- (c) commence an inquiry into the matters stated in the complaint; and
- (d) report to the Speaker an inquiry is under way but shall not make any reference to any party or the nature of the complaint and the Speaker shall at the next meeting of the Assembly so inform the Assembly.

(2) From the commencement of its inquiry into a complaint against a member, the Committee of Privileges is required to —

- (a) provide the member with details of the complaint;
- (b) invite the member to respond to the complaint and to issues that arise during the inquiry;
- (c) invite the member to address the Committee on issues raised by the inquiry before the Committee completes its deliberations and prepares its report for the Assembly.

(3) The Committee of Privileges has all the powers necessary as a Committee of the Assembly to send for, obtain, and subpoena, papers and persons to be produced to or appear before it, including papers held by members, other than the member concerned, that relate to the matters complained of and generally as provided by the *Legislative Assembly Privileges Act 1987*.

(4) If the Committee of Privileges at any time during its inquiry or deliberation reaches a conclusion that the member concerned has or may have committed an offence other than only an offence created by this Act, it must cease further deliberation and forward all of the information and records obtained by it, other than any statements made by the member or any other member to the Committee, to Crown Counsel for consideration and determination of whether charges should be laid.

(5) The Committee of Privileges must refer a complaint to Crown Counsel if it appears from the complaint or its inquiries that the member concerned has taken or agreed to take, directly or indirectly, any remuneration, allowance, honorarium or reward for services rendered in the Assembly, otherwise than in accordance with section 65 of the *Norfolk*

Island Act 1979.

(6) Crown Counsel may —

- (a) make further inquiries; and
- (b) commence such proceedings as are considered appropriate; or
- (c) if the information presented for consideration or any subsequent inquiry appear insufficient to justify the commencement of proceedings refer the complaint back to the Committee of Privileges to complete its deliberations.

(7) Unless the Assembly grants an extension of time, the Committee of Privileges must within 60 days of the receipt of a complaint complete its inquiries and report to the Assembly as to —

- (a) its findings; and
- (b) its recommendations.

(8) If the Committee of Privileges reports that the complaint was justified it shall recommend to the Assembly what action it considers to be appropriate in the circumstance.

(9) The action or actions that may be recommended to and may be applied by the Assembly are —

- (a) reprimand;
- (b) if the Committee considers that the complaint constitutes a serious contempt of the Assembly, suspension from the Assembly for a period not exceeding 6 months; and/or
- (c) if the member is an executive member, advice to the Administrator that the member be removed from executive office; and /or
- (d) fine of an amount not exceeding 50 penalty units.

(10) The Assembly must, not later than 2 sitting days after presentation of the report of the Committee of Privileges resolve to —

- (a) accept, or
 - (b) reject,
- the report and —
- (c) if it accepts the report - resolve what action under subsection (9) to apply; or

- (d) if it rejects the report - state in a resolution its reasons for so doing.

(11) The Speaker must no later than 30 September each year prepare and submit a report to the Assembly —

- (a) stating how many complaints under this Act have been received by the Speaker or Deputy Speaker and the Committee of Privileges in the 12 months to the preceding 30 June;
- (b) categorising the complaints;
- (c) stating how many complaints were referred to the Committee and of those how many proceeded to an inquiry;
- (d) of the complaints that were —
- (i) not referred to the Committee; and
- (ii) were referred to the Committee but did not proceed to an inquiry
- stating the reasons therefore;
- (e) of the complaints that did proceed to an inquiry, stating what were the findings of the Committee and the recommendations made to the Assembly; and
- (f) stating the number of complaints that were referred to the Crown Counsel and whether any were returned to the Committee for further deliberation.

Regulations

13. The Administrator may make Regulations prescribing any matters or things authorised or required or necessary to be prescribed under this Act.

Notified Gazette No. 58, 3 December 2004.

Sections No. 1, 2, 3 and 13 commenced on gazettal (3 December 2004). The remaining provisions commenced on 24 June 2005, a date fixed by the Administrator by notice in the Gazette (No. 30, 24 June 2005).

Printed on the authority of the Administrator.

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Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Transport and Regional Services

Question no: TLG 09

Division/Agency: Territories and Local Government

Topic: Norfolk Island crown leases

Hansard page: 16 (1/11/05)

Senator Carr asked:

How many Crown Leases are there on the Island?

Can you give me a breakdown of what they are, please, on notice?

Answer:

The type and number of Crown leases on Norfolk Island are as follows:

Type of Crown Lease	Number
Residential	45
Rural	29
Rural/Residential	59
Special Purpose	16
Total Number of Crown Leases	149

Of the 129 Crown Leases offered for transfer from leasehold title to freehold, 16 have been registered as freehold titles by the Norfolk Island Land Titles Office as at the end of October 2005. These 16 former leases have not been included in the table above.

Question no: TLG 10

Division/Agency: Territories and Local Government

Topic: Norfolk Island crown leases

Hansard page: 17 (1/11/05)

Senator Heffernan asked:

CHAIR—So, with the system of title over there – this is just a curious mind at work here—do some individuals own many of these leases? In other words, do they sub-lease them to the people who are in the houses?

Mr Magor—I am not sure.

CHAIR—That would be an interesting question for you to get the answer to.

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Answer:

This information is not maintained by the Department. It can be accessed through the Norfolk Island Land Titles Office by a manual search.

Question no: TLG 11

Division/Agency: Territories and Local Government

Topic: Norfolk Island freehold land

Hansard page: 17 (1/11/05)

Senator Carr asked:

What is the average price of freehold land at the moment?

Answer:

The Commonwealth does not maintain this information.

Question no: TLG 12

Division/Agency: Territories and Local Government

Topic: Christmas Island Integrated Plan

Hansard page: 18 (1/11/05)

Senator Milne asked:

First, I want to ask whether the integrated plan for Christmas Island was ever completed. Also what consultation was there around the plan, has it been released, and are there any details about the plan?

Answer:

There is no separate plan beyond the articulated Australian Government policy of delivering services to comparable mainland standards.

An Indian Ocean Territories Economic Development Plan is also in the process of being developed.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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Transport and Regional Services

Question no: TLG 13

Division/Agency: Territories and Local Government

Topic: Christmas Island mining leases

Hansard page: 18 (1/11/05)

Senator Milne asked:

1. Can you tell me whether any land swaps have occurred with the national park to exchange land inside a national park for phosphate leases in the last couple of years, or at least the last 12 months?
2. Would you mind also checking to see whether any new mining leases have been granted in the last year?

Answer:

1. No land swaps within the national park in exchange for phosphate leases have occurred within the last two years.
2. No new mine leases have been granted in the last year.

Question no: TLG 14

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) When the last time property on Norfolk Island was valued?
- (ii) Did this include Crown leasehold property?
- (iii) If the dates are different, when was the last time Crown leasehold and freehold properties were valued?
- (iv) How often do valuations take place?
- (v) Did this also include freehold property?

Answer:

- (i) The last Australian Government valuation report on some Norfolk Island property was conducted in November 2004.
- (ii) Yes.
- (iii) Not applicable.
- (iv) Commonwealth assets, including Crown Land, are generally valued every three years.
- (v) Freehold properties are not generally included in valuation of Commonwealth assets.

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Transport and Regional Services

Question no: TLG 15

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

What Commonwealth guidelines relating to the disposal of property have been adopted for this process on Norfolk Island?

Answer:

The Commonwealth's offer was subject to the following terms and conditions:

TERMS AND CONDITIONS OF OFFER SCHEDULE

1.	Consideration for Grant of Freehold and other Amounts Payable	The amount of the consideration for the grant of freehold is \$«Consideration» (Consideration). The Consideration is payable either as: <ol style="list-style-type: none">1. one lump sum payment of \$«Discount» to the Commonwealth of Australia when you accept the Offer, which incorporates a 10% discount for paying the Consideration in a lump sum payment; or2. by «Number_of_Instalments» instalment payments of \$«Amount_of_Instalments» to the Commonwealth of Australia (this option is only available if the total consideration payable is more than \$1000). The first instalment is due when you accept this Offer. The following instalments must be paid by 31 March each year until the total consideration has been paid.3. In addition to the Consideration, you will also be required to pay the sum of \$260.00 on acceptance of the Offer. The fees apply whether you are paying by lump sum or by instalments and must be paid when you accept the offer. The fees consist of:<ol style="list-style-type: none">(a) \$200.00, as an instrument fee; and(b) \$60.00 as registration fees for the registration of the Merger Application. No registration fee is payable for the registration of the Deed. Please note that the registration fees are current as at the date of this offer, however they may be subject to change. Accordingly,
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Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

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		<p>you will be advised if any further amount is required for registration fees in addition to the \$60 once you have made your final instalment payment. The registration fees are set by the Norfolk Island Administration.</p> <p>Accordingly, if you decide to accept this Offer, the amount that you will need to pay on acceptance will be:</p> <p>(a) \$«Discount», plus \$260, if you elect to pay the Consideration in one lump sum payment (Lump Sum Payment); or</p> <p>(b) \$«Amount_of_Instalments», being the first of «Number_of_Instalments» instalments, plus \$260, if you elect to pay the Consideration by instalment payments (Instalment Payment). Instalment payments are only available where the total Consideration is more than \$1000.</p>
2.	Default of Crown Lease Obligations	If you accept this Offer the Commonwealth must grant the Deed to you provided that you are not in default of your obligations under the Crown lease at the date you pay either the Lump Sum Payment or the last instalment payment.
3.	Rent Payable under the Crown Lease	Your rent must be fully paid as at the date that you accept the offer. You will <u>not</u> be required to make any further rent payments after you have accepted the Offer.
4.	Registered Interests	The Deed is granted subject to any registered interests lawfully created prior to registration of the Deed, including but not limited to any easements or mortgages or any other dealings validly registered.
5.	Mineral Rights	The Deed is granted subject to the reservation to the Commonwealth of all minerals and mineral substances in or on the Land, including gold, silver, copper, tin, metals, ores and substances containing metals, gems, precious stones, coal, shale and mineral oils, natural gas and valuable earths and substances together with the right for the Commonwealth to authorise any person or persons to enter upon the Land to mine, work for, win or recover and remove them or any of them and to do all things necessary or convenient for those purposes.
6.	Form of Deed and Merger Application	The form of the Deed and Merger Application are enclosed for your consideration.
7.	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) Requirements</i>	The EPBC Act protects matters of national environmental significance on Norfolk Island. Matters of national environmental significance of relevance on Norfolk Island are listed threatened species and ecological communities, listed migratory species, National Heritage places and the

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		<p>Commonwealth marine area.</p> <p>Any person proposing to take action that is likely to have a significant impact on a matter of national environmental significance is required to seek approval for the action from the Australian Government Minister for the Environment and Heritage under the EPBC Act prior to taking the action.</p> <p>The enclosed EPBC Act Booklet provides more detailed information about the EPBC Act. It is in your interest to ensure you are fully aware of the requirements of the EPBC Act.</p>
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Question no: TLG 16

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

Please provide a list of the 129 leases currently up for transfer, together with the names of the leaseholders for each of the 129 leases.

Please also advise how long each lease has been in the hands of the current lessee.

Answer:

Please refer to the **attached** table.

[TLG 16 attachment]

The 129 Crown Leases which have been offered for transfer from Leasehold to Freehold title are as follows:

Title No	Crown lease granted since (date):
1893	1/07/1981
1148	1/10/1998
1835	9/08/2004
1171	1/07/1976
1475	28/06/2000
1746*	14/03/2003
1413*	1/07/1979
1714	29/07/2002
1886	1/01/1985
1573	19/02/2001
1869	2/12/2004
1868	27/09/2003
1885	1/11/1985
1899*	1/04/1985
1509*	18/06/1985
1294*	15/09/1999
1640	27/02/2001
1563	27/02/2001
1379	9/11/1998
1523*	27/09/2004
1437*	5/05/2000
1420	18/04/2000
984	1/01/1996
1867	1/07/2003
1860	5/02/2004
1843	29/06/2004
1292	16/08/1999
1151	31/12/1997
1174	19/11/1998
1476*	1/04/1999
980	19/12/1997
1627*	12/04/1999
1805*	9/02/2004
981*	22/12/1997
1815	12/06/1974
1873	1/01/1986
1872	1/09/1985
1497	18/10/2000
1762	28/05/1982
1562*	5/01/2001
1062*	3/03/1998

Title No	Crown lease granted since (date):
1435	5/05/2000
1871	1/07/1984
1039	3/03/1998
1699	25/07/2002
1564	15/02/2001
1419	25/11/1999
1808	10/11/2003
1870*	1/06/1979
1650*	31/03/1999
1063	3/03/1998
1447	20/06/2000
1412	1/03/2000
1380	3/03/1998
1434	5/05/2000
1581	8/05/2001
977	1/07/1997
1796	1/08/1984
1898	1/10/1971
1416*	22/11/1999
1631	20/07/2001
1417	1/01/2000
1083	17/07/1998
1545	19/07/1984
1532	19/07/1984
1695	21/11/2001
1622	5/07/2001
1173	20/01/1999
1672	30/01/2002
1673	30/01/2001
1674	30/01/2002
1684	19/02/2002
1897	1/01/1982
1481	16/06/2000
1186	1/01/1996
1436	5/05/2000
1592	4/06/2001
1507	1/08/2000
1533	30/11/2000
1861	10/02/2004
1834	21/04/2004
1744	24/03/2003
1534	15/10/1980
1623	5/07/2001
1785	3/10/2003
1038	19/12/1997
1448	22/05/2000

Title No	Crown lease granted since (date):
1042	22/12/1997
1291	3/02/1999
1153	1/08/1978
1418	1/07/1999
1041	22/06/1998
1896	1/08/1977
1715	16/08/2002
1895	1/01/1981
1894	1/01/1982
1605	11/05/2001
1598	11/05/2001
1866	27/09/2004
1128	18/08/1998
1129	22/12/1997
1814	16/02/2004
1892	1/01/1981
1295	15/09/1999
1543	28/07/1981
1891	1/01/1981
1890	1/01/1981
1889	3/02/1951
1888	1/01/1981
1037	19/12/1997
1884	1/07/1985
1883	30/06/1982
983	19/12/1997
1882	1/07/1980
1881	1/07/1985
975	17/04/1998
1880 and 1879	2/03/1987
1878	1/01/1981
1877	1/01/1981
1149	4/04/1998
1819	1/01/1987
1703	29/07/2002
1876	1/01/1978
1875	1/01/1985
1040	1/07/1997
1583	12/04/2001
1874	1/01/1979
982	22/12/1997
1836	12/02/2004

Notes:

Some of the above leases were recently renewed - to ascertain the original dates that those leases were granted would require a manual search of individual files and be labour and time intensive.

Title No	Crown lease granted since (date):
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* These 16 leases have been recently transferred from leasehold title to Freehold. In these circumstances, old lease title numbers have been provided.

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Question no: TLG 17

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) How many of these 129 leases have houses on them currently?
- (ii) How many multiple leaseholders are involved? In other words, are there 129 lessees or do some have multiple interests in these 129 leases?
- (iii) Is there a requirement for those acquiring these leaseholds to erect houses on them?
- (iv) Is there any requirement that the purchaser live on the particular lease that they acquire?
- (v) Is there any restraint on the re-sale of this land: for example, a mandatory period of occupancy?

Answer:

- (i) 108.
- (ii) 17 lessees have an interest in more than one lease.
- (iii) No.
- (iv) No.
- (v) No.

Question no: TLG 18

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) Who originally suggested that the 1996 valuations be the basis for the transfer or sale of this land?
- (ii) Was it a departmental officer or someone else?
- (iii) If someone else, then who? In what capacity were they providing advice?
- (iv) Who suggested that the "consideration" be limited to 10% of this 1996 valuation?
- (v) Was it a departmental officer, or someone else?
- (vi) If someone else, then who? In what capacity were they providing advice?

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Answer:

- (i) The Department recommended this amount following advice from the Australian Valuation Office (AVO).
- (ii) See (i).
- (iii) See (i).
- (iv) See (i).
- (v) See (i).
- (vi) The AVO provided this advice in its capacity as a contracted valuer.

Question no: TLG 19

Division/Agency: Territories and Local Government
Topic: Norfolk Island Leasehold Transfer Program
Hansard page: Written question

Senator Carr asked:

- (i) On what date did the Department formally make this decision, or make the recommendation to the Minister?
- (ii) On how many occasions did the Department discuss this matter with the Norfolk Island Government?
- (iii) On what dates?
- (iv) Were these all formal discussions, or were some informal? With which representatives of the Norfolk Island Government were discussions held? Please provide all memos, notes, minutes or any other papers from these discussions.

Answer:

- (i) The Department sought the Minister's approval on 19 May 2000.
- (ii) There has been ongoing consultation with the Norfolk Island Government since 2000.
- (iii) See (ii).
- (iv) Both formal and informal discussions were held with different members of the Norfolk Island Administration (Public Service) on a continuing basis. The resource implications in locating evidence of all forms of contact would be significant.

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Question no: TLG 20

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) Has the Norfolk Island Government or any of its representatives ever made any suggestions relating to the organisational arrangements for this transfer of leases?
- (ii) If so, what were these?
- (iii) Were any of them adopted?
- (iv) Who made the decision to adopt them?

Answer:

- (i) Yes.
- (ii) A joint DOTARS and Norfolk Island Administration Land Initiative Task Force was established to progress the land initiative.
- (iii) Yes.
- (iv) The Minister for Local Government, Territories and Roads.

Question no: TLG 21

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

You have advised that the Commonwealth anticipates receiving approximately \$386,000 from these transfers.

When do you expect to receive this revenue?

When will this particular process be completed?

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Answer:

The amount of \$386,000 is based on two assumptions: (i) 100% acceptance of the offers for the 129 leases of which 80% will be upfront payments; and (ii) upfront payments will attract a 10% discount on the consideration.

Acceptances for the offer to transfer Crown Leases to freehold title must be submitted by 30 June 2006.

Depending on the quantum of the consideration for the transfer, lessees may choose the instalment payment option that (again depending on the quantum of the consideration) spans between two to five years. Therefore, it is possible that the transfer process may continue until 30 June 2010.

Question no: TLG 22

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

You also advised that a departmental officer is currently “on-island” dealing with these transfers. How long will that officer be there?

Answer:

The posting of the officer assisting with the Crown Lease transfer process will end in December 2005.

Question no: TLG 23

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

What has been the total cost to date (1 November 2005) to the Department of this process in terms of staffing, travel, allowances, consultation and any other costs?

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Answer:

It is not possible to disaggregate departmental spending on this specific project to allow a meaningful answer.

Question no: TLG 24

Division/Agency: Territories and Local Government
Topic: Norfolk Island Leasehold Transfer Program
Hansard page: Written question

Senator Carr asked:

What is the anticipated total cost (all expenses and expenditure) to the Department in managing this process?

Answer:

It is not possible to disaggregate departmental spending on this specific project to allow a meaningful answer.

Question no: TLG 25

Division/Agency: Territories and Local Government
Topic: Norfolk Island Leasehold Transfer Program
Hansard page: Written question

Senator Carr asked:

Will these costs be deducted from the revenue before the balance is placed in the Trust Fund that you foreshadow? If not, why does the Department not seek to recover its costs from a commercial transaction?

Answer:

An instrument fee of \$200 and a transfer fee of \$60 are charged as part of the cost for transfer of each lease to freehold title. These fees are separate from the consideration for the land. They cover the costs of legal advice and registration of freehold title, respectively. Only the consideration for the land will be placed in the Trust Fund.

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Question no: TLG 26

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

Did the Department ever seek to have these leasehold properties valued? If not, why not?

Answer:

Yes.

Question no: TLG 27

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

Did the Department ever seek advice on the commercial value of these leasehold properties if they became private property?

Answer:

Such advice was not sought as the leases are already private property. The 129 Crown Leases are not being sold by the Commonwealth. The offer to existing Crown lessees is to transfer leasehold title to freehold title.

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Question no: TLG 28

Division/Agency: Territories and Local Government
Topic: Norfolk Island Leasehold Transfer Program
Hansard page: Written question

Senator Carr asked:

Did the Department analyse or examine current values for equivalent properties in private hands and offered for sale in the past two years?

Answer:

No.

Question no: TLG 29

Division/Agency: Territories and Local Government
Topic: Norfolk Island Leasehold Transfer Program
Hansard page: Written question

Senator Carr asked:

Did the Department ever do anything as simple as looking at Norfolk Island properties for sale on Google?

Answer:

No, as the 129 Crown Leases are not for sale.

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Question no: TLG 30

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

The average “consideration” for the 129 leaseholds being privatised appears to be in the region of \$3000. The price for blocks of land currently offered for sale range between \$90,000 and \$500,000.

Why is the Department advising the Government to dispose of valuable property at a small fraction of its commercial value?

Is this in accordance with current guidelines on the disposal of Commonwealth property?

Answer:

The 129 Crown Leases are not offered for sale but rather, the offer relates to the transfer of leasehold title to freehold title. According to the Australian Valuation Office (AVO), the 1996 un-improved land values of the 129 Crown Leases ranged from \$5,500 to \$105,000.

The Commonwealth’s reversionary interest in these leases was calculated to be 10% of their 1996 un-improved capital value.

In making the offer to transfer Crown Leases on Norfolk Island to freehold title, the Minister for Local Government, Territories and Roads exercised his authority under section 62 of the *Norfolk Island Act 1979*.

Question no: TLG 31

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

Is this entire process being managed internally or is there any independent or external auditing of these arrangements?

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Answer:

The Department is managing the process and it has contracted a legal firm, Blake Dawson Waldron Lawyers, with expertise in property and conveyancing matters to assist with the land transfer process.

Question no: TLG 32

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) Do any of the leases offered for disposal have any environmental or heritage sites or significance?
- (ii) Do any contain significant remnant vegetation?
- (iii) If so, how many?
- (iv) Please provide a list of these, together with details of the significance.

Answer:

- (i) Yes.
- (ii) Yes.
- (iii) See (iv) below.
- (iv) A list of the relevant portions with descriptions including comment on remnant vegetation can be found on the EPBC database, Public Notice Search for Referral, Department of the Environment and Heritage with reference No: 2004/1745 (www.deh.gov.au/epbc/index.html).

Question no: TLG 33

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) Did the Department undertake an audit of these issues?
- (ii) If you did, please provide a copy of the audit results? If not, why did the Department decide not to do so?

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Answer:

- (i) Yes.
- (ii) The Department undertook an assessment of environmental matters which was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A copy of the referral and the decision under the EPBC Act are **attached**.

Further, 63 of the 129 leases offered for transfer were nominated by the Department of the Environment and Heritage for assessment, for inclusion on the Commonwealth Heritage List. The Minister for the Environment and Heritage decided on 6 July 2005 not to include any of these areas on the Commonwealth Heritage List.

[TLG 33 attachments A and B]



Australian Government

Department of the Environment and Heritage

Environment Protection and Biodiversity Conservation Act 1999

Referral Form

Important Note:

Please read the Referral Guide and associated Fact Sheets (available at http://www.deh.gov.au/epbc/) carefully. The guide and Fact Sheets will help you to complete the form correctly and ensure that your referral is in a form that can be processed. The completed form, together with the required maps and any other information you may wish to submit, should be sent to the EPBC Act Referrals Section, Approvals and Wildlife Division, Department of the Environment and Heritage, GPO Box 787, Canberra, ACT, 2601 and/or by email to epbc.referrals@deh.gov.au (see Referral Guide for allowable electronic formats).

1. Contacts and proponent

1.1 Person making the referral

(Note: The term "person" can refer to an individual or a corporation)

The person making the referral can be either the person proposing to take the action, an agent acting on their behalf (eg, a consultant), or a government agency making the referral in relation to an action to be taken by another person. (Include name, postal address, telephone, fax, email.)

Government Department: Department of Transport and Regional Services
Address: GPO Box 594, Canberra ACT 2601
Telephone: 02 6274 7111
Fax: 02 6257 2505

Person(s) proposing to take the action

This is the person who proposes to carry out the action, or who is otherwise responsible for the action. If approval is necessary, this is the person to whom the approval will be granted, and they will be responsible for meeting any conditions of approval. (Include name postal address, telephone, fax, email – if same as person making the referral, write "as above".)

As above

If a corporation is proposing to take the action, please ensure you provide the name of a contact officer for this matter.

- Person(s) who will be the proponent for the action
- The proponent is responsible for preparing all documentation for the assessment process, if the action requires approval. If the proponent is the same as the person proposing to take the action, write 'as above'. If the proponent is different from the person proposing to take the action, the signature of both is required (at Section 7.3). (Include name(s), postal address, telephone, fax, email)

If a corporation is the proponent for the action, please also provide the name of a contact officer for this matter.

Contact Officer:
Address: Department of Transport and Regional Services
GPO Box 594, Canberra ACT 2601
Telephone:
Fax:
Email:

2. Description of the proposal

2.1 Provide a *summary description of the action* (two or three sentences)

The Minister for Local Government, Territories & Roads, The Hon Jim Lloyd MP, has proposed to offer existing Crown leaseholders the option to transfer certain rural, residential and rural residential Crown leases (outside of the Kingston & Arthur's Vale Historic Area) to freehold title.

In total 137 existing Crown leases are proposed for transfer to freehold title.

2.2 Details of the *location of the project area*

Where the project area is greater than 1 km² or any dimension is greater than 1 km, provide additional coordinates to enable accurate identification of the location of the project area.

Land identified at attachment A contained within:

Region: Pacific

Country: Territory of Australia

Location: Norfolk

Geographic Location: 29°3'S, 167°58'E

Please provide a brief physical description of the project area, including the size of the development footprint or work area in hectares (a more detailed description is required at Part 3 of this form).

Norfolk Island is a 3720ha, 8km x 5km, three million year old volcanic outcrop located in the South Pacific Ocean, approximately 1000km east of the Australian coast, 1670kms ENE of Sydney, 1065kms NNW of Auckland and 772kms SE of Noumea. Norfolk's highest point is Mount Bates at 319m.

The Crown leases subjects of the transfer offer are as described at Attachment A.

Attach an A4/A3 size map(s) showing the location and approximate boundaries of the area in which the project is to occur (this map, or a second attached map, should also show features mentioned in responses to questions in Part 3 of this referral, for example, conservation reserves, areas of remnant native vegetation, streams and roads).

2.3 Provide the *timeframe* in which the action is proposed to occur. Include start and finish dates where applicable.

The Minister through DOTARS, proposes to commence the transfer of Crown leases to freehold title in the third quarter of 2004. The transfer offer to existing Crown leaseholders is not compulsory and lessees may choose to retain a Crown lease. The offer will remain open for a period of 12 months from the point a formal offer is made to allow time for a final decision. Transfer of titles may not occur until payment of a transfer fee is received.

2.4 Provide a *description of the action, including all activities proposed to be carried out as part of the proposed action.*

The Minister for Local Government, Territories & Roads proposes to offer for transfer to freehold title, to existing Crown lessees, those Crown leases identified at Attachment A upon payment of a transfer fee.

The transfer of the leases will be dependent on whether

- it is in the Commonwealth's interest to allow the lease to be converted;
- the leaseholder is currently in compliance with the lease conditions; and
- lease payments are not in arrears.

It is proposed that in transferring the Crown leases a registrar's note under s29 of the *Lands Title Act 1966* or similar instrument will accompany the transfer of title highlighting to the land owners their responsibilities under the *Environment Protection & Biodiversity Conservation Act 1999*.

The Department is finalising a small number of boundary adjustments prior to transfer.

2.5 Provide an explanation of the context in which the action is proposed to take place, including any relevant planning framework (for example, relevant management plans or State or Local Government approvals). Indicate whether, and in what way, the action is related to other actions or proposals that may have already occurred, are occurring, or are likely to occur, at a future date. You should also provide the name(s) of the Local Council and/or Local Government Area the action will take place in, if relevant.

DOTARS is undertaking this action through the outcome of an Inter-Governmental Meeting on 9 June 2000, where in response to an approach by the Norfolk Island Chief Minister, the then Minister for Regional Services, Territories and Local Government, the Hon Senator Ian Macdonald, advised the Norfolk Island Government of the Commonwealth's support for the withdrawal of the Commonwealth from ownership of certain Crown land.

The transfer of Crown land is consistent with the Commonwealth property principles viz:
"The Commonwealth should only own property where the assessed long term yield exceeds a nominated rate (at the outset of the principles, 14-15% per annum), or where it is in the public interest to do so".
(Commonwealth Property Principles, Department of Finance and Administration, 1996).

The Minister's powers to dispose of Crown land are established under Section 62 of the *Norfolk Island Act 1979*.

The land transfer was dependent on the completion of a number of prerequisites agreed between Governments, designed to ensure that the Norfolk Island Government had in place a robust land management system prior to the transfer of Crown leases to freehold title.

The prerequisites completed are:

- A review of the Norfolk Island Plan;
- Implementation of a local heritage regime;
- Plans of management for public reserves;
- A building code;
- Water development control plan;
- Creation of the *Roads Act 2002*; and
- Engineering guidelines for roads.

The transfer of land is contained within the Self Governing Territory of Norfolk Island.

2.6 If you are considering making a referral of a stage or component of a larger action, you must provide information about the larger action and details of any interdependency between the stages/components and the larger action. If appropriate, you may also provide justification as to why you believe it is reasonable for the proposed action, that is the subject of this referral, to be considered separately from the larger proposal (see the Referral Guide).

Not applicable

3. Description of the project area and the affected area

Note: You must include a *map(s)* clearly showing the location of the action, and any relevant features referred to in 3.1. (A general location map (eg, 1:250 000 scale) and a more detailed map showing the elements of the proposal may be appropriate. If available, an aerial photograph or other photograph of the site can be included.)

3.1 Describe the affected area, referring, as appropriate, to attached maps. In particular, indicate on the map the location of any of the following features: World Heritage properties, Ramsar wetlands, listed threatened species or communities and/or known habitat for these species or communities, listed migratory species and/or known habitat for these species, Commonwealth marine areas and Commonwealth land, conservation reserves/parks, and areas of remnant native vegetation.

The land proposed for transfer is as shown at Map 1.

World Heritage

There are no World Heritage listed properties on Norfolk Island.

Ramsar Wetlands

There are no Ramsar Wetlands on Norfolk Island.

Listed threatened species/communities or habitat for listed threatened species/communities

At this point in time, no ecological communities or habitats occurring on Norfolk Island are currently listed under the EPBC Act. There are however 46 Norfolk Island plant species which are nationally threatened under the EPBC Act. There are also 4 bird species and two threatened reptile species, 24 marine species, 10 migratory birds and 6 marine animals listed as threatened. 5 forest-dependent bird species, including the Norfolk Island Kaka, are already extinct.

Commonwealth Marine Areas

Norfolk Island is surrounded by a Commonwealth marine area, extending from the low water mark.

Commonwealth Land

Other Commonwealth land on Norfolk Island is shown at Map 1.

National Parks

The Norfolk Island National Park is shown on Map 1 and is excluded from the land transfer proposal.

3.2 Provide a *description of important features of the project area and the affected area and show these on the attached map, including (if relevant to the project area or affected area) information about:*

Soil and vegetation characteristics;

Water flows, including rivers, creeks and impoundments;

The presence of outstanding natural features, including caves;

Gradient;

Any buildings or other infrastructure;

Any marine areas;

Kinds of fauna in the area; and

The current state of the environment in the area, including information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

In 2000, a desktop scoping study was undertaken on Norfolk Island Crown lease land identified for possible transfer of title under the Commonwealth/Norfolk Island Crown Land Initiative. This was conducted by the Department of Transport and Regional Services, in conjunction with the Department of the Environment and Heritage, Parks Australia Norfolk Island, Norfolk Island Conservation Society and the Norfolk Island

Conservator. It was based on "those species of birds and plants occurring on Norfolk Island and currently listed under the Environment Protection and Biodiversity Conservation (EPBC) Act, and those species currently being considered for listing". It resulted in classifying the Crown lease blocks into the categories of "significant", "uncertain", or "not significant" based on the likelihood of species listed under the EPBC Act being present.

A ground truthing field study performed by Gilmour and Helman (2001) verified the location and extent of features identified in the scoping study. In total, 114 blocks were assessed, of which 61 subject to the transfer offer were found to have, or were likely to have, species listed under the EPBC Act.

Listed plant species were recorded by their presence on each block.

Listed bird species comprises of

- Threatened birds a) presumed extinct: White-chested White-eye;
b) Endangered: Norfolk Island Green Parrot, Norfolk Island Boobook Owl;
c) Vulnerable: Scarlet Robin, Golden Whistler;
d) To be proposed: Slender-billed White-eye;
- Migratory birds – Wedge-tailed Shearwater, Masked Booby;
- Marine birds – White Tern, Black Noddy, Black-winged Petrel, Wedge-tailed Shearwater and Masked Booby.

Table 1 lists those blocks found to bare significance after the ground truthing assessment. Column 1 lists the block number and Column 2 provides a description of significant features, i.e. where, what and why it is significant. Those contiguous with others to form a significant area of remnant forest are given a "Significant Remnant Code" denoting which remnant it is part of (A to D).

An additional 3 blocks that were not assessed, but are also subject to the transfer offer, are deemed likely to have species listed under the EPBC Act, based upon potential similarity to surrounding locations. Since this study was conducted, two new blocks have been created through subdivision of blocks bearing species listed under the EPBC Act. This provides a total of 66 blocks subject to transfer which contain or are likely to contain species listed under the EPBC Act. These are denoted by a bullet on Map 1.

Table 1: National Environmental Significance on individual Crown lease blocks

Block Number	Comments
ANSON BAY	
113j	About 0.3ha of remnant native forest on south-west side and around edges. Scattered large <i>Araucaria</i> with hardwood forest. Not grazed with some regeneration of native species, and parts are heavily weed infested. Endemic land bird habitat. <ul style="list-style-type: none"> Listed native plant species and listed threatened bird species habitat.
113m	About 0.2ha remnant in north-west corner of block. Not grazed and fairly weedy. Endemic land bird habitat and White Tern nesting habitat. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
113q west	About 3h of coastal <i>Araucaria-Lagunaria</i> forest on the western half of the section west of Anson Bay Road. This is a mixed age forest with relatively few weeds below the plateau edge, and ungrazed. Native forest contiguous with forest in adjacent reserves, which is endemic land bird habitat and an important White Tern nesting area. There is a population of <i>Hibiscus tiliaceus</i> , which may be the last growing naturally on Norfolk Island. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
113q east	Residence and scattered mature <i>Araucaria</i> that provide nesting habitat for White Terns. <ul style="list-style-type: none"> Listed marine species habitat.
109b1 and 109b2	Edge of block near cliff top has numerous nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
108b and 108g	Edge of blocks near cliff top have some nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel, mature <i>Araucaria</i> scattered over blocks and small remnant (about 0.5ha in the north-east corner on 108b and 1ha in the south-east corner on 108g), contiguous with each other. Mature <i>Araucaria</i> provide nesting habitat for White Terns. Remnant forest is mixed age <i>Araucaria</i> over a number of other species. Some of remnant on 108g and all on 108b is fenced with regeneration of natives and weeds, and some of 108g is grazed, without regeneration. The forest also provides habitat for endemic land birds. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, listed migratory species habitat, and listed marine species habitat.
97b1	Edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel, with mature <i>Araucaria</i> and <i>Lagunaria</i> scattered over block. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
97b2,	Edge of block near cliff top has many nesting burrows for Wedge-tailed Shearwater, Black-winged Petrel and possibly nesting habitat for Masked Booby, with mature <i>Araucaria</i> and <i>Lagunaria</i> scattered over block. <ul style="list-style-type: none"> Listed migratory species habitat, and listed marine species habitat.
97c, 97d	<ul style="list-style-type: none"> Edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater, Black-winged Petrel and possibly nesting habitat for Masked Booby. Listed migratory species habitat, and listed marine species habitat.
98a	About 3ha of remnant native forest in three patches in south-west, centre and north of block and windbreaks, and nesting burrows near cliff line on northern edge. Scattered large mature <i>Araucaria</i> over hardwood forest. This forest is heavily grazed and there is virtually no regeneration of native species or weeds, although the northern patch of forest contains many mature Olives. White Tern and Wedge-tailed Shearwater nesting habitat and endemic land bird habitat. <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, listed migratory species habitat, and listed marine species habitat.

98b	Edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater and Black-winged Petrel. Elsewhere on block scattered <i>Lagunaria</i> and hardwood species mainly in windbreaks. • Listed migratory species habitat, and listed marine species habitat.
99b	Northern edge of block near cliff top has some nesting burrows for Wedge-tailed Shearwater. Elsewhere on block scattered <i>Lagunaria</i> , <i>Araucaria</i> and hardwood species mainly in windbreaks. • Listed migratory species habitat, and listed marine species habitat.
99a (Significant Remnant A)	About 4ha of remnant forest in south-east and north of block. Northern part of the northern patch is mixed age <i>Araucaria-Lagunaria</i> forest, and south of this is scattered <i>Araucaria</i> over hardwood forest. The southern patch has scattered mixed age <i>Araucaria</i> over hardwood forest. The northern patch is not grazed, with regrowth of native species and some weedy areas, and the southern patch is grazed, has little regeneration and some weedy areas (mainly Olive). Some weed control by lessee. White Tern nesting habitat and endemic land bird habitat (including Robin). • Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
100b1 (Significant Remnant A)	About 4ha of remnant native forest on most of block apart from central-southern area. Northern part of remnant is mixed age <i>Araucaria-Lagunaria</i> forest with a fair amount of Olive, and other areas are scattered mixed age <i>Araucaria</i> over hardwood species. Large mixed population of <i>Exocarpos</i> . Grazing has been excluded from this block for some years resulting in regeneration of both native species and weeds. Some weed control by lessee. Also present is a population of <i>Delarbrea paradoxa</i> , a species native to New Caledonia which has recently become naturalized on Norfolk Island. White Tern nesting habitat and habitat for endemic land birds. • Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
100g1 (Significant Remnant A)	About 2ha of remnant native forest on southern and centre-east parts of block, and some nesting burrows for Wedge-tailed Shearwater along northern cliff line. Scattered <i>Araucaria</i> emergent over mixed hardwood forest. Grazed and moderately weedy. White Tern nesting habitat for endemic land birds (including Green Parrot). • Listed native plant species, listed threatened bird species habitat, listed migratory species habitat, and listed marine species habitat.
MISSION ROAD	
148	Eucalypt plantation and cleared land apart from very narrow strip of hardwood forest along boundary with 175c in south-east. Plantation utilised by endemic land birds (including Green Parrot and Robin). • Listed native plant species and ?listed threatened bird species habitat.
145e (Significant Remnant B)	About 2ha remnant of native forest in northern section of this block. The eastern part of this patch is viney hardwood species, an understorey of <i>Macropiper</i> and ground ferns. The western part is drier with <i>Araucaria</i> and <i>Lagunaria</i> over Olive and Guava. This remnant is contiguous with forest on 145d and 149e and was fenced and weeded by Parks Australia in 1994/95. The area provides habitat for White Terns and endemic land birds. • Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
149e (Significant Remnant B)	Area of about 3ha of viney hardwood rainforest on northern third block north of creek line, contiguous with forest on northern part of 145e and north-east part of 145d. Scattered <i>Araucaria</i> over dense canopy of species and well developed ground ferns this area has not been grazed for many years and was fenced and weeded by Parks Australia in 1994/1995. This forest provides habitat for White Terns and endemic land birds. • Listed native plant species, listed threatened bird species habitat and listed marine species habitat.

145d (Significant Remnant B)	<p>About 1ha of native forest in north-east part of block.</p> <p>This forest is viney hardwood with an understorey of <i>Macropiper</i> and ground ferns. This remnant is contiguous with forest 145e and 149e and was fenced and weeded by Parks Australia in 1994/95. The area provides habitat for White Terns and endemic land birds (including Green Parrot).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
175c (Significant Remnant C)	<p>There are several areas of native forest on this block; north-east corner, north west part and near boundary with 152a and 149q. These areas total about 6ha, and are contiguous with forest areas on blocks 152a and 149q, and on Botanic Gardens and Norfolk Island National Park.</p> <p>The forest is a mix of viney hardwood, <i>Araucaria</i> over hardwood and palm forest. The forest areas in the north of the block were fenced and weeded by Parks Australia in 1994/1995 and are not very weedy and grazing has been excluded. It provides habitat for White Terns and endemic land birds (including Green Parrot and Robin).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
152a (Significant Remnant C)	<p>Most of block apart from house garden and cleared patch near middle of block is viney hardwood rainforest. Contiguous with areas of native forest on blocks 175c, 149q and Botanic Gardens.</p> <p>This forest has scattered <i>Araucaria</i> over hardwood species. There is a dense scrub layer dominated by <i>Macropiper</i>, and ground ferns. This forest has not been grazed for many years and has few weeds. It provides habitat for White Terns and endemic land birds (including Green Parrot).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
152d5 (Significant Remnant C)	<p>Several areas (about 1ha) of native forest; south-east corner and western boundary adjacent to Botanic Gardens, and gully in the central-east part of block. The patch in the south-east corner is <i>Araucaria</i> over hardwood species with an understorey of <i>Macropiper</i> and ferns, and is not heavily grazed. The other areas are heavily grazed hardwood. These remnants are a buffer to parts of the Botanic Gardens and provide habitat for endemic land birds (including Robin).</p> <ul style="list-style-type: none"> Listed native plant species and listed threatened bird species habitat.
149q	<p>About 1 to 2ha remnant native forest along north-east and western boundary, and in northern corner (contiguous with forest on 152a and 175c).</p> <p>The bits near Mission Rd are <i>Araucaria</i> over hardwood and other areas are scattered <i>Araucaria</i> over viney hardwood. This area is ungrazed recently and the edges of the forest remnants are weedy. This area is ungrazed recently and the edges of the forest remnants are weedy. This forest provides habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
152d2	<p>Parks Australia office, planted gardens with many native species and remnant of native vegetation. White Tern nesting habitat and endemic land birds (including Green Parrot). Adjacent to Botanic Gardens.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
128f	<p>Several small areas of native forest; in western corner, northern corner adjacent to National Park and Block 128e, and towards centre of south-east boundary. In total 2ha.</p> <p>Western corner is hardwood with <i>Rhopalostylis</i>, and the northern area is mixed age <i>Araucaria</i> over hardwood species. This area is grazed and weedy except near the park boundary. The patch near the south-east boundary is mixed age <i>Araucaria</i> which is heavily grazed and has no understorey other than weeds. The forest areas on his block provide habitat for White terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.

128e	<p>About 1ha of remnant native forest in northern corner near National Park and south-west corner.</p> <p>Scattered <i>Araucaria</i> over hardwood species. These areas are not very weedy but rest of block including house garden is very weedy. The geological feature "pop rock" is located in the south-west of this block. Native forest provides habitat for endemic land birds (including Green Parrot).</p> <ul style="list-style-type: none"> Listed native plant species and listed threatened bird species habitat.
PUPPY'S POINT	
124	<p>Scattered mature <i>Araucaria</i> mainly in western half of block may provide habitat for White Terns.</p> <ul style="list-style-type: none"> Listed marine species habitat
145b	<p>Scattered <i>Araucaria</i> in south-west corner provide habitat for White Terns.</p> <ul style="list-style-type: none"> Listed marine species habitat.
145f Has since been subdivided to now incorporate 145fj (NES), also subject to the transfer proposal.	<p>North-west section particularly near road, small central bit and northern part of southern section.</p> <p>Scattered mature <i>Araucaria</i>, <i>Lagunaria</i>, <i>Elaeodendron</i>, <i>Celtis</i> and <i>Nestegis</i> with some Olive over grazed pasture. Trees provide nesting habitat for White Terns.</p> <ul style="list-style-type: none"> Listed marine species habitat.
139a	<p>Several areas of remnant forest in south-west, west and centre-east, and scattered Wedge-tailed Shearwater burrows along cliff top at west of block.</p> <p>Forest remnants are mature <i>Araucaria</i> over scattered <i>Lagunaria</i>, <i>Nestegis</i> and <i>Elaeodendron</i>. These trees provide nesting habitat for White Terns. Rest of block is either grazing or weeds.</p> <ul style="list-style-type: none"> Listed migratory species habitat and listed marine species habitat.
142b	<p>Cliff top in southern half of block has nesting burrows of Wedge-tailed Shearwater, and scattered <i>Araucaria</i>, mainly in north-west corner provide nesting habitat for White Terns. Rest of block grazing without regeneration of native trees.</p> <ul style="list-style-type: none"> Listed migratory species habitat and listed marine species habitat.
142a	<p>A few Wedge-tailed Shearwater burrows along cliff top at west of block and scattered mature <i>Araucaria</i> over heavily grazed pasture without regeneration over much of block. Mature <i>Araucaria</i> provide nesting habitat for White Terns.</p> <ul style="list-style-type: none"> Listed migratory species habitat and listed marine species habitat.
143	<p>Nesting burrows of Wedge-tailed Shearwater along cliff top on western edge of block and scattered <i>Araucaria</i> elsewhere on block provide marginal White Tern habitat. Otherwise block is grazed without regeneration of native trees.</p> <ul style="list-style-type: none"> Listed migratory species habitat and listed marine species habitat.
MISSION ROAD SOUTH	
149j	<p>Small remnants of about 1ha of native forest near east and south-west (centre) of block. <i>Araucaria</i> over viney hardwood forest. Fairly weedy in places but some weed control and regeneration. <i>Araucaria</i> provide nesting habitat for White Terns.</p> <ul style="list-style-type: none"> Listed native plant species and listed marine species habitat.
HEADSTONE	
82	<p>Scattered mature <i>Araucaria</i> provide White Tern habitat (?marginal).</p> <ul style="list-style-type: none"> Listed marine species habitat.

CASCADE	
104a	<p>Most of this block, apart from the north-east edge, has native forest. The forest areas nearer the coast are <i>Araucaria</i> over scattered hardwood such as <i>Lagunaria</i> and <i>Elaeodendron</i>, while towards the south-west corner other hardwood species are present. This block is only lightly grazed at present and there is good regeneration of native species including <i>Araucaria</i>. Some areas are heavily weed infested with Olive and Guava. This block is an important nesting area for White Terns and Black Noddies, and provides habitat for endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
105a	<p>Gully and southerly slope at western end of block has mature <i>Araucaria</i> over scattered hardwood. This area provides nesting habitat for White Terns and Black Noddies. Rest of block has scattered <i>Araucaria</i> and <i>Lagunaria</i>. Most of the block is grazed and there is little regeneration of <i>Araucaria</i>.</p> <ul style="list-style-type: none"> Listed Marine species habitat.
105c	<p>Western section of block has scattered <i>Araucaria</i> over some hardwood trees with dense weed (Olive and Guava) and eastern section has <i>Araucaria</i>, scattered <i>Lagunaria</i> and <i>Cyathea brownii</i>. White Tern habitat and gully in eastern section is Black Noddy nesting habitat.</p> <ul style="list-style-type: none"> Listed native plant species, and listed marine species habitat.
105e	<p>Most of block has scattered <i>Araucaria</i> over some hardwood trees with dense weed (olive and Guava). White Tern habitat.</p> <ul style="list-style-type: none"> Listed marine species habitat.
123b	<p>Several areas of remnant forest (together between 1 and 2ha) in centre and northern part of block.</p> <p>Forest is <i>Araucaria</i> over scattered hardwood and dense Guava. It provides habitat for endemic land birds and White Terns.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
Has since been subdivided. Part portion now forms block 104c3 (NES) through amalgamation with 104c2. Remaining portion forms 123b1 (NES) Both new blocks are subject to the transfer proposal.	
135g	<p>Small remnants of about 1ha on north and west of block.</p> <p>Forest is mainly <i>Araucaria</i> over hardwood with dense understorey and ground ferns in places. This block is not grazed and most of the rest of block is heavily weed infested. This forest provides habitat for endemic land birds and White Terns.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
106b3	<p>Remnant of about 2ha of forest around the gully near the corner of the block. Scattered <i>Araucaria</i> over hardwood and towards the coast scattered <i>Araucaria</i> and <i>Lagunaria</i>. The edges of this patch are weedy but it is not grazed and there has been some weed control. The <i>Araucaria</i> provide nesting habitat for White Terns and Black Noddies, while the forest is utilised by endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
106b1	<p>Mainly planted <i>Araucaria</i> and exotics with small numbers of White Terns nesting in mature <i>Araucaria</i>.</p> <ul style="list-style-type: none"> Listed marine species habitat.
178a3	<p>Much of block has scattered trees and western part has 1 to 2ha of remnant forest. Most of area is costal <i>Araucaria/Lagunaria</i> forest while in western section there are</p>

	<p>scattered hardwood species. This block was heavily grazed until recently, mature <i>Araucaria</i> are not healthy and some parts in south-west are becoming weedy. The mature <i>Araucaria</i> provide nesting habitat for White Terns and Black Noddies (although not as many as in past according to neighbour).</p> <ul style="list-style-type: none"> Listed marine species habitat.
178a2	<p>Small remnant of about 1ha in eastern end of block and scattered <i>Araucaria</i> along southern and northern boundaries.</p> <p>Patch in east has hardwood species with open understorey. <i>Araucaria</i> provide habitat for White Terns. Rest of block is either weeds, pasture or plantation.</p> <ul style="list-style-type: none"> Listed native plant species and listed marine species habitat.
137c	<p>Several small areas of <i>Araucaria</i> over hardwood and weeds (total area of about 2ha) and tree ferns, scattered <i>Rhopalostylis</i> and hardwood along steep sided gully through centre of block.</p> <p>The areas with native species are mainly weedy with Guava and the remainder of the block is dominated by Guava. The native vegetation (and to some extent the weeds) provides habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
138d	<p>Several small areas of remnant native forest (about 2ha) mainly centre and north-east of block.</p> <p>Scattered <i>Araucaria</i> over hardwood species. Mature <i>Araucaria</i> provide habitat for white Terns.</p> <ul style="list-style-type: none"> Listed (proposed) native plant species and listed marine species habitat.
138b	<p>Small areas of remnant native forest, mainly in northern part of block.</p> <p>Scattered <i>Araucaria</i> over hardwood species. Mature <i>Araucaria</i> provide habitat for white Terns. One of only three known populations on Norfolk Island of <i>Lycopodiella cernua</i> occurs on this block.</p> <ul style="list-style-type: none"> Listed native plant species and listed marine species habitat.
NORTH OF MISSION ROAD	
154g (Significant Remnant D)	<p>Areas of about 2ha of native forest on north-east part of block and small patch near south-west boundary.</p> <p>Patch in south-west is <i>Araucaria</i> over weeds, while other area is mixed age <i>Araucaria</i> over hardwood species with an understorey of ground ferns. This area is not grazed and is weedy in places. This forest provides habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat, and listed marine species habitat.
155l (Significant Remnant D)	<p>2 to 3ha of native forest remnants in north-east part of block and western corner.</p> <p>Forest is mixed age <i>Araucaria</i> over hardwood species with an understorey of ground ferns. Eastern area is variously weedy and ungrazed, while western bit has less hardwood, is fairly weedy and lightly grazed. These areas provide habitat for White Terns and endemic land birds.</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
155h (Significant Remnant D)	<p>North-east half of this block contains about 2ha of native forest.</p> <p>This forest is mixed age <i>Araucaria</i> over hardwood forest with some Guava in places. This area is not grazed and provides habitat for White Terns and endemic land birds (including green Parrot).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.
154h (Significant Remnant D)	<p>About 2ha of native forest on south-west slope near centre of block. This forest is mixed age <i>Araucaria</i> over hardwood forest with some Guava in places.</p> <p>This area is not grazed and provides habitat for White Terns and endemic land birds (including Robin).</p> <ul style="list-style-type: none"> Listed native plant species, listed threatened bird species habitat and listed marine species habitat.

154c2	Access to block denied, however local knowledge suggests some "good stuff". The scoping study and air photos suggested it has remnant native vegetation – hardwood forest with occasional Pine, which acts as a buffer to the National park and is likely to provide Green Parrot habitat.
156e	Small remnants of less than 1ha in centre and west of block. <i>Araucaria</i> over scattered hardwood species. These patches are lightly grazed and some weed control has occurred. <i>Araucaria</i> provide habitat for White Terns. <ul style="list-style-type: none"> Listed (proposed) native plant species and listed marine species habitat.
BUMBORAS	
95e	About 0.5 ha remnant of forest near centre of block. This patch is mainly mature <i>Araucaria</i> over scattered hardwood. There is a small stand of <i>Excoecaria agallocha</i> (about 15) and <i>Cryptocarya triplinervis</i> is naturalised here (introduced to here from Lord Howe in 1800's, other wise only 100 Acres Reserve). The <i>Araucaria</i> provide habitat for White Terns. <ul style="list-style-type: none"> Listed (proposed) native plant species and listed marine species habitat.
95f	Scattered nesting burrows along cliff top, and planted <i>Araucaria</i> about 30 years old may provide White Tern habitat. Rest of block intensively managed. <ul style="list-style-type: none"> Listed migratory species habitat and listed marine species habitat.
GANNET POINT	
51b	Eastern half and west end of this block support coastal forest dominated by <i>Araucaria</i> . The parts of the eastern half near the coast are <i>Araucaria</i> and <i>Lagunaria</i> over fairly open understorey. The northern part of the gully in the centre of the block has some hardwood under <i>Araucaria</i> . This block has not been grazed for some years and there is excellent regeneration of <i>Araucaria</i> in places, and there has been extensive planting of <i>Araucaria</i> mainly in the central part of the block. The mature <i>Araucaria</i> provide an important nesting area for White Terns (1,000 pairs) and Black Noddies (2,000 pairs). <ul style="list-style-type: none"> Listed native plant species, and listed marine species habitat.
OTHER BLOCKS	
68k	Small patch (about 1ha) of native forest in northern corner. <i>Araucaria</i> over hardwood species with ground ferns and stand of <i>Cyathea brownii</i> on lower slope. <i>Araucaria</i> provide nesting habitat for White Terns. <ul style="list-style-type: none"> Listed native plant species and listed marine species habitat.
174a1	Valley in southern part of block vegetated. This area is predominantly weedy, with sparsely scattered native species. The swampy area along the creek possibly has regional/local significance as wetland habitat, and was the only block where the fern <i>Hypolepis dicksonioides</i> was recorded. <ul style="list-style-type: none"> Listed native plant species.
47b1	Small remnant of about 0.5ha of native coastal forest along southern boundary, contiguous with Ball Bay Reserve. Mature <i>Araucaria</i> and scattered <i>Lagunari</i> with understorey of planted native species in places and grass. Weeds have mainly been removed and grazing is excluded. Mature trees provide nesting habitat for White Terns. <ul style="list-style-type: none"> Listed marine species habitat.

3.3 What is the *tenure* of the project area (for example is it freehold, leasehold or some other tenure)? If practicable, show on the attached map.

The project area is currently Crown leasehold land.

3.4 What are the current and/or proposed *land uses* for the project area?

The current land uses in the proposed project area comprise of
25 rural leases;
60 rural residential leases; and
52 residential leases.

Buildings and infrastructure on the Crown leases are owned by the Crown lessee and not the Crown.

The transfer of the leases is not expected to materially affect future land uses as all land will continue to be subject to the provisions of the Norfolk Island planning regime.

4. Nature and extent of the likely impacts of the action

4.1 Describe, as relevant to your project, the nature and extent of *likely impacts* on the following matters protected by the EPBC Act:

The world heritage values of a declared World Heritage property; or
The ecological character of a declared Ramsar wetland; or
The members of a listed threatened species (except a conservation-dependent species) or any threatened ecological community, or their habitat, or
The members of a listed migratory species or their habitat; or
The environment in part of the Commonwealth marine area; or
The environment on Commonwealth land.

World Heritage, Ramsar Wetlands, Commonwealth Marine

There are no impacts relevant to World Heritage, Ramsar Wetlands or Commonwealth Marine Areas.

Listed Threatened Species, migratory species, ecological communities and their habitats

The listed threatened species that may be impacted upon are those identified in part 3 of this document. There are no ecologically endangered communities and critical habitat listed for any of the land proposed for transfer. A change in land tenure is not expected to impact on the management of these leases.

The transfer of Crown leases to freehold title is not expected to impact on any of the matters listed. Responsibility for any actions taken under the EPBC Act are to remain with future proponents of those actions.

Environment on Commonwealth Land

The proposed actions are to occur on Commonwealth land.

Findings from Gilmore and Helman's (2001) study suggest many of the current lessees value the native vegetation remnants and birds on their block, and show interest in retaining this care in the future, seeing their relationship with the land as "custodians", (in some cases because the lease has been passed down in the family and they want to keep doing that).

Crown leases within the Kingston & Arthur's Vale historic Area (KAVHA), are not included in this transfer initiative due to the national heritage and environmental significance of this site.

4.2 Indicate if your action is:

A nuclear action; or
Will be taken by the Commonwealth or by a Commonwealth agency; or
Will be taken in a Commonwealth marine area; or
Will be taken on Commonwealth land.

If your action falls into one of these categories, provide details about the impact of your action on the environment generally (ie, in addition to the specific matters addressed above in 4.1).

The action is to occur on Commonwealth land and is to be undertaken by the Minister for Local Government, Territories and Roads Authority under section 62 of the *Norfolk Island Act 1979*.

5. Measures aimed at avoiding or reducing significant impacts on matters protected under the EPBC Act

5.1 Describe any specific measures proposed as part of the action to avoid or lessen significant impacts on matters protected under the EPBC Act. Include a timeframe or workplan for implementation of any relevant measures.

In transferring Crown leasehold to freehold title, a registrar's note under s26 of the *Norfolk Island Land Titles Act 1996* (or similar instrument) will highlight to successive land owners their responsibility under the EPBC Act in taking any actions under that Act. The registrars note or similar instrument will highlight the likelihood of species listed under the EPBC Act where this has been identified by the Gilmore and Helman Report (2001).

6. Information sources

6.1 List relevant references

You should also attach a copy of any relevant reports or documents that support the arguments and conclusions made in this referral. For example, any flora and fauna surveys or desktop investigations should be provided.

- Gilmore P.M. and Helman C.E. (2001) National Environmental Significance on Crown Leasehold Land on Norfolk Island. Report to the Commonwealth Department of Transport and Regional Services.
- Department of Environment and Heritage. (2004) What the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* means for Norfolk Islanders.
- Department of Finance and Administration. (1996) Commonwealth Property Principles.

6.2 For information given in sections 3 and 4 of this referral please indicate:

- a) The source of the information; and
- b) How recent the information is; and
- c) How the reliability of the information was tested; and
- d) Any uncertainties in the information.

The Gilmore and Helman report has been applied widely by both the Department of Environment and Heritage and Department of Transport and Regional Services. The information contained in this report has been deemed adequate with no problematic discrepancies arising from its application.

The EPBC Document is a published Government documentation, produced by the Department of Environment and Heritage.

7. Signatures and Declarations

Section 489 of the EPBC Act states that the provision of false or misleading information is an offence punishable on conviction by imprisonment and fine.

I, _____ (*full name*), declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature Signed

Date

7.2. Signature of person proposing to take the action

I, _____ (*full name*), declare that the information contained in this form is, to my knowledge, true and not misleading.

Signature Signed A

Date

7.3. Declaration of person nominated as proponent in Section 1.3, if different from person proposing to take the action

I, _____ (*full name*), being (or agent acting on behalf of) the person nominated in Section 1.3 of this referral form as the nominated proponent agree to be designated as the proponent for the action described above if it is decided that the action requires approval under Part 9 of the EPBC Act.

Signature

Date

Signature of person proposing to take the action

Date

Fill in Section 7.4 if you believe that the proposal is not likely to have a significant impact on matters protected by the EPBC Act and that the proposal is therefore not a controlled action. Fill in Section 7.5 if you believe that the proposal is likely to have a significant impact on a protected matter and that the proposal is therefore a controlled action. (Note: This Section must be completed in *all cases* except where the referral is made by a State or Territory or a Commonwealth agency in relation to an action to be taken by another person.)

7.4. If you think your proposed action is not likely to have a significant impact on any of the matters listed in the table below, then you should select and complete the following statement and you should not mark any of the boxes in the table below.

I, _____ (*full name*), being the person making this referral and the person proposing to take the action (or agent acting on behalf of the person) believe that the action described in this referral **is not a controlled action.**

Briefly provide reasons why you believe your proposed action is not a controlled action:

(Note: For an explanation of the term "controlled action", see the Referral Guide.)

The transfer of land tenure from Crown leasehold to freehold title is not expected to materially impact on the use of the land proposed for transfer. Leases are proposed to be transferred to existing lessees and will be subject to local planning and environmental regulation consistent with other land holdings on Norfolk Island. Land regulation on Norfolk Island is consistent with what occurs in other States and Territories of Australia.

OR

7.5. If you think that your proposed action is likely to have a significant impact on any of the matters listed in the table below, then you should select and complete the following statement. You must then mark 'Yes' against those matters on which you think it will have a significant impact, in the table below.

I(full name), being the person making this referral and the person proposing to take the action (or agent acting on behalf of the person) believe that the action described in this referral **is a controlled action because of the following provisions of the Act:**

Significant Impact Likely	Controlling Provision
None	World Heritage property (Sections 12 and 15A - significant impacts on the values of a World Heritage property)
None	Ramsar Wetland (Sections 16 and 17B - significant impacts on the ecological character of a Ramsar wetland)
None	Threatened species or ecological communities (Section 18 and Section 18A - significant impacts on a listed threatened species or a listed threatened ecological community)
None	Migratory species (Sections 20 and 20A - significant impacts on a listed migratory species)
None	Nuclear action (Sections 21 and 22A - nuclear actions)
None	Commonwealth marine area (Sections 23, 24 and 24A - actions relating to the Commonwealth marine area and fishing in coastal waters managed by the Commonwealth)
None	Commonwealth land (Sections 26 and 27A - actions relating to Commonwealth land)
None	Commonwealth action (Section 28 - actions by the Commonwealth having a significant impact on the environment)

Briefly provide reasons why you believe your proposed action is a controlled action:

(Note: For an explanation of the term "controlled action", see the Referral Guide.)

Not applicable.

If the person making this referral is, or is representing, a *small business* (a business having fewer than 20 employees), please provide an estimate of the time taken to complete this form.

Please Include

The time spent reading the instructions, working on the questions and obtaining the information; and
The time spent by all employees in collecting and providing this information.

hours minutes

END OF FORM

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

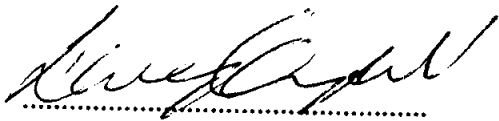
DECISION THAT ACTION IS NOT A CONTROLLED ACTION

I, IAN GORDON CAMPBELL, Minister for the Environment and Heritage, decide that the proposed action, set out in the Schedule, is not a controlled action.

SCHEDULE

The proposed action to transfer a total of 137 Crown leases including rural, residential, and rural residential Crown leases to freehold title on Norfolk Island, and as described in the referral received under the Act on 26 August 2004 (EPBC 2004/1745).

Dated this *16th* day of *Nov.* 2004



.....
MINISTER

Senate Rural and Regional Affairs and Transport Legislation Committee

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Question no: TLG 34

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) Are there any covenants on these transfers of lease to safeguard the integrity of environmentally or historically significant sites, or to protect significant remnant vegetation?
- (ii) If there are significant sites but you are seeking no safeguards, why not?

Answer:

- (i) No. However, transfer documentation clearly specifies that the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) continue to apply. Norfolk Island planning and environment legislation also applies.
- (ii) Matters of national significance are protected by the EPBC Act. Norfolk Island planning and environment legislation also provides safeguards.

Question no: TLG 35

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) Can you please provide copies of the articles of association, the constitution and the formal aims of the Trust that you indicate is to be established with the proceeds of these transfers?
- (ii) Who will be able to access this Trust?
- (iii) What restrictions on access will be imposed?
- (iv) Who will run the Trust?
- (v) Who will be on the Trust?
- (vi) How is it intended that they be appointed?

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Answer:

- (i) The Trust will be established by the Norfolk Island Government (NIG) under its legislation, following agreement between the Commonwealth and the NIG through a Memorandum of Understanding (MOU). Funding guidelines for the Trust money will be developed by an advisory panel established under the MOU.
- (ii) Individuals or groups who have met the requirements of the funding guidelines, which have yet to be developed.
- (iii) Specific funding guidelines, including restrictions on access, are yet to be developed.
- (iv) The Trustees will be the Executive Member (Minister) of Norfolk Island who is responsible for the environment, the Chief Executive Officer of the Norfolk Island Administration (Public Service), and a person with experience in financial administration to be appointed by the NIG. There will also be an advisory panel to provide the Trustees with advice on the development of the funding guidelines, funding priorities, and assessment of applications for funding.
- (v) The Trustees, as for (iv).
- (vi) The MOU dictates the positions as outlined in (iv) above.

Question no: TLG 36

Division/Agency: Territories and Local Government

Topic: Norfolk Island Leasehold Transfer Program

Hansard page: Written question

Senator Carr asked:

- (i) Has the Norfolk Island Government committed any funding to this Trust?
- (ii) Have they been asked to?

Answer:

- (i) No.
- (ii) No.

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Question no: TLG 37

Division/Agency: Territories and Local Government
Topic: Norfolk Island Leasehold Transfer Program
Hansard page: Written question

Senator Carr asked:

Are any further transfers of land anticipated in the next two years?

Answer:

No. However, the Australian Government has indicated that it will consider the possible transfer of other leases on Norfolk Island to freehold title, once the first stage of land transfers is complete.

Question no: TLG 38

Division/Agency: Territories and Local Government
Topic: Norfolk Island Administrator's budget breakdown
Leasehold Transfer Program
Hansard page: Written question

Senator Carr asked:

What is the breakdown for the budget of the Office of the Administrator for the year 2005-06?

Answer:

The breakdown of the budget of the Office of the Administrator for the year 2005-06 is as follows:

Item	Amount (\$)
Salaries	\$306,538
Supplier Expenses	\$900,491
Total	1,207,029

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Question no: TLG 39

Division/Agency: Territories and Local Government

Topic: Norfolk Island Administrator's entertainment allowance

Hansard page: Written question

Senator Carr asked:

What is the entertainment allowance for the Administrator?

Answer:

The Administrator does not have an entertainment allowance. Expenses associated with official hospitality are part of the budget of the Office of the Administrator.

Question no: TLG 40

Division/Agency: Territories and Local Government

Topic: Norfolk Island Administrator

Hansard page: Written question

Senator Carr asked:

How often does the Department meet with the Administrator?

Answer:

The Department meets with the Administrator whenever the Administrator is in Canberra on official business or departmental officers are on Norfolk Island. Discussions are also conducted by telephone as required.

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Question no: TLG 41

Division/Agency: Territories and Local Government
Topic: Norfolk Island Administrator
Hansard page: Written question

Senator Carr asked:

- (i) Does the Department receive, or have access to, reports on Norfolk Island issues from the Administrator?
- (ii) If so, how often are these received? Are these regular reports?
- (iii) Is this a formal or an informal arrangement?
- (iv) What is the status of such reports?

Answer:

- (i) Yes.
- (ii) The Administrator submits written reports to the Minister on a monthly basis.
- (iii) This is a formal arrangement.
- (iv) The reports are considered formal advice to the Minister.

Question no: TLG 42

Division/Agency: Territories and Local Government
Topic: Norfolk Island Administrator
Hansard page: Written question

Senator Carr asked:

- (i) Does the Department consult with the Administrator on policy issues?
- (ii) Is this a regular arrangement?
- (iii) If such meetings do occur, what Departmental officers are involved?

Answer:

- (i) The Department consults the Administrator on policy issues where appropriate.
- (ii) Yes, as required.
- (iii) Those who have responsibility for the issues under discussion.

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Question no: TLG 43

Division/Agency: Territories and Local Government

Topic: Norfolk Island Administrator

Hansard page: Written question

Senator Carr asked:

- (i) Does the Department brief the Administrator on its own discussions with the Norfolk Island Government?
- (ii) What form do these briefings take?
- (iii) Which departmental officers attend such briefings?

Answer:

- (i) The Department keeps the Administrator informed of its discussions with the Norfolk Island Government as appropriate.
- (ii) Through oral discussions, although the Administrator is also copied into correspondence as appropriate.
- (iii) There is no formal arrangement for departmental staff to brief the Administrator – it depends largely on the nature of the issues.

Question no: TLG 44

Division/Agency: Territories and Local Government

Topic: Norfolk Island Administrator

Hansard page: Written question

Senator Carr asked:

- (i) How often does the Department meet with the Government of Norfolk Island?
- (ii) Are these regular meetings?
- (iii) How often do these meetings occur?

Answer:

- (i) Two departmental officers are based in the Administrator's office and have frequent contact with members of the Norfolk Island Government. Other departmental officers generally meet with members of the Norfolk Island Government when they are on Norfolk Island, as issues require.
- (ii) No.
- (iii) See above.

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Question no: TLG 45

Division/Agency: Territories and Local Government

Topic: Norfolk Island legislation

Hansard page: Written question

Senator Carr asked:

Does the Norfolk Island Government ever provide the Department with briefings on its proposed legislation? If so, how often does this occur?

Answer:

Rarely.

Question no: TLG 46

Division/Agency: Territories and Local Government

Topic: Norfolk Island legislation

Hansard page: Written question

Senator Carr asked:

On how many occasions in the past three years has the Department provided comments or advice on legislation proposed by the Norfolk Island Government?

Answer:

The Department generally does not provide comments or advice to the Norfolk Island Government on legislation which it proposes.

The Department does provide advice on proposed legislation to the Administrator and the Minister to assist them to fulfil their statutory functions in Norfolk Island law-making under the *Norfolk Island Act 1979*.

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Question no: TLG 47

Division/Agency: Territories and Local Government

Topic: Norfolk Island revenue measures

Hansard page: Written question

Senator Carr asked:

What progress has been made with the new revenue measures proposed by the Norfolk Island Government?

Answer:

The Department understands that the Norfolk Island Government has suspended consideration of a proposed consumption tax (Norfolk Sustainability Levy) and it is currently considering other possible taxation options such as land tax and local income tax.

Question no: TLG 48

Division/Agency: Territories and Local Government

Topic: Norfolk Island revenue measures

Hansard page: Written question

Senator Carr asked:

- (i) What Commonwealth officers have provided advice or assistance on these measures?
- (ii) Have any Commonwealth officers been involved in drawing up or other wise preparing the necessary legislation?
- (iii) What has been the role of the Department in this process?

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Answer:

- (i) In response to a request from the Norfolk Island Government (NIG) in May 2003, seeking the Commonwealth's assistance in the design and implementation of a new taxation regime for Norfolk Island, officers from the Treasury developed a discussion paper on taxation options for the Norfolk Island Government's consideration. Following the announcement to introduce a consumption tax (the Norfolk Sustainability Levy), the Norfolk Island Government requested assistance on the implementation of such a tax. Officers from the Treasury, the Department of Finance and Administration and the Australian Bureau of Statistics provided a report to the NIG in June 2005.
- (ii) No.
- (iii) The Department coordinated assistance in response to the requests for advice.

Question no: TLG 49

Division/Agency: Territories and Local Government

Topic: Norfolk Island revenue measures

Hansard page: Written question

Senator Carr asked:

Is there a date by which these measures are expected to be implemented?

Answer:

No.

Question no: TLG 50

Division/Agency: Territories and Local Government

Topic: Norfolk Island revenue measures

Hansard page: Written question

Senator Carr asked:

- (i) How much revenue are these measures expected to generate?
- (ii) How has that figure been calculated?

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Answer:

- (i) The expected revenue is not known as it would depend on the type and rate of taxation as well as the size of the Norfolk Island economy and therefore, its tax-base.
- (ii) Not applicable.

Question no: TLG 51

Division/Agency: Territories and Local Government

Topic: Norfolk Island financial evaluation

Hansard page: Written question

Senator Carr asked:

In light of the review of Norfolk Island finances commissioned by the Department, what is your current evaluation of the finances of Norfolk Island?

Answer:

The financial assessment formed an input to policy advice by the Department to Government.

Question no: TLG 52

Division/Agency: Territories and Local Government

Topic: Norfolk Island financial evaluation

Hansard page: Written question

Senator Carr asked:

- (i) How was the consultancy to undertake this work let? (Three quotes, open tender...?)
- (ii) What is the value of the consultancy?
- (iii) Can you please provide the Committee with a copy of the brief for this consultancy, together with any associated briefing papers, or other information?

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Answer:

- (i) The consultant was selected from the Department's current panel of contracted providers of accountancy services.
- (ii) The value of the consultancy is \$82,274 and reimbursement of travel expenses (GST inclusive).
- (iii) A copy of the Consultancy Terms of Reference is **attached**.

[TLG 52 attachment]



Australian Government

Department of Transport and Regional Services

STATEMENT OF REQUIREMENT

Background/Introduction

The Norfolk Island Government (NIG) has wide social, economic and infrastructure responsibilities for the Island's permanent population of less than 2000 people. The Island is exempt from mainland taxation arrangements and therefore is not a beneficiary of Commonwealth revenue-sharing with the other States and Territories.

A number of reports over several years have raised fundamental concerns about the NIG's financial capacity to deliver services at appropriate standards and raised doubts about the sustainability of the Territory's self-government arrangements. An apparent downturn in its key industry - tourism - and a perception of poor maintenance and/or funding of key social and economic infrastructure compound the financial hardship the NIG may be experiencing.

The Australian Government wishes to determine and understand the risk/s of the NIG not being able to meet debt repayments and recurrent costs while providing the range and quality of services to the Norfolk Island community comparable to those provided in a similar sized remote community in other parts of Australia.

Objective

To report on the NIG's current financial situation and to provide an understanding of the risk and/or degree of a financial collapse, including a forecast of the future financial position of the NIG in the short to medium terms.

Requirements for the Assessment

The report on the financial position of the NIG and Administration (Public Service) will cover all relevant matters including:

- Detailed examination of the NIG's revenues, recurrent and other expenditures, liabilities and cash reserves;

- Whether the NIG and Administration is currently solvent or is likely to become insolvent in the next 6-12 months based on current policies;
 - if so, what options are available to prevent this and an assessment/ranking of the options for implementation
 - analysis of the risks associated with implementing each of the options
- A forecast of the NIG's future financial position for the next three years based on current policies; listing assumptions
- An analysis of the relationship between tourist numbers and NIG revenues, based on the past five years;
- Asset and infrastructure investment patterns by the NIG, and the future funding implications of the Asset Management Plan, either based on the draft or final document. Consideration should include an analysis of the risks and the implications of any proposed asset replacement plan not being met;
- The ability/capacity of the NIG to fund increased levels of debt for capital assets replacement based on current revenue collection methods and cash reserves, without compromising recurrent expenditure on administration and services; and
- Assessment of the quality of relevant Norfolk Island financial and budgetary information.

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Question no: TLG 53

Division/Agency: Territories and Local Government

Topic: Norfolk Island benefits

Hansard page: Written question

Senator Carr asked:

- (i) Do you accept the claim of the Norfolk Island Government that pensions and benefits for Norfolk islanders are now equivalent to 97% of mainland payments?
- (ii) If no, what action have you taken to improve access for Norfolk islanders to these fundamental rights?
- (iii) If yes, what is the basis for your acceptance of this figure?

Answer:

- (i) The Department is not in a position to make that comparison. However, the Department is aware that eligibility requirements for Norfolk Island and Commonwealth benefits differ. Also, there are Commonwealth benefits which have no Norfolk Island equivalent.
- (ii) These are matters for the Norfolk Island Government.
- (iii) Not applicable.

Question no: TLG 54

Division/Agency: Territories and Local Government

Topic: Norfolk Island benefits

Hansard page: Written question

Senator Carr asked:

- (i) What independent analysis or other verification have you undertaken to establish the accuracy of this figure?
- (ii) What specific factors have been included in this evaluation?

Answer:

- (i) None.
- (ii) Not applicable

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Question no: TLG 55

Division/Agency: Territories and Local Government

Topic: Norfolk Island benefits

Hansard page: Written question

Senator Carr asked:

Does that figure of 97% include an allowance for:

- (i) higher costs of living on Norfolk Island?
- (ii) the shortage of aged care and health services?
- (iii) the costs of specialist medical attention not available on the Island?

Answer:

We are unaware of the basis of the Norfolk Island Government's claim.

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Question no: NCA 01

Division/Agency: National Capital Authority

Topic: ACT Factory Outlet

Hansard page: 25 (01/11/05)

Senator Carr asked:

Senator CARR—Was the NCA consulted about the approval of a discount goods warehouse?

Ms Pegrum—A direct factory outlet?

Senator CARR—Yes.

Ms Pegrum—That was put before us for approval and we gave Works Approval to that outlet. We are just checking the exact date, but it was recent; it was this calendar year.

Answer:

Prior to the lodgement of a Works Approval application (in April 2005) for the Factory Outlet Centre, the Canberra International Airport lodged a separate application (on 19 January 2005) for new road works and land subdivision infrastructure works for the Aeropark precinct.

Works Approval for the factory outlet was granted on 6 July 2005.

Question no: NCA 02

Division/Agency: National Capital Authority

Topic: ACT factory outlet traffic assessment

Hansard page: p. 25 (01/11/05)

Senator Carr asked:

Senator CARR—When did you approach Urban Services?

Ms Pegrum—Prior to giving the Works Approval.

Senator CARR—When?

Ms Pegrum—I would have to go back to the dates and give those on notice.

Answer:

The National Capital Authority (NCA) contacted Roads ACT to seek its views on the proposed road and infrastructure works on 24 February 2005. Their advice, received on 1 March 2005, was also taken into consideration in the assessment of the factory outlet application.

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Question no: NCA 03

Division/Agency: National Capital Authority

Topic: ACT factory outlet consultancies with Roads ACT

Hansard page: p. 26 (01/11/05)

Senator Carr asked:

On what dates were those consultations held?

Answer:

See response to **NCA 02**.

Question no: NCA 04

Division/Agency: National Capital Authority

Topic: Canberra Airport traffic flow

Hansard page: 26 (01/11/05)

Senator Heffernan asked:

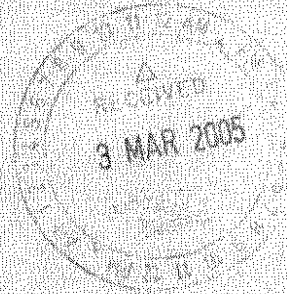
CHAIR—Can you table any traffic flow report flowing from that?

Ms Pegrum—We can table what advice we received from the Territory and I can ask the Territory Government whether they would like to provide you with anything additional.

Answer:

Please see **attached** correspondence from the ACT Department of Urban Services dated 1 March 2005.

[NCA 04 attachment]



FILE
No. 14682
ACTION OFFICER
S Huda

Shamsul Huda
 National Capital Authority
 GPO Box 373
 CANBERRA CITY ACT 2601

Dear Shamsul

SUBJECT: AIRPORT DEVELOPMENT – ROUNDABOUTS ON MAJURA ROAD

I refer to our discussion on Thursday, 24 February 2005, regarding the development proposal by Canberra Airport.

Roads ACT have reviewed the proposed intersection designs consisting of two roundabouts off Majura Road together with an audit of the final design undertaken by a very experienced road safety auditor.

On balance, the concerns identified previously by Roads ACT to the proposal have been addressed and the consultant Cardno Young have certified the designs as appropriate and adequate safety provisions have been incorporated.

It should be noted, that ultimately Majura Road will become a service road to the future Majura Parkway and will attract much lower traffic volumes than it currently carries.

I would be happy to discuss this matter further and can be contacted on telephone 6207 6588.

Yours sincerely

Tony Gill
 Director
 Roads ACT

1 March 2005

cc Chandra Mohan, Asset Acceptance
 Noel McCann, Canberra Airport



ACT Department of Urban Services • Roads ACT
 Level 7, Macarthur House • 12 Wattle Street, Lyneham ACT 2602
 Locked Bag 2000 • Civic Square ACT 2601 •
 Telephone (02) 6207 6588 • Facsimile (02) 6207 6587
 ACT Government Homepage: www.act.gov.au



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Question no: NCA 05

Division/Agency: National Capital Authority

Topic: Road works into Canberra

Hansard page: Written question

Senator Heffernan asked:

What controls does the NCA have on road works being done for a major project on the major access road into and out of Canberra from the South even before a Development Application (DA) for the project has been lodged?

Answer:

The major access road into and out of Canberra from the South is the Monaro Highway which is an Approach Route to the National Capital and as such, comes under Designated Areas in the National Capital Plan (the Plan). Designated Areas includes areas of land that have the special characteristics of the National Capital.

As a Designated Area, all works proposed within the Monaro Highway road reserve require works approval from the National Capital Authority (NCA). The NCA's consideration of any such works proposal is based on the provisions of the Plan.

The NCA's consideration of an application lodged for Works Approval (in a Designated Area) is quite separate to the assessment of a Development Application by the ACT Planning and Land Authority (ACTPLA) on land located outside the Designated Areas (for example on land fronting the Monaro Highway).

Question no: NCA 06

Division/Agency: National Capital Authority

Topic: Gaol

Hansard page: Written question

Senator Heffernan asked:

Is the NCA aware of what is happening with the gaol?

What part does the NCA play in the Development Application (DA) process?

Is it possible for the gaol to go ahead without a DA being approved?

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Answer:

The site for the gaol in Hume is Territory land located outside the Designated Areas of the Plan. Due to the site's location along the Monaro Highway, Special Requirements of the Plan apply including the preparation of a Development Control

Plan (DCP) to be prepared and agreed to by the National Capital Authority (NCA). A DCP was prepared for the gaol site and submitted to the NCA for approval. It was approved on 21 January 2005. However, the NCA is not responsible for approving the Development Application (DA).

ACTPLA is responsible for assessing and approving the DA for the gaol. ACTPLA, in considering the DA, would need to ensure that the development proposal complied with the relevant provisions of the Territory Plan and the approved DCP. The NCA has no particular involvement in the DA process.

Access and infrastructure upgrade works proposed within the Monaro Highway road reserve, which is in a Designated Area, require works approval from the NCA. The NCA's consideration of such works would be based on the provisions of the National Capital Plan.

Question no: NCA 07

Division/Agency: National Capital Authority

Topic: Gaol

Hansard page: Written question

Senator Heffernan asked:

What options will be available to the residents of Jerrabomberra (which is in NSW not ACT) who reside adjacent to the proposed site?

Answer:

The National Capital Authority (NCA) understands that ACT Planning and Land Authority (ACTPLA), in assessing the Development Application (DA), will take into consideration submissions received during public consultation/notification (including any from the Jerrabomberra residents).

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Question no: NCA 08

Division/Agency: National Capital Authority

Topic: Gaol

Hansard page: Written question

Senator Heffernan asked:

Why has the more suitable site which is available north of the airport not been selected for the gaol?

Answer:

The National Capital Authority (NCA) is not aware of all the factors which the ACT Government considered in making a decision on the Hume site.

Question no: NCA 09

Division/Agency: National Capital Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 1 and 2)

Senator Conroy asked:

Please provide details of total departmental/organisational spending on information and communications technology (ICT) products and services during the last 12 months.

Please break down this spending by ICT function (e.g. communications, security, private network, web sites).

Answer:

The National Capital Authority's (NCA's) total departmental spending on ICT outsourcing products and services arrangements in 2004-05 was: \$322,300.

Functional Breakdown:

Network and Helpdesk Services	= \$231,000
Communications	= \$49,000
Security	= \$37,800
Website Outsourcing	= \$4,500

All costs include GST.

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Question no: NCA 10

Division/Agency: National Capital Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 3)

Senator Conroy asked:

Was this spending in line with budget forecasts for this 12-month period?

- a. If not, please provide details of:
 - i. The extent that information and communications technology (ICT) spending exceeded budget forecasts for this 12-month period;
 - ii. Details of specific ICT contracts which resulted in the department/organisation spending in excess of budget forecasts for this 12-month period;
 - iii. The reasons ICT spending exceeded budget forecasts for this 12-month period.

Answer:

Information technology spending was in line with budget forecasts.

Question no: NCA 11

Division/Agency: National Capital Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 4)

Senator Conroy asked:

Please provide details of any information and communications technology (ICT) projects that have been commissioned by the department/organisation during the past 12 months that have failed to meet designated project time frames (i.e. have failed to satisfy agreed milestones by agreed dates).

- a. For such projects that were not completed on schedule, please provide details of:
 - i. The extent of any delay;
 - ii. The reasons these projects were not completed on time; and
 - iii. Any contractual remedies sought by the department/organisation as a result of these delays (e.g. penalty payments).

Answer:

Nil response.

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Question no: NCA 12

Division/Agency: National Capital Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 5)

Senator Conroy asked:

Please provide details of any information and communications technology (ICT) projects delivered in the past 12 months that have materially failed to satisfy project specifications.

Answer:

Nil response.

Question no: NCA 13

Division/Agency: National Capital Authority

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 6)

Senator Conroy asked:

Please provide details of any ICT projects that were abandoned by the department/organisation within the last 12 months before the delivery of all project specifications outlined at the time the project was commissioned.

- a. For such abandoned projects, please provide details of:
 - i. Any contractual remedies sought by the department as a result of the abandonment of these projects;
 - ii. Any costs of re-tendering the ICT project.

Answer:

Nil response.

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Question no: NCA 14

Division/Agency: National Capital Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 1)

Senator Fielding asked:

How much money has the portfolio spent on **domestic** airfares for each of the last three financial years?

Answer:

2002-03	\$43 627.99
2003-04	\$34 868.54
2004-05	\$27 089.92

Question no: NCA 15

Division/Agency: National Capital Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 2)

Senator Fielding asked:

How much money has the portfolio spent on **overseas** airfares for each of the last three financial years?

Answer:

The National Capital Authority (NCA) has spent the following on overseas airfares for the last three financial years:

2002-03	\$15 530.13
2003-04	\$13 929.76
2004-05	\$ 3 361.93

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Question no: NCA 16

Division/Agency: National Capital Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 3)

Senator Fielding asked:

How much money has the portfolio spent on **economy class domestic** airfares for each of the last three financial years?

Answer:

2002-03	\$31 850.35
2003-04	\$26 108.36
2004-05	\$18 489.24

Question no: NCA 17

Division/Agency: National Capital Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 4)

Senator Fielding asked:

How much money has the portfolio spent on **business class domestic** airfares for each of the last three financial years?

Answer:

2002-03	\$11 777.63
2003-04	\$ 8 760.18
2004-05	\$ 8 600.68

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Question no: NCA 18

Division/Agency: National Capital Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 5)

Senator Fielding asked:

How much has the portfolio spent on **first class domestic** airfares for each of the last three financial years?

Answer:

Nil response.

Question no: NCA 19

Division/Agency: National Capital Authority

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 6)

Senator Fielding asked:

What would be the estimated financial year dollar-saving if all public servants in the Portfolio travelled economy class for flights of less than one and a half hours duration?

Answer:

All National Capital Authority (NCA) staff already travel economy on all flights. The only travel arranged by the NCA involving domestic flights over one and half hours was for a Board Member, who is not a public servant.

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Question no: NCA 20

Division/Agency: National Capital Authority

Topic: Contract negotiations

Hansard page: Written question (Senator Murray's Q 1)

Senator Murray asked:

What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not provided, please explain why this is the case.

Answer:

Guidance is provided to staff as follows:

- (a) The National Capital Authority's (NCA's) Intranet includes a portal on Contract Management with links to the Department of Finance and Administration's procurement guidelines including *Guidance on Procurement Publishing Obligations* (Advice No 15—January 2005).
- (b) The NCA's *Chief Executive Instruction on Procurement* outlines the relevant reporting obligations (AusTender, Murray Motion and Annual Report).
- (c) Specific training on the Government's procurement framework and the NCA's procurement processes is provided regularly to staff.

Reporting responsibilities for contracts is centrally managed in the NCA by the Records Management Unit.

When changes occur to the NCA's procurement processes, the Intranet Contract Management portal is updated and staff are advised of the revised arrangements by e-mail.

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Question no: NCA 21

Division/Agency: National Capital Authority

Topic: Training

Hansard page: Written question (Senator Murray's Q 2)

Senator Murray asked:

What training and awareness sessions are provided, either in-house or through other training providers (e.g. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.

Answer:

The National Capital Authority (NCA) contracted the Australian Public Service (APS) Commission to conduct the workshop "Getting that Contract Right" for 15 NCA staff on 31 August and 1 September 2005.

Contract confidentiality clauses were discussed at this training. The training provider was Shane Carroll of Shane Carroll and Associates.

The workshop explored:

- the Commonwealth competitive tendering and contract framework;
- why contract planning is essential;
- selecting the right tender process;
- Commonwealth standard clauses and schedules;
- Intellectual property, copyright and indemnity issues;
- risk management;
- measurements for monitoring contract performance and service quality;
- dispute resolution;
- freedom of information and commercial-in-confidence status;
- APS contracting and e-procurement; and
- Administrative law implications and recent case law.

Additional in-house training on the NCA's procurement processes was provided to relevant staff in October 2005. The training outlined:

- the *Commonwealth Procurement Guidelines* framework;
- internal contracting procedures including contract management portal access and contents, file management, templates and delegations;
- annual procurement plans; and
- reporting obligations.

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Question no: NCA 22

Division/Agency: National Capital Authority

Topic: Commonwealth procurement guidelines

Hansard page: Written question (Senator Murray's Q 3)

Senator Murray asked:

Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?

Answer:

The National Capital Authority (NCA) has adopted the new *Commonwealth Procurement Guidelines* and provides a link to the Department of Finance and Administration's Procurement Guidelines from the Agency's Intranet under 'Contract Management Procedures and Guidelines'.

Question no: NCA 23

Division/Agency: National Capital Authority

Topic: ANAO audits

Hansard page: Written question (Senator Murray's Q 4)

Senator Murray asked:

ANAO audits for the last three years have revealed a consistently low level of compliance across most Agencies with DOFA's confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest Report on the Order (No.11 of 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order.

- What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
- What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?
- What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the Agency considering the adoption of internal controls and checks?

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Answer:

The National Capital Authority (NCA) has not withheld the publication of any contract information on AusTender or on our website on the grounds of confidentiality.

Reporting responsibilities for contracts is centrally managed in the NCA by the Records Management Unit.

Regular training is provided to the staff responsible for complying with the NCA's various reporting obligations.

The NCA's Governance Unit conducts six-monthly checks of the publication of contract information on AusTender and our website.

A check list has been provided to staff for quick reference when developing contracts.

Any confidentiality clause has to be cleared by the Governance Unit where it is assessed against the DOFA Guidelines.

Question no: NCA 24

Division/Agency: National Capital Authority

Topic: The Senate Order

Hansard page: Written question (Senator Murray's Q 5)

Senator Murray asked:

What problems, if any, have the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?

Answer:

Nil response.

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Question no: AA 01

Division/Agency: Airservices Australia

Topic: Contract to operate FAA towers

Hansard page: Written question (Senator Heffernan's Q1)

Senator Heffernan asked:

Is it true that Airservices has won the contract to operate contract towers to the FAA in Hawaii?

Answer:

Yes. Airservices Pacific Incorporated (API), a wholly-owned subsidiary of Airservices Australia, operates 5 towers, which includes three in the Hawaiian Islands and one each in Saipan and Guam, on behalf of the Federal Aviation Administration (FAA) under the Federal Contract Tower program.

Question no: AA 02

Division/Agency: Airservices Australia

Topic: Contract to Operate FAA Towers

Hansard page: Written question (Senator Heffernan's Q2)

Senator Heffernan asked:

Is it true that the FAA claims that their contract tower program saves about 50% on towers run by the FAA?

Answer:

Airservices Australia is aware of the claim made by the Federal Aviation Administration (FAA). However, Airservices Australia is unable to comment on the basis of this claim.

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Question no: AA 03

Division/Agency: Airservices Australia

Topic: Competition for contract towers

Hansard page: Written question (Senator Heffernan's Q 3)

Senator Heffernan asked:

Is it true that Airservices Australia have stated that competition for contract towers in Australia should not be allowed as safety would be reduced?

Answer:

No. Airservices Australia is supportive of the Government's policy to introduce competition for towers.

Question no: AA 04

Division/Agency: Airservices Australia

Topic: Country control towers

Hansard page: Written question (Senator Heffernan's Q 4)

Senator Heffernan asked:

Why won't Airservices Australia facilitate and support local ownership and competition for country control towers so that costs can be reduced?

Answer:

Airservices Australia is supportive of the Government's policy to introduce competition for towers.

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Question no: AA 05

Division/Agency: Airservices Australia

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 1 and 2)

Senator Conroy asked:

Please provide details of total departmental/organisational spending on information and communications technology (ICT) products and services during the last 12 months.

Please break down this spending by ICT function (e.g. communications, security, private network, websites).

Answer:

Airservices Australia is not a budget-funded agency therefore the information technology outsourcing arrangements are not applicable.

Question no: AA 06

Division/Agency: Airservices Australia

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 3)

Senator Conroy asked:

Was this spending in line with budget forecasts for this 12-month period?

- a. If not, please provide details of:
 - i. The extent that information and communications technology (ICT) spending exceeded budget forecasts for this 12-month period;
 - ii. Details of specific ICT contracts which resulted in the department/organisation spending in excess of budget forecasts for this 12-month period;
 - iii. The reasons ICT spending exceeded budget forecasts for this 12-month period.

Answer:

Airservices Australia is not a budget-funded agency therefore the information technology outsourcing arrangements are not applicable.

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Question no: AA 07

Division/Agency: Airservices Australia

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 4)

Senator Conroy asked:

Please provide details of any information and communications technology (ICT) projects that have been commissioned by the department/organisation during the past 12 months that have failed to meet designated project time frames (i.e. have failed to satisfy agreed milestones by agreed dates).

- a. For such projects that were not completed on schedule, please provide details of:
 - i. The extent of any delay;
 - ii. The reasons these projects were not completed on time; and
 - iii. Any contractual remedies sought by the department/organisation as a result of these delays (e.g. penalty payments).

Answer:

Airservices Australia is not a budget-funded agency therefore the information technology outsourcing arrangements are not applicable.

Question no: AA 08

Division/Agency: Airservices Australia

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 5)

Senator Conroy asked:

Please provide details of any information and communications technology (ICT) projects delivered in the past 12 months that have materially failed to satisfy project specifications.

Answer:

Airservices Australia is not a budget-funded agency therefore the information technology outsourcing arrangements are not applicable.

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Question no: AA 09

Division/Agency: Airservices Australia

Topic: Information technology outsourcing arrangements

Hansard page: Written question (Senator Conroy's Q 6)

Senator Conroy asked:

Please provide details of any ICT projects that were abandoned by the department/organisation within the last 12 months before the delivery of all project specifications outlined at the time the project was commissioned.

- a. For such abandoned projects, please provide details of:
 - i. Any contractual remedies sought by the department as a result of the abandonment of these projects;
 - ii. Any costs of re-tendering the ICT project.

Answer:

Airservices Australia is not a budget-funded agency therefore the information technology outsourcing arrangements are not applicable.

Question no: AA 10

Division/Agency: Airservices Australia

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 1)

Senator Fielding asked:

How much money has the portfolio spent on **domestic** airfares for each of the last three financial years?

Answer:

Amounts spent on domestic airfares for Airservices staff for the past three financial years are as follows:

FY 02/03	\$3.265m
FY 03/04	\$3.580m
FY 04/05	\$4.234m

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Question no: AA 11

Division/Agency: Airservices Australia

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 2)

Senator Fielding asked:

How much money has the portfolio spent on **overseas** airfares for each of the last three financial years?

Answer:

Amounts spent on overseas airfares for Airservices staff for the past three financial years are as follows:

FY 02/03	\$0.812m
FY 03/04	\$0.808m
FY 04/05	\$1.249m

Question no: AA 12

Division/Agency: Airservices Australia

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 3)

Senator Fielding asked:

How much money has the portfolio spent on **economy class domestic** airfares for each of the last three financial years?

Answer:

Amounts spent on economy class domestic airfares for Airservices staff for the past three financial years are as follows:

FY 02/03	\$2.947m
FY 03/04	\$3.204m
FY 04/05	\$3.595m

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Question no: AA 13

Division/Agency: Airservices Australia

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 4)

Senator Fielding asked:

How much money has the portfolio spent on **business class domestic** airfares for each of the last three financial years?

Answer:

Amounts spent on business class domestic airfares for Airservices staff for the past three financial years are as follows:

FY 02/03	\$0.318m
FY 03/04	\$0.376m
FY 04/05	\$0.639m

Question no: AA 14

Division/Agency: Airservices Australia

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 5)

Senator Fielding asked:

How much has the portfolio spent on **first class domestic** airfares for each of the last three financial years?

Answer:

The amount spent on first class domestic airfares for Airservices staff for the past three financial years as shown below is nil. First class domestic airfares are not used by Airservices Australia.

FY 02/03	\$0.00m
FY 03/04	\$0.00m
FY 04/05	\$0.00m

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Question no: AA 15

Division/Agency: Airservices Australia

Topic: Travel

Hansard page: Written question (Senator Fielding's Q 6)

Senator Fielding asked:

What would be the estimated financial year dollar-saving if all public servants in the Portfolio travelled economy class for flights of less than one and a half hours duration?

Answer:

Domestic travel for Airservices Australia staff is contracted to Qantas. This contract covers economy class travel and provides for business class travel for authorised senior executives. This contract has been negotiated to provide discounted travel in all classes, as such the exact potential savings figures are not able to be calculated.

Question no: AA 16

Division/Agency: Airservices Australia

Topic: Contract negotiations

Hansard page: Written question (Senator Murray's Q 1)

Senator Murray asked:

What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not provided, please explain why this is the case.

Answer:

Airservices Australia is created under the *Air Services Act 1995* and subject to the *Commonwealth Authorities and Companies Act 1997*. Consequently, Airservices Australia is not subject to the *Financial Management and Accountability Act 1997* and therefore not subject to the Senate Order.

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Question no: AA 17

Division/Agency: Airservices Australia

Topic: Training

Hansard page: Written question (Senator Murray's Q 2)

Senator Murray asked:

What training and awareness sessions are provided, either in-house or through other training providers (e.g. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.

Answer:

Airservices Australia is created under the *Air Services Act 1995* and subject to the *Commonwealth Authorities and Companies Act 1997*. Consequently, Airservices Australia is not subject to the *Financial Management and Accountability Act 1997* and therefore not subject to the Senate Order.

Question no: AA 18

Division/Agency: Airservices Australia

Topic: Commonwealth procurement guidelines

Hansard page: Written question (Senator Murray's Q 3)

Senator Murray asked:

Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?

Answer:

Airservices Australia is created under the *Air Services Act 1995* and subject to the *Commonwealth Authorities and Companies Act 1997*. Consequently, Airservices Australia is not subject to the *Financial Management and Accountability Act 1997* and therefore not subject to the Commonwealth Procurement Guidelines.

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Question No.: AA 19

Division/Agency: Airservices Australia

Topic: ANAO audits

Hansard page: Written question (Senator Murray's Q 4)

Senator Murray asked:

ANAO audits for the last three years have revealed a consistently low level of compliance across most agencies with DOFA's confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest report on the Order (No.11 of 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order.

- What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
- What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?
- What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the Agency considering the adoption of internal controls and checks?

Answer:

Airservices Australia is created under the *Air Services Act 1995* and subject to the *Commonwealth Authorities and Companies Act 1997*. Consequently, Airservices Australia is not subject to the *Financial Management and Accountability Act 1997* and therefore not subject to the Senate Order.

Question No.: AA 20

Division/Agency: Airservices Australia

Topic: The Senate Order

Hansard page: Written question (Senator Murray's Q 5)

Senator Murray asked:

What problems, if any, have the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?

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Answer:

Airservices Australia is created under the *Air Services Act 1995* and subject to the *Commonwealth Authorities and Companies Act 1997*. Consequently, Airservices Australia is not subject to the *Financial Management and Accountability Act 1997* and therefore not subject to the Commonwealth Procurement Guidelines.

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Question no: ATSB 01

Division/Agency: Australian Transport Safety Bureau

Topic: Balurga Station incident

Hansard page: written question

Senator McLucas asked:

Was the Balurga station incident reportable to the ATSB and was it reported? If so, who reported it?

Answer:

The ATSB is unable to ascertain if the alleged Balurga Station incident on 21 July 2005 was reportable or not as the Bureau did not receive a report on this incident. A search of the ATSB database has not revealed evidence of any reported incidents at Balurga Station in Far North Queensland on 21 July 2005.

Revised answer (23/01/06):

At the time of the Senate question, the Australian Transport Safety Bureau (ATSB) was unable to ascertain if the alleged Balurga Station incident on 21 July 2005 was a reportable matter, as the Bureau had not received a report or any information about an incident at Balurga Station in Far North Queensland on that date. A search of the ATSB database did not reveal evidence of any reported incidents at Balurga Station on 21 July 2005. The ATSB subsequently contacted the property owner who advised that the mail plane had become bogged during taxiing. An engineer was flown to the Station to move and inspect the aircraft. As there was no damage, it was flown back to Cairns.

As the aircraft became bogged during taxiing and was not damaged, it does not meet the *Transport Safety Investigation Act 2003* requirements of a reportable matter.

Question no: ATSB 02

Division/Agency: Australian Transport Safety Bureau

Topic: Kowanyama incident

Hansard page: written question

Senator McLucas asked:

Was the incident reportable to ATSB, and was it reported? If so, who reported it?

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Answer:

Yes. The incident at Kowanyama, Queensland on 20 October 2005 involving a hydraulics failure was a routine reportable matter under Transport Safety Investigation Regulation 2.4.G (ii) which applies to Air Transport Operations occurrences that compromise or has the potential to compromise the safety of the flight due to a non-serious malfunction of an aircraft system.

The incident was reported to the Australian Transport Safety Bureau (ATSB) by the Civil Aviation Safety Authority (CASA) on 22 November 2005. The ATSB then contacted the pilot of the subject aircraft and the operator's chief pilot on 23 November 2005 and obtained further details of the incident.

The pilot did submit a written report of the incident to the operator's chief pilot in a timely manner and in accordance with the compliance requirements of the operator. The chief pilot informed the ATSB that the operator had not notified the ATSB of the incident as he did not believe the incident to be of a kind reportable to the ATSB. His belief was based on a conversation he had with officers of CASA regarding the incident. The relevant officers of CASA have advised that they did not advise the operator's chief pilot that the incident was not reportable to the ATSB.

The ATSB has reinforced the proper procedures for reporting incidents of this kind with both the operator and CASA.

Question no: ATSB 03

Division/Agency: Australian Transport Safety Bureau

Topic: Kowanyama incident

Hansard page: written question

Senator McLucas asked:

Was the incident reported immediately and was a written report received within the required 72 hours?

Answer:

No. The incident was a routine reportable matter and was reportable within 72 hours. It was not reported to the ATSB within 72 hours.